

## MINUTES

### Levy County Planning Commission July 12, 2004 6:30 p.m.

The Levy County Planning Commission was called to order by Vice Chairman Vaughn Lee. Mr. Thompson and Mr. Pollock were unable to attend the meeting. Other members present were:

Toni Collins  
Duncan McCallum  
Kenneth Crosby (alternate)  
Bill Hammond (alternate)

Also present was County Attorney Mrs. Anne Bast Brown, Development Department Director Mr. Rob Corbitt and County Planner Mrs. Kathy Winburn.

Vice Chairman Lee called for a motion to either approve or deny the minutes from June 7, 2004 as presented. Mr. McCallum motioned to approve the minutes as presented. Mr. Hammond seconded the motion; motion carried.

Attorney Brown explained exparte communication and how it relates to the board disclosing who they have communicated with prior to the meeting. She further explained that the board must base its decision to approve or deny a petition on the information that is presented during the meeting. Attorney Brown also explained the difference between legislative and quasi-judicial decisions made by the board.

Vice Chairman Lee called for the board to disclose any exparte communication related to the petitions being presented. Mrs. Toni Collins reported her exparte communications related to both petitions being presented to the board.

Vice 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 was an expert witness.

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

#### **New Business:**

**PETITION NO. SE 5-04** Donald Glatz, petitioning for a Special Exception to allow for a dog kennel on a parcel of land located in that portion of the SE ¼ of the SE ¼ lying northerly of SR 347, in Section 19, Township 12S, Range 14E, in Levy County, Florida, excepting there from any portion of said land lying within the right-of-way of SR 347. Said parcel contains 25.73 acres more or less. This parcel is located within an Agriculture/Rural Residential "A/RR" zone. Parent Parcel No. 01019-003-0A.

Mr. Donald Glatz and Mr. Ralph McCloud, representing Mr. Glatz, were present to discuss this petition.

Vice Chairman Lee called for any support from the audience. Phyllis Beatty stated that she lives across from the subject property and that she supported the intended use. Hal Phillips stated that he supports the petition as long as it is approved by all the proper agencies. Vice Chairman Lee called for any opposition from the audience. Richard Scheaver opposed the petition. Dianne Heil stated that the animals should be checked on to ensure they are receiving proper care. Linda Johnston was concerned with the amount of animals to be cared for by the property owner. Sandy Gasti was concerned it would be a “puppy mill”. John Sage stated that hundreds of dogs on the property will create a problem with noise. Lillian Mione stated there should be unscheduled visits made to check the facility. Vice Chairman Lee closed the floor to discussion. The Board asked about the disposal of waste, deficiencies in the report for the site plan, whether staff has the ability to inspect the facility, evacuation of the animals during a natural disaster, and the ability of the petitioner to sell animals at the property. Mr. Glatz stated the dog pens would be steam cleaned 3 times a day, that a veterinarian would be visiting the facility to check the animals and that he owns a box truck equipped to transport the animals to safety should it be necessary. Mr. Corbitt stated that a condition of the special exception can be added for wholesale not retail sales and that if the petition was approved, deficiencies in the site plan would be answered during that approval process. Mike Schenk, county animal control, stated that the county would do an inspection of the facility if notified of a potential problem.

After a short discussion Vice Chairman Lee called for a motion to this item. Mr. McCallum motioned to recommend approval of the special exception to the Board of County Commissioners with the provisions stated in the staff report with the added condition that no retail sales will be allowed at the property site and that the board direct county staff to do periodic site inspections. Mr. McCallum made the motion for approval based on staff’s findings and that it does set forth the proposed use to protect the health, safety and welfare of the public. Mrs. Collins seconded the motion; motion carried. All members voted “aye”.

**PETITION NO. SE 3-04** Louis and Zobeida Bello, petitioning the Board for a Special Exception for Major Mining – Commercial Extraction of Water, on a parcel of land located in the E ½ of the SW ¼ of the SE ¼ of Section 2, Township 14S, Range 17E and the E ½ of the NW ¼ of the NE ¼ of Section 11, Township 14S, Range 17E, lying north of CR 326. This parcel is located within an Agriculture/Rural Residential “A/RR” zone. Parent Parcel No. 03708-010-00.

Mr. Corbitt presented the staff report.

Mr. and Mrs. Bello were present to discuss this petition along with their representatives, Scott Patterson (site civil engineer), Jeff Trolmner (geologist) and George Boland (utilities expert). The Bello’s representatives explained the impact analysis done indicated that there would be a maximum draw down of water at the well of approximately one (1) foot, based on pumping twelve (12) hours a day.

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BOARD QUESTIONS:

The board asked where the bottling plant is located that the water would be trucked to; what contribution the facility will make to the local economy; what the aquifer levels are in the area of the property; how many wells will be put on the property; what protection against wells going dry will be given to surrounding property owners; whether a permit from SWFWMD has been applied for; will the water management district monitor the water withdrawal; can they exceed withdrawal limit without approval; and will the water be labeled spring water on the bottle.

The petitioner's responded that the bottling plant will be located outside of the county; there will be one well located on the property at this time; if a water use permit is issued the water management district will monitor complaints from surrounding property owners and the applicant would be responsible for determining how to correct any problems with the complainants well; a permit has not been issued from SWFWMD yet and if they use below a 6 inch well a permit will not be needed; the well will have a meter on it and the district will check the amount of withdrawal monthly; and the water will be labeled as bottled drinking water .

#### OPPOSITION:

Vice Chairman Lee called for any opposition from the audience. The following people opposed the petition and stated their concerns. Ronald Gilman, Sherry McDermott, Annette Long, Robert Jordan, Peggy Fraser, Maria Hernandez, Diane Heil, Art Galoco, Thomas Overstreet, Christine Ellis, Harry Baly, Ken Chapin, Rick Jacobs, Jason Powell, Marshal Smith, Brian Love, Lillian Mione, Tony Mione BJ Turner, Charles Bailey, Pat Langmire, Bill Hull, Madge Berger, Clarence Norris, Dale McCurty, Jason Worsing, Sherry Rice, Peter Zetler, Robert Lowyns, Evelyn Houtchins, and Richard Scheaver. The citizens concerns were as follows: a petition that is circulating around that a million gallons of water per day will be pumped and that it is misleading; requirements for an amendment to a special exception being easier to get than the original permit; contradictions in the report from consultants, the amount of draw down of water on a daily, weekly, yearly basis and the affect it will have on property values; the global availability of water has decreased; petition will open the doors for others to pump water too; response time for emergency services if there is an accident with one of the trucks and a school bus; trucks possibly running 24 hours a day and the traffic hazard it could create; whether a traffic survey has been done; whether an environmental impact study has been done to show the impact to area wildlife if water were not available; health issues to consider when there is a lack of water availability; petitioner not needing permission to put in a 5 inch well; what revenue this would bring to Levy County; people have had to replace wells due to the amount of water the dairy draws; sinkholes in area and who will replenish the water when it's gone; south Florida's use of water from Lake Okeechobee and the need to consider desalinization; low water level at Wekiva Springs because of the Crystal Springs water plant; property values diminishing with out proper water supply; concern with low water level in Goethe Forest and Lake Marion and surrounding area ponds; a report was submitted from the Suwannee River Water Management District and concern was stated about the draw down of water and whether the proposed water extraction will affect the surrounding area and make the already low water level worse;

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not having water for the future growth in the area; and whether the petitioners currently live on subject property.

Vice Chairman Lee closed the floor to discussion. After a short discussion Vice Chairman Lee called for a motion to this item. Mr. McCallum motioned to recommend denial of the special

exception to the Board of County Commissioners as presented with the following findings of fact: the petition cannot guarantee the protection of the safety, health, and convenience of public welfare; the Petition did not provide that property values would be protected; and the petition would not be compatible with adjacent development. Mr. Hammond seconded the motion; the motion carried. All members voted "aye".

DISCUSSION:

Mrs. Winburn asked to table the discussion for the proposed citizen growth management survey until the next meeting.

There being no further business for the Levy County Planning Commission, the meeting was adjourned at 11:25p.m.

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Chairman