

**MINUTES
LAKE COUNTY ZONING BOARD
AUGUST 6, 2008**

The Lake County Zoning Board met on Wednesday, August 6, 2008 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, August 26, 2008 at 10 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Scott Blankenship	District 2
James Gardner, Secretary	District 3
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Members Not Present:

Timothy Morris, Vice Chairman	District 1
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Staff Present:

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division
Steve Greene, AICP, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Stacy Allen, Senior Planner, Planning and Community Design Division
Karen Ginsberg, Senior Planner, Planning and Community Design Division
Donna Bohrer, Public Hearing Coordinator, Planning and Community Design Division
Ann Corson, Office Associate IV, Planning and Community Design Division
David Hansen, Public Lands Program Manager, Public Lands Division
Walter Wood, Hydrogeologist, Water Quality Services Division
Scott Catusus, Environmental Division-Administration
Ross Pluta, Engineer III, Engineering Division
Melanie Marsh, Deputy County Attorney
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas.

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Minutes

MOTION by James Gardner, SECONDED by Scott Blankenship to approve the July 2, 2008 Lake County Zoning Board public hearing minutes, as submitted.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

Discussion of the Consent and Regular Agenda

Brian Sheahan, AICP, Planning Director, noted the following change to the consent agenda: PH#37-08-5 and PH#42-08-2 will remain on the consent agenda, but staff is recommending a continuance of both cases until the September 3, 2008 Zoning Board public hearing due to improper notice. In addition, the applicant for PH#59-06-3 (regular agenda) has requested a 90-day continuance until the November 5, 2008 Zoning Board public hearing so the plan for this project can be revised to be consistent with the Comprehensive Plan. Staff was in agreement with that request.

CASE NO.: PH#37-08-5
OWNER: Central Florida Council, BSA
APPLICANT: Michael D. Harding, P.E.
PROJECT NAME: Williams Family Scout Reservation

AGENDA NO.: 3

CASE NO.: PH#42-08-2
APPLICANT: Lake County Planning & Community Design
PROJECT NAME: Millbrook Manor

AGENDA NO.: 4

MOTION by Scott Blankenship, SECONDED by Mark Wells to continue PH#37-08-5 and PH#42-08-2 until the September 3, 2008 Zoning Board public hearing due to lack of proper notice.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

Consent Agenda

PH #21-08-4	Robert and Jane Walsh/Robert Walsh/Talon's Ridge	1
PH#33-08-1	Lake County/David Hansen, Public Lands Manager Helena Run Rezoning	5
CUP#499-2	Roy Skipper and Hubbert Powell/Patricia J. Butts Staff-Initiated Revocation	9A
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CUP#92/7/2-2	APAC-Florida Inc. Staff-Initiated Revocation	9H

Chairman Bryan noted that no speaker cards had been submitted for any of the above cases.

MOTION by James Gardner, SECONDED by Mark Wells to recommend approval of the above consent agenda.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

CASE NO.: PH#59-06-3 **AGENDA NO.:** 7

OWNER/APPLICANT: GHL Development, LLC
PROJECT NAME: Horgo Signature Homes

Chairman Bryan noted that no speaker cards had been submitted for the above case.

MOTION by Scott Blankenship, SECONDED by Mark Wells to continue PH#59-06-3 until the November 5, 2008 Zoning Board public hearing.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

CASE NO.: MSP#08/7/1-3 **AGENDA NO.:** 8

OWNER/APPLICANT: Robert J. Merritt
PROJECT NAME: Dirtworx Excavating, Incorporated

Brian Sheahan, AICP, Planning Director, stated there has been a last minute change to this case. Staff will be changing the recommendation to approval. There has been an agreement with the applicant to accept the 100-foot setback. That was the only item that prevented staff from recommending approval.

Chairman Bryan stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. These exhibits will be on file in the Planning and Community Design Division.

CASE NO.: PH#31-08-1

AGENDA NO.: 2

OWNERS: Terry and Kim Greco

APPLICANT: Julie Smith

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and photograph of the posting from the staff report on the monitor and showed a map from the staff report listing various ordinances from 1984 to 2005 in which the zoning changed from Residential to the Residential Professional and Commercial zoning districts. He submitted the proposed conceptual plan for the project as County Exhibit A. He said a concern that arose this week was the fact that Pine Ridge Road is a dead-end street in a residential neighborhood. In order to prevent someone from turning right onto Pine Ridge Road and then proceeding down that dead-end street into the residential area, staff is requesting that language be added to the proposed ordinance, Section 1D, Access Management. In the second sentence after the word only, it should read "with egress as left turn only." When leaving the property on Pine Ridge Road, there would be a sign required to be posted stating "Left Turn Only," thus preventing the traffic from going into the residential neighborhood. In order to clarify the land use in Section 1.A.1 of the proposed ordinance, staff is recommending that section be changed to read "vehicular sales of antique automobiles."

Mr. Hartenstein said staff has received nine letters of opposition, eight of which were included in the booklet. He submitted as County Exhibit B an additional letter of opposition that was received after the booklet was prepared. Most of the concerns from the opposition were that this would be a used car lot; there would be automobile repairs, maintenance, and restoration of vehicles on the site; and this project would generate traffic on a residential street as well as noise. These issues have been addressed in the proposed ordinance by placing conditions on the property such as all vehicles for sale shall be stored within a fully enclosed structure, no outdoor sales or storage of vehicles shall take place on site, and no repair of vehicles shall be permitted. He reiterated that staff has recommended approval as outlined in the attached ordinance and with the recommended language changes as previously discussed.

Larry Metz said it appears that R-6 is a component in all the surrounding properties listed on Page 2 of the staff report. Since the subject property is surrounded by R-6 zoning and this property is requesting a rezoning to CP, he questioned why this request would be considered compatible. Using the map with the past zoning ordinances listed, Mr. Hartenstein explained that there is a mixture of commercial and residential professional intermixed with the old R-6 zoning along the road corridor with the property frontage. Mr. Metz said the closer it gets to US 441, the more the area looks commercial. Mr. Hartenstein said this is not a normal car lot; this gentleman does all of his sales basically off the Internet. This is more of a storage facility for his antique vehicles. There will not be traffic entering and leaving the property on a regular basis. Mr. Metz noted that this would be a very large commercial-looking building in an area of residences and/or offices that were probably former residences converted into offices. He felt this request would change the area around it. In reviewing this case, Mr. Hartenstein said staff considered this 2400-square foot building as comparable to the average residential building as far as size. Most residential permits issued now vary in size from 1500 to 2500 square feet.

When Mark Wells asked about the appearance of the building, Mr. Hartenstein said there are no architectural conditions included in the ordinance, but this Board could choose to apply some architectural standards if it wishes.

Julie Smith, applicant, said there appears to be a misconception on the part of the homeowners regarding this project. She confirmed that most of the antique car sales are done through the Internet. She submitted a rendering as Applicant Exhibit A, noting that it is not an exact replica; it may have a higher roofline than shown on the exhibit as there will be ten-foot doors leading into the facility where the cars are kept. He will not be constructing a building that would not conform to the surrounding community.

When Scott Blankenship asked the number of cars that will fit into this building, Ms. Smith said that would depend on the size, makes, and models of the cars; there would probably be about ten cars. There would not be daily traffic at the site. Chairman Bryan asked if the owners have another location. Ms. Smith

CASE NO.: PH#31-08-1

AGENDA NO.: 2

OWNERS: Terry and Kim Greco

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APPLICANT: Julie Smith

replied that they do have another business on CR 452, but it is not for antique car sales. Chairman Bryan was informed that if repairs or body work is needed, that would be done off site at a shop. The cars that the owners buy need little or no restoration. After purchase, the owners sell the cars to the general public. When Chairman Bryan asked if the building will be climate controlled, Ms. Smith said it will be.

In response to Mr. Wells, Ms. Smith said the doors will be ten foot wide and no higher than 17 feet. The structure will look basically like a two-story house. The Board could place conditions on the request regarding the size of the doors; if the doors are an issue, they could be located on the rear of the building.

Terry Greco, owner, stated that there will be no 17-foot high doors. He said the interior will be set up like a photo shop. There will probably be four or five cars in the proposed building. These are very expensive cars. He said there will not be junk lying around the outside of the building. He has been a car wholesaler in the County for 20 years. This is more of a hobby for him; he lives close to the area. He does not want his building to be visually inconsistent with the rest of the neighborhood. If possible, he would like to place glass sliding doors on the building so people could view the cars and also so he could open up the doors. He would like to fix up the interior of the building to resemble a 1950/60's diner to use in the photos that will go on the Internet. In response to Chairman Bryan, Mr. Greco said he would like to construct a block building. The building would be the average height for a garage at a house. He has spoken to several adjacent property owners in the area.

Matthew Wayne Stone, a resident of Sunnydale Park who has lived on Pine Ridge Road for 30 years, said he owns three lots on this road that are within 100 to 500 feet of the subject site. Sunnydale Park consists of three streets, Pine Ridge Road, Lake Eustis Drive, and Sunnydale Court; all of these streets are dead-end streets. This is a quiet and safe neighborhood. He was concerned about increased traffic on Pine Ridge Road because the entrance to the project will be on that road. Even with a sign, people will still turn left and then have to turn around. He was also concerned about the decrease in property value that this request will bring. This proposed building will be surrounded by homes. He submitted 11 pictures of the area as Opposition Exhibit A. He said there are two businesses on the other side of CR 473 from their subdivision; one is a fire extinguisher business, and the other is a family hair salon. Both businesses are located in small houses. Two churches are the only structures other than houses on their side of the street. He said he had previously submitted a petition of opposition with signatures from 90 percent of the households in their neighborhood. The only signatures not obtained were those property owners out of town. There is a power line easement that goes along the edge of Pine Ridge Road; nothing can be built within 25 feet of the center of that power line. He stated that Sunnydale Park is a deed-restricted subdivision, and no building can be erected to be used for trade, manufacturing, business of any description, school, hospital, charitable institution, hotel or place of public resort. These premises shall be used for private residential homes only. Mr. Greco knew that when he bought the lot. Chairman Bryan said those deed restrictions would be enforceable through the civil system. Mr. Stone said the residents are not opposed to Mr. Greco building a house on the property. He submitted a copy of a plat as Opposition Exhibit B.

Ann Tallman said she is a resident of Sunnydale Park and a neighbor of Mr. Greco, and he never contacted her. She felt this request would change the climate of the neighborhood. She said there has been no new development except along the US 441 corridor. The existing commercial on CR 473 has been there for many years.

Lee Humphrey said his family are long-time residents on this road. The deed restrictions clearly state that this subdivision is for residential use only. He questioned why Mr. Greco would purchase a residential lot for a commercial use. He was concerned about the increased traffic with children living on the street. He did not feel it is compatible with the neighborhood and totally disagrees with the staff recommendation.

Although he had submitted a speaker card, Philip Messina said he did not wish to speak.

CASE NO.: PH#31-08-1

AGENDA NO.: 2

OWNERS: Terry and Kim Greco

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APPLICANT: Julie Smith

Clark Berg said he lives on Pine Ridge Road. He also owns a lot directly west of the house, which is visible from that corner lot. He felt that property values will be negatively affected by turning a residential lot into a business. His main concern is security and safety as he felt people would ignore the sign and come into the residential area when they come to view the cars. He asked about a gate or fence and security lights for the subject property.

Mr. Greco said he is not trying to change the neighborhood. He said security will be increased to protect his cars; he will add security cameras to view CR 473 and Pine Ridge Road as well as the interior and exterior of his building. Chairman Bryan confirmed with Mr. Greco that the building will house four or five cars. Mr. Greco said there will be no displays outside. Regarding signs, Mr. Greco said he will do whatever is required. As far as appearance, he said the building will basically resemble a stucco house. In response to Chairman Bryan, Mr. Greco said he sold motorcycles over the Internet when he had a motorcycle business. He has been planning this Internet antique car business for the past year. He added that his business is not dependent on street traffic; he is more interested in working with collectors.

When Mr. Stone asked why Mr. Greco does not store these antique cars at the other business he has, Mr. Greco said he doesn't have adequate security on his current lot. Mr. Greco clarified the neighbors he had spoken to.

At the request of Scott Blankenship, Mr. Hartenstein named the contiguous uses to this property. He added that a private well will be utilized, and the City of Leesburg has indicated that sewer is available to this site. The owners must conform to current fire codes pertaining to the storage of these vehicles; that would be determined during site plan review. Mr. Blankenship was informed by Mr. Hartenstein that Public Works has determined that the building must be accessed from Pine Ridge Road rather than CR 473 due to access management and safety.

When Mr. Wells asked if the ordinance could restrict the traffic that would be generated by employees and customers, Mr. Hartenstein said the Planned Commercial (CP) zoning district was recommended to allow this Board some flexibility in adding conditions if it choose to do that. Chairman Bryan commented that he had looked at the plan and it shows six parking places, which is probably the minimum required by Code for this size building. Mr. Hartenstein said six spaces may be more than is required. Based on what Mr. Greco is proposing, Mr. Hartenstein felt the building could actually be set up like a two-car garage and meet the requirements.

Mr. Wells felt this request is a good idea. It is a nice building, almost everything would be enclosed, and the density and traffic would be low; but it would be a commercial building in a residential area, and the deed restrictions could be an issue. However, there is always the possibility that a future use could be worse.

Mr. Metz reiterated that the request is incompatible with the neighborhood; if the business should fail or Mr. Greco should leave and the ordinance does not allow any other use, there could be a vacant building on the site. In addition, putting commercial at the entrance to a residential subdivision may not be a very good plan.

CASE NO.: PH#31-08-1

AGENDA NO.: 2

OWNERS: Terry and Kim Greco

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APPLICANT: Julie Smith

MOTION by Mark Wells, SECONDED by Larry Metz to recommend denial of PH#31-08-1 based on incompatibility.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

CASE NO.: PH#35-08-4 **AGENDA NO.:** 6

OWNER/APPLICANT: Robert Solomon

Julianne Thomas, Senior Planner, presented the case and staff recommendation of approval. She noted the following changes to the staff report. The Joint Planning Area is Mount Dora. The City of Mount Dora will be providing water and sewer to the site. Mr. Solomon is seeking this rezoning change to give him more options for the future due to the trend in the area. She noted that the primary residence would become nonconforming if this request is granted although the use would be conforming. At the present time, the primary residence conforms to current setbacks, but the utility building does not. If the owner should decide to expand the buildings, a variance would be needed or the buildings must be brought into conformance. This will be noted in the ordinance. She submitted a map showing the zonings in the area as County Exhibit A. She noted that this is a transitional area. She stated that the request is consistent with the Comprehensive Plan and the standards of review found in the Land Development Regulations (LDRs), Section 14.03.03 for property rezonings.

Chairman Bryan stated that no speaker cards were submitted for this case.

Robert Solomon said the area is changing. His property is surrounded by Residential Professional and Commercial zoning.

MOTION by James Gardner, SECONDED by Scott Blankenship to recommend approval of PH#35-08-4.

FOR: Blankenship, Gardner, Bryan, Wells, Metz

AGAINST: None

NOT PRESENT: Morris

MOTION CARRIED: 5-0

There was a five-minute break. The public hearing resumed at 10:26 a.m.

CASE NO.: MSP#08/7/1-3

AGENDA NO.: 8

OWNER/APPLICANT: Robert J. Merritt**PROJECT NAME: Dirtworx Excavating, Incorporated**

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. As stated earlier, the applicant has agreed to the 100-foot setback instead of the originally proposed 50-foot setback. The setback issue was the only item that was preventing staff from making a recommendation of approval. With the applicant's consent to this 100-foot setback, the request is consistent with Chapter 6 of the Land Development Regulations (LDRs). It is also consistent with LDR Chapter 3, and the Future Land Use and Conservation Elements of the Comprehensive Plan. Therefore, staff is able to offer a recommendation of approval. She submitted a letter of opposition that was received yesterday as County Exhibit A. It speaks of concerns for the wildlife and of noise in the area.

Steve Richey was present to represent the applicant.

Ted Wicks, professional engineer, was also present to represent the applicant. He said this request is to remove clean sand and fill from about 90 acres of mining area. The parent tract is about 158 acres. A considerable number of studies have been done. This is a prime site to be able to remove the top soil. They will not be creating a deep pit. As this site is reclaimed, they will be putting in flat enough slopes that basically they can return this piece of property to improved pasture use as it exists today. They are not mining the entire site. He said the treed area shown on the aerial (Applicant Exhibit A) will be left intact. They have identified the landward extent of the jurisdictional wetland and will be staying at least 100 feet away from that wetlands line. They have also adjusted their down slope mining excavation area so they can preserve some existing trees and other natural features. This project is similar to others they have brought forward to this Board and the Board of County Commissioners (BCC). This type of operation is very vital to the local economy. They will be able to take the material off and deliver it to local construction sites. They do not plan to process any materials on site. It is not a sand mine; it is simply an extraction process. The project has been put together in phases so they can limit the amount of area that is disturbed at any one time. They have submitted a phasing plan to the staff; and using that phasing plan, they will take the upper six to eight inches of top soil, move it up slope, and create a berm around the excavation area; that will help with dust control and to buffer the sound. The process does not require any extraction of ground water. They have some wells on site. If those wells are used, it will be to enhance dust control and help with erosion sediment control, which they are required to do. This project will not be accessed by any Lake County road. Approval has been acquired from Sumter County to use a Sumter County road. There are no residents located on the road. The original proposed setback was 50 feet; however, the applicant has agreed to a 100-foot setback from all property lines and probably more than that from the wetlands line. Standard earth-moving equipment such as front-end loaders, small tractors, and dump trucks will be used. The proposed ordinance prescribes certain operating times, which will be during the week only. They will also have the ability to use some equipment on the site during the weekends for preparation-type work. They will not be hauling off site during that time. Mr. Wicks submitted a transportation map of the Haul Routes, showing the access from CR 469 as Applicant Exhibit B. He added that an environmental specialist had visited the site and the adjacent properties. No plants or animals on the threatened or endangered list were found with the exception that the habitat appears to be suitable for gopher tortoises. They found one inactive burrow in the northeast corner. That will be subject to further analysis once the operations plan is done. If there are animals present, they will go through the necessary procedure to address that. In response to Mr. Richey, Mr. Wicks said the site is now pasture and has animals on it. He submitted a phasing plan as Applicant Exhibit C. He explained that there will be a pole barn for maintenance storage and a small ticket booth to control the loads on the site. When Chairman Bryan asked the time frame for all phases to be completed, Mr. Wicks said that due to the slow economy, it is hard to predict; but he felt that it could be five to eight years assuming normal market conditions. He stated that based on their geotechnical work, this site does not meet the FDOT guidelines for good road-building sand so they will not be coming back to ask for a sand mine or processing plant. He said they will not be excavating into the water table. Mr. Richey was informed by Mr. Wicks that there are some areas east and south of the site that might be suitable for this use, but the area toward Youth Camp Road does not have suitable soils and is within the 100-year flood plain, which cannot be mined.

CASE NO.: MSP#08/7/1-3 **AGENDA NO.:** 8
OWNER/APPLICANT: Robert J. Merritt **PAGE NO.:** 2
PROJECT NAME: Dirtworx Excavating, Incorporated

Katherine Homelius said she lives across the street from the subject property. She said she bought her property in the early 1990s. She asked about the hours of operation and whether this project would affect her water quality. She added that there is a black panther in the area. At the request of James Gardner, she pointed out where she lives.

Amanda Prevatt submitted a map (Opposition Exhibit A) showing where she lives. She and her husband own 5.6 acres with over 100 mature live oak trees as well as rolling pastures. They moved to this area for the peace and quiet. She is concerned that this project may adversely affect her health, her horse's health, and the property value of their home. She has severe allergies and asthma and takes medication for her condition. She submitted a letter from her allergy specialist (Opposition Exhibit B), which explains her health problems. If this project is on the subject property, her horse cannot be on her property and must be boarded, something they cannot afford. As far as noise, that will be a problem. She said that already she can hear noise from dump trucks on the property. She felt this is an unattractive use of the property. If this Board is intent on letting the mine come in, she respectfully requested that Mr. Merritt purchase her property. They do not want to leave their home, but they do not feel a big company should be able to come in and so drastically hurt the little people.

Bob Lovell, realtor, said he was asked by the Prevatts to do a price opinion on their property, not knowing anything about it. The Prevatts asked him to represent them due to the concern they have about this industrial development in a rural area.

Mr. Richey asked if Mr. Lovell was presenting himself as an expert witness in offering testimony at this public hearing, who would be subject to cross examination, or if he was just offering testimony. Mr. Lovell said he is just a friend.

Mr. Lovell said this is beautiful property. Neither he nor the Prevatts is against development. The backyard of the Prevatt's house faces the pasture. Phases 1, 2, and 3 will not be too close to the house, but Phases 4 and 5 will be very close. He felt this project would lower property values.

Richard Kernan, who had submitted a speaker card, said he did not wish to speak.

Shawn Shirley, co-owner of Valentine Ranch, asked if the only road to be used for this project would be CR 716. Chairman Brian said Mr. Richey will answer that question in his rebuttal.

Marvin Stone, who had submitted a speaker card, said he did not wish to speak.

Allen Campbell was present to represent B & S Groves, who owns the bell-shaped land immediately to the north. Their land shares a border with this intended sand mine along the southern boundary and some of the southeastern and southwestern portions as well. The land was once an orange grove; B & S Groves owns a number of groves in Lake County. This northern grove suffered some severe damage and went to pine trees many years ago. He questioned the effect of this project on adjacent properties as far as property values. No one wants to live near a mine. He said he shares the concerns of those who spoke before him. He thought the B & S Groves property sat above the subject property. If it is above, there is no concern about the 100-year flood. If it is below the subject property, he did not hear any information about providing a berm to prevent residue from flowing downstream. He asked that this be denied or continued for another 30 to 90 days so the residents could hire an engineer to look at the details and to look into some of the items that were not addressed during the presentation at this public hearing.

In response to Mr. Gardner, Mr. Campbell said the grove is 35 acres.

Mr. Richey pointed out that the land Mr. Campbell spoke of is a pine forest, not an orange grove.

CASE NO.: MSP#08/7/1-3 **AGENDA NO.:** 8
OWNER/APPLICANT: Robert J. Merritt **PAGE NO.:** 3
PROJECT NAME: Dirtworx Excavating, Incorporated

In response to Mr. Richey, Mr. Wicks said the subject property will be accessed from the southwestern corner of the property and immediately enter Sumter County. This will be part of Phase 1. There will be no access on any other roads than the easement until it reaches Sumter County. Mr. Wells' concern was that the truckers will come across Youth Camp Road rather than use fuel to go down to SR 50 and come up CR 469. The truckers will use that road as well as Austin Merritt Road and Tuscanooga Road regardless of what is said or done to prevent it. As a condition of the mining site plan, Mr. Richey said their trucks are required to ingress and egress to Sumter County only. Any violation of that, with regard to using local roads, would be enforceable through the Code Enforcement Board or through the Sheriff's Department.

In their operating permit, Mr. Wicks said they will provide an erosion sediment control plan that will require them to control the particulates at the source. Migration of particulates off site would be a violation of the operating plan. Exposition to particulates will be limited to that area of the excavation taking place at that particular time.

Using Opposition Exhibit A, Mr. Wicks explained that the Prevatt's house is about 1000 feet from the subject site. That house cannot be seen from the subject site. Mr. Richey stated that active mining will take place only on the other side of the wetlands and buffers. He confirmed with Mr. Wicks that after the excavation was complete in other burrow operations they have had, in some instances the property has been divided into subdivisions and sold. There has not been a diminished value of the property. Based on the Comprehensive Plan, Mr. Wicks said mining can only take place in the Rural future land use category. When developing the mining site plan regulations in the LDRs, it was determined that mining activities would be considered comparable to intensive agricultural operations. Mr. Wells was informed by Mr. Wicks that on-site haul roads must be controlled as well as the excavation operation. Mr. Richey reiterated that there are no residences along the haul road.

Regarding concerns expressed by Mr. Campbell, Mr. Wicks said the topography of the B & S Groves is similar to the subject site. The adjacent property does slope off as it goes to the north. Based on their grading plan, they will not be shedding any water on the adjacent property. In response to Chairman Bryan, Mr. Richey said that is a requirement of the St. Johns River Water Management District permit as well as their operating permit.

When Chairman Bryan asked about noise from the large equipment, Mr. Wicks said the equipment and vehicles are properly muffled, and OSHA standards will be met. The ordinance allows them to operate from 7 a.m. to 7 p.m., but they will probably follow business hours of 7 a.m. to 5 p.m.; it will not operate on the weekends. Larry Metz asked if the hours shown in the ordinance could be shortened as the noise of the equipment could be disturbing at 7 a.m. and 7 p.m. Ms. Wicks said they would be willing to eliminate an hour from the ending time. The early beginning time is essential to get the equipment mobilized and get people on their way to the job site. Chairman Bryan confirmed with Mr. Wicks that he would be willing to change the operating hours to 7 a.m. to 6 p.m. Mr. Wicks said there would be no operations on Sundays. Equipment maintenance and some reclamation could take place on Saturdays. There would be limited use of the site on Saturdays. Mr. Wicks said that could be included in the ordinance. Mr. Richey said that is in the original application. In response to Mr. Metz regarding reclamation on Saturdays, Mr. Richey said some leveling and covering could take place for limited periods of time on those Saturdays.

Scott Blankenship felt the 600 to 700 feet of wetlands buffer should help to alleviate the concerns of the neighbors.

CASE NO.: MSP#08/7/1-3

AGENDA NO.: 8

OWNER/APPLICANT: Robert J. Merritt

PAGE NO.: 4

PROJECT NAME: Dirtworx Excavating, Incorporated

MOTION by James Gardner, SECONDED by Scott Blankenship to recommend approval of MSP#08/7/1-3, as amended, with the Monday through Friday operating hours being 7 a.m. to 6 p.m. and that no excavation shall take place on Saturday and Sunday.

FOR: Blankenship, Gardner, Bryan, Metz

AGAINST: Wells

NOT PRESENT: Morris

MOTION CARRIED: 4-1

Adjournment

There being no further business, the meeting was adjourned at 11:22 a.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman