

Planning Board / Board of Adjustments and Appeals

Regular Meeting

March 26, 2019

Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, March 26, 2019 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9th Avenue, Okeechobee, Florida.

Board members present were Matthew Buxton, Frank Cunningham, Lawrence Fipps, Joey Hoover, Ted Kelchner, and Mack Worley, Jr. Weston Harvey was absent. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Jennifer Busbin, Planner Ty Hancock 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.

Agenda Item # 1. Election of Officers

Mack Worley, Jr. nominated Joey Hoover for Chairman. The nomination died for a lack of second.

Frank Cunningham nominated Ted Kelchner for Chairman. Lawrence Fipps seconded the motion. Ted Kelchner was then elected as Chairman by a vote of 5 to 1 with Frank Cunningham, Lawrence Fipps, Matthew Buxton, Joey Hoover and Ted Kelchner voting for the election as chairman and Mack Worley, Jr. voting against the election as chairman.

Frank Cunningham nominated Joey Hoover for 1st Vice Chairman. There were no additional nominations and Joey Hoover was then unanimously elected as 1st Vice Chairman.

Joey Hoover nominated Mack Worley, Jr. for 2nd Vice Chairman. There were no additional nominations and Mack Worley, Jr. was then unanimously elected as 2nd Vice Chairman.

Agenda Item # 2. Public Comment

Audra Clemons addressed the Board. She made a statement in regards to the Cattlemen's Market of Okeechobee.

Agenda Item # 3. Approval of Minutes.

Matthew Buxton moved to approve the February 26, 2019 minutes as submitted. Mack Worley, Jr. seconded the motion. The motion passed unanimously.

Agenda Item #4: Petition S-2019-0772, Be A Man Buy Land, LLC, property owner; Zachary Gazza, applicant. Request for a special exception to allow a video arcade in a Commercial (C) zoning district. The property address is 3495 Highway 441 SE.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the property is located in the old Brewskis restaurant. He stated that the county has had a few video arcades in the past, but due to state law there were some complications with the use. He stated that the law has since changed and that the applicant has reached out to the Sheriff for approval. He stated that the proposed use has caused little to no problems at other locations in the past. He stated that the subject property is located within the Commercial Corridor Mixed Use future land use classification. He stated the proposed use is consistent with the comprehensive plan and land development regulations, and is compatible with the area. He stated that state law requires a minimum of 50 video machines to operate and that the applicant is able to comply with parking requirements, using a parking ratio of 1 parking space per 3 machines.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals grant a special exception for a video arcade in a Commercial (C) zoning district, subject to several conditions that he discussed with the Board.

Board member Joey Hoover wanted clarification on whether or not the parking area will be paved. Mr. Royce stated the parking would be paved.

Chairman Ted Kelchner opened the public hearing.

There were no comments from the public.

Frank Cunningham moved to close the public hearing. Joey Hoover seconded the motion. The motion passed unanimously.

Frank Cunningham moved to approve petition S-2019-0772, request for a special exception to allow a video arcade in a Commercial (C) zoning district, based on the staff report recommendation and subject to the following conditions:

- 1. If the proposed use does not commence within 12 months of the date the special exception is granted, the special exception shall be null and void;**
- 2. Once operational, if the use then ceases for 6 continuous months or for 12 non-continuous months during a 24 month period, the special exception shall be null and void;**

3. **Landscaping comparable to a right-of-way buffer strip shall be installed in the front portion of the property;**
4. **Copies of all required state licenses relating to the operation of the establishment shall be maintained with the Community Development Department while the business is operational; and**
5. **The premises shall be maintained at all times.**

Matthew Buxton seconded the motion. The motion passed unanimously.

Agenda Item #5: Public Hearing, Petition S-2019-0774, Special Exception. Okeechobee Air Holdings, LLC, property owner; Highland Sheds, applicant. Request for a special exception to allow for the continuous outdoor display of sheds in Heavy Commercial (C-2) zoning district. The property address is 140 NW 30th Lane.

Planning Director Bill Royce presented the petition and described the surrounding area. He stated that the subject parcel is located on the west side of Highway 441 North. He stated that a similar use was on the site for some years. He stated that the County regulations require a special exception for ongoing outdoor display, or each shed could get a permit and be tied down. Mr. Royce stated the subject property is located in an area of heavy commercial development with multiple heavy commercial uses, including a contractor yard across NW 30th Lane. He stated that the proposed use is consistent with the county's land development regulations and comprehensive plan, and is compatible with the area.

Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals grant a special exception to allow for continuous outdoor display of sheds in Heavy Commercial (C-2) zoning district, subject to several conditions that he discussed with the Board.

There was some discussion regarding the sale of the sheds and clarification on whether they would need to be tied down.

Chairman Ted Kelchner opened the public hearing.

There were no comments from the public.

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

Matthew Buxton moved to approve petition S-2019-0774, request to allow for continuous outdoor display of sheds in Heavy Commercial (C-2) zoning district, based on the staff report recommendation and subject to the following conditions:

1. **If the proposed use does not commence within 12 months of the date the special exception is granted, the special exception shall be null and void;**


2. **Once operational, if the use then ceases for 6 continuous months or for 12 non-continuous months during a 24 month period, the special exception shall be null and void;**
3. **Landscaping comparable to a right-of-way buffer strip shall be installed along the north and east facing sides;**
4. **Any and all previous special exceptions granted to the subject property are null and void;**
5. **The premises shall be maintained at all times.**

Lawrence Fipps seconded the motion. The motion passed unanimously.

Agenda Item # 6. Update on Special Exceptions

The Board discussed the report showing the status of special exceptions granted in the last three years. There was ongoing discussion on the enforcement of special exceptions.


There being no additional business, the meeting was adjourned at 6:37 p.m.



 Ted Kelchner, Chairman

4/30/19

 Date of Approval



 Jenna Durham, Administrative Secretary

4/30/19

 Date