

PLANNING AND ZONING BOARD  
REGULAR MEETING  
October 05, 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, present  
Oscar Ortiz, present  
Carl Saunders, present  
Vida Tomlinson, present  
Max Ullrich, present  
Tommie Underwood, absent

**Staff**

County Planning Director, Nick Staszko, present  
County Manager, Lex Albritton, present  
County Attorney, Ken Evers, present  
BJ Haney, Planning/Development Dept., present

No News Media Identified

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

Chairman welcomed Planning Director Nicholas Staszko to the County's Planning and Development Department.

P/D Department Haney advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on September 21 and September 26, 2006; Affidavit of Publication is on file.

Board was advised that 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.

Notary Public Haney administered Oath to those wishing to offer testimony.

MOTION by Board Member Barncord, second by Board Member Chancey to approve Minutes of Planning and Zoning Board September 07, 2006 Regular Meeting. Motion carried unanimously.

Board was requested to consider Agenda No. 06-47 as the first item of business to enable the Authorized Representative to catch an airplane flight.

**Agenda No. 06-47**

Staszko advised of a request from FL Land Partners, LLC by and through its Authorized Representative for approval of a **Final Subdivision Plat** to be known as **Town Creek Ranch** on a total of 299.77MOL acres, zoned A-1 in an Agriculture Future Land Use District for the development of 34 lots for single-family dwellings.

Each Board Member and County Staff received a copy of Application for **Final Subdivision Plat** approval containing the Staff Report for review prior to the 10/05/06 meeting.

Authorized Representative Wilbur F. Hammond, University Commons Office, 6151 Lake Osprey Dr., Sarasota, FL 34240 was present and sworn.

Staszko highlighted the conclusion, and recommendation for approval.

Staszko entered the Staff Report into the record as evidence; no objections were presented.

Chairman called for public input; none received.

Board reviewed request, and upon MOTION by Chancey, second by Barncord, the Board voted to recommend approval to the Board of County Commissioners for the request for a **Final Subdivision Plat** to be known as **Town Creek Ranch** on a total of 299.77MOL acres zoned

A-1 in the Agriculture Future Land Use District for the development of 34 lots for single-family dwellings 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.

Staszko advised that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, October 19, 2006, 8:35 A.M.

**Agenda No. 06-44**

Staszko advised of a request from Mattis Properties Inc./Mattis Properties LLC/Turn River Inc. by and through the Authorized Representative for approval of a **Preliminary Subdivision Plat** to be known as **Saddlewood Acres** for parcels totaling 269.60MOL acres zoned A-1 in the Agriculture Future Land Use District for development of single-family dwellings.

Each Board Member and County Staff received a copy of Application for **Preliminary Subdivision Plat** approval containing the Staff Report for review prior to the 10/05/06 meeting.

Authorized Representative and Project Director Bryan Hunter, POB 1879, Winter Haven, FL 33882 was present and sworn.

Staszko highlighted the conclusion, recommendation for approval and recommended conditions.

Board reviewed request and received information from Hunter advising the:  
parcels will be 5.0 acres or greater in size and the dwellings will have a minimum square footage of living area of 2400 sq ft;  
SWFWMD (Southwest Florida Water Management District) permit is in hand;  
the development will have deed restrictions;  
the dwellings will have private septic tanks.

Staszko pointed out that the Final Subdivision Plat will contain more details such as roadways, stormwater ponds etc.

Chairman called for public input; none received.

MOTION by Board Member Nicholson, second by Board Member Saunders to recommend approval to the Board of County Commissioners for the request for a **Preliminary Subdivision Plat** to be known as **Saddlewood Acres** on a total of 269.60MOL acres zoned A-1 in the Agriculture Future Land Use District for the development of single-family dwellings 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, October 19, 2006, 8:35 A.M.

UPON MOTION BY NICHOLSON AND SECOND BY BARNCORD THE BOARD RECESSED THE REGULAR MEETING AT 6:21 P.M. AND CONVENED IN PUBLIC HEARING TO CONSIDER AMENDING THE UNIFIED LAND DEVELOPMENT CODE UNDER ORDINANCE NO. 2007-01. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING MINUTES ARE TRANSCRIBED SEPARATELY.

THE BOARD CLOSED THE PUBLIC HEARING AT 6:45 P.M. TO HOLD A JOINT MEETING WITH THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER A NOTIFICATION OF PROPOSED CHANGE FROM CF INDUSTRIES, INC.

JOINT MEETING MINUTES ARE TRANSCRIBED SEPARATELY.

UPON MOTION BY CHANCEY, SECOND BY NICHOLSON THE BOARD CLOSED ITS PORTION OF THE JOINT MEETING AND RECONVENED IN REGULAR SESSION AT 7:54 P.M. MOTION CARRIED UNANIMOUSLY.

**Agenda No. 06-45**

Staszko advised of a request from Dane Hendry and others by and through the Authorized Representative for approval of a **Preliminary Site Development Plan** to be known as **Stonepoint S/D** for the development of 16 lots for single-family dwellings on a total of 5.0MOL acres, zoned R-3 in the Town Center Future Land Use District.

Each Board Member and County Staff received a copy of Application for **Preliminary Site Development Plan** approval containing the Staff Report for review prior to the 10/05/06 meeting.

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.

Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, POB 352, Wauchula, FL 33873 was present and sworn.

Staszko highlighted the conclusion, recommendation for approval and recommended conditions.

Board reviewed the preliminary plan and was advised by Chancey that plans are to develop 3.2 units/acre and connect to City of Wauchula water and sewer.

Chairman called for public input; none received.

MOTION by Board Member Ullrich, second by Board Member Ortiz to approve the **Preliminary Site Development Plan** to be known as **Stonepoint S/D** for the development of 16 lots for single-family dwellings on a total of 5.0MOL acres zoned R-3 in the Town Center Future Land Use District based on staff's findings, conclusion, and recommendation for approval and recommended conditions and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

**Agenda No. 06-51**

Staszko advised of a request from Country Walk LTD by and through the Authorized Representative for approval of a **Preliminary Site Development Plan** to be known as **Country Walk Apartments** for the development of four two-story buildings for a total of 64 dwelling units on 11MOL acres, zoned R-3 in the Highway Mixed Use Future Land Use District.

Each Board Member and County Staff received a copy of Application for **Preliminary Site Development Plan** approval containing the Staff Report for review prior to the 10/05/06 meeting.

Authorized Representative Oscar Sol was present and sworn. Sol did not speak.

Lucas Carlo, Hamilton Engineering/Surveying Inc., (311 North Newport Avenue, Suite 100, Tampa, FL 33606) was present and sworn.

Staszko highlighted the conclusion, recommendation for approval and recommended conditions.

Board reviewed request and was reminded the application is for the Board's review of a preliminary plan.

Chairman called for public input.

Ryan Roehm, 249 Maxwell Drive, Wauchula, FL 33873 was present and sworn.

Roehm expressed concern regarding:

- drainage and the concentration of dwellings in a rural setting;
- school children crossing US Hwy 17;
- the substandard condition of Maxwell Dr, any improvements planned?

Board was advised that a response from the Hardee County Road Department stated that the radii at the entrance should be at least 35 ft, and the Applicant is requested to dedicate an additional five feet of right of way along Maxwell Dr. identified as a substandard road.

There was enthusiastic discussion regarding the possible installation of sidewalks.

MOTION by Saunders, second by Board Member Nicholson to approve the **Preliminary Site Development Plan** to be known as **Country Walk Apartments** for the development of four two-story buildings for a total of 64 dwelling units on 11MOL acres, zoned R-3 in the Highway Mixed Use Future Land use District based on staff's findings, conclusion, and recommendation for approval and recommended conditions and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

#### **Agenda No. 06-48**

Staszko advised of a request from Minor/Mary B. Bryant by and through the Authorized Representative for approval of a **Rezone** of 17.48MOL acres from F-R (Farm-Residential) to R-3 (Multiple-Family Residential) for the development of up to 12 dwelling units per acre in the Residential Mixed Use Future Land Use District.

Each Board Member and County Staff received a copy of Application for **Rezone** approval containing the Staff Report for review prior to the 10/05/06 meeting.

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.

Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, POB 352, Wauchula, FL 33873 was present and sworn.

Staszko highlighted the conclusion, and recommendation for approval.

Board reviewed the **Rezone** request and was advised by Chancey that plans are to develop condos/townhomes similar to the already-approved projects along Old Bradenton Rd. and for the project to connect to public water and sewer lines.

There was discussion about rezoning parcels and the projects do not materialize.

Chairman called for public input; none received.

MOTION by Nicholson, second by Saunders to recommend approval to the Board of County Commissioners for the request for a **Rezone** of 17.48MOL acres from F-R (Farm-Residential) to R-3 (Multiple-Family Residential) for the development of up to 12 dwelling units per acre in the Residential Mixed Use Future Land Use District 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 with a not voting from Chancey.

Staszko advised the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, October 19, 2006, 8:35 A.M.

**Agenda No. 06-50**

Staszko advised of a request from Melvin/Marlene Taylor by and through the Authorized Representative for approval of a **Major Special Exception** on 14.64MOL acres zoned A-1 in the Agriculture Future Land Use District for the care of exotic animals as pets.

Board was advised of receipt of a letter from E. Donald Chancey, Jr., Authorized representative dated 10/04/06 withdrawing the application.

MOTION by Board Member Tomlinson second by Saunders to accept the withdrawal of the application without prejudice. Motion carried with a not voting from Chancey.

The Board was advised the Planning/Development Department will send a letter to the BCC advising of the withdrawal.

**Agenda No. 06-49**

Chairman advised of a request from EHK LLC by and through the Authorized Representative for approval of a **Special Exception** on 57.63MOL acres zoned R-3 in the Town Center Future Land Use District for the construction/operation of a 55+ retirement mobile home park.

Each Board Member and County Staff received a copy of Application for **Special Exception** approval containing the Staff Report for review prior to the 10/05/06 meeting.

Authorized Representative Bryan Hunter, POB 1879, Winter Haven, FL 33882 was present and sworn. Hunter displayed a sketch of the proposed project to give the meeting a conceptual idea of the plans. Hunter gave a comprehensive presentation of the proposed project.

Staszko highlighted the conclusion, recommendation for approval and recommended conditions.

Board reviewed request and Chairman called for public input.

Craig Colburn, of Norton, Hammersley, Lopez/Skokos, Attorneys at Law, 1819 Main Street, Sarasota, FL 34236 was present and sworn. Colburn stated he was representing (a neighboring property owner) Joe Carlton.

Colburn gave an overview of the criteria from the Hardee County regulations for approval of a Special Exception and a Site Development Plan and inquired as to why a Site Development Plan had been reviewed and commented on by staff under an application for Special Exception.

Staszko pointed out that the application was submitted for Special Exception approval and staff should not have included review of the conceptual site plan in the Staff Report.

Colburn objected to the presentation of the sketch since a Site Development Plan approval was not being sought; and objected to the Staff Report because the application was deficient. Colburn distributed two photographs that he identified as being taken on Florida Avenue showing the traffic congestion. (Photographs are on file). Colburn presented a copy of a letter dated 10/04/06 addressed to Joe Carlton from Richard D. Giroux, City Manager, City of Wauchula stating that upon review of the proposed project the City does not have contiguous city water and/or wastewater utility lines that can serve this development at this time. (copy of the letter on file).

Colburn presented a copy of a letter from him addressed to County Attorney Evers dated 10/05/06 citing deficiencies in the application based on the County's regulations and objecting to the hearing of the application by the Planning/Zoning Board on 10/05/06. (copy of letter on file). Colburn noted that this project poses concurrency issues and a concurrency test statement had not been prepared; this Board does not have a complete application to review.

Joe Carlton, 221 Grimes Road, Wauchula, FL 33873 was sworn and presented his objections to the proposed mobile home park.

Rod Crawley, \_\_\_\_\_ was sworn and read into the record a letter dated 10/05/06 addressed to the Hardee County Planning and Zoning Board/Building and Zoning Department from Rocky Kitchens, Deputy Superintendent for Operations, The School Board of Hardee County (original on file). The letter requested the Board to consider the deliberations carefully taking into account the already heavily-congested area on Florida Avenue near North Wauchula Elementary School before and after school. The letter stated the School Board was concerned about the additional traffic that would be generated from the proposed park at this location. The letter inquired if the park would provide adequate sheltering for its residents.

Margaret Searcy, 175 Tropicana Drive, Wauchula, FL 33873 was sworn and presented her concerns regarding the additional traffic and objection to the proposed mobile home park.

Ray Grimes, 456 Grimes Road, Wauchula, FL 33873 was sworn and presented his objections to the proposed mobile home park specifically because of the drainage problems and incompatibility.

James Carlton, 1035 North Florida Avenue, Wauchula, FL 33873 was sworn and presented his objections to the proposed mobile home park including the problems associated with additional traffic.

Jim Ragan, 336 Grimes Road, Wauchula, FL 33873 was sworn and presented his objections to the proposed mobile home park because of the drainage issues.

Terry Carlton, 221 Grimes Road, Wauchula, FL 33873 was sworn and presented her objections to the proposed mobile home park including her opinion that mobile homes are more vulnerable in storms.

Kathleen Roehm, 249 Maxwell Drive, Wauchula, FL 33873 was sworn and presented her objections to the proposed mobile home park because the proposed project is incompatible with the neighborhood and cannot be considered a logical location.

Some of the Board expressed views concerning the proposed project and Chancey requested that for the record he stated that his vote would reflect his concern for the location of mobile homes across from the school.

MOTION by Tomlinson, second by Nicholson to recommend approval to the Board of County Commissioners for the request of a **Special Exception** on 57.63MOL acres zoned R-3 in the Town Center Future Land Use District for the construction/operation of a 55+ retirement mobile home park based on staff findings and based on the testimony received and the evidence presented at the public hearing. Motion carried with Chancey and Ortiz voting NO.

BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, October 19, 2006, 8:35 A.M.

With no further business to come before by Board, upon MOTION by Tomlinson, second by Barncord the meeting was adjourned at 10:35 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, November 02 2006, 6:00 P.M. Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida 33873.

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B.J. Haney, Acting Recording Secretary

PLANNING AND ZONING BOARD  
PUBLIC HEARING  
October 05, 2006 – 6:15 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, present  
Oscar Ortiz, present  
Carl Saunders, present  
Vida Tomlinson, present  
Max Ullrich, present  
Tommie Underwood, absent

**Staff**

County Planning Director, Nick Staszko, present  
County Manager, Lex Albritton, present  
County Attorney, Ken Evers, present  
BJ Haney, Planning/Development Dept., present

No News Media Identified

Chairman Conley called the Public Hearing to order on or about 6:15 P.M. A quorum was present.

P/D Department Haney advised the Public Notice for the Public Hearing was published in *The Herald-Advocate* on September 21 and September 26, 2006; Affidavit of Publication is on file with the Clerk of Court's office, copy of Affidavit is present in this Public Hearing, a copy of the Affidavit was sent to the County Manager's office as information.

Chairman advised that the purpose of the Public Hearing is to consider Ordinance No. 2007-01 and offer a recommendation to the Hardee County Board of County Commissioners. Chairman continued that Ordinance No. 2007-01 is an Ordinance amending the Hardee County Unified Land Development Code [Ordinance No., 1996-02], as amended providing for the amendment to Section 7.12.04--Nonconforming Mobile Home Parks.

Planning/Development Director Staszko explained that the LDRs (Land Development Regulations) do not have a provision to allow for the conversion of mobile home parks to mobile home subdivisions . . . . that this amendment would essentially allow for the conversion of Wagon Wheel RV Park to a mobile home subdivision.

*NOTE to Minutes: On 08/03/06 the P/Z Board granted approval for a Preliminary Site Development Plan with conditions to the property owners of Wagon Wheel RV Park.*

Staszko outlined the proposed amendment and the Board determined for paragraph (A) under Mobile home parks that are nonconforming by design may be converted to a mobile home subdivision under the following conditions:

*to read:*

- (A) No change in the design, layout, number of lots, ~~changes in amenities~~ or open space, or any other change material to the existing design, layout, configuration and use of the mobile home park is proposed;

Board Member Chancey inquired that under this proposed change could the existing "FEMA-Park" be allowed to develop.

Staszko advised that ultimately the "FEMA-Park" has no standing other than that is was created as the result of an emergency, and that the project is anticipated to leave at the end of the emergency.

Board inquired and was advised that Wagon Wheel RV Park is not a platted subdivision.

Staszko pointed out that this is an effort to try to change the existing mobile home park to individually-owned lots in a platted subdivision.

Board inquired and Staszko advised that all existing nonconforming mobile home parks can apply for mobile home subdivision status.

Board Member Saunders inquired as to who will maintain the existing netting. Staszko pointed out that drainage, roads, the netting issue and all amenities etc. can be shown on the subdivision plat including the disclaimer advising that the property owners accept the liability of golf balls hitting the privately-owned units.

Board expressed concern that this amendment would create problematic issues.

Chairman called for public input; none received.

MOTION by Board Member Nicholson, second by Saunders to approve recommend approval of Ordinance No., 2007-01 to the Board of County Commissioners based on the language of the Ordinance, staff's findings, and based on the testimony received and the evidence presented at the public hearing. Motion carried with Board Member Ullrich voting no, and Board Member Chancey abstaining.

It was stated that the BCC will receive a recommendation from the P/Z Board and hold a public hearing on Thursday, October 19, 2006, 9:00 A.M. in this room.

MOTION by Nicholson, second by Chancey to close the public hearing. and to open the P/Z into the Joint Meeting with the BCC scheduled for 6:30 P.M. this date. Motion carried unanimously,

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B.J. Haney, Acting Recording Secretary