



**CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
OCTOBER 15, 2020
SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Vice Chairperson McCoy called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, October 15, 2020, at 6:00 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. 20-246 effective September 30, 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 Vice Chairperson McCoy.

II. ATTENDANCE

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

CITY STAFF: City Planning Consultant Ben Smith, City Administrator Marcos Montes De Oca, Deputy City Clerk Bobbie Jenkins, and Executive Assistant Robin Brock were present. City Attorney John Fumero and General Services Secretary Yesica Montoya were absent with consent.

Vice Chairperson McCoy moved Alternate Board Members Papasso and Shaw to voting positions.

III. AGENDA

- A.** Vice Chairperson McCoy asked whether there were any agenda items to be added, deferred, or withdrawn.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 Board Member Brass.

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

IV. MINUTES

- A.** A motion was made by Board Member Brass to dispense with the reading and approve the August 20, 2020 Board of Adjustment Regular Meeting minutes; seconded by Board Member Baughman.

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

V. VICE CHAIRPERSON MCCOY OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:03 P.M.

- A.** City Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-001-SE which requests to allow a proposed use of parking and fueling of commercial vehicles including semi-tractor trailer trucks, which is comparable to outdoor sales and storage, building trades contractor Heavy Commercial (CHV) Zoning District, (Ref Sec 90-283(5)) on 0.479± acres located at 701 North Parrott Avenue. The Applicant has stated the facility will not be open to the public and will only be used to park and fuel their company trucks.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. A. CONTINUED: There is an existing 1,800 square-foot building on the property which is currently used for storage and for an office. This structure is non-conforming to the required setbacks and no significant changes are proposed at this time. The proposed site plan shows usage of only one of the two entrances from North Parrott Avenue/US Highway 441 and only one of the two entrances from Northwest 7th Street. In addition, the site plan depicts striped parking in front of the existing building as well as four striped parking spaces for semi-trucks with an above ground diesel fuel tank located between the existing building and the semi-truck parking area. Planner Smith commented it was brought to our attention this week that there is actually no sewer service on this site as indicated in the application. The septic tank may be located in the alley to the west and the Applicant is researching this as we do have some concerns. Issues can arise with paving and driving over the drain field and septic tank. Lastly, he expressed some concerns with how the semi-trucks will access the parking spaces especially when some are already parked there. Not sure what the turning radius is for them to be able to enter and park.

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. Mark Goodbread, 12575 State Road 70 East, Okeechobee, Florida; Mr. Chris Luckey, 107 Northeast 8th Avenue, Okeechobee, Florida; Mr. George Pierce, 109 Northeast 8th Avenue, Okeechobee, Florida; Ms. Pedie Dickerhoof, 212 Northeast 8th Avenue, Okeechobee, Florida; Mr. Tom Hardy, 200 Galleria Parkway, SE, Suite 900, Atlanta, Georgia; Mr. Kevin Betancourt, 6300 Northwest 31st Avenue, Fort Lauderdale, Florida; Mr. Steve Dobbs, 209 Northeast 2nd Street, Okeechobee, Florida; Mr. Marcos Montes De Oca, 55 Southeast 3rd Avenue, Okeechobee, Florida; and Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Mr. Steven Dobbs, Consultant on behalf of the Property Owner, Mark Goodbread, Officer of Southern Construction & Development, Inc., was present and available for questions from the Board. Mr. Dobbs commented the septic and drain field could be located in the alley to the West. The Applicant has contacted Okeechobee Utility Authority and is in the process of meeting with the health department. He will do whatever is necessary to resolve the situation. The location of the septic was not indicated on the survey. The plans for the site are to have the trucks come in and fuel during the day and park in the evenings. Other vehicles that will be parked there during the daytime hours will be the driver's personal vehicles. Mr. Goodbread commented they are not planning on using the building other than for storage. Board Member Brass inquired about the issues of impeding traffic on US Hwy 441. Mr. Dobbs commented this is for a private use and they will be coordinating the logistics of the site with the employees so in the event they can not enter the site without blocking traffic they will go around the block and then come back. She also commented she does not see from looking at the site plan how the trucks will back in there without using US Hwy 441. Mr. Dobbs answered the site is large enough to maneuver on. He is thinking they will need to park in the Northern most space first. Vice Chairperson McCoy inquired as to whether there would be any truck washing on the site. Mr. Dobbs responded as far as he is aware there will not.
3. Vice Chairperson McCoy opened the floor for public comment. There was none. The Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to 15 surrounding property owners.
4. Vice Chairperson McCoy disclosed he spoke with both Mr. Dobbs and Mr. Goodbread as he is the health inspector for the County of Okeechobee and looked at the fuel tank for necessary requirements. 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 proposed use is specially listed as a special exception use in the CHV Zoning District.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. A. CONTINUED: North Parrott Avenue/Highway 441 is considered a shipping corridor, and should some buffering be provided, and the usage be limited to private fueling and parking of company trucks, then the location should be appropriate for the intended uses. The property to the immediate North of the subject parcel is designated Commercial (C) on the Future Land Use Map (FLUM) and zoned CHV with the use being that of a computer repair/UHaul business. The property to the East is designated C on the FLUM and zoned CHV with the use being that of Sears retail store. The property to the South is designated C on the FLUM and zoned CHV with the use being that of the Traveler's Inn Motel. The property to the West is designated Industrial (I) on the FLUM and zoned Industrial (IND) with the use being that of Central Storage Company self-storage facility. The proposed use is not expected to negatively affect adjacent uses. The only new structures proposed for the site are an above ground fuel tank and a fence. The Applicant's site plan depicts landscaping meeting the minimum standards of the City's Land Development Regulations (LDR's), including buffers along both roadways. The main potential issues on this site are the aesthetics of the truck parking, the safety of the fueling tank, and the potential for truck movements to block traffic on North Parrott Avenue/Highway 441. The site plan does provide two bollards for the fuel tank. Additional bollards should be used to ensure protection of the tank. It may be questionable whether trucks will be able to back into the parking area shown on the site plan or back out of the parking area without using the North Parrott Avenue/Highway 441 right-of-way or blocking it for short periods of time. Water and wastewater services are currently provided by the Okeechobee Utility Authority. The location of the site outside of the city center and with direct frontage on US Highway 441 is appropriate for this use. If use is limited to the applicant's company trucks and is not open to the public, then the use should not generate a sufficient amount of vehicle trips (semi-trucks or otherwise) to overburden the local roadways. However, the size of the lot may not be adequate to facilitate truck movements that do not impede traffic on US Highway 441. Additionally, there does not seem to be adequate space on the site for storage of 10 semi-trucks. Should the Applicant's request be approved, the Board may want to consider placing a restriction on the number of semi-trucks that may be parked at one time on the site.

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. The Applicant is requesting to allow parking and fueling of commercial vehicles which is comparable to outdoor sales and storage, building trades contractor is included under the list of Special Exception Uses in the CHV Zoning District. The proposed use could adversely affect the public interest should trucks cause blockages on North Parrott Avenue/US Highway 441. With landscape buffering, the proposed use is appropriate for this location however, the size of the subject parcel may not be appropriate for this use, as the Applicant has not demonstrated that there is sufficient space for semi-trucks to use the truck parking area without blocking the public roadways. The proposed use should not be a deterrent to the existing uses on adjacent property. A landscape buffer is proposed. The proposed use should not have a significant impact on water and wastewater. Residential density and school capacity will not be affected as no dwelling units are proposed and should the use be limited to company staff and vehicles, then vehicle trip generation should also not be significant. The site plan does include a water detention feature that will be reviewed by the city engineer and building department.

Based on the foregoing analysis, we find that the subject property may not be large enough to fully accommodate the internal circulation and parking of multiple semi-trucks. Otherwise, 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. If the Applicant can demonstrate that ingress, egress and interior circulation will not cause significant blockages of North Parrott Avenue/US Highway 441, then we recommend approval of the Special Exception for outdoor sales and storage building trades contractor.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. A. CONTINUED: Additionally, the Board may consider placing conditions on their approval including; need to maintain private use (company staff and vehicles only) of the facility only; prohibit offering fueling and other services to the public; limiting the number of semi-trucks that may be parked on the site at any one time; striping of semi-truck parking spaces; and requiring additional landscape buffering including installation and maintenance of specific hedge species (e.g. clusia, cocoplum, simpson stopper, silver buttonwood, etc.) along roadways to ensure screening.

A motion was offered by Board Member Chartier to approve Special Exception Petition No. 20-001-SE which requests to allow a proposed use of parking and fueling of commercial vehicles including semi-tractor trailer trucks, which is comparable to outdoor sales and storage, building trades contractor Heavy Commercial (CHV) Zoning District, (Ref Sec 90-283(5)) on 0.479± acres located at 701 North Parrott Avenue with the following conditions: maintain private use (company staff and vehicles) of the facility only. Prohibit offering fueling and other services to the public; limit the number of semi-trucks that may be parked on the site at any one time; striping of semi-truck parking spaces; require additional landscape buffering including installation and maintenance of specific hedge species (clusia, cocoplum, simpson stopper, silver buttonwood) along roadways to ensure screening and conditional approval upon all improvements notated on the site plan being completed; seconded by Board Member Baughman.

- a) The Board briefly considered whether to add another condition regarding the septic system and in the end did not.
- b) **Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Papasso and Shaw voted: Aye. Nays: None. Absent Chairperson Hoover. Motion Carried.**

- B. City Planning Consultant Smith briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-004-SE, which requests to allow a proposed use of drive-through service in a CHV Zoning District, (Ref. Code Sec. 90-283 (1)) on 18.86± acres located at 975 NE Park Street which is a proposed site for a RaceTrac gas station and convenience store. This site plan was previously approved by the Technical Review Committee and the Board of Adjustment previously approved a special exception for a convenience store with fuel pumps for this same project on May 21, 2020. Since then, the Applicant has made substantial revisions to the site plan including: a larger development area footprint on the parcel; drive through service was added; the floor area for the convenience store has been increased from 5,411 to 8,100 square feet; and one additional semi-truck fueling station has been added as well as a truck scale. The Applicant is planning to construct the RaceTrac gas station and convenience store on the Southwest 7.11 acres of the subject parcel (shown as parcel 1 on the survey). At this time, the Applicant is not proposing any development of the remaining area of Parcel 1. It is important to note that, despite the fact that the currently proposed development area is only a portion of the subject property, the applicant has applied for this special exception with a legal description that encompasses all of the subject property (parcel 1). If approved as requested, this special exception to allow drive through service will apply to the entire 18.86± acres of parcel 1 and it is conceivable that future development of the parcel could include drive through service without requesting another special exception for drive through service. Planner Smith also conveyed a revised site plan was reviewed by the Technical Review Committee (TRC) this morning and approval was made with a few conditions. City Administrator Montes De Oca offered information from the morning's TRC Meeting to the Board. There will be some modifications made to the curbing in the top area of the drive through to accommodate an easier turn for trucks with trailers or boats. Semi-trucks and RV will not be able to use the drive through. Some additional information was needed by the OUA. In addition to the wall along the Western boundary, there will be additional landscape buffering there and to the North above and beyond what is required. This will help to reduce noise and beautify the area. An additional landscaping island is required in the rear where truck parking is shown to be to break up the continuous row of parking. RaceTrac is currently working with the Florida Department of Transportation (FDOT) in regard to additional signalization. This type of use is exactly what one would see in the CHV corridor 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. Chris Luckey, 107 Northeast 8th Avenue, Okeechobee, Florida; Mr. George Pierce, 109 Northeast 8th Avenue, Okeechobee, Florida; Ms. Pedie Dickerhoof, 212 Northeast 8th Avenue, Okeechobee, Florida; Mr. Tom Hardy, 200 Galleria Parkway, SE, Suite 900, Atlanta, Georgia; Mr. Kevin Betancourt, 6300 Northwest 31st Avenue, Fort Lauderdale, Florida; Mr. Steve Dobbs, 209 Northeast 2nd Street, Okeechobee, Florida; Mr. Marcos Montes De Oca, 55 Southeast 3rd Avenue, Okeechobee, Florida; and Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Mr. Tom Hardy, Director of Engineering for RaceTrac, was present and available for questions from the Board. He explained RaceTrac is now getting into what they call their expanding diesel offer. They have been exploring this concept as well as the drive through portion. Currently the only RaceTrac that exists with a drive through is in Georgia. They do about 133 cars per day, 11 cars per hour. It is convenient and safer especially due to the COVID-19 concerns. Given this, they are wishing to build a larger store for more food components and call it a travel center. This Okeechobee site would be the first travel center with drive through service. He provided a diagram to the Board Members that showed stacking capabilities for nine cars in the drive through before getting to the window. In addition, a lot of the inventory will be accessible near the window to speed service up. Approximately 80 percent of what is sold in the store will be able to be sold at the window. Board Member Chartier inquired as to whether alcohol sales can be made at the window. Mr. Hardy responded yes if they are permitted to do so.
3. Vice Chairperson McCoy opened the floor for public comment. There was none. The Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to 57 surrounding property owners.
4. Board Member Chartier disclosure he spoke with City staff regarding the project. No other disclosures were offered.
5. Planning Staff's responses to the Applicant's presentation on consistency with the LDR's are, the proposed use is specially listed as a special exception use in the CHV Zoning District. The proposed location on Northeast Park Street/State Road 70 near the Eastern boundary of the City will provide access to fuel and convenience goods along a heavily traveled roadway without encroaching on the City's Central Business District. With buffering of the adjacent residences, this location should be appropriate for the intended use. The property to the immediate North of the subject parcel is designated Single Family (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 use being vacant. The property to the South is designated C on the FLUM and zoned CHV with the uses being that of a Zaxby's Restaurant, a Family Dollar Store and the US Post Office. The property to the West is designated SF and C on the FLUM and zoned RMH and CHV with the uses being the River Run Resort Mobile Home Park and a manufacturers home sales center. The main compatibility concern is the existing residential neighborhood to the West. The ordering process at drive through kiosks can be somewhat noisy and head lights can shine throughout the nighttime operating hours. However, the closest residence is about 100 feet away from the proposed location of the ordering kiosk and the entirety of the proposed development will be buffered from the adjacent residences by an eight-foot tall privacy wall and a landscape buffer which exceeds the minimum landscape buffer requirements provided in the City's LDR's. In addition, the proposed drive through facility could also be a design concern for this project.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. B. CONTINUED: The Applicant has provided a diagram that depicts nine standard sized vehicles fitting within the drive through lane. The Applicant stated that the drive through feature is a relatively new concept for RaceTrac stations. Without significant experience with drive throughs, it is concerning that more analysis has not been performed to determine whether or not the drive through will cause internal circulation issues which could be especially problematic during the peak am and peak pm periods, potentially causing backups into the public right-of-way. The Applicant's description of the proposed landscaping is consistent with the submitted site plan. A potential issue on this site is the Applicant has not provided sufficient analysis to demonstrate that the drive-through service will function adequately and not cause a public nuisance. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. The Applicant's Traffic Engineer, MacKenzie Engineering, prepared a traffic assessment for the project which determined modifications would be necessary to the roadway and traffic light at the intersection with Southeast 10th Avenue. Contact is being made with FDOT as well as the City's Public Works Director.

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. Drive-through service is specifically included under the list of Special Exception Uses in the CHV Zoning District. The question remains though whether the design will be appropriate for the location. The proposed use could adversely affect the public interest should the popularity of the drive through service exceed the ability of employees to serve drive through patrons and the queuing exceeds the limits of the development site. The proposed use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns. The development of this proposed use may possibly encourage development of the vacant property to the East. In addition, 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 RaceTrac development. However, with the proposed buffering, it is unlikely to be any more than they are already affected by with other proposed uses at this site. An eight-foot tall privacy wall and significant landscaping is proposed. The proposed use will not impact the public school adopted levels of service and there is sufficient utility capacity to accommodate the proposed development. 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.

Based on the above 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. Therefore, if the Applicant can demonstrate at the Board of Adjustment hearing that the drive through service will function without causing a public nuisance, then we recommend **approval** of the Special Exception for drive through service with the following conditions: approval is contingent upon the applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan; and approval of this special exception request for drive through service is limited to the 7.11 acres of the development site, as depicted on the survey and plans.

A motion was offered by Board Member Chartier to approve Special Exception Petition No. 20-004-SE, which requests to allow a proposed use of drive-through service in a CHV Zoning District, (Ref. Code Sec. 90-283 (1)) on 18.86± acres located at 975 NE Park Street which is a proposed site for a RaceTrac gas station and convenience store with the following conditions: approval is contingent upon the Applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan; approval of this Special Exception request for drive-through service is limited to the 7.11 acres of the development site, as depicted on the survey and plans;

QUASI-JUDICIAL PUBLIC HEARING ITEM V. B. CONTINUED: all TRC conditions which are coordinate with FDOT on traffic issues; provide a landscape island in the middle of the rear truck parking area so that no more than 12 spaces are in a row uninterrupted; provide sign plans which depict the building signs and pole/monument sign meeting the requirements of the City signage codes; demonstrate that the auto turn in the drive through will work with small trucks and modify curbing; provide additional plans to the OUA; provide additional buffering analyst with a written statement that gives optimum design height of the landscaping to be provided along the Western boundary; seconded by Board Member Baughman.

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

- C. City Planning Consultant Smith briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-005-SE, requesting to remove a special condition for no overnight parking previously set in Petition No. 20-002-SE approving a convenience store with fueling pumps in a Heavy Commercial Zoning District, (Ref. Code Sec. 90-283 (25)) located at 975 NE Park Street which is a proposed site for a RaceTrac gas station and convenience store. This site plan was previously approved by the Technical Review Committee and the Board of Adjustment previously approved a special exception for a convenience store with fuel pumps for this same project on May 21, 2020. That previous Special Exception approval included several conditions; no overnight truck parking allowed; no showers; an eight-foot perimeter wall must be built along the western boundary of the site starting at the southern boundary of the River Run Resort, extending to the southern boundary of the subject site water retention area; increased landscape buffer provided along the western boundary between River Run Resort and the subject site water retention area; and any future development of the subject parcel along the boundaries of the River Run Resort must continue the eight-foot perimeter wall. Since then, the Applicant has made substantial revisions to the site plan including: a larger development area footprint on the parcel; drive through service was added; the floor area for the convenience store has been increased from 5,411 to 8,100 square feet; and one additional semi-truck fueling station has been added as well as a truck scale. They are requesting Special Exception approval for drive through service. The Applicant is planning to construct the RaceTrac gas station and convenience store on the Southwest 7.11 acres of the subject parcel (shown as parcel 1 on the survey). At this time, the Applicant is not proposing any development of the remaining area of Parcel 1. It is important to note that, despite the fact that the currently proposed development area is only a portion of the subject property, the applicant has applied for this special exception with a legal description that encompasses all of the subject property (parcel 1). If approved as requested, this special exception to allow a convenience store with fuel pumps will apply to the entire 18.86± acres of parcel 1. The reason the Applicant has reapplied for the special exception request for a convenience store with fuel pumps is to request that the condition of no overnight parking be removed. They would like to allow overnight parking now. The issue with this condition is problematic because the condition lacks specificity as "overnight" is not defined as a length of time or a time period in the day. Additionally, even if "overnight" were better defined, the condition could prove to be difficult and time consuming for the City to enforce. The police department would be responsible for regular checks on parked trucks every evening. And ultimately, if it is determined that trucks are parking overnight, it is unclear what enforcement actions the City should take.

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. Chris Luckey, 107 Northeast 8th Avenue, Okeechobee, Florida; Mr. George Pierce, 109 Northeast 8th Avenue, Okeechobee, Florida; Ms. Pedie Dickerhoof, 212 Northeast 8th Avenue, Okeechobee, Florida; Mr. Tom Hardy, 200 Galleria Parkway, SE, Suite 900, Atlanta, Georgia; Mr. Kevin Betancourt, 6300 Northwest 31st Avenue, Fort Lauderdale, Florida; Mr. Steve Dobbs, 209 Northeast 2nd Street, Okeechobee, Florida; Mr. Marcos Montes De Oca, 55 Southeast 3rd Avenue, Okeechobee, Florida; and Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Mr. Tom Hardy, Director of Engineering for RaceTrac, was present and available for questions from the Board. He spoke about the redesign of the building making it larger and adding a drive-through feature. Overnight parking is huge for their business model to service their guests out back in the diesel area. There will not be a lounge or showers. With the proposed wall and buffering, this will help with noise to the residential neighborhood to the West and North. They are also taking a lot of safety precautions with cameras and lighting. This will not be a typical truck stop like are existing in other places.
3. Vice Chairperson McCoy opened the floor for public comment. Mr. Chris Luckey, 107 Northeast 8th Avenue, voiced his concerns regarding the removal of the condition for no overnight parking. At the meeting in May they were told this would not be a truck stop as they were assured semi-trucks were not going to be allowed to park for any extended period of time. Truck stops are known for noise, drug usage, prostitution and air pollution from the diesel fumes. He feels even though a wall is proposed to be built along the Western boundary, he still feels there will be access to his neighborhood for the above-mentioned activities to take place. He feels strongly that his neighborhood will not remain safe should this condition be removed and does not feel this use of a proposed truck stop is meant for inside the City limits. Secretary Burnette received an email from Mr. Luckey dated October 5, 2020 and asked whether he would like it to be read into the records since he was present and spoke. He said no as he spoken about everything he addressed in the email. Mr. George Pierce, 109 Northeast 8th Avenue, stated he had been around truck stops all his life and voiced concerns with smell, noise and the potential criminal activity that takes place at truck stops. He believes it will devalue his property and he doesn't want to live next to a truck stop. Board Member Chartier confirmed with Mr. Pierce that the truck stop has already been approved and Mr. Pierce said he understood that but did not want overnight parking.

Ms. Pedie Dickerhoof, 212 Northeast 8th Avenue, was upset that she was back before the board as she was told at the previous meeting in May this would not be a truck stop. She feels even though there may not be showers that it is still a truck stop. Since trucks will now be idling all night long, she believes the wall along the Western boundary should either be taller or extend all the way along the entire property line. She commented about a gentleman that had come out to take soil samples and the possibility that because of the sandy conditions he may not be able to approve the proposed use going there. She commented on how flooded the area was already and was concerned there would be more drainage issues. She is concerned with her quality of life and feels like no one is hearing the resident's concerns. She doesn't understand why they are there if no parameters for overnight parking exist and it can't be enforced. Planner Smith responded one of the reasons the application is coming back is because of the condition that was placed on the approval as it was recognized to be problematic. We have given thought to this not just making rules so no one will follow them. The Applicant came back in good faith to be honest in their intentions. Mr. Steve Dobbs, 209 Northeast 2nd Street, was present as one half of the property owner, H2oldings LLC. Over the years there have been existing plans for a mall and big box stores that have never taken place. To be able to develop this property, you are going to need a company that can afford the capital to make all the needed requirements before even starting to construct a building. He commented further that he thinks the only applications that have taken place on this parcel have been rezonings.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. C. CONTINUED: He stated peak elevation in Taylor Creek is 15.5, and the elevation is 20 feet. As long as they have adequate discharge there should be no flooding. City Administrator Montes De Oca reiterated a few points. One must get a permit from the South Florida Water Management District. A few weeks ago, the entire City experienced flooding issues. The Applicant is putting in a wall and landscaping buffering that is above and beyond what is required in the City 's LDR's. If RaceTrac is open 24 hours, then you already have the action. We are held to our LDR's and there is no definition for overnight parking. Board Member Baughman inquired to Mr. Hardy as to whether given there is already this type of facility in Georgia with security cameras and such, do they feel they would have control of the parking lot. Mr. Hardy responded yes. They are trying to reinvent truck stops just like Wawa reinvented gas stations. They are trying to provide as much security and lighting as possible. There will be an attendant in the rear area taking care of the cleaning and such. He further commented that all the stores are corporate owned and not owned by franchises. 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 57 surrounding property owners.

4. No disclosures of Ex-Parte were offered.
5. Planning Staff's responses to the Applicant's presentation on consistency with the LDR's are, the proposed use is specially listed as a special exception use in the CHV Zoning District. The proposed location on Northeast Park Street/State Road 70 near the Eastern boundary of the City will provide access to fuel and convenience goods along a heavily traveled roadway without encroaching on the City's Central Business District. With buffering of the adjacent residences, this location should be appropriate for the intended use. The property to the immediate North of the subject parcel is designated Single Family (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 use being vacant. The property to the South is designated C on the FLUM and zoned CHV with the uses being that of a Zaxby's Restaurant, a Family Dollar Store and the US Post Office. The property to the West is designated SF and C on the FLUM and zoned RMH and CHV with the uses being the River Run Resort Mobile Home Park and a manufacturers home sales center. The main compatibility concern is the existing residential neighborhood to the West and North. The entirety of the proposed development will be buffered from the adjacent residences by an eight-foot tall privacy wall and a landscape buffer which exceeds the minimum landscape buffer requirements provided in the City's LDR's. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. The Applicant's traffic engineer, MacKenzie Engineering, prepared a traffic assessment for the project which determined modifications would be necessary to the roadway and traffic light at the intersection with Southeast 10th Avenue. Contact is being made with the Florida department of Transportation as well as the City's Public Works Director.

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. Convenience store with fuel pumps is specifically included under the list of Special Exception Uses in the CHV Zoning District. The use should 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. The development of this proposed use may possibly encourage development of the vacant property to the East. In addition, 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 RaceTrac development. However, with the proposed buffering, it is unlikely to be any more than they are already affected by with other proposed uses at this site. An eight-foot tall privacy wall and significant landscaping is proposed. The proposed use will not impact the public school adopted levels of service and there is sufficient utility capacity to accommodate the proposed development.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. C. CONTINUED. 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. Based on the above 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. Therefore, we recommend approval of the Special Exception request for a new convenience store with fuel pumps along with conditions that are either enforceable as features of the development or that provide specific parameters and enforcement actions. The revised site plan submitted for review by the Technical Review Committee does include an 8 foot wall along the western boundary of the development site and a significant landscape buffer at the rear of the development site; both of which were features that were required by the Board of Adjustment as conditions of their previous special exception approval. If the Board agrees to re-approve this special exception request, the Board may wish to consider the following conditions: approval is contingent upon the applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan; no showering facilities shall be constructed as part of this development; and future development of the subject parcel adjacent to the boundaries of the River Run Resort must provide an 8 foot tall perimeter wall.

A motion was offered by Board Member Baughman to approve Special Exception Petition No. 20-005-SE, requesting to remove a special condition for no overnight parking previously set in Petition No. 20-002-SE approving a convenience store with fueling pumps in a Heavy Commercial Zoning District, (Ref. Code Sec. 90-283 (25)) located at 975 NE Park Street which is a proposed site for a RaceTrac gas station and convenience store. with the following conditions: approval is contingent upon the Applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan; no showering facilities shall be constructed as part of this development; future development of the subject parcel adjacent to the boundaries of the River Run Resort Mobile Home Park must provide an eight-foot tall perimeter wall; seconded by Board Member Chartier.

- a) Board Member Baughman commented 30 years ago his father and him built the River Run Resort Mobile Home Park. As he is working the area now, he sees such a change. No businesses would come here because it was Okeechobee. He is excited to see that RaceTrac is wanting to build here. They have offered to build a wall; they are spending a lot of money to build a new business with security and make it different from all the old truck stops. I'm not excited about it being built in the middle of town but is excited about how modern the community will look. His father saw the vision of how to grow the community and he believes RaceTrac brings that vision here. Many other types of businesses could go here that may not offer the security like this business. He has feelings for the residents because his family knew them. The original owners wanted to see development. Board Member Brass commented it is easy to get excited about the caliber of the project. She embraces the thought of having an upscale RaceTrac here in the community. Her biggest reservation is the fact that she feels like she has been a part of a misrepresentation. Doesn't believe that any of the board really took the time to think about the overnight parking. Now they have to consider that things have changed, and lack of enforceability has been brought to the forefront. She cannot vote to approve a truck stop as the residents cannot be protected from the noise even though RaceTrac has generally offered to build the wall. She does not think business is dependent upon having a truck stop. Vice Chairperson McCoy and Board Members Chartier and Papasso all commented on the fact that there is nothing in the City's LDR's that address the overnight parking. We need to enforce the parameters that we have the ability to. There is also nothing that stops a trucker from pulling into any big box store and parking.

- b) Vice Chairperson McCoy, Board Members Baughman, Chartier, and Papasso voted: Aye. Nays: Board Members Brass and Shaw. Absent Chairperson Hoover. Motion Carried.

VICE CHAIRPERSON MCCOY CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 7:43 P.M.

VI. There being no further items on the agenda, Vice Chairperson McCoy adjourned the meeting at 7:43 P.M.


for Doug McCoy, Vice 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.