

PLANNING AND ZONING BOARD
REGULAR MEETING
FEBRUARY 01, 2007, 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, present
Max Ullrich, present
Tommie Underwood, present

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, absent

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 January 18 and January 25, 2007; 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 Saunders to approve Minutes of Planning and Zoning Board January 04, 2007 Regular Meeting as printed and mailed. Motion carried unanimously.

Agenda No. 07-10--Continued from 01/04/07

Staszko advised of a request from Florida Sales/Rental Inc. by and through the Authorized Representative for approval of a **Site Development Plan** on 1.89+/-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. (This item was continued from 01/04/07).

Board and County Staff were provided with a copy of Application for **Site Development Plan** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 02/01/07 meeting.

Staszko highlighted the Staff Report, including the 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.

Authorized Representative Lavon Cobb, 1015 Briarwood Drive, Wauchula, FL 33873 was sworn and addressed the parking spaces issue stating that the spaces are planned to be paved, and the developer is in agreement with the conditions as stated.

Staszko mentioned that Staff wanted to ensure the Board was aware of the parking spaces requirements of the Code (Hardee County Unified Land Development Code).

Upon inquiry Cobb advised there are no plans to separate the "Grand Rental parcel" from the "hotel parcel".

Upon inquiry the Board was advised that the driveway access already in place has been permitted by State of Florida, Department of Transportation.

Staszko advised that the Planning/Development file has a response from Donna Carver, FDOT regarding access.

Board reviewed request, and upon MOTION by Board Member Barncord, second by Board Member Ortiz voted to approve the **Site Development Plan** on 1.89+/-acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District for the construction/operation of retail rental store with outside storage 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. 07-02

Staszko advised of a request from George H./Norma M. McNary for approval of a **Preliminary and Final Subdivision Plat** entitled **Wagon Wheel Adult RV Park** on 19.55+/-acres zoned F-R (Farm-Residential) in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of Application for **Preliminary and Final Subdivision Plat** approval containing the Staff Report including Standards of Review and Findings of Fact, and the Staff Report for the request for **Variance** to determine the Park is in compliance as it exists pursuant to the approved subdivision plat prior to the 02/01/07 meeting.

Stephen Southwell, 105 South 6th Avenue, Wauchula, FL 33873 was sworn, and announced he was present on behalf of the McNarys.

Staszko highlighted the Staff Report for the **S/D Plat** and the **Variance**, including the conclusion, recommendation for approval, and recommended conditions.

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

Southwell raised a question with the age distinction in condition no. 1 stating that requiring the 55+ language would be a discriminatory act and the use of the Park has always been adult with adult never having been defined. Southwell pointed out there has not been a change in use.

Norma M. McNary, 2370 U.S. Hwy 17 North, Wauchula, FL 33873, was sworn and advised the Board that Wagon Wheel has:

- rented to folks under 55;
- been run with no lease restrictions;
- been run as an adult Park in the sense that children could come for a visit.

Staszko presented a statement from County Attorney Ken Evers stating that in his opinion the 55+ adult age distinction cannot be imposed since an age distinction has never been there.

Staszko pointed out that Staff feels that the word adult needs to be defined.

There was discussion regarding forming a Homeowners Association; what that association could require of the residents including the exclusion of children and the restriction of the family unit; how to define the word adult.

Chairman called for public input.

Tim Wells, 398 Bostick Road, Wauchula, FL 33873 was sworn and advised that:
the neighboring property owners are concerned about the changes that appear to be happening;
Wagon Wheel has always been adult;
recently we have seen some younger people there and some unsavory characters.

Roger Bell, Lot 99, Wagon Wheel RV Park was sworn and advised that the word adult needs to be defined.

Carl Sengstock, Lot 246, Wagon Wheel RV Park was sworn and advised that
the occupants of Wagon Wheel have a rental agreement that can be renewed on an annual basis; think the McNarys should have told the Wagon Wheel residents of their plans.

Cobb pointed out that the Homeowners Association documents must be recorded with the contract for enforcement.

Scott Hardcastle, 3145 Oaks Bend Ln., Wauchula, FL 33873 was sworn and advised the word adult needs to be defined.

Southwell pointed out that a Homeowners Association can impose an age distinction, but do not think the County can.

Southwell advised that he plans to have a draft Homeowners document before the BCC hearing on 02/15/07

Board reviewed request and upon MOTION by Board Member Underwood second by Tomlinson voted to recommend approval to the Board of County Commissioners for the request for a **Preliminary and Final Subdivision Plat** entitled **Wagon Wheel Adult RV Park** on 19.55+/-acres zoned F-R (Farm-Residential) in the Agriculture 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 with Conley and Barncord voting NO.

Board reviewed the request for Variance and upon MOTION by Board Member Chancey, second by Tomlinson voted to recommend approval of the Variance to find Wagon Wheel Adult RV Subdivision to be in compliance as it exists pursuant to the approved subdivision plat. Motion carried with Conley and 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, February 15, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-18

Staszko advised of a request from Santibanez Belisario/Adulfa Betancourt for approval of a **Special Exception** on a .49+/-acre-lot-of-record zoned F-R (Farm-Residential) 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 02/01/07 meeting.

The applicant 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 Ortiz voted to recommend approval to the Board of County Commissioners for the request for a **Special Exception** on a .49+/-acre-lot-of-record zoned F-R (Farm-Residential) 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 recommended conditions, and based on the testimony received and the evidence presented at the public hearing. Motion carried with 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, February 15, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-21

Staszko advised of a request from Jose Adan Castaneda for approval of a **Special Exception** on a .275+/-acre-lot-of-record zoned F-R (Farm-Residential) 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 02/01/07 meeting.

The applicant nor a representative were 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 Ullrich voted to recommend approval to the Board of County Commissioners for the request for a **Special Exception** on a .275+/-acre-lot-of-record zoned F-R (Farm-Residential) 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 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, February 15, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-19

Staszko advised of a request from First Assembly of God of Wauchula Inc. by and through the Authorized Representative for approval of a **Site Development Plan** to add a one-story 10,000+/-sq-ft multi-purpose building on 30+/-acres zoned F-R (Farm-Residential) in the Town Center Future Land Use District.

Board Members and County Staff were provided with a copy of Application for **Site Development Plan** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 02/01/07 meeting.

Board Members Underwood and Chancey, declared conflicts of interest and signed Memorandums of Voting Conflict for County, Municipal and Other Local Public Officers. Documents are on file with original Minutes.

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.

Authorized Representative, Lavon Cobb, 401 South 6th Avenue, Wauchula, FL was sworn and advised the multi-purpose building is planned for special events; will not bring in any more people; a place to eat lunch at church; lots of parking there now; much-needed facility for our church.

Staszko mentioned that Staff wanted to ensure the Board was aware of the parking spaces requirements of the ULDC. Board expressed no objections to the parking spaces as proposed on the **Site Development Plan**.

Chairman called for public input; none received.

Board reviewed request, and upon MOTION by Saunders second by Ortiz voted to approve the request for a **Site Development Plan** to add a one-story 10,000+/-sq-ft multi-purpose building on 30+/-acres zoned F-R (Farm-Residential) in the Town Center Future Land Use District based on staff's findings, conclusion, and recommendation for approval and recommended conditions with the deletion of Condition No. 3., and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Agenda No. 07-20

Staszko advised of a request from FINR II Inc. by and through the Authorized Representative for approval of an Amendment to an approved **Site Development Plan** with conditions granted on 04/06/06 for the swimming pool complex on 871.98+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board Members and County Staff were provided with a copy of Application for **Site Development Plan** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 02/01/07 meeting.

Authorized Representative, Mark Adler, P.E., George F. young, Inc., 78 Sarasota Center Blvd., Sarasota, FL 34240-9770 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; none received.

There was inquiry and Adler explained that the lake expansion is actually an aesthetics effort at the end of the boardwalk; the actual expansion is of the stormwater retention pond.

Board reviewed request, and upon MOTION by Tomlinson, second by Chancey voted to approve the request for an Amendment to an approved **Site Development Plan** with conditions granted on 04/06/06 for the swimming pool complex on 871.98+/-acres zoned A-1 (Agriculture) in the Agriculture 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. 07-22

Staszko advised of a request from Cypress Point, LLC/Semper Fi Developers, LLC/Semper Fi Excavating LLC by and through the Authorized Representative for a **Rezone** of 68.77+/-acres from R-2 (Two-Family Residential) to Planned Unit Development (PUD); 00.65+/-acres from A-1 (Agriculture) to PUD; 02.15+/-acres from R-1 (Single-Family Residential) to PUD; 02.99+/-acres from F-R (Farm-Residential) to PUD and the approval of a Master Development Plan (MDP) in the Rural Center Future Land Use District for the development single-family and townhome dwellings to be known as **Little Cypress**.

Board Members and County Staff were provided with a copy of Application for **Rezone** approval and supporting documents and Staff Report including Standards of Review and Findings of Fact prior to the 02/01/07 meeting.

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

Applicants' Authorized Representatives Misty Servia, King Engineering, 2940 University Parkway, Sarasota, FL 34243, and Wayne Gilmartin, Managing Partner, Semper Fi, 1611 12th Street, #B, Palmetto, FL 34211 were sworn.

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

Servia gave a presentation of the proposed project and explained the open space as shown on the proposed Master Development Plan. The Board accepted a handout statement sheet from King Engineering indicating that a stipulation is requested stating that "the percentage of open space illustrated on the Master Development Plan is appropriate for the project, and shall be carried forward in substantial compliance with the final design of the project."

Board accepted a handout showing typical lot details for the single-family lots, typical duplex lots and typical multiple-family lots.

Servia inquired and the Board had no problem with the property owner continuing with the agriculture pasturing until construction begins.

Chairman called for public input.

Klaus Kunkel, 1682 SR 64 West, Wauchula, FL 33873 was sworn and expressed concern regarding noise level from traffic generated by 321 dwelling units.

Board reviewed request and upon MOTION by Chancey second by Ullrich voted to recommend approval to the Board of County Commissioners for the request **Rezone** of 68.77+/-acres from R-2 (Two-Family Residential) to Planned Unit Development (PUD); 00.65+/-acres from A-1 (Agriculture) to PUD; 02.15+/-acres from R-1 (Single-Family Residential) to PUD; 02.99+/-acres from F-R (Farm-Residential) to PUD and the approval of a Master Development Plan (MDP) in the Rural Center Future Land Use District for the development single-family and townhome dwellings to be known as **Little Cypress** based on staff's findings, conclusion, and recommendation for approval and conditions and acknowledgements with Condition No. 04 reading, "the entrance roadway from S.R. 64 shall be coordinated with the FDOT and will require a left-hand turn lane and acceleration/deceleration lanes as required by FDOT; and the adding of Condition No. 11 stating "no mobile homes will be allowed in the project", and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

NOTE: Although the Board did not state approval of the Stipulation in the motion for approval of the Rezone and MDP, it is Staff's belief that it was the Board's intention to approve.

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, February 15, 2007, 8:35 A.M. or as soon thereafter.

With no further business to come before by Board, upon MOTION by Chancey second by Ullrich the meeting was adjourned at 8:32 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, March 01, 2007, 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, Acting Recording Secretary