

Instrument # 728273
OR BK: 1715 PG: 633-11pg(s)
REC: 12/11/2023 10:05 AM
Danny J. Shipp, Levy County Clerk, Florida
Rec: \$95.00

Deputy Clerk MBASS1

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

PETITION NO. SE 22-02 Requesting a Special Exception pursuant to Sec. 50-676, Sec. 50-746 and Secs. 50-796 through 823 to allow a Travel Trailer (also referred to as a Recreational Vehicle) Park on approximately 11.94 acres of land located in Section 30, Township 14 S, Range 14 E, Levy County Florida.

Parcel ID Numbers: 0133000400 and a portion of 0133200000

Property Owner: Marcia Dawn Fleming

Applicant: Shankland & Associates, a Florida limited liability company

Current Land Use Designation: Commercial (C) in a Rural Commercial Node (RCN)

Current Zoning Designation: Neighborhood Commercial (C-2)

Pending Zoning Designation (Petition No. CZ 22-05, Ordinance 2023-7): Moderately Intensive Commercial (C-3)

ORDER APPROVING SPECIAL EXCEPTION

Whereas, by Change of Zoning Application dated November 1, 2022 (Petition CZ 22-05), the Property Owner requested a rezoning of approximately 11.94 acres of real property described and depicted on **Exhibit "A"** (the "Property") from the Neighborhood Commercial (C-2) Zoning District to the Moderately Intensive Commercial (C-3) Zoning District;

Whereas, the C-3 Zoning District allows a Travel Trailer Park by Special Exception;

Whereas, Sec. 50-1 of the County Land Development Code recognizes "travel trailers" in the definition of "*Recreational vehicle* means a recreational vehicle-type unit designed for temporary recreational, camping or travel use, as identified in F.S. ch. 320. These units include, without limitation, a travel trailer, camping trailer, truck camper, motor home, motor coach, van conversion, park trailer, and fifth-wheel trailer", as such the County uses the term "travel trailer" park interchangeably with "recreational vehicle" park;

Whereas, by Special Exception Application dated November 1, 2022 (assigned Petition SE 22-02) (the "Application"), the Property Owner requested a Special Exception to allow a Travel Trailer (also referred to as a Recreational Vehicle) Park on the Property;

Whereas, Section 50-746 of the Levy County Code contains specific requirements for Travel Trailer (also referred to as Recreational Vehicle) Parks generally and Sections 50-796 through 823 set forth the special exception permit review process and requirements;

Whereas, on December 5, 2022, the Levy County Planning Commission conducted Public Hearings to consider Petition CZ 22-05 and Petition SE 22-02 and recommended approval of both Petitions to the Levy County Board of County Commissioners (the "Board");

Whereas, on January 3, 2023, the Board conducted Public Hearings to consider both Petitions and after receiving and considering the Applications, the presentations and other materials (if any) from the Applicant/Property Owner and other parties in favor of/opposition to the Petition, the County Planning Staff report and the recommendation of the County Planning Commission, the Board directed the drafting of a Rezoning Ordinance and an Order of Approval with conditions for the Special Exception; and

Whereas, by email dated June 19, 2023, the Applicant's agent confirmed that the Applicant and Owner do not want to rezone the property from C-2 to C-3 in the event this Special Exception is denied; therefore, on the date set forth below the Board first conducted a Public Hearing to consider this Order and then to consider the Rezoning Ordinance No. 2023-7.

NOW THEREFORE, based on the testimony and evidence presented and received at the public hearings, the Board issues the following Order approving Petition SE22-02:

Section 1. Findings. The Board finds that Petition SE22-02 satisfies all applicable requirements for approval set forth in Secs. 50-796 through 50-823 of the Land Development Code regarding Special Exceptions; and Sec. 50-746 of the Land Development Code regarding Travel Trailer Parks, subject to the requirements, limitations and conditions set forth in this Order.

Section 2. Development Authorized; Development Review; Time Limitations; Repeal of Development Authorization.

A. Development Authorized. The maximum development authorized by this Order is:

1. 90 individual recreational vehicle sites, consisting of a mix of pull-through and back-in spaces;
2. A Building to house an Office, Laundry, Bathrooms/Shower and Multipurpose room, not to exceed 1,400 square feet of floor area;
3. A Building to house Maintenance, Storage and Emergency Generator, not to exceed 1,800 square feet of floor area;
4. Outdoor Gazebo, not to exceed 1,200 square feet; and
5. Associated necessary utility infrastructure, including solid waste facilities,

stormwater drainage, potable water supply, and wastewater collection and treatment.

(1) through (5) are collectively referred to as the "Development." The Development is conceptually depicted on the Crane Pond RV Resort Conceptual Site Plan dated December 5, 2022 attached as **Exhibit "B"** (the "Concept Plan"). The Concept Plan describes the Development proceeding in two phases, with Phase 1 consisting of the entrance road and that portion of the Development lying on the east side of the entrance road and Phase 2 consisting of that portion of the Development lying on the west side of the entrance road. Phase 1 must be developed prior to, or concurrently with, Phase 2.

B. Development Review. On or before the dates specified below, the Property Owner shall submit, to the County Planning and Zoning Office, a Final Site Plan (refer to the requirements in Sec. 50-775 of the Land Development Code) and construction drawings that depict that Phase of the Development in its final form in compliance with this Order. The County Zoning Official will coordinate review of the documents by the various County departments. The Property Owner shall address any comments/revisions made by County staff during this development review process. The following minor adjustments from the Concept Plan may be approved by the Zoning Official and reflected on the Final Site Plan: minor adjustments in the location of structures provided they are within the general area indicated on the Concept Plan; minor adjustments to the Development layout as necessary to preserve existing trees; and minor adjustments necessitated by Federal and State permits, if any. Upon finding that the Final Site Plan and construction plans are consistent with this Order, the County Comprehensive Plan and the County Code, the County Zoning Official will issue a Certificate of Zoning Compliance for that Phase. Thereafter, the Property Owner may apply for building permit(s) and plan review by the County Development Department.

C. Time Limitations for Development Authorized.

As to the Phase 1 Development, the Property Owner shall submit:

- The Final Site Plan and construction drawings by June 30, 2024.
- Construction must commence by December 31, 2024 as evidenced by issuance of a building permit.
- Construction must be fully completed by December 31, 2025, as evidenced by issuance of a certificate of completion or occupancy.

As to the Phase 2 Development, the Property Owner shall submit:

- The Final Site Plan and construction drawings by December 31, 2025
- Construction must commence by December 31, 2026 as evidenced by issuance of a building permit.
- Construction must be fully completed by December 31, 2027 as evidenced by issuance of a certificate of completion or occupancy.

D. Repeal of Development Authorization. If any one (or more) of the foregoing time limitations are not timely met or extended by amendment described below, then the portion of this Order that relates to the Development authorized to proceed by that date will be rendered null and void and will stand repealed without further action of the Board.

Section 3. Development Conditions. The Development must comply with the specific conditions set forth below. The citations in parenthesis are informational only and refer to the Land Development Code (LDC) section that gives rise to the condition. In the event of conflict or inconsistency between the Code and a specific condition in this Order, the Order shall prevail. In addition to the specific conditions below, the Development must comply with all other applicable provisions of the Levy County Comprehensive Plan and Land Development Code, regardless of whether such conditions or requirements are expressly set forth in this Order.

A. General Design Standards

1. Required setbacks are 30' front (from the North boundary of the Property), 30' rear (from the South boundary of the Property), 30' side (on the West side boundary of the Property) and 15' side (from the East side boundary of the Property). Drainage/Stormwater retention and natural features (i.e., pervious areas) are allowed within the setback areas. No permanent features such as buildings, roads, sidewalks, water mains, sewers, septic tanks or drainfields are allowed within setback areas. (Secs. 50-677 & 746, LDC)
2. All amenity, accessory, commercial and retail uses (such as laundry, office, multipurpose room) within the Development must be internal to the Development and be of a scale and location as to primarily serve the needs of the renters and guests of the Development (Sec. 50-746, LDC)
3. A lighting/photometric plan must be submitted and reviewed as part of the building permit process. All lighting must be shielded from the top and sides so as not to trespass on adjoining properties causing a nuisance and so as to not cause light pollution. In addition, all lighting along the west side of the Property adjacent to Cedars Airfield shall be low intensity as described in the lighting/photometric plan.

B. Landscape, trees, screening and buffering standards.

1. Primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected must be appropriate to local growing conditions. (Sec. 50-819(b), LDC)
2. Existing trees shall be conserved to the greatest extent possible and integrated into the landscape design plan. If a tree of 16 inches in diameter or greater, as

measured at a point of 4½ feet above ground level, must be removed, a replacement tree a minimum of two (2) inches or greater in diameter, as measured at a point of 4½ feet above ground level, and eight feet high at time of planting is required to be planted for each tree that must be removed. Replacement trees shall be planted in the open space area. (Secs. 50-192 & 819(c), LDC)

3. All open space areas shown on the concept plan shall contain a minimum of ten trees per acre. Tree species shall be predominantly (over 50 percent) native trees. If the tree species is not drought tolerant, an irrigation system must be installed. Except for replacement trees, tree sizes and spacing or grouping shall be left to the discretion of the Property Owner. (Sec. 50-691(d), LDC)
4. An opaque wood, vinyl or decorative masonry privacy fence a minimum of 6' in height and a maximum of 10' in height shall be constructed and maintained along the entire West boundary of the Property and shall be setback from the West Property line a minimum of 5'. A containment fence of up to 6' in height shall be constructed and maintained around the remainder of the perimeter of the Property and may be constructed of wood, wire, vinyl, masonry or metal fencing materials.
5. Buffering shall be provided between the Development and adjacent residential land uses and public roadways and shall consist of the following: a 10' landscape buffer shall be installed and maintained along all sides of the Property. The buffer shall maintain the natural vegetation and supplement it with at least two shade trees and three accent/ornamental trees for every 100 lineal feet and otherwise must consist of non-deciduous, native, living vegetation, spaced in a manner, which, at the time of planting (and thereafter) will appropriately buffer the Development from adjacent properties.
6. Parking facilities shall be landscaped to eliminate the unsightliness and monotony of parked cars, when viewed both external and internal to the Development. Internal roads, pedestrian walks and open space shall be included in the coordinated landscape design for the entire project area. (Secs. 50-819(a), 820(b), & 821(a), LDC)
7. All fencing and landscaping installed must be maintained in good repair and condition. Dead or diseased landscaping must be promptly replaced.

C. Access and Circulation system standards.

1. The Development is limited to ingress/egress driveway via SW 101st Terrace on State Road 24 as depicted on the Concept Plan. That driveway connection requires an FDOT permit. (Secs. 50-381 & 746, LDC).

2. The Property Owner shall submit (during Development Review – refer to Section 2 above) a Traffic Study signed and sealed by an engineer registered to practice in the State of Florida that identifies the potential impacts of the Development, the Study must include the following:
 - a. Analysis for existing, future background and future buildout at both AM and PM peak-hours.
 - b. Trip generation for proposed development will be based on ITE LUC 416 (campground/RV park) using the latest (11th edition) ITE Trip Generation Manual.
 - c. Study area to include ingress/egress driveway on State Road 24.
 - d. Entire segment of SR 24 that is adjacent to the Property must be analyzed to determine capacity.
 - e. Distribution of new project trips will use the same traffic distribution collected from turning movement volumes.
 - f. Counts will be seasonally adjusted using most recent FDOT data, but will not be adjusted down if seasonal factor is less than 1.0.
 - g. Future background growth will be based on historical annual growth rates on SR 24 with a minimum of 2%.

The Property Owner must pay for any operational or traffic safety improvements that are necessary due to the impacts of the Development.

3. If the Development has a gated access, sufficient space for vehicle cueing shall be provided on-site to avoid any traffic back-up or cueing on State Road 24
4. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, internal roadways/driveways, and parking. Those facilities must meet the off-street traffic flow requirements of Sec. 50-384, LDC. Buildings and vehicular circulation shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic. Pedestrian walks that are paved and comfortably graded must be provided between parking areas and buildings. (Secs. 50-820(a), 820(c), 821(b) & 821(c), LDC)
5. All internal driveways/roadways must be paved. (Sec 50-746, LDC)

D. Environmental/Open Space

1. On-site stormwater retention shall be adequate to retain the 25-year storm at a minimum and shall meet the requirements of the Suwannee River Water Management District. The size and configuration of the stormwater retention areas shall be depicted on the Final Site Plans and may be modified as necessary to meet the Water Management District requirements. (Sec 50-746, LDC)
2. The Development must permit, construct and maintain: a potable water supply system and a wastewater collection and treatment system permitted by the Florida

Department of Environmental Protection or other applicable state agency. (Sec 50-746, LDC)

3. No site work or construction may commence until the Property Owner has documented through the state historic preservation officer the presence or absence of known archaeological or historic sites. (Sec. 50-689, LDC)
4. A minimum area of 5.97 acres within the Property is required to be maintained as open space (i.e., pervious surface.) (Sec. 50-678, LDC)

E. Floodplain: As the Property lies within a Flood Hazard Area, the Development shall comply with Article VI. Flood Damage Prevention of Chapter 50 of the County Code, as applicable.

F. Level of Service/Concurrency: During Development Review (refer to Section 2 above), the Development will be reviewed and must meet levels of service and concurrency as required by Article VII. Level of Service and Concurrency in Chapter 50 of the County Code.

G. Signage: Signage for the Development must comply with and obtain permits as required by Article X. Signs of Chapter 50 of the County Code.

H. Operational

1. No recreational vehicle may remain on-site for more than 180 consecutive days (Sec. 50-270, LDC).
2. No recreational vehicle may be permanently anchored, blocked or tied down. All recreational vehicles must remain licensed and ready for highway use, which means the recreational vehicle is on wheels, is attached to the site only by quick-disconnect type utilities, and has no permanent attachments such as additions, rooms, stairs, decks and porches. (Secs. 50-270 and 50-746, LDC)
3. No permanent improvements may be made on individual RV sites except for electric, water and wastewater hookups; and permanent and temporary storage on-site is prohibited. (Sec 50-746, LDC).
4. If an evacuation order is given, all recreational vehicles must be removed from the Property and relocated. The Property Owner is responsible to ensure that guests follow the order and that evacuation of the recreational vehicles is accomplished. (Sec 50-746, LDC)
5. All water and wastewater facilities must be operated and maintained in compliance with all permits for same.

Section 4. Permits and Payment of Impact Fees. Prior to commencement of construction of each Phase, the applicant will be required to obtain all necessary

permits from the County and pay all impact fees required of the Development. The Development must obtain and maintain all permits and approvals from applicable State and Federal Regulatory Agencies, such as the Florida Department of Transportation, the Water Management District, the Department of Health and the Department of Environmental Protection. The Applicant shall provide copies of such Regulatory Permits to the County Planning and Zoning Department prior to the commencement of any development on the Property.

Section 5. Unified Development. As the Property consists of more than one parcel, prior to commencement of construction of the First Phase, a Declaration of Unity of Title must be executed (on the form provided by the County Planning and Zoning Department) and recorded in the Official Records of Levy County, Florida, in order to create a single unified development site. And thereafter, the Development must remain under unified ownership and no lots or portions of the Property or Development may be divided and/or transferred through subdivision/platting, condo, timeshare or other means of transfer or conveyance.

Section 6. Binding Effect; Non-transferable. This Order shall run with the land (the Property) and is enforceable, jointly and severally, against the Property Owner, its respective parent entities, subsidiary entities, agents, officers, successors and/or assigns. This Order is not transferable to any other property.

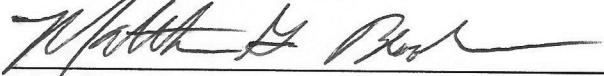
Section 7. Amendments. Any requested modification to this Order or to the Final Site Plan approved pursuant to Section 2 of this Order will require the Applicant to timely submit an application for an amendment, which will be processed and reviewed in accordance with then applicable County Code.

Section 8. Inspection; Enforcement; Appeal. County Officials may, at any time, inspect the Property for compliance with this Order. Upon a finding of noncompliance with this Order, the Zoning Official shall provide written notice of the noncompliance by certified return receipt mail to the Property Owner. The Property Owner shall have 30 days to achieve compliance or request an extension for good cause shown. If compliance is not accomplished within the 30-day period, the Board of County Commissioners will hold a revocation hearing. The decision of the Board is final action, subject to appeal to a court of appropriate jurisdiction.

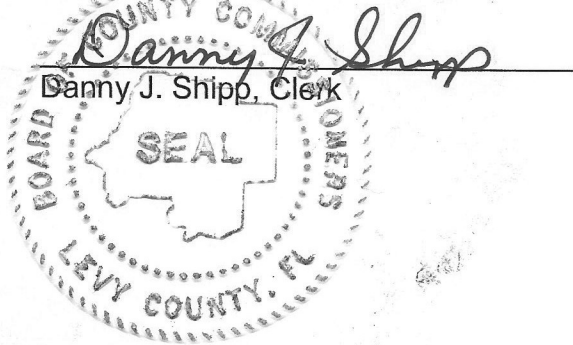
Section 9. Effective Date; Recording. The Special Exception granted herein shall not become effective unless and until Ordinance Number 2023-7 which rezones the Property from C-2 to C-3 is adopted and becomes effective as provided therein. No development orders, development permits, or land uses dependent on this Special Exception may be issued or commenced before it has become effective. If Ordinance Number 2023-7 is adopted, the Clerk to the Board of County Commissioners is directed to record this approved Order in the public records of Levy County, Florida. If Ordinance Number 2023-7 is denied, this Order is rendered null and void and will stand repealed without further action of the Board.

DONE AND ORDERED this 25th day of July, 2023.

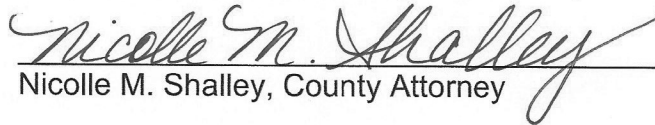
BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA


Matt Brooks, Chair

ATTEST: Danny J. Shipp, Clerk of
Circuit Court And Ex officio Clerk to the
Board of County Commissioners



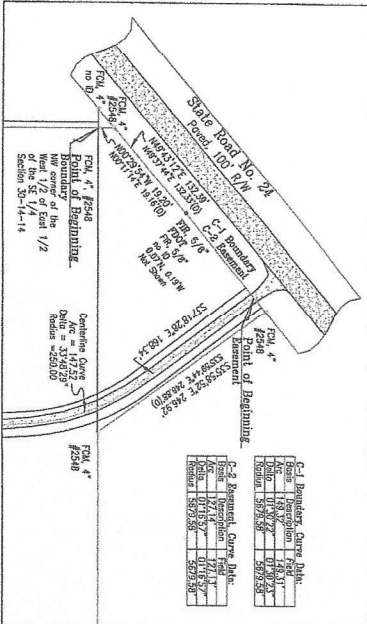
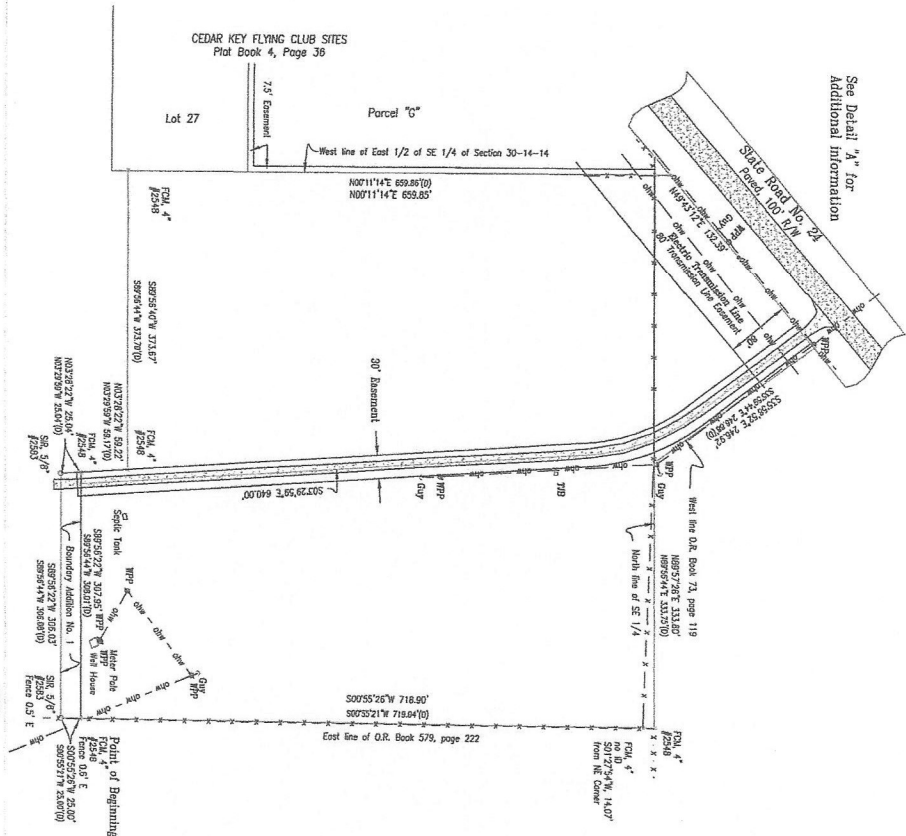
Approved as to form and legal sufficiency


Nicolle M. Shalley, County Attorney

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Exhibit "A" to Order to Approve Special Exception - Crane Pond

See Detail "A" for
Additional Information



DETAIL "A"
Road Frontage

North
Scale: 1" = 100'

- LEGEND:**
- PK indicates Point Concrete Monument
 - PK indicates Point Iron Rod
 - PK indicates Power Pole
 - PK indicates Guy Anchor
 - PK indicates Guy Anchor
 - PK indicates Identification Number
 - PK indicates Number
 - PK indicates Overhead Wire
 - PK indicates Right-of-Way
 - PK indicates Survey Station Box
 - PK indicates Wood Power Pole

Boundary Survey for
Amanda Shankland
in Section 30, Township 14 South, Range 14 East
Levy County, Florida

DESCRIPTION:

Part of Section 30, Township 14 South, Range 14 East, Levy County, Florida, more particularly described as follows:
Beginning at the Northwest Corner of the West 1/2 of the East 1/2 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 181.6 feet to the south right-of-way (R/W) line of State Road 24; thence N49°57'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5679.58 feet and a central angle of 0°19'03"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S89°59'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N89°56'44"E, along the said north line, 333.75 feet to the east line of the land described in O.R. Book 578, Page 222, Levy County Records, a distance of 591.9 feet; thence S89°56'44"E, a distance of 573.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 639.66 feet to the Point of Beginning.

CONTAINING: 11.78 acres and being subject to a 30 foot wide ingress and egress easement being more particularly described as follows:
Commence at the Northwest Corner of the West 1/2 of the East 1/2 of the SE 1/4 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 181.6 feet to the south right-of-way (R/W) line of State Road 24; thence N49°57'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5679.58 feet and a central angle of 0°19'03"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S89°59'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N89°56'44"E, along the said north line, 333.75 feet to the east line of the land described in O.R. Book 578, Page 222, Levy County Records, a distance of 591.9 feet; thence S89°56'44"E, a distance of 573.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 639.66 feet to the Point of Beginning.

TOGETHER WITH the following described tract, (Boundary Addition No. 1)

Part of Section 30, Township 14 South, Range 14 East, Levy County, Florida, more particularly described as follows:
Commence at the Northwest Corner of the West 1/2 of the East 1/2 of the SE 1/4 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 181.6 feet to the south right-of-way (R/W) line of State Road 24; thence N49°57'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5679.58 feet and a central angle of 0°19'03"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S89°59'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N89°56'44"E, along the said north line, 333.75 feet to the east line of the land described in O.R. Book 578, Page 222, Levy County Records, a distance of 591.9 feet; thence S89°56'44"E, a distance of 573.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 639.66 feet to the Point of Beginning.

The total described parcel of land containing 11.04 acres, more or less.

NOTES:

- 1) Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
- 2) Additions or deletions to this survey map by other than the signing party or parties is prohibited without the written consent of the signing party.
- 3) Subsurface utilities and/or improvements were not located for this survey except as shown.
- 4) Bearings and distances shown hereon are field measured unless otherwise noted.
- 5) This survey has been performed without the benefit of a title search or report. A search of the Public Records was not performed by this office.
- 6) Subject to Conditions, Restrictions, Reservations, Limitations and Easements of record, if any, together with zoning and other Governmental Regulations.
- 7) There may be additional existing improvements on this property that have not been located nor shown.
- 8) Forces have only been field verified where indicated and are shown as straight lines between those points.
- 9) Bearings shown hereon have been based on an assumed bearing of N00°11'14"E, along the West line of the East 1/2 of the West 1/2 based on a found monumentation shown on this survey.
- 10) The descriptions shown hereon have been based on a previous Boundary Survey prepared for Andrew and Marcia Fleming by Michael Padua, Land Surveying, except for the Boundary Addition No. 1 description, prepared by this office.

CERTIFICATION:

This is to certify that this map is a true and correct representation of a survey made under my responsible direction and supervision and is accurate to the best of my knowledge and belief. This survey meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 65-17, Florida Administrative Code, pursuant to Section 474.027, Florida Statutes.

Professional Surveyor and Mapper
Harold Lee Mills, P.L.S. No. 2879
Certificate of Authorization No. 2593

EXHIBIT 1. Add to boundary and edit drawing text.
Field Book 292, Page 47, Work completed November 30, 2022
Field Book 290, Pages 23-27, Work completed July 15, 2022

BOUNDARY SURVEY

for: Amanda Shankland
in Section 30, Township 14 South, Range 14 East
Levy County, Florida

MILLS ENGINEERING COMPANY
POST OFFICE BOX 2778 • 652 EAST MAINWAY AVENUE
BROOKSON, FLORIDA 32031
PHONE: (352) 486-2872 EMAIL: mlls@me-engineering.com

DATE: August 11, 2022 PROJECT NO.: 202208
DRAWN BY: HLM SHEET 1 OF 1

