

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

## **Regular Meeting**

**April 26, 2022**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, April 26, 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, Robbie Chartier, Adam Cohen, Joey Hoover, Lynn Murray, and Ann Vu. Samantha Saucedo was 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 the public comment. Ann Vu seconded the motion. The motion passed unanimously.**

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

**Matthew Buxton moved to approve the March 22, 2022 minutes as submitted. Adam Cohen seconded the motion. The motion passed unanimously.**

**Agenda Item # 3, Public Hearing, Petition R-2022-0738, Change in Zoning. James and Dina Lancaster, property owners and applicants. Request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Neighborhood Commercial-2 (NC-2). The property address is 9371 State Road 78 West. This petition is associated with petition S-2022-0797, request for a special exception to allow for alcohol sales for on-premises consumption in a Neighborhood Commercial-2 (NC-2) zoning district.**

Planning Director Bill Royce presented the petition and described the surrounding area. Mr. Royce stated that the property is a little under 5 acres in area on State Road 78, almost to the County line. He stated that the subject property is in an area consisting of multiple mobile home and RV Parks

located in the Resort Corridor future land use classification that covers much of State Road 78. He stated that this is a tourist area where many winter visitors reside and that commercial uses are sprinkled throughout the area. He stated that a letter of objection was received from the former property owner, now an adjacent property owner, of the subject parcel. He stated that the subject property is on a minor arterial highway and that the requested change in zoning is consistent with surrounding and nearby properties, and is consistent with the county's 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 Agriculture (A) to Neighborhood Commercial-2 (NC-2).

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

Anthony Ojukwu, Bowman Consulting, addressed the Board on behalf of the applicant to answer any questions.

**Matthew Buxton moved to close the public hearing. Ann Vu seconded the motion. The motion passed unanimously.**

**Matthew Buxton moved to recommend that the Board of County Commissioners grant petition R-2022-0738, request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Neighborhood Commercial-2 (NC-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, May 12, 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 #4, Public Hearing, Petition S-2022-0797, Special Exception. James and Dina Lancaster, property owners and applicants. Request for a special exception to allow the on premises consumption of beer, wine, or other alcoholic beverages in a Neighborhood Commercial-2 (NC-2) zoning district. The property address is 9371 State Road 78 West. This petition is associated with petition R-2022-0738, request for a zoning change from Agriculture (A) to Neighborhood Commercial-2 (NC-2).**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same property as the last petition, a little under 5 acres in area on State Road 78. He stated that the applicant wants to put a bar on the property and has referenced it as relocating the Iron Eagle. He stated that the Resort Corridor is filled with mixed uses, including commercial. He stated that the subject property seems to be a reasonable area for the applicants' requested use. He stated that a letter of objection was received that day by an adjacent property owner who expressed

concern about living next to a bar. He noted that the objecting adjoining property owner sold the subject property to the current owner.

Mr. Royce stated staff recommends that the Board of Adjustments and Appeals Approve a Final Administrative Order, granting a special exception to allow the on-premises consumption of beer, wine and other alcoholic beverages in a Neighborhood Commercial-2 (NC-2) zoning district, subject to several conditions he reviewed with the Board.

There was some discussion between Mr. Royce and the Board regarding the site plan for the project.

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

Anthony Ojukwu, Bowman Consulting, addressed the Board on behalf of the applicant to answer any questions.

There was brief discussion between the Board and Mr. Ojukwu regarding the letter of objection and ways to ease the mentioned concerns.

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

There was thorough discussion among the Board regarding perimeter fencing and different buffering options.

**Matthew Buxton moved to approve the Final Administrative Order for petition S-2022-0797, granting a special exception to allow the on-premises consumption of beer, wine and other alcoholic beverages in a Neighborhood Commercial-2 (NC-2) zoning district, subject to the following conditions recommended by staff and the addition of condition 6:**

- 1. The proposed use shall commence within 36 months of the date that the special exception is granted, or the special exception shall be null and void;**
- 2. Upon commencement of the proposed use, if the use then 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. Any previously approved special exception shall become null and void upon approval of the requested special exception;**
- 4. On-site lighting shall be shielded to eliminate off-site glare and to minimize impacts to adjoining properties and to the highway; and**
- 5. The premises shall be maintained at all times; and**

- 6. The areas directly adjacent to private residences along the north and south property lines shall be fully screened by a privacy fence.**

**Lynn Murray seconded the motion. The motion passed unanimously.**

**Agenda Item # 5, Public Hearing, Petition R-2022-0744, Change in Zoning. Continental Mobile Homes LLC, property owner and applicant. Request for a change in zoning from the existing classification of Residential Mixed (RM) to the proposed classification of Neighborhood Commercial (NC-2). The property address is 620 State Road 78 West.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is about a 1/4 of an acre on the south side of State Road 78. He stated that the applicant was before the Board a couple months back regarding a rezone and special exception for a mobile home sales lot on the adjoining property to the east. He stated that both of those were granted. He stated that the applicant has since purchased the subject parcel and is requesting the change in zoning to develop an office for the mobile home sales lot. He stated that the subject parcel is in a commercial area, and the requested change in zoning is consistent with surrounding properties, and with the county's land development regulations and comprehensive plan.

Mr. Royce stated 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) to Neighborhood Commercial-2 (NC-2).

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

Tiffany Denton addressed the Board on behalf of the applicant to answer any questions they may have.

**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-2022-0744, request for a change in zoning from the existing classification of Residential Mixed (RM) to the proposed classification of Neighborhood Commercial (NC-2). 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, May 12, 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 # 6, Public Hearing, Petition S-2022-0796, Special Exception. Rucks and Sons Dairy, Inc, property owner; Demott Auction, applicant. Request for a special exception to allow for sale and repair of agricultural equipment in an Agriculture (A) zoning district. The property address is 601 NE 144th Drive.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is about 100 acres in area at the northwest corner of the intersection of US Highway 441 North and NW 144<sup>th</sup> Drive. He stated that the applicant is Demott Auction, who currently have an auction at the rodeo grounds a few times a year. He stated that they are looking to develop their own site for a retail sales operation for used farm equipment, including the periodic auctions as currently conducted at the rodeo grounds. He stated that there is a provision in the Agriculture (A) zoning district for a variety of commercial uses that are agriculture related. He stated that proposed use is consistent and compatible with the general area.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals Approve a Final Administrative Order, granting a special exception to allow for a sales lot and repair activity for agricultural equipment in an Agriculture (A) zoning district, subject to several conditions he reviewed with the Board.

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

Terry Demott addressed the Board and gave some clarification on the plan and lay out for the project.

Mark Crews addressed the Board on behalf of the applicant to address any questions they may have.

Jim Davis, nearby property owner, addressed the Board to state that Demott Auction is a great organization and that the project would be a nice asset to the County.

Robert Duke, nearby property owner, addressed the Board. He stated that his only concern would be that a left hand turn lane is needed on US Highway 441.

**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-2022-0796, granting a special exception for a sales lot and repair activity for agricultural equipment in an Agriculture (A) zoning district, subject to the following conditions:**

- 1. If the proposed use 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 proposed use, if the use then 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. Any special exception previously granted to the property immediately shall be null and void;
4. No item of any type that is not operable and in good shape may be displayed outdoors or otherwise be available for sale on the premises, and no salvage activities of any type shall occur on the premises including in association with repair, sale, maintenance or storage activities;
5. All outdoor storage and display areas shall be neat and organized and identified on the site plan; and
6. The premises will be maintained at all times.

Adam Cohen seconded the motion. The motion passed unanimously.

There being no additional business, the meeting was adjourned at 7:01 p.m.

  
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 Matthew Buxton, 1<sup>st</sup> Vice Chairman

6-28-22  
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 Date of Approval

  
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 Jenna Durham, Administrative Secretary

6/28/2022  
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 Date