

PLANNING AND ZONING BOARD
and BOARD OF COUNTY COMMISSIONERS
JOINT PUBLIC HEARING

April 29, 2010, 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
Don Chancey, present
Roger Conley, Vice Chairman, present
Gene Davis, present
Gordon Norris, present
Oscar Ortiz, excused
Charles Parker, present
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

Staff

Doug Knight, Interim Planning/Develop. Director,
present
BJ Haney, Planner II, present

No News Media identified

Board of County Commissioners

District I Minor Bryant, Vice-Chairman, present
District II Clifton "Nick" Timmerman, present
District III Terry Atchley, Chairman, present
District IV Bobby Ray Smith, present
District V Dale Johnson, present

Staff

Lex Albritton, County Manager, excused
Kenneth B. Evers, County Attorney, present
West Palmer, Mining Coordinator, excused
Sandy Meeks, Office Manager, present
B. Hugh Bradley,
Ex-Officio Clerk to the Board, absent
Laura Barker, Deputy Clerk, present

BCC Chairman Atchley called the Board of County Commissioners to order at 6:00 P.M.; a quorum was present. MOTION by Commissioner Timmerman second by Commissioner Johnson to approve the Agenda. Motion carried unanimously

P/Z Chairman Thompson called the Planning/Zoning Board to order at 6:00 P.M.; a quorum was present. MOTION by P/Z Board Member Norris, second by P/Z Board Member Tomlinson to approve the Agenda. Motion carried unanimously.

Johnson offered a prayer of guidance for the Joint Public Hearing followed by the pledge of allegiance to the American Flag.

Boards were advised the Public Notice for the Joint Public Hearing was published in The Herald-Advocate on April 08, 2010 with Affidavit of Publication on file.

NOTE: Some of the mailing addresses for the courtesy notices were inaccurate and the notices were returned by the U.S. Postal Service. Therefore, Central Florida Regional Planning Council (CFRPC) with County's concurrence re-noticed the public hearing via U.S. Mail.

Atchley prefaced the Joint Public Hearing stating that no final decision will be made tonight. The proposed text amendments to the Comprehensive Plan, and the proposed amendments to the "Comp Plan" Future Land Use Map will be heard and public input invited; the Joint Public Hearing will be continued to Thursday, May 13, 2010, 6:00 P.M.

Atchley advised the schedule of Workshops:

- Oct. 01, 2009 Joint BCC and P/Z
- Dec. 10, 2009 Joint BCC and P/Z
- Jan. 14, 2010 P/Z
- Feb. 18, 2010 P/Z
- Feb. 25, 2010 BCC
- Mar. 04, 2010 P/Z
- Apr. 01, 2010 P/Z
- Apr. 08, 2010 Community Workshop.

Atchley advised that the County has no plans. . . . has received no applications for a landfill; the hearing tonight is not considering landfills in the “Comp Plan” update process. The proposed amendments get transmitted to State of Florida, Department of Community Affairs (DCA) and then returned to the County for adoption.

Jennifer Codo-Salisbury (Planning Director), Central Florida Regional Planning Council reiterated the workshop/hearing process for “Comp Plan” updates and stated there are no landfills proposed.

NOTE: Ordinance No. 2010-07 is an Ordinance amending the Hardee County Comprehensive Plan, as amended; adjusting the Generalized Mining Overlay Map; providing for updates to text and maps of the “Comp Plan” based on the adopted 2008 Hardee County Evaluation and appraisal report (EAR); providing for severability; providing for repeal of conflicting ordinance; providing for an effective date.

Boards were provided with a packet of information from CFRPC for the Joint Public Hearing that included:

- Staff Report
- Overview of Format
- a copy of **Ordinance No. 2010-07**
- a copy of Exhibit A for **Ordinance No. 2010-07** containing
 - Future Land Use Element
 - FLUMap--proposed FLUMap amendments
 - FLUMap--proposed amendments to the Mining Overlay
 - Transportation Element
 - Housing Element
 - Recreation and Open Space Element
 - Intergovernmental Coordination Element
 - Capital Improvements Element
 - Economic Development Element
 - Definitions and Acronyms.

Codo-Salisbury advised:

That the “Comp Plan” lays out a framework for how the County will grow and develop through establishing patterns for residential, commercial, industrial, agricultural and institutional land uses; determining what infrastructure, including water supply and a transportation system, will be needed to serve new development and identifying natural resources. The “Comp Plan” sets the overall framework for all growth management decisions by the County.

- All local governments must update its “Comp Plan” periodically and that process is completed in two steps:
 - EAR that was completed in March, 2008 and adopted in October, 2008;
 - “Comp Plan” amendments based on the EAR and all current requirements.The update includes, but is not limited to extending the Planning Horizon from 2010 to 2030 and updating Level of Service standards for roads, water, wastewater, solid waste, parks, housing and schools.
- All of the “Comp Plan” elements are updated as part of this process and a definitions section is also included.
- The amendments to each element are based on the recommendations provided in the EAR as well as from input received at the workshops requirements of the Florida Statutes and the Florida Administrative Code.

NOTE: Following the 05/13/10 Joint Public Hearing the amendments must be sent to DCA and other agencies for review. DCA will issue an Objections, Recommendations and Comments Report (ORC report) within 60 days of receipt. The County will schedule an adoption public hearing.

Codo-Salisbury commented that as of January, 2008 the State Legislature requires the reduction of greenhouse gas emissions.

Codo-Salisbury offered a slide presentation detailing the proposed text amendments and the proposed Future Land Use Map amendments:

The Joint Public Hearing was directed to review the Hardee County proposed FLUMap amendments:

<i>Site</i>	<i>Acres of Wetlands</i>	<i>from</i>	<i>to</i>
01	218	0604 ac Agriculture 0802 ac Agriculture	Highway Mixed Use Residential Low

Virginia Ayers, 3879 Creek Rd., Bowling Green, FL 33834 inquired if there are plans in place to protect the animals, and if there are apartments planned for Dixianna Dr.

<i>Site</i>	<i>Acres of Wetlands</i>	<i>from</i>	<i>to</i>
02	678	3340 ac Agriculture	Industrial
03	661	2709 ac Agriculture	Rural Village
04	085	0512 ac Rural Center 0198 ac Agriculture	Commerce Park Commerce Park

Joe L. Davis, Sr., 708 E. Main St., Wauchula, FL 33873 requested that his 150-acre grove remain as agriculture

Rilla Silverman Cooper, 3645 Hendry Rd., Fort Green, FL inquired as to why most of the changes are proposed for the northwest portion of the County.

Codo-Salisbury stated that West of U.S. Hwy. 17 is where the infrastructure is located and where growth has occurred.

Shawn Rimes, 5120 Ollie Roberts Rd., Bowling Green, FL 33834 expressed a desire to keep agriculture as agriculture and leave Ft. Green alone; worries that the change will cause the landowners to lose their quiet life.

Edie Pettis, 4146 Alderman Rd., Bowling Green, FL 33834 implored the Boards to leave agriculture as agriculture so we can go green.

Thomas Petrie, 2784 Center Hill Rd., Bowling Green, FL 33834 inquired as to why propose a FLUMap amendment to locate a Commerce Park at Ft. Green when you already have a Commerce Park (SR 62, W of Hwy. 17) that is not filled up? What industries do you think are coming to Ft. Green? Why add to the mining overlay lands that are productive farms?

Steve Sims, Fort Green referred to Site 03 and asked if the proposed amendment could contain the 'no-landfill-statement'?

Courtney (Buck) Toole, 4349 CR 664, Bowling Green, FL 33834 stated that he has grove and would like to continue to raise oranges keep it agriculture.

Chris Nickerson, 3206 Steve Roberts Special, Zolfo Springs, FL 33890 stated that I feel that the reason we are here is to pave the road for a garbage dump; I propose that the County enact a 'no regional landfill in Hardee County' position starting tonight.

John Roy Gough, 2097 Dansby Rd., Wauchula, FL 33873 stated that the "Comp Plan" text can be proposed for change twice a year; the "Comp Plan" FLUMap can be proposed for change twice a year for any size acreage over 10 acres; and for less than 10 acres the FLUMap can be proposed for change any number of times during the year.

Carol Stone, 5091 Crewsville Rd., Zolfo Springs, FL 33890 asked if the 'no regional landfill' language can be included for Site 03 and why can't the County exclude a regional landfill countywide? Some things are not worth the money that they might bring to the County.

Commissioner Bryant stated that it is his opinion that DCA would not allow the County to restrict landfills from the entire County.

Richard Farwell, 2320 Fish Branch Rd., Zolfo Springs, FL 33890 stated that we have got to do planning; I am a baby-boomer and for the next 18 years we will have tons and tons of people moving to Hardee County because of a good fire department and good law enforcement, good water and good people. I propose bumping up agriculture to 10 acres for one dwelling.

County Attorney Evers pointed out that there is a problem prohibiting regional landfills because of the commerce clause of the U.S. Constitution that provides that local government cannot pass regulations that will impair interstate commerce.

The Joint Public Hearing was directed to review the Hardee County proposed FLUMap amendments:

<i>Site</i>	<i>Acres of Wetlands</i>	<i>from</i>	<i>to</i>
05	249	1296 acres Agriculture	Industrial
04		0512 acres Rural Center 0198 acres Agriculture	Commerce Park Commerce Park

It was suggested that North of SR 62 remain as Rural Center and South of SR62 be proposed for change to Commerce Park.

There was a suggestion to extend Site 05 to the South; CFRPC staff to research.

06	152	0235 acres Highway Mixed Use	Agriculture
07	011	0205 acres Agriculture 0005 acres Highway Mixed Use	Residential High Residential High
09	005	0182 acres Agriculture	Residential Low
08		0386 acres Agriculture	Highway Mixed Use
10	001	0035 acres Agriculture	Industrial.

Codo-Salisbury discussed the proposed amendments to the Mining Overlay Map.

Board Member Davis inquired about notification to property owners stating that he did not receive a notice of the public hearing.

County Manager Albritton stated that he knew that Davis's correct address was on the list and that the letters were mailed out.

Albritton pointed out that there is a proposed area being added to the Mining Overlay Map that must be removed because it covers a Rural Center and mining cannot occur within one-quarter mile of a Rural Center.

Board Member Arce inquired as to who is requesting the changes to the Mining Overlay Map.

Albritton advised that the proposed changes are coming from County Staff working with the industry and consultants.

Codo-Salisbury presented an overview of the proposed text amendments to the Future Land Use Element, the Transportation Element, the Housing Element, the Recreation and Open space Element, the Intergovernmental Coordination Element, the Capital Improvements Element, the Economic Development element and referenced the Definitions and Acronyms.

Board Member Chancey inquired if 'pose a significant nuisance from noise or odor' in Policy L1.5a) on Page 6 of the Draft Transmittal Hearing document could be deleted.

Codo-Salisbury said the next step would be to update the Unified Land Development Code.

Chancey requested the P/Z Chairman to begin scheduling Workshops to propose amendments to the ULDC.

Norris inquired if Site 02 and Site 03 could both contain the 'no landfill provision'.

Pertaining to the Policy E3.4 in the Economic Development Element, Chancey stated he wanted to be sure that was not written to imply the County is the lead agency.

Chancey mentioned for the references to Highlands County in the Acronyms section be removed.

BCC Chairman called for public input.

Sissy Delahoy, 3895 Creek Rd., Bowling Green, FL 33834 inquired about water and wastewater.

Dustyn Waters, 5275 Ollie Roberts Rd., Bowling Green, FL 33834 inquired if Site 03 West of Hardee Lakes had been changed.

Codo-Salisbury explained the two ways the site has been changed.

Melanie Bond, 6019 Van Simmons Rd., Wauchula, FL 33873 inquired if any lands were being set aside for conservation.

Rilla Silverman Cooper, 3645 Hendry Rd., Bowling Green, FL 33834 inquired pertaining to Sites 02 and 03 advising that the landowners do not want a regional landfill or an ethanol plant.

Linda Clark, 117 N. Illinois Ave., Wauchula, FL 33873 inquired about Amendment Four.

Carlyne Smith, 3674 St Rd 64 E, Zolfo Springs, FL 33890 spoke about eminent domain for economic development for private developing.

MOTION by Chancey, second by P/Z Board Member Tomlinson to recommend to the Board of County Commissioners to CONTINUE **Ordinance No. 2010-07** to a Joint Public Hearing on Thursday, May 13, 2010, 6:00 P.M. Motion carried unanimously.

MOTION by Commissioner Smith, second by Johnson to accept the recommendation of CONTINUANCE from the Planning/Zoning Board and to CONTINUE the Joint Public Hearing of **Ordinance No. 2010-07** to Thursday, May 13, 2010, 6:00 P.M. Motion carried unanimously.

Boards adjourned Joint Public Hearing at 9:05 P.M. with the P/Z Board to convene in a Workshop for **Ordinance No. 2010-04**.

B.J. Haney, Acting Recording Secretary