

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING
FEBRUARY 07, 2008, 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
Oscar Ortiz, present
Charles Parker, present
Carl Saunders, present
Mike S. Thompson, present
Vida Tomlinson, present
Max Ullrich, Vice Chairman, present

Staff

Planning/Development Director
Nicholas Staszko, present
BJ Haney, Planner II, present
County Attorney Ken Evers, present
County Manager, Lex Albritton, present
County Public Works Director
J.R. Prestridge, present

News Media Present

Chairman Conley called the Regular Meeting to order at 6:00 P.M. A quorum was present.

Board was advised that **Agenda No. 08-08** was advertised on December 13 and December 20, 2007 in *The Herald Advocate* for Public Hearing on January 03, 2008, and was not heard due to a request by the Applicant's Authorized Representative for a continuance. At that public hearing the Board honored the request and continued the Item to February 07, 2008; re-notice was not required.

Board was advised that additionally there were no other applications filed in the Planning/Development Department for public hearing by the P/D Board at the February 07, 2008 public hearing.

Planning Director Staszko advised that courtesy notices were mailed to adjoining property owners and all advertisements/public notices were properly posted (for hearing this item in January, 2008).

Chairman read the Planning and Zoning Board's General Rules of Procedure.

Notary Public Haney administered Oath to those wishing to offer testimony.

Audience was advised that if you wish to address the Board, hand your completed sign-in sheet to Mrs. Haney and speak directly into the floor microphone; comments from the audience seating cannot be recognized; one person at a time will be recognized for speaking.

Audience was advised that a three-minute time limit for speaking will be observed to give all those who wish to speak an opportunity.

MOTION by Board Member Chancey, second by Board Member Tomlinson to approve Minutes of January 03, 2008 Regular Meeting as printed and mailed. Motion carried unanimously.

MOTION by Tomlinson, second by Board Member Saunders to move the election of Chairman and Vice Chairman to the end of the public hearing. Motion carried unanimously.

Agenda No. 08-08—CONTINUED FROM 01/03/08

Staszko advised the request from Davis Enterprises Inc. by and through the Authorized Representative for approval of a **Site Development Plan** to locate a 150-worker farmworker housing complex on 40+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District; this request was continued from 01/03/08.

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 02/07/08 meeting/public hearing.

Chancey declared a Conflict of Interest stating he would participate in the discussion, would abstain from voting. Chancey signed a Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers, and Memo is on file with original Minutes.

Staszko highlighted the Staff Report including the Findings of Fact, Conclusion, Recommendation for approval, and Recommended Conditions. Staszko noted the Recommended Conditions numbered 1., 2., 3., 4., 4., 5., 6., 7., 8., 9., 10. and 11 should be renumbered 1., 2., 3., 4., 5., 6., 7., 8., 9., 10., 11., 12.

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

Applicant Joe L. Davis, Jr., P.O. Box 516, Wauchula, FL 33873 was sworn and addressed the Board introducing his father, Joe L. Davis, Sr., and Applicant's Authorized Representative, Kyle Harper, P.E., Harper Engineering, 5229 SR674, Wimauma, FL 33598.

Davis advised plans are to keep the grove for production and buffer except the center (approximately four acres) of the grove will be used for the farmworker housing complex.

Davis referred to the Staff Report and pointed out:

- farmworker housing is a permitted use in the Agricultural Future Land Use District and A-1-zoning district;

- farmworker housing is not permitted in R-1, R-2, R-3, C-1, C-2, I-1 or I-2-zoned districts;

- the A-1 zoning district is the only place for farmworker housing;

- Policy H1.4 of the County's "Comp Plan" requires County regulations to promote farmworker housing;

- Policy H1.6 continues that criteria for guiding the location and provision of farmworker housing shall be to permit farmworker housing in Agricultural areas; to grant density bonuses to encourage the provision of farmworker housing in Ag areas.

Davis pointed out no density bonuses are being requested.

Davis reiterated the four federal regulations agricultural employers must comply (on Page Three, Staff Report).

Davis described the interview process for H2-A worker applicants and noted that the H2-A program is regulated by the U.S. Department of State, U.S. Department of Justice, Immigration and Naturalization Service and U.S Department of Labor.

Davis noted the workers will be here for seven months (November through June), during the harvesting season of citrus only.

Davis advised that he is of the opinion the Recommended Conditions are rigorous and presented the Board with a replacement Condition No. 7. . . . Applicant shall notify the County Manager in writing 60 days prior to any proposed change in ownership and operation of the facility. Hardee County shall reserve the right to reevaluate the project should it be sold, or the operational entity changes, unless the sale or change in operation entity is to another entity controlled by the Joe L. Davis family.

Davis pointed out the structures will be no less than 500 ft from any property line with the structures to be located in the center of the 40 acres.

Davis advised that the Board should consider:

- consistency of the Site Development Plan with the "Comp Plan"

- consistency of the Site Development Plan with the ULDC;

- Staff's Report, Findings of Fact, Conclusion and Recommendation.

Davis reminded that the issue is not whether there should be farmworker housing on this site.

Davis distributed to the Board a copy of Section 381.00896--Nondiscrimination, The 2006 Florida Statutes and read paragraphs (1), (2), and (3).

Chairman called for public input.

Mike Carlton, P.O. Box 948153, Maitland, FL 33792 was sworn and advised of the needs for farmworker housing in Florida; urged approval.

Mike Sparks, Chief Executive Officer, Florida Citrus Mutual, 302 Massachusetts Avenue, Lakeland, FL was sworn and urged approval.

Barbara Carlton, Peace River Valley Growers Association, 10 East Oak St., Suite B, Arcadia, FL 34266 was sworn and urged approval.

Jesus Reyna, 701 South Florida Avenue, Wauchula, FL 33873 was sworn and identified his occupation as farm labor contractor. Reyna urged approval. Reyna was asked and he responded that Workers Compensation pays for the workers' doctor care for a job-related illness and transportation back home to Mexico, if required.

Jonathan O. Brown, 2000 N.E. Voss Oaks Circle, Arcadia, FL 34266 was sworn and urged denial.

Marty McKenna, 2551 Lakeview Drive, Sebring, FL 33870 was sworn and identified his occupation as a citrus grower. McKenna urged approval. McKenna was asked what is the impact on the County if the workers get sick. McKenna responded that the workers' health is screened during the application process, and should a visit to the doctor be needed, the employers pay for the visit and the medical costs.

Mary Jane Matheny, 4202 Sweetwater Rd., Zolfo Springs, FL 33890 was sworn and asked of McKenna what kind of control is exercised over them after work. McKenna responded the employer is required to provide transportation to town for groceries, toiletries and laundry needs. The workers play a lot of soccer and volleyball.

Royce M. Hefty of H2-A, USA, 5425 Elvis Presley Blvd., Memphis, TN 38116 was sworn and advised of the need for farmworker housing. Hefty urged approval.

Michael Scheipsmeier, 7053 George Marsh Road, Zolfo Springs, FL 33890 was sworn and advised the location is wrong for a residential rural community and asked the Board to research other alternatives. Scheipsmeier urged denial.

Will Waters, 4142 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and advised the location is not compatible with the surrounding area. Waters urged denial.

Laurie Johnson, 6581 Gordon Rd., Zolfo Springs, FL 33890 was sworn and urged denial.

Charles Matheny, 4202 Sweetwater Rd., Zolfo Springs, FL 33890 was sworn and advised he is opposed to the location; urged denial.

Scott Lee, 1212 Corvette Ave., Sebring, FL 33872 was sworn and advised that he owns property at 3747 Crewsville Rd., Zolfo Springs, FL. Lee urged denial. Lee asked of McKenna what happens when they escape. McKenna responded the workers are not prisoners . . . they are highly screened and are here for the employment opportunity.

Austin Bryant, 7665 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and advised he is opposed to the location; urged denial.

Ginnie White, 2110 Sweetwater Rd., Zolfo Springs, FL 33890 was sworn and advised she is opposed to the location; urged denial.

Clifford M. Ables, III, 8329 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and asked the Board to consider if the request complies with the County's "Comp Plan" and ULDC.

Mikey Colding, 6545 St Rd 66, Zolfo Springs, FL 33890 was sworn and advised he is opposed to the location; urged denial.

Donna Goodwin, 3545 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and advised she is opposed to the location; urged denial.

Nancy Craft, 3319 Sweetwater Rd., Zolfo Springs, FL 33890 was sworn and urged the Board to get more information and data before making a decision, and answer how this decision would affect all of Hardee County.

Carol Stone, 5091 Crewsville, Rd., Zolfo Springs, FL 33890 was sworn and urged the Board to study where else this type of housing could be located. Stone pointed out the Sweetwater Community should not have to tell the Board where this should be located. Stone urged denial of this location.

Royce Tyson, 5945 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and asked the Board if this would set a precedent for this type of housing in any A-1-zoned area? Tyson pointed out the "Comp Plan" should be corrected, changed and updated to ensure a precedent is not being set.

George Dysktra, 24324 Pimate Harbor Blvd., Punta Gorda, FL _____ was sworn and urged support.

Farrell Johnson, 6581 Gordon Rd., Zolfo Springs, FL 33890 was sworn and expressed concern about emergency response time when there is a problem. Johnson urged denial.

Arnold Lanier, 6775 Lanier Rd., Zolfo Springs, FL 33890 was sworn. Lanier was asked and responded as a Sheriff's Deputy pointing out that if a deputy was available, and depending on his/her location the response time could be between 20 and 30 minutes.

Board Member Ullrich asked and Lanier advised that the response time would be quicker if the request came from a closer location.

Mark Dixon, 111 Inglis Way, Wauchula, FL 33873 was sworn and identified his occupation as manager of Pine Cone MH Park. Dixon pointed out that security was his biggest problem at Pine Cone; and that if you need housing he presently has 20 empty trailers. Dixon noted there are three mobile home parks for sale in the County.

Tom Meier, 15420 S.W. 150 Terrace, Miami, FL 33187 was sworn and advised he owns the 60-acre-parcel adjacent to this site.

Judy Strickland, Box 430 East, Hwy. 70, Arcadia, FL _____ identified her occupation as the manager of the Sorrels Farmworker Housing Facility near Bunker in Northwest DeSoto County for eight years.

Strickland pointed out: never had enforcement problems; permitted for 441 residents; most sophisticated facility in the area; has water and sewer, regulated by OSHA/DEP/County/DOH; have never had worker problems; we have fathers and sons employed in addition to single males; they work and return home; personal sickness is dealt with by the DOH and/or Catholic Church Clinic the worker has to pay; on Sundays the workers play volleyball and/or soccer; we do not have problems; rooms are regularly evaluated for safety.

Adam MontsdeOca, (5095 Sweetwater Rd., Zolfo Springs, FL 33890) was sworn and inquired of Strickland if Sorrels employs all males; Strickland responded, yes.

Board looked at the Site Development Plan approval process outlined in the ULDC.

Ullrich pointed out that farmworker housing is considered as commercial for money.

Audience asked the Board to consider compatibility with surrounding residential use, drugs and alcohol use, activities for off-work days, does this project best benefit Hardee County, security and fighting, safety, three surrounding counties have turned down requests for farmworker housing, there is opposition to this site; criminality, life-style of the surrounding property owners and alternative locations.

As information Board RECESSED at 8:30 P.M.; RECONVENED at 8:40 P.M.

MOTION by Board Member Barncord, second by Ullrich to CONTINUE until P/Z has more information and has done research to look further into the housing and supervising of it, law enforcement checking on it etc.

Ullrich advised he is not going to make a decision tonight . . . the LDRs are messed up.

Staszko pointed out that the ULDC and the "Comp Plan" can be amended.

Chairman Conley advised that he uses the rules to guide his decisions.

Board Member Thompson pointed out that the Board is guided by the ULDC and has to decide whether this SDP is in compliance with the ULDC and the "Comp Plan".

Board asked the County Attorney for an opinion.

County Attorney Evers advised the Board:

- you have the application before you;
- what I am hearing is policy discussions;
- my opinion is that Board should act on this application
- there is a process to change this law;
- any citizen can submit an application for change the ULDC;
- the BCC can initiate "Comp Plan" or ULDC;
- what is being presented is whether this SDP meets the requirements of the ULDC and "Comp Plan".

Ullrich WITHDREW his second; MOTION died for lack of second.

MOTION by Ullrich to deny the request based on incompatibility. MOTION died for lack of second.

Evers advised the Board there is criteria in the ULDC for SDPs and compatibility is not one of the criteria. Evers pointed out there is a process for changing the rules.

MOTION by Thompson, second by Board Member Saunders to approve the request for approval of a Site Development Plan to locate a 150-worker farmworker housing complex on 40MOL acres 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.-12. inclusive with Recommended Condition No. 07. being replaced with the following language: "7.--Applicant shall notify the County Manager in writing 60 days prior to any proposed change in ownership and operation of the facility. Hardee County shall reserve the right to reevaluate the project should it be sold, or the operational entity changes, unless the sale or change in operational entity is to another entity controlled by the Joe L. Davis family."; and based on the testimony received and the evidence presented at the public hearing.

Roll Call Vote resulted:

Board Members Parker, Saunders, Thompson, and Tomlinson voted Yes;

Board Members: Barncord, Ullrich, Ortiz and Conley voted No.

Conley advised that his no vote was based on incompatibility.

MOTION by Ullrich, second by Ortiz to nominate Conley as Chairman.

MOTION by Saunders, second by Barncord to nominate Ullrich.

Ullrich withdrew his name.

Saunders WITHDREW his MOTION and Barncord WITHDREW his second.

MOTION by Ullrich, second by Ortiz to elect Conley as Chairman for the ensuing year. Motion carried unanimously. Conley accepted.

Consensus of Board for Ullrich to remain as Vice Chairman. Ullrich accepted.

Board was advised the BCC has approved the advertisement for Public Notice of a Joint Meeting with the P/Z and BCC for Thursday, April 17, 2008, 6:00 P.M. to hear an application for Major Special Exception and the Development of Regional Impact (DRI) application from Mosaic Fertilizer LLC for the South Ft. Meade Mine—Hardee County.

Board was requested to pick up the application binders from the P/D Department this next week.

Board was advised that the Central Florida Regional Planning Council's (CFRPC) meeting on this application will be held Wednesday, 02/13/07, 9:00 A.M. at the Hardee County Agri-Civic Center.

Board was reminded of the next regular Planning/Zoning Meeting/Public Hearing scheduled for Thursday, March 06, 2008, 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 Thompson, second by Ortiz the meeting/public hearing was adjourned at 9:40 P.M. Motion carried unanimously

B.J. Haney, Acting Recording Secretary