

**MINUTES  
LAKE COUNTY ZONING BOARD  
NOVEMBER 5, 2008**

The Lake County Zoning Board met on Wednesday, November 5, 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 transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, November 25, 2008 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

**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  
Julianne Thomas, Senior Planner, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Ross Pluta, Engineer III, Engineering Division  
Melanie Marsh, Deputy County Attorney  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9:04 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 procedures for hearing cases on the consent and regular agendas.

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**Minutes**

**MOTION by Timothy Morris, SECONDED by James Gardner to approve the October 1, 2008 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**Discussion of Consent Agenda**

Brian Sheahan, AICP, Planning Director, noted that a speaker card had been submitted for PH#50-08-3, City of Leesburg Pump Station. Therefore, it will be removed from the consent agenda and placed on the regular agenda. He added that the continuance request for PH#52-08-5, United Southern Bank, is supported by both the applicant and staff. Regarding PH#51-08-2, Magnolia Office Park, Mr. Sheahan said this case will be removed from the agenda and brought back as a County-initiated rezoning.

Chairman Bryan stated that he would be declaring a conflict of interest regarding PH#52-08-5. He asked that this consent item be addressed separately so that he is able to vote on the rest of the consent agenda cases.

**CONSENT AGENDA APPROVAL:**

PH#49-08-2            Room 4, Inc. and Johns Lake Plaza HOA, Inc./  
Ms. Anita R. Geraci, Esquire, on behalf of Head-  
quarter Orlando, LLC

PH#47-08-2            G & A Real Estate of Davie, Inc.  
Cecelia Bonifay, Esquire

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of the above consent agenda.**

**FOR:                    Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST:            None**

**MOTION CARRIED:   7-0**



CASE NO.: PH#59-06-3 AGENDA NO.: 2

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

Brian Sheahan, AICP, Planning Director, said a 60-day continuance request on this case has been received, adding that this case has been continued several times. Staff did not feel that granting another continuance would be advisable. Staff has recommended denial of this case because there is a clear conflict with the Comprehensive Plan. Staff's recommendation would be to proceed with this case.

Philip Horvath, managing partner of GHL Development, LLC, said they have been working with this property for almost three years; they bought the property last year. Staff originally recommended approval and then he was informed that the approval was a mistake. In July after he learned of the approval error, he was granted a 30-day continuance; but that was not adequate time so he requested a 60-day continuance. If this continuance is not granted, he asked that he be permitted to plead his case.

Mr. Sheahan said a 30-day continuance was granted on July 2, and a 90-day continuance was granted on August 6. Staff felt that any further continuances would be a disservice to the public.

When Timothy Morris asked how far off this request is from being acceptable to staff, Mr. Sheahan explained that the future land use for this property is Employment Center, the highest intensity as far as industrial-type development. Residential is precluded. There was some question about that in the past, and the County went to court; therefore, the County must be consistent with that determination.

Glenda Mahaney said she had no objection to this continuance unless it further delays the cleaning up of the property; this property is contaminated. It has been known by the County that it is contaminated since 2004; it has been known by the applicant that it is contaminated since at least 2006. Regarding a statement made by Brian Sheahan, she said the County did go to court against her. It was not shown conclusively that this property is MP Employment Center, but it was settled by a dismissal on the County's part. It is her contention that those properties are not Employment Center; they were never properly noticed. For the record, she noted that Code Enforcement is refusing to require even clean up of the rubble.

MOTION by Egor Emery, SECONDED by Mark Wells to deny the 60-day continuance request in PH#59-06-3.

FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

**CASE NO.:** PH#44-08-4

**AGENDA NO.:** 11

**OWNER:** Catherine Hanson  
**APPLICANT:** Leslie Campione, Esq.

Brian Sheahan, AICP, Planning Director, stated that staff and the applicant are supportive of this continuance.

Chairman Bryan noted that the applicant was present and said no speaker cards had been submitted regarding this continuance.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to continue PH#44-08-4 until the December 3, 2008 Lake County Zoning Board public hearing.**

When Egor Emery said he had no information on this continuance request, Mr. Sheahan explained that the zoning category, as requested, is not allowed in that future land use classification. Staff is partially supportive of this application and had advised the applicant to request a separate zoning district, which required that it be readvertised.

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.: PH#59-06-3 AGENDA NO.: 2

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

Stacy Allen, Senior Planner, presented the case and staff recommendation of denial. She showed the aerial from the staff report on the screen. She added that staff had just realized that the maximum density on this site with the underlying Urban future land use category would be seven dwelling units per acre; with a ten-acre site, the maximum density on this site would be 70 dwelling units.

In response to Chairman Bryan, Ms. Allen said the future land use is Employment Center with an underlying future land use of Urban.

Philip Horvath, managing partner of GHL Development, said he did not agree with some of the things that Ms. Allen just stated. He reiterated that originally staff had recommended approval of this case in July. A few days before the July Zoning Board public hearing, they were informed that the approval recommendation was a mistake and that this property could never be rezoned for residential townhouses. Much of the information the applicant had received over a three-year period was totally inaccurate. Staff has apologized to them. He asked staff and this Board to reconsider the denial recommendation. The property is an eyesore and is contaminated. This project would beautify the property and put money on the tax rolls. He was agreeable to submitting an application to change the future land use. He asked who should accept liability for a public official to give accurate information. GHL Development started working with this property in November of 2005 and bought it only after many months of due diligence. Staff is now requesting a new conceptual plan which complies with the Employment Center future land use category. The area surrounding this property has many residential pieces of property. The adjacent property has a primary residence on the site. A land use map in the County office from 2003 shows this property with an Employment Center future land use designation.

Mr. Sheahan said he is sympathetic to the applicant and took responsibility because staff did provide a draft staff report to Mr. Horvath that indicated a staff recommendation of approval. However, after the staff report was reviewed by Mr. Sheahan, senior staff, and the County Attorney, the applicant was immediately informed of the mistake in the draft staff report. This area on the future land use map is very small, and it was missed. This new information does not preclude the applicant from moving forward with industrial development or up to 5,000 square feet of retail. The future land use cannot be changed at this time; residential uses on this property are inconsistent with the Comprehensive Plan. The County has offered expedited permitting for uses that are allowed on the property.

When Chairman Bryan asked if Mr. Horvath had been working with staff prior to submitting an application, Ms. Allen said he had. Mr. Sheahan added that the applicant had come in for a presubmittal for a Planned Unit Development (PUD) with commercial in March of 2006. He was given the technical requirements and left thinking that there was no reason why he could not pursue what he was pursuing.

In response to Egor Emery, Mr. Sheahan said this property is within approximately one-half mile of the City limits of Tavares. Mr. Emery was informed by Mr. Sheahan that there is residential across the lake. The adjacent property has residential that pre-existed the current Comprehensive Plan. There is also residential across the street and behind the existing industrial complexes. The City of Tavares commented that they did not support this application due to the density being too far from the Urban Core.

When Mark Wells asked about the type of contamination on this property and the effect this rezoning would have on the expediency of cleaning it up, Mr. Sheahan said all contamination issues would be handled by the Florida Department of Environmental Protection (FDEP). Ms. Allen stated that contamination has been positively determined on the property. If this property were developed, it would be developed with water and sewer from the City of Tavares. Clean up would be required. In the ordinance, Ms. Allen said there are requirements listed for stormwater and groundwater monitoring.

Glenda Mahaney said there is a plethora of chemicals on this site. The County has been totally lax about

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making them monitor this site and clean it up. There are pits from buildings being torn down; and when it rains, these pits fill with water and overflow into the canal on her property and into Lake Saunders. She questioned the City of Tavares providing sewer to this property in the near future. There is no road frontage on her property to allow the City sewer to get to the subject property. She felt this rezoning request is premature based on the fact that the County has control over this property by virtue of their ordinance to cause them to clean up the property. FDEP has not pursued the clean up. There are no warning signs posted regarding the contamination. She is opposed to so much density adjacent to her property. She noted that the applicant is alleging that it did not know about the Employment Center future land use category on the property. She felt both staff and the applicant were aware of this potential problem with the future land use category. She said she has other objections that she will hopefully be filing prior to the Board of County Commissioners (BCC) public hearing. She said she totally objects to this rezoning request.

Chairman Bryan asked Ms. Mahaney if she felt this property was more suitable to industrial or residential development. Ms. Mahaney replied that she felt some residential would be appropriate. However, she objected to 75 units on the property. In the 1980's, she was denied two homes on her property so two homes is not even acceptable.

Mr. Horvath said he first met with the County in the fall of 2005; subsequent to that, there were many other meetings. It was not until July of 2008 that he learned of anything negative. He has expended much money on this project already. FDEP is still working on their clean-up proposal. If he developed only one house per acre, he would lose money; if he had a small amount of commercial, he would lose money. The goal was to fully clean up the property, but that is on hold at this time. The investors are not interested in going forward if this rezoning is denied.

Melanie Marsh, Deputy County Attorney, pointed out that liability is not an issue to this Board; this Board's issue is whether or not this request is consistent with the Comprehensive Plan.

Mr. Emery felt he has heard nothing about the merits of this case. It appears from the staff report that this request in no way meets the Comprehensive Plan. However, he said he was troubled by the discussions that the applicant had in the past indicating that this project could go forward. It appears that basically this project needs to be started again to meet the existing conditions of our laws. Chairman Bryan agreed.

Larry Metz said the first issue is the legal sufficiency of this petition and whether or not it meets the Land Development Regulations (LDRs). There does not appear to be any disagreement that the Employment Center future land use category applies to the property and that residential is not allowed within the future land use category. He was also troubled by the relationship this applicant had with staff throughout the process. If this case is denied, the applicant must start over and show significant deviation in the new application to have the case again. If it is the pleasure of the Board, Chairman Bryan said this application could be denied without prejudice, which would provide an opportunity for the applicant to bring this project back.

**MOTION by Egor Emery, SECONDED by Scott Blankenship to recommend denial without prejudice for PH#59-06-3 with it being taken into consideration the situation that has occurred over the past three years.**

Mr. Sheahan said the County has already proffered expediting any application that comes in from the applicant that is consistent with the Comprehensive Plan. If an application comes in for industrial development that is permissible under the Comprehensive Plan without the residential component, it would be a substantially different application and would not be subject to res judicata.

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<b>PROJECT NAME:</b>	<b>Horgo Signature Homes</b>		

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

CASE NO.: CUP#08/11/2-2

AGENDA NO.: 3

**OWNERS:** Patrick & Barbara Henes  
**APPLICANT:** Janet Christoff  
**PROJECT NAME:** Christoff Kennels

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the screen. He noted that at the time that this staff report was prepared, there was a requirement by Public Works to pave the road. Since that time, Public Works has updated their assessment of that activity and supports the applicant's request for a condition that the road access not be paved. The ordinance would allow a maximum of 70 dogs and ten cats as well as a single-family dwelling unit to serve as a caretaker's residence. A site plan shall be submitted consistent with the concept plan that is attached to the ordinance as Exhibit B. He spoke of the noise attenuation plan. Setbacks for the kennel and all kennel-related accessory structures would be 200 feet from all property lines. A transportation condition would be added stating that road access by way of West Libby Road would not be required. He noted that the County received a letter of opposition to this request.

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.

Janet Christoff submitted a booklet regarding pet care standards and practices as Applicant Exhibit A. She said she would like to make the following revisions to her request: The caretaker's residence would be one story and have 5,000 square feet instead of the two-story 4,000 square foot building previously requested. The structure would still meet the required setbacks. She also requested that the Phase 2 request be eliminated. She said she has a strong background in business and has aligned herself with experts. The facility will be soundproof. She is learning pet behavior so there will be no barking in order to satisfy the neighbors. She does not anticipate any problems with noise. She feels that there are ways to control barking. She will be continuing her education on pet care. She said she may have some employees, but she does not want a business so large that it will be unmanageable. She and her husband will live on the property. A 44 percent occupancy is average over a year. With the recession, it may not even reach that percentage. She did not anticipate a large amount of day care due to the location of the property. Overnight boarding and training will be offered along with some grooming for the facility occupants. The entrance to the property will be on Libby Road.

When Chairman Bryan asked how far the building will be from the house, Ms. Christoff said she felt a minimum of 50 feet would be reasonable. She said that the resident who is objecting does not have a house on the property at this time. The kennel will be at least 200 feet from the property line.

Timothy Morris was informed by Ms. Christoff that there is an existing 2,100 square foot house on the property. There is also an existing metal building on the property. It has 1,980 square feet on the first floor. There is an existing second floor to that building that she could use for an office. She does not intend to use the second story as a facility for housing dogs and cats.

Mr. Emery asked if Ms. Christoff had done an analysis on what she projects as a service area. Ms. Christoff said she is working with a business consultant on this. She said that statistically people will drive as far as an hour to go to a good facility. There will be no pets in groups outside in the evening to avoid a noise issue. The acreage of the property will allow her to have a nature walk and an outdoor play park.

Mr. Morris confirmed that the Conditional Use Permit will run with the land.

Ms. Christoff stated that she has pictures of the property if anyone would like to view them. She added that information on cleanliness control was included in the booklet submitted as Applicant Exhibit A.

Jeff Boykin was present to represent his father, Ken Boykin, who is an adjacent property owner. He acknowledged that Ms. Christoff is a good business leader, but his father does not want to live near 70

<b>CASE NO.:</b>	<b>CUP#08/11/2-2</b>	<b>AGENDA NO.:</b>	<b>3</b>
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<b>PROJECT NAME:</b>	<b>Christoff Kennels</b>		

dogs. Animals sense other animals, and his father will lose his peace with the establishment of this kennel next to his property.

Sara Lou Boykin, Jeff Boykin’s mother and property owner adjacent to the east side of the subject property, said she owns five acres with a residence on the property. In response to Egor Emery, Ms. Boykin said she has lakefront property. She and her husband bought this property from their son. She said she has never been approached by the Christoff’s or the property owners as to their intentions for this property. There is a dog boarding facility further away, and she can hear the dogs barking from that facility. She keeps her dogs in an enclosed area. She said she cannot imagine a soundproof kennel. She was also concerned about the stench from the property; she felt the kennel would devalue her property and should be built elsewhere. When Ms. Christoff takes her dogs on the nature walk, it will disturb other pets in the area. She asked this Board to deny this request. When Chairman Bryan asked how far her house will be from the proposed kennel or existing house, Jeff Boykin said the adjacent house is within 200 feet. When he lived there, he could hear the neighbors speak. The house is on the east of the subject property. Jeff Boykin spoke of the restricted covenants on the properties in this area. In response to Ms. Boykin, Chairman Bryan said each Board member has been given copies of any letters of opposition received and the letters are in the file.

Wanda Schlett, property owner across the street from the subject property, said she is opposed to this CUP application for many reasons. There are over a dozen similar animal centers in and around Clermont; there is a 24-hour center within a mile. She also can hear the dogs from the facility in the area that Ms. Boykin spoke of. This request would not add significant value to the immediate community or to Clermont. This is a predominantly rural neighborhood of single-family homes; adding a commercial business would devalue the property. The clay roads in the area are already a mess and are graded only once every other week. Adding more traffic to this roadway would be unfair to local landowners.

At the request of Chairman Bryan, Ms. Schlett pointed out where she lives. She has lived there for six years. She added that Mr. Greene had said Public Works originally requested that the road be paved, and then they “backed off” from that. She asked why that had changed. When she said this kennel would be against their deed restrictions, Chairman Bryan explained that it is not against zoning restrictions. This Board does not enforce restricted covenants. That would need to be pursued in a civil court.

Ken Boykin asked what recourse the neighbors would have during Ms. Christoff’s learning curve. He also hears dogs barking all night already. There are wild animals in the area; her dogs will sense this and bark. When one dog barks, others will follow.

Ross Pluta, Engineer III, Engineering Division stated that the County Manager or designee has the authority to waive paving requirements. It would be impossible to pave this road. Therefore, Public Works does not oppose a request for a variance to not pave the road. When Chairman Bryan asked if the anticipated traffic generated by this kennel would necessitate paving the road. Mr. Pluta said there was a question as to what the business actually involves and the impact on the traffic. At this time, this road is not in the five-year plan to pave. They are still working on getting right-of-way from the owners.

Ms. Christoff said she is trying to be a good neighbor; she did not approach any neighbors asking for their support of this request. The house on the property is going into foreclosure. If the house goes into foreclosure, that will devalue properties in the area. She felt the kennel will enhance the property and keep the house from going into foreclosure. She reiterated that there are behavioral ways to manage a dog. Regarding odor, Ms. Christoff said she will be overly cautious with cleanliness.

Chairman Bryan commented that this Board has had similar requests for kennels in the past that have been granted. He asked if there had been any complaints. Mr. Greene said that question would need to be

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<b>PROJECT NAME:</b>	<b>Christoff Kennels</b>		

directed to Code Enforcement or Animal Services. He noted that Exhibit C in the ordinance addresses noise reduction policies.

When Mr. Morris asked about the changes Ms. Christoff had asked for at the beginning of her presentation, Mr. Greene said the phasing could be addressed during site plan review. The kennel would be required to meet County regulations.

James Gardner said he did not feel this request would improve the community at all; this makes it hard for him to support. Sixty dogs and ten cats could create a lot of noise and odor.

Mr. Emery said he saw nothing in the ordinance regarding the dimensions of the building. Mr. Greene said the dimensions are in the staff report. They will be added to the ordinance. Mr. Emery was informed by Mr. Greene that there is an orange grove to the south.

Mark Wells said it is possible to design a structure that muffles sound and meets the noise ordinance. However, he had a concern about the proximity of the other houses to the subject property with nothing to break up the noise. Therefore, he could not support the request.

Larry Metz said he was favorably impressed with Ms. Christoff's presentation and commitment to research. His initial concern was the residential character of the area with many single-family residences. This kennel would bring retail traffic dropping off and picking up the dogs and cats. The potential noise was also a consideration. Although this is a sound business model, it does not belong in an area that is developed residentially. It is the right idea in the wrong place, and he could not support it.

Based on the restricted covenants on the properties in the area, Scott Blankenship said the neighbors have certain expectations. Mr. Emery agreed.

Mr. Morris commented that he had a concern with the CUP running with the land as Ms. Christoff may sell the land to someone who is not as studious as she is.

**MOTION by James Gardner, SECONDED by Larry Metz to recommend denial of CUP#08/11/2-2 for a dog and cat kennel and caretaker's residence associated with the kennel.**

**FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: PH#50-08-3

AGENDA NO.: 6

OWNER: City of Leesburg  
APPLICANT: Ray Sharp, Environmental Services Director  
City of Leesburg

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He pointed out that Royal Highlands is a fully developed subdivision. He showed a picture of the posting of the property and an aerial from the staff report on the screen. The applicant seeks to construct a high-speed pump station on the property. When staff was reviewing the site plan, it was determined that the location of the building did not meet setbacks. Staff examined the existing Planned Unit Development (PUD) ordinance and determined that there were no setback requirements included in the ordinance to address the construction of utility infrastructure. Staff has recommended language to the PUD ordinance, and it is so specified on Page 2 of the proposed ordinance. This would pertain to utility setbacks within the entire subdivision. Mr. Greene showed on the screen and submitted as County Exhibit A an aerial of a section of Royal Highlands. He pointed out on this aerial where the pump station would be located. It will be 470 square feet.

Fred Morrison was present to represent the case. He said Mr. Greene described the request accurately. There is only one place on the property to put this facility because of existing utility lines. The purpose of this pump station is to provide better water pressure for the residents in this subdivision.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of PH#50-08-3 to amend Ordinance No. 2005-45 to establish building setbacks for potable water and sewer infrastructure facilities within the Royal Highlands subdivision.**

**FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

CASE NO.: CUP#08/11/1-4

AGENDA NO.: 7

**OWNERS:** Glen & Sharon Treadwell  
**APPLICANT:** G. C. Bogardus  
**PROJECT NAME:** Dixie Tank Lines

Julianne Thomas presented the case and staff recommendation of approval. She showed the aerial from the staff report on the screen. She said the County has received several letters of opposition; three letters were received before the public hearing and four more were handed to her after the public hearing started. Staff has recommended a landscape buffer. This was required in the original ordinance. There will be no maintenance or repair of tractor trailer units on the site; it will be strictly for parking. Staff is hopeful that once the landscape buffer is planted, that will mitigate many of the problems with the surrounding property owners. This is not an active Code Enforcement case although Code Enforcement will ensure that the buffer is planted and in the program for future follow up. Whether this amendment is approved or not, the landscape buffer will need to be planted as it was a requirement from the past.

Timothy Morris commented that the landscape buffer was one of the biggest issues during the initial public hearing, and it has not been done yet. Now they want to increase the number of trucks.

When Egor Emery asked if there was any provision to cause an upgrade on the shoulder of the road and protect it from the trucks moving on and off the road, Ms. Thomas said Public Works did not identify any problems with access.

Ross Pluta, Engineer III, Engineering Division, said this is a State road. The property has a separate paved driveway so Public Works did not see this as an issue. There would not be a significant increase in traffic with the addition of six trucks. In response to Mr. Emery, Mr. Pluta said the trucks will probably be empty when they are parked.

Glen Treadwell, owner, said he leases this property to Dixie Tank Lines; they have been a very good tenant and kept things very clean. He has owned this property for about three years. Today was the first time he learned that the proper landscaping was not put in. There is a six-foot fence that completely goes around the property. If this is approved, Mr. Treadwell said he will add the landscape buffer. Most of the time, the tankers are empty when they come in. Chairman Bryan stated that the landscape buffer will probably need to be added whether this amendment is approved or not. Mr. Treadwell said the size will not increase. Most of the time there is not more than four trucks on the site. Sometimes when things are slow, more trucks need a place to park. There is plenty of room on the site for ten trucks to be parked.

In response to Chairman Bryan, Mr. Treadwell said he does not live on the site; he lives several miles away.

Mr. Morris reiterated that the landscape buffer was a huge issue originally. He voted to approve this previously because of the landscape buffer. Now he is learning that it has not been done, and he had a real problem with that. Mr. Treadwell said there is a wooden solid fence around the property.

Ben Champion, managing member for Wekiva Trails, LLC, which owns property adjacent to the subject property, requested denial of this case. This is a residential area. This five-acre lot is in a platted subdivision called Greenbriar, and there are no agricultural uses in this subdivision. It is all single-family residential. The property across the street, Wandering Palm Subdivision, is also a deed-restricted platted community, one house per five acres. Many farm and agricultural uses are banned. This request is a commercial use of the property. The only reason it is allowed in agricultural zoning is because food products are being hauled. The original intent of this exception being included in the Land Development Regulations (LDRs) was to allow an agricultural company to have a trucking operation as part of their agricultural operation. However, this particular facility could be located anywhere. It has nothing to do with the Treadwell property and is not in character with the residential nature of the surrounding properties. An increase from four to ten trucks is unsightly. The fence is only on two sides of the property. The south side has a chain-link fence, but that is not a visual barrier. The landscape buffer has never been placed on

<b>CASE NO.:</b>	<b>CUP#08/11/1-4</b>	<b>AGENDA NO.:</b>	<b>7</b>
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<b>APPLICANT:</b>	<b>G. C. Bogardus</b>		
<b>PROJECT NAME:</b>	<b>Dixie Tank Lines</b>		

the property. There is a large metal building on the property that contains truck parts. The owners have repeatedly been in violation of the four-truck limit. There are sometimes as many as eight trucks on the property. He did not feel the owners should be rewarded with an increase in the number of trucks when there have been over ten Code violations on the property since the original CUP was granted. Ten of the neighbors supported the original request because of the restrictions placed on the CUP. There were five trucks on the property this morning.

Jack Champion, father of Ben Champion, said the former owner had a large maintenance shed. At that time, the former owner said he did not know he needed a CUP. He had one or two trucks on the site. It was primarily a maintenance facility. Then he sold the property, and the number of trucks increased. There are more than four trucks on the south side of the property most days of the week. From SR 44, there is nothing to hide the view of the trucks. The maintenance shed does block the view of the trucks that are parked in the back. The fence is frequently in poor repair. Neighbors repeatedly file complaints with Code Enforcement about the number of trucks, but nothing happens. He asked that this request be denied. He believed that the repeated violations are sufficient to revoke the CUP. Several of the neighbors have sent letters requesting the same.

Robert Krentel said he originally supported the request, and he felt duped. The future land use of this area is Rural Transitional, which would not support any trucking operation. The situation is inappropriate now to have four trucks.

Mr. Treadwell asked the Board to look at the pictures that staff took and talk to Ms. Thomas, who actually visited the site. He said the property is fenced on three sides. Two trucks back straight into the property, and they are visible from the roadway. The rest of the trucks are parked in the back where the additional trucks would be parked. It would not be easy to move this operation to another location.

Chairman Bryan said the primary reason why he supported the request initially was because the neighborhood was so supportive. He did not feel it was an appropriate place for the operation. He did not feel it meets the intent of the CUP.

Chairman Bryan said he could not support this request and felt a revocation may be in order. Melanie Marsh, Deputy County Attorney, stated that a revocation would require a readvertisement and coming back at a later time.

**MOTION by Larry Metz, SECONDED by Timothy Morris to recommend denial of CUP#08/11/1-4 for an amendment to CUP#2003-73 to increase the number of permitted tractor trailer parking from four units to ten.**

Not only should this request be denied, Mr. Metz said he would like to come back with a second motion regarding the revocation issue so that it can be acted upon in the future.

Egor Emery read from the original ordinance regarding inspections and the review cycle. He said he would like to see a record of the inspections. He said he would also like the complaint record of any case in the future where complaints had been received.

Brian Sheahan, AICP, Planning Director, said his staff only became aware of the history after the staff report was prepared. They had been informed by Code Enforcement that there were no active Code Enforcement violations. Staff has informed Code Enforcement of the landscape buffer violation, and Code Enforcement is proceeding with action on that item. Based on the evidence received today and since the staff report was prepared, he believed the staff recommendation for the increase would change.

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**OWNERS:** Glen & Sharon Treadwell **PAGE NO.:** 3  
**APPLICANT:** G. C. Bogardus  
**PROJECT NAME:** Dixie Tank Lines

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

Mr. Metz asked Ms. Marsh if this Board has the ability to direct staff to do something or only to request that they do something. Ms. Marsh replied that this Board can request staff to do something.

**MOTION by Larry Metz, SECONDED by Timothy Morris to request staff to initiate proceedings to revoke the existing Conditional Use Permit on the subject property.**

Chairman Bryan said he could support that.

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**MOTION CARRIED:** 7-0

Mr. Sheahan said he would inform the Director of Code Enforcement and begin that process.

There was a five-minute break.

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<b>OWNER:</b>	<b>John R. Arnold, Trustee</b>		
<b>APPLICANT:</b>	<b>Richey &amp; Cooney</b>		

<b>CASE NO.:</b>	<b>CUP#08/10/1-2</b>	<b>AGENDA NO.:</b>	<b>9</b>
<b>OWNER:</b>	<b>John R. Arnold, Trustee</b>		
<b>APPLICANT:</b>	<b>Richey &amp; Cooney (Steven J. Richey)</b>		
<b>PROJECT NAME:</b>	<b>John Arnold Residual Facility</b>		

Rick Hartenstein, Senior Planner, presented the cases and staff recommendation of approval in PH#28-08-2 and approval with conditions as stated in the ordinance for CUP#08/10/1-2. Although the cases are being heard together, he asked that separate motions be made. He also asked that both motions have the same recommendation, whether they are both approvals or both denials. He showed the aerial and pictures of the property from the staff report on the screen. He showed the proposed master conceptual plan on the screen and submitted it as County Exhibit A. He submitted two maps as County Exhibits B and C. He submitted an additional map (County Exhibit D) showing the boundary of the combined three Conditional Use Permits (CUPs) where they are doing land application of treated Class B bio-solids. When Chairman Bryan asked how long it would take to phase these out, Mr. Hartenstein said that would best be addressed by Dennise Judy, program manager for domestic waste permitting for the Florida Department of Environmental Protection (FDEP), Central District. She is at this public hearing and can discuss the phasing programs. He submitted a memorandum from Dottie Keedy, Director of Economic Development as County Exhibit E. Mr. Hartenstein spoke of a pilot program that was done for the composting facility on the project. He showed pictures of this program and submitted them as County Exhibit F. When it was brought to staff's attention that there was a Code violation on the property, Code Enforcement served Notices of Violations (County Exhibit G). Mr. Hartenstein explained that he along with the Environmental Services staff had an opportunity to visit the wastewater treatment facility for the City of Mount Dora. They use a similar proposed rotary press. He showed pictures from that visit and submitted them as County Exhibit H. It is a very closed system; it was very quiet, and there was no odor.

James Gardner was informed by Mr. Hartenstein that the pilot program on the subject property that was cited with the Code violation began very recently.

Mr. Hartenstein said seven letters of opposition (County Exhibit I) were received; the Zoning Board has received copies of those letters. He discussed a letter from the County's consultant, E Sciences, Incorporated (County Exhibit J), copies of which were given to the Zoning Board members. The consultant had identified several items in the ordinance that was sent out in the booklet that they felt would make the ordinance better. On Page 4 of the ordinance, a new No. 5 was added and the old No. 5 became No. 6. Also on Page 4, Section G, Line 38, the consultant suggested changing "Inspections" to "Inspections and Notifications." On Page 5, Line 11, an additional condition was added. Mr. Hartenstein submitted a copy of this revised proposed ordinance as County Exhibit K. Mr. Hartenstein explained the various places from which residual and liquid Class B treated bio-solids are received.

In response to Egor Emery regarding the quantity of the liquid bio-solids likely to be treated, Mr. Hartenstein said that at maximum capacity, they are proposing 300,000 gallons, six days a week or about 93 million gallons per year.

When Mark Wells asked the proximity of the Green Swamp Area of Critical State Concern to this facility, Mr. Hartenstein said the closest this facility would be to the Green Swamp area would be on the western side of U.S. 27.

Steve Richey was present to represent the owner. He discussed the history of the zoning on the property.

John Arnold, citrus and cattle farmer/rancher in South Lake County, gave a presentation on what he is doing on his ranch at the present time, what his CUP is allowing him to do, and what he is proposing with the subject application. He lives on the site. Since 1986, they have been using only treated wastewater residuals. He said his farm uses about 100 million gallons of water per year. With this system, they would

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be able to greatly offset that impact.

He felt this was a benchmark opportunity for this area to set a new standard for utilizing the agricultural base as a conduit to reintroduce the post-consumer water after it has been used and treated back into the environment. The pilot program is basically a greenhouse with a plastic roof and a concrete floor. Although that piece of property is zoned R-4, it is part of their farming operation. There are no issues with the pilot program; there are no adverse conditions at all. He said they are absolutely confident that there are no odor issues associated with this pilot program. They have been operating it for about five weeks. Staff has visited it; FDEP has also visited it. Over the last four to five days, they have had 50 residents from Tradd's Landing visit the facility. Every person that visited the facility is in favor of what they are doing. A number of people who had signed the original petition of opposition have visited the facility. One hundred percent of those people rescinded their support for the opposition.

When Mr. Richey asked why this particular acreage was chosen, Mr. Arnold explained that it was due to ownership. He owns it completely. The rest of the ranch is owned by a family-limited partnership, where it is owned jointly with other extended family members. There is one road in and one road out of this property. He is the only resident on the road. The topography, soil types, elevation, location of power, and location to the existing irrigation conduit and irrigation connections were also important considerations when choosing this site. This 40-acre piece of property sits in the middle of the ranch; half of the groves are to the south, and half of groves are to the northwest of this parcel. All of the consumption would be to the south or to the northwest.

Mr. Arnold showed three pictures and submitted them as Applicant Exhibit A. He said there is a 300-foot setback from where they can spread and where there are homes. That is an FDEP regulation and also part of the CUP. He has been doing this process for 22 years. They will be phasing out this entire process on the 1,600 applicable pastureland. He spoke of the 600-foot densely planted pine and oak tree buffer. The trees are 20 feet tall. He said wastewater is a huge industry that needs to be improved.

In response to Mr. Wells, Mr. Richey said this product will be used on the farm; they have a customer base for the excess. They will not be selling retail off this property. Mr. Arnold added that they have about 450 acres of citrus in South Lake County. Besides providing crystal clear water to use on the ranch and in their irrigation systems, the operation also produces a Class AA fertilizer. Before using this product on their property, it must be registered with the Florida Department of Agriculture as a registered fertilizer. He reiterated that there are no issues associated with odor, pests, or health.

Mr. Richey confirmed that the facility will be accessed through Mr. Arnold's property. That is the only access as part of the application and the CUP.

Brent Spain, attorney, was present to represent the Tradd's Landing Homeowners' Association. He distributed a large packet containing ten exhibits as Opposition Exhibit A. Staff had indicated that the buffer is 700 feet. Tab 10 of Opposition Exhibit A, it shows a storm water pond, which is a required element of this project, much closer than 700 feet. On the FDEP permit application materials that were submitted, the applicant has indicated that the storm water ponds on site were draining east to west. In the event of an overflow, it would head towards Tradd's Landing. When Chairman Bryan asked the size of the buffer, Mr. Spain said it is about 500 feet.

Mr. Spain asked that County Exhibit D showing the boundary of the existing CUPs be placed on the screen.

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He pointed out three parcels (the 40 subject acres and 80 acres to the south) that are not part of the CUP. They have not been part of the CUP since 2004. These 120 acres are zoned R-4; yet for the last four years, there have been agricultural and CUP activities taking place on them.

Mr. Spain referred to County Exhibit E, the memorandum from Dottie Keedy in which she speaks of the sale of fertilizer. There is a big concern about a commercial fertilizer operation taking place within 600 feet of a residential development. He questioned why another CUP is being issued for property that has been in violation of a use for the past four years. He said he has approximately 800 signatures of people opposed to this project. He submitted a sheet of four pictures showing the roof of the greenhouse (Opposition Exhibit B). He noted that the conceptual site plan shows that ultimately this project will consist of 16 greenhouses. They will be located much closer than the one greenhouse on the site.

Mr. Spain submitted a Domestic Wastewater Residuals Fact Sheet as Opposition Exhibit C. He noted on Page 2 of this exhibit the following language: "Residuals do not qualify for use in the USDA certified organic program, not even Class AA." He also pointed out language regarding farmers' consideration of neighbors' concerns.

Mr. Spain discussed the standards review for a rezoning as shown under Tab 5 of Opposition Exhibit A regarding property values and orderly growth. He said a representative from Sawgrass Bay Homeowners' Association had been here earlier but had to leave at noon. Mr. Spain said that the representative had authorized Mr. Spain to state on the record that their Homeowners' Association was also seriously concerned about this project and opposed it. He felt this was the wrong location for the proposed project. Mr. Spain referred again to Tab 5 of Opposition Exhibit A regarding the standards of review for a conditional use permit. None of these were addressed during the applicant's or staff's presentation. He added that just because this request is better than what is going on now does not mean that it should be approved. Mr. Spain said that what is going on now is going to be phased out eventually through amendments to State regulations. He did not feel the proposed conceptual site plan complies with the Land Development Regulations (LDRs). The character of the area on the aerial shows urbanization. There are two large subdivisions in this area. He read from Page 3 of the staff report a statement regarding this conditional use having the potential of a negative impact on the properties to the left of the project, which would be Tradd's Landing. He added that there is nothing in the Best Management Practices Plan contained in the FDEP application regarding compatibility concerns. He asked that this Board respectfully deny the rezoning based on the reasons stated and deny the CUP because it violates the LDRs.

Chris Singh had concerns about the access and buffer. He said he agrees with the project going green, but the project is in the wrong place. He requested that this project be denied.

Andre Scott said he lives across the lake, and he can view the current canopy. The trucks that deliver now have an odor. He said he would not have purchased his home if he had known this project was being proposed. For the value of their properties, he did not feel this should take place at all. He also had health concerns about his young children if this is approved. If this operation is going to run six days a week and the present stench continues, he will be forced to move. He also does not want vultures living on top of his roof as he has seen in areas where this type of operation takes place.

Sheri Sauer said she lives in Sienna Ridge, about one-quarter mile from Tradd's Landing. She has also noticed the odor. She was not interested in organic.

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John Valois was concerned about the waste being brought in from the outside. He did not feel that this is a Lake County issue. This is an individual who has decided to do something for profit, and the community is going to have to suffer the consequences. When Mr. Arnold began the pilot program, he constructed buildings without permits or site plans.

Lee Isbell felt this case is about common sense. He was concerned about the lack of attention to the human element to this type of proposal. He has a home in Tradd’s Landing. He has four children. They have put up with a stench for the past 3-1/2 years from Mr. Arnold’s property. There are buzzards flying around after the trucks are dumped, and then they fly over the subdivision’s properties and roofs. He said he has spoken to Dennise Judy of FDEP, and she said she has never smelled anything like that on the property. He wants his family to be able to breathe fresh, clean air. In response to Chairman Bryan, Mr. Isbell said Mr. Arnold has been dumping since Mr. Isbell moved there 3-1/2 years ago. He said part of the Arnold orange groves is behind his house. When they start fertilizing, it will go airborne.

Louis Sauer said he lives across the street in Sienna Ridge. He said they do not need any more trucks in the area. He also smells the stench.

Randall West said he has lived in Tradd’s Landing for two years. When he moved in, the zoning in the area was residential. If Mr. Arnold is not living by the rules for his zoning now, there is no reason to believe he will follow the rules for this new treatment plant.

George Thomas said he lives on Cape Hattarus Drive. He spoke of potential noise from the trucks and machinery since the operation will be 300 feet from his house.

Delores Wilson said she has lived on Cape Hattarus Drive in Tradd’s Landing since July of 2006. She stated that she has witnessed trucks coming in and out of the property at all hours of the night. They do not have any writing on their tanker trucks. Some of them do not have tags on the back of their trucks. She said her family has been very ill on and off over the past two years, and her house smells like an outhouse. She cannot open her windows.

Michael Hennen was present on behalf of Greater Lakes Whitman, LLC, the developer of the Greater Lakes Subdivision, property about 1400 feet south of the subject property. Mr. Arnold had stated that this would be a major upgrade over the current conditions on the property. What Mr. Arnold is proposing is a statutory requirement that is currently being implemented in Tallahassee and will be imposed upon Mr. Arnold regardless of this request. Once the bio-solids are processed as Class AA, Mr. Hennen thought Mr. Arnold would be able to apply that material up to 300 feet from the property line without a CUP. He did not see a benefit to this rezoning and CUP. In fact, he felt it could be a worse situation. He was also concerned about the intension to sell fertilizer in bulk off site. He did a site visit, and there is an odor. He added that the pilot greenhouse is not to scale. It is smaller, and they will be increasing the size. There is nothing in the ordinance regarding the minimum requirements for materials they can accept. There is also nothing that addresses the type of filler that would be used.

Sal Acquista, a resident of Tradd’s Landing, felt that some information given today is half truths. One half truth is the trees. There are no trees. Another was about the people who went to Mr. Arnold’s meeting and all signed the petition. He knew ten people who attended the meeting and did not sign the petition. The potential is there to cause major health and environmental problems for the residents in the future.

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Abdul Aitbsukil said he purchased his house in 2005. There was never any disclosure regarding the operation on the subject property. He felt there is a definite odor problem and was concerned about the expansion of the greenhouse. He asked the Board to carefully consider this application and to look into the revocation of the current CUP.

Seetaram Harry said he bought his house in Tradd’s Landing in 2005. Now he can’t go outside due to the odor from the subject property. People are moving out of the area.

Chairman Bryan commented that denying this request will not make the current problems go away. He thought the residents would be better off with this new request.

Mr. Hartenstein explained that the storm water pond is permitted to be part of the setback and can count toward the open space requirement. The storm water is not capturing effluent; it is capturing rainwater and maintains it on the property so it does not leave the property and cause a flooding problem. Regarding the memorandum from Dottie Keedy, he said it recognized that some bulk agricultural sales of the processed material may occur, but retail sales would not be permitted. The conceptual plan that was referenced by Mr. Spain is not part of the attached ordinance. He acknowledged that the trees do not fully hide the operation at this time; however, when the trees are mature, they will hide the operation. Comments related to zoning and the CUP criteria have been addressed in the staff reports. The fact that some requirements are deferred to site plan is an appropriate procedure that is used in the planning field. For the initial approval stage to get started, full engineering is not required. He stated that this CUP application is intended to reduce and eventually eliminate the land application process and to reduce the impacts that are currently taking place on the property. He reiterated that Dennise Judy of FDEP was present to answer questions.

In response to Mr. Morris, Mr. Hartenstein said the CUP legal description that Mr. Spain spoke of on the rezoning was never rescinded. The legal description encompasses the entire R-4 zoned property.

Mr. Metz referred to Tab 7 of Opposition Exhibit A, Ordinance 2004-62. He read into the record the request to rezone to R-4 and Section 1 on Page 2 regarding the terms of the ordinance. He asked if it was staff’s position that the CUP terms and conditions survived that action of the Board of County Commissioners (BCC) and was still applicable to the R-4 zoned 120 acres. Mr. Hartenstein said there should have been a separate amendment to the CUP that would have taken that acreage out of the CUP.

Mr. Spain referred to Exhibit B of the proposed CUP Ordinance and discussed the CUP in 2003, which included the inverted “L” property, and the rezoning ordinance of 2004. He said a CUP for agricultural activities on property that is zoned R-4 is inappropriate.

Melanie Marsh, Deputy County Attorney, said that typically the rezoning ordinance would have said that the CUP was rescinded or there would have been another action. She believed that the Growth Management staff has interpreted consistently that unless the ordinance specifically says the CUP is rescinded or there is a separate revocation of the CUP, it remains there even though the underlying zoning was changed.

Steve Richey stated that he had represented the case when the 120 acres was rezoned. He did not file an application to revoke the CUP because they did not know if this property was going to be purchased and they needed to be able to continue to maintain the grove. That part of the CUP was vested because it was

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not revoked even though the zoning was changed. When the issue was raised with them several years ago as part of this process, they quit spreading on the subject property and continued the agricultural use. There is a producing orange grove on the 80 acres. It has been maintained even though the property has been rezoned to R-4 because it is a vested, grandfathered in grove as was the cattle operation. Neither of those operations has ceased. They continue to use the easement to US 27. The traffic on that easement consists of grove trucks, not spreading trucks.

Mr. Morris confirmed with Mr. Hartenstein that the owner can continue to spread the effluent until the CUP has been revoked. Mr. Morris asked when the first application of the pilot program started. Mr. Hartenstein said he heard Mr. Arnold say that he built it about five weeks ago. Mr. Morris said the testimony that he has heard is that the smell has been there for a long time. Mr. Hartenstein said he has visited the site of the pilot program and smelled no odor at all.

Mr. Richey said he did not have a problem with adding language to the ordinance that no retail sales are allowed, and they will use all the product on the subject property. The water that they are creating to save on their consumptive use permits from St. Johns River Water Management District and others will be utilized for organic farming; that is permitted by FDEP. The residual composting will be used on their fields. Mr. Richey said there is a musky smell from what they are spreading on this property. The new process being requested will take care of that.

Chairman Bryan felt that there is an odor. However, he felt it was legal; and Mr. Arnold can continue it for a long time. He asked Mr. Richey if they will quit spreading if this is approved. Mr. Richey said he thought it would take two years to get through the process. Chairman Bryan asked if Mr. Richey could make a commitment. Mr. Richey said it is their goal to do this as soon as possible. Mr. Arnold wants to keep his property as a producing ranch and not sell off his property to a developer. He lives in the midst of this property.

Mr. Richey added that fire protection will be addressed during site plan review. Trees have been planted and are being maintained. This is not an urbanizing area. This rezoning allows protection of a major agricultural operation and gives it a viability for the future.

Mr. Metz clarified with Mr. Richey that they have not been spreading on the 120 acres zoned R-4 for the last several years. Mr. Richey stated that they are spreading on the property north of the 120 acres. He said there may have been a few months when they did spread on the 120 acres, but the majority of the time they have not spread on that property.

Mr. Wells said that for 25 years he has supported farm aid so he has mixed emotions in this matter. Mr. Richey said the site plan and volumes they have are fixed so this will not grow into an industrial use.

Mr. Emery confirmed with Mr. Richey that there is no phasing on the site plan submitted. Mr. Richey said they may add some greenhouses, but that is not phasing in the sense of more volume. In response to Mr. Emery, Mr. Richey said they have never spread on the 80 acres and only spread on the 40 acres in the beginning, nothing recently.

Chairman Bryan said he did not have a problem with bulk sales of the fertilizer if there is excess. He felt the key to this is the elimination of the effluent that is being spread now. Mr. Richey commented that setting a timeframe would be dependent on whether any litigation results from this. Chairman Bryan felt it

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was important that timeframes be added to the ordinance.

James Gardner felt the completion of this project would also be dependent on the economic environment.

When Mr. Wells asked about communication between the parties, Mr. Richey said they have held six meetings with residents from Tradd’s Landing, which were positive meetings. They intend to continue those meetings.

If the will of the Board is to limit the timeframe of the land spreading operation, Mr. Sheahan said that is on the overall acreage. In order to do that, a motion would be needed to bring back those ordinances and add timeframes. The ordinances being heard at this public hearing only affects 40 acres. If timeframes are added to the overall acreage, Mr. Sheahan suggested that a condition be added that it start with the operation of the residual management facility.

**MOTION by Egor Emery, SECONDED by Timothy Morris to recommend approval of Agriculture zoning to expand the agricultural operations in PH#28-08-2.**

Mr. Emery felt that returning the property to Agriculture is returning the property to the condition it should have been all along.

In response to Mr. Metz, Chairman Bryan said staff and the County Attorney’s office have both taken the opinion that the 120 acres are clearly under the CUP regardless of the action taken today.

Mr. Morris commented that this Board could ask for the Conditional Use Permit to come back.

Mr. Sheahan said he could address the concern of Mr. Metz. It can be handled in two manners. A condition could be added to the proposed CUP ordinance that specifically prohibits land spreading. That would take care of the immediate need. The original Conditional Use Permit could then be amended to exclude the subject property and add the timeframes discussed.

**FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST: None**

**MOTION CARRIED: 7-0**

**MOTION by Egor Emery, SECONDED by Timothy Morris to recommend approval of a Conditional Use Permit in the Agriculture zoning district to allow the construction and operation of a Residual Management Facility (Wastewater Treatment Plant and Composting Facility), converting treated Class “B” bio-solids into Class “AA” reclaimed water for irrigation and create fertilizer meeting Class “AA” standards for use with their citrus and hay production in CUP#08/10/1-2 with the condition that no spreading shall be allowed on the subject 40 acres.**

**CASE NO.:** PH#28-08-2 **AGENDA NO.:** 8  
**OWNER:** John R. Arnold, Trustee  
**APPLICANT:** Richey & Cooney

**CASE NO.:** CUP#08/10/1-2 **AGENDA NO.:** 9  
**OWNER:** John R. Arnold, Trustee  
**APPLICANT:** Richey & Cooney (Steven J. Richey)  
**PROJECT NAME:** John Arnold Residual Facility **PAGE NO.:** 8

**FOR:** Morris, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**NOT PRESENT:** Blankenship

**MOTION CARRIED:** 6-0

In responses to Chairman Bryan, Mr. Sheahan said staff will initiate a County-initiated amendment to the conditions. Mr. Metz was informed that this could be brought to this Board in January or February so adequate notice can be given.

**Adjournment**

There being no further business, the meeting was adjourned at 2:49 p.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman