

Minutes

Levy County Planning Commission

August 4, 2003

The Levy County Planning Commission was called to order by Chairman Gene Pollock. Other members present were as follows:

Susan Haines
Vaughn Lee
Duncan McCallum
Tommy Thompson

Chairman Pollock called for a motion to either approve or deny the minutes from July 7, 2003 as presented. Mr. McCallum motioned to approve the minutes as written. Mrs. Haines seconded the motion; motion carried. All members voted "aye".

Chairman Pollock asked Development Department Director Rob Corbitt to present the new item of business.

PETITION NO. PP 1-03 Croft Land Surveying representing Dolores Joyner, petitioning the Board for Preliminary Plat of "White Estates," a subdivision located in the SE ¼ of the NE ¼ of Section 8, Township 12S, Range 18E, Levy County, less and except the East 40 feet thereof for Levy County Road C-241 right-of-way. Said parcel contains 40 acres more or less and is located within Agriculture/Rural Residential "A/RR" zone.

Parcel No's 04005, 04005-001, 04005-002, 04005-003 and 04005-004

Mr. Croft was present to discuss the petition.

Chairman Pollock asked for anyone in support of the preliminary plat.

Mr. Mark Marino stated that he was a life long Williston resident. Mr. Marino has been looking for property to purchase in the area but has had difficulty finding land because most of the property he has looked at is much larger parcels. Mr. Marino stated that the 10 acre lots in this subdivision would fit his needs.

Mr. Fletcher Hope stated that he represents the property of Mrs. Chase D. Maddox that adjoins the petition property. Mr. Hope said that they had no objections to the plat.

Chairman Pollock asked for any opposition, and there was none.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mrs. Haines said that as long as all the requirements had been met she was fine with the plat.

Mr. McCallum asked whether it was already in 4 – 10 acre tracts. Mr. Corbitt explained that the family had not applied for a homestead density exception so in order to utilize the land they had to go through the subdivision process.

After the discussion, Chairman Pollock called for a motion of the item. Mr. Thompson motioned to recommend approval to the Preliminary Plat of “White Estates”. Mrs. Haines seconded the motion and the motion carried, unanimously.

PETITION NO. FP3-03 Steve McMillen representing Wade Bullock, petitioning the Board for a Final Plat of “Camellia Plantation,” a subdivision located in the E ½ of the NW ¼ of the NE ¼, lying and situated South of State Road No. 500 and the SW ¼ of the NE ¼ less and except the W ½ of the NW ¼ of the SW ¼ of the NE ¼ of Section 1, Township 13S, Range 18E, in Levy County. Said parcel contains 41.14 acres less right-of-way. This parcel is located within the Medium Density Residential “MDR” zoning.

Parcel No. 04314-000-00

Mr. McMillen was present to discuss the petition.

Chairman Pollock asked for anyone in support of the final plat, there was none.

Chairman Pollock asked for any opposition.

Mr. Hector Rivera asked what was the purpose of the concrete retention pond. Mr. Corbitt explained that it is an erosion control devise called ditch bottom paving. It is used to defuse the water.

Karen Rivera said her property was adjacent to the final plat. Mrs. Rivera wanted to know what affect the retention pond would have on her property. Mr. McMillen said it shouldn't be any different than what it would be normally, and that any water that is displaced because of improvements made would be held in the retention pond. Mr. Corbitt explained that the engineering that is done should prevent any possible flooding. Mrs. Rivera asked would this plat be a bunch of 1 acre lots. Mr. Corbitt explained that the plat consists of 10- 1 acre lots.

BOARD DISCUSSION:

Mr. Pollock asked what changes had been made between the preliminary plat and final plat. Mr. Corbitt stated that the plat now shows an easement to the retention area.

Mr. Thompson asked Mr. Corbitt to list those who are on the plat review committee for the benefit of the audience so they could have an idea of what and how the plat process is done before it is presented to the board. Mr. Corbitt said the plat review committee consists of Rob Corbitt (Building & Zoning official), Kathy Winburn (Planning Director), Lee Mills (County contract engineer), Justin Watson (Administrative Road Superintendent), and one county commissioner who is appointed by the chairman of the board.

After the discussion, Chairman Pollock called for a motion of the item. Mr. McCallum motioned to recommend approval to the Final Plat of “Camellia Plantation” and to send it to the Board of County Commissioners. Mrs. Haines seconded the motion and the motion carried, unanimously.

PETITION NO. FP 4-03 Roger Crossman, petitioning the Board for a Final Plat of the “Replat of Peaceful Acres – Tract A,” a subdivision located in Section 34, Township 16S, Range 17E, in Levy County. Said parcel contains 8 acres more or less and is located within a Rural Residential “RR” zone.

Parcel No. 09164-000-00

Mr. Crossman was present to discuss the petition.

Mr. Corbitt commended Mr. Crossman for his patience and determination on the long process that has taken place in trying to get this subdivision plat approved. Mr. Corbitt stated that this is a simple plat that takes advantage of existing paved roads.

Chairman Pollock asked for anyone in support of the final plat, there was none.

Chairman Pollock asked for any opposition, there was none.

BOARD DISCUSSION:

Mrs. Haines said she felt the final plat is an improvement to the existing lots.

Mr. McCallum asked whether the ambulance station and fire station is going to be together on the same lot. Mr. Crossman said at this time it will be the fire station only because of the immediate need but maybe eventually it will include the ambulance station also.

After the discussion, Chairman Pollock called for a motion of the item. Mrs. Haines motioned to recommend approval to the Final Plat of “Replat of Peaceful Acres – Tract A” and to send it to the Board of County Commissioners. Mr. Thompson seconded the motion and the motion carried, unanimously.

PETITION NO. SE 3-03

Mr. John Rufolo was not present to discuss the petition. Mr. Corbitt stated that he had not heard from the petitioner as to his absence and he said the rule was that the petitioner or a representative needed to be present in order for the petition to be heard. Mr. Corbitt said the petition may need to be postponed to a later date. Mr. Thompson asked whether Mr. Rufolo had been notified that attendance at the meeting was a requirement. Mr. Corbitt said he thought Mr. Rufolo understood he needed to be present. Mr. Pollock suggested holding this item until the end of the meeting to see if the petitioner showed up.

OTHER BUSINESS:

Mrs. Kathy Winburn presented the first item as the addition of the new Planning Commission alternate members. Mrs. Winburn explained that the Board of County Commissioners voted to accept the applications of Mr. Kenneth Crosby and Mr. Bill Hammond for alternate membership. Mrs. Winburn introduced Mr. Crosby. Chairman Pollock welcomed Mr. Crosby and asked if he wanted to speak. Mr. Crosby addressed the board and explained that he was from the Williston area. Mrs. Winburn asked the board to please notify the Planning Department as soon as possible if they are unable to attend future meetings so that an alternate member can be notified.

Mrs. Winburn explained to the board that the next meeting date could not be at the regular scheduled day due to the Labor Day Holiday, September 1, 2003. Mrs. Winburn stated that the board needed to decide when the next meeting would be scheduled. The board decided the next meeting would be on Tuesday, September 2, 2003 at 6:30 pm.

Planning Commission Workshop

Chairman Pollock recessed the regular Planning Commission meeting and opened up the workshop to review potential amendments to the Levy County Comprehensive Plan regarding development and residential density in the riverine and coastal flood areas. The purpose of recessing the regular meeting was so the board could go back and review the Special Exception petition for John Rufolo if the applicant showed up before the end of the meeting.

Mrs. Winburn explained that the purpose of the workshop was based on a referral from the Board of County Commissioners to have the Planning Commission review the issues being presented and return with a recommendation to the board.

Mrs. Winburn explained that a consulting firm representing the Andrews family made a request to the Board of County Commissioners that the county initiate a comprehensive plan amendment to create a new future land use category. The board directed staff to meet with the consultants and return with an informational report. Staffs' recommendation was to refer this item to the Planning Commission due to the complexity of the issues and the role of the Planning Commission in the comprehensive planning process. She stated that the potential amendments do not include the creation of a new future land use category, but include several text amendments to the future land use element and sanitary sewer sub element of the Comprehensive Plan along with associated changes to the Land Development Code. Potential changes could result in new policy direction regarding development in the coastal high hazard area, within environmentally sensitive lands and the use of community development districts to provide water and waste water treatment systems. Mrs. Winburn explained the process by stating that if the county should proceed with the amendment that it would be considered a Large Scale Land Use Amendment and would follow the same process as any potential land use change brought before the board.

Mrs. Winburn explained the many issues and relevant comprehensive plan policies included within the report and proceeded with a paper power point presentation. Mrs. Winburn said one of the biggest issues is the existing comprehensive plan policies and whether the amendments

would be consistent with the comp plan. She said that this should be considered in any finding that the board should make.

Mrs. Haines questioned why the County would be initiating a comprehensive plan amendment for a private individual and how much will it cost the county to do so. Mrs. Winburn said that for the county to initiate the amendment they would have to decide that it was in the best interest of the county and that it furthers the vision of the Comprehensive Plan and the goals for the county. She stated that the potential changes mainly refer to development in the coastal and riverine areas. Mrs. Haines stated her concern of setting a precedence for the rest of the county if the board makes a comp plan amendment for an individual. Mrs. Winburn said that it was not uncommon for a county or city to initiate a comp plan amendment but in order to do so the county or city would need to make a finding that what they were doing was in the best interest of the county and furthers the goals of the comprehensive plan. Mrs. Haines asked if this could be done at the same time as the EAR report with the changes addressed at that time. Mrs. Winburn indicated that the next EAR was not due until July 2006. Mrs. Haines asked whether staff has had any input or response from any of the coastal towns in expressing interest or concern. Mrs. Winburn indicated that the Cedar Key City Attorney had requested information. Mrs. Haines said that input was needed from coastal towns within the county as to whether they want this. Mrs. Haines said that the commission needs to know more about CDD's (Community Development District). Mrs. Haines asked what the costs are for doing a map amendment and text changes. Mrs. Winburn stated that the cost for the large scale amendment initiated by applicant is \$1600 and comprehensive plan text amendment is \$500. Mrs. Haines wanted to know what the impact to the infrastructure in the area would be. Mrs. Haines said that she would like to see input from both the DEP and SRWMD as to what they feel the impact to this area will be.

Mr. Pollock asked how staff feels about this issue. Mrs. Winburn said that there were a lot of issues involved to consider. Mrs. Haines pointed out that in the staff report it states that staff recommends against the county initiating land use amendments petitions on privately owned property and setting precedence for such. Mrs. Winburn explained that was one part of the issue and the other part was in amending the text to the comprehensive plan. Mrs. Winburn further explained that it doesn't mean that a county has not done so in the past and sited St. Johns County as an example. Mr. Pollock asked whether the county has ever experienced private enterprise applying for text changes to the comprehensive plan. Mrs. Winburn said she was not aware of any such case. Mr. Pollock said there was a concern that if the county proceeds and makes the requested changes that it affects all coastal towns within the county and not just that of City of Cedar Key. Mr. Pollock said he feels that in the future coastal towns should be notified and asked for comments on issues affecting their area. Mr. Pollock said the commission should know what the Andrews plan is for their property if the amendment changes are made. Mr. Pollock wanted to hear some positives as to why the county should be approving something like this.

Mr. McCallum said that the Planning Commission is working under the direction of the County Commissioners and they have asked the Planning Commission to review and give a recommendation as to how to proceed. Mr. McCallum said that after review, the Planning Commission recommendation could be to let private enterprise initiate the amendment changes instead of the county. Mrs. Winburn said the Planning Commission could give several possible

recommendations including amending the text to the comprehensive plan, amending the text in some different fashion not listed in the report, or to recommend that the county not initiate any amendment. Mr. McCallum questioned that with the county having a shortfall with the budget at this time why the county should even be considering taking on a project with the cost it entails for the benefit of a private enterprise. Mr. McCallum stated that if the private enterprise wants changes to be made they should incur the cost and not the county. Mr. McCallum asked whether the individuals who made the request to the county were present at this meeting. After questioning the audience, it was determined that they were not present.

Mr. Thompson said he wanted to hear the pros and cons of proceeding with this issue or leaving it alone. Mr. Thompson wanted to know what the Board of County Commissioners wants the Planning Commission to do. Mrs. Haines said the Board wants the Planning Commission to review the potential changes and give a recommendation of how to proceed or not to proceed.

Mr. Corbitt said the City of Cedar Key has requested to be kept informed of the process of this issue. Mr. Corbitt said the county needs to make sure that in doing this that the higher density can be supported by the services provided by the county. Mr. Corbitt said consideration needs to be given to the area the private property is located in because of the clamming industry. Mr. Corbitt said that at some point we need to know more specifics as to the project the Andrews have in mind for justification in changing the text in the comprehensive plan. He stated that the board may choose to table this issue or deny it based on whether the Andrews present justification for how their project can be done and still protect the coastal hazard area. Mr. Corbitt asked Mr. Raulston what the SRWMD can do for the county. Mr. Raulston requested the county send a letter to the district formally requesting help concerning this issue.

Marvin Raulston, SRWMD, said the majority of the issues are for the county to decide. He stated that the District does a very cursory review of comp plan amendments that are received. Mr. Raulston stated that Levy County has always impressed him with how the county has taken the lead in protecting its resources. Mr. Raulston said the district is more than willing to work with the county in providing whatever resources it has that may be of help. Mr. Pollock said the Planning Commission welcomes any assistance the district can provide and invited Mr. Raulston to attend any of the workshops we may have on this subject.

Mrs. Sandy Fink asked whether doing this is in the best interest of the county. Mrs. Fink commended the Planning Commission for the careful decision they are trying to make.

Mr. Fink asked how far in is the coastal area designated to. Mr. Pollock said it varies and depends on how low the land is.

Annette Long asked the board to please keep in mind there is a right way to go about this process to be beneficial for the county.

Helen Koeler asked if the Planning Commission could take no action.

Nancy Taylor presented a written statement for the record. Mrs. Taylor said she was opposed to increasing density in the coastal area. Mrs. Taylor asked whether Kelby Andrews was on the Suwannee River Water Management District's board.

Jim Hoy, Cedar Key News, asked what the average distance was from the coast to what is considered the high hazard area.

The Planning Commission requested Planning Department staff to provide them with an impact analysis using the Andrews property in question as a guide, then compare to other properties in the coastal areas based on the following information: impacts to infrastructure, economic cost to county(if county initiates amendment), CDD's –what the county can and cannot control on those. The Commission asked staff to do a relative comparison in terms of size, and uplands that can be divided between the Andrews property and all other private property in coastal areas and what affect it will have for the rest of the county. The Planning Commission acknowledged that the Planning Department would need to have sufficient time to compile the information and that the next workshop on this issue would be at the regular meeting in October.

Chairman Pollock asked Mr. Corbitt to contact the Andrews family and request that they attend future workshops to help give some positive aspects related to the county doing the requested amendment changes. Chairman Pollock stated the next workshop would be October 6, 2003.

Chairman Pollock closed the workshop and reconvened the Public Hearing in order to hear Petition No. SE 3-03. Mr. Rufolo was still not present for his application to be heard. Mr. Corbitt suggested tabling this item to the next meeting so Mr. Rufolo could be present. Mr. Pollock questioned whether Mr. Rufolo had been properly informed as to his presence at the meeting being necessary. Mr. Corbitt explained he had met with Mr. Rufolo on several occasions and that the applicant had been given a copy of the meeting notice. Mrs. Haines expressed concern on the cost to the county if the petition is postponed due to having to advertise the petition again. Mr. Corbitt stated that if the petition was tabled it would not have to be readvertised. Mrs. Haines motioned to deny the petition unless Mr. Rufolo provided written reason as to why he was not in attendance at the meeting. Mr. Lee seconded the motion. Mrs. Haines, Mr. McCallum and Mr. Lee voted “aye”; Mr. Pollock and Mr. Thompson voted “nay”; the motion carried.

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

Chairman