

PLANNING AND ZONING BOARD
REGULAR MEETING
MARCH 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, EXCUSED
Don Chancey, present
Roger Conley, Chairman, present
Charles Nicholson, Vice Chairman, EXCUSED
Oscar Ortiz, present
Carl Saunders, present
Vida Tomlinson, present
Max Ullrich, ABSENT
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 February 15 and February 22, 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 Underwood to approve Minutes of Planning and Zoning Board February 01, 2007 with the following correction to Page 07, Paragraph 03: "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". Motion carried unanimously.

Agenda No. 07-23

Staszko advised of a request for recommendation of approval from Rojan, Inc./Florida Engineered Citrus, Inc./Roy Brown by and through the Authorized Representative for a **Major Special Exception** to develop a private airstrip for small airplanes in an executive airstrip subdivision known as Horseshoe Acres S/D on 88+/-acres zoned F-R, and 18+/-acres zoned A-1 in the Agriculture Future Land Use District.

Board Member Chancey advised of 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.

Board and County Staff were provided with a copy of Application for **Major Special Exception** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 03/01/07 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 E. Donald Chancey, Chancey/Associates Design Group, Inc., P.O. Box 352, Wauchula, FL 33873 was sworn. Angelo Gasparri, 435 South Country Club Blvd., Boca Raton, FL _____, was sworn.

Chancey advised that since the Site Development Plan was approved the client has determined to make application for a Major Special Exception to allow for the development of a private airstrip in the **Horseshoe Acres S/D**.

Gasparri gave a power point presentation of other airstrip subdivisions in Florida to show what the proposed project for Hardee County will be patterned. Gasparri identified the project's objective, how it is planned to broaden the market and showed a typical lot.

There was discussion and Gasparri advised that the Homeowner's Association will maintain the internal roadways and will determine the maximum size of planes that can use the grass airstrips.

Chairman called for public input.

Glenda Best, POB 716, Bowling Green, FL 33834 was sworn and advised that she is an adjoining property owner and:

- does not want airplanes buzzing over her house;
- having a airplane subdivision will devalue her property;
- objects to the noise level.

Best voiced her objection to the proposed project.

There was inquiry about the definition of exercising the MSE and Staff advised that exercising can mean if a good faith effort to move forward is demonstrated by the developer e.g. platting the subdivision, SWFWMD permit has been applied and engineering is underway. Board concurred.

Board reviewed request, and upon MOTION by Tomlinson, second by Underwood voted to recommend approval to the Board of County Commissioners of the **Major Special Exception** as requested 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.

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

Board Member Chancey returned to the Board.

Agenda No. 07-24

Staszko advised of a request for approval of a **Site Development Plan** from Pacer Marine Engineering Inc. by and through the Authorized Representative for the construction of a structure for the light assemblage of light-weight equipment wholesale only to OEMs (Original Equipment Manufacturers) on 4.07+/-acres, zoned C/IBC (Commercial/Industrial Business Center) in the Highway Mixed Use Future Land Use District.

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 03/01/07 meeting.

Authorized Representative Steve Sloan, Pickett Engineering, POB 253, Bartow, FL 33831 was sworn.

Staszko highlighted the Staff Report for the **Site Development Plan** including the conclusion, recommendation for approval, and recommended conditions.

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

Staszko reported that a revised **Site Development Plan** incorporating the conditions is being prepared.

Sloan advised that we are in agreement with the conditions and a revised SDP is being prepared, ensuring that the landscaping plan will comply with Hardee County requirements.

There was discussion regarding the landscaping requirements and Staszko pointed out the landscaping will be in keeping with the Hardee County Unified Land Development Code and the restrictions and covenants of the Hardee Commerce Park.

Mike Manley, 203 South 7th Avenue, Wauchula, FL 33873, representing the Commerce Park, was sworn and advised that the property owners' documents for landscaping are strict.

There was discussion regarding planned exit and entrance on Gebhart Rd. Staszko advised that Hardee County Public Works has reported that the paving of Gebhart Rd. is planned for the near future.

Chairman called for public input.

Board reviewed request and upon MOTION by Chancey, second by Tomlinson voted to approve the request for a **Site Development Plan** 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. 07-25

Staszko advised of a request from FINR II Inc by and through the Authorized Representative for approval of a **Site Development Plan** on a subject area of .27+/- acres of a 329MOL-acre-parcel on the FINR complex to install an interior shell road from a paved road to a county-owned sewer lift station as a condition of a previously-approved Site Development Plan on property 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 03/01/07 meeting.

The Applicant nor an Authorized Representative were present.

Staszko highlighted the staff report, 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; none received.

Board reviewed request, and upon MOTION by Chancey, second by Underwood voted to approve the request of a **Site Development Plan** on a subject area of .27+/-acres of a 329MOL-acre-parcel on the FINR complex to install an interior shell road from a paved road to a county-owned sewer lift station as a condition of a previously-approved Site Development Plan on property 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. 07-28

Staszko advised of a request from First Christian Church by and through the Authorized Representative for approval of a **Site Development Plan** for the construction of a 3,600+/-sq-ft building on 6.85+/-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 03/01/07 meeting.

Authorized Representative, Mike Manley, 203 South 7th Avenue, Wauchula, FL 33873 was sworn.

Staszko highlighted the staff report, 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.

James Jernigan, POB 1455 (1400 Davis St.), Wauchula, FL 33873 was sworn and advised:

- that his house is located just behind the center and the proposed project will be located about 25 feet from his backyard;
- his concern is about the additional noise from the teen center.

Manley advised that the speaker system will be setup to face North with additional soundboard installed in the steel building to help contain the sound.

Tony Stockton, 2616 CR 664, Bowling Green, FL 33834 was sworn and reported:

- that the concerns are understandable and every precaution is being taken to limit escaping sound;
- hours of operation will mainly be on Wednesdays from 6:30-8:30 P.M.;
- possible special events will be scheduled.

Shirley, Knight POB 1662 (1456 Davis St.), Wauchula, FL 33873 was sworn and advised that a the proposed fence will be close to hers and a fence is not the best option for deflecting sound.

There was discussion about re-positioning the proposed project elsewhere on the parcel and the Board was advised the proposed location is the best choice.

Darren Canary, 707 Oak Forrest Drive, Wauchula, FL 33873 was sworn and advised that we want to be good neighbors and do not want to be a nuisance.

Tom Taylor, _____ Whippoorwill Lane, Wauchula, FL 33873 was sworn and reported that the design of the building is such to contain the noise; we will do whatever it takes to keep the noise from becoming a problem.

Manley advised that the church uses a decibel meter during its services to monitor the sound level to be sure we are not causing a problem.

Jim See, 1405 Stenstrom Rd., Wauchula, FL 33873 was sworn and advised that the sound buffer of vegetation erected along Pioneer Creek has been successful in muffling sound.

Staszko advised that Staff has no problem with a vegetative buffer instead of a fence and the P/Z Board can condition the approval of the SDP with the requirement of a vegetative buffer along the Southern boundary line of the addition.

Board reviewed request, and upon MOTION by Board Member Saunders, second by Underwood voted to approve the request of a **Site Development Plan** for the construction of a 3,600+/-sq-ft building on 6.85+/-acres zoned F-R (Farm-Residential) in the Town Center Future Land Use District based on staff's findings, conclusion, recommendation for approval and recommended conditions with the added condition that the applicant will install a sound-reducing landscape buffer along the southern property line and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Agenda No. 07-26

Staszko advised of a request for a **Variance** from Ben/Glenda Jean Dunlap to allow the subdividing of a 120+/-acre-parcel into lots less than 20 acres in size zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board Members and County Staff were provided with a copy of Application for **Variance** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 03/01/07 meeting.

The Applicants nor an Authorized Representative were present.

Staszko highlighted the staff report, conclusion, and recommendation for denial.

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 to the Board of County Commissioners to deny the request for a **Variance** to allow the subdividing of a 120+/-acre-parcel into lots less than 20 acres in size zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on the fact there is no hardship, and based on staff's findings, conclusion, recommendation for denial and based on the testimony received and the evidence presented at the public hearing. Motion carried with Tomlinson voting NO stating that she could not see where granting the Variance would be injurious to surrounding property owners and that the difference between 20 acres and 19.93 acres or 19.96 is miniscule.

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

Agenda No. 07-29

Staszko advised of a request for a **Variance** from Jonathan Mark/Stephanie S. Parker to the property line setbacks in the R-2-zoned district to construct a single-family dwelling on a 12,639+/-sq-ft lot in **Torrey Oaks Villas S/D** in the Residential Mixed Use Future Land Use District.

Applicant Mark Parker, 312 South 9th Avenue, Wauchula, FL 33873 was sworn, and Applicant's Agent Jim Braxton, 433 Circle Drive, Wauchula, FL 33873 was sworn.

Board Members and County Staff were provided with a copy of Application for **Variance** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 03/01/07 meeting.

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

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

Staszko advised of receipt of a letter of opposition (on file) dated 02/21/07 from Robert Aliotta, Jr., of 2920 Fairway Lane, Bowling Green, FL 33834; copies of the letter were distributed to the Board. Aliotta's letter contained a petition of opposition signed by Aliotta and Edna Royal, 2940 Fairway Lane.

Chairman called for public input; none received.

Upon further discussion of the request, Applicant revised the application seeking front property line setbacks reduced from 30 ft to 15 ft, and rear property line setbacks reduced from 20 ft to 15 ft.

Board reviewed request, and upon MOTION by Board Member Ortiz, second by Saunders voted to recommend approval of the **Variance** to the Board of County Commissioners of the request to reduce the front property line setbacks for Lot 04, Torrey Oaks Villas S/D from 30 ft to 15 ft and the rear property line setback from 20 ft to 15 ft. 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, March 15, 2007, 8:35 A.M. or as soon thereafter.

Board was reminded of a Special Called Meeting scheduled for Friday, March 09, 2007, 5:30 P.M. Agenda packets for that meeting were distributed.

Board was advised of a Public Workshop scheduled for Thursday, March 15, 2007, 6:00-8:00 P.M. to get citizen feedback the Evaluation and Appraisal Report process underway; this is the first of two Public Workshops--second Public Workshop scheduled for Thursday, April 05, 2007, 6:30 P.M. (That is the same day as the regular-scheduled P/Z meeting).

Board was advised of two Public Workshops for review and discussion of changes to the Hardee County Unified Land Development Code--Thursday, March 22, 2007, 6:00-8:00 P.M. and Thursday, April 12, 2007, 6:00-8:00 P.M.

Board was advised that the BCC will hold Public Workshop on Thursday, April 19, 2007 to receive a recommendation from the P/Z Board for approval of and transmittal of the EAR-based issues for the Hardee County Comprehensive Plan to the State of Florida, Department of Community Affairs and to approve the transmittal of the documents to DCA.

Board was advised that the P/Z will hold a Public Hearing on Thursday, May 03, 2007, 6:30 P.M. to recommend approval and adoption of the Hardee County Unified Land Development Code.

Board was advised that the BCC will hold a Public Workshop on Friday, May 11, 2007, at its Planning Session for the review and discussion of proposed changes to the ULDC, and hold a Public Hearing on Thursday, May 17, 2007, to receive from the P/Z Board recommendations for adoption of Ordinance No. 2007-____, Hardee County Unified Land Development Code and to adopt Ordinance No. 2007-____.

With no further business to come before by Board, upon MOTION by Chancey, second by Ortiz the meeting was adjourned at 8:45 P.M. Motion carried unanimously.

Next regular Planning/Zoning Meeting is scheduled for Thursday, April 05, 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.

s/
B.J. Haney, Acting Recording Secretary