

# Planning Board / Board of Adjustments and Appeals

## Regular Meeting

March 28, 2017

### Minutes

The Okeechobee County Planning Board/Board of Adjustments and Appeals met in regular session on Tuesday, March 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, Rob Willson, Mack Worley, Jr. and Ron Zobel. Board member Joey Hoover arrived after the conclusion of Agenda Item Number 1. Also in attendance were County Attorney John Cassels, Planning Director Bill Royce, Planner Ty Hancock and Administrative Secretary Tammy Beard. Absent from the meeting was Board member Debra Sales.

**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 Ted Kelchner for Chairman. Mitchell Hancock seconded the motion. There were no additional nominations and Ted Kelchner was then unanimously elected as Chairman.**

**Mitchell Hancock nominated Mack Worley, Jr. for 1<sup>st</sup> Vice Chairman. Rob Willson seconded the motion. There were no additional nominations and Mack Worley, Jr. was then unanimously elected as 1<sup>st</sup> Vice Chairman.**

**Mack Worley, Jr. nominated Joey Hoover as 2<sup>nd</sup> Vice Chairman. Rob Willson seconded the motion. There were no additional nominations and Joey Hoover was then unanimously elected as 2<sup>nd</sup> Vice Chairman.**

Chairman Ted Kelchner asked if there were any public comments.

There were no comments from the public.

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

**Mack Worley, Jr. moved to approve the February 28, 2017 minutes as submitted. Rob Willson seconded the motion. The motion passed unanimously.**

**Agenda Item #3. Public Hearing, Petition S-2017-0750, Special Exception. 3590 Realty, LLC, property owner and applicant. Request for a special exception to allow the sale of new and used automobiles in a Commercial (C) zoning district. The property address is 3591 U.S. Highway 441 South. This petition is associated with petition V-2017-0165.**

Bill Royce presented the petition and described the surrounding area. He noted this special exception would allow for an expansion of the applicants current business and would utilize the existing building. Mr. Royce also explained that the applicant would develop the lot to the east to display automobiles and perhaps for employee parking. He noted the property is in the Commercial Corridor future land use classification. He 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.

Among the topics discussed by the Board were drainage and landscape requirements.

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

Steve Dobbs, Steve Dobbs Engineering, addressed the Board on behalf of the applicant. He explained the drainage currently runs through Heritage Village and new drainage has not been designed.

David Feltenberger, adjacent property owner, addressed the Board. He questioned whether the special exception would change the zoning of his property. Mack Worley, Jr. responded stating there is no zoning change in this special exception.

There were no further public comments.

**Rob Willson moved to closed the public hearing. Joey Hoover seconded the motion. The motion passed unanimously.**

**Mack Worley, Jr. moved to grant Petition S-2017-0750 for a special exception to allow the sale of new and used automobiles in a Commercial (C) zoning district based on the staff report and recommendations and subject to the following conditions as originally presented:**

- 1. If construction for the proposed expansion does not commence within 24 months of the date 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 then ceases for six continuous months or for 12 noncontinuous months during a 24-month period, 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. All areas used for parking, storing, or displaying cars shall be completely paved; and,
5. The premises shall be maintained at all times.

**Joey Hoover seconded the motion. The motion passed unanimously.**

**Agenda Item #4. Public Hearing, Petition V-2017-0165, Variance. 3590 Realty, LLC property owner and applicant. Request for a variance from setback requirements in a Commercial (C) zoning district. The property address is 3591 US Highway 441 South. This petition is associated with petition S-2017-0750.**

Bill Royce presented the petition and described the surrounding area. He noted the property is in a commercial area and that the variance would be consistent with the area and with the land development regulations. Mr. Royce stated that staff recommends that the Board of Adjustments and Appeals grant the variance subject to several conditions that he reviewed with the Board.

Chairman Ted Kelchner asked for comments from the Board.

The Board members discussed the request for the setback variance to make the area uniform and more appealing. Rob Willson stated the use of a variance is not appropriate for this situation and should not be used to make something aesthetically pleasing since that does not cause hardship on the applicant.

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

Steve Dobbs, Steve Dobbs Engineering, addressed the Board asking if anyone had any questions. There were none.

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

**Mitchell Hancock moved to grant Petition V-2017-0165, allowing a variance from setback requirements in a Commercial (C) zoning district, based on the staff report and recommendations and subject to the following conditions as originally presented:**

1. The variance shall allow for a front setback of 5 feet instead of 10 feet from the front (north) property line for the parking area along SE 37<sup>th</sup> Court;
2. Construction of the proposed development shall begin within 24 months of the granting of this variance and shall continue in good faith, or the variance shall be null and void;

- 3. Permitting of the proposed development shall be in conformance with all other applicable county regulations.**

**Mack Worley, Jr. seconded the motion. The motion passed by a vote of 5 to 1 with Rob Willson voting against the motion.**

**Agenda Item #5. Public Hearing. Petition S-2017-0751, Special Exception. Milan's Property Leasing and Rental, property owner; Christie Strickland, applicant. Request for a special exception for a billiard parlor and the sale of beer and wine for on premises consumption in a Commercial (C) zoning district. The property address is 3651 US Highway 441 SE.**

Bill Royce presented the petition and described the surrounding area. He noted the property is on an arterial highway in the Commercial Corridor and is in an appropriate location for the requested use. Mr. Royce also state the proposed use is compatible with the general area and is consistent with the various commercial uses in the area. He 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.

There were no comments from the Board.

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

Earle Strickland, property owner, addressed the Board. Mr. Strickland states he will be hosting various age groups of pool tournaments and that he wanted to establish a family atmosphere. He included there will be strict enforcement of rules regarding minors and alcohol, foul language and "rough housing". There was discussion between Mr. Strickland and the Board on these various topics.

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

Board members continued to discuss the proposed special exception. Board member Mitchell Hancock voiced concerns over minors being patrons in a pool hall where beer was being served.

**Rob Willson moved to grant Petition S-2017-0751, allowing a special exception for a billiard parlor and the sale of beer and wine for on premises consumption based on the staff report and recommendations and subject to the following conditions as originally presented:**


- 1. 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;**

2. Any special exceptions previously granted to the property immediately shall become null and void;

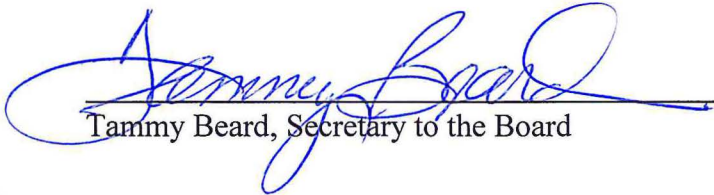
3. The premises shall be maintained at all times

Ron Zobel seconded the motion. The motion passed by a vote of 5 to 1 with Mitchell Hancock voting against the motion.

There being no additional business, the meeting adjourned at 6:54 p.m.

  
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Ted Kelchner, Chairman

4-25-17  
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Date of Approval

  
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Tammy Beard, Secretary to the Board

April 25, 2017  
\_\_\_\_\_  
Date