

PLANNING AND ZONING BOARD
REGULAR MEETING
JUNE 7, 2001 - 6:00 P.M.
COUNTY COMMISSION CHAMBERS

MINUTES

Planning and Zoning Board

James Barncord, Present
Don Chancey, Chairman, Present
Roger Conley, Present
Bill Craig, Excused
Peggy Fraim, Present
Dan Graham, Present
Charles Nicholson, Present
Fred Small, Present
Vida Tomlinson, Vice-Chairman, Excused

Staff

Building/Zoning Official, Malcolm Green, Present
Kris DeLaney, Director of Planning & Development, Present
County Manager, Gary Oden, Present
County Attorney, Gary Alan Vorbeck, Present
Planner, B. J. Haney, Present
B/Z Executive Secretary, Virginia Stone, Present

News Media - not present

Chairperson Don Chancey called the Regular Meeting to order at 6:00 P.M., roll taken, quorum present.

Secretary Stone advised the Public Notice for the Regular Meeting was published in the Herald-Advocate on May 17 and May 24, 2001. 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 Nicholson, second by Barncord to approve Minutes of 05/03/01 Joint Meeting with the Board of County Commissioners to accept the Annual Report from Cargill Fertilizer Co. Motion carried unanimously.

MOTION by Conley, second by Graham to approve Minutes of 05/03/01 Regular Meeting. Motion carried unanimously.

Vorbeck acknowledged that there was a court reporter present and inquired as to who requested her services.

Mark Miller, Attorney representing the Putnam family, advised that he had requested the court reporter for Agenda Item No. 01-36, Ronald/Sharon D. Moye.

Agenda No. 01-33

Chancey advised of a request from Donald L. Greenhalgh/French L./Catherine A. Maynard for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of no less than 2.5 acres to immediate family member (daughter) as primary place of residence, on 31.95 acres zoned A-1 (Agriculture), on or about Skipper Road, Hardee County.

Each Board Member and County Staff received a copy of Application for an Exception to Policy L1.15 of the "Comp Plan" and Staff Report for review prior to the 06/07/01 meeting.

Green highlighted the Staff Report including the analysis of findings, conclusion, and recommendation for

approval with recommended special conditions. Green submitted the Staff Report to record as evidence; no objections presented.

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Donald Greenhalgh, 7100 Sparta Road, Sebring, FL (Highlands County), was present and sworn.

Greenhalgh stated that his plans are to divide the property in half.

Chancey inquired whether Greenhalgh understood the conditions. Greenhalgh responded that he did.

Green reported that there were no problems and that they meet all requirements for the Exception to Policy L1.15 of the "Comp Plan".

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 Exception to Policy L1.15 of the "Comp Plan" to allow transfer of no-less-than 2.5 ac to immediate family member (daughter) as primary place of residence, 31.95 ac, zoned A-1 (Agriculture), based on staff's findings, conclusion, and recommendation for approval and recommended special conditions. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/21/01, 1:30 p.m.

Agenda No. 01-34

Chancey advised of a Board of County Commissioner initiated request for a Rezone of 22.06MOL ac from F-R (Farm-Residential) to C-2 (General Commercial), to correct a scrivener's error when the official Zoning Map was adopted on 02/15/96, on or about W. REA Road and Hwy. 17, Hardee County.

Each Board Member and County Staff received a copy of Application for a Rezone and Staff Report for review prior to the 06/07/01 meeting.

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

Chancey asked if the Board had any questions.

Nicholson inquired whether this was the location of the REA work center.

Chancey inquired whether there was a small grove on the corner of this property. It was noted that there was not.

Chancey asked for public input; there was none.

MOTION by Conley, second by Graham to recommend to the Board of County Commissioners to approve the BCC-initiated request for a Rezone of 22.06MOL ac from F-R (Farm-Residential) to C-2 (General Commercial), to correct a scrivener's error when the Official Zoning Map was adopted on 02/15/96, on or about W. REA Road and

Hwy. 17, Hardee County, and based on staff's findings, conclusion, and recommendation for approval. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/21/01, 1:30 PM.

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Agenda No. 01-38

Chancey advised of a request from James L./Lillian K. Hughes for a Temporary Special Use Permit for the location of a second dwelling for the use by their son (and his family) to help care for them, on 5.0 ac, zoned A-1 (Agriculture), on or about Roy Coker Road, Hardee County.

Each Board Member and County Staff received a copy of Application for a Rezone and Staff Report for review prior to the 06/07/01 meeting.

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

Green reported that the permit would be good for 2 years and can be extended at the end of the 2 years.

Lillian K. Hughes, 5467 Roy Coker Road, Ona, FL, was present and sworn.

Hughes stated that she would like to help her son and his family.

Hughes inquired if approved whether she would have to wait until the Board of County Commissioners approved the request.

Chancey advised that it would go before the Board of County Commissioners in 2 weeks.

Vorbeck advised that she would be at risk until the Board of County Commissioners approved the request.

Chancey asked for public input; there was none.

MOTION by Barncord, second by Small to recommend to the Board of County Commissioners approval of the request for a Temporary Special Use Permit for the location of a second dwelling for use by the son (and his family) to help care for them, on 5.0 ac, zoned A-1 (Agriculture), and based on staff's findings, conclusion, and recommendation for approval with special conditions as stated. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/21/01, 1:30 P.M.

Agenda No. 01-37

Chancey advised of a request from Harold E. McClelland, Trustee, by and through his Authorized Representative, for a Special Exception to construct/operate a 258-ft. communications tower on 1.623MOL ac, leased from Parent Parcel 33 33 27 0000 01810 0000, 150 ac, zoned A-1 (Agriculture) on or about West side of Parnell Road and South side of State Road 64, Hardee County.

Each Board Member and Staff received a copy of Application for a Special Exception and Staff Report prior to the 06/07/01 meeting.

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

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May 3, 2001

Ryan Chapdelain, American Tower Management, Inc. and on behalf of SprintCom, Inc., 9027 Town Center Road, Bradenton, FL 34202, was present and sworn.

Chapdelain reported that Sprint would construct the tower. The need for the request was due to a gap in service on Highway 64; agreed to the conditions of the Special Exception.

Chapdelain reported that trees would serve as a buffer and would be located in a compound area 80x80ft.

Chancey asked for public input. There was none.

MOTION by Nicholson, second by Conley to approve the request from Harold E. McClelland, Trustee, by and through his Authorized Representative, American Tower Management, Inc. for a Special Exception to construct/operate a 258-ft. communications tower on 1.623MOL ac, leased from Parent Parcel 33 33 27 0000 01810 0000, 150 ac., zoned A-1 Agriculture, based on staff's findings, conclusion, and recommendation for approval and recommended conditions and time limits. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/21/01, 1:30 P.M.

Agenda No. 01-39

Chancey advised of a request from Jeremiah/Belinda Ellison, for a Special Exception to operate a six-bed capacity Assisted Living Facility on 8,000MOL sq ft, zoned R-3 (Multiple Family Residential), on or about Will Duke Road, Hardee County.

Each Board Member and Staff received a copy of Application for a Special Exception and Staff Report prior to the 06/07/01 meeting.

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

Belinda Ellison, 238 Lake Thomas Drive, Winter Haven, FL, was present and sworn.

Chancey inquired whether the location of the property was on City water and sewer.

Ellison responded that the property was on a well.

Nicholson inquired as to the size of the existing house.

Ellison replied that the house is 26x40 ft.

Ellison reported that the Health Department has already approved the Assisted Living Facility for this location.

Chancey asked for public input.

Debra Hines, 1421 Lincoln, Wauchula, FL 33873, was present and sworn.

Hines spoke in opposition for approval of the Special Exception. She stated that there was a drug area across the street and a person was recently murdered in this area due to drugs.

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May 3, 2001

Chancey inquired of Hines whether she lived across the street from the property. Hines stated no, but she lives in the block.

Chancey inquired of Ellison as to how many residents have been approved for the Assisted Living Facility.

Ellison stated that she has been approved for 5 or 6.

Dale Crosby, 237 Lake Thomas Dr., Winter Haven, FL, was present and sworn.

Crosby spoke in favor of the approval and stated that he was a neighbor of the applicant in Winter Haven and that the Sheriff's Office has been working diligently to clean up the area.

Ellison reported that there would be 2 full time staff employed and that the tenants will be supervised constantly. She stated that in addition to the supervision, there would be an alarm system installed. She stated that security and safety are the number one issues with her.

Nicholson inquired of Vorbeck as to the leverage the Planning/Zoning Board has in the matter.

Green reported that it has been researched and we have zoning powers.

Green reported that staff has reviewed 12 to 15 requests for Assisted Living Facilities and have only received one complaint on one unit. He stated that the corrections for the complaint have been addressed.

Nicholson inquired if the property owner operated other facilities?

Ellison responded that this was her first one.

Barncord inquired whether the property owner would be living at the facility.

Ellison stated that she would not be living there.

MOTION by Nicholson, second by Conley to recommend approval of the request from Jeremiah/Belinda Ellison, for a Special Exception to operate a six-bed capacity Assisted Living Facility on 8,000MOL sq. ft., zoned R-3 (Multiple Family Residential), on or about Will Duke Road, Hardee County, and based on staff's findings, conclusion, and recommendation for approval and recommended conditions and time limits. Motion carried

unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/21/01, 1:30 P.M.

MOTION by Nicholson, second by Conley to change Agenda to hear Agenda Item 01-35 prior to Agenda Item 01-36. Motion carried unanimously.

Agenda No. 01-35

Chancey advised of a request from Lavon/Linda Cobb for Approval of a Site Development Plan to construct/operate a one-story 16-unit mini-warehouse storage with one manager's office/car wash unit, 9.60 ac, zoned C-2 (General Commercial), on or about West side of Hwy. 17 North of State Road 62, Hardee County.

Chancey advised the Planning/Zoning Board that due to a conflict of interest on this item, he would not be voting but only acting as Chairperson in hearing the request. Chancey signed and is on file with the original minutes, Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

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Each Board Member and Staff received a copy of Application for Approval of a Site Development Plan and Staff Report prior to the 06/07/01 meeting.

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

Green reminded the Planning/Zoning Board that they were the approving authority for a Site Development Plan.

Lavon Cobb, 1015 Briarwood Drive, Wauchula, FL 33873, was present and sworn.

Cobb stated that the request is to bring the property into compliance with Code.

Conley inquired whether more construction would be added to the property.

Green stated that no additional construction would be allowed per this site plan; it would applicant to submit a revised site plan.

Chancey asked for public input; there was none.

MOTION by Barncord, second by Fraim to approve the request from Lavon/Linda Cobb for Approval of a Site Development Plan to construct/operate a one-story 16-unit mini-warehouse storage with one manager's office/car wash unit, 9.60 ac, zoned C-2 (General Commercial), on or about W side of Hwy 17 N of State Road 62, Hardee County, and based on staff's findings, conclusion, and recommendation for approval and recommended conditions. Motion carried unanimously.

Agenda No. 01-36

Chancey advised of a request from Ronald/Sharon D. Moye for a Major Special Exception to construct/operate a recycling fertilizer/compost plant utilizing 60MOL ac, zoned A-1 (Agriculture), and

Utilizing a parcel no less than 5.0ac in size for the business office and scale house of the recycling fertilizer/compost plant, zoned A1 (Agriculture), on or about Parnell Road, Hardee County.

Chancey advised the Planning/Zoning Board that due to a conflict of interest on this item, he would not be voting but only acting as Chairperson in hearing the request. Chancey signed and is on file with the original minutes, Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.

Each Board Member and Staff received a copy of Application for a Major Special Exception and Staff Report prior to the 06/07/01 meeting.

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

Elida T. Hager, Registered Professional Reporter, Reliable Reporting, 500 South Florida Avenue, Suite 600, Lakeland, FL 33801, was present to transcribe the hearings for Agenda No. 01-36.

Vorbeck entered into record Exhibit No. 1, Site Development Plan, as part of the Staff Report for the Major Special Exception.

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Tom Adams, President Farm Foundation, PO Box 279 Fellsmere, FL 32948, was present and sworn.

Adams explained that Moye is current landowner and his company has a contract to purchase the property.

Adams presented an overview of AFAM and explained its purpose and goal was to assist and stimulate the dairy industry in Florida.

Adams reported that the fertilizer/compost plant would produce 100% organic fertilizer to be sold without profit to the agriculture industry.

Adams stated that the permit had been issued by DEP but the initial applicant was not able to get financing and AFAM took over the permit. Adams noted that the site would be regulated by DEP and that AFAM agrees to all conditions as set forth by the Planning/Zoning Board.

Nicholson inquired as to what the market was for the product?

Adams responded that the market would be with the citrus industry, road department, and Department of Agriculture.

Barncord inquired of Adams whether there would be a mechanism on the plant to contain the fumes/odors that will be emitted.

Adams stated that there would be and in addition that the DEP permit requires that the odors be monitored daily.

Adams stated that they would control nutrients to prevent them from being emitted onto the land. Their goal was to enhance agriculture.

Small inquired as to what the fire factor was.

Adams stated that the plant would be situated on 60 ac in the middle of 800 ac. and that the fire factor has been taken into consideration.

Conley inquired whether the structure would be solid concrete.

Adams stated yes and that drainage would be directed into retention ponds on both ends.

Barncord inquired of Adams whether the ponds would have liners.

Adams reported that there would be no liners in ponds.

Chancey asked for public input.

John Curls, Steve Roberts Special, Zolfo Springs, FL, was present and sworn.

Curls spoke in opposition of the approval for a request for a Major Special Exception. Curls concerns were what happens if it doesn't work and what was the market for this product.

Mark Miller, Attorney for the Putnam family, PO Box 3, Lakeland, FL 33802, was present and sworn.

Miller spoke in opposition to approving the Major Special Exception on behalf of the Putnam family.

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Miller's concerns were the potential impact on the groundwater; the building doesn't have walls, concerns for control of emission of odors.

Miller noted that the Staff Report identifies odor as a legitimate concern under the Land Development Regulations, Condition No. 4. He doesn't believe that there are any regulatory government agencies for odor control.

Miller, on behalf of his clients, requested a deferral of approval for this request.

Lawrence Coleman, 2731 Parnell Road, Zolfo Springs, FL 33890, was present and sworn.

Coleman spoke in opposition of the approval for the Major Special Exception. He stated that he lives across from the dairy and already has problems with odors and flies and his concern if the request is approved is that he would have odors coming from both directions.

Sandy Coleman, 2731 Parnell Road, Zolfo Springs, FL 33890, was present and sworn.

Coleman spoke in opposition for granting approval of the Major Special Exception.

Pete Marovich, 1801 Old Eagle Lake Road, Bartow, FL 33830, was present and sworn.

Marovich spoke in opposition of the request for the Major Special Exception. His concerns were that if approved, the plant would turn into a dropping site for sludge and the danger of fires. Marovich pointed out that 2 separate fertilizer plants had major fires in the past 2 years; one in Frostproof and the other in Ft. Pierce.

Cynthia Sullivan Cord, 4008 Parnell Road, Zolfo Springs, FL 33890, was present and sworn.

Cord spoke in opposition of granting the approval for the Major Special Exception. Cord stated that her major concerns were contamination and odor. Cord requested the Planning/Zoning Board defer approval of the request.

Harold McClelland, 248 Parnell Road, Zolfo Springs, FL 33890, was present and sworn.

McClelland spoke in opposition of granting the approval for the Major Special Exception.

Chad Stanfield Douglas, 8747 Martin Lane, Zolfo Springs, FL 33890, was present and sworn.

Douglas spoke in opposition of granting the approval for the Major Special Exception. Douglas stated that he works for a municipality and knows what the sludge odor smells like. Douglas stated that his concerns were of disposal and DEP regulations.

Kenny Sanders, 639 Hanchey Road, Wauchula, FL 33873, was present and sworn.

Sanders, as the realtor of record, spoke in favor for granting the Major Special Exception. Sanders noted that the plant would be placed in the middle of 800ac.

McClelland asked again to speak to the Board in opposition for granting approval of the Major Special Exception.

Will Putnam, PO Box 55, Alturas, FL 33820, was present and sworn.

Putnam spoke in opposition for granting the Major Special Exception. Putnam spoke primarily for the property owners of adjoining properties and property owners in the general vicinity.

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Putnam advised that their main concerns were for decrease in the quality of air, who regulates the control of odors, and the leachate that would be produced. Putnam stated that approval of the request for a Major Special Exception would adversely affect his family's farming.

Lisa McClelland, 1491 Parnell Road, Zolfo Springs, FL 33890, was present and sworn.

McClelland also spoke in opposition of granting the approval of the Major Special Exception.

Adams highlighted the following in response to some of the concerns expressed:

- there will be no ammonia generated;
- sludge cake; not liquid;
- the facility will be inspected daily for emission of odors.

Vorbeck inquired of Adams whether they had a Management Plan.

Vorbeck asked whether it was the consensus of the Board to have additional information.

Vorbeck informed Adams that the issues that needed to be addressed at another meeting in depth included:

- groundwater;
- fire;
- odor;
- transportation.

Adams reported that he would have a qualified engineer present at a future meeting to answer any questions the Board might have.

Vorbeck advised Adams that normally an item would be continued to the next scheduled board meeting (30 days).

Graham inquired of Adams whether the company has policies and procedures. Graham stated that he would like to see how the company is going to address problems.

Exhibit 2, Example of Permit issued in Hardee County by Department of Environmental Protection, was presented and entered into record.

Sharon Moye, 1459 Lisa Drive, Wauchula, FL 33873, was present and sworn.

Moye spoke in favor for granting the approval of the Major Special Exception. Moye addressed the issue of transportation and stated that the bridge of concern was scheduled to be replaced.

MOTION by Nicholson, second by Conley to **Continue Agenda Item No. 01-36** to the July 5, 2001 Planning/Zoning Regular Meeting at 6:00 P.M. to give Adams sufficient time to address issues of concern. Motion carried unanimously.

MOTION to adjourn meeting at 8:10 P.M. Next Regular Meeting, Thursday, July 5, 2001, 6:00 P.M.

Ginny Stone, Executive Secretary