

LEVY COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Levy County Planning Commission  
320 Mongo Street  
Bronson, FL 32621

Monday, February 5, 2024  
Regular Meeting  
5:45 P.M.

**I. CALL TO ORDER**

**Members Present:**

Kelly Bishop  
Thomas Harper  
Co-Chair- J.D. Holmes III  
Chair- Parks Wilson

**Staff Present:**

Nicolle Shalley, County Attorney  
Andrew Carswell- County Engineer  
Stacey Hectus- Planning & Zoning Director  
Elizabeth Vigorito- Administrative Assistant II

**Attendee(s):**

Stephen McMillen, Jr. – Project Manager, McMillen Surveying, Inc.

**Public Attendee(s):** Deborah Burgman, Jerry Nettles, Robert Wells

**II. ROLL CALL – Administrative Assistant, Elizabeth Vigorito**

**III. APPROVAL OF MINUTES**

**January 8, 2024**

1<sup>st</sup> Motion to Approve, Thomas Harper

2<sup>nd</sup> Motion to Approve, J.D. Holmes, III

Motion Carries 4-0

**V. New Business**

1. **Quasi-judicial PETITION NO. FP 23-07:** McMillen Surveying, representing Gloria Danner, petitioning the Commission for a Final Plat (G&G Alliance) to correct an unlawful split on 14.6 acres MOL. Said parcel is located in Section 19, Township 11, Range 15 in Levy County, Florida and has a land use and zoning of Agricultural/Rural Residential (A/RR) (10 ac minimum).

Director, Stacey Hectus presented petition and Planning Commission (PC) all confirmed no ex-parte communications regarding said petition. Hectus deferred to surveyor and applicant representative, Steve McMillen to further address planning commissions' questions and concerns. Steve explained that the property owner is going through the proper platting process to correct an illegal division in order to be able to build or sell in the future. McMillen stated the property owner has given up the appropriate ROW as required. Mr. Harper asked for the history of the property. Hectus and McMillen confirmed that it has been illegally split in the past approximately 3-4 times. Chair, Parks Wilson asked if there are any further questions or discussion, all in agreement that there are no further concerns.

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**Parcel Number(s):** 0158500000

*Recommend Approval* ✓ *Recommend Denial* □

1<sup>st</sup> Motion to Approve, Thomas Harper

2<sup>nd</sup> Motion to Approve, J.D. Holmes

Motion carries 4-0

2. **Quasi-judicial PETITION NO. FP 23-08:** McMillen Surveying, representing Gary Garboski, petitioning the Commission for a Final Plat to subdivide 37.836 acres MOL in to two parcels, a 15 acre parcel and a 21 acre parcel. Parcel is located in Section 32, Township 12, Range 19 in Levy County, Florida and has a land use of Medium Density Residential and zoning of R-2 (5 units per acre).

PC all confirmed no ex-parte communications regarding said petition. Hectus presented petition and explained location of Lot 1 (15 acre parcel) is off of 205 Avenue and 2 (21 acre parcel) off of 210 Avenue. Hectus deferred to surveyor and applicant representative, McMillen to further address planning commissions' questions and concerns. Kelly Bishop confirmed that the legal access for Lot 2 would come off of 210 and McMillen confirmed. Hectus informed PC that this parcel has a zoning of R-2 (5 units to the acre and adjacent services) and can be replatted as such but the applicant just wants the two larger parcels for now. Thomas Harper asked if there was current ag exemption on this parcel, Stacey confirmed that said parcel is ag classified per the property appraiser website. Wilson asked if there are any more comments or concerns regarding said plat, PC had no further discussion.

**Parcel Number(s):** 0483600200

#### **PUBLIC COMMENT ON SAID ITEM**

Deborah Burgman, a neighboring resident was concerned with what property owner, Garboski intends to do with the land regarding Petition FP 23-08, Garboski Acres. McMillen stated that the applicant intends to build a home on his parcel for now (no subdividing) but any change of future land use would require appropriate procedures and public notice with Planning and Zoning. Harper asked if the applicant is intending to use this parcel for anything other than A/RR as it is currently zoned. Hectus further explained that this parcel is located within the R2 zoning district and future land use could possibly change provided the applicant goes through proper procedure. Hectus defined R2 zoning district permitted uses, including permissible special exceptions uses within our code (high density residential, churches, schools, etc.) and offered Ms. Burgman her contact information if she has further inquiries regarding R-2 uses.

*Recommend Approval* ✓ *Recommend Denial* □

1<sup>st</sup> Motion to Approve, Kelly Bishop

2<sup>nd</sup> Motion to Approve, J.D. Holmes

Motion carries 4-0

#### **VI. GENERAL PUBLIC COMMENT**

#### **VII. UPDATES**

Hectus addressed the Planning Commission regarding meeting scheduled on July 8<sup>th</sup> and asked if it could be moved to July 1<sup>st</sup>; all agreed in favor of the change.

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Hectus discussed recent letter sent to planning commission from Ms. Maggie Smith regarding the 10 acre minimum rule for subdivisions (85% rule) taken out of the code in Spring of 2022. It was decided there would be a strict 10 acre minimum on sub dividing land in lieu of former 85% rule. Andrew Carswell, County Engineer, suggested that the 85% rule is still a helpful guideline for certain parcels and it should be returned to the code. Hectus defined the 85% rule as the former guideline for subdividing property in which a 10 acre parcel decreases slightly to accommodate for ROW. Hectus stated that Ms. Maggie Smith inquired about subdividing her land after this change occurred and was denied by both Planning and Zoning and surveyor, Steve McMillen. Wilson asked for more explanation from Carswell regarding 85% rule. Carswell stated that it would only apply to properties at the 10 acre minimum (not 5 acres, etc.) with ROW. Carswell confirmed that this would be the only way the 85% rule would apply. J.D. Holmes voiced concern that this could open up complications regarding everybody wanting 10 acre minimum on 8.5 acre parcels, etc. Carswell stated ROW significantly reduces the size of the parcel but it shouldn't be abused if we are specific in our ordinances about ROW phrasing. Kelly Bishop asked if there would be controls in place to make sure prospective applicants meet the minimum requirements before getting to the platting process. Hectus stated that herself, Carswell and Alice LaLonde with Roads will be reviewing the regulations thoroughly to address these various concerns and providing other solutions for residents wanting to subdivide and re-plate their land. Harper suggested if we rephrase the "85%" verbiage it would help diffuse any confusion. Hectus confirmed that ordinance language would be specific about when the 85% rule applies along with a color coded guide demonstrating when ROW accommodations will be required. Hectus also informed the PC she has assured Mrs. Smith that we are actively working on addressing her issue and coming up with a solution.

Agricultural classification on residential properties discussion was continued from last PC meeting on 1/8/24. Hectus stated that the property appraiser refers to the date of sale on a parcel when issuing Ag classification renewal. The Ag classification goes away if the current property owner does not apply for renewal the following year. Every 5 years parcels are reassessed by the Property Appraiser to confirm validity of Ag classification for all parcels in the county. Harper would like us to consider notifying Property Appraiser, Jason Whistler, when we approve plats. Hectus stated that all plat files are forwarded to the Property Appraiser to be updated on their end but our process does not allow us to vouch for all parcels bought and sold in the county. Hectus informed the PC that our zoning compliance form process allows us to review validity of agricultural classification on parcels applying for building permits; making sure to collaborate with the Property Appraiser and Code Enforcement to ensure these parcels are correctly classified and lawfully permitted. Hectus informed the PC that the property appraiser office goes by state law in administering Ag classification on their end and Property Appraiser, Whistler has been actively working on removing improperly classified parcels. Harper referenced issues in Fanning Springs as an example to highlight problems of improperly classified and zoned agriculture parcels that create water and waste management health concerns with excessive animals and improper waste disposal. Nicolle Shalley, County Attorney, reminded the Commission that limitations for both agricultural (other than intensive) and personal pet use were lifted at the December 5<sup>th</sup> meeting after the county commissioners heard from the public. Hectus concurred with Shalley and reminded the PC that the proposed concentrated commercial farming animal numbers table was removed from land uses ordinance as well and that this change likely increase the number of nuisance calls Code Enforcement receives. Shalley clarified that improper Ag classification also affects revenue for the county since not all property owners are providing fair share of taxes. Harper proposed Water and Waste Management protocol for these parcels. Wilson stated that water quality and health concerns are a big incentive to reassess this section in our ordinances. Holmes said the county needs to look at differentiation between hobby farm and bonafide agricultural land use. Hectus informed the PC that bees or nurseries on less than 5 acres will still qualify for Ag classification regardless since they are not intensive in terms of waste and water management. Hectus suggested bringing up deed transfer protocol at our next meeting after Bishop suggested using deed transfers as a trigger for renewing Ag classification on a parcel.

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PC was notified of agenda for next meeting which will include 3 plats and a subdivision variance. Wilson asked if we could invite Property, Appraiser, Whistler to the next PC meeting for some more insight on agricultural classification process. Hectus stated she would invite PA, Whistler to next PC Meeting on 3/4/24.

Wilson stated that the other topic is Farmland Preservation on larger parcels, Hectus reminded PC that it was voted down and it was agreed that the property owner has the right to decide how to conserve their land. Harper expressed concern of not properly zoned parcels purchased in the future for highways, subdivisions, etc. further affecting vulnerable areas in need of conservation. Harper suggested that we designate certain areas for future land use as farm land and development land for these parcels. Holmes stated that there should be a proper way to address this problem without encroaching on farm owners' rights. Wilson referenced data stating we should be expecting 40 million population increase in the next 15 years and that there is a good consensus with the Planning Commission that Farmland Preservation is a good goal to have for the future and to perhaps reassess at a special meeting with the BOCC, where both commissions can weigh the subject more thoroughly. Bishop stated possible issues for farmers whose heirs choose not to continue farming the land, the land owner is now stuck with a parcel that is designated as farm land preservation and unable to sell readily to any prospective buyer. Harper stated that he had previously suggested approaching farmers regarding easement responsibility and giving farmers a payment for maintaining easements in exchange for having their parcels Ag classified and under Farmland Preservation specifying \$100/acre for easement maintenance incentive. Hectus said that she would approach the BOCC and add it as an agenda item on February 20<sup>th</sup> to create a joint meeting for both PC and BOCC to discuss Farmland Preservation and the Animal Uses ordinance in terms of nutrient, waste and water management to help address some of these concerns and better serve the public. Shalley stated that each PC member can email Hectus any topics of interest individually to be addressed at the joint meeting. Both Hectus and Wilson agreed it should not be rushed but perhaps it can be addressed tentatively in April's agenda to proceed further on gaining consensus on these concerns. A date will be determined after all commissioners email their proposed topics. Bishop stated she will not be here for April's meeting. PC had no overall preference on AM or PM for joint meeting, Bishop stated as long as it's not during the first of the month as that is a busy time for her at work.

## **ADJOURN**

1<sup>st</sup> Motion to Adjourn—Kelly Bishop

2<sup>nd</sup> Motion to Adjourn- JD Holmes

Motion Carried 3-0

## **Meeting ended 7:16 pm**

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, person needing a special accommodation or an interpreter to participate in the proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing-impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

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