

Planning Board / Board of Adjustments and Appeals

Regular Meeting

August 22, 2023

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, August 22, 2023 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Joey Hoover, Billy McCullers, Charles Murphy, Samantha Saucedo, and Ann Vu. Matthew Buxton, Robbie Chartier, and Jeff Davis 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. Public Comment.

There were no comments from the public.

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

Agenda Item # 2. Approval of Minutes.

Ann Vu moved to approve the July 25, 2023 minutes as submitted. Billy McCullers seconded the motion. The motion passed unanimously.

Agenda Item #3, Public Hearing, Petition R-2023-0760, Change in Zoning. Amazon Sheds and Carports, LLC, 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 2973 US Highway 441 N. This petition is associated with petition S-2023-0807, a request for a special exception for the outdoor display of sheds and other metal buildings.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is located on the west side of US Highway 441 N, just south of NW 30th Lane. He stated that the existing business is on the corner of NW 30th Lane and US Highway 441

N. He stated that the applicant has acquired the subject property and would like to convert the parcel to be their new business location to sell sheds and carports. He stated that the property is currently zoned Agriculture (A), and is located in a Commercial Corridor future land use classification. He stated that the request for a change of zoning to Heavy Commercial (C-2) is reasonable for the area and consistent with the county's land development regulations and adopted 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. Billy McCullers seconded the motion. The motion passed unanimously.

Ann Vu moved to recommend that the Board of County Commissioners grant petition R-2023-0760 request for a change in zoning from Agriculture (A) to Heavy Commercial (C-2), based on staff report and recommendation. Charles Murphy 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 Wednesday, September 6, 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 #4: Public Hearing, Petition S-2023-0807, Special Exception. Amazon Sheds and Carports, LLC, property owner and applicant. Request for a special exception to allow outdoor display for a shed, carport, and metal building sales lot in a Heavy Commercial (C-2) zoning district. The property address is 2973 US Highway 441 N. This petition is associated with Petition R-2023-0760, a request for a change in zoning from Agriculture (A) to Heavy Commercial (C-2).

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same subject property from the prior rezone. He stated that any type of outdoor display requires a special exception. He stated that the subject property is surrounded by commercial uses and located in the Commercial Corridor future land use classification. He stated that the requested special exception is reasonable for the area and consistent with the county land development regulations and comprehensive plan.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order granting a special exception to allow outdoor display for a shed, carport, and

metal building sales lot in a Heavy Commercial (C-2) zoning district, subject to several conditions that he discussed with the Board.

Chairman Joey Hoover opened the public hearing.

There were no comments from the public.

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

Ann Vu moved to approve the Final Administrative Order for petition S-2023-0807, granting a special exception to allow outdoor display for a shed, carport, and metal building sales lot in a Heavy Commercial (C-2) zoning district, subject to the following conditions:

- 1. Construction for the proposed use shall commence within 36 months of the date of this special exception and thereafter continue in good faith, 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 and all previous special exceptions granted to the subject property are null and void;**
- 4. Landscaping comparable to a right-of-way buffer strip shall be installed along the east property line;**
- 5. The premises shall be maintained at all times.**

Samantha Saucedo seconded the motion. The motion passed unanimously.

Agenda Item #5, Public Hearing, Petition R-2023-0761, Change in Zoning. Ameri-Recreational Sports, LLC, property owner; Phillip Woerner applicant. Request for a change in zoning from the existing classification of Residential Mixed (RM) to the proposed classification of Heavy Commercial (C-2). The property address is 1319 State Road 70 East. This petition is associated with Petition S-2023-0809, request to allow the sale and repair of ATVs, UTVs, motorcycles, power equipment, watercraft, trailers, parts and the like in a Heavy Commercial (C-2) zoning district.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is adjacent to the existing ARS Power Sports business on the north side of State Road 70 E, just east of the city limits. He stated that they have filled up the site of their existing business and have acquired the block to the north hoping to expand. He stated that a change of zoning to a commercial district is required to do so. He stated that the property is surrounded by

commercial uses, as well as a retention area for Okeechobee County to the north and a salvage yard to the east. He stated that the property is located in a Commercial Corridor future land use classification. He stated that the request for a change of zoning is appropriate for the area and consistent with the county 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 Residential Mixed (RM) 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. Billy McCullers seconded the motion. The motion passed unanimously.

Charles Murphy moved to recommend that the Board of County Commissioners grant petition R-2023-0761, request for a change in zoning from Residential Mixed (RM) to Heavy Commercial (C-2), based on 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 Wednesday, September 6, 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 S-2023-0809; Ameri-Recreational Sports, LLC, property owner; Phillip Woerner, applicant. Request for a special exception to allow the sale and repair of ATVs, UTVs, motorcycles, power equipment, watercraft, trailers, parts and the like in a Heavy Commercial (C-2) zoning district. The property address is 1319 State Road 70 East. This petition is associated with Petition R-2023-0761, request for a change in zoning from Residential Mixed (RM) to Heavy Commercial (C-2).

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that this is the same subject property from the prior rezone. He stated that the requested special exception is essentially to expand the existing ARS Power Sports business. He stated that the property, if approved by the Board of County Commissioners, will be zoned Heavy Commercial (C-2), is located in the Commercial Corridor, and surrounded by other commercial uses.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order granting a special exception to allow the sale and repair of ATVs, UTVs, motorcycles, power equipment, watercraft, trailers, parts and the like in a Heavy Commercial (C-2) zoning district, subject to several conditions that he discussed with the Board.

Chairman Joey Hoover 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-2023-0809, granting a special exception to allow the sale and repair of ATVs, UTVs, motorcycles, power equipment, watercraft, trailers, parts and the like in a Heavy Commercial (C-2) zoning district, subject to the following conditions:

- 1. Construction for the proposed business expansion shall commence within 36 months of the date of this special exception and thereafter continue in good faith, or the special exception shall be null and void;**
- 2. If the proposed use 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 exceptions will become null and void upon approval of the requested special exception;**
- 4. All outdoor display areas shall be paved, and no item may be stored or displayed in required setback areas;**
- 5. 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, maintenance or storage activities;**
- 6. All maintenance and repair activities shall occur inside an enclosed building; and**
- 7. The premises shall be maintained at all times.**

Samantha Saucedo seconded the motion. The motion passed unanimously.

Agenda Item #7, Public Hearing: Petition S-2023-0808; Taylor Creek Ranch, LTD., property owner; Elite Airboats, applicant. Request for a special exception to allow an airboat repair and fabrication shop for low-volume retail of industry specialized parts and accessory uses in an Agriculture (A) zoning district. The property address is 12345 US Highway 441 North.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated the subject property is located on the west side of US Highway 441 North, between Quail Acres and

the golf course. He stated that there is an airboat business that has been operating on the subject parcel. He stated that the applicant applied to the county to create a special exception to allow airboat assembly and repair in an Agriculture (A) zoning district. He stated that one of the requirements for the special exception is that the site has to be at least 100 acres to provide reasonable buffering for surrounding parcels, and the applicant meets that requirement. He stated that the subject property is in an appropriate location.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals approve a Final Administrative Order granting a special exception in an Agriculture (A) zoning district to allow an airboat repair shop, including fabrication of industry-specialized parts, low-volume retail sales of specialty parts fabricated on premises, manufacture and assembly of airboats, subject to several conditions he discussed with the Board.

Chairman Joey Hoover opened the public hearing.

There were no comments from the public.

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

Ann Vu moved to approve the Final Administrative Order for petition S-2023-0808, granting a special exception in an Agriculture (A) zoning district to allow an airboat repair shop, including fabrication of industry-specialized parts, low-volume retail sales of specialty parts fabricated on premises, manufacture and assembly of airboats, subject to the following conditions:

- 1. Upon commencement of the proposed use, if the use then ceases for a period of 6 continuous months or 12 noncontinuous months during a 24 month period, the special exception shall be null and void;**
- 2. All repair, fabrication and manufacture activity, including storage of parts and materials, must be performed indoors;**
- 3. No salvage activities of any type shall occur on the premises including in association with repair, maintenance or storage activities;**
- 4. Any airboats awaiting repair or otherwise temporarily inoperable shall be screened from view by the casual observer; and**
- 5. The premises shall be maintained at all times.**

Samantha Saucedo seconded the motion. The motion passed unanimously.

Agenda Item #8, Petition P-2020-0007, Preliminary Plat Approval. David Hajos, property owner and applicant. Request for preliminary plat approval of the proposed 2 lot Hajos Acres subdivision. The property is located on the west side of NW 72nd Avenue.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the petition was brought before the Board a couple of years ago, but there was a delay with the preliminary plat. He stated that they are back on track and have brought it before the Board once more. He stated that there was a section of land divided into 20-acre parcels, but the division of the property was in violation of county regulations. He stated county regulations require a plat or a de minimus development when creating parcels less than 40 acres in area but the subdivider of that property did not follow the land development regulations. He stated the applicant bought one of the 20-acre parcels which currently is not buildable because of the illegal subdivision. He stated that platting the property into the two 10-acre parcels would then legally allow a house on each parcel. 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 Hajos Acres subdivision.


Chairman Joey Hoover opened an administrative hearing.

There were no comments from the public.

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

Ann Vu moved to recommend that the Board of County Commissioners grant Petition P-2020-0007, request for preliminary plat approval of the proposed Hajos Acres subdivision. Samantha Saucedo seconded the motion. The motion passed unanimously.

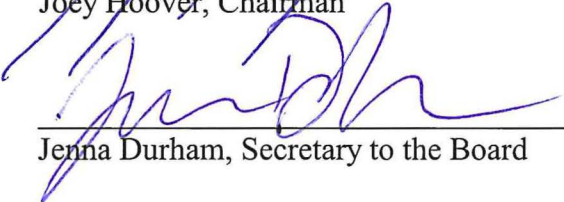
There being no additional business, the meeting was adjourned at 6:22 p.m.



Joey Hoover, Chairman



Date of Approval



Jenna Durham, Secretary to the Board



Date