

AT A REGULAR MEETING OF THE PLANNING
COMMISSION HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON SEPTEMBER 24, 2020
AT 6:00 P.M., THE FOLLOWING PROCEEDING
WAS HAD, VIZ:

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

Absent: Steve Scott, School Board Representative
Doug Nunamaker, District 3
William Chukes, District 1

Staff: Clayton Knowles, County Attorney
Diane Quigley, Growth Management Director
Jill Jeglie, Principal Planner
Beth Bruner, Deputy Clerk

THIS MEETING WAS HAD VIA ZOOM. AUDIO ONLY.

Due to the restrictions on gatherings as a result of the COVID-19 virus, this meeting and public hearings may be viewed by accessing the Gadsden County Board of County Commissioners Facebook Page, www.facebook.com/GadsdenCountyBOCC. Those wishing to provide public testimony for the meeting and public hearings will be able to do so by accessing the Zoom platform, with virtual meeting access details that will be posted to the Gadsden County website, www.gadsdencountyfl.gov. Public comment for the meeting and public hearings should be submitted via email to CitizensToBeHeard@gadsdencountyfl.gov until noon on the day of the meeting in order to allow sufficient time for provision to the Planning Commission prior to the meeting and public hearings. Any comments submitted after this time will be accepted and included as part of the official record of the meeting.

1. Pledge of Allegiance

At 6:08 p.m. Chair Henderson called the meeting to order.
Charles Roberts led in the Pledge of Allegiance to the U.S. Flag.

2. Introduction of Members (Roll Call)

Roll call was taken by Deputy Clerk Beth Bruner.

3. Approval of the Agenda

MS. LASLEY MADE A MOTION TO APPROVE WITH A SECOND BY MR. YOUMANS.

THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

4. Approval of Minutes – June 4, 2020 and August 13, 2020

June 4, 2020

MR. DIEKMAN MADE A MOTION TO APPROVE WITH A SECOND BY MS. LASLEY. THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

Aug 13, 2020

Ms. Lasley made corrections- Page 2, line 4 of the last paragraph, strike the words "did not". Page 4, second to last paragraph, line 4, the word *portal* should be *corridor*. Page 5, line 1, paragraph 3, the word *partials* should be *parcels*.

MR. DIEKMAN MADE A MOTION TO APPROVE WITH CORRECTIONS, WITH A SECOND BY MR. ROBERTS.

THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

5. **Disclosures and Declarations of Conflict**

None were had

Public Hearings

6. **Scotland Road, Jett Large Scale Future Land Use Map Amendment (LSPA 2020-01) (Legislative) - Consideration of transmittal to the Florida Department of Economic Opportunity of a Comprehensive Plan Large Scale Future Land Use Map (FLUM) Amendment to change the Future Land Use from Agriculture 2 to Agriculture 1 on a 62.13-acre parcel located at 1232 Scotland Road, Havan**

Jill Jeglie, Sr. Planner, introduced in full, the above item.

Ms. Jeglie stated larger signs were ordered per the request at the last Planning Meeting.

Elva Peppers, Florida Environmental and Land Services, Inc. (FELSI), appeared remotely and said the Amendment was requested by the long-term property owner of the parcel. The property was Agricultural for 46 years. She said the original property owner deceased and the children now owned the property. She said they had houses located on Scotland Road and want to divide the property for the 6 siblings. She submitted a map showing the difficulty in splitting the property into 6 parcels given all the homes were located along the road frontage. She stated the properties were an odd shape and it was not a good scenario. She said there were no objections from adjacent or nearby owners and there were no plans at this time to develop a subdivision. She further stated the current homes were on wells. She said if a home was built towards the back property, it would be over a half mile to get water to that home and Talquin had capacity, but did not know if they could run a line that far.

Ms. Lasley said the information sent to the Commission did not have information about how difficult it was to divide the 6 parcels.

Ms. Peppers said it demonstrated visually, in order to divide the parcels with a home being on each parcel, that it created an odd shaped property.

Ms. Lasley asked if that would still be the case.

Ms. Peppers said no, the property would have to be 10 acres in size. She said the offer was a parcel with a house could be 5 acres and someone would get a much larger parcel or maybe some of the other parcels would be 15 or 20-acres.

Ms. Lasley asked if the land would not be divided equally.

Ms. Peppers said correct.

Commissioner Lasley said six homes were there already and they wanted another. She asked if that was what triggered the lesser density.

Ms. Peppers said no, the death of family and now it was time to divide the property. She thought they could do a family heir and give another lot to this parcel anyway.

Ms. Lasley stated the handout said the parcel would be divided into 3 parcels to split between the siblings and that could have been done now, without the land use change.

Ms. Peppers said no, it could not. She said there were homes and a couple mobile homes and the estate home, and that was not equal. She said she did not know the details of who was getting what, but she did know it was the emphasis on the Land Use Amendment. She furthered stated it was not to pave a road and make 12 lots.

Mr. Stallworth asked if there was a document that could be shared to see what Ms. Peppers was talking about.

Chair Henderson asked Ms. Steele if it could be shared with everyone participating on the call and Ms. Steele said yes, she would share it on the screen.

Ms. Peppers asked the Commission not to distract the request with the visual. She said the purpose was to change the property from Ag 2 to Ag 1 She said it appeared to fit very well in the community. The family was a longtime resident of Gadsden County and multiple generations of family were on the property.

Ms. Lasley stated the 4.46 acres was a non-conforming lot if it was not 5 acres.

Ms. Peppers said that lot had not been created.

Ms. Lasley said there was a legal document in the packet that stated it had been.

Ms. Peppers said it was a legal description until the process went through and it was just a description of the footprint.

Ms. Lasley asked if they would rather create a 5-acre lot instead of 4.46.

Ms. Peppers said with the processes that Gadsden County had in place, 4.46 would be allowed if it met all the other requirements.

Ms. Lasley stated only if it was a family homesteaded piece. She further stated this item seemed sloppy to her.

Ms. Peppers said that was a different process and that had not been done and the only reason it was visible was because the surveyor put it on there and it was the only survey to be had.

Ms. Jeglie told Ms. Lasley, since then, they gave a survey that removed the 4.46-acre parcel and it was just a 62.13-acre outline.

Ms. Steele put the map on the screen for attendees to view.

Ms. Jeglie said it was an example of 10-acres that Ms. Peppers provided.

Ms. Peppers asked the map be moved up to view more of the property and she gave detail on what the lines represented separating the different lots. She said the applicant wanted to change the Land Use Amendment to get a better type of layout.

Ms. Lasley said currently, it was 1 lot of 62 acres with 6 houses, and they want to plat it out and deed the property to each other in unequal portions.

Ms. Peppers said it was not planned out, but an example was; the estate home would get less acres than the others. She said nothing was planned yet until the change was made.

Ms. Lasley asked how many family members there were.

Ms. Peppers said she was not sure.

Ms. Lasley said the worst-case scenario was the County ended up with 12 houses and none would be on Talquin water and would be on a well that was existing or on a separate one.

Ms. Peppers said that could happen but she wanted to remind everyone the meeting was for an Agricultural Land Use and an Agricultural parcel. The Applicants were not posing a Residential Sub-Division, it was Ag and they wanted to keep it Ag.

Ms. Lasley said 5-acre lots would not have an Ag exemption, to her understanding, she asked Ms. Jeglie if that was a correct statement.

Ms. Jeglie said to apply for a family exception, they could apply with 3 acres if they met the requirements. She further stated they could deed off property to family.

Ms. Lasley asked, even in addition to a 5-acre lot.

Ms. Jeglie said they could not exceed the density that they were approved for, even if they did a family exception parcel that was smaller than 5-acres, they still could not put more than 12 residential units on that property.

Mr. Diekman said Ag 2 to Ag1 was applied for, correct.

Ms. Jeglie said correct.

Mr. Diekman said the way he was reading the policy of the County on the Urban Service Boundaries, the sewer and water were not part of this application. He said they were still Ag, and until they went to something else, they did not have to connect to sewer and water.

Ms. Lasley said she disagreed.

Mr. Diekman listed policy 1.1.3 on the Urban Service Boundaries.

Ms. Lasley said it was not an Urban Service Area.

Mr. Diekman asked why would they be required to connect to the central water.

Ms. Lasley said it was listed in the printout, Policy 1.2.9.

Mr. Diekman said he was reading ahead of that Policy, in Policy 1.1.3, which exempted Agricultural use and the applicant would have to go to a different land use to fall out of that category.

Ms. Jeglie said there were no Urban Service Boundaries yet. There was no proposed development there, it was just a map amendment and what was indicated was in the future, if they could not connect directly to water that was at the road, they may have to go through the process of a development agreement or extending dry lines.

Mr. Diekman said they were not a proposed development and all of this followed policy 1.1.4.

Ms. Jeglie said Urban Service Boundaries should not include Agriculture.

Mr. Diekman said the County had not established Urban Service Boundaries with the intention of when they did, requirements would be made for the parcels to connect Urban Services. He said the policy said Ag was exempt, and the land was exempt anyway because the applicant was not trying to change to something else that would require them to connect.

Ms. Lasley said they were proposing to be denser and the water was there and the philosophy was that as you become denser you should be on central water and sewer if it was available.

Mr. Diekman said the philosophy according to what he was reading in the policy was after you moved past Ag, and they were not asking to do that. When they make the next step, this would be something the Commission would discuss.

Ms. Lasley said she went to the property and they did have a well on-site. She asked if the land use change was approved, could they continue to build houses on the property without planning the lots and putting a road in, and could they put 6-7 more homes on the 62- acres without going through any development process besides building permits.

Ms. Jeglie said if they were under single ownership, they could build more houses on that property, it was highly unlikely, but for financing they would have to create lots in order to finance.

Ms. Lasley said it happened with 6 houses there already.

Ms. Jeglie said a lot of property was in Agriculture and if you looked at the large farm and pasture property, there were houses for family members or people working on the property to have a place to live

Ms. Lasley said she was surprised you could put 6 houses on a piece of property and not have it platted out.

Mr. Diekman said the family wished to give parcels of land to their family and were well within their rights to go from Ag 2 to Ag 1 upon what the Land Use Plan allowed for. How they platted did not matter to this Board and he did not think the Board was required to be involved in that part. He said the bank would take care of that for a claim in case of foreclosure.

Ms. Lasley said the Board was approving a land use change and it created more lots and it was 12-lots, and in any other application it would be a major sub-division and the Commission would treat it as such. She said the Commission did have jurisdiction to make these decisions. She understood it was a family plot so the circumstances were different, but in any situation, 12-lots would be a major sub-division and it would require hooking up the water. She said under the regular rules, that would be what was required of this piece of property.

Mr. Diekman asked, with a major sub-division, do we lose the lot size. He said a major sub-division could have lot sizes a lot smaller than what they were asking for in this application.

Ms. Jeglie said the density in the lot size is dependent on what the Future Land Use Category was. She said when they came in to sub-divide, they had a series of options.

Mr. Diekman said the size really does not change. He said if this was a larger piece of property and they wanted to go from Ag 2 to Ag 1, it did not trigger the fact that they were going to build 30 houses.

Ms. Jeglie said correct, they were just looking at the designation. Future plans as far as a sub-division would go through the appropriate sub-division process and that was not what the Board was looking at now.

Mr. Diekman said it did not appear to have the footprint of someone putting in any type of sub-division.

MR. DIEKMAN MADE A MOTION FOR OPTION 1 WITH A SECOND BY MR. ROBERTS.

THE BOARD VOTED 7-0 BY ROLL CALL VOTE TO APPROVE

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| LIBBY HENDERSON | YES |
| CHARLES ROBERTS | YES |
| JEFF DIEKMAN | YES |

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|-------------------|-----|
| MARION LASLEY | YES |
| JOHN YUMANS | YES |
| LORIE BOUIE | YES |
| TRACEY STALLWORTH | YES |

7. **Section 5611.F, Driveways (LDR 2020-01) (Legislative) - Consideration of Amendments to Subsection 5611.F Driveways of the Gadsden County Land Development Code.**

Chair Henderson welcomed Diane Quigley, the new Growth Management Director.

Ms. Quigley introduced the above item. She said she was getting a lot of requests for circular driveways. Some were allowed and some were not due to current spacing requirements. She said she had researched Land Development Codes in other Counties. With that, the revising of LDC recommendations were to allow a maximum of one additional access point per street frontage for circular driveways and it may be permitted for residential living facilities and day care centers and single family dwellings and duplexes if frontage was adequate to ensure proper driveway separation as set forth in Subsection 5611.F.10 and there was at least a 20-foot set-back from the property line for each driveway. Residential driveways shall be situated on a minimum of 50-feet apart along local roads with a 25-mph speed limit or less, a minimum of 200- feet along collector roads with a 35-mph speed limit and a minimum of 400- feet apart along collector roads with 45 mph speed limit or greater, notwithstanding the provisions of Subsection 5611.F.9. Lots with less than 50- feet of road frontage may be permitted one driveway. Also added was the wording; Additional driveways may be approved by the Planning Commission Official based on a professional traffic study submitted by the applicant, meaning they could be reviewed on a case by case basis. Ms. Quigley said when looking at some lots, they realized that some had a minimum frontage of 100-feet. When everything was measured out with 50-feet between the driveways, and the 12-feet from the driveway, and the 20-foot set-back, they realized this would put the driveway a little over 100- feet. If it was okay, they would like to change the set-back to 10-feet from the property line.

Mr. Diekman said his LDC book was dated September 19, 2019 and he would like a copy of the updated one.

Ms. Quigley said she would get him an updated book and it was also on the website.

Mr. Diekman said his question was about going from 20-feet to 10-feet. He said there were long time utility easements set on the boundary lines on properties. He did not want to impact utilities. He said typically, an easement between 2 pieces of property was 20- feet. He thought maybe 15-feet as a compromise to give room for utility movement or drainage movement.

Ms. Quigley said that was reasonable.

Ms. Lasley said Page 3, in F, #3, replace *provided* with *however and shall* with *may*. In A of that section, a 10-foot setback was being requested instead of 20-foot.

Ms. Quigley agreed. Ms. Lasley said that meant driveways could be 20-feet apart from each other. Ms. Quigley said correct, in some cases.

Ms. Lasley said on page 4, #6, she did not understand the alignment of the driveways and asked if they wanted them opposite of each other separated by 20-feet.

Ms. Quigley said it was offsetting driveways. Driveways should be directly across from each other or separated by a minimum distance of 20-feet so cars in the driveways could see each other.

Ms. Lasley said she had problems with the wording in #10. She said to remove *or less* in line 3. She asked if notwithstanding meant "as long as they comply with" and Ms. Quigley answered yes. Ms. Lasley said the last sentence in #10 on page 4, should be a separate item so it stood out. Page 4, letter G, the type of development box was residential with less than 25 units. She asked what did Residential/Collector mean under the preferred type of access. Ms. Quigley said residential neighborhoods with less than 25 units along a residential/collector road. Ms. Lasley stated maybe the slash needed to be removed. She said Page 5, "Additional driveways may be approved by the Planning Commission", did that mean additional driveways in addition to the 2 points of access for the corner.

Ms. Quigley said that was just a general statement, leaving it open for a special situation where they may need more than two. Ms. Lasley said she would pull that out of the paragraph and have it stand alone because it was referencing the corner lot application. She said on Page 5, #2, she said she did not understand how it worked and the numbers that were listed did not match. She asked if there was a table that was created to outline this so it was consistent and said what the County wanted.

Ms. Quigley said she would clean the language of that one up. Ms. Lasley said it related to page 4, #10. She said on Page 5, 3a, first line the *or* at the end of the sentence should be *on*, Line 3, *roads design* should be *road designs*, Line 5 all the way to the right, *or* should be *of*. She asked if Ms. Quigley wanted to bring it back with the corrections or vote on it with the corrections that were made.

Chair Henderson said there were many changes and asked if should it come back or if there was a motion.

Mr. Diekman asked, on lots less than 50-feet, could the language change to give people 10-foot setback of the property line, only on lots under 50 foot. He said he would like it to be 12-feet.

Ms. Quigley said she could have this at the October meeting to go over the changes or adopt with the changes made in the meeting.

MS. BOUIE MADE A MOTION TO ADOPT WITH THE CHANGES WITH A SECOND FROM MR. DIEKMAN.

Ms. Bouie said she wanted to know if the intent of the original proposal was still being met and Ms. Quigley said it was. Ms. Bouie asked if it was possible to address the issues separately.

Attorney Knowles said there was a motion and a second, the vote was started, and everyone needed to vote up or down and if it did not pass, it could go from there.

Ms. Bouie wanted to abstain from voting and the Attorney told her a non-vote was a yes vote.

THE BOARD VOTED 6-1 BY ROLL CALL VOTE TO APPROVE WITH THE CHANGES MADE IN THE MEETING. MS. BOUIE OPPOSED.

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| LIBBY HENDERSON | YES |
| CHARLES ROBERTS | YES |
| JEFF DIEKMAN | YES |
| MARION LASLEY | YES |
| JOHN YUMANS | YES |
| LORIE BOUIE | NO |
| TRACEY STALLWORTH | YES |

8. **Capital Improvements Schedule (LSPA 2020-03) (Legislative) - Consideration of the Amendment/Update of the Capital Improvement Schedule for 2020/21- 2024/25 of the Capital Improvements Element of the Gadsden County Comprehensive Plan.**

Ms. Jeglie introduced the above item.

MS. LASLEY MADE A MOTION FOR OPTION 1 WITH A SECOND BY MR. DIEKMAN.

THE BOARD VOTED 7-0 BY ROLL CALL VOTE TO APPROVE.

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|-------------------|-----|
| LIBBY HENDERSON | YES |
| CHARLES ROBERTS | YES |
| JEFF DIEKMAN | YES |
| MARION LASLEY | YES |
| JOHN YUMANS | YES |
| LORIE BOUIE | YES |
| TRACEY STALLWORTH | YES |

General Business

9. **Planning Commission Question and Comments**

Mr. Diekman reminded Ms. Quigley he wanted an updated LDC.

Ms. Quigley said she would send it to all of the Planning Commission Members. She asked if it was okay to wait until changes were approved and then send the revised LDC and Comprehensive Plan out.

Mr. Diekman said as long as it was before the next meeting.

10. **Director/Planner Comments**

Ms. Quigley said there was nothing for the October meeting.

11. **Adjournment of Meeting**

AT 7:35 P.M. MS. BOUIE MADE A MOTION TO ADJOURN WITH A SECOND BY MS. LASLEY. CHAIR HENDERSON THEN CALLED THE MEETING ADJOURNED.

GADSDEN COUNTY, FLORIDA

LIBBY HENDERSON, Chair
Planning Commission

ATTEST:

NICHOLAS THOMAS, Clerk