

PLANNING AND ZONING BOARD
REGULAR MEETING
SEPTEMBER 6, 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, present
Peggy Fraim, absent
Dan Graham, present
Charles Nicholson, present
Fred Small, present
Vida Tomlinson, Vice-Chairman, present

Staff

Building/Zoning Official, Malcolm Green, present
Kris DeLaney, Director of Planning/Development, absent
County Manager, Gary Oden, absent
County Attorney, Ken Evers, present
Planner, B. J. Haney, present
B/Z Executive Secretary Virginia Stone, present

News Media not present

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

Stone advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on August 23 and August 30, 2001. Affidavit of Publication is on file.

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 Evers administered oath to witnesses who planned to offer testimony.

Chancey stated that the Approval of the 07/05/01 Minutes needed to be approved with corrections to Page 2, Paragraph 2 and read as "*Each Board Member and County Staff received a copy of Application for Site Development Plan and Staff Report for review prior to the 07/05/01 meeting.*"

MOTION by Barncord, second by Tomlinson to approve Minutes of 07/05/01 Regular Meeting with corrections as stated. Motion carried unanimously.

Minutes to show that Nicholson arrived at 6:01 P.M.

Agenda No. 01-43

Chancey advised of a request from W. N./Hazel L. Nicholson for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of less than 5.0 ac to immediate family member (granddaughter) for primary place of residence, 29.25 ac, zoned A-1 (Agriculture), on or about Talley Road and CR 664, Hardee County.

Each Board Member and County Staff received a copy of Application for an Exception to Policy L1.15 of the "Comp Plan" for review prior to the 09/06/01 meeting.

Green stated that since this was his last meeting due to his resignation effective September 7, 2001, he was turning the report over to Haney to give the Staff Report.

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

George McNary and Norma McNary, 2908 Red Barn Lane, Bowling Green, FL 33834, were both present and sworn.

Paul Saumels, 1720 Mahaffey, Lakeland, FL, was present and sworn.

Chancey called for public input; none presented.

MOTION by Conley, second by Craig 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 less than 5.0 ac to immediate family member (granddaughter) for primary place of residence, 29.25 ac, zoned A-1 (Agriculture), based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried with six voting "yes" and Barncord voting "no".

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September 6,

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 09/27/01, 1:30 P.M.

Agenda No. 01-44

Chancey advised of a request from Palm Hammock, Inc. for a Rezone of 1.41MOL ac from A-1 (Agriculture) to C-2 (General Commercial), on or about East side of Highway 17 just North of SR 64 East, Hardee County.

Chancey advised the Planning/Zoning Board that due to a conflict of interest on this item, he would not be voting and turned the Chair over to the Vice-Chair for this item. 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 County Staff received a copy of Application for a Rezone and Staff Report for review prior to the 09/06/01 meeting.

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

Minutes to show that Don Graham arrived at 6:09 P.M.

Victoria L. Albritton, 2579 Farrell Road, Zolfo Springs, FL 33890, was present and sworn.

Albritton explained to the Board that at one time this parcel was a 2-20ac parcel and that Zolfo Springs divides the parcel through the middle. Albritton explained that one half is zoned Commercial by the City of Zolfo Springs. The other half is zoned A-1 (Agriculture). This half was being used as a barn and now she would like to repair the barn and bring back to Commercial.

Tomlinson called for public input; none was presented.

MOTION by Nicholson, second by Barncord to approve the request for Rezone as requested based on staff's findings, conclusion, and recommendation for approval, and based on testimony received and evidence presented at the public hearing. Motion carried unanimously.

Tomlinson advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 09/27/01, 1:30 P.M.

Agenda No. 01-45

Chancey advised of a request from George and Norma McNary for a Variance to Table 2.04.01(B) of the ULDC (Unified Land Development Codes) relating to building height to erect a minimum 50' to maximum 70' net-type barrier along a portion of the East property line and along a portion of the west property line of Wagon Wheel RV Park; and request a Variance to Section 2.02.10 of the ULDC, Height Limitations, General Regulations for all Zoning Districts for the net-type barrier to be located one foot from the property lines, 19.55 ac, F-R (Farm-Residential) on or about Bostick Road, Hardee County.

Each Board Member and County Staff received a copy of Application for a Variance and Staff Report for review

prior to the 09/06/01 meeting.

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

George H. and Norma M. McNary, 2908 Red Barn Lane, Bowling Green, FL 33834, were present and sworn.

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September 6,

Haney stated that the LDRs and Comp Plan will allow approval as long as one foot from the property line is maintained and a Variance granted.

Green stated that the Board needs to make inclusive in motion both requests for Variance.

Small inquired whether right-of-way between fencing was left. McNary stated that adjacent property owner was in agreement.

Conley asked about the power company's easement.

McNary said it would be left open.

Chancey called for public input; none received.

MOTION by Nicholson, second by Craig to recommend to the Board of County Commissioners approval of the request for a Variance

to Table 2.04.01(B) of the ULDC relating to building height to erect a minimum 50' to maximum 70' net-type barrier along a portion of the East property line and along a portion of the West property line on Wagon Wheel RV Park; and

to Section 2.02.10 of the ULDC, Height Limitations, General Regulations for all Zoning Districts for the net-type barrier to be located one foot from the property lines, and based on staff's findings, conclusion, and recommendation for approval, and conditions. Motion carried unanimously.

Chancey advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 09/27/01, 1:30 P.M.

Chancey reported that it was Malcolm Green's last meeting and that the Board really appreciated him and he would be greatly missed.

OTHER BUSINESS

Haney reported that she had one other item to discuss. She asked the Board whether they wanted to schedule a Workshop to discuss the Draft Animal Ordinance or if they wanted to schedule it for the October meeting.

Green advised the Board that it could be very controversial.

Craig recommended holding a Workshop.

Nicholson stated that he would like to have it discussed at the next regular scheduled P/Z Meeting on October 4.

Haney said she would advertise a Workshop to be held after the October 4, 2001 Regular P/Z Board Meeting.

With no other items to come before the Board, MOTION by Nicholson, second by Small to adjourn meeting at 6:30 p.m. with next Regular Meeting scheduled for Thursday, October 4, 2001, 6:00 P.M.

Ginny Stone, Executive Secretary

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