

Planning Board / Board of Adjustments and Appeals

Regular Meeting

January 24, 2023

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, January 24, 2023 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Robbie Chartier, Adam Cohen, Joey Hoover, Lynn Murray, Samantha Saucedo, and Ann Vu. Matthew Buxton 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.

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

Agenda Item # 2, Approval of Minutes.

Ann Vu moved to approve the October 25, 2022 minutes as submitted. Robbie Chartier seconded the motion. The motion passed unanimously.

Agenda Item# 3, Public Hearing, Petition S-2022-0803, Merchant Construction, Inc., property owner; Tab Merchant, applicant. Request for a special exception to allow mini warehouse self-storage units in a Heavy Commercial (C-2) zoning district. The property address is 5155 Highway 441 SE.

Planning Director Bill Royce presented the petition and described the surrounding area. Mr. Royce stated that the subject property is 4 acres in area, off of US Highway 441 SE, and in front of Kings Bay. He stated that the applicant got a special exception some years ago, but the self-storage units were never built and the special exception expired. He stated that the subject property is zoned Heavy Commercial (C-2), and located in the Commercial Corridor. He stated that there are mixed

uses in the the area, including commercial uses. He stated that the requested use is consistent with the area, and consistent with the county's comprehensive plan and land development regulations.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order granting a special exception to allow mini warehouse self-storage units in a Heavy Commercial (C-2) zoning district, subject to several conditions he discussed with the Board.

Chairman Joey Hoover opened the public hearing.

Courtney Moyett, nearby property owner, addressed the Board on behalf of the King's Bay Homeowners Association. She stated some concerns regarding screening, lighting, and a potential increase in traffic. She asked to attend the Technical Review meeting and that the applicant be considerate of the residents of King's Bay.

Board Member Adam Cohen asked for clarification on business hours and presented some ideas for Ms. Moyett to address with the applicant.

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

Adam Cohen made a motion to make an amendment to the conditions to include the following paragraph "F" from the staff report: Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety, and economic effects of same on properties in the district and compatibility and harmony with other properties in the district. Lynn Murray seconded the motion. The motion passed unanimously.

Adam Cohen moved to approve the Final Administrative Order for petition S-2022-0803, granting a special exception to allow mini warehouse self-storage units in a Heavy Commercial (C-2) zoning district, subject to the following conditions recommended by staff with the addition of the previously approved condition:

- 1. Construction necessary to accommodate the proposed use will commence within 36 months of the date of the special exception is granted and thereafter continue in good faith, or the special exception will be null and void;**
- 2. Upon commencement of the proposed use, if the use ceases for a period of 6 continuous months or for 12 noncontinuous months during a 24 month period, the use may recommence only with the express finding by the Community Development Department that the use remains in compliance with county regulations, any conditions of this special exception, and the approved site plan;**
- 3. Any and all previous special exceptions granted to the subject property shall be null and void;**

4. Adequate screening shall be provided along the north property line where the development adjoins the King's Bay Subdivision. The screening may be a vegetative buffer if it can be demonstrated that the vegetative buffer provides sufficient opaque screening;
5. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety, and economic effects of same on properties in the district and compatibility and harmony with other properties in the district; and
6. The premises shall be maintained at all times.

Ann Vu seconded the motion. The motion passed unanimously.

Agenda Item #4, Public Hearing, Petition R-2022-0752, Change in Zoning. Michael Costopoulos, Debra Moesching and Wayne Moesching, property owners; Ray Knight, applicant. Request for a change in zoning from the existing classification of Residential Single Family (RSF) to the proposed classification of Heavy Commercial (C-2). The property is located on SW 2nd Avenue, about 200 feet west of US Highway 441 S and north of SW 28th Street.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is a little over an acre in area, across from Home Depot and just west of the currently vacant gas station. He stated that the applicants have purchased the property containing the vacant gas station and are planning to purchase the subject property. He stated that both properties would be combined and accessed off US Highway 441 S. He stated that the surrounding uses are primarily commercial, as well as light industrial and residential. He stated that the requested change in zoning is consistent with the area, and consistent with the county's comprehensive plan and land development regulations. He noted that when plans are submitted, the impact the development may have on the nearby residents will be taken into careful consideration.

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 Single Family (RSF) to Heavy Commercial (C-2).

Chairman Joey Hoover 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.

Adam Cohen moved to recommend that the Board of County Commissioners grant petition R-2022-0752, request for a change in zoning from Residential Single Family (RSF) to Heavy

Commercial (C-2), based on the staff report and recommendation. Ann Vu 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 9, 2023 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 R-2022-0753, Change in Zoning. Bradley Staton, Robert Staton, and Laura Staton, property owners; Roanne Brice, applicant. Request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Residential Single Family (RSF). The property address is 3726 SW 16th Street.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the property is about 4 acres in area and part of an old subdivision that was never built, west of Oak Park subdivision. He stated that the property is currently zoned Agriculture (A), but the applicant would like to split the parcel and build a few home sites. He stated that property to the west has already been rezoned to accommodate several single family home sites. He stated that the subject property is located in the Urban Residential Mixed Use future land use classification. He stated that the requested change in zoning is consistent with the area, and consistent with the county's comprehensive plan and land development regulations.

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 Agricultural (A) to Residential Single Family (RSF).

Chairman Joey Hoover opened the public hearing.

Roanne Brice, applicant, addressed the Board to state that they will be submitting a deminimus to split the parcel and construction is proposed to start in 2024.

There were no other comments from the public.

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

Ann Vu moved to recommend that the Board of County Commissioners grant petition R-2022-0753, request for a change in zoning from Agricultural (A) to Residential Single Family (RSF), 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 9, 2023 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 R-2022-0754, Change in Zoning. Okeedokee, LLC, property owner and applicant. Request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Heavy Industrial (I-2). The property address is 5800 State Road 710 E.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is about 99 acres in area, located on State Road 710 between State Road 710 and the CSX railroad tracks. He stated that the property is in a Industrial Overlay district, which indicates that it's eligible for consideration of being rezoned to Heavy Industrial (I-2). He stated that to the south there is a piece of land that was rezoned to Public Service (PS) as a transfer station for the regional landfill. He stated that there are some residences in the area, including Hi-Lo Acres and some houses along State Road 710. He stated that one of the concerns from the last time the petition was heard was that the applicant was considering a use that would have involved biochar. He stated that since then there has been an amendment to the Land Development Regulations to prohibit biochar facilities. He stated that all commercial development is reviewed before the Site Plan Technical Review Committee, and that the site plan will come back to the Planning Board for review because the site is over 10 acres in 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 the existing classification of Agriculture (A) to the proposed classification of Heavy Industrial (I-2).

Board Member Adam Cohen asked for clarification of the current percentage being used in this Industrial Overlay District. Mr. Royce stated that there is currently none, but later clarified there is a small 3-acre parcel zoned Heavy Industrial.

Chairman Joey Hoover opened the public hearing.

Steve Dobbs, Steve L. Dobbs Engineering, LLC, addressed the Board on behalf of the applicant to state they agree with the staff recommendation.

Kenneth Robertson, nearby property owner, addressed the Board. He stated concerns of possible run-off affecting surrounding properties.

D. Haff, nearby property owner, addressed the Board. He stated concerns of increased traffic on 710, and access being blocked to residential areas by increased train usage on the railroad tracks.

Chairman Joey Hoover stated that the Planning Board is making a recommendation solely on if the subject parcel is compatible with the future land use or Industrial Overlay. He stated that the Planning Board does not have the authority to address the technical issues that come with the development of the project.

Billy McCullers, nearby property owner, addressed the Board. He stated that issues the area currently faces would be amplified due to the project and that he feels the intended use is not compatible at this time.

Andrea Mitcham, nearby property owner, addressed the Board. She reiterated concerns of the increased possibility of blocked access to Hi-Lo Acres and increased traffic concerns. She also stated concerns of pollution and gopher tortoise endangerment.

Waldemar Puig, nearby property owner, addressed the Board and asked for clarification of the criteria that the Planning Board uses to make the recommendation for the rezoning.

Collette Siler, nearby property owner, addressed the Board. She asked for clarification of what an Industrial Overlay district is, and stated that she is opposed to the proposed zoning of Heavy Industrial (I-2).

Jon VanderMoler, nearby property owner, addressed the Board. He requested clarification on what the actual intended use and development of the parcel will be.

Steve Dobbs, Steve L. Dobbs Engineering, LLC, addressed the Board on behalf of the applicant. He stated that this is the first step in a thousand step process. He then went on to explain what some of the next steps of the process would be if the petition gets approved, and addressed some of the aforementioned concerns.

Janice Douglas, nearby property owner, addressed the Board. She asked for clarification on when the Industrial Overlay was established and asked for a way to get notified for the next meeting.

Billy Conner, nearby property owner, addressed the Board. He questioned what will be done about the powerlines that cut through the parcel.

There was brief discussion on when the Industrial Overlay district was established.

Lynn Murray moved to close the public hearing. Ann Vu seconded the motion. The motion passed unanimously.

There was extensive discussion among the Board regarding Industrial Overlay districts and the uses that are permissible in the Heavy Industrial (I-2) zoning district.

Robbie Chartier moved to recommend that the Board of County Commissioners grant petition R-2022-0754, request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Heavy Industrial (I-2), based on the staff report and recommendation. Ann Vu 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 9, 2023 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, Amendment to Okeechobee County Land Development Regulations. Proposed amendment to Article VII, Development Design and Improvement Standards, Section 7.06.07, Utilities.

Planning Director Bill Royce presented the proposed amendment to the land development regulations, stating that it was initiated to address some concerns of the Okeechobee Utility Authority. He stated that state law has certain criteria for when properties have to connect to sewer. He stated that the proposed amendment will take what is in the statute and put it in the county land development regulations for sewer, and apply the same standards for connecting to public supply water. He stated that OUA wants to do a major project to serve more areas of the county with water and sewer. He stated that the amendment specifies when a property owner has to connect to sewer and water and how long the property has to do so.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners approve an amendment to the Okeechobee County Land Development Regulations, amending Article VII, Development Design and Improvement Standards, Section 7.06.07, Utilities.

Chairman Joey Hoover opened the public hearing.

There were no comments from the public.

Ann Vu moved to close the public hearing. Lynn Murray seconded the motion. The motion passed unanimously.

County Atterony Garrett Olsen stated that this ordinance will bring Okeechobee County's land development regulations up to date with what is already required by state law.


Robbie Chartier moved to recommend that the Board of County Commissioners adopt the proposed amendment to Article VII, Development Design and Improvement Standards, Section 7.06.07, Utilities. Ann Vu seconded the motion. The motion passed unanimously.

Agenda Item #8, Adoption of regular meeting schedule for 2023.

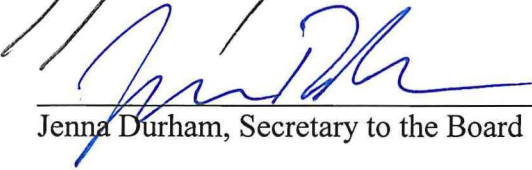
Mr. Royce presented a proposed 2023 meeting schedule for the Planning Board/Board of Adjustments and Appeals.

The Board unanimously agreed to adopt the 2023 meeting schedule as presented by staff.

There being no additional business, the meeting was adjourned at 7:52 p.m.



Joey Hoover, Chairman



Jenna Durham, Secretary to the Board

5-23-23

Date of Approval

5/23/2023

Date