

**HARDEE COUNTY PLANNING/DEVELOPMENT DEPARTMENT
STAFF REPORT**

Comprehensive Plan Amendment
Map Amendment

Agenda No: 19-01 – Ordinance 2019-01

Request: Amendment to the Hardee County Comprehensive Plan to modify the Generalized Mining Overlay Map to incorporate 8,392 acres. The parcels are described below.

Parcels
(See attached list of parcels.)

Rights-of-Way

Bumby Lane	Ed Wells Road
Hollandtown Road	Locklar Road
Maude Road	Peebles Lane
Perdue Road	Rhynn Road
Van Simmons Road	Lake Branch Road (664A to west mine boundary)
CR 664A (County Line Rd. to Heard Bridge Road)	

Zoning: Agriculture (A-1) on subject properties and all surrounding properties

Future Land Use: Agriculture on subject properties and all surrounding properties

Size: 8,392+/- acres

Location: The following Sections of Township 33 South, Range 26 East of the official records of Hardee County.

4,5 ,8, 9, 16,17, 18, 19, 20, 21, 22, 23, 24, 25, 26,27, 35 and 36

(See attached location map.)

Applicant: Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, FL 33547

Historical Background

The applicant has obtained permission to prospect several parcels within the proposed expansion of the South Fort Meade Mine. The initial prospecting has indicated the presence of mineable reserves of phosphate rock. Since mining can only be authorized on property located within the Mining Overlay, the applicant has submitted this Comprehensive Plan amendment to add the parcels totaling 8,392 acres, and to include portions of several rights-of-way in the overlay.

Procedural Overview

Section 7.03 of the Hardee County Unified Land Development Code (ULDC) requires all comprehensive plan amendments to be reviewed by both the Planning and Zoning Board and the Board of County Commissioners, but defers to Florida Statutes concerning differentiation of types of comprehensive plan amendments, and the state review required thereof.

Florida Statutes Section 163.3187 defines small-scale comprehensive plan amendments as those meeting the following criteria:

- 10 acres or fewer – 20 acres in a designated Rural Area of Opportunity.
- 120 cumulative acres in a calendar year.
- Limited to Future Land Use Map (FLUM) changes for site specific small scale development activities – no text changes except those that relate directly to and are adopted simultaneously with the small scale FLUM change.
- The property is not in an area of Critical State Concern except for certain affordable housing projects.
- The change must maintain internal consistency between elements of the comprehensive plan.

As the proposed amendment exceeds 20 acres, the amendment cannot qualify for a small-scale amendment, and must be reviewed and approved before final adoption by the County.

The adoption process prescribed by F.S. 163.3184 is two public hearings before the local government board. After the first of the required two public hearings, the County will transmit the application and all supporting documentation to the Florida Department of Economic Opportunity (DEO) and any other local government or government agency requesting a copy for review and comments. Within 30 days the DEO and any other reviewing agency will provide the County with any comments. Upon resolution of any issues or comments of state concern, the County may proceed to hold the second and final public hearing to adopt the comprehensive plan amendment.

Staff Analysis

Section 7.03.04 of the Hardee County ULDC provides specific standards for review of a comprehensive plan amendment for the Planning and Zoning Board, as follows:

- (A) The proposed Comprehensive Plan Amendment is consistent with the goals of the Hardee County Comprehensive Plan.

The inclusion of the properties in the Generalized Mining Overlay Map is consistent with the Goals and Objectives of the Future Land Use Element and the Future Land Use Map of the Hardee County Comprehensive Plan as outlined in Goal L1 and Objective L1. Furthermore, the amendment is consistent with Policies L1.13 and L1.17 of the Future Land Use Element.

- (B) The proposed Comprehensive Plan Amendment contains an analysis of the Levels of Service for all public facilities and services; identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the County and to the developer;

N/A.

- (C) In the case of a proposed Comprehensive Plan Amendment to the Future Land Use Map, the proposed Land Use Classification at the proposed location has been analyzed to identify adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the County. Said analysis must address land uses as they now exist, and as they may exist in the future, as a result of the implementation of the goals, objectives and policies of the Comprehensive Plan; and contains objectives and policies to mitigate or eliminate adverse impacts;

The proposed amendment will not alter the Future Land Use designation, and thus will not authorize a use of the land that is not currently allowed with the current Future Land Use designation. Instead, the addition of the properties to the Generalized Mining Overlay Map will only allow the submission of an application for mining (a use that is currently allowed under the current zoning and future land use) in the area.

- (D) The proposed Comprehensive Plan Amendment contains an analysis of community need for the development associated with the Amendment. The analysis is based on existing and proposed uses of a similar nature in the County, and an assessment of the need to provide or maintain a proper mix of uses within Hardee County;

- (1) The proposed Comprehensive Plan Amendment shall not result in either a detrimental over concentration of a particular use within the County or within the immediate area;

There is extensive mining throughout the county, and the addition of the properties and rights-of-way to the Mining Overlay will not significantly increase the current amount and concentration of mining land uses within the County.

- (2) The Comprehensive Plan Amendment contains sufficient proof to convince the Planning and Zoning Board and the Board of County Commissioners that the proposed Comprehensive Plan Amendment and Land Use Classification supplants the analysis that supported the establishment of the existing Land Use Classification.

The land use classification is not being changed.

Findings of Fact:

Consistency with the Hardee County Comprehensive Plan

The proposed amendment to the Mining Overlay is consistent with Objective L1 of the Hardee County Comprehensive Plan, which states the intent of the Future Land Use designations are intended to “appropriately mix and distribute residential, commercial, industrial, recreation, public and mining land uses.”

Conclusion:

Staff finds the proposed modifications to the Generalized Mining Overlay Map of the Hardee County Comprehensive Plan consistent with the goals, objectives, and policies of the Comprehensive Plan, and compatible with the public health, safety, and welfare of the residents of Hardee County.

Recommendation:

Staff recommends **APPROVAL** of Agenda No. 19-01 as **Ordinance 2019-01** to the Planning/Zoning Board and recommends the Board recommend Approval to the Board of County Commissioners.

Enc: Location Map
 Mining Overlay Map with proposed Additions
 List of Parcels to be included in Mining Overlay Map

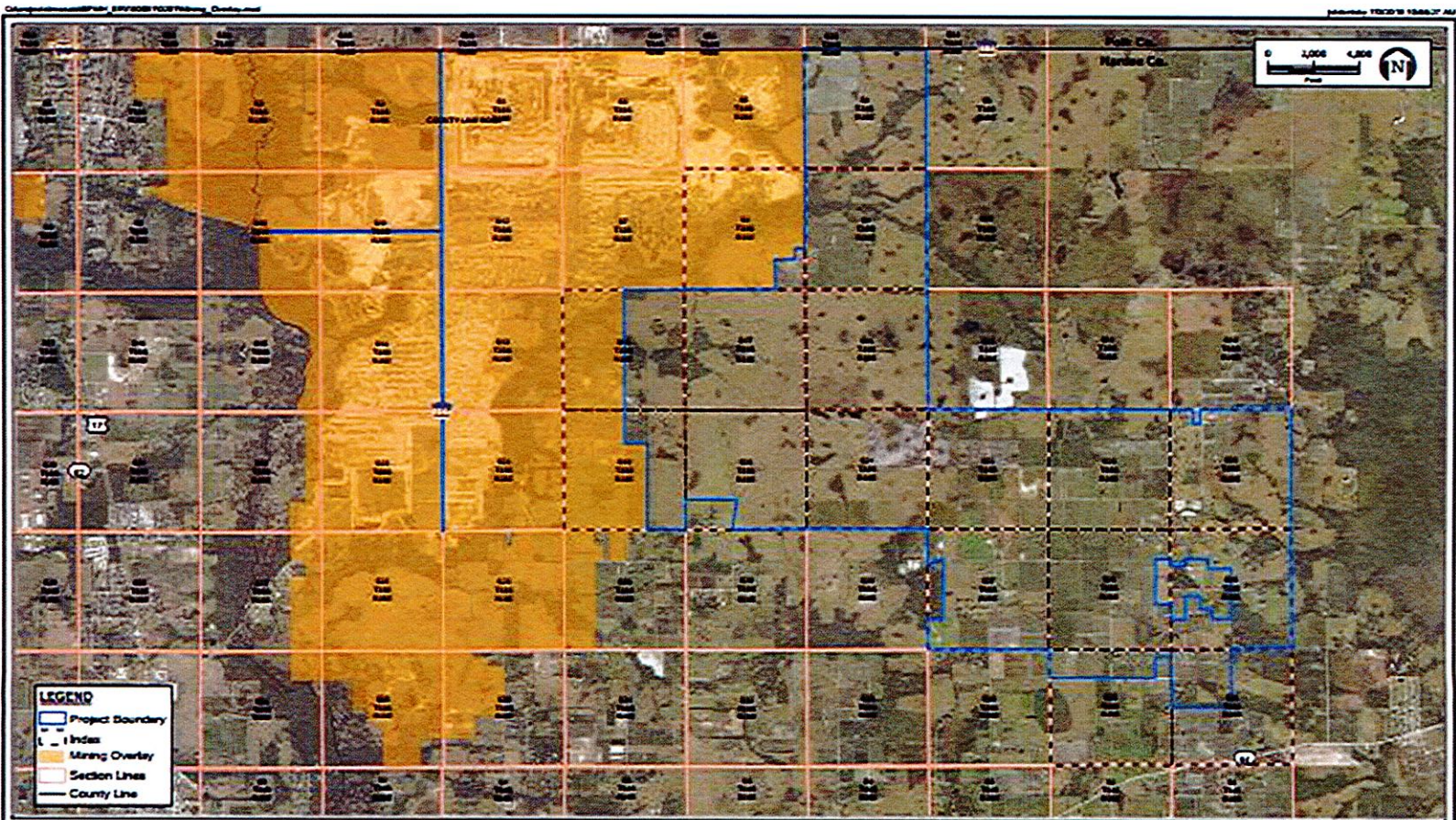
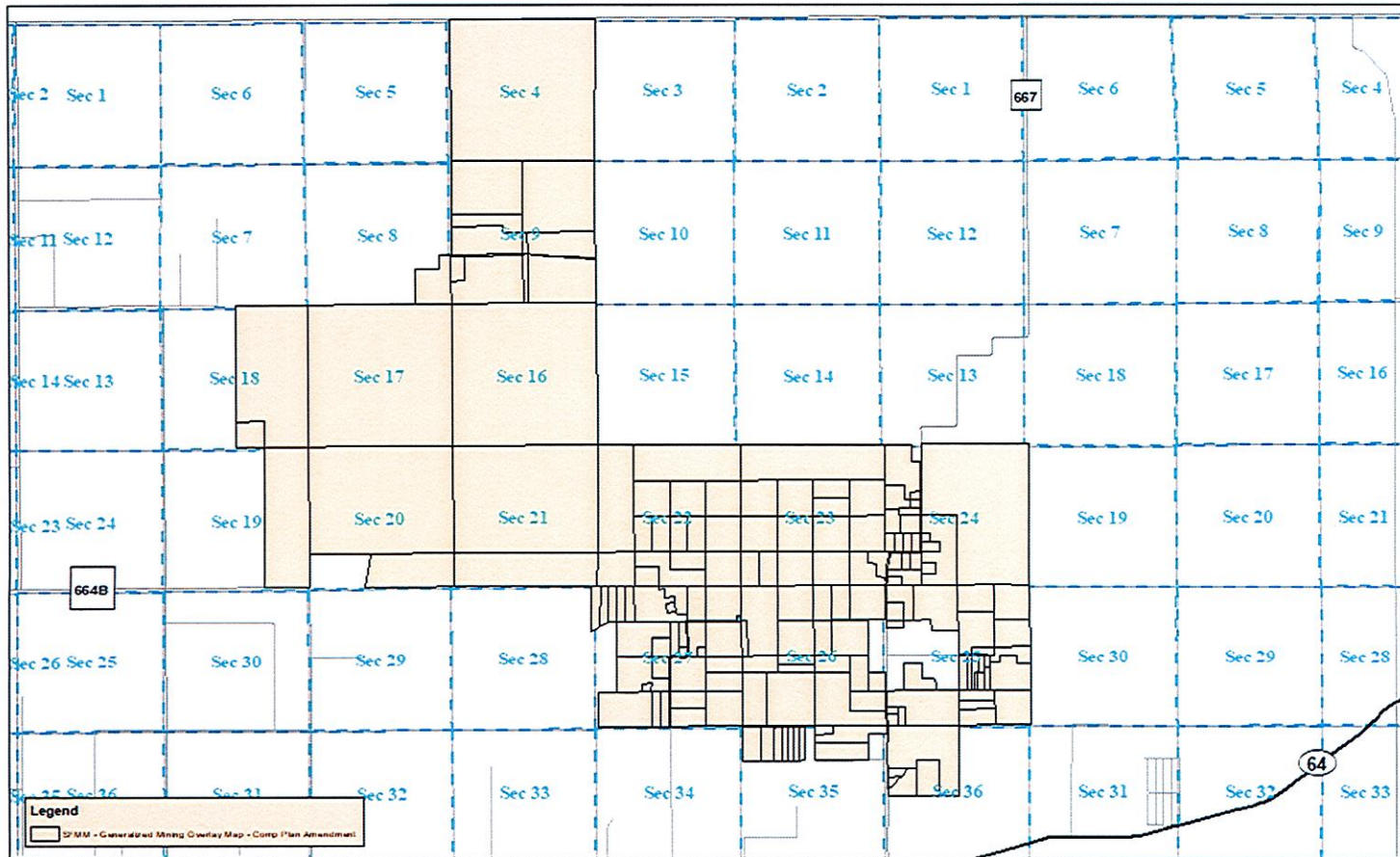


FIGURE 4.
CURRENT MINING OVERLAY
MINING OVERLAY AMENDMENT
HARDEE COUNTY, FLORIDA

Source: Hardee County, Florida; Aerial Photograph, 2009; ECT, 2014.

ECT Environmental
Consulting &
Technology, Inc.

Mosaic Fertilizer, LLC SFMM - Mining Overlay Map Amendment Location Map



* For Planning Purposes Only