

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

August 02, 2012, 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, Vice Chairperson, present
John Deer, present
Shawna Lambert, present
Gordon Norris, present
Oscar Ortiz, present
Mike S. Thompson, Chairperson, excused
Mark White, present

Staff

Kevin Denny, AICP, Planning/Develop. Director
present
Joshua Cheney, AICP, Planner III, present
BJ Haney, present

No News Media identified

Vice Chairperson Conley called the Regular Meeting to order at 6:00 P.M.; a quorum was present.

Attendees pledged allegiance to the American Flag followed with prayer by Board Member Norris.

The Board was advised that the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on 07/12/12 with Affidavit of Publication on file and that 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.

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

MOTION by Norris second by Board Member White to approve Minutes of 06/14/12 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 12-15

Board was advised of a request from Lexan Properties, LLC, Lexan Investments LLC and Sharon Mytyk and Erica Scheipsmeier property owners by and through the Authorized Representative for approval of a Special Exception containing a Concept Development Plan for a Temporary Outdoor Commercial Use to operate a family-oriented annual event during the months of September through November utilizing 14.0+/-acres of the 17.26+/-acres of A-1-zoned land in the Highway Mixed Use Future Land Use District.

Board and County Staff were provided with a copy of the Application for Special Exception containing applicant's narrative of activities and Concept Development Plan, and a copy of the Staff Report including Standards of Review and Findings of Fact, staff recommendation and recommended conditions prior to the 08/02/12 public hearing.

Planner III Cheney was sworn and advised:

- Property Owners/Applicants are Sharon Mytyk, Erica Scheipsmeier, Lexan Properties LLC and Lexan Investments LLC, Authorized Representative is Scheipsmeier with Cool and Cobb Engineering Co. as the Consultant;
- Applicant-initiated request for a Temporary Outdoor Commercial Recreation use as a Special Exception containing a Concept Development Plan in the A-1-zoning district and Highway Mixed Use Future Land Use District;
- the proposed family-oriented fall festival temp use/event plans to be open Saturday, 09/29/2012 through Saturday, 11/10/12;
- the proposed event is reportedly to be operated by AG Outdoor World Inc. on approximately 14.0+/-acres of the 17.26+/-acre site; featuring an 5.7+/-acre maze,

a petting zoo with pony rides, a plant nursery, kid hay bale maze, craft merchants/vendors area, tent entertainment, games, food vendor area and a pumpkin tent;

- Authorized Rep advised (08/01/12) the planned pumpkin patch and sunflower patch will be replaced with a corn cannon and cow train area;
- the operator of the planned event will obtain insurance, provide safe walking paths, first-aid kits and staffing (approximately 15 or as many as needed depending on the attendance);
- there will be no alcohol allowed and Applicants will provide, porta-johns, (manned) watchtower (in the mazes) and a dumpster;
- the access will be from Torrey Rd., Florida Department of Transportation (FDOT) has provided additional conditions;
- the proposed event should be compatible with the mixture of existing/established uses and A-1-zoned lands;
- there are no floodplains or wetlands on the property;
- the Special Exception for a Temporary Outdoor Commercial Recreation is a one-time event; after the event the site will return for former uses that includes a plant nursery, cropland and residential area;
- the proposed project can meet the required setbacks and other than traffic, staff does not anticipate that the proposed temp use will generate much off-site impact;
- no permanent structures or impervious surface are proposed; the parking and hours of operation are consistent with this type of event;
- FDOT and Hardee County Fire Dept. have reviewed the request and have provided conditions of approval;
- Organizers will be required to apply for a festival permit with a life safety evaluation/inspection before the event opens to the public.

Cheney advised that the request is consistent with the Hardee County Comprehensive Plan and Unified Land Development Code and County staff recommends approval with the stated conditions, and entered the Staff Report and Staff's testimony into the record; no objections presented.

Board inquired that the advertisement/public notice was for an 'annual event'.

Planning/Development Director Denny was sworn and explained that because one of the parcels is nonconforming in use with the existence of two single-family dwellings, staff determined to proceed with this request as a temporary use and if the SE is approved, (Applicants will need to get parcel no. 01960 conforming in use and parcel nos. 00940 and 00930 joined under one legal description), and then seek approval of a modification to the SE, and submit a Site Development Plan for approval for the entire project envisioned for the site.

Erica Scheipsmeier, (POB 863, Bowling Green, FL 33834) was sworn and stated that the two (Lexan) properties (2.66 ac and 7.34 ac involved in this proposed project) have been joined and are now owned by one Lexan-entity and the deeds have been recorded.

Scheipsmeier presented a brief history of the birth of the idea.

Scheipsmeier stated:

- have contracted with Maze, Inc. for help with this hoping to develop into an annual event;
- we only did the Concept Development Plan at this time to give you an initial layout asking for flexibility to make some small changes for example based on the climate we will not be growing a pumpkin patch, may not have a sunflower patch, may need to substitute with events like a corn cannon and a cow train.

Scheipsmeier distributed a picture of a corn cannon and a cow train to the Board and briefly described each.

Scheipsmeier stated:

- dates have been a challenge; need to be open for six weeks . . . 10/06-11/17 with opening to VIPs on 10/06 and to the public on 10/12;
- the planned hours are Friday, 5:00 p.m. to 10:00 p.m. maybe 11:00 pm.,
Sat., 10:00 a.m. to 10:00 p.m. maybe 11:00 p.m.,
Sun., 1:30 p.m. to 5:00 p.m.;
- we plan to have a sheriff's deputy at Torrey Rd. and Hwy. 17;
- we have contacted several local schools and have plans for field trips;
- the main attraction is the maze . . . the kiddy part of the maze is shaped like the 'Cat's (Hardee Wildcats) logo; possibly planning a nighttime-flashlight-maze.

Scheipsmeier assured the Board there will be a 'corn-cop' in the maze's watchtower.

Scheipsmeier stated:

- also have plans for a tube slide, cow train, hay bale maze, corn cannon, duck races, pedal carts for the older teenage kids, bouncing horses, some food concessions . . . drinks, snacks, some entertainment, pumpkin sales, merchant/craft vendors; are still working on the admission fee; there will be no fee for parking;
- all road signs will be temporary;
- there will be some amplified music.

Scheipsmeier advised that we are enclosing one shadehouse for a haunted house.

Scheipsmeier expressed a desire to clarify that although one of the FDOT conditions stated '*the driveway in the center of the property is not be used and will be removed by a permit application*', (at the Development Review Committee meeting) it was discussed and FDOT rep agreed that Applicants would not be required to remove the driveway (culvert), but could block the driveway or install plants across the driveway area. At that DRC meeting zoning said it was ok with the County as long as the driveway area was blocked.

Board determined for Applicants/Authorized Representative to work this out with FDOT.

There was discussion about amplified music; Board determined for Applicant to comply with the County's noise ordinance provisions (Section 2.15.00, Hardee County Unified Land Development Code, copy attached to these Minutes).

Chairman called for public input; none received.

MOTION by Norris second by Board Member Lambert to **RECOMMEND APPROVAL** to the Board of County Commissioners of Agenda No. 12-15 for a Special Exception containing a Concept Development Plan for a Temporary Outdoor Commercial Use to operate a family-oriented event during the months of September through November (17), 2012 utilizing 14.0+/- acres of the 17.26+/- acres of A-1-zoned land in the Highway Mixed Use Future Land Use District. based on:

- the Staff Report,
- Staff's recommendation for approval,
- Staff's recommended conditions, to-wit:
 01. This approval shall only be for the Special Exception Application and the accompanying Concept Development Plan which depicts a Temporary Outdoor Commercial Recreation Use;
 02. Hours of operation at this site shall be limited to 8 a.m. until 11 p.m. Monday through Saturday, and 10 a.m. to 10 p.m. on Sundays;

03. Restroom facilities or portable toilet(s), which are installed and maintained consistent with Hardee County Health Department rules and regulations, must be provided for all park attendants and employees (on-site) until the temporary use is complete;
04. This Temporary Outdoor Commercial Recreation Use shall be open to the public in 2012, only from Saturday, September to Saturday, November 17th;
05. Austin Lane, which is a private road, shall be closed to the public and may not be utilized for non-residential purposes during this event;
06. The property owners/applicant shall apply for a festival permit with the Hardee County Fire Rescue Department and shall pass a life safety evaluation prior to opening this event to the public;
07. Any onsite lighting shall be directed inward toward the event site so as to avoid any glare or impact on the nearby roadways or residences;
08. The property owners/applicant shall comply with all design standards and accessibility requirements issued or identified by the Florida Department of Transportation prior to opening this event to the public;
09. Applicant's amplified music for the proposed event shall comply with Hardee County's Noise Ordinance;

and add the conditions from the *Hardee County Fire Dept., and add the conditions from the **State of Florida, Department of Transportation, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

BoCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board pertaining to the **Special Exception** containing a Concept Development Plan on Thursday, August 16, 2012, 8:35 A.M. or as soon thereafter.

Denny advised that this date the Board of County Commissioners (BoCC) approved with conditions the Major Special Exception with Site Development Plan for the proposed Liquefied Natural Gas facility.

As information, the BoCC adopted Rules of Procedure for its meetings and public hearings and staff will be bringing those to you. It was pointed out that one of the rules is that an individual is limited to three minutes to speak at public input.

Board was advised of:

- **JOINT BOCC AND P/Z PUBLIC HEARING, Thursday, August 30, 2012, beginning at 3:00 P.M.** for Major Special Exception approval for CF's South Pasture Mine Extension, Hardee County, and to hear a request for approval of a Development Order on an application for Development of Regional Impact (DRI), Substantial Deviation and Master Mining and Reclamation Plan and Unit Plan.
- **REGULAR P/Z MEETING/PUBLIC HEARING, Thursday, September 06, 2012, 6:00 P.M.**
- **JOINT BOCC AND P/Z PUBLIC HEARING, Thursday, September 13, 2012, beginning at 3:00 P.M.** for Major Special Exception approval for CF's South Pasture Mine Extension, Hardee County, and to hear a request for approval of a Development Order on an application for DRI, Substantial Deviation and Master Mining and Reclamation Plan and Unit Plan.

Board was advised there are some additional documents ready for Board's pick up in the Planning/Development Dept. pertaining to CF's application for Major Special Exception approval for the South Pasture Mine Extension and the approval of a Development Order on an application for DRI, Substantial Deviation and Master Mining and Reclamation Plan and Unit Plan.

*Conditions provided to Planning/Zoning Board from the Hardee County Fire Dept., to-wit:

- Motorized vehicles shall not be parked within 75 ft of a crop maze;
- A fuel break of a minimum of 20 ft wide shall be cleared between the crop maze and any vehicles or vegetation outside the maze;
- A public address system shall be readily available to employees at a crop maze to assist them in making announcements to the visitors or patrons of the crop maze. A bull horn or loud speaker will suffice as a public address system;
- A minimum of two employees shall be on duty to monitor a crop maze during hours of operation;
- A minimum of one of the employees shall be located on an elevated platform a minimum of 10 ft above the maze;
- The owner/operator of a crop maze shall contact the fire department and provide the fire department with the opportunity to prepare a pre-plan of the crop maze amusement attraction prior to the start of seasonal operations;
- A minimum of 200 persons per acre, including adults and children, shall occupy the crop maze at any one time;
- No open flame-producing devices or equipment shall be permitted within the confines of the crop maze;
- No Smoking shall be permitted within the confines of the crop maze;
- Fireworks shall not be discharged within a minimum of 300 ft of any crop maze at any time.

**Conditions provided to the Planning/Zoning Board from the State of Florida, Department of Transportation, stating these conditions are strictly for this 2012 event and any future events will need to be reviewed by the DOT for possible upgrade in the State's right-of-way, to-wit:

- If any safety and operational hazards are caused due to this event, the property owners may be required to upgrade ingress and egress to their property at Torrey road and Austin Lane and the median openings;
- The use of law enforcement may be needed at the intersection of Torrey Road and Austin Lane to control/direct traffic at owner's expense,
- The driveway in the center of the property is not to be used and will be removed by a permit application.

With no further business, Board adjourned at 7:05 P.M.

B.J. Haney, Acting Recording Secretary