

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING
April 02, 2009, 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

Ralph Arce, absent
James Barncord, present
Roger Conley, present
Gordon Norris, Vice Chairman present
Oscar Ortiz, excused
Charles Parker, present
Carl Saunders, absent
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

Staff

Doug Knight, County Project Manager, present
BJ Haney, Planner II, present

No News Media Identified

Chairman Thompson called the Regular Meeting to order at 6:00 P.M.; a quorum was present.

Those in attendance pledged allegiance to the American Flag; Board Member Conley offered a prayer of guidance for the meeting.

Board was advised the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on March 19, and March 26, 2009 with Affidavit of Publication on file.

Project Manager Knight advised that all advertisements/public notices were properly posted.

Chairman read the Planning and Zoning Board's General Rules of Procedure located on Page Three of the Board's Agenda.

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

MOTION by Board Member Norris, second by Board Member Conley to approve Minutes of March 05, 2009 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 09-07

Knight advised of the request from Peace River Investments of Wauchula LLC by and through the Authorized Representative for approval of a **Rezone** of 73+/-acres from A-1 (Agriculture) to 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 **Rezone** containing the Staff Report including the Staff's Findings, Conclusion and Recommendation prior to the 04/02/09 public hearing.

Knight highlighted the Staff Report identifying the rezoning requirements and the provisions of Section 7.04.01, 7.04.02(A)-(H), ULDC as contained in the Staff Report.

Haney noted a correction to the Staff Report, Page 01 should show D. Wayne Arnold as the Authorized Representative and not the Property Owner.

Staff's findings and the balance of the Staff Report were entered into the record as evidence; no were objections presented.

Applicant's Authorized Representative D. Wayne Arnold, AICP, 3800 Via Del Rey, Bonita Springs, FL 34134 was sworn, Mike Dallett, Project Engineer and Rick Mercer representing the Property Owner were sworn.

Arnold highlighted the request and distributed a copy of the County's zoning map to the Board identifying the zoning of the subject property and the zoning of the surrounding properties, and noted the request is consistent with the County's Comprehensive Plan and Unified Land Development Code.

Norris inquired and Arnold advised access to the 73+/-acre-parcel is planned via property owner's contiguous property that is adjacent to Highway 17.

The Board was advised that the FLUMap (Future Land Use Map) designation for Ten-Fold Talents lands to the West of this property, has been changed from Agriculture to Highway Mixed Use.

There was discussion regarding the floodway of the Peace River and the Board was advised that Applicant is not seeking a Variance to the setbacks to the river.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Norris, second by Conley voted to recommend to the Board of County Commissioners to approve the request for a **Rezone** of 73+/-acres from A-1 (Agriculture) to F-R (Farm-Residential) in the Highway Mixed Use Future Land Use District based on staff's findings, conclusion, recommendation for approval, 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, April 16, 2009, 8:35 A.M. or as soon thereafter.

Agenda No. 09-08

Knight advised of the request from Richard P./Thaia L. Purdy for approval of a **Variance** to the setbacks of Horse Creek for the development of a single-family dwelling on 5.0+/-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 **Variance** containing the Staff Report including the Staff's Findings, Conclusion and Recommendation prior to the 04/02/09 public hearing.

Applicant Richard Purdy, 2110 Biscayne Drive, Winter Park, FL 32789 was sworn.

Knight entered the Staff's findings into the record as evidence; and entered the balance of the Staff Report into the record as evidence; no objections were presented.

Knight noted there is no floodway established for Horse Creek; Applicants' lot of record cannot meet the 500 ft required setback from the Creek; **Ordinance 2008-14** provides for a Variance mechanism to the required setbacks from the Creek; property owner will still have to comply with minimum property line setbacks and the required setbacks from the identified wetlands.

Norris advised that these lots along Solomon Rd. were created before 1996; property owner purchased this land some time ago; was issued a septic tank permit by the Department of Health; septic tank has been installed, and has been approved by the DOH; property owner's expenses have been quite costly.

There was discussion regarding how much of a Variance is needed to be able to development the land.

Property Owner Purdy advised the development will be about 30 ft from the Creek, being located on the Southern side of the property furthest from the Creek.

Knight advised there is approximately 200 ft from the Applicants' front property line to the wetlands area, and a ballpark figure would be that the dwelling would be located approximately 50 ft from the banks of the Creek.

Knight advised that the Board can stipulate to the 50 ft setback from the Creek and the property owners will still have to comply with the required setbacks from the wetlands.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Norris, second by Board Member Barncord voted to recommend to the Board of County Commissioners to approve the request for a **Variance** to the setbacks of Horse Creek for the development of a single-family dwelling on 5.0+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously. The MOTION was clarified to state a 500 ft Variance is being recommended.

BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, April 16, 2009, 8:35 A.M. or as soon thereafter.

Agenda No. 09-09

Knight advised of the request from John H. O'Neal/Karen J. Summers for approval of a **Variance** to the setbacks of Peace River for the development of a single-family dwelling on 5.0+/-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 **Variance** containing the Staff Report including the Staff's Findings, Conclusion and Recommendation prior to the 04/02/09 public hearing.

Applicant John H. O'Neal, P.O. Box 1149, Wauchula, FL 33873 was sworn.

Knight advised that since this Variance request is basically the same as the one for Horse Creek, the Staff Report was entered into the record as evidence, no objections presented.

Knight summarized the request by stating that if Applicants are required to meet the 500 ft setbacks to the Peace River, the construction would be at the lower elevation where there is a greater risk of flooding than where he would like to build.

Knight noted the request is to waive the requirement of 500 ft from the River; no other setbacks are being requested to be waived.

O'Neal advised:

- dwelling will be built on stilts and will front the South property line;
- dwelling will be able to meet all minimum property line setbacks;
- the height of the bluff is 59 ft;
- Cross Creek Lane is a private roadway;
- the septic tank location can meet the requirement of 75 ft from the waterbody;
- need a minimum of 25 ft of variance from the River.

O'Neal exhibited an aerial map of the land and the Peace River, and the Board stipulated that the map was being shown to the Board and not being entered as evidence.

There was discussion relative to whether granting a Variance to the required setbacks from the River would be detrimental to the County and Knight pointed out that where the Applicants are planning to locate the dwelling is consistent with surrounding properties.

Knight advised that the Variance mechanism is designed to help lots of record if we are looking at where we might be in the future unless the lots are greater than 20 acres you will see there is a much higher density along the River and do not think the health has been jeopardized.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Conley, second by Norris voted to recommend to the Board of County Commissioners to approve the request for a 500-ft-**Variance** to the setbacks of Peace River for the development of a single-family dwelling on 5.0+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval, 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, April 16, 2009, 8:35 A.M. or as soon thereafter.

Under Other Business Knight advised that at the March 05, 2009 P/Z public hearing he suggested the Board schedule a Workshop to discuss waiving the Site Development Plan requirement for land uses exclusively in the Hardee County Commerce Park; it was the Board's decision to consider and discuss scheduling a Workshop at tonight's public hearing.

There was discussion as to whether the Board wanted to schedule a Workshop and Knight pointed out that with a "D" in the Table of Land Uses (2.29.02(B), ULDC) does not mean that the Board is approving or disapproving a business to locate in the (Hardee County) Commerce Park.

Knight noted that the suggested request to remove the requirement for Site Development Plan approval for land uses exclusively in the Commerce Park and is not for the Commercial/Industrial Business Center (C/IBC) zoning district, and approval of that request will expedite the planned projects for the Park and encourage businesses to locate there because they will be able to move forward more quickly.

It was noted that the provisions of the Table of Land Uses went through the public hearing process.

Board was advised that the SDP process with public hearing is good because it gives the developer some protection from bureaucracy run-amuck in that the project is looked at by the County's Development Review Committee and by the P/Z Board.

It was noted that a change to the Table of Land Uses of the County's LDRs (Land Development Regulations), should be initiated by the P/Z Board.

It was pointed out to the Board was advised that the state mandated the P/Z Board and Board of Adjustment and with this proposed change would take away those responsibilities.

There was discussion about speeding up the process of development approval and it was noted that the P/Z Board is not the hold-up.

It was consensus of the Board not to schedule a Workshop.

Board was reminded of next Regular Meeting/Public Hearing scheduled for Thursday, May 07, 2009, 6:00 P.M.

With no further business to come before by Board, upon MOTION by Board Member Parker, second by Conley the regular meeting/public hearing was adjourned at 7:30 P.M. Motion carried unanimously

B.J. Haney, Acting Recording Secretary