

JOINT MEETING/PUBLIC HEARING
PLANNING/ZONING BOARD AND BOARD OF COUNTY COMMISSIONERS
October 01, 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, present
James Barncord, present
Roger Conley, present
Gordon Norris, Vice Chairman, present
Oscar Ortiz, present
Charles Parker, EXCUSED
Carl Saunders, EXCUSED
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

STAFF

Lex Albritton, County Manager, present
Doug Knight, Interim Director, P/D Dept., present
BJ Haney, Planner II, present
Sandy Meeks, BCC Office Mgr., present
West Palmer, Mining Coordinator, present
Ken Evers, County Attorney, present
Deputy Clerk of Court Laura Barker, present

News Media represented

BOARD OF COUNTY COMMISSIONERS

Minor L. Bryant, Vice Chairman, present	District One
Clifton "Nick" Timmerman, present	District Two
Terry Atchley, present	District Three
Bobby Ray Smith, present	District Four
Dale Johnson, Chairman, present	District Five

BCC Chairman Johnson called the Board of County Commissioners to order at 6:00 P.M.; a quorum was present; the Board approved the agenda.

P/Z Chairman Thompson called the Planning/Zoning Board to order; a quorum was present. MOTION by Board Member Conley, second by Board Member Barncord to approve the agenda. Motion carried unanimously.

Johnson offered a prayer for guidance over the proceedings. The meeting saluted the American flag and pledged allegiance.

Sandy Meeks, BCC Office Manager advised that the Public Notice for the Public Hearing for Ordinance No. 2010-01 was advertised on September 10, 2009 in *The Herald Advocate*. (Original Affidavit of Publication is on file with the Clerk of Court).

No oath was administered.

Boards and County Staff were provided with a copy of Mosaic Fertilizer, LLC Comprehensive Plan amendment, together with a Staff Report prepared by Central Florida Regional Planning Council (CFRPC) staff, and a copy of Ordinance No. 2010-1 prior to the 10/01/09 meeting.

Merle Bishop, Senior Planner, Kimley-Horn and Associates, Inc., (3675 Innovation Dr., Lakeland, FL 33812-4106) provided a detailed overview of the application for Amendment to the Hardee County Comprehensive Plan Future Land Use Map to change the Generalized Mining Overlay Map—Map 2 to correct scrivener's mapping inaccuracies and to include parcels currently owned by mining interest encompassing approximately 2,055 acres.

Bishop explained:

- that the proposed Amendment does not authorize mining;
- there are some slivers of acreage where the Mining Overlay map does not correspond with Mosaic's property boundaries;
- there are some parcels that need to be added to the Mining Overlay, parcels that have been owned by mining company predecessors to Mosaic;
- that the proposed Amendment is similar to the Amendment approved in 2007.

The question: who paid the taxes on the 135 parcels was posed and Mike DeNeve, (P.E., Reclamation/Permitting, Mosaic Fertilizer LLC, P.O. Box 2000, Mulberry, FL 33860) responded that the acreage was included in Mosaic's property taxes.

Bishop referred to Map 2-A and Map 2-B (as contained in the application) and described that the red-colored areas are the "Comp Plan" amendment area, totaling approximately 2,055 acres.

Bishop pointed out that the maps and legal descriptions found in the Hardee County Property Appraiser's records were used.

Mosaic's application shows that the proposed Amendment identifies a total of 135 parcels affected by the discrepancy in the Mining Overlay district, which 135 parcels are divided into two different types of discrepancy:

a total of 66 (149.36 acres) property tax folios/parcels which have been owned by a phosphate mining company (currently) Mosaic and are not mapped as part of the Mining Overlay;

a total of 69 (1,906.44 acres) portions of folios/parcels that were inadvertently left out of the Mining Overlay map.

Totaling 135 parcels affected; 2,055.80 acres.

Jennifer Codo-Salisbury, (MPA, AICP, Director of Planning, CFRPC, 555 E. Church St., Bartow, FL 33830-3931) advised the amendment is consistent with Policy L1.10 and Policy L4.6 of the County's "Comp Plan".

BCC Johnson called for public input.

Dennis Mader, 4224 Solomon Rd., Ona, FL 33865 asked about the "slivers" and the parcels discrepancies and Bishop pointed out that the parcels are parcels that were left off the Mining Overlay and the "slivers" are a portion of parcels that are the result of where the parcel borders did not match the Mining Overlay map.

Mader expressed no problem with adding the "slivers" considering this is probably a technical error. Mader did express concern with adding 1900 acres and cautioned the Boards to give careful consideration to the addition because every acre given to phosphate mining is robbing the County of lands for potential agriculture use.

Frank Kirkland, (3838 Fussell Rd., Bowling Green, FL 33834) advised that you guys are opening the door and I do not know if you are watching what is going on; giving them more and more is not what we need.

P/Z Board Member Arce inquired that the parcels are documented to be owned by Mosaic.

The Boards were advised that the parcels are owned by Mosaic.

MOTION by P/Z Norris, second by P/Z Arce to recommend approval of Ordinance No. 2010-01 to the BCC. Motion carried unanimously.

MOTION by BCC Atchley that the BCC find this amendment is consistent with the Comprehensive Plan and authorize the Chairman to sign; second by BCC Bryant; County Attorney read the Ordinance by title. Motion carried unanimously.

MOTION by Atchley, second by BCC Smith to transmit to State of Florida, Department of Community Affairs, Motion carried unanimously.

BOARDS RECESSED 6:40 P.M.; RECONVENED 6:50 P.M. to hold Joint Workshop to discuss the Evaluation and Appraisal Report (EAR)-required Amendments. (Public Notice for the Workshop was advertised in *The Herald-Advocate* on 10/01/09, Affidavit of Publication is attached to the original P/Z 10/01/09 Minutes).

Codo-Salisbury spoke to the reason for the "Comp Plan update advising that all local governments must periodically updated their "Comp Plan" as required by Section 163.3191, Florida Statutes; EAR process is two steps being:

Evaluation and Appraisal Report;

"Comp Plan" amendments based on the EAR and all current requirements.

Codo-Salisbury advised that the County adopted the EAR in December, 2008 and it was determined sufficient by FDCA in the Spring, 2009

Codo-Salisbury pointed out that the EAR's purpose is to:

- Identify major community issues, assess how well Objectives have been achieved;
- Review the County's actions in implementing 'Comp Plan' Plan;
- Identify ways that the Plan should be changed.

The Major Issues Identified were:

Growth Management, Mining, Economic Development and Natural Resources.

Codo-Salisbury's presentation advised that the EAR recommendations were:

- Consider adding single-use residential land use designations to allow for varied housing types, and provide greater variety to residents;
- Amend FLU Element to include a "Phosphate Mining" Land Use;
- Consider limits on intensity of development located outside of areas considered as growth centers;
- Consider mechanisms to increase allocation of land for Economic Growth through policies within the FLU and Economic Development Element;
- Consider policies establishing a specific plan for post mining lands to set forth potential future uses of the site;
- Consider the creation of an Urban Growth Area/Urban Service Boundary to establish geographic limits of public infrastructure and service provision;
- Amend the Intergovernmental Coordination element to formalize coordination mechanism between County and Economic Development entities;
- Revise policies in Infrastructure element protecting functions of areas of High Natural Groundwater Re-Charge, natural Drainage Features to establish partnerships with the SWFWMD and other Regulatory and funding agencies;
- Amend the recreation and Open Space Element to encourage a partnership with the Florida Recreation Department Assistant Program to acquire funds for land acquisition along sensitive waterways.

Codo-Salisbury stated that the current Plan Horizon is 2010, the updated Plan Horizon will be 2030, State requires update every seven years, Amendments to the Plan may be submitted twice per calendar year.

The Boards were advised that upcoming EAR-Amendment Workshops are being considered for November, 2009, January, 2010 and February 2010 with a recommendation to a Joint Public Hearing of the Boards for transmittal in April, 2010 with probable adoption in the Summer, 2010.

Darren Stowe, ECT, (Environmental Consulting Technology, 1408 N. Westshore Blvd., Tampa, FL) inquired if an application for amendment to the FLU Map would be processed individually, or would it have to be combined with EAR-amendments. Stowe was advised that the application would be processed separately.

Donald Samuels, 4795 Ollie Roberts Rd., Bowling Green, FL 33834 stated that these maps are a prime example that we need to consider changing the required 5.0-acre minimum lot size in A-1-zoned districts to 2.5 acres for a homesite; smaller parcels would give people an opportunity to afford a home.

Grady Johnson, 2696 Merle Langford Rd., Zolfo Springs 33890 stated that changing the required minimum lot size for homesites in A-1-zoned districts would help folks to want to move here and would benefit the County because there would be a chance for one homesite on each 2.5 acres from 5.0-acres of land. Johnson suggested that the change could be that 2.5 acres would be acceptable for standard-construction dwellings and a minimum of 5.0 acres would be acceptable for a mobile home dwelling.

Jim Kelly, (4640) Bryan Ave., Bowling Green, FL 33834 wondered why most of the mining land is West of Hwy. 17; and little or none in the southeast corner of the County?

BCC Chairman Johnson adjourned the Joint Public Hearings at 7:30 P.M

Respectfully submitted

BJ Haney, Acting Recording Secretary