

PLANNING AND ZONING BOARD  
**REGULAR MEETING/PUBLIC HEARING--JULY 10, 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, present  
Don Chancey, present  
Roger Conley, Chairman, present  
Gordon Norris, present  
Drew Schock, present  
Nick Timmerman, present  
Ann Wilson, excused

**Staff**

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

No News Media identified itself

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

Attendees pledged allegiance to the American flag, Conley offered a prayer.

The Board was advised that the Public Notice for the 07/10/14 Regular Meeting/Public Hearing was published in The Herald-Advocate on 06/19/14 with Affidavit of Publication on file and that advertisements/public notices were properly advertised and that notices to applicants, authorized representatives and neighboring property owners for Agenda No. 14-13 and Agenda No. 14-14 were timely mailed from the Hardee County Planning/Development Office pursuant to the provisions of the County's Unified Land Development Code.

Chairman explained Planning and Zoning Board's General Rules of Procedure and Notary Public Haney administered Oath to those wishing to offer testimony.

Haney asked . . . has any Planning and Zoning Board member received any oral or written communications regarding the land use item to be discussed? If so, please disclose substance of the communication and identify the person making communication; none received.

MOTION by Board Member Arce, second by Board Member Chancey to approve Minutes of 06/05/14 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Board Member Chancey stepped down from the Board since he will be presenting Agenda No. 14-14.

**Agenda No. 14-14**

Conley advised that:

- The Center for Orangutan and Chimpanzee Conservation, Inc. by and through the Authorized Representative requests a Modification to an Approved with Conditions Site Development Plan on 60.0+/-acres zoned A-1 in the Agriculture Future Land Use District;
- the subject parcels are situated on or about Van Simmons and Maude Roads, Hardee County;
- the purpose of this Public Hearing is to hear the request, receive public input and offer a decision.

Board and County Staff were provided with a copy of the application containing supporting data and Site Plan, and a copy of the Staff Report prior to the public hearing.

Hardee County Planner III Cheney advised that:

- the request is to modify the previously approved 2005, and 2007 amended Site Development Plan for the Center for Orangutan and Chimpanzee conservation Inc.;

- the proposed modifications will include the elimination of a framed shed accessory structure and several animal and staff housing structures; the proposed additions will include the expansion of the existing veterinary clinic, a future veterinary clinic and two large community areas for animals groups, that will include additional housing for the orangutans and chimpanzees;
- the existing veterinary clinic is centrally located on the Center's properties, whereas, the future veterinary clinic and the new large community center areas with animal housing will be located on the easternmost portion of the site that is currently being utilized as a citrus grove;
- water and wastewater services is not available; solid waste service will be provided by a licensed franchise hauler and processed by Hardee County; stormwater management will require permitting from Southwest Florida Water Management District;
- the proposed modifications aren't expected to generate any additional traffic at this time; however, a concurrency evaluation that includes a traffic study will be required in the future with any Site Construction Plan applications, specifically the future education center; the Center will continue to access Maude Road via Van Simmons road via the existing driveways.
- Staff recommends approval of Agenda No. 14-14 to the Hardee County Planning and Zoning Board with recommended conditions of:
  01. Expiration of Approval: This Site Development Plan (SDP) shall expire 10 years from the date of approval unless development is properly permitted and construction occurs for the development activity identified in the SDP prior to the expiration date;
  02. Applicant/owner shall comply with all Hardee County Unified Land Development Code regulations or requirements that are applicable to the development of this property; additionally, all other applicable state or federal permits be obtained before commencement of the development. Any such permits shall be submitted to the Building Department before commencement of the development;
  03. A Site Construction Plan (SCP) application that includes a concurrency review, with approval by the Hardee County Development Review Committee will be required for the previously-approved Future Education Center facility and previously-approved Future Classroom facility prior to the issuance of any building permits for either project.

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

Donald Chancey, 225 South Florida Avenue, Wauchula, FL, present and sworn introduced the Center's Director Patti Ragan, P.O. Box 488, Wauchula, FL.

Chancey advised that:

- the clouds around the items (on the SDP) are being removed or added;
- the cloud means proposed in the past but not built or proposed tonight and not yet built;
- the center will expand into the grove area.

Chairman called for public input; none received.

MOTION by Board Member Timmerman, second by Arce to **APPROVE** the Site Development Plan with \*Conditions numbered 01., 02., 03. with the language change in Condition No. 03 (from Planning and Zoning Board to Development Review Committee) as Agenda No. 14-14 based on the Staff's Report, recommendation for approval, recommended conditions and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

\*Conditions:

01. Expiration of approval: This Site Development Plan (SDP) shall expire ten years from the date of approval unless development is properly permitted and construction occurs for the development activity identified in the SDP prior to the expiration date;
02. Applicant/owner shall comply with all Hardee County Unified Land Development Code regulations or requirements that are applicable to the development of this property. Additionally, all other applicable state or federal permits shall be obtained before commencement of the development. Any such permits shall be submitted to the Building Department before commencement of the development;
03. A Site Construction Plan application, which includes a concurrency review, with approval by the Hardee County Planning and Zoning Board Development Review Committee will be required for the previously-approved Future Education Center facility and previously-approved Future Classroom facility prior to the issuance of any building permits for either project.

Chancey was recognized by on the Board.

Agenda No. 14-13

Conley advised that:

- Mosaic Fertilizer LLC by and through the Authorized Representative requests a recommendation for approval of a Large-Scale Amendment to the Hardee County Comprehensive Plan Future Land Use Map--Mining Overlay Map 2 to add 263.79+/-A-1-zoned acres in the Agriculture Future Land Use District to the Mining Overlay Map as **ORDINANCE NO. 2014-15**;
- the subject parcels are situated on or about East of Airport Rd., North of Sumner Rd, South of CR664B and East of Boyd Cowart Rd., North of Platt Rd., Hardee County;
- the purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners.

Board and County Staff were provided with a copy of the application containing supporting data, a copy of the Staff Report and a draft copy of the Ordinance prior to the public hearing.

Cheney advised that:

- Mosaic is requesting a Comprehensive Plan Amendment to amend the boundaries of the Mining Overlay Map by adding a 262+/-acre-portion of a 302+/-acre parcel, and all of two other recently-acquired parcels of land (1.25+/-acres and 0.54+/-acres) totaling approximately 263.79+/-acres being added to the Mining Overlay;
- the lands are situated Northeast of Airport Rd., South of Heard Bridge Road and West of Boyd Cowart Road as well as North of Platt Road and East of Boyd Cowart Road approximately 1 1/2 to 2 miles North of East Main Street;
- the lands are adjacent to other parcels owned by Mosaic that are already located in the Mining Overlay and which are part of an eventual expansion of the South Fort Meade Hardee County (SFM-HC) Mine;
- according to 'Comp' Plan Policy L1.17, the *Mining Overlay District* is to identify areas of Hardee County where mining has, is, or is planned to occur; this request is due to the recent acquisition of these parcels that are contiguous to the SFM-HC Mine and it is the intent of the applicant to incorporate these parcels into that mine;
- this Map amendment request will not change the current Agriculture Future Land Use or the A-1 zoning designations of the three subject parcels, and it doesn't authorize any mining activity; approval of this ordinance will only extend the *Mining Overlay District* to the subject parcels, which is consistent with the parcels in the surrounding area as well as the Goals, Objectives and Policies of the 'Comp' Plan;
- this amendment will not cause any existing Level of Service to be degraded because mining activities and operations are largely self-contained when compared to the services required by other forms of development;

- this expansion essentially represents a continuation of existing employment, traffic and solid waste generation as compared to development resulting in population growth and increased traffic/road trips;
- Based on the Staff Report and data and analysis, the Planning and Development Division finds the request is consistent with Chapter 163, FLORIDA STATUTES, the Hardee County Unified Land Development Code and the Hardee county Comprehensive Plan and Staff recommends approval of Agenda No. 14-14 as **ORDINANCE NO. 2014-15**.

(Staff Report was entered into the record; no objections presented.

Chairman called for public input; none received.

Upon review of one of the maps presented the question was posed and was answered that everything in the 'hatched-area' is in the Mining Overlay;

Mike DeNeve, Permitting Manager, Mosaic, 13830 Circa Crossing Dr., Lithia, FL, present and sworn responded to the question that the little parcel that was pointed out by the Board on the map is not owned by Mosaic.

MOTION by Board Member Schock, second by Chancey to **RECOMMEND APPROVAL** to the Board of County Commissioners of a Large-Scale Amendment to the Hardee County Comprehensive Plan Future Land Use Map--Mining Overlay Map 2 to add 263.79+/-A-1-zoned acres in the Agriculture Future Land Use District to the Mining Overlay Map as **ORDINANCE NO. 2014-15** based on the Staff's Report, recommendation for approval, recommended conditions and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

Conley advised that the Board of County Commissioners (BoCC) will hold FIRST READING public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, July 17, 2014, 6:05 P.M. or as soon thereafter in the BoCC Board Room, 412 W. Orange St., Rm. 102, Wauchula, FL. The SECOND READING public hearing will be held upon approval of the Ordinance by the State of Florida, Department of Economic Opportunity (DEO).

The Agenda continues to carry the topic

*Discussion regarding applications for Zoning Actions not coming before the P/Z Board and construction permits issued was not discussed although at the Board's 04/03/14 public hearing Board directed to put on 05/01/14 agenda and if the time gets late will move the item to June, 2014 for discussion;* at the June, 2014 public hearing Denny suggested for the Board to wait until Board Member Chancey is present to discuss since he brought up the subject.

Chancey pointed out that

- when you have applicants that are moving into buildings in the County without coming to the P/Z Board which normally does and should according to the code book;
- he found three projects that did not properly go through the process; the County does not have a catchall like the occupational licensing process;
- the County does not have a mechanism to catch change of use.

There was some discussion by the Board and Planning/Development Director Denny advised there were a couple of instances where staff make a mistake and the project did not come before the P/Z Board and some changes in use happen that the County does not know about.

Board was advised that the next regular meeting/public hearing is scheduled for Thursday, August 07, 2014, 6:00 P.M.

Board was advised that its September meeting will be scheduled for Thursday, September 11, 2014, 6:00 P.M. instead of September 04, 2014.

With no further business the Board's Regular Meeting/Public Hearing adjourned at 7:15 P.M.

  
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B.J. Haney, Acting Recording Secretary