

MINUTES
PLANNING & ZONING COMMISSION
THURSDAY, JUNE 10, 2010
6:00 P.M.

Present:

Chair Diane Sheffield
Willard Rudd
Frank Rowan
Ed Allen
Dr. Tony Arnold
Judge B. Helms, School Bd. Rep
John Yerkes
Catherine Robinson
Mari VanLandingham

Absent:

Larry Ganus, Vice Chair
Alonzo McBride
Dr. Gail Bridges-Bright

Staff Present:

Jill Jegli, Interim Director – Growth Management
Anthony Matheny, New Growth Management Director
Jean Chesser, Deputy Clerk

Chair Sheffield called the meeting to order at 6:00 PM with a quorum present and then led in the pledge of allegiance to the U.S. flag.

Each member present stated his/her name and district for the record and there were no declarations of conflict by any of the members present.

Ms. Jill Jegli, Interim Planning & Community Development Director introduced Mr. Anthony Matheny as the new Planning & Community Development Director.

Chair Sheffield and the Commission members welcomed Mr. Matheny.

Mr. Matheny said he was proud to be here and looks forward to working with the Commission.

APPROVAL OF MINUTES:

UPON A MOTION BY MS. VANLANDINGHAM AND A SECOND BY MS. ROBINSON TO APPROVE THE MINUTES OF THE MAY 13, 2010, PLANNING AND ZONING COMMISSION MEETING WITH A CORRECTION TO MS. CATHERINE ROBINSON'S NAME, THE COMMISSION VOTED 9-0 BY VOICE VOTE, IN FAVOR OF THE MOTION.

NEW BUSINESS:

Public Hearing – Variance – Two for One Subdivision, Marilyn J. Mears – (V-2010-01)

Location: Located on the south side of Co Road 270-A Flat Creek Road, West of the intersection of Lonnie Clark Road (CR 270-B)

Tax Parcel ID#: 3-06-2N-5W-0000-004433-0400 & 3-06-2N-5W-0000-00433-0300 (Parent Parcel #3-06-2N-5W-0000-00433-000)

Type Hearing: Quasi-Judicial

Ms. Jegli was sworn and explained the request as being for a variance from Subsection 6003.G.5, Procedures for “Two for One” Subdivisions in which the requirements allow only one two-for-one subdivisions to be processed in one calendar year. However, the Mears had purchased a 40 acre parcel and had processed a two for one subdivision to create a ten acre parcel to the East (on the South side of Flat Creek Road and West of Lonnie Clark Road). The Mears then intended to do an additional subdivision, and that parcel that is now owned by Mr. Curran. Ms. Jegli explained Mr. Curran was to have processed that two for one subdivision for the Mears but that did not occur. It was, however, recorded at the Property Appraiser’s Office. When the Mears came into Growth Management this year to do their third and final two for one subdivision (which would end up creating 4 ten acre parcels on a 40 acre tract) staff advised the Mears they had not processed the two for one (Mr. Curran’s parcel) and the Mears then requested a variance to allow two in this year as they thought the other one had been processed and they have a sale pending, contingent upon this particular two for one being processed this year. Ms. Jegli explained staff has reviewed both of the two for one’s (current one being proposed and Mr. Curran’s) and they do meet the Land Development Regulations and are consistent with the Comprehensive Plan. She said the property is located in AG-2 which is a minimum of one unit per ten acres. The Mears provided a copy of a notice that was sent out to the property owners within one-half mile and a list of names and addresses of said property owners for the community meeting that was held on June 1st.

Ms. Jegli said this hardship request is based on Section 7300 (Subsection 7301.C Hardship and Variance Relief Procedures). She said the request meets all of the criteria as shown in Attachment #4 of the Agenda Package and staff’s recommendation is for approval of the variance request, based on the findings presented in the staff report with conditions A & B.

The applicant was not present and neither was their representative. However, Mr. Tommy Skipper, local surveyor said he would speak on behalf of the applicants.

Mr. Skipper was sworn and said he had surveyed the property and would vouch for the applicants.

Chair Sheffield called for public comment and there was none. After a brief discussion the following action was taken:

UPON A MOTION BY MR. ROWAN AND A SECOND BY MR. RUDD TO APPROVE THE VARIANCE REQUEST AS RECOMMENDED BY STAFF AND TO INCLUDE CONDITIONS A & B, THE COMMISSION VOTED 9-0, BY VOICE VOTE IN FAVOR OF THE MOTION.

CONTINUED BUSINESS:

Public Hearing – Continued – Comprehensive Plan Amendment, Policy 1.1.5.D, Neighborhood Commercial Text Amendments – CPA-2010-01-(Large Scale Amendment)-Transmittal

Ms. Jegli explained this item as being continued from the P&Z Commission Meeting of May 13, 2010. She said the issue at hand is developing amendments to Policy 1.1.5.D. She said there were several issues discussed at the meeting in May that the Commission wanted her to incorporate into a “Draft Ordinance”. She explained she has done that and has received one comment for a possible correction from Mr. Ganus. Ms. Jegli said Attachment “A” of the Agenda Package is the proposed draft ordinance and all additions are underlined; changes that she made are highlighted for the Commission to review and be certain the changes are consistent with what they want and then they can amend further as needed. Ms. Jegli pointed out changes that need to be made and it was the consensus of the Commission for changes as stated below:

Attachment “A” Policy 1.1.5(D)
D. Neighborhood Commercial – (4)

(FIRST PAGE CHANGES)

Delete “per” in last line of (4) on First page of Attachment “A”

Second paragraph 5th line on First page of Attachment “A” -- after repair shops, **Add “fish camps, bait shops”** --vegetable/fruit stands,

Second paragraph 3rd sentence on First page, after Sales of alcohol -- **“Delete “for on or off premise consumption”**, after land use --**“Delete “and”** --upon approval by –

There was discussion concerning the language in the last sentence of the second paragraph and Dr. Arnold recommended changing language to read –Sales of alcohol for on or off premise consumption may be permitted in the Neighborhood Commercial overlay land use only as an accessory use to commercial retail or restaurant use upon the approval of the BCC as a special exception permit. Then continue with --Liquor stores, taverns, bars ---

Ms. VanLandingham recommended leaving sentence as written and only take out “for on or off premise consumption”; and then begin new sentence with Prohibited uses are Liquor stores ---

Dr. Arnold then suggested striking “commercial retail” and restrict it to just restaurants.

Chair Sheffield agreed with Dr. Arnold and said that would be her suggestion.

Mr. Yerkes suggested Ms. Jegli may want the P&Z Commission to look at those sentences and restructure something that will be straight forward and that would cover things that Ms. Jegli knows would be objectionable to the Commission.

Ms. Jegli suggested they may want to e-mail her their suggested changes and Dr. Arnold said he would do that. She asked if the Commission wanted this to come back to them at their July meeting and Ms. VanLandingham said she wanted it to – that she wanted to see it before she votes on it.

Mr. Matheny said he agreed that the best idea would be to write it down right here and agree on it rather than having to wait another month as its pretty simple as far as taking the consumption part out.

After additional discussion Ms. Robinson read into the record the recommended change as stated below:

Second paragraph, Last Sentence on First Page Add “Prohibited uses shall include –“ liquor stores, taverns --, after commercial retail or –Add “for consumption in restaurant use”

The consensus for the entire language change for the last portion of the second paragraph as recommended by the Commission now reads:

“Sale of alcohol may be permitted in the Neighborhood Commercial overlay land use upon the approval by the Board of County Commissioners as a Special Exception Permit. Prohibited uses shall include liquor stores, taverns, bars, lounges, party/dance halls or clubs selling or serving alcohol. The sale of alcohol may be permitted only as an accessory use to a commercial retail, or for consumption in restaurant use”.

Third paragraph, first page of Attachment “A”

2. **Delete “foot” and Add “feet”** There was considerable discussion concerning the distance of 0.25 of a mile possibly being changed to 0.50 of a mile. **Ms. Jegli suggested making the distance “0.25 of mile (1,320 feet) in Rural Residential and 0.50 of a mile (2,640 feet) in AG 1, 2, & 3” which would make it more restrictive.** It was the consensus of the Commission to change the language in #2 as recommended above by Ms. Jegli.

(SECOND PAGE CHANGES)

Neighborhood Commercial uses in Rural Residential –

1. There was discussion on further clarifying “vacated” and Mr. Matheny explained that generally when it says “vacated” it means vacated as a commercial use. It doesn’t matter if it

was used as a house – it’s been vacated as a commercial use for more than two years. It was then the consensus of the Commission to:

1. After -- historically commercial structure or site that has not been vacated -- **Add “as a commercial use”** for more than two years --

The Commission agreed with Ms. Jegli that this language should be included in #1 on the first page – that has not been vacated -- **Add “as a commercial use”** for more than two years –

In response to questions from the Commission, Ms. Jegli explained the County does not issue license for these neighborhood commercial businesses and if language requiring a license is added it will prohibit them from doing neighborhood commercial until the County did begin doing that.

Ms. Jegli did say this is something the County could pursue – issuing business licenses—but she said she doesn’t think it should be attached to neighborhood commercial as licensing could be a whole “code” within itself; part of the County Code, but not in the Comp Plan. She agreed it would be a good tracking mechanism that would allow the County to go out and do inspections – doing things properly, but that it is a big issue that the Commission may want to consider addressing at a later time.

2. **Delete “foot” Add “feet”**

(PAGE THREE CHANGES)

Second paragraph, second sentence – may approve conditions that allow – **Add “site”** – design flexibility --

There were no additional changes recommended by the Commission and the following action was then taken:

UPON A MOTION BY MS. VANLANDINGHAM AND A SECOND BY MR. ROWAN TO APPROVE THE RECOMMENDED CHANGES BY STAFF INCLUDING THOSE STATED ABOVE ON THE COMP PLAN TEXT AMENDMENTS TO POLICY 1.1.5(D) NEIGHBORHOOD COMMERCIAL (CPA-2010-01), THE COMMISSION VOTED 9-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chair Sheffield told Ms. Jegli she could go forward with it.

Ms. Jegli asked if the Commission wanted to tackle the Land Development Code Text Amendments tonight, or if they wanted her to get all of tonight’s changes and continue that conversation to their next meeting so that she can make sure changes made tonight are carried through and the Commission can then see them, and she said that would be her recommendation at this point. The Commission was in agreement with Ms. Jegli’s recommendation.

Ms. Jegli also responded to Mr. Allen that the proposed EAR Comp Plan Amendments will be brought forward at their July (or possibly August) meeting and the recommendations for the separate area (Lake Talquin/Wetumpka and Hwy 90 Corridor) plans will come a couple of months later. She said the first push is to get the EAR Amendments in front of the Commission and begin that discussion, and those Amendments came from the recommendations; the seven issues, etc., and the Commission should see some draft policies at that time.

The next regular P&Z meeting is scheduled for July 15, 2010.

The Commission again thanked Ms. Jegli for all of her hard work as the Interim Director and said she has done an excellent job.

Mr. Matheny gave a brief overview of his past experience and again stated he is excited to be here and looks forward to working with Commission.

**UPON A MOTION BY MR. ROWAN AND A SECOND BY MR. ALLEN FOR
ADJOURNMENT, THE COMMISSION VOTED 9-0, IN FAVOR OF THE MOTION.**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION
AT THIS TIME, THE MEETING ADJOURNED AT 7:20 PM**

Diane Sheffield, Chair

Jean Chesser, Deputy Clerk