

MINUTES

Levy County Planning Commission Regular Meeting

**December 6, 2004
6:30 p.m.**

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

Thadus Barber
Toni Collins - Vice Chairwoman
Ron Grant
Gene Pollock

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

Chairman Lee called for a motion to either approve or deny the minutes from November 1, 2004 regular meeting along with the Parks and Recreation Committee meeting as presented. Mrs. Collins motioned to table the minutes until the next regular meeting; as she felt that they were not given ample time to review them. Mr. Grant seconded the motion; motion carried. All members voted "aye." Mrs. Collins requested that the minutes be provided to them prior to the scheduled meeting. Mr. Pollock stated that in the past it had been mentioned that the minutes are received ten (10) days prior to the meeting. Mrs. Collins stated that even by 5:00 p.m. on the Friday prior to the meeting would be acceptable.

Chairman Lee called for the board to disclose any ex-parte communication related to the petitions being presented. Ms. Collins reported her ex-parte communications related to the following items.

PP 6-04 "Goodnow Acres," PP 7-04 "Homestead Ranch," PP 8-04 "Loxahatchee North Estates," PP 9-04 "Preserves at Raleigh," PP 10-04 "Miscal" and SE 5-03 "Boyer Family Cemetery."

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:

Mr. Corbitt stated that there were several items of new business on the agenda (five subdivisions and one special exception for a private family cemetery). Mr. Corbitt said that there was no old business to discuss.

PETITION NO. PP 6-06 Croft Land Surveying representing Lloyd Goodnow, petitioning the Board for a Preliminary Plat of "Goodnow Acres," a subdivision located in the North 1315.49 feet of the E ½ of the NW 1/4 of Section 20, Township 14S, Range 18E, in Levy County, LESS AND EXCEPT the East 30 feet thereof and existing road right-of-way. Said parcel contains 40 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Danny Croft, representing Lloyd Goodnow, was present to discuss this petition.

Mr. Corbitt said this plat has been reviewed by the plat review committee and has given it a recommendation of approval.

Mr. Lee called for any support from the audience. Chairman Lee called for any opposition from the audience.

Mr. Corbitt said there is a county maintained road where there is no deed for right-of-way and the developer has dedicated 50' which contains the road. The maintained road is south of the dedication with the exception of approximately 6 - 12 inches.

OPPOSITION:

Danny Williams asked how it was going to be divided and that he would rather see 20 acre parcels. He said that the road is only graded a couple times every two months. Mr. Williams said that the road is traveled at excessive speeds now. He said that it is mostly farmland in that area and he would like for it to remain that way. He said without having deed restrictions, the area would become a junk yard (cars, trash, etc.) and that it would devalue his property. Mr. Croft said that there would most likely be deed restrictions. Mr. Williams said that without any deed restrictions, he could have a hog farm, etc. Mr. Corbitt explained that a hog farm would be permitted with certain densities without triggering "concentrated commercial farming." He said that if someone exceeded the animal density regulations, then they would have to apply for a special exception that would require notification to the surrounding land owners. Sue Tobin asked how Mr. Williams could find information on the deed restrictions or if he had a say regarding the restrictions? Mr. Lee said that the developer makes the deed restrictions and that the county does not enforce them. Ellen Gilbert asked if there were standards that the county requires for mobile homes. Mr. Corbitt said that the body width must be 12', has 500 square feet of living area and must pass a preinspection. He also said that the state of Florida due to the recent hurricanes, by Florida administrative rule, a law was passed to no longer allow wind zone "1" mobile

homes to be relocated within the state or brought into the state, except when a citizen is forced to move from a mobile home park, etc. because of circumstances such as the park owner selling the property to a developer for another use, etc. He said that the likelihood of this happening would be very minute. Mr. Williams said that he did not understand why the county is not aware of what type of restrictions if any will be placed on the plat. Mr. Corbitt stated that the county's position is there are none, until they are provided. If they are provided, the county does not have the ability to make sure that they are recorded. Mr. Corbitt said currently there are no mechanisms that will force the developer to file and record them. Sue Tobin asked, when the plat gets approved, is that when the developer provides the deed restrictions and does the developer then go back to the planning commission or to the board of county commissioners? Mr. Croft said that the deed restrictions are not an issue with the county. Attorney Brown said that it's not that there are no restrictions, but the county has a zoning code which is comprised of a list of permitted and prohibited uses. In addition, they also have building codes that are required to be met. She said when it comes to the difference between a site built homes and mobile homes, the state has pretty much pre-empted the county and they cannot be zoned out. Deed restrictions are private contracts between the people who own those parcels of property and they may regulate what is allowed. Private contracts cannot be interfered with by the county. Tim Howell was concerned with what type of restrictions if any would be placed on the property, more specifically undesirable mobile homes. Mr. Corbitt said the county has one zoning "RR 3-C" that allows conventional built homes only and residentially designed manufactured homes (RDMH) in which there are particular codes they have to abide by (overhang, pitch, etc.). He said that the county is in the process of amending the code and it will be possible in an agriculture zone to obtain "A-1" and "A1-C" and if the developer did not want to have deed restrictions and wanted conventional built homes only and RDMH's, then he could go before the board and apply for change of zoning for "A1-C." Mr. Pollock stated that he liked all input that was made by the audience and invited them to attend the workshops and provide their input in 2005 regarding the comprehensive plan and land development regulations.

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

PETITION NO. PP 7-04 Croft Land Surveying representing FL Land Partners, LLC, petitioning the Board for a Preliminary Plat of "Homestead Ranch," a subdivision located in Government Lots 9, 10, 11 and W ½ of Lot 12, in Section 22, Township 12S, Range 18E, Outside the Arredondo Grant, in Levy County. Said parcel contains 150.16 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Danny Croft, representing FL Land Partners, LLC, was present to discuss this petition.

Mr. Corbitt said this plat has been reviewed by the plat review committee and has given it a recommendation of approval.

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Mrs. Collins asked if the ingress/egress for the Mt. Zion Cemetery protected. Mr. Croft said there is a 60' wide ingress/egress.

Mr. Lee called for any support from the audience. Chairman Lee called for any opposition from the audience.

Robert Lowyns asked what was the difference of a government lot and how many lots/parcels are within the parcel? Mr. Croft said there are nine parcels. Mr. Croft suggested that Mr. Lowyns come by his office and he could explain more about government lots. Linda Davis asked about dedication from NE 160th Street? Mr. Croft explained that a 50' R/W dedication is part of the proposed plat. Ellen Gilbert was concerned about the trees that are within the right-of-way. Mr. Croft said that the trees will not be taken down. Mr. Corbitt said during a plat review committee meeting, it was apparent that a couple of the plats would require extensive clearing and grubbing which become expensive, therefore because of the few number of lots that would be added and the low impact to the road, the plat review committee did not recommend any improvements.

Attorney Brown explained that there are a couple kinds of decisions that come before the board and the type the audience was referring to were "legislative decisions." She then explained that the county will be doing a review of the comprehensive plan and a lot of these type of issues are part of a master plan.

After discussion Chairman Lee called for a motion to this item. Mr. Grant motioned to recommend approval of the Preliminary Plat to the Board of County Commissioners. Mrs. Collins seconded the motion; motion carried. All members voted "aye."

PETITION NO. PP 8-04 Croft Land Surveying representing Alan C. Wills, petitioning the Board for a Preliminary Plat of "Loxahatchee North Estates," a subdivision located in the NW 1/4 of the SW 1/4, and the N 1/2 of the SW 1/4 of the SW 1/4 of Section 34, Township 12S, Range 18E, Levy County. LESS AND EXCEPT the North 658 feet and less the South 658.15 feet thereof. Subject to maintained right-of-way for NE 160th Avenue (North Parcel). The South 658.15 feet of the N 1/2 of the SW 1/4 of the SW 1/4 of Section 34, Township 12S, Range 18E, Levy County. Subject to maintained right-of-way for NE 160th Avenue (South Parcel). Said parcel containing a total of 44.7 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Danny Croft, representing Alan C. Wills, was present to discuss this petition.

Mr. Corbitt said this plat has been reviewed by the plat review committee and has given it a recommendation of approval.

Mr. Lee called for any support from the audience. Chairman Lee called for any opposition from the audience. None was present.

After a short discussion Chairman Lee called for a motion to this item. Mr. Pollock motioned to

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recommend approval of the Preliminary Plat to the Board of County Commissioners. Mrs. Collins seconded the motion; motion carried. All members voted "aye."

PETITION NO. PP 9-04 Croft Land Surveying representing Fred Snowman, petitioning the Board for a Preliminary Plat of "Preserves at Raleigh," a subdivision located on a parcel of land in Section 15, Township 12S, Range 18E, Outside the Arredondo Grant, and in Section 22, Township 12S, Range 18E, Inside the Arredondo Grant, Levy County. Said parcel contains 21 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Danny Croft, representing Fred Snowman, was present to discuss this petition.

Mr. Corbitt said this plat has been reviewed by the plat review committee and has given it a recommendation of approval.

Mr. Lee called for any support from the audience. Chairman Lee called for any opposition from the audience. None was present.

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

PETITION NO. PP 10-04 Pardue Land Surveying representing Eve Robinson, petitioning the Board for a Preliminary Plat of "Miscal," a subdivision replat of Cedars Mobile Home Paradise, Lot 1, Block I and Cedar Haven Estates, Lot 1, Block 1, in Sections 30 & 31, Township 14S, Range 14E, in Levy County. Said parcel contains 3 acres more or less and is located within a commercial "C-2" zone.

Mr. Mike Pardue, representing Eve Robinson, was present to discuss this petition.

Mr. Corbitt said this plat has been reviewed by the plat review committee and has given it a recommendation of approval.

Mr. Corbitt mentioned that this particular plat is located within the Rosewood Corridor Map. He also mentioned there will be some positive development in this area (dollar general store and office complex) that will benefit the community.

Mr. Lee called for any support from the audience. Chairman Lee called for any opposition from the audience. None was present.

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

PETITION NO. SE 5-03 Mr. Tyrie Boyer, petitioning the Board for a Special Exception to allow for a Private Family Cemetery, on a parcel of land located on a portion of the E ½ of Section 21, Township 12S, Range 19E, on the West side of CR 335 approximately 1 mile East of SR 121. Said parcel contains 102.82 acres in which approximately ½ acre will be utilized for the cemetery.

Mr. Tyrie Boyer was not present to discuss his petition.

Mr. Corbitt presented the staff report and indicated the three staff recommendations, should the board recommend approval of the petition.

BOARD QUESTIONS AND COMMENTS:

The board questioned what the drainage was like in this area; the recording of the perpetual maintenance agreement with the deed and if it could be a condition of the special exception; and the enforcement authority.

Susan Mattier was concerned about the perpetual maintenance. She said that she feels like he has had ample opportunity to provide the required documentation, and he has not done so. She does not feel that he will comply with the conditions.

After a short discussion. Mr. Grant motioned to recommend denial until all requirements and specifications of the building and zoning are met. Mrs. Collins seconded the motion for discussion.

DISCUSSION:

Mr. Pollock said that he did not think it would be feasible to ask for the fencing and survey because it may not be necessary if denied by the county commissioners. It would cause the land owner to spend money needlessly. Mr. Barber asked if it could be done within a certain time limit and if he fails to do so then the special exception would be null and void. Mr. Corbitt said that it could be a condition of the special exception. Mrs. Collins questioned why the application has taken so long to come before the board.

After a short discussion Mr. Grant withdrew his motion. Chairman Lee called for a motion to this item. Mrs. Collins motioned to recommend approval for the Boyer Private Cemetery subject to the following conditions:

1. The applicant shall provide a legal description and the net area of the cemetery.
2. A copy of the legal description of the cemetery shall be provided to the development department for the master file record, and a legal instrument including such legal description be recorded in the public records of Levy County upon approval by the Board of County Commissioners.

3. The entire perimeter of the cemetery area shall be delineated by an enclosure (i.e., wire, board, wrought iron, rock or brick).
4. That we have a perpetual care agreement executed by the property owners and recorded among the official records with the cemetery deed and the provision of that perpetual care agreement be met.
5. The property cannot be used as a cemetery until a permit is issued by the development department and said permits shall not be issued until all conditions are met.

Chairman Lee called for a second to the motion. Mr. Grant seconded the motion. Mr. Pollock called for discussion. Mr. Grant asked where did the parking requirements derive from, is part of the cemetery or is it set aside from the cemetery. Mr. Corbitt said that it would be set aside from the cemetery in his opinion. Mr. Pollock said that he wanted to make sure that the survey was done by a professional surveyor and not a lawyer.

Mrs. Collins then amended her motion to add the following verbage to condition #4. **The determination of net area and legal description shall be prepared by a professional surveyor with adequate bearings and distances to plot the cemetery on the land and include off-street parking.** Mr. Grant then seconded the motion; motion carried. All members voted "aye."

Mr. Pollock asked Mrs. Winburn if private cemeteries could be reviewed for some additional ideas in next years review.

PLANNING DEPARTMENT:

Mrs. Winburn distributed to the board a copy of the Citizen Growth Management Survey and explained that they have placed in individual areas of the county. She suggested that the board may want to go ahead and fill one out and have them begin thinking about some of the issues. She also provided to them a copy of the Devil's Hammock Stewardship Report. She explained some of the projects that have been completed in the past year in Devil's Hammock.

OTHER BUSINESS:

Mr. Pollock requested that when the Planning Commission Magazine is sent out, that she could include it as part of their agenda package. He said secondly, for regional planning purposes do we have any criteria that if we develop something on the border of Marion or Alachua County, do we send them a courtesy copy? Mr. Corbitt said that typically information is sent to the neighboring counties depending on the item.

Mrs. Collins requested that when there are applications that will be controversial, could all materials (letters of support, opposition. etc.) be submitted in a more timely fashion so that in fairness to the applicant and to the board there will be an opportunity to review those items within a reasonable

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amount of time. Mr. Corbitt suggested that a review of the public participation procedures be done.

Mrs. Collins said that she would not be opposed to doing so.

After a short discussion and the introduction of the new members, and there being no further business for the Levy County Planning Commission, the meeting was adjourned.

Chairman