

Planning Board / Board of Adjustments and Appeals

Regular Meeting

December 12, 2017

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, December 12, 2017 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Mitchell Hancock, Joey Hoover, Ted Kelchner, Debra Sales, Rob Willson, and Ron Zobel. Alternate Weston Harvey was absent. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Jennifer Busbin, Planner Ty Hancock, Planning Technician Faye Huffman, and Administrative Secretary Jenna Durham.

Chairman Ted Kelchner called the meeting to order at 6:01 p.m. and the Pledge of Allegiance was recited.

Agenda Item # 1. Public Comment.

There were no comments from the public.

Agenda Item # 2. Approval of Minutes.

Ron Zobel moved to approve the October 24, 2017 minutes as submitted by staff. Mitchell Hancock seconded the motion. The motion passed unanimously.

Agenda Item # 3. Public Hearing, Petition M-2017-0313, Used Dwelling Unit. Steven Williams, property owner and applicant. Request to consider a permit application for the installation of a used dwelling unit in a Residential Mixed (RM) zoning district. The property address is 6378 NE 11th Way.

Planning Director Bill Royce presented the petition and described the unit and surrounding area. He stated that the applicant intends to relocate the 1995 triple wide manufactured home to 6378 NE 11th Way, located in the Four Seasons Rural Activity Center. He noted that the Engineer's Report states the unit remains in compliance with the code to which it was built. He stated that the unit met appearance and design standards and that it would be compatible with the area.

Mr. Royce stated that the staff recommends that the Board of Adjustments and Appeals approve the installation of the used dwelling unit at 6378 NE 11th Way.

Chairman Ted Kelchner opened the public hearing.

There were no comments from the public.

Joey Hoover moved to close the public hearing. Ron Zobel seconded the motion. The motion passed unanimously.

Joey Hoover moved to approve Petition M-2017-0313, request to consider a permit application for the installation of a used dwelling unit in a Residential Mixed (RM) zoning district. Debra Sales seconded the motion. The motion passed unanimously.

Agenda Item # 4: Public Hearing, Petition R-2017-0709, Change in Zoning. Coker Cattle Corporation, property owner; Sake LLC, applicant. Request for a change in zoning from the existing classification of Planned Development (PD) to the proposed classification of Neighborhood Commercial-1 (NC-1). The property is located at the southwest corner of the intersection of SE 32nd Street and SE 18th Terrace.

Mr. Royce presented the petition and described the surrounding area. He stated that the subject property is a one-acre parcel located on the southwest corner of the intersection of SE 32nd Street and SE 18th Terrace. He stated that the property on the south side of Charles W. Harvey Memorial Highway was rezoned to Planned Development (PD) a few years earlier, but that the project anticipated to be built with that zoning did not happen.

He stated that the subject property is in the Urban Residential Mixed Use future land use classification and that it is at the intersection of two collector roadways. He stated the regulations allow for consideration of neighborhood commercial zoning on collector roadways in the Urban Residential Mixed Use future land use classification. He stated that Neighborhood Commercial-1 (NC-1) is one of the less intense commercial zoning districts, intended for small commercial nodes on arterial or collector roadways in the Urban Residential Mixed Use future land use classification.

Mr. Royce stated that although the requested zoning is consistent with comprehensive plan criteria, he had some concerns about that particular location and a change in zoning at this time. He stated that while the change in zoning might not be considered spot zoning, it still would be an isolated zoning district and not part of a larger development plan. He noted that the site is directly across the street from a large single family residential neighborhood.

Mr. Royce stated that staff recommends that the Planning Board recommend that the Board of County Commissioners deny the request for a change in zoning from Planned Development (PD) to Neighborhood Commercial-1 (NC-1).

Chairman Ted Kelchner asked for comments from the Board.

Board member Rob Willson asked if the current zoning was legal with the land use now and if it was still considered Agricultural. He continued by asking if the corridor has a limitation

on trucks and commercial vehicle weight limits. Mr. Royce stated that there are no official weight limits, but signs are posted to discourage truck traffic.

Board member Mitchell Hancock asked if, upon the rezone, they could do anything other than adding the ice dispensary to the subject property. Mr. Royce then listed all the permitted principal uses for the Neighborhood Commercial-1 (NC-1) zoning district.

There was some discussion about when it may be appropriate for the property to be rezoned to a commercial district.

Chairman Ted Kelchner opened the public hearing.

Dean Irvine, nearby property owner, addressed the Board. He stated that he is against the change in zoning and expressed concerns over road damage due to trucks driving on a passenger-car subgrade. He also stated that he felt there would be issues with the ingress and egress to the subject property because access points would be near the intersection and in turn lanes.

Judy Breedlove, nearby property owner, addressed the Board. She stated she is against the change in zoning and expressed concerns over increased traffic and safety issues.

Nick Underwood, nearby property owner, addressed the Board. He stated he is against the change in zoning. He stated that there is currently a large problem with traffic accidents in the area and fears that the increased traffic would cause more safety issues.

Romona Simpson, nearby property owner, addressed the Board. She expressed her concerns of how this rezone could possibly lead to “piecemealing” and stated that she was against the change in zoning.

Cathy Wolford, nearby property owner, addressed the Board. She stated that there are many children in the area and expressed concerns about increased traffic and the possibility of accidents.

Jerry Jones, nearby property owner, addressed the Board. He stated he is against the change in zoning.

Susan Underwood, nearby property owner, addressed the Board. She stated that she was against the change in zoning and expressed her concerns over the potential safety issues.

Sharon Hess, nearby property owner, addressed the Board. She stated that there is no need for any more conveniences within the area and that she opposed the change in zoning.

James Nealis, Minister and President of Okeechobee Christian Church, Inc., addressed the Board. He stated his concerns with the traffic and the potential problems that could occur should the subject property be used for something other than an ice dispensary.

Jeff Sumner, Sumner Engineering Consulting, addressed the Board on behalf of the applicant. He stated that though the recommendation is to deny it, the requested rezoning is consistent with the Comprehensive Plan. He also stated that it would be extremely difficult to place anything other than the ice dispensary on the subject property and that there is no intention to do so.

Members of the Board and Mr. Sumner continued discussing the petition. Board members inquired as to whether it would be possible to add another acre or two of commercial zoning in the future, discussed access issues, and inquired about the distance between the subject property and commercial developments on US Highway 441 SE.

Danny Marsocci, applicant, stepped up to the podium to answer some questions for the Board.

Board member Mitchell Hancock asked if the applicant had considered placing the ice dispensary closer to the Trading Post Flea Market. Mr. Marsocci stated that based on the traffic study they have conducted, it would not work to his benefit and that he isn't going to cause an increase in traffic, but rather capture the existing traffic that flows by the subject property anyway.

Harold Wolff, nearby property owner, addressed the board. He stated that his three main concerns were the traffic, noise, and trash. He stated that he is opposed to the change in zoning.

There were no further comments from the public.

Joey Hoover moved to close the public hearing. Debra Sales seconded the motion. The motion passed unanimously.

There was some additional discussion about the distance from the subject property to the US Highway 441 SE and US Highway 441 South commercial districts.

Rob Willson moved to recommend that the Board of County Commissioners deny Petition R-2017-0709, request for a change in zoning from Planned Development (PD) to Neighborhood Commercial-1 (NC-1). Mitchell Hancock seconded the motion. The motion passed by a vote of 4 to 2 with Rob Willson, Mitchell Hancock, Ted Kelchner, and Ron Zobel voting for the motion and Joey Hoover and Debra Sales voting against the motion.


Chairman Ted Kelchner stated that a second public hearing to consider the request for a change in zoning would be held before the Board of County Commissioners on Tuesday, January 11, 2018 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, Meeting Schedule. Adoption of 2018 regular meeting schedule.

Mr. Royce presented a proposed 2018 meeting schedule for the Planning Board/Board of Adjustments and Appeals.

Joey Hoover moved to approve the 2018 meeting schedule as presented. Debra Sales seconded the motion. The motion passed unanimously.

There being no additional business, the meeting was adjourned at 7:14 p.m.



Ted Kelchner, Chairman

2-27-18

Date of Approval



Jenna Durham, Administrative Secretary

2-27-18

Date