

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

## **Regular Meeting**

**February 28, 2017**

### **Minutes**

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, February 28, 2017 at 6:00 p.m. in the Okeechobee County Health Department Auditorium, 1728 NW 9<sup>th</sup> Avenue, Okeechobee, Florida.

Board members present were Mitchell Hancock, Joey Hoover, Ted Kelchner, Debra Sales, Rob Willson and Mack Worley, Jr. Board member Joel Bass was absent. Also in attendance were County Attorney John Cassels, Planner Ty Hancock, Planner Jennifer Busbin and Administrative Secretary Tammy Beard. Planning Director Bill Royce was absent.

**Chairman Ted Kelchner 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.

#### **Agenda Item #2. Approval of Minutes.**

**Mack Worley, Jr. moved to approve the December 13, 2016 Minutes as submitted by staff. Rob Willson seconded the motion. The motion passed unanimously.**

**Agenda Item #3. Public Hearing, Petition S-2017-0747, Special Exception. Lehman Commercial Rental, LLC, property owner and applicant. Request to consider a special exception to allow the sale, maintenance and repair of agricultural equipment and trailers in a Heavy Commercial (C-2) zoning district. The property address is 455 Highway 98 North.**

Ty Hancock presented the petition and described the surrounding area. He noted the property was in a Commercial Corridor and stated the use was compatible with the general area. He stated a special exception was granted two years ago for the trailer sales and maintenance along with a drive-thru convenience store. Mr. Hancock stated that staff recommends that the Board of Adjustments and Appeals grant the special exception subject to several conditions that he reviewed with the Board.

Chairman Ted Kelchner asked for comments from the Board.

The petition was discussed at length amongst the Board members including the status of the initial special exception, a current code violation on the property and the amendment to the initial special exception.

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

Steve Dobbs, Steve Dobbs Engineering, addressed the Board on behalf of applicant Lehman Commercial Rental, LLC. He explained that this is a half million dollar project and Mr. Lehman was currently working with a bank and trying to get costs down. He also stated they should be able to break ground in the next week or so.

There were no further public comments.

**Mack Worley, Jr. moved to grant Petition S-2017-0747, for a special exception to allow the sale, maintenance and repair of agricultural equipment and trailers, based on the staff report and recommendation and subject to the following conditions as originally presented:**

- 1. If construction of the proposed use does not commence within 12 months of the date that the special exception is granted, and thereafter continue in good faith, the special exception for that use shall be null and void;**
- 2. Upon commencement of the proposed use, if the use ceases for a period of 6 continuous months or for 12 non-continuous months during a 24-month period, the special exception for that use shall be null and void;**
- 3. Any special exceptions previously granted to the property immediately shall become null and void;**
- 4. The special exception for a sales lot for trailers and farm equipment is intended to refer to, in addition to the farm equipment, horse trailers, utility trailers and the like, but not travel trailers;**
- 5. No materials, parts or equipment except trailers and agricultural equipment as specified above and directly relating to permissible on-site activities may be stored displayed or used outdoors and there shall be no salvage activities or any sort;**
- 6. All repair activities shall be conducted inside an enclosed building; and**
- 7. The premises will be maintained at all times.**

**Debra Sales seconded the motion. The motion passed unanimously.**

**Agenda Item #4. Public Hearing, Petition S-2017-0748, Special Exception. James A. Morgan and Yvonne J. Morgan, property owners; Cam Davis, applicant. Request to consider a special exception to allow the sale and service of new and used boats, motors and boat trailers in a Commercial (C) zoning district. The property address is 2435 US Highway 441 SE.**

Ty Hancock presented the petition and described the surrounding area. It was noted that there are various commercial uses in the area and that the special exception is compatible with the general area. Mr. Hancock stated that staff recommends that the Board of Adjustments and Appeals grant the special exception subject to several conditions that he reviewed with the Board.

Chairman Ted Kelchner asked for comments from the Board.

Board members discussed paving and landscape requirements as well as whether it was necessary to go before the Site Plan Technical Review Committee.

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

Engineer Marcos Montes De Oca addressed the Board along with his client Cameron Davis. Mr. Montes De Oca stated he didn't see screening on 441 in front of the property as being something to be done since this area will be for display of boats for sale. He went on to say that one of the buildings in the rear of the property would be used for boat repairs and would be screened with landscaping and the other building would be demolished. Mr. Montes De Oca also said the site layout is focused on the main building and if further paving or use of the second and third lots is required, then the project would have to go before the Site Plan Technical Review Committee and would then be required to abide by the landscape requirements for doing so.

The Board discussed with Mr. Montes De Oca various conditions to be put in place that would not require going before the Site Plan Technical Review Committee.

Adjacent property owner, Ken Douglas Cooper, then addressed the Board. Mr. Cooper made various complaints regarding the Code Enforcement Department and his inability to operate his own business due to not being allowed a special exception and differences with the Code Enforcement Department. He stated he and his family were against granting the special exception.

**Rob Willson moved to close the public hearing. Mitchell Hancock seconded the motion. The motion passed unanimously.**

**Mack Worley, Jr. moved to grant Petition S-2017-0748, for a special exception to allow the sale and service of new and used boats, motors and boat trailers in a Heavy Commercial (C-2) zoning district, based on the staff report and recommendation and subject to the following conditions as originally presented and the addition of numbers 7 and 8:**

- 1. If the proposed use does not commence within 24 months of the date the special exception is granted, the special exception shall be null and void;**

2. **Once operational, if the use then ceased for 6 continuous months or for 12 non-continuous months during a 24 month period, the special exception for that use shall be null and void;**
3. **Any and all previous special exceptions granted to the subject property are null and void;**
4. **Boat service and repair activities, including temporary storage of boats or boat motors in need of service or repair, shall be confined to the rear area of the property and shall be shielded from casual observation;**
5. **Any boats/boat trailers and the like that are intended to be available for sale shall be kept on a paved surface;**
6. **The premises shall be maintained at all times.**
7. **Landscaping is required on the property and must meet county requirements; and**
8. **As set forth in Mr. Davis' application, the building directly behind the office building will be used as an indoor repair facility and the remaining (3<sup>rd</sup>) building is to be demolished.**

**Mitchell Hancock seconded the motion. The motion passed unanimously.**

**Agenda Item #5, Public Hearing, Petition S-2017-0749, Special Exception, Sailfish Holdings 3, Inc., property owner; Thomas Meara, applicant. Request to consider a special exception to allow an automotive repair/service garage in a Commercial (C) zoning district. The property address is 2307 US Highway 441 SE.**

Ty Hancock presented the petition and described the surrounding area. He noted the property is just over one half acre with an existing car wash and a 2,100 square foot warehouse building to the rear. He stated the requested use of the property as an automotive repair/service garage is compatible with the nearby existing and adjacent commercial development as well as the county land development regulations and comprehensive plan.

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

The Board discussed with Mr. Hancock the shared access driveway which was a requirement of the Department of Transportation.

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

Kent Douglas Cooper addressed the Board a second time with complaints of special exception information not being accessible to the public. He was informed by the Board that this information is public and available at his request at the Planning Department.

Applicant Thomas Meara addressed the Board stating the property is small, clean and tidy and that is what appealed to him about the property.

There were no further public comments.

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

**Joey Hoover moved to grant Petition S-2017-0749, for a special exception to allow an automotive repair/service garage in a Commercial (C) zoning district, based on the staff report and recommendation and subject to the following conditions as originally presented:**


- 1. If the use does not commence within 12 months of the date that the special exception is granted, the special exception shall be null and void;**
- 2. Upon commencement of the proposed use, if the use ceases for a period of 6 continuous months or for 12 noncontinuous months during a 24 month period, the special exception shall be null and void;**
- 3. The special exception is granted specifically on the condition that the applicant Thomas Meara solely and personally operates the business;**
- 4. All repair activities shall be conducted inside the existing building;**
- 5. There shall be no on-site storage of vehicles awaiting or in need of service or repair except completely inside the existing building;**
- 6. No materials or equipment may be stored or used outdoors; and**
- 7. The premises will be maintained at all times.**

Mack Worley, Jr. stated he would second the motion if landscaping requirements were added to the motion. A discussion ensued regarding whether landscaping should be required by someone who is leasing property and does not own the property.

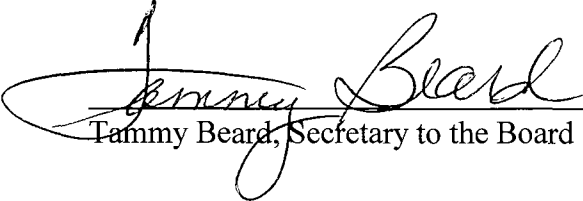
Chairman Ted Kelchner asked if there were a second for the motion.

**Rob Willson seconded the motion. The motion passed unanimously.**

There being no additional business, the meeting adjourned at 7:16 p.m.

  
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Ted Kelchner, Chairman

3-28-17  
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Date of Approval

  
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Tammy Beard, Secretary to the Board

March 28, 2017  
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Date