

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING--JULY 23, 2015, 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
Donnie Autry, present
Roger Conley, Chairman, present
Michael Scheipsmeier, excused
Drew Schock, present
Nick Timmerman, excused
Ann Wilson, present

Staff

Todd Miller, Planning Director, present
BJ Haney, Planning Dept., present

News Media; none 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 Autry offered a prayer.

The Board was advised that the Public Notice for the 07/23/15 Regular Meeting/Public Hearing was published in The Herald-Advocate on 07/02/15 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).

MOTION by Board Member Schock, second by Board Member Autry to approve Minutes of 06/18/15 Called Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

MOTION by Autry, second by Schock to nominate Roger Conley to continue as Chairman of the Planning/Zoning Board for the 2014-2015 year, and for nominations to cease. Motion carried unanimously electing Conley

MOTION by Autry, second by Board Member Wilson to nominate Ralph Arce to continue as Vice Chairman of the Planning/Zoning Board the 2014-2015 year and for nominations to cease. Motion carried unanimously electing Arce.

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.

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

Agenda No. 15-14

Chairman advised that:

- Charles D. Edwards requests approval of a Special Exception to locate a single-family manufactured home (with attached front porch and attached back porch as future additions) on 1.20+/-acre on an F-R-zoned parcel in the Rural Center Future Land Use Category;
- the parcel is situated on or about the East side of Edwards Peace Dr., South of State Road 64 West;
- the purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners.

Haney pointed out the applicant is not present; needed to return to Michigan for medical appointment.

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

Todd Miller, Hardee County Planning/Development Director advised:

- applicant-initiated application for a Special Exception to place a manufactured home in the F-R zoning district and Rural Center Future Land Use Category at property located at 3091 Edwards Peace Dr. in the County;

- the subject property and all properties North, South and West are zoned F-R and the properties to the East are zoned A-1 and R-2;
- per Section 2.29.02(B) of the Hardee County Unified Land Development Code (ULDC), a Special Exception is required for a manufactured home in the F-R zoning district;
- the proposed manufactured home will meet required setbacks per the sketch provided in the application.

Miller advised that based upon Staff review of the Standards of Review contained in Section 7.13.00, Hardee County ULDC, Staff finds the application meets all the standards and is therefore recommending approval with condition.

Miller entered Staff Report and his testimony into the record.

Chairman called for public input; none received.

MOTION by Autry, second by Schock to **RECOMMEND APPROVAL** with condition to the Board of County Commissioners of the request for a Special Exception to locate a single-family manufactured home on 1.20+/-acre on an F-R-zoned parcel in the Rural Center Future Land Use Category based on the Staff Report with recommended condition and based on the testimony presented and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised the Board of County Commissioners will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 06, 2015 at 8:35 A.M. or as soon thereafter in this room.

Agenda No. 15-15

Chairman advised that:

- Robert L. and Terri L. Mushrush request approval of a Variance to the height limitation and the side corner yard setback requirements of Section 2.10.00 of the Hardee County Unified Land Development Code on 1.0+/-acres zoned F-R in the Residential Mixed Use Future Land Use Category;
- the parcel is situated on or about the SW corner of Old Dixie Highway and Himrod Rd;
- 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, and a copy of the Staff Report prior to the public hearing.

Todd Miller, Hardee County Planning/Development Director advised:

- applicants-initiated application to increase the maximum height permitted from four feet to eight feet for fence within a side corner setback area of a residential zoning district as required in Section 2.10.00 of the Hardee County ULDC;
- the subject property and the properties to the North and West are zoned F-R; and the properties to the East and South are zoned C-2;
- the subject property and properties to the West and South are in the Residential Mixed Use Future Land Use (FLU) Category, properties to the North are in the Agriculture FLU and properties to the East are in the Highway Mixed Use FLU;
- per Section 7.13.04 of the Hardee County ULDC, Variances require review and approval by the Planning/Zoning Board and the Board of County Commissioners.

Miller advised that based upon staff review of the Variance application according to the criteria established in Section 7.13.04.01(A)-(G), Hardee County ULDC found the request meets all the criteria; therefore Staff recommends approval of the request with condition.

Terri Mushrush, 389 Old Dixie Highway, Bowling Green, FL was sworn and read into the record a letter dated 07/14/15 from Michael J. Rooney, M.D. pertaining to the medical needs of Property Owner Robert Mushrush. Letter was entered into the record as evidence. (Original letter is attached to the original Minutes of this date).

Mushrush gave some history of the existing hedge and the applicants'/property owners' efforts to correct the height.

Miller provided some history of the existing hedge stating:

- Hardee County Public Works received complaints about visibility; intersection was evaluated by public works;
- row of hedges along south side of Himrod Rd (along applicants' North property line) was blocking the clear visibility triangle area (of Himrod Rd. and Old Dixie Highway);
- attempts to trim the hedges to provide clear visibility were thwarted;
- dispute between County staff and property owners arose regarding the location of the hedges;
- several meetings and more attempts at trimming;
- Hardee County Code enforcement brought the matter before the County Judge and Judge agreed the hedges were located within the right-of-way (of Himrod Rd.);
- County Public Works has tentatively scheduled removal of the hedges to clear the right-of-way (and visibility triangle) obstructions;
- Because of family health issues, applicants contacted Planning/Development to review the options moving forward prior to the removal of the hedges;
- Applicants have chosen to file an application for Variance to seek relief and be able to install an eight-foot tall fence to help block the irritants;

The Board was advised that the County's Public Works Dept. will be pulling up the existing hedges (that are situated in the County's road right-of-way) along the South side of Himrod Rd. West of Old Dixie Highway) and disposing of the brush and debris. (A survey provided to the Planning/Development Dept. indicates the hedge is situated in the County road right-of-way).

A question was asked and Mushrush advised if the Variance is approved the 'new' fence will be vinyl and eight feet in height and will be situated on the applicants' property.

Board was advised that if the Variance is approved, the eight-foot fence would be set back a minimum of 30 ft from the applicants' front property line and would extend along the applicants' parcel's North property line to the West property line.

Miller entered Staff Report and his testimony into the record.

Chairman called for public input; none received.

MOTION by Wilson, second by Schock to **RECOMMEND APPROVAL** to the Board of County Commissioners of the request for a Variance to the height limitation and the side corner yard setback requirements of Section 2.10.00 of the Hardee County Unified Land Development Code on 1.0+/- acres zoned F-R in the Residential Mixed Use Future Land Use Category with condition allowing for the fence to be eight feet in height based on the Staff Report with recommended conditions and based on the testimony presented and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised the Board of County Commissioners will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 06, 2015 at 8:35 A.M. or as soon thereafter in this room.

Agenda No. 15-08

Chairman advised that:

- Hardee County Board of County Commissioners, by and through the Authorized Representative requests an Amendment to the Hardee County Unified Land Development Code to create a Planned Unit Development (PUD) zoning district and to modify the Planned Unit Development regulations as **ORDINANCE NO. 2015-04**;
- 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 and a copy of the Staff Report prior to the public hearing.

Miller advised that CFRPC has been working on this form some time and introduced Jennifer Codo-Salisbury, Planning Director, Central Florida Regional Planning Council (CFRPC), (555 Church St., Bartow, FL 33830).

Codo-Salisbury being sworn advised:

- The current PUD being regulated by Article 07 includes use regulations and process and procedures; has a minimum 10 acres size; and is primarily residential;
- Commercial uses in a PUD are primarily for residents of the PUD and no more than five percent of the development can be for commercial;
- Permitted uses in the PUD District include single-family detached and attached dwellings, multiple-family dwellings, recreational facilities and structures for use of the residents, public or private golf courses, off-street parking and garage facilities, model dwelling units and commercial uses of C-1 or C-2 are permitted to support residential;
- The proposed PUD approach provides for flexibility for development that is tied to the County's Comprehensive Plan;
- New sub-districts being proposed are PUD-Residential, PUD-Office, PUD-Commercial, PUD-Industrial and PUD-Mixed Use;
- The process language is being moved to Article 07;
- PUD-Residential would require 10 acres with commercial permitted to primarily serve the residents of the development; and the location restrictions to be removed;
- PUD-Office and PUD-Commercial requires landscaped open spaces;
- PUD-Industrial promotes the grouping of industrial uses;
- PUD-Mixed Use provides for a compatible mix of uses.

Codo-Salisbury continued by stating that the Landscaping amendment requires landscaping of internal road(s); the General Regulations deleted the minimum site area requirement; and Common Properties is required for properties that are less than 5.0 acres or by district; and the Development Approval Process to be by the Planning and Zoning Board and the Board of County Commissioners.

The question was asked and Miller gave a summary of the Master Plan Development process utilizing the County's Development Review Committee.

The Board discussed the proposed amendments.

Codo-Salisbury's Staff Report and her testimony were entered into the record.

Chairman called for public input; none received.

MOTION by Schock, second by Autry to **RECOMMEND APPROVAL** to the Board of County Commissioners of the request for an Amendment to the Hardee County Unified Land Development Code to create a Planned Unit Development (PUD) zoning district and to modify the Planned Unit Development regulations as **ORDINANCE NO. 2015-04** based on the Staff Report, 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 Board of County Commissioners will hold a **FIRST READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 06, 2015, 8:35 A.M. or as soon thereafter in this room.

Chairman advised the Board of County Commissioners will hold a **SECOND READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 20, 2015, 6:05 P.M. or as soon thereafter in this room.

Agenda No. 15-09

Chairman advised that:

- Hardee County Board of County Commissioners, by and through the Authorized Representative requests an Amendment to Articles 02, 03, 07 and 09 of the Hardee County Unified Land Development Code to revise regulations specific to the Transportation Concurrency Management System and to provide for consistency with the Hardee County Comprehensive Plan as **ORDINANCE NO. 2015-05**;

- 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, and a copy of the Staff Report prior to the public hearing.

Codo-Salisbury advised that:

- the purpose of the text amendments is to provide for clarification and consistency with the Hardee County Comprehensive Plan Amendments to update the Concurrency Management System (CMS); and to provide for a simplified/user-friendly procedures related to updating CMS;
- the amended articles are:
 - Article 03--Development Design and Improvement Standards;
 - Article 06--Public Facility Monitoring and Permitting;
 - Article 07--Development Approval Process; and,
 - Article 09--Definitions are being amended;
- Section 3.03.00 has updates to Roadway Functional Classification References;
- Section 3.03.04 has updates to Design Specification references;
- Section 6.01.01 has updates to Traffic Study Thresholds;
- Section 6.01.06 has updates to Level of Service Standards;
- Section 6.01.07 provides for clarification of Traffic Analysis Procedures;
- Section 7.04.03 provides for clarification of Transportation Concurrency for Rezoning;
- Article 09 has deleted Concurrency, added Concurrent with the Impacts of Development and revised Urban Sprawl.

Codo-Salisbury gave an overview of the proposed amendments.

Relative to the proposed language in Section 3.03.04--Design Specifications it was suggested that a date for design standards should be included such as 'as of' or 'date of' and should include verbiage stating that design standards are in effect as of the application date or date of approval. Codo-Salisbury and Miller to work on the language.

Codo-Salisbury entered the Staff Report and her testimony into the record.

Chairman called for public input; none received.

MOTION by Autry, second by Schock to **RECOMMEND APPROVAL** with changes to the Board of County Commissioners of the request for an Amendment to Articles 03, 06, 07 and 09 of the Hardee County Unified Land Development Code to revise regulations specific to the Transportation Concurrency Management System and to provide for consistency with the Hardee County Comprehensive Plan as **ORDINANCE NO. 2015-05**. Motion carried unanimously.

Chairman advised the Board of County Commissioners will hold a **FIRST READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 06, 2015, 8:35 A.M. or as soon thereafter in this room.

Chairman advised the Board of County Commissioners will hold a **SECOND READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 20, 2015, 6:05 P.M. or as soon thereafter in this room.

With no further business the Board's Regular Meeting/Public Hearing adjourned upon **MOTION** by Autry second by Wilson at 7:30 P.M. Motion carried unanimously.

B.J. Haney, Acting Recording Secretary