

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

## **Regular Meeting**

**May 23, 2023**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, May 23, 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, Joey Hoover, Billy McCullers, Charles Murphy, and Ann Vu. Alternate Jeff Davis was also present and was designated as a voting member. Matthew Buxton and Samantha Saucedo were absent. Also in attendance were County Attorney Garrett Olsen, Planning Director Bill Royce, Planner Ty Hancock and Administrative Assistant 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. Election of Officers**

**Robbie Chartier nominated Joey Hoover for Chairman. There were no additional nominations and Joey Hoover was then unanimously elected as Chairman.**

**Robbie Chartier nominated Ann Vu for 1st Vice Chairman. There were no additional nominations and Ann Vu was then unanimously elected as 1st Vice Chairman.**

**Ann Vu nominated Robbie Chartier for 2nd Vice Chairman. There were no additional nominations and Robbie Chartier was then unanimously elected as 2nd Vice Chairman.**

#### **Agenda Item # 2. 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 # 3. Approval of Minutes.**

**Ann Vu moved to approve the January 24, 2023 minutes as submitted. Robbie Chartier seconded the motion. The motion passed unanimously.**

**Billy McCullers moved to approve the March 28, 2023 minutes as submitted. Ann Vu seconded the motion. The motion passed unanimously.**

**Agenda Item #4, Petition P-2023-0009, Preliminary Plat Approval. Erica Morse and Kayla Mohney, property owners and applicants. Request for preliminary plat approval of the proposed 2-lot Old Grove Manor subdivision. The property is located on the east side of River Oak Acres subdivision and is accessed from SW 16<sup>th</sup> Drive.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property was part of a larger parcel that already been split through a deminimus, and any further division of the property requires a plat. He stated that the applicants are proposing a 2-lot plat, so each sibling can build a house. He stated that the applicants have to have an approved private street in order to access the property. He stated that this request is consistent with the county's land development regulations and meets all of the requirements for a 2-lot plat subdivision.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners approve the preliminary plat of the proposed Old Grove Manor subdivision.

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

Steve Dobbs, Newlines Engineering, addressed the Board on behalf of the applicants to answer any questions the Board may have.

**Ann Vu moved to close the public hearing. Billy McCullers seconded the motion. The motion passed unanimously.**

**Ann Vu moved to recommend that the Board of County Commissioners grant Petition P-2023-0009, request for preliminary plat approval of the proposed 2-lot Old Grove Manor subdivision. Jeff Davis seconded the motion. The motion passed unanimously.**

**Agenda Item #5, Public Hearing, Petition S-2023-0805, Special Exception. Randall and Renee Mims, property owners and applicants. Request for a Special Exception to allow for the sale of new and used automobiles along with an automotive repair and service garage in a Commercial (C) zoning district. The property address is 253 SW 32nd Street.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that there is an existing Ford Dealership on US Highway 441, and that the subject property is the adjacent two acres to the dealership. He stated that the applicant wishes to expand the dealership's service and display area. He stated that the subject property is in the commercial corridor surrounded

by several different commercial uses. He stated that the requested use 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 for the sale of new and used automobiles along with an automotive repair and service garage subject to several conditions he discussed with the Board.

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

Steve Dobbs, Newlines Engineering, addressed the Board on behalf of the applicant to answer any questions the Board may have.

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

**Charles Murphy moved to approve the Final Administrative Order for petition S-2023-0805, granting a special exception for the sale of new and used automobiles along with an automotive repair and service garage in a Commercial (C) zoning district subject to the following conditions:**

- 1. If the proposed expansion does not commence within 36 months of the date the special exception is granted, the special exception shall be null and void;**
- 2. If the use ceases for six 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. All vehicles on display for sale shall be on a paved surface;**
- 5. Landscaping as required for new development shall be provided but may be installed anywhere on the overall site; and**
- 6. The premises shall be maintained at all times.**

**Billy McCullers seconded the motion. The motion passed unanimously.**

**Agenda Item #6, Public Hearing, Petition R-2023-0756, Change in Zoning. Gustavo Sanchez, property owner and applicant. Request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Heavy Commercial (C-2). The property address is 651 US Highway 98 N.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is located along US Highway 98 N. He stated that it is the last parcel within that corridor that is still zoned Agriculture (A), the rest of the corridor mostly consisting of Commercial, Heavy Commercial, or Industrial zoning. He stated that the requested change in zoning 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 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.**

**Robbie Chartier moved to recommend that the Board of County Commissioners grant petition R-2023-0756, request for a change in zoning from Agriculture (A) 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, June 8, 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, Petition R-2023-0757, Change in Zoning. Salmana Enterprises, Inc., property owner and applicant. Request for a change in zoning from the existing classifications of Agriculture (A) and Residential Mobile Home (RMH) to the proposed classification of Agriculture (A). The property is located at 9691 SE 126<sup>th</sup> Boulevard.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property consists of 75 acres located off of 15B, down the southeast portion of the county. He stated that most the zoning in that area is Agriculture (A), along with a little bit of Residential Rural (RR). He stated that a portion of the subject property is zoned Residential Mobile Home (RMH). He stated that the future land use classification for the subject property only allows a density of 1 unit per 5 acres, so the current zoning does not leave the applicant with many options. He stated that the applicant is requesting a change of zoning back to Agriculture to be consistent

with the area. He stated that the requested change in zoning is consistent with the area, and the county's land development regulation 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 the existing classifications of Residential Mobile Home (RMH) and Agriculture (A) to Agriculture (A).

**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.**

**Robbie Chartier moved to recommend that the Board of County Commissioners grant petition R-2023-0757, request for a change in zoning from the existing classifications of Agriculture (A) and Residential Mobile Home (RMH) to the proposed classification of Agriculture (A), 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, June 8, 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 #8, Public Hearing, Petition L-2023-0001, Change in Zoning; Coker Cattle Corp., property owner; Einhorn Capital, LLC, applicant. Request for a change in zoning from the existing classification of Planned Development - Freshwater (PD) to the proposed classification of Planned Development - Midtown Village (PD). The property is located on the north and south side of SE 28th Street (Charles Harvey Memorial Highway) east of US Highway 441 South.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the Coker property is a little over 300 acres located on either side of Charles Harvey Memorial Highway between US Highway 441 and SE 18<sup>th</sup> Terrace. He stated the property was approved for a Planned Development in 2006, which included 1,200 residential units, 25 acres of commercial use and a marina on 400 acres, but it was never developed. He stated that they now have to get a new Planned Development zoning to be able to develop the property with anything. He stated the requested Planned Development proposes 609 residential units and 26 acres of commercial uses on 317 acres. He stated that the Planned Development ordinance for the project allows for minor deviations and could potentially allow up to, but not exceed, 670 dwelling units. He stated that the requested Midtown Village Planned Development is less dense than the previously approved Freshwater Planned Development. He stated that the subject property is in the Urban Residential Mixed Use future land use classification and in a desirable area for development. He stated that the

final development plan will come back to the Planning Board for review and approval and the plats will come back for review and approval to the Planning Board and Board of County Commissioners.

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 Planned Development (PD) to Planned Development (PD) as specified in the accompanying ordinance establishing the Midtown Village Planned Development district.

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

Steve Dobbs, Newlines Engineering, addressed the Board. He stated that they are in the preliminary stages of the project, but some of the planned improvements the development would bring to the area included making Charles Harvey Highway 4 lanes and working with OUA to tie in water connections in the area. He stated that he would be happy to answer any questions and reserved the right to later address comments from the public.

Rose Thrower, nearby property owner, addressed the Board. She stated concerns of possible drainage issues occurring due to the development.

Steve Dobbs stated that accommodations will be made to prevent drainage overflow into the adjacent properties and that drainage issues will be addressed during the site plan technical review meeting.

Cecil Funkhouser, nearby property owner, addressed the Board. He stated that the site plan presented to the public does not list the road names, and requested that they be added.

Dean Irvine, nearby property owner, addressed the Board. He stated concerns regarding heavy truck traffic on 18<sup>th</sup> Terrace and Charles Harvey and the potential damage that could be caused to the roadways.

Dennis O’Kane, nearby property owner, addressed the Board. He stated concerns of the applicant or future ownership exceeding the 670 possible residential units on the property. He further stated that including housing restricted to residents the age of 55 or older could be beneficial.

Lisa Petrucz, nearby property owner, addressed the Board. She inquired about the proposed development adjacent to her property and asked for clarification on development information.

The Board briefly discussed the purpose and appeal of a Planned Development.

Kathy Hryaki, nearby property owner, addressed the Board. She stated that the currently approved planned development could not be developed due to the possibility of sewer issues occurring with nearby residences, and she stated she had concerns about this if the Midtown Village project is developed. She further stated concerns regarding deed restrictions, the effect the development would have on the wildlife, and the possible impacts for the adjacent 55 and older residential community.

Sharon Stokes, nearby property owner, addressed the Board. She stated concerns for the gopher tortoises. Staff stated that an environmental assessment will be done.

Kim Fisher, nearby property owner, addressed the Board. She requested clarification on the map that was passed out to the public.

Sheryle McKenery, nearby property owner, addressed the Board on behalf of the Board of Directors for Oasis Village. She listed some comments from the residents of Oasis Village, regarding impacts on the school district, taxes and property values of Oasis Village residents, employment within Okeechobee, and separation of the development from Oasis Village.

Teresa Leppert, nearby property owner, addressed the Board. She stated concerns regarding traffic and road frontage on SE 18<sup>th</sup> Terrace.

Scott Burke, applicant, addressed the Board to state that he hears the public's input and looks forward to working with the community on this project. There was brief discussion between the Board and the applicant regarding project costs.

Jean Shevlin, nearby property owner, address the Board. She asked for clarification on commercial traffic access, the possible effects that increased traffic will have on 18<sup>th</sup> Terrace, and what will become of the frontage along SE 18<sup>th</sup> Terrace.

The Board also acknowledged comments that had been received from Carla Richards regarding the petition via email.

Steve Dobbs stated that they are aiming to submit plans for technical review within 3 to 4 months.

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

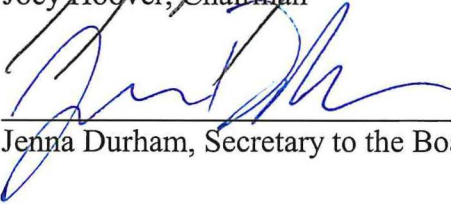
There was some discussion between the Board and staff. Mr. Royce clarified that the Freshwater Planned Development project approval had expired, and in any event, it becomes void upon approval of the Midtown Village Planned Development.

Mr. Royce stated that staff and the technical review committee will take SE 18<sup>th</sup> Terrace into careful consideration to minimize impacts.

**Ann Vu moved to recommend that the Board of County Commissioners grant Petition L-2023-0001, request for a change in zoning from Planned Development (PD) to Planned Development (PD) as specified in the accompanying ordinance establishing the Midtown Village Planned Development district, based on the staff report and recommendation. Jeff Davis seconded the motion. The motion passed unanimously.**

There being no additional business, the meeting was adjourned at 7:43 p.m.

  
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Joey Hoover, Chairman

  
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Jenna Durham, Secretary to the Board

6-27-23  
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Date of Approval

6/27/2023  
\_\_\_\_\_  
Date