

PLANNING AND ZONING COMMISSION MEETING

July 26, 2021

MINUTES

The Marion County Planning and Zoning Commission met on July 26, 2021 at 5:55 pm in the Board of County Commissioners Auditorium, 601 SE 25th Avenue, Ocala, Florida. Meeting was delayed. Waiting for a quorum.

The following members were present: Andy Bonner, James Bailey, Danny Gaekwad (Acting Chairman) and Alternate Michael Behar.

The following staff members were present: County Attorney, Guy Minter. Director of Growth Services Mary Elizabeth Burgess. Planners- Ken Weyrauch, Chris Rison and Ken Odom. Administrative Staff Assistant- Stephanie Soucey, Staff Assistant IV- Darlene Pocock and Staff Assistant IV-Teresa Brown. Elton Holland, County Engineer. Luis Ruiz, Code Enforcement Officer. Tracy Straub, Assistant County Administrator.

Acting Chairman called the meeting to order at 5:55pm., Director, Mary Elizabeth Burgess read the Proof of Publication and the Affidavit of Mailing and Posting of Notice, and advised that the meeting was properly advertised. Michael Behar led the Invocation and the Pledge of Allegiance. Stephanie Soucey called the roll and a quorum was confirmed.

All records pertaining to notice to property owners, all correspondence and other related information pertaining to individual Zoning Change and Special Use Permit requests are located in the Zoning Department files for record purposes.

Growth Services Director, Mary Elizabeth Burgess explained the item listed on the Consent Agenda. This item received no written opposition within 300 feet and staff recommends approval of the request.

	ITEM	OWNER	FROM-TO	ACREAGE
1	210710SU	Norman and Maureen Brown	Special Use Permit in A-1	1.35
2	21-L03	Martelli Farm. LLC	Rural Land to RAC/ RAC to Rural Land	18.53
3	210801Z	Martelli Farm. LLC	A-1 and B-2 to RAC/ RAC to A-1	18.53
4	21-S04	Gregory and Debra Martin	Public to Commercial	0.62
5	210803Z	Gregory and Debra Martin	A-1 to B-2	0.62
6	21-S05	Ocala Crossings South LLC	Med Residential to Commercial	4.81
7	210804Z	Ocala Crossings South LLC	PUD to B-2	4.81
8	21-S06	The 603 Acre Land Trust	Med Residential to Commercial	9.9
9	210805Z	The 603 Acre Land Trust	PUD and A-1 to PUD	338.16
10	210807Z	Jane Baldwin and Philip Blandeburgo	B-2 to R-1	0.89
11	210808Z	Susan Pierre	B-4 to RR-1	0.23
12	210809Z	Arron Sterling and Maria Bithell	PUD to R-1	4.21
13	210810Z	International Property Services Corp.	B-2 to A-3	1.5
14	210811Z	M&S Global, LLC.	A-1 to PUD	0.54
15	210812Z	Simeon Holdings, LLC.	A-1 and B-2 to B-4	2.8
16	210813SU	Rinker Materials of FL, Inc.	Special Use Permit in M-2	3.92

Motion was made by Michael Behar and seconded by Andy Bonner to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (210710SU, 21-L03, 210801Z, 21-S04, 210803Z, 21-S05, 210804Z, 21-S06, 210805Z, 210807Z, 210808Z, 210809Z, 210810Z, 210811Z, 210812Z and 210812SU) based on the following findings of fact:

1. Will not adversely affect the public interest
2. Are consistent with the Marion County Comprehensive Plan
3. Are compatible with the surrounding land uses

The Motion passed 4-0

ITEM 210812Z- Simeon Holdings, LLC. A-1 and B-2 to B-4, 2.8 Acres was pulled from consent after the P&Z Commission Public Hearing.

17. 210409SU- Good Shepherd Presbyterian Church of Ocala Inc. Michael Rauls, 151 SW 87th Place, Ocala, FL 34479, request a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, to allow a cemetery for burial only to members of Good Shepherd Presbyterian Church of Ocala, Inc. as determined by the Book of Church Order of the Presbyterian Church in America, in an A-1 (General Agriculture) zone, on an approximate 4.99 Acre portion of a 51.58 Parcel, on Parcel Account Number 36762-001-00.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 43= 2%

Chris Rison, Growth Services, presented this request:

- Location: 151 SW 87th Place; 1500' west of SE Magnolia Avenue and 650' north of SE 87th Place
- Zoning and Future Land Use: A-1 (General Agriculture) and Rural Land
- Proposal: Special Use Permit for a Church Cemetery
- Future Land Use Element Policy 2.1.8. provides that community facilities, such as schools, churches, synagogues, community centers and day-care centers may be located in Rural Areas. The existing Good Shepherd Presbyterian Church and Redeemer Christian School were established by Special Use Permit (SUP) under this provision (19971205SU)
- Marion County has considered cemetery sites through the SUP process for small private/family cemeteries or religious institution sites associated with an existing religious facility such as this request. The SUP process also represents an opportunity for verifying a cemetery location for future historical reference.
- Access/Traffic: The cemetery will include a formal access route/easement to east and then south to SW 87th Place to accommodate access when the church's school is in operation to provide for security and traffic separation. The property's historic "flag access" southwest of the cemetery will not be used for access.
- A 25-foot wide setback/buffer will be provided along the west and south sides of the cemetery. Existing vegetation within the setback will be maintained as a visual buffer. Any monuments or improvements in the cemetery will be limited to a maximum height of 15-feet. The north boundary will include black/green vinyl coated chain link fencing without barbed wire and include screening (fabric or vinyl slates) until the final north mini-storage building is completed. Cemetery development will be subject to general site plan and zoning design requirements. (stormwater, lighting, etc.)
- Recommendation: Staff recommends Approval with Staff recommended conditions

Jimmy Gooding, 1531 SE 36th Avenue, Ocala FL 34471, represented the applicant:

- He has been representing the church for approximately 25 years.
- The founder of the church has passed away and they are asking for a cemetery site.
- This is an exception permitted by state law. However the conditions that they have agreed to are based on other Special Use Permits that the county has given. They chose the most severe restrictions that were in those (No signage, 15 foot height limitation, setbacks). Also, in addition it is limited to members of the church only. Also, they cannot use the flag for access to the cemetery. Church cemeteries have been in existence in Marion County for hundreds of years without any problems.

PUBLIC COMMENT:

There was no one in attendance to speak for or against this item.

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Michael Behar seconded by James Bailey to agree with staff's findings and recommendation, and recommend approval of the requested Special Use Permit based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion passed 4-0

18. 21-S03– Mary and Stacey A. Weeks, 25291 W. Highway 314, Salt Springs, FL 32134, request a Land Use Change, Articles 1, 2 and 3 of the Marion County Land Development Code, from LR (Low Residential) to COM (Commercial), on an approximate 3 Acre Tract, on Parcel Account Numbers 1140-005-000, 1140-006-000 and 1140-007-000.

19. 210802Z– Mary and Stacey A. Weeks, 25291 W Highway 314, Salt Springs, FL 32134, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from B-5 (Heavy Business) to PUD (Planned Unit Development), for a retail store, on an approximate 3.0 Acre Tract, on Parcel Account Numbers 1140-005-000, 1140-006-000 and 1140-007-000.

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 8= 13%

Ken Weyrauch, Growth Services, presented this request:

- Location : NE Hwy 314, in Salt Springs
- Current Zoning and Future Land Use: B-5 (Heavy Business) and Low Density Residential
- Proposal: Small Scale Comp Plan Amendment from Low Residential to Commercial; concurrent PUD zoning change application for a general retail store (B-5 (Heavy Business to PUD)
- Access/Traffic: Maximum development could generate 5,400 daily trips. However, the proposed PUD is expected to generate approximately 439 daily trips and 72 peak hour trips. (just over 1 car a minute)
- Relation to surrounding use: Self Storage adjacent to the west. Vacant commercial along HWY 314. Vacant residential to the north. Forest to the south.
- Ker View Subdivision was established in 1976.
- Subject property went from B-2 to B-5 in 1988.
- Self- Storage to the west was developed in 1988.
- Property on the east end of the block has a Policy 1.20 letter for a bait shop that was granted in 2001.
- PUD Proposal:
 - o Buffers will be consistent with the LDC
 - o PUD for B-2 uses excluding the following:
 - Bar
 - Club/fraternity
 - Gun Shop
 - Hotel/motel
 - Nightclub
 - Poolroom
 - Tattoo/piercing parlor
 - Taxidermist
- B-2 zoning is much less intense than B-5

- Limited grocery and everyday retail within the area
- Autocentric area, no transit or alternative transportation
- Population using ACS data(Community Analyst, ESRI)
 - o Within 1 mile -670 people (median age 60.9)
 - o Within 3 miles- 1,457 people (median age 62.9)
 - o Within 5 miles- 1,943 people (median age 63)
- Recommendation: Staff is recommending approval of both requests

Rodney Rogers, Rogers Engineering, 1105 SE 3rd Avenue, Ocala FL 34471, represented the applicant:

- The property has a business zoning classification with a residential land use.
- The whole strip of property was subdivided and platted for commercial parcels sitting in front on the highway.
- The only thing that has happened on the strip was the storage facility.
- This is an opportunity for a new business to be in Salt Springs.
- Rather than leave the B-5 zoning in place and go for a land use change they chose to apply for a PUD so that they could eliminate a lot of the unknown uses that are in the B-5 zoning class that could harm the neighborhood.
- The back half of the property will only have a drainage retention pond and a drain field.
- There will also be a planted buffer along the property line.
- A lot of the trees and underbrush will stay in the back.
- They plan to build a Family Dollar.

PUBLIC COMMENT:

Jack Stackman, 15109 NE 28th Avenue Road, Salt Springs, FL 32134:

- Why not just have it as B-2? Why is a PUD necessary?
- Will the PUD allow them to build on the other parcels without coming back to the board?

Giovanna Gallottini, 23520 NE Hwy 314, Salt Springs, FL 32134:

- Concerned about traffic
- This neighborhood is residential with local businesses
- The Family Dollar will not be compatible
- It is not needed
- Concerned about the environment

Stanton West, 12954 NE 244th Terrace, Salt Springs FL 32134:

- Described the existing neighborhood
- There is a rise in the road
- Concerned about traffic

Jane Baldwin, 24390 NE 127th Street, Salt Springs FL 32134:

- Concerned about traffic
- Feels that there is enough business in the area

Elizabeth Best, 9740 NE 306th Court, Salt Springs FL 32134:

- Feels that the Comprehensive Plan for Marion County is not compatible with their area.
- What about internet cafes or bait shops?
- There is a permit pulled for a Family Dollar on another parcel.
- That whole area will turn into a strip mall that is not wanted

Pam Littleton, 24430 NE 128th Place, Salt Springs, FL 32134:

- She turned in a copy of the existing Family Dollar permit
- They already have a Dollar General
- Lake Kerr is one of the cleanest lakes in Florida and she is concerned about having a commercial property that close
- It is surrounded by residential
- There is a lot of kids and bus stops
- People out there want peace and quiet

Philip Blandeburgo, 24390 NE 127th Street, Salt Springs FL 32134:

- People moved out there to be isolated in a beautiful Spring Area

James Littleton, 24430 NE 128th Place, Salt Springs, FL 32134:

- Concerned about traffic
- Crest in the hill
- School bus Stops

Craig Newman, 12631 NE 243rd Avenue, Salt Springs FL 32134:

- Not the right place
- Already a Dollar General and a grocery store down the street

REBUTTAL:

Rodney Rogers, Rogers Engineering, 1105 SE 3rd Avenue, Ocala FL 34471, represented the applicant:

- All storm water runoff will be retained on site
- This will not generate more traffic. It will feed off of the traffic already in the area.

PUBLIC COMMENT CLOSED

21-S03 Planning and Zoning Commission Recommendation

Motion 1 was made by James Bailey to agree with staff's findings and recommendation, and recommend approval. This motion died for lack of a second.

Motion 2 was made by Michael Behar seconded by Andy Bonner to disagree with staff's findings and recommendation, and recommend denial of the requested small scale land use change based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed 3-1 with James Bailey dissenting

210802Z Planning and Zoning Commission Recommendation

Motion was made by Michael Behar seconded by Andy Bonner to disagree with staff's findings and recommendation, and recommend denial of the requested zoning change based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed 3-1 with James Bailey dissenting

20. 210806Z– Coyote Crossings Holdings, LLC. Richard McGinley, 5700 SW Highway 484, Ocala, FL 34473 and Dollar Tree Distribution, Inc. Michael Lech, 500 Volvo Parkway, Chesapeake VA 23320, requests a modification of an existing PUD (Planned Unit Development), Articles 2 and 4, of the Marion County Land Development Code, to allow a height increase from 65’ to up to 145’ on industrial development, add 2.5 acres, clarify commercial uses and update the access management plan, on an approximate 964.07 Acre Tract, on Parcel Account Numbers 41205-000-00, 41205-000-01, 41205-000-02, 41205-002-00, 41205-003-00 and 41205-003-01

WRITTEN OPPOSITION WITHIN 300 FEET 1 of 304= 0%

Mary Elizabeth Burgess, Growth Services Director, presented this request:

- Location: 5700 SW Hwy 484
- Current Zoning and Future Land Use: PUD and Commerce District
- Proposal: PUD (Planned Unit Development) Modification
 - o The original application request included increasing the height limit from 65’ to 145’ on industrial development. The applicant has since pulled that request.
- Recommendation: Staff is recommending approval with the following conditions:
 - o B-1, B-2 and B-4 uses can be sought through obtaining a Special Use Permit.
 - o All other conditions set forth in the previous approval must be adhered to where applicable.
 - o Provide equivalency matrix that would allow conversion between the uses in the existing study and uses that are proposed.
 - o The final PUD Master plan set dated June 2, 2021 is the plan of record

David Tillman, Tillman & Associates Engineering, LLC. 1720 SE 16th Avenue, Bldg. 100, Ocala FL 34471, represented the applicant:

- They will come back with a Special Use Permit for any B-1, B-2 or B-4 uses only.

PUBLIC COMMENT:

There was no one in the audience to speak for or against this item.

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Andy Bonner seconded by Michael Behar to agree with staff’s findings and recommendation, and recommend approval of the requested zoning change based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion passed 4 to 0

21. 210815SU– Scott C. and Sharon L. Seiler, 3030 NE 70th Street, Ocala FL 34479, request a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for the purpose of Sand Mine Excavation and Reclamation, in an A-1 (General Agriculture) zone, on an approximate 67.43 Acre Tract, on Parcel Account Numbers 14000-000-00 and 14394-002-00.

WRITTEN OPPOSITION WITHIN 300 FEET 7 of 16= 44%

Ken Odom, Growth Services, presented this request:

- Special use permit request to operate a sand mine. The property is located approximately two mile east of the Town of Anthony. The subject parcels lie adjacent north of NE 97th Street Road (Anthony-Burbank Road) and east of NE 41st Terrace.
- The subject parcels are rurally located agricultural land that has been historically used for farming and grazing, which is consistent with many of the other large agricultural properties in the area.

- The applicant proposes to conduct sand mining operations on the subject parcels, in ten phases, with each phase being closed and restored to previous grade before a new phase is opened.
- Geo-technical surveys have been provided that indicate that the site is primarily composed of Arredondo sand, with some Candler sand also present, it is unlikely that karst features lie within 200' feet of the subject parcels and there are no sinkholes currently on the subject parcels. Both of these sand types are well-drained, easily extractable and highly desirable as a mining product. According to soil boring, the average confining layer that underlies the sandy soils is located at 66.41' and the applicant has indicated that excavation is not proposed below 70.00', with the average extraction depth across both parcels being 23' of surface materials.
- Parking and staging of vehicles will be internal to the site and twenty-five vehicles entering and exiting the site is the estimated transfer load. These vehicle trips are proposed from 7:00 AM to 5:00 PM, Monday through Saturday.
- A haul plan has been provided that indicates that the path of transfer will occur by vehicles traveling on the western internal edge of the subject parcels and then exiting the subject parcels at the southwest corner of the property. They will exit onto NE 41st Terrace, turn east onto NE 97th Street Road and then turn south onto SE 58th Ave. They will then disperse once they have reached CR 326. They are proposed to follow this haul plan for the duration of the life of the mine.
- NE 41st Terrace and SE 97th Street Road both have ten-foot wide lanes and are asphalt, chip sealed roads (NE 41st Terrace last sealed in 2015 & NE 97th Street R). Road Chip sealing is a pavement surface treatment typically used to extend the life of low-volume rural roads. It is usually composed of a thin layer of aggregate and an asphalt adhesive and it is easily damaged by higher frequencies of heavy vehicle passage. While the applicant has proposed to overlay the southern portion of NE 41st Terrace with an additional 1.5' of asphalt for reinforcement, deviation from the haul plan to utilize any other local roads in the area, comparable NE 41st Terrace, could be potentially damaging to those facilities as they are not designed to be as structurally resilient as NE 97th Street Road and SE 58th Ave. This includes several of the roads in and around the Town of Anthony if a shorter route were utilized to serve potential clients to the north or west of the sand mine.
- The applicant proposes to remove the topsoil from the subject parcels and use it to construct 6' berms around the perimeter of the collective parcels where natural vegetation is not dense enough to form and adequate buffer. This will provide 34' of buffered area as a result of berm construction. Naturally vegetated buffer depths will vary, depending on the location on the property. Exact measurements of these areas have not been provided, but a map is attached that indicates these areas. The topsoil will be returned to the surficial layer during reclamation.
- Sand and clay mining are the least intense types of mining operations allowed within Marion County. However, the very nature of the physical activity of the process is not conducive to these types of operations being conducted near residential properties. The proposed mining operation would be conducted within 1,320' (1/4 Mile) of no less than thirty separate residences surrounding the two subject parcels.
- Environmental concerns due to both of the subject parcels located within the Primary Springs Protection Zone and that the Marion County Aquifer Vulnerability Assessment (MCAVA) identifies the entire area within the collective parcels as 'Vulnerable', 'More Vulnerable' or 'Most Vulnerable'.
- SEC.4.3.11.- MINING & EXCAVATION
 - o 35% within MCAVA "more" or "most" vulnerable
 - o Mining will occur within 15' of potentiometric surface or confining layer
- ARTICLE 4. SPRINGS PROTECTION OVERLAY ZONE (SPOZ)
 - o 1. Major Site Plan Shall Include
 - a. All surface drainage from site runoff shall be directed away from mined area to avoid groundwater contamination. If necessary, grading to alter the direction of flow and/or construction of berms to direct runoff around the mined area may be required.

- b. Pollutants or substances of any kind which may be detrimental to water quality shall not be stored in the mined area. In addition, all fueling, lubrication and any other equipment maintenance activity for equipment that is reasonably maintained outside of the mined area, shall be performed beyond the edge of the mined area, and additional spill containment shall be provided.
 - c. Proposed location of storage tanks, refueling areas and equipment maintenance areas;
 - d. Existing potable water wells within 500 feet of the site boundaries;
 - e. Existing and proposed water bodies;
 - f. Existing and proposed temporary and permanent stormwater management facilities;
 - g. Copy of hazardous materials management plan consistent with the requirements of FDEP and this section;
 - h. The provided aerial photograph shall indicate property lines and areas proposed for mining, excavation or fill;
- 2. Copy of Approved Reclamation Plan, in compliance with FDEP regulations.
- 3. All mines shall be required to have an approved Reclamation Plan that, in addition to meeting all FDEP requirements, includes the following measures to protect water quality in the surficial and Floridan Aquifer:
 - a. Where the excavated area will be reclaimed and developed with an urban land use or rural development, clean fill and/or soil with similar or lower permeability and recharge rate than the original strata shall be replaced to a minimum depth of 15 feet over potentiometric surface or top of limerock, a vegetative buffer along the edge of the water body or exposed limerock shall be provided according to the following:
 - i. The buffer shall be at least 150 feet wide, as measured horizontally from the seasonal high water line, excavated escarpment or highest closed contour of the mined area, as applicable. For water bodies, the buffer shall, additionally, extend from the outer edge of the minimum buffer width to the edge of water. The minimum buffer width may be reduced if a comparable treatment system designed by a licensed professional is approved through the development review process.
 - ii. The buffer shall be permanently protected through an easement granted to the county, or other county approved public or non-profit entity, on a county approved instrument recorded in the public record.
 - iii. Vegetation within the easement shall consist of native or approved non-invasive and drought tolerant trees, shrubs, grasses and other ground covers, which shall be established according to a buffer landscaping plan submitted to the county for approval.
 - iv. Only clean fill, as defined by FDEP, may be disposed of in the mined area.
- 4. Copy of Geotechnical Report:
 - a. Cross-sectional of the proposed depth of areas to be mined or excavated and relationship to the potentiometric surface and geologic materials, based on test borings performed on site;
 - b. Test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial and Floridan aquifers and the locations of groundwater tables on a site. At a minimum, the test borings shall comply with the following:
 - i. Minimum depth. All borings shall be conducted to a depth of not less than ten feet below the deepest proposed mining or excavation, but no greater than ten feet below encountered limerock.
 - ii. Maximum spacing. All borings shall be spaced at 500-foot intervals in two traverse directions, except limerock mine borings will be spaced 1,000-foot intervals in two traverse directions.

- iii. Log content. The boring log shall indicate the geologic description and thickness of all strata encountered, including topsoil, overburden, mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater.
 - iv. All borings shall be properly filled or grouted.
- Staff recommend Denial of the proposed Special Use Permit.
 - The vicinity of the site consists of single-family homes with agricultural operations, all of which are located in A-1: General Agriculture. The intensity of the activities related to mining operations, the close proximity of the proposed mine to multiple residential properties and the potential environmental impact within the Primary Springs Protection Zone and the MCAVA ratings will adversely affect the public interest.

Jimmy Gooding, 1531 SE 36th Avenue, Ocala FL 34471, represented the applicant:

- They agree with most of the factual statements in the staff recommendation. They disagree with the inferences from them as well as the addition of new material at the hearing that is not in the staff report.
- As the staff report points out, this is a sand mine. It is the least intrusive, least impactful type of mining that is permitted. This is not a limerock pit. This is not the type of thing where they would go into the aquifer.
- He was surprised at the conclusion that this is too close to residential uses. He knows of at least two sand mines that have been operating in Marion County with many more residents than this located near them. Some of them have even developed after the sand mine was in operation.
- They are addressing the potential impact of all the neighbors.
- These type of mines do not intrude into the aquifer.
- They will not get below the defining layer where the aquifer is located.

Paolo Mastroserio, Mastroserio Engineering, 170 SE 32nd Place, Ocala FL 34471:

- They plan on staying at least four feet above the defining layer.

Jimmy Gooding, 1531 SE 36th Avenue, Ocala FL 34471, represented the applicant:

- They are not going to be penetrating the defining layer.
- There is going to be no more activity here that impacts the ground water than currently permitted activities.
- Staff is correct that this is in an area that according to the MCAVA map does represent a potentially high karst sensitive area. However, they have an actual geo-tech report that concludes that this site (based on the borings and what not) does not present anymore threat of sinkholes than any other area.
- The tendency should be to actually rely on the studies on the ground rather than the MCAVA map. None the less, they do intend to comply with the provisions of the land development code that are required because they meet the requirements on that map.
- He is confused about the claim that they do not have a reclamation plan. They thought that they did. Nowhere in the staff report does it indicate that they don't. So he is a little surprised with that.
- They do intend to reclaim. They will address that before they get to the county commission.
- They intend to divide the property into ten phases and begin the reclamation on the phase they are completed with before they start the next phase and finish reclamation on the first phase before they go to the third phase etc. The reason that they are doing that is to minimize impact on the surrounding area and to provide the reclamation as they go through. Historically there has been problems in Marion County with reclamation. In this case they will be going along doing the reclamation as they proceed, which more or less guarantees that it will take place.
- This use is going to be non-pollution generating use. In any rural agricultural area you will maintain farm equipment and other types of equipment all day long.

- Ground water will not be effected.
- He looked through the letters and seen a big concern about sand dust being kicked up in the air. They will water every 2 hours or as necessary to keep the dust down.
- They do not want to be a bad neighbor
- Traffic is a legitimate concern. Staff points out that all the roads except the side road can handle this type of traffic. They will be directing traffic with signage on the site and restrictions on their customers to go away from the town of Anthony.
- They are going to work with the county engineer on the side road.
- No more than 50 trips a day. This is not a huge operation.
- What happens if sand mines are not allowed in Marion County? Marion County is in the midst of another housing and construction boom. Development requires sand (for roads, for lots and for other purposes). Where will the sand come from? It is trucked in from other places. It is better to have a sand mine located in Marion County near a major transportation corridor to avoid trucks going through urban areas.
- They are willing to work with the alternative proposed conditions.

Christopher Bennett Sr., 6960 NW 25th Avenue Road, Ocala FL 34475, the applicant:

- His grandbabies are fourth generation here
- They will be open 5 days a week (Monday-Friday)

PUBLIC COMMENT:

Sylvia Dean, 9406 NE 27th Terrace, Anthony FL 32617:

- One street over from the mine location
- The road they will take to 326 on the left side is a lake on the right side is the forest trail riding
- There are people and horses on the road all the time.
- They put a dump in by 326. After it had been there a month it said toxic waste.
- The water is very milky. Their waters are not deep wells. They have no money for new wells.
- The road cannot handle the traffic.

Jamie Caldwell, 10950 NE 47th Avenue, Anthony FL 32617:

- She submitted a letter
- Concerned that the proposed sand mine is surrounded by residential and agricultural properties.
- Mining is an industrial activity.
- Environmental impact will be devastating
- The mine will affect the quantity and quality of their water
- The aquifer is in danger
- The roads will not handle the heavy traffic
- Concerned about traffic safety
- Negative effect on home values
- Sound pollution
- What materials will be placed in the mine after the sand is gone
- Her and her husband have lived in Marion County for over 20 years
- Moved to Anthony a year and a half ago in hopes of a quiet place to live
- Raised on a working farm

Jane Muzyka, 43 Alexandria Drive, Pittstown, NJ 08867 (situs: 4375 NE 97th Street Road, Anthony FL):

- She lives in New Jersey and she drove all the way to Florida for this meeting
- Her land borders the proposed sand mine property

- She has been paying taxes the past 20 years on vacant land. She was planning to move to Anthony Florida when she retires. She wanted to retire to a tranquil place.
- If she wanted to retire next to an industrial site she would stay in New Jersey.
- There needs to be an Environmental Impact Statement to determine the effects on water shed and the aquifer.
- She has already retained an environmental firm to evaluate the potential hazards.
- She is concerned about silica dust.
- Roads cannot handle the extra traffic.
- Dump trucks leaking diesel fuel and tracking silica dust.
- Orlando has sand mines but they are not near homes. They are all in industrial areas.
- Concerned about noise, traffic and dust.
- There is a lot of sand in Florida. Go build a sand mine somewhere else in an industrial area. Not peaceful horse country like Anthony Florida

Carlos Tobon, 4566 SE 2nd Place, Ocala FL 34471 – speaking for Matthew Griffiths, 4280 NE 97th Street Road, Anthony FL 32617:

- Concerned about environmental damage
- Worried about livestock and people effected by silica dust. What about the evenings and weekends when no one is there to water the sand and there is a dust storm?
- The soil in the NE part of the county is one of the best to raise livestock and horses. This will effect that.
- Concerned about property values

Brenda Sauls, 10010 NE 41st Terrace, Anthony FL 32617:

- This mine will be detrimental to the community where her family has been brought up for over 50 years.
- This mine will be an eye sore.
- Concerned about how the mine will affect their health
- They spend the majority of their time outside working and are worried about respiratory issues
- Concerned about their livestock
- Concerned about water quality as well as air quality
- Worried that the existing shallow water levels will cause the wells to run dry
- Her and her neighbors depend on ground water for their wells to be available
- Concerned about there not being enough buffer to protect their view

Tracey Hurst, 4954 NE 110th Street, Anthony FL 32617:

- Concerned about the endangered species - burrowing owls, gopher tortoises, indigo snakes etc.

Emmett McKenzie, 1790 NE 90th Place, Anthony FL 32617:

- Worried about contaminated water

Mark Weddell, 4874 NE 105th Place, Anthony FL 32617:

- Over 665 members on Facebook oppose this
- Concerned about animals, traffic, noise, pollution and road concerns

Laurie Brennan, 10400 NE 41st Terrace, Anthony FL 32617:

- Lives across from the proposed mine
- Concerned about traffic, noise and health

Katherine Yongue, 10045 NE 23rd Court, Anthony FL 32617:

- Agrees with others
- Wants to know where the water used to water down the sand will come from

Linda Wallace, 10140 NE 20th Terrace Road, Anthony FL 32617:

- Agrees with others
- Concerned about water and roads
- Upset that pristine land will be destroyed

Amy Hash, 4300 NE 97th Street Road, Anthony FL 32617:

- Asked about accountability
- Worried about trucks passing the area school

Jessica Hall, 4441 NE 97th Street Road, Anthony FL 32617:

- Concerned about bus stops with children and trucks flinging rocks and sand

Tammy Long, 4961 NE 105th Place, Anthony FL 32617:

- Agrees with others
- Has asthma and is afraid of dust
- Concerned about children at the bus stop near a sharp curve being hit by trucks

Ian Jarnagin, 11131 NE 44th Court, Anthony FL 32617:

- Agrees with others
- How are they being monitored
- This is a rural residential area

Roy Buchholz, 9615 NE 42nd Avenue, Anthony FL 32617:

- Lives across from the sand mine
- Agrees with others
- Concerned about the animals
- Concerned about bicycles and traffic

Ronnie Newton, 10001 NE 36th Avenue, Anthony FL 32617:

- Security needed – children will trust pass and get stuck

John Parker, Jr, 4314 NE 97th Street, Anthony FL 32617:

- This is not a paved road- it is millings

Gerald Sutton Jr. 4449 NE 97th Street Road, Anthony FL 32617:

- Horse farm owner
- Concerned about water
- Concerned about animal protection
- Concerned about the noise from beeping and banging trucks

Marcia Armstrong, 10353 NE 36th Avenue, Anthony FL 32617:

- They are only mining 10 acres at a time so that they do not have to go through St. Johns water management

Ray Collins, 4005 NE 135th Place, Anthony FL 32617:

- Went to school and church there

Tom Brantley, 4296 NE 97th Street Road, Anthony FL 32617:

- Roads cannot handle the trucks
- How can you enforce reclaiming?

Randy Temkin, 4621 NE 97th Street Road, Anthony FL 32617:

- Sink hole risks
- Will they have to have a bond in case something goes wrong?

Ronald Knight, 4951 NE 105th Place, Anthony FL 32617:

- Lives walking distance from the proposed mine

Katherine Parker, 4314 NE 97th Street Road, Anthony FL 32617:

- Noise will affect horses
- Works from home concerned about noise

Rudy Seiler, 3956 NE 67th Terrace, Silver Springs FL 34488

- Voices of the people should be heard more than the ones that want to make money

Sandra Pearo, 2857, 2861, 2863 NE 92nd Place and 9459 NE 27th Terrace, Anthony FL 32617:

- Lived in Anthony for over 60 years
- Her property was a sand mine- cannot grow grass, awful water
- Last sand mine was turned into a trash dump

Gay Street, 4874 NE 105th Place, Anthony FL 32617:

- Agrees with others
- How does the sand being water every two hours help in an agricultural community?
- Silica dust will still contaminate

Andrea Burkett, 10140 NE 20th Terrace, Anthony FL 32617:

- Speaking on behalf of his parents
- Will the sand be dug out or pumped out?

REBUTTAL:

Jimmy Gooding, 1531 SE 36th Avenue, Ocala FL 34471, represented the applicant:

- Applied for water management permits
- Cannot be used as a dump or C&D landfill
- Water will not be used in the mining process
- Using an existing wells to water sand (2 on the property)
- Trucks will not be parked there

PUBLIC COMMENT CLOSED

Planning and Zoning Commission Recommendation

Motion was made by Planning and Zoning Commission Recommendation

Motion was made by Andy Bonner seconded by Michael Behar to agree with staff's findings and recommendation, and recommend denial of the requested special use permit based on the following findings of fact:

1. Will adversely affect the public interest
2. Is not consistent with the Marion County Comprehensive Plan
3. Is not compatible with the surrounding land uses

The Motion passed 4-0

NEW BUSINESS:

There was no new business to bring before the board.

MINUTES:

Motion was made by Michael Behar, seconded by James Bailey to approve the minutes of the June 28, 2021 Planning & Zoning Commission meeting.

The motion passed 4-0

ADJOURNMENT:

The meeting adjourned at 8:52 PM

Attest:

Danny Gaekwad- Acting Chairman

Stephanie Soucey
Administrative Staff Assistant