

## **Board of County Commission Agenda Request**

**Date of Meeting:** May 3, 2016

**Date Submitted:** March 31, 2016

**To:** Honorable Chairperson and Members of the Board

**From:** Robert M. Presnell, County Administrator  
Allara Mills Gutcher, Planning and Community Development Director

**Subject:** **PUBLIC HEARING:** Consideration of Adoption of Ordinance 2016-004 for a Comprehensive Plan Future Land Use Map Amendment for Approximately 25 acres on Fantana Lane (LPA 2016-01).

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### **Statement of Issue:**

Pursuant to Florida Statutes, this public hearing is part of the process for the amendment of the Future Land Use Map of the Gadsden County Comprehensive Plan. This hearing is to adopt Ordinance 2016-004 for a map amendment of 25.52 acres from Agriculture-1 to the Recreation land use category.

### **Background:**

The County has purchased property suitable to establish a public park in the St. Hebron community. The owners of the property offered to sell the property to the County. On January 19, 2016 the Board of County Commissioners voted to execute the contract for purchase.

The land is currently designated as Agriculture-1. The County, as the applicant, seeks to amend the Future Land Use Map to a category that better reflects the anticipated use of the property.

### **Analysis:**

The property is located on Fantana Trail, north and east of Quincy, and has been determined suitable for use as a public park to serve the St. Hebron and surrounding communities. Pursuant to Florida Statutes, this amendment is a large-scale map amendment due to its size, over 10 acres.

**Parcel ID Number:** 2-27-3N-3W-0000-00431-0200.

**Location:** Approximately 1/3 mile to the north of the intersection of Point Milligan Road and Fantana Trail, and south of the intersection of Woodward Road and Fantana Trail, on the east side of Fantana Trail.

**Adjacent Future Land Uses:**

| North         | East          | South         | West              |
|---------------|---------------|---------------|-------------------|
| Agriculture-1 | Agriculture-1 | Agriculture-1 | Rural Residential |

**Adjacent Existing Land Uses:**

| North      | East       | South      | West        |
|------------|------------|------------|-------------|
| Timberland | Timberland | Timberland | Residential |

**Wetlands:** According to the National Wetlands Inventory as of January 20, 2016, there may be some wetlands on the eastern boundary of the subject parcel adjacent to the waterbody (see attached Map 2).

**Flood zone:** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panels 12039C0100 and 12039C232C, this parcel has an area of Zone “A”, which is defined as an area of “special flood hazard subject to inundation by the 1% annual chance flood”, and where base flood elevations have not been determined. (FIRM effective date February 4, 2009). This area lies in the same general vicinity as the wetlands indicated on the National Wetlands Inventory (see attached Map 3).

**Comprehensive Plan Objectives and Policies:**

The following policies guide the request of this amendment:

**Future Land Use Element:**

**Policy 1.1.1:** Gadsden County shall regulate the use of land through the adopted land use categories as follows. The Future Land Use Map shall be used to determine the location and extent of development within Gadsden County.

**D. Recreation –**

- 1) Purpose and Intent – This category is intended to provide opportunities and sites for public and private recreation.
- 2) Designation Criteria – Lands must be resource- or facility-oriented and used for permanent recreational use.
- 3) Density – None allowed, except for facility management quarters.
- 4) Intensity – The floor area ratio shall not exceed 0.20, except the centralized utilities and package plants are exempted from impervious surface requirements.
- 5) Impervious Surface Area – No more than 0.40 lot coverage.
- 6) Allowable Uses – Uses specifically intended for recreational purposes; centralized utilities.

**Policy 1.1.2:** Future Land Use category boundaries shall follow parcel boundary lines, as depicted on the Property Appraiser's parcel map(s). If a parcel boundary has been amended, and the Future Land Use category no longer follows the parcel boundary, the County's Geographic Information System (GIS) shall be utilized to determine boundaries of the Future Land Use category until such time as the boundary is amended to reflect the current Property Appraiser's parcel map(s).

**Recreation and Open Space Element:**

**Goal 6A:** Provide Sufficient and Adequate Recreation and Open Space Opportunities.

**Objective 6.2:** Provide for a functional mix of both public and private recreation sites and facilities to accommodate recreation demand.

**Objective 6.3:** Plan for and provide for a system of adequate parks and recreational facilities that will accommodate the existing needs and future demands of the population.

**Planning Commission Recommendation/Findings:**

The Planning Commission held a public hearing on this map amendment on February 11. The Planning Commission made a unanimous recommendation to the BOCC to transmit this amendment to the Department of Economic Opportunity for review, and subsequently adopt the amendment after the property owner subdivides the property, pursuant to the contract for sale.

**Options:**

1. Adopt Ordinance 2016-004 which amends the Comprehensive Plan Future Land Use Map for 25.52+/- acres on Fantana Trail from Agriculture-1 to Recreation and authorize the Chairperson to sign.
2. Do not adopt Ordinance 2016-004 which amends the Comprehensive Plan Future Land Use Map for 25.52+/- acres on Fantana Trail from Agriculture-1 to Recreation.
3. Board direction.

**County Administrator's Recommendation:**

Option 1

**Attachments:**

1. Ordinance 2016-004 with Exhibit A
2. No comment letter from the Department of Economic Opportunity regarding the amendment.
3. Newspaper advertisement.
4. Letter for Chairperson's signature to file with DEO.

## **ORDINANCE 2016 - 004**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION OF A PARCEL OF PROPERTOY LOCATED ON FANTANA TRAIL, HAVING 25.52+/- ACRES IDENTIFIED AS TAX ID NUMBER 2-27-3N-3W-0000-00431-0200, FROM AGRICULTURE-1 TO RECREATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature adopted Chapter 163, Laws of Florida, which requires Gadsden County to prepare and adopt and enforce a comprehensive plan; and

**WHEREAS**, The Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

**WHEREAS**, duly noticed public hearings were conducted on such proposed amendment on February 11, 2016 by the Gadsden County Planning Commission and on March 1, 2016 and May 3, 2016 by the Board of County Commissioners; and,

**WHEREAS**, the amendment is known by the name of the St. Hebron Park Large Scale Future Land Use Map Amendment (LPA 2016-01); and,

**WHEREAS**, the proposed amendment has been processed under the expedited state review process pursuant to the criteria in §163.3184(3), Florida Statutes; and,

**WHEREAS**, the Gadsden County Board of County Commissioners reviewed and considered all comments received during the public hearing, and have provided for necessary revisions.

**Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:**

### **SECTION I: Approval and Adoption of Amendment**

The amendment to the Gadsden County Comprehensive Plan Future Land Use Map for the parcel identified in Exhibit "A" is hereby adopted and approved as follows: the Future Land Use Map designation for the following described property in Gadsden County, Florida, as identified in Exhibit "A" is hereby amended from Agriculture-1 to Recreation:

A parcel of land lying in Section 27, Township 3 North, Range 3 West, Gadsden County, Florida, and being a part of lands as described in Official Record Book 778, page 481-483 of the Public Records of said county, more particularly described by metes and bounds as follows:

COMMENCE at a concrete monument marking the Southwest corner of said lands, and run; Thence North 88 degrees 41 minutes 54 seconds East along the Southern boundary of said lands a distance of 361.67 feet to a re-bar (LS 3031) on the Easterly maintained right of way boundary of a county paved roadway, known as Fantana Trail (60 foot right of way) for the POINT OF BEGINNING. From said POINT OF BEGINNING thence North 29 degrees 30 minutes 46 seconds West along said Easterly maintained right of way boundary a distance of 720.47 feet to a re-bar (LS 3031) on the Western boundary of said Section 27; hence North 00 degrees 36 minutes 02 seconds East along said Western boundary a distance of 88.38 feet to a Flat Iron (found) marking the Southwest corner of lands as described in Deed Book "WW", page 39 of said Public Records, Thence East (BEARING BASE) 661.57 feet to a concrete monument marking the Southeast corner of said lands; Thence North 471.00 feet to a re-bar (LS 3031) marking the Northeast corner of said lands, Thence East 617.17 feet to a re-bar (LS 3031) in the centerline of Mackenzie Branch or Creek; Thence Southeasterly along said centerline a distance of 1000 feet to a point marking the Southeast corner (most Easterly corner) of said lands as described in Official Record Book 778 ,page 481-483 (said centerline being reference by two meander lines described as follows: South 30 degrees 07 minutes 24 seconds East 297.37 feet and South 57 degrees 14 minutes 45 seconds East 675.78 feet); Thence West 990.00 feet to a re-bar (LS 3031); Thence South 00 degrees 58 minutes 13 seconds West 549.00 feet to a concrete monument; Thence South 88 degrees 41 minutes 54 seconds West 643.19 feet to the POINT OF BEGINNING Containing 25.52 acres more or less.

Parcel Identification Number: 2-27-3N-3W-0000-00431-0200

## **SECTION II: Repeal**

All ordinances, or parts of ordinances in conflict herewith are hereby repealed and shall have no further effect whatsoever.

## **SECTION III: Severability**

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

## **SECTION IV: Modification**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant to Section 5.

## **SECTION V: Scrivener's Errors**

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk of Courts.

## **Section VI: Effective Date**

This Ordinance shall become effective as provided by law.

The above and foregoing Ordinance was read and approved at a duly convened public hearing at a regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 3rd day of May, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

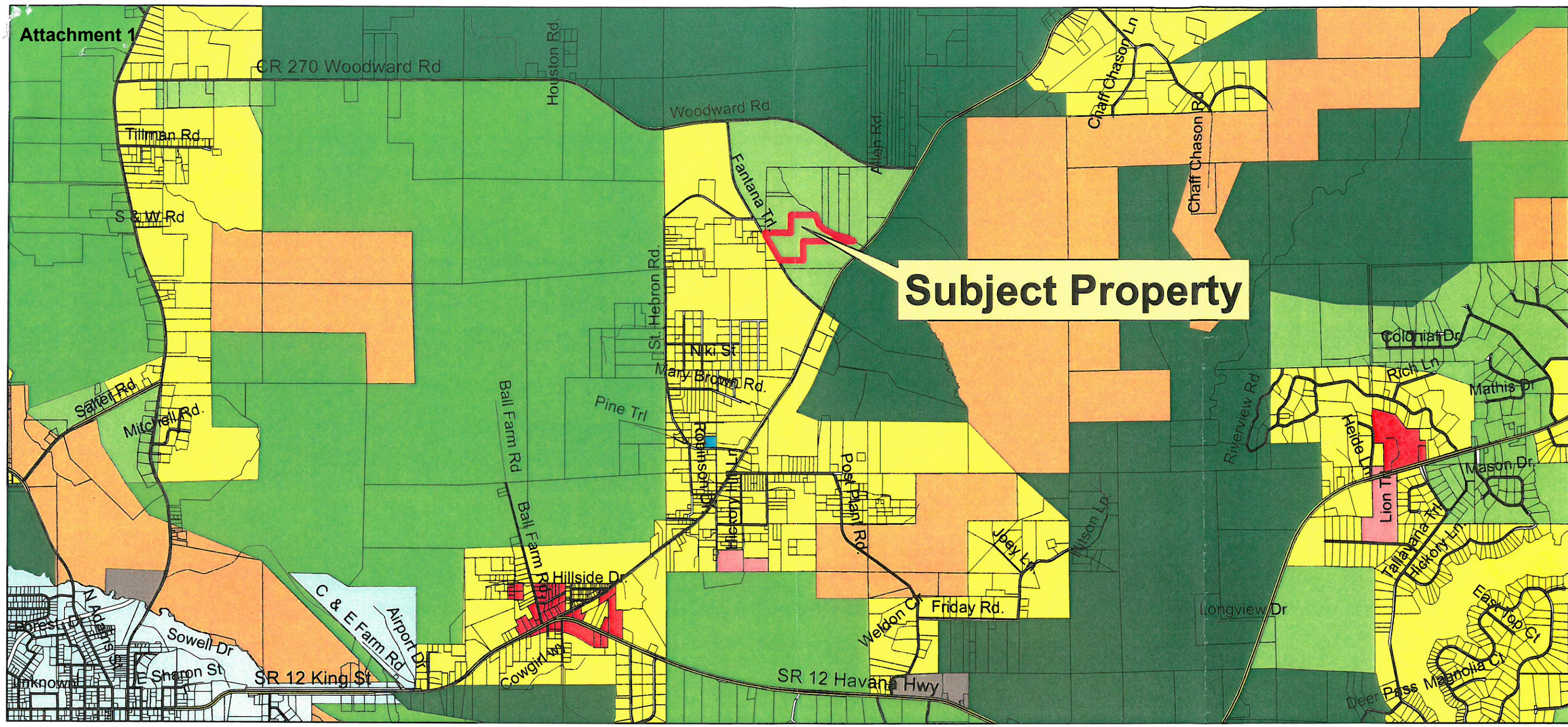
By: \_\_\_\_\_

Brenda Holt, Chairperson

\_\_\_\_\_  
Nicholas Thomas  
Clerk of the Circuit Court

Attachment: Exhibit 'A'



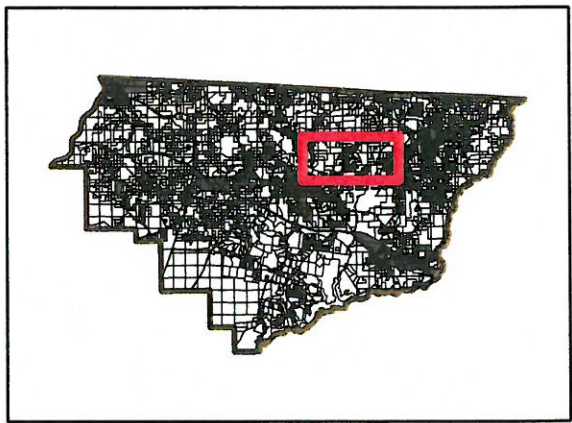


**LPA-2016-01**  
**Future Land Use Map Amendment**  
**Gadsden County**  
Ordinance 2016-004 Exhibit A




The information shown on the map is intended for planning purposes only. The data is from the best available source at the time. Gadsden County assumes no responsibility for any errors or inaccuracies shown on the map.

**Legend / "Future Land Use Map categories"**

| CATEGORY      | HEAVY INDUSTRIAL   | HISTORICAL   |
|---------------|--------------------|--------------|
| AGRICULTURE 1 | LIGHT INDUSTRIAL   | LAKE         |
| AGRICULTURE 2 | ROW                | MINING       |
| AGRICULTURE 3 | RURAL RESIDENTIAL  | MUNICIPAL    |
| COMMERCIAL    | SILVICULTURE       | PUBLIC       |
| CONSERVATION  | URBAN SERVICE AREA | RECREATIONAL |
| EASEMENT      |                    |              |



Date Printed:  
January 25, 2016



Miles



**Rick Scott**  
GOVERNOR

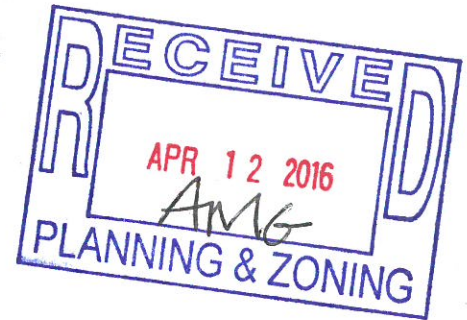


**Cissy Proctor**  
EXECUTIVE DIRECTOR

**Attachment 2 - DEO no comment letter**

April 8, 2016

The Honorable Brenda Holt  
Chairman, Gadsden County  
Board of County Commissioners  
1-B East Jefferson Street  
Quincy, Florida 32353



Dear Chairman Holt:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Gadsden County (Amendment No. 16-1ESR) which was received on March 9, 2016. We have reviewed the proposed amendments pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendments if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption. The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax  
[www.floridajobs.org](http://www.floridajobs.org) | [www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.



## Attachment 3 - Advertisement

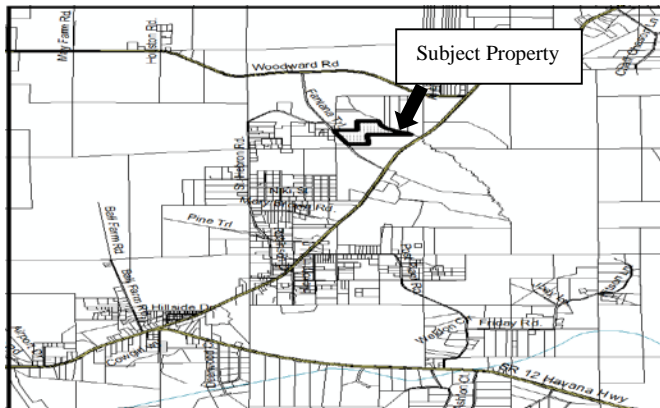
# NOTICE OF INTENT

**NOTICE IS HEREBY GIVEN** to all concerned that the Gadsden County Board of County Commissioners will hold a regularly scheduled meeting on **Tuesday, May 3, 2016, at 6:00 p.m.** in the Board of County Commission Chambers located at 7 East Jefferson Street, Quincy, FL. The proposed agenda will include the following public hearings:

PUBLIC HEARING (Legislative) (LSPA 2016-01) – Consideration of Ordinance #2016-004 to amend the Comprehensive Plan Future Land Use Map changing the Future Land Use category of approximately 25.52 acres described by Tax Parcel Identification #2-27-3N3W-00431-0200 and located on Fantana Trail from “Agriculture-1” to “Recreation” as follows:

### ORDINANCE #2016-004

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION OF A PARCEL OF PROPERTY LOCATED ON FANTANA TRAIL, HAVING 25.52+/- ACRES IDENTIFIED AS TAX ID NUMBER 2-27-3N-3W-0000-00431-0200, FROM AGRICULTURE-1 TO RECREATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**



Persons wishing to review the ordinance and/or files on the above projects may do so on the County website at [www.gadsdencountyfl.gov](http://www.gadsdencountyfl.gov) or at the Gadsden County Planning and Community Development Department located at 1-B East Jefferson Street, Quincy, FL between the hours of 8:00am to 5:00pm. In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by calling 850-875-8665 or 850-510-7842, at least 48 hours prior to the hearing.

Interested parties may appear at the meeting and be heard with respect to the noticed agenda items. If any person decides to appeal any decision made with respect to any matter considered at such public hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be used.

## Attachment 4 - Transmittal Letter

### COMMISSIONERS:

**ERIC HINSON**

District 1

**ANTHONY O.**

**VIEGBESIE, PhD**

District 2

**GENE MORGAN**

District 3

**BRENDA A. HOLT**

District 4

**SHERRIE TAYLOR**

District 5



**Robert Presnell**

County  
Administrator

## GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS

**EDWARD J. BUTLER**

**GADSDEN COUNTY GOVERNMENTAL COMPLEX**

**David Weiss**  
County Attorney

May 3, 2016

Mr. Ray Eubanks  
Department of Economic Opportunity  
107 E. Madison Street  
Tallahassee, FL 32399

Dear Mr. Eubanks,

Please find enclosed three copies of Gadsden County Comprehensive Plan DEO Amendment No. 16-1ESR which was adopted by the Gadsden County Board of County Commissioners by Ordinance 2016-004 on May 3, 2016. Two of the enclosed copies are submitted as requested in pdf format on CD ROM.

This ordinance amended the Future Land Use Map of the Comprehensive Plan. No changes were made to the amendment package after the County submitted the transmittal package in March of this year.

No additional data and analysis was compiled or conducted. Therefore, the data and analysis is not included in this submission as it remains identical to what was submitted to the Department in March of this year at the transmittal stage.

No state agency made comments to the transmitted version of the amendment. No other findings were made by the Board of County Commissioners regarding the amendment at the adoption hearing.

Please contact Allara Mills Gutcher, AICP, Director of Planning and Community Development at [agutcher@gadsgdencountyfl.gov](mailto:agutcher@gadsgdencountyfl.gov) or by dialing 850.875.7591 if you need additional information. In addition, the mailing contact information is at the footer of this letter.

Sincerely,

Brenda Holt, Chairperson  
Board of County Commissioners

Enclosures:  
Ordinance 2016-004 with Exhibit A  
2 - CD ROM