

**GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS PLANNING
COMMISSION MEETING
PUBLIC HEARING
MINUTES**

Thursday, May 15, 2014

6:00 p.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 Dr. Gail Bridges – Bright
Commissioner Diane Sheffield (absent)
Commissioner Larry Ganus
Commissioner Mari VanLandingham
Commissioner David Tranchand
Commissioner Frank Rowan
Commissioner William Chukes
Commissioner Edward J. Dixon (arrived late)
Commissioner Catherine Robinson (absent)
Commissioner Isaac Simmons, School Board Representative (absent)
Jill Jeglie, Senior Planner, Planning & Community Development
Beryl H. Wood, Deputy Clerk

1. PLEDGE OF ALLEGIANCE

Chair Davis called the meeting to order at 6:00 p.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 – April 10, 2014 minutes were tabled until the June meeting.

4. DISCLOSURES AND DECLARATIONS OF CONFLICT – None

5. AGENDA ADDITIONS/MODIFICATIONS

Policy 1.1.23 Policy 5. – Future Land Use Element (Commissioner Ed Allen)

Commissioner Allen asked to add to the agenda Policy 1.1.23 and Policy 5.6.3 which is the Future Land Use Element, Conservation Element and Mining Issues that were brought before the Commission during the EAR Amendments during 2012 we were to discuss those issues and we haven't brought them forward. I am recommending that we do so.

Ms. Jeglie asked was he asking for it to be placed on a future agenda to be noticed.

Chair Davis inquired did they need to vote to add it to a future agenda.

Commissioner Allen stated they should not since it is policy.

Ms. Jeglie said he was correct.

Commissioner Tranchand expressed he wanted the minutes from the last meeting.

Commissioner Dixon arrived at this juncture of the meeting.

GENERAL BUSINESS

6. PUBLIC HEARING (Quasi-Judicial): Crossroad Academy Expansion Conceptual/Preliminary Site Plan (SP-2014-02) Parcel ID# 3-20-2N-3W-0000-00221-0000 located at 470 Strong Road on a 12.27 acre site.

Ms. Jill Jeglie was sworn by the Deputy Clerk in the Public Hearing and Quasi-Judicial proceeding. She then proceeded with an overview. The property owner, Community and Economic Development Organization of Gadsden County, Inc. (CEDO), represented by Ms. Millie Forehand, Crossroad Academy Charter School, applicant; and Brad Begue, P.E. with Barkley Consulting Engineers, Inc. has requested and submitted for conceptual/preliminary site plan as described. The subject property is located at 470 Strong Road, on the southwest side of the intersection of Strong and Frances Kelly Roads, 2100± feet east of Highbridge Road (Cr268) Tax ID#3-20-2N-3W-0000-00221-0000). Consideration of approval for a conceptual/preliminary site plan (Class 2) for the phased expansion of the existing school is requested. Phase I will include a 12,150 square foot sf.) gymnasium, 12,568 sf. high school, an expansion and relocation of existing stormwater pond and facilities, a bus loop on Frances Kelly Road, and reconfigured driveways and parking lot; Phase 2 will include a 2,700 sf. Music room and 5,180 sf. Pre-k building (Attachment #2, Sheet C-104). The proposed site is located on 12.29± acre parcel within Urban Services Area (5:1) future land use category. The total impervious area will be 178,260sf. upon completion of Phase 2 (Attachment#1). In 2007, the Board granted the applicant a variance to reduce the sidewalk requirement to only Strong Road to Frances Kelly Road (V-2100-03). The applicant and agent were advised to apply for a variance to applicable

requirements of the Gadsden County Land Development Code (LDC) including but not limited to protected trees and driveway widths.

Ms. Jeglie corrected the analysis in the staff findings to amend the number of protected trees. There was discussion of the compatibility of the locations. The gym and the high school are in the southwest corner. They are putting in a retaining wall, however some trees will be removed from the area. They are required to have 25" buffer located adjacent to the residence at southwest corner and Frances Kelly Road, which is across from where the new parking lot would be. She then called their attention to the protective trees which is listed on the 3rd page of the report C1 and D1. The Code states that trees should not be removed from any site which is to be developed that can be reasonably avoided. Any tree, except for pine trees that has attained a diameter at breast height (DBH) of twenty inches (20") and is free of disease or major structural defect shall be considered a protected tree (Subsection 2102). Construction within the critical protection zone (CPZ) of any protected tree shall constitute the technical removal of said tree and shall require reforestation planting or reimbursement (Subsection 5404.C.3 & 5404.B4). The applicant has proposed complete removal of eight (8) protected trees (20" DBH or greater), which she corrected and said it would be six (6) protected trees. In addition the technical removal is proposed of three (3) trees: A 49" protected oak tree encroached on by the proposed pre-k building; and, two (2) oak trees located within the 25" buffer adjacent to an existing single family home. The Fire Marshal, Chief Haire has indicated he has no issue with project moving forward. She discussed the Class 2 standards. Parking standards shall be determined by a parking study which shall be provided to the applicant. The applicant's agent has submitted parking calculations that indicate a total of 106 regular and 5 handicapped parking spaces. They have 2 signs that may or may not be in a clear vision zone and is a concern for staff. The applicant has provided a traffic analysis. The analysis indicates there is low advancing volume; a 35 mph speed limit; and that a turn lane is not required.

Planning & Community Development Department Findings:

As proposed, the Planning & Community Development Department staff makes the following written findings (Subsection 7506):

- A. The request is consistent with the Gadsden County Comprehensive Plan (Subsection 7506).
- B. The public hearing notice requirements per Section 7500 of the LDC have been met.
- C. The proposed Crossroad Academy Expansion Conceptual/Preliminary Site Plan is not consistent and does not comply with the following requirements of the Gadsden County Land Development Code (LDC). However, with the exception of removal of the protected trees, the agent has indicated they intend to demonstrate compliance with the following at or prior to the Planning Commission meeting on May 15:

- 1) The proposed site plan does not comply with Subsection 5404.B, Tree protection of the LDC. The site plan proposes the removal of six (6) protected trees (20" or greater in DBH) and the technical removal of three (3) protected trees.
- 2) The proposed site plan and application does not address Subsection 5002, Compatibility of the LDC. Insufficient information has been provided as to distance, buffering opacity, appearance, lack of privacy between the proposed development and the existing residences (Table 5002) (Subsection 5002) . A retaining wall with a 6' fence and stormwater is proposed adjacent to the southwestern property line. Insufficient information is provided to insure that compatibility issues have been addressed (Sub. 5302.A.2).
- 3) The proposed site plan does not demonstrate whether it complies with Sections 2102 & 5102.D of the LDC which requires 20% open space for Class 2 non-residential land uses. Stormwater facilities may not be located in the required open space.
- 4) The proposed site plan does not comply with Subsection 5609 Clear view of intersecting public rights-of-way and driveway (clear vision zone) and Subsection 5706.F Clear Vision Zone for Signs.
- 5) The site plan does not comply with Subsection 5607.L.2.j which requires curbs or wheel stops or similar devices for all parking spaces.

D. The following will require a variance approval prior to staff recommendation of the proposed project:

- 1) The proposed site plan does not comply with Subsection 5404.B, Tree protection of the LDC. The site plan proposes the removal of six (6) protected trees (20" or greater in DBH) and the technical removal of three (3) protected trees.

Options:

#1. Provided the applicant demonstrates compliance with the Land Development Code issues indicated in Part C above, the Planning & Community Development staff recommends that the Planning Commission table any recommendation to the Board of County Commissioners for the Crossroad Academy Expansion Conceptual/Preliminary Site Plan until such time as a variance is received for the removal of the protected trees.

#2. Discretion of the Planning Commission.

Planning & Community Development Staff Recommendation:

Option #1

Berry Pujol addressed the Commission and was sworn by the Deputy Clerk. He was assisted by Brad Begue of Barkley Consulting. Mr. Pujol addressed C1. He said it was their belief they could move the pre-k or reconfigure the building to retain the 49" oak tree to stay out of the protective zone of that tree. They would request a variance to be able to move the trees that have to be moved due to the retaining walls and the slopes on the site.

Ms. Jeglie stated with anything they couldn't meet, staff has asked that they apply for a variance first, then receive approval for the Site Plan.

Chair Davis suggested they table since they haven't requested a variance.

Commissioner Bridges – Bright concurred with the Chair, the variance should come first.

Mr. Pujol stated Mrs. Forehand had spoke with Mrs. Gutcher.

Millie Forehand was sworn by the Deputy Clerk and then addressed the Commission. She said she spoke with Mrs. Gutcher on the tree variance. She said rather than hold up the process, Mrs. Gutcher suggested they continue with what they had because you have to have a Public Hearing on the Variance and this meeting had already been advertised. She said they would have a special meeting to deal with the variance. There was never a conversation about the variance until they had already paid the funds.

Commissioner Ganus said it sounds like we are putting the cart before the horse. He felt those public hearings should be tabled as well.

Commissioner VanLandingham asked are they seeking a variance on all that is listed.

Chair Davis replied no, only on C1.

Mr. Pujol said that is correct. They are trying to leave as many trees as they can. We are going to reduce that number as much as possible, but they wanted a variance to be able to remove the trees they have to remove.

Chair Davis asked for clarification on C2; C3 and C5.

Mr. Pujol said as far as C2 with the buffering they would have to document somehow with photographs. He said from the parking lot to the house across the street, there is not much to see. The house behind, where they will do some plantings and landscaping plan later to fill in the buffer. Mrs. Forehand has talked about building a privacy fence along that back property line to separate that house from the back of the school. He said they are addressing item C2; C3 which is over space requirement that they have meet.

Commissioner Allen asked about their public meeting?

Mrs. Forehand replied they had the required public meeting and there where 2 people in attendance.

Chair Davis asked about C and D. She said the Site Plan doesn't comply or something needs to be done to demonstrate that it does comply. She voiced it would be easier when they apply for the variance to clear up these items in question and bring them back at one time.

Mr. Pujol said on C4 they would demonstrate the signs in the front have no problems or complaints. There is a clear view. C5 they will have a curve around the parking lot, but we do not plan on providing wheel stops, most parking lots don't have them. He said it would be an open parking lot but, it would be curved so the stormwater is controlled in the pond. He voiced the only real variance is the trees and they would comply with that on the Final Construction Plans.

Mrs. Forehand asked if the variance only covered the trees, would they consider the rest of their request.

Commissioner VanLandingham voiced the need for the changes with the variance and the need to be demonstrated on the plan.

Commissioner Ganus inquired could a Development Order be issued to start with the construction on all of this prior to all these items being cleared to their satisfaction.

Ms. Jeglie stated the Board has to approve the Site Plan.

Commissioner Ganus said they need to entertain a motion to table this item.

Mrs. Forehand asked what was happening.

Commissioner Ganus explained that she had not met all the requirements for the development that they were attempting to do.

Mr. Pujol said their understanding is this was only for approval of the Site Plan in general. He said he thought the specifics would come in the next phase of the construction documents to demonstrate compliance with the rules.

Ms. Jeglie said they did have a pre-application meeting with Mr. Begue and Mrs. Forehand. The process is a Site Plan it comes to the Planning Commission who makes the recommendation and then the Board who is the approving body. There are certain things shown on the site plan at the time it is signed off and it could be a couple of different ways. Typically the way you see it we recommend approval, approval with conditions or denial. After approval it moves forward to the BOCC and then they act on it.

Commissioner Ganus asked would they see this again if they approve this tonight with the conditions on the variance.

Ms. Jeglie said with the Variance you could, but the Site Plan would not be heard again before the Commission.

Mr. Pujol stated the changes they are making would be very limited. He said if they know the Site Plan is acceptable with these conditions they can move forward with the final documents. They are up against a time constraint in trying to get it completed and ready to go by August 1st.

Commissioner Bridges – Bright offered a motion for approval as long as conditions are met that they take care of variance, make adjustments from C2 – D1. It was seconded by Commissioner VanLandingham.

Commissioner Ganus asked how many trees they are looking at in the variance.

Mr. Pujol said 6 trees to be removed definitely; other 3 trees are technical removals and may not have to be removed.

Chair Davis interjected and said they are only discussing items C2 – D1, they would come back with the variance.

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER VANLANDINGHAM, THE COMMISSION VOTED 5 – 4, FOR APPROVAL AS LONG AS CONDITIONS ARE MET THAT THEY TAKE CARE OF THE VARIANCE, MAKE ADJUSTMENTS FROM C2 – 5 AND D1. (Commissioner’s Rowan, Tranchand, Allen and Ganus opposed the motion. The motion passed).

Chair Davis expressed pleasure in seeing them again with the variance issues.

7. PUBLIC COMMENTS

There were no additional public comments.

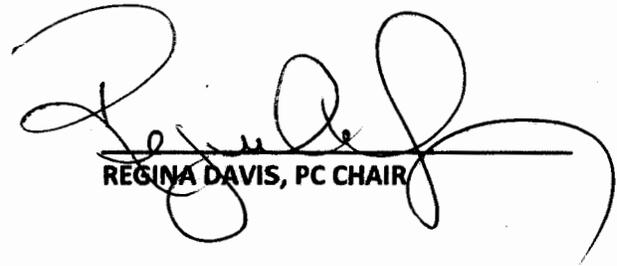
8. DIRECTOR’S COMMENTS

There were no additional Director’s comments.

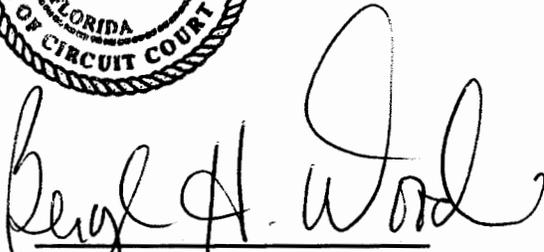
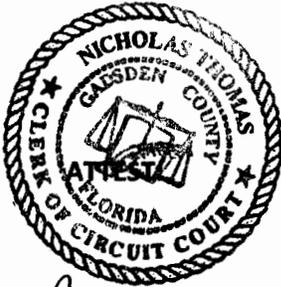
9. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 6:37 P.M.**

GADSDEN COUNTY, FLORIDA



REGINA DAVIS, PC CHAIR



**BERYL H. WOOD, DEPUTY CLERK
For NICHOLAS THOMAS, CLERK
Gadsden County, Florida**