

MINUTES

Levy County Planning Commission

May 7, 2007

6:30 p.m.

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

Thomas Harper
Vaughn Lee
Ron Grant
Toni Collins

Also present was Development Director, Mr. Rob Corbitt and Planning Director, Ms. Kathy Winburn and County Attorney, Anne Brown.

Chair Barber called for a motion to either approve or deny the minutes from the April 2, 2007 regular meeting. Mrs. Collins motioned to approve the minutes of the regular Planning Commission meeting with a correction to item No. PP 1-07 to show Matt Munksgard representing the applicant rather than Mat Pardue. Mr. Harper seconded the motion. Motion carried.

Chair Barber called for the board to disclose any ex-parte communications related to the petitions being presented. Mr. Harper stated that he had one phone call from Mr. Leon Clyatt who was in opposition to SE 2-07. Mrs. Collins stated her ex-parte communications as being site visits for the proposed plats and the special exceptions.

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

NEW BUSINESS: DEVELOPMENT DEPARTMENT

PETITION NO. PP 2-07 Pardue Land Surveying representing Millard R. Seldin, petitioning the board for a Preliminary Plat of "**Rolling Meadows**," a subdivision located in the W ½ of Section 10, Township 14S, Range 18E, in Levy County. Said parcel contains 103.26 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of nine 10 acre more or less residential lots.

Mr. Corbitt stated that the plat included a 75' easement shown as an agriculture airstrip easement along the east boundary for access to an existing private airstrip that was done via a Special Exception Use Permit several years ago.

Mr. Corbitt stated that the plat review committee recommends approval of the proposed preliminary plat as submitted.

Mr. Mike Pardue, representing the applicant was present to discuss this petition.

Chair Barber asked for anyone in support of or in opposition to the petition. There were none.

Mrs. Lauren Munoz stated that both her and her husband own property on the private airstrip and were the registered owners. Mrs. Munoz presented a letter to the developer's representative Mr. Pardue and to the board. She said the letter addressed the private airstrip and that they wanted to be sure as the building lots are sold, the developer inform the buyers of the private airstrip. She also stated that to her knowledge they are the registered owners and the title work shows that the one parcel that is not included in the development has access to the airstrip and would require permission from the registered owner.

Mr. Jesse Munoz stated the aircraft that would be departing from this location would be going over some of the proposed lots in either landing or taking off. His concern is for the future potential buyers that may complain that they had no idea of the airstrip being present. Mr. Munoz said all they were asking was for this information to be disclosed or have the potential buyers sign a document making them aware of the airstrip being there.

ISSUES OF CONCERN:

Mrs. Collins asked about a previous application at the corner of SR 121 and the Monterey Boat road (a.k.a. Airport Road). She asked if the board made a condition for the deeds to explain that there was an airport close by. Mr. Corbitt said that particular site was located within a Municipal Airport where there is a requirement to have an "airport hazard warning" on the plat.

Chair Barber closed the floor to discussion.

After a short discussion Chair Barber called for a motion to this item. Mrs. Collins motioned to recommend approval of the Preliminary Plat of "Rolling Meadows," with the notation on the plat to say "airport noise warning" to the Board of County Commissioners as presented. After a short discussion, Mrs. Collins amended her motion to have Development Director Mr. Rob Corbitt and Mr. Mike Pardue to work together on the proper verbage. Mr. Harper seconded the motion; motion carried.

PETITION NO. PP 3-07 Pardue Land Surveying representing Larry Ross, petitioning the board for a Preliminary Plat of "**Live Oaks**," a subdivision located in the E ½ of the SE 1/4 Lying E of Yearty Road in Section 29, Township 14S, Range 16E, in Levy County. Said parcel contains 10 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of one residential lot.

Mr. Corbitt stated that the plat review committee recommends approval of the proposed preliminary plat as submitted.

Mr. Mike Pardue, representing the applicant was present to discuss this petition.

Chair Barber asked for anyone in support of or in opposition to the petition. There were none.

Mr. Barney Cannon asked what happened to the minimum tract size in "A/RR" residential zoning? Mr. Cannon misunderstood and thought the plat was for a one (1) acre tract. The board stated that it was for a ten (10) acre lot.

Chair Barber closed the floor to discussion.

After a short discussion Chair Barber called for a motion to this item. Mr. Harper motioned to recommend approval of the Preliminary Plat of "Live Oaks," to the Board of County Commissioners as presented. Mr. Lee seconded the motion; motion carried.

PETITION NO. PP 4-07 Croft Land Surveying representing Doris Standridge, petitioning the board for a Preliminary Plat of "**E & D Farms I**" a subdivision located in the SW 1/4 of the SE 1/4 in Section 23, Township 12S, Range 14E, in Levy County. Said parcel contains 37 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of three residential lots, one 17 acre and two 10 acre lots.

Mr. Corbitt stated that the plat review committee recommends approval of the proposed preliminary plat as submitted.

Mr. Jason Murphy, representing the applicant was present to discuss this petition.

Chair Barber asked for anyone in support of or in opposition to the petition. There were none.

Chair Barber closed the floor to discussion.

After a short discussion Chair Barber called for a motion to this item. Mrs. Collins motioned to recommend approval of the Preliminary Plat of "E & D Farms I," to the Board of County Commissioners as presented. Mr. Harper seconded the motion; motion carried.

PETITION NO. PP 5-07 Croft Land Surveying representing Doris Standridge, petitioning the board for a Preliminary Plat of "**E & D Farms II**" a subdivision located in the N 1/4 of the SE 1/4 of the SE 1/4 & NE 1/4 of the SE 1/4 in Section 36, Township 12S, Range 14E, in Levy County. Said parcel contains 50 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of five 10 acre residential lots.

Mr. Corbitt stated that the plat review committee recommends approval of the proposed preliminary plat as submitted.

Mr. Jason Murphy, representing the applicant was present to discuss this petition.

Chair Barber asked for anyone in support of or in opposition to the petition. There were none.

Chair Barber closed the floor to discussion.

After a short discussion Chair Barber called for a motion to this item. Mrs. Collins motioned to recommend approval of the Preliminary Plat of "E & D Farms II," to the Board of County Commissioners as presented. Mr. Harper seconded the motion; motion carried.

PETITION NO. SE 2-07 John P. Jones representing Maria Wadsworth, petitioning the board for a Special Exception to allow the possession of Exotic and Dangerous Animals, both native and non-native, on lot two of Oak Ranch Estates, located in the NE 1/4 of Section 11, Township 13S, Range 14E, in Levy County. Said parcel contains 9.57 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Situs Address is 6351 NW CR 336, Chiefland, Fl. 32626

Mr. Corbitt stated that Mr. Ken Holmes from the Florida Fish and Wildlife Commission was present and his purpose for attending the meeting was to provide technical assistance. He said that Mr. Holmes was not present to provide any opinions regarding policies of the FWC and will not get involved in any debate on procedures they have.

Mr. Corbitt presented his staff report.

Mr. John Paul Jones and his wife Jennifer were present to discuss their petition. Mr. Jones said that the reason for the exotic animals was to provide educational programs for kids, universities, adults, etc. He also stated that he donates his time for children with special needs (i.e., autistic children, children with cancer, hearing impaired, etc.) He said all of his animals are hand raised and kept in a crate. He said that he has never had an incident when someone has gotten bit and has had no escapes. He said he knew this would be a big concern of the public.

Chair Barber asked for anyone in support to the petition.

An unidentified party stated his concerns regarding safety and for his livestock.

Rev. Benton (last name inaudible) stated that he has been to the property several times and said that the big cat cages are double cages, the noise heard is from the geese and hawks and not the big cats. Mr. Dexter Osborn stated that he is an exotic animal owner in the county and said that he was informed that he did not need any special licenses. He said that the applicant's facility is one of the top notch facilities around. He also stated that the facility is thoroughly checked by the state which enables them to keep the animals and be permitted.

Chair Barber asked for anyone in opposition. Renata Cannon, Donna Hatcher, Sam Kilby, Don Keels, Ron Spink, Emily Casey, Linda Glover, John and Sonya Fisher voiced their concerns regarding animal containment, possible water contamination, property values, safety, animal waste and the area not being suitable for the proposed use.

ISSUES OF CONCERN:

Mr. Lee said that although the applicants appear to know what they are doing, there is no denying that the property is within a residential area and it would not be suitable for the area. Mr. Harper stated that the issue to the board is whether or not it's a residential area. He said that it is clearly a residential area and has been developed for residential homes. Mr. Grant's concerns were containment of the exotic animals. Mrs. Collins asked if the mother-in-law was the owner. Mr. Jones stated that he leases the property from his mother-in-law. She also questioned whether or not the animals were non-native. Mr. Jones stated that all of his animals are native and not imported. Mrs. Collins questioned their licenses from the State of Florida allowing sales or exhibits. Mr. Jones stated that he would not be doing any selling, he would be doing exhibits for educational purposes only. Mrs. Collins asked who would be the caretaker in the event they were away. Mr. Jones stated that Mr. Osborn would be the caretaker. Mr. Holmes stated that Mr. Osborn did have the proper licensing, education etc. to care for the animals. Mr. Holmes also said that when need be, the FWC would find temporary boarding facilities for the animals and would not call upon the Levy County Animal Shelter because they are not licensed for these type of animals.

Chair Barber closed the floor to discussion.

After a lengthy discussion Chair Barber called for a motion to this item. Mr. Harper motioned to recommend denial of the Special Exception on the basis of its incompatibility with the residential area to the Board of County Commissioners. Mr. Lee seconded the motion; motion carried.

Break - 8:40 p.m. Reconvene- 8:45 p.m.

PETITION NO. SE 3-07 Dr. Ronald Spink representing Steve and Donna Mulkey, petitioning the Board for a Special Exception to allow for a Small Animal Veterinary Clinic, on a parcel of land located in the NW 1/4 of the SE 1/4 of Section 4, Township 13S, Range 19E in Levy County. Said parcel contains .47 acres more or less and is located within a "C-3" Moderately Intensive Commercial Zone. Situs Address is 21071 NE Hwy 27, Williston, Fl. 32696.

Attorney Lynn Lawrence was present to represent Dr. Ron Spink (applicant) and Steve and Donna Mulkey (property owners)

Mr. Corbitt presented his staff report.

Mr. Corbitt stated that at this time comments have not yet been provided from the City of Williston, but he assured the board comments will be back in time to forward to the Board of County Commissioners.

ISSUES OF CONCERN:

Mr. Grant asked if the applicants were going to take in animals from disasters. Mr. Corbitt explained that the application was not for boarding or grooming, but in the case of a disaster they would like to offer assistance in boarding animals. Mrs. Collins asked how the funding would be done for the low income spade and neutering clinic and if services will be provided to only the Williston area. Dr. Spink said that he and his wife are members of the Williston Animal Group. He said they would handle animals that are owned by the Williston Animal Group formerly

known as “The Friends of Williston Animal Shelter” and would assist the humane society and any other non-profit groups depending on funding and the types of support they receive. Dr. Spink stated that he does not have any agreement to provide services to the City of Williston.

Chair Barber asked for anyone in support of or in opposition to the petition. There were none.

Chair Barber closed the floor to discussion.

After a short discussion Chair Barber called for a motion to this item. Mr. Grant motioned to recommend approval of the Special Exception to the Board of County Commissioners to include no objection to the boarding of small animals in case of an emergency type situation and to include the staff conditions. Mr. Lee seconded the motion; motion carried.

OTHER BUSINESS: PLANNING DEPARTMENT:

Ms. Winburn explained that the original plan for this workshop was to focus on Springs Protection as far as EAR based amendments in the Conservation Element. She stated that Mr. Richard Deadman from DCA had planned to attend but due to some possible controversial items on the agenda they decided that the best recommendation was to hold a separate workshop just on Springs Protection. After some discussion the board agreed to hold a separate workshop on Monday, May 21, 2007 at 6:30 p.m.

Ms. Winburn stated that if the board wanted to continue the workshop there were other issues in proposed amendments to the Conservation Element including some about water quality.

Ms. Winburn reviewed proposed Policy 4.7, Conservation Element, CON Issue 2a: Coordination with Land Management Agencies Related to Prescribed Burning. Ms. Winburn reviewed the two actions (a) & (b) to be addressed in the EAR Report. The Board suggested striking the words “implement and maintain” in Policy 4.7 of the new language. Ms. Winburn explained that section (c) discusses Policy 2.6 Natural Reservations and the 330' building setbacks that will be addressed in a County initiated text amendment next month. Mrs. Collins suggested adding “U.S. Fish and Wildlife” in Objective 5 - Endangered and Threatened Wildlife, Policy 5.2 - Wildlife Habitat Management and Policy 5.5.

Ms. Winburn reviewed proposed CON Issue 2: Wildlands Urban Interface, (new) Objective 10 - Wildfire Mitigation. Ms. Winburn explained that there were four new actions (a), (b), (c) & (d) that are addressed in Objective 10. Ms. Winburn reviewed Policies 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8. After a lengthy discussion, Ms. Winburn stated that there were some issues that needed further review.

LEGAL DEPARTMENT County Attorney, Mrs. Anne Bast Brown

Proposed ordinance amending Levy County Code regarding Planning Commission responsibilities and organization of zoning provisions.

Mrs. Brown provided the board with copies of the ordinance for their review and explained that it would be discussed at the next regular meeting.

Mrs. Brown explained that the purpose of this review was for the most part, a reorganization of the code. Mrs. Brown stated that she tried to address specific items dealing with the Planning Commission, their duties and powers.

Areas discussed for reorganization and clarification of the Planning Commission was denial authority of subdivision plats to be appealed to the board, recommendation of subdivision variances, and the removal of Planning Commission Members. The current code stated removal of a member was on hearing or for cause. The new language states "members of the planning commission shall serve at the pleasure of the board of county commissioners."

Mrs. Brown briefly reviewed all other areas of the code that was reorganized and/or clarified.

Mrs. Winburn asked the board if they would like to have a separate meeting for Progress Energy. The board agreed to hold a separate meeting on Monday, June 11, 2007 at 6:30 p.m. for Progress Energy and to hear the three Large Scale Plan Amendments and Text Amendment at the regular meeting of June 4, 2007.

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

Chairman