

PLANNING AND ZONING BOARD
REGULAR MEETING
August 03, 2006 – 6:00 P.M.
Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

MINUTES

Planning and Zoning Board

James Barncord, present
Don Chancey, present
Roger Conley, Chairman, present
Charles Nicholson, Vice Chairman, excused
Oscar Ortiz, present
Carl Saunders, absent
Vida Tomlinson, present
Max Ullrich, present
Tommie Underwood, 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

No News Media Identified

Chairman Conley called the Regular Meeting to order at 6:00 P.M. A quorum was present.

B/Z Office Manager Haney advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on July 20 and July 27 2006; Affidavit of Publication is on file.

B/Z Director Cassidy advised courtesy notices were mailed to adjoining property owners and all advertisements/public notices were properly posted.

Chairman read the Planning and Zoning Board's General Rules of Procedure.

Haney as Notary Public administered oath to those wishing to offer testimony.

MOTION by Board Member Tomlinson, second by Board Member Underwood to approve Minutes of Planning and Zoning Board July 13, 2006 Regular Meeting with an amendment to Page 05--Agenda No. 06-40, Paragraph Ten that should read "*Rosenberg pointed out a Homeowners Association will be formed and when all the lots are sold the HO will be in charge of the MH subdivision. Board inquired and Rosenberg stated the lots near the neighboring golf course will contain a disclaimer accepting the liability of golf balls striking their unit.*"

and

with a strike-out of Paragraph 08, Page 01. Motion carried unanimously.

MOTION by Board Member Chancey, second by Board Member Barncord to approve Minutes of July 18, 2006 Joint Meeting with the Board of County Commissioners to receive Mosaic Fertilizer's Notice of Proposed Change. Motion carried unanimously.

Agenda No. 06-41

Chairman advised of a request from Metheny Groves Inc by and through its Authorized Representative requests a **Rezone** of 55.82MOL acres from R-3 (Multiple-Family Residential) to C-2 (General Commercial) in the Town Center Future Land Use District for the highest and best use of the parcel to construct/operate a new multi-story corporate office building. The parcel is located on or about Florida Ave., Knight Rd and Metheny Rd.

Board Member Chancey declared a conflict of interest and signed a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers and same is on file with the original Minutes.

Each Board Member and County Staff received a copy of Application for **Rezone** containing the Staff Report for review prior to the 08/03/06 meeting.

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

E. Donald Chancey, Jr., Chancey/Associates Design Group, Inc., P.O. Box 352, Wauchula, FL 33873 as Authorized Representative for the Applicant was present and sworn

Board reviewed the **Rezone** request for a parcel located in the Enterprise Zone.

Chancey advised that:

PRECo is growing, present facility is too small, would like to build a two-story corporate office building to accommodate growth;
the proposed project will be in compliance with Section 7.03.02 of the LDRs
(Land Development Regulations).

Board inquired as to why detention ponds were sometimes located to the front of a proposed project. Chancey commented that detention ponds are situated based on the "lay-of-the-land" and are landscaped to complement the overall vegetative landscaping of proposed projects.

There was discussion regarding water and sewer and Chancey remarked that it is most economical at this time to get those services from City of Wauchula.

Chairman called for public input.

Shirley Groover Bryant, representing Square X Properties, 2413 Waterford Court, Palmetto, FL _____ was present and sworn.

Bryant inquired what land uses were allowed in C-2-zoned districts, and Cassidy advised that land uses permitted in C-2-zoned districts (and permitted upon approval of a Special Exception, Major Special Exception and Site Development Plan) are identified in Table 2.04.01(A) of the ULDC.

MOTION by Tomlinson, second by Underwood to recommend approval to the Board of County Commissioners for the request for **Rezone** of 55.82MOL acres from R-3 (Multiple-Family Residential) to C-2 (General Commercial) in the Town Center Future Land Use District for the highest and best use of the parcel to construct/operate a new multi-story corporate office building 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.

BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 17, 2006, 8:35 A.M.

William Mulcay, 902 West Palmetto St., Wauchula, FL 33873 representing Peace River Electric Cooperative was present and sworn. Mulcay extended a Thank You to the Board for its confidence in PRECo by offering a recommendation of approval for rezoning to the Board of County Commissioners. Mulcay pointed out that PRECo's present home has been on the same ground since 1940, and this new area will still be part of PRECo's community. Mulcay remarked that the balance of the 55 acres will be utilized for future growth of the cooperative.

Agenda 06-42

Chairman advised of a request from Buford E. Long, by and through his Authorized Representative for a **Rezone** of 7.88MOL acres from F-r (Farm-Residential) to R-3 (Multiple-Family Residential) in the Town Center Future Land Use District for the highest and best use of the parcel for the development of multiple-family residential for seniors to be known as **Stenstrom Rd. Senior Village**. The parcel is located on or about the North side of Stenstrom Rd. E of Florida Ave.

Each Board Member and County Staff received a copy of Application for **Rezone** containing the Staff Report for review prior to the 08/03/06 meeting.

A copy of the 06/12/06 Comments from Hardee County Public Works Dept. received in the Building/Zoning Dept. on July 12, 2006 was distributed to the Board and has been made a part of the B/Z file.

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

Board reviewed **Rezone** request.

Applicant's Authorized Representative, John Seitz of Judd K. Roth Real Estate Development, 519 Linden St., Allentown, PA 18101 was present and sworn.

Seitz advised that the proposed project has been submitted to the Florida Housing Finance Corporation for funding under the Rental Recovery Loan Program, a special allocation of funds earmarked for counties affected by hurricanes during 2004 and 2005. Seitz pointed out although there is competition for these funds, the site will score highly.

Seitz pointed out his group has been approved for funding in Okeechobee and DeSoto counties for this year.

Seitz highlighted the proposed project advising that although 75 units are planned for a three-story complex with passenger elevators, the plan can be modified to meet local needs.

Seitz advised that the proposed project will be annexed into the City of Wauchula since plans are to use city water and sewer.

Chairman called for public input; none received.

MOTION by Tomlinson, second by Barncord to recommend approval to the Board of County Commissioners to approve the **Rezone** of 7.88MOL acres from F-R (Farm-Residential) to R-3 (Multiple-Family Residential) in the Town Center Future Land Use District for the highest and best use of the parcel for the development of multiple-family residential for seniors to be known as **Stenstrom Rd. Senior Village** based on staff's findings, conclusion, recommendation for approval, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 17, 2006, 8:35 A.M.

Agenda 06-43

Chairman advised of a request from Juan/Victoria Delatorre by and through their Authorized Representative for approval of a **Preliminary Site Development Plan** in the Agriculture Future Land Use District for the development of a convenience store, meeting/social hall and mini

warehouses on 3.0MOL acres zoned C-1. The parcel is located on the NW corner of Boyd Cowart Rd. and E. Main St.

Board Member Chancey declared a conflict of interest and signed a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers and same is on file with the original Minutes.

Each Board Member and County Staff received a copy of Application for **Preliminary Site Development Plan** containing the Staff Report for review prior to the 08/03/06 meeting.

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

Board reviewed **Preliminary Site Development Plan** request.

Applicant's Authorized Representative, E. Donald Chancey, Jr., Chancey/Associates Design Group, Inc., P.O. Box 352, Wauchula, FL 33873 was present and sworn.

Chancey advised that the Applicant is seeking preliminary approval of a Site Development Plan to move forward with contacts to Southwest Florida Water Management District, and State of Florida Department of Environmental Protection, etc.

Chancey advised that based on the location of the floodplain area, Applicant is requesting to install the East/West vegetative landscaping buffer along the line of the floodplain area and the little creek instead of along the North property line adjacent to the boundary fence.

Board inquired and Chancey advised that an access onto E Main St may be sought in the future.

Chairman called for public input.

Wendell Turner, POB 03, Wauchula, FL 33873 was present and sworn. Turner inquired as to why the convenience store request for the other (Razzaque) property was turned down, if this convenience store is being considered. Cassidy advised that the Razzaque property was seeking a rezoning for a convenience store, and the property being discussed tonight already has a commercial zoning and is eligible to operate a convenience store and mini warehouse upon approval of a Site Development Plan.

There was a lengthy discussion regarding the hours of operation, sale of alcoholic beverages near a church and daycare center/school; ability for patrons to purchase alcoholic beverages at the store and take into the social hall, noise issue, number of parking spaces pertaining to the proposed projects.

Don Evors, 2498 E. Main St., Wauchula, FL 33873 was present and sworn. Evors advised that the proposed projects are directly across the street from a church and child daycare center . . . the country-area doesn't need the same level of noise as in the city do we need meeting halls in Hardee County like those in Hillsborough County?

It was pointed out that the skating rink in Wauchula has turned into a social hall.

Board was advised that:

- there seemed to be no problems when the former owner requested the rezoning from agriculture to commercial for the purposes of a convenience store, craft mall, miniature golf course, etc. uses permitted in commercially-zoned districts;
- a private club/meeting/social hall is a permitted use in commercially-zoned districts;

- under an approved Site Development Plan the parcel has the appropriate zoning to build/operate a convenience store and mini-warehouses.

Applicant Delatorre was present and sworn. Delatorre advised that:

- this is his neighborhood too;
- just built a single-family dwelling on the western-most portion of the 10 acres;
- looking to maybe build himself an office in part of the main building and maybe even build the main building large enough to house several offices to make available for lease;
- looking to build a little neighborhood store.

Luther Whitters, P.O. Box 1441, Wauchula, FL 33873 was present and sworn. Whitters advised that as one of the deacons of the Progressive Missionary Baptist Church he was voted to represent the church at this hearing.

Whitters advised that the church is opposed to the drinking, partying etc. at a social hall. Whitters expressed concerns about the traffic speed on E. Main St. and the dangerous intersection of E. Main St. and Manley/Boyd Cowart Rds.

Board was advised that on 08/01/06 the Building/Zoning Department received a response dated 08/01/06 from State of Florida, Department of Transportation. The response is located in the Building/Zoning Department file.

MOTION by Tomlinson to approve the concept of a **Preliminary Site Development Plan** in the Agriculture Future Land Use District for the development of a convenience store, meeting/social hall and mini warehouses on 3.0MOL acres zoned C-1 based on staff's findings, conclusion, recommendation for approval, and recommended conditions, and based on the testimony received and the evidence presented at the public hearing; MOTION DIED FOR LACK OF SECOND.

MOTION BY Tomlinson, second by Ullrich, that in keeping with the comments from and concerns expressed by the general public and the Board and based on the fact that a private club is a permitted use in commercially-zoned districts, the motion is to approve the concept of a **Preliminary Site Development Plan** in the Agriculture Future Land Use District for the development of a convenience store and mini warehouses on a maximum 3.0-acre-parcel zoned C-1 based on staff's findings, conclusion, recommendation for approval, and recommended conditions, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

With no further business to come before by Board, MOTION by Underwood, second by Ullrich, the meeting was adjourned at 7:40 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, September 07, 2006, 6:00 P.M. Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Court-house Annex, Room 102, Wauchula, Florida 33873.

B.J. Haney
B/Z Office Manager, Acting Recording Secretary