

Planning Board / Board of Adjustments and Appeals

Regular Meeting

June 28, 2022

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, June 28, 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, Lynn Murray, Samantha Saucedo, and Ann Vu. Joey Hoover and Adam Cohen were absent. Also in attendance were County Attorney John Cary, Planning Director Bill Royce, Planner Jennifer Busbin, Planner Ty Hancock and Administrative Secretary Jenna Durham.

1st Vice Chairman Matthew Buxton 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.

Ann vu moved to close the public comment. Lynn Murray seconded the motion. The motion passed unanimously.

Agenda Item # 2, Approval of Minutes.

Robbie Chartier moved to approve the April 26, 2022 minutes as submitted. Ann Vu seconded the motion. The motion passed unanimously.

Agenda Item #3, Public Hearing, Petition R-2022-0745, Change in Zoning. Jason Tomlinson Living Trust, property owner and applicant. Request for a change in zoning from the existing classification of Commercial (C) to the proposed classification of Residential General (RG). The property address is 2131 US Highway 441 N. This petition is associated with Petition S-2022-0799, request for a special exception to allow multi-family residential development at a density of up to 18 units per acre.

Planning Director Bill Royce presented the petition and described the surrounding area. Mr. Royce stated that the property is 4.3 acres on US Highway 441 North, just south of Doctor Kahn's Office. He stated that the subject property is vacant. He stated that there is a mix of uses in the surrounding

area consisting of vacant land, commercial uses and multi-family town houses. He stated that the applicant intends to develop multi-family housing. He stated that the Commercial Corridor allows for a wide variety of uses, including multi-family development at the highest potential density of up to 18 unit per acre. He stated 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 Commercial (C) to Residential General (RG).

1st Vice Chairman Matthew Buxton opened the public hearing.

Jason Goldfarb, addressed the Board on behalf of the applicant to explain the potential development plans for the subject property.

There was some discussion regarding the school crossing due to the project's proximity to Okeechobee Highschool.

Ann Vu moved to close the public hearing. Robbie Chartier seconded the motion. The motion passed unanimously.

Ann Vu moved to recommend that the Board of County Commissioners grant petition R-2022-0745, request for a change in zoning from the existing classification of Commercial (C) to the proposed classification of Residential General (RG), based on the staff report and recommendation. Lynn Murray seconded the motion. The motion passed unanimously.

1st Vice Chairman Matthew Buxton 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, July 14, 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-2022-0799, Special Exception. Jason Tomlinson Living Trust, property owner and applicant. Request for a special exception to allow multifamily residential development at a density of up to 18 units per acres in a Residential General (RG) zoning district. The property address is 2131 US Highway 441 North. This petition is associated with Petition R-2022-0745, request for a change in zoning from Commercial (C) to Residential General (RG).

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same property as the last petition, 4.3 acres on US Highway 441 North. He stated that the Commercial Corridor in this area is developed with a variety of uses, both commercial and residential. He stated that the applicant is requesting to develop multi-family housing with a density of up to 18 units per acre. He stated that without a special exception the Residential General (RG)

zoning district only allows a density of up to 5 units per acre. He stated that the density is a maximum of 18 unit per acre for the portion of the property in the Commercial Corridor, and 12 unit per acre for the portion of the property in the Urban Residential Mixed Use which could allow up to 72 units for the subject parcel, assuming the alley rights-of-way are vacated. He stated that the site plan will come back before the Board for approval. He stated that the subject property is a reasonable area for the applicants' requested use and is consistent with the county's land development regulations and comprehensive plan.

Mr. Royce stated staff recommends that the Board of Adjustments and Appeals Approve a Final Administrative Order, granting a special exception to allow for 18 units per acre for that portion of the property in the Commercial Corridor, and 12 units per acre for that portion of the property in the Urban Residential Mixed Use future land use classification, subject to several conditions he reviewed with the Board.

1st Vice Chairman Matthew Buxton opened the public hearing.

There were no comments from the public.

Ann Vu moved to close the public hearing. Robbie Chartier seconded the motion. The motion passed unanimously.

Ann Vu moved to approve the Final Administrative Order for petition S-2022-0799, granting a special exception to allow for 18 units per acre for that portion of the property in the Commercial Corridor, and 12 units per acre for that portion of the property in the Urban Residential Mixed Use future land use classification, subject to the following conditions recommended by staff and a revision to condition 1:

- 1. If construction for the proposed special exception use does not commence within 48 months of the date that the special exception is granted, and thereafter continue in good faith, the special exception for the use shall be null and void;**
- 2. Any and all previous special exceptions granted to the subject property are null and void;**
- 3. The development plan may spread the units around the entire development site provided it is designed and developed as a single project;**
- 4. The premises shall be maintained at all times.**

Lynn Murray seconded the motion. The motion passed unanimously.

Agenda Item #5, Public Hearing, Petition S-2022-0798, Special Exception. R & L Farms, LLC, property owner and applicant. Request for a special exception to allow an automotive repair or service garage for indoor truck repair in a Heavy Commercial (C-2) zoning district. The property address is 4781 Highway 441 North.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is about 7 acres in area in the Commercial Corridor on the west side of Highway 441 North. He stated the property was rezoned to Heavy Commercial (C-2) several months ago and the applicant is now requesting a special exception for indoor truck repair. He stated that the Commercial Corridor in that area consists of a variety of uses including a commercial strip center, convenience store with a gas station, a laundromat and auto repair shops. He stated that to the north and west are residential developments including Whispering Pines. He stated that the subject parcel is in a commercial area, and the requested use is reasonable for the area, and consistent with the county's land development regulations and comprehensive plan.

Mr. Royce stated Staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order, granting a special exception to allow an automotive repair or service garage for indoor truck repair in a Heavy Commercial (C-2) zoning district, subject to several conditions he reviewed with the Board.

There was some discussion between the Board and Mr. Royce regarding egress and ingress.

1st Vice Chairman Matthew Buxton opened the public hearing.

There were no comments from the public.

Ann Vu moved to close the public hearing. Samantha Saucedo seconded the motion. The motion passed unanimously.

Ann Vu moved to approve the Final Administrative Order for petition S-2022-0798, granting a special exception to allow an automotive repair or service garage for indoor truck repair in a Heavy Commercial (C-2) zoning district, subject to the following conditions recommended by staff:

- 1. If construction for the proposed special exception use does not commence within 36 months of the date that the special exception is granted, and thereafter continue in good faith, the special exception for the use shall be null and void;**
- 2. Any and all previous special exceptions granted to the subject property are null and void;**
- 3. All repair activities shall be conducted in completely enclosed buildings provided for that purpose; windows and doors of such structure may be kept open during times that actual repair activities are being carried on;**

4. **Service and repair activities, including temporary storage of trucks in need of service or repair, shall be fully screened from view from casual observer;**
5. **No salvage activities of any type shall occur on the premises at any time, including in association with repair or maintenance activities;**
6. **No materials or equipment may be stored or used outdoors; and**
7. **The premises shall be maintained at all times.**

Robbie Chartier seconded the motion. The motion passed unanimously.

Agenda Item #6, Petition P-2022-0008, Preliminary Plat Approval. Bryan Holden, property owner and applicant. Request for preliminary plat approval of the proposed 2-lot Holden Acres subdivision. The property is located on the south side of NW 240th Street.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is a 20 acre tract on NW 240th Street. He stated that the 20 acre tract was created in violation of county subdivision regulations, but going through the platting process to create two 10 acre lots would correct that. He stated that the property is on an existing paved road that is maintained by the county. He stated that the request is consistent with the county land development regulations and the comprehensive plan.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners approve the preliminary plat of the proposed Holden Acres subdivision.


1st Vice Chairman Matthew Buxton opened the hearing.

There were no comments from the public.

Ann Vu moved to close the hearing. Robbie Chartier seconded the motion. The motion passed unanimously.

Ann Vu moved to recommend that the Board of County Commissioners grant Petition P-2020-0008, request for preliminary plat approval of the proposed 2-lot Holden Acres subdivision. Robbie Chartier seconded the motion. The motion passed unanimously.

There being no additional business, the meeting was adjourned at 6:28 p.m.



Joey Hoover, Chairman

7-26-22

Date of Approval



Jenna Durham, Administrative Secretary

7/26/2022

Date