



CITY OF OKEECHOBEE, FLORIDA
TECHNICAL REVIEW COMMITTEE MEETING
OCTOBER 20, 2022
SUMMARY OF COMMITTEE ACTION

I. CALL TO ORDER

Chairperson Ritter called the regular meeting of the Technical Review Committee (TRC) for the City of Okeechobee to order on Thursday, October 20, 2022, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

The following TRC Members were present: City Administrator Gary Ritter, Building Official Jeffery Newell, Okeechobee County Fire Rescue (OCFR) Captain Justin Hazellief, Police Chief Donald Hagan, and Public Works Director David Allen. City Planning Consultant Ben Smith, Okeechobee County Environmental Health Director Dianna May, Committee Secretary Patty Burnette and General Services Secretary Keli Trimnal were also present. City Attorney Gloria Velazquez, Okeechobee Utility Authority (OUA) Executive Director John Hayford, and the Okeechobee County School Board representative were absent.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Building Official Newell, seconded by Public Works Director Allen, to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Building Official Newell, seconded by Public Works Director Allen, to dispense with the reading and approve the July 21, 2022, Regular Meeting minutes. **Motion Carried Unanimously.**

V. NEW BUSINESS

- A. Site Plan Review Application No. 22-003-TRC, to construct a seven-unit, multi-family residential development, on 0.76± acres located in the 1000 block along Northwest (NW) 4th Street, Lots 5 through 8, Block 24, NORTHWEST ADDITION TO OKEECHOBEE.
 - 1. City Planning Consultant Mr. Ben Smith of Morris-Depew Associates, Inc. briefly reviewed the Planning Staff Report recommending approval of the site plan with the following conditions: the remainder of the landscape areas which are not occupied by trees and shrubs shall be landscaped with grass, groundcover or other landscape material such as mulch; at least two different tree species shall be utilized; at least 75 percent of the total number of plants required shall be state native very drought tolerant species as listed in the South Florida Water Management District (SFWMD) Xeriscape Plant Guide; tree species planted along frontage buffer shall be a variety that will not produce a mature canopy capable of interfering with overhead utility lines; planting heights shall be in compliance with minimum City landscaping standards; wheel stops shall be provided for each parking space; and plantings located between the dumpster enclosure and the front property line shall be installed at a minimum six-foot height and shall effectively obscure the enclosure from view of the roadway.
 - 2. Building Official Newell asked whether the neighbors had been notified as this is a single-family neighborhood. Planner Smith clarified for this type of application no surrounding property owner notifications are required to be mailed and that there are existing neighbors in place. OCFR Captain Hazellief requested clarification on whether the dumpster location is 10-feet from the building. Although not required, he suggested using a residential sprinkler system (13R). Lastly, he mentioned there needed to be a hydrant near the facility. Public Works Director Allen inquired about drainage and how the water was moving to the swale as it seemed to be counterclockwise. In addition, there is no control structure indicated on the plans, there needs to be top elevations shown to indicate the swale size on the East side, and the swale on the West side needs to be setback 20-feet. County Environmental Health Director May confirmed with the Engineer for the proposed project that there would be no pool.

V. NEW BUSINESS ITEM A CONTINUED

3. Mr. Marcos Montes De Oca, Engineer, representing the Applicant, Carlos Ayala for the Property Owners, South Buyers, LLC was present and available for questions. He stated he would contact Mr. Hayford, with the OUA, regarding a hydrant, which he believes is located on the corner of NW 4th Street and 10th Avenue. He commented that should the units need to be sprinkled they would, although there would be fire walls. He acknowledged that the dumpster would be located ten feet away from the building, the drainage and flow of water around the property to the retention area would be in compliance and he would submit revised landscape plans.
 4. No public comments were offered.
 5. Planner Smith disclosed that Morris-Depew Associates, Inc. provided planning services for Glades County in which Mr. Montes De Oca, the Applicant's Engineer, was the County Manager. Mr. Montes De Oca also disclosed this same information.
 6. Motion by Building Official Newell, seconded by Public Works Director Allen to approve Site Plan Review Application No. 22-003-TRC, as presented in [Exhibit 1, which includes the Planning Consultant's analysis of findings and recommendation for approval] with the following conditions: the remainder of the landscape areas which are not occupied by trees and shrubs shall be landscaped with grass, groundcover or other landscape material such as mulch; at least two different tree species shall be utilized; at least 75 percent of the total number of plants required shall be state native very drought tolerant species as listed in the SFWMD Xeriscape Plant Guide; tree species planted along frontage buffer shall be a variety that will not produce a mature canopy capable of interfering with overhead utility lines; planting heights shall be in compliance with minimum City landscaping standards; wheel stops shall be provided for each parking space; and plantings located between the dumpster enclosure and the front property line shall be installed at a minimum six-foot height and shall effectively obscure the enclosure from view of the roadway; dumpster location needs to be setback ten feet from the building; a water control structure needs to be provided, and confirm there is a hydrant available to the proposed site. **Motion Carried Unanimously.**
- B. Site Plan Review Application No. 22-004-TRC, requesting to construct a wireless telecommunications facility on 0.14± acres located at 1117 NW 9th Street.**
1. City Planning Consultant Smith briefly reviewed the Planning Staff Report and provided information regarding the site plan request of the proposed tower to the TRC. Staff is recommending approval of the site plan with the following conditions: approval of the site plan will be contingent upon approval of, and any conditions placed on, the Special Exception request being presented to the City's Board of Adjustment (BOA) later this evening; Applicant must submit one consistent set of plans to be reviewed by the Building Official for conformance with applicable code. Should total structure height exceed 160 feet, plans may be subject to additional review by the BOA and/or TRC; landscaping must be provided in conformance with Land Development Regulations (LDR's) Section 90-603(g); submittal of Federal Aviation Administration (FAA) approval for proposed tower design/height; the use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banner, or streamer is prohibited; per LDR Section 90-603(p), if the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to either reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or dismantle and remove the tower; and per LDR Section 90-603(r), certification of compliance with all current Federal Communication Commission (FCC) standards, including FCC nonionizing electromagnetic radiation (NIER), shall be submitted prior to receiving final inspection by the Building Department.
 2. OCFR Captain Hazellief requested a knox lock on the gate and stated the 12-foot-wide access road needed to be corrected to a 20-foot-wide stabilized surface, base area needs to be expanded by six more feet.

V. NEW BUSINESS ITEM B CONTINUED

3. Mr. W. Patton Hahn with Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., was present on behalf of the Applicant, CitySwitch II-A, LLC, and available for questions. He had distributed before the meeting copies of construction drawings, a letter of support from AT&T dated October 17, 2022, and a document from the FAA regarding the tower height being 160 feet [documents have been made part of the official minute packet]. He mentioned CitySwitch builds a lot of these structures on CSX property and that proper landscaping will be provided according to our City LDR's as well as making the adjustments required by the Fire Department. Planner Smith inquired as to how many antennas are being proposed at this time. Mr. Hahn responded currently only one for AT&T although there will be space reserved for CSX as well as three additional ones, so four in total. He further explained because of security reasons for the railroad, CSX must use a tower located on their property. Administrator Ritter inquired as to what type of equipment CSX would use. Mr. Hahn responded technology compatible to train operations. Planner Smith inquired as to whether Mr. Hahn or his team reviewed the coverage exhibit provided by the opposition. Mr. Hahn responded since he only received the information last night, he was not able to print it in color which made it difficult to compare. From his analysis, AT&T is a large network in Okeechobee and tower setback requirements per the City's LDR's were met.
4. Mr. C. Ryan Maloney, with Jimerson Birr, was present on behalf of SBA 2012 TC Assets, LLC. He discussed his client's opposition to this Application, [document dated October 19, 2022, was submitted by email the evening before this hearing and has been made part of the official minute packet], due to another tower being located 0.7 miles away. He asked whether there was a justification for a new tower and does not believe it is in the public's best interest to have another one located so closely. AT&T is a user of this tower. They do not wish to renew their lease, so they are wishing to build a new one. There is no evidence by the Applicant to negotiate with SBA, and his client is concerned about overlapping coverage. Lastly, he commented that the Applicant did not provide a landscape plan which was required. He advised that CSX will not allow landscaping and the City does not have confirmation that landscaping will be allowed. Planner Smith asked for Mr. Maloney to confirm that the existing tower is 0.7 miles away and what the height of that tower was. He responded yes and 150 feet. Planner Smith asked whether another tower that is located 0.7 miles away would potentially increase coverage for the additional 0.7 miles in that direction. Mr. Maloney responded from the analysis, coverage would not be increased, it would overlap. Referring to Section 90-602(c)(2)(b) of the City's LDR's, Planner Smith inquired as to whether he found anything else in the City's LDR's that specifically relates to how the need should be demonstrated. Mr. Maloney referenced Section 90-603(l)(5) referring to colocation instead of building a new tower nearby. He wasn't sure if this directly relates to need or not.
5. Building Official Newell advised he has been speaking with someone in the past year but doesn't recall who it was regarding cell towers.
6. Motion by OCFR Captain Hazellief, seconded by Public Works Director Allen to approve Site Plan Review Application No. 22-004-TRC, as presented in [Exhibit 2, which includes the Planning Consultant's analysis of findings and recommendation for approval] with the following conditions: approval of the Site Plan will be contingent upon approval of, and any conditions placed on the Special Exception request by the BOA; Applicant must submit one consistent set of plans to be reviewed by the Building Official for conformance with applicable Code. Should total structure height exceed 160 feet, plans may be subject to additional review by the BOA and/or TRC; landscaping must be provided in conformance with LDR Section 90-603(g); submittal of FAA approval for proposed tower design/height; the use of any portion of a tower for sign or advertising purposes including without limitation, company name, banner, or streamer, is prohibited; per LDR Section 90-603(p), if the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower; per LDR Section 90-603(r) certification of compliance with all current FCC standards, including FCC NIER, shall be submitted prior to receiving final inspection by the Building Department.

V. NEW BUSINESS ITEM B CONTINUED

6. Continued. The access road will need to be a 20-foot wide stabilized surface; and a Knox lock is needed on the gate. **Motion Carried four to one, Building Official Newell voted No.**

VI. Chairperson Ritter adjourned the meeting at 10:52 A.M.

Submitted by:

Patty M. Burnette

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.