

# Minutes

## Levy County Planning Commission October 6, 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 September 2, 2003 as presented. Mrs. Haines motioned to approve the minutes as written. Mr. McCallum seconded the motion; motion carried. All members voted "aye".

Chairman Pollock asked Development Department Director Rob Corbitt to present the tabled item of business from the previous meeting.

**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 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. 02846-000-00.

Mr. Corbitt stated that the petition was tabled at the September 2, 2003 Planning Commission meeting in order to obtain recommendations or comments from local county agencies along with an environmental impact statement from state agencies. Mr. Corbitt explained the comments and recommendations of each of the county agencies.

Mr. Wells was present to discuss the petition. Mr. Wells explained the comments and recommendations from South West Water Management District (SWWMD), Department of Environmental Protection, Fish & Wildlife Commission and Department of Transportation (DOT).

Chairman Pollock asked for anyone in support of the special exception who did not speak at the last meeting, and there was none.

Chairman Pollock asked for any opposition.

Brian Rogers said he was concerned with the environment hazard, local wildlife and the burden to the local fire department. Lisa Rogers said she was concerned with pollution to the land and her children living near this property. Jim Lesperance said he is concerned with property values.

Chairman Pollock closed the floor for discussion.

**BOARD DISCUSSION:**

Mrs. Haines said she is satisfied with agency responses. Mr. McCallum said he agrees with the Sheriff's recommendations concerning safety. Mr. Lee said an organized event can be better handled by the Sheriff's Office than an unorganized event and said the Bronson Motor Speedway was a good example and surrounding land should not be devalued. Mr. Thompson asked how often the events would take place. Mr. Wells said once monthly but possibly two. Mr. Pollock asked about alcohol consumption and notification of upcoming events. Mr. Wells said signs will be posted stating no alcohol allowed, and there will be at least two weeks notice of upcoming events.

After the discussion, Chairman Pollock called for a motion of the item. Mr. Thompson motioned to recommend approval of the Special Exception for an Outdoor Commercial Recreation Activity. Mrs. Haines seconded the motion for approval to send to the Board of County Commissioners with the following findings and conditions:

1. The use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
2. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
3. The use will be compatible with the adjoining development and the proposed character of the zone district where it is to be located.
4. Adequate landscaping and screening is provided as required in this article.
5. Adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
6. The use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.
7. The Special Exception Use shall be for the development of an organized mud bogging business. No substantial changes to the site plan submitted with the application shall be permitted without an approval by the BOCC through the amendment process.
8. The requested use of the property shall not change with out approval by the BOCC through the amendment process. (i.e. mud bogging/mud racing to car racing/drag strip, etc.)
9. Permits, approvals or documented exemptions from all affected state agencies shall be provided to the Development Department at the time of the application for any building permits. Some of these may be: Department of Health for restroom facilities and potable water should water be provided for human consumption; and the Southwest Florida Water Management District for stormwater or surface water management permits, if applicable, or provide written documentation of exemption or the absence of regulatory authority from such agencies.
10. The business shall operate between the hours of 9:00 a.m. and 9:00 p.m., except Sundays which hours shall be 10 a.m. to 9:00 p.m.
11. The applicant's prepared and submitted an action plan to address the clean-up of petroleum products that may be spilled due to mechanical failures. Such plan

shall be reviewed by the county's Department of Emergency Management and Fire Department Coordinator (Haz-Mat Team).

12. The property owners or business operators shall compensate the county for any expenses incurred for emergency services, including: fire department, sheriff's office, and emergency medical services.
13. The applicant or property owners shall provide permits or documented exemptions from the Florida Department of Transportation for any required access improvements to US 19/98; and the Levy County Road Department for any improvements that may be required for access to Butler Road. Any required improvements shall be installed at the expense of the property owners, and approved by the appropriate road department (state or county) prior to the special use of the property.
14. The applicant shall have the use of one Emergency Medical Services (EMS) personnel with all equipment needed in a vehicle other than a Medic Unit, written notice of service needed no less than two weeks prior to the event, and pay for EMS personnel, (and Medic Unit if requested to have on site). If county EMS are not available for an event, the applicant will contract outside services.
15. The applicant shall have a minimum of two deputies present at the event from the Sheriff's Office. If the event becomes uncontrollable and unsafe to the public the Sheriff may request the county commission to revoke the special exception. The applicant shall give sufficient notice of all events to the Sheriff's Office.
16. The applicant shall make information available on the procedures that will be done in case there is a spill onsite due to the fact Levy County does not have a Haz-Mat team available and an outside agency would have to be used.

The motion carried, unanimously.

Chairman Pollock asked Mr. Corbitt to present the first item of new business.

**PETITION NO. PP 5-03** Croft Land Surveying representing Jerry Cutrona Sr., petitioning the Board for a Preliminary Plat of "Mane Place", a subdivision located in the N. 1283' of the SW ¼ of Section 31, Township 13S, Range 19E, in Levy County, lying West of U.S. Highway No. 41 (State Road No. 45), said 1283' measured at 90 degrees to the N. line of said SW ¼, less the W. 759.09' thereof. Said parcel contains 31.17 acres more or less. This parcel is located within an Agriculture/Rural Residential "A/RR". Parcel No. 05261-001-00.

Mr. Corbitt explained the petition is a 3 – 10 acre lot subdivision, fronting a paved road.

Mr. Croft was present to discuss the petition.

Chairman Pollock asked for anyone in support of the preliminary plat, there was none. Chairman Pollock asked for any opposition, there was none. Chairman Pollock closed the floor for discussion.

**BOARD DISCUSSION:**

Mrs. Haines asked about the property being split. Mr. Corbitt said the property owner is allowed to split any parent parcel one time into two legal parcels. Mr. McCallum asked about surrounding lot sizes. Mr. Corbitt said lot sizes are from 5 acres to 17 acres or more.

After the discussion, Chairman Pollock called for a motion of the item. Mr. McCallum motioned to recommend approval to the Preliminary Plat of "Mane Place" and to send it to the Board of County Commissioners with the finding that it complies with the county Land Development Regulations. Mr. Lee seconded the motion and the motion carried, unanimously.

**PETITION NO. FP 5-03** Steve McMillen representing Ted Glass, petitioning the Board for a Final Plat of "Wilson Estates Unit II," a subdivision lying in the S ½ of Section 24, Township 12S, Range 18E, in Levy County. Said parcel contains 10 acres more or less and has a land use designation of Low Density Residential "LDR". Portion of Parcel No. 04153-002-00.

Mr. Corbitt explained the petition was a paved road subdivision with 1 acre more or less lots. Mr. Corbitt said the Plat review committee recommended approval.

Mr. McMillen and Mr. Glass were present to discuss the petition.

Chairman Pollock asked for anyone in support of the Final Plat. Chairman Pollock asked for any opposition. Chairman Pollock closed the floor for discussion.

#### BOARD DISCUSSION:

Mrs. Haines asked about the drainage issue. Mr. Corbitt said the Board of County Commissioners resolved the issue between the Plat review committee and the developer. Mr. McCallum asked whether the water management district has accepted the design. Mr. Corbitt answered yes.

After the discussion, Chairman Pollock called for a motion of the item. Mrs. Haines motioned to recommend approval to the Final Plat of "Wilson Estates Unit II" and to send it to the Board of County Commissioners. Mr. McCallum seconded the motion and the motion carried, unanimously.

**PETITION NO. CZ 1-03** David Ruttinger, petitioning the Board for a Change of Zoning from Forestry/Rural Residential "F/RR" to Commercial "C-3" on a tract in the NE ¼ of the NW ¼ and the NW ¼ of the NW ¼ in Section 25, Township 16S, Range 16E, in Levy County. Said parcel contains 38.18 acres more or less. Parcel No.'s 02920-001-00 and 02916-000-00.

Mr. Corbitt explained that Mr. Ruttinger was also petitioning the board for a special exception on the same property. The board decided that Mr. Corbitt should simultaneously do both the change of zoning and special exception together.

**PETITION NO. SE 7-03** David Ruttinger, petitioning the Board for a Special Exception to allow Furniture Manufacturing, on a parcel of land located in the NE ¼ of the NW ¼ of Section 25, Township 16S, Range 16E, lying southeasterly of road, in Levy County. Said parcel contains 9.6 acres and is a portion of Parcel No.'s 02920-001-00 and 02916-000-00. This parcel is located within a Forestry/Rural Residential "F/RR" zone.

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

Mr. Ruttinger was present to discuss the petition. Mr. Ruttinger explained the process in producing the furniture.

Chairman Pollock asked for anyone in support of the Change of Zoning and Special Exception. Chairman Pollock asked for any opposition. Chairman Pollock closed the floor for discussion.

#### BOARD DISCUSSION:

Mrs. Haines asked about the frequency of wood deliveries. Mr. McCallum asked about the flood zone. Chairman Pollock asked about employees, paving the parking lot, and bulk storage. Mr. Ruttinger said deliveries would be once a week, employees would be mainly family helping, the parking lot would be paved, location of building is not in flood zone, and bulk storage would be minimal with nothing stored outside.

After the discussion, Chairman Pollock called for a motion of the item. Mr. McCallum motioned to recommend approval to the Board of County Commissioners for the request of C-3 zoning for the entire parcel and a special exception to allow Furniture Manufacturing with the following findings and conditions.

1. The use is so designated, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected.
2. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
3. The use will be compatible with the adjoining development and the proposed character of the zoning district where it is to be located.
4. That adequate landscaping and screening is provided as required herein.
5. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
6. The use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large scale developments.
7. The approved special exception is for the manufacture of furniture within an enclosed building, with the incidental use of machinery outside of the structure permitted to be operated between the hours of 7:00 A.M. and 5:00 P.M.
8. The special exception use shall be applicable to only that portion of the 15 acre more or less parcel identified as parcel 3 A, lying east of US 19/98 and west of the 100 foot utility easement (electric and gas transmission lines) shown on the submitted boundary survey.

9. The applicant shall adequately address the requirements for commercial developments, including but not limited to: potable water system, waste water disposable, storm water management, solid waste, improved off-street parking, landscaping and off-street traffic circulation shall be met **prior to the issuance of building permits.**
10. The applicant shall obtain all necessary state permits or approvals prior to the submittal of an application for building permits. These approvals include permits or letters of exemption from: Florida Department of transportation for driveway connection. Southwest Florida Water Management District for storm water management. Department of Health for potable water source and waster water disposal.
11. The applicant shall obtain all necessary permits and approvals and begin construction within 18 months of project approval by the Board of County Commissioners.

Mrs. Haines seconded the motion; motion carried, unanimously.

**PETITION NO. CZ 2-03** Eugenia Rowe, petitioning the Board for a Change of Zoning from Rural Residential "RR" to Commercial "C-4" to allow any of the permitted "C-4" uses, on a parcel of land located at the West 135 feet of the Ease 454.35 feet of the E ½ of the NW ¼ of the NE ¼ of Section 1, Township 13S, Range 18E; lying North of US Highway Alt 27 Right-of-Way; less the Right-of-Way of NE 40<sup>th</sup> Street (LCR 544); containing 1.55 acres more or less as described on O.R. Book 782, Page 423 & O.R. Book 843, Page 353, in Levy County. AKA Parcel No.'s 04312-000-00 (.6 acres m.o.l.) and 04312-001-0A (.95 acres m.o.l.)

Mr. Corbitt presented his staff report with the correction of the dwelling located on the property being occupied and not vacant. Mr. Corbitt said the property was located within the Williston MSD.

Mrs. Rowe was present to discuss the petition. Marie Hunter was present representing Mrs. Rowe. Mrs. Hunter said they were asking for C-4 zoning to develop a motel.

Mrs. Haines stated the City of Williston has asked the Planning Commission to table the petition until the city can review the request at their council meeting. Mrs. Haines explained petitions are forwarded to municipalities for comments when the property is located within the MSD.

Chairman Pollock closed the floor for discussion to determine whether the board should proceed.

#### BOARD DISCUSSION:

Mr. Thompson and Mrs. Haines both said the board should table the petition until Williston's response was received. Mr. Lee and Mr. McCallum both said the board has already set a precedence with a previous petition to proceed. Mrs. Haines motioned to table Petition No. CZ 2-03 to the next meeting to allow the City of Williston time to provide input. Mr. Thompson seconded the motion. Mrs. Haines, Mr. Thompson and Chairman Pollock voted Yes; Mr. Lee and Mr. McCallum voted No; Motion carried.

Chairman Pollock closed the public hearing.

Chairman Pollock opened the public workshop.

PLANNING DEPARTMENT:

Chairman Pollock commended Kathy Winburn, Planning Director, for the good job she did in providing the necessary information in the staff report and asked Mrs. Winburn to begin the workshop.

Mrs. Winburn explained that this was a continuation of a workshop on potential amendments to the Levy County comprehensive Plan regarding development and residential density in the riverine and coastal flood areas. The Workshop is a result of a referral from the county commission that the Planning Commission review the issues and return with a recommendation as to whether the county should initiate comprehensive plan amendments and if so in what form. Mrs. Winburn explained that the Planning Commission had asked the Planning Department to provide information on the costs associated with the county initiating the amendment changes instead of the property owner and an impact analysis. Mrs. Winburn presented the staff report detailing the potential costs to the county, the impact to the environment and local services, increasing the maximum potential density in a coastal high hazard area, CDD'S and associated waste water treatment plants.

The Andrews family was present to discuss the potential changes. Jeff Braswell was present as an attorney representing the Andrews family. Jon Sewell and Mike Kiefer from the consulting firm of Kimley-Horn & Associates were also present representing the Andrews family.

Mr. Braswell explained why pursuing the amendment changes will benefit the county and help protect the land, that the property owner believes the land should be developed, and that a waste water treatment plant should be used. Mr. Braswell stated that the Andrews family want to develop the property to help protect the land and that they do not wish to establish a pig farm and/or remove natural resources (clear cut the trees) even though that is an option to them with the current land use designation. Mr. Braswell said they need to be able to agree on the appropriate number of homes allowed on the property and that they can not proceed further unless the package treatment plant is approved. Mr. Braswell said that the value is in protecting the clams and that there is a possibility that should the development proceed that the state may reopen negotiations in purchasing the property. Mr. Sewell stated the Andrews are asking for text amendment changes to the Comprehensive Plan allowing for CDD's (Community Development District), higher density, package treatment plant in a special district and for Levy County to initiate a large scale amendment land use change on their property. Mr. Sewell said they are trying to work with the Cedar Key Plantation developers to allow that development to utilize the treatment plant instead of septic systems. Mr. Sewell showed a map of the property explaining the location of the uplands, wetlands, package treatment plant and the conceptual plan for the development. Mr. Sewell said they are wanting a density to allow 120 homes on 125 acres of upland to be developed. Mr. Sewell said that they have met with the clamming industry to address their concerns. Mr. Sewell stated the Andrews family are committed to assuming any cost associated with doing the amendment. Mr. Sewell said the purpose of the alternative staff report produced by Kimley-Horn was to show some positive aspects to the county initiating the amendment changes along with the economic benefits to the county. Mr. Sewell said the Andrews will adhere to whatever DEP or any other regulatory agency approves. Mr. Sewell said

they would revise their conceptual plans based on the comments that were made tonight. Mr. Sewell asked that any information provided to the Planning Commission be made available to the consultants. Mr. Kiefer, an environment scientist for Kimley-Horn consultants, said they are not setting a precedence in doing something that has not been done before in other counties. Mr. Kiefer said a public interest test would be done before the project would begin and that they would look at the cost and benefit of doing the project development. Mr. Kiefer stated the property owner is prepared to do a storm water monitoring program and groundwater program. Mr. Kiefer explained the buffer area between the development and the water.

Mr. Dennis Andrews said they don't want to see coast line of Cedar Key ruined they want to see it protected and to develop a plan that is done right that will help them and the county.

Sue Colson said that she is a commissioner of Cedar Key along with being a member of the Clamming Industry. Ms. Colson stated that the City of Cedar Key sent a letter of opposition to the county to doing the proposed amendment changes. Ms. Colson said the City of Cedar Key is in the process of revising the City Comprehensive Plan to being more stringent on protecting the coastal waters. Ms. Colson said the clamming industry in Cedar Key is a \$10 million industry and needs to be protected. Ms. Colson said the county's current Comprehensive Plan is adequate but she would like to see it be more stringent. Ms. Colson showed the board satellite map images of the clamming beds and the proximity to the Andrews property. Ms. Colson stated the current land use does not restrict development on the property but that it is just not at the density the Andrews would like. Ms. Colson said that they recognize that growth will occur and are not opposed to change but not at the detriment to the clamming industry. Mike Hodges said he is the chairman of the Cedar Key Aquaculture Association. Mr. Hodges said 120 homes would be detrimental to the clamming industry. Mr. Hodges said he is concerned with the possible density increases allowing other individuals the ability to increase their density as well. Mr. Hodges asked what happens if the development is allowed and there are new owners that disregard the required regulations and no one is monitoring the area. Greg Lang said he is a member of the Cedar Key Planning agency. Mr. Lang said they are currently working on updating their plan to help protect the Cedar Key area further. Mr. Lang said that changing the county's comprehensive plan would put the clamming industry in jeopardy. Andrea Lang said the property owner can develop the land with the current density allowed, and that the increase in density would put added strain on the City of Cedar Key, and the current comprehensive plan was well thought out in protecting the area and as such should not be changed.

#### BOARD DISCUSSION:

Chairman Pollock stated there were more cons than pros to the county pursuing the amendment changes. Chairman Pollock said that he understands what the developers want to do but doesn't know if it can be accomplished and he doesn't see how a package plan can be done without disturbing the wetlands.

Mrs. Haines asked if the Andrews family was withdrawing the request for the county to initiate the amendment process. Mr. Sewell stated if funding is an issue the Andrews family would handle the cost associated with initiating the amendment changes. Mrs. Haines said the county has approved an ordinance for advanced secondary treatment performance based septic systems for the Cedar Key Plantation development and surrounding area. Mrs. Haines asked if the property owner would be asking to change the section of the Comprehensive plan that deals with allowing a private enterprise to operate a waste water treatment plant. Mr. Sewell said the

treatment plant is allowed within a CDD. Mrs. Haines said she would like the property owner to respond at the next meeting to Emergency Management and the School Boards concerns about the increase in density to this area along with the impact to the roads. Mrs. Haines stated that she is concerned with the 25 foot buffer from the clam beds located nearby. Mr. Kiefer said they will work with adjusting the buffer area if necessary. Mrs. Haines asked the consultants to clarify their statement to Mr. Hodges of “and or if practical” and further asked if it is not practical what would be the alternative. Mr. Kiefer said that without having a design plan at this point the possibility of changes being made to the plan may be necessary to satisfy the county requirements. Mrs. Haines asked about the traffic impact with the proposed commercial grocery store. Mr. Sewell said they would address the traffic issue at the next meeting but that most of the traffic would already be considered a pass by trip (people already traveling the road to somewhere else).

Mr. McCallum asked whether Suwannee River Water Management District (SRWMD) had given any response to the proposed project. Mrs. Winburn said that SRWMD stated that they didn't have the resources to be able to provide the information that was requested. Mr. McCallum asked about fertilizers and pesticides affecting the water. Mr. Kiefer said they would need to work with SRWMD to make the project work and protect the water. Mr. Braswell said they would have restrictions in place to protect the water. Mr. McCallum asked what the cost would be to clean up the area if the clams are contaminated. Mr. Braswell said they would place a fence up far enough away from the area to catch any possible contamination.

Mr. Lee asked about the size of the Cedar Key Plantation, how many homes there were and would they be using the septic systems from the new ordinance. Mrs. Haines said they were 1 acre lots with maximum of 75 lots, no homes have been built yet and that they would be using advanced secondary treatment septic systems as now required by county ordinance.

Mr. Thompson said the developer's proposal looks promising but that they are proposing there would be no impact to the clamming industry. Mr. Thompson said that in other coastal areas in the state developments have pushed out the fishing industry and that we need to be cautious in proceeding further so the clamming industry is protected. Mr. Thompson said the question is whether development like what is in the south will happen here eventually or will we stop it from happening here in our county. Mr. Thompson asked whether the board should have more workshops. Mr. Braswell asked that the board not have further workshops and move forward to a public hearing due to the expense the Andrews are incurring with their consultants and that if a package treatment plant would not be allowed then they would have to settle for a lower density.

There being no further business for the Levy County Planning Commission, the workshop was adjourned.

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Chairman