

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

June 03, 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, present
Monica Reas, present
Charles Parker, present
Mike S. Thompson, Chairman, present
Vida Tomlinson, excused

Staff

Doug Knight, Interim Planning/Develop. Director,
excused
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 Norris.

Planner Haney advised the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on May 13, 2010 with Affidavit of Publication on file.

Haney advised that all advertisements/public notices were properly posted.

Chairman read the Planning and Zoning Board's General Rules of Procedure located on Page Two of the Board's Agenda.

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

Thompson welcomed Monica Reas to the Board as the replacement for Board Member Gene Davis.

MOTION by Board Member Chancey, second by Norris to approve Minutes of April 29, 2010 Joint Public Hearing with the Board of County Commissioners for **Ordinance No. 2010-07** amending the "Comp Plan" adjusting the Generalized Mining Overlay Map, providing for updates to text and maps based on the adopted 2008 Evaluation and Appraisal Report as printed and mailed. Motion carried unanimously.

MOTION by Board Member Conley, second by Norris to approve Minutes of April 29, 2010 Workshop for **Ordinance No. 2010-04** amending Section 2.28.00, Unified Land Development Code as printed and mailed. Motion carried unanimously.

MOTION by Chancey, second by Norris to approve Minutes of May 06, 2010 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

MOTION by Chancey, second by Conley to approve Minutes of May 13, 2010 Joint Public hearing with the BCC for transmittal of **Ordinance No. 2010-07** to Department of Community Affairs with the correction on Page 06 Joint Public Hearing was adjourned at 8:40 P.M. Motion carried unanimously.

Agenda No. 10-12

Board was advised of a request from Pablo DeLaCruz/Sofia Rosales for recommendation for approval of a Special Exception to locate a single-family mobile home dwelling on .23+/- acres zoned F-R (Farm-Residential) in the Rural Center Future Land Use District.

Haney 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.

Board discussed the 04/16/10 letter to Applicant Pablo Molina DeLaCruz from Gerald R. Biggs, Chief, Bureau of Onsite Sewage Programs of State of Florida Department of Health contained in the Special Exception application. The letter pertained to a Variance Request for an Onsite Sewage Treatment and Disposal system for the parcel on or about 3028 Edwards Peace Drive, Hardee County.

The Board's questioned if the Applicants DeLaCruz and Rosales understood the contents of the letter. Haney explained that upon presentation of a copy of the letter to the Planning and Development Department, Applicant Rosales advised that they understood the contents of the letter.

Chairman called for public input, none received.

MOTION by Chancey, second by Board Member Arce to recommend to the Board of County Commissioners approval of the request for approval of a **Special Exception** to locate a single-family mobile home dwelling on .23+/-acres zoned F-R (Farm-Residential) in the Rural Center Future Land Use based on staff's findings, conclusion, recommendation for approval and recommended conditions and with the added condition of the requirements numbered 1. and 2. in the 04/16/10 letter from Briggs, to-wit:

1. The onsite sewage treatment and disposal system shall be set back from all private drinking water wells by the maximum distance attainable but not less than 50 feet when installed;
2. The applicant shall conduct a water quality clearance of their private drinking water well by obtaining satisfactory analysis results for total coli form and nitrate, using an approved method performed by a DOH-certified laboratory. It is recommended that these analyses be repeated at least annually. All sample results shall be submitted to the Hardee County Health Department within 30 days of receipt. If the results are unsatisfactory and/or exceed the maximum contaminant level established by the Florida Department of Health in Chapter 64E-8, FAC, corrective measures must immediately be taken to correct the water quality.

and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

A copy of the Briggs letter is attached hereto and made a part of these Minutes.

BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, June 17, 2010, 6:00 P.M. or as soon thereafter.

Agenda No. 10-11

Board was advised of a request from Elizabeth S. Bubenick, et al by and through the Authorized representative for recommendation for approval of a Rezone of the F-R-zoned portions of two Bubenick-owned parcels from F-R to C-2 (General Commercial) to utilize the parcels to the highest and best use.

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

Jim See, (206 N. 6th Ave., Wauchula, FL 33873) was sworn and advised:

Board inquired if Bubenicks owned the easement into the school and See advised the Bubenicks own the easement.

Thompson noted that he was glad a sketch for a proposed project is not now required for a rezoning because there are times such as this when the property owner has no proposed plans in mind.

Chancey mentioned the importance of sidewalks and expressed a desire that the property consider sidewalks when a project is planned.

Chairman called for public input, none received.

MOTION by Norris, second by Board Member Chancey to recommend to the Board of County Commissioners approval of the request for approval of a **Rezone** of the F-R-zoned portions of two Bubenick-owned parcels from F-R to C-2 (General Commercial) to utilize the parcels to the highest and best use based on staff's findings, conclusion, recommendation for approval 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, June 17, 2010, 6:00 P.M. or as soon thereafter.

Board expressed a desire to clean up/clarify some of the language in the Unified Land Development Code and noted that the County Manager has advised of the expense of changing the ULDC under the Muni-Code system. The Board determined to suggest to the BCC to explore other possibilities for keeping the regulations on line other than Muni-Code to make the changes less expensive thereby making it possible to get the changes done timely.

There was interest expressed for the P/Z to schedule some ULDC Workshops to consider some changes to the code.

It was noted that if Muni-Code knows the County is considering pulling out, they might reduce their costs.

MOTION by Chancey, second by Norris to send a letter of recommendation to the BCC stating that the Planning/Zoning Board in recognizing:

- the recent text amendments to the Comprehensive Plan will require changes/updates to the ULDC;
- the ULDC contains some regulations that if cleaned up/clarified might be more easily understood;
- the exorbitant expense from Muni-Code to make changes to the ULDC and make ULDC available on the County's website;

is requesting the BCC to explore other options to provide for changes to the ULDC and maintain the same on the County's website.

Further the P/Z Board would like to schedule ULDC Workshops to discuss some ULDC changes and offer those suggestions to the BCC. Motion carried unanimously.

Board directed Haney to draft letter for Thompson's signature and send a copy of the letter to each P/Z member with 06/03/10 Minutes.

Board RECESSED at 6:45 P.M.; RECONVENED at 6:48 P.M.

For the Board's information, the video The Sunshine Law presented by Attorney Cliff Shepard was viewed.

Board was reminded of a June 17, 2010 Joint P/Z and BCC public hearing to receive the 2009-2010 Annual Report from CF Industries, Inc. P/D Staff could not provide the Board with a schedule of the order the BCC would determine to hold its June 17 meetings beginning at 6:00 P.M., to-wit:

- Regular BCC meeting,
- Regular BCC zoning-matters public hearing,
- Joint BCC and P/Z public hearing, CF Industries.

Board was reminded that the next Regular Meeting/Public Hearing is scheduled for **Thursday, July 08, 2010**, 6:00 P.M.

With no further business the Board adjourned at 7:36 P.M.

B.J. Haney, Acting Recording Secretary