

PLANNING AND ZONING BOARD
REGULAR MEETING
DECEMBER 7, 2000 – 7:30 P.M.
COUNTY COMMISSION CHAMBERS

MINUTES

Planning and Zoning Board

James Barncord, present
Don Chancey, Chairman, present
Roger Conley, present
Bill Craig, excused
Dan Graham, absent
Charles Nicholson, present
Jerry Rich, absent
Fred Small, present
Vida Tomlinson, Vice-Chairman, present

Staff

Building/Zoning Official, Malcolm Green, present
Planner, B. J. Haney, present
County Attorney, Gary Alan Vorbeck, present
County Manager, Gary Oden, present
County Engineer, Bryan Hunter, present
B/Z Executive Secretary, Virginia Stone, present

News Media - not present

Chairman Don Chancey called the Regular Meeting to order at 7:50 P.M. (the public hearing was advertised for 7:30 P.M. The BCC and P/Z held a 6:30 P.M. joint meeting to hear the 2000-2001 Annual Report from CF Industries, Inc., and that hearing went overtime). Roll was called and a quorum present.

Secretary Stone advised the Public Notice for the Regular Meeting was published in the Herald-Advocate on November 16 and November 23, 2000. Affidavit of Publication on file.

Building/Zoning Official Green advised courtesy notices were mailed to adjoining property owners, and all advertisements were properly posted.

Chancey explained Planning and Zoning Board's General Rules of Procedure and County Attorney Vorbeck administered oath to witnesses who planned to offer testimony.

MOTION by Tomlinson, second by Small, to approve Minutes of 11/02/00 Regular Meeting as revised. Motion carried unanimously.

Agenda No. 01-04

Chancey advised of a request from FINR, Inc. (Joseph Brennick), by and through its Authorized Representative, for a Special Exception to construct/operate a 15-bed nursing home, on 871.98MOL ac, zoned A-1 (Agriculture).

Each Board Member and County Staff received a copy of Application for the Special Exception and Staff Report for review prior to the 12/07/00 meeting.

Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for approval with recommended conditions for the Special Exception. Green explained that the request does not require reappearance before this Board as this Special Exception will cover the entire 871.98MOL acres. Green submitted the report to record as evidence; no objections were presented.

Anthony Chiocarrelli, Chief Operating Officer, FINR II, Inc. 1962 Vandolah Road, Wauchula, FL 33873 was present and sworn.

Chiocarrelli presented an overview of the entire FINR project, and noted the 15-bed nursing care facility is the first in a series of buildings planned for the project.

Chancey asked for public input. There was none.

MOTION by Nicholson, second by Barncord to recommend to the Board of County Commissioners approval of the request for a Special Exception as requested on 871.98MOL acres based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 p.m.

Agenda No. 01-06

Chancey advised of a request from Angel and Silvia Jaimes for a Special Exception to locate a mobile home on 1.0 ac zoned F-R (Farm-Residential).

Each Board Member and County Staff received a copy of Application for the Special Exception and Staff Report for review prior to the 12/07/00 meeting.

Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for approval with recommended conditions for the Special Exception. Green submitted the report to record as evidence; no objections were presented.

Angel Jaimes, 769 Martin Luther King Avenue, Wauchula, FL 33873, was present and sworn.

Silvia Jaimes, 769 Martin Luther King Avenue, Wauchula, FL 33873, was present and sworn.

An inquiry of whether there were any other dwellings on the property was made and Angel Jaimes advised the Board that the property is vacant and that he and Silvia both understand the conditions of the Special Exception.

Chancey asked for public input. There was none.

MOTION by Conley, second by Tomlinson to recommend to the Board of County Commissioners approval of the request for a Special Exception as requested based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 p.m.

Agenda No. 01-07

Chancey advised of a request for a Special Exception from Leslie and Etta Lee Mowatt to construct/operate a child day-care center on 1.0 ac zoned R-3 (Multiple-Family Residential).

Each Board Member and County Staff received a copy of Application for the Special Exception and Staff Report for review prior to the 12/07/00 meeting.

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Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for approval with recommended conditions for the Special Exception. Green submitted the report to record as evidence; no objections were presented

Leslie Mowatt, 508 Magnolia Blvd., Wauchula, FL 33873, was present and sworn.

Etta Lee Mowatt, 508 Magnolia Blvd., Wauchula, FL 33873, was present and sworn.

An inquiry as to whom would be operating the day-care center and Etta Lee Mowatt advised the board that her daughter, Mae Gamble, would be the primary operator of the center.

Chancey asked for public input. There was none.

MOTION by Nicholson, second by Conley to recommend to the Board of County Commissioners approval of the request for a Special Exception as requested based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

Chancey advised BCC will receive recommendations from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 P.M.

Agenda No. 01-05

Chancey advised of a request from Leonard E. and Mary Faye Miller for a request to Re-Zone 1.55 ac from F-R (Farm-Residential) to C-1 (Neighborhood Commercial) to operate a retail plant nursery and to park/store commercial trucking equipment (vehicle carriers/rollbacks).

Each Board Member and County Staff received a copy of Application for the request to Re-Zone and Staff Report for review prior to the 12/07/00 meeting.

Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for approval for the request to Re-Zone. Green submitted the report to record as evidence; no objections were presented.

Leonard E. Miller, 1275 Polk Road, Wauchula, FL 33873, was present and sworn.

Tim Miller, Authorized Representative, 1436 Lisa Drive, Wauchula, FL 33873, was present and sworn.

Conley inquired and Leonard Miller advised the board that he currently has a plant nursery and three haulers that come and go at least twice a day and sometimes three times to haul automobiles.

There was an inquiry for the request to be considered for a Special Exception as opposed to a Re-Zone.

Green advised that the Hardee County LDRs (Land Development Regulations) do not provide for the parking of commercial vehicles in F-R (Farm-Residential) zoned districts and that the LDRs do not provide for this type of use

under an approved Special Exception.

Chancey asked for public input.

Reynolds Allen, 2929 Villa Rosa Park, Tampa, FL, was present and sworn.

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Allen advised that he and his sister, Beth Stallings, own the property to the west of the Miller property. He stated that Miller has been parking the haulers there as a stop-over for a number of years and that they have no problem with the current use continuing, but strongly opposed to a re-zoning to commercial. Allen stated that most of the area is homesites and a re-zone to commercial would not be compatible.

Allen urged the Board to consider an alternative to re-zone but still allow Miller to continue using the property to park his haulers.

The Board inquired of Vorbeck whether the Board could find the Property Owner grandfathered in for this specific purpose but with no increase in intensity of the use.

MOTION by Nicholson, second by Barncord to deny the request for Re-Zone and make a determination that inasmuch as the present use of parking commercial vehicles cannot be continued in F-R-zoned districts based on the provisions of the Hardee County Unified Land Development Code (ULDC) that the present use is determined to be "grandfathered in" based on the fact that the parking has been a continued use for several years:

recognizing this determination goes with the property;

recognizing this determination stands for as long as the current use is being operated with no change in intensity;

recognizing this determination expires if the current use is abandoned for a period of one year;

and based on testimony presented and evidence received at the public hearing. Motion carried unanimously.

Chancey advised BCC will receive recommendations from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 P.M.

Agenda No. 01-08

Chancey advised of a request from Helen F. Keller for an Exception to Policy L1.15 of the "Comp Plan" to transfer less than 5.0 ac to immediate family member (grandson) for primary place of residence, zoned A-1 (Agriculture).

Each Board Member and County Staff received a copy of Application for the request for Exception to Policy L1.15 of the "Comp Plan" and Staff Report for review prior to the 12/07/00 meeting.

Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for approval with recommended conditions for the Exception to Policy L1.15 of the "Comp Plan". Green submitted the report to record as evidence; no objections were presented

Christopher Keller, 1951 Fish Branch Road, Zolfo Springs 33890, was present and sworn.

Green advised that the Property Owner gave her grandson one acre. One acre is not of sufficient size to

obtain development permits. Property Owner would like to transfer 1.5 acres to the grandson for him to have property of sufficient size to obtain development permits.

Chancey asked for public input. There was none.

MOTION by Nicholson, second by Conley to recommend to the Board of County Commissioners approval of the request for an Exception to Policy L1.15 of the "Comp Plan" as requested based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

Chancey advised BCC will receive recommendations from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 P.M.

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Agenda No. 01-09

Chancey advised of a request from IPS Avon Park Corp. for an Amendment to a Major Special Exception granted 01/20/00 for the addition of a 20-ac adjacent parcel to the proposed project, and an Amendment to a Variance to exceed height standards for stacks granted 01/20/00 to allow stacks to be 75' in height instead of 60' in height to comply with new Federal clean air regulations/standards.

Each Board Member and County Staff received a copy of Application for the request for an Amendment to Major Special Exception/Variance for review prior to the 12/07/00 meeting.

Green highlighted the Staff Report including the findings of fact, conclusion, and recommendation for approval with recommended conditions for the Amendment to a Major Special Exception & Variance. Green submitted the report to record as evidence; no objections were presented

Green stated that IPS Avon Park Corp. came before the Board in January 2000 and they have now bought the adjacent parcel. Green explained to the Board that all conditions in original Major Special Exception remain.

John Ellis, IPS Avon Park Corp., 1560 Gulf Blvd., Suite 701, Clearwater, FL 33767, was present and sworn.

Richard Zwolak, Golder and Associates, 5405 W. Cypress St., Suite 215, Tampa, FL 33607, was present and sworn.

Ellis reported that plans are to begin construction in April 2001 and that some of the construction will be moved just a few feet over onto the 20 acres.

Chancey asked for public input. There was none.

MOTION by Conley, second by Nicholson to recommend to the Board of County Commissioners approval of the request for an Amendment to Major Special Exception/Variance as requested based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

Chancey advised BCC will receive recommendations from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 P.M.

Agenda No. 01-10

Chancey declared a conflict of interest and signed a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers form and original is on file.

Chancey relinquished Chair to Vice Chairman Tomlinson.

Tomlinson assumed the Chair.

Tomlinson advised of a request from Joseph Brennick for approval of a Site Development Plan to renovate an existing barn to provide day treatment, vocational and educational services for persons with neurological impairment, 10 acres, zoned A-1.

Each Board Member and County Staff received a copy of Application for Site Development Plan approval and Staff Report for review prior to the 12/07/00 meeting.

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Green highlighted the Staff Report including the analysis of findings, conclusion, recommendation for approval, and recommended conditions for the Site Development Plan approval. Green submitted the report to record as evidence; no objections were presented

Neal Flannery, 535 Palm Avenue, Sarasota, FL 34236, was present and sworn.

Flannery presented a brief overview of the plans for the structure.

Tomlinson asked for public input. There was none.

MOTION by Nicholson, second by Conley to approve Site Development Plan as requested based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried.

Tomlinson advised BCC will receive recommendations from the Planning/Zoning Board and will hold a public hearing on 12/14/00, 1:30 P.M.

Planner Haney reminded the Board that there would be an election of Chairman and Vice Chairman at the January 2001 meeting.

The Board was reminded that the January 4, 2001 regular meeting would be at 7:30 P.M. and that there would be a joint meeting with the BCC at 6:30 P.M. to receive the Annual Report from IMC Phosphates.

With no further business to come before the Board, MOTION to adjourn regular meeting at 9:00 P.M.

Ginny Stone, Executive Secretary