

MINUTES

Levy County Planning Commission

March 3, 2003

The Levy County Planning Commission was called to order by Vice-Chairwoman Susan Haines. Chairman Gene Pollock was unable to attend. Other members present were as follows:

Vaughn Lee
Duncan McCallum
Tommy Thompson

Vice-Chairwoman Haines called for a motion to either approve or deny the minutes from January 6, 2003 as presented. Mr. Thompson motioned to approve the minutes as presented. Mr. Lee seconded the motion; motion carried. All members voted "I".

Vice-Chairwoman Haines asked Development Department Director Rob Corbitt to present the first item of new business.

Development Director Mr. Corbitt read into the record the following petition.

PETITION NO. FP 1-03 Danny Croft, Croft Land Surveying representing Paul Droney, petitioning the Board for a Final Plat of **"Gator Acres,"** a subdivision located in a portion of the S 3/4 of the N 1/2 of Section 35, Township 11S, Range 17E, in Levy County. Said parcel contains 75 acres more or less and is located within a Rural Residential "RR" and Agriculture/Rural Residential "A/RR" zone. Parent parcel no. 03264-000-00.

For the record Mr. Danny Croft who was representing Mr. Droney was present.

Mr. Corbitt said that this plat has come from the plat review committee with a recommendation of approval. Mr. Croft added the technicals that were found at the review committee, along with a note regarding the easements on the side lot lines. There have been no changes since the previous meeting.

Chairwoman Haines called for any opposition to the plat of "Gator Acres".

Mr. Bob Tomashevsky asked if the density of one (1) house per ten (10) acres still applies. Mr. Corbitt replied saying that the density has not changed.

Mrs. Martha Dawson asked if there was going to be more than a 100' easement before reaching her property. Mr. Corbitt replied saying that the only road that would be of any concern would be the one directly in front of Mr. Droney's property, not anywhere else. Mr. Dawson said what

his wife was trying to find out was are there going to be any deed restrictions on how close a residence will be from their property line ? Mr. Corbitt said that there will be a 50' building setback, not including any accessory structures. The primary residence will meet a minimum 50' from the front, 50' from the rear, 10' on the sides and all accessory structures (i.e. garage, workshop, free standing building etc.) can go as close as 10' from the rear property line, which has been part of the zoning ordinance in Levy County since 1991 (approximately) when the Land Development Code was adopted. Mr. Corbitt also stated that at one time the side and rear setbacks were 25' for accessory structures and the primary structure setback has always been 50'.

Mr. Dawson stated that at a prior public meeting regarding the Preliminary Plat for "Gator Acres", Mr. Droney was going to provide deed restrictions indicating whether or not it would be strictly for mobile homes or conventional built homes. Mr. Corbitt said that he did recall that Mr. Droney was going to provide a copy of his deed restrictions but none has been brought to this attention. Mr. Croft, who was representing Mr. Droney, said that the County cannot enforce him to have deed restrictions, the only regulations that the County can enforce is what is in the Land Development Code.

Mrs. Darlene Strong stated that because they were promised deed restrictions by the developer and had not received them, what can be done to stop the proceedings until they are provided? And how can they be assured that they will be enforced? Vice-Chairwoman Haines stated that they could address the Board of County Commissioners, but the County cannot require someone to place deed restrictions on their subdivision plat. Deed restrictions are something that the Planning Board can only ask for consideration of, but cannot mandate that they are provided as part of the plat. If the plat meets all of the requirements of the Land Development Regulations, then the Board could not require the developer to place deed restrictions on the plat, the Board does not have this authority.

Mrs. Dawson explained that if mobile homes are allowed, then it would decrease their property values.

Mr. Croft stated that Mr. Droney had mentioned that it would be homes only and he had given him some copies of deed restrictions, but doesn't know what has done with them.

Vice-Chairwoman asked if there were anyone else that would like to speak in opposition. No one else spoke up. She then asked if there were anyone else that would like to speak in support of the petition. Discussion was closed to the floor.

BOARD DISCUSSION:

Mr. McCallum asked Mr. Croft if Mr. Droney was going to consider deed restrictions. Mr. Croft stated that he had gave him some copies and directed Mr. Droney on where to find some to use

as a guide, but did not know what he had done. Mr. McCallum stated that he does understand where the people are coming from, but the Board can only make a decision based on the Land Development Regulations. Mr. McCallum said that he would like to see deed restrictions be put into place because it would be a benefit to the area. Although this is not a requirement, the Board could let him know that if he does not provide deed restrictions then he will have strong opposition.

Mr. Lee stated that he thought that the plat looks good and that they as a Board could not mandate the deed restrictions.

After the Board discussion, Vice-Chairwoman Haines called for a motion.

Mr. McCallum motioned to forward the plat with approval to the Board of County Commissioners with consideration from the developer for deed restrictions. Mr. Thompson seconded the motion. Mr. Thompson stated that the problem is starting a precedent by requiring deed restrictions and that is required by the regulations. Mr. Thompson then stated that the strongest way to present this would be to have Mr. Corbitt go to the developer and explain to him that there was a large interest from the surrounding property owners that will be attending the Board of County Commissioners meeting who will oppose if deed restrictions are not provided. Vice-Chairwoman Haines asked Mr. McCallum if he would like to reconsider his motion or call for a vote as it is. Mr. McCallum said that in his opinion he did not feel that there is anything wrong with the recommendation for considering, it is not mandating that deed restrictions are provided; therefore he did not want to change the motion. Vice-Chairwoman Haines said there is a motion and a second for the Final Plat of "Gator Acres" as stated. Mr. Thompson asked if he was obligated to the motion, Vice-Chairwoman Haines said that he would not be. Vice-Chairwoman Haines said all in favor say "I", Mr. McCallum voted "I". Mrs. Haines, Mr. Thompson and Mr. Lee voted "No". The motion failed. Mr. Lee then motioned to approve the plat as submitted. Mr. Thompson seconded the motion; motion carried. All board members voted "I" except Mr. McCallum who voted "No".

Mrs. Sandy Fink stated that she did not realize that the County did not get involved in deed restrictions.

Other Business:

Vice-Chairwoman Haines announced that Mr. Jeff Davis, School Board Superintendent has been officially appointed by the Board of County Commissioners as a non-voting member of the Planning Commission.

Mrs. Kathy Winburn, stated that they were working with the school board and all the municipalities that are not exempt from the school interlocal agreement and there will be specific requirements in notifying the school board of any development proposals, re-zonings to allow for Mr. Davis to give in-put to the Planning Commission.

Other Business: Planning Department - Parks and Recreation

Mrs. Kathy Winburn provided to the Board members a resolution (02-03) that was adopted in September 2002.

Vice-Chairwoman Haines said that it was her opinion that this issue has been placed on the back burner, and that the Planning Commission was more or less waiting for some direction from the Board of County Commissioners on whether or not they wanted the Planning Commission to be more involved. Mr. Thompson commented on the fact that the reason the Parks and Recreation Board was created was primarily for the Devil's Hammock project in which they needed someone to take the burden off the Board of County Commissioners to do some of the detail on the park project.

Mrs. Winburn said that she did not know how involved the Board wanted to be with the Devil's Hammock Management Plan or did the Board just want to be provided with items for informational purposes.

The consensus of the Board was to have a quarterly meeting for the Parks and Recreation Committee to be up-dated.

There being no further business for the Levy County Planning Commission, Mr. McCallum motioned to adjourn. Mr. Thompson seconded the motion; motion carried.

Chairman