

PLANNING AND ZONING BOARD  
**REGULAR MEETING/PUBLIC HEARING**

September 06, 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, present  
Mark White, excused

**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.

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 08/16/12 with Affidavit of Publication on file and that advertisements/public notices were properly posted.

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

MOTION by Norris second by Board Member Lambert to approve Minutes of 08/02/12 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 12-18

Board was advised of a request from Daniel L./Cynthia D. Barco property owners/applicants for approval of a Modification to an approved-with-conditions Major Special Exception to excavate a private lake on 36.37+/-acres zoned A-1 (Agriculture) in the Agriculture Future Land Use District; said request is seeking a six-year extension of the approved-with-conditions MSE.

Haney asked if any Board member received any oral or written communications regarding the land use item to be discussed, and stated that if so, please disclose the substance of the communication and identify the person making the communication; none was identified.

Board and County Staff were provided with a copy of the letter of request and a copy of the Staff Summary including, staff recommendation and recommended conditions prior to the 09/06/12 public hearing.

Planning/Development Director Denny being sworn advised:

- (Project was approved in 2007) and was thought would be done in two and one-half years;
- Commissioners granted a two-year extension in 2010, that extension will expire this year;
- this request is for a six-year extension;
- that under Condition No. 06 that a Master Mining and Reclamation Plan is required.

The Board determined to add a Condition No. 10 stating that all access for the project shall ingress/egress from Roy Moore Rd.

Denny noted that Staff compared conditions at time of approval to current conditions when considering such an extension request; important considerations include changes in traffic and

new surrounding development; Staff finds no changes in conditions that warrant additional or new analysis.

Denny entered Staff Summary containing Conditions 01.-09. into the record; no objections were presented.

Russell Adams, 734 CR 665, (Ona, FL 33865) being sworn advised:

- bank yards is defined as dirt/virgin ground; cubic yards is defined as dirt is less compacted when moved;
- plans are to begin with Cell No. 01 located approximately in the southeast corner of the acreage;
- nothing has changed since we were here;
- have an easement all the way around the properties.

Pertaining to Condition No. 02 . . . there was discussion about the initial conditions wherein the applicant would be required to pave Roy Moore Rd., and Denny consulted the minutes of the public hearing and advised that the requirement for paving was removed, and replaced with the requirement for LBR 100 shell.

Adams advised that he had a meeting with J.R. (Prestridge, Public Works Director) before he retired and all we are to do is to maintain the road to County standards; Adams pointed out that the culverts are rusted and according to J.R. that is already a problem . . . Applicants are not liable.

Board directed for the P/D Director and Public Works Director (Ken Wheeler) to meet with the Adams to discuss the issues surrounding Condition No. 02.

Chairman called for public input.

Justin Blalock, 576 Roy Moore, Rd., Ona, FL 33865 being sworn:

- advised that he could not find any written comments from Florida Department of Transportation; Adams advised that he will provide written FDOT approval; referencing condition no. 04.; requested the County look into the traffic issue;
- inquired as to who is going to be responsible for the road maintenance; Adams replied that we will;
- pertaining to setbacks, would like to see the setbacks revisited, they are only 15 ft from the property line . . . property owners have 36 acres;
- inquired as to how much material has been moved in five years; Adams pointed out only the amount that the neighbors needed.

There was discussion that the project needs to be revisited by engineering and county staff ; can't tell what the setbacks requirements are.

Denny pointed out that as of 07/01/12, the County is prohibited from conditioning a local approval on the acquisition of state and federal permits.

Haney advised Planning/Development Dept. received an (09/05/12) email from Mike/Brenda Barnes, 713 Roy Moore Rd. stating that they are adjoining neighbors to the parcels owned by Daniel/Cynthia Barco, and stating the modification request should be approved. (Email on file).

Haney advised that (on 09/06/12) the P/D Dept. received two petitions stating the signers, identified as property owners and residents, do not want the extension granted. (Petitions on file).

MOTION by Board Member Conley second by Norris to **RECOMMEND APPROVAL** with conditions numbered 01.-09. to the Board of County Commissioners for Agenda No. 12-18 for a Modification to an approved-with-conditions Major Special Exception granting a six-year extension to excavate a private lake on 36.37+/-acres zoned A-1 (Agriculture) in the Agriculture

Future Land Use District based on the Staff Report/Summary, Staff's recommendation for approval \*recommended conditions, and with the added Condition No. 10., and further with the understanding the recommendation for approval is contingent on the results of a meeting with Denny, Wheeler and Adams pertaining to issues questioned in Condition No. 02. and Condition No. 03, 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 on Thursday, September 20, 2012, 6:05 A.M. or as soon thereafter.

\*Staff Recommended Conditions as amended:

01. Applicant shall conduct no mining/excavating activities prior to securing the required permits from the Southwest Florida Water Management District and submits to the Hardee County Planning and Development Division evidence of said permitting.
02. Prior to the moving of material from the site, applicant shall implement measures to reduce dust on Roy Moore Road created by the truck traffic identified in the application. Hardee County considers that dust control on the road shall be addressed by daily maintenance with the water truck, grader and compactor and the application of LBR100 shell (FDOT-approved shell).
03. Prior to the moving of material from the site, applicant shall coordinate with the Hardee County Road and Bridge Department to inspect each culvert/drainage structure to assess its condition relative to the traffic identified in the application. Any structure identified by the Hardee County Road and Bridge as being structurally deficient to support the traffic loads identified in the application shall be replaced as required by the Director of Public Works.
04. Applicant shall coordinate with the Florida Department of Transportation regarding access issues, if any, on to St Rd 64. Prior to moving material from the site applicant shall provide written evidence to the Hardee County Planning and Development Division that any Florida Department of Transportation (FDOT) issues have been addressed. Evidence shall be defined as correspondence from the FDOT, on its letterhead, directed to the Hardee County Director of Planning and Development.
05. Applicant shall be bound to the inspection and reporting requirements as set forth in Section 2.06.07, Hardee County Mining Ordinance.
06. Applicant shall be bound by the Master Mining and Reclamation Plan submitted as part of this application, and any substantial deviation from the plan shall require cessation of activities until such time as a revised Master Mining and Reclamation Plan has been approved pursuant to the Major Special Exception process. Substantial deviation is defined herein as, at a minimum, the following: 1) any increase in the property area to be mined/excavated; 2) any increase in material being removed from the amount previewed and permitted; 3) any change in the reclamation as reviewed and approved; 4) any permitting change required by the Southwest Florida Water Management District. The Master Mining and Reclamation Plan shall be reviewed at a public hearing by both the Planning and Zoning Board and the Board of County Commissioners.
07. Applicant shall conduct mining operations consistent with the hours of operation cited in the application, i.e., 7:30 a.m. through 4:30 p.m., Monday through Friday. Any deviation from these hours shall be considered a violation of both Hardee County's and Southwest Florida Water Management District's operating permit and shall be subject to enforcement both from the Southwest Florida Water Management District and Hardee County Code Enforcement.
08. Applicant shall provide evidence of financial responsibility as set forth in Section 2.06.05(B)(03), Hardee County Mining Ordinance.
09. Applicant shall comply with all ULDC, County ordinances and any other relevant laws and rules. Pursuant to Section 7.09.07, ULDC, if a Special Exception permit has not been exercised within the time limits set forth in the permit, or within one year if no time limit has been specified, or if a Special Exception permit is not exercised, or is abandoned for a continuous period of one (1) year or more, the permit shall expire automatically. Exercising shall mean securing the required permits for the activity requested.

P/Z Board added Condition:

10. That all access for the project shall ingress/egress from Roy Moore Rd.

Agenda No. 12-18

Under **ORDINANCE NO. 2013-01** Board was advised of a request from Mosaic Fertilizer LLC, property owner by and through the Authorized Representative for approval of an amendment to Map 2, Generalized Mining Overlay of the Hardee County Comprehensive Plan Future Land Use Map to add 03 parcels totaling 640 acres (into the request for mining of the 'Ona Mine'), parcels being in the Agriculture Future Lane Use District.

Board and County Staff were provided with a copy of the application for proposed Amendment containing the Staff Report including Summary of Analysis, Consistency with the 'Comp Plan', Standards of Review, Findings of Fact, Data and Analysis, recommendation for approval and a draft of **ORDINANCE NO. 2013-01** prior to the 09/06/12 public hearing.

Planner Cheney being sworn advised:

- applicant is requesting a CPA (Comprehensive Plan Amendment) to amend the boundaries of the Mining Overlay Map adding three recently-acquired parcels totaling 640+/-acres located East of the Hardee County-Manatee County line and North of St Rd 64 West;
- the parcels are near other parcels currently owned by the Applicant that are within the Mining Overlay;
- Policy L1.17 of the 'Comp Plan' says that the Mining Overlay district is to identify areas of County where mining has, is or is planned to occur. This map amendment request is due to the recent acquisition of these parcels that are contiguous to the Mining Overlay;
- It is the application's intent to incorporate these parcels into the application for mining within the 'proposed Ona Mine';
- the request will not alter the current Agricultural Future Land Use or the A-1-zoning designation of the three designated parcels and the approval does not authorize any development or mining activity;
- approval of this ordinance will only extend the Mining Overlay District to include the subject parcels that are consistent with the parcels in the surrounding area as well as the Goals, Objectives and Policies of the 'Comp Plan'.

Cheney advised that based on the staff report and data and analysis, the Planning Development Department finds the request is consistent with Chapter 163, Florida Statutes, Hardee County Unified Land Development Code and the Hardee County Comprehensive Plan, and the Staff recommends approval of CPA 12-17 as **ORDINANCE NO. 2013-01**.

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

Chairman called for public input.

Mike DeNeve, Permitting Manager, Mosaic Fertilizer LLC, 13830 Circa Crossing Dr., Lithia, FL being sworn advised the staff report was well presented and the parcels are adjacent to the (proposed) Ona Mine.

MOTION by Lambert second by Board Member Ortiz to **RECOMMEND APPROVAL** to the Board of County Commissioners for Agenda No. 12-17 for an amendment to Map 2, Generalized Mining Overlay of the Hardee County Comprehensive Plan Future Land Use Map to add 03 parcels totaling 640 acres (into the request for mining of the 'Ona Mine'), parcels being in the Agriculture Future Land Use District based on the Staff Report, and the testimony presented and the evidence received in the public hearing as contained in **ORDINANCE NO. 2013-01**. Motion carried unanimously.

BoCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, September 20, 2012, 6:05 P.M. or as soon thereafter.

Agenda No. 12-19

Board was advised of a request from the Board of County Commissioners by and through the Authorized Representative for approval of an amendment to the Hardee County Comprehensive Plan as amended modifying Policy L8.1 of the Future Land Use Element of the 'Comp Plan' as contained in **ORDINANCE NO. 2013-02**.

Board and County Staff were provided with a copy of the application for proposed Amendment containing the Staff Report including Standards of Review, recommendation for approval and a draft of **ORDINANCE NO. 2013-02** prior to the 09/06/12 public hearing.

Denny presented an overview of the Staff Report and pointed out the proposed change is just for economic development as a way to jump-start development . . . it is not for residential development. The proposed change pertains to possible developments such as on the E.L. Davis properties, *Vandolah Estates* and FINR (Florida Institute for Neurological Rehabilitation).

The Staff Report indicated that:

- when written Policy L8.1 (of the Comprehensive Plan) anticipated large-scale development occurring at once on those referenced lands therefore requiring the provision of central potable water and sanitary sewer for all development;
- economic conditions have curtailed large-scale development activities in recent years;
- it may be appropriate to revisit the mandatory requirement for central water and sanitary sewer under certain circumstances such as standalone non-residential development.
- Mandatory provision of central potable water and central sanitary sewer as required in Policies L8.1.1 through L8.1.10 may be waived by the Board of County Commissioner under specific conditions for non-residential uses only. Preference shall be given to economic development opportunities and employment centers.

Denny advised that the Staff finds that the proposed text amendment to the 'Comp Plan' is consistent with the Hardee County Unified Land Development Code and the Hardee County Comprehensive Plan and recommends approval of Agenda No. CPA 12-19 under **ORDINANCE NO. 2013-02**.

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

Chairman called for public input; none received.

MOTION by Conley second by Board Member Arce to **RECOMMEND APPROVAL** to the Board of County Commissioners for Agenda No. 12-19 for an amendment to the Hardee County Comprehensive Plan as amended modifying 'Comp Plan' Policy L8.1 of the Future Land Use Element providing for Board of County Commissioners' discretions regarding provision of central water and wastewater systems under certain circumstances; providing for severability; providing for repeal of conflicting ordinances; providing for an effective date based on the Staff Report, Staff's recommendation for approval as contained in **ORDINANCE NO. 2013-02**. Motion carried unanimously.

BoCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, September 20, 2012, 6:05 P.M. or as soon thereafter.

Board was reminded of:

- **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.

- **REGULAR P/Z MEETING/PUBLIC HEARING, Thursday, October 04, 2012, 6:00 P.M.**

With no further business, Board adjourned at 6:51 P.M.

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B.J. Haney, Acting Recording Secretary