

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING--DECEMBER 04, 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, excused
Ann Wilson, present

Staff

Lex Albritton, County Manager, present
BJ Haney, present

News Media present

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

Attendees pledged allegiance to the American flag, Board Member Norris offered a prayer.

The Board was advised that the Public Notice for the 12/04/14 Regular Meeting/Public Hearing was published in The Herald-Advocate on 11/13/14 with Affidavit of Publication on file; and that advertisements/public notices were properly advertised pursuant to the provisions of the County's Unified Land Development Code (ULDC), and that notices to applicants, authorized representatives and neighboring property owners for Agenda No. 15-04, Agenda No. 15-03 and Agenda No. 15-05 were timely mailed from the Hardee County Planning/Development Office pursuant to the provisions of the County's ULDC.

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 Norris, second by Board Member Wilson to approve Minutes of 10/02/14 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Board was advised there were no items for a November, 2014 Regular Meeting/Public Hearing.

Agenda No. SE 15-04

Chairman advised that:

- Norman E. and Linda Chaudoin request approval of a **Special Exception** to locate a single-family manufactured home on .449+/-acres on an F-R-zoned parcel in the Rural Center Future Land Use Category;
- Parcel is situated on the E side of Keystone Ave. N of Lawrence St. in the Limestone community, 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.

Norris declared a conflict of interest and signed a Memorandum of voting Conflict for County, Municipal and Other Local Public Officers, on file with original Minutes. (Norris has familial relationship with the Applicants).

Board and County Staff were provided with a copy of the application, and a copy of the Staff Report prior to the public hearing.

The Applicants were present.

'BJ' Haney, Hardee County Planning/Development Dept. being sworn and representing the County's Planning Department advised that:

- as Chairman stated the request is to install a single-family manufactured home in an F-R zoning district.
Article 2, Section 2.29.02.04 and Table 2.29.02(B) of the Hardee County Unified Land Development Code (ULDC) may permit single-family manufactured home/mobile home dwellings in F-R-zoned districts through approval of a **Special Exception**, pursuant to Article 7 Section 7.13.00, ULDC.
- within the **Rural Center** Future Land Use category conventional, manufactured and mobile homes are permitted. Within the F-R zoning district, however, manufactured home/mobile homes may be permitted by **Special Exception** acknowledging that the location of manufacture home/mobile homes in the F-R district may not be generally appropriate universally throughout the district.
- within the County there are numerous examples of manufactured homes/mobile homes and conventionally-built/site-built homes located adjacent to one another without any evidence of incompatibility or inappropriateness. More specifically, the location of a manufactured home on a .449+/-acre lot in an approved subdivision is not expected to alter or change the character of surrounding land uses or development patterns. There appears to be no adverse effects to the public interest in locating a single-family manufactured home/mobile home on this property.
- The Board's copy of the Staff Report:
 - identifies the location of the request within the County;
 - states the site has public road ingress/egress access and will be serviced by private water well and septic tank; and
 - notes best information available indicates there are no identified wetlands or floodplain on the site;
 - states that the granting of a **Special Exception** is in compliance with the Hardee County Comprehensive Plan and is not contrary to the standards set forth in Section 7.13.00 and 7.16.00, Hardee County ULDC.

Haney stated that Staff recommends approval of Agenda No. SE 15-04 to the Planning and Zoning Board and further recommends the P/Z Board recommend approval of Agenda No. SE-15-04 to the Board of County Commissioners with recommended conditions that the Applicants shall comply with all ULDC, County ordinances and any other relevant laws and rules, and comply with the regulations of any agency with jurisdiction. Pursuant to Section 7.13.07, 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 year or more, the permit shall expire automatically. Exercising shall mean securing the required permits for the dwelling.**

Haney entered the Staff Report and her testimony into the record; no objections presented.

Chairman called for public input; none received.

MOTION by Board Member Chancey, second by Board Member Schock to recommend APPROVAL of Agenda No. SE 15-04 to the Board of County Commissioners (BoCC) being approval of a **Special Exception** to locate a single-family manufactured home on .449+/-acres on an F-R-zoned parcel in the Rural Center Future Land Use Category based on Staff's Report for approval, and recommended conditions that the Applicants shall comply with all ULDC, County ordinances and any other relevant laws and rules, and comply with the regulations of any agency with jurisdiction. Pursuant to Section 7.13.07, 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 year or more, the permit shall expire automatically. Exercising shall mean securing the required permits for the dwelling** and based on the testimony presented, and the evidence received in the public hearing. Motion carried with Norris abstaining because of stated conflict of interest.

Chairman advised the BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, December 11, 2014, 8:35 A.M. or as soon thereafter in this room.

Agenda No. SE 15-03

Chairman advised that:

- Wal-Mart Stores East LP by and through the Authorized Representative requests approval of a Site Development Plan with a Modification to an Approved with Conditions Special Exception to construct/operate a freestanding Walmart Liquor Box on 14.32+/-acres zoned C-1 (Neighborhood Commercial) in the Town Center Future Land Use District;
- 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, a copy of the Staff Report and a copy of the Site Development Plan prior to the public hearing.

A representative for the Applicant was present.

Ron Borchers, Senior Planner, Central Florida Regional Planning Council, 555 E. Church St., Bartow, FL being sworn and representing the County Planning/Development Dept stated:

- Wal-Mart Stores East, LP is request a modification to SE 00-08 with a Site Development Plan for a 14.73+/-acre=site located at the southeast corner of the intersection of US 17 and REA Rd.; aid Modification being Agenda No. 15-03;
- the owner proposes to construct a new 3,800-sq-ft Walmart Liquor Box (store) as a stand-alone building in the parking lot of the existing Walmart store, including support elements such as a drive through window and dedicated parking;
- the property is located within the C-1 (Neighborhood Commercial) zoning district as well as the town Center Future Land Use category and the proposed Walmart Liquor Box should be compatible with the existing/established commercial uses that are adjacent to and surrounding the site;
- according to the applicant, parking for the existing Walmart store and the proposed Walmart Liquor Box will meet the parking requirements for Hardee County. "No outdoor storage or garden center expansion is allowed within any approved parking lot area" was placed on the site plan as required by the Hardee County Development Review Committee;
- a trip generation analysis was performed and the increase in project traffic is anticipated to be approximately 218 daily trips and 10 PM Peak Hour trips . . . it is not anticipated that the additional traffic will have a significant impact on the surrounding roadway network;

- the proposed Walmart Liquor Box is compatible with the existing surrounding uses and development patterns and is consistent with the Hardee County Unified Land Development code as well as the County's Comprehensive Plan.
- standards of review were conducted and the project evaluated and staff found no anticipated negative impacts to deny the request;

Borchers stated that Staff recommends approval of Agenda No. SE 15-03 to the Planning and Zoning Board and further recommends the P/Z Board recommend approval of Agenda No. SE-15-03 to the Board of County Commissioners being a Modification to an Approved with Conditions Special Exception (SE-00-08) with a Site Development Plan to construct/operate a freestanding Walmart Liquor Box on 14.32+/-acres zoned C-1 (Neighborhood Commercial) in the Town Center Future Land Use District based on Staff's Report as presented, Staff's recommendation for approval, and based on the recommended conditions as cited below:

01. This approval shall only be for the Special Exception Modification Application and the accompanying Site Development Plan which depicts the proposed Liquor Box;
02. No outdoor storage or garden center expansion is allowed within any approved parking lot area of the 14.32+/-acre parcel;
03. All lighting used to illuminate the property and parking lot shall be designed and arranged to only illuminate into the property and away from adjacent property, including road right-of-way;
04. Any change of land use or activity on this site/property first requires written authorization by the Hardee County Planning and Development Department.

Staff's Report and testimony was entered into the record; no objections presented.

There was discussion regarding Condition No. 02 and Borchers explained the condition was added so that no designated parking area is used for the project.

A question was presented asking if the 111,000-sq-ft (post-expansion--proposed condition) shown on the site plan includes the garden center and the 3,800+/-sq-ft project . . . the answer was yes.

Ryan Brady, CPH Inc., 5601 Mariner, Suite 105, Tampa, FL 33609 being sworn answered a question about signage stating there will be an illuminated sign on the building . . . no freestanding sign.

A question was presented and Board was advised there will be no on site consumption of alcoholic beverages.

Responding to a question regarding occasional temporary off-site vehicle sales and Borchers pointed out those applications will be reviewed on a case-by-case basis.

Chairman called for public input; none presented.

MOTION by Board Member Arce second by Chancey to recommend APPROVAL of Agenda No. 15-03 to the Board of County Commissioners (BoCC) of a Site Development Plan with a Modification to an Approved with Conditions Special Exception (00-08) to construct/operate a freestanding Walmart Liquor Box on 14.32+/-acres zoned C-1 (Neighborhood Commercial) in the Town Center Future Land Use District based on Staff's Report as presented, Staff's recommendation for approval, based on recommended conditions, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised the BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, December 11, 2014, 8:35 A.M. or as soon thereafter in this room.

Agenda No. VAR 15-05

Chairman advised that:

- Carrol E. and Lucy V. Moye request approval of a Variance to the 50-ft access and frontage at a public or private road requirement of the Exception to Policy L1.22 of the Hardee County Comprehensive Plan and the Exception to the Minimum Lot in A-1-Zoned land process to allow the use of a 25-ft access and frontage and the public or private road specifically for applications for 'Exceptions;' for the Moye children;
- 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, a copy of the Staff Report and a copy of the survey showing the requested 25-ft x 700-ft easement area prior to the public hearing.

The applicant Carrol Moye and Greg Moye were present.

Borchers stated this is an applicant-initiated Variance to the requirement for a 50-ft ingress/egress easement as required by section 7.10.00 of the Hardee County Unified Land Development Code (ULDC).

Borchers stated:

- the purpose for this request is for a Variance to the requirement for a 50-ft. ingress/egress easement as required by Section 7.10.00 of the Hardee County Unified Land Development Code (ULDC). This Variance is needed prior to application and approval of an Exception to the Minimum Lot Size of 5 acres in A-1 Zoned Districts of the ULDC, Table 2.29.02(C). Policy L1.22 of the Hardee County Comprehensive Plan and Section 7.10.00 of the ULDC provide for the granting of an Exception to the minimum lot size, resulting in a parcel no less than 2.5 acres and for an immediate family member to serve as his/her primary residence;
- the requested Variance is for an area 700 feet in length from the end of the County maintenance of the East/West portion of Sauls Road where there is only 25 feet available for an ingress/egress access easement;
- Staff has evaluated the request in light of the County's Standards of Review and has concluded there no basis to deny.

Borchers stated that Staff recommends approval of Agenda No. VAR 15-05 to the Planning and Zoning Board and further recommends the P/Z Board recommend approval of Agenda No. VAR 15-05 to the Board of County Commissioners to permit a Variance to the requirement for a 50-ft access/frontage easement as required by Section 7.10.00 of the Hardee County Unified Land Development Code (ULDC); this Variance grants the use of a 25-ft access ingress/egress easement 700 ft in length from the end of the County maintenance of the East/West portion of Sauls Road specifically and exclusively for the two Moye children's primary place of residence; granting this Variance also allows the applicants to apply for an Exception to the Minimum Lot Size of 5.0 acres in A-1-Zoned districts of the ULDC, Table 2.29.02(C) as provided by Policy L1.22 of the Hardee County Comprehensive Plan and Section 7.10.00 of the ULDC.

Staff's Report and testimony was entered into the record; no objections presented.

Greg Moye, 533 Seven Oaks St., Mulberry, FL (33860) being sworn answered the question relating to Easement C, D, E and F on the survey.

Chairman called for public input; none received.

MOTION by Schock, second by Norris to recommend APPROVAL of Agenda No. VAR 15-03 to the Board of County Commissioners (BoCC) of Commissioners to permit a Variance to the requirement for a 50-ft access/frontage easement as required by Section 7.10.00 of the Hardee County Unified Land Development Code (ULDC); this Variance grants the use of a 25-ft access ingress/egress easement 700 ft in length from the end of the County maintenance of the East/West portion of Sauls Road specifically and exclusively for the two Moyer children's primary place of residence; granting this Variance also allows the applicants to apply for an Exception to the Minimum Lot Size of 5.0 acres in A-1-Zoned districts of the ULDC, Table 2.29.02(C) as provided by Policy L1.22 of the Hardee County Comprehensive Plan and Section 7.10.00 of the ULDC based on Staff's Report as presented, Staff's recommendation for approval, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised the BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, December 11, 2014, 8:35 A.M. or as soon thereafter in this room.

Norris advised that this is his last meeting (he is retiring) and has enjoyed serving.

With no further business the Board's Regular Meeting/Public Hearing adjourned at 6:45 P.M. Motion carried unanimously.


B.J. Haney, Acting Recording Secretary