

Minutes

Levy County Planning Commission

July 7, 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 June 2, 2003 as presented. Mr. McCallum motioned to approve the minutes as written. Mr. Lee seconded the motion; motion carried. All members voted "aye".

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

PETITION NO. PP 2-03 Parrish Land Surveying representing D.J. Daube, petitioning the Board for a Preliminary Plat of "Cedars of Fannin," a subdivision located in a portion of the parent parcel (00474-000-00, being 27.46 acres in the E ½ of the NE ¼ of the NW ¼ and 8 acres in the NW ¼ of the NE ¼ in Section 27, Township 10S, Range 14E, containing 3 acres more or less. This parcel is located within a Medium Density Residential "MDR" zone.

Mr. Corbitt presented the petition and stated that Mr. Gene Parrish was present to discuss the proposed plat if needed.

Vice-Chairwoman Haines then called for any opposition or support to this petition. Neither was present at the time.

Vice-Chairwoman Haines closed the floor for discussion.

BOARD DISCUSSION:

Mr. Corbitt explained that there was a concern regarding stormwater runoff, but he had contacted the Suwannee River Water Management District and they stated that if the property was developed with single-family dwellings then they would not be involved, but they would review the development prior to issuing building permits for two family and larger developments.

Vice-Chairwoman Haines asked if they could go to larger than duplexes with the approval of this plat, such as quadraplexes. Mr. Corbitt explained that it would be difficult due to the density

being too great for the one acre tracts without the provisions of central water provided by the City of Fanning Springs.

Mr. Thompson asked Mr. Corbitt to refresh them with who is part of the plat review committee. Mr. Corbitt stated that the plat review committee is comprised of himself, the planner Mrs. Kathy Winburn, Lee Mills who is the consultant county engineer, Justin Watson who is the administrative road superintendent and one county commissioner who is appointed by the chairman. If needed depending on the project, other agencies may be involved.

Mr. McCallum questioned the lots that are to the west of this project and their density. Mr. Corbitt explained that they are one acre lots and they were developed by Hill, Eckman and Dean. Mr. McCallum stated that the proposed plat would be consistent with the surrounding areas.

After the discussion, Vice-chairwoman called for a motion for this item. Mr. McCallum motioned to approve the preliminary plat as presented and forward it to the Board of County Commissioners with a favorable recommendation. Mr. Thompson seconded the motion; motion carried. All members voted "aye".

PETITION NO. SE 4-03 Beryl Bayer, petitioning the Board for a Special Exception to allow for a Bed and Breakfast, on a parcel of land located in Steeplechase Farms, Lot 11, Block D, in Section 35, Township 13S, Range 17, in Levy County. Said parcel contains 5 acres more or less. This parcel is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Corbitt stated that three calls were received as recent as today by some interested parties that voiced their opposition to the petition because it is a platted rural subdivision and not commercial and by allowing this use would create traffic problem. He explained that the callers stressed the need to be heard because they could not be present. Mr. Corbitt then presented the petition explaining that this is a comprehensive plan based special exception and currently this special exception is not enumerated in the current land development code. He and Mrs. Winburn are currently working on the code to address these types of issues that are permitted by the Comprehensive Plan but haven't been added to the code yet. He explained that currently there are no specific review criteria but the general review criteria must be met along with some additional code related items that are in the staff report. Mr. Corbitt then presented the petition explaining the project and the staff review. He stated that staff finds the special exception request consistent with the Comprehensive Plan and Land Development Regulations and recommends approval, with the following conditions:

1. The special exception is for a bed and breakfast establishment consistent with the definition of a Homestay, Host Home as defined by the "Professional Association of Innkeepers International". Any increase in the number of bedrooms or structures used in the business shall trigger the cause for an amendment to the special exception.

2. The dwelling shall be limited to the use of three (3) bedrooms for the use of non-related guests (i.e. non-family members).
3. No more than six (6) patrons shall occupy the structure at any time (i.e. limit of 6 guests).
4. The owners of the property must live in the dwelling and provide the services associated with the special use requested.
5. The property owners must obtain all necessary building permits to construct any structures to be used or occupied by patrons, such as but not limited to: horse barns to accommodated customers' live stock, other accessory structures.
6. Provided landscaping and screening to affect a complementary buffer and better address compatibility with adjacent properties.
7. No more than one (1) non-family person may be employed to assist in the operation of the business.

Note: This condition does not prohibit the hiring or use of contractors for home improvements or routine maintenance that is typical and incidental for other Bed and Breakfast establishments or single family dwellings.

8. The owners of the dwelling shall obtain a "Code Compliance Permit" to permit the dwelling to be inspected for fire safety. All modifications necessary to bring the structure into compliance with the NFPA 101 Life Safety Code, shall be made and approved prior to the use of the structure as a B & B.

Mr. Corbitt then explained that Mrs. Winburn had provided a report indicating the proposed special exception would be consistent with the Comprehensive Plan, Policy 3.5 (c).

Mrs. Beryl Bayer was present to discuss her petition. She explained that the only question there was whether an additional barn was going to be constructed (barn #2) and this barn already exist.

QUESTIONS & DISCUSSION:

Mr. McCallum questioned whether or not deed restrictions would pose a problem for this use. Mrs. Bayer said there were no other restrictions other than not allowing signs above a certain size, and she said that she intends for the use to be very low key with no signs at all.

Mrs. Bayer said that she understood that there were some objections that she was not prepared for, but she did submit several letters of support from land owners. (accepted as part of the record)

Vice-Chairwoman Haines called for any opposition.

OPPOSITION:

Mr. Mark DesJardins stated that he currently resides in Steeplechase Farms, where he has a site built home. Located on the back boundary of the Goethe State Forest. Based on the deed restrictions that are in place, item #10 prohibits certain trades or business to operate within this subdivision. His concerns were the additional trips per day that will be made on the road (limerock), construction of the road would not be able to withstand additional traffic (equine events), and the use is not compatible with the platted subdivision and the MSTU not equitable.

Mrs. Cindy Clemons for the record was not one of the unknown callers that made a phone call to the Building and Zoning Department in opposition. She is concerned about transient person that will be brought into the area which may increase crime, possibility of occupying horse trailers that are brought in for the equestrian events and deed restrictions that reflect no trade or businesses allowed.

For the record Mr. Mark DesJardins read item #10 from the recorded deed restrictions (OR Book 395, Page 440) which read as follows: "no trade or business, or any obnoxious or offensive activity shall be carried on or upon the property in any way that is or may become an annoyance or nuisance to other owners of the subject property."

Mrs. Bayer stated that by bringing in only four horses once a week would not be any different than if she had her own trailer and brought her own horses in and out. She feels that by owning two parcels, she is paying adequate road fees. She said that she has done no advertising nor does she have a website. The customers that she has will be required to have similar interests as her own. The proposed bed and breakfast will not open to the public in general, only to the people that drive carriages and belong to the driving associations and horse clubs etc.

Vice-Chairwoman Haines closed the floor for discussion.

BOARD DISCUSSION:

Mr. Thompson felt by hearing the objections that there is some negative influence, but feels that it would not be major just more feared than real.

Mr. Lee does not feel that the deed restrictions are that specific in order exclude this use.

Mr. McCallum stated that the comprehensive plan has made provisions for this complimentary use and is done under Policy 3.5. The deed restrictions aren't something that they as a board can rule on.

Vice-Chairwoman Haines asked if it will be only for riding horses or would it be for pulling trailers also. Mrs. Bayer stated that it would be for carriages also, but not for trailers. Mrs. Haines asked what for advertisement would she use. Mrs. Bayer said that she would advertise through the horse council, trail magazines and driving clubs.

After the discussion, Vice-Chairwoman Haines called for a motion to this item. Mr. Thompson motioned to approve the special exception based on findings of fact as written in Section 6 of the Special Exception application except for No. 1 which is non-applicable and that the use complies with the comprehensive plan policy 3.5 (c). Mr. Lee seconded the motion; motion carried. All members voted "aye" except for Vice-Chairwoman Haines who voted "no" because at this time this use is not designated as a special exception use in the Land Development Code and is not compatible with the location that it is situated in.

Mr. Corbitt stated that Mr. Thompson did not include any conditions in his motion and thinks that he may have meant to do so, he was not sure. Vice-Chairwoman Haines stated that she needed to finish the motion because she just explained her reason for voting "no". She then asked for any further action to be discussed. No further action was taken.

PETITION NO. SE-A 2-03 Alan Aulson (Shell Rock Realty Trust), petitioning the Board for an Amendment to Special Exception No. 5-02 to allow for a "Bed and Breakfast" type club house, three (3) temporary RV sites to accommodate guests, event office, site constructed remote restrooms, five (5) barns with provisions for temporary living and two or more "run-in" shelters, on a parcel of land located in that part of the E ½ of the SW ¼ and the SE ¼ of the NW ¼ of Section 27, Township 13S, Range 17E, in Levy County. Lying west of the west right-of-way line of Levy County Road C-337. Said parcel contains 90 acres more or less. This parcel is located within a Forestry/Rural Residential "F/RR" zone.

Mr. Corbitt presented the petition explaining the recommended changes to the original special exception and explaining the new layout plan for the property. He stated that staff finds the amendment request consistent with the Comprehensive Plan and Land Development Regulations and recommends approval with the following conditions applied to approval of the amended special exception:

1. A "Special Event Permit" shall be obtained prior to special events or competitions open to the public [in order to provide first responders (fire, police, EMS) with notice].
2. Permits, approvals or documented exemptions from all affected state agencies shall be provided to the Development Department at the time of the application for building permits. Among these are: Department of Health or DEP for wastewater and potable water; Suwannee River Water Management District for water use permit and stormwater

or surface water management permit; and the Division of Hotels and Restaurants for transient lodging licensing requirements.

3. All improvements and construction shall be completed prior to December 31, 2006, unless the owner/applicant or his assigns request and receive an extension from the Board of County Commissioners.

Mr. Alan Aulson was present to discuss his petition.

Mr. McCallum for the record registered a written notice of “conflict of interest” as he will be the subcontractor and will be doing some work for Mr. Aulson.

Vice-Chairwoman Haines called for any support for this project.

Mrs. Helen Koehler submitted and read a letter of support from the Sunshine State Horse Council for this project.

Vice-Chairwoman Haines called for any opposition for this project.

Mr. Mark DesJardins asked if the SWFWM water usage was consistent with the usage based upon the area and the actual well water, wells and ground water levels. Mr. McCallum said that is should be in the jurisdiction of the Suwannee River Water Management District. Mr. Corbitt stated that Mr. DesJardins question was to see if Mr. Aulson is currently operating with a water use permit. Mr. Corbitt stated that he feels that he would be exempt, but he could ask Mr. Aulson. Mr. Aulson stated that he does currently have a water use permit from the Suwannee River Water Management District. Mr. DesJardins asked if any of the proposed property was located within the flood prone area. Mr. Corbitt stated that he could not say for absolute, but feels sure that it is not located within a flood zone.

Mr. DesJardins asked about the noise, dust, and hours of operation. Mr. Corbitt responded and stated that this use would be exempt from the noise ordinance, except from 10:00 pm to 7:00 am.

Mr. Gerald Dockter asked for clarification of the proposed location. Vice-Chairwoman Haines said that the project would be located on the West side of 337.

Vice-Chairwoman Haines closed the floor for discussion.

BOARD DISCUSSION:

Mr. Lee stated that he did not expect the applicant to come back and request an amendment, as he thought it was going to be utilized for 4-H Clubs etc.

Mr. Thompson wanted to know how consistent this project will be with the equestrian activity. Mrs. Haines stated that it has been her impression that the state has been encouraging the equestrian events, she has not heard any adverse comments toward these events that are being scheduled in Goethe.

After discussion, Vice-Chairwoman Haines called for a motion to this item. Mr. Thompson motioned to approve the special exception amendment with the staff conditions and the findings of fact that it is compatible with the comprehensive land use plan, it does not interfere with the public health, safety and welfare and is compatible with the surrounding area. Mr. Lee seconded the motion; motion carried. All members voted "aye".

QUESTIONS:

Vice-Chairwoman Haines asked Mrs. Winburn regarding the status of the alternate members. Mrs. Winburn stated that the County Commissioners authorized her to advertise for three weeks and they have received three applications. She said that it will be on the next agenda for the board to establish a committee to recommend two alternate members.

Mr. McCallum questioned Mr. Corbitt on how special exceptions that violate their conditions are policed. He wanted to know if maybe a renewal policy for special exceptions could be put into place so that they can be monitored. Mr. Corbitt said that when it is time for amendments to the code to be reviewed by the board, then maybe special exception criteria can be re-visited and maybe a re-certification program can be put into place.

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

Vice-Chairwoman

