

# PLANNING AND ZONING BOARD

REGULAR MEETING/PUBLIC HEARING—MAY 01, 2008, 6:00 P.M.

Hardee County Board of County Commissioners Board Room  
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida

## ::: A G E N D A :::

### *Planning and Zoning Board*

James Barncord  
Don Chancey  
Roger Conley, Chairman  
Oscar Ortiz  
Charles Parker  
Carl Saunders  
Mike S. Thompson  
Vida Tomlinson  
Max Ullrich, Vice Chairman

### *Staff*

Nicholas Staszko, Planning/Development Director  
Lex Albritton, County Manager  
Kenneth B. Evers, County Attorney  
B.J. Haney, Planner II

**TURN OFF ALL CELL PHONES AND PAGERS  
OR SET THE UNIT TO SILENT ANNOUNCEMENT**

**CHAIRMAN** Call May 01, 2008, Regular Meeting/Public Hearing to order

**HANEY** Notice of Publication for Regular Meeting/Public Hearing  
was published in **The Herald-Advocate** on 04/10 and 04/17/08  
Affidavit of Publication on file

### **PLANNING DIRECTOR**

**STASZKO** Courtesy Notices were mailed to adjoining property owners,  
and all advertisements/public notices were properly posted

**CHAIRMAN** Explain Planning and Zoning Board's General Rules of Procedure (Page Six)

### **HANEY**

**NOTARY PUBLIC** Administration of oath to witnesses who wish to offer testimony

**CHAIRMAN** Approval--Minutes of April 03, 2008 Regular Meeting/Public Hearing  
Approval—Minutes of April 17, 2008 Joint Meeting/Public Hearing  
with the Board of County Commissioners  
Mosaic Fertilizer LLC's DRI and Major Special Exception

## **SITE DEVELOPMENT PLAN**

Agenda No.

08-16 Forestwood Design, LLC by and through the Authorized Representative requests approval of a **Site Development Plan** to construct/operate a warehouse and office for Forestwood Design on 3.52MOL ac zoned **C/IBC** (Commercial/Industrial Business Center) in the **Highway Mixed Use** Future Land Use District

On or abt Commerce Ln, Hardee County Commerce Park

Board requested a suggested format for its MOTIONS

I make a MOTION to **APPROVE** the **Site Development Plan** to construct/operate a warehouse and an office for True Wood Cabinets on 3.52MOL acres zoned **C/IBC** (Commercial/Industrial Business Center) in the **Highway Mixed Use** Future Land Use District based on staff's findings, conclusion, recommendation for **APPROVAL**, and recommended conditions and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to **DENY** the request based on \_\_\_\_\_.

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**SITE DEVELOPMENT PLAN**

Agenda No.

08-19 Kush Hospitality LLC by and through the Authorized Representative requests approval of a **Site Development Plan** to add 15 rooms to the existing Best Western Hotel on 5.16MOL acres zoned **C-2** in the **Highway Mixed Use** Future Land Use District

On or abt W si of US 17 N of SR62

Board requested a suggested format for its MOTIONS

I make a MOTION to **APPROVE** the **Site Development Plan** to add 15 rooms to the existing Best Western Hotel on 5.16MOL acres zoned **C-2** in the **Highway Mixed Use** Future Land Use District based on staff's findings, conclusion, recommendation for **APPROVAL**, and recommended conditions and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to **DENY** the request based on \_\_\_\_\_.

Agenda No.

08-20 First Baptist Church of Bowling Green by and through the Authorized Representative requests approval of a **Site Development Plan** to operate an after-school child care program in an existing building on 2.07MOL acres zoned **F-R** in the **Highway Mixed Use** Future Land Use District

On or abt E si of N/S portion of Murray Rd, W of Hwy 17, S of W Broward St

Board requested a suggested format for its MOTIONS

I make a MOTION to **APPROVE** the **Site Development Plan** to operate an after-school child-care program in an existing building on 2.07MOL acres zoned **F-R** in the **Highway Mixed Use** Future Land Use District based on staff's findings, conclusion, recommendation for **APPROVAL**, and recommended conditions and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to **DENY** the request based on \_\_\_\_\_.

**MAJOR SPECIAL EXCEPTION and VARIANCES**

Agenda No.

08-18 CF Industries Inc. and Clean Energy LLC by and through the Authorized Representative requests approval of a **Major Special Exception** to construct/operate a simple/combined-cycle power plant on 366MOL acres, and **Variances** to the wetlands setbacks and building height on lands zoned **A-1** in the **Agriculture** Future Land Use District

On or abt W si of CR663 N, ¼ mi S of Hardee/Polk County line      366MOL acres from  
06 33 24 0000 10020 0000  
07 33 24 0000 10020 0000

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Major Special Exception** to construct/operate a simple/combined-cycle power plant on 366MOL acres, zoned **A-1** in the **Agriculture** Future Land Use District based on staff's findings, conclusion, recommendation for **APPROVAL** and recommended conditions and based on the testimony received and the evidence present at the public hearing;

I make a MOTION to **DENY** the request based on \_\_\_\_\_.

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I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Variances** to the wetlands setbacks, noise and building height for the simple/combined-cycle power plant on 366MOL acres, zoned **A-1** in the **Agriculture** Future Land Use District based on staff's findings, conclusion, recommendation for **APPROVAL**, and recommended conditions and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to **DENY** the requests based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendations from the Planning/Zoning Board on Thursday, May 15, 2008, 8:35 A.M. or as soon thereafter.**

**AMENDMENT TO HARDEE COUNTY UNIFIED LAND DEVELOPMENT CODE**  
—**Ordinance No. 2008-16**

Agenda No.

08-23 Hardee County Board of County Commissioners by and through the Authorized Representative requests an Amendment to Table 2.29.02(B)—**Table of Land Uses** of the **Hardee County Unified Land Development Code** to permit all Commercial/Industrial Business Center-zoned land uses either by right or by approval of a Site Development Plan, Major Special Exception or Special Exception to be permitted by right.

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the request for an Amendment to Table 2.29.02(B)—**Table of Land Uses** of the **Hardee County Unified Land Development Code** as contained in **Ordinance No. 2008-16** to permit all C/IBC-zoned land uses to be permitted by right based on staff's findings, conclusion, recommendation for **APPROVAL**; and based on the testimony received and the evidence presented at the public hearing.

I make a MOTION to **DENY** the Amendment to Table 2.29.02(B)—**Table of Land Uses** of the **Hardee County Unified Land Development Code** as contained in **Ordinance No. 2008-16** based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, May 15, 2008, 8:35 A.M. or as soon thereafter.**

**LARGE-SCALE "COMP PLAN" AMENDMENT to the FUTURE LAND USE MAP**  
**Ordinance No. 2008-09**

Agenda No.

08-12 Elihoreph Ltd (Ten Fold Talents Property) and William H. III/Carla A. Harlan by and through the Authorized Representative requests approval of a **Large-Scale "Comp Plan" Amendment to the Future Land Use Map** changing the FLU designation of 134.07MOL acres from **Agriculture** to **Highway Mixed Use**

On or abt E/W sides of S Florida Ave, N of SR64 W

**Elihoreph Ltd**—96.07MOL ac  
**Harlan**—38MOL ac

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Large-Scale "Comp Plan" Amendment to the Future Land Use Map** changing the FLU designation of 134.07MOL acres from **Agriculture** to **Highway Mixed Use**, as contained in **Ordinance No. 2008-09** based on staff's findings, conclusion, recommendation for **APPROVAL** and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to DENY the request based on \_\_\_\_\_.

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**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

**LARGE-SCALE "COMP PLAN" AMENDMENT to the FUTURE LAND USE MAP**  
**Ordinance No. 2008-10**

Agenda No.

08-17 Crews Groves, Inc., C. Elton Crews Family Partnership LLLP and Willard Kelly, Jr./Elizabeth A. Durrance by and through the Authorized Representative requests approval of a **Large-Scale "Comp Plan" Amendment to the Future Land Use Map** changing the FLU designation of 368MOL acres from **Agriculture** to **Residential Mixed Use**

On or abt E/W sides of Maude Rd  
N of SR64 E

**Crews Groves Inc**—154.42MOL ac  
**C. Elton Crews Family**—217.54MOL ac  
**Durrance**—50MOL ac

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Large-Scale "Comp Plan" Amendment to the Future Land Use Map** changing the FLU designation of 368MOL acres from **Agriculture** to **Residential Mixed Use**, as contained in **Ordinance No. 2008-10** based on staff's findings, conclusion, recommendation for **APPROVAL** and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to DENY the request based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

**LARGE-SCALE "COMP PLAN" TEXT AMENDMENT--Ordinance No. 2008-13**

Agenda No.

08-21 Hardee County Board of Commissioners by and through the Authorized Representative requests approval of a **Large-Scale "Comp Plan" Text Amendment** to the **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element**, and the **Conservation Element** of the "Comp Plan" to include a 10-Year Water Supply Plan as contained in **Ordinance No. 2008-13**

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Large-Scale "Comp Plan" Text Amendment** to the **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element**, and the **Conservation Element** of the "Comp Plan" to include a 10-Year Water Supply Plan as contained in **Ordinance No. 2008-13** based on staff's findings, conclusion, recommendation for **APPROVAL**, and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to DENY the request based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

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**LARGE-SCALE "COMP PLAN" TEXT AMENDMENT--Ordinance No. 2008-14**

Agenda No.

08-22 Hardee County Board of Commissioners by and through the Authorized Representative requests approval of a **Large-Scale "Comp Plan" Text Amendment** to amend **Policy L1.12** and **Policy C2.4** of the "Comp Plan" to provide for a **Variance** to the Policies permitting less than 500 ft setback as contained in **Ordinance No. 2008-14**

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Large-Scale "Comp Plan" Text Amendment** to amend Policy L1.12 and Policy C2.4 of the "Comp Plan" to provide for a **Variance** to the Policies permitting less than 500 ft setback as contained in **Ordinance No. 2008-14** based on staff's findings, conclusion, recommendation for **APPROVAL**, and based on the testimony received and the evidence presented at the public hearing;

I make a MOTION to **DENY** the request based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

**EVALUATION AND APPRAISAL REPORT (EAR) to "Comp Plan"—Ordinance No. 2008-15**

Agenda No.

08-24 Hardee County Board of County Commissioners by and through the Authorized Representative is required to conduct an **Evaluation and Appraisal Report** to the Hardee County Comprehensive Plan every seven years

Board requested a suggested format for its MOTIONS

I make a MOTION to recommend to the Board of County Commissioners **APPROVAL** of the **Evaluation and Appraisal Report (EAR)** to the Hardee County Comprehensive Plan as contained in **Ordinance No. 2008-15** based on staff's findings, conclusion, recommendation for **APPROVAL**, and based on the testimony received and the evidence presented at the public hearing; and recommend transmittal to the Department of Community Affairs and Review Agencies in accordance with the procedures set forth in *Chapter 163, FLORIDA STATUTES*.

I make a MOTION to **DENY Evaluation and Appraisal Report (EAR)** to the Hardee County Comprehensive Plan based on \_\_\_\_\_.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

**OTHER BUSINESS**

**Request from Donald Chancey for clarification of Condition 3.(b) in the Record of Decision for Bouldin Holdings 2 Inc.**

**Record of Decision Condition No. 3. (b) states:**

3. Applicant shall provide revised plans which include a separate landscape sheet and further establish the buffer requires as follows:

(b) along the remaining northern dimension up to the jog in the property proceeding to the south, the 15-foot buffer with chain link fencing shall be permitted;

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**JOINT PUBLIC HEARING with BCC on Thursday, May 08, 2008, 6:00 P.M.**  
**to receive the 2007-2008 Annual Unit Review/Operating Report**  
**from CF Industries**  
**and**  
**Notice of Proposed Change to DRI**  
**for CF Industries, Inc.**

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**Next REGULAR P/Z MEETING/PUBLIC HEARING**  
**Thursday, June 05, 2008, 6:00 P.M.**

Regular Meeting/Public Hearing adjourned at \_\_\_\_\_ P.M.

**GENERAL RULES OF PROCEDURE**

Ladies and Gentlemen,

This is a quasi-judicial proceeding and any decision of the Board must be supported by substantial and competent evidence. In rendering its decision the Board shall rely solely upon that testimony which is relevant and material and any testimony given in the form of an opinion will not be relied upon unless given by a qualified witness.

You shall have the right to give testimony, and to present evidence and witnesses. The applicant, the Board and any interested persons shall be given an opportunity to ask questions of any witness.

Any persons who wish to testify shall be administered an oath to swear or affirm to tell the truth. At this time, if there is anyone who wishes to speak before the Board, please rise for the administration of Oath and raise your right hand.

