



**CITY OF OKEECHOBEE, FLORIDA  
BOARD OF ADJUSTMENT MEETING  
AUGUST 20, 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, August 20, 2020, at 6:03 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. 20-193 effective August 7, 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**

General Services Secretary Montoya called the roll. Chairperson Dawn Hoover, Vice-Chairperson Doug McCoy, Board Members Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Member Joe Papasso was present. Board Member Phil Baughman and Alternate Board Member Jim Shaw were absent with consent.

CITY STAFF: City Planning Consultant Ben Smith, Planning Board Secretary Patty Burnette, and Executive Assistant Robin Brock were present. City Attorney John Fumero was absent with consent.

Chairperson Hoover moved Alternate Board Member Papasso to voting position.

**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- A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn.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 Board Member Chartier to adopt the agenda as presented; seconded by Vice Chairperson McCoy.

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

**IV. MINUTES**

- A. A motion was made by Board Member Brass to dispense with the reading and approve the July 16, 2020 Board of Adjustment Regular Meeting minutes; seconded by Board Member Granados.

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

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

City Planning Consultant Smith briefly reviewed the Planning Staff Report for Variance Request No. 20-001-V which requests to increase a two-face pole sign from 20-foot to 40-foot in height and the sign area from 50-square feet to 150-square feet, (Ref. Code Sec. 90-573 (a)(1)); to be used to bring attention to a secondary diesel canopy located in the rear of a proposed building for a RaceTrac Gas Station and Convenience Store at 975 East North Park Street/SR70. The City of Okeechobee's Land Development Regulations (LDR's) state that one ground sign or pole sign is allowed in the front yard, and such sign shall not exceed 50 square feet in sign area and 20 feet in height, and shall not be closer than 25 feet to a residential district.



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. Ms. Lavon Neal, 1001 Northeast 5<sup>th</sup> Street, Okeechobee, Florida; Ms. Samantha Jones and Ms. Cleo Chang, 200 Galleria Parkway, SE, Suite 900, Atlanta, Georgia; Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Ms. Chang, Engineering Project Analyst for the Applicant, and Ms. Jones, Engineering Project Manager, both for RaceTrac Petroleum Inc., were present and available for questions. They distributed and reviewed a nine-page presentation. Page one being the cover page; page two an overview of the proposed RaceTrac location; page three the proposed site plan; page four a view traveling Westbound on East North Park Street/SR70; page five showing a pole sign meeting the City's current LDR's with a 10-inch diesel pricing sign; page six showing the proposed pole sign with a 24-inch diesel pricing sign; page seven depicts graphics showing their reasonings for the distance it would take a semi-tractor trailer to properly brake after one would see the signage for diesel fuel; page eight they pointed out compatibility and safety reasons for their request; and page nine for questions from the Board. Discussion among the Board Members focused on whether this denial would impact the operations of the business; the hardship being self-created from their design of the proposed site; the aesthetics and how it would affect the nearby residential neighborhood; placement of the proposed sign near the traffic light on Southeast 10<sup>th</sup> Avenue and East North Park Street/SR70 not making the most sense as if it were further East so should one miss the first entrance they would still have time to turn into the second entrance and a very small part of the proposed sign actually addressed the diesel price and how this would inform semi-truck drivers diesel was available. Planner Smith felt the facility was large enough for the public to be aware of its location and that community aesthetics were established in the City's LDR's for a purpose.
3. Chairperson Hoover opened the floor for public comment. Ms. Neal voiced concerns regarding lighting and the possibility that the public may gather and socialize close to the property boundaries between the proposed Business and the River Run Resort Community. 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.
4. No disclosures of Ex-Parte were offered.
5. Planning Staff's recommendation for denial is based upon two sets of criteria. One being the site's consistency with the current LDR's and the other, findings required for granting a Variance.

Planning Staff's responses to the Applicant's presentation on consistency with the LDR's are: there are no unique physical conditions present on the development site or the larger subject parcel and the Applicant's comments do not demonstrate that any unique physical conditions are present on the site. Sections 70-172 and 70-374 explicitly state self-created problems and economic hardship shall not be grounds for granting a variance. The location of the diesel fueling area and general site layout are self-created problems and should not be used as justification for granting a variance. There is a 35-mph maximum speed limit on this segment of SR70 for both Eastbound and Westbound vehicles. For drivers that are maintaining that speed limit, a 20-foot tall, 50-square foot sign (which is the maximum allowed) should be adequately visible.

Planning Staff's responses to the Applicant's presentation on the required findings are: locating the diesel fueling area at the rear of the site is a choice made by the Applicant and is a typical site design feature for large fueling station facilities with convenience stores such as the Applicant's proposed project.



This is not a special condition or circumstance that pertains to the land or an existing structure. Staff feels the Applicant can adequately advertise their services with a sign that meets code. The Applicant is allowed the same right as other properties in the Heavy Commercial zoning district to construct a 20-foot tall, 50-square foot pole sign. The Applicant can make reasonable use of the land and their proposed structures without granting any Variances. Granting this Variance would confer a special privilege to the Applicant. Selling diesel fuel is not a justifiable reason to allow Variances from the sign code. The type and size of signage allowed within a community has a direct effect on community aesthetics. Some residents and business owners make decisions whether or not to purchase property based on the aesthetics of the immediate area. Allowing signage that does not fit within the community's standards may erode the public's faith in the local government's ability to uphold those standards and improve or maintain the community aesthetics.

Based upon the foregoing information and comments, all of which demonstrate that the requested Variance does not meet the standards and findings required for granting of Variances by the Board of Adjustment, Staff recommends **denial** of the request.

A motion was offered by Board Member Jonassaint to deny Variance Petition No. 20-001-V which requests to increase a two-face pole sign from 20-foot to 40-foot in height and the sign area from 50-square foot to 150-square foot to be used to bring attention to a secondary diesel canopy located in the rear of a proposed building for a RaceTrac Gas Station and Convenience store at 975 East North Park Street/SR/70 as required criteria for granting a Variance has not been met; seconded by Board Member Brass.

- a) The Board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Brass, Chartier, Granados, Jonassaint and Papasso voted: Aye. Nays: None. Absent Board Member: Baughman. Motion Carried.**

**CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:40 P.M.**

VI.

There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:40 P.M.

ATTEST:

*Patty M. Burnette*

Patty M. Burnette, Secretary

*[Signature]*  
Dawn T. Hoover, Chairperson

*Per D.T.H.*

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.