

PLANNING AND ZONING BOARD  
**WORKSHOP**

MARCH 11, 2014, 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, Vice Chairman, excused  
Don Chancey, present  
Roger Conley, Chairman, present  
Gordon Norris, present  
Drew Schock, present  
Nick Timmerman, present  
Ann Wilson, present

**Staff**

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

No News Media present

Chairman Conley called the Workshop to order at 6:00 P.M.

The Board was advised that the Public Notice for the 03/11/14 Workshop was published in The Herald-Advocate on 02/20/14 with Affidavit of Publication on file.

Planning/Development Director Denny presented a video with host \_\_\_\_\_ Shepherd speaking to Government In Sunshine and Public Records.

At the conclusion of the video there was discussion regarding the sending and responding to position papers and County attorney Evers advised that a response to a position paper creates the problem . . . it is only a violation if you respond.

Evers responded to the question stating it is important to avoid the appearance of discussing Planning/Zoning Board business with another P/Z Board Member outside of a publicly noticed meeting.

Evers explained quasi judicial proceedings meaning to make decisions in the general manner of a judge or court.

There was an inquiry . . . can P/Z members talk among themselves about an agenda item and decision after the meeting is over . . . . Evers offered his recommendation is not to discuss . . . the matter may come before the P/Z Board again.

There was discussion about receiving and responding to telephone texts and electronic mail (email) with Evers offering a recommendation . . . . do not respond. Evers suggested the Board be issued County email addresses.

Denny made a power point presentation noting the:

- Types of Decisions the Board may make include
  - legislative decisions are for amendments to the County's Unified Land Development Code (ULDC) and amendments to the County's Comprehensive Plan ('Comp' Plan); and,
  - quasi judicial decisions are for amendments to the 'Comp' Plan Map, Rezoning, Special Exceptions, Major Special Exceptions and Site Development Plans are site specific.

The presentation advised that quasi judicial hearings require the

- disclosure of the substance of any ex parte communications;
- consideration of substantial and competent evidence and findings of fact (contained in the staff report); and,
- the conduct of the hearing (the way testimony is presented and witnesses are cross-examined).

Speaking to the County's Comprehensive Plan, Denny pointed out that:

- Chapter 163 of the Florida Statutes dictates the contents of the 'Comp' Plan,
- the 'Comp' Plan is updated through the EAR (Evaluation and Appraisal Report) process;
- there are 10 elements of the 'Comp' Plan, to-wit: Future Land Use, Transportation, Housing, Infrastructure, Recreation and Open Space, Conservation, Intergovernmental Coordination, Economic Development, Public School Facilities and Capital Improvements.

Speaking to the County's 'Comp' Plan Future Land Use, the Board was advised that a Future Land Use (FLU) category dictates allowed and prohibited uses and activities, establishes densities and intensities and general development standards.

(The County's Future Land Use categories are:

Agriculture, Commerce Park, Conservation, Highway Mixed Use, Industrial, Public Institutional, Recreation, Residential Low, Residential Medium, Residential High, Residential Mixed Use, Rural Center, Rural Village and Town Center).

The presentation noted that for example the Residential High FLU category allows for development of 12 dwellings units per acre, provides for commercial development and has a requirement for central water and sewer.

An example speaking to the Transportation Element of the 'Comp' Plan, revealed that Policy T1.5 says that standards providing sufficient parking and safe and convenient on-site traffic flow will be maintained in the Land Development Regulations. It was noted that the ULDC provisions sets the number of parking spaces by land use/activity, size of parking spaces, width of drive aisles, type of parking surface and drive access width and radius.

The presentation indicated that the primary features of the ULDC:

- establishes zoning . . . that is where uses are allowed;
- sets the various development review processes;
- prescribes developments standards; and,
- provides for enforcement of the ULDC.

The presentation noted the (County's) zoning map translates FLU categories into zoning districts that contain more detail than FLU categories, and establishes which specific land uses and activities can go where.

(NOTE: The County's zoning districts are:

R-1 Single-Family Residential;  
R-2 Two-Family Residential  
R-3 Multiple-Family Residential;  
F-R Farm-Residential;  
C-1 Neighborhood Commercial;  
C-2 General Commercial;  
I-1 Light Industrial;  
I-2 Heavy Industrial;  
A-1 Agriculture;  
P-I Public Institution;  
P-R Public Recreation;  
CN Conservation;  
C/IBC Commercial Business Center).

Planning and Zoning Board's reviews include text amendments to the 'Comp' Plan, amendments to the 'Comp Plan' Map, Rezoning, Subdivision of land, Special Exceptions, Major Special Exceptions, Variances, Site Development Plans and (Temporary Special Use Permits).

'Comp' Plan Map amendments take a 30,000-ft view, utilize most generalized review, are reviewed against provisions of 'Comp' Plan looking at consistency with existing Goals, Objectives and Policies and High-Level of Concurrency review.

Rezoning takes a 10,000-ft view, utilizes a generalized review within the range of potential uses from the zoning table, and is reviewed against provisions of 'Comp' Plan looking at consistency with existing Goals, Objectives and Policies and High-Level of Concurrency review.

Special Exceptions, Major Special Exceptions and Site Development Plans take a ground level site specific review and are reviewed against provisions of the 'Comp' Plan and the ULDC.

With no further business, Workshop was adjourned at 7:25 P.M.



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B.J. Haney, Acting Recording Secretary