

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

## **Regular Meeting**

**October 25, 2022**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, October 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, Adam Cohen, Joey Hoover, Lynn Murray, Samantha Saucedo, and Ann Vu. Robbie Chartier 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.**

**Ann Vu moved to approve the July 26, 2022 minutes as submitted. Matthew Buxton seconded the motion. The motion passed unanimously.**

**Agenda Item #3, Public Hearing, Petition S-2022-0800, Special Exception. MDC Okeechobee Properties, LLC, property owner; Yeugeniy Terekhin, applicant. Request for a Special Exception to allow for warehouse or storage activity but not bulk storage of flammable liquids in a Heavy Commercial (C-2) zoning district. The property address is 4340 US Highway 441 North.**

Planning Director Bill Royce presented the petition and described the surrounding area. Mr. Royce stated that the subject property is 2.8 acres in area on the east side of US Highway 441 North, and north of Cemetery Road. He stated that the subject property is part of the commercially developed district of US Highway 441 North, located in the Commercial Corridor. He stated that there are a

variety of uses in the area. He stated that the applicant has requested to do warehousing, which is a special exception in the Heavy Commercial (C-2) zoning district. He stated that the activity would occur indoors. 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 for warehouse and storage activities in a Heavy Commercial (C-2) zoning district, subject to several conditions he discussed 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-2022-0800, granting a special exception to allow for warehouse and storage activities in a Heavy Commercial (C-2) zoning district, subject to the following conditions recommended by staff:**

- 1. If construction for the proposed 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 shall 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 immediately shall be null and void;**
- 4. The special exception authorizes indoor warehouse style storage but not outdoor storage for equipment, materials or vehicles other than operational vehicles actively used in the ongoing operation of an associated on-site business; and**
- 5. The premises shall be maintained at all times.**

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

**Agenda Item # 4, Public Hearing, Petition S-2022-0801, Special Exception. Debra Sales and Karla Hales, property owners and applicants. Request for a special exception to allow for a contractors yard with on-premises storage of equipment and materials in Heavy Commercial (C-2) zoning district. The property address is 3751 NE 4th Trail.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is the site of the former 8 Seconds bar and is 11 acres in area, located between State Road 70 East and State Road 710 E. He stated that the property is in a commercial activity center. He stated that requested special exception is for a contractor yard with on premises storage of materials and equipment for a well driller that does business all over the state. He stated that the well driller is looking for a centralized location for their business. He stated that the subject property is a reasonable location for the requested use. He stated that the requested use is 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 for a contractors yard with on premise storage of equipment and materials in a Heavy Commercial (C-2) zoning district subject several conditions he discussed with the Board, including an additional condition stating that if the proposed 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 shall be null and void.

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

There were no comments from the public.

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

**Matthew Buxton moved to approve the Final Administrative Order for petition S-2022-0801, granting a special exception to allow for a contractors yard with on premise storage of equipment and materials in a Heavy Commercial (C-2) zoning district, subject to the following conditions recommended by staff:**

- 1. If the proposed 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 shall be null and void;**
- 2. Upon commencement of the use, if the proposed 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 special exceptions previously granted to the property immediately shall become null and void;**

4. **Storage of equipment and materials may occur only in association with an on-site contractor-type business conducted in a permitted commercial office or other similar structure on the site. The special exception does not and is not intended to allow commercial storage of materials or equipment from off-site businesses;**
5. **Equipment and materials stored outdoors shall be kept in a neat and orderly manner;**
6. **Equipment and materials may not be stored in required setback areas;**
7. **Opaque screening shall be maintained encompassing any outdoor equipment or materials storage areas; and**
8. **The premises shall be maintained at all times.**

Adam Cohen seconded the motion. The motion passed unanimously.

**Agenda Item #5, Amendment to Okeechobee County Land Development Regulations. Proposed amendment to Article II, Land Use: Type, Density, Intensity; to Article XI, Hardship Relief and Special Exceptions; and to Appendix B, Glossary, pertaining to biochar production facilities, and outdoor gun clubs and outdoor shooting, rifle or target ranges or courses.**

Planning Director Bill Royce presented the proposed amendment to the land development regulations, stating that it was initiated by the county commission. He stated that there was a rezoning petition earlier in the year for an industrial site where the applicant proposed a biochar facility, and after consideration of the petition the commission determined that biochar production facilities should be prohibited within the county. He stated that by excluding biochar production facilities in the Public Service (PS) zoning district and removing them as a use by special exception in the Heavy Industrial (I-2) zoning district, the amendment makes it clear that they will not be permissible anywhere in the county.

There some brief discussion from the Board expressing concern on prohibiting biochar production facilities while not being fully educated on its possible benefits and impacts.

Mr. Royce stated that the other component of the amendment is a change to the list of special exceptions in the Agriculture (A) zoning district. He stated that currently an outdoor gun club, outdoor shooting, rifle or target range is permissible by special exception in the Agriculture (A) zoning district. He stated that the commission was concerned about possible locations for future rifle or target ranges and requested that some guidelines be put in place. He explained that the amendment states that any outdoor gun club; outdoor shooting, rifle or target range or course facility shall be located at least 2 miles from a residence, barn or business establishment. He stated that the distance requirement shall not apply to the expansion of facilities on outdoor shooting ranges, clubs or courses lawfully existing as of December 31, 2022, shall not apply to the expansion of the land boundary of outdoor shooting ranges, clubs or courses lawfully existing as of December 31, 2022, and shall not apply to structures constructed or installed in association within the development, such as on-site amenities or an associated residential community. He stated that new ranges, clubs or

courses shall be consistent with the guidelines of the NRA Range Source Book for development, design and operations of shooting ranges at the time of initial construction, and then annually thereafter shall certify to the County that the range, club or course continues to be consistent with the NRA Range Source Book guidelines.

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


There were no comments from the public.

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

There was extensive discussion between the Board and Mr. Royce regarding the process of biochar production, clarification of the amendment's impacts to existing outdoor sports clubs and target ranges, if the amendment impacts non-commercial shooting clubs, and the 2 mile restriction. The Planning Board members expressed concern about an outright prohibition of uses, including biochar production facilities, indicating the special exception process can adequately review petitions and determine if the use is appropriate at a particular location. The Planning Board also expressed concern about such substantial restrictions on outdoor shooting ranges, again indicating the special exception process can adequately review petitions and determine if the use is appropriate at a particular location.

**Matthew Buxton moved to recommend that the Board of County Commissioners not adopt the proposed amendment to Article II, Land Use: Type, Density, Intensity; to Article XI, Hardship Relief and Special Exceptions; and to Appendix B, Glossary, pertaining to biochar production facilities, and outdoor gun clubs and outdoor shooting, rifle or target ranges or courses. Ann Vu seconded the motion. The motion passed unanimously.**

There being no additional business, the meeting was adjourned at 6:48 p.m.

  
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Joey Hoover, Chairman

  
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Jenna Durham, Secretary to the Board

1-24-23  
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Date of Approval

1/24/2023  
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Date