



**CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
JULY 16, 2020
SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, July 16, 2020, at 6:05 P.M. in the City Council Chambers, located at 55 Southeast Third 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. 20-150 effective June 23, 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.

II. ATTENDANCE

Board of Adjustment 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, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present. City Planning Consultant Ben Smith entered the Council Chambers at 6:20 P.M.

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- A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn.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 Member Baughman.

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

IV. CHAIRPERSON HOOVER OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:06 P.M.

- A. Attorney Fumero briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-003-SE which requests to allow a proposed use of one dwelling unit per commercial building in a Commercial Professional Office (CPO) Zoning District, (Ref Sec 90-223(12)) on 0.688± acres located at 406 NW 3rd Street. The Applicant is requesting to convert 1,029 square feet of office space on the second floor of an existing office building to a residential dwelling unit. The floor plans submitted show a two-bedroom, two-bathroom residential dwelling unit that will be accessible from both an external and internal stairway. Planning Staff recommends **approval** of the Special Exception request based on it being 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, stated their names and addresses for the record. Mr. John Fumero, City Attorney, Nason, Yeager, Gerson, Harris and Fumero, P.A., 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida.
- 2. The Applicant, Mr. Thomas Close, President of 401 Northwest Street LLC, was not in attendance.
- 3. Chairperson Hoover opened the floor for public comment. Secretary Burnette noted the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to seven surrounding property owners.

IV. QUASI-JUDICIAL PUBLIC HEARING ITEM CONTINUED

4. No disclosures of Ex-Parte were offered.
5. Planning Staff's responses to the Applicant's presentation on consistency with the Land Development Regulations (LDR's) are, the proposed use will be located above the existing ground floor commercial use and is specifically listed as a special exception use in the CPO Zoning District. The property to the immediate North of the subject parcel is designated Single Family Residential on the Future Land Use Map (FLUM) and zoned CPO with the use being that of an insurance office. The property to the East is designated Public Facilities on the FLUM and zoned Public Use with the use being that of the Okeechobee County Courthouse. The property to the South is designated Commercial (C) on the FLUM and zoned CPO with the use being that of business offices. The property to the West is designated C on the FLUM and zoned CPO with the use being that of a vacant building. The proposed residential use is not expected to negatively affect adjacent uses. No changes to the design of the building will be necessary to ensure compatibility. No additional landscape screening is required as the proposed residential unit will be contained within the existing structure. It is unlikely that this proposed use would create any nuisances that would affect other uses. The proposed conversion of commercial to residential should not significantly affect the ability to provide services or utilities. Currently, it should be noted that the subject property is nonconforming to the current parking requirements. However, if the Applicant's request is approved, that nonconformity would be slightly lessened. The 1,029 square feet of office space that is being converted would require 3.34 parking spaces according to the current parking code. A two-bedroom multi-family dwelling unit only requires two parking spaces. The Institute of Traffic Engineers provides estimated trip generation rates for apartments and general office which shows a slight decrease in the estimated traffic generation for the applicant's request.


Planning Staff's responses to the Applicant's presentation on the required findings are the property is designated C on the FLUM and the proposed use is not contrary to the Comprehensive Plan. One dwelling unit per commercial building is included under the list of Special Exception Uses in the CPO Zoning District. The proposed use will not have an adverse effect on the public interest. The proposed use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns. Allowing a second-floor residence unit within an existing building should have no impact on the neighboring businesses. The proposed use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property. No required screening from surrounding uses is necessary as the proposed unit will be located inside the existing building with no exterior changes. The requested conversion of uses should not have a significant impact on water, sewer or transportation facilities. It is possible that adding one additional dwelling unit in the City could bring one or several additional school aged children to the Okeechobee school system. However, this potential increase should not significantly impact the County school system. This proposed use should not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

A motion was offered by Member Baughman to approved Special Exception No. 20-003-SE which requests to allow a proposed use of one dwelling unit per commercial building in a Commercial Professional Office (CPO) Zoning District, (Ref Sec 90-223(12)) on 0.688± acres located at 406 NW 3rd Street, seconded by Member Granados.

- 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.

CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:21 P.M.

- V. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:21 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.