

MINUTES

Levy County Planning Commission June 4, 2007 6:30 p.m.

The Levy County Planning Commission was called to order by Chairman 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 stated that at this time the minutes for May 7, 2007 were unavailable for review and will be possibly reviewed at the next regular meeting.

Chair Barber called for the board to disclose any ex-parte communications related to the petitions being presented. Ms Collins stated that she had site visits and spoke with Wendell Calhoun.

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 6-07 Croft Land Surveying representing Harold and Christine Bird, petitioning the Board for a Preliminary Plat of "Flying B Estates," a subdivision located in the S ½ of Section 19, Township 13S, Range 19E, in Levy County. Said parcel contains 41.50 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of four (4) ten acre more or less residential lots. Site Address: 19691 E. Levy Street. Tax parcel No. 05180-000-00 (portion of).

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

Mr. Danny Croft and Jason Murphy, representing the applicant were 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. Mr. Grant motioned to recommend approval of the Preliminary Plat of "Flying B Estates," to the Board of County Commissioners as presented. Ms. Collins seconded the motion; motion carried.

PETITION NO. SE 4-07 Robert Shelton petitioning the board for a Special Exception to allow the manufacturing of wood steps & decks, and metal fabrication of utility trailers, on a parcel of land located in Owen Baynard No. 1, Lots 10, 11 & 12 and a triangular parcel in the E ½ of the NW ¼ all being in Section 3, Township 11S, Range 14E, in Levy County. Said parcel contains 2.25 acres more or less. This parcel has a “C” Commercial land use and a zoning designation of “C-3” Moderately Intensive Commercial. Tax Parcel No. 16051-000-00.

Mr. Corbitt presented his staff report.

Mr. Robert Shelton 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.

ISSUES OF CONCERN:

Ms. Collins questioned whether there would be welding done at the property. Mr. Shelton stated that he would be doing light welding. Mr. Grant stated a concern with the disposal of the wood shavings produced from manufacturing the wood steps and decks and the potential damage to the water supply. Mr. Lee stated a concern with the brightness of the lighting on the property. Mr. Shelton stated that the lighting is for security reasons due to possible theft.

After a short discussion Chair Barber 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:

1. The Special Exception Use Permit is for light manufacturing, more specifically, the fabrication of utility trailers, **and** for the fabrication of wood steps and decks.
 2. A decorative opaque fence or wall of at least 8 feet in height, or non-deciduous street trees planted at intervals which creates a visual barrier, or a combination of both, at least eight feet in height shall be shown on the site plan submitted to the BOCC for their review, **and** shall be in place along the east boundary of the subject parcel prior to the start of manufacturing.
- Note:** The insertion of aluminum slats into an existing chainlink fence of eight feet in height shall suffice for this requirement.
3. 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. Grant seconded the motion; motion carried.

OTHER BUSINESS: PLANNING DEPARTMENT

PETITION NO. LSA 07-02 application by Michael Pardue, agent for Western NY Dairies, Levy County Dairy, and Ronald D. Skelton to amend the Future Land Use Map from Agriculture/Rural Residential (A/RR- one dwelling unit per 10 acres) to Rural Residential (RR- one dwelling unit per 3 acres) on approximately 695 acres in Sections 20 and 21, Township 12 South, Range 14 East. Situated between County Roads 330 and 347, west of S.R. 345. Tax Parcel No.'s 01021-001-00, 01022-000-00, 01024-000-00, 01028-005-00, 01028-006-00, 01028-000-00, 01028-002-00 and 01028-003-00.

Ms. Winburn presented her staff report.

Mr. Michael Pardue, representing the applicant was present to discuss this petition. Mr. Ronald D. Skelton was present to discuss this petition. Mr. Skelton stated the proposed subdivision will be homes only and that it will help increase the tax base.

Chair Barber asked for anyone in support of the petition. Mr. Doug King stated that it will be more affordable to purchase land with three acres lots rather than ten acre lots. Tom and Carolyn Kellerman stated that there is a need for affordable land and the smaller lots will allow for this.

Chair Barber asked for anyone in opposition to the petition. Celeste Aracena, Armagin Devore, Greg Lang and Mark Long stated concerns with the potential damage to the aquifer, impact to roads and impact to county services. Annette Long stated a concern with the proposed petition being in the Manatee Springs Basin and the burden to services. Tommy Allen stated a concern with nitrate levels and concrete buried in the ground due to the dairy operations on the proposed property. John Hudson stated a concern with keeping the area rural and the impact from additional septic systems.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

Ms. Collins stated a concern with the number of septic systems the proposed amendment change would allow and the lack of affordable housing available. Mr. Grant stated that he did not see the need to allow for higher density with the amount of undeveloped subdivisions in the area. Mr. Harper and Mr. Lee stated a concern that there is a conflict with supporting development, being financially able to provide the public services and the proposed amendment conflicting with the policies within the comprehensive plan.

After a short discussion Chair Barber called for a motion to this item. Mr. Harper motioned to recommend to the Board of County Commissioners to not transmit proposed large scale amendment "LSA 07-02" to the State for review. Ms. Collins seconded the motion; motion carried.

PETITION NO. LSA 07-04 application by Daniel M. Croft, agent, for CZ Driving Horses Inc., to amend the Future Land Use Map from Forestry/Rural Residential (F/RR – one dwelling unit per 20 acres) to Agriculture/Rural Residential (A/RR – one dwelling unit per 10 acres) on approximately 52 acres. Located in Section 12, Township 14 South, Range 16 East. Situated on the south side of C.R. 326, approximately 1.5 miles east of the intersection of C.R. 343 and C. R. 326. Tax parcel No. 02596-000-00.

Ms. Winburn presented her staff report.

Mr. Danny Croft and Mr. Jason Murphy, representing the applicant were present to discuss the petition.

Chair Barber asked for anyone in support of the petition.

Chair Barber asked for anyone in opposition to the petition. Ruby Gilman stated a concern with the close proximity to the Wekiva River. Greg Lang stated a concern with lack of public facilities and impact from septic systems.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

Mr. Harper asked about soil suitability. Ms. Collins asked about response from emergency services for that area.

After a short discussion Chair Barber called for a motion to this item. Ms. Collins motioned to recommend to the Board of County Commissioners to transmit proposed large scale amendment "LSA 07-04" to the State for review. Mr. Lee seconded the motion; motion carried. Ms. Collins, Mr. Barber, Mr. Grant and Mr. Lee voted "aye"; Mr. Harper voted "ney".

PETITION NO. CZ 3-07 Croft Land Surveying representing CZ Driving Horses, Inc., petitioning the board for a Change of Zoning from "F/RR" Forestry/Rural Residential (minimum parcel size 20 acres) to "A/RR" Agriculture/Rural Residential (minimum parcel size 10 acres), on a parcel of land located in Section 12, Township 14S, Range 16E, in Levy County. Said parcel contains 51.53 acres more or less. Tax Parcel No. 02596-000-00.

Mr. Corbitt presented his staff report.

Mr. Danny Croft and Mr. Jason Murphy, representing the applicant were present to discuss the petition.

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

Chair Barber asked for anyone in opposition to the petition. Ruby Gilman stated the same concerns she had with the proposed land use change.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

After a short discussion Chair Barber called for a motion to this item. Ms. Collins motioned to recommend approval for the change of zoning "CZ 3-07" to the Board of County Commissioners. Mr. Lee seconded the motion; motion carried. Ms. Collins, Mr. Barber, Mr. Grant and Mr. Lee voted "aye"; Mr. Harper voted "ney".

PETITION NO. LSA 07-05 application by Daniel M. Croft, agent for L.R. Boyette, Mabel D. Bernstel and Brenda Heberling, to amend the Future Land Use Map from Agriculture/Rural Residential (A/RR – one dwelling unit per 10 acres) to Rural Residential (RR- one dwelling unit per 3 acres) on approximately 246 acres in Section 19 and 20, Township 12 South, Range 14 East. Situated between County Roads 330 and 347, west of S. R. 345. Tax Parcel No.'s 01019-004-00, 01019-002-0A, 01019-002-0AB, 01019-003-0A, 01021-000-00.

Ms. Winburn presented her staff report.

Mr. Danny Croft and Mr. Jason Murphy, representing the applicant were present to discuss the petition. Mr. L.R. Boyette was present to discuss the petition. Mr. Boyette stated that this would be a deed restricted subdivision with road access from CR 330 and 347. Mr. Wendell Calhoun, agent for the applicant was present to discuss the petition. Mr. Calhoun stated that there was a need in the county for a development with this lot size, that it will increase the tax base for the county and that this will be a gated community development.

Chair Barber asked for anyone in support of the petition. Doug King stated that the reason the comprehensive plan is reviewed and updated is so that growth can continue in a structured way. Gail Bist stated that she supports the development and that it will be a benefit to the area.

Chair Barber asked for anyone in opposition to the petition. Celeste Aracena stated a concern with the affect the development will have on her property because of water runoff, sinkholes and whether there will be a buffer between the properties. She presented a photograph of her property for the record. Greg Lang, Mark Long and Armagin Devore stated concerns with the potential damage to the aquifer, impact to roads and impact to county services. Annette Long stated concerns with the property being in the Manatee Springs Basin and the burden the emergency services. Mike Tenney stated a concern with preserving the trees. Mike Penn stated that even though the county's comprehensive plan may be considered outdated it is still the current guide by which the county must base its decisions on.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

The Board stated the same concerns that they had with Petition LSA 07-02, which were as follows: The number of septic systems the proposed amendment change would allow and the lack of affordable housing available, did not see the need to allow for higher density with the amount of undeveloped subdivisions in the area, that there is a conflict with supporting development, being financially able to provide the public services and the proposed amendment conflicting with the policies within the comprehensive plan.

After a short discussion Chair Barber called for a motion to this item. Mr. Harper motioned to recommend to the Board of County Commissioners to not transmit proposed large scale amendment "LSA 07-05" to the State for review. Mr. Grant seconded the motion; motion carried. Ms. Collins, Mr. Barber, Mr. Grant and Mr. Harper voted "aye"; Mr. Lee voted "ney".

Mr. Jason Murphy, representing the applicant for "CZ 2-07" for a change of zoning requested that this item be tabled until the Board of County Commissioners decide to approve or deny the associated land use change application for transmittal to the state.

PETITION NO. CPA 07-02 application for a County initiated Comprehensive Plan text amendment, amending Policy 2.6 of the Conservation Element to remove a 330 foot setback and create a minimum 100 foot buffer width for the development of property adjacent to lands designated Natural Reservation on the Future Land Use Map or lands which have been acquired by government or non-profit agencies and managed for the purpose of conservation; amending existing policies 2.5, 2.7 and 2.8 and creating new Policies 2.7 and 2.10, relating to the protection of natural reservation areas.

Ms. Winburn presented her staff report.

Chair Barber asked for anyone in support of the petition. Greg Lang stated that the revisions were a good start in compromising.

Chair Barber asked for anyone in opposition to the petition. Murray Tillis stated that any setback would be taking property owner rights away from being able to develop their land and that any setbacks or buffers should be the responsibility of the state. Doug King stated that the county needs to preserve property rights. Mike Penn, Division of Forestry, stated a concern with the buffer language rather than a setback requirement and that an increase in density for properties surrounding state lands should be prohibited. Annette Long asked about adding language that would notify land owners if their property is in close proximity to state lands and the potential for prescribed burnings taking place. R.D. Skelton stated that the setback should be the responsibility of the state lands and not on the private property owners.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

Mr. Harper asked which setback requirement would supercede, the setback for springs protection or the conservation element setback. Ms. Winburn stated that should the text amendment be approved they will have to make sure that there is not a conflict between the two elements. Mr. Harper stated that there should be a setback requirement rather than a buffer zone because a buffer zone would restrict what can be done within the buffer area versus the setback requirement would affect setback of the structures. Ms. Collins stated that she would like to have input from the water management districts. Ms. Collins stated that this issue came up because of a land use change that was done changing density from A/RR to RR on property that is located next to state lands. Mr. Lee stated that the 100 foot setback would be better than using a buffer zone.

Mr. Corbitt stated a concern that the new policies not become too cumbersome to regulate. Ms. Brown suggested adding to policy 2.7 item (f) to show the adequacy of the proposed building setback to protect the property owner and affected ecosystem from adverse impacts.

After a short discussion Chair Barber called for a motion to this item. Mr. Lee motioned to recommend that staff eliminate the buffer language and use the setback of 100 feet; still allow for an increase or decrease of the setback standards as stated in policy 2.6 for variances. Mr. Harper seconded the motion; motion carried. Mr. Lee, Mr. Barber and Mr. Harper voted "aye"; Mr. Grant and Ms. Collins voted "ney".

Mr. Grant motioned to recommend that staff make the necessary changes to the proposed text amendment as directed by the board and for the board to review the updated changes at the next meeting on June 11, 2007, at which time the decision to recommend possible transmittal to the state can be made. Ms. Collins seconded the motion; motion carried.

LEGAL DEPARTMENT: ORDINANCE

Ms. Brown requested that this item be tabled and added to the agenda for the next meeting on June 11, 2007.

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

Chairman