

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING
SEPTEMBER 04, 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, excused

Staff

Planning/Development Director
Nicholas Staszko, excused
County Attorney Ken Evers, present
County Manager, Lex Albritton, present
County Projects Director Doug Knight, 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 August 21 and August 28, 2008 with Affidavit of Publication on file.

Planner Haney 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.

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

MOTION by Board Member Tomlinson second by Board Member Parker to approve Minutes of July 10, 2008 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

MOTION by Board Member Thompson second by Tomlinson to approve Minutes of the August 07, 2008 Continued Joint Meeting/Public Hearing with the Board of County Commissioners for Mosaic Fertilizer LLC's DRI/DO/Major Special Exception AND Minutes of the August 07, 2008 Joint Public Hearing with the BCC for Mosaic Fertilizer LLC's Development Agreement as printed and mailed. Motion carried unanimously.

There were no items for an August, 2008 P/Z Regular Meeting.

Agenda No. 08-30

Chairman advised of the request from Donald T. Davis Family Limited Partnership by and through the Authorized Representative for approval of a **Special Exception** to construct/operate a 195-ft monopole wireless communication tower and to locate associated equipment shelters on a 10,000+/-sq-ft area of a 159.27+/-acre parcel zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of the Application for **Special Exception** containing the Staff Report including Standards of Review and Findings of Fact prior to the 07/10/08 meeting.

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

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

Applicant's Authorized Representative, Myron Lewis, FMHC Corp., 615 Iron City Dr., Suite 100, Pittsburgh, PA 15205 was sworn.

Lewis advised that the:

- nearest residence is approximately 5,000 ft away;
- property is zoned A-1;
- tower will offer space to additional carriers;
- applicant will provide the Alltel FCC license prior to the BCC public hearing;
- transmission is line of sight . . . probably three to six miles.

Lewis advised that the applicant will supply the engineer's statement that the tower is designed to collapse within the boundaries of the property on which it is built.

(Application for Special Exception stated that the NEPA, Phase I, Geotechnical Reports have been ordered, but were not complete as of the date of filing the application (08/01/08)).

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Board Member Chancey, second by Thompson voted to recommend approval to the Board of County Commissioners of the request for a **Special Exception** to construct/operate a 195-ft monopole wireless communication tower and to locate associated equipment shelters on a 10,000+/-sq-ft area of a 159.27+/-acre parcel zoned A-1 (Agriculture) 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.

BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, September 25, 2008, 8:35 A.M. or as soon thereafter.

Agenda No. 08-28

Chairman advised of a request from Davis Enterprises, Inc. by and through the Authorized Representative for approval of a **Site Development Plan** to construct/operate a 150-worker farmworker housing complex on 40+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Board Member Chancey declared a Conflict of Interest and signed a Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers, and Memo is on file with original Minutes.

Board and County Staff were provided with a copy of the Application for **Special Exception** containing the Staff Report including Standards of Review and Findings of Fact prior to the 07/10/08 meeting.

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

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

Applicant's Authorized Representatives Joe L. Davis Jr., 322 Manley Rd., Wauchula, FL 33873, and Attorney Cliff Rhodes, (One E. Main St., Avon Park, FL 33825) were sworn.

Davis pointed out there have been discussions with the County's road department regarding the culvert and ingress/egress to the parcel, and that County's road department is satisfied with the plans. Davis noted that the neighboring property owner to the West will still be able to use the existing driveway to her property.

There was discussion regarding landscaping and buffering should the grove die or be pushed up.

Board Member Barncord inquired regarding Condition No. 07 and was advised that the Applicant shall advise the County if there is a proposed change in ownership of the farmworker housing facility, if the operational entity changes to an entity not controlled by the Joe L. Davis family.

Saunders asked and Rhoades advised there have been no changes since the first application was filed.

Saunders advised that since there have been no changes to the "Comp Plan" offered an apology to the applicant for the need to refile.

Chairman called for public input.

Monte Goodwin, 3545 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and advised:

This facility is being considered ahead of the existing Crewsville community;
my residence is 1300 ft from the proposed facility;
will cut my property values;
I represent the people in Crewsville, the neighbors who share my concerns;
this Board has heard the concerns before: loss of privacy, response time from the
Sheriff's office in an emergency, turning our lives upside down, worries for safety;
buffer will not contain 150 men;
there will be wandering of the road.

Goodwin implored the Board to be conscious of what is being proposed and how it will affect the Crewsville community, and to consider alternative location.

Thompson pointed out although there have been no changes to the Comprehensive Plan since the filing of the first farmworker housing application for Site Development Plan approval, substantial changes to the County's Land Development Regulations have been effected after hours of hard work and diligent consideration for farmworker housing needs.

Rhodes requested that the application, all supporting and supplemental documents, and County's staff report be entered into the record; the Board accepted.

Board reviewed request and upon MOTION by Thompson, second by Board Member Parker voted to approve the request for a **Site Development Plan** to construct/operate a 150-worker farmworker housing complex on 40+/- acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval, and recommended conditions with the added condition that when the surrounding citrus grove no longer provides visual screening/landscaping and buffering for the farmworker housing facility from adjacent lands, applicant will install and maintain a reasonable and appropriate buffering and screening in compliance with County's landscaping/buffering regulations, and with the directive that the "existing driveway" and two "CMPs" as shown on Figure 5 of the Staff Report that the Applicant has agreed not to remove shall not be removed, and based on the testimony received and the evidence presented at the public hearing. Motion carried with Barncord voting NO.

Chancey returned to the Board for purposes of discussion and vote.

Agenda No. 08-23—CONTINUED from 07/10/08

Board was advised this item was first presented to the Board on 05/01/08. Board expressed a desire for more time to review and discuss; item was continued to 07/10/08. The 07/10/08 was a lengthy meeting; Board determined for additional time for discussion and consideration; item was continued to 09/04/08.

Board determined its desire is not to make a great change (in the Table of Land Uses in the C/IBC-zoning district) until additional review and discussion with the Planning/Development Director.

MOTION by Thompson, second by Tomlinson to TABLE until readvertised for public hearing. Motion carried unanimously.

Board was reminded of next Regular Meeting/Public Hearing scheduled for Thursday, October 02, 2008, 6:00 P.M.;

With no further business to come before by Board, upon MOTION by Chancey, second by Thompson the regular meeting/public hearing was adjourned at 7:07 P.M. Motion carried unanimously

B.J. Haney, Acting Recording Secretary