

## **Planning Board / Board of Adjustments and Appeals**

### **Regular Meeting**

**January 25, 2022**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, January 25, 2022 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Matthew Buxton, Joey Hoover, Samantha Saucedo, Ann Vu, and Adam Cohen. Lawrence Fipps and Cecil Funkhouser were absent. Also in attendance were County Attorney Garrett Olsen, Planning Director Bill Royce, Planner Jennifer Busbin, Planner Ty Hancock and Administrative Secretary Jenna Durham.

Chairman Joey Hoover called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

#### **Agenda Item # 1, Public Comment.**

There were no comments from the public.

**Matthew Buxton moved to close public comment. Adam Cohen seconded the motion. The motion passed unanimously.**

#### **Agenda Item # 2, Approval of Minutes.**

**Matthew Buxton moved to approve the December 14, 2021 minutes as submitted. Adam Cohen seconded the motion. The motion passed unanimously.**

**Agenda Item #3, Public Hearing, Petition M-2022-0322, Installation of Used Dwelling Unit. David Pascarella, property owner and applicant. Request to consider a permit application for the installation of a used dwelling unit in a Residential Mixed (RM) zoning district. The property address is 17571 NW 38th Avenue.**

Planning Director Bill Royce presented the petition and described the surrounding area. Mr. Royce stated that the application is to install a 1999 double-wide manufactured home on NW 38<sup>th</sup> Avenue in Otter Creek Estates subdivision. He stated that the unit is 26' x 56', or 1,456 square feet, and that it meets the county's appearance and design criteria for minimum width. He stated that in most

zoning districts any mobile or manufactured home over 5 years old has to go through a public hearing process before the Board of Adjustments and Appeals to determine if it is reasonable and consistent with the neighborhood, and that the applicant has had quite the journey trying to get his unit installed. He stated that the proposed unit meets applicable county appearance and design standards for the installation and that it is consistent with the neighborhood, and with the county land development regulations and comprehensive plan.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals approve the installation of the used dwelling unit at 17571 NW 38th Avenue.

There was some discussion between the Board and Mr. Royce regarding the permitting process.

**Chairman Joey Hoover opened the public hearing.**

Tiffany Denton addressed the Board on behalf of the applicant. She stated that she agreed with staff's recommendation and would answer any questions that the Board may have.

**Matthew Buxton moved to close the public hearing. Adam Cohen seconded the motion. The motion passed unanimously.**

**Matthew Buxton moved to approve petition M-2022-0322, request to consider a permit application for the installation of a used dwelling unit in a Residential Mixed (RM) zoning district, based on the staff report and recommendation. Adam Cohen seconded the motion. The motion passed unanimously.**

**Agenda Item #4, Public Hearing, Petition R-2021-0733, Change in Zoning. Lake Okeechobee Holdings, LLC and ANDS Management, LLC, property owner and applicant. Request for a change in zoning from the existing classifications of Commercial (C) and Residential Mixed (RM) to the proposed classification of Heavy Industrial (I-2). The property address is 2248 US Highway 98 North.** This petition is associated with Petition S-2021-0792, a request to allow for a recycling yard other than in a completely enclosed building.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the property is on US Highway 98 North, in front of the airport. He stated there has been a recycling yard there for a number of years. He stated that the owners have purchased adjoining properties and would like to continue the recycling yard's expansion. He stated the subject property is currently zoned Commercial (C) and Residential Mixed (RM). He stated that the subject property is in an Industrial future land use classification and on an arterial highway. He stated that the requested change in zoning is consistent with county land development regulations and with the comprehensive plan, and would result in a zoning district that is consistent and compatible with the surrounding area.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners grant the request for a change in zoning from Residential Mixed (RM) and Commercial (C) to Heavy Industrial (I-2).

**Chairman Joey Hoover opened the public hearing.**

There were no comments from the public.

**Matthew Buxton moved to close the public hearing. Adam Cohen seconded the motion. The motion passed unanimously.**

There was some discussion among the Board regarding access via Highway 98.

Mr. Royce stated that the site plan had been reviewed by FDOT and that their concerns had been addressed.

**Matthew Buxton moved to recommend that the Board of County Commissioners grant petition R-2021-0733, request for a change in zoning from the existing classifications of Commercial (C) and Residential Mixed (RM) to the proposed classification of Heavy Industrial (I-2), based on the staff report and recommendation. Adam Cohen seconded the motion. The motion passed unanimously.**

Chairman Joey Hoover stated that a second public hearing to consider the request for a change in zoning will be held before the Board of County Commissioners on Thursday, February 10, 2022 at 9:00 a.m. in the Judge William L. Hendry Courtroom, Room 270, Historic Okeechobee County Courthouse, 304 NW 2nd Street, Okeechobee, Florida.

**Agenda Item # 5, Public Hearing, Petition S-2021-0792, Special Exception. Lake Okeechobee Holdings, LLC and ANDS Management, LLC, property owner and applicant. Request for a special exception to allow for a recycling center other than in a completely enclosed building in a Heavy Industrial (I-2) zoning district. The property address is 2248 US Highway 98 N.** This petition is associated with Petition R-2021-0733, a request for a change in zoning to Heavy Industrial (I-2).

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same property as the previous petition. He stated that the applicant has acquired additional properties along US Highway 98 North hoping to expand their recycling operation. He stated that the applicant did expand to the east last year and they now own several adjoining properties along US Highway 98. He stated that the Final Administrative Order is pending the approval of the change in zoning by the Board of County Commissioners. He stated that the proposed use is compatible with the area and consistent with the comprehensive plan and land development regulations.

Mr. Royce stated staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order, granting a special exception to allow for a recycling center other than in a completely enclosed building in a Heavy Industrial (I-2) zoning district, subject to several conditions he reviewed with the Board.

**Chairman Joey Hoover opened the public hearing.**

There were no comments from the public.

**Matthew Buxton moved to close the public hearing. Adam Cohen seconded the motion. The motion passed unanimously.**

**Matthew Buxton moved to approve the Final Administrative Order for petition S-2021-0792, granting a special exception to allow for a recycling center other than in a completely enclosed building in a Heavy Industrial (I-2) zoning district, subject to the following conditions:**

- 1. The proposed use shall commence within 12 months of the date the special exception is granted and shall continue in good faith, or the special exception shall be null and void;**
- 2. If the proposed use ceases for a period of 6 continuous months or for 12 non-continuous months during a 24 month period, the special exception shall be null and void;**
- 3. Outdoor storage areas shall be maintained in a neat and orderly manner and shall be located at least 30 feet from the north property line;**
- 4. Screening shall be maintained in a good condition around the entire perimeter of the property; and**
- 5. The premises shall be maintained at all times.**

**Adam Cohen seconded the motion. The motion passed unanimously.**

**Agenda Item # 6, Public Hearing, Petition R-2021-0737, Change in Zoning. Nita Salmon, property owner; Chase Pearce, applicant. Request for a change in zoning from the existing classification of Light Industrial (I-1) to the proposed classification of Heavy Commercial (C-2). The property address is 400 State Road 78 West. This petition is associated with petition S-2021-0795, request for a special exception to allow for a sales lot for manufactured homes in a Heavy Commercial (C-2) zoning district.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is about 3/4 of an acre on the south side of State Road 78. He stated that the property is currently zoned Light Industrial (I-1) and located in the Commercial Corridor. He

stated that the property is in a commercial area and surrounded by some commercial uses. He stated that the requested change in zoning is consistent with surrounding and nearby properties, and is consistent with the county land development regulations and comprehensive plan.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners grant the request for a change in zoning from Light Industrial (I-1) to Heavy Commercial (C-2).

**Chairman Joey Hoover opened the public hearing.**

There were no comments from the public.

**Matthew Buxton moved to close the public hearing. Adam Cohen seconded the motion. The motion passed unanimously.**

**Matthew Buxton moved to recommend that the Board of County Commissioners grant petition R-2021-0737, request for a change in zoning from the existing classification of Light Industrial (I-1) to the proposed classification of Heavy Commercial (C-2), based on the staff report and recommendation. Adam Cohen seconded the motion. The motion passed unanimously.**

Chairman Joey Hoover stated that a second public hearing to consider the request for a change in zoning will be held before the Board of County Commissioners on Thursday, February 10, 2022 at 9:00 a.m. in the Judge William L. Hendry Courtroom, Room 270, Historic Okeechobee County Courthouse, 304 NW 2nd Street, Okeechobee, Florida.

**Agenda Item # 7, Public Hearing, Petition S-2021-0795, Special Exception. Nita Salmon, property owner; Chase Pearce, applicant. Request for a special exception to allow for a sales lot for manufactured homes in a Heavy Commercial (C-2) zoning district. The property address is 400 State Road 78 West.** This petition is associated with Petition R-2021-0737, request for a change in zoning from Light Industrial (I-1) to Heavy Commercial (C-2).

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same property as the previous petition. He stated that the subject property is about 3/4 of an acre on the south side of State Road 78, in the Commercial Corridor. He stated that subject property is surrounded by commercial uses, as well as some single family homes and vacant lots. He stated that the applicant is requesting a special exception for a sales lot for manufactured homes. He stated that the applicant explained that there will not be more than approximately four manufactured homes on the property at a time. He stated that it will have to go through site plan review process, during which the display of the manufactured homes will be discussed. He stated that the Final Administrative Order is contingent upon the approval of the change in zoning by the Board of County Commissioners. He stated that the proposed use is consistent with the area, and is consistent with the county land development regulations and comprehensive plan.

Mr. Royce stated that Staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order, granting a special exception for a manufactured home sales lot in a Heavy Commercial (C-2) zoning district, subject to several conditions he discussed with the Board.

The Board expressed concern of the site being rather small for the requested use.

**Chairman Joey Hoover opened the public hearing.**

Tiffany Denton addressed the Board on behalf of the applicant. She stated that the applicant has a contract to purchase the adjoining four acres to the west of the subject property and would be back before the Board to get a special exception on it once the sale closes, providing more space for the requested use.

**Matthew Buxton moved to close the public hearing. Adam Cohen seconded the motion. The motion passed unanimously.**

**Matthew Buxton moved to approve the Final Administrative Order, granting a special exception for a manufactured home sales lot in a Heavy Commercial (C-2) zoning district, subject to the following conditions:**

- 1. If the proposed special exception does not commence within 36 months of the date that the special exception is granted, the special exception for that use shall be null and void;**
- 2. Upon commencement of the use, if the use ceases for a period of 6 continuous months or for 12 noncontinuous months during a 24 month period, the special exception shall be null and void;**
- 3. Any and all previous special exceptions granted to the subject property are null and void;**
- 4. The site plan shall provide for specific display areas for manufactured homes that are set up or otherwise installed on the site;**
- 5. Only manufactured homes complying with appearance and design standards may be displayed on the site; and**
- 6. The premises shall be maintained at all times.**

**Adam Cohen seconded the motion. The motion passed unanimously.**

**Agenda Item #8, Public Hearing, Comprehensive Plan Amendment.** Proposed amendment to the Okeechobee County Comprehensive Plan creating a new Property Rights Element.

Mr. Royce stated that there was a State law that passed last year requiring every state and city within Florida to adopt a property rights element. He stated the proposal is exactly what the State has required. He stated that the goal for the element is to respect judicially acknowledged and constitutionally protected private property rights, along with an objective to ensure that private property rights are considered in local decision making and a policy that has several components that Mr. Royce discussed with the Board.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners approve the proposed amendment to the Okeechobee County Comprehensive Plan.

**Chairman Joey Hoover opened the public hearing.**


There were no comments from the public.

**Matthew Buxton moved to close the public hearing. Samantha Saucedo seconded the motion. The motion passed unanimously.**


**Matthew Buxton moved to recommend that the Board of County Commissioners approve the proposed amendment to the Okeechobee County Comprehensive Plan creating a new Property Rights Element, based on staff recommendation. Adam Cohen seconded the motion. The motion passed unanimously.**

There being no additional business, the meeting was adjourned at 6:32 p.m.

  
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Joey Hoover, Chairman

  
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Date of Approval

  
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Jenna Durham, Administrative Secretary

  
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Date