

**CITY OF CLEWISTON
PLANNING AND ZONING BOARD
Regular Meeting
November 1, 2010**

Mr. Hughes called a regular meeting of the Clewiston Planning and Zoning Board to order at 5:30 p.m., in the City Hall Commission Chambers, 115 West Ventura Avenue.

ATTENDANCE:

Members Present: Lewell Hughes
Ramon Iglesias
Vic McCorvey
Sassy Whitehead

Members Absent: none

City Personnel Present: Marilyn McCorvey
Travis Reese
Debbi Towner

City Attorney Present: Charlie Schoech

Visitors Present: Sarah Catala
Cheryl E. Gutnahr
Orvell Howard

Chairman Hughes opened the meeting by asking City Attorney Schoech to swear in the newest board member, Mr. Vic McCorvey. Mr. Schoech then reminded the board that each year at the first meeting after the month of June, they shall reorganize by electing a chairman and secretary.

Mr. Iglesias made a motion to reappoint Mr. Hughes as chairman and Ms. Whitehead nominated Mr. Iglesias as secretary. Mr. McCorvey and Ms. Whitehead seconded. Motion passed unanimously on a voice vote – 4 ayes.

Mr. Hughes acknowledged the resignation letter of Mr. LeRoy Hare submitted on September 15, 2010. Mr. Hare had been a board member of the Planning Zoning Board since 1974.

Approval of Minutes.

Mr. Iglesias made a motion, seconded by Ms. Whitehead to approve the minutes of the June 7, 2010 meeting. Motion passed unanimously on a voice vote – 4 ayes.

Mr. Hughes opened by disclosing that he is an employee of First Bank and as such could present a conflict of interest and it might in everyone's best interest if he abstained from the vote. Ms. Whitehead also stated that her father is on the bank's board as well as her son works at the bank. Mr. Schoech then stated that because there needs to be at least three people voting, the entire board will vote and that the disclosures are in the record.

Request from First Bank of Clewiston for a variance of the minimum lot width, lot area, side and rear setback.

First Bank of Clewiston has submitted a variance application of the minimum lot standards in Chapter 110-268. Requirements for the R-3 zoning district are 80 ft. minimum lot width and 9,500 sq. ft. of lot area for a three (3) unit multi family residence. They would also need a variance to the minimum side and rear setbacks. This lot located in Block 415, Lots 25 – 27 is a 75 x 115 ft. lot for a total of 8,625 sq. ft.

Mr. Reese stated that there had been a non-conforming three (3) unit building on the property which had been demolished in 2008. They would require a 5 foot variance to the minimum lot width; a 875 sq. ft. variance to the minimum lot area; a 8.6 foot variance to the rear setback and a 10 foot variance to the side setback.

Ms. Whitehead wanted to know if the building would have a Bond Street or an El Paso Avenue address. Mr. Reese stated that it would be El Paso Avenue. The fact that the property is a corner lot makes the setbacks more complicated. The reorientation of a building does not change the side or rear setbacks. The plat takes precedence. There is a hardship for building on this property because of the lot width, no matter what size structure were to be built there.

Mr. Iglesias was concerned about setting precedence for asking for a variance without hardship. Mr. Reese stated that because a hardship does exist for the lot width, the others follow. Mr. Iglesias said that someone wanting to develop in this neighborhood is a plus, plus, plus....

Mr. McCorvey made a motion to recommend the request as presented, seconded by Mr. Iglesias. Motion passed unanimously on a voice vote - 4 ayes.

Request by U.S. Sugar Corporation for plat vacation at South W.C. Owen/Aztec Avenues

Mr. Reese stated that because this is a new request for the City of Clewiston a staff report was prepared by LaRue Planning for Blocks 488 & 492. Mr. LaRue will be present at the Commission meeting on November 15, 2010. Hendry County has considered building a new Sheriff sub office adjacent to this property. They ask that USSC allow that portion of Margaret Street be dropped off the plat vacation.

Orvell Howard represented USSC and stated that Hendry County's request was true until Friday, October 29th. They now want the plat vacated as originally requested and that they would deed that portion of Margaret Street back to Hendry County. Sarah Catala and County Attorney Mark Lapp agreed. Mr. Howard stated that by granting this request, it would eliminate the same type of variance that was requested prior to this request. All lots and easements would be wiped clean and that these plats are the replat done in 1937 of the 1925 plat. The small lot sizes would make some areas horrendous for future development.

Mr. Iglesias asked why USSC wants to vacate the property. Is it to save taxes? Mr. Howard answered by saying that they were considering a new subdivision on the north Banyan Street plat. In relation to that is the purchase of the land by South Florida Water Management District. As platted, the streets all belong to the City of Clewiston. By vacating the property the streets and lots all land ownership reverts to USSC and those taxes due the City of Clewiston would actually go up.

Ms. Whitehead verified that USSC was only vacating the plat and wanted to know if they had plans for a replat. Mr. Howard stated that most land was replatted in 1937 back to acreage from the 1925 replat. By vacating the plat the land becomes virgin again.

Mr. Hughes asked if the City of Clewiston was agreeable to the change in the request pertaining to that portion of Margaret Street. Mr. Reese said that staff has no problem with deeding back to the City of Clewiston or Hendry County as their concern is access to the area to the west where they plan to construct the new sub office.

Mr. Hughes voiced a concern for any easements and utilities located in Blocks 488 and 492. Mr. Howard stated that there are no easements to be concerned about.

Mr. Iglesias asked about taxes staying the same or increasing if they grant the request. Mr. Howard said that when the land returns to acreage then the land would increase; therefore, taxes would also increase.

Mr. Iglesias wanted to know what the cons are if we know about the pros. Mr. Schoech spoke that some issues are that a good portion of this plat is in city ownership. You lose the ability to reference the property by lots and blocks, you're forced to reference by metes and bounds. Most times there is a boundary plat requested at the time of vacation so then the property can still be replatted. USSC is not asking for a boundary plat in this case, they're just asking for abandonment/vacation of the plat.

Mr. McCorvey wanted to know if Mr. Howard has the letters to the Florida Department of Transportation, The Hendry County Health Department, Environmental Section and all applicable utility companies. He does not.

Mr. McCorvey asked if the city has ever granted this type of release before. Mr. Howard stated that this will be the first and probably the last. Mr. Reese stated that this board has reviewed and voted on replats in the past but never abandonment. Ms. Whitehead said she was uncomfortable granting this without a specific plan. Mr. Iglesias said that it's all a bit vague for future plan of the land.

Ms. Whitehead was concerned about the land being used in the future for something that the city would not want it used for. Mr. Howard verified that a development order with replat would have to be submitted and approved before anything could be done with the land in the future. Until that time it would be classified as agricultural.

Mr. McCorvey made a motion to table the request until more information could be submitted. Mr. Howard wanted to know what further information. Mr. McCorvey could not give specifics as to the

information he would like to obtain. Ms. Whitehead was still concerned about future plans for the property. Mr. McCorvey said that he'd like to see the letters sent to the FDOT, Health and Utilities before proceeding with a vote. Mr. Schoech said he would talk to County Attorney Mark Lapp about the deeding of the portion of Margaret Street to the county. Mr. McCorvey withdrew his motion.

Mr. Schoech stated that the language should include preserving any existing easement that may contain a utility. Letters need to be submitted stating no objections to the abandonment.

Mr. McCorvey asked Ms. Catala if the new sub office plans are moving forward. Ms. Catala stated that, yes, that project is in progress. Mr. Reese stated that when the development order is received, all access to the property would be addressed.

Mr. Iglesias made a motion to approve the request contingent on receiving "no objection" letters from FDOT, Health and Utility Departments and preserving any existing utility being used, seconded by Ms. Whitehead. Motion passed on a voice vote - 3 ayes/1 nay.

Request by U.S. Sugar Corporation for plat vacation at Banyan Street

Mr. Reese stated that this request is similar in nature to the previous case. It is identical with exception of being larger, about thirty (30) acres. He does not believe there are any utilities in this area as it's never been developed. There are no roads or sidewalks in this residential R1-A zoning district. This area was developed as a PUD in 2005 so it's open to a variety of development.

Mr. Howard said that this is the one that started USSC looking at the land. The portion of Esperanza that ends at the canal was part of the 1925 plat but not brought into the 1937 plat. The lots are extremely small; therefore, not practical for growth or in keeping with the R-1A residential minimum standards. USSC looked into re-subdivide the area, so in looking at this one, they decided to review all the lands. This is strictly agriculture land.

Ms. Whitehead asked what the exact purpose for the land is. Mr. Howard stated that they really don't have any plans for the land. There had been a plan for large estate lots but all future plans are now on hold. Ms. Whitehead asked again what the future plans are for this land. She has reservations and concerns that there is no plan. Mr. Iglesias wanted to know what USSC plans to do with the abandoned land. Mr. Iglesias asked about SFWMD buying the land. Ms. Whitehead has concerns about the City of Clewiston losing the land to SFWMD and having no taxes paid on the land at all in the future. Mr. McCorvey was concerned about the land becoming an STA area so close to the city. Mr. Howard believes that the land would remain on the tax roll for ten (10) years. Mr. Iglesias asked why there is such a rush to vacate, why not wait and do in ten (10) years.

Mr. Howard stated that it's against the law to deny someone the ability to sell their land. Mr. Reese pointed out that with the 1937 replat that Esperanza is a 100 foot right-of-way and that the new subdivisions were dropped in and the road ended. There appears to be no forward thinking of what repercussions there might be by doing that.

Again, Ms. Whitehead would like to know about replat. Mr. Howard said there are no plans at this time. With abandonment, there will be a gain of acreage of about five (5) acres if the roads are abandoned. Mr. Iglesias mentioned that there is no maintenance at this time. Mr. Hughes stated that taxes would probably go down as the individual platted lots are assessed higher than agriculture lands will be.

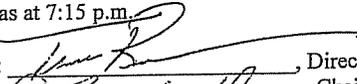
Ms. Whitehead would like to hear comments. Mr. Schoech stated that he would have the same comments as the previous case and that this one is probably less significant than the other because of the location. Mr. Hughes thinks there is a long range master plan for this land. Mr. Reese stated that this vacation is less worrisome than the southern plat as it is isolated.

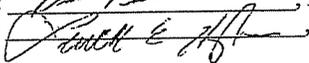
Discussion followed that all the land west of this plat is also owned by USSC and if they sell to SFWMD the land does not need to be abandoned.

Mr. Iglesias made a motion to approve the request contingent on receiving "no objection" letters from FDOT, Health and Utility Departments and preserving any existing utility being used, seconded by Ms. Whitehead. Motion passed on a voice vote - 3 ayes/1 nay.

Adjournment

The motion to adjourn was made by Ms. Whitehead, seconded by Mr. Iglesias at 7:15 p.m.

Submitted by:  Director of Building & Zoning

Approved by:  Chairman