

# **Planning Board / Board of Adjustments and Appeals**

## **Regular Meeting**

**July 24, 2018**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, July 24, 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, and Rob Willson. Alternate Mack Worley, Jr. was present and designated as a voting member for the meeting. Weston Harvey, Debra Sales, and Ron Zobel were absent. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Jennifer Busbin, Planning Technician Faye Huffman, and Administrative Secretary Jenna Durham.

Chairman Ted Kelchner called the meeting to order at 6:04 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.**

**Mack Worley, Jr. moved to approve the June 26, 2018 minutes as submitted by staff. Frank Cunningham seconded the motion. The motion passed unanimously.**

**Agenda Item # 3. Public Hearing, Petition R-2018-0712, Change in Zoning. Hamrick and Sons, Inc., property owner; Hanlex Development, LLC, 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 3040 US Highway 441 N.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated the subject property is just under 3 acres in area on the east side of US Highway 441 N, north of the Okeechobee High School. He stated the property is located in the Highway 441 North Commercial Corridor and that there is a mix of commercial and institutional uses in the area. He stated that the proposed change in zoning is compatible with the surrounding area and is consistent with the 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 Agriculture (A) to Heavy Commercial (C-2).

Mr. Royce further stated that this petition is associated with Petition S-2018-0761, request for a special exception to allow for the package sale of wine in a Heavy Commercial (C-2) zoning district.

**Chairman Ted Kelchner asked for comments from the board.**

There was some discussion about the legal description and parcel boundary.

**Chairman Ted Kelchner opened the public hearing.**

Jeremy Anderson, representing the applicant, addressed the Board. He stated that notices were sent to the surrounding property owners of the entire parcel, rather than the 3 acres, to ensure that the community was aware of the requested rezoning and to address any concerns they may have.

There was some discussion between Board member Rob Willson and Mr. Anderson regarding the design of the proposed Dollar General retail store.

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

**Joey Hoover moved to recommend that the Board of County Commissioners grant Petition R-2018-0712, request for a change in zoning from the existing classification of Agriculture (A) to the proposed classification of Heavy Commercial (C-2), based on the staff report and recommendation. Mack Worley, Jr. seconded the motion. The motion passed unanimously.**

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 Thursday, August 23, 2018 at 9:00 a.m. in the Judge William L. Hendry Courtroom, Room 270, Historic Okeechobee County Courthouse, 304 NW 2<sup>nd</sup> Street, Okeechobee, Florida.

**Agenda Item # 4. Public Hearing, Petition S-2018-0761, Special Exception: Hamrick and Sons, Inc., property owner; Hanlex Development, LLC, applicant. Request for a special exception to allow for the package sale of wine in a Heavy Commercial (C-2) zoning district. The property address is 3040 US Highway 441 N.**

Planning Director Bill Royce presented the petition and described the surrounding area. He stated the proposed use of the subject property is a Dollar General retail store and that most within the county sell beer and wine. He stated that the package sale of beer is permissible without a special exception, but a special exception is required for the package sale of wine.

He stated the property is located in the Highway 441 North Commercial Corridor and that there is a mix of commercial businesses including some that also sell beer and wine in the area. He stated that the property is adjacent to a high school campus, but the proposed building meets the County's minimum requirement of being at least 500 feet from any part of a principal building on the high school grounds. He stated that the requested use is consistent with the County 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 package sales of wine in a Heavy Commercial (C-2) zoning district, subject to several conditions he discussed with the Board.

**Chairman Ted Kelchner opened the public hearing.**

Jeremy Anderson, representing the applicant, addressed the Board. He reiterated that the special exception is for the package sale of wine for off-premise consumption. He further stated that the Dollar General retail store complies with the separation requirements from the high school and that they have further buffers in place.

Board Member Rob Willson stated that even though the proposed Dollar General would comply with the County's code, he does not agree with allowing the sale of alcohol so close to the high school.

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

**Frank Cunningham moved to approve petition S-2018-0761, request for a special exception to allow for the package sale of wine in a Heavy Commercial (C-2) zoning district, based on the staff report recommendation and subject to the following conditions:**

- 1. If the request for a change in zoning to Heavy Commercial is not approved by the Board of County Commissioners, the special exception is null and void;**
- 2. 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;**
- 3. 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;**
- 4. The premises shall be maintained at all times.**

**Mack Worley, Jr. seconded the motion. The motion passed by vote of 4 to 1 with Frank Cunningham, Mack Worley, Joey Hoover, and Ted Kelchner voting for the motion and Rob Willson voting against the motion.**

**Agenda Item # 5. Other Business**

Mr. Royce reminded the Planning Board that the Board of County Commissioners requested the Planning Board revisit regulations on where farm animals can be kept and to look into whether there are neighborhoods in the county that should be considered for administrative rezoning to Residential Single Family-Estate (RSF-E). He further stated that the commission has requested the Planning Board look into tiny houses.

There was some discussion among the Board members in regards to meeting to address the requests of the Board of County Commissioners.

There being no additional business, the meeting was adjourned at 6:34 p.m.

  
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Ted Kelchner, Chairman

Aug 28 2018  
Date of Approval

  
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Jenna Durham, Administrative Secretary

August 28, 2018  
Date