GADSDEN COUNTY PLANNING COMMISSION
MEETING MINUTES

Thursday, June 16, 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 John Youmans
Commissioner Dr. Gail Bridges – Bright
Commissioner Doug Nunamaker
Commissioner Frank Rowan
Commissioner Marion Lasley
Allara Gutcher, Planning & Community Development Director
Jill Jeglie, Principal Planner II
David Weiss, County Attorney
Beryl H. Wood, Deputy Clerk

Absent: **Commissioner Gerald McSwain**
Commissioner David Tranchand
Commissioner Edward J. Dixon
Commissioner Lori Bouie
Commissioner Roger Milton, School Board Representative

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. INTRODUCTION OF MEMBERS/ROLL CALL

Each member present stated their name and district for which they represent.

3. APPROVAL OF THE AGENDA

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

4. **APPROVAL OF MINUTES – APRIL 14, 2016/MAY 12, 2016**

April 14, 2016

UPON MOTION BY COMMISSIONER DR. BRIDGES-BRIGHT AND SECOND BY COMMISSIONER CHUKES, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE APRIL 14, 2016 MINUTES.

May 12, 2016

Commissioner Lasley commented on page 7 the word ***not*** should be added before suppose.

UPON MOTION BY COMMISSIONER CHUKES AND SECOND BY COMMISSIONER YOUMAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE MAY 12, 2016 MINUTES WITH THE NECESSARY CORRECTIONS.

5. **DISCLOSURES AND DECLARATIONS OF CONFLICT – N/A**
There were no disclosures or declarations of conflict to report.

PUBLIC HEARINGS

6. **PUBLIC HEARING (Legislative) (SSA-2016-03) – Consideration of a Small Scale Map Amendment to change the Future Land Use category from Rural Residential to the Commercial Future Land Use category for a one acre parcel located at 5414 Sycamore Road, Tax Parcel ID#3-12-2N-6W-0000-003300-0100.**
Mrs. Gutcher stated this application has been placed by Connie and Homer Hostetter owners of the property. She gave an overview of the agenda item. She commented they are leasing the property from Mrs. Reem S. Am. It is approximately 1 acre and it is located at 5414 Sycamore Road. The current use of the property is commercial. The current use has been cited as a nonconforming use and is being used as a wrecker service and impound lot. The property contains no wetlands according to the National Wetlands Inventory Map and is outside the flood zone area. Access to this property is via Sycamore Road via an access easement which connects the parcel to the road right-of-way. In the past the site historically contained a convenience/grocery store as a Neighborhood Commercial use, in the Rural Residential Future Land Use category. This use was allowable by right until the 2015 update of the Future Land Use Element. Mr. Hostetter came into operation at this site before the plan update and was informed he could use as an office, but not with the storage of vehicles on site, and was subsequently cited by Code Enforcement for the storage of vehicles. They have completed an analysis on the transportation and traffic impact and find that it a de minimus exception. She said the existing land use pattern surrounding the property is designated Rural Residential Future Land Use Category.

Chair Davis called for public comment.

Public Comment

- **Allen Parrott, 100 Winding Creek Rd,** spoke not in favor of this Small Scale Map Amendment. He wanted the Commission to know that Michael Douglas Meagher was not a land owner in the area.
- **Michael Douglas Meagher, 5912 Sycamore Road**, said the land is not in his name, it's in his mother's name and he has had no problems with the land. He said he felt the Rising Sons & Company is an asset to the community.
- **Debra Chatham, 6277 Flat Creek Rd**, commented that she owned the property that is next door and complained about the smell and pollution of gasoline. She referenced Ordinance 15-001.
- **Louis Tesar, 788 Winding Creek Rd,** referenced an existing ravine with springheads. Mentioned oil and gas spills, pollution. He said he was not in favor, inappropriate use.
- **Thomas Penne,** spoke of natural resources not being polluted (water). He said he was not in favor.
- **Mark McClellan, 109 Old Church Road,** expressed he was not in favor. They should not be able to circumvent the law.
- **Tom Stratton,** neighbor, not in favor, they have no regard for regulation.
- **Mary Dixon, 207 Winding Creek Rd,** spoke not being in favor and would love to keep the water quality as is.
- **Allen Parrott, 100 Winding Creek Rd,** not in favor of junkyard in neighborhood. Biggest concern is quality of life for family. He referenced 2 letters from David and Diane Arnold.
- **Morgan Markham, 5239 Sycamore Rd,** resident of Sycamore, said he was not in favor. He asked was there any kind of study to find out if there are any chemicals placed in the aquifer.
- **Patricia Scott, 250 Winding Creek Road**, not in favor, the water aquifer is not that deep.

Commission took break at 6:47 pm and started back at 6:51 pm.

- **Michael Dorian, 145 Alligator Run,** said he was not in favor, glad to see citizens stand for their rights.
- **Connie & Homer Hostetter, 7185 Sycamore Rd,** applicant spoke of miscommunication. There is no pollution. She said the salvage is licensed and removes all the fluid. It is not a junkyard, they don't sell vehicles. They tow for insurance companies, law enforcement, etc. and explained the process. We would like to continue to operate as a commercial business. We are making improvements. We understood it was commercial property, was unaware of the difference in commercial and neighborhood commercial.

Mrs. Hostetter said there were some structural repairs needed.

Commissioner Dr. Bridges -Bright, asked why 1 acre and not the entire 10 acre tract of property. What happens to overflow?

Mr. Hostetter said he thought the property was commercial.

Commissioner Youman asked about the people that were in favor versus people not in favor and were they all notified.

Mr. Hostetter stated they sent letters to people in ½ mile radius. "We are not a junkyard."

Commissioner Chukes mentioned the letter from Judge Parsons.

Commissioner Nunamaker made it known that he knows the Hostetter's and most of the citizens that have spoken. He said he would like to recuse himself. Then he asked how many cars were crushed?

Mr. Hostetter said 40 cars were crushed in April.

Attorney Weiss spoke on Commissioner Nunamaker's request to abstain from voting. He said as a respect to conflict of interest, there is none. He said under statute you are required to vote.

Commissioner Dr. Bridges - Bright asked did Mrs. Gutcher have any information on the cease and decease order.

Mrs. Gutcher said she had limited knowledge but, the Judge did order them to go through process which they are doing.

Commissioner Lasley stated there are several problems with the application. She said there where existing neighborhoods, application is incomplete and not compatible.

UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, RECOMMENDING THAT THE BOCC NOT ADOPT THE FUTURE LAND USE MAP AMENDMENT (SSA-2016-03) AS DRAFTED OR AMENDED FOR RISING SONS & COMPANY.

Commissioner Nunamaker asked about abstaining his vote.

Attorney Weiss said by law you are required to vote, if you have a conflict of interest then you may abstain.

Commissioner Lasley asked if he was allowed to recuse himself.

Attorney Weiss said you could have still voted.

7. **PUBLIC HEARING (Legislative) (SSA-2016-02) – Consideration of an amendment to change the Future Land Use category from Conservation to Recreation on the Future Land Use Map for thirteen (13) acres located at the south end of Hopkins Landing Road as described by Tax Parcel ID's #6-09-1S-4W-0000-00121-0400 and 6-04-1S-4W-0000-00230-0100 (in part).**

Mrs. Gutcher gave an overview. On December 15, 2015, the Gadsden County Board of County Commissioners voted to enter into a lease agreement with the Florida Forest Service, which manages the land on behalf of the Department of Agriculture and Consumer Services, for thirteen (13) acres immediately north of the existing Pat Thomas Park on Hopkins Landing Road. The management plan accompanying the lease is to expand the current park facilities north onto this property. Facilities will include RV and tent camping, restroom facilities, grilling accommodations, two lake docks and walking trails. It is currently designated as Conservation on the Future Land Use Map and is currently vacant. It is owned by the State and under lease agreement by the County through the Forest Service from the Department of Agriculture. She referenced the map in the packet which shows the wetland line, the approximate flood zones, which is pretty consistent with the water body, it is parallel.

- Jeff DuBree, 3108 Cooks Landing Rd, spoke in favor, talked about the closeness of proximity to the residential properties next to it. He pointed out his concerns are with the RV Park and not enough buffering.

Commissioner Lasley asked were the affected landowners notified in the area.

Mrs. Gutcher said yes they were.

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER DR. BRIDGES - BRIGHT, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO RECOMMEND THAT THE BOCC ADOPT THE FUTURE LAND USE MAP AMENDMENT AS DRAFTED OR AMENDED AND SUBMIT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY, AS REQUIRED.

8. **PUBLIC HEARING (Legislative) (LDR 2016-06) – Consideration of amendments to Subsection 5609, Clear view of intersecting public right-of-ways and driveway, Subsection 57106, F, Clear Vision Zone, and Subsection 2102, Definitions, Specifically, of the Land Development Code.** Jill Jeglie gave an overview. She said this was brought to the Commission's attention at the last meeting. She said in the packets is the proposed ordinance to address what we had identified at that time. It was an issue with our clear sight distance triangle. Consideration of amendments to Subsections 2102, Definitions, 5609, Clear View of intersection public rights – of – way and driveway, and Subsection 5706.F, Clear Vision Zone, of the Gadsden County Land Development

Code. The two issues: Can't find that there are any traffic engineer standards. The second is fairly arbitrary and has a setback for driveways and local road ways for 100 feet, and 160 feet for collector roadways and 300 feet for arterial roads. That particular triangle doesn't take into account the speed of the road way and other engineering factors. At that time we suggested that the County consider adopting the standards in the Florida Department of Transportation Index #546. In the packet she referenced the current standard and it provided the State Standard and revisions. In the packet under the actual amendments to the Ordinance we have the addition of a new definition for clear sight triangles. She said what it doesn't show is where we wanted to strike out the existing definition of sight triangle and replace it.

Background:

The County's 'Clear view of intersecting public right-of-way regulations' have been in effect since 1996 and have not been updated. It is unclear what the source was for the County's clear vision zone regulations. The definition and terminology used to describe the area necessary for clear sight distance at intersection varies by districts. It is proposed that the County Code refer to this area as a clear sight triangle or clear vision zone. Planning staff is recommending that the LDC be amended to be consistent with and incorporate by reference the Florida Department of Transportation (FDOT) Manual of Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (MUTCD) (Florida Greenbook) for site distance at intersection design standards and specifically reference Index #546, Sight Distance at Intersections.

Clear sight triangles are required to insure that vehicles entering roadways are able to see oncoming vehicles and that oncoming vehicle on roadways are able to see vehicles entering the roadway at intersections through an area that remains clear of obstruction. The clear sight triangle is created by connecting points away from the intersection forming an unobstructed triangle or corridor.

Chair Davis called for public comment and there was none.

Commissioner Lasley complimented the pictures and graphs, they were wonderful examples. She asked was there language in there for Gadsden County to do the safe thing. To make sure that additional view is protected to make sure the curve or the hill or whatever involved creates a special circumstance that doesn't fit.

Ms. Jeglie said they meet FDOT standards under the minimum standards. It would be very difficult for the County without a traffic engineer to apply other standards.

Attorney Weiss said FDOT is the uniform standards that apply. FDOT standards basically say you need to use this for all roads that are going to be a part of the County road system. "You are covered with this, for your concerns. FDOT standards will govern and will protect the County." He mentioned under the proposed revisions there is Section 5700 Signs (public hearing) 5706 f is

the only one revised, with this particular item. He said his recommendation was to strike all 5700 signs all the way down for consistency.

Commissioner Nunamaker asked about adopting the new FDOT standards into the Code. He asked was this only for new construction. How would it affect current intersections?

Ms. Jeglie said it would be for new development.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISISONER ROWAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FIND THAT THE AMENDMENTS TO THE LAND DEVELOPMENT CODE ARE CONSISITENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN, AND RECOMMEND THAT THE BOCC ADOPT THE CHANGES TO SUBSECTION 2102, 5609 AND 5706.F OF THE LAND DEVELOPMENT CODE. THEY ALSO STATED THAT ALL OF 5700 SHOULD BE STRUCK.

9. **PUBLIC HEARING (Legislative) (LDR 2016-05) – Consideration of amendments to Section 5700 Signs and Subsection 2102, Definitions, Specifically of the Land Development Code.**

Ms. Jeglie gave overview. The amendment to this section deals with the Supreme Court Ruling regarding content based signage. We have dealt with clear sight triangle regulations in the previous discussion. The animated sign prohibition and the bill board sign prohibition are issues to be discussed. At the last meeting there was direction to address content based animated signs, however there was no direction. There was no direction to make changes to the bill board prohibition. However, provided in the attachments to the Code in addition to the proposed amendments, Consideration of amendments to Subsection 2102, Definitions, Specifically, and Section 5700, Signs, of the Gadsden County Land Development Code (LDC).

Background:

On April 19, 2016 the Board of County Commissioners (BOCC) held a workshop to discuss the County sign regulations. The Planning & Community Development Department was directed to bring the sign regulations to the Planning Commission which was apprised of the BOCC's direction and the County sign regulations were discussed.

Ms. Jeglie discussed comments she wanted to add that the attorney suggested that she wasn't able to get in. The first addition was the definition to a sign on non–commercial to be a temporary sign advertising related to an election or onetime event. In addition added to page 3.

A definition on a sign on a wall mural to be deleted: ***As defined by Section 479.01 (28) Florida Statute***s with all the rest remaining the same. It would start with **a sign**. That has to do with a definition that was adopted in the Florida Statutes.

Delete definition of a sign political. It would be replaced with the non-commercial definition.

An additional change noted under sign, electronic message board: ***See also animated*** to be struck.

Commissioner Lasley inquired about the wall sign, the mural.

Ms. Jeglie said to remove the very first portion of the definition. She reiterated what she had previously read.

As they continued, Ms. Jeglie said those where the only changes proposed for the definitions. She called for discussion.

Commissioner Lasley commented on the billboard signs definitions. "You mentioned a commercial message, is a billboard, can it be a public service, non-profit also."

Ms. Jeglie said they are deleting the Signs, billboard, because it wasn't a definition, "Which states billboards aren't allowed to be placed in Gadsden County where existing signs are permitted, is being struck."

Chair Davis said it would read: Signs, Billboard: An off- premise or off-site sign that exceeds 32 square feet and advertises a business, organization, event, person, place or thing or other commercial message.

Ms. Jeglie said the other was deleted because it was a standard not a definition.

Commissioner Lasley commented on the definition for a Sign, Flashing: She said they aren't allowed in Gadsden County. She spoke on the new definition for Sign, Free Expression. She mentioned the Sign, Mansard on the bottom of page 2. She asked was it correct in stating on line 2: Any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall.

Mrs. Jeglie said she didn't revise this definition, but would look into it.

Commissioner Lasley commented on page 3, Sign, off –premise or off-site definition, includes a lot of different signs in a lot of different categories. This will apply to a sign that is 2ft by3ft to something that is a billboard.

Mrs. Jeglie said it could but not necessarily, it could be exempt and could have different standards depending on which type of sign you are looking at in Section 5700, however for the most part we have prohibited off–premise sign. Previously we didn't have a definition of what an off-premise sign can be. She said this captures a lot of those and when you go into the Code, most of those are prohibited.

Commissioner Lasley said she felt it would be beneficial to also include a definition for digital billboards and multi-vision signs, if you are going to use that language, since they aren't defined. She said she found the definition in the Leon County Code.

Mrs. Jeglie moved to Attachment #2, Chapter 5, and Development Standards: She said the first page had to do with clarifying the Administration and Enforcement. She voiced the language was outdated. She mentioned under Subsection 5701. She said language regarding content neutrality, saying that the approval or disapproval of a sign shall not be based on the content of the message contained.

Commissioner Lasley commented her problem was adding G. #7 into the purpose and intent. You listed several places into the content of the message. She said she would like to delete that because it is listed in so many other places.

Chair Davis asked the Commission were they all in agreement. There was no objection to striking Subsection G. 7.

Ms. Jeglie went to C on page 2, that went into, clarified the permitting process for signs and D is content neutrality.

Chair Davis called for additional comments and there were none.

Ms. Jeglie moved on to Subsection 5703. Exemptions, A. 1-11: The following signs are allowed without obtaining a sign permit, they are under exemptions. She said they have moved 32sqft. or less exempt to this section. She discussed the additions such as wall mural signs, free expression signs, etc.

Commissioner Lasley commented asked about the loss of revenue Gadsden County will encounter with signs being exempt from having to have a permit.

Ms. Jeglie said the majority are exempt right now from obtaining a permit.

Mrs. Gutcher clarified that this is just a Planning Review they would still have to get a building permit.

Commissioner Nunamaker asked about signs on private property not in public right- of -way. He said his concern was whether someone was running for political office and they have purchased 500 signs and they are being placed in the public right-of- way. He said he found that pretty offensive. "I don't have a problem with putting a sign in their front yard."

Attorney Weiss advised they would cover it in 5704 (d) Signs located on publicly-owned land or easements, except those displayed by or under the direction of a governing body. He said no a private citizen shouldn't be able to place a sign without permission.

Mrs. Gutcher said if they are on state right-of-ways, the state can pick them up. She said she was unsure of how the process worked and how many people they have doing it. The County right-of-way is the responsibility of Code Enforcement to monitor and as they do, they should pull up.

Attorney Weiss stated as a private citizen you can't force the County Code, but you can notify Code Enforcement who can.

Commissioner Lasley asked about the free expression signs. She asked was it discussed previously. She asked was it possible not to allow free expression signs, she they would be 2ft x 3ft max. She asked about not permitting them.

Chair Davis said the Supreme Court has ruled on this.

Attorney Weiss clarified it was a first amendment issue and whether or not you have the ability and the right under the first amendment to express yourself in the form of a sign. You can regulate it. With residential signs and free expression signs you're very limited in your regulation. It's subject to strict scrutiny, which means you have to have a compelling governmental interest and it has to be very narrowly tailored to achieving that interest. He said people have their first amendment rights.

Mrs. Gutcher conveyed you can regulate the location of the sign but, not the content.

Chair Davis asked for a show of hands for the language to be retained. Commissioner's Bright, Rowan, Chukes, Youman, Nunamaker, Davis where in favor. Commissioner Lasley opposed. The language will remain.

Ms. Jeglie commented on B. It should read Temporary Signs not Temporarily Signs.

Commissioner Lasley commented on what was struck in political signs was under A and then C. The placement of signs shall have the consent of the property owner. "I just want to make sure it is in the Code, wherever it is appropriate. She said she felt it was a good thing to keep in.

Ms. Jeglie said if a non-commercial sign has 120 days in number 2 above, but it doesn't have the consent of property owner.

Chair Davis asked the Commission their thoughts: On the placement of signs, shall have the consent of the property owners. It was struck out of section 2 (C). Commissioner Lasley has

indicated it should be included in number 2 where it states; non–commercial signs shall be erected or displayed with the consent of the property owner no earlier than 120 days.

Commissioner Dr. Bridges – Bright asked how someone would get the permission of the property owners on vacant properties. She asked who would regulate this.

Mrs. Gutcher said most Code Enforcement issues in this County are reported.

Chair Davis asked would the Commission like that language.

Consensus of the Commission was it was not necessary to add that particular language.

Commissioner Lasley commented on g) on page 5. She said the last sentence should read "within (2) days ***after*** the date of the open house".

Commissioner Dr. Bridges – Bright suggested removed ***by.*** It should be stricken.

Commissioner Nunamaker suggested in 4: It should read one grand ***opening.***

Ms. Jeglie discussed Subsection 5704 Prohibited Signs.

Chair Davis asked for comments.

Commissioner Nunamaker asked what kind of property they are referring to public or private. He said if you have private property there should be nothing to preclude you from (what?).

Mrs. Gutcher said the public property would be public parks, government buildings, schools, etc.

Attorney Weiss said everything was related to private property.

Commissioner Lasley commented on page 6, 5e obsolete signs. She questioned the intent of the statement as is rewritten: She asked why it was stricken. She said the owner should have that responsibility and use the Building Official or designee as default in case the owner does not take down the obsolete signs.

Chair Davis asked if the language is changed what should the language be.

Mrs. Gutcher said there was a little bit of an inconsistency between what the definition of an obsolete sign in Chapter 2 and this place in part e. She read obsolete signs shall be signs that can be documented. She said the definition in Chapter 2 should be stricken, because it is a non-conforming sign not an obsolete sign.

Commissioner Dr. Bridges – Bright suggested this be cleaned up and brought back to the Commission.

Chair Davis called for public comment

Michael Dorian, 145 Alligator Run, spoke not in favor of big billboards. He said the billboard band should stand." The money doesn't stay in the County and if they allow digital signs please limit the size."

UPON MOTION BY COMMISSIONER DR. BRIDGES –BRIGHT AND SECOND BY COMMISSIONER YOUMANS, THE COMMISSION VOTED 6 – 1, BY VOICE VOTE, TO ADJOURN, DUE TO THE LATENESS OF THE HOUR AND ALLOW STAFF THE OPPORTUNITY TO MAKE CHANGES. (IT WAS OPPOSED BY COMMISSIONER LASLEY).

10. **PLANNING COMMISSIONER QUESTIONS AND COMMENTS**

Due to the nature of time, the Planning Commissioner Questions and Comments were placed on hold until next month's meeting.

11. **DIRECTOR'S COMMENTS**

The same occurred with the Director's comments.

- Next meeting is scheduled for Thursday, July 14, 2016 at 6:00pm.

ADJOURNMENT OF MEETING

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 8:35 P.M.

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, PC CHAIR

DRAFT

NICHOLAS THOMAS GADSDEN COUNTY CLERK OF CIRCUIT COURT FLORIDA ATTEST

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