

## MINUTES

### Levy County Planning Commission September 14, 2009 6:30 p.m.

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

Vaughn Lee  
Thad Barber  
Toni Collins  
Ron Grant

Also present was Development Director, Rob Corbitt and County Attorney, Anne Brown.

Chair Harper called for a motion to either approve or deny the minutes from September 15, 2008 as presented. Mr. Grant motioned to deny the minutes as presented due to the length of time and lack of memory of what took place at the meeting. The motion died for lack of a second. Ms. Collins motioned to approve the minutes from September 15, 2008 as presented. Mr. Barber seconded the motion. Ms. Collins, Mr. Barber, Mr. Lee and Chair Harper voted "aye". Mr. Grant voted "ney"; Motion carried.

Chair Harper called for the board to disclose any ex-parte communications related to the petitions being presented. There were none.

Chair Harper then called for anyone giving testimony for the petitions listed on the agenda to be sworn in by the county attorney. Attorney Brown officially swore in anyone that wished to speak or present themselves as an expert witness.

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

#### NEW BUSINESS: DEVELOPMENT DEPARTMENT

**PETITION NO. PP 1-09** Matt Munksgard of Pardue Land Surveying, representing Sandra Pardue, petitioning the Board for a Preliminary Plat of "Meadow Wood Phase 2," a residential subdivision located in Section 34, Township 10S, Range 14E, in Levy County. Said parcel contains 27.47 acres more or less. This parcel is located within Rural Residential "RR" zone and has a land use designation of Low Density Residential "LDR." Parcel No's 00517-000-00 and 00517-002-00.

Mr. Corbitt stated that the plat review committee recommends approval of the Preliminary Plat as presented.

Mr. Matt Munksgard, representing the applicant was present to discuss this petition.

Chair Harper asked for anyone in support of or in opposition to the petition. There was none. Chair Harper closed the floor to discussion.

#### ISSUES OF CONCERN:

Ms. Collins questioned there being a certificate of sale instead of a warranty deed for one of the parcels. Chair Harper questioned whether the proposed plat would be included in the Fanning Springs waste water treatment system. Mr. Corbitt explained that the subject property is not located within the city limits and therefore are not required to connect to the waste water treatment system.

After a brief discussion Chair Harper called for a motion to this item. Mr. Grant motioned to recommend approval of the Preliminary Plat of "Meadow Wood Phase 2," to the Board of County Commissioners as presented. Mr. Lee seconded the motion; Motion carried.

**PETITION NO. CZ 2-09** Albert Schuman (applicant) and James and Joan Townsend (owners), petitioning the Board for a Change of Zoning from "C" Commercial to "C-3" Moderately Intensive Commercial, to allow for a Contractor's Yard (equipment storage, office and repair shop), on a parcel of land located in the N ½ of the NW ¼ of the NE ¼ of Section 35, Township 16S, Range 16E, all lying East of Hwy US 19/98, in Levy County. Said parcel contains 12.58 acres more or less. Parcel No. 02993-000-00.

Mr. Corbitt presented the staff report. Mr. Corbitt stated for the record that the County Planner did not have any issues with the proposed petition and finds it is consistent with the comprehensive plan.

Mr. Phil Mays, representing the applicant was present to discuss this petition.

Chair Harper asked for anyone in support of or in opposition to the petition. There was none. Chair Harper closed the floor to discussion.

#### ISSUES OF CONCERN:

Ms. Collins asked what was involved in dewatering a construction site, the company possibly relocating, and whether there would be a landscape buffer. Mr. Phil Mays explained the process and the company expanding allowing for potential new jobs.

After a brief discussion Chair Harper called for a motion to this item. Mr. Barber motioned to recommend approval of the Change of Zoning to the Board of County Commissioners as presented. Mr. Grant seconded the motion; motion carried.

**PETITION NO. CUP 1-09** Eng, Denman and Associates representing Freebee Landholdings, LTD, petitioning the Board for a Conditional Use Permit to allow a Waste-wood recycling operation and aggregate stock piles, on a parcel of land located in the E ½ of Section 25, Township 11S, Range 17E, in Levy County. Said parcel contains 60 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No. 03219-020-00.

Mr. Corbitt presented the staff report. Mr. Corbitt stated for the record that the County Planner did not have any issues with the proposed petition and finds it is consistent with the comprehensive plan.

Mr. Clay Sweger and Mr. Sergio Reyes, representing the applicant were present to discuss this petition. Mr. Sweger described the petition project to the Board.

Chair Harper asked for anyone in support of or in opposition to the petition. There was none. Chair Harper closed the floor to discussion.

#### ISSUES OF CONCERN:

Ms. Collins asked whether the 60 acres was a part of the 530 acres that has a special exception that was approved in 1997. Mr. Corbitt stated that it was. Ms. Collins questioned the hours of operation reflecting differently on the application and staff recommendations and whether the applicant was required to have a bond. Chair Harper asked about any other permits required by the state and who regulates the recycled material. Mr. Corbitt stated that DEP regulates the recycled material. Mr. Barber asked about what type

of rock crushing operation this would be. Mr. Clyde Ray and Tom Coraggio explained that they would not be processing the rock at the subject property. Mr. Grant asked about grinding tree limbs in a wood chipper and the noise involved.

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

1. The approval of Application CUP 1-09 is solely for the recycling operations involving the recycling of yard waste and wood demolition debris on the subject property consistent with the application as submitted, including but not limited to, the site plan and supporting documents contained in the application.
2. The Applicant or any other conditional use permit holder for CUP 1-09, or any one or more of them, shall be jointly and severally responsible for any damage to the environment or public transportation system that is caused by the recycling operations, including, but not be limited to, recycling operations described in Application CUP 1-09, or any related activity involving the subject property, including the transport and set-up of recycling equipment, the use of the recycling equipment, the maintenance of the recycling equipment, or the hauling of materials to or from the subject property.
3. The Applicant or any conditional use permit holder for CUP 1-09, or any one or more of them, shall provide onsite sanitary facilities for workmen in accordance with the requirements of the Florida Department of Health prior to any operations related to CUP 1-09.
4. No yard waste recycling operations or stock piling of aggregate shall commence prior to the issuance of the final approval document for CUP 1-09 from the Development Department.
5. Days and Hours of operation shall be Monday through Saturday, excluding recognized holidays, 7:00 a.m. until 7:00 p.m.
6. The Applicant or any conditional use permit holder for CUP 1-09, or any one or more of them, shall maintain all state or federal permits necessary to perform any and all operations on the subject property.
7. The Applicant, or any conditional use permit holder for CUP 1-09, or their assigns or transferees, shall be subject to the conditions of approval contained herein, which shall run with the conditional use permit.

Ms. Collins seconded the motion; motion carried.

#### DISSCUSSION:

Chair Harper asked Attorney Brown to explain the home town democracy amendment and how it will affect the County. Attorney Brown explained to the board that this is a constitutional amendment that they have tried to get on the ballot for years. Attorney Brown further explained that if approved comprehensive plan amendments would be subject to popular vote and that this would mean the decision made would be final. Attorney Brown stated that this amendment would create constitutional issues of due process for applicants and neighbors, do not know how it will affect the comprehensive plan amendment process that are set out in the Florida Statues, and the cost involved in holding elections for the public to vote on the amendments.

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