

PLANNING AND ZONING BOARD  
REGULAR MEETING/PUBLIC HEARING

July 09, 2009

**Following a Joint Meeting with BoCC that will begin at 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, present  
James Barncord, present  
Roger Conley, excused  
Gordon Norris, **Vice Chairman**, present  
Oscar Ortiz, present  
Charles Parker, present  
Carl Saunders, excused  
Mike S. Thompson, **Chairman**, present  
Vida Tomlinson, present

**Staff**

Doug Knight, Interim P & D Director, present  
BJ Haney, Planner II, excused  
Machele Albritton, Executive Assistant, present

No News Media Identified

Chairman Thompson called the Regular Meeting to order at 7:35 P.M.; a quorum was present.

Prior to the Joint meeting which immediately preceded this meeting, those in attendance pledged allegiance to the American Flag; BoCC Chairman Johnson 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 June 18, 2009.

Interim Planning & Development Director 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.

Notary Public Sandy Meeks administered Oath to those wishing to offer testimony.

MOTION by Board Member Norris, second by Board Member Tomlinson to approve Minutes of May 21, 2009 Regular Meeting/Public Hearing and the May 21, 2009 Joint Meeting as printed and mailed. Motion carried unanimously.

**Agenda No. 09-12**

Knight advised of the request from Alan Andress, as Personal Representative of the Estate of Donald Andress, and through the Authorized Representative for approval of a Special Exception to operate a professional business-office for an emergency services-restoration company in an existing structure on 3.40+/- 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 Special Exception containing the Staff Report including the Staff's Findings, Conclusion, Recommendation and Recommended Conditions prior to the 07/09/09 public hearing.

Knight highlighted the Summary of Analysis and Staff Report and entered remainder into record and moved to Recommended Conditions 1, 2 and 3.

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Knight asked if Board understood what type of business was being proposed. Several Board members indicated they did not completely understand.

Knight explained that business was basically a restoration business and gave example of water damage to a home from a burst water pipe while owners away on vacation, this company would remove water from the home, repairing damage.

Norris had a question regarding the sentence, 1<sup>st</sup> paragraph, last sentence in narrative from applicant— *“However, the proposed use would not entail the housing of goods or materials for shipment and may not rise to level of a traditional warehousing use though such would be permissible.”* Questioned what “traditional warehousing” meant.

Steven Southwell, PO Box 1748, Wauchula, FL 33873, Authorized Representative for the Applicant, was sworn and spoke to question: When seeking approval they were looking for the most “narrow approval we could get” and the only thing that really fit with the code was “warehouse”. However, as they got to the review process with staff, they decided that it didn’t really meet warehouse at all and they weren’t going to ask for a special exception for a warehouse. When the narrative was drafted they were thinking they were going to ask for a special exception for a warehouse but as it turned out that didn’t fit.

Thompson questioned the amount of road frontage.

Southwell stated it was in excess of 100ft didn’t know exactly.

Barncord asked how many employees business would have.

Southwell stated they should not have more than two.

Thompson asked for further questions from board.

None posed.

Thompson asked for a motion.

Tomlinson made motion to approve. Norris seconded. Motion passed unanimously.

**BoCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, July 30, 2009, 8:35 A.M. or as soon thereafter.**

**Thompson asked if there were any objections to move Agenda No. 09-14 up to be heard before Agenda No. 09-13. No objections presented.**

**Agenda No. 09-14**

Knight advised of the request from Sunshine Towers Inc to amend the Hardee County Unified Land Development Code Section 2.11.00—Building Height Limitations; and Section 3.21.05.01—Communications Tower; and Table 2.29.02(B)—Table of Land Uses to allow Communications Tower with 50%-99% setback in F-R, I-1, I-2, A-1, and P-I-zoned districts upon approval of a Special Exception.

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Board and County Staff were provided with a copy of the Application containing the Staff Report including the Staff's Findings, Conclusion and Recommendation prior to the 07/09/2009 public hearing.

Knight read the Summary of Analysis and Findings of Fact and entered the balance of the Staff Report into the record as evidence.

Norris asked Knight how many of these sites were around the county.

Knight advised that they were up and down the economic corridor primarily and that if this is approved the Board could expect to see this Applicant again with regards to property out in the CR 663 area south of HWY 64.

Barncord stated concerns with regard to health issues related to towers and radiation.

Jackie Gwynn, Applicant's Authorized Representative, 3939 Arlington Street, Ft. Myers, FL 33900, was sworn and stated that she could not speak to the health concerns as a professional but said that they follow FCC and FAA guidelines and meet all regulations set upon them by the federal government. Does not believe the towers pose a health risk.

Ortiz asked if all towers were designed to collapse within the right of way.

Gwynn explained that towers are designed to collapse at a certain breaking point so they wouldn't just topple over.

Ortiz asked Knight to address the issue of the inclusion of I-1 and I-2 with regard to heavy congestion in these areas.

Knight explained that A-1 and F-R are already included. F-R and I-1 are comparable with regards to density. Further stated that the engineer would design the tower to fall within the zone specified.

Thompson asked if any further questions. None posed.

Norris made motion to approve. Parker seconded. Motion passed 6 to 1 with Barncord opposing.

**BoCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, July 30, 2009, 1:30 P.M. or as soon thereafter.**

**Agenda No. 09-13**

Knight gave a summary of the proposed **Amendment** and explained the reasons for seeking to amend Section 7.07.02 and Section 7.07.03.03 – *Minor Subdivisions* of the Hardee County Unified Land Development Code (Land Development Regulations) as contained in **Ordinance No. 2009-06**.

Norris asked if the compliance review fee was a new fee.

Knight explained that it was not a new fee, however the compliance review fee that appears on the application was not previously listed in the text and has been added.

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Norris asked what the "*conditions, safeguards and requirements*" were that are listed on page 5 of the *Recommended Changes to Section 7.07.00 of the Hardee County Unified Land Development Code, Strikethrough/Underline Version*, that the County Manager/designee may impose.

Knight gave example of Altman Road minor subdivision. Stated that the County may, for example, decide that for the next minor subdivision proposed there, require one driveway off of Altman Road with access roads to the other parcels. Knight asked representatives from Central Florida Regional Planning Council if that was an accurate example. CFRPC representative stated that it was a very good example.

Norris referred to page 9 text stating bond requirement for "maintenance and repair requirements to cover faulty plans" and questioned why that was necessary since the plans examiner should catch faulty plans before construction.

Knight explained that yes they should but if something is missed, then we are covered by this bond requirement.

Norris reiterated his concern regarding giving County Manager leeway to "impose conditions".

Jennifer Codo-Salisbury, CFRPC Representative, spoke to the concerns of Norris. Stated that the text in question was more to protect the public and any conditions would still have to go before the Planning and Zoning Board and the BoCC.

Norris brought up "5 acre issue". Stated he thinks the "5 acre issue" is "not going to work for us in the long run" and that it needed to be broken down further.

Barncord stated his belief that you have to have 5 acres especially if you're going to have a well and a septic tank.

Tomlinson asked for an explanation of the text on page 2 stating "four (4) new lots/parcels and a remaining lot/parcel"

Knight explained using example of 25 acres being divided into five, 5 acre parcels. There would be created, 4 new parcels and one remaining parcel.

Gary Delatorre, 702 South 6<sup>th</sup> Avenue, Wauchula, FL 33873 was sworn and gave his opinion that more people in the county would like to see the 5 acre requirement changed to 2.5 acre.

Knight explained that the issue of reducing acreage in A-1 from 5 acre to 2.5 acre is definitely something that can be entertained but, respectfully, this discussion regarding minor subdivisions is not the place.

Delatorre stated that he thought that maybe now is the time to consider it while making other changes.

Carlos Arce, PO Box 1814, Wauchula, FL was sworn and spoke in support of smaller acreage requirements because it is what allowed him to become a home buyer. Said he works at the prison and knows many coworkers that would purchase land if the acreage requirement were smaller.

Knight reiterated his earlier comment regarding addressing the acreage requirement at another time.

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Southwell stated that the Board should make certain they're not creating more jurisdiction requirements from Southwest Florida Water Management District and Department of Environmental Protection.

Norris made motion to continue this issue to the next regular meeting scheduled for August 6, 2009.

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Arce seconded. Motion carried unanimously.

Knight asked Board to consider thinking about the proposed amendment to the minor subdivision requirements over the next week, call him with any questions or concerns, and continue the issue to the July 16, 2009 meeting.

Motion, second and action to continue to August 6<sup>th</sup> meeting was rescinded.

Parker made motion to continue to the July 16<sup>th</sup> meeting. Arce seconded.

Motion passed unanimously.

Barncord made motion to adjourn, Parker seconded. Motion passed unanimously.

Meeting adjourned at 9:00pm.

Respectfully submitted.

A handwritten signature in cursive script that reads "Machele Albritton". The signature is written in black ink and is positioned above a horizontal line.

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Machele Albritton