

PLANNING AND ZONING BOARD  
REGULAR MEETING  
March 6, 2003 – 6:00 P.M.  
Hardee County Public Health Department Conference Room  
115 K.D. Revell Road, Wauchula, FL

*MINUTES*

**Planning and Zoning Board**

James Barncord, present  
Don Chancey, present  
Roger Conley, Vice-Chairman, present  
Dan Graham, present  
Charles Huntsman, present  
Charles Nicholson, excused  
Carl Saunders, present  
Fred Small, present  
Vida Tomlinson, Chairman, present

**Staff**

B/Z Director, T. Mike Cassidy, present  
County Manager, Lex Albritton, absent  
County Attorney, Ken Evers, absent  
B/Z Office Manager, B. J. Haney, present  
B/Z Executive Assistant, Tina Huntsman, present

No News Media present

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

Executive Assistant Huntsman advised the Public Notice for the Regular Meeting agenda items 03-19, 03-20, 03-21 was published in The Herald-Advocate on February 20, 2003 and February 27, 2003, Affidavit of Publication is on file.

Building/Zoning Director 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. Building and Zoning Office Manager Haney administered oath to James Martin, Don Chancey, Shawn Rimes and Dale Chancey who planned to offer testimony.

MOTION by Board Member Conley, second by Board Member Saunders to approve Minutes of Planning and Zoning Board February 13, 2003 Regular Meeting. Motion carried unanimously.

**Agenda 03-19**

Tomlinson advised of a request from Eleanor Dasher for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no less than 1.0MOL acre parcel from the 238.23MOL-ac-parent-parcel to immediate family member (daughter) for primary place of residence, zoned F-R (Farm-Residential) on or about Polk 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 03/06/03 meeting.

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

Neither the Applicant nor a representative was present.

Tomlinson called for public input and Board questions; none were received.

MOTION by Chancey with the condition that the transfer will be no less than 1.0MOLacre, second by Conley to recommend approval to the Board of County Commissioners of the request for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no less than 1.0MOL acre parcel from the 283.23MOL-acre parent-parcel to immediate family member (daughter) for primary place of residence based on staff's findings, conclusion, recommendation, and recommended condition, and based on the testimony received and the evidence presented at the public hearing. Motion carried

unanimously with Barncord voting no.

Tomlinson advised that BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 03/20/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

### **Agenda 03-21**

Tomlinson advised of a request from James H./Virginia Carlton, for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no less than 2.5MOL acre parcel from the 46.18MOL-acre parent-parcel to immediate family member (son) for primary place of residence, zoned A-1 (Agricultural) on or about SR 66, 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 03/06/03 meeting.

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

Neither the Applicant nor a representative was present.

Tomlinson called for public input and Board questions; none were received.

MOTION by Conley with the condition that the transfer will be no less than 2.5MOL acre, second by Chancey to recommend approval to the Board of County Commissioners of the request for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no less than 2.5MOL acre parcel from the 46.18MOL-acre parent-parcel to immediate family member (son) for primary place of residence based on staff's findings, conclusion, recommendation, and recommended condition, and based on the testimony received and the 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 03/20/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

### **Agenda 03-20**

Tomlinson advised of a request from E. Patrick/Cheryl M. Carlton by and through their Authorized representative, Donald Chancey, for a Major Special Exception for the:

construction and operation of a 12'x40' concrete batch plant and 40'x40' shop and construct a 50' silo on 6.35MOL acres, zoned A-1 23.33.23.0000.01300.0000

construction and operation of a 100'x200' concrete block plant on 6.35MOL acres, zoned A-1 23.33.23.0000.01290.0000

and for the operation of a recycling plant for building materials using an existing 80'x68' building on 6.69MOL acres, zoned A-1 23.33.23.0000.01270.0000

Chancey advised of a conflict of interest. Document Form8B Memorandum Of Voting Conflict For County, Municipal, and Other Local Public Officers was signed by Chancey and is on file with the original minutes.

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

Don Chancey, Authorized Representative gave a brief presentation highlighting the proposed projects referring to the narrative contained in the Staff Report, and noted the three combined developments will employ 30-50 employees from Hardee County. Chancey advised that applicants understood the conditions and do not have a problem with compliance.

Tomlinson called for public input.

James Martin identified himself as neighboring property owner, 6006 State Road 62, Bowling Green, Florida 33834, and was sworn. Martin expressed objection to recommendation approval of the request.

Shawn Rimes identified himself as neighboring property owner, 6044 State Road 62, Bowling Green, Florida 33834, and was sworn. Rimes expressed objection to recommendation approval of the request.

Dale Chancey identified himself as neighboring property owner, 6018 State Road 62, Bowling Green, Florida 33834, and was sworn. Chancey expressed objection to recommendation approval of the request.

Tomlinson called for Board input and Board thoroughly discussed its concerns of several issues including environmental, pollution, and noise.

MOTION by Conley, second by Saunders to recommend to the BCC for approval for the request for Major Special Exception for the:

construction and operation of a one-story 12'x40' concrete batch plant and a one-story 40'x40' shop, and construct a 50' silo at the concrete batch plant on 6.35MOL acres, zoned A-1; and construction and operation of a one-story 100'x200' concrete block plant on 6.35MOL acres, zoned A-1; and operation of a one-story recycling plant for concrete building materials using existing 80'x86' building on 6.69MOL acres, zoned A-1;

ensuring that sound-controlling measures as required by the Unified Land Development Code be maintained, taking into consideration the proximity of neighboring property owners' homesteads to the West side of the proposed concrete building materials recycling plant based on staff's findings, conclusion, recommendation for approval and recommended conditions. Motion carried unanimously.

As information, the BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 03/20/03, 1:30 P.M. in the Hardee County Public Health Conference Room, 115 K.D. Revell Road, Wauchula, FL.

Relative to Planning and Zoning Board's questions regarding duties of Planning and Zoning Board and parameters for making decisions, the Building and Zoning Department advised that former County Attorney Gary A. Vorbeck had prepared a document in booklet form as information for the Board. Binders were distributed as information only to each Board Member.

Board was advised that absent written questions submitted to the Building and Zoning Department relative to the Planning and Zoning Board's duties and parameters for making decisions, the County Attorney Evers cancelled the 03-06-03 Workshop with the request that each member review the "Vorbeck-prepared booklet", and submit written queries to the Building and Zoning Department for transmission to Evers, to allow time for Evers' to research and prepare responses.

Board was advised that although the 03/06/03 Workshop had been cancelled, the record needs to reflect that it was advertised in The Herald-Advocate on February 20, 2003 and February 27, 2003, and Affidavit of Publication is on file.

The Hardee County Comprehensive Plan was adopted by the BCC on 06/20/02. Copies in binder form were distributed to each Board Member.

meeting on the Thursday prior to or following the July 4<sup>th</sup> holiday in the same week because of holidays of Board Members. Board concurred.

Haney advised of Building and Zoning's receipt of an e-mail message regarding (IMC) Ona Hearings from County Manager Albritton dated March 4, 2003 stating that "tentatively, the public hearings will be as follows:

|           |                 |
|-----------|-----------------|
| CFRPC     | 06/11/03        |
| P/Z Board | 07/03/03        |
| BCC       | "Early August." |

Motion by Chancey, second by Saunders to hold the July, 2003 Regular Planning and Zoning Board meeting on Thursday, July 10, 2003, 6:00 P.M., and if the tentatively-scheduled July 03, 2003 date for the Planning and Zoning Board's public hearing for the Ona Mine as stated in the County Manager's 03/04/03 e-mail transmission, results in a need for the Planning and Zoning Board's public hearing to transpire in July, 2003, the Planning and Zoning Board will advertise and hold its public hearing for IMC Phosphates' proposed Ona Mine zoning modification requests and DRI request on the July 10, 2003 regular Planning and Zoning meeting. Motion carried unanimously.

Board was advised that the Building and Zoning Department has been informed that plans are to offer an abbreviated version of IMC Phosphates presentation for the Ona Mine at the Planning and Zoning's public hearing. The complete version will only be presented to the Board of County Commissioners at its public hearing. Based on that information, it was consensus of the Planning and Zoning Board to request that its public hearing and the Board of County Commissioner's public hearing be a combined public hearing so the Planning and Zoning Board can have the benefit of the complete IMC--Ona Mine presentation. Board directed Building and Zoning Staff to advise the Board of County Commissioners that if a joint public hearing is viable, to schedule for Thursday, July 10, 2003, 6:00 P.M.

With no other business to come before the Board, MOTION by Conley second by Board Member Huntsman to adjourn the regular meeting at 7:00 P.M. Motion carried unanimously.

Next regular Planning and Zoning Meeting scheduled for Thursday, April 03, 2003, 6:00 P.M.

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Tina M. Huntsman  
B/Z Executive Assistant  
Recording Secretary