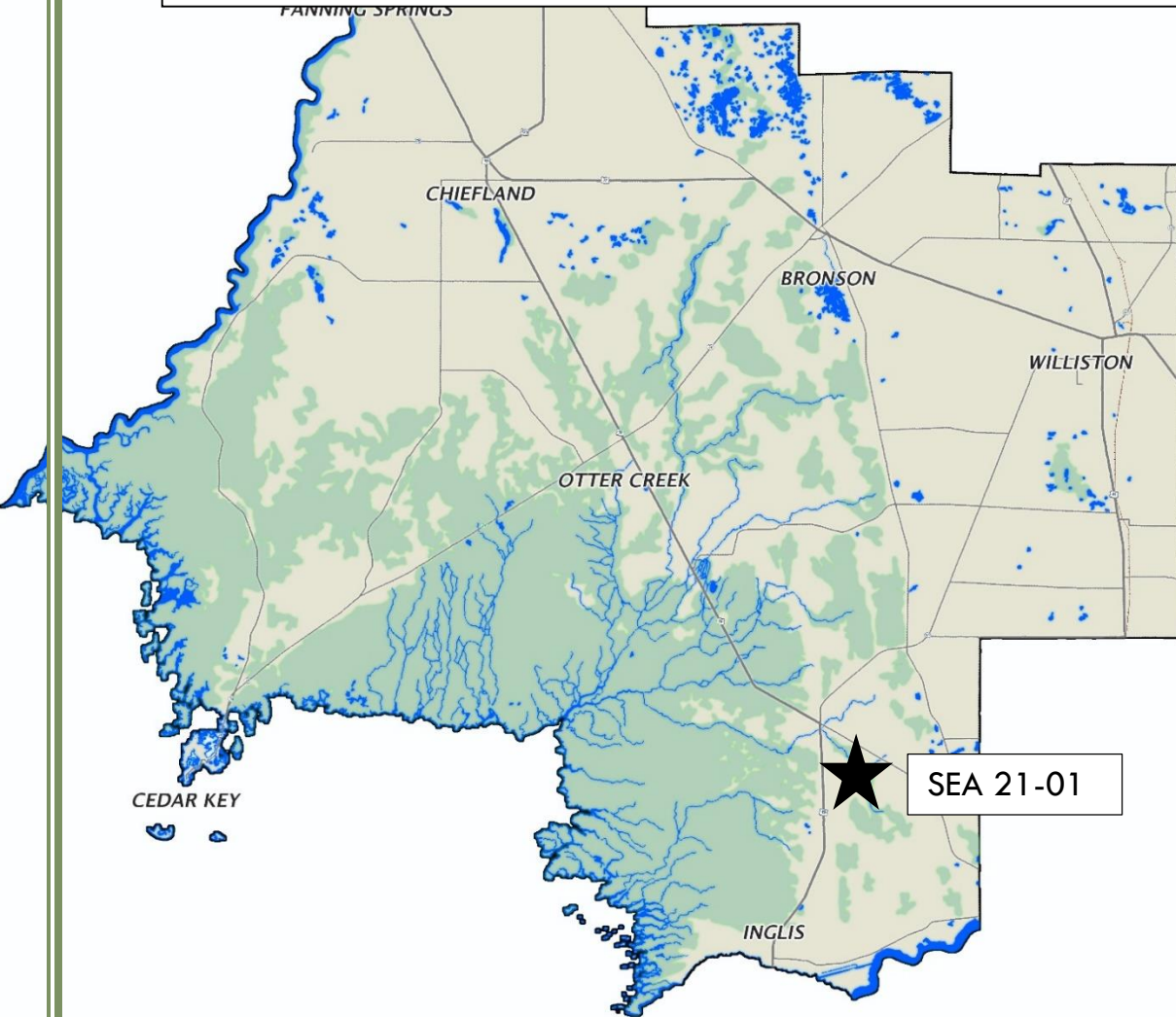


Levy County Staff Report for JFos LLC West Florida
Off-Road AKA Wells/Horse Hole

Special Exception Amendment (SEA 21-01)



PREPARED BY
LEVY COUNTY
PLANNING AND
ZONING
DEPARTMENT
AUGUST 18,
2021; BOCC
REVISION
SEPTEMBER 21,
2021; BOCC
REVISION AFTER
TABLING
OCTOBER 21,
2021

FOR THE LEVY
COUNTY BOARD
OF COUNTY
COMMISSIONERS
NOVEMBER 2,
2021

**LEVY COUNTY PLANNING AND ZONING DEPARTMENT
STAFF REPORT**

JFos LLC West Florida Off-Road AKA Wells/Horse Hole Special Exception Amendment (SEA 21-01)

To: Levy County Board of County Commissioners
From: Stacey Hectus, Planning and Zoning Director

Applicant/Owner: Heather Hosfeld on behalf of JFos LLC dba West Florida Off-Road Park

Proposed Project Name: West Florida Off-Road Park

Legal Description: E1/2 of NE1/4 less that part East of US 19-98, and the SW1/4 of the NE 1/4 and SE 1/4, less that part East of US 19-98, less the Southern 1039.73 Feet thereof, and less tracts sold, Section 36, Township 15, Range 16E

Parcel ID Number: 02843-000-00

Total Project Area: 102 acres more or less

Situs Address: 13208 SE HIGHWAY 19
INGLIS 34449

Current Zoning Designation: "FRR" Forestry/Rural Residential

Existing Use of Property: Outdoor Commercial Recreation via SE 5-03, SEA 1-04 and SEA 1-06

Commission District 3: Former Commissioner Mike Joyner

Staff Review of the Application:

This Special Exception Amendment application (SEA 21-01) is to amend a previously approved Special Exception SE 5-03, as previously amended by SEA 1-04, SEA 1-06 which allowed outdoor commercial recreation with conditions.

The Special Exception Amendment use of the property is a mud-bog for ATV/Side-by-Side/Truck enthusiasts.

The property was recently purchased by JFos, LLC. This property is currently being used as an outdoor commercial recreation facility for the use of a mud bog. Some of the uses are: mud bogging in ATV's, Side-by Sides, Trucks and other associated activities. They wish to remove the previous approval of having paintball activities on site. Since the new ownership, that is not an activity they wish to pursue.

History and New Request for SEA 21-01:

Brief History of Past Special Exception/Amendments to the property (all past approvals are found in your packet)

The original **Special Exception (5-03)** for Outdoor Commercial Recreation for a Mud Bog for mud-bogging was approved in 2003 via a request from previous owner Mr./Mrs. Wells. Additionally, as part of the original approval there were minimum deputy and EMS requirements. These can be found attached but basically it was approved as follows: two off-duty deputies onsite during all events for traffic and crowd control to begin the business, and adjust as recommended by the Sheriff's Department. The applicant shall give two weeks notice of all events to the Levy County Sheriff's Office. Provide onsite, at all times of operation, at least one certified EMT or paramedic, or a licensed physician, with all necessary equipment to provide first aid to any injured person. All compensation will be paid by owners to both entities.

SEA 1-04 – Request to add Sundays as part of the days of operation. This was approved by the Planning Commission and the Board of County Commissioners. They were allowed to operate no more than one weekend each month being Saturday and the immediate Sunday following and may operate on the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day and Veterans Day. Hours of Operation were between 10:00 am to Sunset.

SEA 1-06 – Request for an additional weekend a month for a total of two weekends plus all holiday's recognized by Levy County, primitive camping, self-contained camping, and adding other commercial and/or recreational uses of the property not currently permitted in F/RR zoning district, such as, but not limited to paintball weekend, car shows and concerts.

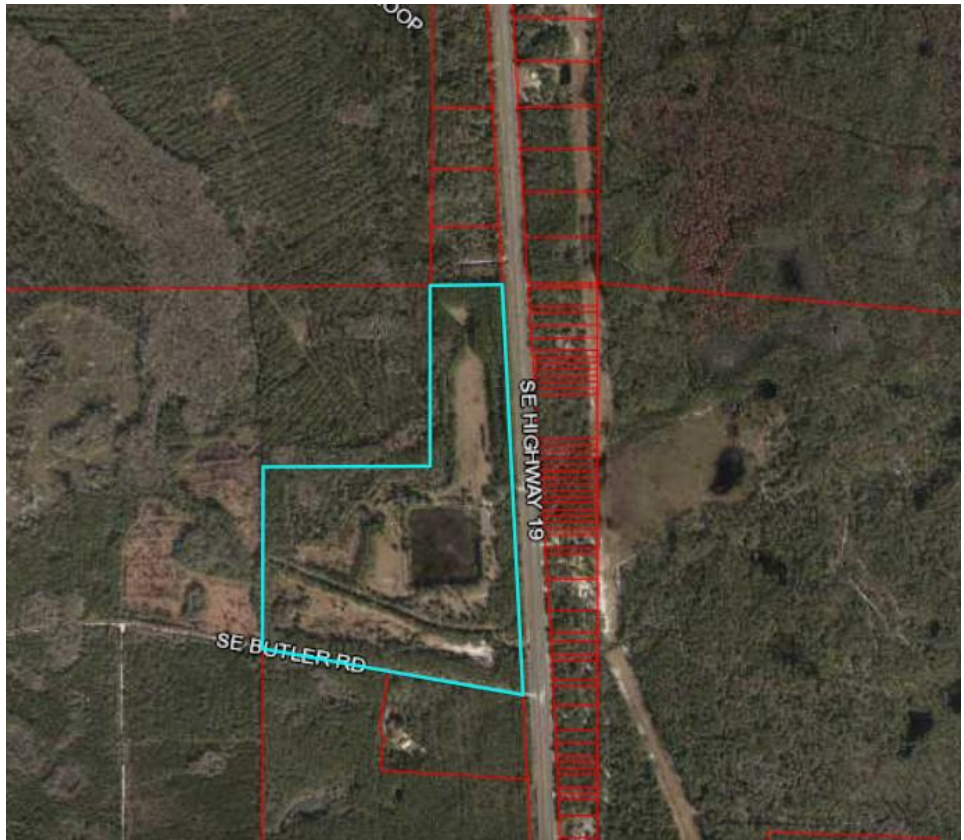
The additional weekend for a total of two weekends, non-consecutive were approved. The request for paintball weekend was also approved. The primitive camping was found not to be permitted as it is subordinate to Outdoor Passive Recreation and this is Outdoor Commercial Recreation. Additionally, the applicant did not show a site plan as to where the sites would be. Additionally, primitive camping is required to have certain minimum sanitary requirements that were not addressed. Additionally, based on review of this special Exception amendment the holidays approved were New Years, Memorial Day, Fourth of July, Labor Day and Veterans Day.

However, the car shows and concerts the Board believed could be handled via out Special Event Permit (in process of editing and adopting) and/or our Special Entertainment Permit.

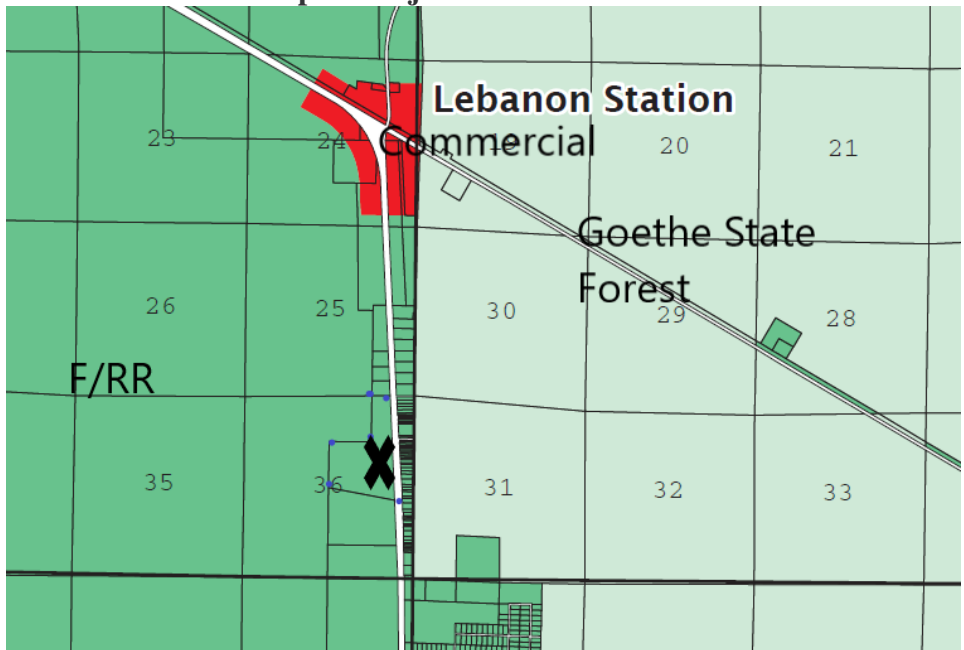
New Request for current application SEA 21-01

The applicant is requesting a reduction in EMT/Deputy hours, changing their hours of operation from 10:00 am to sunset to 8:00 am to 10:00 pm and requesting self-contained camping on-site. Please see the applicant cover letter and explanation in your packet.

Project Location Aerial



Future Land Use Map of Project



Other Department Comments related to this Special Exception Amendment:

Health Department; Wesley Asbell (see attached)

Levy County Emergency Management Department (Inglis Fire District); John McDonald (see attached). Summary is that they are happy to do the weekends with notice but hours need to be consistent.

Levy County Sheriff's Department; Lieutenant James Anderson. Summary of discussion via emails is that the Levy County Sheriff's Office does not want to change any of the deputy hours approved via previous special exception approvals.

Code Sections that apply to the request:

Section 50-1 Definitions;

Outdoor commercial recreation means any commercial enterprise that provides outdoor recreational services, facilities, entertainment, exhibitions, competitions, sporting events or other attractions offered to the public for a fee, entry fee, or admission charge. This includes, but shall not be limited to, racetracks of any kind, off-road vehicular trail facilities, mud bogging and motocross/dirt bike facilities, golf driving ranges, special event camping, sports arenas/stadiums and other similar uses that have the potential to generate high volumes of traffic and/or create noise, dust, odor or lighting that is detectable beyond the property line. This does not include uses identified in commercial zoning districts.

Sec. 50-796. - Generally.

Special exceptions, as enumerated in Schedule 1. Use Regulations, of [Section 50-676](#) hereof, or as contained in the Levy County Comprehensive Plan shall be permitted only upon authorization by the board of county commissioners subsequent to review by the planning commission. In granting any special exception, the board of county commissioners may require appropriate conditions and safeguards, made a part of the terms on which the special exception is granted, which if not complied with shall be deemed a violation of this article. The board of county commissioners may grant an application for special exception, provided that such application for special exception and the uses proposed therein shall be found by the board of county commissioners to comply with the following requirements or criteria and any other applicable requirements, criteria or standards set forth in this article.

APPLICANT'S RESPONSES in BOLD pulled from their answer sheet in the packet:

(1) That the use is a special exception as set forth in Schedule 1. Use Regulations, of [section 50-676](#) hereof or as set forth in the Levy County Comprehensive Plan.

- **Yes, Forestry/Rural Residential has a special exception use of outdoor commercial recreation.**

(2) That the use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

- **Yes, the use is designated, located and proposed to be operated that the public health, safety, and welfare**

(3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

- **The use will not cause substantial injury to the property value in the neighborhood where it is located.**

(4) That the property that is the subject of the special exception is suitable for the type of use proposed by virtue of its location, shape, topography, and by virtue of its compatibility with adjacent development, with uses allowed in adjacent land use and zoning districts, and with the character of the zoning district where it is located.

- **Yes, the property is suitable for the type of use being proposed.**

(5) That adequate buffering, landscaping and screening are provided as required in this article, or as necessary to provide a visual and sound barrier between adjacent property and the property that is the subject of the special exception.

- **Yes, there are trees along the property line and the property is located in a rural area with no immediate residences nearby.**

(6) That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with or congestions of vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways.

- **Yes, there will be adequate parking on the property to sustain the proposed use. As for traffic, we also have the ability to expand our single line entrance in order to ensure the roadway is not blocked and no congestion of traffic.**

(7) That the use conforms with all applicable regulations governing the district where located, as may otherwise be determined for large-scale developments.

- **Yes, the use conforms with all applicable regulations governing the district.**

(8) That the use is consistent with the provisions of the Levy County Comprehensive Plan and the Land Development Code, and that the application and use comply with the applicable provisions of subdivision II of this [division 5](#) and with any specific requirements for the use contained in subdivision II of division 3 hereof.

- **Yes, we believe that the use is consistent with the provisions of the Levy County Comprehensive Plan and the Land Development Code.**

**Staff Recommendation: West Florida Off-Road SEA 21-01 Conditions of Approval:
Approved 5-0 at the Planning Commission**

Should the Planning Commission and subsequently the Board of County Commissioners, find the submitted application for this amendment to the original SE 5-03 and subsequent SEA 1-04 and SEA 1-06 sufficient and consistent with the Comprehensive Land Use Plan and the Land Development Code, staff recommends the following conditions be applied to such approval:

1. The granting of this Special Exception Amendment does not relieve the applicants, owners or their assigns from the prior conditions applied in SE 5-03, as previously amended by SEA 1-04, SEA 1-06 which allowed outdoor commercial recreation with conditions.
2. No new uses other than items proposed in this request for the Special Exception Amendment without first obtaining approval from the Board of County Commissioners.
3. All proper permits from the Department of Health and Department of Environmental Protection will need to be met, if applicable, if camping is approved.
4. Other conditions as assigned by the Planning Commission based on public participation.
5. Hours of Operation – No mud bogging after 8pm, gates close at 10:00 pm.
6. Sheriff/EMT hours to be arranged by each department with the applicant and if camping is approved Sheriff will need to be in attendance 24 hrs. unless otherwise determined by the Sheriff's Office, in its sole discretion.
7. Ensure compliance with the County Noise Ordinance Chapter 50 Land Development Code, Article VIII, Division 2. – Noise.
8. Containment fencing – 90 days to fill in the gaps and one year to complete entire property fencing.

Update from October 5, 2021 BOCC meeting: This item was tabled, 4-0, at the last BOCC meeting for the applicant to get a sketch plan together as it related to where the self-contained camping would go and work on the containment plan to come back at a time certain date of Monday, November 2, 2021. The applicant has provided more documentation that is copied below this section of the staff report. The proposed site plan is the last page.

J Fos LLC AKA West Florida Off Road Park

Per the fencing of the property mentioned in the past 2 county meeting

Our property line on SE Butler is approx. 2150ft the first 1050ft has 4-line barbwire fence already installed. We will be installing the remainder fencing on SE Butler Rd which is approx. 1100ft. The front which is US Hwy 19 we have no openings to allow people to leave our property from except where the creek runs through our property not sure if we are even allowed to fence that section off. We also took videos of the property line on US Hwy 19 and SE Butler. (Which I will attach in the email) The remainder of our property is also surrounded by trees, Swiftmud, and Gulf Hammock.

*Our property line is approx. 3268ft across US Hwy 19 our entrance is approx. 1638ft from SE Butler Rd.

*Our property is approx. 55ft from US Hwy 19

*From 19 through our wood buffer across the whole property is approx. 250ft

After the meeting on Tuesday, we spoke to homeowners outside and they told us if we had camping closer to the back of the property on other side of mud hole, they would be okay with it because it would lesson the generator noises in the evening.

So, we went out and measured and will set up things differently for the campers, if we are allowed to have them, we will have 2 designated areas for them to camp which will be the following:

*From US 19 to the camping area in back it would be approx. 1613ft

*Camping on South Side will be approx. 320ft from US Hwy 19 with the Woodline buffer (this camping area we will use for back up camping when the back is full)

We want to express that the inability to provide camping to visitors will likely put us out of business. We have people that travel from all over to attend these weekend events and for the safety and consideration of our guests, we provide them a safe place to stay while they are enjoying themselves and their families. Visitors to the park will not want to make a long drive to have to turn around and head home the same day. We would also like to point out that we will most likely only be hosting one weekend event per month with an occasional single day event on occasion. Additionally, there may be months when no events are held at all. When we purchased this property back in March, we set out with the goal to bring back a recreational venue to the area and revamp the well-known Horse Hole atmosphere.

We had no clue that camping was not already an option as we had visited the property for many years when it was open and camped there every time. Had we realized that this was not the case prior to purchasing, we probably would have invested in property elsewhere. We are asking that you help our business thrive while also bringing additional revenue to Levy County. Thank you for all the time put into this Special Exemption process we appreciate everyone's help along the way.

Please see attached videos & Pictures of the property to give you all a better ideal of what we are talking about.



Entrance from US Hwy 19



Looking West at the mudhole from 19 side



The driveway coming into the property looking towards North (the extra parking)



Back area where camping will be designated to Approx. 560ft



Back area where camping will be designated to Approx. 560ft



Overflow camping area approx. 1000ft

This view is from the back camping area looking towards the front of the property on the right side of mudhole

SE Butler Rd 2150ft

500ft

SXS + 4wheeler area

tree's tree's tree's
Creek

Camping area
1000ft

1000ft

H

Camping area
Appr 560ft

640ft

Truck mud
Pit

SXS + 4wheeler area

US Hwy 19

US Hwy 19

1638ft

250ft

Approx 1613ft

Entrance

1630ft

Mobile home
BARN

* parking

Swift mud
property

Golf Hammock