

MINUTES

Levy County Planning Commission February 4, 2008 6:30 p.m.

The Levy County Planning Commission was called to order by Chairman Thad Barber. Other members present were:

Vaughn Lee
Ron Grant
Toni Collins
Tom Harper

Also present was Development Director, Rob Corbitt and Planning Assistant, Tina Horne.

Chair Barber called for a motion to either approve or deny the minutes from August 6th and October 1st, 2007 as presented. Ms. Collins motioned to approve the minutes from August 6th and October 1st, 2007 as presented. Mr. Lee seconded the motion. All members voted "aye." Motion carried.

Chair Barber called for nominations for a new chair and vice chair. Ms. Collins motioned to appoint Mr. Grant as the new Chair for the Planning Commission, Mr. Harper seconded the motion. All members voted "aye". Motion carried. New Chair Grant called for nominations for a new vice chair. Ms. Collins motioned to appoint Mr. Harper as the new Vice Chair for the Planning Commission, Mr. Lee seconded the motion. All members voted "aye". Motion carried.

Chair Grant called for the board to disclose any ex-parte communications related to the petitions being presented. Ms. Collins stated that she had site visits.

Chair Grant asked the Development Department to present the items of business.

Mr. Corbitt explained that the proposed petition for the TarMac mine is not on the agenda to be heard and that it may be heard at the next regular meeting in April.

NEW BUSINESS: DEVELOPMENT DEPARTMENT

PETITION NO. PP 7-07 Croft Land Surveying representing Financial Fidelity, Inc., petitioning the board for a Preliminary Plat of "Golden Oaks Manor," a subdivision located SE ¼ of Section 4, Township 13S, Range 19E, in Levy County. Said parcel contains 19 acres more or less. This parcel is located within a Rural Residential "RR" zoning and has a land use designation of "LDR" Low Density Residential. This subdivision will consist of ten residential lots ranging from 1.6 to 1.93 in size. This subdivision is located within the Williston Municipal Service District. Parcel No.'s 05009-000-00 (portion of) and 05022-000-00.

PETITION NO. SVA 5-07 Croft Land Surveying representing Financial Fidelity, Inc., petitioning to board for a Variance from the Subdivision Regulations, Section 50-583 (L) Section Line Dedication, on a parcel of land located in the SE ¼ of Section 4, Township 13S, Range 19E, in Levy County. Said parcel contains 19 acres more or less. This parcel is located within a Rural Residential "RR" zoning and has a land use designation of "LDR" Low Density Residential. (Golden Oaks Manor). Parcel No.'s 05009-000-00 (portion of) and 05022-000-00.

Mr. Corbitt stated that the City of Williston had no objections to the petition. Mr. Corbitt stated that the plat review committee recommends denial of the preliminary plat as submitted and that the decision was based on the design having two interior lots that are served by the same easement. Mr. Corbitt further explained that the plat review committee saw the need of future access. Mr. Corbitt explained that the preliminary plat can not be approved without the variance being approved.

Mr. Jason Murphy, representing the applicant was present to discuss this petition. Mr. Murphy presented that board with examples of other plats that have been approved in the past similar to the proposed petition.

Chair Grant asked for anyone in support of or in opposition to the petition. There was none.

Chair Grant closed the floor to discussion.

ISSUES OF CONCERN:

The Board stated concerns with the proposed plat not being designed for future growth in the area, availability of water and sewer, and potential property owners requesting the County to pave the roads within the subdivision.

After the discussion Chair Grant called for a motion to this item. Mr. Harper motioned to recommend denial of the Preliminary Plat of "Golden Oaks Manor," to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. Mr. Harper, Mr. Barber and Chair Grant voted "aye". Mr. Lee and Ms. Collins voted "ney". Ms. Collins motioned to recommend approval of the Variance for the Preliminary Plat of "Golden Oaks Manor," to the Board of County Commissioners as presented. Mr. Lee seconded the motion; motion carried.

PETITION NO. SEA 5-07 Eng, Denman and Associates representing Corrie F. Bell, petitioning the board for a Special Exception to allow a major mining operation – borrow pit for commercial sales of sand, on a parcel of land located in the W ½ of Section 23, Township 14S, Range 18E, Levy County, Florida, together with an easement for ingress and egress over and across the East 60' of the W ½ of Section 23, Township 14S, Range 18E, in Levy County, Florida, lying south of the above described property. Said parcel contains 180 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No.'s 04596-001-00 & 04596-002-00.

Mr. Ralph Eng, Clay Sweger and Sergio Reyes, representing the applicant was present to discuss this petition.

Mr. Corbitt presented his staff report.

Mr. Ralph Eng described the petition project to the Board.

Chair Grant asked for anyone in support of the petition. There was none.

Chair Grant asked for anyone in opposition to the petition. Jack Baxter stated a concern with the amount of loads per day being allowed, impact to roads and impact to property values. Bill Morgan stated a concern with the impact to surrounding properties. William Potter, Richard Junkes, Butch Mays, Patricia Taft, Roger Taft, Elaine Greeko, Thomas Wolfe, James Barber, Dan Downs, Richard Steward, Sharon Steward, Elizabeth Peterson and Richard Witkowski stated a concern with impact to roads, traffic and safety. Mike Limburger questioned the special exception process and doesn't feel that it follows the procedure of the LDR's regarding mining. Mr. Corbitt explained that Mr. Limburger disagrees with the conditional use permitting process. Mr. Harper stated that the current

process does work, however, you have to complete the whole process. Carl Erickson stated a concern with truck traffic from the entrance of the proposed mine, safety issues and the need for a left turn lane. Mr. Corbitt explained that the County Road Department stated that tapering the road would be sufficient but that if conditions change that a turn lane would be put in.

Chair Grant closed the floor to discussion.

ISSUES OF CONCERN:

Ms. Collins asked the applicant whether there would be any blasting or washing involved at the subject property and why the applicant had to get a water permit. Mr. Eng stated that there would be no blasting or washing at the subject property and that the water management district requires property owners to obtain a water resource permit for any construction activity to be allowed on a property. Mr. Barber asked about dust control from the borrow pit. Mr. Eng explained that paving the access road will help minimize the dust and that each truck will have a canvas cover over the back of the truck. Mr. Harper asked how long the operation will last. Mr. Eng explained that operation could a life expectancy of thirty years. Mr. Harper stated that most of the concerns of the surrounding property owners have been addressed by the applicant, the impact to property values are hard to assess either way and that there is no barometer to gauge the noise from the trucks on the highway. Mr. Lee stated that there seems to be a misconception of the terminology for a major mining operation and how it relates to the proposed application.

After a short discussion Chair Grant called for a motion to this item. Ms. Collins motioned to recommend approval of the Special Exception to the Board of County Commissioners to include the staff conditions as follows with added condition number nine as discussed by the board:

1. The special exception use permit is for the major mining operation as described in the application, and only within the 71 acres more or less mining area shown on the submitted site plan. No expansion beyond the boundary of the excavation area shown thereon, nor below an elevation of 67 feet a.m.s.l., shall be permitted without the approval of an application for amendment to this special exception.
2. The applicants shall provide a copy of all state permits or approvals necessary for the use of the property for major mining operations prior to the issuance of the county operating permit. Said permits or approvals shall include at a minimum:
 - a. Release from the Department of State, Division of Historical Resources.
 - b. An ERP from the Southwest Florida Water Management District.
 - c. A release or exemption from the FWC or a professional environmental consultant regarding the protection or relocation of threatened or endangered animal species such as the gopher tortoise.
3. The owners and/or operators of the major mining site shall stay in compliance with all stipulations or conditions of the permit from the Southwest Florida Water Management District, and all conditions of the approval of the Special Exception by the Levy County Board of County Commissioners, and keep all state and local permits current.
4. The applicants, successors and their assigns shall be subject to the conditions of the Special Exception Use Permit as approved by the board of county commissioners, or required by **Section 50-719**.
5. Pursuant to **Section 50-719. II. (d)(13)**, the applicant shall not transfer the operating permit without approval of the Board of County Commissioners. Prior to such transfer, the permittee and the prospective transferee must apply to the board of county commissioners via an amended permit application submitted to the county development department. All financial liability and permit filing obligations shall be transferred at the time the interest in said lands is conducted.

6. The applicant or operator of the approved major mining operation shall provide an annual report to the county development department for review by the county engineer, as required by **Section 50-719 II. (d)(15)**. The report shall document compliance with Section 50-719, and any conditions of approval of the special exception that were imposed by the Board of County Commissioners.
7. Hours of operation and days of operation shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Saturday, excluding nationally recognized holidays.
8. The applicant shall install access improvements to CR 464 as recommended by the Levy County Road Department and required by the Board of County Commissioners:
 - a. Install a taper for trucks exiting the highway (west bound).
 - b. Pave a minimum of 500 feet of access road, beginning at CR 464.
9. Move the entrance gate back 500 feet to provide interior staging area for trucks.

Mr. Harper seconded the motion; motion carried.

PETITION NO. SE 1-08 Michael Martin, American Truss of Chiefland, petitioning the board for a Special Exception to allow fabrication of wood roof and floor trusses, on a parcel of land located in U.S. 19 No. 1 Addition, Lot 19, Block B, Section 14, Township 11S, Range 14E, in Levy County. Said parcel contains 2.64 acres more or less. This parcel has a zoning designation of "C-3" Moderately Intensive Commercial and has a land use designation of "C" Commercial. Parcel No. 07530-018-00.

Mr. Michael Martin was present to discuss this petition. Mr. Greg Rivers, Engineer for the applicant was present to discuss this petition. Mr. Rivers explained the noise level from within the building will be minimal and well below the requirements for the County noise ordinance and that there would be one truss built per day and one truck per day. Mr. Martin explained that the goal is to build and operate the plant with the least amount of impact to the surrounding area. Mr. Terry Halson explained the production process for the business.

Mr. Corbitt presented his staff report.

Chair Grant asked for anyone in support of the petition.

Chair Grant asked for anyone in opposition to the petition. Fred Oliver presented an aerial and photograph of the property. Mr. Oliver stated a concern with the impact to the surrounding residential properties, noise and runoff from the business property. Ms. April Smith stated a concern with the conditions of the special exception being followed.

Chair Grant closed the floor to discussion.

After a short discussion Chair Grant called for a motion to this item. Mr. Harper motioned to recommend approval of the Special Exception to the Board of County Commissioners to include the staff conditions as follows:

1. The Special Exception Use is for manufacturing with no objectionable odor, noise, dust, smoke or vibrations noticeable at the property lines.
2. All outdoor storage is prohibited. The storage of raw materials or any finished products outside of an enclosed building for more than 30 days shall be deemed outside storage.
3. There shall be a landscaped buffer, augmented by a wood or masonry fence of a minimum of 8 feet in height, installed along the northern and eastern boundary of the subject property to buffer the proposed use from the residential land uses located adjacent to the East and across the street (NE 138th Place) North of the project site.

4. Street trees shall be planted (integrated) with existing trees along the road frontage at intervals not to exceed 25 feet. Street trees planted in combination with fencing or other landscaping techniques, creating a visual barrier at the time of planting, shall also be considered to have satisfied the requirement for a visual barrier and landscaping.
5. The design of the metal building shall include components or construction techniques to attenuate sound. To comply with this condition, the building shall be sound proofed to the point that noise emissions are not above ambient levels at the subject property boundaries.
6. Changes of occupancy shall not be permitted without compliance with the parking standards of ARTICLE IX, ROADS AND BRIDGES, VEHICLE PARKING, PEDESTRIAN AND OFF-STREET TRAFFIC FLOW, more specifically, section 50-382. Off-street parking and loading spaces.
7. The conditions set forth herein and any conditions that may be set forth by the Board of County Commissioners shall apply to the applicant, owners or their assigns.

Mr. Barber seconded the motion; motion carried.

There being no further business for the Levy County Planning Commission, the meeting was adjourned.

Chairman