

MINUTES
Levy County Planning Commission
February 3, 2014
6:30 p.m.

The Levy County Planning Commission was called to order by Chair Lee. Board members present were:

Thad Barber
Phil Parker
Ron Grant
Thomas Harper

Also present was County Attorney, Mrs. Anne Brown and Development Director, Mr. Bill Hammond.

No minutes were available.

Chair Lee called for the board to disclose any ex-parte communications related to the petition being presented. There was none.

Chair Lee then called for anyone giving testimony for the item listed on the agenda to be sworn in by the county attorney. Attorney Brown officially swore in anyone that wished to speak or present themselves as an expert witness.

Chair Lee asked Mr. Hammond to begin with his item of business.

PETITION NO. CUP 1-14 David L. Elliott (Tin Roof Shack Productions, LLC), representing Michael T. Roth (Darby Landing - 40, LLC), petitioning the board for a Conditional Use Permit to allow Outdoor Commercial Recreation, on a parcel of land located in the SW /14 of Section 36, Township 16S, Range 17E, Levy County, AKA Withlacoochee River Bluegrass Festival. Said parcel contains 39.31 acres more or less and is located in an “RR” Rural Residential.

Mr. Hammond gave a brief overview of the staff report as follows:

Mr. Hammond said the Conditional Use Permit is to allow for two planned music events a year. The events will be held in March and November. The events will continue to reoccur each year and be two day events. (Friday and Saturday) The events will run from 10:00 a.m. to 10:30 p.m.

Mr. Hammond said the applicant is also requesting approval of a Conditional Use Permit to use their facility for community events throughout the year. Some of the events are: Antique Tractor and Car Show, Old Time Fiddle Music Convention, and Arts and Craft Shows. This use of the property is currently in the planning stage.

Mr. Hammond said the applicant stated the Withlacoochee River Bluegrass Festival has been holding music events of this nature for the past 28 years. Mr. Hammond also said the applicant stated the festival has had a positive impact on local businesses and would bring in additional revenue for the county. The festivals are family oriented and will employ local vendors as well as musicians.

Mr. Hammond said access to the project site will be provided by using SE 127th Terrace (40' limerock easement), which connects to CR 40 (a paved road). The site plan indicates there is a 91' x 119' covered pole barn that will be used for the events.

Mr. Hammond said most of the adjoining parcels have been developed with single family dwellings and used for agriculture.

Staff Review:

Mr. Hammond said he found everything to be in compliance except for one area which is minor. Mr. Hammond said the site plan provided with the application did not provide the actual area (acreage) that would be used for the festival events. The boundary survey submitted only encompassed 3.01 acres of 39.31 acres. It is my understanding the proposed project would encompass more than the 3.01 acres, but no definitive legal/boundary for such has been provided.

Mr. Hammond said if the Planning Commission were to find the application complete and chose to recommend approval, the following conditions are recommended:

1. The Conditional Use Permit shall be solely for the development of the Withlacoochee River Bluegrass Festival (Outdoor Commercial Recreation) and shall be consistent with the application, project description and site plan provided.
2. The Applicant or any other conditional use permit holder for CUP 1-14, or anyone or more of them, shall be jointly and severally responsible for compliance with the conditions of approval set forth herein by the board of county commissioners.
3. Months of Operation: March and November
Hours of Operation: 10:00 am to 10:30 pm.
4. The Applicant or any conditional use permit holder for CUP 1-14 or their assigns or transferees, shall be subject to the conditions of approval contained herein, which shall run with the conditional use permit.
5. In the event law enforcement is required for traffic control or crowd control, the associated cost will be reimbursed to the county.
6. Maintain compliance with the noise ordinance.

Mr. David Elliott was present to speak on the behalf of the application.

Chair Lee called for any opposition or support to this item. There were none.

Chair Lee Closed the floor to discussion.

Board Concerns and Discussion Items:

Location to nearest dwelling does fall within the 300'; Applicant requesting other events that were not part of the staff recommended conditions; Additional events would require applicant to come

back before the board for an amendment; acreage of proposed event area; actual boundary depicting event area was not provided.

Legal Department:

Mrs. Brown's concern was ownership of the property. Deeds provided reflected possible additional owners who were not part of the application and legal description for parcel.

Mr. Grant motioned to table the petition contingent upon the applicant providing the required legal information as requested.

Mrs. Brown said she was not as concerned about the site plan, and there were more concerns than just the legal description.

Mr. Grant withdrew his motion.

Mr. Harper motioned to approve the application subject to a deeded legal description and the requests be limited to the March event only until such time a site plan can be prepared and brought back to the Planning Commission and Board of County Commissioners.

Mr. Harper asked Mrs. Brown for her interpretation of the motion.

Mrs. Brown said the motion is to recommend approval of the CUP for the March 2014 event only, with conditions from the staff report and all being contingent on getting a legal description, 100% ownership of property and adding any additional owners in needed.

Mr. Harper then motioned to recommend approval of the CUP as stated above. Mr. Grant seconded the motion; motion carried. All board members voted "aye." Motion carried.

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

Chairman