

MINUTES

Levy County Planning Commission

June 7, 2004

The Levy County Planning Commission was called to order by Chairman Tommy Thompson. Chairman Thompson explained briefly to the audience the procedure in how the applications that are brought before the board are reviewed by staff from both the Planning Department and Building Department.

Members present were: Toni Collins (new member), Bill Hammond (alternate), Vaughn Lee and Duncan McCallum.

Others present were: County Attorney Mrs. Anne Bast Brown, Development Department Director Mr. Rob Corbitt and County Planner Mrs. Kathy Winburn.

Chairman Thompson then called for a motion to either approve or deny the minutes from April 5, 2004 as presented. Mr. McCallum motioned to approve the minutes as presented. Mr. Lee seconded the motion; motion carried. All members voted "I".

Chairman Thompson then asked Mr. Corbitt to go forward with the first item of business.

Before beginning the first item of business, Mr. Corbitt welcomed Mrs. Toni Collins as this was her first regular meeting. He explained that she is replacing Mrs. Susan Haines who was a long time planning commission member. He feels that Mrs. Collins will be an asset to the board, as he has heard many good things from her associates on the board.

PETITION NO. FP 2-04 Croft Land Surveying representing Lawrence Welter, petitioning the Board for a Final Plat of "Hall Place," a subdivision located in the SE 1/4 of Section 36, Township 13S, Range 18E, in Levy County. Said parcel contains 30 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Croft was present to discuss this petition.

Mr. Corbitt at the request of the Chairman explained how a preliminary review for a subdivision plat is done.

After a short discussion, Chairman Thompson called for a motion to this item. Mr. McCallum motioned to recommend approval of the final plat for "Hall Place," to the Board of County Commissioners. Mr. McCallum stated that the plat does in fact comply with all required plat regulations. Mr. Lee seconded the motion; motion carried. Mrs. Collins, Mr. Hammond, Mr. Lee, Mr. McCallum and Mr. Thompson voted "aye".

PETITION NO. SE 4-04 Eng, Denman and Associates, Inc. representing Corrie Frederick Bell, Jr. aka: B & G Family Partnership, LLLP, petitioning the Board for a Special Exception for Major Mining - Borrow Operation on a parcel of land known as **Site "A"** - The SW 1/4 of Section 28, Township 13S, Range 18E; lying East of the easterly right-of-way line of SR 121 & the SE 1/4 of Section 29, Township 13S, Range 18E; lying East of the easterly right-of-way line of SR 121; total site containing 140.13 acres more or less. (Portion of Parcel # 04496-000-00 and all of Parcel # 04498-00-00. **Site "B"** - The S 1/2 of the SW 1/4 of Section 33, Township 13S, Range 18E & the E 3/4 of the N 1/2 of the N 1/2 of Section 4, Township 14S, Range 18E; total site containing 105.83 acres more or less. (Portion of Parcel # 04507-000-00 & All of Parcel # 04538-000-00), located within an Agriculture/Rural Residential "A/RR" zoning.

Mr. Corbitt asked County Attorney Mrs. Anne Bast Brown if she felt that there was a need to swear in any expert witnesses. Mrs. Brown explained that this was a change she plans on discussing with the Board of County Commissioners which opens it into discussion with the Planning Commission. Mrs. Brown said that it might be something for the board to consider by swearing in all witnesses, which makes sure that the evidence is competent sworn factual testimony. She said that the decisions that the board makes are quasi-judicial and have to be based on competent substantial evidence and the swearing in of witnesses is part of the competency part. Attorney Brown stated that she is a notary and that she could swear the people in. She said if the board would like to do so and make it part of their procedure then she would be glad to. Chairman Thompson called for a motion to adopt the quasi-judicial procedure as explained by County Attorney Brown. Mr. McCallum motioned to adopt this procedure. Mrs. Collins seconded the motion; motion carried. Mr. Thompson, Mrs. Collins, Mr. McCallum and Mr. Hammond voted "aye". Mr. Lee voted "nay". Attorney Brown then swore in anyone that wished to speak or was an expert witness.

Mr. Corbitt presented the staff report.

Mr. Ralph Eng and applicant Mr. Freddie Bell were present to discuss this petition. Mr. Eng then gave a brief overview of the project by stating that the project would meet the Land Development Code by applying a 660' buffer of planted pines on the west side of Site "A", 50' buffer on the East side, 100' on the South and North side and the slope would be 3 to 1 (vegetated). On Site "B" a 660' buffer of planted pines would be on the East corner (Mikell S/D), a 50' buffer on the North side and a 100' buffer on the South side. Mr. Eng also said that once an approval is obtained from the BOCC, then they would submit to ERP for approvals. Mr. Eng said that this project would not allow for any blasting, backfill or burning per Section 50-850.

BOARD QUESTIONS:

Mr. McCallum asked about the approval for ingress/egress from DOT? Mr. Eng said that the driveway is existing; therefore no permits were needed from FDOT. Mr. Hammond asked if the trucks would be fueled on the property. Mr. Eng said that no fueling would take place on the property, as they are off-site trucks. Mr. Thompson asked about the type of equipment that would be used? Mr. Eng said the equipment would consist of a bulldozer, front end loader and at completion a grade would be used. Mr. Bell said that he would use a front end loader and bulldozer. Mr. Thompson then stated that the projects appear to conform to the rules and regulations.

OPPOSITION:

Mr. Richard Hinton said that the proposed tree buffer would not be adequate, create a traffic hazard, noise, road would not be able to withstand additional traffic (i.e. large trucks, etc.), water issues and will decrease property values. Mr. Hinton also stated that he had contacted the Levy County Development Department and has been unable to obtain any assistance. Mr. Leonard said that he would like the area to remain rural. Mr. Quackenbush said that the speed limit is 60 mph and that trucks entering the highway do not accelerate fast enough and in addition, creates a traffic hazard to the school buses that use that route. Mr. Joseph Marshall said that the applicant was previously mining on the property across the road illegally and fueled on the property also. He said that he did not like the hours and said that the applicant was not using the sand for agricultural purposes (horse track). He also said that according to the mining ordinance, the surrounding land owner notices should be sent out for 2 miles not just 300'. Mr. Marshall also stated that at the first site, the land was supposed to be leveled and was not. Mr. Al Cross said that the buffer was inadequate and would create a traffic hazard. Mr. John Jackson said that the applicant has already began mining without approval, creates a traffic hazard, dust, late hours of operation and works on both Saturday and Sunday. If passed he would like to have the days limited. Mr. Rudolph Mikell Sr. said noise is too close. Mr. Greg Mikell said it might cause water contamination, decrease property values, hours of operation and duration of operation. Alyson Brant said that it would not be compatible with horse farming (noise). Mrs. Sandy Fink said she was concerned on the depth of the excavation, water contamination and environmental issues. Mrs. Sue Egalite said that she also was concerned with possible air pollution.

After hearing discussion, Chairman Thompson called for a motion for this item. Mr. McCallum motioned to recommend approval for the special exception with the following stipulations.

1. No fill of any type shall be brought to the property.
2. No blasting shall be permitted.
3. No mining shall occur or otherwise be permitted in other areas of the subject properties without approval from the BOCC through the special exception amendment process.
4. The existing egress and ingress shall be reviewed by the FDOT. Any required improvements shall be made at the applicant's expense.
5. Days and hours of operation shall be as follows:

Monday through Friday: 7:00 A.M. until 6:00 P.M. **Saturdays:** 7:00 A.M. until 12:00 noon.

Mr. Lee seconded the motion; motion carried. Mrs. Collins, Mr. Lee, Mr. McCallum and Mr. Thompson voted "aye". Mr. Hammond voted "nay".

OTHER BUSINESS:

Mr. Corbitt advised the board that all of the commercial nodes are mapped, all municipal service districts are mapped and that he is still working on the overall large map.

County Attorney Brown explained to the board that she was working on trying to arrange workshops to cover all of the aspects of a quasi-judicial hearing. The first thing that she is going to propose to the board is for a resolution for ex-parte communications. This process requires that any discussion made by any board members outside of the hearing on an application including site visits, they must be documented.

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

Chairman/Vice-Chairman