

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

October 07, 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, excused
Oscar Ortiz, present
Monica Reas, present
Charles Parker, present
Mike S. Thompson, Chairman, present
Vida Tomlinson, present

Staff

Kevin Denny, Planning/Develop. Director
present
BJ Haney, Planner II, present
County Attorney, Kenneth B. Evers, present
Building Official, Jerry Smith, present
County Manager, Lex Albritton, 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.

The Board was advised the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on 09/16/10 with Affidavit of Publication on file, and that all advertisements/public notices were properly posted.

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

MOTION by Board Member Tomlinson, second by Board Member Chancey to approve Minutes of September 02, 2010 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 10-05

Board was advised of a request from Russell D./Stephanie R. Adams and Daniel L./Cynthia D. Barco for a recommendation for approval of a Modification to a Major Special Exception to allow commercial outdoor recreation and lake excavation on 36.37+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District and request recommendation for approval of a Variance to the required 300-ft setback from neighboring residences pertaining to the proposed commercial outdoor recreation project.

Board and County Staff were provided with a copy of the application containing the Applicants' narrative and Site/Concept Plan, the Staff's Report including the Staff's Findings, Conclusion, Recommendations and Recommended Conditions prior to the 10/07/10 public hearing.

The Staff Report included Applicants' request, to-wit:

- Applicant-initiated request for a Modification to an approved with conditions Major Special Exception (07-36--04/19/07) to extend the approval for private lake excavation activities,

and

- Applicant-initiated request to operate a recreation and sports vehicle park exclusively for motorcycles, all terrain vehicles (ATVs) and utility vehicles (UTVs) on A-1-(Agriculture) zoned land, in the Agriculture Future Land Use District,

and

- Applicant-initiated request for a Variance to Section 3.21.01.03(B) of the Hardee County Unified Land Development Code requiring 300 feet between the Commercial Outdoor Recreation facility and existing residences or property designated for residential use on the Hardee County Future Land Use Map.

- History of the approved with conditions Major Special Exception for excavation of a private lake,
- Findings of Fact,
- Applicants' Request for Outdoor Recreation Use, Commercial,
- Major Special Exception Review Criteria as addressed in Section 7.12.00 of the Hardee County Unified Land Development Code (ULDC), including Standards of Review,
- Variance Review Criteria as addressed in Section 7.13.04, of the Hardee County ULDC including Criteria for Review,
- Concurrency Test Statement,
- Staff Analysis,
- Order of Discussion and Motions,
- Recommendations,
- Recommended Conditions.

Planning/Development Director Denny requested the Board consider the requests in the following order:

- First: Special Exception to allow Outdoor Recreation, Commercial in A-1-zoned Districts;
- Second: Variance to the ULDC-required 300-ft setback from existing residences for Outdoor Recreation, Commercial;
- Third: Extension of approved with conditions, (except No. 04) Major Special Exception (MSE) for the excavation of a private lake.

Denny reported that the Planning/Development Department has documentation from the Applicants demonstrating that the excavation/fill dirt activities continued until March 11, 2010.

Denny advised that the:

- site and the 12-foot (dirt) berm has been reconfigured to create an outdoor recreation riding track for motorcycles;
- County received complaints regarding noise and dust on or about July, 2009;
- the Code Enforcement case operating a outdoor recreation, commercial without required County permits has been before the County Judge and the Applicants were authorized to operate the track for only family and friends until the zoning issues were resolved;
- Applicants are requesting to modify the existing MSE to include a motosports park.

Denny entered the Staff Report into the record; no objections presented.

Accompanying Denny's comments that the Site Plan before the Board shows a general layout with a u-shape opening to the North, Denny presented photographs showing the entrance to the site and advised that the County Code Enforcement office has been called out on several occasions and has found no evidence that the track has been operating outside of the Judge's order.

For A-1-zoned districts, Denny stated that Section 7.12.00 of the Hardee County ULDC calls for a 300-ft buffer between existing residences and outdoor recreation, commercial and the closest residential use is approximately 100 ft to the North.

Denny reported that the County has had complaints about the track site in Manatee County, and have had complaints about the Adams-Barco track site when it was being used for personal use.

Denny directed the Board's attention to Page Six of the Staff Report, Standards of Review (Motorsports-Outdoor Recreation Use) commenting that:

- paragraph A. speaking to noise of the machines (in close proximity to active agricultural uses and single-family residences); Denny noted that in his opinion with these numbers the 37+/-acre site will not be compatible; Denny reported that the County has received written complaints from the neighbors about noise;
- paragraph B. speaking to steps the developer has taken to mitigate any adverse effects; Denny advised that he requested a sound study but gave the Applicants the option of securing a sound study and they decided to proceed without it;
- Paragraph D. speaking to what existing zoning and land use in the vicinity of the SE use require special considerations and conditions; Denny reported that the Variance request is to reduce the setback requirements down to 100 ft;
- Paragraph E. (01) speaking to what extent the SE is compatible with design standards such as Yards, Height, Lot Coverage, Impervious Surface Coverage, Parking and Hours of Operation; Denny advised that surrounding land use in the neighborhood is large-lot homes and farms;
- Paragraph E. (02) speaking to whether the intensity or density of use will be greater or lesser than that currently permitted for adjacent properties; Denny noted that the outdoor recreation, commercial use is of greater intensity ;
- Paragraph E. (03) speaking to whether the proposed change in land use will adversely alter the existing land use pattern; Denny stated yes in Staff's opinion.
- Paragraph E.(04) speaking to whether the proposed change in land use will significantly increase traffic congestion; Denny advised that the approved with conditions (except Condition No. 04) MSE indicated a trip generation of 2,582 average daily traffic for the private lake excavation project; based on best available data the ITE use 453-Auto racetrack would be 210 peak trips.
- Paragraph E.(06) speaking to whether the proposed change in land use will decrease the quality of water, air or light to adjacent properties Denny showed two pictures submitted by a neighbor depicting the dust; Denny re-iterated the pictures were not taken by County Staff.

Denny pointed out the site is too small for the planned activity; typically the use is planned on a larger tract that allows for ¼-mile buffers including large trees as part of the buffer or similar practices.

Relating to the Variance requested seeking to reduce the 300-foot buffer required for Outdoor Recreation Uses, Commercial to approximately 100 feet, Denny highlighted the Variance Review Criteria (beginning on Page Nine of the Staff Report).

Denny pointed out there are no special conditions or circumstances that are particular to the land involved; this is a self-imposed hardship above what is allowed in Agriculture zoned lands . . . Applicants are requesting additional rights; the Applicants have private lake excavation use and can build a house on each of the lots of the site; do not find this to be an appropriate site for the proposed use; this site was used as a racetrack some 15 years ago, said use has been discontinued for some time.

Denny recommended denial of the Modification to the approved with conditions (except Condition No. 04) Major Special Exception and recommended denial of the Variance due to incompatibility; recommended approval of an extension of the approved with conditions (except Condition No. 04) Major Special Exception for a period of two years to help ride out the economic conditions.

Denny pointed out if the County Commissioners approved the outdoor use the Applicants want to be able to pick up the private lake excavation project again.

Denny referred to Page 17 of the Staff Report and requested to add three conditions, to-wit:

08. to limit spectators;
09. adopt Development Review Committee meeting comments;
10. adopt the Applicants' proposal for the project to include the 19 items as enumerated on Page Four of the Staff Report.

Board Member Arce noted that the Staff Report listed the negative aspects of the proposed project . . . are there any positives about the site?

Denny reported that Staff has had meetings with the Applicants and have stressed the importance of a sound study.

Denny advised that the site has been operating since July, 2009 without permits and the County has been working with the Applicants; the County has little to work with to make the proposed project work on this site.

Dan Wilcox, PSE, PSM, Stephenson, Wilcox and Associates, Inc., (204 Railroad St., Bunnell FL) addressed the Board advising that his firm works in Florida and Georgia.

Wilcox pointed out this is a two-part request . . .

- need to extend the Major Special Exception to a date in the future because of the economic conditions;
- the original desire was to dig a lake for three homesites,
- the berm was built and maintained as a visual buffer as part of the stormwater system;
- need an interim use;
- have excavated nearly 60,000 yards;
- property owners were approached by members of the community for a place to play with swamp buggies;
- they made a site for OHV (Off Highway vehicles) for the bigger kids;
- we are not to the level of Forest Glen . . . we did not have a voice in that approval;
- we are not asking for that size and will never be that size;
- the operation has been for friends and family for about a year;
- we think the County needs a project like this;
- there are two residences one to the North and one to the East that would require approval of a Variance;
- the property owner to the North owned this site and operated it as a track for years;
- we are asking for a re-creation of an historical use;
- we are willing to water the tracks more to control the dust if need to;
- any noise issues we will address at that time . . . we will add additional buffers with additional vegetation
- we can limit the riders on the tracks to address the sound issue as well as any safety issues;
- sound studies are expensive;
- will need a decibel meter to measure the noise;
- need a place to practice . . . we are trying to provide a family activity.

Wilcox read into the record Paragraph Three of the Conclusion of the Applicants' Narrative, to wit:

Through this Special Exception and Variance approval process, Hardee county staff and the Board of County Commissioner is able to ensure the intent of the Land Development code is met and the interests of the various immediate neighbors and adjacent land owners, land uses and land values are protected, while crating the community support necessary for the development of its current list of stars in this sport and assure an ongoing representation of Hardee County in this rapidly growing and very popular

recreational and competitive motorsport. Based on the observed field conditions, the community and surrounding area, the described location and geometric anomalies specific to this project together with the visual, audio and setback buffers and physical barriers provided, every reasonable assurance has been provided that the approval by Hardee county staff and Board of County Commissioners will do no harm while providing a positive impact to the surrounding community and neighborhood through their support and approval of the requested Special Exception and Variance.”

Denny inquired and Wilcox responded that he has not seen a letter of support from the Barnes and Davis does not want to get involved.

Regarding sound attenuation, there was discussion about the effectiveness of the concrete walls erected along major highways near residential areas for sounds within the 60-65 decibel range and the 90 decibel range.

Board inquired about the proposed 250 riders, and Wilcox responded that there would probably be only 25 or so riders riding at any one time, and noted that actual numbers are only about 10% of what is shown in the report.

There was discussion about the level of noise that would be generated for riders running without headers. The Board was advised that all the machines cannot run without mufflers.

Board was advised there will be no overnight camping, no alcoholic beverages and no firearms.

The public hearing was opened for public input with a directive from the Chairman:

- each speaker will be allowed three minutes;
- no catcalls from the audience;
- afford each speaker respect, without interruptions.

Justin Blalock, 576 Roy Moore Rd., Ona, FL addressed the Board:

- advised that he lives in the house to the West of the proposed project
- stated that the property is too small;
- there are homes on all four corners of the land;
- project's website says camping is allowed;
- have no problem with extending the Major Special Exception for the borrow pit;
- there is no motorcycle shop in Hardee County;
- hear motorcycles inside my house with the TV on;
- the property owners have been operating without going through the required County process;
- think the property owners have alienated themselves to us by operating without the required permits.

Johnny Long, 165 Roy Moore Rd., Ona, FL addressed the Board:

- my home is approximately ½ mile from the site, I have no problem hearing the motorcycles;
- litter has increased that I have to pick up;
- Blalock's mailbox has been run over;
- the majority of the people who come there are not going to pass one business getting to the track.

Nick Sivilich, 5748 99th Ave. Circle E, Parrish addressed the Board:

- The other track is shut down because they planned too big, did not have enough Participants;
- I worked there;
- publicity for tracks in motocross is by word of mouth;
- if this track does not open there will not be a place to ride;

property owners are kind and interested in you as a rider;
property owners can't know the problems until they open and then work with the
neighbors to fix the problems.

Steve Rush, 5409 Evora Ave., Sarasota, FL addressed the Board:
want to talk a little about kids and racing;
read an article to the Board stating that riding is healthy;
motocross teaches responsibilities, dedication, is a family environment;
I have been to this track for about a year,
there are about 15-20 riders on Sundays, never been any numbers close to 250;
Moore's track operated 1993-2000; was a good track
brought a lot of money into the County;
all machines are muffled.

Russell Adams, 734 County Road 665, Ona, FL addressed the Board:
the two pictures shown to depict the dust were taken before the berms
had gotten compacted;
we have 40-50 riders on Sundays;
riders ride for a while then stop for rest and fellowship;
the gates are opened so the kids can ride,
do it for myself and for the kids;
have volunteers to help work;
it is not economically wise, but you enjoy your hobby;
250 is not a real number;
no concessions on site and no camping on site.

Board Member Chancey inquired about the berm that is not completed along the North property
line.

Adams pointed out that (property owner) Merle (Moore-Davis) has no complaints as long as we
keep our nose on our side of the fence.

Nicholas Tagliamonti, 3708 43rd Ave. E, Bradenton, FL 34208 addressed the Board:
just started riding a dirt bike, 45 years old;
my son and I go every other weekend;
ride for a few minutes;
family atmosphere;
think of property owners as family;
never had a dirt bike as a child;
my son likes it;
property owner will fix noise and dust if needs to.

Chip Gaines, 518 Hancock Ave., Sarasota, FL 34232 addressed the Board:
my boy started racing about three years ago;
bike died;
It is a place to ride;
family atmosphere;
boy has nothing to ride but wants to go and hang out there.

Gene Kirk, 8019 Spring Marsh Dr., University Park, FL 34201 addressed the Board:
I am service manager for Granny's Motorsports;
machines must have mufflers to make the bike run;
I have been out there every other weekend for the past year
every bike out there has a muffler;
my kids ride;
I will test the bikes before they run to see if they are properly muffled and rated;

when six or seven bikes are running the maximum decibel would be 100;
a Harley-Davidson right off idle is roughly 100 decibels, most of these bikes
run at less.

James Schmidts, 210 3rd St. W., #6309, Bradenton, FL 34205 addressed the Board:
I have raced all over the country;
I would ride at this track;
property owners could have a field of dreams here;
I enjoy encouraging the kids and adults;
I am 45 years old and love this sport;
I am an advocate of this sport and do not see this track being a full-blown track;
skeet shooting could be comparable to the noise of the bikes;
people are investing in the kids to develop them as athletes;
there is a new raceway up on I-75, is a small parcel than this.

Andrew Cole, 12559 Natureview Circle, Bradenton, FL 34212 addressed the Board:
I think there might be some misperceptions;
these are families trying to teach their kids to ride;
it is a controlled, safe, supervised environment,
at this track kids go out and ride and do not race;
have never seen more than 20-30 people out there;
they are riding for fun and our teaching your kids what your parents taught you.
I go to Ocala, not controlled, tracks have dangerous intersections;

Angie Cole, 12559 Natureview Circle, Bradenton, FL 34212 addressed the Board:
it is frustrating to listen to these misconceptions;
I would ask if not here . . . where?;
this is something we can enjoy together;
there will always be people complaining;
keep your minds open;
there are a lot of families getting enjoyment and they (property owners)
are trying to get something from the land.

Scott LeBel, 706 N. Jefferson Ave., Sarasota, FL 34237 addressed the Board:
anyone who rides knows it brings families together;
riders are a tight-knit clan;
I have been riding for about a year;
have met some of the best kids I know. . . they are determined, hardworking
and are learning life skills;
keeps kids off the street and out of trouble and most important family environment
controlled with respect for everyone.

Board RECESSED at 7:40 P.M.; RECONVENED at 7:47 P.M.

Wilcox pointed out:
this is a venue that does not carry the formality of a formal racetrack;
the way the code is written we would be before you no matter how big the site is;
this project in A-1 requires coming before you.

Denny reminded the Board:
to look back at the Staff Report for competent and substantial evidence;
we have to look at the maximum impacts;
if you had 10,000 acres there would be areas for buffers.

Denny noted the first issue is to consider a Modification to the original Major Special Exception that would allow the outdoor recreation park; the second issue to consider is the Variance to the required setbacks and the third issue to consider is the extension of the original Major Special Exception for the private lake excavation.

Conley pointed out:

that it is Hardee County's responsibility to maintain Roy Moore Rd.,
not the property owners;
it is the County's expense;
the dirt of the track will be removed and transported away with the oil etc. in it;
it is the uttermost extent for the Sheriff's Dept.;
impact to the neighbors is there;
the parcel is too small, too close to residents.

Chancey pointed out:

I like the family idea, but again the rules are here for a particular reason;
this Board only recommends approval or denial.

Arce pointed out:

property owners said this will help in these economic times;
we cannot afford a permanent law enforcement officer;
there will be no riff-raff and some EMTs that ride bring their gear.

Adams noted that because of the regulations we have not been able to reach out to the community and advertise.

Thompson inquired where is the threshold between a family/relatives/friends operation and public/commercial operations?; the Board is faced with an application for a big thing and this is not a big thing; land size is a problem for me based on the numbers contained in the application.

Adams advised that Southwest Florida Water Management District (SWFWMD) has said we are ok.

MOTION by Conley, second by Board Member Reas to recommend to the Board of County Commissioners DENIAL of the Modification of the approved with conditions (except Condition No. 04) Major Special Exception to allow outdoor recreation, commercial due to incompatibility and based on the staff report, findings, conclusion and recommendation for denial and if the Applicants desire they can modify the numbers in the application before same goes before the Commissioners: ROLL CALL VOTE: Reas, yes; Conley, yes; Tomlinson, yes; Parker, yes, Ortiz, yes, Arce, No, Chancey no. Motion carried 5-2 in favor of denial.

Based on the recommendation for denial of the Modification to the Major Special Exception the request for the Variance is moot.

MOTION by Board Member Chancey, second by Arce to recommend to the Board of County Commissioner approval of a two-year extension of the approved with conditions (except Condition No. 04) Major Special Exception for the excavation of a private lake based on the staff report, findings, conclusion and recommendation for approval. Motion carried unanimously.

BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, October 21, 2010, 6:05 P.M. or as soon thereafter.

Based on the lateness of the hour, the Board determined to postpone its training session with the County Attorney.

Board was advised, as information of a BCC public hearing scheduled for Thursday, October 21, 2010, 6:00 P.M. to adopt and authorize transmittal to DCA of **Ordinance No. 2010-05**--A Large-Scale Comprehensive Plan Future Land Use Map Amendment to amend the Generalized Mining Overlay Map to include several parcels of land totaling approximately 3,601.43 acres in the A-1-zoning district and Agriculture FLU District AND **Ordinance No. 2010-07**—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)

Board was reminded that the next Regular Meeting/Public Hearing is scheduled for **Thursday, November 04, 2010, 6:00 P.M.**

With no further business the Board adjourned at 8:10 P.M.

B.J. Haney, Acting Recording Secretary