

**MINUTES
PLANNING & ZONING COMMISSION
WORKSHOP
WEDNESDAY, AUGUST 18, 2010
6:00 PM**

Present:

Chair Diane Sheffield
Vice-Chair Larry Ganus
Ed Allen
Judge B. Helms, School Bd. Rep.
John Yerkes
Alonzo McBride
Dr. Gail Bridges Bright
Dr. Tony Arnold

Absent:

Willard Rudd
Frank Rowan
Catherine Robinson
Mari VanLandingham

Staff Present:

Anthony Matheny, Director
Growth Management
Jean Chesser, Deputy Clerk

Consultants Present:

Mrs. Marina G. Pennington of
Marina Pennington Consultants
Justin Ford, Engineering Consultant
of Preble-Rish, Inc.

Call to Order:

Chair Sheffield called the meeting to order at 6:02 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.

Approval of Minutes:

UPON A MOTION BY MR. YERKES AND A SECOND BY MR. HELMS TO APPROVE THE MINUTES OF THE JUNE 10, 2010, PLANNING AND ZONING MEETING AS PRESENTED, THE BOARD VOTED 8-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Chair Sheffield turned the meeting over to Mr. Matheny and he said he feels P&Z will have a very successful program as they go forward and one goal is to simplify the planning process for the citizens as much as possible by making it more user-friendly. He explained this meeting is not a public hearing; it is a workshop for the Commission to look at what is being proposed on the EAR

based Amendments and the Area Plans (U.S. 90 East Corridor Plan and the Wetumpka-Lake Talquin Overlay Area Plan) and to get members input so necessary changes can be made. He also said the August 25th meeting will be a workshop only; not a public hearing.

Mr. Matheny asked if the P&Z September 16th Regularly Scheduled Meeting could be moved to September 23rd which will give staff and the consultants more time for work on this item, as well as the fact that he has a prior scheduled (Annual Planning Conference) commitment for the 16th. The consensus of the P&Z members was that they have no objection to moving the meeting to the 23rd as requested. The meeting was turned over to Mrs. Pennington and Mr. Ford at this time by Mr. Matheny.

Mrs. Pennington explained her background to the Commission – She is a Land Use Planner (Planning Consultant), previously worked with State Department of Community Affairs for approximately 20 years, and the last five years has worked very closely throughout the State with various communities in both the public and private sector as a planning consultant. She and Justin Ford (Preble-Rish) are working together on this project and they will cover the recommended EAR Based Amendment changes tonight and at the meeting on August 25th, they will cover the U.S. 90 East Corridor Area Plan and the Wetumpka-Lake Talquin Overlay Area Plan.

Mrs. Pennington said the purpose of the workshop is to discuss the preliminary drafts of proposed Comp Plan Amendments and to seek direction/suggestions from the Planning Commission on policy issues. She explained the EAR Amendments are to address the 2009 EAR recommendations on major issues in Gadsden County -- the successes and shortcomings of the objectives and policies in the current Comp Plan -- new Growth Management Laws. She reviewed with a slide presentation what she felt to be the major changes in the different elements with specific issues within each element being identified.

(1) FUTURE LAND USE ELEMENT

- Adopt Zoning Map
- Clustered development
- Evaluate large undeveloped platted subdivisions
- Locating higher density development near incorporated cities or where adequate Infrastructure exists.
- Promote economic development initiatives and strengthen business in Gadsden County.
- Implement new legislation regarding energy-efficient land use patterns, reducing Greenhouse gas emissions through energy conservation growth management Strategies.

(2) HOUSING ELEMENT

- Focus efforts on programs for seniors in substandard housing
- Seek grants to provide assisted living facilities
- Housing survey to assess changes in housing conditions
- Support development of multifamily units

Recognize “extremely-low-income persons”
Consider ordinance to allow “accessory dwelling units” to address need for affordable housing units
Establish incentive program to encourage development of affordable workforce housing
Implement new legislation regarding energy-efficiency and use of renewable Energy resources in existing housing and design/construction of new housing

(3) INFRASTRUCTURE ELEMENT

Monitor regional impacts on water quality in Gadsden County from water transfers
Promote water conservation/reuse programs
Seek funding to develop Storm-water Master Plan
New state storm-water management requirements
Central sewer and high performance septic systems where central sewer is not available
Funding options for infrastructure improvements through adoption of impact Fees

(4) CONSERVATION ELEMENT

Address non-conforming land uses, such as industrial uses, affecting watersheds, local aquifers, creeks, and ravines
Consider funding options for infrastructure improvements
Strengthen water conservation policies
Implementation of energy conservation to reduce greenhouse gas emissions and protect environment

(5) RECREATION AND OPEN SPACE ELEMENT

Prepare inventory of current recreation and open space facilities
Amend LDRs to establish guidelines for resource-based and user-based recreation facilities
Pursue joint use plans to enhance access to recreational facilities

(6) INTERGOVERNMENTAL COORDINATION ELEMENT

Infrastructure
Annexations
Future land use map changes
Hurricane evacuation routes
Concurrency management systems

(7) US 90 EAST CORRIDOR AREA – Mrs. Pennington said this item will be taken up at the August 25th Work Shop

Promote economic development in the area

Concentration of economic activity
Attract, retain, expand industrial/commercial development in the area
Amend LDRs to create zoning district to facilitate development opportunities in the area
Coordinate with City of Midway
Public workshop on May 25th

(8) WETUMPKA-LAKE TALQUIN COMMUNITY OVERLAY (WLTO) PLAN – Mrs. Pennington said this item will also be taken up at the August 25th Work Shop

Draft reflects 2008 Community Visioning efforts
Two public workshops, May 27th and July 19th
Reorganized objectives and policies around several areas:
---- Land Uses and Development
---- Conservation/Preservation and Natural Resource Protection
---- Infrastructure
---- Citizen Participation
---- Design Standards
Revised GOPs incorporate County staff recommendation
Main outstanding issues include boundaries of the area and policies
Regarding Land Uses and Development in the WLTO area

Let the record reflect Dr. Gail Bridges-Bright left the meeting at this time (6:25 PM).

Mrs. Pennington explained during the Process, the Comprehensive Plan and the EAR was reviewed; data collected, coordinated with different agencies, public workshops were held in May and July for citizens input. Tonight she wants to review the preliminary draft with the Commission for their input/suggestions and then at the August 25th Workshop she will bring back the revised draft from tonight's meeting for further review, consideration and approval of the Commission so they can go forward to the September 23rd P&Z Meeting for some additional discussion on the Transportation and the Capital Improvement Elements. She said the Planning Commission Public Hearing on this will be October 14th, the Board of County Commission's Public Hearing will be November 2nd, and finally, transmittal of the Proposed Amendments to DCA/reviewing agencies will be November 5th. She said DCA will have 60 days from the date they receive it to issue their **ORC Report (Objections/Recommendations/Comments)** – January 2011. The County then has 60 days (February 2011) to make changes/objections they may have. She further stated the goal is for adoption by March, 2011, and DCA to then issue (April, 2011) their compliance decision.

Mr. Yerkes voiced concerns on the proposed revision for the ICE Policy 7.1.1 pertaining to inter-governmental coordination for annexing as shown in the FLUE between the County and the municipalities. He asked where all of this (for example, when there is a problem with things not getting done or there is a difficulty between the County and a municipality in working together on annexation as to how the situation will be reconciled or finalized) will be handled as there is nothing in this addressing resolution to such issues; there is a whole different route that has to be taken. Mrs. Pennington said that was correct – it does not address resolving those disputes. She said there is a

process for it in the Statutes and the Planning Council does have a process that the counties need to use in those situations.

In reference to the proposed revision on FLUE Policy 1.12.4, Mr. Allen asked for a definition or meaning of “transfer of development rights” and Mrs. Pennington said that is a very sophisticated technique by which the local government can transfer the right of a development on one property (extended property) to another (inaudible) property, but she said she doesn’t believe Gadsden County has adopted a mechanism for doing that.

Mr. Yerkes referenced this same Policy and made the statement that protection of the wetlands is not included and asked if it should be added, and Mrs. Pennington explained the first sentence says “The Land Development Code shall protect environmentally sensitive lands---“and because the wetlands are part of the environmentally sensitive lands, there is no need to add it here.

In response to Mr. Yerkes questions, Mr. Matheny said what might be best and would be his recommendation, instead of talking about each one, would be if there is a specific item (something a member has pre-marked or their draft proposal) the Board wants to bring up as they go through the elements, to do it that way; but anything else they may think of after the meeting, tomorrow or over the next few days, to email those suggestions/comments/questions to Mrs. Pennington.

Chair Sheffield said, as another point of clarification, the proposed revisions are things the Planning & Zoning Board came up with last year as a group during their workshops and Mr. Matheny agreed and stated everything they had recommended, staff has tried to put into language that can be submitted to DCA.

Mrs. Pennington explained for clarification on the Future Land Use Element is that Objection 1.16 of the Comp Plan has a requirement for the County to do some special area plans for the County. She said the requirements came as a result of the settlement agreement as DCA had found several of the agreements not in compliance for “x-y reasons” and then the County agreed they would review those six areas and would do a special plan for those areas. She said the policy basically required/restricted the County to do the plans under a particular approach – urban boundary areas – which became the Urban Service Boundary Areas. After additional discussion, she said this will be discussed further in the August 25th workshop meeting.

Mr. Ganus asked how Mrs. Pennington would envision the zoning map in Objective 1.13 on mapping of mining land use districts and how it would be different from the current zoning map (map on Board Chamber’s wall) and if she would be available to help them negotiate through this mapping process. Mrs. Pennington said she will be happy to work with the County on this project.

Mr. Allen briefly discussed concerns for the Wetumpka-Lake Talquin area as it pertains to mining -- Mining is a huge problem for this area. Mrs. Pennington assured Mr. Allen all of this will be discussed at the next workshop meeting during the Wetumpka-Lake Talquin Area Plan discussion. She said there are so many changes that need to be made in the mining issue, and that she felt adding it in the EAR Amendments would only slow this process down. The Mining issue needs to be separate because it is a huge issue.

Ms. Marian Lasley appeared to address the Commission and Mr. Matheny reminded the Chair this is not a public hearing and it would be at the Commission's discretion on whether or not to allow her speak.

Chair Sheffield, along with the other Commission members agreed that Ms. Lasley has provided them with valuable information in the past and would like to hear what Ms. Lasley has to say.

Ms. Lasley inquired as to when the public would be allowed to speak (when the public hearing is scheduled) and Mrs. Pennington said there will be a P&Z public hearing on October 16th and a BOCC public hearing on November 2nd, both of which will be held after the draft has been revised. Ms. Lasley said, according to the previous Comp Plan, the Objective beginning 1.14 is new and Mr. Ganus explained those were added as a result of negotiations with DCA ; the settlement that came back as properties specific.

There was additional discussion on the maps that would be included in the revised (newly published next year) Comp Plan. Currently there are 18 adopted maps included in the Plan, some are being updated and some new (6 on conservation and transportation) maps are being added. Mr. Ford said there are now 24 maps (as it stands today) that will be included in the Comp Plan.

Dr. Arnold raised questions on page 6, Future Land Use Element, (D) Neighborhood Commercial regarding language -- "sales of alcohol for on or off-premise consumption may be permitted in the Neighborhood Commercial overlay --" and if this has been before the County Commission and Mrs. Pennington said it has not gone to DCA as of this date; it has not been adopted and the new language is not reflected in this draft as it is not yet in effect. She said once it goes into effect, the County will have to go back and update their policy to reflect the change.

Mr. Ganus raised questions in the Housing Element on the "accessory dwelling units" and in the Future Land Use Element regarding the immediate family exception. He asked if Mrs. Pennington was aware that was sunset two years ago by Ordinance 2007-002 in Policy 1.1.6. Mrs. Pennington said Ms. Jegli had advised her of that, but that she hasn't made any changes yet. Mr. Ganus said that whole section needs to be deleted and that Mrs. Pennington could cite Ordinance 2007-002 which was adopted March 6, 2007. Mrs. Pennington responded affirmatively. Mr. Ganus said his question on accessory dwelling units is whether or not that will target the different categories of low income persons for use or is it something that could possibly replace the immediate family exception. Mrs. Pennington said she didn't know; that she would try to explain what she does know. She said up until now the Statute has been defined for very low, low and moderate, all of which are percentages of the median income; now the Statute has changed to include a new category of extremely low which is believed to be 30% of the median income. Then counties that have affordable housing could consider adopting (will not be required to) an Accessory Dwelling Unit Ordinance with language as shown in the table for Housing Element (page 4). She said the definition doesn't need to be included in the Policy because it is included in the Statute --

"PAGE 4, HOUSING ELEMENT TABLE – POLICY 3.1.11: THE COUNTY SHALL CONSIDER THE OPTION OF ESTABLISHING INCENTIVES FOR DEVELOPMENT OF AFFORDABLE HOUSING BY PROVIDING A DENSITY BONUS FOR LAND DONATED TO THE COUNTY FOR THE PROVISION OF AFFORDABLE HOUSING IN ACCORDANCE WITH 420.615 F. S."

Mr. Ganus asked “But am I right that it is targeting the lower income scale and not the general public?”

Mr. Matheny said, “No, it’s not that specific. It is what it reads there, and I don’t think the income element comes in there”

Mr. Ganus responded by reading the last sentence of State Law 163.31771 under Accessory Dwelling Units which states “Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single family residential areas in order to increase the availability of affordable rentals, or extremely low income, very low income, low income and moderate income persons.”

Mr. Matheny said “Or -- or, is the key word there, to me.”

Mr. Ganus said “Well, it fits the four different categories of low income people that it is targeting though, and that needs to be specific in our Comp Plan, I think, so that no one misinterprets the intent of it.”

Mr. Matheny said “Right, and when we get to that point – You know, if you notice, a lot of these items are written in a very general way – Consider this the ‘will consider adoption of’ --. When it comes time to do that, then that change will have to come back before the Planning Commission, before the Board. Then we can discuss and decide exactly what our parameters are going to be. Its ‘consider adoption’ for now so that we can meet the requirement of what we need to do. So, we are being very general on a lot of these without nailing it down, but we can certainly nail it down later.”

Mr. Ganus said “Well, if the Florida State Law is adopted into the Land Development Code, then it’s all covered, I guess.”

Mrs. Pennington responded affirmatively.

Mr. Matheny responded, “Yes, and whatever the P&Z Commission and the County Board of Commissioners decides to do is what we’ll do and we can hammer it out at that point.”

Mr. Ganus “Well, we couldn’t do anything outside of State Law anyway, could we?”

Mr. Matheny responded, “No, we could not. No.”

Mr. Ganus expressed concerns with some of the incentives and options to developers for the voluntary provision (Workforce Housing) of affordable housing. He referred to Policy 3.9.1 and 3.9.3 (page 4) of the Housing Element Table. He said it sounds as if this will be in an urban service area before it is over and he asked if this is something the State is pushing.

Mrs. Pennington explained the incentives shown are simply incentives that have been used by other local governments, and they are incentives that may be included but are not limited to in an Ordinance. She said the County could adopt some or all of them, or they could come up with

something new, and Mr. Ganus said his fear with this type of document is that once this type of list is put into the document, people tend to believe that is what will happen as the power of suggestion is very strong. Then when you try to take things back, you run into problems. He said when the economy comes back there are developers out there that will want to do everyone of these and he also asked what land use categories these will fall into.

Mr. Matheny agreed with Mr. Ganus, but further explained that in general, when trying to satisfy the recommendations on these issues, sometimes you have to use terms such as “we may consider, we may do, the County will look at” – He said he understands everything Mr. Ganus has said, and as far as the land use categories these will fall into that when the time comes to do something about it, all of this will be determined then.

Mr. Ganus stated this could be opening a very intense development all over the County, even in Agricultural categories and Mr. Matheny said that will not happen.

Mrs. Pennington explained it won't change the basic requirements – the development will have to be consistent with the Comp Plan. If you have a category that doesn't allow any residential then this will not give you any residential rights in that category. What it does is if you have a category that does allow residential then it may provide incentives to a developer to, rather than doing a single family, they may consider doing some “affordable work force housing” that we all need, because if we want economic development and jobs here, then we need affordable housing and that was a recommendation of the EAR.

Mr. Matheny said once the zoning map is in place that will take care of part of this problem because it will have more specific restrictions in the land use categories and there will be certain places where that can happen and certain where they can't. He said Mr. Ganus is right and all of this will come up for heavy debate when the time comes for a change.

Mr. Ganus recommended adding language in this (Policy 3.9.3) document “incentives may be considered”

Mr. Yerkes said “If you go back in previous history, this right here is opening up the barn door and we will be sitting here a year or two from now saying ‘what in the world has happened here’ and then you'll have someone to come in that's a sergeant to move things on in the meting and there's not time to debate anything, and all of a sudden we're caught.” He suggested the entire Policy 3.9.3 be restricted and make it so that it doesn't give away the farm -- Use type of language as suggested by Mr. Ganus.

Mr. Ganus said it needs to be vague as to what the incentives will be and then work the incentives out when they get to that point.

Mr. Matheny suggested leaving it that the incentives aren't listed and Dr. Arnold recommended making the very first sentence of Policy 3.9.3 read “Incentives may be considered in the Ordinance” and simply leave it at that.

After additional discussion it was the consensus of the P&Z Commission as follows:

Policy 3.9.1 (page 4) Housing Element Table – The County shall --Add “consider the adoption of” -- an Affordable Workforce Housing Incentive Ordinance” ---

Policy 3.9.3 (page 4) Housing Element Table – **DELETE** Policy 3.9.3 entirely.

It was determined at this point in the meeting that there was some confusion and some discrepancies in the P&Z packets and Mr. Matheny suggested adjourning tonight’s meeting and re-scheduling for a later date in the month. He said he will make certain everything is right at that time with the information to be reviewed.

Mr. Yerkes said he has been following federal legislation on the issue of construction meeting the US Green Building Council and briefly touched on concerns/questions with language in Policy 3.10.1 (page 5) Housing Element Table and after a brief discussion, Mr. Matheny he and Mrs. Pennington will go through these elements and try to get the softer language such as “we may provide” in the package before the next meeting as he has picked up from all of the P&Z members that is what they would like to see rather than the more direct “we will” statements.

Discussion continued at this point on adjourning tonight’s meeting and it was the consensus of the P&Z Commission that tonight’s meeting be continued to and made part of their already scheduled August 25th workshop meeting.

Mr. Yerkes asked Mrs. Pennington to explain for everyone, at a later date, and make some suggested recommendations for Gadsden County so they can do a better job enforcing the County Code – how are other counties handling this and what the key ingredient is to the enforcement.

Mr. Matheny reminded the Commission that the August 25th meeting could be a very long meeting as they will try to cover everything and get it all accomplished. Mrs. Pennington said the package will be available on the web site tomorrow, and hard copies will be available to each member Friday. It was also requested that a copy be furnished to Ms. Marian Lasley.

Mr. Matheny reviewed the schedule for P&Z as follows:

August 25th 6:00 PM Workshop – Will continue with tonight’s agenda, as well as the August 25th agenda and to also proceed with the Wetumpka-Lake Talquin Area Plan and the US 90 East Corridor Plan. May be able to wrap most everything up at this meeting.

September 16th Regular Meeting has been changed to September 23rd.

September 23rd Regularly scheduled P&Z meeting and workshop to finalize all changes and move forward to meet all of the required deadlines for submitting to DCA. This meeting will be a “public hearing” advertised meeting and there will be a lot of public input.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE P&Z COMMISSION
AT THIS TIME, THE MEETING WAS ADJOURNED AT 7:50 PM.**

Chair, Diane Sheffield

Jean Chesser, Deputy Clerk