

Gadsden County Board of County Commissioners
Planning Commission

MINUTES

Thursday, March 14, 2013
6:00p.m.

Board of County Commissioners Meeting Room
7 East Jefferson Street
Quincy, Florida

Present: Commissioner Regina Davis, At - Large Member, Chair
Commissioner Edward Allen, Vice – Chair
Commissioner Diane Sheffield
Commissioner Larry Ganus
Commissioner Mari VanLandingham
Commissioner David Tranchand
Commissioner Frank Rowan
Commissioner William Chukes
Commissioner Catherine Robinson
Commissioner Ed Dixon
Commissioner Isaac Simmons, School Board Representative
Anthony Matheny, Planning & Community Development Director
Willie Brown, Gadsden County Planning Principal Planner
Beryl H. Wood, Deputy Clerk

Absent: Commissioner Dr. Gail Bridges – Bright

1. PLEDGE OF ALLEGIANCE

Chair Davis called the meeting to order at 6:00p.m. with a quorum and led in the Pledge of Allegiance to the U.S. Flag.

2. INTRODUCTION OF MEMBERS/ROLL CALL

Each member present stated his or her name and district for the record.

3. APPROVAL OF MINUTES – DECEMBER 13, 2012 and January 24, 2013

- **December 12, 2012** – Commissioner Ganus presented the deputy clerk with amendments to the minutes as stated below. He also asked Mr. Matheny to expound on whether the County Administrator or Attorney ever came to the next meeting or did they answer questions posed by the Commission concerning the Roberts Rules of Order and legality of votes and motions.

Mr. Matheny replied they had not discussed those with the County Administrator, but he would bring it to his attention.

UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, FOR APPROVAL OF THE DECEMBER 12, 2012 MINUTES WITH THE NECESSARY CORRECTIONS AS STATED BELOW.

- Correction on page 3 change word *assumption* to *consumption*
- Correction on page 3 *packing* should be replaced with *package*
- Correction on page 4 *Graves Road* should be replaced with *Glade Road*

➤ **January 24, 2013**

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER GANUS, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, FOR APPROVAL OF THE JANUARY 24, 2013 MINUTES WITH THE NECESSARY CORRECTIONS AS STATED BELOW.

- Correction on page 6 *opined* be replaced with *opinion*, which means the same.
- Correction on page 9 *pole* should be replaced with *poll*
- Correction on page 14 *660* should be replaced to read *6600*
- Correction on page 18 *since* should be replaced with *sense*

4. DISCLOSURES AND DECLARATIONS OF CONFLICT - None

5. PUBLIC HEARING – MANUFACTURED HOUSING (LDR – 2013 -03) Postponed (tabled)

Chair Davis said the Public Hearing on Manufactured Housing has been postponed.

Mr. Matheny responded correct, “Chair we had looked at moving some language from Gadsden County Code to our Land Development Code. It really was not necessary; our Building Official is handling the situation. It had to do with the ages of mobile homes coming into the county and so forth. It is being enforced, we were just going to move the language from one code to the other code and we still may do that sometime in the future, but when we wrote it up it was confusing, even the staff looking at it was confused. We decided not go any further with it. He is enforcing the rules, what counts.”

6. PUBLIC HEARING – RURAL RESIDENTIAL AGRICULTURAL DENSITY (CPA-2013-01) – Proposed amendment of Comprehensive Plan Future Land Use Element Policy 1.1.5(B) Rural Residential and Policy 1.1.5(C) Agricultural to clarify the intent of the policies as they pertain to density.

Statement of Issue

The Planning & Community Development (P&CD) Department purposes a discussion and an Ordinance amending Policy 1.1.5 (B) Rural Residential (RR) and Policy 1.1.5 (C) Agricultural (AG) to clarify the intent of the Comprehensive Plan as it pertains to density and lot size as well as the size of permitted non-residential parcels (Attachment #2). This amendment is part of the ongoing efforts to clarify and update the Gadsden County Comprehensive Plan (Comp Plan) and Land Development Code (LDC).

Mr. Matheny commented this is a pretty simple change. This goes along with the other changes we have been making to our Land Development Code (LDC) trying to make it little bit easier for people to do what they need to do in Gadsden County. That's the whole purpose. The County Administrator's initiative and our Departments initiative was to simplify our Code. We are doing it slowly, but surely we will probably accelerate the process when we get additional grant money in July to be able to work with our consultants more on further cleaning up our LDC. We will kind of make a big push starting in July, but we are doing little things right now. What this is, give you a great example, we have a church in an Ag2 land use district, well we all know Ag2 1 residential dwelling unit per 10 acres. The church is just 3 acres; little small church building has a very limited budget. They can't afford to go out and acquire seven more acres to be compliant. The question and the confusion is, does a non-residential structure have to be compliant in that land use district, like a residential structure. It was not very clear in our Code. What we are doing is simplifying and it will help churches that are non-conforming now become compliant. It will help churches in the future that may only want 2 – 4 acres or whatever is applicable if they meet these standards and they can't afford 10 acres especially not 20 acres in an Ag3 land use district. It won't always be churches it could be some other uses that's not a dwelling unit. We are purposing as long as they have 3 acres, which means if they have to have a mounded septic system our rules and regulations require a minimum of 3 acres to have a mounded septic system. Unless the use can connect with central water and sewer, which takes out the septic mounding problem, then they would have to have a minimum of one acre. It is really granting relief to non-residential uses in Ag districts. That is what it is doing. We are clarifying that in our Code.

Commissioner Ganus expressed his "only concern is the one acre, if it has water and sewer, which I don't suspect there is a whole lot of places in the county that have that, but some day they might. Is one acre enough for parking at churches and neighborhood commercial and that sort of thing? I know we had some neighborhood commercial building size limitations. How would that feel on an acre and then allow for the parking and whatever else they may need."

Mr. Matheny responded depending on the size of what is being proposed it may not qualify for one acre. Something real small, I can't think of a good example, right now, but a non-residential use, it might be a little fruit stand business or something like that. It might be a little business that would be allowed in agriculture. You wouldn't require them to have 10 acres, but if they can't meet parking standards or setbacks and so forth. They may not be able to fit on an acre. An acre would be a rarity because, there is hardly central water and sewer in any of these areas that you alluded to just a second ago. Most of the time it's at least going to be 3 acres, a lot of times it will be larger than 3, it may be between 6-9 acres, just not 10 if they are in Ag2. They are certain to not have 20 acres if they are in Ag3. Church's is the main thing we will deal with 90% of the time.

Commissioner Allen asked about commercial uses. Because the commercial could mean just about anything in regards to size. He asked who determines whether that fits in the one acre criteria.

Mr. Matheny replied he believed that's based on building size, parking criteria, setbacks and all of that kind of stuff. If it's not going to work, we will tell them right off the bat one acre is not large enough.

Commissioner Ganus asked Mr. Matheny to refresh the Commission's memory. What is the minimum size in neighborhood commercial 5 lots?

Mr. Matheny explained he didn't "have that information on the tip of his tongue. I'm not sure we have, usually its one acre on any kind of commercial. It's a minimum of one acre."

Commissioner VanLandingham asked about Attachment 2, the second paragraph, which reads: *Land use amendments to Rural Residential from Agricultural Land Uses must be adjacent to existing Rural Residential Areas.*

Mr. Matheny confirmed it means if you're going to Rural Residential a higher density you have to be adjacent to Rural Residential on one side. "You can't have a sea of Ag and go to Rural Residential on some side."

She expressed she realized he was "trying to clean up a lot of mess from way back when. My question on this particular issue is, if you have single family that has been there let's say 30 years, that are actually in a neighborhood commercial zone and they want to be zoned residential because that's basically what the use is. Do they have to be next to a Rural Residential as well?"

Mr. Matheny said if they are in a neighborhood commercial it is an overlay. It is designated neighborhood commercial through special exception and if you meet all these other criteria.

She expounded further to say if you have a bunch rural residential single family homes, "on let's say 5 – 10 acres along a road, but the map indicates its neighborhood commercial."

Mr. Matheny stated it would still be rural residential. He asked are you saying they are rural residential now?

She said no, "I'm saying that's the use."

Mr. Matheny said well they could still be Ag.

She stated, but according to the future land use map, they are neighborhood commercial.

Mr. Matheny said it was an overlay. If they are neighborhood commercial that's an overlay.

Commissioner Ganus questioned did the overlay appear on the future land use maps.

Commissioner VanLandingham voiced the reason she was asking the question is because, "she has seen it happen numerous times with appraisers. You put the future land use map designation as neighborhood commercial then the lender doesn't want to loan money because they think it's commercial, even though it really is residential."

Mr. Matheny commented it really is residential with an overlay. It's just strictly an overlay because they meet all the criteria to be neighborhood commercial.

Commissioner VanLandingham asked how do you know what's under it.

Mr. Matheny stated they know. We have those records.

Commissioner Ganus said it would still be on the map in green if it's agricultural.

Mr. Matheny said yes.

Commissioner VanLandingham gave Mr. Matheny an exact area. "It's at Hwy 65 and State Road 12 at the junction. There are 8 – 10 single family residents along State Road 12 and they are zoned on the Future Land Use Map commercial and they are single family uses and have been for many years."

Mr. Matheny responded that could happen because, "on Future Land Use Map obviously when they did that 20 some years ago they were planning on the intersection becoming a commercial nose, that is what they were doing. A lot of that has not happened for the county, but they were planning on it happening. Those houses would have eventually been replaced with commercial activity, but a lot of that has not happened."

Commissioner VanLandingham asked what if those people that live in those houses want to do an amendment to become rural residential instead of neighborhood commercial. Do they have to be adjacent to a rural residential destination?

Mr. Matheny replied yes. "Ag is what it is in reality; neighborhood commercial again is just an overlay because they meet conditions to be. They are in a certain distance of an

arterial or a collector, those kinds of different things. I don't have all the criteria here in front of me. If they wanted to go from Ag which is underneath, which is what they are, to become rural residential they have to be adjacent to other rural residential."

Commissioner Ganus asked would the intersection they are seeking of be in red on the map. He replied it was commercial, it's not an overlay, it is full fledged commercial.

Mr. Matheny disclosed if it's red, it is a land use of commercial.

Commissioner VanLandingham said, "so those people that have single family residents in this commercial designated area, if they want to go to rural residential, can they?"

Mr. Matheny stated no, without being adjacent to other rural residential they cannot. "That keeps the spread, otherwise you would have people coming in wanting to develop higher density all over the county in different places with no logical reason, no infrastructure supporting it, no future infrastructure plans, roadways that couldn't handle the growth, numerous reasons. As far as commercial they planned to develop a lot, but they have not been developed."

Commissioner VanLandingham asked Mr. Matheny was he going to go back at some point and correct the incorrect map.

Mr. Matheny responded that's what they are doing right now with Kimley-Horn. He said he would discuss that more once they finished with this item.

She then discussed conservation easements. It is discussed a lot in this ordinance and I was wondering was there a definition anywhere of a conservation easement. She said if not it was her suggestion they add a definition.

Mr. Matheny said they would have to look it up.

She also asked about page 3 of that same attachment 6e: *Be of at least one of the following types: landscaped natural barrier supplemented with fencing or other man-made barriers.* She said she reads that as being only one type.

Mr. Matheny confirmed that it was two types.

She expressed what drew her attention to this is, "are you going to require everybody in Ag that is on a boundary of different designation have a fence or mandate barriers."

Commissioner Ganus questioned attachment 2, "is exhibit (a) that goes with the ordinance and the only thing that you are purposing to change is the items that are

underlined, is that correct.”

Mr. Matheny said yes. “What we are purposing to change is the underline, it is additional; the strike though is what we are taken out.”

Commissioner VanLandingham conveyed she understood that, she just wanted some clarification.

Mr. Matheny shared he would have to go back and read the rest of it, which we aren’t impacting right now to fully answer all your questions on that issue.

Commissioner Tranchand said under the second page (Agenda request) the third bullet: *He asked should it read where water and sewer connection are not available.*

Mr. Matheny replied it should. He said that was a typographical error. He said most of this would apply to churches. It would bring them from non-conforming status to conforming and in the future when they come in, especially in Ag3, where they are way out there in the middle of nowhere we won’t require them to have 20 acres like you would someone putting a house out there. He said these are the problems that come into our office.

Chair Davis announced the public hearing and called for public comment, there was none.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER ROBINSON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO RECOMMEND APPROVAL AND TRANSMITTAL OF THE PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT AND DRAFT ORDINANCE TO AMEND POLICY 1.1.5 (B) RURAL RESIDENTIAL AND POLICY 1.1.5 (D) AGRICULTURAL BASED ON THE ANALYSIS AND FINDINGS IN THE AGENDA REQUEST AS PROPOSED OR WITH RECOMMENDED AMENDMENTS.

7. PUBLIC COMMENT

Chair Davis called for public comment and there was none.

8. Director’s Comment

Existing Land Use Map

Mr. Matheny gave Commission an update where they were on the Existing Land Use Map. “They presented the 1st draft to myself and the County Administrator. It really is the first true Existing Land Use Map we have. We didn’t have one; we had a Future Land Use Map. The Existing Map shows you just what’s happening now on the parcels. He said it didn’t vary greatly, but there are some changes. He said most of the Ag3 has been

changed to Ag2 and most of the Ag2 has been changed to Ag1. Other than where there are Ag3 parcels that are in excess of 100 acres more would remain the same. Your vast Ag3 areas, humongous parcels, a lot of them are in the south and some are in the west; some in the northeast have stayed the same. When you see this you will be amazed at how much it has changed with turning a lot of Ag3 going to Ag2 and a lot of the Ag2 going to Ag1. We are not increasing rural residential other than where there are tiny lots that are for instance Ag2 or Ag3, we have gone in and proposed changing them to rural residential because they are clustered and they make sense. We are making those changes, it is all drafted and proposed and we are going to workshop that with the Planning Commission on 4:30 pm, April 11, 2013. The regular meeting will be at 6:00pm. We will be sending out an email reminder very soon and email agenda packets would be mailed at least a week ahead of time." He asked the Commission to make note of these upcoming dates:

- April 11, 2013 - (P&Z) Workshop at 4:30pm followed by Regular Meeting at 6:00pm, this would also include Special Exception for those individuals that would like to open the old Country Boys Restaurant in Lake Talquin area asking for approval to serve alcohol.
- April 27, 2013 (Saturday) - Planning Commission Workshop with Consultants at Library from 8:30 am – 4:30pm
- May 7, 2013 - BCC Workshop at 4:30pm on planning issues followed by the County Meeting at 6:00pm.

Commissioner VanLandingham asked could property owners be notified of the upcoming changes that would affect their property, because you know what happens when you don't, even when you advertise and workshop it.

Mr. Matheny stated personal notification with thousands and thousands of parcels would probably not be possible.

Commissioner Ganus suggested an informational article in the paper explaining. He said the public notices do not explain very much.

Mr. Matheny commented that was a great idea and he would run it by the County Administrator. He said they could also add to the County's website and e-mail it out.

9. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE
CHAIR DECLARED THE MEETING ADJOURNED AT 6:35P.M.**

GADSDEN COUNTY, FLORIDA

**REGINA DAVIS, Chair
PLANNING COMMISSION**

ATTEST:

**BERYL H. WOOD, Deputy Clerk for
NICHOLAS THOMAS, Clerk of the Court
Gadsden County, Florida**