

Planning Board / Board of Adjustments and Appeals

Regular Meeting

December 11, 2018

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, December 11, 2018 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Frank Cunningham, Joey Hoover, Ted Kelchner, Debra Sales and Rob Willson. Alternate Mack Worley, Jr. was present and designated as a voting member for the meeting. Weston Harvey was absent. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Jennifer Busbin and Administrative Secretary Jenna Durham.

Chairman Ted Kelchner called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

The Board agreed to move Agenda Item # 3 behind Agenda Items # 4 and # 5.

Agenda Item # 1. Public Comment.

There were no comments from the public.

Agenda Item # 2. Approval of Minutes.

Mack Worley, Jr. moved to approve the October 23, 2018 minutes as submitted. Frank Cunningham seconded the motion. The motion passed unanimously.

Agenda Item # 4. Public Hearing, Petition R-2018-0714, Change in Zoning. Angler's Villa, Inc., property owner and applicant. Request for a change in zoning from the existing classification of Residential Mixed (RM) to the proposed classification of Residential General (RG). The property address is 3203 SE 29th Lane. This petition is associated with Petition S-2018-0769, request for a special exception for an increase in density to 8 units per acre.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject property, known as Angler's Villa, is developed with 2 duplexes and 3 single family homes on three lots that total .88 acres in area. He stated that the area is primarily zoned Residential Mixed (RM). He stated that back in the 1960s the subject property was originally developed and the development was conforming then. He stated that

the county developed new land development regulations in 1992 and adopted revisions in 2005, which included removing the provision for multi-family development from the Residential Mixed (RM) zoning district. He stated that the change resulted in the subject property becoming nonconforming, meaning the existing development may remain and be maintained, but it may not be intensified or replaced. He stated the general area contains a mix of development, including the occasional duplex, and multiple mobile home and RV parks. He stated that although there was no other Residential General (RG) zoning in the area, the proposed change in zoning was consistent and compatible with the area. He further stated that the change in zoning is consistent with the adopted comprehensive plan and land development regulations.

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 Residential General (RG).

Chairman Ted Kelchner asked for comments from the Board.

There was some discussion regarding Angler's Villa as a whole, possible uses for the Residential General (RG) zoning district and the density permissible for multi family dwellings within the Residential General (RG) zoning district.

Chairman Ted Kelchner opened the public hearing.

Tom Conely, attorney for the applicant, addressed the board. Mr. Conely clarified that the applicant is asking for 8 units per acre rather than 7, because one of the structures used to be a duplex and could very easily be converted back into one.

There was discussion regarding density per acre and the unity of title for the subject property.

Frank Cunningham moved to close the public hearing. Mack Worley, Jr. seconded the motion. The motion passed unanimously.

Mack Worley, Jr. moved to recommend that the Board of County Commissioners grant Petition R-2018-0714, request for a change in zoning from existing classification of Residential Mixed (RM) to the proposed classification Residential General (RG), based on the staff report and recommendation. Frank Cunningham seconded the motion. The motion passed unanimously.

Chairman Kelchner announced 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 10, 2019 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 S-2018-0769, Special Exception. Angler's Villa, Inc., property owner and applicant. Request for a special exception to allow for single family attached or multi family dwellings at a density of 8 units per acre in a Residential General (RG) zoning district. The property address is 3203 SE 29th Lane. This petition is associated with Petition R-2018-0714, request for a change in zoning from Residential Mixed (RM) to Residential General (RG).

Mr. Royce presented the petition and described the surrounding area. He stated that the property is located in Treasure Island; an area primarily zoned Residential Mixed (RM). He stated back in the 1960s the subject property was lawfully developed with a total of 7 dwelling units but after the county developed new land development regulations in 1992 and adopted a major update in 2005, the subject property became nonconforming. He stated the general area is a mix of development, including the occasional duplex, and multiple mobile home and RV parks. He stated the requested special exception would allow the applicant to maintain the same number of currently existing units with the addition of one restored unit. He stated that the proposed use is consistent with the overall area, and consistent with the county's land development regulations and comprehensive plan.

Mr. Royce stated that staff recommends that the Board of Adjustment and Appeals grant a special exception to allow for a density of 8 units per acre in a Residential General (RG) zoning district, subject to several conditions he discussed with the Board.

Chairman Ted Kelchner asked for comments from the Board.

There was some discussion about refining the conditions to state that the square footage could not exceed current overall total of the existing units.

Chairman Ted Kelchner opened the public hearing.

There were no comments from the public.

Frank Cunningham moved to close the public hearing. Mack Worley, Jr. seconded the motion. The motion passed unanimously.

Joey Hoover moved to approve petition S-2018-0769, request for a special exception to allow for a density of 8 units per acre in a Residential General (RG) zoning district, based on the staff report recommendation and subject to the following conditions, with the addition of Condition 5:

- 1. Granting of the requested special exception is contingent on granting of the request for a change in zoning to Residential General (RG) by the Board of County Commissioners;**
- 2. The three lots must remain a single building site or 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. The premises shall be maintained at all times; and
5. Any redevelopment shall be limited to a maximum of 7 units per acre.

The motion died for lack of second.

Mack Worley, Jr. moved to approve petition S-2018-0769, request for a special exception to allow for a density of 8 units per acre in a Residential General (RG) zoning district, based on the staff report recommendation and subject to the following conditions, with the addition of Condition 5:

1. Granting of the requested special exception is contingent on granting of the request for a change in zoning to Residential General (RG) by the Board of County Commissioners;
2. The three lots must remain a single building site or 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. The premises shall be maintained at all times; and
5. The site shall be limited to 8 units, all structures are limited to one story, and the total combined square footage of the residential units may not exceed the current square footage of the existing residential units.

Frank Cunningham seconded the motion. The motion passed by a vote of 4 to 2 with Mack Worley, Jr., Frank Cunningham, Ted Kelchner and Rob Willson voting for the motion and Joey Hoover and Debra Sales voting against the motion.

Agenda Item # 3. Public Hearing, Petition S-2018-0768, Special Exception. Oak Leaf Golf Course, LLC, property owner; The Rogatinsky Firm, applicant. Request for a special exception to allow for a private camp/retreat for a diabetic wellness center for learning about and managing diabetes and diabetic care in an Agriculture (A) zoning district. The property address is 405 NE 131st Lane.

Mr. Royce presented the petition and described the surrounding area. He stated that the subject property is about 76 acres in area, and is zoned Agriculture (A) except for one out parcel that is zoned Residential Single Family (RSF). He stated the applicant is requesting a special exception to allow a diabetic wellness center with the intent of utilizing the golf course as part of the treatment. He stated that while the golf course will be used as part of

the treatment, the applicant also plans on the golf course remaining open to the public. He stated that the wellness center plans to have 3-week treatments that teach guests about nutrition and maintaining an active and healthy lifestyle. He stated the applicant's initial plan would be to develop up to 70 cabins with motel-like rooms, to be built in pairs in 35 separate structures to accommodate the guests, and that there would be a restaurant on the site. He stated that buffering from and compatibility with the adjoining single family lots is a significant matter, and that as a major development the site plan is also subject to review by the Planning Board before construction on the cabins or other structures could begin.

Mr. Royce stated that staff recommends the Board of Adjustments and Appeals grant a special exception to allow for a private camp/retreat for a diabetic wellness center for learning about and managing diabetes and diabetic care in an Agriculture (A) zoning district, subject to several conditions he discussed with the board.

Chairman Ted Kelchner asked for comments from the Board.

There was some discussion regarding the layout of the cabins, Okeechobee County's current land development regulations, and possible future uses for the development.

Chairman Ted Kelchner opened the public hearing.

Steve Dobbs, Steve Dobbs Engineering, addressed the Board on behalf of the applicant. He stated that the applicant has a proven track record for wellness retreats and already has the clientele to fill the requested 70 units. He explained the cabins in greater detail, emphasizing that they are more like motel units rather than efficiencies.

Board member Rob Willson expressed his concerns with the units being placed on the golf course. Board member Mack Worley, Jr. stated that he fully supports the concept, but would need more information to provide the proper conditions.

Reuven Rogatinsky addressed the Board on behalf of the applicant. He explained the routine of the 3 week treatment in more detail. He stated that at least 70 units were essential to develop in order to make a profit. He stated that there will be approximately 20 employees and payment for the treatment program would come directly from the clients, not through a third party or insurance. He stated that he would like to keep the restaurant, if possible.

Heath Lawrence, a nearby property owner, addressed the Board. He stated that he isn't opposed to the idea of the wellness center, but he doesn't feel that the subject property is the proper location for it. He expressed concerns of what it may become once it is no longer a wellness center.

Blair Kuhlewind, address the Board on behalf of the applicant, stating he is also the seller of the property. He stated that he thinks the wellness center is a good idea and a great opportunity for Okeechobee County. He stated that the golf course currently brings in

enough income to pay for itself, but not much more. He stated the clientele for the treatment program hold a large amount of wealth and that could benefit the community.

Thomas Bliss, a nearby property owner, addressed the board. He stated that he agreed that the wellness center is a good idea for the golf course and Okeechobee County.

Jim Fowler, real estate agent for the subject property, addressed the Board to state that he supports the petition for the wellness center.

Michael Aaddan, nearby property owner, addressed the Board to state he felt that granting the requested use would be beneficial for the golf course.

Joey Hoover moved to close the public hearing. Mack Worley, Jr. seconded the motion. The motion passed unanimously.

Mack Worley, Jr. moved to approve petition S-2018-0768, request for a special exception to allow for a private camp/retreat for a diabetic wellness center for learning about and managing diabetes and diabetic care in an Agriculture (A) zoning district, based on the staff report recommendation and subject to the following conditions, with a change to Conditions 5 and 6:

- 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 use, if the use ceases for a period of six continuous months or for 12 non-continuous months during a 24-month period, the special exception shall be null and void;**
- 3. The special exception is granted specifically to the applicant, The Rogatinsky Firm;**
- 4. Other than the restaurant and the golf course, diabetes wellness related educational and other activities are limited to those staying on the premises at the diabetic wellness center;**
- 5. On-site accommodations are limited to cabins that may not be complete residential units, may not exceed 500 square feet, may be attached or detached and must be located on the south-west side of the golf course;**
- 6. On-site cabins shall not exceed 70 total units; and**
- 7. The premises shall be maintained at all times.**

Joey Hoover seconded the motion. The motion passed by a vote of 4 to 2 with Mack Worley, Jr., Joey Hoover, Frank Cunningham and Ted Kelchner voting for the motion and Debra Sales and Rob Willson voting against the motion.


Agenda Item #6. Meeting Schedule. Adoption of regular meeting schedule for 2019.

Mr. Royce presented a proposed 2019 meeting schedule for the Planning Board/Board of Adjustments and Appeals.

Mack Worley, Jr. moved to approve the 2019 meeting schedule as presented. Frank Cunningham seconded the motion. The motion passed unanimously.

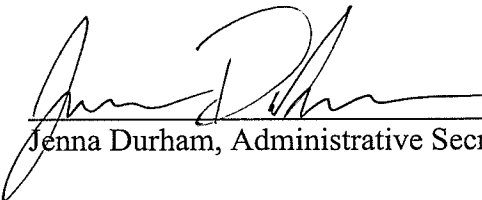
The Board members scheduled a discussion to be held on January 22, 2019 in regards to land development regulations pertaining to the keeping of farm animals and whether any amendments to those regulations should be considered.

There being no additional business, the meeting was adjourned at 8:25 p.m.



Ted Kelchner, Chairman

1-22-19
Date of Approval



Jenna Durham, Administrative Secretary

1-22-19
Date