GADSDEN COUNTY PLANNING COMMISSION
MEETING MINUTES

Thursday, April 14, 2016
6:00 p.m.

Board of County Commissioners Chambers
7 East Jefferson Street
Quincy, Florida 32351

Present:

Commissioner Regina Davis, At - Large Member, Chair
Commissioner William Chukes
Commissioner Dr. Gail Bridges – Bright
Commissioner Doug Nunamaker
Commissioner Edward J. Dixon
Commissioner Marion Lasley
Commissioner Roger Milton, School Board Representative
David Weiss, County Attorney
Allara Gutcher, Planning & Community Development Director
Beryl H. Wood, Deputy Clerk

Absent:

Commissioner Gerald McSwain
Commissioner Frank Rowan
Commissioner Lori Bouie
Commissioner John Youmans
Commissioner David Tranchand
Jill Jeglie, Principal Planner II
Willie Brown, Principal Planner

1. **PLEDGE OF ALLEGIANCE**

Chair Davis called the meeting to order at 6:00 p.m. with a quorum present. She then led in the pledge of allegiance to the US Flag and asked each person to silence their electronic devices for the duration of the meeting.

2. **ROLL CALL**

Each member present stated his name and district for which he represents.

3. **APPROVAL OF THE AGENDA**

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER MILTON, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE AGENDA.

4. **APPROVAL OF MINUTES – *February 11, 2016***

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 6– 1, BY VOICE VOTE, FOR APRPOVAL OF THE FEBRUARY 11, 2016.

Commissioner Lasley opposed minutes due to her not being present and the information she had given to staff to be considered was presented as Attachment 5, but not included in the minutes because they were not presented for discussion.

PUBLIC HEARINGS

5. **PUBLIC HEARING (Legislative) (LDR 2016-02) - Consideration of amendments to Chapter 2, Definitions and Interpretations, and Chapter 6, Subdivision of Land of the Land Development Code. [*POSTPONED*]**

6. **PUBLIC HEARING (Legislative) (LDR 2016-03) - Consideration of amendments to Chapter 1, Administration and Enforcement and Chapter 7, Development Orders, Development Permit and Development Agreements of the Land Development Code.**

Statement of Issue

This hearing is required to offer a recommendation to the BOCC for the amendment of Chapter 1 and Chapter 7 of the Land Development Code as to the consistency of said amendments to the Comprehensive Plan.

Background

As the Planning Division has been working on updates to the Land Development Code to not only be consistent with the Comprehensive Plan, but to update procedures and regulations to current standards and Florida law, and to have a more clearly concise document.

Director's Introduction

Mrs. Gutcher noted this proposal was to amend certain chapters of the Land Development Regulations for more clarity, reorganization and to amend some of the things with the previous strike through and previous versions last fall. The biggest change of the segment in the re-write is that they are moving the Citizen's Growth Management and Planning Bill of Rights from Chapter 7 to Chapter 1. Chapter 7 deals with development orders and permits and Chapter 1 is the Administration and Enforcement. Chapter 1 is where we located the procedure and how it is perceived when you have a variance or development order, legislative hearing or quasi- judicial hearing. This is the more appropriate location of that procedure, where it doesn't necessary apply to a development order or development permit, so being housed in Chapter 7, doesn't make a whole lot of sense. It is proposed to be moved to the end of Chapter 1, section 1700.

She also noted changes in the Citizen Growth Management and Planning Bill of Rights, where they are trying to clean it up, so it's easier to understand, and has more clarity. She stated due to the addition it is red underlined, so she highlighted in yellow what was actually changed other than what was stricken through of what we are proposing to delete. She said some of the terminology was stricken such as major land development, which is not defined, we don't know what that means. We have changed that to *major development orders*, language that we do use to clarify the intent and procedure.

Commission Discussion:

Commissioner Dr. Bridges – Bright asked if they could go page by page, so the flow would be easy. She then commented on page 1 of 7 - section C; change order of sentence flow for continuity. There shall be at a minimum two public hearings to consider any legislative action. ***Any meeting required pursuant to Subsection 1700 of this Code must be completed prior to the first public hearing.*** The first public hearing shall be conducted at a meeting of the Planning Commission.

Commissioner Nunamaker asked about the 2nd public meeting. He asked was it brought up somewhere else.

Mrs. Gutcher said the 2nd public meeting would still occur, it's not deleted. It is talking about the legislative action. She said if you table something, it becomes another Planning Commission Meeting.

Chair Davis asked were there any other questions on page 1 or 2 and there were no additional comments made by the Commission.

Commissioner Dr. Bridges – Bright commented on page 3 of 7 similar situations, where continuity was an issue. There shall be at minimum of two public hearings to consider any quasi-judicial action. ***Any meeting required pursuant to Subsection 1700 of this Code must be completed prior to the first public hearing***. The first public hearing shall be conducted at a meeting of the Planning Commission.

Chair Davis asked for additional comments on page 3 and 4 of 7 and there were no additional comments.

Commissioner Nunamaker commented on page 5 section 1700; after the word variances there is a period and it should be a comma or just delete the period.

Commissioner Dr. Bridges – Bright discussed page 6 of 7. She questioned the applicant being required to pay for mail outs. She recalled their previous discussions and asked did they finalize who would be paying for the mail outs.

Mrs. Gutcher said the applicant is actually required to pay for the mail outs. She said only

on the Citizen's Participation Meeting, all other meetings the County would cover.

Commissioner Lasley commented on page 6 of 7 where there is the red strike out in middle of page in Section A; starting with the sentence that reads Growth Management Department must verify that proper notification has occurred. She asked had that language been moved to somewhere else.

She also referenced in the Planning Packet there was a list of all the people who had been contacted for the Citizen's Bill of Rights.

Mrs. Gutcher said they are required to provide a listing to all mailed out for notice during the Citizen's Bill of Rights. She said after talking with Attorney Weiss, they felt this was best, if they take the sentence in part B, that starts with a community or neighborhood meeting must be held at least 30 calendar days prior. She said it should be moved to number 5 under part A. She said because that is the responsibility of the applicant. So it would state that the community meeting is required to be held.

Commissioner Lasley also stated the part about *all the issues raised* under page 6. Part A, the last section: She felt it should say any issues raised at a CBOR must be presented to staff and transmitted to the Planning Commission and BOCC.

Mrs. Gutcher said they can make that a number 6 under part A. They must have a recording of issues raised, which must be submitted to staff. She said they can then include that in the packets.

Chair Davis asked for clarification where would it be placed.

Mrs. Gutcher stated it would go under number 6, part A. She said number 5 would become the community or neighborhood meeting must be held at least 15 days prior not more than 45 days prior to the first public hearing. She reiterated number 6 would be any issues raised at the Citizen's Bill of Rights Meeting must be presented to staff.

Commissioner Dr. Bridges – Bright asked would the unresolved issues become the focus of P&Z.

Mrs. Gutcher said this was tricky, because they aren't talking about single subject; they are talking about variances, development orders, and plan amendments. If it is an unresolved issue as a quasi-judicial hearing, as long as they are meeting the letter of the law in the Code. You would have to have a justifiable reason to deny the development order.

Commissioner Lasley commented whenever Citizens get together, they want their voice heard about the project.

Mrs. Gutcher said whatever is presented at the meetings must be presented to staff in a written report.

Attorney Weiss cautioned you shouldn't start adding things that don't have to do with notice, it would be awkward. He said A dealt with the notification requirements. He suggested under A it speaks of the notification requirements. Mandated Citizen Participation Meeting Applicant (s) must hold a citizen participation meeting. At least 15 days. He said he was unsure if there was a consensus reached on it. He said adding that there helps with not adding a number 5. He said on other issues raised, you may not want to say it, because it may not be relevant.

Commissioner Lasley suggested maybe they should use language if applicable should be used, if they aren't relevant to the project.

Attorney Weiss concurred, he agreed. He said all issues should be included, but was not in favor of making them the focus of the discussion.

Commissioner Dixon discussed on the political public position, people may have the right to do something, but it doesn't mean it will fly. "I've seen many businesses that have the right to exist and never made it pass the BOCC because it was a public outcry. Whatever, the issues are his position was to continue to bring them forward and let Planning Commission and BOCC figure out what is relevant."

Chair Davis said after careful consideration from staff section A needs to be modified and 15 days to be added to the first sentence as stated by the Attorney. Add section 6 that relates to transmittal and that it is brought back at the next meeting.

Commissioner Dr. Bridges -Bright commented on page 7 dealing with the Super Majority section D. When I read "Super Majority" All Comprehensive Plan Future Land Use Map Amendments, there is something that doesn't make sense.

Mrs. Gutcher then read for clarity.

Commissioner Dr. Bridges – Bright asked for clarification are they still doing the super-majority vote and Planning Commission has no voice on that.

Mrs. Gutcher said yes you do, you are a recommending body to the BOCC.

Commissioner Dr. Bridges – Bright recommended that they not have a supermajority vote.

Commissioner Lasley asked is the information in the Citizen's Growth Management Plan Bill of Rights apart of the Comprehensive Plan or Development Code.

Mrs. Gutcher said it was a part of the Land Development Code.

Chair Davis asked was there any other comments.

Commissioner Lasley said she was in favor of retaining supermajority as written.

Commissioner Dixon said it creates unnecessary burden and agreed with Commissioner Dr. Bridges –Bright.

Chair Davis asked for a vote from the Commission on the supermajority.

She asked those that were in favor of retaining the language show by the raising of their hands. Commissioner Lasley was the only person to raise her hand. All other Commissioner's Dixon, Milton, Bright, Nunamaker and Chukes chose to have the language removed.

Commissioner Lasley said she was in favor of sound planning.

Commissioner Dixon spoke of the difficulty of passing a super – majority vote.

Chair Davis asked after further discussion, that the vote on super-majority be done again and it remained the same 6- 1 with Commissioner Lasley opposing.

Commissioner Lasley commented on page 7: F & G, she mentioned it was struck entirely. She asked was it rephrased somewhere else.

Mrs. Gutcher said it was struck entirely. She said "G" had not occurred. She said she was not sure what it was about and not sure if it was completed. The Urban Service Boundary around the City for County means what; we don't offer water, sewer or solid waste. Usually that means higher density in urban service boundaries because you can provide the services.

She commented on "F" No Free Density. She said on rural and agricultural land. She said she felt they would want to promote that kind of development but not require it to be a restriction.

Commissioner Dixon commented how they we used urban service to get around the Comprehensive Plan when he served on the BOCC, because cities couldn't grow and we needed to help them grow.

Commissioner Lasley spoke on high density or residential community.

Attorney Weiss suggested he could read his revision made on page 6, section A: Mandated Citizen Participation Plan Meeting Applicant (s) must hold a citizen

participation meeting, at least 15 days, but not more than 45 days, prior to the initial public hearing. Issues raised at the Citizen's Participation Meeting will be reported to the Planning Division and transmitted to the Planning Commission and or County Commissioners at the subsequent Public Hearings.

He then went to number 4 and spoke of the stricken language to add back the first full sentence. The Growth Management Department must verify that proper notification has occurred. He said it could be a standalone statement after number 4.

He then visited B in Neighborhood Participation. He said in the sentence which reads: A community or neighborhood meeting must be held at least 30 calendar days. He said strike the whole thing because they have moved that portion up to A.

Commissioner Milton thanked the Attorney for his comments, however he asked that the Attorney forward the information to the Director, so she would have the time to put it together and bring back to us as requested.

Mrs. Gutcher discussed the changes made to 7001. 1 on page 1 of 9 has been moved to Chapter 1. Subsection 7002 on page 2 of 9, is clearing up certain language to make it clearer to understand.

Chair Davis asked for questions.

Commissioner Lasley asked why B 1-3 was deleted in section 7002.

Mrs. Gutcher said this is talking about when a development order is issued and what conditions they are issued under. She said there was really not a condition; they will issue development orders for anyone in the County. It is unnecessary information. I didn't understand, it makes no sense.

Attorney Weiss stated it was irrelevant, not necessary language.

Chair Davis then moved to page 3 of 9.

Commissioner Lasley questioned page 3 of 9 where it discussed in Exemptions - duplex, triplex, quadraplex. She said she was not in favor of addition.

Mrs. Gutcher said you can have a duplex on one parcel and it is rented out as two separate units. The exemption does not allow for anything exceeding 5000 square feet in impervious area.

Commissioner Lasley said let's be more specific. She asked what the application was.

Mrs. Gutcher commented urban or rural residential.

Commissioner Lasley said she didn't have a problem with single families being exempted from the development order. I would have to go through the application and see what that would mean for each of them knowing that they are going to be rental units.

Mrs. Gutcher said they can't consider whether it's a rental, only structure.

Commissioner Lasley said, "if you write this into the Code, you are allowing this kind of thing to happen next to people that have bought into a single family neighborhood." She said it would impact them and their property values, because the neighborhood would change.

Chair Davis asked did any other Commissioner's have any comments on B 1 and there were no additional comments. She said Commissioner Lasley has put on the record her concerns. She then took a vote. She asked all that was in favor of adding the duplex, triplex, and quadraplex to the language.

Commissioner Nunamaker said he would like to see examples from Commissioner Lasley of how this would impact certain areas.

Chair Davis asked Mrs. Lasley if she could provide them to staff.

Commissioner Lasley replied that she would like for you to take each land use and tell me where they would be applicable.

Mrs. Gutcher replied in the urban area where you can have up to five units per acre, you can have a quadraplex on one acre.

Commissioner Nunamaker stated that you can't put in rural residential a quadraplex on one acre.

Mrs. Gutcher said he was correct. She noted you have to consider the lot size requirements as well. "I think you feasibly would not want to put a quadraplex in agricultural land, because of the lot size requirements. The units are showing common law. It's not an ownership rental issue, its structure that we have to regulate. We have to regulate structure, not ownership."

Commissioner Lasley discussed the low income housing regulations that allow for bonus densities. She would like to know how they will fit in. Where can they all be placed, duplex, triplex and quadraplex and the various land use categories, what the minimum lot size is, what low income housing densities would do to allow these uses and what happens when you have water and sewer and what happens when you have no water and no sewer.

Chair Davis asked staff was this something they could bring back next meeting.

Mrs. Gutcher said that it was a tall order and she was unsure of all that she is asking.

Commissioner Dixon commented on characterization of low income housing. He said they are talking structural. "I don't see an apartment complex and see low income housing." There are plenty of neighborhoods with mixed use housing that are not run down. When we make these type characterizations we do an injustice to Planning.

Commissioner Lasley said that is a term that is used in the Land Development Code made in the Comprehensive Plan and has legal status. "It does enable extra densities on land. It's a reality of our Code. I'm not bringing up anything, I'm not knocking anybody, it's a reality of things that happen and it needs to be addressed, you don't need to sweep it under the table."

Commissioner Nunamaker said his concern was not so much the quality of the housing, but with the density. He asked how it would affect the neighborhood.

Mrs. Gutcher said there was no policy in the Plan today that gives by right, density bonuses to affordable housing. It says this County shall consider it.

Chair Davis said let's get back to the exemptions and the density as it relates to single family duplex, triplex, and quadraplex. It's my understanding that you would still like to see what each of those would look like in each of those areas.

Commissioner Nunamaker said he felt it should be looked at.

Chari Davis asked staff if they could do that.

Mrs. Gutcher said you would like for me to layout what a duplex, would look like in rural residential if it had water and sewer available to it. She said it would be split down the middle and there would be a half-acre on each side.

Commissioner Nunamaker said he would back off his request.

Chair Davis returned to her original question was the Commission in favor of keeping the language as it is posed in *B1. Single-family, duplex, triplex, and quadraplex dwellings not exceeding 5,000 square feet in impervious area*: She asked for shows of hands that are not in favor of the language and Commissioner Lasley was the only Commissioner who opposed. Commissioner's Davis, Dixon, Bridges –Bright, Nunamaker, Milton and Chukes were in favor.

It was noted that the majority of the Commission was in favor of the language as is.

Chair Davis moved on to pages 4 and 5 of 9. There were no additional comments. They moved to page 6 of 9.

Commissioner Dr. Bridges – Bright questioned the grammar in F of page 6 of 9. Where it stated *action* it should read *actions* and *offset forth in* should read *set forth in*.

Mrs. Gutcher said that was correct.

Commissioner Lasley commented in 7401 A, but later determined it was ok as it was read.

Mrs. Gutcher noted per the Attorney and her discussion in Subsection 7401 *Purpose* was changed to *Procedure*.

Chair Davis then moved to page 7 of 9 and there was no comment. She then moved to page 8 of 9.

Commissioner Lasley commented on C - Right of Way Placement Permit and D – Other Permits, why were they stricken.

Mrs. Gutcher said that is a statement of law. "It is what's required. You have to comply with federal and state permits."

Commissioner Lasley then commented on F, why was it deleted entirely. She asked did Type 1 Review Projects get a Development Order.

Mrs. Gutcher replied they do administratively. She said it was removed because what is a subsidiary development. She said she was unaware of what it was. I don't know what the intent is.

Commissioner Lasley commented in D, the deletion of permits for signs, pools.

Mrs. Gutcher said there is a building permit for a sign, so it is a building permit. We are still requiring applications for building permits and other installations. A sign permit is a building permit. When they have to get a structural permit or electrical permit.

Commissioner Lasley also commented in F and J.

Mrs. Gutcher said this isn't going to go away from the Code, it's just not in the right spot, and it will be relocated. It will be placed in the portion that talks about protective trees.

Chair Davis then moved to page 9 of 9.

Commissioner Dr. Bridges – Bright in 7701: Where it reads A development agreement

may not be written to delegate the Board of County Commissioners' power to reclassify a land use category for any parcel or rezone any parcel at a future time. She said when she read it; it said to her you can't delay what you are going to classify something as.

Mrs. Gutcher said no, what it is saying is that you can't require a future Commission to make a decision on a land use change in this agreement. "You can't say in 2020 that Commission is going to change this land use to commercial."

Commissioner Lasley commented on Subsection 7704 public notice and hearing requirements where A – D have been deleted. She voiced she was not in favor of doing away with public notice and hearing requirements.

Mrs. Gutcher said it was at the request of the Attorney.

Attorney Weiss said it refers back to Subsection 1304 Public Notice and Hearing Requirements, because it is a quasi-judicial action, you might as well follow the same procedure. It was redundant and there was no need for it to be referenced.

Chair Davis said there was one change that staff would come back on; they can wait for that to happen or approve other changes as discussed. She asked the will of the Commission. She then asked for public comment and there was none.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 6 - 1, BY VOICE VOTE, TO APPROVE WITH THE CHANGES DISCUSSED ABOVE. (Commissioner Lasley opposed the motion.)

7. **PUBLIC HEARING (Legislative) (LSA-2016-02) - Consideration of text amendments to Policy 1.1.1G and Policy 1.1.1.H of the Future Land Use Element of the Gadsden County Comprehensive Plan to allow solar power generating facilities in the Agriculture 2 and Agriculture 3 Future Land Use categories.**

Mrs. Gutcher said this is an amendment to the Future Land Use Element and the allowable uses in the Agricultural 2 and the Agricultural 3 Future Land Use Categories. As you may recall earlier this year we were reviewing the Solar Power portion of the Code to allow Solar Power Generating Facilities in those two categories. She said that has not gone to the County Commission yet, because it's not an allowable use in the Comprehensive Plan Future Land Use Category. This provision will put that in there to be allowable and at such time when this is adopted by the Ordinance that will be put to the County Commission the Code Section on Solar Power Generating Facilities. This provision will make it allowable and make it consistent with the Comprehensive Plan before moving to BOCC.

Chair Davis discussed the new language added: In G. Agriculture -2: 1)*; and,* 2) *Solar energy production facilities are an allowable use on parcels ten (10) acres or greater in*

size. H. Agriculture -3: 1)*; and, 2) Solar energy production facilities are an allowable use on parcels twenty (20) acres or greater in size.*

Chair Davis called for public comment and there was no public comment.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND COMMISSIONER DIXON, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO APPROVE OPTION 1: RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS TRANSMIT THE PROPOSED AMENDMENTS TO THE FUTURE LAND USE ELEMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW.

GENERAL BUSINESS

8. **PLANNING COMMISSIONER QUESTIONS AND COMMENTS**

There were no additional comments from the Commission.

9. **DIRECTOR & ATTORNEY COMMENTS**

There were no additional comments from the Director or the Attorney.

10. **ADJOURNMENT OF MEETING**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 7:27 P.M.

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

ATTEST:

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