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City approves RV park by 4-1 vote



The Chiefland Planning Board and Chiefland City Commission is (from left) Teresa Barron, Rollin Hudson, Teal Pomeroy, Betty Walker and Chris Jones. City Manager Mary Ellzey, who is a city employee and does not vote, is on the right side of this photo.

By Jeff M. Hardison © Nov. 10, 2015 @ 8:07 p.m.

CHIEFLAND -- The five-member Chiefland City Commission accepted the recommendation it made to itself Monday night (Nov. 9) after it had previously sat that evening as the five-member Chiefland Planning Board.

By a 4-1 vote, with Mayor Teal Pomeroy being the lone dissenter as a Planning Board member and in his mayoral capacity, the city's leaders approved a request to rezone 45 acres in northeast Chiefland to make that land able to be developed into a recreational vehicle (RV) resort-park.

City Commissioner Teresa Barron made the two motions, both as a Planning Board member and as a City Commission member, that were required for this rezoning.

Barron added four caveats, though, to assure the developer would do as was expected. First, the project had to start within two years. Second, this was to be an RV park-resort and not an apartment complex or anything else which would have been allowed in a residential high-density zoning. Third, the development must abide by the Chiefland city ordinances that regulate an RV park. Fourth, the property would revert to its previous zoning if this project fell through.

All of the parties involved agreed with these provisions.



To reach the point where the project was given the green light took some discussion.

Attorney Wyman Russo Duggan of Jacksonville provided the City Commission with a binder type of notebook that was an inch and a half thick and included documentation to support reasons to approve the request.

Attorney Wyman Duggan

The notebook had 22 tabs to mark pages for quick reference. Attorney Duggan brought three expert witnesses, as well, who testified at the public hearing to prove the truth of statements that were made by the applicants – Hal Lyons of Bushnell and Lois Livingston of

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Chiefland.

Thomas E. Rhodes, president of Rhodes and Rickolt, PA, of Ocala is the expert who presented statements about the appraised value of surrounding property and how that would not be negatively affected after the RV Park-Resort came to fruition.

Anthony S. Robbins, AICP, a senior planner with Prosser Inc. of Jacksonville, explained that the city's comprehensive land use plan reflects this rezoning as being a perfect fit.

Henry A. Vorpe Jr., P.E, is the president of AVA Engineers of Jacksonville. Vorpe helped the City Commission understand the planned development of this RV Park creates no burden on the infrastructure.

Mayor Pomeroy, Vice Mayor Betty Walker, City Commissioner Barron, City Commissioner Rollin Hudson and City Commissioner Chris Jones all said they had heard from members of the general public who expressed opinions.

Chiefland City Attorney Norm Fugate said that the testimony and presentation at the public hearing is what the Planning Board and City Commission must consider when it rendered its approval or rejection of the rezoning request.

City Manager Mary Ellzey explained that the 45-acre parcel owned by Livingston was sought to be rezoned from residential and commercial to high-density residential.

Vorpe handed the books to the City Commissioners as Duggan entered this set of documents into the public record as one unit for the hearing.

Duggan opened by noting the North Central Florida Regional Planning Council had conducted a concurrency management assessment.

High-density residential zoning "will continue to meet all of your adopted levels of service for your infrastructure, no matter what gets built out there," he said, as he paraphrased the report from the professional planning agency.



Anthony Robbins gives expert testimony as attorney Wyman Duggan elicits information from him.

Roads, water service, storm-water drainage, and sewer service are in fine shape to provide for any uses that would be allowed in a high-density residential zone, the regional planning council said. One of those uses in a high-density residential zoning is an RV park.

After the meeting, Mayor Pomeroy said he voted "No" because it was his opinion that the RV

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park would not be conducive to the area.

During the hearing, Duggan reminded the City Commission that this development will not cause the city to increase its capital improvement budget. The attorney said he understood this was a high profile rezoning request, and he let the City Commission know he had brought expert witnesses.

Early on in the presentation, the attorney let the city leaders know the developer was amenable to agreeing to limit this development of 45 acres to be only for an RV resort-park.

The first expert witness to speak was Robbins.



(above) Developer Hal Lyons speaks to the Chiefland City Commission and answers questions.

(below) Developer Hal Lyons stands with photos from one of the RV parks he developed.



Robbins said the city's comprehensive plan in its future land use element proves there is consistency with this rezoning being granted. Higher density uses, such as this, should be located next to arterial roadways and collectors, he said as he began his part of the presentation. This development on Levy County Road 320 east of Walmart fits that requirement.

This rezoning for higher density residential is compatible with what is zoned to the south – the same zoning; and to the north, commercial. In fact, he said, to consider a single-family zoning that exists now between the current high-density residential on the southern side of the property and a commercial zoning on the north side shows a three-fold variance in zoning and is not good planning.

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It puts incompatible zoning in between two higher intensity types of zones, Robbins said. Robbins added that the mixed use of commercial and residential would need revision as the city progresses in its growth management.

There will be areas set aside on the 45 acres for open space, for buffers and for non-residential uses, Robbins said, which matches the requirements for this planned development.

This area is the combined node of the commercial heart for the city, Robbins said, and in fact for the whole region. This area is not planned for continued agricultural use. It is in the city and it is in an area planned for development, including a new hospital to the west of this spot.

This application also discourages urban sprawl. It is not annexing land, because the land is already in the city limits, Robbins said. It is within the existing municipal services area for Chiefland, he added.

This development adds to the diversity of housing types in Chiefland, he said. This adds a temporal living facility for people to consider.

This development adds to the diversity of business for economic development as well, Robbins said. The addition of an RV resort community brings in people who travel. People may be attracted to take their RVs to this part of Florida to see the springs, the state parks and other attractions that are here.

This RV resort-park creates a source of new customers for stores, restaurants, retail outlets and for medical and other professional services, he said. This business will pay ad valorem property taxes which will go to all of the taxing authorities, including the Levy County School Board, even though the RV crowd will not bring in children as students.

This will “give an economic shot in the arm to the city of Chiefland,” Robbins said.

Rhodes was the next expert witness.

This Ocala-based real estate appraiser has been involved in that profession for about 40 years, including being in the Marion County Property Appraiser’s Office from 1976-1982, as well as being an appraiser with Albright and Associates from 1982-89, and as the owner of his business from then until now.

Rhodes said he concurs with Robbins in regard to the consistency of the land use for this property. With the north and west adjacent property being commercial and the immediate southern property being high-density residential zoning, the question put to Rhodes was -- Would the change of this 45-acre tract to high-density residential zoning have any adverse impact as far as property value on adjacent properties?

“After considering this,” Rhodes said, “I think there will not be (any adverse impact as far as property value on adjacent properties)

The high-density residential zoning is still a lesser intensity of zoning than the commercial zoning which is to the north and west of this property, Rhodes said.

Any type of residential development is not going to have an impact to value of the commercial land that is next to it, Rhodes said.

As for the vacant land to the south, which is zoned high-density residential zoning, this RV resort-park will have no negative impact on the value of that land, Rhodes said as he expressed his opinion as an expert witness.

The property to the east is zoned single-family, he said. It is on a 10-acre tract. That house is in the southeast corner of the property with trees around it. That is so buffered that it wouldn’t have any diminishing of value from the use of this adjacent property as an RV resort-park,

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Rhodes said.

Lyons, the developer, spoke to the City Commission. He is from Pinellas County. He has developed a number of RV parks in Florida. He does not operate them.

The people with RVs have earned enough disposable income to enjoy this lifestyle, Lyons said. If they like an RV resort-park, they will stay there. If it is not kept up, then they can and will leave. They expect the park to be maintained, he said.

Lyons said he has been developing RV parks since 1972.

Vorpe was the final expert witness to speak. He has been a civil engineer for many years. For 15 years, his company has done the engineering of a park in Jacksonville that is similar in size to this one that is proposed for Chiefland.

Vorpe said one advantage for this development is that it will be on a municipal wastewater treatment system, versus septic tanks. The city is at about 50 percent of its capacity now, he said, adding that the developer has obtained the Florida Department of Environmental Protection permitting to connect the park for sewer service with the city.

The regional planning council has said the plan meets concurrency requirements. Likewise, the research for traffic and roads shows the roads for this RV park are not going to become congested or overburdened, Vorpe said.

Tommy Miles of Chiefland spoke to the City Commission. He said the people who come to Williston in their RVs help with food drives and charitable functions. He quoted Williston Police Chief Dennis Strow as saying Williston Crossings is the crown jewel of the city.

Miles, who is a partner with Livingston, said they have not been approached by any other developers since they bought the property as investment 10 years ago, when they thought the hospital would be built in Chiefland.

Since then, Miles said, he has done research and found that a hospital is not necessarily a seed for economic development around it.

Medical offices and commercial development around small hospitals is not something to expect, he said, if a person looks at similar situations in Florida.

Seven Rivers Hospital in Crystal River, he said, has a medical plaza with 75 percent vacancy.

At Shands of Starke, there are 25 beds. There are no medical offices or retail outlets around it whatsoever, Miles said.

At Doctors Memorial Hospital in Perry, there are no doctors' offices or retail nearby, he said.

He spoke about more than a half-dozen other towns and hospitals to show there is no commercial development springing up around hospitals.

As for RV parks, he sees them bringing wealthy seasonal tourists to communities in Florida.

Attorney Duggan told the City Commission that David Smith of Levy County Property Appraiser Osborn Barker's office showed an annual tax revenue of \$79,791.06 from this development and that \$21,839.12 of that estimated taxes would be going to the city of Chiefland. Research also showed \$7,386.33 would be generated for EMS assessment annually at the current assessment rates.

Heath Davis of Cedar Key spoke against the development. He was speaking on behalf Sonya R. Judy, the trustee for land that is part of the Lucille W. Rogers GST Exempt Trust. That house and land is to the south of the RV park development area.

Davis married Judy's daughter. Thomas Brookins has leased this property to grow crops and raise cattle for more than 50 years, Davis said.

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Davis said his family did not envision an RV park as something that would be in that area. Davis said he thought that RV park dwellers would not like bellowing cows when their calves are separated from them, as must occur when they are weaned from them.

Mark Graham, a fifth or sixth generation Levy County resident, spoke about the property. He is a cattle rancher.

He farmed the property for 30 to 35 years with his grandfather.

When the late Owen Baynard owned it, and the next two owners owned it, the property was zoned as commercial, Graham said. Leasing that property for agricultural purposes, Graham said they always were told that it was a year-to-year lease.

This has been an investment property, just as the Rogers' property has been a "heritage" property, Graham said, for years and years.

Graham said if a set of single-family dwellings are built on the property, the majority of them will use homestead exemption for the first \$25,000 of taxable value.

"And when they homestead," he said, "they are not going to pay the tax base that this RV park is going to generate."

He reiterated the fact that the Levy County School Board is scoring a windfall as a result of tax revenue without the added students.

"These people are bringing in cash money," Graham said. "And they are going to spend it at the dentist, at Walmart, at the doctors' offices."

As for the need to burn fields, spraying and the weaning of calves, Graham said it is as Lyons said. If the RV campers do not like it, they will relocate to another RV park.

Graham said he saw the RV development built in Bushnell. He did not see that as a destination. However, that RV park is packed with good visitors to the area.

From hearing the expert witnesses, and from the report of the North Central Florida Regional Planning Council, Graham said he sees this development as being something that will benefit Chiefland.

Other people who spoke in favor of the rezoning mentioned the potential for increasing jobs from the seasonal residents, and that there are very well-maintained RV parks.

In the Planning Board session, Barron's first motion to recommend approval was seconded by Hudson. After that in the Planning Board and in the City Commission meeting, it was Barron's motions being seconded by Jones. Each time, it was a 4-1 vote with Pomeroy dissenting.