

MINUTES

Levy County Planning Commission

November 7, 2005

6:30 p.m.

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

Toni Collins
Eugene Pollock
Ron Grant
Thadus Barber

Also present was County Attorney, Ms. Anne Bast Brown; Development Director, Mr. Rob Corbitt; Planning Director, Ms. Kathy Winburn and Administrative Road Superintendent, Bruce Greenlee.

Chairman Lee called for the board to disclose any ex-parte communications related to the petitions being presented. Ms. Collins stated her ex-parte communications as being site visits to the petition properties.

Chairman Lee called for a motion to either approve or deny the minutes from the September 12, 2005 Parks & Recreation Committee meeting and the October 3, 2005 regular meeting as presented. Ms. Collins motioned to approve the minutes of the Parks & Recreation meeting with corrections and the regular Planning Commission meeting as presented. Mr. Grant seconded the motion, motion carried.

Chairman Lee 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.

Chairman Lee asked the Development Department to present the items of business.

NEW BUSINESS: DEVELOPMENT DEPARTMENT

PETITION NO. PP 22-05 Pardue Land Surveying representing Dara and Dennis McGill, petitioning the board for a Preliminary Plat of "Rocky Oaks," a subdivision located in the E ½ of the NE ¼ of Section 12, Township 13S, Range 14E; and that portion if any of the NE ¼ of the SE ¼ of Section 12, Township 13S, Range 14E, in Levy County. Said parcel contains 80 acres more or less. This parcel is located within an "A/RR" Agriculture/Rural Residential zone. Parcel number 01200-001-00.

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

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

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There was none.

Chairman Lee closed the floor to discussion.

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

Mr. Grant motioned to change the order in which the remaining proposed items are to be heard on the meeting agenda to show Petitions LSA 05-02, CZ 6-05, PP 23-05 "Sara Togo South", PP 26-05 "Bridle Trace-Phase 1" followed by the remaining petitions in the order shown on the agenda. Ms. Collins seconded the motion; motion carried. All members voted "aye."

PETITION NO. LSA 05-02 application by LAN Associates Inc., agent, for Southeast Dairy Co., LLC, 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 1,401.55 acres. Located in Sections 12 and 13, Township 14 South, Range 17 East; and Section 7, Township 14 South, Range 18 East. Tax parcel numbers 03727-000-00, 03728-000-00 and a portion of 04545-000-00. Situated on the south side of County Road 326.

Ms. Winburn presented the staff report.

Guy Van Dorn, representative from LAN Associates Inc., was present to discuss this petition. Mr. Van Dorn explained that the applicant would like to create a residential development that is concentrated in one area rather than having homes spread over a larger area. Mr. Van Dorn stated that the development would be 3 to 10 acre tracts. The development would include horse stables, riding ring, pool, clubhouse, trails.

Chairman Lee asked for anyone in support of the petition.

Chairman Lee called for any opposition from the audience. Richard Bloom (Morrison Fire Chief) stated the subdivision would over burden the Morrison Fire Department and suggested the subdivision utilize one of the large wells currently onsite for fire department use during fires. Ernie Ash (Division of Forestry) stated there should be stated in the covenants and restrictions of the subdivision that the State does perform prescribed burns in the area and suggested that a fence should surround the development property. Mr. Ash stated that there is also an eagle's nest on State property. He submitted a map.

Cherry McDermott, Thomas Overstreet, Linda Evans, Robert Jordan, Robert Pare, Karen Lewis and BJ Johnson stated their concerns with the proposed petition being approved as follows: That the development was not consistent with the Comprehensive Plan; that it would be spot zoning; that it would not enhance the area; that the proposed size lots are not suitable for horses; that the proposed development would over-burden county services; that the roads can not handle the increase in traffic; and that the current emergency services are not adequate to handle the proposed petition.

Chairman Lee closed the floor to discussion.

The Board discussed the traffic counts for the roads in the area. Mr. Greenlee explained the procedure for conducting the traffic counts on roads in the county. The board was concerned about the following: the level of service the county will be able to provide to such a large development; who would be responsible for cleaning the dairy up; the amount of wells and septic systems in the development; maintenance and repair of roads to handle increase in traffic; and that the proposed development is an urban sprawl indicator.

Mr. Van Dorn stated that the development will be part of the natural growth the county will be going through and that the applicant would clean up the dairy to state standards (DEP, WMD). Mr. Greenlee stated that we currently meet and do not exceed the DOT LOS standards for that segment of roadway.

Chairman Lee called for a motion to this item. Ms. Collins motioned to recommend to the Board of County Commissioners not to transmit Petition LSA 05-02 to the Department of Community Affairs as presented, Mr. Grant seconded the motion; motion carried. All members voted "aye".

Ms. Brown explained that the next petition on the agenda, Petition No. CZ 6-05, is to change the zoning on the same petition property and that while the board may hear the petition, the board can not vote to approve the zoning change until the land use amendment is approved. Mr. Van Dorn stated that at this time they would remove the petition item for rezoning.

Mr. Corbitt stated that at this time Petition No. PP 24-05 "Majestic Oak Estates" has been withdrawn and that Petition No. FP 17-05 "Hampton Farms, Tracts 7-10" has been postponed to the next regular meeting.

PETITION NO. PP 23-05 Croft Land Surveying representing Sara Toga South, LLC, petitioning the board for a Preliminary Plat of "Sara Toga South," a subdivision located in that part of the E ½ of Section 7, Township 14S, Range 18E, Levy County, Florida, that lies West of State Road 121; and that part of Section 8, Township 14S, Range 18E, Levy County, Florida that lies West of SR 121. Less and except that portion lying within the right of way of Levy County Road 326.

Also less 5.3 acres in the NE corner thereof. Said parcel contains 351 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No.'s 04547-001-00 and 04545-000-00 (portion of).

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

Mr. Danny Croft was present to discuss this petition.

Chairman Lee asked for anyone in support or opposition of the petition. Marilyn Kerry stated a concern that there should be a turning lane for the subdivision. Mr. Rick Bloom (Morrison Fire Chief) restated his concerns with providing sufficient fire protection for that area of the County.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Mr. Barber motioned to recommend approval of the Preliminary Plat of "Sara Toga South," to the Board of County Commissioners as presented. Mr. Pollock seconded the motion; motion carried. All members voted "aye".

PETITION NO. PP 26-05 Croft Land Surveying representing Southeast Dairy Co., LLC, petitioning the board for a Preliminary Plat of "Bridle Trace – Phase 1," a subdivision located in that portion of the W ½ of Section 7, Township 14S, Range 18E, in Levy County, that lies South of LCR 326, less and except the West 798.76 feet thereof. Said parcel contains 266.54 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No. 04545-000-00.

Mr. Corbitt stated that the petition would need a variance approved by the Board of County Commissioners for block length in the subdivision plat. Mr. Corbitt further stated that subject to the approval of the variance, that staff recommends approval of the preliminary plat.

Mr. Croft was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There was none.

Chairman Lee closed the floor to discussion.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend approval of the Preliminary Plat of "Bridle Trace – Phase 1," to the Board of County Commissioners as presented based on the condition that the variance is approved by the Board of County Commissioners, Mr. Grant seconded the motion; motion carried. All members voted "aye".

PETITION NO. PP 27-05 Croft Land Surveying representing Ernest O'Connor, petitioning the board for a Preliminary Plat of "Oak Glen," a subdivision located in the SE ¼ of the SE ¼, in Section 4, Township 13S, Range 19E, in Levy County. Said parcel contains 6.23 acres more or less. This parcel is zoned "RR" Rural Residential and has a land use designation of "LDR" Low Density Residential. Parcel No. 04956-001-00. Located within the Williston Municipal Service District.

Mr. Corbitt stated that the City of Williston would be reviewing the "Oak Glen" subdivision plat and the Whitehurst change of zoning petition at their November 8, 2005 meeting so that staff does not have any comments from the City at this time. Mr. Corbitt stated that the Plat Review Committee recommends approval for the preliminary plat.

Mr. Croft was present to discuss this petition.

Mr. Pollock motioned to recommend that Preliminary Plat of "Oak Glen," be tabled until staff receives a response from the City of Williston or until the next meeting if staff receives no response from the city. Ms. Collins seconded the motion; motion carried. Mr. Pollock, Ms. Collins, Mr. Grant and Mr. Barber voted "aye". Chairman Lee voted "ney".

PETITION NO. PP 28-05 Croft Land Surveying representing B & S Land, LLC and Ash Investment Co., petitioning the board for a Preliminary Plat of "Saddlebrook Farms," a subdivision located in the SE ¼ of the SW ¼ and the W ½ of the SW ¼ of the SE ¼ of Section 22, Township 12S, Range 17E, in Levy County, less and except the South 25' thereof for right of way of LCR 102. Said parcel contains 60 acres more or less and is located within an "RR" Rural Residential zone. Parcel No. 03545-000-00 (portion of).

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

Mr. Croft was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There was none.

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

PETITION NO. FP 18-05 Croft Land Surveying representing Gilberto Jr. & Lisa Estevez petitioning the Board for a Final Plat of "Morrison Heights," a subdivision located in all of the N ½ of the NE ¼ of the SE ¼ and a portion of the S ½ of the NE ¼ in Section 4,

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. Parcel No. 04539-005-00.

Mr. Croft was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There were none.

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

PETITION NO. PP 25-05 M.H. Ratliff Surveying representing Levy Bronson Partners, LLC, petitioning the board for a Preliminary Plat of "Regal Ranchettes," a subdivision located in that part of the E ½ of the NE ¼ of Section 22, Township 12S, Range 17E, in Levy County. Said parcel contains 56 acres more or less and is located within a "RR" Rural Residential zone and has a land use designation of "LDR" Low Density Residential. Parcel No. 03543-001-00.

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

Mr. Lee Mills was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There was none.

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

PETITION NO. FP 12-05 McMillen Surveying representing Keyland Farms, LLC (Ernest Washburn & Jacqueline Costello) & David & Mary Short, petitioning the board for a Final Plat of "Keyland Farms," a survey located in Section 15, Township 13S, Range 18E, in Levy County, AKA (Fox Grove Farms, Parcel 13). Said parcel contains 30 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No.'s 04447-013-00 and 04447-013-0A.

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

Mr. Steve McMillen was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There were none.

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

PETITION NO. FP 16-05 McMillen Surveying representing Frank Jones, Lori Jones and H.F. Jones Jr., petitioning the board for a Final Plat of "Pin Oak Lane," a subdivision located in all of fractional Section 23, Township 12S, Range 18E, inside the Arredondo Grant, Levy County. Less and except the road right of way for County Road 335 and less and except Parcels A, B, C and D as described on plat. Said parcel contains 42.25 acres more or less and is located within an "A/RR" Agriculture/Rural Residential zone. Parcel No. 04123-001-00.

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

Mr. Steve McMillen was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. There were none.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend approval of the Final Plat of "Pin Oak Lane," to the Board of County Commissioners as presented. Mr. Barber seconded the motion; motion carried. All members voted "aye".

PETITION NO. SE 3-05 Titan America, LLC (applicant) representing Plum Creek Timberlands, LP (property owners), petitioning the board for a Special Exception to allow a Major Mining Operation testing site know as "King Road Mine" to include blasting and excavation of limerock, and other materials for testing purposed, on a parcel of land lying in Section 15, Township 16S, Range 16E, Levy County. Said parcel contains 17.32 acres more or less and is located within an "F/RR" Forestry/Rural Residential zone. Parcel No. 02868-000-00.

Mr. Jake Varn, Steve Godley, John Garlanger, Jeff Straw, John Hoyer and Alan Townsend were all present to discuss this petition.

Mr. Corbitt presented the staff report.

Mr. Corbitt stated that staff had a concern with the letter of authorization from Plum Creek that lists a company named Tarmac instead of Titan America as the company authorized to represent Plum Creek.

Mr. Alan Townsend explained that Tarmac America LLC is a subsidiary company of Titan America LLC and that he would provide staff with the necessary documentation. Mr. Corbitt questioned the applicant as to why they applied for a water use permit if they would not be washing the materials. Mr. Townsend stated that they wanted to make sure that they covered all possible areas of the application process for future needs which include being compliant with the water management district.

Mr. Corbitt stated that staff recommends approval of the Special Exception Amendment as set forth within the report provided the addition of the condition for the applicant to provide a letter from Plum Creek giving authorization to Titan America LLC.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. Alice Parsons, Russell Kristy, Steve Brady, Elmer Fizz, Robert Jones, Ms. Robinson, Robert Jordan, Marilyn Kerry all stated concerns about the hours of operation, blasting, possible size of the mine, damage to the aquifer, potential noise to the area, potential vibration from the blasting, possible damage to area homes and that the petition was not compatible with the surrounding area.

Chairman Lee closed the floor to discussion.

The board stated concerns with the fueling of equipment used, the differences between the County and State regulations for mining and potential archaeological issues.

Chairman Lee called for a motion to this item. Mr. Pollock motioned to recommend approval of the Special Exception Amendment to the Board of County Commissioners to include the eight staff recommendations and the following amendments: amending condition #2 with the addition of the following sentence to the beginning of the condition: "Applicant will perform a reclamation of the property within one (1) year of the issuance of an operation permit by the Development Department.", applicant choosing Option 2 under Condition #2 for the performance bond. Condition #7 is amended to read "The permittee shall notify the Levy County Development Department as soon as operations have been completed or abandoned. Written notification from the BOMR either indicating approval of permittee's reclamation plan or indicating that a reclamation plan is not required for the project shall be provided to the Levy County Development Department at the time notification is given that all work has been completed and is ready for inspection (as required) by the County operating permit." Adding new Condition #9: Applicant shall supply documentation to show status of applicant as qualified to submit application, indicating lease interest, lease holder and relation, if any, to applicant. Adding new Condition #10: Applicant shall submit an SPCC demonstrating its plan for fueling vehicles and equipment and its plan for handling fuel spills. Adding new Condition #11: Hours of operation of the project shall be in accordance with Section 50-850 II, (e)(8), Levy County Code. Mr. Barber seconded the motion; motion carried. All members voted "aye."

PETITION NO. SE 4-05 Alan Aulson petitioning the board for a Special Exception to allow an equestrian facility for a passive outdoor recreation use including 40 RV spaces, 7 horse barns, tractor/equipment shed, 2100 sq. ft. common room with attached restrooms; shower; steam and sauna surrounding a pool and hot tub to compliment the proposed equestrian activities, on a parcel of land located in the NE ¼ of the NE ¼ of Section 34, Township 13S, Range 17E, in Levy County. Said parcel contains 40 acres more or less and is located within a F/RR (Forestry/Rural Residential) zone. Parcel No. 03693-000-00.

Mr. Alan Aulson was present to discuss this petition.

Mr. Corbitt presented the staff report.

Mr. Corbitt stated that staff recommends approval of the Special Exception Amendment as set forth within the report.

Mr. Gerald Dockter clarified the issue of the easement between his property and that of the applicant and requested that the petition be postponed due to the notice signs not being posted.

The board stated concerns with property not being posted with notification signs; ten items listed in the staff report and the use of "Park Models" that were not addressed in the application, wells and septic system locations and there not being a 330 foot buffer between structures on the petition property and Goethe State Forest.

Ms. Collins motioned to table the petition to the next regular meeting to give the applicant sufficient time to address concerns stated in staff report and resubmit a site plan with the proper 330 ft buffer from State land. Mr. Grant seconded the motion; motion carried. Ms. Collins, Mr. Pollock, Mr. Grant and Mr. Barber voted "aye", Mr. Lee voted "ney".

PETITION NO. LSA 05-03 application by Eng, Denman and Associates, Inc., agent, for V.E. Whitehurst & Sons, Inc., property owner, to amend the Levy County Future Land Use Map from Low Density Residential (LDR) to Commercial (C) on 33.8 acres. Located on a portion of tax parcel number 005038-000-00 in Section 5, Township 13S, Range 19E. Located within the Williston Municipal Service District, south of U.S. Highway 27A.

Ms. Winburn presented the staff report.

Mr. Ralph Eng was present to discuss this petition.

Chairman Lee asked for anyone in support of the petition. Chairman Lee called for any opposition from the audience. 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 to the Board of County Commissioners to transmit Petition LSA 05-03 to the Department of Community Affairs as presented. Mr. Barber seconded the motion; motion carried. All members voted "aye".

PETITION NO. CZ 5-05 Eng, Denman and Associates representing V.E. Whitehurst and Sons, Inc. petitioning the board for a Change of Zoning from RR (Low Density Residential) pursuant to the approval of LSA 05-03 to C-3 Moderately Intensive Commercial Zoning District; and assignment of the C-3 Moderately Intensive Commercial Zoning District to a Commercial Land Use, all located within the Williston Municipal Service District, located on a tract of land in the NE ¼ of Section 5 Township 13S, Range 19E; lying south and east of US Hwy 27, in Levy County. Said parcel contains 74 acres more or less. Parcel No. 05038-000-00 (portion of).

Mr. Ralph Eng was present to discuss this petition.

Mr. Corbitt stated that staff did not receive any comments from the City of Williston on the proposed petition.

Ms. Collins motioned to table the petition to the next regular meeting to give the City of Williston ample time to respond with any comments or concerns on the proposed petition. Mr. Pollock seconded the motion; motion carried. All members voted "aye".

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

Chairman