



Marion County Board of County Commissioners

Date: 8/3/2021

P&Z: 7/26/2021 BCC: 8/17/2021

**Item Number
201015SU**

Type of Application
Special Use Permit

Request
Special Use Permit for
sand mine in A-1
zoning.

Owner/ Applicant
Seiler, Scott & Sharon

Agent
Anthony Materials Inc.
c/o Christopher
Bennett

Parcel #/Acreage
14000-000-00/40.00
14394-002-00/30.00
Total/70.00

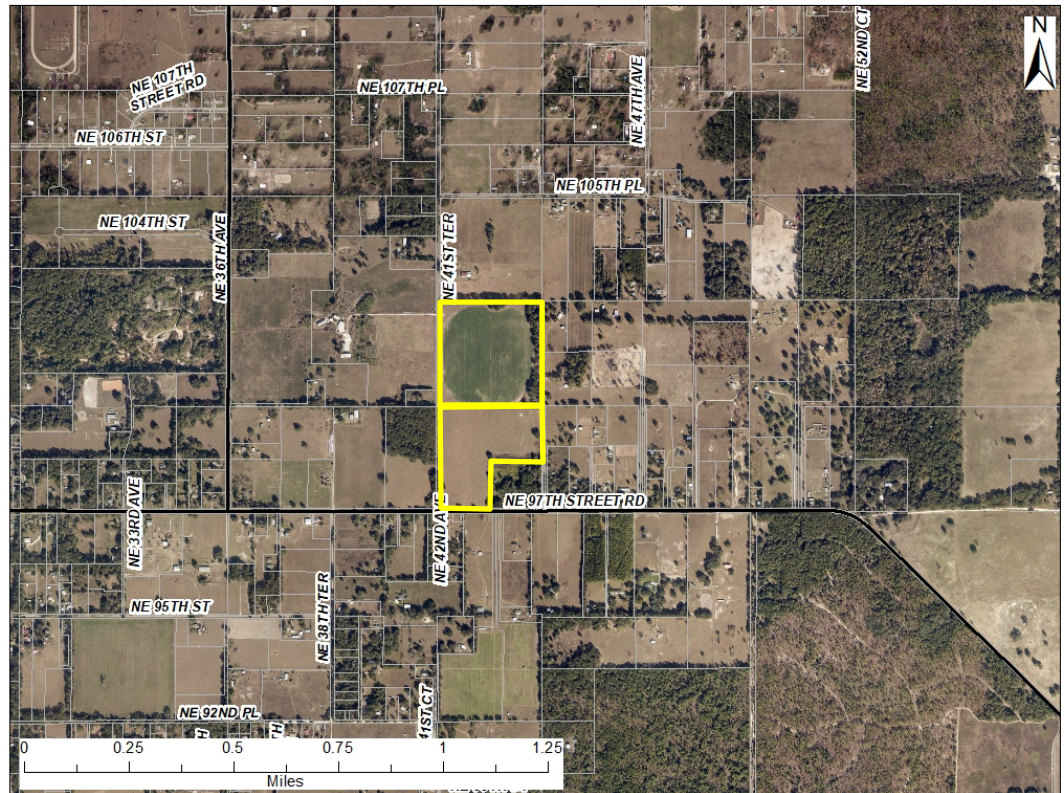
Future Land Use
Rural Land

Existing Zoning
A-1: General
Agriculture

**Staff
Recommendation**
Denial

**P&Z
Recommendation:**
Denial

Project Planner
Kenneth Odom,
Transportation Planner



Item Summary

Staff is recommending **Denial** of the Special Use Permit requesting to establish a sand mine on the subject parcels. 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 activities related to mining operations, including a six-day a week schedule, and the close proximity of the proposed mine to multiple residential properties is not compatible with the established land uses in the area.

Public Notice

Notice of public hearing was mailed to 16 property owners within 300 feet of the subject property. At this time 47 letters in opposition have been received.

Location

The subject parcels are located approximately two miles east of the Town of Anthony. They lie adjacently north of NE 97th Street Road (Anthony-Burbank Road) and east of NE 41st Terrace.

**Additional
Information**
N/A

**Comprehensive
Plan Amendment:**
N/A

Code Case: None

The following table summarizes adjacent future land use designations, zoning districts and existing uses:

ADJACENT PROPERTY CHARACTERISTICS			
Direction of Adjacency	Future Land Use Designation	Zoning	Existing Use/MCPA Property Class
North	Rural Land	A-1 General Agriculture	(01) Improved Residential & (60-65) Grazing
South	Rural Land	A-1 General Agriculture	(01) Improved Residential
East	Rural Land	A-1 General Agriculture	(01) Improved Residential
West	Rural Land	A-1 General Agriculture	(01) Improved Residential & (60-65) Grazing

Request

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. (Map is attached) 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.

Roads/Access

The proposed haul route will be from NE 58th Ave, to NE 97th Street Road, to NE 41st Terrace Road. The applicant proposes to overlay the southernmost 225' of NE 41st Terrace Road with 1.5" of asphalt in order to reinforce the existing corridor. Primary ingress/egress will then be off of NE 41st Terrace Road where it would access the parcel # 14394-002-00 in the southwest corner of the parcel. A paved apron will be constructed at the primary access point. The site is currently fenced with barbed wire, which will remain, and will be gated.

Buffers/Berms

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 an 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.

Infrastructure

No on-site lighting is proposed. No power is proposed for any activities related to sand mining operations. Existing power will be maintained to power the two irrigation pivots that are currently on-site, but no other water services are proposed. No sanitary sewer services are proposed for the site. No fuel-storage containment will be located on-site.

Analysis

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'.

A remediation strategy for erosion mitigation and a description of how phasing will be conducted has been provided. A full Reclamation Plan has not been provided. A projected schedule of the life of the mine has not been provided.

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.

Utilities

Water and sewer service is available through well and septic only. Electrical service is provided by Duke Energy.

In reaching its decision, the Board of County Commissioners will find:

a. Granting the proposed Special Use Permit change will adversely affect the public interest.

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.

b. The proposed Special Use Permit is consistent with the current Comprehensive Plan.

The FLU Map 1: Marion County 2035 Future Land Use Map of the Comprehensive Plan designates this property as Rural Land with A-1 (general agriculture) zoning. Mining operations are permitted in any zone through the SUP process. The proposed activities are compatible with the Comprehensive Plan through the Special Use Permit process.

c. The proposed Special Use Permit is not compatible with land uses in the surrounding area.

The subject parcels comprise approximately seventy acres of rural A-1 zoned properties that are surrounded by single-family residences and agricultural operations. The proposed mining operations are not compatible with the residential land uses in the surrounding area.

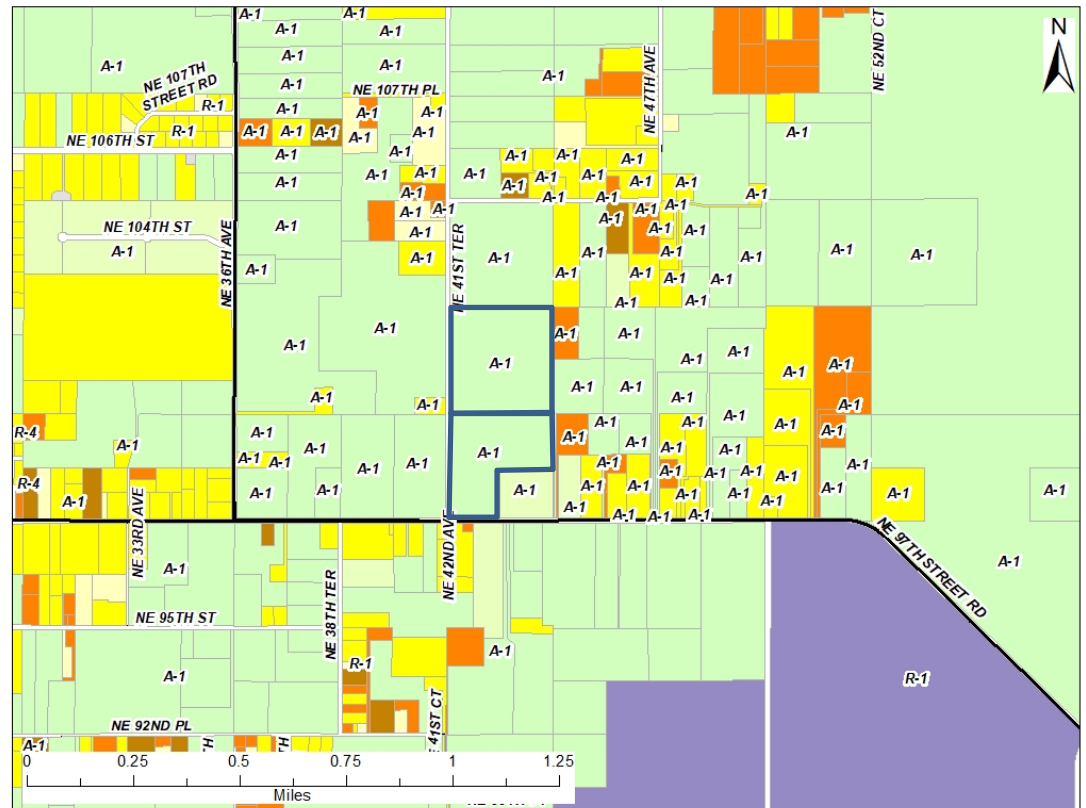
Planning and Zoning Staff recommend Denial of the proposed Special Use Permit. However, if the Commission finds merit in this request, the following conditions are recommended:

1. The site shall be developed and operated consistent with an approved Major Site Plan that meets the requirements of the LDC as described in Div. 5.5.4(5) (a)-(f) and authorized by the County's Development Review Committee. The site plan shall also include the following:
 - a. A phasing plan for extraction and reclamation where each phase does not exceed six (6) acres. The plan must include provisions for reclamation of each phase before proceeding to the next phase. The phasing plan shall ensure that the site is mined and reclaimed in a manner that does not result in a pit that would be unsuitable for future development. The plan shall also address the anticipated time for the life of the mine.
 - b. Provision for onsite traffic maintenance (i.e. there will be no stacking of trucks offsite).

- c. Provision for access management that meets criteria within the LDC and is coordinated with Marion County Office of the County Engineer. The applicant is financially responsible for any necessary offsite roadway or drainage improvements that are the result of the proposed sand mine activities.
 - d. A traffic statement to facilitate a methodology for determining traffic impact and impact fee.
 - e. Provide a separate offsite improvement plan for the overlay concurrently with the site plan approval.
2. Any request for waivers to the LDC may be regarded as modification to this SUP.
 3. Ingress/egress shall be coordinated with the FDOT Marion County to facilitate long-term viability of the transportation network within this region of the County, and conform to the principles of the Comprehensive Plan and Land Development Code. A traffic methodology and statement will be required as part of the major site plan approval.
 4. No dewatering to be performed at the sand mine.
 5. There will be no burning or asphalt milling storage onsite.
 6. Any roadway reinforcement of NE 41st Terrace shall be coordinated through the Office of the County Engineer. The roadway shall be improved to the structural requirements of a 'Collector' roadway with a structural number of 3.86. Roadway reinforcement shall be completed prior to the commencement of mining operations.
 7. A durable concrete apron shall be constructed to transit vehicles from NE 41st Terrace to parcel #14394-002-00. The apron shall be constructed prior to the commencement of mining operations.
 8. All mining operations shall be conducted by Anthony Material Inc., only.
 9. The Special Use Permit shall run with Anthony Material Inc.; any further sale of the property will nullify the special use permit.
 10. The applicant shall provide copies of all permits (SJWMD, FDEP) related to this application to the Marion County Growth Services Department.
 11. Topsoil will be stored onsite for use during site reclamation.
 12. Mining and loading of trucks will be performed by Anthony Materials Inc. only.
 13. All dump trucks, loaded or unloaded, shall follow the indicated haul route. Heavy vehicle travel on NE 97th Street Road, to the west of NE 41st Terrace is not permitted. Heavy vehicle traffic, originating from the sand mine, shall not be permitted on NE 41st Terrace to the north of the ingress/egress driveway.
 14. Truck trips shall be limited to fifty trips per day.
 15. There will be no refuse collection on this project. Any refuse generated will be hauled away and disposed of appropriately. No refuse will be buried or used as fill within the mine operation.
 16. On-site water and toilet facilities shall be provided by the Anthony Materials Inc.
 17. There will be no mining activity within 50' of the property boundaries. The existing vegetation may be utilized where it is sufficient to meet a 25' buffer.
 18. The entire perimeter of the property will remain fenced.
 19. There will be no signage or lighting for this project.
 20. This Special Use Permit shall expire August 17, 2026; however a new
 21. Special Use Permit Application may be submitted for consideration to request an extension of the expiration date.

Zoning

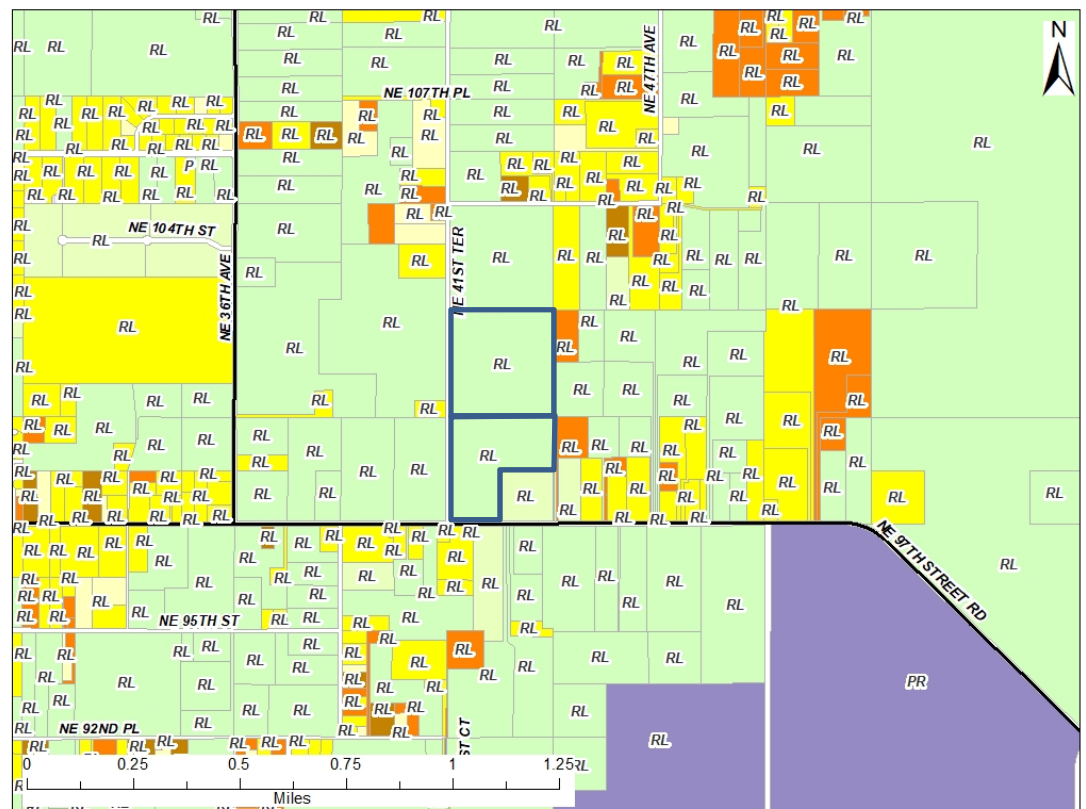
A-1: General Agriculture.



Date: 7/9/2021

Land Use

Rural Land



Date: 7/9/2021

Photos



NE 41st Terrace – Area to be reinforced.



Proposed vehicle entry area.



Proposed mining area. (South side)



Proposed mining area. (North side)



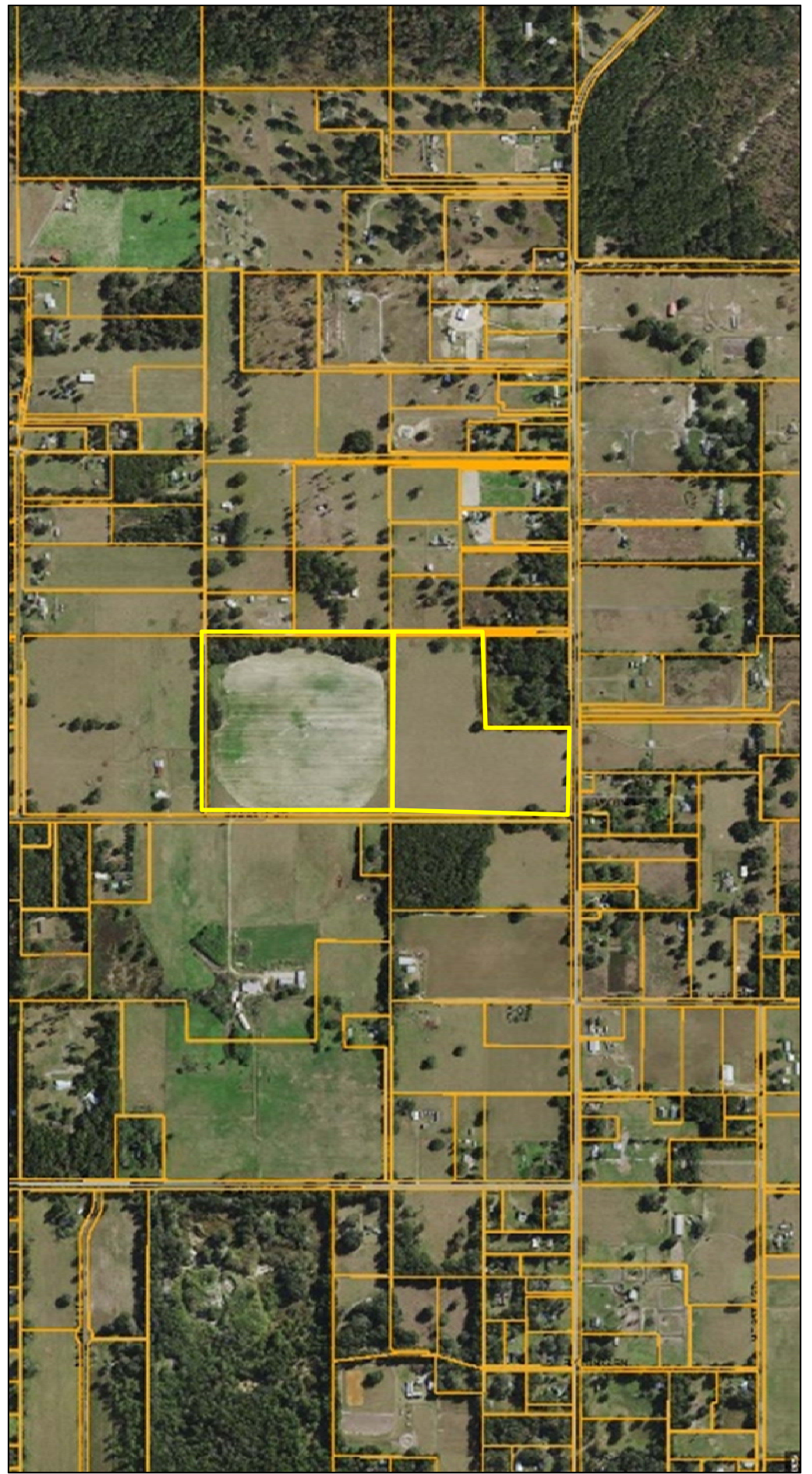
Dump truck on NE 41st Terrace

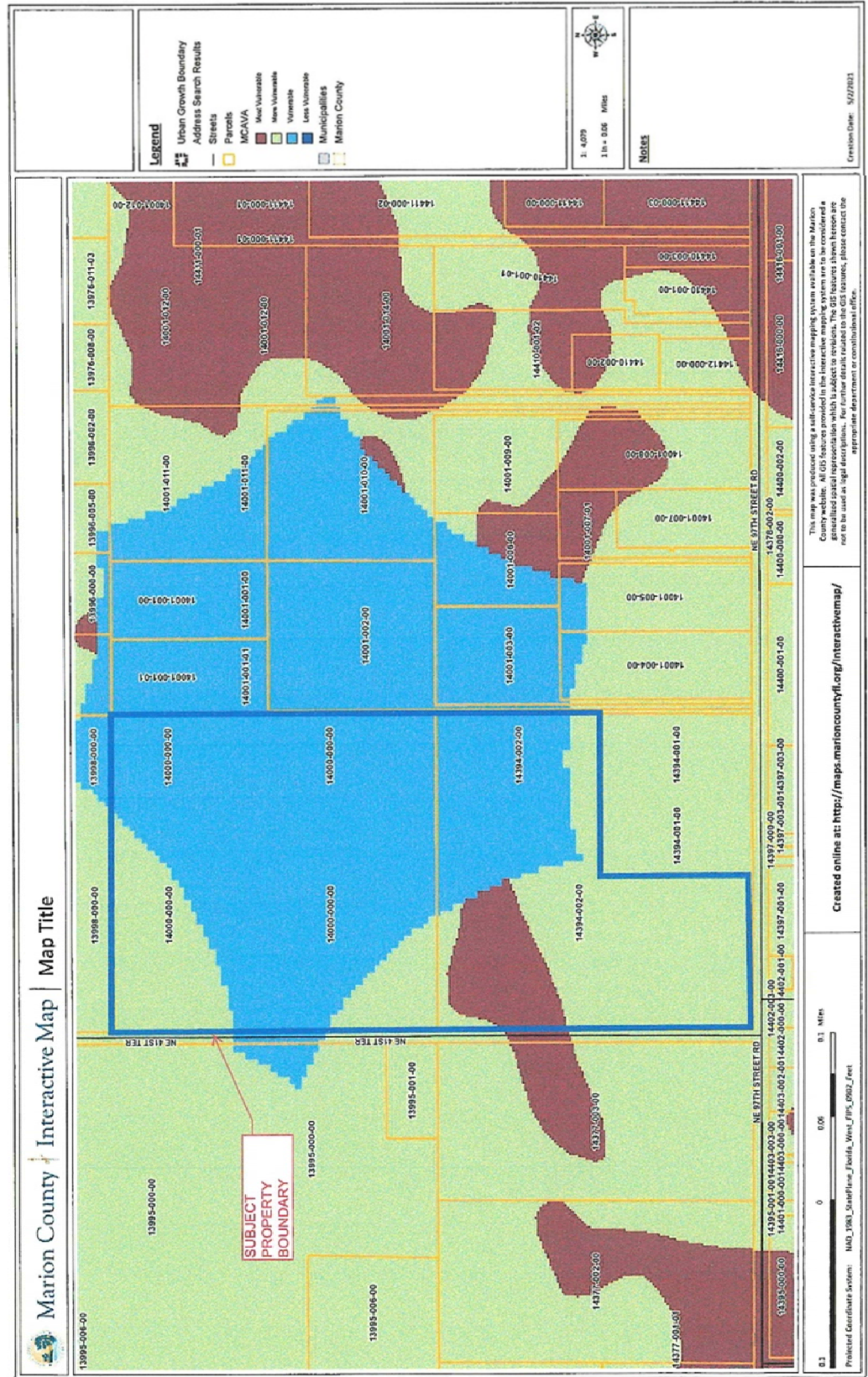


Northern and eastern tree lines.



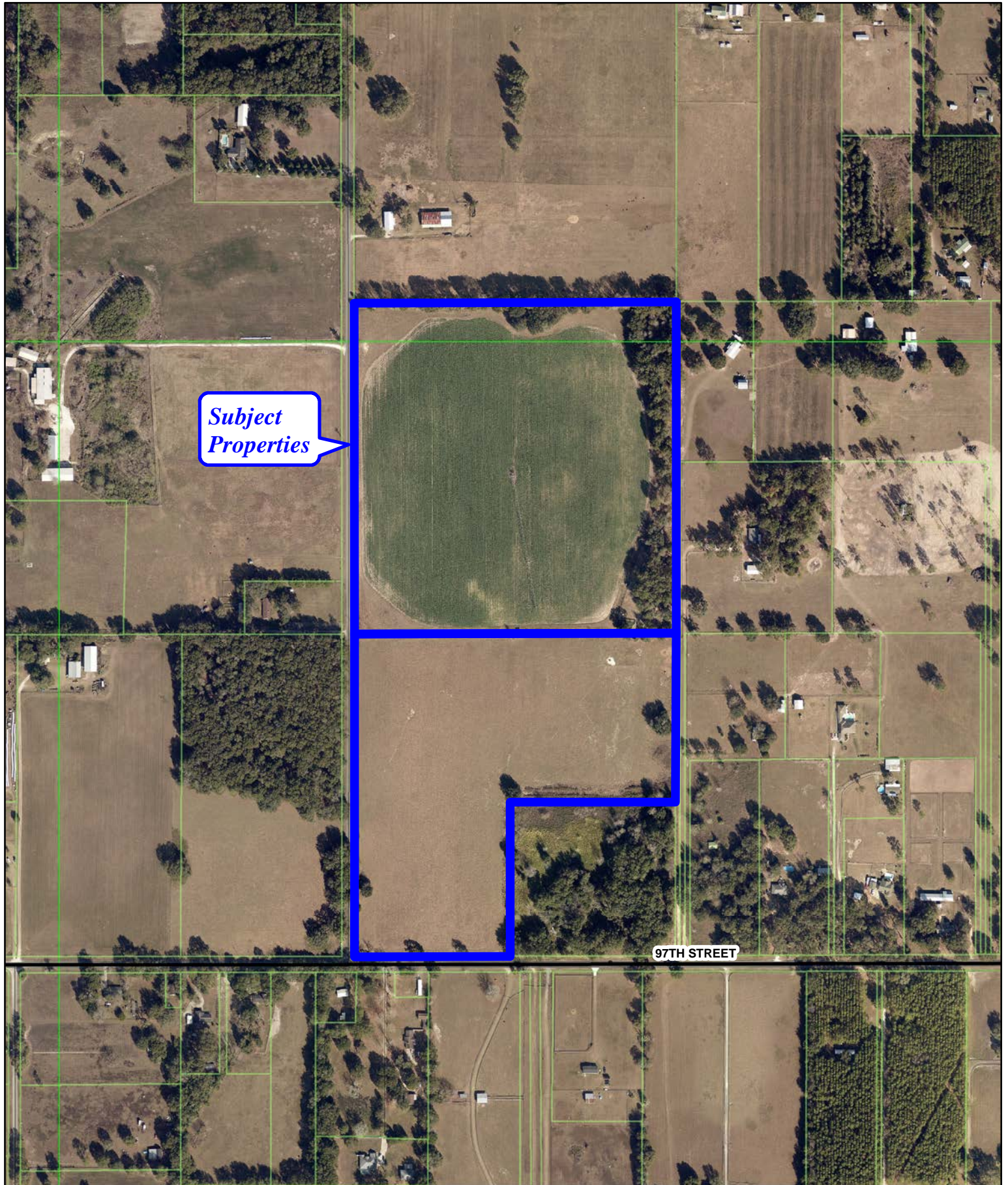
Adjacent residences





Marion County Aquifer Vulnerability Assessment (MCAVA)

Aerial: 210815SU



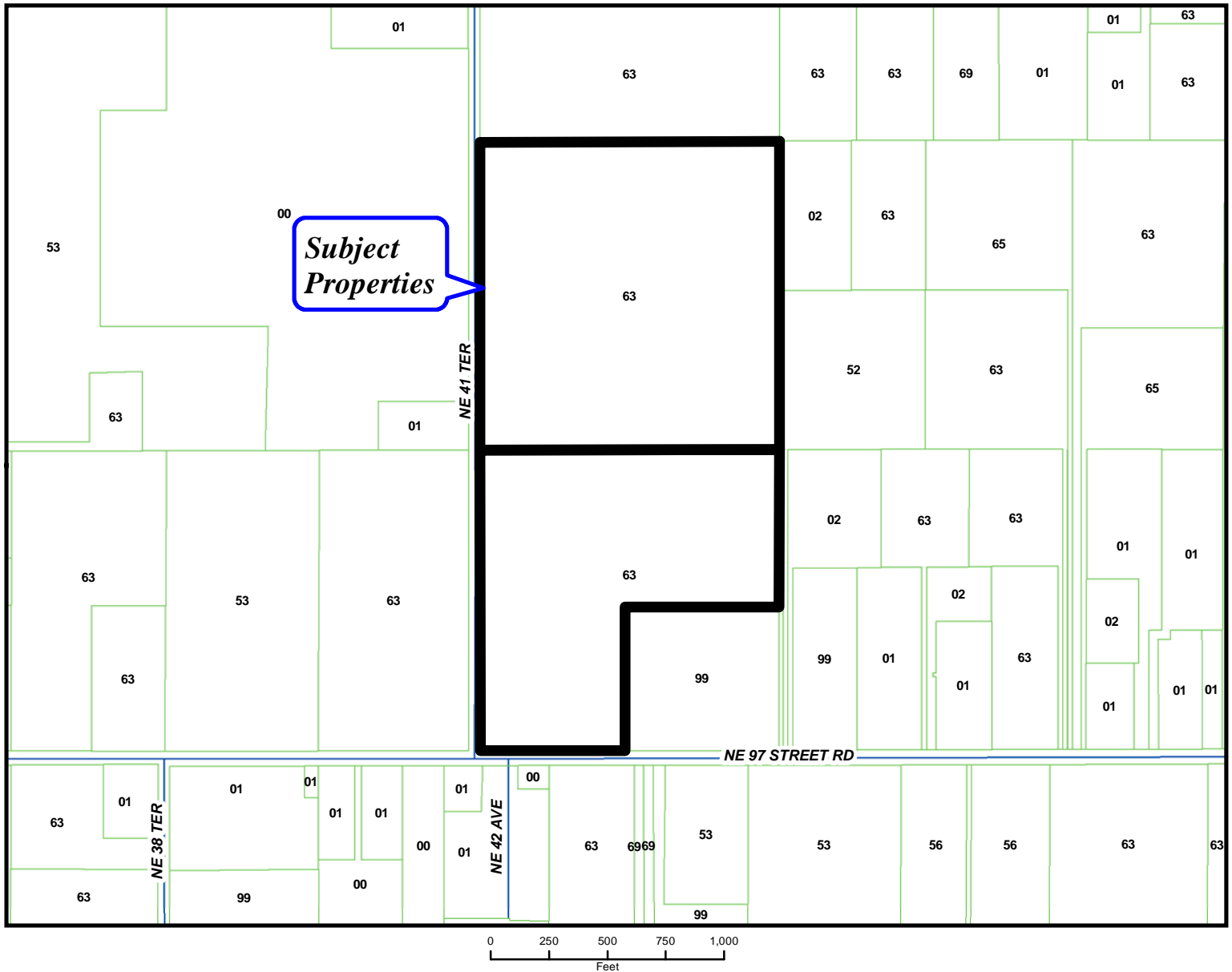
97TH STREET





0 250 500 750 1,000
Feet



Existing Land Use Designation 210815SU



Use per MC Property Appraiser		OWNER(S): Scott C. and Sharon L. Seiler
01	Single Family Res	AGENT: Christopher G. Bennett, Sr.
50-69/99	Agricultural	
00/10/40/70	Vacant	PARCEL(S): 14000-000-00, 14394-002-00
71	Church	
02	Mobile Home	<div>  <p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p> </div> <div>  </div>
06-07/11-39	Commercial	
41-49	Industrial	
83-98	Public	
82	Recreation	
03-05/08	Multi-Family	
77	Club/Lodge/Union Hall	

Legend

• All Amendments	Rural Land (1 du/10 ac)	Urban Residential (8 - 16 du/ac)	Employment Center (0 - 12 du/ac; FAR 2.0)
Policy 1.20	Low Residential (0 - 1 du/ac)	Rural Activity Center (0 - 2 du/ac; FAR 0.35)	Commerce District (N/A; FAR 2.0)
☆	Medium Residential (1 - 4 du/ac)	Rural Community (0 - 3 du/ac; FAR 0.70)	Public (N/A; FAR 1.0)
	High Residential (4 - 8 du/ac)	Commercial (0 - 6 du/ac; FAR 1.0)	Preservation (N/A; N/A)
	Farmland Preservation Area	Environmentally Sensitive Overlay Zone (ESOEZ)	Municipality



**Marion County
Board of County Commissioners**

Growth Services ♦ Planning & Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of:
SAND MINE EXCAVATION AND RECLAMATION

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** A1

Parcel account number(s): 14000-000-00, 14394-002-00

Property dimensions: 1283' X 2614'

Total acreage: 67.43

Directions: North on SE 25th Avenue, East on NE 35th Street, North on NE 58th Avenue, West on NE 97th Street Road, North on NE 41st Terrace, Property is located on east side on road.

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. **Please print all information, except for the Owner and Applicant/Agent signature.**

Property Owner name (please print)

Scott & Sharon Seiler

Applicant or agent name (please print)

Anthony Materials, Inc.

Mailing Address

3030 NE 70th street

Mailing Address

PO BOX 532

City, State, Zip code

Ocala, FL 34479

City, State, Zip code

Ocala, FL 34478

Phone number (include area code)

352-266-2856

Phone number (include area code)

352-274-3380

E-mail address

ssrn04@centurylink.net

E-mail address

zubermin@gmail.com

Signature Scott Seiler Sharon Seiler

Signature [Handwritten Signature]

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or **denied**. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

STAFF/OFFICE USE ONLY				
Project No.:	Code Case No.:		Application No.:	
Rcvd by:	Rcvd Date: / /	FLUM:	Zoning Map No.:	Rev: 07/1/2019



Marion County
Board of County Commissioners

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

210815SU

AR#: 26891

PA's: 14000-000-00
and 14394-002-00

SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000.00

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: SAND MINE EXCAVATION AND RECLAMATION

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** A1 ✓
Parcel account number(s): 14000-000-00, 14394-002-00 = 70 ac.
Property dimensions: 1283' x 2614' **Total acreage:** 67.43

Directions: North on SE 25th Avenue, East on NE 35th Street, North on NE 58th Avenue, West on NE 97th Street Road, North on NE 41st Terrace, property is located on east side of road.

Situa: 10015 NE 41st Terrace, Anthony, FL.

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. Please print all information, except for the Owner and Applicant/Agent signature.

Scott & Sharon Seiler

Christopher Bennett, Sr.

Property Owner name (please print)

3030 NE 70th Street

Applicant or agent name (please print)

6960 NW 25th Avenue Road

Mailing Address

Ocala, FL 34479

Mailing Address

Ocala, FL 34475

City, State, Zip code

352-266-2856

City, State, Zip code

352-274-3380

Phone number (include area code)

ssm04@centurylink.net

Phone number (include area code)

zubermin@gmail.com

E-mail address

Signature

E-mail address

Signature

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or denied. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. The filing fee is \$1,000.00, and is non-refundable. For more information, please contact the Zoning Division at 352-438-2675.

STAFF/OFFICE USE ONLY				
Project No.: <u>2021060041</u>	Code Case No.:		Application No.: <u>26891</u>	
Rcvd by:	Rcvd Date: / /	FLUM: <u>RL A-1</u>	Zoning Map No.: <u>209</u>	Rev: 01/12/2021

**Special Use Written Findings & Facts
for
Stokes Mine Anthony**

1. Access to the Site will be from NE 41st Terrace. The south 225' of NE 41st Terrace will be overlaid with 1.5" of asphalt to compensate for the increase in heavy truck traffic from the Site. A paved driveway with culvert will be constructed conforming to the driveway detail per LDC Detail TS027.
2. The designated haul route will be from NE 58th Avenue (Baseline Road) to NE 97th Street Road (Anthony-Burbank Road) to the Site located in the NE quadrant of the intersection of NE 97th Street Road and NE 41st Terrace.
3. The south 225' of NE 41st Terrace will be overlaid with 1.5" of asphalt to compensate for the increase in heavy truck traffic from the Site.
4. Ample parking and vehicle staging will be provided internal to the site. On-site location will change with each phase. Average daily vehicle trips (ADTs) are estimated at 25 trucks entering and 25 exiting daily between the hours of 7 a.m. and 5 p.m., Monday through Saturday
5. The Site and surrounding properties are zoned A-1 and have a FLU of Rural Lands. No odor or glare will occur because of this mine. Screening and buffering will be provided by a 6' berm and existing treelines/vegetation.
6. Existing 4' high barbed wire fence surrounding the Site will remain. Entrance will be gated for security purposes.
7. A 6' high earthen berm will be constructed along most of the perimeter to provide a buffer to adjacent properties. No berm is proposed where there is adequate buffering provided by existing dense vegetation and trees. There will be a 34' wide 'greenspace' provided as a result of the berm construction. Refer to detail/cross section on plans.
8. No on-site lighting or signage is proposed.
9. Existing power will remain to supply the two existing wells on-site.
10. Existing wells located on-site will be used for water supply.
11. No sanitary sewer services will be provided on-site.
12. There will be no fuel storage on-site.
13. Areas of exposed earth will be limited to the phases shown on the concept plan.
14. Each phase will be restored to the grades shown on the Remediation Plan and permanently stabilized to prevent erosion, within a reasonable time frame, before beginning the next phase.
15. Yes, we are willing to meet any special conditions necessary to obtain this special use permit.

**FINDINGS
OF FACTS**

210815SU



Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- Special Flood Hazard Areas - Chance Flood
 - A - No Base Flood Elevation Determined
 - AE - Base Flood Elevation Determined
 - AH - Area of Ponding 1-3 ft
- Other Areas
 - X - 0.2% Annual Chance Flood
 - X - 1% Annual Chance Flood Less
 - X - Areas Outside 0.2% Annual Chance Flood
- FEMA Flood Zones 1983
 - Zone A
 - Zone AE
 - Zone Shaded X
- Transitional Flood Prone Areas
- Flood Prone Areas
- Municipalities
- Marion County

1: 4,079

1 in = 0.06 Miles



Notes

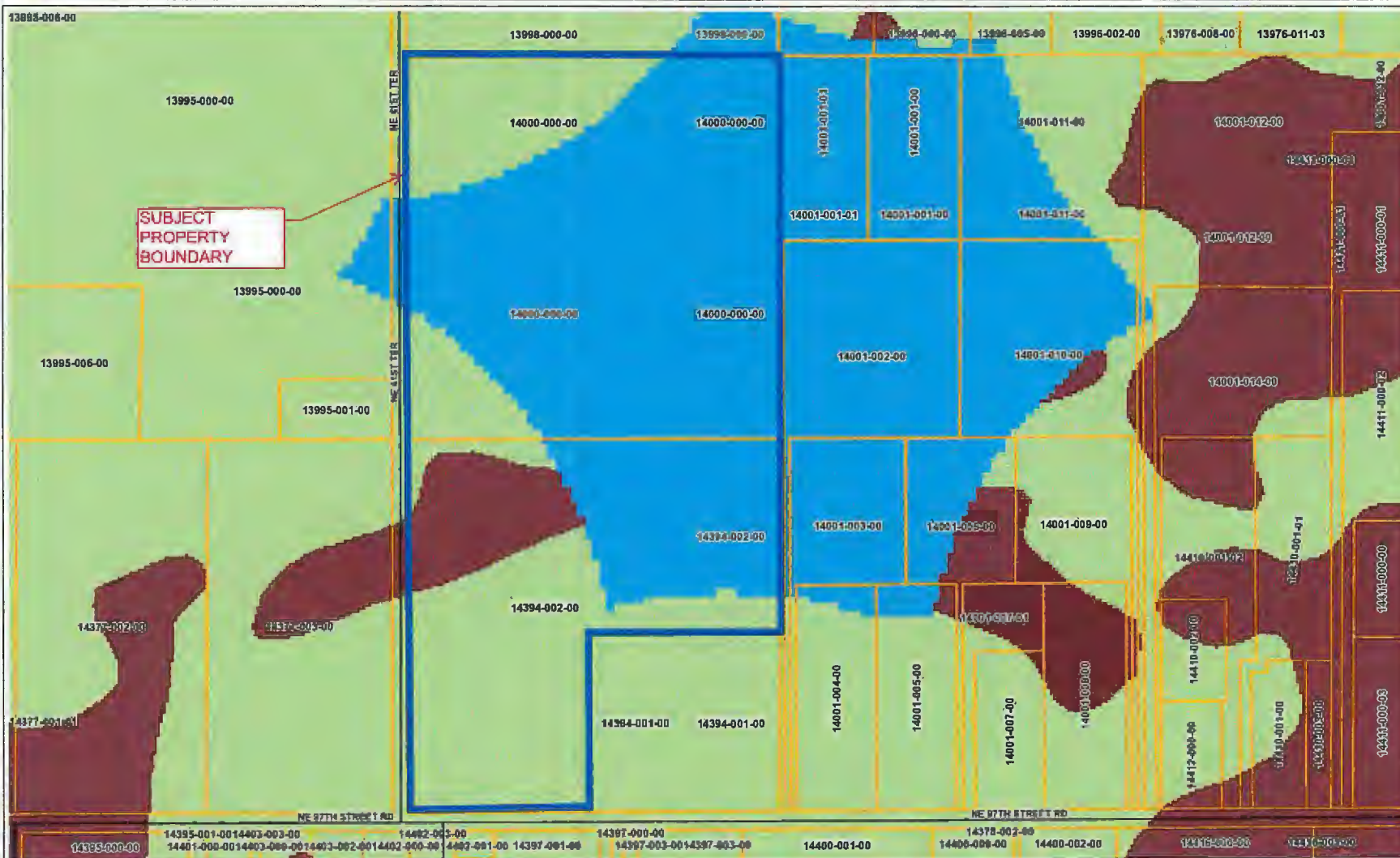
0.1 0 0.05 0.1 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created online at: <http://maps.marioncountyfl.org/Interactivemap/>

This map was produced using a self-service Interactive mapping system available on the Marion County website. All GIS features provided in the Interactive mapping system are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For further details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 5/2/2021



Legend

- Urban Growth Boundary
- Address Search Results
- Streets
- Parcels
- MCVA
 - Most Vulnerable
 - More Vulnerable
 - Vulnerable
 - Less Vulnerable
- Municipalities
- Marion County

1: 4,079

1 in = 0.06 Miles



Notes

0.1 0 0.06 0.1 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

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Creation Date: 5/2/2021



Legend

-  Urban Growth Boundary
-  Streets
-  Parcels
-  Municipalities
-  Marion County

1: 11,190

1 in = 0.18 Miles



Notes

AGENT: BENNETT, SR.

0.4 0 0.18 0.4 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By: dp

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 6/14/2021