

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

May 13, 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  
Gordon Norris, present  
Oscar Ortiz, excused  
Charles Parker, excused  
Mike S. Thompson, Chairman, present  
Vida Tomlinson, present

**Staff**

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

The Herald-Advocate staff present

**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  
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 Bryant, second by Commissioner Timmerman 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.

Those in attendance joined in the pledge of allegiance to the American Flag followed by a prayer of guidance for the Joint Public Hearing offered by Rev. Jimmy Morse.

Office Manager Meeks advised this Joint Public Hearing was CONTINUED from April 29, 2010 and was duly noticed in The Herald-Advocate on April 22, 2010.

At the request of Hank Kuhlman, Planning/Development Dept. distributed a copy of an 05/12/10 email from Kuhlman addressed to County Manager Lex Albritton regarding EAR Public Hearings.

Central Florida Regional Planning Council staff distributed a copy of an:

05/12/10 email from Kuhlman to Albritton regarding EAR Public Hearings containing a  
attachment titled: 10/05/12 letter to Albritton on his written answers to overlay  
signup sheets doc;

05/13/10 email from Albritton to Tom Petro regarding public hearings.

Atchley advised that the Comprehensive Plan lays out a framework for how the County will grow and develop by 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.

Atchley pointed out that:

- the “Comp Plan” sets the overall framework for all growth management decisions by the County;
- all local governments must update their “Comp Plan” periodically under the state set time frame for each local government to up its plan.

The two-step update process includes:

--The Evaluation and Appraisal Report which for Hardee County was completed in March, 2008 and adopted in October, 2008;

--“Comp Plan” amendments based on the EAR-recommendations and all current requirements presented to the Planning/Zoning Board, the Board of County Commissioners and Community in public workshops and hearings,

to-wit:	<i>Jt. BCC &amp; P/Z</i>	<i>P/Z</i>	<i>BCC</i>	<i>Community</i>
	10/01/09	01/14/10	02/25/10	04/08/10
	12/10/09	02/18/10		
	04/29/10	03/04/10		
		04/01/10;		

- the update includes, but is not limited to, extending the Planning Horizon from the year 2010 to the Year 2030 and updating Level of Service (LOS) standards for roads, water, wastewater, solid waste, parks, housing and schools;
- all of the “Comp Plan” elements are updated as part of the process and include Future Land Use, Transportation, Housing, Infrastructure, Conservation, Recreation/Open Space, Intergovernmental Coordination, Economic Development, Capital Improvements and Public School Facilities; a Definitions section is also included;
- if approved for transmission, following tonight’s hearing the amendments (Ordinance No. 2010-07) will be transmitted to State of Florida, Department of Community Affairs (DCA) and other agencies for review.

(NOTE: DCA will review and issue an Objections, Recommendations and Comments (ORC) Report within 60 days of receipt of the amendments, the County will schedule an adoption hearing).

Atchley introduced Central Florida Regional Planning Council, Jennifer Codo-Salisbury, Planning Director, and Marissa Marmby, Senior Planner.

Codo-Salisbury pointed out that the Joint Meeting packets contain copies of the public comments received by CFRPC between 04/29/10 and 05/09/10, and the Mining Overlay map indicates properties the properties that property owners have requested not to be included (as of 05/10/10).

(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).

Codo-Salisbury advised that the packets provided to the Boards are supplemental to the packets provided at the 04/29/10 Joint Public Hearing.

The supplemental packet of information included:

- Memo from CFRPC and Overview
- Proposed changes to the Elements of the Comprehensive Plan:
  - Future Land Use, Transportation, Capital Improvements,  
Economic Development and Acronyms
- copies of Public Comment received by CFRPC between 04/29/10 and 05/09/10
- Mining Overlay Map depicting properties that have been requested by the property owners as of 05/09/10 to not be included in the proposed Mining Overlay.

Codo-Salisbury advised that during the 04/29/10 public hearing the following items were noted . . . several of the items listed below include follow-up information in the supplemental information packets, to-wit:

FUTURE LAND USE ELEMENT

01. Add text for all of the proposed Future Land Uses to allow for continued agricultural uses;
02. Add text to state that landfills are not allowed uses within the Commerce Park and Rural Village Future Land Use designations;
03. Add text to the proposed Industrial FLU designation to state that landfills are not allowed uses within the approximately 2,602-acre proposed Industrial FLU category located South of the Hardee County/Polk County line, North of SR62 (along CR663 North);
04. Add text to the Residential High, Residential Medium and Residential Estate Future Land Use categories to provide for clarification regarding commercial uses.

PROPOSED FLUMAP AMENDMENTS

05. Requested consideration for Site 5 to be extended further South as shown on the proposed FLUMap contained in the supplemental information packet;
06. Requested that the proposed Commerce Park located North of SR62 remain as Rural Center (as shown on the proposed FLUMap contained in the supplemental information packet);

TRANSPORTATION ELEMENT

07. Revisions to the Transportation Element pertaining to Level of Service (LOS) standards;

CAPITAL IMPROVEMENTS ELEMENT

08. Revision to the Capital Improvements Element pertaining to the Transportation LOS standards;

ECONOMIC DEVELOPMENT ELEMENT

09. Revision to the Economic Development Element to provide clarification regarding coordinating with the private sector in recruiting industrial sites;

ACRONYMS Section

10. References were removed from the Acronyms section;

PROPOSED MINING OVERLAY MAP AMENDMENTS

11. A sign-up sheet was provided for property owners who would like to request that their property be excluded from the Mining Overlay Map amendments. The signup sheet along with letters of support and opposition is included in the supplemental information packet;
12. A map showing the “do not include” properties is also attached to the supplemental information packet;

PUBLIC COMMENTS RECEIVED

13. All written public comment received by CFRPC as of 05/09/10 is provided in the supplemental information packet

Site 05 was reviewed and the location of Site 5A (that was added) was identified. It was noted that the area North of SR62 at CR663 is proposed to remain Rural Center and the area South of SR62 is proposed for Commerce Park.

Atchley advised how the public comments portion of the Joint Public Hearing will be conducted and advised of the Kuhlman emails.

Tom Petro, 2784 Center Hill Rd., Bowling Green, FL asked if there is a deadline for opting out of inclusion in the Mining Overlay Map.

Codo-Salisbury advised that it would be helpful to have the properties for opting out by the end of tonight’s meeting, but that there will remain a window of opportunity for opting out at the BCC’s adoption public hearing.

Rilla Silverman Cooper, 3645 Hendry Rd., Bowling Green, Fort Green community clarified that the sign-up sheets are for opting out of the Mining Overlay Map only.

Dennis Sasser, 4595 Pringle Rd., Bowling Green, Fort Green community advised that we are love this County and we do have differing view but need to find median ground pertaining to landfills. Sasser proposed adding language to the proposed ‘Comp Plan’ amendments to restrict the size of all future landfills in Hardee County not to exceed 25 acres in all FLU categories.

Atchley pointed out that this updating process is not to discuss specific landfills and in the future the Boards would like to have that as a topic for discussion.

Stephanie Robinson, 4521 Maple Ln., Bowling Green, FL advised that she is CF’s closest neighbor and she wants to opt out her property from the Mining Overlay Map.

Jamie Lee Hendry, 4058 Solomon Rd., Ona, FL represents herself and over 150 persons who want to protect the Peace River.

Pertaining to property being requested to opt out of the Mining Overlay Map, Hendry asked what guarantee do property owners have that their property will be ‘out’?

Codo-Salisbury advised that if the Board votes not to include those parcels, the parcels will not be included.

Hendry expressed her concern over the negative effects of phosphate mining; they are only a temporary land use; I believe the planned change to the overlay is not in the best interests of the County.

Hendry offered to submit a written copy of her comments.

Lisa Revell Petro, 2784 Center Hill Rd., Bowling Green advised that five generations of Revells have owned our land; would like for the lands to stay the way it is.

Courtney E. Toole, 4349 CR 664, Bowling Green, Fort Green expressed concern over the phosphate mining and wondered why we need so much phosphate.

Toole requested the Commission repair a culvert on CR664 near his land.

P/Z Board Chancey expressed concern over the size of some of the new FLU designations.

William Lambert, Director, Economic Development Council, (POB 458, Wauchula, FL) advised that pertaining to Site 2 there is considerable clay on the land and it is not known how much of the land will be useable. The property owner Mosaic requested the land be included in the proposed Industrial FLU category.

There was discussion as to what was driving the proposed amendments, and Codo-Salisbury replied that CFRPC worked with the County Staff of the County Manager and Economic Development Director as well the EAR recommendations.

Kenny Miller, CF Industries, responded that CF's DRI (Development of Regional Impact) is still active; the area in Site 02 has been reclaimed.

Paul Samuels, Mosaic Fertilizer responded that he did not know the status of Mosaic's DRI, but the land has been fully reclaimed.

P/Z Norris asked what could the 1250-ft-wide Industrial strip along CR 663 be used for and Codo-Salisbury replied that it could be an industrial use for transporting of raw materials, possible staging area.

County Manager Albritton advised that the EAR process was started when Planning/Development Director Nicholas Staszko was here and Kimley-Horn prepared the EAR.

P/Z Conley inquired as to why the County has not implemented a Mining FLU category and Codo-Salisbury replied it was a consideration in the EAR, but the County elected not to pursue.

MOTION by P/Z Tomlinson to recommend approval of **Ordinance No. 2010-07** to the BCC for transmittal to DCA . . . . MOTION died for lack of second.

MOTION by Conley, second by Chancey to recommend DENIAL of **Ordinance No. 2010-07** to the BCC. Motion carried with Tomlinson voting NO.

Public Hearing RECESSED; RECONVENED.

MOTION by Conley, second by Norris to RESCIND the MOTION OF DENIAL.

Chancey inquired what changed the MOTION OF DENIAL and Thompson advised that during the break he had a conversation with Codo-Salisbury stating that it was his opinion that the major objection was to the Mining Overlay Map and the point was made that the P/Z could change the recommendation to be no changes to the Mining Overlay Map.

Codo-Salisbury advised that the recommendation can be to forward with approval, forward with conditions or forward to not to approve.

Conley WITHDREW the MOTION to RESCIND; Norris WITHDREW the second to the MOTION to RESCIND.

Atchley advised that the BCC has received a recommendation of DENIAL from the P/Z Board for transmission of **Ordinance No. 2010-07** to DCA.

Johnson commented that citizens keep reminding him of the need for a plan, now we have a plan.

Atchley pointed out this is a visioning process . . . we are trying to do some active planning . . . appreciate all the effort county staff has exerted into the process.

MOTION by Johnson, second by Commissioner Bryant to approve the transmittal of **Ordinance No. 2010-07** to DCA with the provision that there will be a window of opportunity for additional 'opt-out' to the Mining Overlay Map between now and the final hearing for adoption by the BCC. Motion carried unanimously.

Joint Public Hearing was adjourned at ~~87:40~~ 8:40 P.M.

Next P/Z Regular Meeting/Public Hearing is scheduled for Thursday, June 03, 2010, 6:00 P.M.

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B.J. Haney, Acting Recording Secretary