

MINUTES

Levy County Planning Commission September 12, 2005 6:30 p.m.

The Levy County Planning Commission was called to order by Chairman Vaughn Lee. Other members present were:

Thadus Barber
Toni Collins
Ron Grant
Eugene Pollock

Also present was Planning Director Ms. Kathy Winburn and Development Director Mr. Rob Corbitt. County Attorney Ms. Anne Bast Brown arrived later in the meeting

Chairman Lee called for a motion to either approve or deny the minutes from July 11, July 25 (EAR Workshop) and August 1, 2005 meetings as presented. Ms. Collins motioned to approve the minutes as presented. Mr. Barber seconded the motion; motion carried.

Chairman Lee called for anyone giving testimony for the petitions listed on the agenda to be sworn in by board secretary Ms. Grace Benton in the absence of the county attorney Ms. Anne Bast Brown. Ms. Benton officially swore in anyone that wished to speak or present themselves as an expert witness.

Chairman Lee called for the board to disclose any ex-parte communications related to the petitions being presented. Ms. Collins stated that her ex-parte communications consisted of traveling to the proposed sites to view the surrounding areas.

Chairman Lee asked Development Director Mr. Corbitt to begin with this discussion.

DISCUSSION: LAND DEVELOPMENT CODE

- a. Section 50-578. Road requirements for specific kinds of subdivisions
(f) Lot Area Measurements
- b. Section 50-580. Lots and lot sizes (b)

Mr. Corbitt stated that he had a request from the Planning Department that Ms. Collins wanted to discuss this item of our Land Development Code (Lot Measurement Requirements - Section 50-578). Mr. Corbitt reviewed this section with the board.

Mr. Grant read and provided the board members and Mr. Corbitt with a copy of some language for

discussion to add to the Land Development Code.

Mr. Corbitt stated the recommended language should be routed through the road department and the road department should decide whether it should be strengthened, agree, disagree, etc.

Mr. Grant asked Mr. Corbitt if he is recommending the code remain the same or should a decision be made on what section it should be placed. Mr. Corbitt stated that something could be done with this language to make it more clear and then it should be placed in the Concurrency section of the code.

Mr. Pollock recommended that this proposed language be forwarded to the road department and retain it until such time as their recommendations are approved, then dispose of it. If it's not approved, then it should be reviewed again.

Ms. Collins asked Mr. Corbitt to give the board some history about Section 50-578 (f) Lot Area Measurements and how it came about.

Mr. Corbitt said that it came about because a large percentage of the land in Levy County was divided into fractional calls. He said no two sections are 640 acres and the Board of County Commissioners at the time, said if you owned a half section (typically 320 acres) and you were in a 10-acre zone, they wanted you to get 32 lots. They then realized someone in a larger section, their lots would be 10 point plus and anyone in the short section was going to be less than 10 acres. This set the perimeters that in no case will the net less all roads and easements fall below 8.5 acres.

Mr. Corbitt discussed Section 50-580, Lots and lot sizes (b) *The normal ratio of the depth of any lot to its width shall not be greater than 2 to one, except as may be specified in the county zoning regulations, provided, however, for lots ten acres in size or larger, the ratio of depth to width (maximum) may be up to four to one.*

Mr. Corbitt and said that he had done some research and could not find anywhere in the zoning regulations that it was applicable for except maybe for a variance. He said he could not find any specifications in the county zoning regulations that relates to the two to one, you would have to add remnants in as mentioned in section (d).

Mr. Croft said that he did not know why that language was in the code.

Chairman Lee asked Development Director Mr. Rob Corbitt to present the items of business.

PETITION NO. PP 18-05 Pardue Land Surveying representing Eli Beasley and Feliciano Arevalo Puerta, petitioning the board for a Preliminary Plat of ABeasley Acres, a subdivision located in part of Section 13, Township 11S, Range 15E, Levy County. Said parcel contains 31.23 acres more or less and is located within an A/RR Agriculture/Rural Residential zone.

Mr. Mike Pardue, representing Eli Beasley and Felciano Arevalo Puerta was present to discuss this petition.

Mr. Corbitt explained that Mr. Beasley exercised his right to make a one time division without platting by selling the first parcel some time ago and then he sold lot two. His son then came in to

obtain a permit to place his home on what is known as lot one as shown on the plat as a 20 acre tract and at that time the Development Department realized that the forty (40) acre parcel had been divided into three (3) contiguous parcels and two (2) were less than twenty (20) acres which causes a plat. The other property owner then joined Mr. Beasley in the plat consisting of a 10 and 20 so as to bring them into compliance.

Question: Mr. Charles Lloyd stated that he did not understand what they were trying to do because it has always been a 10 and 20 and wanted to know what type of division was being requested.

Mr. Corbitt explained that Mr. Beasley triggered a definition of a subdivision in Levy County because now he has three (3) contiguous parcels and two (2) of them are less than 20 acres.

Chairman Lee asked for anyone in support or opposition of the petition. There was none.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Ms. Collins motioned to recommend approval of the Preliminary Plat of Beasley Acres to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. All members voted aye.

PETITION NO. PP 20-05 Pardue Land Surveying representing Jacqueline and Harry Hutson, petitioning the board for a Preliminary Plat of AMagnolia Park, a subdivision located in that part of the NW 1/4 of the NW 1/4 of Section 26, Township 11S, Range 14E, Levy County. Said parcel contains 8.05 acres more or less and is located within the Chiefland Municipal Service District. This parcel is zoned ARR Rural Residential and has a land use of LDR Low Density Residential.

Mr. Mike Pardue, representing Jacqueline and Harry Hutson was present to discuss this petition.

Mr. Corbitt stated that the Plat Review Committee recommends approval for the preliminary plat.

Ms. Collins asked if there were any comments from the City of Chiefland. Mr. Corbitt stated he had received comments from the city and said that a copy of their comments was provided to the board members this evening.

Mr. Chip Bradshaw stated that he was present to oppose the plat with clarification. He stated that if the plat was to be approved, then his concern was the placement of the dwellings and his privacy and that in the future if he wanted to subdivide it may cause a problem in how his lots would be designed and how the dwellings maybe sited. He also requested that a buffer (i.e. fencing, trees, etc.) be provided as part of the requirement of the plat.

Ms. Collins asked about the recommendation from the City of Chiefland. Mr. Corbitt asked Ms. Collins to explain exactly what the comments were. Ms. Collins said that the comments from Mr. Hammond reflected that the plat looked okay to the city and that the developer should be made aware that they are looking to run city water out that way to another developer and tying it into their new water tower which will bring the line right in front of the proposed development and that the developer may want to hookup to city water instead of drilling wells.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend approval of the Preliminary Plat of Magnolia Park to the Board of County Commissioners as presented. Mr. Grant seconded the motion; motion carried. All members voted aye.

PETITION NO. FP 10-05 Pardue Land Surveying representing Larry and Elizabeth Studstill, petitioning the Board for a Final Plat of Southern Ranch Estates, a subdivision located in the S of the SW 1/4 in Section 19, Township 11S, Range 16E, in Levy County. Said parcel contains 74.19 acres more or less and is located within an Agriculture/Rural Residential A/RR zone.

Mr. Mike Pardue, representing Larry and Elizabeth Studstill was present to discuss this petition.

Mr. Corbitt stated that the Plat Review Committee recommends approval for the final plat.

Chairman Lee asked for anyone in support or opposition of the petition. There was none.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Mr. Grant motioned to recommend approval of the Final Plat of Southern Ranch Estates to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. All members voted aye.

PETITION NO. PP 21-05 Croft Land Surveying representing Quality Land Development (Ron Waker), petitioning the board for a Preliminary Plat of Whispering Heights, a subdivision located on a parcel of land in the SW 1/4 of Section 3, Township 14S, Range 18E, in Levy County. Said parcel contains 40 acres more or less and is located within an A/RR Agriculture/Rural Residential zone.

Mr. Danny Croft, representing Quality Land Development was present to discuss this petition.

Mr. Corbitt stated that the Plat Review Committee recommends approval for the preliminary plat.

Mr. Croft commented on a statement made by the board that any road not maintained by the county road department that is being used for ingress and egress or part of the lot area measurement shall be brought up to Levy County specifications. He said that if it's not maintained by the Levy County Commission it can't be subdivided.

Chairman Lee asked for anyone in support from the audience. There was none.

Chairman Lee asked for any opposition from the audience. Mr. Mike Elliot stated that there are multiple people that live down there and his concern with any development that is being done in the area is the fact the road has become so impassable that anyone without a four wheel drive vehicle would have problems. Mr. Bob Bachelor stated that he would like to keep a rural setting. He also had issues about the road and the water overflow onto his property because the area is low. Mr. Elliot also added his concerns about the additional traffic.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Ms. Collins motioned to recommend approval of the Preliminary Plat of Whispering Heights to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. All members voted aye.

BREAK: 8:10 p.m. to 8:20 p.m.

PETITION NO. CZ 3-05 Tommy Harrington representing Tom and Ada Neal, petitioning the board for a Change of Zoning to C-3" Moderately Intensive Commercial, to allow for a proposed use of retail sales, on a parcel of land located in Eleston's Addition, Lots 12, 13, 14, 15, 16, 17, 18, 19 & 20, Block D, all lying in Section 6, Township 13S, Range 19E, in Levy County. Said parcel contains 1.258 acres more or less. This parcel has a land use designation of C Commercial and is located within the Williston Municipal Service District.

Mr. Tommy Harrington, representing Tom and Ada Neal was present to discuss this petition.

Mr. Corbitt explained that although the application was proposed for a retail sales, but made the board aware that there are many permitted uses that could be done within this zoning.

Mr. Corbitt presented the project report.

Ms. Collins asked what permitted were allowed within a C-3 zoning. Mr. Corbitt read into the record the permitted uses from the Schedule of District Uses. He also stated that C-3 also allows for C-1 and C-2 permitted uses.

Mr. Pollock asked they were planning on doing any assembly. Mr. Harrington responded by saying that they would be portable buildings only. Mr. Grant asked if they would be for storage only or will there be an office complex. Mr. Harrington said that he is just helping his father by placing the buildings on the property. Ms. Collins asked if any comments were provided by the neighbors. There was none. Mr. Corbitt said that he had received an e-mail from the City of Williston which stated that the council supports the change of zoning to C-3. Ms. Collins asked if just a retail sales could be done with just a commercial designation and why does it have to be C-3. Mr. Corbitt stated that the petitioner was petitioning for C-3.

Chairman Lee asked for anyone in support from the audience. There was none.

Chairman Lee asked for any opposition from the audience. Mr. Arthur Dallaire stated that he feels that the petitioner should re-apply for a C-1 or C-2. The neighborhood is quiet and clean and by allowing a C-3 would open up the doors to major problems that the neighborhood does not deserve to have. Mr. Keith Milford stated that his concern is increased traffic, especially the large trucks that are used to transport the portable buildings on.

Chairman Lee closed the floor to discussion.

Board Discussion:

Mr. Grant stated that if anything is built in the C-3 category then the board would have a say on what it could be and the buffers. Mr. Lee said that no the board would not have any say and that the

petitioner could have whatever permitted uses that were allowed. Mr. Lee stated that he did not agree with allowing C-3 in a residential area. Mr. Pollock asked the retail sales of the storage buildings can be done under C-2. Mr. Corbitt said yes they could. Ms. Collins asked it could be done under C-1. Mr. Corbitt said no because C-1 is exclusively office. Mr. Pollock stated that he thought that C-3 would be too much for a residential community.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend denial for C-3 for CZ 3-05 with the recommendation that the petitioner re-apply as C-2. Mr. Grant seconded the motion; motion carried. All members voted aye.

PLANNING DEPARTMENT: Ms. Kathy Winburn

CONTINUATION OF PETITION ITEM

PETITION SSA 05-02, application by Eugene Radice and Frank Orlando Jr., property owners, to amend the Levy County Future Land Use Map from Low Density Residential (LDR) to Industrial (I) on an 8.87 portion of tax parcel number 05109-000-00 in Section 7, Township 13S, Range 19E. Site addresses 19850 N E 30th Street. Located within the Williston Municipal Service District.

Mr. Eugene Radice was present to discuss this petition.

Mr. Grant called for point of order. He then said he had thought this item was tabled from the last meeting for a letter of commitment from the City of Williston. Mr. Grant asked if such a letter had been received.

Ms. Winburn stated that at the last meeting the Planning Commission tabled this item to obtain input from the City of Williston relating to water and sewer. Ms. Winburn said that she had received their response on September 12th, via e-mail. Ms. Winburn said the e-mail response stated that any developer wishing to utilize water or wastewater capacity is required by the city council to run from the terminus of the city's existing system to their property at the developer's expense. It also indicated that the city council denies supporting the change of land use to I Industrial and did not provide any reasoning.

Ms. Collins inquired on how many areas of industrial there were in Levy County. Ms. Winburn said that the Chiefland and Williston MSD are the only two municipal service districts that have land allocated for industrial, Chiefland MSD has 645 acres and the Williston MSD has 81 acres. Ms. Collins asked it exceeded the percentage allowed. Ms. Winburn said that there is not a percentage, but the Industrial makes up approximately 3% of all MSD designations.

Chairman Lee asked for anyone in support from the audience. There was none.

Chairman Lee asked for any opposition from the audience. Ms. Linda Otiano said that if the petition is approved no one could guarantee what uses would be put into place. She also was concerned about water contamination, traffic, noise and buffering. Mr. Justin Head was concerned about the closeness of the school in proximity to the proposed site in regards to the traffic that would be generated.

Mr. Radice stated that he would provide additional buffering and would be willing to invest in the connection to water and sewer.

Mr. Pollock asked Mr. Radice if he had presented this request to the Williston Planning Council. Mr. Radice explained that he did not attend the meeting at Williston because he was provided with the wrong date. Mr. Pollock asked if they had provided an explanation for denial. Mr. Radice said that he was not there and they did not provide any explanation of denial.

Chairman Lee closed the floor to discussion

Mr. Pollock asked how far was the project from the school. Ms. Winburn said that it was approximately less than 2 mile. Ms. Collins asked what parcel did you want the City of Williston to re-zone. Mr. Radice referred to the parcel that is across the street which is 30 acres. Ms. Winburn said that this parcel is within the county but Mr. Radice has a petition to have it annexed into the city. Ms. Collins stated to Mr. Radice that he wanted the city to annex the property in and change the zoning to commercial. Ms. Collins asked what the city council did. He said the city council denied his request because he did not attend the meeting.

Mr. Grant asked if the Williston Planning Board recommended denial. Mr. Radice said that he they didn't recommend anything, no reason. Mr. Grant stated that was the council, and that he was referring to the Williston Planning Commission. Ms. Collins said the Williston Planning Commission was involved and recommended to the City Council to deny the petition (the change to C-2).

Mr. Barber asked if water and sewer was required. Mr. Lee said that he disagrees with allowing a change from LDR Low Density Residential to I Industrial.

After a short discussion Chairman Lee called for a motion to this item. Ms. Collins motioned to recommend denial of the application to amend the Levy County Future Land Use Map from LDR to I. Mr. Grant seconded the motion. Mr. Pollock called for discussion asking for the rationale for denial. Ms. Collins stated her rationale for denial is based on the recommendation from the City of Williston. Mr. Pollock stated that the City did not have any rationale other than for non-attendance. Ms. Collins stated that according to the correspondence from the City of Williston, the wastewater is not currently available to the site and the Williston City Council at their meeting on Tuesday, September 6th, denied supporting the change to Industrial. She said that one of the items from the EAR was for greater cooperation and communication with the municipalities, so therefore because of the recommendation from the City of Williston was for denial then the board should take it into consideration. Mr. Pollock stated that the proximity to the school (safety) would be a negative aspect.

Ms. Winburn read for the record the City of Williston, minutes from September 6, 2005.

Chairman Lee said there was a motion and a second for denial. All members voted aye. Mr. Pollock voted ney. Motion carried.

NEW BUSINESS:

PETITION SSA 05-01, application by Michael Thompson, property owners, to amend the Levy County Future Land Use map from Low Density Residential (LDR) to Industrial (I) on 3.5 acres. Tax parcel number 05060-000-00 in Section 6, Township 13S, Range 19E. Located within the

Williston Municipal Service District.

Mr. Michael Thompson was present to discuss this petition.

Ms. Winburn presented the staff report.

Ms. Collins noted that the response from the City of Williston again, did not give any reasoning for the denial. Ms. Winburn said that she had received an e-mail from the City Manager and as she just read the minutes, there was no elaboration in the minutes.

Michael Thompson stated that a welding shop does not generate that much traffic. He said that he does mobile jobs. He is trying to make a home base for his business, deliveries are few, has provided trees for landscaping. He stated that his welding ability has benefited the community for many years. He feels that will enhance other welding businesses in the area.

Ms. Collins asked if he knew why the City of Williston would deny your request. Mr. Thompson said it would probably be due to the people that were in attendance indicating that it would devalue their land.

Chairman Lee asked for anyone in support from the audience. Mr. Radice stated there was no reason to deny this project, and would like to see the board approve the application even though his was denied.

Chairman Lee asked for any opposition from the audience. Mr. Justin Head stated that this project would create an undesirable atmosphere, appearance and noise. He said that the train is there and makes noise, but it rarely comes through. Ms. Sylvia Lanier stated that she wants to see the area remain residential and by approving this application would devalue the property.

Chairman Lee closed the floor to discussion

Mr. Barber asked he was denied by the City of Williston for the water and sewer. Mr. Thompson said that he never approached the board because he was in the county. Mr. Lee said that once you get Industrial, it would allow for multiple uses.

After a short discussion Chairman Lee called for a motion to this item. Mr. Grant motioned to recommend approval based on the fact that it is not a C-3 it is for I and the board cannot make a judgment at this time on what could be done in the future. Mr. Pollock seconded the motion. Mr. Pollock called for discussion. He said he does not see much of a difference between this petition and the prior petition. The railroad tracks in his judgment degrades any kind of residential area to the point that anything else that moves in won't degrade it either. Mr. Lee stated that he cannot see how one can be denied and not the other. Mr. Pollock feels that the board should have a good rationale to recommend denial. Chairman Lee called for a vote and said all in favor for approval say aye. Mr. Grant said aye. Due to no other response, Chairman Lee passed the gavel to Vice-Chairwoman Ms. Collins. Chairman Lee then motioned to recommend denial of the application as presented. Mr. Grant seconded the motion. A roll call for a vote was then taken. The motion for denial passed with a 3 - 2 vote. Ms. Collins, Mr. Barber and Mr. Lee voted aye. Mr. Grant and Mr. Pollock voted ney.

ORDINANCE NO. 05-05

AN ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY AMENDING SECTION 50-883 OF SUCH CODE; PROVIDING FOR PROHIBITED AREAS FOR SPECIAL EXCEPTIONS FOR SUPPORT AND OPERATION FACILITIES RELATED TO THE EXTRACTION OF WATER FOR BULK OR RETAIL SALES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

County Attorney Ms. Brown provided a brief overview of the ordinance, the revisions that were being made and why. Ms. Brown asked the board for a determination showing consistency with the comprehensive plan and a recommendation to the board.

After a short discussion, Chairman Lee called for any input from the audience. There was none. Chairman Lee then called for a motion. Mr. Barber motioned to recommend approval of Ordinance No. 2005-05. Mr. Grant seconded the motion. All members voted aye, motion carried.

Mr. Corbitt placed the board on notice of several subdivision plats that will be before the board in the near future.

Ms. Collins asked if Mr. Bruce Greenlee should be present to discuss some road issues. Mr. Corbitt said that he has asked him to appear or to provide some comments.

After a short discussion, the meeting was adjourned.

Chairman