

Minutes
Levy County Planning Commission Meeting

February 4, 2002
6:30 p.m.

The Levy County Planning Commission meeting was called to order by Chairman Duncan McCallum. Also in attendance were Mrs. Krista Kelly, Planning Director and Mr. Rob Corbitt, Building and Zoning Director. Other members present were:

Susan Haines
H. Vaughn Lee
Eugene Pollock
T.F. Thompson

Chairman McCallum called for a motion to dispose of the minutes from December 3, 2001 as presented. Mrs. Haines motioned to approve the minutes. Mr. Pollock seconded the motion; motion carried.

Chairman McCallum called for a motion to dispose of the minutes from January 7, 2002 as presented. Mr. Thompson motioned to approve the minutes. Mrs. Haines seconded the motion; motion carried.

The Development Department began the meeting by presenting two proposed preliminary plats.

PETITION NO PP-00254 Pardue Land Surveying representing Ron St. John, petitioning the Board for a Preliminary Plat of "Sterling Run", a subdivision located in the NE ¼ of Section 11, Township 12S, Range 14E, in Levy County. Said parcel contains 140 acres more or less and is located within an Agriculture/Rural Residential "A/RR" zone.

Mr. Pardue was present to discuss this petition and provided a draft copy of the proposed Deed Restrictions. He also stated that he feels that Mr. St. John plans on paving the road.

No opposition.

After a short discussion Chairman McCallum called for a motion. Mr. Thompson motioned to recommend approval to the Board of County Commissioners. Mr. Lee seconded the motion; motion carried. All members voted "aye".

PETITION NO. PP-00255 Danny Croft (Emerald Coast and Associates) representing Paul Droney, petitioning the Board for a Preliminary Plat of "Gator Acres," a subdivision located in a portion of the S ¾ of the N ½ of Section 35, Township 11S, Range 17E, in Levy County. Said parcel contains 75 acres more or less and is located within a Rural Residential "RR" and Agriculture/Rural Residential "A/RR" zone.

Mr. Corbitt explained that portions of Mr. Droney's plat was located within a Rural Residential "RR" zone, and he (Mr. Droney) opted to go with ten (10) acre parcels to avoid having to provide paved roads and he himself had a home developed on Lot 2. And at this time he has met all of the requirements made by the Plat Review Committee.

Chairman McCallum called for any opposition. There was no opposition for this plat.

Questions from the Audience:

1. Gene Webster – Will the easement affect the property owners off from 109th Place?
Rob – The easement will not have any affect on 109th Place.

2. Darlene Strong – What would be the setbacks for this property?
Rob – The setbacks would be 50' front and rear and 10' on the sides.

Darlene Strong – What kind of grading may be required that would change the elevation of the property?

Rob – No grading proposed and there are no road requirements because the county is presently maintaining the road.

3. Dave Dawson – Deed Restrictions.
Mr. Paul Droney – Permanent homes, no mobile homes at all. His intentions are to establish deed restrictions that would be the same as University Oaks with the exception that unlike University Oaks he would allow general farming and forestry (i.e. cows etc.).
4. Gene Webster – Can there be further division of the lots?
Rob – Only the parcels with the current zoning category of "RR" by applying for a replat after the road is paved, all the way out to SR 24 and then they could only allow three (3) acre tracts which would not be feasible.

After all discussion Chairman McCallum called for a motion. Mrs. Haines motioned to recommend approval to the Board of County Commissioners. Mr. Lee seconded the motion; motion carried. All members voted "aye".

Mrs. Krista Kelly continued the meeting by bringing forward two Small Scale Amendment applications. The first amendment application presented was for SSA-02-01, Mr. William G. Viertel whose property is located along the Rosewood corridor. The proposed amendment is to change the land use designation from Forestry Rural Residential (F/RR) to Commercial with the zoning changing from Rural Residential (RR) to C2 neighborhood commercial. The applicant's intention is to establish a commercial land use designation and zoning in order to allow

development and expansion of a mini storage facility. Staff recommendation is for approval of the proposed amendment.

Chairman McCallum asked for comments from public for or against amendment. No one commented. Closed the forum and opened it to the board.

- Susan Haines - What other types of uses could be placed on the property besides the mini storage unit. Are you increasing the commercial usage from the rest of the surrounding area on State Road 24?
- Rob Corbitt - No. the surrounding area would have to apply for a change of zoning from C2 to C3 to get more intense.
- Krista Kelly - Any C2 uses can be used on the property, also called neighborhood uses. Uses include retail sale, restaurants, mini storage warehouse, recreation and entertainment in an enclosed building.

Mrs. Susan Haines motioned to approve the small scale amendment for William G. Viertel. Mr. Pollock seconded; motion carried.

The second amendment application presented was for SSA-02-02, James Risher whose property is located north of the Inglis municipal service district. Mrs. Kelly briefed the board on applicants land use. The applicant, Mr. James Risher currently operates an auto salvage operation on the rear portion of the property. The operation expanded in the late 90's and in order to come into compliance with the land use and zoning requirements Mr. Risher submitted an application to change the land use which is currently Low Density Residential (LDR) to Commercial C3 to accommodate the existing auto salvage activity on the mid portion of the property. Level of Service is listed as A. Staff recommendation is for approval of change of land use and zoning.

Chairman McCallum asked for comments from public for or against amendment.

- James Risher - Will furnish any information the board requires of him to help answer questions so application can be properly processed.
- Philip Brancato - Summarized history of Risher property use and expressed concern Mr. Risher is in violation of original special exception issued in 1983, therefore can not support the proposed application. Didn't mind junk yard when it was small but Mr. Risher has expanded junk yard illegally. Does Rob have authority to enforce Code Enforcement violations? (Rob - I enforce all codes, have authority to extend 30 day violation when applicant is cooperating in getting into compliance.
- Cheryl VanHorn - Owns property south of Risher. Does not begrudge Mr. Risher of intended use on back part of property, does not want him to be able to expand use.

- Doesn't have problem with Mr. Risher crushing cars except if it is done all the time.
- Chester Skipper - represents Mrs. VanHorn. Opposes application because Mr. Risher has been in violation of original special exception for past 4 years.
- Lee Elkins - Cars are visible from US 19.

Planning Commission Comments.

- Mr. Thompson - What portion of land of new piece purchased will be used. Is Risher property and surrounding property in MSD? Stated property should have been zoned commercial during changes made to land uses in Comp Plan.
- Mr. Pollock - Was Town of Inglis sent a copy of amendment report? How often does Mr. Risher crush cars and is land fenced – approx. Once a year cars are crushed, land is fenced. Hours of operation? 8-5 Mon.-Fri, half day on Sat. Subject property is compatible with area.
- Mrs. Haines - Is there a 6 ft. fence around property – Yes. Not comfortable going forward without Town of Inglis being notified and receiving response. Are cars currently on front portion of property and why have they not been moved to back property.
- Mr. Corbitt - Why was Risher property not included in commercial zoning when land use map was updated. It was my discretion to allow cars to stay on front property during application process. Town of Inglis will be notified before forwarding to BOCC and Board of Adjustments.
- Mrs. Kelly - When update to land use map was done GIS system not available windshield analysis was source of information used, therefore, Risher property was overlooked.

Mr. Thompson motioned to approve the small scale amendment for Mr. James Risher. Mr. Pollock seconded. Mr. Pollock, McCallum, Thompson and Lee approved, Mrs. Haines opposed. Motion carried.

Both Small Scale amendments will be presented to the Board of County Commissioners at the board meeting on March 5, 2002.

The Planning Commission meeting continued with the Development Department presenting a Special Exception petition for Mr. James Risher.

Attachment: Mr. Philip Brancato submitted comments

PETITION NO. SE 1-02 James V. Risher, petitioning the Board for a Special Exception to allow a salvage yard, on a parcel of land located in the N ½ of the NW ¼ of the SE ¼ of the NW ¼ less South 130' of the West 145', in Section 25, Township 16S, Range 16E, in Levy County. Said parcel contains 4.57 acres more or less and has a land use designation of "LDR".

For the record Mr. Corbitt read his report regarding this petition.

Chairman McCallum questioned whether or not crushing of vehicles could be done in a C-3 zone or does it require an Industrial zone? Mr. Corbitt says that in his view it would be a customary accessory incidental use to automotive recycling junk yard.

Chairman McCallum opened the floor for discussion for anyone that may oppose.

1. Cheryl VanHorn – Mr. Risher originally applied for and was granted a Special Exception to allow an Auto Salvage business in 1983. There was also a request for a Change of Zoning at that time but was denied. In 1999 Mr. Risher erected a fence and began storing inoperable vehicles on the adjoining parcel that he had obtained in 1996. Section 50-797 of the Levy County Code of Ordinances states that each Special Exception is valid only for the specific purposes for which it is granted. Any deviation from the original application without approval would be cause to have the Special Exception rescinded. When Mr. Risher expanded the Special Exception use onto another parcel without prior approval from the Board and County Commissioners, he violated the conditions of the exception. Approximately late 1999, early 2000 she and Mrs. Elkins contacted the Building and Zoning by telephone and fax regarding the enlargement of the junk yard. After getting no response they contacted the Building and Zoning Department in December 2000 and at that time the no record of the complaint could be found. On December 8, 2000, Mr. Neeld, Mr. and Mrs. Elkins and I sent registered letters to the Levy County Building Department advising them the changes on the front parcel. Mrs. VanHorn explained that they had followed up with letters and visits to the Building and Zoning Office and still received no response. Mrs. VanHorn continued to explain the regulations on the Code Enforcement and Citations. Allowing the expansion of a junk yard that is not compatible would make a negative impact on the neighborhood and jeopardize the tax base of the area. (Provided a petition that the home owners of the area had signed along with a letter from a realtor indicating that it would affect their property values) Recommends denial.
2. Chester Skipper, Attorney – Not compatible with residential area, does not conform to Special Exception checklist, increase in mosquitoes caused by standing water that maybe lying in the beds of old trucks which cause a breeding ground. Did the applicant demonstrate need for the Special Exception? Property values would decrease if expansion of the junkyard is allowed. Recommends Denial.

3. Philip Brancato – States Levy County Code of Ordinance, Section 50-797. Rural Residential “RR” should be a buffer zone or transition zone between Commercial and Forestry/Rural Residential “F/RR” and by allowing this use the buffer zone will be taken away.

After hearing all opposition and Board discussion Mr. Pollock motioned to recommend approval with conditions. Mr. Thompson seconded the motion; motion carried. (See attached conditions and findings of fact)

The Board also requested that a letter be sent to the City of Inglis so that their comments if any may be obtained.

There being no further business for the Levy County Planning Commission, Mrs. Haines motioned to adjourn. Mr. Thompson seconded the motion carried. All members voted “aye”

Chairman