GADSDEN COUNTY PLANNING COMMISSION
MEETING MINUTES

Thursday, May 12, 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 Lori Bouie
Commissioner David Tranchand
Commissioner Doug Nunamaker
Commissioner Frank Rowan
Commissioner Marion Lasley
Commissioner Roger Milton, School Board Representative
Allara Gutcher, Planning & Community Development Director
Jill Jeglie, Principal Planner II
Beryl H. Wood, Deputy Clerk

Absent: **Commissioner Gerald McSwain**
Commissioner Dr. Gail Bridges – Bright
Commissioner John Youmans
Commissioner Edward J. Dixon
Willie Brown, Principal Planner
David Weiss, County Attorney

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 his name and district for which he represents.

3. **APPROVAL OF THE AGENDA**

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

4. **APPROVAL OF MINUTES – APRIL 14, 2016 (NO MINUTES WERE AVAILABLE)**

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

PUBLIC HEARINGS

6. **PUBLIC HEARING (Legislative) (LDR2016-04) – Consideration of amendments to Chapter 1, Administration and Enforcement 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 of the Land Development Code as to the consistency of said amendments to the Comprehensive Plan (Chapter 7 changes were voted on at the April 14 hearings).

Director's Discussion
Mrs. Gutcher said this is a continuation from last month's meeting where they were discussing changes to Chapter 1 & 5 of the Land Development Regulations and moving the Citizen's Bill of Rights from Chapter 7 to Chapter 1. The document is as you voted on it last month with exception to section 1700 page 5 of 7, part A. "mandated citizen participation meeting", where the language was changed at the top of page 6.

Planning Commission Discussion
Commissioner Lasley commented on the top of page 7, "cooling off period". It cannot be changed in 7 days prior to the Board of County Commission adoption hearing. She said that doesn't seem right they shouldn't be able to change it, once it is presented to the Planning Board. She also inquired how you would notice people to let them know changes had been made. She said the timing didn't seem right.

Ms. Gutcher said the BOCC has the final authority. The Planning Commission is recommended body.

Chair Davis said the only thing that was changed was from highlighted area. Most changes were discussed at last month's meeting.

Mrs. Gutcher said the highlights are changes to Chapter 7 that they had suggested last month . She stated when she took it from Chapter 7 and moved it to Chapter 1 it created a whole additional text. "In order for you to know the difference between what existed and what is changed from the existing language. I highlighted the yellow language and the red is struck through. The only portion that you forwarded from the last meeting was part a, section 1700. In reference to Commissioner Lasley's concern with the 7 days that has been written in the Ordinance since it was created in 2010."

Commissioner Lasley said her question was after the Planning Meeting and all other meetings that have been held, including hearings where 7 days before the BOCC hears it. It will allow someone to come and make changes and present to the Board of County Commissioners a completely different document that was presented to Planning Commission and the public.

Mrs. Gutcher responded that it was not illegal to change an application or request, because the Planning Commission is a recommending body to the County Commission.

Commissioner Bouie asked if there was a need for a change or was Commissioner Lasley questioning the time change.

Commissioner Lasley said there was no time frame for public notice if changes are made. It allows the applicant a chance to make changes that haven't been discussed to the Planning Board.

Commissioner Bouie questioned if by adding language that suggests they bring the changes back to the Planning Commission would that eliminate the concerns brought forth by Commissioner Lasley.

Commissioner Lasley responded yes.

Mrs. Gutcher suggested they use the language: "7 days prior to Planning Commission Hearing".

Commissioner Lasley said that would suffice. She said that was the way it read in the beginning. She said "for Future Land Use Amendments, Development Orders, Variance or Special Exception", once they submit an application and go through the proper procedures and they can't change their application, we can recommend to the Board, but the application has not changed.

Commissioner Bouie suggested adding the language that it be reviewed by the Planning Commission before it is passed on. She asked Mrs. Gutcher to give them the right language to satisfy Commissioner Lasley's request.

Mrs. Gutcher's responded that her suggestion was that you change the BOCC to the Planning Commission and strike adoption.

UPON MOTION BY COMMISSIONER BOUIE AND SECOND BY COMMISIONER TRANCHAND, THE COMMISSION VOTED 7- 0, BY VOICE VOTE, FOR APPROVAL TO CHANGE THE LANGUAGE FROM BOCC TO THE PLANNING COMMISSION AND STRIKE ADOPTION.

Chair Davis revisited section 1700, page 6 of 6 of the language at the top of the page.

Commissioner Lasley questioned page 3 on page 7. She read "a notice shall be published in at least one general circulation newspaper". At one point they were required to do all the newspapers in the County, she recalled.

Mrs. Gutcher said the notice for all the newspapers is the County's advertisement requirement, 10 days prior to Planning and BOCC Hearings. This is requirement is for the Citizen's participation meeting, for the developer or whomever.

Chair Davis said she felt the logic was if it was a citizen, them having to pay for three newspapers would be quite costly.

Commissioner Tranchand said they have been very comfortable with public notice for citizens over the years and I don't think it would be anything to prevent or to criticize an application that did not advertise in a newspaper of general circulation. He said he was comfortable with the rewrite as presented.

Chair Davis asked was the language acceptable, as it relates to Section 1700 part A page 5-7.

Commissioner Lasley inquired had the other areas of Chapter 1 been voted on.

Chair Davis recalled they had at last month's meeting.

UPON MOTION BY COMMISSIONER BOUIE AND COMMISSIONER CHUKES, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO APPROVE SECTION 1700, PART A, THAT THE LANGUAGE ADDRESSED BE APPROVED AS MENTIONED ABOVE.

Public Comment
Michael Dorian, 145 Alligator Rd., spoke on the importance of the Citizen's Bill of Rights.

7. **PUBLIC HEARING (Legislative) (LDR 2016-04) – Consideration of amendments to Chapter 5, Section 5100, Subsection 5106, Supplemental Standards for Manufactured Housing of the Land Development Code**

Statement of Issue:
This section is as presented. This hearing is required to offer a recommendation to the BOCC for the amendment of Chapter 5 (Development Standards), Section 5100 (Residential Standards), Subsection 5106 (Supplemental Standards for Manufactured Housing) Land Development Code as to the consistency of said amendments to the Comprehensive Plan and Florida Statutes.

Director's Discussion
Mrs. Gutcher stated this section pertains to a mobile home and manufactured housing of the Land Development Code. In the packet presented to the Commission she referenced attachment 2, FL Statute 320, Motor Vehicle Licenses and within that Statute you will note that there is a clause that pertains to the manufactured homes. It is a term used interchangeably with mobile homes, and prevents the local government from limiting the location of such homes based on the age. The rewrite of subsection 5106 removes the reliance on the age of the mobile home or the manufactured home and turns the regulation into more of a mobile home park development standard. She said this brings them into conformity with state statute. There are other parts of the Code in Chapter 6 that pertains to mobile home limitations based on the type of structure that we are also working on. This is the portion of the Code that speaks to the age of the unit and due to the fact the statute prevents us from restricting that, we deleted that portion. She said they have turned into more of a mobile home park review standard.

She pointed out there was some language that she would like to retain that was at the top of page 2 of 4 of this document that is inside of Subsection 5106 of the Land Development Code. The line that states mobile home park shall be located in urban service and

commercial areas. We need to retain that and change the word located to allowable, so that it reads, "mobile home parks shall be allowable in urban service areas and commercial areas". This is in the Comprehensive Plan, so this phrase just reiterates and enforces the policy in the Comprehensive Plan and Future Land Use Element, which speaks to allowable uses in Commercial and Urban Future Land Use Categories.

Planning Commission Discussion

Commissioner Tranchand commented on the statute that reads no local jurisdiction shall prohibit siting and resiting of used mobile homes based solely on the date the unit was manufactured. He commented on striking the entire section and there is other criterion about accessing mobile homes other than just the age. He said it also spoke to condition, whether it is livable and the structure element that the statute contemplates. His recommendation was that they retain some of those elements.

Mrs. Gutcher replied the Building Official was under the Growth Management Department and currently that is not the case. The Building Official is the one who permits mobile homes and manufactured homes and they also condemn property and determine whether or not it can be occupied. The Planning Department does not look at the information and it is located in the Florida Building Code.

Commissioner Lasley commented why you don't remove age language in the Code. The standard for mobile homes needs to be upgraded. Mobile homes are taxed as a vehicle and there is not much revenue, no tax base for the county.

Mrs. Gutcher said mobile and modular homes are allowable in any land use category that allows residential.

Commissioner Nunamaker commented minor subdivisions have certain restrictions when 5 lots are mobile homes and 7 lots have site built homes.

Mrs. Gutcher replied that is what it currently states, but they are amending so that a minor subdivision opposed to a major subdivision is the creation of a certain number of lots, not what type of structure goes on to the lot.

Commissioner Lasley asked about mobile home parks that are rental commercial, would they only be in Urban Service Areas and Commercial. She then mentioned in A, park standard a manufactured mobile home park is administrative review, which means a Class 1 done in your office. She asked was it 5 units or less?

Mrs. Gutcher said the density of a manufactured or mobile home park may not exceed 5 units per acre. It can only be in Commercial or Urban Service Areas. We were directed to streamline the regulations.

Commercial Lasley commented on the density. She said if it is allowed to have 5 units per acre, that's a lot of mobile homes. She discussed notification going out before the mobile homes are placed.

She also discussed the density bonuses that can result from offering housing to low and

moderate income. She said it would increase the density even more. "I believe the people need to know what is going on in these high density developments."

Commissioner Bouie inquired in the application process for someone interested in doing a mobile home park, would they not have to give the normal notices and ask those neighbors.

Mrs. Gutcher said the only time they would have to give notice is when there is a public hearing.

Commissioner Chukes asked Commissioner Lasley, "Where would you suggest putting mobile homes?"

Commissioner Lasley replied, "I would like for them to be in Type 2."

Chair Davis clarified with Commissioner Lasley that she has no objection to the parks. Her concern is whether they should be reviewed administratively or brought forward as Type 2. She then asked for public comment and there was none.

UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 6 – 1, TO PASS AS PRESENTED BY THE STAFF. (Commissioner Lasley opposed the motion.)

8. **PUBLIC HEARING (Legislative) – Discussion of Amendments to the Sign Regulations, as adopted in Section 5700, (Signs) of the Land Development Code**

Statement of Issue:
Discussion on the forthcoming amendments to the Gadsden County Land Development Code (LDC), Chapter 5 (Development Standards), Section 5700 Signs and Subsection 5609 (Clear View of intersection public rights-of-way and driveway.)

Ms. Jeglie's Discussion
Ms. Jeglie recalled back 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 regulation to the Planning Commission for consideration of amendments.

The County's current sign regulations were adopted in 2001 and updated in 2003. The County sign regulations are located in Section 5700 "Signs" of the LDC. She said from that workshop with the BOCC several things were discussed. 1) The 2015 Supreme Court Ruling in Reed et al. v. Town of Gilbert, Arizona, which re- emphasized and further restricted content based regulation of signs resulting in many local governments revising their sign regulations accordingly. 2) The revision of the clear vision triangle as regulated by Subsection 5704.3 and as described in Subsection 5609 of the LDC. The clear vision triangle is an area at an intersection that the view of oncoming traffic is not obstructed. It is recommended that the County consider adopting the FDOT standards found in Index #546 as adopted by the "Florida Green book" manual. In addition, speakers at the BOCC workshop indicated support for the removal of the prohibition on animated signs as defined in Subsection 2102 and prohibited in

Subsection 5704 of the LDC.

Ms. Jeglie spoke as to the difference of Billboard v/s Animated sign. She said an animated sign is a sign that has a little overcast lighting. She said this item would be back at the June 16, 2016 Planning Meeting for a Public Hearing. She provided a table for further notes and discussion.

Planning Commission Discussion

Chair Davis inquired about the County's deadline.

Mrs. Gutcher said they are looking for comments they may have, such as a general consensus on billboards, illuminated or animated signs. She said the content would need to be addressed or amended if needed for next month's public hearing.

Commissioner Nunamaker commented on the LED signs.

Mrs. Gutcher said if they are moving or flashing they are animated.

Commissioner Tranchand that he had served on the Commission long enough to know that TCC violated the County's sign policy with East Gadsden High School. He felt they needed to further subdivide the definition of animated signs. "The technology on LED signs is much better now as in the past, such as in 2003 when it was last revised." He said they should define the definition on animated signs especially the red flashing sign that screams at you.

Commissioner Bouie said she would like to see language that acknowledges the new technology and the lighting is not offense. "The new digital signs don't change the lighting to the surrounding areas and is more sensitive to the environment." She would like change to language as needed to help ease some of the concerns of the citizens.

Commissioner Tranchand stated they went through this issue with the cell towers. He said they brought that issue up because technology had changed and towers are changing. He voiced they needed to look at how they installed cell towers. He said this is another issue of changing of technology.

Commissioner Bouie asked would they be able to address the older signs.

Mrs. Gutcher said you would be able to address the older signs in the County. She said you can place a regulation that would give them an amount of time to bring it up to the current technology.

Commissioner Lasley said the Florida Administrative Code list the criteria for changing the signs in 14-10.004 as far as how long messages have to be on there and how long it should take to change to the next message. She also said they should look careful at FL Statues. The signs are suppose to reference another commercial enterprise, list a commercial sponsor, personal message or political campaigns. Not (add)

Mrs. Gutcher said you can't regulate content.

Commissioner Bouie said her belief was that animated billboards shouldn't defile anyone.

Commissioner Lasley said according to the Florida Statues these are signs, which permits aren't required and if they should have a permit from the State of Florida. She said the County could be more restrictive than the Florida Statue, but argued it shouldn't be less.

Ms. Jeglie said the section that Commissioner Lasley is referring to has to do with billboards and outdoor advertisement on Florida highways.

Commissioner Lasley noted she was concerned about the way animated signs are presented. She compared it to texting, because when you are looking at the sign you take your eyes off the road. She said it was a hazard and should not be encouraged. She said she would like them to comply with the Florida Administrative Code.

Chair Davis asked the Commission to use table provided to make comments or notes before the next meeting. She said they would need the comments before Memorial Day Weekend to be given to staff.

Chair Davis called for public comment.

Public Comment

Dr. Randy Ross, Pastor of Tallavana Christian School, 2660 Frank Smith Road, spoke in favor of animated signs. He said it was brought to their attention when they discussed when the sign code regulation was set up for billboards and didn't take into consideration churches and businesses. He discussed the setback and being denied a permit. He said the Code is too restrictive. An animated sign is anything that changes text. He spoke of the importance of having a sign. He asked that they look at the language and make it more uniform for everyone in the County. "Technology is a good thing." He asked if they would please consider taking prohibition off of animated signs.

Rev. Charles Morris, 23201 Blue Star Hwy, New Bethel AME, spoke in favor of animated signs. He spoke on two things needing to be changed. His church serves a number of organizations. He spoke of the difficulty in trying to change signs. He would like to adopt the Florida Department Transportation Guidelines. He said the section dealing with animated signs needed to be looked into. He voiced it was time to come into the 21st century in the way we do things.

Michael Dorian, 145 Alligator Road, said he talked to Ken Pye at the state. He said they want frozen signs on Hwy 20. If churches are allowed to use animated signs then business would want one. Thanked Marion Lasley for asking hard questions. He also commented on the need to keep the CBOR.

Gary Freeman, Elder at Tallavana spoke in favor of animated signs; we aren't here to change billboards. We are here to discuss animated signs.

Commissioner Nunamaker asked how big the sign is for Tallavana.

Pastor Ross said he wasn't sure, but about 8ft wide, 5 by 8, digital sign is 2ft by 8ft.

Commissioner Bouie addressed density being respected for the community. She suggested addressing the issue of there not being signs on every house. She said they should take into consideration issues and still comply without disallowing.

Mrs. Jeglie asked how tall the Tallavana sign is.

Pastor Ross replied about 10ft.

Ms. Jeglie said she would bring this back and assemble a table with sign codes that allow animated signs from such places as Leon County.

The Commission was asked to submit comments to the Planning Department before Memorial Day Weekend. This item will be brought back at the June 16, 2016 at 6:00p.m. Planning Meeting.

9. **PLANNING COMMISSIONER'S QUESTIONS OR COMMENTS**

Commissioner Lasley's comments were submitted to the Commission for the record.

10. **PUBLIC COMMENTS**

There was no additional public comment.

11. **DIRECTOR'S COMMENTS**

There were no additional comments from Mrs. Gutcher.

12. ADJOURNMENT OF MEETING

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 7:37 P.M.

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

NICHOLAS THOMAS GADSDEN COUNTY FLORIDA CLERK OF CIRCUIT COURT

ATTEST:

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