

ZONING PETITION REVIEW REPORT

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| TO: Development Review Committee                                       | PETITION #CU12-02   |
|  | Commission District #1                                      |
|  | DRC Meeting Date: 9/22/11, NPR                              |
| FROM: Debra M. Zampetti<br>Zoning/Code Compliance<br>Administrator     | Planning Commission<br>Hearing Date: 10/5/11, NPR           |
| SUBJECT: Conditional Use Amendment<br>Southeast Pasco County           | Board of County Commissioners<br>Hearing Date: 11/01/11, DC |
| APPLICANTS: <b>Central State Aggregates, LLC/<br/>ZEPHYRHILLS MINE</b> | TAZ #335 and 336  |

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PETITION SUMMARY:

Petition No. CU12-02 in the names of Central State Aggregates, LLC/Zephyrhills Mine has filed for a conditional use amendment (previously approved Petition No. CU 07-15) to amend the hours of operation for a Class I Mine to allow for the transport of materials on and off the site during the night time hours of 7p.m. and 6 a.m. (except Sundays and holidays) when the applicant is supplying aggregate products that requires lane closure and nighttime construction. The property is located on the southeast side of Chancey Road, extending southwesterly to Yonkers Boulevard and south to Hilda Ann Road (Parcel ID Nos. 19-26-22-0000-00100-0000, 19-26-22-0000-00100-0020, 19-26-22-0000-00200-0000, and 20-26-22-0000-00100-0000) and contains approximately 766.14 acres.

|                                 |   |
|---------------------------------|---|
| Project Name:                   | Zephyrhills Mine                                    |
| Location:                       | Approximately 1½ miles south of Zephyrhills Airport |
| Transportation Impact Fee Zone: | 3   |
| Present Land Use:               | Mining  |
| Present Zoning:                 | Agricultural  |

The surrounding zoning districts and land uses are as follows:

|        | <u>Zoning District</u>  | <u>Land Use</u>   |
|--------|---|---|
| North: | City of Zephyrhills; A-C Agricultural;<br>I-1 Light Industrial Park | Chancey Road; Undeveloped   |
| East:  | A-C Agricultural  | Southwest Florida Water<br>Management District Property                                 |
| South: | A-C Agricultural  | Hilda Ann Road; Southwest Florida<br>Water Management District<br>Property; Undeveloped |
| West:  | City of Zephyrhills; A-C Agricultural                               | Yonkers Boulevard, Undeveloped  |

FINDINGS OF FACT:

1. On July 10, 2007, the Board of County Commissioners approved Conditional Use Petition No. CU07-15 with conditions. The applicants are now requesting to amend Condition No. 4 as stated above to extend the hours of operation and allow certain mining activities between 6:00 a.m. and 6:00 a.m.
2. Presently, the subject site contains a mining operation.
3. Access to the property is from Chancey Road, which has 120 feet of right-of-way, and/or Yonkers Boulevard, which is a privately maintained roadway.

4. The subject property is located in Flood Zones "AE," and "X" and development within this area is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
5. The surrounding area is characterized by rural-residential and agricultural pursuits.
6. The subject area has been designated RES-1 (Residential - 1 du/ga) and CON (Conservation Lands) under the Comprehensive Plan.
7. The Board of County Commissioners has approved several actions for the subject property as follows:
  - a. On February 20, 1979, the Board of County Commissioners approved a Class I Mining Permit in the name of Zephyrhills Rock and Lime, Inc.
  - b. On September 17, 1984, the Board of County Commissioners approved an expansion of the Class I Mine.
  - c. On November 21, 1989, the Board of County Commissioners approved a transfer of the Class I Mining Permit from Zephyrhills Rock and Lime, Inc., to Plaza Materials Corporation.
  - d. On October 26, 2004, the Board of County Commissioners approved Conditional Use Permit No. CU04-23 for an expansion of the Class I Mine with conditions to excavate an additional 184.3 acres in five cells with each cell active for four to five years.
  - e. On July 7, 2007, the Board of County Commissioners approved Conditional Use Permit No. CU07-15 to amend hours of operation.
8. The Zoning & Site Development Department has reviewed the application for compliance with Sections 313 and 609 of the Land Development Code.
9. The applicant is requesting to modify a previously approved condition of approval as it pertains to the hours of operation. The applicant states:

“The Florida Department of Transportation occasionally engages in projects whereby traffic considerations preclude lane closures during the day. Subsequently, contractors will perform this work at night. For those areas requiring a limerock base (product of Central State Aggregates), the contractors will look for limerock quarries who are able to ship 24 hours a day.

The immediate project precipitating this amendment request is the Interstate 75 project due to begin late 2011 or early 2012. Central State Aggregates is the closest limerock mine to the job. If Central State cannot supply the job, the purchases will go to quarries in another county.

The original approved shipping hour restrictions were put in place via permit conditions in the 1980's when our ingress/egress route was through a small Crystal Springs residential neighborhood. An additional permit condition required that we provided ingress/egress to Chancey Road truck bypass upon its construction completion. This was accomplished in 1990, thus totally precluding any truck traffic through the local neighborhoods.

As a result of changing the shipping hours to 24 hours per day, the truck traffic will be spread over a longer period of time, thus potentially reducing the hourly truck count and impact. Our current ingress/egress is via Yonkers Boulevard (a single purpose private paved road) to an industrial bypass (Chancey Road). The trucks will then continue on major thoroughfares to the job on I-75/I-275. No nearby residential neighborhoods would be adversely affected.

If we are successful in acquiring this business, it would result in a 15% increase in our force requirements - jobs created in Pasco County.”

**STAFF RECOMMENDATION TO THE DEVELOPMENT REVIEW COMMITTEE:**

Approval with Conditions

CONDITIONS:

1. Mining of the proposed new area shall not commence until Cell No. 3 of the previously approved mining is 100 percent reclaimed and the as-built drawing is submitted to the County for review and acceptance.
2. The applicants acknowledge that Cell Nos. 4 and 5 of the previously approved mining is already mined and will be used for deposit of the overburden in the new expansion.
3. The applicants acknowledge that any provision of Pasco County ordinances not specifically waived shall be in full force and effect.
4. The hours of operation shall be between 6:00 a.m. and 6:00 a.m. the following day. No mining activities shall be conducted on Sundays or holidays designated by the County.
  - a. 6:00 a.m. to 7:00 p.m. - The hours of all mining activities and transport of materials into and off site.
  - b. 7:00 p.m. to 6:00 a.m. - The hours of continued mining activities confined to the on-site mining area. All transport of materials on to and off the site is prohibited during these hours, **with the exception of when a project for which Central State Aggregates is supplying aggregate products that require lane closure and nighttime construction Sundays and holidays excluded.**
  - c. 8:00 a.m. to 5:00 p.m. - The hours of blasting activities, except as modified with the approval of the County.
5. The mine shall comply with Chapter 66, Article IV, Division 2, Noise, Pasco County Code, and any subsequent amendments.
  - a. The mine shall provide a sound-level meter on site and monitor the noise level during mining operations.
  - b. The mine shall provide a monthly report to the County indicating the noise level produced at the closest, adjacent, residentially zoned property line.
  - c. If at any time the mining activity exceeds the noise levels of the Noise Ordinance, this conditional use shall be brought back to the Development Review Committee, Planning Commission, and Board of County Commissioners in accordance with the provisions of Section 303.5, Review and Revocation of Conditional Use Permits, of the Pasco County Land Development Code.
6. All commercial activities within the site shall be completed within 300 months from the date of issuance of the Mining Permit. Final reclamation of the site shall be completed by the end of the 324<sup>th</sup> month from the date of issuance of the Mining Permit. During the reclamation period, no material shall be removed from the site. (The date of issuance was October 26, 2004.)
7. All mining activities within this site shall be restricted to within those areas as identified in the submitted Mining and Reclamation Plan. No mining, stockpiling, or clearing, except for access to the excavation site, shall be allowed outside of those areas as identified in the proposal. The operator shall be responsible for controlling fugitive dust attributed to his work.
8. The applicants agree to operate in a safe and secure manner to minimize any disruption to the natural environment and to comply with all existing ordinances. All tree removal within the site shall conform with the Land Development Code. There shall be no clearing or removal of trees in those areas identified to remain undisturbed in the proposed plan. The excavation area shall be secured with a fence and gate to prevent unauthorized access to the excavation area. All points of access shall be secured when no activity is occurring.
9. All access to public roadways shall be via Yonkers Boulevard. All access roadways shall be maintained in a dust-free condition at all times. Appropriate dust-control technique shall be conducted at the applicants' expense when, in the opinion of the Development Services staff or the Board of County Commissioners, dust control becomes necessary. For the duration of the mining activities, the applicants shall be responsible for the maintenance of the haul route (Yonkers Boulevard). Upon the termination of mining operations, the applicants shall restore the haul route (Yonkers Boulevard) to its original condition or better. The applicants shall, prior to excavation, construct an asphaltic or Portland cement concrete turnout (edge of pavement to the right-of-way) to current County standards at the proposed haul route entrance if such driveway does not exist. The applicants shall, prior to construction of the turnout,

provide a construction plan to the County for review and approval under the Right-of-Way Use Permit procedures.

10. The applicants shall allow duly authorized representatives of the Board of County Commissioners and the Development Services staff to enter the approved excavation site during any phase of the operation for the purpose of inspection and to ensure compliance with the terms and conditions of this permit.
11. Prior to excavation, the perimeter of the excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The County may require a legal description of the excavation area when necessary for determining staking and location of the excavation.
12. The applicants shall be required to obtain all necessary permits from the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and other regulatory agencies, as appropriate, prior to commencing operations under this permit. Documentation regarding these agencies' jurisdictional determinations shall be provided to the County for record keeping purposes. All pertinent regulations, rules, and orders of Federal, State, and local agencies are made a part of these conditions of operations.
13. Any permit issued hereunder does not constitute a waiver or approval of any other permits that may be required for other aspects of the total project.
14. Prior to commencing operations under this permit, the applicants shall furnish evidence of financial responsibility in the amount(s) required by the Land Development Code.
15. Prior to any mining activity, the applicants shall comply with the terms of the Pasco County New Development Fair Share Contribution for Road Improvements Ordinance.
16. Approval of this Class IV Development Permit shall authorize only mining activities pursuant to the Land Development Code. This approval does not constitute a rezoning action nor a permit for development of the property as proposed on the reclamation plan.
17. The use of explosive materials within the approved excavation site shall be in conformance with Section 552.30, Florida Statutes, with the following conditions:
  - a. Blasting operations shall be conducted during the hours of 8:00 a.m. to 5:00 p.m., except as modified with the approval of the County. Blasting shall not be done on Sundays or legal holidays.
  - b. Before beginning any blasting operations, Plaza Materials Corporation shall, at its own cost, retain the services of a professional seismologist or vibration engineer who shall submit a plan for providing continuous monitoring and analysis of the effects of blasting operations on the surrounding properties during blasting operations. Analysis and records of the blasting effects, according to the approved plan, shall be submitted monthly to the County together with blasting reports as required in Section 6½-15, Blasting Records, of the Pasco County Code.
  - c. Written notice of blasting operations at a level deeper than 70 feet below ground level must be received by the County at least 48 hours prior to blasting. Plaza Materials Corporation shall give the County three days written notice prior to conducting any blasting operations at a level deeper than 70 feet below ground level.
18. The applicants shall comply with all requirements of the Class I Mining Permit regulations as set forth in the Land Development Code and adopted resolutions as they pertain.
19. Each month the applicants shall file a report with the County indicating the volume sold.
20. Each year within 30 days following the anniversary date of the permit, the applicants shall file ten copies of an annual report of operations with the County.
21. An annual renewal fee shall be due in conjunction with the required annual report in accordance with Resolution No. 88-45 and any subsequent amendments.
22. The disposal or discharge of any potentially hazardous or toxic material into the excavated pit shall be prohibited.

23. After background water quality is established, the excavation area shall be sampled every six months and analyzed for:
  - a. Conductivity.
  - b. Nitrates.
  - c. Chemical oxygen demand.

Additional sampling at more frequent intervals and analysis for extended parameters may be required by the County Administrator, or his designee, if a change, other than the normal secondary change, is detected in the value of the parameters when compared with the background values. The applicants shall forward the sample analysis reports required to the County Administrator, or his designee, within ten days of receipt of the analysis report.

24. The applicants shall install two upgradient (one shallow and one deep) monitoring wells and two downgradient (one shallow and one deep) prior to excavation. The applicants shall obtain any easements required for installation of same.
25. Background water quality shall be determined by analysis, prior to any excavation, of at least one sample taken from each monitoring well that was installed. All surface water bodies which may be affected by a contaminant release from the operation shall be monitored.
26. The applicants shall engage, at their sole expense, the services of an independent testing lab to monitor groundwater quality on a quarterly basis.
  - a. Field parameters:
    - (1) Static water levels in wells before purging.
    - (2) Specific conductivity.
    - (3) pH.
    - (4) Dissolved oxygen.
    - (5) Temperature.
    - (6) Colors and sheens (by observation).
  - b. Laboratory parameters:
    - (1) Ammonium (NH<sub>4</sub>).
    - (2) Bicarbonate.
    - (3) Chlorides.
    - (4) Iron.
    - (5) Mercury.
    - (6) Nitrate.
    - (7) Sodium.
    - (8) Total dissolved solids (TDS).
  - c. Additional sampling at more frequent intervals and analysis for extended parameters and additional monitoring wells may be required by the County Administrator, or his designee, if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports required by this Code shall be forwarded to the County Administrator, or his designee, within ten days of receipt of the analysis report by the permittee.

27. The applicants, upon receipt of all other regulatory permits and prior to any excavation activity, shall submit five copies of revised plans to the Board of County Commissioners for approval.
28. Plaza Materials Corporation shall comply with the Pasco County Fair Share Contribution for Road Improvement Ordinance. In addition, following connection to the Bypass, Plaza Materials Corporation shall be required to mitigate its impact on the Zephyrhills Bypass

through payment of a fee, not to exceed a cumulative total of \$120,000.00. The fee shall be paid annually in accordance with the following schedule based on average daily truck traffic from the mine, averaged over the preceding year:

- a. \$.01 per cubic yard of hauled mined materials for average daily truck traffic up to 200 trips per day.
- b. \$.15 per cubic yard of hauled mined materials for average daily truck traffic between 201-300 trips per day.
- c. \$.02 per cubic yard of hauled mined materials for average daily truck traffic exceeding 300 trips per day.

29. The applicants are hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the County.

30. The applicants must conduct a study to evaluate the hydrologic impact of their proposed expansion and existing operation on the Hillsborough River Basin and submit this report to Pasco County and Tampa Bay Water for review and approval prior to approval of this application.

DEVELOPMENT REVIEW COMMITTEE ACTION:

OWNERS'/APPLICANTS' ACKNOWLEDGMENT:

The owners/applicants acknowledge that they have read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

\_\_\_\_\_

\_\_\_\_\_  
(Date)

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, A.D., before me personally appeared the owners/applicants, to me known to be the persons described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at \_\_\_\_\_, \_\_\_\_\_ County, Florida, the day and year aforesaid.

My commission expires:

\_\_\_\_\_ Notary Public, State of \_\_\_\_\_ at Large