

PLANNING AND ZONING BOARD  
REGULAR MEETING/PUBLIC HEARING  
MAY 01, 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, absent

**Staff**

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.

Board was advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on April 10 and April 17, 2008 with Affidavit of Publication 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 Thompson, second by Board Member Tomlinson to approve Minutes of April 03, 2008 Regular Meeting as printed and mailed. Motion carried unanimously.

MOTION by Board Member Tomlinson, second by Board Member Thompson to approve Minutes of the April 17, 2008 Joint Meeting/Public Hearing with the Board of County Commissioners for Mosaic Fertilizer LLC's DRI and Major Special Exception as printed and mailed. Motion carried unanimously.

**Agenda No. 08-16**

Staszko advised of the request from Forestwood Design LLC by and through the Authorized Representative for approval of a **Site Development Plan** to construct/operate a warehouse and office for Forestwood Design on 3.52MOL acres zoned C/IBC (Commercial/Industrial Business Center) in the Highway Mixed Use Future Land Use District.

NOTE: The Public Notice for this Public Hearing advertised Agenda No. 08-16 as True Wood Cabinets, LLC. A letter dated 01/29/08 from the Florida Department of State, Division of Corporations advising of the name change from True Wood Cabinets, LLC to Forestwood Design, LLC was filed with the application for Site Development Plan.

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 05/01/08 meeting.

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.

Staszko advised the Applicant has submitted revised plans and staff's recommendation is for approval with no conditions.

Board inquired and Staszko advised there are plans to pave Gebhart Rd., but the paving is not included in the Five-year Plan

Applicant's Authorized Representative Steve Sloan, Pickett Engineering, Inc., P.O. Box 253, Bartow, FL 33831 was sworn; advised the project is planned for cabinet-making and the project will comply with height requirements for C/IBC-zoned districts.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Thompson, second by Board Member Barncord voted to approve the request for a **Site Development Plan** to construct/operate a warehouse and an office for Forestwood Design LLC on 3.52MOL acres zoned C/IBC (Commercial/Industrial Business Center) in the Highway Mixed Use Future Land Use District 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.

#### **Agenda No. 08-17**

Staszko advised of the request from Kush Hospitality LLC, by and through the Authorized Representative for approval of a **Site Development Plan** to expand the existing hotel by 15 rooms with associated required parking, drainage and utilities on 5.0MOL acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District. It was noted that the hotel plans to change the name to Holiday Inn Express.

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 05/01/08 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 Wanda Fabre, Commercial Development Solutions, Inc., 1118 South Florida Ave., Lakeland, FL 338903 was sworn.

Fabre reported that the requests have been submitted to Southwest Florida Water Management District (SWFWMD) and State of Florida, Department of Transportation (FDOT).

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Tomlinson, second by Board Member Ortiz voted to approve the request for a **Site Development Plan** to expand the existing hotel by 15 rooms with associated required parking, drainage and utilities on 5.0MOL acres zoned C-2 (General Commercial) in the Highway Mixed Use Future Land Use District 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.

#### **Agenda No. 08-20**

Staszko advised of the request from First Baptist Church of Bowling Green by and through the Authorized Representative for approval of a **Site Development Plan** to change the use of a former church facility for education/after-school daycare use on 2.07MOL acres zoned F-R (Farm-Residential) in the Highway Mixed Use Future Land Use District.

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 05/01/08 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 Charles Sanders, 4531 U.S. Highway 17 North, Bowling Green, FL 33834 was sworn and proposed school's administrator Brenda Braxton, 3950 Aurora Ave., Bowling Green, FL 33834 was sworn.

There was discussion regarding potable water and it was noted the water well is on site and will State of Florida, Department of Health regulations will apply.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Tomlinson, second by Board Member Chancey voted to approve the request for a **Site Development Plan** to change the use of a former church facility for education/after-school daycare use on 2.07MOL acres zoned F-R (Farm-Residential) in the Highway Mixed Use Future Land Use District 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.

#### **Agenda No. 08-18**

Staszko advised of the request from CF Industries Inc. and Clean Energy LLC by and through the Authorized Representative for a recommendation of approval of a **Major Special Exception** to construct/operate a simple/combine cycle electric power plant and **Variations** to wetlands setbacks and building height on 366MOL acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of the Application for **Major Special Exception** and **Variations** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 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 John Ellis, President/Manager, Clean Energy LLC, 1560 Gulf Blvd., #701, Clearwater, FL 33767 was sworn. Richard Zwolak, Director of Environmental Planning, Golder Associates, 5100 W. Lemon St., Suite 114, Tampa, FL 33609 was sworn.

There was discussion regarding emissions and pollution and the Board was advised that natural gas is the cleanest burning fossil fuel and Florida Department of Environmental Protection regulations will apply.

Board inquired and was advised that hopefully construction can commence in 2010 with on-line service in 2013.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Thompson, second by Board Member Saunders voted to recommend approval to the Board of County Commissioners for the **Major Special Exception** to construct/operate a simple/combine cycle electric power plant on 366MOL 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 numbered 1., 2., 3., and 4. Motion carried unanimously.

Board reviewed requests for **Variance** and upon MOTION by Tomlinson, second by Thompson voted to recommend approval to the BCC for the **Variance** requests to the wetlands setbacks and building height based on staff's findings, and conclusion and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

**It was noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, May 15, 2008, 8:35 A.M. or as soon thereafter.**

#### **Agenda No. 08-23**

Staszko advised of a request from the Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval of an **Amendment** to Table 2.29.02(B)--**Table of Land Uses** of the Hardee County Unified Land Development Code to permit all Commercial/Industrial Business Center-zoned land uses either by right or by approval of a Site Development Plan, Major Special Exception or Special Exception to be permitted by right as contained in **Ordinance No. 2008-15**.

Board and County Staff were provided with a copy of the Application for **Amendment to ULDC** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 meeting.

Applicant's Authorized Representative Nicholas Staszko, Hardee County Planning/Development Director, 110 South 9<sup>th</sup> Ave., Wauchula, FL 33873 was sworn.

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.

Board expressed a desire to continue the request and study the land uses.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Thompson, second by Chancey to CONTINUE this request until the July 10, 2008 P/Z Board Regular Meeting/Public Hearing. Motion carried unanimously.

#### **Agenda No. 08-12**

Staszko advised of the request from Elihoreph Ltd and William H. III/Carla A. Harlan by and through the Authorized Representative for a recommendation of approval of a **Large-Scale Amendment** to the **Comprehensive Plan Future Land Use Map** changing the Future Land Use designation of 134.07+/-acres from Agriculture to Highway Mixed Use as contained in **Ordinance No. 2008-09**.

Board and County Staff were provided with a copy of the Application for **Large-Scale "Comp Plan" FLUMap Amendment** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 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.

Applicants' Authorized Representative, Bryan Hunter for Ten Fold Talents, LLC, Hunter Engineering Inc., P.O. Box 1879, Winter Haven, FL 33882 was sworn.

There was discussion and Hunter stated that the revenue from the sale of lots will help with the costs of potable water.

It was noted that although there has been some rezoning of these lands, an Amendment to the FLU Map had not been filed until now.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Chancey, second by Tomlinson voted to recommend approval to the Board of County Commissioners for the **Large-Scale Amendment** to the **Comprehensive Plan Future Land Use Map** changing the Future Land Use designation of 134.07+/-acres from Agriculture to Highway Mixed Use as contained in **Ordinance No. 2008-09** 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 noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

BOARD RECESSED 7:40 P.M.; RECONVENED AT 7:44 P.M.

#### **Agenda No. 08-17**

Staszko advised of the request from Crews Groves, Inc., C. Elton Crews Family Partnership LLLP and Willard Kelly, Jr./Elizabeth A. Durrance by and through the Authorized Representative for a recommendation of approval of a **Large-Scale Amendment** to the **Comprehensive Plan Future Land Use Map** changing the Future Land Use designation of 368.2+/-acres from Agriculture to Residential Mixed Use as contained in **Ordinance No. 2008-10**.

Board and County Staff were provided with a copy of the Application for **Large-Scale "Comp Plan" FLU Map Amendment** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 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.

Applicants' Authorized Representative, Brady Woods, Powell, Fragala and Associates, P.O. Box 6467, Lakeland, FL 33807 was sworn and advised that the Applicant acquired an additional 4.0 acres (Parcel I.D. No. 02 34 26 0000 06510 0000) after the application was filed; Applicant is respectfully requesting the 4.0 acres be added to the application.

Board had no problems with the addition of the 4.0 acres.

Chairman called for public input.

Adam Bunch, advised he owns property North and East of this project and is watching its progress.

Board reviewed request and upon MOTION by Chancey, second by Thompson voted to recommend approval to the Board of County Commissioners for the **Large-Scale Amendment** to the **Comprehensive Plan Future Land Use Map** changing the Future Land Use designation of 372.8+/-acres from Agriculture to Residential Mixed Use as contained in **Ordinance No. 2008-10** 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 noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

#### **Agenda No. 08-21**

Staszko advised of the request from Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval of a **Large-Scale Text Amendment** to the **Comprehensive Plan** amending the **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element**, and the **Conservation Element** to include a **10-Year Water Supply Plan** as contained in **Ordinance No. 2008-13**.

Board and County Staff were provided with a copy of the Application for **Large-Scale "Comp Plan" Text Amendment** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 meeting.

Applicants' Authorized Representative, Nicholas Staszko, Hardee County Planning Director, 110 South 9<sup>th</sup> Avenue, Wauchula, FL 33873 was sworn.

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.

Staszko noted that this is a requirement of Senate Bill 360.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Thompson, second by Saunders voted to recommend approval to the Board of County Commissioners for the **Large-Scale Text Amendment** to the **Comprehensive Plan** amending the **Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Recharge Element**, and the **Conservation Element** to include a **10-Year Water Supply Plan** as contained in **Ordinance No. 2008-13** 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 noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

#### **Agenda No. 08-22**

Staszko advised of the request from Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval of a **Large-Scale Text Amendment** to the **Comprehensive Plan** amending **Policy L1.12** and **Policy C2.4** to establish a Variance procedure allowing the BCC to consider exceptions to density and setback requirements established in the Plan policies along the Peace River, Horse Creek, Charlie Creek and Payne Creek as contained in **Ordinance No. 2008-14**.

Board and County Staff were provided with a copy of the Application for "**Comp Plan**" **Text Amendment** containing the Staff Report including Standards of Review and Findings of Fact prior to the 05/01/08 meeting.

Applicants' Authorized Representative, Nicholas Staszko, Hardee County Planning Director, 110 South 9<sup>th</sup> Avenue, Wauchula, FL 33873 was sworn.

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.

Staszko explained this Amendment will allow the BCC to grant variances to the density and setback requirements for such lots of record thereby permitting property owners to qualify for a building permit for a single-family residence.

Chairman called for public input.

Staszko stated that the property owner would be required to provide a conservation easement.

Richard Purdy, (2110 Biscayne Dr., Winter Park, FL 32789) was sworn and advised that he was willing to provide a conservation easement . . . . whatever it takes for me to get a building permits. (Purdy owns property at 4403 Solomon Rd., Hardee County).

Board reviewed request and upon MOTION by Chancey, second by Thompson voted to recommend approval to the Board of County Commissioners for the **Large-Scale Text Amendment** to the **Comprehensive Plan** amending **Policy L1.12** and **Policy C2.4** to establish a Variance procedure allowing the BCC to consider exceptions to density and setback requirements established in the Plan policies along the Peace River, Horse Creek, Charlie Creek and Payne Creek as contained in **Ordinance No. 2008-14** 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 noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

Board RECESSED 8:50 P.M.; RECONVENED at 8:54 P.M.

#### **Agenda No. 08-24**

Staszko advised of the request for a recommendation of approval of the **Evaluation and Appraisal Report** and authorizing transmittal of same to the Department of Community Affairs and Review Agencies in Accordance with the Procedures Set Forth in Chapter 163, FLORIDA STATUTES, as contained in **Ordinance No. 2008-15**.

Board and County Staff were provided with a copy of the EAR containing the draft Ordinance and Staff Report including Findings and Recommendation for Approval prior to the 05/01/08 meeting.

Applicant's Authorized Representative, Stephanie Striffle, Kimley-Horn and Associates was sworn and explained the definition of work-force.

Staszko noted that the EAR identified the major issues for Hardee County in as Growth Management, Mining, Economic Development and Natural Resources.

Staszko highlighted the Staff Report including the Summary of Analysis and Recommendation finding the EAR consistent with Chapter 163, F.S., as amended, Rule 9J-5, FLORIDA ADMINISTRATIVE CODE, as amended, the Central Florida Strategic Regional Policy Plan and the State Comprehensive Plan.

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 discussed the EAR and upon MOTION by Chancey second by Tomlinson voted to recommend approval to the Board of County Commissioners for the EAR finding that it is consistent with Chapter 163, F.S., as amended, Rule 9J-5, F.A.C., as amended, the Central Florida Strategic Regional Policy Plan and the State Comprehensive Plan as contained in **Ordinance No. 2008-15** 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 noted the BCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 19, 2008, 8:35 A.M. or as soon thereafter.**

Chancey stepped down from the Board, and signed a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (original on file).

Under Other Business Chancey requested a clarification of Condition 3.(b) in the Recorded Record of Decision for Bouldin Holdings 2 Inc.

Chancey presented a sketch of the buffering.

MOTION by Thompson, second by Ortiz to clarify Condition 3.(b) of the Record of Decision to read: along the remaining northern dimension up to the job in the property proceeding to the south, the 10-foot setback with chain link fencing shall be permitted. Motion carried unanimously.

Board was reminded of the Joint Public Hearing with the BCC on Thursday, May 08, 2008, 6:00 P.M. for the 2007-2008 CF Industries Inc. Annual Report and Unit Review. The public hearing will also consider a request for a Notice of Proposed Change to the Development Order from CF Industries.

Board was advised that the BCC has scheduled a workshop for Farmworker Housing on Thursday, May 22, 2008, 6:00 P.M.

Board was reminded the next regular Planning/Zoning Meeting/Public Hearing scheduled for Thursday, June 05, 2008, 6:00 P.M. has a large agenda, and the Board has a Joint Meeting/Public Hearing with the Board of County Commissioners that was CONTINUED from April 28, 2008 to offer a recommendation to the BCC of the application from Mosaic Fertilizer LLC for a Major Special Exception, application for development approval for the DRI, approval of the Master Mining and Reclamation Plan and Unit Plan, and acceptance of the letter of Financial Responsibility.

Regular Meetings/Public Hearings to be held in the Hardee County Board of County Commissioners Board Room, 412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, Florida.

With no further business to come before by Board, upon MOTION by Thompson, second by Board Member Parker the regular meeting/public hearing was adjourned at 9:22 P.M. Motion carried unanimously