

MINUTES

Levy County Planning Commission

June 5, 2006

6:30 p.m.

The Levy County Planning Commission was called to order by Chairperson Collins. Other members present were as follows:

Thad Barber
Ron Grant
Thomas Harper
Vaughn Lee

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

Chairperson Collins explained that the minutes from April 3, 2006 were presented and a motion was made at the regular meeting on May 1, 2006 but a vote was not taken at that time. Chairperson Collins then called for a motion to this item. Mr. Lee motioned to approve the minutes as presented. Mr. Grant seconded the motion. All members voted "aye." Motion carried. Chairperson Collins then called for a motion to either approve or deny the minutes from May 1, 2006 as presented. Mr. Harper motioned to approve the minutes. Mr. Grant seconded the motion. All members voted "aye." Motion carried.

Chairperson Collins called for the board to disclose any ex-parte communications related to the petitions being presented. Chairperson Collins stated her ex-parte communications as being site visits for the proposed plats and for Special Exception Amendment 2-06. In addition to a site visit for the Special Exception Amendment she stated she had requested information from the Florida Division of Historic Resources and for the Change of Zoning for Turlington, she had visited the site and got stuck and received help from Bill and Sandra Ragland who then asked questions about the petition, she suggested they come to the meeting.

Chairperson Collins 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.

Chairperson Collins asked the Development Department to present the items of business.

NEW BUSINESS: DEVELOPMENT DEPARTMENT

PETITION NO. FP 4-06 McMillen Surveying representing Gator Oaks, LLC, petitioning the board for a Final Plat of "**Gator Oaks**," a subdivision located in the NW 1/4 of the SW 1/4 of Section 35, Township 11S, Range 17E, Levy County. Said parcel contains forty acres more or less and is located in an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of four 9 acre more or less residential lots

Mr. Corbitt stated that the plat review committee recommended approval of the plat.

Mr. Steve McMillen, representing the applicant, was present to discuss this petition.

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Grant motioned to recommend approval of the Final Plat of "Gator Oaks," to the Board of County Commissioners as presented. Mr. Lee seconded the motion. All members voted "aye." Motion carried.

PETITION NO. PP 18-06 Croft Land Surveying, Inc. representing Peggy White, Nettie White Life Estates, Thomas Joyner, Dolores Joyner, Bobby White, Edwina Asbell and Joseph Asbell, petitioning the board for a Preliminary Plat of "**White Estates**," a subdivision located in the NE 1/4 of Section 8, Township 12S, Range 18E, Levy County. Said parcel contains 40 acres more or less and is located in an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of four 10 acre more or less residential lots.

Mr. Corbitt stated that the plat review committee recommended approval of the plat.

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Lee motioned to recommend approval of the Preliminary Plat of "White Estates," to the Board of County Commissioners as presented. Mr. Harper seconded the motion. All members voted "aye." Motion carried.

PETITION NO. PP 19-06 Croft Land Surveying, Inc. representing Calvin D. Gosman, Jr and Sheila A. Gosman, petitioning the board for a Preliminary Plat of "**Gosman Acres**," a subdivision located in the NE 1/4 of Section 32, Township 12S, Range 19E Levy County. Said parcel contains 3.6 acres more or less. This parcel has a land use designation of "MDR" Medium Density Residential and a zoning classification of "R" Residential and is located within the Williston Municipal Service District. This subdivision will consist of three 1 acre more or less residential lots.

Mr. Corbitt stated that the plat review committee recommended approval of the plat.

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Grant motioned to recommend approval of the Preliminary Plat of "Gosman Acres," to the Board of County Commissioners as presented. Mr. Barber seconded the motion. Mr. Grant, Mr. Barber, Mr. Lee and Chairperson Collins, voted "aye." Mr. Harper voted "nay." Motion carried.

PETITION NO. FP 5-06 Pardue Land Surveying representing Janet Cribb, petitioning the board for a Final Plat of "**Cribb's Estates**," a subdivision located in Manatee Farms Estates Unit 1, a Replat of Lots 27 and 28, Block A, in Section 21, Township 11S, Range 14E, in Levy County. Said parcel contains 10 acres more or less and is located within an "RR" Rural Residential zone. This subdivision will consist of three 3.36 acre more of less residential lots.

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

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. No motion was made. Chairperson Collins then passed the gavel to Vice-Chair, Mr. Barber. Ms. Collins then motioned to recommend approval of the Final Plat of "Cribb's Estates," to the Board of County Commissioners as presented. Mr. Grant seconded the motion. All members voted "aye." Motion carried.

PETITION NO. PP 13-06 Pardue Land Surveying representing Jay Milich, petitioning the board for a Preliminary Plat of "**Vintage Oaks**," a subdivision located in Section 21, Township 12S, Range 17E, a replat of Lot 1, Block 16, Bronson Heights, Levy County. Said parcel contains 21.25 acres more or less. This parcel has a land use designation of "LDR" Low Density Residential and a zoning classification of "RR" Rural/Residential and is located within the Bronson Municipal Service District. This subdivision will consist of seventeen 1 acre more or less residential lots.

Mr. Corbitt stated that the plat review committee recommended approval of the plat. He also stated the plat was provided to the City of Bronson and they had no objections. Mr. Corbitt also stated that a Variance would be required by final plat for Cul-de-sac Length.

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

Chairperson Collins asked for anyone in support to the petition. There were none. Chairperson Collins asked for anyone in opposition to the petition. Henry Britten, Barbara Denny, Steve Yuen, Roberta Picard, Tina Bloombaum, Lewis Conover, George Graville, Margo Phelps and Nancy Chase had concerns regarding water, traffic, roads, endangered species, type of dwellings and would like to see the area remain rural.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Lee motioned to recommend approval of the Preliminary Plat of "Vintage Oaks," to the Board of County Commissioners as presented. Mr. Harper seconded the motion. Mr. Lee, Mr. Harper and Mr. Barber voted "aye." Chairperson Collins and Mr. Grant voted "nay." Motion carried.

5 Minute Break - 7:25 p.m.

PETITION NO. PP 17-06 Pardue Land Surveying representing Kay G. Drummond, petitioning the board for a Preliminary Plat of "**Gilchrist Farms**," a subdivision located in the E ½ of the SE 1/4 of Section 26, Township 10S, Range 14E, Levy County. Said parcel contains 80.55 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. This subdivision will consist of eight 9 acre more or less residential lots.

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

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Barber motioned to recommend approval of the Preliminary Plat of "Gilchrist Farms," to the Board of County Commissioners as presented. Mr. Grant seconded the motion. All members voted "aye." Motion carried.

PETITION NO. PP 20-06 Pardue Land Surveying representing Drummond L. Investments LTD, petitioning the board for a Preliminary Plat of "**Stancel Farms**," a subdivision located the N 1980' of the W 2695', Less the Right of Way for County Road 345 AND the W 1617' of the S 3300', Less the Right of Way for County Road 345, both in Section 21, Township 11S, Range 15E, in Levy County. Said parcel contains 235.12 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone.

Mr. Corbitt stated that the plat review committee recommends approval of the plat. Mr. Corbitt also stated that a Variance would be required by final plat for Block Length.

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Harper motioned to recommend approval of the Preliminary Plat of "Stancel Farms," to the Board of County Commissioners as presented. Mr. Lee seconded the motion. All members voted "aye." Motion carried.

PETITION NO. PP 21-06 Pardue Land Surveying representing 602 Plaza, LLC, petitioning the board for a Preliminary Plat of "**Golf View**," a subdivision located in part of the NW 1/4 of the NW 1/4, in Section 32, Township 11S, Range 14E, Levy County. Said parcel contains 9.8 acres more or less and is located within an "RR" Rural Residential zone. This subdivision will consist of three 3 acre more or less residential lots.

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

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

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Barber motioned to recommend approval of the Preliminary Plat of "Golf View," to the Board of County Commissioners as presented. Mr. Lee seconded the motion. Mr. Barber, Mr. Lee and Mr. Grant voted "aye." Mr. Harper and Chairperson Collins voted "nay." Motion carried.

PETITION NO. SEA 2-06 Eng, Denman and Associates, Inc., representing HSI Levy, LC; VH Levy, LC; D & M Levy, LC; All Florida Limited Liability Companies, Eddie Hodge, President, petitioning the board for an Amendment to Special Exception 2-04 a Major Mining - Borrow Operation to reduce the paving distance of the access road from 1320' to 200' and to add a secondary hauling route, on a parcel of land located approximately 1 to ½ miles East of US Hwy 41, and ¾ miles South of CR 322, lying in Sections 29 and 32, Township 13S, Range 19E.

Total project area is 677 acres more or less and is located within an “A/RR” Agriculture/Rural Residential zone.

Mr. Corbitt presented his staff report.

Mr. Ralph Eng, representing the applicant was present to discuss this petition. Mr. Eddie Hodge, applicant was also present.

Mr. Eng gave a brief presentation of the proposed amendment and provided letters from James Cason, Robert Jones and a deed from CSX Railroad.

The Board questioned the ownership of the CSX Railroad. Ms. Brown stated that neither the letter from CSX Railroad or Mr. Jones would be sufficient regarding property right issues and that documentation showing title to the property would be needed.

The Board also had questions and concerns on the violations that had been made by beginning the Major Mining - Borrow Operation without first obtaining the required operating permit.

Chairperson Collins asked for anyone in support to the petition. There were none. Chairperson Collins asked for anyone in opposition to the petition. Mr. Pat Mooney stated that he does not feel that the applicant would honor agreement. Ms. Ella Sound had concerns about noise.

Chairperson Collins closed the floor to discussion.

After the discussion, Chairperson Collins called for a motion to this item. Mr. Harper motioned to recommend to the Board of County Commissioners approval of **Part I**. Modification of Condition #5 of SE 2-04 with amendments and to table **Part II**. Secondary access route via abandoned railroad bed and private property for 30 days not to exceed 60 days for a more definitive definition on the legal authorization, reconsider the paving problem with Special Exception and code enforcement will be suspended on south end unless complaints are received. Mr. Lee seconded the motion. All members voted “aye.” Motion carried.

AMENDMENTS:

1. Require the applicant, mine operator, property owner or his/her assigns to pave the access road from the edge of pavement of CR 322 to a point not less than ~~660~~500 feet in length in the alignment shown on the site plan provided herein this application and approved with Special Exception Application SE 2-04. Said pavement shall be a minimum of 20 feet in width to permit two vehicles to pass each other without leaving the pavement. **A bond will be required** if paving has not begun within 60 days and must be completed within 90 days of approval by the BOCC or all mining operations shall **“Cease and Desist” until the access road is paved accordingly.**

2. Require the applicant, mine operator, property owner, or his/her assigns to obtain the County Operating Permit within 90 days of approval by the BOCC, **or all mining operations shall “Cease and Desist.”** The County Operating Permit may not be issued until all conditions of approval have been met.
3. All applicable Land Development Code sections and the conditions of the approval of the **SE 2-04** shall apply to the property owner (s), mine operators, or their assigns.
4. All conditions set forth in the approval of this amendment application (Number **SEA-2-06**) shall apply to the property owner (s), mine operators, or their assigns.

5 Minute Break 9:25 p.m.

PLANNING DEPARTMENT:

PETITION NO. CPA 06-01, County initiated application to amend Policy 1.5 of the Future Land Use Element to establish a level of intensity standard for commercial use in the Rural Commercial Node (RCN) Future Land Use Map designation and to amend Policy 1.10 of the Future Land Use Element to allow the extension of boundaries in the Rural Commercial Node (RCN) Future Land Use designation under certain conditions.

Ms. Winburn presented her staff report.

Chairperson Collins asked for anyone in support to the petition. There were none. Chairperson Collins asked for anyone in opposition to the petition. Debbie Byram, Marion Donaghey, Pat Mooney, Bob Gasperini and Jason Murphy spoke in reference to the lot coverage, boundaries, density and rural area.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Lee motioned to recommend to the Board of County Commissioners to transmit Petition CPA 06-01 to the Department of Community Affairs for Objections, Recommendations and Comments (ORC Report). Mr. Grant seconded the motion. All members voted “aye.” Motion carried.

PETITION NO. LSA 06-01, application by Daniel B. and Ena Ramkissoon, property owners, to amend the Levy County Future Land Use Map from Agriculture/Rural Residential (A/RR) to Rural Commercial Node (RCN) on approximately 33.5 acres. Located in Section 3, Township 15 South, Range 17 East. Tax parcel numbers 03768-001-0A (portion) and 03768-001-0B. Situated at the northeast and southeast corners of the intersection of S. R. 121 and C. R. 337.

Ms. Winburn presented her staff report.

Daniel B. and Ena Ramkissoon were present to discuss this petition.

Chairperson Collins asked for anyone in support to the petition. There were none. Chairperson Collins asked for anyone in opposition to the petition. Debbie Byram, Sandy Gasperini, Dottie (last name un-audible), Art Baldwin, Barbara Byram, Bob Gasperini, Marion Donaghey, and Ann Dockter all had concerns regarding dangerous intersection, type of commercial, node size, noise, trash, water run-off, and would like area to remain rural.

Daniel Ramkissoo (applicant's son) stated that the future use would be a convenience store/gas station and hardware store.

Chairperson Collins closed the floor to discussion.

The Board had concerns regarding the dangerous intersection, service station/convenience store already established within 2.5 miles already, already enough nodes.

Mr. Lee said that he did not see any issues in establishing a node at this location.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Grant motioned to recommend to the Board of County Commissioners not to transmit Petition LSA 06-01 to the Department of Community Affairs as presented. Mr. Barber seconded the motion. Chairperson Collins, Mr. Grant, Mr. Barber, and Mr. Thomas voted "aye." Mr. Lee voted "nay." Motion carried.

PETITION NO. LSA 06-02, application by Murray Tillis, agent, for Carl P. and Muriel W. Turlington, property owners, to amend the Levy County 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 520 acres. Located in Section 20, Township 11 South, Range 17 East. Tax parcel numbers 03199-001-00, 03200-001-00, 03199-002-00 and 03199-000-00. Situated on the east side of C. R. 337.

Ms. Winburn presented her staff report.

Both Mr. Harper and Mr. Grant expressed their concerns regarding economic impact and the impact on emergency services.

Murray Tillis stated that this use would be compatible with the surrounding uses.

Chairperson Collins asked for anyone in support to the petition. Mr. Don King stated the change would make it compatible with the surrounding uses. Chairperson Collins asked for anyone in opposition to the petition. William Ragland, Dennis Chouinard, Jack Cowart, Sandra Ragland, Andrea Gilbert, Kathy Davis Munden, Nadine Carpenter and Bart Carpenter stated their concerns regarding wells, septics, traffic hazard, density, impact on schools, tax base, impact on fire services and water sources.

Chairperson Collins closed the floor to discussion.

Chairperson Collins called for a motion to this item. Mr. Harper motioned to recommend to the Board of County Commissioners not to transmit Petition LSA 06-02 to the Department of Community Affairs as presented. Mr. Grant seconded the motion. Chairperson Collins, Mr. Grant, Mr. Barber, and Mr. Thomas voted “aye.” Mr. Lee voted “nay.” Motion carried.

DEVELOPMENT DEPARTMENT:

PETITION NO. CZ 2-06 Carl P. and Muriel L. Turlington, petitioning the board for a Change of Zoning from A/RR (Agriculture/Rural Residential) to R/R (Rural Residential) pursuant to the approval of LSA 06-02, on a parcel of land located in the E ½ and the E ½ of the SW 1/4 and the N ½ of the NW 1/4 and the SE 1/4 of the NW 1/4 of Section 20, Township 11S, Range 17E; Lying East of CR 337, all Lying in Levy County. Said parcel contains 520 acres more or less.

Mr. Corbitt stated that staff would recommend denial based on the fact the land use is not appropriate for Rural Residential.

Mr. Murray Tillis was present to discuss this petition.

Chairperson Collins asked for anyone in support or opposition to the petition. There were none.

Chairperson Collins closed the floor to discussion.

After a short discussion Chairperson Collins called for a motion to this item. Mr. Grant motioned to recommend denial for CZ 2-06 based on the land use to the Board of County Commissioners as presented. Mr. Harper seconded the motion. Mr. Grant, Mr. Harper, Mr. Barber and Chairperson Collins voted “aye.” Mr. Lee voted “nay.” Motion carried.

OTHER BUSINESS - Attorney Brown

Presentation on the Public Records, Sunshine Law (Open Meetings), Voting Conflicts and Ex-Parte Communications.

Ms. Brown explained the purpose of Public Records, Sunshine Law (Open Meetings), Voting Conflicts and Ex-Parte Communications and how they would apply to both the board and staff.

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

Chairperson