

PLANNING AND ZONING BOARD  
REGULAR MEETING  
November 02, 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, present  
Vida Tomlinson, excused  
Max Ullrich, present  
Tommie Underwood, present

**Staff**

County Planning Director, Nick Staszko, present  
County Manager, Lex Albritton, absent  
County Attorney, Ken Evers, absent  
BJ Haney, Planner II, present

No News Media Identified

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

Planner Haney advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on October 19 and October 26, 2006; Affidavit of Publication is on file.

Planning Director Staszko 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 Underwood, second by Board Member Chancey to approve Minutes of Planning and Zoning Board October 05, 2006 Regular Meeting as printed and mailed. Motion carried unanimously.

MOTION by Underwood, second by Board Member Ortiz to approve Minutes of Planning and Zoning Board October 05, 2006 Public Hearing amending Section 7.12.04 of the Hardee County Unified Land Development Code under Ordinance No. 2007-01 with the addition of "and Board Member Chancey abstaining" to paragraph seven of page 02. Motion carried unanimously.

**Agenda No. 07-01**

Staszko advised of a request from Mark P. Smythe for approval of a **Special Exception** on a .49MOL-acre-lot of record zoned F-R in the Town Center Future Land Use District for location and setup of a single-family mobile home dwelling.

Board Members and County Staff were provided with a copy of Application for **Special Exception** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 11/02/06 meeting.

The applicant nor an authorized representative was present.

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

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 Board Member Saunders, the Board voted to recommend approval to the Board of County Commissioners for the request for a **Special Exception** on a .49MOL-acre-lot of record zoned F-R in the Town Center Future Land Use District for location and setup of a single-family mobile home dwelling 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.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, November 16, 2006, 8:35 A.M.

**Agenda No. 07-03**

Staszko advised of a request from Paul D./Brenda K. Sutton for approval of a **Special Exception** on 1.21MOL acres zoned F-R in the Agriculture Future Land Use District for location and setup of a single-family mobile home dwelling.

Board Members and County Staff were provided with a copy of Application for **Special Exception** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 11/02/06 meeting.

Staszko highlighted the Staff Report including Standards of Review and Findings of Fact, conclusion, recommendation for approval and recommended conditions.

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

Chairman called for public input.

Frank Panesi, P.O. Box 201, Lake Placid, FL 33852 was present and sworn.

Panesi advised:

- he is the property owner of the 11.65 acres adjacent to the Sutton parcel to the East;
- did not make the investment to have a mobile home next door;
- his deed has restrictions that prohibits mobile homes;
- his opinion is that mobile homes are not compatible in the area considering the nearest mobile homes are approximately one mile distant;
- if one mobile home is allowed in will begin the depreciation of surrounding property values.

Board was reminded the County has no jurisdiction over private deed restrictions; County Commissioners did not promulgate the restrictions; enforcement of deed restrictions is a civil matter; discussing deed restrictions is not a function of zoning; this man's recourse is in the courts.

Paul D. Sutton, and Brenda K. Sutton, P.O. Box 455, Wauchula, FL 33873 was present and sworn.

Brenda Sutton advised the recording of the subdivision plat does not contain any deed restrictions, and further her deed does not contain restrictions.

Paul Sutton advised that manufactured dwellings are not mobile homes of the past; the unit will look just like a site-built house with roof shingles, siding like neighboring dwellings. Sutton described the plans to ensure the unit compliments the area.

Board recessed Regular Meeting at 6:30 P.M. to convene in a scheduled 6:30 P.M. Public Hearing.

Board reconvened in regular session at 7:50 P.M.

Board reviewed request, and upon MOTION by Saunders, second by Chancey the Board voted to recommend approval to the Board of County Commissioners for the request for a **Special Exception** on 1.21MOL acres zoned F-R in the Agriculture Future Land Use District for location and setup of a single-family mobile home dwelling 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 Board Member Barncord voting NO.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, November 16, 2006, 8:35 A.M.

**Agenda No. 07-07**

Staszko advised of a request from Hardee County for approval of an **Ordinance No. 2007-03** amending Section 6.01.00--Concurrency of the Hardee County Unified Land Development Code, as amended establishing and providing for Transportation Proportionate Fair-Share Mitigation Program. Staszko pointed out the "Mitigation Program" is planned to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sector.

Each Board Member and County Staff received a copy of Application containing Staff Report including Summary of Analysis and recommendation for approval of the amendment known as **Ordinance No. 2007-03** prior to the 11/02/06 meeting.

Staszko advised that the purpose of this text amendment is to provide a methodology and process for the proportionate fair-share mitigation of transportation impacts whereby applicants are provided another option to meet transportation concurrency requirements, and that the proposed amendment will establish a Transportation Proportionate Fair-Share Program that shall be available to all developments that are subject to the concurrency review process contained in Section 6.01.00 of the Hardee County Unified Land Development Code.

There was discussion of the proposed amendment.

Chairman called for public input.

Kenny Miller, 2008 Griffin Road, Wauchula, FL 33873 was present and sworn. Miller inquired and Staszko responded that the comprehensive plan can be amended twice a year, except that FLORIDA STATUTES grants exemptions to that schedule for Developments of Regional Impact (DRIs).

MOTION by Chancey, second by Underwood to recommend approval to the Board of County Commissioners for **Ordinance No. 2007-03** 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.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, November 16, 2006, 8:35 A.M.

Staszko advised of receipt of a letter (from EHK LLC) withdrawing the application for Special Exception to develop a mobile home park on North Florida Avenue.

With no further business to come before by Board, upon MOTION by Chancey, second by Ortiz the meeting was adjourned at 8:10 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, December 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.