

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING
JULY 10, 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, absent
Don Chancey, present
Roger Conley, Chairman, present
Oscar Ortiz, absent
Charles Parker, present
Carl Saunders, excused
Mike S. Thompson, present
Vida Tomlinson, present
Max Ullrich, Vice Chairman, excused

Staff

Planning/Development Director
Nicholas Staszko, present
BJ Haney, Planner II, present

No News Media Identified

At 6:00 P.M. the Board did not have a quorum. Chairman Conley called the Regular Meeting to order at 6:20 P.M. A quorum was present.

Board was advised the Public Notice for the Regular Meeting was published in The Herald-Advocate on June 19 and June 26, 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 Chancey, second by Board Member Tomlinson to approve Minutes of June 05, 2008 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

MOTION by Board Member Thompson, second by Board Member Parker to approve Minutes of the June 30, 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.

Board was requested to Amend the Agenda to include approval of the June 05, 2008 Joint Meeting/Public Hearing with BCC to Mosaic Fertilizer LLC's DRI and Major Special Exception. MOTION by Chancey, second by Tomlinson to approve Minutes of the June 05, 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.

Board reviewed the agenda and determined the order to be: Agenda No. 08-26; Agenda No. 08-27, Agenda No. 08-23.

Agenda No. 08-26

Staszko advised of the request from WI-1 LLC and Amelia Smith by and through the Authorized representative for approval of a **Site Development Plan** to develop **Torrey Groves** on parcels totaling 105.08+/-acres to include 164 3,000-sq-ft duplexes, 277 4,000-sq-ft single-family dwellings and 85 5,000-sq-ft single-family dwellings on parcels zoned PUD (Planned Unit Development) in the Highway Mixed Use Future Land Use District with an 80 ft right-of-way being proposed along the south property line of South Florida Community College (16 33 25 0000 03400 0000) from US Hwy. 17 to the East to the WL-1 LLC and Smith parcels proposing to be an extension of Bostick Rd.

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 07/10/08 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 that the Board heard detailed analysis in the Planned Unit Development zoning action; the Site Construction Plans will be approved administratively if they are not substantially dissimilar to the Site Development Plan; the subdivision plat for **Torrey Groves** will be brought before the Board for a recommendation of approval.

Board inquired and Staszko noted that Southwest Florida Water Management District (SWFWMD) will permit the stormwater system.

Staszko pointed out the street names on the **Site Development Plan** are placemarkers; Applicants will confer with Hardee County E-911 staff to coordinate street names and when the signed and sealed **Site Development Plan** is submitted the street names will be finalized.

Applicants' Authorized Representatives were sworn.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Thompson, second by Chancey voted to approve the request for a **Site Development Plan** to develop **Torrey Groves** on parcels totaling 105.08+/-acres to include 164 3,000-sq-ft duplexes, 277 4,000-sq-ft single-family dwellings and 85 5,000-sq-ft single-family dwellings on parcels zoned PUD (Planned Unit Development) in the Highway Mixed Use Future Land Use District with an 80 ft right-of-way being proposed along the south property line of South Florida Community College (16 33 25 0000 03400 0000) from US Hwy. 17 to the East to the WL-1 LLC and Smith parcels proposing to be an extension of Bostick Rd. ensuring the street names are coordinated with the Hardee County E-911 staff 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.

Agenda No. 08-27

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 the Hardee County Unified Land Development Code:

Amending Table 2.29.02(B)--**Table of Land Uses**;

Amending Section 3.16.00—Development Standards for Uses Requiring a Site Development Plan;

Amending Section 3.16.01;

Amending Section 3.16.01.01;

Adding Section 3.16.01.02 and Section 3.16.01.03;

Amending Section 7.06.03—Site Development Plans adding Farmworker Housing;

Amending Article 9--Definitions

as contained in **Ordinance No. 2008-20**.

Board and County Staff were provided with a copy of the Application for **Amendment to ULDC** containing the draft copy of the proposed Ordinance prior to the 07/10/08 meeting.

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

Staszko highlighted the proposed Ordinance and the contents of his Memo to the Board dated July 08, 2008. (Copy of Memo on file).

The memo cited recommendations, to-wit:

Proposed Change to revise Table 2.29.02(B) to either create a separate heading or footnote Farmworker Housing to refer to Section 3.16.00 Development Standards for Uses Requiring a Site Development Plan.

Board recommended to create:

a category for Farmworker Housing separate from the Single-Family, Detached category.

Proposed Change to Section 3.16.01.01(A)(03) Housing areas as measured from property line to property line, shall not be closer than five miles between each other.

Board recommended for Section 3.16.01.01(A)(03) to read:

Housing areas as measured from property line to property line shall not be closer than five miles between each other. The Board of County Commissioners may grant a variance from this distance requirement pursuant to the review criteria set forth in Section 7.12.00 of this Code.

Proposed Change to Section 3.16.01.01(C)—Last Paragraph -- Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

Board recommended for Section 3.16.01.01(C) --Last Paragraph to read:

Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

Board reviewed proposed amendment to Section 3.16.00—Development Standards for Uses Requiring a Site Development Plan

and recommended acceptable as written.

Mike Carlton, Maitland, FL was sworn and requested the Board add a definition for Other Fruits, and a definition for Berries.

Board reviewed proposed amendment to Article 9—Definitions.

Board recommended to add

a definition for Other Fruits and
a definition for Berries;

Board recommended for *Farmworker Housing, Resident* to read:

One- and two-family dwellings on farms/dairies/ranches made available to farmworkers at no charge to the farmworkers.

Jay Clark, 117 North Illinois Avenue, Wauchula, FL 33873 was sworn and urged the Board to consider that if a landowner has other lands that are a part of the farm/ranch/grove operation that those other lands be allowed to apply for farmworker housing.

Clark also urged the Board to consider allowing two-story structures for farmworker housing.

Board reviewed proposed amendment to Section 3.16.01—*Farmworker Housing*.

Board recommended for paragraph to read:

Recognizing that differences in employment patterns exist between citrus operations, dairy/ranch operations and truck farming, different types of housing to accommodate the different operations and industries which are most suitable to their operations is necessary. And, since the intent of creating farmworker housing is for farm labor on Hardee County farms, farmworkers housed in farmworker housing shall be substantially employed within Hardee County substantially employed as referenced herein shall mean that not less than 51 percent of the industry standard measure of production shall be in Hardee County.

Board recommended to add in this section:

language to state that if a grove/farm/ranch/dairy-owner owns other lands which are an integral part of the operation those other lands would be eligible to locate farmworker housing, group quarters.

There was discussion whether you needed to own a grove/ranch or farm to be eligible to apply for farmworker housing, group quarters.

Staszko advised that the intent of the ordinance is that you own a grove/farm/ranch or dairy to be eligible to apply for farmworker housing, group quarters and the language in the ordinance will be strengthened to address that.

Chancey requested the ownership be of a substantial-sized grove/farm/ranch/dairy.

Board reviewed Section 3.16.01.01—*General Standards*.

3.16.01.01.01—*Farmworker Housing, Group Quarters*

and recommended (A) is acceptable as written;

and recommended for (A)(01) to read:

The minimum lot/parcel size shall be 40 acres with a maximum population of 150 persons; the maximum size shall not exceed 100 acres with a maximum population of 375 persons

and recommended (A)(02) is acceptable as written;

and recommended for (A)(03) to read:

Housing areas as measured from property line to property line shall not be located closer than five miles between each other. The Board of County Commissioners may grant a variance from this distance requirement pursuant to the review criteria set forth in Section 7.12.00 of this Code;

and recommended (B)(01) is acceptable as written;

and recommended for (B)(02) to read:

Property shall be limited to one-story structure. The Board of County Commissioners may grant a variance from this height requirement pursuant to the review criteria set forth in Section 7.12.00 of this Code;

and recommend (B)(03) is acceptable as written;

and recommended (C)(01) is acceptable as written;

and recommended (C)(01)—Last Paragraph to read:

Nothing herein shall prohibit the Planning and Zoning Board from requiring appropriate conditions when considering approval of a Site Development Plan beyond the requirements set forth herein due to unique site-specific conditions.

Board reviewed proposed addition of Section 3.16.01.02—*Farmworker Housing, Resident* and recommended the section is acceptable as written.

Board reviewed proposed addition of Section 3.16.01.03—*Farmworker Housing, Migrant* and recommended the section is acceptable as written.

Joe Wright, V&W Farms, P.O. Box 1057, Avon Park, FL 33826 (8798 Hwy 64 E, Zolfo Springs, FL) was sworn and discussed why the need to add the dairy industry to the farmworker housing ordinance.

Wright noted that if he needed to build another house for a dairy employee, he should not to go through the provisions of this ordinance.

Wright advised his dairy milks 22 hours/day; his employees are year-round; and are on-call. The dairy farm needs its employees nearby not miles away. Wright also stated there is no need for multiple agencies to inspect the dwellings.

Nancy Craft, 3319 Sweetwater Rd., Zolfo Springs, FL 33890 was sworn and inquired why add dairies to the ordinance; they have operated well these many years.

Craft expressed concern that the proposed ordinance would hurt agriculture; no way to monitor what is in the ordinance; dairies/feedlots come under the provisions of a Special Exception; opening the door for out of county agents to locate their farmworker housing here; all farmworker housing should be required to get Special Exception approval.

Board reviewed proposed amendment to Section 7.06.03—*Site Development Plans* and recommended to add Farmworker Housing to the section.

Staszko pointed out that a lot of the language contained in the proposed ordinance was written based on BCC recommendations.

Staszko noted that the BCC had given directions that staff bring a recommendation from this meeting to the BCC on 07/17/08.

Cynthia Krahl, 6689 Crewsville Rd., Zolfo Springs, FL 33890 was sworn. Krahl's written statement was distributed to the Board. Krahl read a prepared statement into the record. (Copy on file).

Krahl stated that the H2-A guestworker program was the reason for the ordinance and it was never referenced in the ordinance; the program has been around for at least 22 years and by comparison a six-month moratorium on accepting farmworker housing applications is insignificant; no good-faith effort or dialogue has taken place in this hastily-composed ordinance; Hardee, as a strong agricultural county has opportunity to be a leader in the drafting of a farmworker housing policy.

Melanie Burns, Florida Citrus Mutual, Lakeland, FL was sworn. Burns stated that she was present at some of the meetings and assured the Board that some of the suggestions came from the ag industry and not specifically from private industry.

There was discussion regarding the number of vehicles that could be using Hardee County roads from a 150-farmworker housing complex.

Michael Keiber, representing Davis Enterprises noted that the grove owner provides transportation for the farmworkers the transportation element is a creature of the H2-A Housing Program.

There was discussion regarding how to determine if 51% of the farmworkers' production is from Hardee County.

Joe Davis Sr., P.O. Box 1149, Wauchula, FL 33873 was sworn and advised that every load of fruit is documented and accounted for.

Thompson requested Staff add the P/Z Board's suggestions to the ordinance and send a clean copy to the P/Z Board for review prior to sending to the BCC.

Board reviewed requests and upon MOTION by Thompson second by Chancey voted to recommend approval to the Board of County Commissioners of the request for an **Amendment** to the Hardee County Unified Land Development Code

Amending Table 2.29.02(B)--**Table of Land Uses**;

Amending Section 3.16.00—Development Standards for Uses Requiring a Site Development Plan;

Amending Section 3.16.01;

Amending Section 3.16.01.01;

Adding Section 3.16.01.02 and Section 3.16.01.03;

Amending Section 7.06.03—Site Development Plans adding Farmworker Housing;

Amending Article 9--Definitions

as contained in **Ordinance No. 2008-20** including the recommendations presented at this public hearing based on staff's recommendations 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, July 17, 2008, 8:35 A.M. or as soon thereafter.

Agenda No. 08-23—CONTINUED from 05/01/08

MOTION by Thompson, second by Chancey voted to CONTINUE to Thursday, September 04, 2008 meeting the request for 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 to be permitted by right as contained in **Ordinance No. 2008-16**. Motion carried unanimously.

There was a brief discussion over the need to contact board members about the requirement of a quorum at P/Z meetings.

Staszko was requested to send a letter to Board members.

The Board was urged to talk to the community to secure some names for possible appointments to the P/Z Board.

Board was reminded:

JOINT PUBLIC HEARING WITH BCC—Continuing MOSIAC FERTILIZER LLC DRI, Development Order, Major Special Exception, Master Mining and Reclamation Plan and Unit Plan and First Public Hearing for the Development Agreement
Thursday, August 07, 2008, 6:00 P.M.;

Next REGULAR P/Z MEETING/PUBLIC HEARING
Thursday, August 14, 2008, 6:00 P.M.;

JOINT PUBLIC HEARING WITH BCC—Continuing MOSIAC FERTILIZER LLC DRI, Development Order, Major Special Exception, Master Mining and Reclamation Plan and Unit Plan and Second Public Hearing for the Development Agreement
Thursday, August 21, 2008, 6:00 P.M.

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 Chancey the regular meeting/public hearing was adjourned at 9:00 P.M. Motion carried unanimously

B.J. Haney, Acting Recording Secretary