

LEVY COUNTY PLANNING COMMISSION
MEETING MINUTES

Levy County Planning Commission
320 Mongo Street
Bronson, FL 32621

Monday, April 7, 2025
Regular Meeting
5:45 P.M.

I. CALL TO ORDER

Members Present:

Thomas Harper

Kelly Bishop

J.D. Holmes

Staff Present:

Tara Howell- Planning & Zoning Director

Andrew Carswell- County Engineer

Nicolle Shalley – County Attorney

Avèa Martinez - Administrative Assistant II

Attendee(s):

Public Attendee(s): Steve McMillan, Zeb Cheshire (Anderson Columbia Co. Inc) , Mildred Johns, June Stoeber, Josè Lopez (Kimley Horn), Josh McDougal (Anderson Columbia Co. Inc); Brandon Stubbs

II. ROLL CALL – Administrative Assistant, Avèa Martinez

Three (3) Commissioners Present: Harper, Bishop, Holmes

III. APPROVAL OF MINUTES

March 3, 2025 & March 17, 2025 – Minutes Approved

Recommend Approval ✓ *Recommend Denial* □

1st Motion to Approve, Thomas Harper

2nd Motion to Approve, J.D. Holmes

Motion carries 3-0

IV. New Business

1) PETITION NO. PP 25-01: Mr. Steve McMillen surveyor, representing Sandi Dorr, petitioning the Commission for a Preliminary Plat, Starting Point Tract 23 Replat, into 2 parcels known as Lot 1, an 18.18 acre parcel and Lot 2 a 10.00 acre parcel. Parcel Number: 1801300000 is located in Section 16, Township 14, and Range 19 in Levy County, Florida and has a land use of Ag/Rural Residential and a zoning designation of Ag/Rural Residential.

Recommend Approval ✓ *Recommend Denial* □

1st Motion to Approve, Kelly Bishop

2nd Motion to Approve, Thomas Harper

Motion carries 3-0

County Attorney Nicole Shalley begins meeting explaining to Planning Commission that each item is Quasi-Judicial, to be held as a hearing and recommendation for the BOCC, and what decisions are to be based on.

Tara Howell introduce Steve McMillan, surveyor to represent Ms. Dorr. Briefly explains project; clarifies zoning, and current usage and designated roads for Harper and Bishop. Tara assists McMillan in advising where A/RR residences are and what classified as AG Exemption – This parcel is surrounded by Equestrian focused parcels.

2) NO. PP 25-02: Mr. Steve McMillan surveyor, representing Jessica Farrell, petitioning the Commission for a Preliminary Plat, Starting Point, a portion of Tract 31 Replat, into one parcel known as Lot 31A, a 10-acre parcel to rectify a previous unapproved split. Parcel Number: 1802100100 is located in Section 09, Township 14, and Range 19 in Levy County, Florida and has a land use of Ag/Rural Residential and a zoning designation of Ag/Rural Residential.

Recommend Approval ✓ *Recommend Denial* □

1st Motion to Approve, Kelly Bishop

2nd Motion to Approve, Thomas Harper

Motion carries 3-0

Tara explains that Jessica Farrell purchased acreage under assumption that lot was buildable, however the parcel was split by previous owners, requiring Ms. Farrell to replat her parcel to bring it up to code to become eligible for building permit issuance. Tara advised this is a “ghost split” and must be rectified without penalizing the current owner / buyer. McMillan confirmed there is currently no way to stop unlawful split if owners wish to survey their parcel and create a new legal description.

3) PETITION NO SE 24- 01: Anderson Columbia Co. Inc, on behalf of owners Mildred Johns and June Stoeber for Levy Borrow Pit petitioning the Levy County Board of County Commissioners for a Special Exception for a mining operation pursuant to Sec. 50-759 mining and excavation of minerals, resources, or natural resources, and site reclamation of the Levy County Land Development Code to allow a sand mine (no blasting or fracking) on approximately 99 acres abutting NE State Road 24 approximately 1.5 from the county line of Levy County and Alachua County located in Section 26, Township 11, Range 17, Levy County Florida. The parcel is located in Agriculture/Rural Residential (A/RR) Land Use and Zoning district. Parcel Number(s) 0322100200.

Recommend Approval □ *Recommend Denial* ✓

1st Motion to Deny, JD Holmes

2nd Motion to Deny, Kelly Bishop

Motion carries 3-0

Tara introduces Zeb Cheshire of Anderson Columbia Co. Inc to present Levy Borrow project. Proposes Non-Blasting mining activity, no back-filling, only mechanical excavation with dump truck sand removal. Any Materials removed will be used in construction in Levy and surrounding counties over 20-30 year life

span of site. Advises of precautions that will be taken of 100ft perimeter and 7ft berm, as well as off-site source for water trucks to keep dust and debris to a minimum. Proposes minimal vibration, minimal traffic changes, and no impact on wildlife or surrounding water sources (i.e. natural springs) as site is located multiple feet from private and public water wells and create a less than 1% over impact to State Road 24. Mining activities during daylight hours Monday – Saturday. Advised all county code requirements of Section 50-759 have been met with Dept. of Transportation, SW Florida Water Management District, FDEP permits, and Comprehensive Plan. Mr. Harper inquires about how many residences are in the surrounding area and what property currently looks like prior to mining and what it will look like once mining activities have concluded. Jose Lopez advised its raw land with hills and peaks, and once completed there will be a depression of about 1ft above aquatard that can be filled in as a lake or however the owners wish at that time. Brandon Stubbs presents Data, Analysis and Concurrency Staff Report, advising that Levy Borrow is consistent with Comprehensive Plan, County Code 50-759, Traffic Analysis and Road requirements, Vegetation and Soil Screening, Wetland and Flood Management, Noise Ordinances and will have minimal impact on public facilities, aquaphor, or traffic. Mr. Stubbs staff recommendation is for approval of requested Development of Major Impact under multiple conditions, including but not limited to dust control regulated by FDEP 01/2022; 5 mph speed limits on site; providing an irrevocable license or agreement to Levy County for weekly in person inspections; covering open bodied trucks carrying materials; no blasting or explosives; a minimum 100ft buffer maintained at all times; applicant must provide surety instrument or Bond, that any or all conditions are not met, it will result in revocation of Special Exception permit. After Public Comments: Jeb Cheshire and Josè Lopez gave rebuttable for some comments and advised that Levy Borrow is in compliance with all water management regulations. Also advised that property owners are at liberty to use their property as they wish. Josh McDougal stated other mining locations and borrow pits become wildlife sanctuaries or state parks. Kelly Bishop asked clarifying questions, and was advised there will be no backfilling, no chemicals will be used and no current endangered wildlife is on the site. Harper feels the depression left after site can be used better, and business hours are too long. JD Holmes feels commercial growth is needed for Levy County, but does not agree with bare minimum effort from Levy Borrow to comply with county code (ie business operation hours). Kelly Bishop acknowledges that Levy County will grow and these special exceptions are needed at some point. Bishop also reminds patrons that property owners are at liberty to do what they wish on their property, but doesn't feel this should be at this particular location currently and the business hours are also not acceptable. Nicole Shalley reminds Planning Commission that in order to recommend the denial, the commission must find the Petition does not meet the code requirements. Thomas Harper, JD Holmes and Kelly Harper recommended denial of SE 24-01 to BOCC.

V. GENERAL PUBLIC COMMENT – Each Patron given 3 minutes to speak

- 1. James Fleetwood:** Feels Special Exception is not compatible with zoning district A/RR; traffic report is 2 years outdated and cited incorrectly; business hours are too long; dust cannot be controlled.
- 2. Wally Lake:** Feels Special Exception is too close to residential area.
- 3. Diane Wilson:** Concerned with traffic influx during school/business hours; chemical defoliants used to control dust and their impacts on residential area; wants A/RR to remain A/RR.
- 4. Lambert Ware:** Worries about construction noise transference (tailgates, trucks, beeping, etc.).
- 5. Donna Keene:** Noise concerns even with current foliage; doesn't want environment, wildlife or water to be disturbed.
- 6. Michael Rutter:** Issue with noise and business hours; doesn't feel buffer requirement is sufficient for dust or noise as cannot keep impermeable sand wet; concerned with his well water being contaminated

7. Shannon Bloodworth: Asked what type of water/dust suppressant is being used to keep dust down. Worried about health concerns (lung issues), wildlife and noise levels.

8. Tom Callahan: Doesn't like that there will be a depression in the ground that cannot be useful later for A/RR zoning; feels drinking water will be damaged.

9. Nicole Lopez: Worried about decreased land value; traffic impact and health/air quality concerns for small children; noise levels. Doesn't want 30 year construction site, lives directly across from site.

10. Josh Pardo: Feels traffic study is false and insufficient.

11. Stanley Pardo: Driveway study failed assessment because there are driveways not listed in report; suspicious of traffic analysis report provided.

12. Retired Police Officer (information redacted): Concerns with equipment usage, inaccuracy with traffic reports, Anderson Columbia trucks have 2 fatal accidents, 14 injuries, and 6 tow-away's in recent 24 months, water quality, and school bus stop near proposed driveway or entrance of site.

13. Chase Perdol: Feels wildlife, specifically the Indigo and Gopher Tortoises, are going to be severely impacted by the vibrations from construction.

14. Manuel Gualpa & Liza Ware: Spoke about increased noise, traffic, air pollution.

15. Victoria Clenney: States that she purchased her property for the rural aspect and trees. Has immediate family with pulmonary health issues and feels property value will decrease significantly.

16. Patrick Swanning: Issues with noise and how to keep well-draining dust down with chemical dust agents as his small child has asthma.

17. Jeff Lopez: New home owner and doesn't wish to live in a 20 year construction site with his small children; Concerned with possible health issues this may cause his family and community.

18. Kim Wheeler: Feels Special Exception does not benefit the neighbors or community as the Borrow Pit won't bring enough jobs; not consistent with Comprehensive Plan; worried about A/RR animals and wildlife.

19. Ken Owens: States truck drivers are paid by load and won't be driving speed limit; Road is already at capacity with current flow of traffic.

20. Patricia King: Lives directly across from the site; mentions her neighborhood only has one entry and exit; there are 90% residences directly around the mining area; worried about mining depth and water tables; "no benefit for Sand Mine in the middle of it".

21. Magda Gonzalez: Feels people move to rural areas to for peace not to live in construction area.

VI. UPDATES

Planning Commission decided to move PC meeting from Monday, Sept 1 to Monday, Sept 8 due to Labor Day Holiday. Advised that on Tuesday, Monday 8 at BOCC Meeting 2 alternates and 1 new PC member and 1 non-voting school board member will be confirmed.

ADJOURN

1st Motion to Adjourn—JD Holmes

2nd Motion to Adjourn- Kelly Bishop

Motion Carried 3-0 **Meeting Ended 8:55 PM**

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, person needing a special accommodation or an interpreter to participate in the proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing-impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).