

PLANNING AND ZONING BOARD
REGULAR MEETING
APRIL 05, 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, EXCUSED
Roger Conley, Chairman, present
Charles Nicholson, Vice Chairman, EXCUSED
Oscar Ortiz, EXCUSED
Carl Saunders, present
Vida Tomlinson, present
Max Ullrich, present
Tommie Underwood, EXCUSED

Staff

County Manager, Lex Albritton, present
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 March 15 and March 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 Saunders, second by Board Member Tomlinson to approve Minutes of Planning and Zoning Board Regular Meeting of March 01, 2007 as printed and mailed. Motion carried unanimously.

Board was advised that due to a conflict in appointments Applicant for Agenda No. 07-37 has requested to be heard first. Board agreed.

Agenda No. 07-37

Staszko advised of a request for recommendation of approval from Sandra Kay Quinn Colvin for a **Variance** to reduce the property line setbacks for a .25MOL-acre-lot-of-record, zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of Application for **Variance** containing the Staff Report including Standards of Review and Findings of Fact prior to the 04/05/07 meeting.

Staszko highlighted the Staff Report, including the findings of fact, conclusion, and recommendation for denial.

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

Applicant Sandra Kay Colvin, 1830 Doc Lindsey Rd., Ft. Meade, FL 33841 was sworn.

Colvin addressed the Board explaining that in 2002 the County issued permits to the property to replace a single-wide MH with a double-wide MH.

Colvin pointed out:

that she went into debt to replace the dwelling;
now needs to sell the property;

when asked the Planning Department if the dwelling could be replaced was told that the the parcel was nonconforming in size and permits could not be issue even to the extent of not be able to replace the existing dwelling.

Colvin noted that:

she called for an appointment with the Planning Director, explained there were nonconforming properties in the County that had been issued building permits; wondered why her property was different; was told the Variance process was the avenue available to seek relief to the property line setbacks; she was under the impression that the Variance process would grant her the relief needed.

Staszko pointed out that Staff did not indicate that the Variance process would result in relief sought.

Colvin requested a continuance to provide the Board with documentation where permits have been issued to nonconforming lots.

Chairman called for public input; none received.

Board reviewed request, and upon MOTION by Saunders, second by Board Member Ullrich voted to recommend denial to the Board of County Commissioners of the **Variance** as requested based on staff's findings, conclusion, and recommendation for denial, 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, April 19, 2007, 8:35 A.M. or as soon thereafter.

The Board's advertised Public Workshop for citizenry comments for Evaluation and Appraisal Report Scoping Issues was scheduled for 6:30 P.M. this date. The Board RECESSED it regular meeting and CONVENED in Public Workshop at 6:45 P.M. (Minutes for that Workshop prepared separately). The Board RECONVENED regular meeting at 7:20 P.M.

Agenda No. 07-25

Staszko advised of a request for approval of a **Site Development Plan** from Adnaud Louis by and through the Authorized Representative for the construction/operation of a church on .26MOL acres zoned R-3 (Multiple-Family Residential) in the Town Center 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 04/05/07 meeting.

Staszko highlighted the Staff Report for the including the findings of fact, conclusion, recommendation for approval, and recommended conditions.

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

Adnaud Louis, POB 811, Zolfo Springs, FL 33890 was sworn and advised that: he bought the property and donated it to the church in an effort to provide a place to provide good teaching of principles and values for young people to get them off the street;
contacted the Department of Health and was told a septic tank and potable water well could go on the property.

There was discussion regarding the septic tank and potable water well and Staszko advised that based on the size of the lot and the amount of impervious area it was Staff's opinion that if central water and sewer was not available to the project that it was not in the best interest of the public to permit.

Chairman called for public input.

Board reviewed request and upon MOTION by Saunders second by Tomlinson voted to approve the request for a **Site Development Plan** based on staff's findings, conclusion, recommendation for approval and Recommended Conditions numbered 02., 03., and 04., deleting Condition No. 01, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Agenda No. 07-35

Staszko advised of a request for recommendation of approval from Russell/Stephanie Adams and Daniel/Cynthia Barco by and through the Authorized Representative of a **Major Special Exception** to excavate 25.21MOL acres of the project area (36.37MOL acres) to mine dirt/fill material eventually creating a lake on land zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board Members 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 04/05/07 meeting.

Authorized Representative Russell Adams, 734 Roy Moore Rd., Ona, FL 33865 was sworn and Dan A. Wilcox, P.E., Alpha Surveying/Mapping, 25 Palm Harbor Village Way, Suite 1, Palm Coast, FL 32137 was sworn.

Staszko highlighted the Staff Report including the findings of fact, conclusion, recommendation for approval, and recommended conditions.

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

Wilcox addressed the Board advising that:
this project is to result in only a lake for the children and grandchildren;
no development of houses will be done.

Chairman called for public input.

Russell Adams, 734 Roy Moore Rd., Ona, FL 33865 reiterated the purpose of the project was to create a lake for the family and assured the Board the water truck would be used for dust control.

Wilcox requested the Board strike the condition pertaining to dust control with milled asphalt. Wilcox noted a truck will be on site and will water Roy Moore Rd. daily. Regarding the paving of Roy Moore Rd., Wilcox advised the applicant's budget cannot stand a requirement for paving.

There was discussion regarding the present condition of the road and Board was advised heavy truck traffic has been using the road for several years.

Todd Garrett, 715 Roy Moore Rd., Ona, FL 33865 was sworn stating he was representing some of the neighbors on Roy Moore Rd. and presented a signed affidavit of authorization from Brooke Yahraus, Kard Adams and Terry/Jennie Neels. Original affidavit is on file with original

Minutes. Garrett advised that he and the neighbors he was representing do not have a problem with the Adams project.

Garrett advised that Semper Fi Excavating Company is hauling fill material turning off Roy Moore Rd onto property in Manatee County and filling in drainage ditches . . . drainage ditches that are essential to neighboring landowners in Hardee County.

Board inquired and Garrett named the agencies that have been contacted regarding the Semper Fi activity and stated that no agency has responded.

Garrett presented a photograph to show the construction of Roy Moore Rd and a photograph showing drainage pipes on a flatbed truck. Photographs are on file with the original Minutes.

Johnny Long, 165 Roy Moore Rd., Ona, FL 33865 was sworn and advised that:
the road is a problem; who will ensure the project directors will do what they say;
who will protect his well from going dry?

Jim McLeod, POB 21057, Sarasota, FL 34276 was sworn and spoke on behalf of the project stating that
the applicant has already demonstrated good intentions by cleaning up and properly disposing of piles of abandoned vehicle tires;
proper sloping of the lake has already begun;
digging the lake will enhance the neighboring wells;
proper compaction of material atop the culvert pipes will provide protection;
there will be no digging operations during rain days;
FDOT has provided verbal acceptance of the proposed use of the St Rd 64 where it joins Roy Moore Rd.

Jackie Long, 341 Turner Avenue, Wauchula, FL 33873 was sworn.

Long advised that
she owns land to the West and North of the proposed project and wants assurance that the condition of the road will not be degraded and that dirt piles will not be allowed to remain.

Board reviewed request, and upon MOTION by Ullrich, second by Board Member Barncord voted to recommend approval to the Board of County Commissioners of the request of a **Major Special Exception** to excavate 25.21MOL acres of the project area (36.37MOL acres) to mine dirt/fill material eventually creating a lake on land zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval and Recommended Conditions numbered 01. and 03.-10. as contained in the Staff Report and directed that Condition No. 02 shall read that dust control on the road shall be addressed by daily maintenance with the water truck, grader and compactor and the application of LBR100 shell (FDOT-approved shell), and based on the testimony received and the evidence presented at the public hearing; the MOTION and second were amended to direct Staff to contact Southwest Florida Water Management District and request its evaluation of the effect of the mining operation on neighboring water wells. 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, April 19, 2007, 8:35 A.M. or as soon thereafter.

Board RECESSED at 9:00 P.M.; RECONVENED at 9:05 P.M.

Agenda No. 07-30

Staszko advised of a request from Hulbert Homes by and through the Authorized Representative for approval of a **Variance** for **Lot 01** to reduce property line setbacks for Front from 30' to 15' and Rear from 25' to 15' and requests a **Variance** for **Lot 02** to reduce property line setbacks for Front from 30' to 25' and Rear from 25' to 21.81' on lots (in the **Torrey Oaks Golf Course S/D**) zoned R-1 (Single-Family Residential) in the Residential Mixed Use Future Land Use District

Board Members and County Staff were provided with a copy of the Applications for **Variance** approval containing the Staff Report including Standards of Review and Findings of Fact prior to the 04/05/07 meeting.

William Webb, Project Manager, Hulbert Homes, P.O. Box 6254, Lakeland, FL 33807 was sworn.

Staszko highlighted the Staff Reports including the findings of fact, conclusions, recommendations for approval, and recommended conditions.

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

There was discussion on whether variances to property line setbacks will be needed on other lots in the subdivision and Webb reported that it appears that three lots will probably need variances.

Chairman called for public input; none received.

Board reviewed request for Lot 01, and upon MOTION by Tomlinson, second by Ullrich voted to recommend approval to the Board of County Commissioners for the requests for **Variances** to allow property line setbacks for Lot 01 in **Torrey Oaks Golf Course S/D** for to be Front--15' and Rear--15' in the Residential Mixed Use Future Land Use District based on staff's findings, conclusions, recommendations for approval and recommended conditions, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Board reviewed request for Lot 02, and upon MOTION by Tomlinson, second by Ullrich voted to recommend approval to the Board of County Commissioners for the requests for **Variances** to allow property line setbacks for Lot 02 in **Torrey Oaks Golf Course S/D** for to be Front--25' and Rear--21.81' in the Residential Mixed Use Future Land Use District based on staff's findings, conclusions, recommendations 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 for both lots from the Planning/Zoning Board on Thursday, April 19, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-38

Staszko advised of a request for a **Small-Scale Comprehensive Future Land Use Map Amendment** from FINR II, Inc., by and through the Authorized Representative to change the

Future Land Use Map designation of 8.60MOL acres from Agriculture to Public Institutional and a request for a **Rezone** of the 8.60MOL acres from A-1 (Agriculture) to P-I (Public Institutional) to expand the rehabilitation facilities to add a laundry complex and an adult gymnasium.

Board Members and County Staff were provided with a copy of Application for **Small-Scale Comprehensive Future Land Use Map Amendment** and **Rezone** approval containing the Staff Reports including Standards of Review and Findings of Fact prior to the 04/05/07 meeting.

Authorized Representative James T. Farr, George F. Young, Inc., 78 Sarasota Center Blvd., Sarasota, FL 34240 was sworn.

Staszko highlighted the Staff Report, findings of fact, conclusion, and recommendation for approval and recommended conditions of the **Small-Scale Future Land Use Map Amendment** and highlighted the Staff Report, conclusion and recommendation for approval of the **Rezone**.

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

Chairman called for public input; none received.

Board reviewed request for **Small-Scale Comprehensive Plan Future Land Use Map Amendment** and upon MOTION by Tomlinson, second by Saunders voted to recommend to the Board of County Commissioners to approve the request for a **Small-Scale Comprehensive Plan Future Land Use Map Amendment** to change the Future Land Use Map designation of 8.60MOL acres from Agriculture to Public Institutional based on staff's findings, conclusion, recommendation for approval and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Board reviewed request for **Rezone** and upon MOTION by Tomlinson, second by Ullrich voted to recommend to the Board of County Commissioners to approve the request for a **Rezone** of 8.60MOL acres from A-1 (Agriculture) to P-I (Public Institutional) upon successful change of the Future Land Use Designation of 8.60MOL acres from Agriculture to Public Institutional to expand the rehabilitation facilities to add a laundry complex and an adult gymnasium based on staff's findings, conclusion, 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 recommendations from the Planning/Zoning Board on Thursday, April 19, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-39

Staszko advised of a request from William L. Manfull by and through the Authorized Representative for a **Rezone** of 3.0 acres identified as parcel no. 16 33 25 0000 00140 0000 from A-1 to PUD (Planned Unit Development) and to add that 3.0 acres to a 28.95MOL-acre-PUD on an existing parcel identified as 16 33 25 0000 00120 0000 in the Highway Mixed Future Land Use District, and a request from Manfull for approval of a **Site Development Plan** to add acreage, to change the dwellings total and to change the configuration of the site on 31.95MOL acres (for a project to be known as **Ridge Estates**).

Board Members and County Staff were provided with a copy of Application for **Rezone** approval and **Site Development Plan** approval containing the Staff Reports including Standards of Review and findings of fact prior to the 04/05/07 meeting.

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

Staszko highlighted the Staff Report including findings of fact, conclusion, and recommendation for approval for the **Rezone**, and highlighted the Staff Report including findings of fact, conclusions, and recommendations for approval and recommended conditions for the **Site Development Plan**.

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

Chairman called for public input; none received.

Board reviewed **Site Development Plan** request, and upon MOTION by Ullrich, second by Saunders voted to approve the request to reflect the additional acreage of 3.0MOL acres to add to the 29.85MOL-acre-PUD, and to reflect the total housing to be 178 single-family dwelling units and 50 multi-family dwelling units in the Highway Mixed Use Future Land Use District and to change the configuration of the site from the approved Master Development Plan (MDP) based on staff's findings, conclusion, and recommendation for approval, and recommended conditions plus directed the erection and maintenance of a vegetative buffer around the perimeter of the out parcel (parcel no. 16 33 25 0000 01380 0000) and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Board reviewed **Rezone** request, and upon MOTION by Ullrich, second by Tomlinson voted to recommend approval of the **Rezone** to the Board of County Commissioners to Rezone 3.0MOL acres (16 33 25 0000 00140 0000) from A-1 (Agriculture) to PUD (Planned Unit Development) and to add that acreage to a 29.85MOL-acre-PUD--parcel no. 16 33 25 0000 00120 0000 (to be known as **Ridge Estates**) 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 for the **Rezone** from the Planning/Zoning Board on Thursday, April 19, 2007, 8:35 A.M. or as soon thereafter.

Board was advised of a Public Workshop for LDRs discussions scheduled for Thursday, April 12, 2007, 6:00-8:00 P.M.

Board was reminded of the CONTINUANCE of its 04/05/07 "EAR"--Public Workshop to Thursday, April 26, 2007, 6:00 P.M.

Board was reminded of the next regular Planning/Zoning Meeting scheduled for Thursday, May 03, 2007, 6:00 P.M. Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida 33873.

Board was advised of a Public Hearing scheduled for Thursday, May 03, 2007, 6:30 P.M. to offer recommendation of approval of LDRs changes to the BCC under Ordinance No. 2007-__.

With no further business to come before by Board, upon MOTION by Barncord, second by Saunders the meeting was adjourned at 10:05 P.M. Motion carried unanimously.

B.J. Haney, Acting Recording Secretary

PLANNING AND ZONING BOARD
PUBLIC WORKSHOP
Evaluation and Appraisal Report (EAR)-Scoping Workshop and Issues
APRIL 05, 2007, 6:30 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, EXCUSED
Roger Conley, Chairman, present
Charles Nicholson, Vice Chairman, EXCUSED
Oscar Ortiz, EXCUSED
Carl Saunders, present
Vida Tomlinson, present
Max Ullrich, present
Tommie Underwood, EXCUSED

Staff

County Manager, Lex Albritton, present
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 Public Workshop to order at 6:45 P.M. A quorum was present.

Planner Haney advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on March 15 and March 22, 2007; Affidavit of Publication is on file.

Planning Director Staszko advised that the purpose of this workshop is to develop issues to evaluate how well the County's Comprehensive Plan addresses those issues, and provides a framework to amend the Comprehensive Plan to address those issues.

Staszko advised:

- there are four broad issues that were identified at the first public workshop: growth, mining, economic development and natural resources;
- additionally each broad issue contains elements of sub-issues to better frame the general issue;
- staff has proceeded to further vet the sub-issues into specific issue questions from which to further understand the board issues.

Frank Kirkland, 3846 Fussell Rd., Bowling Green, FL 33834 was sworn and distributed a handout to the Board identifying his concerns pertaining to the Development of Regional Impact application from Mosaic Fertilizer.

Kirkland was advised that his concerns are specific to an application that will come before this Board and discussion of those concerns are not appropriate to be presented to or discussed by this Board except at the advertised workshops for that application.

Staszko highlighted his Memo dated 03/30/07 with the attached Scoping Issues numbered:

1. Growth Management
 - A. Geographic location of growth
 - B. Density
 - C. Investment in Infrastructure
 - D. Mixture of Land Use/Development
2. Mining
 - A. Reclamation to Viable Land Uses

3. Economic Development
 - A. Industrial Development
 - B. Eco-tourism
 - C. Land Use and Economic Development
 - D. Education

4. Natural Resources
 - A. Peace River and Horse, Charlie and Payne Creek Protection
 - B. Water Conservation/Reuse
 - C. Wildlife Habitat and Corridors
 - D. Mapping and Resource Protection

Board Member Barncord requested that the County Attorney be present at these Workshops.

Consensus of Board was to CONTINUE the Public Workshop to allow additional time for review.

Upon MOTION by Board Member Tomlinson, second by Board Member Ullrich to CONTINUE the Public Workshop to a date certain being Thursday, April 26, 2007, 6:00 P.M. with the directive that although the Public Workshop was continued to a date certain and no public notice is required, Staff is directed to advertise Public Notice for that Public Workshop. Motion carried unanimously.

The Public Workshop was adjourned at 7:18 P.M. and the Board RECONVENED in Regular Meeting at 7:20 P.M.

B.J. Haney, Acting Recording Secretary