

PREPARED  
JULY 20,  
2021 –  
REVISED  
SEPT. 9,  
2021; SEPT.  
21, 2021  
FOR THE LEVY  
COUNTY BOARD  
OF COUNTY  
COMMISSIONERS

SPECIAL EXCEPTION APPLICATION SE 21-02  
McCormick Farm (Counting on Merci Ranch) Barrel Racing and Equine Activities

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LEVY COUNTY PLANNING AND ZONING DEPARTMENT  
STAFF REPORT

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

**Applicant/Owner:** George and Chelsea McCormick  
6951 SE 200<sup>th</sup> Avenue  
Morrison, FL 32668

**Legal Description:** Section 29, Township 14, Range 19, Levy County.

**Parcel ID Number:** 0541300500 (110 acres)

**Commission Dist. 3:** Former Commissioner Mike Joyner

**Total Project Area:** Approximately five to seven acres more or less of total 110 acres for parking, arena and staging

**Current Land Use Designation:** Agricultural/Rural Residential “A/RR”

**Current Zoning Designation:** Agricultural/Rural Residential “A/RR”

**Existing Use of Property:** Single family residence with a quarter horse operation. Horse barns, arena, storage, pastureland, hay

**Proposed Use:** All of the above but add barrel racing operation and other equine related activities.

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**Staff Review Based on Submitted Application:**

In May the Code Enforcement Department received a complaint on the subject property regarding rodeo/barrel racing activities that included lights, noise and traffic. The Code Enforcement Department brought this to our attention and we have a provision in our Land Development Code under our A/RR zoning designation that can approve, approve with conditions or deny a Special Exception for Outdoor Commercial Recreation. Definition from the code copied below:

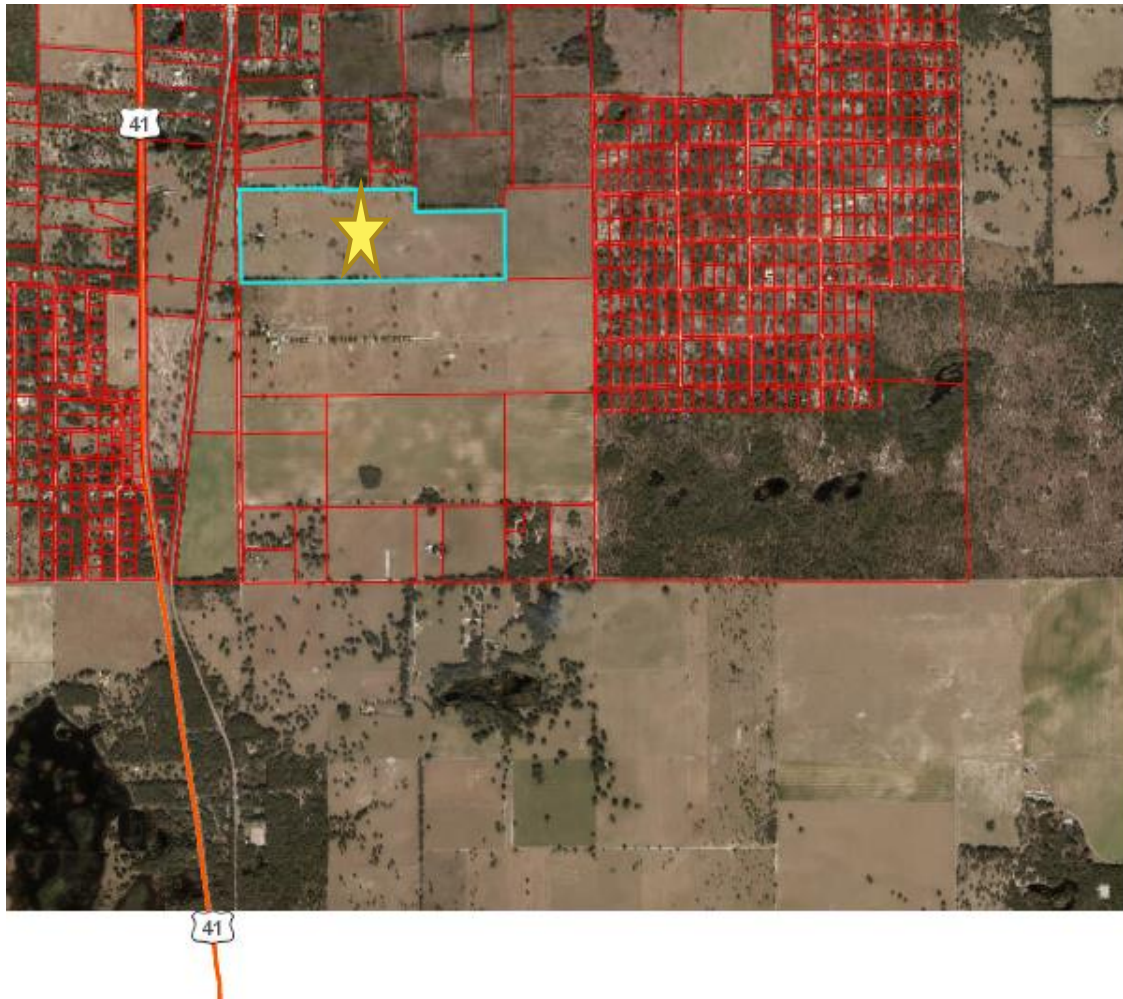
*Outdoor commercial recreation* means any commercial enterprise that provides outdoor recreational services, facilities, entertainment, exhibitions, competitions, sporting events or other attractions offered to the public for a fee, entry fee, or admission charge. This includes, but shall not be limited 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.

The applicant included a detailed narrative of the operation she would like to continue on her property in the application packet. They were unaware that they needed any approvals and immediately contacted our office when they received the violation notice. There are numerous sketch plans showing the location of the activity on her 110-acre farm. Based on the application she would like to continue to have barrel races, speed shows, jackpots, etc. on her ranch, open to the public. She would like to continue to have practices a couple times a month and Barrel/Jackpot events a couple times a month. In the winter months, events will be held in the earlier hours and in the hotter summer months the events will be held in the evenings.

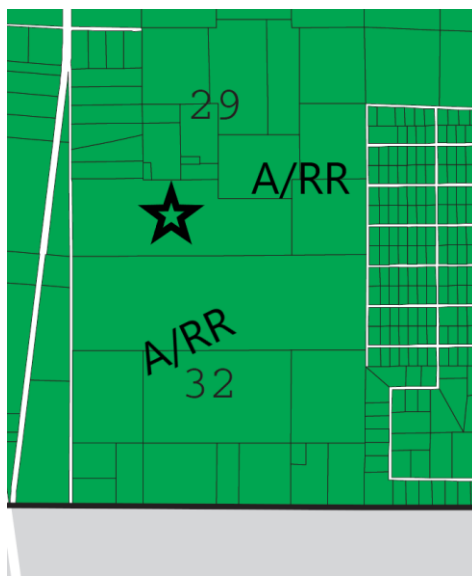
The applicant has already been in touch with the Levy County Health Department to get the information needed to install bathrooms instead of using port-o-lets. The applicant did make note that they can see the nuisance of the truck lights shining in on the adjacent neighbors home and are working on installing a six-foot privacy fence to screen the neighbor from the lights. They are also in the process of screening the property with a natural buffer in other areas.

This property lies in the far south east area of the county less than two miles from the Marion County line. All the properties that surround the subject property have the same future land use and zoning of A/RR (1/10). You can see from the aerial photos there are many acres of crop and pasture land many of which have residences on them. The subject property is on a dirt road with access to a state road.

APPROXIMATE LOCATION OF MCCORMICK FARM (COUNTIN 'ON MERCI RANCH)



FUTURE LAND USE AND ZONING DESIGNATIONS



Subject Property

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**Code Section Review of Application:**

The following are the code sections related to special exceptions. Staff has provided comments following each applicable code section marked in **bold**.

**DIVISION 5. STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS**

**Subdivision I. Special Exceptions in General**

**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 Land Development Code 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. Sec. 50-676 of the Land Development Code is what enables an applicant to apply through Sec. 50-796. Applicant response in *italics*. Staff response in **bold**.

1. That the use is a special exception as set forth in Schedule 1. Use Regulations, of Section 50-676 of the Land Development Code or as set forth in the Levy County Land Development Code.

**The use is a special exception as set forth in Schedule 1. Use Regulations, of Section 50-676 hereof. 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.**

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

*Ingress and egress from the arena is provided by 200<sup>th</sup> Ave. both north and south to Highway 41. Facilities provided via porta-potties in the short term and fixed restrooms in the long term. If required EMS support can be provided.*

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 arena is located on a 110-acre farm close to the center of the farm with all parking allotted for. All activities will be contained on the property with traffic to and from using state and county roads.*

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.

*The arena is located on a 110- acre farm. Arena will be used for equine events. Arena's surrounding area is grassy so run-off and erosion will not be an issue.*

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.

*Arena is located approximately 450 feet from the north property line, approximately 800 from the SE 200<sup>th</sup> Ave., approximately 700 feet from the south and approximately 630 feet from the closest home not on the property.*

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.

*The farm is 110 acres with up to 40 acres allowed for parking, entrance is 32 feet wide at its narrowest point and ample space is provided to enter and leave the facility. SE 200<sup>th</sup> Ave. can be traveled north or south to State Highway 40 for entrance and exit.*

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

*Arena will be used for equine events with the property being zoned A/RR.*

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.

*The arena and facilities will not alter the surrounding areas. Pastures, trees, and existing buildings will not be altered. County and state roads provide access to the farm with no changes needed.*

### **Staff Recommendations:**

Should the Planning Commission, and subsequently, the Board of County Commissioners upon review and recommendation of the Planning Commission, find the requested “Special Exception Use” consistent with the Comprehensive Land Use Plan and Land Development Code, staff recommends the following conditions be attached to the approval of the Special Exception Use Permit:

### **McCormick Barrel Race/Rodeo SEA 21-02 Conditions of Approval: Tabled at the August 2, 2021 Planning Commission. Approved 4-1 (Inman nay) at the September 13, 2021.**

1. ~~EMS services on call or on site during events in the event of an emergency. These details will need to be arranged through our Public Safety Department.~~
2. Ensure compliance with the County Noise Ordinance Chapter 50 Land Development Code, Article VIII, Division 2. – Noise. Event closes at 10:00 pm all out by midnight.
3. The applicant shall shield lighting so as not to be a nuisance to residential neighbors.
4. The applicant shall erect a six-foot privacy fence at the entrance of the property as to shield the truck lights from the neighbor’s home. Making sure there is ample sight distance for ingress/egress. If the north entrance is eliminated this condition becomes moot.
5. The applicant shall move the entrance further south so as not to impact neighbors.
6. ~~Any requests for camping, except primitive, shall be required to come back to the PC and BOCC for an additional amendment to the special exception.~~
7. The applicant will be required to pay all applicable impact fees associated with this use.
8. Other conditions as assigned by the Planning Commission based on public participation.  
A.) Limit the number of events to 24 annually, no more than two national/regional events of the 24 and no more than one event a weekend B.) This special exception will be limited to only Chelsea and George McCormick. If the property is sold the special exception expires.

Planning Commission recommendation this is not a condition of approval. They wanted the BOCC to have the Road Department look at increasing grading of SE 200<sup>th</sup> Avenue in the 5-year plan and beyond.