

PLANNING AND ZONING BOARD
REGULAR MEETING
December 07, 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, excused
Don Chancey, present
Roger Conley, Chairman, present
Charles Nicholson, Vice Chairman, excused
Oscar Ortiz, present
Carl Saunders, excused
Vida Tomlinson, present
Max Ullrich, present
Tommie Underwood, excused

Staff

County Manager, Lex Albritton, absent
County Attorney, Ken Evers, absent
County Planning/Development Director
Nicholas Staszko, present
BJ Haney, Planner II, present
Machele Albritton, Executive Assistant, present

No News Media Identified

Chairman Conley called the Regular Meeting to order at 6:40 P.M. A quorum was present.

Planner Haney advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on November 23 and November 30, 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 Tomlinson, second by Board Member Ullrich to approve Minutes of October 05, 2006, Joint Meeting with the BCC for the Notice of Proposed Change from CF Industries, Inc. as printed and mailed. Motion carried unanimously.

MOTION by Board Member Chancey, second by Board Member Ortiz to approve Minutes of Planning and Zoning Board November 02, 2006 Regular Meeting as printed and mailed. Motion carried unanimously.

Agenda No. 07-08

Staszko advised of a request from James L./Barbara Staton/Cynthia L. Smith by and through the Authorized Representative for approval of a **Special Exception** on 1.0MOL-acres zoned F-R in the Residential Mixed Use 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 12/07/06 meeting.

Bill Staton, Authorized Representative, P.O. Box 2286, Wauchula, FL 33873 was present and sworn.

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.

Sue Birge, 630 Branch Lane, Bowling Green, FL 33834 was sworn and advised that she platted the subdivision and there are deed restrictions allowing mobile/manufactured homes no older than five years of age.

Evelyn McDonald Albritton, 2994 North Milton Avenue, Avon Park, FL 33825 was sworn and advised:

that she owns neighboring property. Albritton pointed out that when Mr. Calderone (Heartland Properties LLC) bought the lands for subdividing, he said there would be no mobile homes;
we don't want another Lost Acres or Wauchula Hills;
we need good quality housing;
she is concerned about what the tax base would be for mobile homes versus what it would be for nice houses.

Board was reminded that compatibility is the issue; if the land can support conventional dwellings, it can support manufactured dwellings.

Staton advised that his brother and wife are the Applicants and will live in the \$65,000 dwelling.

There was discussion regarding neighboring property owners in the subdivision who although they might have signed off on the deed restrictions might not want to build once they discover mobile homes are in the subdivision.

Board reviewed request, and upon MOTION by Chancey, second by Tomlinson the Board voted to recommend approval to the Board of County Commissioners for the request for a **Special Exception** on a 1.0MOL-acres zoned F-R in the Residential Mixed Use 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 recommended conditions, and based on the testimony received and the evidence presented at the public hearing. Motion carried with Ortiz voting NO.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, January 18, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-12

Staszko advised of a request from New Smyrna Beach Acquisitions LLC for approval of a **Subdivision Replat** to be known as **Wauchula Square Subdivision Replat** for a parcel totaling 4.079MOL acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District.

Board Members and County Staff were provided with a copy of Application for **Subdivision Plat** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 12/07/06 meeting.

Steven Southwell, Jr., 105 South 6th Avenue, Wauchula, FL 33873 was present and sworn. Southwell advised he was representing the Applicant.

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

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

Chairman called for public input.

Board inquired and Southwell advised that although some landclearing had begun, there has been no grading or paving of Williams Rd.

Board was advised that:

the City of Wauchula reports it has the capacity and will provide potable water and wastewater services through existing lines;

Applicant's project has its Southwest Florida Water Management District permit and some of the drainage issues will be addressed under the Site Development Plan application for Aaron Rents.

Board reviewed request, and upon MOTION by Tomlinson second by Ullrich the Board voted to recommend approval to the Board of County Commissioners for the request for a **Subdivision Replat** to be known as **Wauchula Square Subdivision Replat** for a parcel totaling 4.079MOL acres zoned C-2 (General Commercial) in the Highway 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 unanimously.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, January 18, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-09

Staszko advised of a request from New Smyrna Beach Acquisitions LLC by and through the Authorized Representative for approval of a **Site Development Plan** on 1.141MOL acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District for location and operation of retail sales to be known as Aaron Rents.

Each Board Member and County Staff received a copy of Application for Site Development Plan approval containing Staff Report including Standards of Review and Findings of Fact, conclusion, and recommendation for approval.

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

Staszko advised that the Applicant has been notified additional parking spaces are needed and location of the business-name sign identified.

The Board discussed the drainage issue and was advised that although Applicant has a permit from SWFWMD for the Aaron Rents project, the overall drainage issue along E REA Rd. appears to be tied to the original drainage plan for Wal-Mart Plaza. Staszko noted that the Applicant and SWFWMD have been contacted and we believe we have a solution, although it is not yet clear who will be responsible for correcting the problem. Board inquired and Staszko advised that County Staff will work with SWFWMD and all parties whose development modified the original drainage plan.

Chairman called for public input.

Applicant's Authorized Representative, Mark Mueller, (Jensen and Group, LLC, Engineering Consultants) 431 12th St., West, Bradenton, FL 34205 was present and sworn.

Mueller addressed the Board and advised that SWFWMD is tracking the issue and we will work with the District and agree with the stipulations contained in the Staff Report. Mueller noted the additional parking spaces will be added and a final decision on location of the sign will be forthcoming.

Board reviewed request, and upon MOTION by Ullrich, second by Ortiz the Board voted to approve the **Site Development Plan** request for 1.141MOL acres zoned C-2 in the Highway Mixed Use Future Land Use District for location and operation of retail sales to be known as Aaron Rents 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. 07-10

Staszko advised of a request from Florida Sales/Rental Inc. by and through the Authorized Representative for approval of a **Site Development Plan** on 1.89MOL acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District for construction and operation of a retail rental store with outside storage.

Staszko reported that although this item was advertised for public hearing, staff presentation is not ready for this meeting. Staszko requested the Board continue the item to the next P/Z meeting.

MOTION by Tomlinson, second by Chancey to CONTINUE Agenda No. 07-10 to the January 04, 2007, 6:00 P.M. public hearing. Motion carried unanimously.

Agenda No. 07-11

Staszko advised of a request from Veg King of Florida Inc. by and through the Authorized Representative for approval of a **Site Development Plan** for 11.10+/- acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District for construction/operation of a produce storing/shipping/distributing complex.

Each Board Member and County Staff received a copy of Application for Site Development Plan approval containing Staff Report including Standards of Review and Findings of Fact, conclusion, and recommendation for approval.

Applicant D. Ray Harris, 616 Sunset Point Drive, Lake Placid, FL 33852 was present and sworn.

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

Staszko advised that the Applicant has the SWFWMD permit and has approved construction plans; the parking provided on the site plan is in compliance with the Land Development Code; the project is ready to go.

Chairman called for public input.

Board reviewed request, and upon MOTION by Ullrich, second by Tomlinson the Board voted to approve the **Site Development Plan** request for 11.10+/- acres zoned A-1 (Agriculture) in the Agriculture Future Land use District for the construction/operation of a produce storing/shipping/distributing complex 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. 07-13

Staszko advised of a request from WL-1 LLC and Betty Ann Eason by and through the Authorized Representative for a **Rezone** of 97.36+/- acres zoned A-1 and 7.36+/- acres zoned P-I (Public Institutional) to Planned Unit Development (PUD) in the Highway Mixed Use Future

Land Use District for the development of single-family/duplexes/townhomes/condominium dwelling units in sub-neighborhoods.

Board Members and County Staff were provided with a copy of Application for **Rezone** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 12/07/06 meeting.

Staszko highlighted the Staff Report including Standards of Review and Findings of Fact, conclusion, and recommendation for denial. Staszko advised that Staff's view is that the application is not ready for submittal as a PUD it is not consistent with the PUD requirements of the Land Development Code.

Applicant's Authorized Representative Bill Straw, P.O. Box 466, Osprey, FL 34229 was present and sworn. Straw introduced Scott Ritchie, P.E., DMK Engineering, 421 Commercial Ct., Suite B, Venice, FL 34292 who was sworn.

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

Ritchie explained that the purpose of the hearing is for entitlement to the property to get the rezoning to enable the property to proceed to the Site Development Plan approval.

The difference of interpretation of Section 7.04.04 of the Land Development Code was discussed and Ritchie stated he was of the opinion the application and supporting documents met the requirements of the LDC; although Staff disagreed.

Straw gave a presentation of the proposed project and noted that the Applicant expects to fund the expenses for the traffic signal at Bostick Rd. and Hwy. 17, and accept the responsibility for the improvements to Sauls Rd. and State of Florida, Department of Transportation's requirements for the extension of Bostick Rd.

Straw reported that at the final buildout the project expects to have dwellings on either side of 1,000.

Chairman called for public input.

Patricia and Bob McAllister, P.O. Box 04, Wauchula, FL 33873 were present and sworn. The McAllisters expressed concern that a present problem with large amounts of water draining across their land will be increased with the development of 1,000-plus dwellings. The McAllisters pointed out they are not objecting to development, but want to feel confident the water issue will not be worsened.

Straw pointed that it is his opinion that when the project is finalized, the drainage will not be a problem and the movement of the water will be better than it is now.

Chris Critiz of WL-1 LLC, P.O. Box 466, Osprey, FL 34229 was present and sworn, and offered comments pertaining to the proposed project.

Based on the historical dictates of the County Manager to the Planning/Zoning Board to hear and offer a recommendation to the County Commissioners for an incomplete application, Chancey inquired if this is a complete application. Staszko advised that it is Staff's view that while the application for PUD rezoning is complete the plan submitted is not consistent with the PUD requirements of the Land Development Code.

Board determined for the Applicant to return with additional information in a plan that shows:

lot sizes for the dwelling-types;

a detailed sketch of how the dwelling units will meet the setbacks for 40' lots;

the parking areas;

the minimum setbacks for each type of dwelling style

and identifies a timetable for construction of the roads, the commercial segment and the residential segment of the proposed project.

Upon MOTION by Chancey, second by Tomlinson the Board voted to CONTINUE Agenda No. 07-13 to Thursday, January 04, 2007, 6:00 P.M. public hearing. Motion carried unanimously.

It was stated that this continuance would not change the hearing of the application before the BCC on Thursday, January 18, 2006, 8:35 A.M.

With no further business to come before by Board, upon MOTION by Chancey, second by Ortiz the meeting was adjourned at 9:15 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, January 04, 2007, 6:00 P.M. Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida 33873.

B.J. Haney, Acting Recording Secretary