

MINUTES

Levy County Planning Commission Regular Meeting

January 5, 2004

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

Susan Haines
Vaughn Lee
Duncan McCallum
Bill Hammond (Alternate)

Chairman Pollock called for a motion to either approve or deny the minutes from December 1, 2003 as presented. Mrs. Haines motioned to approve the minutes as presented. Mr. McCallum seconded the motion; motion carried.

Chairman Pollock called for a motion to elect a new chairman for the new commission year. Mr. McCallum motioned to approve Mrs. Haines as the new Chairman. Mr. Lee seconded the motion; motion carried. Chairman Haines called for a motion to elect a new vice chairman for the new commission year. Mr. Pollock motioned to approve Mr. Thompson as the new vice chairman. Mr. McCallum seconded the motion; motion carried.

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

Mr. Corbitt began by introducing Mr. Bill Hammond to the board as one of the new alternate members for the Planning Commission.

PETITION NO. FP 10-03 Pardue Land Surveying representing David W. Meeks, petitioning the Board for a Final Plat of "Buck Bay Phase 2", a subdivision located in Part of Section 27, Township 11S, Range 14E, in Levy County. Said parcel contains 38.56 acres more or less and is located within a Rural Residential "RR" zone. Parcel No. 00741-000-00.

Mr. Pardue was present to discuss this petition.

Chairman Haines called for any opposition from the audience. None was present. Chairman Haines closed the floor to discussion.

Mr. Pollock questioned there being no signature on the application. Mr. Corbitt explained he didn't see this as a problem as the preliminary plat application was signed and that this was a technicality that can be fixed.

After a short discussion Chairman Haines called for a motion to this item. Mr. Pollock motioned to recommend approval of the final plat of "Buck Bay Phase 2" to the Board of County Commissioners as presented with the assurance Mr. Corbitt will get the application signed before the County Commission meeting tomorrow morning. Mr. McCallum seconded the motion; motion carried. All members voted "aye".

Mr. Croft was not present to discuss **PETITION NO. FP 11-03**; the board decided to proceed to the next agenda item to allow Mr. Croft time to appear at the meeting but the item would be tabled until the next meeting if Mr. Croft did not appear tonight.

PETITION NO. SE 9-03 Cingular Wireless, LLC (applicant) and Douglas K. McKoy (property owner), for a Special Exception to allow a 250' Tower for the support of Cellular Telephone Communication Equipment, on a parcel of land located in a portion of the SW ¼ of the NE ¼ of Section 22, Township 12S, Range 17E, Levy County, Florida; Less and Except the existing right-of-way for CR 335 as conveyed in Circuit Court Minutes Book "N", page 594; and the right-of-way for US Hwy. 27 Alt. as conveyed in Official Record Book 584, page 172; subject to a private easement over and across the east 40 feet of the above described property. Said parcel contains 6.69 acres more or less (a portion of the parent parcel of 40 acres). This parcel is located within a Rural Residential "RR" zone. Parcel No. 03543-002-00.

Mr. Kevin Carr, representative from Cingular Wireless, was present to discuss the petition.

Mr. Corbitt presented his staff report regarding the proposed Special Exception.

Chairman Haines declared a conflict of interest concerning this petition and presented a Conflict of Interest form explaining she formerly worked for the property owner. Chairman Haines further explained she would still act as chair but would not participate in the discussion.

For the record Mr. Corbitt read the names of property owners from letters received in opposition to the special exception as follows: Ira and Lois Rivera of 10490 NE 66th Place, Lorantino Orango (no address provided).

Chairman Haines called for any opposition from the audience. None was present. Chairman Haines closed the floor to discussion.

Sandy Fink said she was not for or opposed to the petition but wanted to ask about the proposed minimum of three wireless services at the site and how many services could be placed at the site. Mr. Carr explained that it would depend on the structural integrity of the tower. Mr. Corbitt explained that each carrier is approved by the County before it is placed on the tower.

Chairman Haines then closed the floor for discussion.

Mr. Pollock asked where the nearest tower was in reference to this petition tower. Mr. Corbitt explained the nearest tower was about three miles away. Mr. McCallum said he did not see documentation of land value comparisons. Mr. Doug McKoy explained that the adjacent lots are selling for close to assessed value and the tower should not devalue the land. Mr. Carr referred to Mr. Corbitt's report stating previous towers have not devalued the surrounding land. Mr. Hammond asked Mr. Corbitt about the commercial node located at the intersection of CR 335/ US 27 Alt. Mr. Corbitt explained he is in the process of updating the zoning map and specifying where the commercial nodes would probably go. Mr. Pollock stated that for future reference the county needs to consider how many towers and how close to each other the county wants the towers to be. Mr. Hammond said the City of Chiefland has addressed this issue because of the increase in proposed towers within the city limits.

After the discussion, Chairman Haines called for a motion of the item. Mr. Lee motioned to recommend approval of the Special Exception for a Cellular Tower. Mr. Pollock seconded the motion for approval to send to the Board of County Commissioners with the following findings and conditions:

1. The approved Special Exception is for the construction of a free-standing 250 foot cellular communications tower, with a minimum capacity of three carriers;
2. The Special Exception Use shall be applicable to only that portion of the 41 acre more or less parent parcel identified as Parcel 03543-002-00, being a 540.2' x 540.2' lease area in the NW corner of the parent tract, with the tower centrally located thereon;
3. Lighting on the proposed tower shall be consistent with FAA regulations. Lighting shall be one white strobe for daylight hours and one red beacon for dusk to dawn.
4. The applicant shall install all landscaping shown on the site plan submitted, immediately following construction, and prior to final inspection.
5. The applicant shall obtain and provide the Development Department with FAA and FCC approvals or permits prior to the submittal of an application for building permits. These approvals include permits or letters of exemption from:
 - Florida Department of Transportation for access to US Hwy 27 Alt.
 - Southwest Florida Water Management District for storm water management.
 - Federal Aviation Administration for determination of hazard to air navigation; tower marking and lighting requirements.
 - Federal Communication Commission: licensing requirements for transmitter site, etc.
6. The applicant shall record in the public records of Levy County, a memorandum of lease describing the fall zone area (540.2' x 540.2') prior to the issuance of building permits.

7. The applicant shall obtain all necessary permits and approvals and begin construction within 12 months of the approval of the Special Exception by the Board of County Commissioners.

Motion carried. All members voted "aye" with the record showing Chairman Haines who did not vote.

PETITION NO. FP 11-03 Mr. Croft was still not present at the meeting. The board decided to table the petition until the next Planning Commission meeting when Mr. Croft could be present.

OTHER BUSINESS:

Mr. Corbitt gave the board a tentative meeting schedule for updating the Land Development Code. Chairman Haines requested that the board receive the proposed text changes a minimum of two weeks prior to the meeting to allow ample time for review. Chairman Haines also stated that the two alternate board members should attend these meetings to allow for input keeping in mind budget constraints. A tentative meeting was scheduled for January 26, 2004 or February 2, 2004 to begin the review process.

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

Chairman