

AT A REGULAR MEETING OF THE PLANNING
COMMISSION HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON JUNE 4, 2020 AT 6:00 P.M., THE
FOLLOWING PROCEEDING WAS HAD, VIZ:

Present: Libby Henderson, Chair
William Chukes, District 1
John Youmans, District 2
Lorie Bouie, District 5
Charles Roberts, At Large
Jeff Diekman, District 1
Tracey Stallworth, District 2
Marion Lasley, Vice- Chair, District 5,

Absent: Doug Nunamaker, District 3
Steve Scott, School Board Representative

Staff Present: Clayton Knowles, County Attorney
Jill Jeglie, Interim Growth Management Director
Leslie Steele, Public Information Officer
Beth Bruner, Deputy Clerk

THIS MEETING WAS HAD VIA ZOOM DURING THE COVID-19 SHUTDOWN.

1. **Pledge of Allegiance**
At 6:15 P.M. a quorum was reached and the Pledge of Allegiance to the U.S. Flag was led by Vice- Chair Henderson.
2. **Introduction of Members (Roll Call)**
Roll Call was taken by Deputy Clerk, Beth Bruner.
3. **Approval of the Agenda**
MR. ROBERTS MADE A MOTION TO APPROVE THE AGENDA WITH A SECOND BY MR. STALLWORTH. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.
4. **Election of Officers**
MS. BOUIE MADE THE NOMINATION OF LIBBY HENDERSON FOR CHAIRMAN WITH A SECOND BY MR. ROBERTS.
THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

Ms. Lasley volunteered herself for Vice- Chair.

MS. BOUIE MADE A MOTION OF MARION LASLEY FOR VICE- CHAIR WITH A SECOND BY MR. CHUKES.
THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.
5. **Approval of Minutes**

a. September 19, 2019

Ms. Lasley made the following corrections: Page 3, Second speaker is Lex, "if should be is"; Page 5, Top Lasley comments "Where it says David, I'm sure it should say Bruce Ballister."; Page 11, First paragraph had an extra "a" before the word allow; Page 12, Middle of page, Bouie, Lex, Bouie, In the Lex comment, "is should be replaced with it"; Page 20, Last comment where it shows *inaudible* Should read "get permitted"; Page 23, Middle of the page comment by Lex "of should be to" and the last Lex comment the word "you" before bull should be "your"; Page 31, The last comment by Weiss, the word "stiff" should be "stuff".

MR. ROBERTS MADE A MOTION TO APPROVE THE MINUTES, WITH CORRECTIONS, WITH A SECOND BY MR. CHUKES. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

b. November 14, 2019

Ms. Lasley made the following corrections: Page 6, At the very top, the conversation was about Live Oak, not Laurel Oak. Page 8, third paragraph from the bottom, the first two lines do not belong at all.

MR. STALLWORTH MADE A MOTION TO APPROVE THE MINUTES, WITH CORRECTIONS, WITH A SECOND BY MR. CHUKES. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

c. March 12, 2020

Ms. Lasley made the following corrections: Page 2, Under Options 1a, Capitalize the R in Rods; Page 7, the third paragraph, W in Water Management should be Capitalized.

MR. DIEKMAN MADE A MOTION TO APPROVE THE MINUTES, WITH CORRECTIONS, WITH A SECOND BY MR. CHUKES. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

6. Disclosures and Declarations of Conflict

None were had.

Public Hearings

7. SR 267 Bainbridge Rd Future Land Use Map Amendment (SSPA 2020-01) (Legislative) – Consideration of an amendment to the Comprehensive Plan Future Land Use Map from the Agriculture 1 to the Commercial future land use district for 2.5+ acres of the 115.65-acre parcel referred to by Tax Parcel Identification #2-14-3N-4W-0000-00110-0000.

Chair Henderson stated she had a public comment on this item and asked if it should be read aloud now or before the vote.

Ms. Jeglie said after the presentations were made would be the time.

Ms. Jeglie, Interim Growth Management Director, introduced the above item and stated a Dollar General was proposed, however, they were not limited to a particular use with the Future Land Use Map Amendment.

Ms. Jeglie asked if the Comprehensive Plan Policy and the Compatibility Analysis that was in the packet (Attachment #5, pages 29-30) should be read or if a summary was sufficient.

Chair Henderson said a summary would be sufficient and the other members agreed.

Ms. Jeglie gave a summary of Attachment 5.

Ms. Jeglie stated on January 30, 2020, there was a Citizen's Bill of Rights (CBOR) meeting on-site with 12 signatures of attendees. (List in attachment 6, pages 40-46) Ms. Jeglie listed the Planning Commission Options 1-3 and stated Staff recommended Option 3, Planning Commission direction. Ms. Jeglie said she received letters from citizens to be heard by the noon cut off time and had the same gentleman on the phone who wanted to speak instead of his letter being read into record.

Attorney Knowles stated Ms. Gutcher should be sworn in regardless of it being a Legislative Public hearing, not Quasi-judicial.

Allara Mills-Gutcher 2311 Lee Street, Lynn Haven, FL, authorized agent for the applicant was sworn in by Deputy Clerk Bruner. She stated Ms. Jeglie did a good job presenting the case and was very thorough. She said Ms. Jeglie mentioned they would be on a well, but they had a letter from Talquin saying they could connect to their system. (attachment J) She further stated there were no historical resources they were aware of on-site. There were churches and cemeteries nearby and said they did not want to disturb any historical resources. She further stated the lot spit had been submitted and she was told they would have to wait until after the BOCC approval before moving forward with that and were anxious to do so. Ms. Gutcher stated they were requesting an amendment from the Ag 1 Category to the Commercial Category in order to develop Commercially or Non-Residentially on the 2.5-acre site that was near the intersection of Hutchinson Ferry Road and 267. She stated Dollar General was the anticipated development and they had done an extensive study on the need and ability to serve the community when a location was chosen. She stated Josh Hufstetler, from Teramore Development was on the call along with Joseph Alday, the Engineer from Alday-Howell Engineering, to answer any questions. She went through attachment J in the Packet with the proposal and requirements. She found it consistent with the Comprehensive Plan and did an analysis on transportation, water, and sewer and stated they met the requirements under the Comprehensive Plan. She asked for the recommendation of approval and was open to answering any questions.

Ms. Lasley said on page 22 of 52, there was a map that showed parcels within a 500' radius, but no radius was shown, it was just picked out and highlighted.

Ms. Gutcher said when you click on a parcel on the Property Appraiser's website, it chose the entire parcel in the 500' radius.

Ms. Lasley stated that was not her question. She said parcels that were within a 500' radius of the site, were supposed to be selected and there were some to the South not selected. She stated she could not tell what was within the 500' radius. If some of the parcels were selected, others should be in it also. She asked what the dimensions were for the CBOR Meeting.

Ms. Gutcher said the attachment on page 22, captured more than a 500' radius of the 2.5-acre parcel. The 500' radius is the green boundary and it was going around the 118-acre parcel. It would not have touched those on the North if she was just trying to capture the 500' radius around 2.5-acres, she had to choose the entire parcel because it had not yet been split.

Ms. Lasley stated something was wrong, there was a 2.5-acre piece you are trying to get rezoned and that should be the focus and work out from there out.

Ms. Gutcher stated if she could, she would have done that, but this was a much larger boundary and more letters were mailed than were actually needed.

Mr. Diekman stated what was being called a Substation to the north, owned by Talquin Electric, was not true. He said he Googled it himself, and it was owned by Talquin Waste and Water and he visited the site, it was not substation, it was a water distribution point and possibly a well. He asked if they reached out to Talquin or visited the site.

Ms. Gutcher said she did visit the site and asked the page being referred to.
Mr. Diekman stated in the application, the adjacent land owners, page 2 of attachment 7.
Ms. Jeglie stated that information was what she picked from what was indicated on the Property Appraiser's website and wanted Mr. Diekman to know she did that, not the applicants.

Ms. Gutcher said Talquin was aware because she had to request a letter from them to show they have the capacity for a retail store.

Mr. Diekman said he saw the letter for capacity, but did they realize there will be a waste water treatment facility, septic/holding pond, going in right next to a possible public well.

Ms. Gutcher said she was not aware of a well there. She stated they could look at it.

Joseph Alday of Alday-Howell Engineering, 3017 Highway 71, Marianna FL, was sworn in by Deputy Clerk Bruner. Mr. Alday stated he spoke with Talquin directly and they were aware.

Josh Hufstetler, Executive Vice President and Representative for Teramore Development was sworn in by Deputy Clerk Bruner.

Mr. Diekman said he wanted to know what exactly was there because it was being called an Electrical Substation and it was not. He wanted Talquin to be aware of the development and how it would impact any public structure already in place that Talquin was providing the County. He stated no site plan was submitted so he did not know where the driveway connected, where the septic tank would go, or where the storm water pond went. He said there were more questions than answers to be asking for a variance for a major change from an Agricultural piece of property to Commercial.

Ms. Gutcher said they were not asking for a variance; they were asking for a Future Land Use Map Amendment to go from Agriculture 1 to Commercial.

Mr. Hufstetler said at this stage, they had not entered into full design. There would be State requirements that would have to be adhered to. He promised there would not be conflicts and they must meet State Codes on setback and surrounding wells once they got to that point. He further stated they would do soil analysis as well to design the septic system and drain field and those plans would be provided if they made it through this approval.

Ms. Gutcher stated staff would make sure they would not adversely impact anything inside the Well Head Protection Zone, if there was a well on the site.

Mr. Diekman said at the CBOR Meeting, 2 people were happy, did that mean the other 10 were not happy and asked if there were there any comments from them.

Ms. Gutcher stated she did not know how to categorize if someone was happy, but had received comments that were included in the report packet. There was healthy conversation about what was going to be put there and how it would be developed and some concerns about landscaping. She thought there was a good job done talking to those citizens. She stated they were still in the Land Use Map Amendment change stage and the development order would come after the BOCC approved the Map Amendment, which would then present more detail about how the site would be laid out.

Mr. Diekman said going through this process was to figure out if they would get to that point and that was why the Planning Commission was asking questions. He questioned that Ms. Gutcher said the site was South of the intersection and stated when you looked at the map and visited the site, the site was across the road from the intersection. He had a lot of questions when he made his visit. He stressed there was not an electrical substation, and it was across the road from the intersection. He further stated it threw a lot of flags up.

Mr. Hufstetler stated Teramore was a big customer of Talquin and they had a great relationship, he promised due diligence on setbacks, but they needed to get through design to know 100% where everything would be located. In terms of the community, he said he could never make everyone happy, but wanted to provide enough upgrades to ease any concerns, which was the intent of the CBOR meeting. He stated people concerned came to the CBOR meeting and things were open and honest. He further stated some citizens were in favor of them and there were additional letters forthcoming to support that. Mr. Hufstetler stated Teramore was an open and ethical company.

Mr. Diekman apologized for interrupting and stated he had a lot of experience in building in an open area and noted Teramore was at the beginning of this plan. He stated it would have helped if more information was brought before the Planning Commission and some information provided was not correct, like the substation not really being a substation. He was looking at the CBOR and only 2 out of 10 were happy. He understood that 100% could not be made happy but he would like it at least 80%. There was a letter received that said, at the meeting, the DG Representatives that were there were rude and condescending and not forthright.

Mr. Hufstetler apologized to Mr. Elias stating that was not the representation they looked for at Teramore and gave his personal cell number for the record. (229-977-3931) He stated he would love to have a conversation and apologize in person or by phone. He further stated, in his experience, they had developed hundreds of DG's and would not go into an area that would not serve about 2000. He further stated there was not enough opposition to scare them away from a business sustainability stand-point. He further stated they were very accurate in projections.

Mr. Diekman stated the Commission was very aware of DG and his last question was if they were aware of Pat's Grocery, located ½ mile from where they wished to build this DG.

Mr. Hufstetler said they were aware and it was just South of the site.

Mr. Diekman asked if he knew the history of Pat's.

Mr. Hufstetler stated, not the whole history and Mr. Diekman said it had been there a very long time, and closed his comments. Mr. Hufstetler added representatives from Teramore had a conversation with the owners of Pat's.

Ms. Lasley stated she had questions for Ms. Jeglie. She said the list was extensive as to what could occur there and her concern was once a land use changed to Commercial, it allowed other Commercial endeavors to be allowed next to it.

Ms. Jeglie answered that was correct. She stated all the uses in policy 1.1.K (Commercial) would be allowed, provided they met the development criteria.

Ms. Lasley said her concern was if this was changed to Commercial and something happened to the DG store, there would be this piece of Commercial property that the County would not have control of what would go in there, because anything in the Commercial Codes would be allowed there as long as they met the requirements of the codes for setbacks and other things. She further stated in Class 1 there was an extensive list of things that were Use-by-Right, without going before the Boards.

Ms. Jeglie told her that was correct, whatever was categorized as 1 would be allowed as Staff Review, Class 2 would go to the BOCC. Ms. Lasley stated there would have to be a very solid reason, legally, to deny that if it was already Commercial.

Ms. Lasley said there was a sprawl issue and moving Commercial endeavors away from infrastructure was encouraging other commercial applicants next to it, and they would be favored because of this one Commercial thing, and there is no sewer. She stated her opinion was Commercial endeavors need to have central water and sewer as much as possible.

Ms. Bouie said she was concerned that there was over 100 acres available on this property, her concern was for the location being right across from the intersection. She further stated there had been a number of fatal accidents at that intersection and there were very large trucks that frequented that highway with the farming community in that area as well as the mining and gas trucks traveling from Georgia to Florida. Ms. Bouie stated although Teramore may have a relationship with Talquin and have done business with them in other areas, to be adjacent to the water receptacle there and propose putting in a septic management facility was another concern. She said she was not opposed to DG but had grave concern about the location with over 100 acres available. Even though it was just the preliminary stage, she stated they were identifying this particular location as the location. Even though the DOT and the County would still have to approve it, like the others, this location was submitted and even with their approval, she was still concerned for the citizen safety at that particular location. She stated she was also concerned with the way citizens were contacted.

Ms. Bouie stated the application should have been more forthright and shown more clarity for the effects on the water system that Talquin had there. There should have been a full scope of information showing the impact of this development to all citizens within that intersection.

Ms. Gutchner wanted to assure Ms. Bouie that everyone within the 500' radius received a letter. The Post Office verified letters were sent out and the addresses were listed in the packet. More people than normally received the letter of notification for the CBOR meeting.

Regarding the location question, Ms. Gutcher said in the Comprehensive plan, (1.1.1, part K Commercial) it states you must be on a major corridor for Commercial businesses. They were more than willing to entertain the Neighborhood Commercial category, but the development plan was bigger than a 5,000 sq. ft. store. Stores like this one proposed, serves the needs of nearby people who could not travel or travel far, also reducing the use of other roadways.

Ms. Lasley stated Commercial could build out 100% of the property, Neighborhood Commercial was 75%. It allowed things not compatible with Rural Residential land around. Her concern was neighborhoods, and she thought all who used Hutchinson Ferry Road should have been notified because it would affect the egress onto 267.

Ms. Gutcher stated they were following the requirements of Chapter 7 in the LDC of the CBOR notification standards and had done exactly what the Code required them to do.

Joseph Alday said he was pretty sure there was not a well site, and if so, the setback would be 200' and it looked like they would be 300'-500' away from it. He said he had been to the site and looked at it. He stated they would have to prove the setbacks would be met. There was a pre-application meeting with DOT and stated there was conceptual approval of drive up connection and the location for the driveway would be 375' or more South of Hutchinson Ferry Road.

Mr. Hufstetler said the driveway would line-up directly across from St. Johns Church driveway.

Ms. Jeglie stated regarding the CBOR public notice, page 45, showed a ½ mile radius that was required by the CBOR. Attachment 6 showed a larger area than 500' was done with the mailing list.

Mr. Diekman said it was bigger than required, but stated it was ½ mile from the center of the parcel.

Ms. Jeglie stated the Property Appraiser web site calculated the area.

Ms. Gutcher wanted to clarify that the application asked for two (2) aerial photographs from the Property Appraisers office to show the 500' radius.

Mr. Diekman stated Mr. Elias went to the meeting, and was not happy.

Mr. Stallworth asked for a copy of the letter to read. He asked if the letter was easily understood because of a certain demographic and if people did not understand the letter, they had a tendency to not participate. He further asked, if approved, how many people would be employed in that community.

Mr. Hufstetler stated 8-10 people would be employed. He also stated they would be happy to condition the approval to ease concerns.

Chair Henderson asked Mr. Stallworth if he wanted a letter from Mr. Elias or the letter that went out as part of the CBOR notice? Mr. Stallworth stated he was looking for the CBOR letter.

Ms. Jeglie stated she provided several summaries statements in her staff report, however, the copy of the advertisement that was in the newspapers was on page 46 of the staff report, page 42-43 was a list all of attendees and a long list of notes provided on page 40, including a letter from the two audience members.

Mr. Diekman did not see a letter, just the advertisement.

Ms. Lasley asked how many notices were mailed for the CBOR? Ms. Gutcher stated 70 and it was in the packet.

Ms. Bouie stated she was okay with DG, but she had grave concerns with the location. She apologized for not being able to provide another location. She understood the requirements of trying to be on a main roadway but was concerned there was no church representation with the driveway right across the street from there. She knew people on that highway and thought people would have attended the meeting. She was not saying they did not notify everyone; she was just concerned on the citizens behalf. She stressed again the number of deadly accidents near that intersection. She asked to hear from any citizens that were present.

Mr. Hufstetler stated he spoke with pastor Brian personally and he was a great guy and aware of the development.

Ms. Bouie asked again to hear from citizens.

Chair Henderson said she had a letter from Mr. Elias, but he was on the call and wanted to speak instead of having his letter read into record.

Mr. Elias said his mother, Ruby Mitchell, was with him and he was speaking on her behalf as well. He asked the Board to consider the letter along with what he was about to say. He said the Commission had discussed some of his major concerns and some of the things from the CBOR meeting. He first wanted to say the people who were at the CBOR meeting did not have a knock-on DG, they were concerned about the location and their tranquil way of living. His mother chose that community and it had been without Commercial activity forever. Before Pat's Grocery, there was Lambert's, Sandy's, and other Mom and Pop stores that were attached to homes being part of the community, not a chain. He was at the CBOR meeting and stated if two people were in favor of this DG going there, he was unaware of them. He stated nobody at the meeting agreed, and if they did, it was silently and later on wrote letters, because everyone at the meeting did not agree. He stated the meeting was almost chaos. He said the property would be directly in front of his mother's property. She could stand at the edge of the yard and spit across the road and hit the parking lot. The retention pond proposed would be directly across from her house. She is 75 years old, retired and had lived there since Mr. Elias was 4 years old and he is almost 57. She did not retire to have a DG directly in front of her house. He asked the Commissioners if they would want a DG to come directly in front of their house either rural, or in city limits. He further stated his mother was the closest property owner, and was not petitioned. Got a letter, but was not petitioned. He was told at the CBOR that the DG Representatives went out and petitioned people. They said they would have started with his mother. They would hear her snore at the DG when she napped, that is how close they would be to her. He said he heard Ms. Gutcher said they were not asking for a variance, he stated it was just a play on words whether it was a variance or a land use change. They were asking for the Planning Commission to make a recommendation to change the property from Agricultural to Commercial. The property was Agricultural for a reason, that was a way of life and would open the flood gates. He said you find these stores everywhere, even if they were not needed to survive. He stated in the immediate area there was a cemetery, church, school and it was on a single lane highway. He stated he and his mother walked to the nearby church and had to walk way off the side of the road because of the traffic. He said it was a dangerous road and intersection, it was a recipe for disaster with no way for people to

slow down in time. The DG would increase traffic. His mother had her life savings in her property (6-acres) He stated at the CBOR meeting they were rude and condescending. Four different times he told them they were being rude and they apologized and went right back to being rude. Mr. Elias asked to see the petition and he was told he could see it at the end of the meeting, and then was not allowed to see it, telling him it was public record. He still had not seen the petition. He further stated the DG was not compatible with the area. He respectfully and humbly asked the Planning Commission to deny the request, and recommend the BOCC to deny it as well, for the DG to go in this location.

His mother said he said it all and she did not need to add more.

Mr. Elias stated other locations for this DG could be further north up the same road, a store called the Florida/Georgia Line Store, near the Georgia line, there was a store closed now; Attapulcus Hwy there was a place that burned down. If DG failed in that location and went out of business, any other store could go in.

Ms. Henderson asked if Mr. Elias needed to be sworn in and Mr. Knowles stated he was giving public comment and did not need to be sworn in.

Ms. Gutcher stated that with the comments about traffic and how fast it was going, she wanted to point out there was an intersection that went to Hutchinson Ferry Road. As people traveled North on 267, they were slowing down to turn onto Hutchinson Ferry Road. DG would have a turn to the right as opposed as a left turn to go down Hutchinson Ferry Road. She stated she did not think it would be much of a different traffic pattern than what was there already. People who stopped at DG were people who stop to and from work, they were pass by trips. She did not think it would increase traffic drastically. DG did an extensive study and did not chose sites they do not feel viable or successful.

Mr. Hufstetler apologized again to Mr. Elias for rude representation on behalf of his company. He said if this went through, his line would be available to tailor ideas and concerns in the development to find a resolution. Representatives knocked on doors and not everybody answered. He stated a handful of people were in favor and moving the location was not out of the question but he thought this location would do very well.

Mr. Chukes stated he agreed with all the Commissioners. He thought it seemed like it was being forced. He stated he thought there was a need for another community meeting. He said he was not having a good spirit about this and he did not want it pushed in and have people forced out.

Ms. Gutcher said they were trying to go through the process and not trying to push anything through. She further stated they had been working on this for several months, starting last fall. November was the start and it was an ongoing process.

Mr. Chukes heard the letter was sent out to everyone and Mr. Elias was saying he did not get a letter. He thought connections were not being made with the right citizens. The people just want a little respect. Have another meeting to do things right and get a better connection with the community.

Ms. Gutcher stated she would check the addresses and see if Mr. Elias received a letter.

Ms. Bouie asked if there were other citizens to be heard and there were none.

Mr. Youmans said the ingress and egress would crowd the intersection more than it already was and when an intersection was crowded, you set yourself up for accidents and it was not good for the intersection as far as safety.

Mr. Diekman thanked Mr. Elias for his input so the Commissioners could get more information. He asked the applicants to bring all the information to the Commissioners so they did not have to guess. He asked to move this to a vote.

MR. DIEKMAN MADE A MOTION TO ACCEPT OPTION 2 (DENIAL) UNTIL MORE INFORMATION IS BROUGHT BACK SHOWING HOW THIS WOULD HELP GADSDEN COUNTY, WITH A SECOND FROM MS. BOUIE.

MS. LASLEY- YES

MR. STALLWORTH- YES

MR. DIEKMAN- YES

MR. ROBERTS- YES

MS. BOUIE- YES

MR. YOUMANS- YES

MR. CHUKES- YES

CHAIR HENDERSON- YES

THE BOARD VOTED 8-0 BY ROLL CALL VOTE IN FAVOR OF OPTION 2, DENIAL.

Ms. Jeglie stated this was a recommendation and unless the applicant chose to pull the application, it would be forwarded, with that recommendation, to the BOCC to be on the June 16th BOCC Agenda.

8. **7:58 PM Greensboro East, SR 65 Communication Tower Conceptual/Preliminary Site Plan (SP 2020-02)**
(Quasi-Judicial) - Consideration of an application for a conceptual/preliminary site plan to approve a 250' tall communication tower to be located on a 10,000 sf. leased area on a 100 acre parcel to be located on the east side of SR 65, Hosford Highway, Quincy, referred to by Tax Parcel Id #3-19-2N-4W-0000-00130-0000 with one (1) deviation from the setback requirements of Section 5800 Communication Towers of the Gadsden County Land Development Code.

Ms. Jeglie introduced the above item.

Robert Volpe, Attorney from Hopping Green & Sams, 119 South Monroe Street, Tallahassee, Thanked the staff for working with them on this application. Mr. Volpe gave a summary of above item stating Verizon was the carrier. He stated Gadsden County needed more coverage (how wide coverage is spread) and capacity (depth, how much bandwidth can be on at a given system at a given time). He was asking for one deviation from the setback requirements. LDC required a setback of seven (7) times the tower height (1750'), he was proposing a setback of 1549' from any property with a residence. He stated the property owner was a relative of Cooksey and was in favor of the tower. He said there was a CBOR Meeting and the only person who showed up did not live near the tower, he was just interested in the CBOR process, not the specific tower. He further stated wireless service would be brought to an area that was

needed and would benefit safety with connections to Emergency Services. He said he would take questions, and respectfully requested for Option 1 to be recommended.

Mr. Roberts asked if Emergency Service was the basic 911 or if he was talking about EMS, Local Sheriff.

Mr. Volpe answered any services you would need to make a cell phone call.

Mr. Roberts spoke to the Commission saying he attended a meeting a few years ago, and found out the local Sheriff Department was having trouble communicating from one side of the county to the other and asked if that had been rectified.

No one answered his question. He stated this was a prime opportunity for the County to get something put high on the tower to get signal across the county.

Mr. Volpe stated the tower provider signed a letter that collocation was available, if the City or the County or any other entity or service providers wanted, they were open and available for collocation.

Ms. Bouie stated in the past, cell towers were placed in Gadsden County but did not serve Gadsden County, they were just a host. She said if there was any written proof that Verizon was willing to host other providers, she would like that because she had been told, by cell providers, Verizon had most of the towers in Gadsden County, and would not allow other providers to attach to their towers. Just because a tower was placed in the county did not mean the County would get better reception. She was speaking from experience. She was not certain that a new tower would get the County better reception.

Mr. Volpe said the requirement in the Code was there would be available space on the tower for other providers. There was a letter in the Application packet that Verizon and the cell tower provider were both required to offer collocation service for other providers.

Ms. Lasley stated it was for a reasonable amount of money, not expensive. She stated the goal was to have one tower and at least four providers on the tower. It was to the advantage of the applicant to build a tower and to have that income and it was to the advantage of the citizens to have them maxed out by all the providers. She asked if they had looked at other towers in the area and asked if they were all full and had no collocation spots available.

Mr. Volpe answered Yes, in the location analysis there were no other towers in the coverage area available.

Mr. Diekman stated in item #7, page. 72, was the statement of availability of additional people to be able to use this tower. It said, "Agreed upon reasonable rental rate".

Ms. Lasley said she was concerned about the Public Notice. She stated the map said ½ mile setback from Rural Residential. (Pg. 4 of 105) She said it looked like they took the tower location rather than the property lines. She was sure it should have been property lines and that is how the CBOR was determined.

Mr. Volpe stated he did not want to confuse the issues and stated the CBOR Meeting, near the end of the packet, was noticed to every property within ½ mile of the boundary of the entire

100 acres. The ½ mile setback was in the Code for a tower location, that it must be ½ mile from any Rural Residential property.

Ms. Lasley asked Mr. Volpe, to get the list of the CBOR people, you went ½ mile outside of the property and noticed all those people? Mr. Volpe answered, Correct.

Ms. Lasley stated, looking at the Property Appraisers website, she had partials, not owned by Cooksey, that look like they were in the radius.

Mr. Volpe stated the CBOR notice was to mailed to every property within ½ mile.

Ms. Lasley- Thinks there was more data. She said 1750 was on the East side and asked if there were none west of the State Road within the 1750.

Mr. Volpe said she was correct.

Ms. Lasley said one variance was requested and it was 200' short of the required setback and asked if that was the only problem with this application.

Mr. Volpe answered yes, that was the only deviation and all others met the code.

Mr. Knowles asked if there were public emails that came in and Ms. Jeglie stated not on this application.

MR. DIEKMAN MADE MOTION TO APPROVE OPTION 1 WITH CONDITIONS A-F BUT CONDITION D HAS BEEN SATISFIED, WITH A SECOND BY MR. ROBERTS.

Mr. Volpe said in the LDC there was a provision that allowed for the Growth Management Director to waive landscaping around the tower fencing perimeter because it was out of the view of the public. Even though it was up to the Growth Management Director, he asked the Commission recommend the landscaping not be required.

Ms. Lasley said she was not in favor of that, unless there was tree cover, she wanted the fence covered with Evergreen, as required.

Mr. Diekman stated since it was under the discretion of the Planning and Zoning people, he thought it should be left where it was at.

Chair Henderson agreed and stated since it was up to the discretion of the Growth Management Director, she thought the Planning Commission could offer an opinion but not to tell the Growth Management Director what to do.

THE COMMISSION VOTED 7-1 BY ROLL CALL VOTE TO APPROVE OPTION 1 WITH CONDITION D SATISFIED.

MS. LASLEY- Y

MR. STALLWORTH- Y

MR. DIEKMAN- Y

MR. ROBERTS- Y

MS. BOUIE- N

MR. YOUMANS- Y

MR. CHUKES- Y

CHAIR HENDERSON- Y

PASSED 7-1 BOUIE OPPOSED

9. 8:30 PM Havana North, 84 Triple H Lane Communication Tower Conceptual/Preliminary Site Plan (SP2020-03)

(Quasi-Judicial) - Consideration of an application for a conceptual/preliminary site plan to approve a 250' tall cellular communication tower to be located on a 4,800 sf. leased area on a 15.52 acre parcel to be located at 84 Triple H Lane, Havana, referred to by Tax Parcel Id #2-21-3N-2W-0000-00230-0000 with three (3) deviations from the setback requirements of Section 5800 Communication Towers of the Gadsden County Land Development Code.

Ms. Jeglie introduced the above item. She stated there were updates in the packet, three (3) attachments, and two (2) letters submitted concerning the towers being too close to a residence that were asked to be read into the meeting.

Mr. Volpe thanked the County Staff, and asked for a recommendation for approval of Option 1, which was the original proposed location with three (3) requested deviations from the setback requirement. He listed ways the site met the requirements and criteria for those setback deviations as shown in the packet. He stated page 120 showed the gap in capacity and coverage and how far away from the site other towers were. He stated eleven (11) Sites were evaluated and property owners were contacted. The proposed site for the tower was selected as the best location for this tower. Mr. Volpe said the applicant was asking for three (3) deviations from the LDC setback requirements. In describing the property, Mr. Volpe stated the proposed site for the actual tower had an area of dense tree cover on site. As you enter the property off Salem Rd., it dropped in elevation by about 25' down the driveway and then the area of lowest elevation was also the area of the thickest tree cover, both natural woods and planted pines. Continuing South into the property, the elevation rose again about 25' to a clearing where the residence was located on the property, along with two (2) adjacent residences in that clearing and the residence to the South. The proposed location offered the best buffers on all sides. He stated he appreciated the consideration of Option 2; it would not provide the same buffers because of the elevation difference and the clearing that it would be located in. He stated it was not visible from many of the residential properties to the NW and East. He further stated it was visible from a distance to the properties to the South. He explained towers had to go where the coverage was needed, and in the search area there were no properties where all the setback requirements of the LDC could be met, any location would have to have some deviations. Deviations were not uncommon and he included in the packet a quick analysis of other existing towers in the County that were closer than two (2) times the tower height from the County right-of-way. He further stated criteria for granting deviations were meant to offer flexibility to allow deviations where it was preferable to have the location. Mr. Volpe said Option 2 would have 2 deviations, but the 500' setback from the County right-of-way would not be an acceptable location to the property owner, and for this reason, he asked for consideration of Option 1. Mr. Volpe stated the applicant fully intended to provide a complete landscaping plan and the requirements suggested or encouraged that existing vegetation would be maintained. He said this was an area of thick tree cover and the existing vegetation would be maintained, and where the existing vegetation did not meet the landscape requirements, landscaping would be installed to meet the code. He said this area had a lack of reliable coverage and this site would provide that coverage and capacity and

provide safety through connection to Emergency Services and all the things that came with modern daily use of wireless technology. He stated he would answer questions.

Mr. Roberts commented about the 25' drop off in the dense tree cover, and asked what was the tallest tree height.

Mr. Volpe stated they were full, mature, and it was a natural forest area.

Mr. Roberts stated he drove through the proposed site and a 250' tower, depending on which side you were looking at, from the base of the tower up, you would not be able to see the first 50-65' of the tower, even if you were standing right next to it. He further stated the applicant may want to look at some camouflage.

Ms. Bouie said her concern was who would pay taxes for the use of land.

Mr. Volpe answered there was a provision in the lease that an increase in the property value taxes would be paid by the tower provider.

Mr. Diekman asked if the applicant had reached out to other property owners about the towers and he did not find it in the packet. He further stated there was a lot of available land around there that was not 174' away from a road that the applicants want to put a 250' tower on.

Mr. Volpe stated yes, they reached out to others. He stated on page 100 of 139, was the analysis Mr. Diekman was asking about.

Mr. Diekman stated the applicant was asking for three (3) deviations and only want Option 1. He further stated the applicant did not want Option 2 and there was a lot of land, and this was close to the road and if it fell, he was concerned it would fall in the road. He further stated the best for the County was to not have a tower that could fall in the public road.

Mr. Volpe said the towers needed to connect to each other. If it was too far away from another tower, they would not ping service off each other.

Mr. Diekman said most of the applicant's costs were going to be in getting utilities to the tower and the applicant was going to have a problem, no matter how many towers, because of the land. He said there was a request for three (3) deviations, so that left the Commission with less options. His biggest heartburn was this was for the west side of a County road and a hurricane could put that tower in the County road.

Mr. Volpe stated towers were designed with Federal standards. They were designed with breakpoints and collapsed on themselves. There was a Fall Zone Radius Certification that would be provided before the final site approval. He further stated he had permitted dozens of towers, and the fall zone radius was usually within 100-150 feet and he had never seen one more than 150' and they are designed to not fall outside of the fall zone.

Mr. Diekman asked when the sites were picked, did you tell the property owner they had a great spot or the did the owner come to you. He stated the CBOR Meeting at 4pm on a Friday was not a good time and he had two (2) letters from people who were not happy at all about the tower going up in their back yard, and you are asking for three (3) deviations.

Mr. Volpe said the tower owner reached out to all of the property owners that were within the search area.

Mr. Diekman stated he loved Verizon and the County needed cell phones to work, but should be smart about it. He expressed he did not think this was the right place for the tower.

Ms. Lasley stated the applicants were asking for deviations from all three of the language in the code but the reality was, based on the last tower that was looked at with one (1) deviation for the setback, but in this application there were 11 properties that were within the 1750' and then 8 properties that were Rural Residential that were within the ½ mile radius, which the Code required. That was 19 deviations. Another was a safety issue with the change of the county right-of-way and was a tremendous safety issue. The property to the SE was 110' from the tower. She further stated there was a code and it needed to be followed. The applicant wanted a landscape variance too, and this was not the right place for this tower with all the codes subject to a variance, as far as she was concerned.

Chair Henderson stated there were letters submitted by the public that needed to be read, and she read the letters from Michael Dorian, a Gadsden County resident, Mike Donohoe, also a Gadsden County resident, into record.

Mike Donohoe was also on the phone and wanted to speak. He said what he wanted to add was there were three (3) other locations, further off the road that would be acceptable and needed. This proposed tower would be right at the corner of Salem Road and Potter Woodberry Road, which was dangerous enough with all the log trucks and the cars flying from Bainbridge to Tallahassee. He expressed there were a lot of reason to not approve. He said trees were cut down already because they assume you all will approve what they want to do and the attorney said that local property owners were contacted, but Mr. Donohoe stated they were not contacted, because he would of told them a thing or two if he was. He bought his property to give to his kids, and it was pristine, and this was going to ruin everything. He asked the Planning Commission to be serious about their job and deny the application.

Mr. Volpe wanted to address the comment about tress being cut down and stated when you go down the driveway, there were planted pines in the area where the tower site would be and the mature tree growth had not been cut down. There were planted pines where the actual tower would go and those would be cut down for paper. The mature trees have not been cut. He further stated he had records on file that Mr. Donohoe was contacted by the tower company to have a tower located on his property and through the CBOR process and notified for this meeting. He wanted to point out infrastructure was along roads, and towers did not just go up anywhere, they were built with high safety standards.

Mr. Diekman thanked people for sending comments as it helped the Commission as they made their decisions.

**MS. LASLEY MADE A MOTION FOR OPTION 3 FOR DENIAL WITH A SECOND BY MR. DIEKMAN
THE COMMISSION VOTED 8-0 BY VOICE VOTE TO APPROVE OPTION 3 FOR DENIAL.**

**MS. LASLEY- Y
MR. STALLWORTH- Y**

MR. DIEKMAN- Y
MR. ROBERTS- Y
MS. BOUIE- Y
MR. YOUMANS- Y
MR. CHUKES- Y
CHAIR HENDERSON- Y

Ms. Jeglie stated this was a recommendation and unless the applicant chose to pull the application, it would be forwarded, with that recommendation, to the BOCC, to be on the June 16th BOCC Agenda.

General Business

10. Planning Commissioner Questions and Comments

None

11. Director's/Planner Comments

None

12. Adjournment of Meeting

**MS. BOUIE MADE A MOTION TO ADJOURN THE MEETING WITH A SECOND BY MR. DIEKMAN.
THE BOARD VOTED 8-0 BY VOICE VOTE TO ADJOURN AT 9:29 P.M.**

THE NEXT REGULARLY SCHEDULED MEETING IS JULY 16, 2020 AT 6:00 P.M.

GADSDEN COUNTY, FLORIDA

LIBBY HENDERSON, Chair

ATTEST:

NICHOLAS THOMAS, Clerk

June 3, 2020

To: The Gadsden County Planning Commission

Honorable Chairperson,

I am Derrick Elias, and I contact you today, relative to the pending hearing of the Future Land Use Map Amendment (SSPA 2020-01) – Consideration of Ordinance # 2020-002 to amend the Comprehensive Plan.

The request, as explained to me, will allow for the construction of a Dollar General (DG) Store on State Road 267.

Many of us, who either live in the immediate vicinity; have family in the immediate vicinity; or own property in the immediate vicinity of the proposed Land Use Map change are opposed to this proposition.

The reasons that I oppose this proposed change are listed below:

- The store is not needed for the community to survive.
- The store's location would contribute to an already dangerous intersection.
- The property is zoned "Agricultural" for a reason, and should remain as such.
- This type of rezoning could open the floodgates for other similar requests.
- There are already two Dollar General Stores in Quincy, and others in close proximity.
- Vehicular and pedestrian traffic will increase in the rural neighborhood.
- The Dollar General representatives were very rude, condescending, and not forthright.
- The DG representatives refused to share the results of their (alleged) petition.
- The location of the store is directly across the street from my mother's property/home.
- It will diminish my mother's property value.
- It will create constant noise throughout the day and night.
- It will create lighting that cannot be constrained to the DG property.
- The location of the property is ripe for robbery and a quick "getaway."
- There is a proposed retention pond that will foster insects, rodents, and reptiles.
- There are better locations for this store in nearby proximities.

There are more reasons, and I will share during the hearing. Your consideration of this factors/reasons are appreciated in advance.

Respectfully,

Derrick D. Elias

#9

Jill Jeglie

From: kfdorian@aol.com
Sent: Wednesday, June 03, 2020 10:07 PM
To: Jill Jeglie
Subject: Item 9

June 3, 2020

To: Gadsden County Planning Commissioners
County Planning Meeting June 4, 2020
Gadsden County, Florida

Re: Item 9 Cell Tower on the corner of Potter Woodbury and SR 159

From: Michael Dorian
Resident Gadsden County
Due to the virus and no knowledge of zoom technology I respectfully ask that my letter be read.

Dear Planning Commissioners,
The beautiful rural nature of Gadsden County is its most outstanding characteristic. We are all extremely fortunate to live in a county with clean water, clean air and a rural setting. There is a reason for our Billboard Ban and there is a reason for our Cell Tower Code.

A prominent local real estate agent once stated that three things lower property values, high powered electric lines, billboards, and cell towers. All three cause urban blight.

The code deviations for Item 9 Cell Tower are just too extreme. A 250 foot tower 174 feet from a state road that connects the people of Florida and Georgia is excessive and extreme. I have heard it stated that cell towers collapse in on themselves. Maybe, who knows what is going to happen in a hurricane or a tornado. I envision swirling masses of shrapnel. After a hurricane we are dealing with trees and power lines on the roads. Don't add a mess of steel girders to the problem. I understand that a house lies just 110 feet from the 250 foot tall structure, with more houses a couple hundred feet away. Isn't this a neighborhood?

I guess one of the main things I worry about is the possibility that to allow this extreme and excessive departure from our code could set a precedent. I can only imagine what our county would end up looking like if commissioners were to let this project slide by.

There are other places to put this tower. Industrial designated zones lie just down Potter Woodberry Road. Large expanses of land are nearby. There is no reason to put this project in this spot.

Protect our county and our residents, commissioners. Send this tower back to the drawing board.

Jill Jeglie

From: Citizens To Be Heard
Sent: Thursday, June 04, 2020 12:30 PM
To: Henry Grant; Clayton Knowles
Cc: Jon Brown; Jeronda Robinson; Leslie Steele; Jill Jeglie
Subject: Fw: Project #SP-2020-03

Forwarding from the CRTBH Email.
Laurel Bradley

From: Mike Donohoe <havananole@yahoo.com>
Sent: Tuesday, June 2, 2020 1:31 PM
To: Citizens To Be Heard <citizenstobeheard@gadsdencountyfl.gov>
Subject: Project #SP-2020-03

The project 84 Triple H, Havana Communication Tower
Tarpon Towers II, LLC

My name is Robert Michael Donohoe, Jr. My wife and I have owned the property closest to the proposed tower for 29 years. We reside at 130 Rabbit Pond Rd., Havana, FL, and purchased the property for it's pristine value. We are concerned about what the tower will do to local property value(s), and the use of the residential area as a commercial venture.

I want my comments entered into the public record for future legal purposes and read aloud at each meeting. Since my property is directly adjacent to the proposed structure, I am offended by the action of the Planning and zoning people in Gadsden County and the County commissioners if they allow this project to continue.

What use is a Gadsden County Land Development Code if the commission will not enforce the code? If the code The developer wants not 1, not 2 but 3 exceptions to the code Does that not tell you that this is not the right location? This location is a very rural area. It is NOT commercial. It is my opinion that this unappealing structure will reduce the value of all the residences in the area.

Who is gaining financially? Who is gaining politically? Aren't there other multiple locations in the same area of the county that could be negotiated?
This project stinks on multiple fronts.

Both bodies that are reviewing this are responsible to protect the citizens of Gadsden Co. against corporate intrusion. I expect you to uphold your obligation.

Mike Donohoe

W. Turner Heirs, Jr.
Peggy Heirs
92 Triple H Lane
Havana, FL 32333

June 1, 2020

Gadsden County Planning Commission and
Gadsden County Board of County Commissioners
c/o Jill Jeglie, Growth Management Director
9 E Jefferson St.
Quincy, Florida 32353

Re: Havana North, 84 Triple H Lane Communication Tower Conceptual/Preliminary Site Plan (SP-2020-03)

Dear Planning Commission and County Commissioners:

We are the land owners of the property on 84 Triple H Lane, the location of the proposed Verizon wireless tower that is the subject of this application. We thank you for your consideration of this application. We hope that the approvals will be granted with the requested setback deviations. We look forward to the new tower and the improved cell phone coverage it will provide to us and our neighbors.

Please approve **OPTION 1** as presented in the staff report. The original location in the application (Option 1) report was chosen by us and Tarpon Towers as the best location for the proposed tower. We have a lease in place with Tarpon Towers for this location. It is in a heavily wooded area on our property which would provide the best visual buffer of the tower to surrounding residential properties. The alternative site is in an open clearing on our property making the tower highly visible to from our property and our neighbors, especially those to the south. The original site would be much more discrete and blend into the surrounding tree canopy. The original location is the least impactful location.

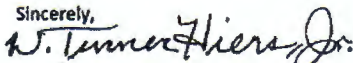
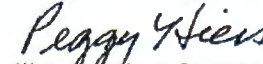
In Option 2 of the staff report, there is a suggested alternative location for the tower on our property. This alternative location was suggested to avoid one of the deviation requests. After considering the information in the staff report, we cannot support the alternative location.

The alternative site is in an open clearing on our property making the tower highly visible to from our property and our neighbors, especially those to the south. The alternative is right in the middle of three residences. It is only 300' east of our house, 150' south of Thelma Harris' house (84 Triple H Lane), and 250' west of our daughter's house (89 Triple H Lane). It is not a reasonable alternative to have a tower in the middle of a clearing between our homes.

The original location is set to the side of the entrance driveway, where it will not intrude on our home or any of our neighbors. The original site would be much more discrete and blend into the surrounding tree canopy. The original location is the least impactful location. Our daughter and Thelma Harris both support the original location as do many of our neighbors.

We ask that you approve the original location, **OPTION 1** with the requested deviations. We are grateful for your consideration, and encouraged to know that improved cell service will be coming to our area soon.

Sincerely,



W. Turner Heirs, Jr. & Peggy Heirs

Mary Heirs
89 Triple H Lane
Havana, FL 32333

June 1, 2020

Gadsden County Planning Commission and
Gadsden County Board of County Commissioners
c/o Jill Jegle, Growth Management Director
9 E Jefferson St.
Quincy, Florida 32353

Re: Havana North, 84 Triple H Lane Communication Tower Conceptual/Preliminary Site Plan (SP-2020-03)

Dear Planning Commission and County Commissioners;

I am the owner of the property located at 89 Triple H Lane. My property is directly south and east of the property for the proposed cell phone tower on 84 Triple H Lane.


I write to ask that you please approve OPTION 1, at the location proposed in the application with the deviations. This location is in an area surrounded by pine trees, offering a visual buffer from my property and other surrounding residential properties. The location in Option 1 is the most reasonable site for the tower.

The location presented in Option 2 would cause a much greater impact on my property. This is not a reasonable alternative. The Option 2 location is in a clearing only 250' from my residence. It would be much more visible from my home and the other residences south of my property.

As a neighboring property owner, I would prefer the OPTION 1 location.

I am in favor of this application. I look forward to the improved service that will be provided by this tower to myself and my neighbors.

Sincerely,



Mary Heirs