

PLANNING AND ZONING BOARD
REGULAR MEETING
JUNE 07, 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, present
Oscar Ortiz, present
Carl Saunders, excused
Vida Tomlinson, present
Max Ullrich, present
Tommie Underwood, absent

Staff

County Planning/Development Director
Nicholas Staszko, present
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 May 17 and May 24, 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 Chancey to approve Minutes of April 26, 2007 EAR Workshop as printed and mailed. Motion carried unanimously.

MOTION by Tomlinson, second by Board Member Chancey to approve Minutes of Planning and Zoning Board Regular Meeting of May 03, 2007 as printed and mailed. Motion carried unanimously.

MOTION by Tomlinson, second by Board Member Chancey to approve Minutes of May 10, 2007 LDRs Workshop as printed and mailed. Motion carried unanimously.

Agenda No. 07-42

Staszko advised of a request for approval of a **Temporary Special Use Permit** from Robert C./Grace P. Davis for the temporary location of a second dwelling in the form of a mobile home for use by the nephew to care for the elderly aunt and uncle on 1.43MOLacres zoned F-R (Farm-Residential) in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of Application for **Temporary Special Use Permit** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

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

It was stated that the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 21, 2007, 8:35 A.M. or as soon thereafter.

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

Applicant's Authorized Representative Mike Davis, 315 North Shelton Avenue, Wauchula, FL 33873 was sworn.

Chairman called for public input; none received.

Board reviewed request, and upon MOTION by Chancey, second by Tomlinson the Board voted to recommend approval to the Board of County Commissioners of the **Temporary Special Use Permit** from Robert C./Grace P. Davis for the temporary location of a second dwelling in the form of a mobile home for use by the nephew to care for the elderly aunt and uncle on 1.43MOLacres zoned F-R (Farm-Residential) in the Agriculture Future Land Use District, 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, June 21, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-43

Staszko advised of a request for approval of a **Site Development Plan** from David S. Conerly by and through the Authorized Representative for the expansion of the existing Conerly Tank and Welding business on 12.50MOL acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Chancey declared 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 the Application for **Site Development Plan** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

Staszko highlighted the Staff Report for the Amendment 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.

Applicant's Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, P.O. Box 352, Wauchula, FL 33873 was sworn.

Board inquired as to why this parcel needed a **Site Development Plan**. Staszko explained that although the property owner has his own agriculture activities he does agriculture-related projects for other people.

Board was directed to the **Site Development Plan** and shown the location of the proposed structure and advised that this is a preliminary plan; that actual construction plans will be in the building permit application packet.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Board Member Nicholson, second by Board Member Barncord voted to approve the request for a **Site Development Plan** for the expansion of the existing Conerly Tank and Welding business on 12.50MOL acres zoned A-1 (Agriculture) in the Agriculture Further Land Use District 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.

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Staszko advised that because of a need to attend to one of the animals at the COCC, Patti Ragan has requested Agenda No. 07-45 be heard later in the meeting. Board had no problem.

Agenda No. 07-44

Staszko advised of a request for approval of a **Site Development Plan** from Johnnie L. Richardson by and through the Authorized Representative to convert the commercial structure to operate a convenience store on .41MOL acres zoned C-2 (General Commercial) in the Town Center Future Land Use District.

Chancey declared 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 the Application for **Site Development Plan** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

Staszko highlighted the Staff Report for the Amendment 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.

Applicant's Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, P.O. Box 352, Wauchula, FL 33873 was sworn.

Dwayne Cummings, 1390 29th St., E, Palmetto, FL 34221 was sworn.

Board was advised:

- that even though Garrison St has been closed, the structure has been located very close to the West property line for many years;
- the structure was once was a neighborhood store and more recently an appliance store;
- the applicant wants to re-establish the neighborhood store.

Board inquired and Cummings reported the store will probably close about 10:00 p.m.

There was discussion concerning privacy for the neighbor to the West and the Board determined for the Applicant to install a 6 ft privacy fence along the West property line from the South end of the structure to the South property line; Dwayne Cummings agreed to install and to regular maintain the privacy fence.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Board Member Ullrich, second by Board Member Ortiz voted to approve the request for a **Site Development Plan** Representative to convert the commercial structure to operate a convenience store on .41MOL acres zoned C-2 (General Commercial) in the Town Center Future Land Use District based on staff's findings, conclusion, recommendation for approval and recommended conditions with the additional condition that a 6 ft privacy fence shall be installed along the West property line from the South end of the structure to the South property line and shall be regularly maintained by the property owner or his/her designee so as to remain functional, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Under Agenda No. 07-44 Staszko advised of a request for approval of a **Variance** from Johnnie L. Richardson by and through the Authorized Representative to reduce the Front property line setbacks from 50 ft to 20 ft, and to reduce the Rear property line setbacks from 15 ft to 02 ft for HARDEE COUNTY

a .41MOL-acre-lot-of-record, zoned C-2 (General Commercial) in the Town Center Future Land Use.

Chancey declared 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 the Application for **Variance** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

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

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

Applicant's Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, P.O. Box 352, Wauchula, FL 33873 was sworn.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Board Member Ullrich, second by Board Member Ortiz voted to recommend to the Board of County Commissioners to approve the request for a **Variance** to reduce the Front property line setbacks from 50 ft to 20 ft, and to reduce the Rear property line setbacks from 15 ft to 02 ft for a .41MOL-acre-lot-of-record, zoned C-2 (General Commercial) in the Town Center Future Land Use 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, June 21, 2007, 8:35 A.M. or as soon thereafter.

Chancey returned to the Board at 6:49 P.M.

Agenda No. 07-46

Staszko advised of a request from Torrey Oaks RV/Golf Resort LLC by and through the Authorized Representative for approval of a **Preliminary and Final Subdivision Plat** entitled **Torrey Oaks RV and Golf Resort S/D** on 19.55+/-acres zoned F-R (Farm-Residential) in the Residential 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 prior to the 06/07/07 meeting.

Stephen Southwell, 105 South 6th Avenue, Wauchula, FL 33873 was sworn.

Chairman expressed appreciation for the draft of the Homeowners' Association Declaration of Covenants, Conditions and Restrictions.

Staszko highlighted the Staff Report for the **Subdivision Plat** including the conclusion, recommendation for approval, and recommended conditions.

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

Board reviewed request and upon MOTION by Nicholson second by Tomlinson voted to recommend approval to the Board of County Commissioners for the request for a **Preliminary**
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and Final Subdivision Plat entitled **Torrey Oaks RV and Golf Resort Subdivision** on 19.55+/-acres zoned F-R (Farm-Residential) in the Residential Mixed Future Land Use District 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, June 21, 2007, 8:35 A.M. or as soon thereafter.

Agenda No. 07-45

Staszko advised of a request for approval of an **Amendment** to an approved with conditions **Site Development Plan** from COCC Inc./Center for Orangutan and Chimpanzee Conservation/Patricia Ragan by and through the Authorized Representative to add 5.0MOL acres to the conservatory to provide for existing and planned habitats, enclosures and structures for the care of orangutans and chimpanzees on 100MOL acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Chancey declared 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 the Application for **Amendment** to a **Site Development Plan** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

Staszko highlighted the Staff Report for the Amendment 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.

Applicant's Authorized Representative E. Donald Chancey, Jr., Chancey/Associates, P.O. Box 352, Wauchula, FL 33873 was sworn.

Patricia Ragan, 1018 Maude Rd., Wauchula, FL 33873 was sworn, and explained the Amendment is to provide for additional habitats as the resident great apes age and mature. The Amendment is not requested for additional habitats to enlarge the conservatory.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Ullrich, second by Barncord voted to approve the request for an Amendment to an approved **Site Development Plan** to add 5.0MOL acres of land to the conservatory and to provide a defining Plan to provide for existing and planned habitats, enclosures and structures for the care of orangutans and chimpanzees on 100MOL acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval and the recommended condition to read: "Applicant shall comply with all ULDC, County ordinances and any other relevant laws and rules. Constructions plans shall be substantially similar to the approved Site Development Plan or a review and hearing before the Planning and Zoning Board shall be required. Allocation of services shall occur at the time of construction plan approval. If no building permit is issued within ten years or no extension of approval is requested, this proposal shall become null and void and shall forfeit all service allocations received" and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Agenda No. 07-48

Staszko advised of a request from G&T Citrus Holdings LLC and T&G by and through the Authorized Representative for approval of a **Rezone** of 24.14MOL acres from F-R (Farm-Residential) to C-2 (General Commercial) for the development of commercial projects consistent with the Hardee County Unified Land Development Code and Comprehensive Plan in Highway Mixed Use Future Land Use District.

Chancey declared 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 the Application for **Rezone** containing the Staff Report including Standards of Review and Findings of Fact prior to the 06/07/07 meeting.

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

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

Applicant's Authorized Representative Mikell Thompson, P.O. Box 1017, Zolfo Springs, FL 33890 was sworn.

There was discussion concerning the ULDC's requirements in the rezoning application, and what is contained in this application. Board determined that before this item goes to the BCC that Chancey get with County Staff and prepare a more detailed plot/site plan.

Stephen Southwell encouraged the Board to loosen the requirement of engineered plans for a rezoning request.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Nicholson, second by Barncord voted to recommend to the Board of County Commissioners to approve the request for a **Rezone** of 24.14MOL acres from F-R to C-2 for the development of commercial projects consistent with the Hardee County Unified Land Development Code and Comprehensive Plan in Highway Mixed Use Future Land Use District. 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, June 21, 2007, 8:35 A.M. or as soon thereafter.

Chancey returned to the Board.

Board was reminded of the next regular Planning/Zoning Meeting scheduled for Thursday, July 12, 2007, 6:00 P.M. Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida 33873.

With no further business to come before by Board, upon MOTION by Nicholson, second by Ortiz the meeting was adjourned at 7:55 P.M. Motion carried unanimously.

B.J. Haney, Acting Recording Secretary