



**CITY OF OKEECHOBEE, FLORIDA  
PLANNING BOARD/BOARD OF ADJUSTMENT MEETING  
MAY 21, 2020  
SUMMARY OF BOARD ACTION**

**I. CALL TO ORDER**

Chairperson Hoover called the regular meeting of the Planning Board/Board of Adjustment for the City of Okeechobee to order on Thursday, May 21, 2020, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

**A.** The Pledge of Allegiance was led by Chairperson Hoover.

**II. ATTENDANCE**

Planning Board Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present.

**CITY STAFF:** City Attorney John Fumero, City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present.

**III. AGENDA**

- A.** Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn. There were none.
- B.** A motion was made by Member Brass to adopt the agenda as presented, seconded by Vice Chairperson McCoy.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.**

**IV. MINUTES**

- A.** A motion was made by Member Chartier to dispense with the reading and approve the minutes for the April 16, 2020, Regular Meeting; seconded by Member Brass.

**Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.**

**V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:04 P.M.**

- A.** City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services briefly reviewed the Planning Staff Report for Comprehensive Plan Small Scale Future Land Use Map (FLUM) Amendment Application No 20-002-SSA, which requests to change the Future Land Use (FLU) designation from Single Family Residential (SF) and Multi-Family Residential (MF) to Industrial (I) on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue. Mr. Smith explained the Applicant has submitted a concurrent request to rezone the same parcels from Residential Multiple Family (RMF) to Industrial (IND). The Applicant owns the industrial property to the North of these three vacant parcels and has not submitted any proposed plans or provided any comments regarding the potential development of the property other than the stated desire to expand his existing manufacturing of compressed air canisters operations. The maximum density allowable in the SF Residential FLU Category is four units per acre or five if the units qualify as affordable housing. With the affordable maximum development potential for 1.269 acres (the total of two vacant parcels, 0.409 and 0.86 acres) would be six single-family dwellings. The maximum density allowable in the MF Residential FLU Category is 10 units per acre or 11 if the units qualify as affordable housing.



With the affordable maximum development potential for the 1.6 acres (total of last vacant parcel) would be 17 multi-family dwellings. While the I FLU category allows for a maximum floor area ratio (FAR) of 3.0, the IND zoning district only allows a maximum building coverage of 50 percent and a maximum building height of 45 feet (without a special exception approval). These limitations allow for a potential four-story structure, a maximum FAR of 2.0 and a maximum floor area of approximately 250,000 square feet. However, given that a four-story industrial structure is not likely, it may be more practical to expect a one or two-story structure if this map change is approved.

1. Mr. Steve Dobbs, consultant for the Applicant, Loumax Development Inc., on behalf of the Property Owners Nemec Children's Trust, was available for questions from the Board. Mr. Dobbs reviewed an additional handout he provided to the Board which gave some basic background information on the current business. In addition, he provided a copy of the original plat indicating these subject parcels were located adjacent to the Florida East Coast Railway Yard and Grounds. He explained his client purchased the property in 2001 and did not anticipate the business would grow this big. He has looked at purchasing the 50-foot railway right-of-way to the West of the current business but indicated this would not be enough land to expand. Besides going South, there was nothing else available as the land further to the West of the railway was already purchased by a Church.
2. Chairperson Hoover opened the floor for public comment. Secretary Burnette relayed she had a phone conversation with Mrs. Linda Knisely who resides at 601 Southwest 4<sup>th</sup> Street. She was opposed to the requested changes. As a resident located a block within these subject parcels, she believes this is not an appropriate area for this industrial business. There are many churches and schools with a lot of children in the area. She is concerned with the amount of truck traffic and believes there is available industrial area in the city they could relocate to and expand.
3. Vice Chairperson McCoy disclosed he had spoken to Mr. Dobbs about concerns with the property. No other disclosures were offered.
4. Planning Staff Findings are as follows: Policy 2.2 of the FLU Element recommends that the City protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards. Objective 12 of the FLU Element states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl. From a planning perspective, expansion of the Industrial FLU in this area would be out of character and likely incompatible with the predominantly residential nature of the surrounding neighborhood. The property to the North of the subject parcels is Industrial but the remainder of the surrounding properties hold residential designations on the City's FLUM and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across Southwest 7<sup>th</sup> Avenue from these parcels. Other single-family residences exist nearby, and a new multi-family apartment project has been approved nearby as well. The Applicant currently owns and operates a 1.6-acre industrial site to the North of these subject parcels, which is one of only a few properties with an I FLU designation South of Park Street in the City. Besides the Applicant's existing site, there is an additional 2.5 acres of Industrial to the North, 0.5 acres of industrially designated property on Southwest Park Street and a 3-acre property on Southeast 10<sup>th</sup> Street. The Applicant's requested FLUM changes represent a 37 percent increase in Industrial FLU South of Street in the City.

The Applicant has provided a traffic analysis that estimates the requested change to an I FLU on these parcels would result in an increase in 1,144 potential daily vehicle trips and 166 potential peak hour vehicle trips. In addition to the consideration of total vehicle trips, it is also important to consider that an industrial use is likely to generate more heavy truck traffic than residential uses.



Should these map changes be approved and a site plan for development of these parcels were to be submitted, it would be necessary to provide additional assessment of the impact of traffic on the adjacent streets and properties at the time of site plan approval. Regarding adequacy of public facilities, the Applicant's submission includes letters from the Okeechobee Utility Authority and Waste Management indicating that there is adequate excess capacity to accommodate the demand for potable water, wastewater treatment and solid waste disposal that would be associated with a proposed industrial use. The subject property is within the zone X, indicating a minimal flood risk. The site has no significant or unique characteristics regarding environmental sensitivity, wetlands, wildlife habitat, endangered species, soil conditions or susceptibility to flooding.

Based on the foregoing analysis, he finds the requested Industrial FLU Designation for the subject property to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses. Therefore, he finds this request inconsistent with the City's Comprehensive Plan and recommends denial.

Vice Chairperson McCoy inquired as to what exactly the use would be or the parcels. Would they be used for truck parking or warehouse space? This additional property may help in alleviating the trucks parking on Southwest 7<sup>th</sup> Avenue that are waiting to be loaded or unloaded. Member Jonassaint commented there presently were concerns with egress as trucks coming out of the site hold up traffic in the area. Member Brass commented even though this business has made contributions to the community for many years, she voiced concerns with the residential neighborhood being impacted. Member Baughman commented the area is already impacted as this business has been located here for some time and feels the request should be approved.

A motion was offered by Member Brass to recommend denial to the City Council for Comprehensive Plan Small Scale FLUM Amendment Application No 20-002-SSA, which requests to change the FLU designation from SF Residential and MF Residential to I on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue, and finds it to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses, seconded by Member Chartier.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Board Member Baughman. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively June 16, 2020, 6:00 P.M.**

#### **PUBLIC HEARING-QUASI-JUDICIAL ITEM**

- B.** City Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Rezoning Petition No. 20-001-R, which requests to change the zoning designation from RMF to IND 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue for the proposed use of expanding the existing industrial facility located to the North. He explained the Applicant, Loumax Development Inc, has also submitted a concurrent request to change the FLU designation from SF Residential and MF Residential to I on these parcels. The subject parcels are currently vacant. He finds the requested rezoning to IND to be inconsistent with the City's Comprehensive Plan. He has reservations regarding the compatibility with adjacent uses and does not find it consistent with the urbanizing pattern of the area. Therefore, he is recommending denial of the Applicant's rezoning request.



1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, and Mr. Steve Dobbs, PE, 1062 Jakes Way, Okeechobee, Florida.
2. Mr. Steve Dobbs, consultant for the Applicant, Loumax Development Inc., on behalf of the Property Owners Nemec Children's Trust, was present and available for questions from the Board. He wanted to bring to their attention should the request be denied, and his client decides to relocate elsewhere, then this property would be open to any other permitted Industrial use.
3. Chairperson Hoover opened the floor for public comment. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to sixteen surrounding property owners. Secretary Burnette relayed she had a phone conversation with Mrs. Linda Knisely who resides at 601 Southwest 4<sup>th</sup> Street. She was opposed to the requested changes. As a resident located a block within these subject parcels, she believes this is not an appropriate area for this industrial business. There are many churches and schools with a lot of children in the area. She is concerned with the amount of truck traffic and believes there is available industrial area in the city they could relocate to and expand.
4. Vice Chairperson McCoy disclosed he had spoken to Mr. Dobbs about concerns with the property. No other disclosures were offered.
5. Planning Staff findings are as follows: The property to the North of these parcels is Industrial but the remainder of the surrounding properties hold residential designations on the City's FLU and Zoning Maps. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across Southwest 7th Avenue from these parcels. Other single-family residences exist nearby, and a new multi-family apartment project has been approved nearby as well. The Applicant currently owns and operates a 1.6-acre industrial site to the North of these subject parcels, which is one of only a few industrial properties South of Park Street in the City. Planner Smith is not recommending approval of the Applicant's requested FLUM Amendment because expansion of the Industrial FLU in this area would be out of character with the predominantly residential nature of the surrounding neighborhood and is therefore inconsistent with the existing pattern of development and FLU Objective 12 of the City's Comprehensive Plan. Additionally, if the City Council does not approve the Applicant's concurrent Comprehensive Plan Small Scale FLUM Amendment, then this rezoning request cannot be approved either. The proposed expansion of the current use being manufacturing of non-explosive products, is a permitted use in the IND Zoning District. Expansion of the Applicant's existing operations could have positive impacts on the public interest by bringing additional jobs to the community and increasing the tax base of the City. However, allowing the expansion of industrial zoning and industrial uses could have an adverse impact in this predominantly residential neighborhood and could have an adverse impact on investment in residential development in this area. If this rezoning is approved, it would allow for expansion of industrial uses farther into an area that is predominantly residential. Industrial is typically one of the least compatible land uses to residential. The property to the immediate North of the subject parcels is designated I on the FLUM and zoned IND with the use being the existing industrial business. The property to the East is designated SF Residential on the FLUM and zoned RMF with the use being that of a single-family home and vacant parcels. The property to the South is designated MF Residential on the FLUM and zoned RMF with the use being A Child's World Child Care and Preschool. The property to the West is designated MF Residential on the FLUM and zoned RMF with the parcels being vacant.



Plans have been submitted for future development of a residential apartment complex to be known as Emerald Greens

There are currently several vacant residentially zoned properties adjacent to the subject parcels. Approval of this rezoning request could affect the likeliness of those properties to be developed and could thereby affect the value of those properties. Additional heavy truck traffic in this neighborhood could also affect the living conditions of the nearby residents. Depending on the specific activities involved, buffering can be used to alleviate some of the potential impacts of industrial uses although it will not reduce the impacts of increased heavy truck traffic in this predominantly residential neighborhood. Potential demand for schools and recreation facilities would be reduced if this rezoning is approved and potential demand for water, sewer and solid waste is likely to increase. Additional vehicle trips are also projected. However, approval of this request is not likely to create a density pattern that will overburden facilities. The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for additional traffic. Drainage issues would be considered at time of site plan review. The proposed use has not been inordinately burdened by any unnecessary restrictions.

Member Chartier commented maybe this business should be located in the City's or County's Industrial Parks where it would be more appropriate, and more space would be available.

A motion was offered by Member Jonassaint to recommend denial to the City Council for Rezoning Petition No. 20-001-R, which requests to change the zoning designation from RMF to IND on 2.87± acres located in the 500 to 600 blocks of Southwest 7th Avenue for the proposed use of expanding the existing industrial facility located to the North, seconded by Member Granados.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Board Member Baughman. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively July 7, 2020, 6:00 P.M.**

C. City Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Rezoning Petition N No. 20-002-R, from RMF to Central Business District (CBD) for Lots 2 through 4 of Block 171, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County, on 0.50± acres located at 204 Southeast Park Street for the proposed use of a medical office. He explained the Applicant, Mr. Dillon Moore on behalf of the Property Owner, Best Value Real Estate LLC, is requesting this change in order for the business located on the parcels to continue operations as a medical practice. The property was purchased from Dr. Stanley Sweda, who was retiring, in August of 2019. That medical office had been in practice for approximately 30 years. The parcel located on the corner of Southeast 2<sup>nd</sup> Avenue and Southeast Park Street is currently vacant. He finds the requested rezoning to CBD to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Therefore, he is recommending approval of the Applicant's rezoning request.

1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Mr. Moore was available by Zoom.com for questions from the Board. There were none.



3. Chairperson Hoover opened the floor for public comment. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to fourteen surrounding property owners.
4. No disclosures of Ex-Parte were offered.
5. Planning Staff findings are as follows: The current zoning of RMF is not appropriate for the Commercial FLU designation. However, Policy 2.2 of the FLU element specifically lists the CBD Zoning district as appropriate in the Commercial FLU. Medical office is specifically listed as a permitted use in the CBD Zoning District. The proposed use has been providing medical services to the community for many years and does not have an adverse impact on the public interest. The subject property is separated one block from East North Park Street (State Road 70 East), a municipal park area and is within the business area of downtown Okeechobee. The property to the immediate North of the subject parcels is designated Public Facilities on the FLUM and zoned Public Facilities with the use being that of a park. The property to the East is designated Commercial on the FLUM and zoned CBD with the use being that of the Visiting Nurse Association. The property to the South is designated Commercial on the FLUM and zoned Commercial Professional Office (CPO) with the use being The Grand Oaks Assisted Living Facility. The property to the West is designated Commercial on the FLUM and zoned CBD and Light Commercial (CLT) with the parcels being occupied by a retail strip center. No adverse effects are expected with the continued medical office use. The proposed medical use should not cause any nuisances or hazards that would require buffering from the adjacent land uses. The applicant is not proposing any changes in the current use that would increase demand for public utilities or public safety. The proposed use has not been inordinately burdened by unnecessary restrictions.

A motion was offered by Member Chartier to recommend approval to the City Council for Rezoning Petition N No. 20-002-R, from RMF to CBD for Lots 2 through 4 of Block 171, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County, on 0.50± acres located at 204 Southeast Park Street for the proposed use of a medical office, seconded by Member Baughman.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: None. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively July 7, 2020, 6:00 P.M.**

- D. Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a Heavy Commercial (CHV) Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatted acres, located in the 900 to 1000 block along East North Park Street/State Road 70 East. The subject property is located on the north side of State Road 70 (SR70) East across from Zaxby's, Family Dollar and the United States Post Office. The Applicant is currently under contract to purchase the vacant parcel from the current property owner, H2oldings LLC. In addition to this Special Exception Application, the Applicant has submitted a Site Plan Application No. 20-003-TRC, which depicts development of the Southwest 6.63 acres of the parcel with a new RaceTrac gas station and convenience store, including a 5,411 square foot retail building with two canopies, providing an extended diesel fueling area and parking area designed to accommodate larger trucks.



He recommends **approval** of the Special Exception for a new RaceTrac Gas Station and Convenience Store with the request that the Board of Adjustment consider whether or not a buffer wall should be provided along the Western and Northern property lines in areas where existing adjacent residents may experience increased truck noise generated by this development. Otherwise, based on the foregoing analysis, the requested Special Exception is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area.

1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, Mr. Kevin Betancourt, P.E., with Thomas Engineering Group, 6300 Northwest 31<sup>st</sup> Avenue, Ft. Lauderdale, Florida, Ms. Vangela McFarland, 5051 Northeast 16<sup>th</sup> Court, Okeechobee, Florida, and Mr. Jack Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, Okeechobee, Florida.
2. Mr. Kevin Betancourt, PE, with Thomas Engineering Group, consultant for the Applicant, RaceTrac Petroleum Inc., on behalf of the Property Owner H2oldings, Inc., was present and available for questions from the Board. Samantha Jones, Engineering Project Manager and Cleo Chang, Engineering Project Analyst both for RaceTrac Petroleum Inc, were attending the meeting via Zoom.
3. Chairperson Hoover opened the floor for public comment. Mr. Jack Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, commented he is not against development of the property, just has concerns. He enjoys the area and all of the animals. The drainage swale is the only thing that divides the properties now. He has concerns with the potential noise and what the remainder of the property will be used for. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to fifty-seven surrounding property owners. Secretary Burnette received a letter and an email before the meeting which were read into the record.

Pedie Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, Mr. Terrell Mastaler, 401 Northeast 8<sup>th</sup> Avenue, Mr. Robert Shannon 200 Northeast 8<sup>th</sup> Avenue, Mr. Jose Urdaneta, 210 Northeast 8<sup>th</sup> Avenue, Mr. Richard Verrochi and Ms. Rebecca Mully, 209 Northeast 8<sup>th</sup> Avenue: "Dear Ms. Burnette, As a homeowner in River Run Resort, I would like to express that I am adamantly against the Special Exception Petition No. 20-002-SE to allow building a "convenience store with fuel pumps". This proposal would place the new 24-hour RaceTrac Gas Station & Convenience Store with 21 pumps, directly behind our quiet neighborhood. As stated by the Applicant, they are also placing 5 extra pumps for extended diesel offering for large trucks. The first comment from our neighbors when they hear this is "a truck stop?", no way!" We the residents bought our homes here specifically because it was peaceful. As mentioned by the applicant, the introduction of unnecessary crime brought to the area by these types of businesses, is not very appealing. Our main concerns are (in part) as follows: majorly increased noise levels at all hours, increased pollution due to idling diesel vehicles, bright lights all night, disturbed eco system that provides homes to many animal species including gopher tortoises, indigo and painted bunting migratory birds, and grazing white tail deer and obviously, the plummeting property values. There is no reasonable way to mitigate the 24-hour noise and bright lights at night. The addition of trees, shrubs, and other vegetation looks beautiful, but cannot stop the heavy industrial noise coming from such a business. I believe the Future Land Use Map also calls for Commercial Use, not Heavy Commercial Use. The Applicant is buying over 18 acres of land, but their utilization is only proposed for over 6 acres. What other Heavy Commercial businesses will then be permitted for the balance of this property?"



Mr. Chris Luckey: My wife and I are full time residents of Okeechobee and live at 107 Northeast 8<sup>th</sup> Avenue. Our home faces directly down Northeast 3<sup>rd</sup> Street, in the direction of the proposed 24 hr. RaceTrac gas station/truck stop/convenience store. I am strongly in opposition to this petition and construction for the following reasons: increased noise levels to our residential neighborhood River Run Resort, the nighttime lights that will shine directly into our bedroom windows, the potential for increased crime that can easily filter into our neighborhood with the 24 hr. hours of operation and no wall structure to prevent, the pollution caused by multiple large idling diesel semi-trucks, the decline in property values that will result due to our peaceful neighborhood now being bordered by a truck stop/gas station. My request would be that this petition be denied for the above reasons. If the petition is granted, I strongly request that the City require RaceTrac to erect a solid wall between their entire parcel and our River Run Resort neighborhood. The wall should be high enough to block any noise, pollution from the idling diesel semi-trucks and the site lighting, to keep it from bleeding into our neighborhood. A landscaped area would NOT be sufficient to separate such an invasive business, with 24 hr. service, from our once peaceful neighborhood. Has a hearing date and time been scheduled, and if so, is there a way for residents to attend?"

4. Vice Chairperson McCoy disclosed he had spoken to the Manager of the RaceTrac store currently located at 1596 State Road 70 East in Okeechobee Florida. No other disclosures were offered.
5. Planning Staff's responses to the Applicant's presentation on consistency with the Land Development Regulations (LDR's) are, the location and site are appropriate for the proposed use. The site fronts East North Park Street/SR70 East which will provide access to fuel and convenience goods along a heavily traveled roadway. The property to the immediate North of the subject parcel is designated SF Residential on the FLUM and zoned Residential Mobile Home (RMH) with the use being that of the River Run Resort Mobile Home Park. The property to the East is designated C on the FLUM and zoned CHV with the parcels being vacant. The property to the South is designated C on the FLUM and zoned CHV with the uses being a Zaxby's restaurant, a Family Dollar Store and the United States Post Office. The property to the West is designated SF Residential on the FLUM and zoned Residential Single Family One with the use being that of a manufactured home sales center. The site is of sufficient size to allow adequate interior circulation and buffering of the adjacent residences. Even though the Applicant is proposing to only construct the RaceTrac gas station and convenience store on 6.63 acres located in the Southwest corner of the parcel, the Special Exception approval is being requested for the entire 18.86 acres. The remaining acres will stay vacant until sometime in the future. The CHV Zoning District specifically identifies convenience store with a fueling station as a Special Exception Use. The main compatibility concern for this use is the existing residential neighborhood to the West and North. However, the Applicant has submitted a site plan which depicts an ample landscape buffer proposed on the West side. The proposed landscape buffer exceeds the minimum landscape buffer requirements provided in the City's LDR's. The Applicant's description of the proposed landscaping is consistent with the submitted site plan. The proposed Walter's Viburnum hedge would be the main buffer between the adjacent residences to the West and is known for growing into tall hedges up to 15 feet tall. Gas stations with convenience stores often get associated with crime and loitering. The Applicant is aware of these issues and have devoted special attention to providing actual security measures throughout the site design. The idea is to create an environment where customer activity and open concept will deter crime through natural surveillance. In addition to natural surveillance techniques present throughout the site, RaceTrac is equipped with a 24-hour surveillance system both inside and outside of their stores.



Utility services are expected to be fully available and the adequacy and specifics of these facilities will be addressed during the site plan review stage. The site has been designed to provide 16 fuel positions offering regular unleaded, ethanol free, and diesel fuel as well as five fuel positions designated for larger trucks. This will separate the larger diesel vehicles from circulating with the everyday consumers. Diesel is also offered in the standard fuel pumps so that light/medium trucks may still fuel in this area without the need to go to the diesel canopy. Wider drive aisles are also being provided for better circulation. The Applicant is currently working with Florida Department of Transportation (FDOT) to see what off-site improvements will be required to provide a signalized left turn lane for the East bound travelers along SR70.

Planning Staff's responses to the Applicant's presentation on the required findings are, the property is designated on the FLUM and the proposed use is not contrary to the Comprehensive Plan. Convenience store with fuel pumps is included under the list of Special Exceptions Uses in the CHV Zoning District. The proposed use will not have an adverse effect on the public interest. It is possible that allowing the Applicant to develop this requested proposed use will not deter, but instead, encourage development of the vacant property to the East. Conversely, it is possible that property values and living conditions for the nearby residences could be affected, as additional noise is likely to be generated by the proposed use operating 24 hours per day. The large truck fueling, and parking area is located adjacent to these existing residences. The Applicant is proposing a landscape buffer that should minimize these potential effects. This non-residential development will not impact the public-school adopted levels of service and there is sufficient utility capacity to accommodate the proposed development. A traffic impact statement has been provided which concludes that roadway and traffic signal modifications will be necessary to accommodate the increase in vehicle trips generated by this project. Drainage improvements, including a water retention area at the rear of the project, are included in the site plan. Public safety should not be affected by this project.

A motion was offered by Member Brass to approve Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a CHV Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatted acres, located in the 900 to 1000 block along East North Park Street/SR70 East with the following conditions: minimum of an eight foot wall along the West boundary line beginning at the start of the River Run Resort Mobile Home Park, seconded by Member McCoy.

- a) The board further reviewed and after a lengthy discussion decided to vote on this motion and then make changes in a new motion.
- b) **Vice Chairperson McCoy, Board Members, Brass and Jonassaint voted: Aye. Nays: Chairperson Hoover, Board Members, Baughman, Chartier, and Granados. Motion Failed.**


A motion was offered by Member Chartier to approve Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a CHV Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatted acres, located in the 900 to 1000 block along East North Park Street/SR70 East with the following conditions: an eight foot wall be built along the Western boundary line beginning at the Southern boundary of the actual River Run Resort Mobile Home Park extending up to the Southern boundary of the retention pond; future development of the site would continue wall along the North boundary line; no showers, no overnight truck parking to be allowed and increased landscape buffering to the North where there is no wall, seconded by Member McCoy.



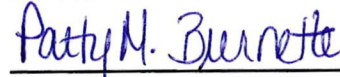
- a) The board offered no further discussion.
- b) **Vice Chairperson McCoy, Board Members, Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Chairperson Hoover. Motion Carried.**

**CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 8:25 P.M.**

- VI. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 8:25 P.M.

  
Dawn T. Hoover, Chairperson

ATTEST:

  
Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board/Board of Adjustment and Appeals 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.