



CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
OCTOBER 20, 2022
DRAFT 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, October 20, 2022, at 6:02 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Karyne Brass, Mac Jonassaint, David McAuley, and Alternate Board Member Carl Berlin, Jr. were present. Vice Chairperson Doug McCoy, Board Members Phil Baughman, Rick Chartier, and Alternate Board Member Jim Shaw were absent with consent. Chairperson Hoover moved Alternate Board Member Berlin to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Board Member Jonassaint, seconded by Board Member McAuley to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation for issues not on the agenda.

IV. MINUTES

- A. Motion by Board Member McAuley, seconded by Board Member Jonassaint to dispense with the reading and approve the September 15, 2022, Board of Adjustment Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:04 P.M.

- A. Special Exception Petition No. 22-003-SE requesting to waive the minimum separation from off-site uses, and to waive the separation distances between communication towers for a wireless telecommunication facility, in an Industrial (IND) Zoning District, (Ref. Code Sec. 90-603(c)(d)(e)), located at 1117 NW 9th Street.
 - 1. Notary Public Patty Burnette administered an oath to Mr. W. Patton Hahn, Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., 420 20th Street North Shipt Tower, Suite 1400, Birmingham, Alabama 35203, Mr. C. Ryan Maloney, Jimmerson Birr, One Independent Drive, Suite 1400, Jacksonville, Florida, 32202, Mr. Ben Smith, Morris-Depew Associates Inc., 2914 Cleveland Avenue, Fort Myers, Florida, and Mr. Gary Ritter, City Administrator, 55 Southeast 3rd Avenue, Okeechobee, Florida, 34974, who responded affirmatively.
 - 2. City Planning Consultant Smith provided a description of the Special Exception request and the proposed tower to the Board. Planner Smith then explained that documents had been submitted to the City in opposition to this request the evening before and that the Applicant had submitted additional documents pertaining to their request only moments before this hearing [all documents have been made part of the official minute packet]. He explained that Staff has not had an opportunity to adequately review those documents prior to the hearing and that Staff is requesting that the Board continue this item to the next regularly scheduled Board of Adjustment meeting so that staff and the Board will have an opportunity to review the latest submittals before taking action. Administrator Ritter then addressed the Board. He explained the Site Plan for this proposed project was presented earlier this morning to the Technical Review Committee (TRC) and was approved with conditions. The TRC as well as this Board received additional documents regarding the Applications just prior to the start of the meetings. He commented to all those present that City Attorney, John Fumero, is advising to defer this Application to the next meeting to provide time for Staff to review the additional documents. He would like though for the Board to still have the opportunity to hear from and listen to the parties present.

V. QUASI-JUDICIAL PUBLIC HEARING ITEM A CONTINUED

3. Mr. Hahn, on behalf of the Applicant, CitySwitch II-A, LLC, stated he does a lot of wireless work for this particular client, AT&T, and opposition materials are often provided a day before the meeting. He reviewed the items from the TRC meeting and commented that although CSX is strict about allowing the landscaping due to safety issues, it can be met per the City's regulations. Board Member Jonassaint asked Mr. Hahn how many sites they have built in minority communities, and why this particular location was chosen, as this is a large County. Mr. Hahn responded that CitySwitch has an agreement with the property owner, CSX. He further added, the tower will improve coverage.
4. Mr. Maloney, on behalf of SBA 2012 TC Assets, LLC, discussed his client's opposition to this Application due to another tower being located 0.7 miles away. He asked whether there was a justification for a new tower and does not believe it is in the public's best interest to have another one located so closely. AT&T is a user of this tower, and his client is concerned about overlapping coverage. Lastly, he commented that the Applicant did not provide a landscape plan which was required.
5. No Ex-Parte disclosures were offered.
6. Motion by Board Member Brass, seconded by Board Member McAuley, to defer Special Exception Petition No. 22-003-SE as presented in [Exhibit 1] to the November 17, 2022, meeting. **Motion Carried Unanimously.**

CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:19 P.M.

VI. CITY ADMINISTRATOR UPDATE

- Political forum is October 25th
- City Charter will be on the ballot.

VII. Chairperson Hoover adjourned the meeting at 6:20 P.M.

Submitted by:

Patty M. Burnette, Secretary

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