

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

November 03, 2011, 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
Roger Conley, present
Gordon Norris, present
Oscar Ortiz, excused
Charles Parker, present
Monica Reas, Vice Chairperson, excused
Mike S. Thompson, Chairperson, present
Vida Tomlinson, present

Staff

Kevin Denny, AICP, Planning/Develop. Director
present
Joshua Cheney, AICP, Planner III, present
BJ Haney, 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 with prayer by Board Member Conley.

The Board was advised the Public Notice for the Regular Meeting/Public Hearing for Agenda No. 12-01 was published in The Herald-Advocate on 10/06/11 with Affidavit of Publication on file, and that advertisements/public notices were properly posted.

The Board was advised the Public Notice for the Regular Meeting/Public Hearing for Agenda No. 12-02 was published in The Herald-Advocate on 10/13/11 with Affidavit of Publication on file, and that advertisements/public notices were properly posted.

Chairman read the Planning and Zoning Board's General Rules of Procedure located on Page Four of the Board's Agenda; Notary Public Haney administered Oath to those wishing to offer testimony.

MOTION by Board Member Norris, second by Board Member Parker to approved Minutes of 10/05/11 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 12-01

Board was advised of a request from Holly Hill Fruit Products Co., Inc. as property owner and National Solar Power Partners LLC as applicant by and through the Authorized Representative requesting a recommendation of approval of a Major Special Exception and approval of a Site Development Plan to construct in phases and operate a SOLAR FARM including structures and equipment on 1317.93+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District

Denny presented the Staff Report and advised:

- that the project is a proposed 220 mega-watt plant;
- that the Staff acknowledges that the proposed use has a fraction of the impacts typically associated with a power plant, however, the solar power facilities fit the definition of electrical plant more closely than other defined uses in the ULDC (Unified Land Development Code), said facilities are considered a Major Special Exception (MSE) in the Agriculture future Land Use Category and in the A-1-zoning district;
- some internal roads, but the entrance/exit is planned from Jersey Ln.;

- at this public hearing we are processing a MSE for an overall Master Plan and a Site Development Plan for Farm 1, Farm 1 is the only phase that contains habitable structures, the additional phases will have solar panels and small electrical cabinets associated with the panels;
- that Staff proposes that the additional phases only undergo review through the Development Review Committee (DRC), the Planning/Development Director will reserve the right to bring additional phases through the P/Z Board and Board of County Commissioners if conditions warrant;
- that while a large project the impacts are minimal, the proposed project does not generate noise, odors or glare;
- that the traffic impacts are significantly less than if this property developed 280 single-family homes, the only potential negative impact concerns the use of the unimproved roadway known as Jersey Ln. by adjacent property owners;
- the proposed project replaces orange trees with 6'-height solar panels and contains building typically seen with large farming and adds a few electrical substations from existing high-voltage lines in the area, the solar panel area will typically have a buffer of several hundred feet;
- proposed project will employ approximately 50 persons after construction.

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

Denny advised that the Staff recommends approval of the Master Plan MSE with conditions, and the Farm 1 SDP.

Build-out of the proposed project was discussed and Board was advised that the project will probably be at full build out in 10 years.

Joe Wright, (V & W Farms, POB 1057, Avon Park, FL 33825) was sworn and addressed the Board advising that the County maintains the Jersey Ln. portion of the ingress/egress easement going South from State Road 64 that is adjacent to Wright's property.

There was considerable discussion regarding the access from the end of Jersey Ln. to the NW corner of the property owner's property including the unimproved condition of the travelpath. It was noted for the record that all road talk stops at the NE corner of the 'solar-farm-property'.

It was pointed out the County maintains 3/10 of a mile of the travelpath known as Jersey Ln.

Wright pointed out that the easement from the South end of Jersey Ln. is dirt and Wright's company has employee housing adjacent to the travelpath.

There was discussion about who will pay the costs of stabilizing the travelpath and the Board was advised that at no time will Jersey Ln. be taken out of use.

Board was advised that Farm 1 will need 100,000 panels and they are delivered by truck.

Discussion continued concerning the stabilization of the travelpath and the Board was advised that when finished it will be in better shape. Denny will contact Hardee County Public Works Director/County Engineer to see if #57 gravel will be acceptable; Board agreed.

MOTION by Conley, second by Board Member Arce to **RECOMMEND APPROVAL** to the Board of County Commissioners of the request for Major Special Exception to construct in phases and operate a solar farm including structures and equipment on 1317.93+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District based on staff's findings, conclusion, recommendation for approval and recommended conditions, and the adding of the following conditions:

- (04) Grant that the Major Special Exception shall continue three calendar years past the date of the issuance of the last Hardee County building permit;
- (05) Require the implementation of effective dust mitigation during construction of the site of the ingress/egress travel path to the Northwest corner of the applicant's project site South from State Road 64 East;
- (06) Require paving of the travel path at the applicant's/owner's expense from State Road 64 East, South to the Northwest corner of the applicant's project site, and acceptable for County Engineer to make a recommendation on the use of #57 gravel for stabilization

and based on the testimony presented and the evidence received in the public hearing. Motion carried with Board Member Norris voting no.

The BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, November 10, 2011, 8:35 A.M. or as soon thereafter.

MOTION by Conley, second by Parker to **APPROVE** the Master Site Plan and Farm 1 Site Development Plan of the Major Special Exception with conditions for the solar farm project based on staff's findings, conclusion, recommendation for approval and based on the testimony presented and the evidence received in the public hearing. Motion carried with Norris voting no.

Board RECESSED: 7:10 P.M.; RECONVENED 7:15 P.M.

Agenda No. 12-02--by and through the Authorized Representative requests a recommendation of approval of a **Special Exception** and approval of a **Site Development Plan** for a Recreational Resort on 20.01+/-acre parcel zoned **A-1 (Agriculture)** in the **Agriculture** Future Land Use District.

Board was requested to CONTINUE Agenda No. 12-02 to Thursday, December 01, 2011, 6:00 P.M. MOTION by Parker, second by Arce to CONTINUE Agenda No. 12-02 to 12/01/11 as requested. Motion carried unanimously.

Board continued its general discussion of Article 02 of the Hardee County Unified Land Development Code (ULDC) and discussed how to suggest some language that would amend the code to allow for quicker resolution of proposed projects without the County worrying so much about liability; like for allowing permitted-by-right uses in General Commercial-zoned district to move forward instead of having to come before the P/Z Board.

Board was advised that the County's requirements are not that much greater than what is imposed in other counties; the regulations with Southwest Florida Water Management District and State of Florida, Department of Environmental Protection do require more of an applicant's time.

Board was advised the P/Z's next Public Hearing is scheduled for Thursday, November 17, 2011, BoCC Conference Room, to hear a request for approval of a Site Development Plan for End Time Cross Road Ministry Inc. for a church facility on Martin Luther King Jr. Ave.

With no further business, Board adjourned at 8:25 P.M.

B.J. Haney, Acting Recording Secretary