

PLANNING AND ZONING BOARD  
REGULAR MEETING  
June 5, 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, absent  
Roger Conley, Vice-Chairman, present  
Dan Graham, present  
Charles Huntsman, excused  
Charles Nicholson, present  
Carl Saunders, present  
Fred Small, excused  
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 was published in The Herald-Advocate on May 22, 2003 and May 29, 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.

Board Member Conley explained Planning and Zoning Board's General Rules of Procedure.

Huntsman administered oath to all who planned to offer testimony.

MOTION by Board Member Graham, second by Board Member Saunders to approve Minutes of Planning and Zoning Board May 1, 2003 Regular Meeting. Motion carried unanimously.

MOTION by Board Member Conley, second by Board Member Graham to approve Minutes of Board of County Commissioners / Planning and Zoning Board Joint Meeting May 1, 2003. Motion carried unanimously.

**Agenda 03-36**

Tomlinson advised of a request from Sandra M. Griffis 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 80MOL-ac-parent-parcel to immediate family member (grandson) for primary place of residence, zoned A-1 (Agricultural) on or about Albert 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 06/05/03 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.

Kenneth Pella, 5447 Dallas McClellan Road, Zolfo Springs, Florida 33890, was present as representative to the property owner and sworn in.

Tomlinson called for public and Board input; none received.

MOTION by Board Member Nicholson, second by Graham 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 80MOL-acre parent-parcel to immediate family member (grandson) 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 06/26/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

**Agenda 03-37**

Tomlinson advised of a request from Jack L./ Carlynne D. Smith / Robbie Lamar Smith for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a no-less-than 2.5 acre parcel from the 20MOL acre parent parcel to immediate family member (son) for primary place of residence; A-1 (Agriculture) on or about Jack Smith Road, Hardee County.

Neither the Applicants nor a representative was present.

Each Board Member and County Staff received a copy of Application for an Exception to Policy and Staff Report for review prior to the 06/05/03 meeting.

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

Tomlinson called for public and Board input; none received.

MOTION by Board Member Saunders, 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 2.5 acre parcel from the 20MOL acre parent parcel to immediate family member (son) for primary place of residence based on staff's findings, conclusion and recommendation for approval 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 06/26/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

**Agenda 03-38**

Tomlinson advised of a request from L.H./Minnie A. Albritton for an Exception to Policy L1.15 of the "Comp Plan" to allow transfer of a 5 acre parcel from the 119.24MOL acre parent parcel to immediate family member (son) for primary place of residence; A-1 (Agriculture) On or about Hwy 17 South, Hardee County.

Neither the Applicants nor a representative was present.

Each Board Member and County Staff received a copy of Application for an Exception to Policy and Staff Report for review prior to the 06/05/03 meeting.

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

Tomlinson called for public and Board input; none received.

MOTION by Conley, second by Saunders 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 5 acre parcel from the 119.24MOL acre parent parcel to immediate family member (son) for primary place of residence based on staff's findings, conclusion and recommendation 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 06/26/03; 1:30 P.M. in the Hardee County Public Health Unit Conference

Room, 115 K.D. Revell Road, Wauchula, FL.

**Agenda 03-40**

Tomlinson advised of a request from Bobby G. /Yu Chun Willis for a Temporary Special Use Permit to temporarily locate a second single family dwelling on the 5.05MOL acre parcel for use by the son to help care for the father and for the mother to help care for son's family, (A-1) Agriculture on or about Deer Run Drive, Hardee County.

Bobby G. Willis, 5191 Deer Run Drive, Zolfo Springs, Florida 33890, property owner was present and sworn in.

Each Board Member and County Staff received a copy of Application for a Temporary Special Use Permit and Staff Report for review prior to the 06/05/03 meeting.

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

Tomlinson called for public and Board input.

Susan Haight, 5182 Deer Run Drive, Zolfo Springs, Florida 33890, sworn in. Haight expressed concerns with the second dwelling.

Cassidy assured Haight that if property was sold the second dwelling would have to be removed due to the need of the property owner would not be present.

MOTION by Graham, second by Board Member Barncord to recommend approval to the Board of County Commissioners of the request for a Temporary Special Use Permit to temporarily locate a second single family dwelling on the 5.05MOL acre parcel for use by the son to help care for the father and for the mother to help care for son's family based on staff's findings, conclusion, recommendation 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 06/26/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

**Agenda 03-39**

Tomlinson advised of a request from Thomas M. Faust by and through his Authorized Representative for a Rezone/Major Special Exception of 40MOL acres from F-R (Farm-Residential) to A-1 (Agriculture) to construct and operate a precast concrete manufacturing plant on or about SR 62, 180 feet East of Polk Road; Hardee County.

Winford Harrell, 4125 Packard Avenue, St. Cloud, Florida 34772, was present as representative to the property owner and sworn in.

Each Board Member and County Staff received a copy of Application for a Rezone/Major Special Exception and Staff Report for review prior to the 06/05/03 meeting.

Cassidy highlighted the Staff Report including the conclusion, recommendation for approval and recommended conditions. Cassidy submitted the Staff Report to record as evidence.

Cassidy explained to the Board that neighboring property owner Frieda Crawford called the Building & Zoning office on May 23, 2003 and opposed the Rezone.

Tomlinson called for public and Board input.

Jenny Ullrich identified as a neighbor, 1072 Polk Road, Wauchula, Florida 33873, sworn in. Ullrich expressed concerns regarding required buffers and ditch drainage issues.

Jethro McCall identified as a neighbor, 567 Callie Lane, Wauchula, Florida 33873, sworn in. McCall expressed concerns regarding required buffers.

Board discussed requiring extra buffers on East and West property lines of the 40MOL acre parcel.

Cassidy spoke to a concern expressed by some neighboring property owners regarding the drainage ditch that starts at Polk Road and crosses the South portion of neighboring property owners, and crosses the Faust property on its way to the branch. Cassidy pointed out that any drainage or surface waters issues would be addressed by Southwest Florida Water Management District. And additionally, Faust would be required to present a site plan to the Building and Zoning Department prior to commencing construction. Cassidy noted that Faust planned to utilize 10 acres of the 40MOL acres for the pre-cast concrete plant and the remaining 30MOL acres would be used for grazing cattle.

MOTION by Nicholson, second by Conley to recommend approval to the Board of County Commissioners of the Rezone of 40MOL acres from F-R to A-1 to allow for the construction and operation of a manufacturing plant upon approval of a Major Special Exception, and to recommend approval to the Board of County Commissioners of the request for a Major Special Exception on 40MOL acres presently zoned F-R (Farm-Residential) to construct and operate a pre-cast concrete manufacturing plant based on staff's findings, conclusion, recommendation, and recommended conditions as contained in the Staff Report and to amend the condition in the Staff Report addressing vegetative buffering along North property line to include the installation of a vegetative buffer along the East and West property lines from the North property line for a distance to the South that will coincide with the Southernmost boundary of the pre-cast concrete plant and any related activity area, and if the pre-cast concrete plant is expanded to the South, the East and West vegetative buffering will be extended proportionately, said buffering to be installed to ensure compatibility with neighboring properties and that all vegetative buffering shall be maintained in such a condition to ensure the landscape buffers remain functional. Motion carried unanimously.

Tomlinson advised that BCC will receive a recommendation from the Planning/Zoning Board and will hold a public hearing on 06/26/03; 1:30 P.M. in the Hardee County Public Health Unit Conference Room, 115 K.D. Revell Road, Wauchula, FL.

#### OTHER BUSINESS

Office Manager Haney explained that meetings have been scheduled for IMC-Agrico's Public Hearing for Planning and Zoning on August 14, 2003 at 2:00 P.M. and Board of County Commissioners on August 28, 2003 at 8:30 A.M. Haney inquired if the board wanted to post pone the August 7, 2003 Planning and Zoning meeting to August 14, 2003. The Board stated that they would make a decision and express at the July meeting.

MOTION by Conley second by Barncord to adjourn the regular meeting at 7:05 P.M. Motion carried unanimously.

Next regular Planning and Zoning Meeting scheduled for Thursday, July 10, 2003, 6:00 P.M.

