

## MINUTES

### Levy County Planning Commission

October 1, 2007

6:30 p.m.

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

Ron Grant  
Thomas Harper  
Vaughn Lee  
Toni Collins

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

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

Chair Barber asked if there were any minutes to be reviewed. Board Secretary, Grace Benton said there were none available at this time.

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.

#### NEW BUSINESS:

**PETITION NO. FP 8-07** Croft Land Surveying representing Southeast Dairy Co., LLC, petitioning the board for a Final Plat of "Bridle Trace," a subdivision located in the W ½ of Section 7, Township 14S, Range 18E, in Levy County. Said parcel contains 266.54 acres more less and is located within an Agriculture/Rural Residential "A/RR" zone. This subdivision will consist of twenty-six 9.5 acres more or less residential lots.

Mr. Jason Murphy of Croft Land Surveying, representing the applicant was present to discuss this petition.

Mr. Corbitt said the plat review committee recommended approval. Mr. Corbitt also said this subdivision would be a gated community with private roads that will be paved.

Mrs. Brown said that she had some issues concerning this plat. Mrs. Brown said that on the plat one of the notes referred to public utilities and cable easements, but the dedications were to the homeowner's association. Mrs. Brown said the discrepancy needed to be clarified. Mrs. Brown said the homeowner's association documents she had received referred to exhibits that she did not receive. Mrs. Brown said there was a code

section requiring the homeowner's association legal counsel to submit a statement stating that the property owners' association documents have been approved and is in accordance with Florida law. Mrs. Brown said in the draft she had received, the roads had private names with the 911 addresses in a parenthesis. Mrs. Brown questioned why this was done because now there were no designations in the latest copy and she did not know if the 911 offices would be okay with it. Mr. Corbitt said that at this time he had not received any comments or reclamation from the 911 addressing office regarding the plat.

Mrs. Brown said the plat could be recommended for approval subject to meeting conditions prior to being heard by the Board of County Commissioners. Mr. Corbitt told the board they were reviewing the plat for the comprehensive plan and land development code. Mr. Corbitt said the plat was compliant in those regards, but was not compliant in a technicality with the exception of the documents for the homeowners' association that were not complete and sent to Mrs. Brown for attorney's review.

Chair Barber asked for anyone in support to the petition. Mr. Murphy said that at this time nothing will be changing on the plat, it was just a matter of making sure that the homeowner's association documents properly allow for maintenance, etc.

#### **QUESTION:**

Mr. James Barker asked to see a copy of the survey and/or the permit from the Fish and Wildlife Conservation Commission regarding gopher tortoises. Both Mr. Murphy and Mr. Corbitt stated that the permit process is done during the construction permitting phase and is handled by Southwest Florida Water Management District. Mr. Barker asked about a road being constructed to the east and whether or not it was part of this plat. Mr. Corbitt said that road was for Saratoga South.

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

Chair Barber closed the floor to discussion.

#### **ISSUES OF CONCERN:**

Mr. Harper said that he had an issue with the processing of the applications and the applications not being screened for completeness. Mr. Corbitt said that an application could not be denied. Mr. Corbitt said the plat has been signed by all necessary departments except for the County Attorney, BOCC and Clerk of Court. Mr. Corbitt stated that the plat has met the requirements of the land development code and the applicant has retained the required signatures to apply for the final plat. Mr. Corbitt said that if the board was unsure about recommending approval, they could motion to table it until all technicalities have been met or authorize the chairman to sign with the condition that the plat does not go to the board until all issues are resolved. Mrs. Collins stated that there have been several times that final plats have been provided for legal review and occasionally there have been changes needed. Mrs. Brown said that this plat had more than normal, but it could be taken care of off the mylar. Mrs. Brown said that not only

have the public issues not been resolved, but there were no street names and she didn't know how it could get final approval without street names. Mr. Murphy said that the plat never had 911 numbers. Mr. Murphy said that on the plat, he has always had in parenthesis "911 designation by Levy County."

After all discussion, Chair Barber called for a motion to this item. Mrs. Collins motioned to recommend approval of the final plat upon resolution of the streets and the other issues addressed by Mrs. Brown as follows: Prior to the filing of the final plat with the Clerk's Office, the homeowners' association documents must be recorded, provide a letter from the developer's counsel stating that the property owners' association documents have been approved and are in accordance with Florida law and complete the acknowledgment portion on the plat for the state and county. Mr. Lee seconded the motion. Mrs. Collins, Mr. Lee and Chair Barber voted "aye." Mr. Harper voted "ney." Motion carried.

**PETITION NO. FP 10-07** Pardue Land Surveying representing Levy County Dairy (Ronald Skelton and Ron St. John), petitioning the board for a final plat of "Lazy Oaks," a subdivision located in the NE 1/4 of the NW 1/4, and the NE 1/2 of the NE 1/4 of Section 19, Township 12S, Range 14E, in Levy County. Said parcel contains 117.03 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone. This subdivision will consist of twelve 9.5 acres more or less residential lots.

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

Mr. Corbitt said the plat review committee recommended approval.

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

Chair Barber closed the floor to discussion

After all discussion, Chair Barber called for a motion to this item. Mrs. Collins motioned to recommend approval of the final plat as presented. Mr. Harper seconded the motion. All members voted "aye." Motion carried.

#### **ORDINANCE:**

Mr. Corbitt read into the record the proposed ordinance amendment.

Ordinance for a proposed amendment to Chapter 50, Levy County Land Development Code, Sections 50-1, 50-676, 50-712, 50-722, 50-727, 50-733, 50-743, 50-747, 50-762 and 50-823 of such Land Development code to allow for an amendment to provisions relating to definitions for junkyards and related terms; and provide for junkyards as a permitted use in the industrial district; provide for revisions to permitted, prohibited, and special exception uses in several districts.

Mr. Corbitt gave a brief history on how the proposed ordinance amendment came about. Mr. Corbitt said that staff is recommending that junkyards be assigned as a permitted use in the "I" Industrial zone. Mr. Corbitt said that staff is seeking a recommendation to the Board of County Commissioners.

Both Mrs. Collins and Chair Barber asked whether or not the existing junk yards would be required to upgrade to the proposed ordinance amendment if approved. Mr. Corbitt explained that if the existing junk yards are not in compliance with the conditions/law when they were approved, then they would still be considered non-compliance. Mrs. Collins asked if they were going to be made to be brought into compliance. Mr. Corbitt said that he had limited resources in that regard, but it is being worked on. Mr. Corbitt said that the existing junk yards would be required to meet the rules they were approved with and they would not be required to comply with the proposed changes, and would be grandfathered in.

Chairman Barber asked for anyone in support this petition.

Mr. Andrew Brown representing Joseph Knauff, stated that they meet the requirement for access. Mr. Brown said there is not an office on the property and the property is kept clean. Mr. Al Carnegie said that by allowing businesses of this type would be a benefit to the community.

Mr. Ed Roberts said he was not really for or against. Mr. Roberts explained that auto salvage was strictly for truck/car parts and recycling is for metal.

Mrs. Brown said the county zoning code does not differentiate from the two uses. She said the zoning code for junkyards includes both auto salvage and metal recycling.

Chairman Barber asked for anyone in opposition this petition.

Mr. Joe Cauthen said he owns property adjacent to the parcel being discussed (owned by Mr. Joe Knauff). Mr. Cauthen said allowing this type of use would affect the property values as this is a residential area. Mr. Cauthen provided a petition with 98 signatures of citizens that oppose the junkyard being open. Mr. Cauthen said that he was opposed to allowing junkyards as a permitted use in an "I" Industrial zone and asked that it be allowed by special exception only.

Mr. William Oliver said his concern was property value. Mr. Oliver said he was told that the only way to have a junkyard was to purchase property with an existing junkyard. Mr. Oliver said that he spent a significant amount of money purchasing the property and was under the understanding that was the only way for him to have his specialty business. Mr. Oliver said there was no need for additional junkyards. Mr. Oliver said by approving the ordinance would make it easier for someone to have a junkyard and would be un-justice to him because he had invested a significant amount of money to purchase the property to have a legitimate business.

After all discussion, Chair Barber called for a motion. Mrs. Collins motioned to recommend approval of the ordinance amendment as presented to the Board of County Commissioners. Mrs. Collins found that the proposed ordinance was consistent with the comprehensive plan. Mr. Grant seconded the motion. All members voted “aye.” Motion carried.

Break: 8:00 p.m. to 8:05 p.m.

## **PLANNING DEPARTMENT: EAR WORKSHOP**

Ms. Neely said the board had in their packet’s copies of the Transportation, Housing, Coastal Management, Recreation and Open Space, Intergovernmental Coordination, Economic and the proposed Springs Protection Element with the Data and Analysis to support the proposed amendment. Ms. Neely said the recommended changes to the elements were from the Evaluation and Appraisal Report (EAR) process that was submitted to DCA by Kathy Winburn, the former County Planner prior to Ms. Winburn leaving the County. Ms. Neely said the results were from the direction of the DCA.

### **Transportation Element**

Mrs. Collins commented that she was pleased to see the language added in Policy 3.2 for the extension of the Suncoast Parkway and Policy 2.2.

### **Housing Element**

Mrs. Collins said that she would like to see some of the plats offer affordable housing for the young couples with families.

**Coastal Management Element** No comments.

### **Economic Element**

Mr. Harper suggested that large scale amendments require an economic impact study. Mr. Harper said when large scale amendments are requested changes are made to the Comprehensive Plan, thus creating an economic impact on the county, therefore the studies should be considered. Mrs. Collins asked what objective and policy it would be placed under. Mr. Harper said it would be under Objective 3 - Planning and Development, Future Development and a new Policy 3.7. Mrs. Neely said that she would do some research and provide new language.

**Recreation and Open Space Element** No Comments.

### **Intergovernmental Coordination Element**

Mrs. Collins asked if the communication among the municipalities improved. Both Mr. Corbitt and Mr. Lee said they thought there has been some improvement.

### **Springs Protection Element**

Mrs. Collins asked for clarification on language for Policy 6.2 of the Springs Protection Element regarding existing septic systems being replaced with performance-based septic systems when the existing systems fail or require a replacement. Mrs. Collins stated that the Springs Protection Element would be wonderful for Levy County, but she did not think it would be approved. Mrs. Collins stated that she would like to have someone attend the meetings that would specialize in this area. Mr. Harper said he was concerned about nothing being done and suggested best management practices for septic systems that are in the various zones. Mr. Harper said that an expert would be needed to accomplish this. Both Mr. Harper and Mrs. Collins stated that a more defined Springs Protection Zone was needed to identify the most intense areas such as the septic system. Mrs. Brown suggested including the Springs Protection within the Conservation Element rather than creating a new element for a couple of policies. The board recommended rewording the language of the Springs Protection and to include it in the Conservation Element.

Mrs. Neely explained there would be a workshop on October 22, 2007 for review of the land use, MSD's and Springs Protection with the new language to be included in the Conservation Element. Mrs. Neely said that this would be to finalize and make a recommendation to the Board of County Commissioners. Mrs. Neely said that staff would mail a new packet and calendar update.

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

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Chairman