

**PLANNING AND ZONING BOARD
JOINT MEETING WITH
BOARD OF COUNTY COMMISSIONERS
TO RECEIVE ANNUAL REPORT FROM CARGILL FERTILIZER, INC.
MAY 3, 2001 - 5:30 P.M. -- COUNTY COMMISSIONERS' CHAMBERS**

MINUTES

Commissioners:

District I William R. Lambert, present
District II Clifton (Nick) Timmerman, present
District III Gordon R. Norris, present
District IV E. Milton Lanier, present
District V Walter B. Olliff, Jr., present
present

Clerk B. Hugh Bradley, absent
Deputy Clerk Darlene Ward, present

Planning and Zoning Board:
James Barncord, present
Don Chancey, Chairman, excused
Roger Conley, present
Bill Craig, excused
Peggy Fraim, excused
Dan Graham, absent
Charles Nicholson, present
Fred Small, present
Vida Tomlinson, Vice Chairman, present

Cargill Fertilizer, Inc.:
Tom Myers, Reclamation and Permitting Manager
Dean Ahrens
Freida Ridgeway
Mike Deneve
David Gossett

Staff:

County Building Official Malcolm Green, present
County Mining Coordinator K.V. (Duke) Clem, present
County Manager Gary B. Oden, present
County Attorney Gary Alan Vorbeck, present
Director of Planning & Development, Kris DeLaney,

Executive Secretary Sueann Harrison, Present

Planner B. J. Haney, present
P/Z Board Secretary Ginny Stone, present

No news media present

Board of County Commissioners Chairman Timmerman called the joint meeting to order at 5:30 P.M.; quorum present.

Planning and Zoning Board Vice-Chair Person Tomlinson called the Planning and Zoning Board to order; quorum present.

As information, Cargill Fertilizer, Inc. presented, as required by Ordinance, copies of the 2000-2001 Annual Report of Operations for Mining and Reclamation, together with a copy of the Statement of Financial Responsibility (copy on file) to Planning and Zoning Staff and each Commissioner and Board Member.

Executive Secretary Sueann Harrison advised Notice of Public Hearing was published in The Herald-Advocate on April 26, 2001 and affidavit of publication is on file.

BCC Chairman noted the purpose of the joint meeting is to receive the 2000-2001 Annual Report of Operations for Mining and Reclamation from Cargill Fertilizer, Inc.

Tom Myers, Reclamation and Permitting Manager, Cargill Fertilizer, Inc. addressed the Boards, and introduced Cargill staff.

Myers presented an overview of the 2000-2001 Annual Report for the North Hardee Area Mine Extension, Fort Meade Mine:

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Mining Plan:

Ft. Meade Mine is not actively mining; plans to resume mining in 2002;
1240 ac have been mined since July 1992;
1383 ac mined and disturbed;
69% of mined acres have been reclaimed.

Monitoring:

Environmental monitoring is ongoing and conducted in accordance with the monitoring plan as approved by the Hardee County Board of Commissioners. Monitoring includes:

Ground Water Quality and Water Level Elevations;
Surface Water Quality and Streamflow;
Air Temperature;
Precipitation;
Suspended Particulates.

2001 Reclamation Plan overview:

Sand tailings were placed along and adjacent to Tributary A;
Convert sand clay areas into land and lakes;
Shoreline contour will meet State's requirements and will have a nice slope;
Waterline will be bordered with trees;
Sand/Clay area will be reclaimed as agriculture land;
Reclamation completed during 2000 totals 50 acres;
Reclamation to be done by July 31, 2002.

Plans to modify current reclamation plan. Myers stated that he has met with the State and they are in agreement with the changes. Need the final sign off and approval.

Reclamation Initiative:

Fish Management area to be opened at 6:00 A.M. on May 4, 2001;
3 additional lakes will be opened along Bowling Green Road area in the near future.

Financial overview:

Bond was issued through St. Paul Fire & Marine on February 1, 2000.

Community Involvement:

Employment and Economics

144 employees;
\$16,998 taxes paid.

Education

Honors & Hall of Fame Banquet;
Athletic Benefits Golf Tournament (\$31,00+)
Outdoor classroom
Career Day

Volunteer Services

School supplies for needy
Adopt Bowling Green Elementary
Covered outdoor pavilion

Community Projects

Hardee County Fair
Cracker Trail Museum at Pioneer Park
Main Street
United Way

Lambert discussed the mapping problems and the lack of a good mapping system.

Myers reported that it has been a struggle and Cargill is trying to get the maps updated by the end of May. Will have GIS coding and to include modified plan.

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Lambert stated that Hardee County needs good topographic information. Myers stated that he would have it by the end of May for the Ft. Meade mine.

DeLaney said that GIS needs a format that can be analyzed.

Myers said that he would get the CD to DeLaney so he can do whatever he needs to do.

Lambert stated that at some point we need to take inventory of land reclamation issues and the Board needs to re-visit.

Timmerman asked if there were any other questions from the Board of County Commissioners. There were none.

Timmerman asked if there was any public input. There was none.

Timmerman turned the meeting back to the Planning and Zoning Board.

Tomlinson asked for questions from the Planning and Zoning Board. There were none.

MOTION by Planning and Zoning Board Member Conley, second by Planning and Zoning Board Member Small for the Planning and Zoning Board to recommend to the Board of County Commissioners approval of the 2000-2001 Annual Report of Operations of Mining and Reclamation for North Hardee Area Mine Extension, Fort Meade Mine, as verbally presented by Cargill Fertilizer, Inc. Motion carried with four voting "yes" and Nicholson voting "no".

BCC will receive the P/Z Board's recommendation at its next regular meeting and offer action.

The joint meeting adjourned at 6:10 P.M.

Ginny Stone, Secretary

**PLANNING AND ZONING BOARD
REGULAR MEETING
MAY 3, 2001 – 7:30 P.M.
COUNTY COMMISSION CHAMBERS**

MINUTES

Planning and Zoning Board

James Barncord, Present
Don Chancey, Chairman, Excused
Roger Conley, Present
Bill Craig, Excused
Peggy Fraim, Excused
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, Present
County Attorney, Gary Alan Vorbeck, Excused
Planner, B. J. Haney, Present
B/Z Executive Secretary, Virginia Stone, Present

News Media - not present

Vice-Chairperson Vida Tomlinson called the Regular Meeting to order at 7:30 P.M., roll taken, quorum present.

Secretary Stone advised the Public Notice for the Regular Meeting was published in the Herald-Advocate on April 19 and April 26, 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.

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

MOTION by Nicholson, second by Barncord to approve Minutes of 04/05/01 Regular Meeting. Motion carried unanimously.

Agenda No. 01-29

Tomlinson advised of a request from Franklin D./Nadine Albritton for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of less than 5.0 acres to immediate family member (daughter) as primary place of residence, on 154 acres zoned A-1 (Agriculture), on or about Moye 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 05/03/01 meeting.

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

Tomlinson 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 less than 5.0 ac to immediate family member (daughter) as primary place of residence, 154 ac, zoned A-1 (Agriculture), based on staff's findings, conclusion, and recommendation for approval and recommended conditions. Motion carried with four voting "yes" and Barncord voting "no".

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Tomlinson advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 05/24/01, 1:30 p.m.

Agenda No. 01-32

Tomlinson advised of a request from Willis C./Margaret E. Beatty for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of less than 5.0 ac to immediate family member (son) as primary place of residence, 35.0 ac, zoned A-1 (Agriculture), on or about Johnston 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 05/03/01 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.

Tomlinson asked if the Board had any questions; there were none.

Tomlinson asked for public input; there was none.

MOTION by Nicholson, second by Small to recommend to the Board of County Commissioners to approve the request from Willis C./Margaret E. Beatty for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of less than 5.0 ac to immediate family member (son) as primary place of residence, 35.0 ac, zoned A-1 (Agriculture), based on staff's findings, conclusion, and recommendation for approval and recommended conditions.

Motion carried with four voting "yes" and Barncord voting "no".

Tomlinson advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 05/24/01, 1:30 PM.

Agenda No. 01-30

Tomlinson advised of a BCC initiated request for a Rezone, 4.50 ac from F-\$ (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 NW corner of N. Florida Avenue and Knight Road, Hardee County.

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.

Tomlinson asked for public input.

Genevieve Perin, 1573 N. Florida Avenue, Wauchula, FL 33873, was present and sworn.

Perin spoke against approving the rezone. She stated that her property adjoined this property and that she heard that a housing project was going to be put there.

Green stated that there was nothing in the request at the present time indicating that a housing project was going to be placed there.

Small stated that if there is an error, there is no way we can refuse to correct the error.

Debbie Barker, 1561 US Hwy 17, Wauchula, FL 33873, was present and sworn.

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Barker also spoke against approval of the rezone.

Nicholson stated that even if a housing project was to go in there, under the current zoning a housing project could go in there.

Green reported that the proper time to object would be at the time of the request to put a project in.

MOTION by Small, second by Conley to recommend to the Board of County Commissioners approval of the request for a Rezone, 4.50 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 and based on staff's findings, conclusion, and recommendation for approval. Motion carried unanimously.

Tomlinson advised BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 05/24/01, 1:30 P.M.

Agenda No. 01-31

Tomlinson advised of a request from Wauchula Square Properties, Inc. by and through its Authorized Representative for approval of a Site Development Plan for Wendy's Restaurant with drive-through, 1.025MOL ac, zoned C-1 (Neighborhood Commercial on or about 1440 US Hwy 17 North, Hardee County.

Each Board Member and Staff received a copy of Application for a Site Development Plan Approval and Staff Report prior to the 05/03/01 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.

Property Owner, Jimmy Bingham, 7930 Manasota Key Road, Englewood, FL 33523, was present and sworn.

Bingham stated that the Authorized Representative was in route but was delayed due to an accident on I-75. He stated that he would try to answer any questions.

Green reported that this request was included as part of the the Wal-Mart plan already submitted.

Tomlinson asked for public input. There was none.

Tomlinson asked for questions from the Board. There was none.

MOTION by Conley, second by Small to approve the request from Wauchula Square Properties, Inc., by and through its authorized Representative, Landon, Moree & Associates, Inc., for a Site Development Plan Approval for the construction/operation of a Wendy's Restaurant with drive-thru, 1.025MOL ac, C-1 (Neighborhood Commercial), based on staff's findings, conclusion, and recommendation for approval and recommended conditions.

Motion carried unanimously.

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OTHER BUSINESS:

Barncord suggested recommending to the Board of County Commissioners amending "Comp Plan" Policy L1.15 to require a 5ac minimum for land to be transferred to a family member if the applicant owns over 10 acres.

Green pointed out that the State Statute mandates that no changes can be made during the update of EAR required "Comp Plan" changes. Updates are expected to be completed by October 2001. Green stated that a recommendation could go to the Board of County Commissioners after the update.

Nicholson spoke against the recommendation. He stated that current land regulations allow density less than 5 acres.

MOTION to adjourn meeting at 8:00 P.M. Next Regular Meeting, Thursday, June 7, 2001, 6:00 P.M.

Ginny Stone, Executive Secretary