

# PLANNING AND ZONING BOARD

REGULAR MEETING/PUBLIC HEARING—OCTOBER 07, 2010, 6:00 P.M.

Hardee County Board of County Commissioners Board Room--412 W. Orange Street, Wauchula, Florida

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

### *Planning and Zoning Board*

Ralph Arce  
Don Chancey  
Roger Conley, Vice Chairman  
Gordon Norris  
Oscar Ortiz  
Charles Parker  
Monica Reas  
Mike S. Thompson, Chairman  
Vida Tomlinson

### *Staff*

Kevin Denny, Planning/Development Director  
"BJ" Haney, Planner II

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

- CHAIRMAN THOMPSON** Call October 07, 2010, Regular Meeting/Public Hearing to order
- CHAIRMAN** Pledge of Allegiance to the American flag; Call for prayer
- PLAN./DEVELOP.  
DIRECTOR DENNY, AICP** Notice of Publication for 10/07/10 Regular Meeting/Public Hearing was published in **The Herald-Advocate** on 09/16/10 (Affidavit of Publication is on file)
- PLAN./DEVELOP.  
DIRECTOR** All advertisements/public notices were properly posted
- CHAIRMAN** Explain Planning and Zoning Board's General Rules of Procedure (Page Three)
- NOTARY PUBLIC** Administration of oath to those who wish to offer testimony
- CHAIRMAN** Approval--Minutes of 09/02/10 Regular Meeting/Public Hearing as printed and mailed

### **SPECIAL EXCEPTION and VARIANCE**

Agenda No.

- 10-05 Russell D./Stephanie R. Adams and Daniel L./Cynthia D. Barco request recommendation for approval of a **Special Exception** to develop Outdoor Commercial Recreation Site/Motorsports Park on 36.37+/-acres zoned **A-1** in the **Agriculture** Future Land Use District, and request recommendation for approval of a **Variance** to the required 300-ft setback from neighboring residences.  
On or abt E end of Roy Moore Rd, Hardee County 06 35 23 0100 00001  
Lots 01, Lot 02, Lots 03

### Order of Discussion and Motions

**Staff recommends that the Board consider the requests in the following order:**

- Applicant-initiated request for a **Variance** to Section 3.21.01.03(B) of the Hardee County ULDC requiring 300 feet between the Commercial Outdoor Recreation facility and existing residences or property designated for residential use on the Hardee County Future Land Use Map. The distance shall be measured from the boundary of the property on which the proposed outdoor commercial recreation facility would be located. The Applicants are requesting approval to utilize a **100-foot** setback from the boundary/property line of the Applicants property to the physical location of the existing residences of Moore-Davis and Barnes instead of the required 300-foot setback.

If the Board recommends denial of the **Variance**, the **Modification** to an approved with conditions **Major Special Exception** is moot and requires no action.

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- Applicant-initiated request to allow Commercial Outdoor Recreation sports vehicle park exclusively for motorcycles, all terrain vehicles (ATVs) and utility vehicles (UTVs) in the Agriculture (A-1) zoning district, as part of the existing approved with conditions **Major Special Exception**;
- Applicant-initiated request to extend the approved with conditions **Major Special Exception** for private lake excavation activities for a period of one year. Staff recommends a two-year extension.

**Recommendation:**

Staff recommends to the Planning/Zoning Board:

**APPROVAL** of a **two**-year extension for the approved with conditions **Major Special Exception** with the exception of Condition No. 04 for the private lake excavation activities due to the current economic conditions.

**DENIAL** of the **Modification** to an approved with conditions **Major Special Exception** that would allow the Outdoor Recreation Use, Commercial due to incompatibility of uses and unmitigated external impacts,

**DENIAL** of the **Variance** to the 300-foot setback required of Outdoor Recreation Uses, Commercial in the A-1 zoning district due to incompatibility of uses and unmitigated external impacts.

and Staff further requests the Planning/Zoning Board recommend to the Board of County Commissioners the same recommendations.

**Recommended Conditions:**

If the Planning and Zoning Board does recommend approval to the Board of County Commissioners for the **Variance** and **Special Exception** for the Outdoor Recreation Use, Commercial; Staff recommends the following conditions:

1. Applicant shall commence no operation of the proposed Outdoor Recreation Use, Commercial project prior to securing the required permits from the Southwest Florida Water Management District and submits to the Hardee County Planning/Development Dept. evidence of said permitting;
2. Prior to the commencement of operation of the proposed Outdoor Recreation Use, Commercial project, Applicants shall implement measures to reduce and control the dust on Roy Moore Rd created by the vehicle traffic identified in the application. Hardee County considers that dust control on the road shall be addressed by daily maintenance with the water truck, grader and compactor and the application of LBR100 shell (FDOT-approved shell);
3. Applicant shall coordinate with the Florida Department of Transportation regarding access issues, if any, on to SR64 and shall provide evidence to the Hardee County Planning/Development Dept. that any Florida Department of Transportation (FDOT) issues have been addressed. Evidence shall be defined as correspondence from the FDOT, on its letterhead, directed to the Director of Planning/Development prior to commencing operation of the proposed project;
4. 'No Smoking' signs shall be and remain posted at all waste receptacles; physical address in six-inch-high numerals shall be installed at the entrance gate; entrance gate shall remain unlocked during practices and events; there shall be no fixed concessions on-site; there shall be no on-site food preparation, there shall be no spectator bleachers provided; all portable sanitary facilities (portajons) shall be approved by the Hardee County Health Department, and shall be moved to a storage area after each event; the existing non-potable water well shall be identified as such and shall be used for irrigation only;

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there shall be no human wash-down areas or showers permitted on site; there shall be no vehicle wash-down areas permitted on site; 'No Swimming' signs shall remain posted at all pond areas at all times; existing pole barn shall be used for equipment storage only; grassed parking area(s) shall be stabilized and compacted; any structures built shall require an amendment to the Site Development Plan through the Planning/Development Dept., and shall require construction/development permits; all interior access travel paths shall be a minimum of 20 ft; only motorcycles, ATVs (all terrain vehicles) and UTVs (utility vehicles) shall be permitted to race or run on the site--no swamp buggies, trucks, jeeps and the like shall be permitted;

5. Applicants shall comply with all ULDC, County ordinances and any other relevant laws and rules. Pursuant to Section 7.13.07 ULDC, if a **Special Exception** permit has not been exercised within the time limits set forth in the permit, or within one year if no time limit has been specified, or if a **Special Exception** permit is not exercised, or is abandoned for a continuous period of one year or more, the permit shall expire automatically. Exercising shall mean securing the required permits for the Commercial Outdoor Recreation park from the regulatory agencies with jurisdiction.
6. County recognizes the Applicants' desire to return the site to the excavation of a private lake project under the approved with conditions **Major Special Exception** except deleting condition No. 04 when the Commercial Outdoor Recreation project has concluded. This condition no. 6. provides that the project site containing the three lots in the **Adams Acres Subdivision** cannot have two **Special Exceptions**, therefore, when the Commercial Outdoor Recreation project ceases, the **SE** for the Commercial Outdoor Recreation facility shall immediately become null and void and the approved **Major Special Exception** with conditions except Condition No. 04 shall be re-instated for the private lake excavation project.
7. Water down riding areas for dust containment.

**BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, October 21, 2010, 6:05 P.M. or as soon thereafter.**

**OTHER BUSINESS**

Planning/Zoning Board Training Session with County Attorney Ken Evers

**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.

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**THIS IS NOT A JOINT PUBLIC HEARING**

**As Information:**

**BCC PUBLIC HEARING, THURSDAY, OCTOBER 21, 2010, 6:00 P.M.**

to adopt and authorize transmittal to DCA of  
Ordinance No. 2010-05--A Large-Scale Comprehensive Plan Future Land Use Map Amendment  
to amend the Generalized Mining Overlay Map to include several parcels of land totaling  
approximately 3,601.43 acres in the **A-1**-zoning district and **Agriculture** FLU District  
**AND**

Ordinance No. 2010-07—An Ordinance amending the Hardee County Comprehensive Plan,  
as amended adjusting the Generalized Mining Overlay Map; providing for Updates to Text and  
Maps of the 'Comp Plan' based on the adopted  
2008 Hardee County Evaluation and Appraisal Report (EAR)

Next REGULAR P/Z MEETING/PUBLIC HEARING,  
**Thursday, NOVEMBER 04, 2010, 6:00 P.M.**

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