

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

May 06, 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, excused
Roger Conley, Vice Chairman, 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

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 followed by a prayer of guidance for the meeting by Board Member Conley.

Board was advised the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on April 15, 2010 with Affidavit of Publication on file.

Interim 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.

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

MOTION by Conley, second by Board Member Norris to approve Minutes of March 30, 2010 Workshop for **Ordinance No. 2010-04** as printed and mailed. Motion carried unanimously.

MOTION by Norris, second by Board Member Conley to approved Minutes of April 01, 2010 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

MOTION by Conley, second by Norris to approve Minutes of April 01, 2010 Joint Public Hearing with the Board of County Commissioners for **Ordinance No. 2010-05**—Large-Scale "Comp Plan" Future Land Use Map amendment to add 3,601.43+/-acres to the Generalized Mining Overlay Map—Map 02 as printed and mailed with the correction on Page 03 changing CF to Mosaic. Motion carried unanimously.

MOTION by Norris second by Board Member Parker to approve Minutes of April 01, 2010 Evaluation and Appraisal Report (EAR) Workshop as printed and mailed. Motion carried unanimously.

Haney advised that the Minutes of 04/29/10 Joint Public Hearing with the BCC for **Ordinance No. 2010-07** and Minutes of 04/29/10 P/Z "Alcohol" Workshop (**Ordinance No. 2010-04**) are not ready for approval.

Agenda No. 10-10

Board was advised of a request from F.L. Revell by and through the Authorized Representative for recommendation for approval of a Special Exception to construct/operate a 250-ft-self-supporting communication tower and equipment shelters on 12,215.28+/-sq ft of leased area from a 9.70+/-acre-parent parcel zoned I-1 (Light Industry) in the Agriculture Future Land Use District.

Knight presented the Staff Report including the Summary of Analysis, Staff's Recommendation and Recommended Conditions, and entered the balance of the Staff Report into the record with no objections.

Applicant's Authorized Representative Jackie Gwynn, (3939 Arlington St., Ft. Myers, FL 33901) was sworn.

There was inquiry and Gwynn advised:

at present the leases for the six carriers are not in place, but will market to Verizon, Sprint, T-Mobile and AT&T, etc.
the tower will be omnidirectional.

It was noted the tower must be designed to fall within the setbacks of the leased property and Gwynn assured the Board the Applicant will furnish a letter from an engineer certifying the tower is designed to collapse within the boundaries.

The Board considered the proposed green shade-cloth fencing in lieu of vegetative landscaping/buffering and determined that the requirement may be overly burdensome because the landscaping would only be buffering the bottom area of the tower.

Stephen Southwell (502 W. Main St., Wauchula, FL 33873) was sworn and advised that the property owner will consent to a waiver of the buffer.

Chairman called for public input; none received.

MOTION by Conley, second by Norris to recommend approval of the request for approval of a **Special Exception** to construct/operate a 250-ft-self-supporting communication tower and equipment shelters on 12,215.28+/-sq ft of leased area from a 9.70+/-acre-parent parcel zoned I-1 (Light Industry) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval and recommended conditions and to add as a SPECIAL CONDITION to accept the chain link fencing around the tower's compound and to waive the landscaping/buffering requirement, 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, May 20, 2010, 6:00 P.M. or as soon thereafter.

(NOTE:

Regarding **Agenda No. 10-06** containing **Ordinance No. 2010-04** the Board heard in Public Hearing on March 04, 2010 with no action taken pending a March 30, 2010 Workshop. The Workshop was held and the Board wanted to consider some additional changes and directed to schedule a Workshop for April 29, 2010.

At the April 29, 2010 Workshop the Board revisited **Ordinance No. 2010-04** and took action to hear in Public Hearing on May 06, 2010.

(Agenda No. 10-06

Board was advised of a request from the Hardee County Board of County Commissioners by and through the Authorized Representative requesting approval of an Amendment to the Hardee County Unified Land Development Code under **Ordinance No. 2010-04** amending Section 2.28.00--*General Regulations for Commercial/Industrial Zoning Districts* to reorganize same; providing for regulation for restaurants; providing for amendment to open container provision; providing for definition and procedure for determination of premises; providing for severability; providing for an effective date.

Charlotte Dragonov, (3315 St Rd 64 West, Hardee County) was sworn and expressed appreciation for the Board's efforts in getting the wording finalized.

Dragonov advised:

that not being able to use the 'backyard' area of her establishment has hurt the business that upon approval of this ordinance being able to offer the exterior area of the structure to patrons can provide for a less congestion inside the building; that I run a straight place and have had not problems since I have been there; Charlotte's Web has done a lot of benefits and helped a lot of people.

Board discussed its thoughts from the 04/29/10 Workshop to add the words 'State of Florida-required' before the word sketch in paragraph 15 and determined for the **Ordinance No. 2010-04** to stand as proposed.

Dragonov advised that she has an application in the County Manager's office presently. Board directed for a copy of the Dragonov sketch that was passed around at the 03/30/10 Workshop to be forwarded to the County Manager's office for inclusion in the application packet.

Chairman called for public input; none received.

MOTION by Conley, second by Norris to recommend approval of **Ordinance No. 2010-04** 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, May 20, 2010, 6:00 P.M. or as soon thereafter.

The following was distributed to the Board as information:

An 05/04/10 email from Hank Kuhlman asking for distribution of the attachment to the P/Z Board:

ATTACHMENT: 04/05/10 letter to Ft. Green community

Re: April 29 Hardee County Public Meeting Sign-Up Sheet for Mine Overlay Exclusion;

An 05/04/10 email from County Manager's office asking for distribution of the attachment to P/Z Board:

ATTACHMENT: 05/03/10 letter for Joe L. Davis Groves and Ranch

Re: proposed amendment to the County's mining overlay;

An 05/06/10 email from Hank Kuhlman asking for distribution of the attachment to the P/Z Board:

ATTACHMENTS: 04/20/10 letter to CFRPC Re: Hardee County "Comp Plan" EAR amendments April 29th meeting—Mining Overlay Exclusion sign-Up Sheets
-and-

04/29/10 (17) Questions for the Hardee County Commissioners and CFRPC.

It was mentioned that if the Board desired the information at the 05/13/10 Joint BCC and P/Z Public Hearing for **Ordinance No. 2010-07** to be sure and bring the information.

Board was advised of the resignation of Gene Davis from the Board due to a conflict in his work schedule.

Board was advised there are no biographical questionnaires in the County Manager's office for consideration for appointment to the P/Z Board. Board was requested to actively request candidates to pick up a questionnaire from the County Manager's office, complete and return it for consideration of appointment.

With no further business to come before by Board, MOTION by Conley, second by Parker to adjourn the Regular Meeting/Public Hearing at 9:54 P.M. Motion carried unanimously.

B.J. Haney, Acting Recording Secretary