

Minutes

Levy County Planning Commission September 2, 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 August 4, 2003 as presented. Mr. McCallum motioned to approve the minutes as written. Mrs. Haines seconded the motion; motion carried. All members voted "aye".

Mrs. Haines made a motion to move the petitions for preliminary plats to the front of the meeting agenda followed by the Special Exceptions and Small Scale Amendment, due to the large number of citizens in attendance. Mr. Thompson seconded the motion and the motion carried, unanimously.

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

PETITION NO. PP 3-03 Pardue Land Surveying representing C.B. Griffis, petitioning the Board for a Preliminary Plat of "Griffis Estates," a subdivision located in the S ½ of the SW ¼ of the NE ¼ & N ¾ of the NW ¼ of the SE ¼ (parcel no. 00977) and the SW ¼ of the SE ¼ and the S ¼ of the NW ¼ of the SE ¼ (parcel no. 00977-001-00) both lying within Section 13, Township 12S, Range 14E in Levy County. Said parcel contains 96.91 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Pardue was present to discuss the petition. Mr. Pardue explained the development would consist of 10 acre tracts.

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

John Waddell questioned whether the plat was going to be 1 acre tracts with mobile homes on them. Mr. Pardue stated the plat would be 10 acre tracts and that the developer plans to deed restrict the lots to homes only with no mobile homes allowed. Bill Martin stated that he lives in the Spanish Trace subdivision. Mr. Martin asked if water and sewer will be brought in. Mr. Pardue stated that the homes would have well and septic systems. Joe Mize stated he lives in the area. Mr. Mize stated he had a concern about street lighting and asked whether street lights

would be put in and did the county have an ordinance for that. Mr. Corbitt said the county does not currently have an ordinance that addresses street lighting in subdivisions. Jim Degregory said he lived in Spanish Trace. Mr. Degregory asked whether there would only be 10 homes on this plat with there being 10 acres tracts and would there be restrictions on the size of the homes. Mr. Pardue said that the plat consists of 10 acre tracts with homes only but the developer has not gotten into the specifics of what type of homes or size of homes yet.

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

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mr. Thompson asked whether the size of the acres was net after the easements and right of ways were taken off. Mr. Pardue said yes. Mrs. Haines asked what the possibility was of getting 20 feet of the lime rock road paved. Mr. Pardue explained the road is a county maintained graded lime rock road and that the county subdivision regulations do not require the roads to be paved for 10 acre lots or more. Mrs. Haines stated she understood what the requirements were but had a concern with the future land owners in the subdivision expecting the county to pave the roads. Mrs. Haines asked about the sinkhole on lot 10. Mr. Corbitt said that there is a sinkhole on lot 10 and that the lots were designed taking that into consideration.

After the discussion, Chairman Pollock called for a motion of the item. Mrs. Haines motioned to recommend approval to the Preliminary Plat of "Griffis Estates". Mr. McCallum seconded the motion and the motion carried, unanimously.

PETITION NO. PP 4-03 Croft Land Surveying representing Mark Porath, petitioning the Board for a Preliminary Plat of "Tameron Acres," a subdivision located in that portion of the N ½ in Section 6, Township 13S, Range 18E, in Levy County, lying East of The Farms at Williston Unit 1. Said Parcel contains 71 Acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Parcel No. 04399-000-00

Mr. Croft was present to discuss the petition. Mr. Croft said there would be some type of deed restrictions but did not know if it would be for homes only.

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

Chairman Pollock asked for any opposition.

Jay Goodman said that he lives across the street from the property. Mr. Goodman said that he was told many years ago that the land could only be subdivided once. Mr. Goodman asked whether the road surrounding the property would be paved. Mr. Croft explained the developer was not obligated to pave the road because the subdivision regulations do not require 10 acre or more lots in subdivisions to be paved. Mr. Croft explained the property could only be divided one time unless it was subdivided. Mr. Croft stated that he did not know what the deed restrictions would be. Lanie Locke asked Mr. Pardue what types of homes would be built on the property. Mr. Pardue said that the developer has not told him what type of deed restrictions there would be on the property. Harriet Jones said that she is opposed to mobile homes being allowed on the tracts with dirt roads because it will devalue the surrounding properties.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mrs. Haines stated again the need for paved roads in the subdivisions being developed so that the rest of the tax payers of Levy County do not have to be burdened. Mrs. Haines asked how large the lots were in the subdivision in The Farms at Williston Unit 1. Mr. Croft said that they were 5 acre lots.

After the discussion, Chairman Pollock called for a motion of the item. Mr. Thompson motioned to recommend approval to the Preliminary Plat of "Tamaron Acres" and to send it to the Board of County Commissioners. Mr. Lee seconded the motion and the motion carried, unanimously.

TABLED BUSINESS:

Petition No. SE 3-03 had been tabled from the previous Planning Commission meeting due to Mr. Rufolo not being present at the meeting. Mr. Corbitt said that Mr. Rufolo had disclosed to the Development Dept. his absence was due to family business. Mr. Corbitt said that he and the Vice-Chair, Mrs. Haines, had discussed the issue and both were satisfied with Mr. Rufolo's explanation.

PETITION NO. SE 3-03 John Rufolo, petitioning the Board for a Special Exception to allow a passive outdoor recreation use including 19 RV hook-ups, 10 barns for equestrian use, 19 fenced paddocks (each paddock includes 1 barn and 1 RV hook-up) and 2 complete restrooms, on a parcel of land located in the North 676.23 feet of that portion of the NW ¼ of Section 22, Township 13S, Range 17E in Levy County. Said parcel contains 30 acres more or less and lies East of C-337. This parcel is located within an Agriculture/Rural Residential "A/RR" zone.

Parcel No. 03672-003-00

Mr. Pollock asked Mr. Corbitt whether there had been any changes made to the project since the last meeting. Mr. Corbitt said there had been no changes made.

Mr. Corbitt presented his staff report with the conditions for the special exception. Mr. Corbitt stated that staff recommends approval of the special exception with the conditions listed in the report.

Mr. Rufolo was present to discuss the petition. Chairman Pollock asked Mr. Rufolo if he could accept the conditions of the special exception. Mr. Rufolo said he does accept the conditions from staff and hoped it would be approved so he could proceed with the project. Chairman Pollock asked Mr. Corbitt what the next step of the process would be if the special exception was approved. Mr. Corbitt said the next step would be the construction and design of the property.

Chairman Pollock asked for anyone in support of the special exception.

Robert Jordan said he lives in area and thinks the project is a great idea. Harriet Jones said she thinks the project is a great idea. Ms. Jones said she had a concern with the heavy equipment and horses going and coming from the property because of the safety to the horses. Ms. Jones asked whether they might consider changing the entrance and paving it. Mr. Corbitt explained there was a limitation on access spacing. Mr. Rufolo explained there was already a 30 foot road access to help accommodate the traffic. Tom Wattsell asked if the county had passed a rule that said you had to have at least 10 acres in order to have a well and septic tank. Mr. Corbitt said there was no such rule. Mr. Rufolo said he would do whatever the board requires of him. Mr. Wattsell asked if this property would be a RV park and would it be turned into something else later. Mr. McCallum explained the petition was a special exception for that particular use and if the property owner changed the use he would have to come before the board for approval of the new use and that Code enforcement would become involved if the use changed and approval had not been given. Mr. Wattsell said he was concerned with not paving the roads in the park so that in the future the county would not be burdened with having to do so. Ted Howell said he agrees with Mr. Wattsell that new developed subdivisions should be paved so other property owners don't have to be burdened with it. Mr. Howell stated that it should be mandatory to pave the roads for any new project.

Chairman Pollock asked for any opposition.

Lucy Snow said she is not necessarily opposed but that she is concerned with hog pond tract that is adjacent to the property. Ms. Snow said the horse traffic that will be traveling back and forth across the road between Mr. Rufolo's property and the hog pond tract needs to be considered in terms of safety. Mr. Rufolo said the way the project is designed it will not be necessary for the horses to cross the paved road to get to the trails. Kathy Conductor asked what will be done with the remaining 50 acres and is it commercial. Mr. Rufolo said he will sell it and that the remaining 50 acres is not commercial. Gerald Bruce said he was concerned with more commercial businesses coming into the area. Mr. Bruce said that this is a residential area and they want to keep it that way. Paul Curry asked whether there had been any discussion with the

game commission about the use of horses in an area that has hunting also. Mr. Rufolo said he has checked and that there is not hunting in the area that the horse trails are located in. Mary Dunn said that she moved to the area to get away from commercial and she does not want to see commercial property in the area.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mrs. Haines asked Mr. Rufolo if his intent was to have a private club for members only. Mr. Rufolo said that was in the original plans but that has since changed and it will be open to the public. Mrs. Haines asked if a 2 horse limit would be possible being the barns were design with 2 horse stalls. Mr. Rufolo said he would do whatever the board wishes. Mrs. Haines asked if a laundromat was going to be put in. Mr. Rufolo said future plans do include expanding with a laundromat. Mrs. Haines stated for those present that the subject property is located in an A/RR zone, not commercial like the surrounding properties, and that permitted uses do include rough camping, and that Mr. Rufolo is upgrading to an RV Park Equestrian facility. Mrs. Haines asked Mr. Corbitt if he was satisfied with one entrance point and could there be two entrances so traffic will flow better in case of a horse event. Mr. Corbitt said he is satisfied with the entrance because of the width that Mr. Rufolo has made it that it will allow for horse trailers to enter and leave without any problems. Mr. McCallum asked where the barns will be located on the map. Mr. Corbitt explained the barns location.

After the discussion, Chairman Pollock called for a motion of the item. Mrs. Haines motioned to recommend approval to the Special Exception for passive outdoor recreation use and to send it to the Board of County Commissioners with the following conditions:

1. The special exception is for a resource based equestrian recreational facility to complement the County's recreational and open space system.
2. The applicant shall provide to the Development Department: all necessary permits, approvals or documented exemptions from all affected state agencies at the time of the submittal of an application for a building permit.

Some agencies applicable to this project are:

Department of Health or DEP for waste water and potable water permits and approvals; Department of Health for RV Park Licensing; and the Southwest Florida Water Management District for well construction, water use permit and/or stormwater water management permit.

3. No business shall be permitted until all improvements are completed, including the sanitary facilities and a certificate of occupancy is issued for the bath house.
4. The sanitary dump station and restroom facilities shall be consistent with the **Florida Administrative Code 64-E. 15.**

5. The following conditions are a modification of the requirements of **Section 50-877. Travel Trailer Parks**, and shall be applicable to this special exception:
 - (1) All driveways and aisles shall be paved, except those which serve less than 20 spaces with the understanding that if an expansion is made the property owner will present a new petition to the board for consideration.
 - (2) Pads and individual lots may remain unpaved.
 - (3) On-site water retention shall be in accordance with the Southwest Florida Water Management District.
 - (4) Approval shall be conditional upon approval of the:
 - a. Water system by the state Department of Environmental Protection or the Department of Health (F.A.C.)
 - b. Sewer system by the Department of Environmental Protection or the Department of Health (F.A.C.)
 - c. The location, construction, operation and type of equipment required for potable water and wastewater disposal shall be by the Department of Environmental Protection or the Department of Health.
 - (5) Access to the facility shall be limited to one ingress point and one egress point, plus an emergency drive.
 - (6) The equestrian facility may include accessory commercial facilities, such as a laundromat, clubhouse or commissary (store), as a part of the project; however, such uses shall be of a scale and location as to primarily serve the needs of the renters within the equestrian facility. If any of the abovementioned items are added the special exception will need to be amended and presented to both the Planning Commission and Board of County Commissioners for approval.
 - (7) No travel trailer may be tied down, blocked up, added onto, or otherwise made to be immobile.
 - (8) Storage facilities shall not be provided. Both permanent and temporary storage of horse trailers, boats or RVs on-site are expressly prohibited.
 - (9) If an evacuation order is given, all travel trailers are required to be evacuated. The applicant shall provide written assurances that this can and will be accomplished.
 - (10) Setbacks shall be: 75 feet front, 50 rear, and 25 feet sides, with no improvements other than fencing, berms and planted vegetation allowed within the required setback area.
 - (11) Limitation of 2 horses per site.
6. All access points (primary and emergency) from CR 337 to the subject property line (turn-outs) shall be subject to approval by the county road department. The interior roadways shall be constructed or adequately stabilized to support the expected traffic load, including emergency vehicles.

7. Landscaping shall be provided consistent with **Section 50-819. (a. through d.)**. In addition, require the first twenty-five feet of property along the road frontage, and at the property line abutting private lands, to be planted with not less than two rows of non-deciduous trees appropriate to local growing conditions, at intervals not to exceed 15 feet. The planting of trees shall be staggered, and the size and type of trees selected shall provide a screen of not less than 50% opacity within three years of planting. **[50-819. (d)]**
8. The special exception use shall be initiated within one year from approval, or the Special Exception Use Permit becomes null and void.
9. No additional RV spaces shall be permitted without prior approval from the Board of County Commissioners.
10. The conditions of this Special Exception shall be binding upon the applicant, property owners or their assigns.

Mr. Thompson seconded the motion. Mr. McCallum asked how the board will know if the special exception needs to be reviewed for compliance. Mr. Corbitt said the county does not currently have a program in place for monitoring other than through the permit process and through complaints given to code enforcement. Mrs. Haines said the property appraiser should catch any violations when the property is reevaluated and they in turn can notify the Development Dept. Chairman Pollock called for the vote, the motion carried, unanimously.

PETITION NO. SE 5-03 Robert and Faye Wells, petitioning the Board for a Special Exception to allow for an outdoor commercial recreational facility for the purposes of establishing an organized mud bogging business, located in the SW ¼ of the NE ¼ and that part of the E ½ of the NE ¼ lying west of U.S. Highway 19/98, and all that part of the SE ¼ lying west of U.S. Highway 19/98 and north of Butler Road, in Section 36, Township 15S, Range 16E, in Levy County. Said parcel contains 99.80 acres more or less. This parcel is located within a Forestry/Rural Residential “F/RR” zone.

Parcel No. 02843-000-00

Mr. Corbitt presented his staff report with the conditions for the special exception. Mr. Corbitt stated that staff recommends approval of the special exception with the conditions listed in the report.

Mr. & Mrs. Wells were present to discuss the petition. Mr. Wells described the roads for the entrance and exit from the property. Mr. Corbitt said he would contact the Dept. of Transportation (DOT) for any additional requirements needed for the roads. Mr. Wells said he wanted to provide a good recreation so the area kids can do activities legally instead of illegally.

Chairman Pollock asked for anyone in support of the special exception.

Ray Goodwin said that he is an owner of several area mud bogging establishments. Mr. Goodwin stated that mud bogging events can be done in the right way so there are minimal problems. Mr. Goodwin said there is a need to provide good safe entertainment for kids.

Chairman Pollock asked for any opposition.

Jim Lesperance said he lives near the petition property and he had a concern with the events taking place on Sunday evenings at nine pm and later. Mr. Lesperance said that he was not opposed to mud bogging but just the location to a residential area. Judy Lesperance said that they have young kids and that this is a residential area and that they moved to this area to get away from noise. Chris Casella said that kids will still do their mud bogging illegally in hunting and game reserves, destroying the woods and that instead of a nice event that it will be loud and unruly.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mr. Thompson asked about the level of sound and what happens during a mud bogging event. Mr. Wells said that the Lesperances live across US Hwy 19 from his property and he doesn't see how the noise will affect them. Mr. Corbitt said the county's noise ordinance provides an exemption for a legally approved outdoor commercial recreation therefore the noise ordinance does not apply to Mr. Wells. Mr. Lee asked about whether the bathroom facilities are required to be permanent or temporary (port potty). Mr. Corbitt said bathroom facilities are portable because the events will be once a month occurrences. Mr. McCallum said he spoke with Don May from the Dept. of Health and he said that an event that is done on a once a month, limited basis, that port potties are acceptable. Mr. Lee asked how the county will be compensated for emergency services provided. Mr. Wells said they could hire deputies directly from the Sheriff's office along with fire rescue and ambulance. Mr. McCallum asked whether the pit would be lined to help protect against any spills. Mr. Wells said the pit would not be lined but he would have a tanker truck available with a trash pump on it to take care of any spills. Mrs. Haines asked what days of the weekend the events would take place, would there be any rough camping allowed, how many people are expected to attend. Mr. Wells explained the events would be primarily on Saturday and Sunday except for holiday weekends, when events could take place on Sunday and Monday, there would be no rough camping allowed, maximum of 75 vehicles entered in the event plus spectators (not sure what the total people would be). Mrs. Haines said she would like to see some type of environmental impact statement along with something in writing from emergency personnel (law enforcement, fire rescue, EMS) stating that they will be available for the monthly events for safety reasons. Chairman Pollock asked Mr. Wells if he would be willing to shut down the event if emergency personnel were not available. Mr. Wells said it would be a liability to hold an event without emergency personnel present. Chairman Pollock asked if Mr. Wells would adjust his operating hours. Mr. Wells said he would do whatever the board wishes.

After the discussion, Chairman Pollock called for a motion of the item. Mrs. Haines motioned to table the Special Exception for an outdoor commercial recreation facility in order to obtain a response from local law enforcement, fire rescue, ambulance, along with an environmental impact statement (Wildlife, DEP, Water Management District). Mr. Thompson seconded the motion. Mrs. Haines, Mr. McCallum, and Mr. Thompson voted yes. Mr. Lee and Chairman Pollock voted no; motion carried. Mr. Corbitt said he would obtain information from the affected county agencies and Mr. Wells will be responsible for obtaining the remaining information. Mr. Corbitt explained that a tabled item is not readvertised and surrounding property owner letters are not resent.

PETITION NO. SE 6-03 Dean A. Eberly Sr. “Pegasus Aero Development, Inc”, petitioning the Board for a Special Exception to allow a private airstrip (grass runway) with operation of small private aircraft for owners and guests, on a parcel of land located outside the Arredondo Grant lying in the SE ¼ of Section 15, NE ¼ of Section 22, and in the Arredondo Grant lying in a portion of Section 22. All parcels lying in Township 12S, Range 18E (south side of CR 335, 1.3 miles east of CR 241) all being a portion of parcel numbers 04115-000-00, 04114-000-00 and 04089-000-00. Said parcel contains 206.06 acres more or less. This parcel is located within an Agriculture/Rural Residential “A/RR” zone.

Mr. Corbitt presented his staff report with the conditions for the special exception. Mr. Corbitt said that in the event that the commission decides to approve the special exception request, staff recommends applying the conditions listed in the report.

Mr. Eberly was present to discuss the petition. Mr. Eberly explained that he has made some changes to the petition since the first time he appeared before the board. Mr. Eberly said that he has had several meetings with county staff, the Federal aviation administration (FAA), South West Water Management District (SWWMD), Army Corp of Engineers; these agencies have approved the changes made to the development plan.

Chairman Pollock asked Mr. Eberly what has changed since the last time he applied. Mr. Eberly said there was a concern with the county commissioners that there was not enough time to review his plan. Mr. Eberly said that he held an open house meeting with area residents to explain the development project of which he felt the residents left the meeting being o.k. with the project. Mr. Eberly said there are more restrictions included in the project plan than in the original plan.

Chairman Pollock asked for anyone in support of the special exception.

Steve Maisano said he thought the project was a great idea and that it would generate more taxes. Pam Maisano said she lives adjacent to the petition property and thinks it’s a great idea. Ms. Maisano said there are small planes that fly over her property now and she doesn’t feel the noise level will affect them. Barbara Batts said she lives adjacent to the property and she doesn’t see there being a problem with the airplanes and that it will be an improvement to the area.

Chairman Pollock asked for any opposition.

Tim Howell questioned the amount of flights per day and the number of planes per home and what type of aircrafts were allowed. Mr. Eberly said the number of flights are minimal due to the expense of operation and most owners do not fly everyday (county staff requested 2 aircraft limit) and the type of planes are small private aircrafts like a Cessna 2 or 4 seater, no jet aircrafts will be allowed. Mr. Howell had a concern with towers in the area. Mr. Eberly said the FAA is aware of the towers in the area and has given approval. (Name inaudible) questioned the need for another airport since the Williston Airport is close by. Tom (last name inaudible) asked how long is the runway and what direction will it face; he also thinks property values will decrease but taxes will increase. Mr. Eberly said it will be a maximum length of 5184 feet and the runway

will face north and south. Sylvia Penney opposes allowing airstrip in a residential area. Fred Crispman asked about fuel tanks, FAA inspections, impact to water in case of fuel leaks, and fire response. Mr. Eberly said there would be no fuel tanks on site, FAA requires every airport and aircraft to be inspected yearly, aviation fuel is less hazardous than gasoline and leaks are minimum, each homeowner is responsible for having fire suppression and local fire departments will respond. Nancy Oats asked about flight training. Mr. Eberly said there would not be any for hire training, flying lessons, or touch and go activity. Larry Henderson was concerned with future developments of airstrips. Linda Henderson stated Williston airport does produce noise. Michael Jones said Williston airport is losing money and we should be focusing on improving that rather than taking away from it. Rita McPherson said one airport in area is enough. David (inaudible) asked about additional fire hydrants. Paul Currie said he lives near Williston airport and there is noise from planes, asked about what type of maintenance is done to planes. Mr. Eberly said a AMP certified mechanic would do maintenance. Bethany Swanson said she is a realtor and residences in area do not want this airport. Holly Williams asked if EPA has been contacted about possible fuel spills, and if there is an altitude restriction. Mr. Eberly said EPA, Corp of Engineers, and water management district are all fine with his project, and that the altitude restriction is a minimum of 800 feet. Robin Hargis asked why Mr. Eberly was leaving south Florida and said people live in this area for quiet. Mr. Eberly said he wanted to get away from the element in south Florida. Sandy Fink said she is not for or against the petition but understands why this type of community would want to house their airplanes at their residence rather than the local airport. Misty Dawn Wise said most of land around the property has horses or cattle and is concerned with the safety of animals. Holly Jones said she agrees with Ms. Wise. Chris Shelton wants guarantee planes will not hit his house. Ken Davis said he is an Equine Dentist and the noise near Williston Airport does affect horses. Linda Davis said there is a problem with noise at airports. Mrs. Davis stated that two members from the board of county commissioners stated that they currently live near airports and are affected by the noise. Ovana Cox said she is concerned with possible health and safety issues. Cynthia Street asked will the county be able to handle possible emergency. Mr. Eberly said an airplane does not burn any more than a car that is on fire so local fire rescue should be able to handle the situation. Benny Jeffis asked if Mr. Eberly is willing to put a restriction on flights per day. Mr. Eberly said he would not be able to put additional restrictions on flights. Brienne Stansberry asked about LDR code regarding airport noise zone and giving notice to potential surrounding landowners. Mr. Eberly said Dr. Bennet and Mr. Hartley are the only two land owners that would have to receive notification. Gene Brents said having a 5000 foot runway will allow larger planes to land and he wants to live in a quiet, not noisy, environment. (name inaudible) asked why Mr. Eberly will not be using existing airport. Mr. Eberly said Williston airport will be used for fuel, maintenance, and long term storage of planes.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mrs. Haines stated that the removal of the fuel storage on site, and additional restrictions instead of less restrictions have been added to the petition. Mrs. Haines asked if Mr. Eberly had FAA and DOT approval and whether Williston Airport had commented on project. Mr. Eberly said he had FAA final approval and DOT preliminary site inspection, and that City of Williston is in

agreement with the project. Mr. McCallum said the packet is put together well but doesn't think it is compatible with the area. Mr. Lee said Mr. Eberly covered all the issues. Mr. Thompson said he understands both sides of the issue. Chairman Pollock questioned why the board is looking at the petition again if the county commissioners turned it down. Mrs. Haines said that Mr. Eberly was asked to resubmit his petition and that he has a right to do that.

After the discussion, Chairman Pollock called for a motion of the item. Mr. McCallum motioned to deny the special exception because the property is so designated and located that it will not protect the health, safety, and welfare of surrounding properties and that it will cause substantial injury to the value of the surrounding properties and that it is not compatible with the area. Mr. Thompson seconded the motion; Mr. McCallum, Mr. Thompson and Chairman Pollock vote Yes; Mrs. Haines and Mr. Lee voted No. and the Motion carried.

Chairman Pollock had to leave the meeting at this point so Vice Chair Haines continued the meeting.

PLANNING DEPARTMENT:

PETITION SSA 03-03 Luther Stokes, property owner, to amend the Levy County Future Land Use Map from Low Density Residential (LDR) to Commercial (C) and change the Zoning Classification from Rural Residential (RR) to Moderately Intensive Commercial (C-3), on an approximately two (2) are portion of tax parcel no. 04283-000-00. Located at 17450 N E Highway 27A, in Section 35, Township 12S, Range 18E. Located within the Williston Municipal Service District.

Mrs. Winburn stated that the Planning Department had received written comment from the City of Williston asking the board to table the petition until Williston can comment and/or attend the meeting.

Mrs. Winburn presented the staff report and reminded the board that the amendment request was not about a particular use, that the request was for a land use and zoning amendment and that the Planning Commission should review the subject property to determine whether a commercial designation is appropriate for the surrounding area and consistent with the Comprehensive Plan using the same review criteria considered for other similar requests. Mrs. Winburn said there are concerns with area residents about how this zoning and land use change might be connected to another property and another potential project, but that those issues are separate and may be heard at another time under a different review process and are not under consideration by the Board tonight.

Mr. McCallum stated the application does list a specific use for the property. Mrs. Winburn said the application indicates a project description but is not required for a zoning amendment because the board looks at the general list of uses for the C-3 category for compatibility with surrounding properties. Mr. Thompson asked why the Planning Commission did not extend commercial use in that area when they updated the Future Land Use Map (FLUM). Mrs. Winburn explained that the subject property is located within a Municipal Service District

(MSD) and there are policies that support commercial in that area. Mr. McCallum said the (MSD) area is designated with future potential commercial use in mind. Mrs. Haines asked where a truck transfer station falls in the list of used for C-3 zoning. Mrs. Winburn explained that Mr. Corbitt had made the interpretation. Mr. Corbitt based his interpretation on bulk storage station for fuel and that C-3 zone is most compatible with the use wanted.

Mr. Stokes was not present to discuss the petition. Mr. Paradiso was present. Michael Koch was present as an attorney representing Mr. Paradiso and Mr. Stokes.

Vice Chairman Haines asked for anyone in support of the petition; there was none.

Vice Chairman Haines asked for any opposition.

Mr. Koch asked that the questions be limited to the Small Scale Amendment and not any other issues. Mr. McCallum stated the application listed the use being a truck transfer station for bulk water, where is the water going to come from. Mr. Koch said the water will come from Blue Grotto Spring and be piped to the Stokes property. Vice Chair Haines asked Mrs. Winburn if the SSA to change the zoning to C-3 is approved an application and petition has to be made by Mr. Paradiso to do any further water transfer and it would still have to go before both the Planning Commission and Board of County Commissioners for final approval. Mr. Corbitt said it was his opinion they would need a special exception approval for the extraction of that resource and that it falls under the guidelines of major mining. Vice Chairman Haines read aloud the letter received by the City of Williston asking the board to table the petition.

Misty Dawn Wise said there will be a negative impact to the environment and community. William Connelly was concerned with commercial being a more intensive use near a residential area and he objects to spot zoning. Robert Lowyans questioned who breaks the tie for a four (4) member Commission. Mr. Greg Beauchamp, County Attorney, said the vote would fail but still proceed to the Board of County Commissioners. Mr. Lowyans asked if the land could be divided again if two acres is made commercial. Mr. Corbitt explained if ownership is transferred on the two acres then that would be the one allowable cut of the property. Mr. Lowyans asked about the entrance and exits for the proposed project. Holly Jones presented photos of what similar springs look like where water was removed. Vice Chairman Haines cautioned Ms. Jones to limit her comments to the petition only. Ed Locke asked everyone who is opposed to stand up, the majority of those present did stand up. Vice Chairman Haines again stressed the comments need to be kept to the petition only. Mike Whicker concerned about tree removal to accommodate the entrance and exit of property. Maxine Krueger urged the board to make the right decision. Mr. Currie said the two acres are not large enough to accommodate the large trucks entering and leaving. Jeff Boyd asked about sinkholes and the difference is between a dispensing and transfer station. Mr. Koch said the intention is not for there to be a water bottling plant but a transfer station and environmental issues have been addressed in the staff report in regards to the Stokes property. Mr. Koch stated that the question the Planning Commission should be deciding on is whether Commercial should be allowed in this area. Woman (inaudible) asked how many trucks will be going in and out of property. Mr. Koch said it was not known at this time. Tom Wattsell said the board would be setting a precedence if they approve to allow future water removal. Tammy Strickland said she doesn't think the need has been proven to approve the petition. Summer Goldtrip asked what exactly is a truck transfer station. Mr. Koch stated that the questioned should be kept to the commercial zoning change only. Mr. Lee said

the applicant is the one who listed the truck transfer station on the application which opens it up for discussion. Mr. Paradiso said there would be a maximum number of 20 truck per day. Mr. Koch explained that a transfer station is a place where trucks will go to fill up their tanks with the water to be transported to another location. Judy Paradiso presented the board with pictures of what a similar operation looks like.

The following names are those who opposed the Future Land Use Map amendment to Commercial and the C-3 Zoning change. Some names were inaudible. Lanie Locke, Patricia Lewis, Richard Stanley, Danny Coffey, Tom (Inaudible), Marion Griffin, Ms. Hoffman, Tim Howell, Mr. Crispman, Richard Nap, Douglas Childers, James Dean, Ms. Pool, Pat Miller, Linda Cooper, Ken Baker, Dolly Baker, Laura O'Connor, Cynthia Street, Fernando Rodriquez, Margaret (inaudible), Rita McPherson, Ms. Blich, Ms. Strickland, Laura Hunt, Ms. Griffis, Melissa (inaudible), Ms. Hendricks, Mr. Jones, Bethany Swanson, Robert Stevens, George Morris, Joe Vause, Ms. Gilbert, Mr. Harrington, Bob Owens

Vice Chairman Haines closed the floor for discussion.

BOARD DISCUSSION:

Mr. Thompson said the MSD was created with the intention that a commercial use could be developed in that area. Mr. Thompson said he can not make a decision on changing a property to commercial without knowing what the potential use will be and he doesn't think it should be approved. Mr. Lee said there is more to this petition than just a zoning request to commercial and the board needs more information. Mr. McCallum said the MSD was created to include commercial but thinks it is adverse to the public interest. Mr. McCallum said the petition does meet the requirements for being consistent with and furthering the objectives in the Levy County Comprehensive Plan and Chapter 163, F.S. and 9J-5, F.A.C. but that only 2 of the 3 findings of fact have been met and that all three need to be met to approve the petition. He stated that he could not support the petition. Mr. Koch requested that if the board does deny the petition that they allow sufficient time for the client to prepare for the Board of County Commission meeting by possibly tabling the item for lack of information. Mr. McCallum stated that the Planning Commission makes a recommendation only and that they should proceed with a vote.

After the discussion, Vice Chairman Haines called for a motion of the item. Mr. McCallum motioned to deny the Small Scale Amendment for a Land Use and Zoning Change based on the findings that it is adverse to public interest and not compatible with the surrounding area. Mr. Lee seconded the motion; Motion carried unanimously.

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