

STAFF REPORT

Planning & Zoning Commission: February 14, 2005

APPLICANT: Florida Crushed Stone Company **FILE NUMBER:** SE-05-04

PURPOSE: Special Exception Use Permit for Heavy Manufacturing, namely a Cement Kiln and Associated Facilities

GENERAL

LOCATION: Approximately 3,500' northwest of Yontz Road and approximately 3,000' west of Cobb Road

LEGAL

DESCRIPTION: A portion of Section 8, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(IND), I-1
South: PDP(IND), M
East: PDP(IND), M
West: M

Surrounding Land Uses

Mining, industrial
Mining, industrial
Mining, industrial
Mining, industrial

SUMMARY OF REQUEST

The petitioner requests a special exception use permit for heavy manufacturing, namely a cement kiln and associated facilities. The subject property is located approximately 3,500' northwest of Yontz Road and approximately 3,000' west of Cobb Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(IND) and I-1.
2. The property comprises approximately 70 acres.
3. The site contains a power plant, a cement plant and ancillary facilities.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Cement Plant Road.
6. The subject property is located within an industrial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include borrow pits, Kendrick fine sands and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property contains a SPA, but no wetlands or WHPAs, according to County data resources.
10. The City of Brooksville indicates central water and sewer lines are located on Cobb Road and extensive line extensions are required for service.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by industrial and mining operations.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a special exception request for a heavy manufacturing operation, namely a cement kiln and associated facilities. The facilities will include a kiln, bag house, clinker cooler, raw mill, finish mill, silos and other ancillary equipment.

The subject property has been developed with a kiln and power plant pursuant to a special exception use permit approved in 1982. A special exception use permit to develop the site with an additional kiln was approved in 1995. The special exception use permit expired in 1998 because the second kiln was not constructed within the 3 year time frame stipulated by the P&Z. In 1999, the petitioner applied again for a special exception use permit for a second kiln. The BCC ultimately approved the second kiln with the following stipulations:

1. The petitioner receiving DRC approval for the proposed use.
2. Any proposed change in raw materials, chemicals, storage or processes must be reported to the County prior to such change to ensure compliance with the County's Development Regulations.

3. The special exception use permit will expire in one (1) year if construction of the project has not commenced.
4. The project must comply with all applicable state and federal regulations.
5. The petitioner shall submit a revised legal description indicating the industrially zoned property.
6. The facility shall be built to current BACT standards.
7. The petitioner shall provide for an air quality monitoring system for three sites with 4 air monitors consistent with FDEP monitor siting criteria, data recording/reporting requirements, and acceptable to both the County and FDEP. The County will request FDEP's technical assistance regarding monitoring parameter(s) required, monitor site placement, type, and number.
8. FCS shall bioassay a fish annually to determine the accumulation of heavy metals and report the results to the County Mining official.

The second kiln was not constructed within the one year stipulated time frame. The petitioner is reapplying for a special exception use permit for the same purpose. The subject property comprises 70 acres and the kiln will be constructed on approximately 7 acres of the overall area. The LDRs have been modified so that special exception use permits are valid for a period of two years from the date of approval.

The proposed kiln and associated facilities are proposed within the existing catchment area of the existing plant. The petitioner estimates an increase of approximately 143% of the current production of cement if the special exception use permit is approved.

Access to the subject site is proposed via the existing Florida Crushed Stone entrance on Cobb Road. The narrative submitted by the petitioner anticipates an increase of approximately 112 trucks per day as a result of the additional cement kiln to transport the cement to destinations within West Central Florida. It will not be necessary to transport the soft limerock required for usage in the new cement kiln on the surrounding roadway system as the material is onsite. The petitioner estimates an additional 29 trucks will be generated, transporting additional amounts of materials utilized in the operation beyond current usage. Some materials required for the operation include fly ash, gypsum and tires. The coal used in the operation will be brought into Florida Crushed Stone by rail. Based on the information submitted by the petitioner, and analysis by the Planning Department, the increase in truck traffic can be accommodated on the surrounding roadway system without degrading the current levels of service.

The property is located within the Brooksville service area for utilities; however, there are no lines currently available to serve the site. The petitioner is proposing to utilize the existing on-site potable

water system and waste water treatment plant for Florida Crushed Stone. The petitioner is planning approximately 16 additional employees with an increase in potable water demand of approximately 800 GPD (50 gallons for each of the additional 16 employees). The narrative submitted by the petitioner indicates there is sufficient capacity for both potable water and wastewater through the existing FCS operation. The petitioner would have to meet concurrency regarding this issue.

The information submitted by the petitioner regarding the proposed use indicates that the existing water use permit (WUP) for the operation is sufficient to accommodate the additional kiln. The petitioner indicates there will be no need for additional groundwater withdrawals above what is currently permitted if the special exception is approved.

An ambient air monitoring system was initiated by FCS following the 1999 Special Exception requirement to provide an air quality monitoring system for three sites consistent with FDEP monitoring criteria and data recording/reporting requirements. At the County's request, FDEP provided technical assistance regarding monitoring site placement, type, and number. Three PM-10 (particulate matter) air monitors were sited (FCS East, FCS West, and Parrot Middle School); sampling started November 1, 2000. One PM-2.5 air monitor was sited at Parrot Middle School in conjunction with the Hernando County Mining Association; sampling started January 18, 2003. Ambient air quality results for PM-10 and PM-2.5 in the vicinity of FCS are within state and federal standards. Visibility impacts are below concern thresholds for the US Fish & Wildlife Service (USFWS) based on air modeling requirements for this facility.

The City of Brooksville indicates the property is within the city's "first right to serve" area. The city indicates central water and sewer lines are located on Cobb Road and extensive line extensions are required for service. The petitioner indicates in the narrative that because city central service facilities are not available in the area, potable water and wastewater treatment will be provided on site.

FINDINGS OF FACT

The area is characterized by industrial and mining operations. The property is located within an industrially designated land use category as identified on the County's adopted future land use map. The proposed special exception request is classified as an industrial use.

Goal 6.02, of the adopted Comprehensive Plan requires the protection of the groundwater aquifer from pollution which would adversely impact water quality. The Comprehensive Plan further requires that the County revise and/or enact Land Development Regulations as necessary to protect recharge areas and water withdrawal points by limiting or restricting incompatible land uses. To implement this goal and policy of the Comprehensive Plan, the County has adopted a Groundwater Protection Ordinance (GPO). The property is located within a special protection area as identified in the County's adopted GPO. The petitioner would be required to comply with all applicable regulations contained within this ordinance. Based on the information submitted by the petitioner and analysis by the Planning Department, no uses or activities prohibited by the GPO will be expanded or added as a result of the proposed kiln and ancillary facilities. It is the staff's opinion that the proposed operation would not

be inconsistent with the Comprehensive Plan's directives regarding the quality and quantity of groundwater and surface waters.

The petitioner also indicates that a detailed air quality analyses were performed as part of the permitting process. Policy 6.04(A)(1) of the adopted Comprehensive Plan prohibits the introduction of new non-vehicular air pollution sources, and the modification of existing air pollution sources, which would degrade ambient air quality below FDEP standards. This policy applies to those activities which are regulated by FDEP. As part of the approval process for the second kiln and associated facilities, the petitioner must submit and receive approval from the Florida Department of Environmental Protection. The County participated in the permitting process for the original permit that was issued in 1995 and the 1997 permit modification, which has since expired. The facility has a current USEPA Title V Air Permit; last modified in July 2003. Therefore, Modification of the Power Plant Siting approval and Prevention of Significant Deterioration air permits for the proposed operation must be obtained. The petitioner has applied to FDEP for the Prevention of Significant Deterioration Air Construction Permit. As a major source of air pollutants, this facility required state and federal air permitting, which includes emissions modeling analysis by the U.S. Fish & Wildlife Service due to the facilities proximity to the Chassahowitzka National Wildlife Refuge.

The fuel source for the operation includes oil, tires and coal which are currently used in the existing process. The petitioner's narrative states that no hazardous materials will be burned in association with this operation. The petitioner will be required to meet the minimum requirements of the FDEP permitting process and the County's Air Toxics and Hazardous Waste Burning Facilities Moratorium which is consistent with the County's adopted Comprehensive Plan. The Best Available Control Technology (BACT) determination will be part of the FDEP permit process.

As previously required, staff is of the opinion that heavy metals sampling of on-site fish should be conducted by a certified lab on an annual basis. Results from bass have been received from 2000-2002 for mercury testing showing levels below state standards. Sampling should be consistent with state protocol. Fish samples should be from species consumed by people with a minimum weight of one pound.

The zoning ordinance provides general environmental control criteria and performance standards which are designed to ensure that all structures and uses will be properly located and will have a minimal adverse impact on the natural environment and their surroundings. Included in these criteria are that the applicant must have the financial capacity and technical ability to meet federal, state, and local air and water pollution control standards and has made adequate provision for solid waste disposal, the control of offensive odors, and the securing and maintenance of sufficient and healthful water supplies. The petitioner must comply with FDEP permit standards for the proposed operation, and meet all applicable County Ordinances, which include the adopted GPO. It is staff's position that the petitioner's request would not be inconsistent with this provision of the Zoning Ordinance. Further, the general environmental control criteria and performance standards require the petitioner to make adequate provision for fitting development into the existing natural environment, and not adversely affect existing uses. With the performance standards recommended, it is staff's opinion that

the proposed special exception request would not adversely affect the natural environment, and would not be detrimental with the surrounding area.

Special exception uses may be permitted in those zoning districts as designated in the zoning ordinance provided Planning and Zoning Commission approval is obtained. Issues analyzed when reviewing special exception requests are the suitability of the land for the proposed use by virtue of the location, shape, topography and nature of the surrounding development. The use must be a similar size and scale to the existing development in the area, and visual and functional conflict minimal. This property is located within the existing FCS boundary in an area currently utilized as industrial with an existing cement kiln. It is the staff's opinion that the proposed second kiln and associated facilities at this location would not be incompatible with surrounding land use.

The staff is of the opinion that the special exception use permit for heavy manufacturing, namely a cement kiln and associated facilities is appropriate, based on the following conclusions:

1. The special exception use permit for heavy manufacturing would be compatible with the surrounding land uses.
2. The special exception use permit for heavy manufacturing would be consistent with the Comprehensive Plan.

The special exception process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

The Planning Staff recommends the Planning and Zoning Commission approve the petitioner's request for a special exception use permit for heavy manufacturing, namely a cement kiln and associated facilities, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.

2. Any proposed change in raw materials, chemicals, storage or processes must be reported to the County prior to such change to ensure compliance with the County's Development Regulations.
3. The project must comply with all applicable state and federal regulations.
4. The facility shall be built to current BACT standards.
5. The petitioner shall continue ambient air quality monitoring of three (3) PM-10 and one (1) PM-2.5 monitors for the existing three sites consistent with FDEP monitor siting criteria and data recording/reporting requirements.
6. The petitioner shall bioassay fish caught on-site annually, by a certified lab, to determine the accumulation of lead and mercury. Fish sampling shall composite fillets from 3-5 individuals of edible species with a minimum weight of one pound following FDEP fish tissue sampling protocol. Results shall be reported to the County Mining Official and Planning Department.

P&Z ACTION:

The Planning and Zoning Commission voted 4-1 to approve the petitioner's request for a special exception use permit for heavy manufacturing, namely a cement kiln and associated facilities, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. Any proposed change in raw materials, chemicals, storage or processes must be reported to the County prior to such change to ensure compliance with the County's Development Regulations.
3. The project must comply with all applicable state and federal regulations.
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6. The petitioner shall bioassay fish caught on-site annually, by a certified lab, to determine the accumulation of lead and mercury. Fish sampling shall composite fillets from 3-5 individuals of edible species with a minimum weight of one pound following FDEP fish tissue sampling protocol. Results shall be reported to the County Mining Official and Planning Department.

7. The petitioners shall provide a traffic study to determine if signalization is warranted at the Cobb Road/ Yontz Road intersection. If warranted, the petitioner shall incur the costs for the traffic signal.