

MINUTES

Levy County Planning Commission

November 5, 2007

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

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

Chair Barber called for a motion to either approve or deny the minutes from May 21st and July 2nd, 2007 as presented. Ms. Collins motioned to approve the minutes from May 21, 2007 as presented. Mr. Grant seconded the motion. All members voted "aye." Motion carried. Mr. Grant motioned to approve the minutes from July 2, 2007 as presented. Mr. Lee seconded the motion. All members voted "aye". Motion carried.

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. Mr. Grant stated that he had site visits and correspondence.

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. FP 11-07 Pardue Land Surveying representing Millard R. Seldin, petitioning the board for a Final 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. Parcel No. 04551-003-00 (portion of).

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

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

Chair Barber asked for anyone in support of the petition. There was none. Chair Barber asked for anyone in opposition to the petition. Mr. Steve Corrado stated a concern with noise due to the air strip and removal of trees in the area.

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 Final Plat of "Rolling Meadows," to the Board of County Commissioners as presented. Ms. Collins seconded the motion; motion carried.

PETITION NO. SEA 1-07 Eddie Hodge (Derby Gold Pine Shavings, LLC), petitioning the board for a Special Exception Amendment to SE 6-06 to change the days and time of operation of the Derby Gold shaving mill, located on a parcel of land in the SE ¼ of Section 29, Township 13S, Range 19E, in Levy County. Said parcel contains 14.9 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No. 05230-000-00 (portion of).

Mr. Ralph Eng, representing the applicant was present to discuss this petition. Mr. Eddie Hodge, Mr. Will Irby and a representative from Siebein Engineering were present to discuss this petition. Mr. Eng submitted for the record pictures of the petition site.

Mr. Corbitt presented his staff report. Mr. Corbitt stated that the use is consistent with the comprehensive plan and the land development regulations for an agriculture operation.

Mr. Ralph Eng explained that noise should not be an issue because of the upgrades the applicant has made to the structure and there has not been an issue with noise in the past. Mr. Eng explained that the reason for the amendment to the special exception is the change the hours of operation and that this is to allow for operation of the mill on an "as needed basis", due to peak times of the year. Mr. Hyun Paek explained that he conducted noise measurements to ensure that the mill operation did not exceed the allowable decibels for the noise ordinance. Mr. Will Irby explained that they have been working to meet all of the noise level requirements for the County. Mr. Eddie Hodge explained the three operations involved in the business as being logging, timber and the mill.

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

Chair Barber asked for anyone in opposition to the petition. Traudi Miller-Moss asked about ambient levels and stated a concern with safety, traffic, pollution and decrease in property values. Sandra Lane stated a concern with the noise level and hours of operation. Hillary Hampton and Jim Lane stated a concern with safety, traffic and truck noise. Rob Grant stated that there have been over twenty complaints about noise and stated a concern with the health, safety and welfare of property owners. Mr. Grant stated that there were three Sundays in a row that the mill was in operation. Tim Fisher, lawyer representing Rob Grant stated that they felt not enough property owners were notified to allow for experts to be present and asked that the petition be postponed 90 days. Leah McFarland, Brian Tessmann and Bill Spear stated a concern with noise.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

The Board asked about the ambient noise and decibel levels for the County. Mr. Corbitt explained that the decibel levels at night are 50 and 65 decibels during the daytime at the receiving property line. Ms. Collins stated that it would be hard to differentiate between the logging, timber and the mill operation as to which business was creating the noise and that in an area which is agriculturally based, homeowners who choose to live in a rural area and are near such businesses that they need to keep in mind that these types of operations are allowed within the land use and zoning classification. Mr. Grant stated that he lives in an area with similar agricultural operations and that he does empathize with the surrounding property owners, however, it is the responsibility of the property owner to be aware of the surrounding properties around them and the potential for development in the area.

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 approval is to amend Special Exception Number SE 6-06 to allow the days and times of operation of the shaving mill to seven days per week, 24 hours per day, **providing** the noise produced by the shaving operation, including that of the log loader currently located outside of an enclosed structure, is attenuated to a sound level that is virtually un-noticeable at the applicants property line. To be in compliance with this requirement, the applicant, operator or owner shall now allow sound levels to exceed 10 decibels above the normal ambient sound level measured at any receiving property line.
2. There shall be no deliveries of any products or materials, either incoming or outgoing, including but not limited to: logs, bags, fuels, machine parts or any other materials associated with the shaving mill operation between 7:00 p.m. or 7:00 a.m. by commercial vehicles. Vehicular traffic of passenger vehicles, sport utility vehicles and light trucks, including vehicular traffic caused by personnel during shift change, are not to be included in this condition.
3. These conditions shall apply to the applicant, owner(s), operator(s) or their assigns.

Mr. Grant seconded the motion; motion carried.

PETITION NO. SE 8-07 Darindra Ghamandi petitioning the board for a Special Exception to allow a machine shop – metal fabrication of highly technical industrial vacuum equipment, on a parcel of land located in the N ½ of the NW ¼ of Section 25, Township 16S, Range 16E, lying East of US 19/98, in Levy County. Said parcel contains 2.61 acres more or less. This parcel has a land use designation of “C” Commercial and a zoning district of “C-3” Moderately Intensive Commercial. Tax Parcel No. 02920-002-00.

Mr. Darindra Ghamandi was present to discuss this petition.

Mr. Corbitt presented his staff report. Mr. Corbitt stated that the applicant will build the dirt road to county specs to the entrance of the subject property.

Chair Barber asked for anyone in support of the petition. Mr. David Rutinger stated that he has looked at the business operation and has no objections to the petition.

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

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

Ms. Collins asked whether staff received any opposition letters from surrounding property owners. Mr. Corbitt said none have been received. Ms. Collins asked whether the applicant washes the equipment with chemicals. Mr. Ghamandi said no and that they only wash the coolant off.

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 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 any raw materials out 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 southern boundary of the subject property to buffer the proposed use from the residential zoning district located across the road (SE 182nd Place).
4. Street trees shall be planted along all road frontages at intervals not to exceed 25 feet. Street trees planted in combination with berms, fences or other landscaping techniques set back from the property boundary shall also be considered to have satisfied this requirement.
5. 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.

Ms. Collins seconded the motion; motion carried.

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

NEW BUSINESS: PLANNING DEPARTMENT – EAR PUBLIC HEARING

Ms. Shenley Neely explained that the purpose of the workshop was to discuss the final recommendations to the Board of County Commissioners regarding the EAR-based amendments to the Comprehensive Plan. Ms. Neely explained that based on previous workshops staff has made changes to the amendments and that what they are reviewing will be the final draft of the EAR-based amendments. Ms. Neely explained that the Springs Protection Element was the last element that needed to be finalized. Ms. Neely explained that staff had received input from Richard Deadman, DCA and Rob Corbitt with updating the final draft. Ms. Neely presented the Board with the proposed springs protection zone map. Ms. Neely explained that staff would add language in the text to include the proposed map.

Brad Parker stated a concern with the map and that it did not include the Wekiva within the zone. Annette Long stated that the best available data is there to back up the map and that the water management district has such data. Emily Casey expressed a concern that the whole County should be included within the springs protection zone.

Chair Barber closed the floor to discussion.

ISSUES OF CONCERN:

Mr. Corbitt stated a concern that the map included too much of the County within the springs protection zone. Ms. Anne Brown stated a concern with the map not having the data and analysis to support it. Ms. Collins stated that the Springs Element and map is a start in the right direction. The Board expressed a concern with requiring property owners to install the advanced treatment septic systems and the cost involved to the homeowners.

After the discussion Chair Barber called for a motion to this item. Ms. Collins motioned to recommend approval of the Springs Protection Element and the proposed springs protection zone map. Mr. Grant seconded the motion for discussion. Motion failed. Ms. Collins voted “aye”, Mr. Grant, Mr. Lee and Chair Barber voted “ney”. Mr. Grant motioned to delete Policy 6.2 in the Springs Protection Element concerning replacing the existing septic systems. Ms. Collins seconded the motion. Motion failed. Mr. Grant and Ms. Collins voted “aye”, Mr. Lee and Chair Barber voted “ney”. Mr. Lee motioned to recommend approval of the EAR-based amendments to the Comprehensive Plan without the Springs Protection Element and proposed springs protection zone map. Chair Barber passed the gavel to Vice Chair Grant and seconded the motion. Vice Chair Grant

called for the vote. Motion carried. Mr. Lee, Mr. Barber and Vice Chair Grant voted “aye”, Ms. Collins voted “ney”.

OTHER BUSINESS:

ORDINANCE NUMBER 2007-07 An Ordinance of Levy County, Florida, providing that the Levy County Code be amended by amending numerous sections of the land development code; providing for amendment definitions of residential districts, residential zoning districts, and residential area; providing for amendment of provisions in the land development code necessitated by the definition amendments; providing a repealing clause; and providing an effective date.

Ms. Anne Brown read the Ordinance in to the record. Ms. Brown explained that the goal of this ordinance was to clarify the language concerning the residential districts because there was several different terms being used throughout the Code.

Chair Barber called for a motion to this item. Ms. Collins motioned to recommend approval of Ordinance No. 2007-07 to the Board of County Commissioners and that the ordinance is in agreement with the Comprehensive Plan. Mr. Grant seconded the motion; motion carried.

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

Chairman