

PLANNING AND ZONING BOARD  
REGULAR MEETING  
FEBRUARY 7, 2002 - 6:00 P.M.  
COUNTY COMMISSION CHAMBERS

*MINUTES*

**Planning and Zoning Board**

James Barncord, present  
Don Chancey, present  
Roger Conley, present  
Bill Craig, present  
Peggy Fraim, excused  
Dan Graham, Vice-Chairman, arrived @ 6:05 P.M.  
Charles Nicholson, present  
Fred Small, present  
Vida Tomlinson, Chairman, present

**Staff**

Building & Zoning Director, T. Mike Cassidy, present  
Kris DeLaney, Director of Planning/Development, present  
Interim County Manager, Lex Albriton, present  
County Attorney, Ken Evers, present  
Planner, B. J. Haney, present  
P/Z Executive Secretary Virginia Stone, present

News Media not present

Chairman Tomlinson 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 January 24 and January 31, 2002. Affidavit of Publication is on file.

Cassidy advised courtesy notices were mailed to adjoining property owners, and all advertisements were properly posted.

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

MOTION by Chancey, second by Craig to approve Minutes of 01/03/02 Regular Meeting. Motion carried unanimously.

**Agenda 02-12**

Tomlinson advised of a request from Randall M./Cindy S. Hand for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no-less-than-2.5-ac-parcel to an immediate family member (brother) for primary place of residence, 12MOL ac, zoned A-1 (Agriculture), on or about SR 64, (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 02/07/02 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval, and recommended conditions. Cassidy submitted the report to record as evidence, no objections were presented.

Randall Hand, 5208 Pine Level Road, Ona, FL 33865 was present and sworn.

Tomlinson called for Public Input; none was received.

Tomlinson called for Board questions.

Small inquired as to what access would be used to the property.

Hand advised that there were two access roads to the property.

Cassidy advised that Policy L1.15 of the "Comp Plan" did not require road access.

MOTION by Nicholson, second by Craig to recommend approval to the Board of County Commissioners of the request for an Exception to Policy L1.15 to the "Comp Plan" to allow transfer of a no-less-than-2.5-ac-parcel from a 12MOL-ac parent parcel to an immediate family member (brother) for primary place of residence in A-1 (Agriculture) zoned district based on staff's findings, conclusion, recommendation and recommended conditions, and based on the

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

Tomlinson advised that BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 02/28/02; 1:30 P.M.

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### **Agenda 02-15**

Tomlinson advised of a request from Lucille Crawford, Trustee requests an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no-less-than-2.5-ac-parcel to an immediate family member (son) for primary place of residence, 5.72MOL ac, zoned A-1 (Agriculture), on or about Altman Road, (Hardee County).

Each Board Member and County Staff received a copy of Application for an Exception to Policy L1.15 to the "Comp Plan" and Staff Report for review prior to the 02/07/02 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval, and recommended conditions. Cassidy submitted the report to record as evidence, no objections were presented.

Neither Applicant nor Authorized Representative was present.

Tomlinson called for Public Input; none received.

Tomlinson called for Board questions.

Barncord inquired as to what the Right-of-Way or easement would be.

Cassidy advised that the easement was not an issue.

MOTION by Craig, second by Graham to recommend approval to the Board of County Commissioners of the request for an Exception to Policy L1.15 to the "Comp Plan" to allow transfer of a no-less-than-2.5-ac-parcel from a 5.72MOL-ac parent parcel to an immediate family member (son) for primary place of residence in an A-1 (Agriculture) zoned district based on staff's findings, conclusion, recommendation and recommended conditions, and based on the testimony received and evidence presented at the public hearing. Motion carried unanimously.

Tomlinson advised that BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 02/28/02; 1:30 P.M.

### **Agenda 02-11**

Tomlinson advised of a request from Progressive Missionary Baptist Church, Inc. for a Special Exception to operate a child daycare center on 5.60MOL ac in A-1-zoned (Agriculture) district, on or about Manley Road (Hardee County).

Each Board Member and County Staff received a copy of Application for a Special Exception and staff Report for review prior to the 02/07/02 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval, recommended special conditions, and time limits. Cassidy submitted the report to record as evidence, no objections were presented.

Tomlinson called for Public Input; none received.

Tomlinson called for Board questions.

Tommie Underwood, 1025 South 9<sup>th</sup> Avenue, Apt. 12, Wauchula, FL 33873 was present and sworn.

Craig inquired whether the daycare center would be located on the church property.

Underwood advised that it would be.

Craig inquired whether this was the only daycare center on this property.

Underwood advised that this was the first one.

Craig inquired whether there would be appropriate speed limit signs posted.

Cassidy advised that there would be.

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MOTION by Craig, second by Barncord to recommend approval to the Board of County Commissioners of the request for a Special Exception to operate a child daycare center on 5.60MOL ac in A-1 (Agriculture) zoned district based on staff's findings, conclusion, recommendation, recommended conditions, and time limits, and based on the testimony received and evidence presented at the public hearing.

Tomlinson advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 02/28/02; 1:30 P.M.

#### **Agenda 02-14**

Tomlinson advised of a request from Domingo/Louisa Bruno for a Special Exception to locate a single-family MH dwelling on 1.19 ac, zoned F-R (Farm Residential) on or about East Drive, (Hardee County).

Each Board Member and County Staff received a copy of Application for a Special Exception and Staff Report for review prior to the 02/28/02 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval and recommended conditions, and time limits. Cassidy submitted the report to record as evidence, no objections were presented.

Neither Applicant nor Authorized Representative was present.

Tomlinson called for Public Input.

Tomlinson called for Board questions.

MOTION by Conley, second by Chancey to recommend approval to the Board of County Commissioners of the request for a Special Exception to locate a single-family MH dwelling on 1.19 ac, zoned F-R (Farm Residential), based on staff's findings, conclusion, recommendation, recommended conditions, and time limits, and based on the testimony received and the 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 02/28/02; 1:30 P.M.

#### **Agenda 02-13**

Tomlinson advised of a request from John F., Jr./Phyllis L. Smoak by and through their Authorized Representative Agriculture Facilities Administration and Management Corp. for a Major Special Exception to construct/operate a fertilizer/compost recycling facility on 62MOL ac of 400MOL ac, zoned A-1 (Agriculture) on or about Ten-Mile Grade, (Hardee County).

Each Board Member and County Staff received a copy of Application for a Special Exception and Staff Report

for review prior to the 02/28/02 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval and recommended conditions, and time limits. Cassidy submitted the report to record as evidence, no objections were presented.

Tomlinson called for Public Input.

Tom Adams, 11550 CR 507, Fellsmere, FL 32948 was present and sworn.

Adams highlighted their mission.

Adams presented an overview of the site and explained that this was a more agriculturally desired site. He stated that approval of this request will enhance the dairy business in Hardee County and that the dairy business was the fourth largest industry in the state.

June Fisher, 201 East Oak Street, Arcadia, FL, Development Director for DeSoto County, was present and sworn.

Fisher expressed DeSoto County's concerns for odor control, Ten-Mile Grade and road improvements.

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Nicholson inquired whether County Line Road would be used.

Adams advised that basically Ten-Mile Grade would be used for access. He further stated that the State would contribute monies and plans are to improve Ten-Mile Grade.

Nicholson asked Adams to discuss odor control.

Adams stated that it was mandated that there was no odor emitted. He said that it must be odorless.

Graham inquired as to the location of the nearest residence.

Adams advised that the nearest residence was located several miles down Ten-Mile Grade.

Craig inquired as to the number of jobs that would be created for Hardee County.

Adams advised that to begin there would be a total of ten positions including management. He stated that as many as applied that were qualified would be employed from Hardee County.

Kris DeLaney, Director Planning & Development for Hardee County, inquired what the process for reporting inspections would be.

Adams advised that Department of Environmental Protection would be responsible for inspections once the facility was in operation.

DeLaney requested Adams give a summation of the facility.

Adams presented a brief summation of the process for the operation of a fertilizer/compost recycling facility.

Joe Wright, 9056 Hwy 64 East, (Hardee County), President of B&W Farms, was present and sworn.

Wright advised that he has been in Hardee County since 1964 and that the dairy business was a \$25,000,000 industry in Hardee County.

Wright spoke in favor of the approval for the Major Special Exception and stated that there are good reasons that this project needs to happen. He stated that the dairy industry was very supportive.

Tomlinson called for further questions from the Board.

MOTION by Nicholson, second by Chancey to recommend approval to the Board of County Commissioners of the request for a Major Special Exception to construct/operate a fertilizer/compost recycling facility on 62MOL ac of 400MOL ac, zoned A-1 (Agriculture), based on staff's findings, conclusion, recommendation for approval, recommended conditions, and time limits, and based on the testimony received and the 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 02/28/02; 1:30 P.M.

With no other business to bring before the Board, Tomlinson advised that the next Regular Planning/Zoning Meeting, Thursday, March 7, 2002, 6:00 P.M.

MOTION by Conley, second by Barncord to adjourn the Planning/Zoning Regular Meeting at 6:45 P.M.

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Ginny Stone, Executive Secretary

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