

MINUTES

Levy County Planning Commission November 1, 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 Ms. Anne Bast Brown, Development Department Director Mr. Rob Corbitt and County Planner Ms. Kathy Winburn.

Vice Chairman Lee called for a motion to either approve or deny the minutes from October 4, 2004 regular meeting along with the Parks and Recreations Committee meeting as presented. Mr. McCallum motioned to approve the minutes as presented, Ms. Collins seconded the motion; motion carried.

Vice Chairman Lee stated that due to the fact that Chairman Thompson had resigned as a Planning Commissioner effective immediately that a new Chairman would need to be voted on. Ms. Collins motioned to nominate Mr. Lee as the new chairman, Mr. McCallum seconded the nomination; motion carried. Mr. McCallum motioned to nominate Ms. Collins as the new vice chairman, Mr. Crosby seconded; motion carried.

Ms. Winburn stated that staff wished to recognize departing Planning Commission members Tommy Thompson and Duncan McCallum for their years of service and thoughtful review of the items that have come before them. Chairman Lee presented Mr. McCallum with a certificate of appreciation.

Chairman Lee called for the board to disclose any ex parte communication related to the petitions being presented. Ms. Toni Collins reported her ex parte communications related to petition PUD 1-04.

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

New Business:

PETITION NO. PP 2-04 Pardue Land Surveying representing Bett's Big "T", Inc. (Scott Smith, President), petitioning the board for a Preliminary Plat of "Bett's Big T," a subdivision located in that part of the NE ¼ of the SE ¼ of Section 23, Township 11S, Range 14E, in Levy County. Said parcel contains 8.10 acres more or less and is located within an Industrial "I" zone. Parcel No. 06654-001-00.

Mr. Michael Pardue, representing Bett's Big T Inc (Scott Smith, President) was present to discuss this petition.

Chairman Lee called for any support from the audience. Chairman Lee called for any opposition from the audience. There were none. Chairman Lee closed the floor to discussion. The Board asked about the minimum lot size; whether any comments were received from the City of Chiefland; and whether wells and septic systems would be used. Mr. Corbitt stated that the lot size was 1 acre; that the City was not contacted due to the fact that the property is not located within the MSD; and that wells and septic systems would be used.

After a short discussion Chairman Lee called for a motion to this item. Mr. McCallum motioned to recommend approval of the Preliminary Plat to the Board of County Commissioners with the condition that the variance be approved. Mr. Hammond seconded the motion; motion carried. All members voted "aye".

PETITION NO. PUD 1-04 Dennis Andrews, petitioning the Board for a Planned Unit Development known as "Lukens Addition". The project boundary contains approximately 413 acres of combined jurisdictional wetlands and uplands. The area to be developed will consist of approximately 76 acres of uplands, located in portions of Sections 16, 17, 18 & 20, Township 15S, Range 13E, in Levy County. The proposed development will contain thirty-seven (37) single-family residential lots. This parcel is located within a Forestry/Rural Residential "F/RR" zone. Portion of Parcel No.'s 00338, 00340, 00345 and 00346.

Mr. Corbitt presented the staff report and indicated the thirteen staff recommendations, should the board recommend approval of the petition. Mr. Corbitt presented a map of a possible abandoned dump site and stated that the exact location of the site is not known. Mr. Corbitt stated that a portion of the subject property may have significant and /or archeological value and that Fort No. 4 (Second Seminole War Fort) is located within the project boundary. Mr. Corbitt stated that staff had received a letter from the clamming industry regarding the petition.

Ms. Winburn presented the Planning Departments staff report including Comprehensive Plan policies that are applicable to the subject property. She stated that the proposed PUD must meet Florida Quality Development (FQD) standards, and indicated the applicable standards required of the proposed development.

Mr. Mike Smith, representing the Andrews family was present to discuss this petition. Mr. Smith requested acceptance of the items listed on a submitted sheet for the petition and also

submitted additional letters of support for the record. Mr. Smith also mentioned the requirements for a Quasi-judicial hearing and ex-parte communication. Mr. Smith stated that the subject property is not considered sovereign land and that it is privately owned.

Chairman Lee asked for anyone in support of the petition. Billy Ray Sharpe stated he thought the subject property already had an approval for a PUD for approximately 70 units, however he further stated the county could not locate said approval. John Hart stated Levy County is already doing its part to protect the coastal area and further stated that because of the location of the subject property, the standards for building will be high. George Sandora questioned the quasi judicial process. Mitch H Ratliff explained how the applicant computed the number of lots being requested.

BOARD QUESTIONS & COMMENTS:

The board questioned whether there was a drainage system for the development; the definition of bonus points; whether the petition met drainage issues; whether the petition property was under unified control ownership as stated in the LDR to meet bonus requirements; and who determines the definition of bonuses. The board further stated that the Comp plan sets the policies and that is what they need to decide on, and that the applicant has the responsibility for proving the allowance of the wetland bonus before final approval of the development, and that the county does not have a conceptual plan process. Ms. Brown stated that the application did not address drainage in the petition report, and that the board would need to interpret whether the petition qualified for the density bonuses, and that it is important that the planning board include all the conditions and variances for the petition property when making their decision.

OPPOSITION:

Chairman Lee called for any opposition from the audience. Mike Hodges (Chairman of Cedar Key Aquaculture Assoc.) questioned the use of over 300 acres of marshland being included in the density calculations because DEP technically claims the water and that the Andrews only hold the deed. Sue Colson (Cedar Key City commissioner, Cedar Key Aquaculture Assoc.) stated that the City of Cedar Key does oppose the petition. Ms. Colson showed maps of the Cedar Key area and expressed concern for the impacts to clams and other fishing entities if water is contaminated due to the proposed development; questioned the one per ten acre allowance being requested, and expressed concern that the county should not move backwards but continue to move forward with the improvements in the Comp Plan on protection of the coastal areas. Leslie Sturmer (UF /shellfish aquaculture extension agent) stated the economic impacts to the area and that we need to preserve the area. Rick Cook (Cedar Key Oyster Assoc.) questions how the proposed development can receive density bonuses of one unit per ten acres of wetland. Ada Lang questioned urban sprawl.

Chairman Lee closed the floor to discussion. After a discussion of density bonus issues, Chairman Lee called for a motion to the item. Mr. Hammond motioned to recommend approval of the preliminary plan for the “Lukens Addition” PUD to the Board of County Commissioners

as presented, provided the applicant meets all the recommendations as provided by the Development and Planning Department staff; Chairman Lee passed the gavel to Vice Chair Collins to act as chair in order for him to second the motion; Mr. McCallum stated the preliminary sketch plan was incomplete and that those issues should be answered now instead of later in the approval process. Mr. Crosby stated the approval of the variances should be included in the motion to approve the petition. Ms. Collins stated the petition did not meet the requirements and she was not comfortable with the definition of jurisdictional wetlands. Mr. Hammond amended the motion to include the variances as stated on the application; Chairman Lee again passed the gavel to Vice Chair Collins to act as chair in order for him to second the motion; Mr. Hammond, Chairman Lee and Mr. Crosby vote “aye”; Mr. McCallum and Ms. Collins voted “nay”; motion carried.

OTHER BUSINESS:

An Ordinance of Levy County, Florida, Providing that the Levy County Code be amended by amending Section 74-1 of such code; Providing for additional provisions governing construction, monitoring and maintenance of sewage systems; Providing for exhibits; Providing for severability; Providing a repealing clause; and Providing an effective date.

County Attorney Brown presented the ordinance. Mr. Corbitt explained that the Cedar Key Plantation Development initiated the need to create an area that was a special zone requiring secondary septic systems. Mr. Corbitt further stated that the ordinance holds this septic system to the same standards as that of the regular septic systems but that it gives a better level of service with less of a failure rate and will do a better job of treatment and protection of water quality.

Chairman Lee called for a motion to this item. Mr. McCallum motioned to recommend approval of the Ordinance to the Board of County Commissioners as written; Mr. Hammond seconded the motion; motion carried.

There being no further business for the Levy County Planning Commission, the meeting was adjourned at 10:15p.m.

Chairman