

MINUTES

Levy County Planning Commission

April 2, 2012

6:30 p.m.

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

Vaughn Lee
Thad Barber
Ron Grant
Phil E. Parker

Also present were County Attorney Mrs. Anne Brown, Development Director Mr. Rob Corbitt and Planning Director Ms. Shenley Neely.

Chair Harper called for a motion to approve or deny the minutes. The March 5th, 2012 minutes were not complete at this time.

Chair Harper called for the board to disclose any ex-parte communications related to the Special Exception SE 1-12 being presented. There was none.

Chair Harper 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 Harper asked Mrs. Brown to begin with Ordinance No. 2012-03.

AN ORDINANCE OF LEVY COUNTY, FLORIDA, RELATING TO SPECIAL EVENT PERMITS; PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY AMENDING SECTIONS 50-1, 50-352, 50-676, 50-763, AND 2-140 OF SUCH CODE AND DELETING SECTIONS 10-31 THROUGH 10-54 AND 42-1 OF SUCH CODE; PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY ADDING A NEW SECTION 50-766; PROVIDING FOR DEFINITION OF SPECIAL EVENTS AND RELATED TERMS; PROVIDING FOR SPECIAL EVENT PERMIT APPLICATIONS AND RELATED PROCEDURES FOR REVIEW, CONSIDERATION, AND ISSUANCE OF SUCH PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Brown said the purpose of this ordinance is to regulate special events. Mrs. Brown said the current code needed some help.

Mrs. Brown reviewed briefly the ordinance as presented.

Mr. Corbitt stated one of the major initiatives for this was to streamline the process to determine which events would require board approval and which events would require staff review only. The current code requires all events to go before the board.

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

Mr. Eldridge Fowler, president and chairman of the board of Cedars of Lebanon Cemetery. Mr. Fowler asked for clarification what was considered an event. Mr. Fowler explained that his

organization does an annual clean-up along with other events occasionally. He wanted to make sure that they did not do anything that would violate the code in the future. Mr. Corbitt explained that events such as funerals and other social events that require one to have people present at their property would be exempt.

Mrs. Brown said the ordinance is also specifically for events that aren't permanent or accessory uses for the property already.

Chair Harper closed the floor to discussion.

After discussion Chair Harper called for a motion to this item. Mr. Lee motioned to recommend approval of Ordinance 2012-03 as presented to the Board of County Commissioners. Mr. Barber seconded the motion. All members voted "aye." Motion carried.

Chair Harper asked the audience if they understood the process when items are heard at a Planning Commission meeting. Chair Harper asked Mrs. Brown if she would elaborate.

Mrs. Brown explained briefly the process of which an item is heard. Mrs. Brown said the type of decision the board is making for this particular item is called quasi-judicial. Mr. Brown said it means the board is limited in what they look at and what they can consider in making their decision.

PETITION NO. SE 1-12 Eng, Denman & Associates representing C & M Ranch West Levy - 180 LLC & 200 LLC (Knight Farm Sand Mine), petitioning the board for a Special Exception to allow a Major Mining Operation. Parcel located in portions of Sections 6 & 7, Township 16S, Range 17E, in Levy County. Said parcel project area is comprised of 380 acres more or less and is located in an "F/RR" Forestry/Rural Residential zone.

Chair Harper asked Mr. Corbitt to begin with his item of business.

Mr. Corbitt read for the record the petition item for Special Exception No. SE 1-12.

Mr. Corbitt said that on March 27th, 2012 a letter was received from the owner's consultants, Eng, Denman and Associates asking for a continuance of the hearing. Mr. Corbitt stated he advised the consultants that it would be up to the board to either grant the continuance or hear it.

Mr. Clay Sweger of Eng, Denman and Associates introduced himself and stated that his firm represents the property owner and applicant for the Special Exception. Mr. Sweger said they would like to respectfully ask the board for a continuance. Mr. Sweger said they had received the staff report which had several comments in which they have not had time to review and address.

Mr. Grant asked how much time is needed to review and address the comments made by staff. Mr. Sweger said he would like to ask for a continuation for a date to be determined later. Mr. Sweger stated they would be glad to pay the additional fees associated with advertising and surrounding land owner mail-out.

Mr. Corbitt also stated that the applicant would need to pay for any additional engineering fees.

After all discussion, Chair Harper asked the board for a motion to this item. Mr. Grant motioned to grant the continuance with the time to be set by the applicant and Mr. Corbitt. Mr. Lee seconded the motion. All members voted “aye.” Motion carried.

Mr. Noel Desmond asked if information was available not necessarily pertaining to a particular application but for general information regarding habitat that may be beneficial for future applications and decision making, can that be given to the board? Mrs. Brown said if it is general information that does not apply specifically to this application, then it can be given to Mr. Corbitt or Mrs. Romero to give to the board.

Mr. Desmond provided to the board general information regarding habitat and how it may be beneficial for future use in viewing special exception applications of this nature.

After all discussion, Chair Harper asked the board if they would like to hear this non-agenda item. It was the consensus of the board to not hear the non-agenda item at this time.

There being no further business for the Levy County Planning Commission, Mr. Grant motioned to adjourn. Mr. Lee seconded the motion. All members voted “aye.” Motion carried. The meeting was adjourned.

Chairman