

MINUTES

Levy County Planning Commission November 3, 2003

The Levy County Planning Commission meeting was called to order by Chairman Gene Pollock. Mr. Tommy Thompson was unable to attend. Other members present were as follows:

Kenneth Crosby (alternate)
Susan Haines
Vaughn Lee
Duncan McCallum

Chairman Pollock called for a motion to either approve or deny the minutes from October 6, 2003 as presented. Mr. McCallum motioned to approve the minutes as presented. Mrs. Haines 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. CZ 2-03 Eugenia Rowe, petitioned 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 East 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 40th Street (LCR 544); containing 1.55 acres more or less as described in 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.)**

Both Mr. and Mrs. Rowe were present along with their representative Mrs. Marie Hunter.

Chairman Pollock called for any support or opposition to this item.

Mr. Gene Rowe presented to the Board a written copy of compatibility for the proposed change of zoning along with pictures of the area in question. Mr. Rowe explained that the property has been used for residence for many years and during that time the property has changed significantly, such as the placement of the Winn Dixie, several restaurants, package store, fast food, doctor's office, professional offices etc.

Mr. Corbitt showed the board the existing land use map of the area indicating the individual areas, such as commercial, residential and vacated lands within the county.

Mrs. Kathy Radacky (owners of the welding shop) said that she opposes the proposed use of a motel in her neighborhood because of the negative environment that it will bring.

Mrs. Radacky said that the type of commercial that the petitioners were asking for is not compatible with the area. Mr. Ron Contois said that he would like to see the area remain rural. He felt that if allowed, this use would decrease the property values, bring in undesirable transients. He does not feel comfortable with a 24 hour type business. Mr. Ralph Avera also wants the area to remain as rural. He to felt that this type of business would bring in undesirable transients will create an unsafe neighborhood and would decrease property values. Mr. Avera also pointed out that the City of Williston also objects to this proposal.

Chairman Pollock closed the floor for discussion.

BOARD DISCUSSION:

Mrs. Haines felt that the comments that were received from the City of Williston should be taken into consideration because it is something that is a part of what their (planning commission) guided by to consider the municipalities input into a decision. Mrs. Haines said that she was unsure about allowing a C-4 classification in the proposed area because it does not appear to be a large enough parcel to something of a nature of a hotel there. After reviewing the C-4 uses, she feels that most of the uses would require more space. She stated that she does feel the area is in an area that was designated for commercial growth. Mr. McCallum said that he would be filing a conflict of interest, as he does a lot of work for the realtor that is the acting agent. Mr. Lee said that he agrees with what Mrs. Haines had commented on. Mr. Crosby asked if there was a minimum size requirement for a C-4 zoning. Mr. Corbitt said he thought that it was one (1) acre but he checked the land development regulations and found that the actual minimum lot size for C-4 is two (2) acres, but this parcel would be considered a legal lot of record as they were recorded prior to the Comprehensive Plan in 1990. Mrs. Haines asked what would be the maximum build out for this parcel. Mr. Corbitt said that with the provisions of central water and sewer the development potential would greatly increase, without the provisions of the municipal services provided by Williston, the limitation would be the ground cover and the amount of parking spaces per domicile. Mr. Pollock said that he agrees with the other board members that the property would be too small to accommodate the proposed use. He feels that commercial property should have some type of buffer in addition to the holding ponds, parking lot etc. for the residential community in the rear.

Chairman Pollock called for a motion to this item.

Mrs. Haines motioned to allow the change of zoning from "RR" to "C-2" for Mrs. Eugenia Rowe and to accept the City of Williston's comments as part of the motion. The motion would include both parcels. Chairman Pollock called for a second to the motion. Mr. Crosby asked if this motion could be done by changing from "C-4" to "C-2"? Mrs. Haines said they as a board have the option of making a recommendation of this nature to the board because of compatibility. No second was made to this motion, therefore the motion died for lack of a second.

Mr. Corbitt said that staff recommends that the board make a motion to deny the "C-4" and then make a recommendation to the board on what you feel is appropriate.

Mrs. Haines withdrew her previous motion and then made a motion to deny the "C-4". Mr. Crosby seconded the motion; motion carried. Mr. Lee voted "nay". Mrs. Haines then made a motion to recommend a zoning classification of "C-2" be allowed on this parcel of land located in a commercial use area within the municipal service district of Williston and to take into consideration the comments received from the City of Williston. Mr. Crosby seconded the motion; motion carried. All members voted "aye". Mr. McCallum abstained.

NEW BUSINESS:

PETITION NO. FP 6-03 Parrish Land Surveying representing D.J. Daube, petitioned the Board for a Final 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 Rural Residential "RR" zone and has a land use designation of Medium Density Residential "MDR".

Mr. Parrish was present to discuss his petition.

After a short discussion Chairman Pollock called for a motion to this item.

Mrs. Haines made a motion to recommend approval of the final plat of "Cedars of Fannin" to the Board of County Commissioners as presented. Mr. McCallum seconded the motion; motion carried. All members voted "aye".

PETITION NO. FP 7-03 Pardue Land Surveying representing C.B. Griffis, petitioned the Board for a Final Plat of "Griffis Estates," a subdivision located in the S ½ of the SW ¼ of the NE ¼ and the 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.

After a short discussion Chairman Pollock called for a motion to this item.

Mrs. Haines made a motion to recommend approval of the final plat of "Griffis Estates" to the Board of County Commissioners as presented. Mr. McCallum seconded the motion; motion carried. All members voted "aye".

PLANNING DEPARTMENT -

Chairman Pollock asked Mrs. Kathy Winburn to present her items.

Mrs. Winburn said that the Planning Department had three items to present all by the same applicant Mr. and Mrs. James Neal. Prior to reviewing her report she indicated on the map the subject property. Mrs. Winburn stated that the Planning Department did notify the City of Williston and at this time no response has been received. Mrs. Winburn presented the staff reports for the following items. Mrs. Winburn said if the items are granted, she would like the board to consider the five conditions in the staff report.

PETITION NO. LSA 03-01 Application by James and Carolyn Neal to amend the Levy County Future Land Use Map from LDR (Urban Low Density Residential), to C (Commercial) on approximately 14.5 acres, located in Section 4, Township 13S, Range 19E, tax parcel number 04964-000-00 and a portion of tax parcel number 04999-000-00. Located in the Williston Municipal Service District. Related to Petition Number CZ 03-03.

PETITION NO. CZ 3-03 Application by James and Carolyn Neal to change the zoning classification from Rural Residential (RR) to Moderately Intensive Commercial (C-3) on approximately 14.5 acres located in the N ½ of the SW 1/4 of Section 4, Township 13S, Range 19E, tax parcel number 04964-000-00 and a portion of tax parcel number 04999-000-00. Located in the Williston Municipal Service District. Related to Petition LSA 03-01.

Mr. Neal was present to discuss these items. Mr. Neal explained to the board that his future plans would be for an RV park which would require a special exception at a later date.

Chairman Pollock asked for any opposition to this petition; there was none.

Chairman Pollock closed the floor for discussion.

After a short discussion Chairman Pollock called for a motion for the first two items.

Chairman Pollock for point of order, asked Mrs. Winburn if the items needed to be done individually? Mrs. Winburn said yes, they would need to be done individually.

Mrs. Haines motioned to recommend approval of Petition No. LSA 03-01 to amend the future land use map from LDR (Urban Low Density Residential) to C (Commercial). Findings: The amendment will not adversely affect the public as it is in an area that has a compatible land use, will not affect the public interest as it is in the MSD designated for future commercial growth, compatible with the surrounding commercial use in the area,

consistent with Chapter 163. 9J5 the Levy County Comprehensive Plan, compatible with the Future Land Use Element, Potable Water Sub-Element, Sanitary Sewer Element and Transportation Element. Mr. Lee seconded the motion; motion carried. All members voted "aye". Mrs. Haines motioned to recommend approval of Petition No. CZ 3-03 for James and Carolyn Neal to change the zoning classification from RR to C-3. Findings: Consistent with the Comprehensive Land Use Plan, compatible with the surrounding land areas, will not have a negative impact on the environmental quality or the future provisions of public facilities and services. Mr. Lee seconded the motion; motion carried. All members voted "aye".

Mrs. Winburn presented the staff report for the following item.

PETITION NO. CZ 4-03 Application by James Neal to establish a zoning classification of Moderately Intensive Commercial (C-3) on property located in the N ½ of the SW 1/4 of Section 4, Township 13S, Range 19E in the Williston Municipal Service District. Tax parcel number 04940-001-00. Approximately 2.20 acres.

After a short discussion Chairman Pollock called for a motion to this item.

Mr. McCallum motioned to recommend approval of Petition No. CZ 4-03 to establish a zoning classification of C-3. Findings: Compatible with the surrounding area, meets all goals and objectives of the Comprehensive Plan and does not have any adverse affect on the surrounding facilities. Mrs. Haines seconded the motion; motion carried. All members voted "aye".

PUBLIC HEARING -

Mrs. Winburn said that the next item is the public hearing to make a recommendation to the Board of County Commissioners regarding a potential initiation of policy amendments to the Levy County Comprehensive Plan Future Land Use Element and Sanitary Sewer Sub-Element, and a large scale Future Land Use Map Amendment.

Potential comprehensive plan policy amendments are in regards to development and residential density in the riverine and coastal floodplains, and the use of community development districts to provide wastewater public services.

Mrs. Winburn explained that the Planning Commission has held two workshops to date on these topics. At the last workshop much of the focus was on the conceptual development plan for property that the Andrews own near Cedar Key.

Mrs. Winburn said that this would be understandable given the Andrews has asked the county to initiate the amendments that could allow a higher density on their property, but at this time it's not at the site review stage.

Mrs. Winburn presented her staff report for this item.

The Andrew family was present to discuss the amendments. Jeff Braswell was present as an attorney representing the Andrews family. Mr. Braswell said that they would have a power point presentation that will be presented by Jon Sewell and Mike Kiefer from the consulting firm of Kimley-Horn & Associates who are the Planning and Environmental Consultants.

Mr. Braswell explained that they were present to debate was what is in the best interest. As a reminder, they see this request as a balance that is a challenge to the county in trying to figure out what is truly in the best interest of all the members of the public. Mr. Braswell stated that currently the Andrews family could go ahead and clear cut the 800 acres and utilize all of the resources that are present and make it agriculture interest. Mr. Braswell read from a letter by Greg Beauchamp, County Attorney, dated March 10, 1999, saying "the property would be vested as a level of development potential that can equal a minimum of one dwelling unit per acre. There is a possibility that the development potential can be higher with multi-family units as indicated in some of the documents that vested the interest". Mr. Braswell said that there is an element of fairness that plays in this request. He said that he feels that there will be a large amount of opposition from some of the people that are present. Mr. Braswell said that there will be a cap on density so that impacts can be evaluated at this meeting. Mr. Braswell said that this is basically the last piece of coastal property in the county that can be developed that will be impacted by this proposal. Mr. Sewell said that this is a comprehensive land use amendment not a PUD and site plan approval will not be done at this time. This amendment as proposed will amend the plan to allow for development on 800 acres more or less and approximately 700 acres will remain in their natural state. It will protect the environment by eliminating possible industrial uses. This proposed change will allow for a text amendment to allow for a density bonus of 1 unit per 5 acres. Mr. Sewell said that they would like to make a small modification to the request, which is basically amending policy 1.5 by adding a very minor statement which calls for parcels with direct access to a state highway, which will be a way to limit the comprehensive plan amendment just to the properties with direct access to SR 24, which will eliminate the possibility of this proposal affecting any other properties in the county. Mr. Sewell said that the second part of their proposal was for the Future Land Use Map Change which will change the property from F/RR to RR. For clarification, the Andrews will be incurring all of the cost of the application fees for the amendment. Mr. Sewell said that they did meet with the clam industry and provided them with a statement on how the Andrews would address all of their concerns. Mr. Kiefer briefly addressed the issues of the development standards, minimizing development and restricting development. Other topics of interest are stormwater management, coastal setbacks, wastewater treatment plant etc.

Mr. Sewell said that this development would include a small grocery type commercial development, upscale development and would open up a window of opportunity for a school system.

Chairman Pollock called for any opposition to this item.

OPPOSITION:

Mike Hodges, Chairman of the Cedar Key Aquaculture Association - density and affects it would have on the clamming industry. Leslie Stermer - affects it will have on the clamming industry. Sue Colson - affects from surface water run off and rainfall. David Heil, Department of Agriculture - coastal development and stormwater run-off. Rick Cook - affects it will have on the clamming industry. Nellie Deedrick, Levy County Geneology & Historical Society - allowing this use will not protect it as a historical site. David Russ, Planner/Lawyer - will destroy environmentally sensitive area. Nancy Taylor - stormwater run off will create problems for estuaries. Cecil Quates - said that the City of Cedar Key had voted against this project. Doris Hellerman - should not try and change the comprehensive plan.

SUPPORT:

Billie Ray Sharp - should let the applicants use the property as requested.

After hearing from both the applicants and parties in opposition, and after having board discussion Chairman Pollock called for a motion to this item. Mrs. Haines motioned to recommend to the Board of County Commissioners regarding the Large Scale Amendment presented by the Andrews Family that a normal channel for a Large Scale Amendment and Future Land Map Amendment be pursued by the applicants along with a recommendation that at this time without further information do not recommend any comprehensive plan change. Mr. McCallum seconded the motion; motion carried. All members voted “aye”.

OTHER BUSINESS:

Mr. Corbitt said that time was getting near to have the planning commission set-up a series of workshops for the land development text amendment and zoning map series adopted.

The consensus of the Board was to initiate these workshops possibly after the first of the year.

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

Chairman