

Planning Board / Board of Adjustments and Appeals

Regular Meeting

December 12, 2023

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, December 12, 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, and Ann Vu. Matthew Buxton, Jeff Davis 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. 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 October 24, 2023 minutes as submitted. Billy McCullers seconded the motion. The motion passed unanimously.

Agenda Item #3, Petition S-2023-0811, Cabral Real Estate LLC, property owner and applicant. Request for special exception to allow for a sales lot for open and enclosed trailers and associated parts, and for a storage lot for boats and recreational vehicles, in a Commercial (C) zoning district. The property address is 2625 US Highway 441 SE.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that along US Highway 441 SE, right before Taylor Creek, there is an RV park and by that are lots with commercial uses. He stated that the applicant owns a few of those lots and would like to have a sales lot for trailers in addition to having a storage area for boats and RVs. He stated that the applicant will be doing some minor maintenance on the trailers they sell, but it will not be a commercial repair facility open to the public. He stated that the subject property is zoned

Commercial (C) and located in the Commercial Corridor. He stated that the use is consistent with the area.

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 open and enclosed trailers, parts and the like, along with storage of boats and recreational vehicles, in a Commercial (C) zoning district, subject to several conditions he discussed with the Board.

Chairman Joey Hoover opened the public hearing.

Diana Canter, nearby property owner, addressed the Board to ask if the entrance would be on US Highway 441 SE.

Ann Vu moved to close the public hearing. Charles Murphy seconded the motion. The motion passed unanimously.

Ann Vu moved to approve the Final Administrative Order for petition S-2023-0811, granting a special exception to allow for a sales lot for open and enclosed trailers and associated parts, and for a storage lot for boats and recreational vehicles, in a Commercial (C) 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. 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. Boat and RV storage areas shall be set back at least 10 feet from any property line, shall be secured, and the layout plan is subject to review and approval by Planning and Fire/Rescue;**
- 6. No salvage activities of any type shall occur on the premises including in association with repair, maintenance or storage activities;**
- 7. Maintenance and repair activities are limited to activities in association with maintaining inventory that is for sale; and**
- 8. The premises shall be maintained at all times.**

Billy McCullers seconded the motion. The motion passed unanimously.

Agenda Item #4, Public Hearing, Petition R-2023-0764, Change in Zoning; Silver Cypress Park, LLC, property owner; Fardean and Annette Alcott, applicants. Request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Residential Mobile Home (RMH). The property address is 14045 US Highway 441 SE.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property is 16 acres in area on the north side of US Highway 441 SE, adjacent to Blue Cypress RV Resort. He stated that the applicant would like to develop a mobile home park. He stated that the property is in the Urban Residential Mixed Use future land use classification. He stated that there is residential zoning in the area, making the requested change of zoning consistent with the area. He stated that the change in zoning is also consistent with the Okeechobee county land development regulations and comprehensive plan. He stated that a primary issue with the parcel is the existing 25 foot access easement running through the property, owned by the State, between the subject parcel and US Highway 441 SE. He stated that the existing easement is not enough to provide an adequate entrance for a 16 acre mobile home park. He stated that the applicant is working with the State to acquire more land for better access.

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 Residential Mobile Home (RMH).

There was discussion between Mr. Royce and the Board considering if it was appropriate to approve a change of zoning before the access issue was resolved.

Chairman Joey Hoover opened the public hearing.

Marcos Montes De Oca, MDO Engineering, Inc., addressed the Board on behalf of the applicant. He stated that regardless of the outcome of acquiring more land from the State, he believes that making the existing access work is just a matter of engineering.

Lon Sloan, nearby property owner, addressed the Board on behalf of Blue Cypress RV Resort. He stated that a majority of Blue Cypress residents would like to see more information on the project before the change in zoning is approved.

Marcos Montes De Oca, MDO Engineering, Inc., stated that he would be happy to set up a community meeting open to the public to address concerns regarding the project.

Roger Crane, nearby property owner, addressed the Board to state that there is not as much residential property in the area as some may think.

Ann Vu moved to close the public hearing. Charles Murphy seconded the motion. The motion passed unanimously.

There was brief discussion between the Board and Mr. Royce regarding access to the subject parcel.

Ann Vu, moved to recommend that the Board of County Commissioners grant petition R-2023-0764, request for a change in zoning from Agriculture (A) to Residential Mobile Home (RMH), based on the staff report and recommendation. Billy McCullers 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, January 11, 2024 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-2023-0765, Change in Zoning; Taylor Creek Properties LLC, 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 Residential Single Family (RSF). The property address is 921 SE 28th Street, east of PalmCreek Subdivision.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property was previously rezoned to Planned Development (PD) for a project called Freshwater. He stated that the Freshwater project included all of Jack Coker's property, but was never developed. He stated that the new owners wanted to develop part of the property and around 300 acres were rezoned to Planned Development (PD) for another project earlier this year, leaving the subject property unable to be developed with its current zoning. He stated that the applicant is requesting a change in zoning for about 61 acres of the 65 acre parcel, located on the east side of Palm Creek, to be zoned to Residential Single Family (RSF). He stated that the property is located in the Urban Residential Mixed Use future land use classification. He stated that the proposed use is about as low density as you could get for single family uses on the subject parcel, consisting of 148 single family dwellings on 61 acres. He stated that the requested change in zoning is consistent with the area, and consistent with Okeechobee 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 Planned Development (PD) to Residential Single Family (RSF).

Chairman Joey Hoover opened the public hearing.

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

Michael Peteler, nearby property owner, addressed the Board. He asked if the project would be on city water and sewer and stated concerns of increased development in Okeechobee.

Kenneth Haas, nearby property owner, addressed the Board to ask about the development of boating docks and expressed concern about trees getting cut down to do so.

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

There was some discussion between the Board and Mr. Royce regarding other appropriate zoning districts for the subject property.

Ann Vu moved to recommend that the Board of County Commissioners grant petition R-2023-0765, request for a change in zoning from Planned Development (PD) to Residential Single Family (RSF), based on the staff report and recommendation.

The motion died due to a lack of a second.

Ann Vu moved to recommend that the Board of County Commissioners deny petition R-2023-0765, request for a change in zoning from Planned Development (PD) to Residential Single Family (RSF). Charles Murphy seconded the motion. Billy McCullers and Charles Murphy voted for the motion to deny the petition, and Ann Vu and Joey Hoover voting against the motion, resulting in a 2-2 vote.

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, January 11, 2024 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-2023-0766, Change in Zoning; Taylor Creek Properties LLC, 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 Neighborhood Commercial-2 (NC-2). The property address is 625 SE 28th Street, west of the entrance to PalmCreek Subdivision.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property of 3.8 acres is the remaining part of the 65-acre parcel that was part of the old Freshwater Development. He stated that the subject property is located in a Commercial Activity Center future land use classification. He stated that the subject property qualifies for a Heavy Commercial (C-2) zoning but given its location and intended use, the applicant has requested a lower intensity change of zoning to Neighborhood Commercial (NC-2). He stated that the subject property is on a collector road between two arterial highways. He stated that the proposed change in zoning is compatible with the surrounding uses and consistent with Okeechobee 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 Planned Development (PD) to Neighborhood Commercial-2 (NC-2).

Chairman Joey Hoover opened the public hearing.

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

Jennifer Busbin, SLD Newlines Engineering, addressed the Board to explain potential uses of the property, such as a local doctor's office or neighborhood coffee shop.

Sheldon Moir, nearby property owner, addressed the Board to ask about the technicalities being addressed, such as a traffic study or landscape requirements.

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-2023-0766, request for a change in zoning from Planned Development (PD) to Neighborhood Commercial-2 (NC-2), based on the staff report and recommendation. Billy McCullers 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, January 11, 2024 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, Adoption of regular meeting schedule for 2024.

Mr. Royce presented a proposed 2024 meeting schedule for the Planning Board/Board of Adjustments and Appeals.

The Board unanimously agreed to adopt the 2024 meeting schedule as presented by staff.

There being no additional business, the meeting was adjourned at 6:50 p.m.



Joey Hoover, Chairman

1-23-24

Date of Approval



Jenna Durham, Secretary to the Board

1/23/24

Date