



CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
JANUARY 21, 2021
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action October 15, 2020
Exhibit 1	Special Exception Petition No. 21-001-SE
Exhibit 2	Special Exception Petition No. 21-002-SE



**CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
OCTOBER 15, 2020
DRAFT 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- A.** Vice Chairperson McCoy asked whether there were any agenda items to be added, deferred, or withdrawn.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.

ATTEST:

Doug McCoy, Vice Chairperson

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.

1/21/21

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686		Date: <u>11-25-20</u>	Petition No. <u>21-001-SE</u>		
		Fee Paid: <u>500.00</u>	Jurisdiction: <u>BOA</u>		
		1 st Hearing: <u>1-21-21</u>	2 nd Hearing: <u>N/A</u>		
		Publication Dates:			
		Notices Mailed: <u>1-6-21</u>			
Rezone, Special Exception and Variance - APPLICANT INFORMATION					
1	Name of property owner(s): Bashar 605, LLC				
2	Owner mailing address: 201 SE 24 th Ave., Pompano Beach, FL 33062				
3	Name of applicant(s) if other than owner				
4	Applicant mailing address: 201 SE 24 th Ave., Pompano Beach, FL 33062				
	E-mail address: ejames@elainejohnsonjames.com				
5	Name of contact person (state relationship): Elaine Johnson James, Attorney				
6	Contact person daytime phone(s): (561) 245-1144				
PROPERTY INFORMATION					
7	Property address/directions to property: 605 NE Park Street, Okeechobee, Florida 34972				
8	Describe current use of property: <i>First floor – restaurant/lounge; Second floor – formerly used as a residence</i>				
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) One two-story building, in which first floor is used for a commercial business, and owner desires to have one residential unit on the second floor. Source of potable water: Okeechobee Utility Authority Method of sewage disposal: Okeechobee Utility Authority				
10	Approx. acreage: .244 Is property in a platted subdivision? Yes				
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: <i>Approximately 35 yards north of Park Street (State Hwy 70) on the 605 Parcel, is a two story concrete building. When the Owner/Applicant purchased the 605 Parcel in August 2020, an adult woman had been living on the second floor of the building for several years.</i>				
12	Is a pending sale of the property subject to this application being granted? No				
13	Describe uses on adjoining property: <i>The Parcel is part of a three parcel assemblage owned by three limited liability companies, which have the same Manager and Owner. To the North, 104 NE 6th Ave., part of the Assemblage, is used as a single family residence. To the East, 625 NE Park Street, part of the Assemblage, is a grocery store and parking lot. To the West, separated from 605 NE Park Street by a fence, the parcel at 601 NE Park St. is used as a liquor store. To the South is State Hwy 70/North Park Street</i>				
14	Existing zoning: <i>CHC, heavy commercial</i> Future Land Use classification: <i>Commercial</i>				
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (XX) No (____) Yes. If yes provide date, petition number and nature of approval.				
16	Request is for: (____) Rezone (XX) Special Exception (____) Variance				
17	Parcel Identification Number: 3-15-37-35-0010-01490-0090				

REQUIRED ATTACHMENTS

✓	18	Applicant's statement of interest in property: Applicant owns the property.
✓	19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
✓	20	Last recorded warranty deed:
N/A	21	Notarized letter of consent from property owner (if applicant is different from property owner) N/A
✓	22	Three (3) CERTIFIED BOUNDARY surveys of the property (one no larger than 11x17; scale not less than one inch to 20 feet; North point) containing: a. Date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre d. Location sketch of subject property, and surrounding area within one-half mile radius
✓	23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
✓	24	Affidavit attesting to completeness and correctness of the list (attached)
	25	Completed specific application and checklist sheet for each request checked in line 15

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

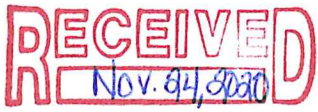
Signature

Printed Name

Date

Elaine Johnson James - Elaine Johnson James - Nov. 1, 2020

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820



Elaine Johnson James, P. A.

■ Phone: 561•245•1144 ■ Fax: 561•244•9580
■ Email: cjames@elainejohnsonjames.com ■ www.elainejohnsonjames.com
■ P. O. Box 31512, Palm Beach Gardens, FL 33420

November 24, 2020

VIA EMAIL

Ms. Patty Burnette
City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, FL 34974-2903

Re: Revised Application for Special Exception for 605 NE Park Street in Okeechobee, Florida

Dear Ms. Burnette:

Enclosed please find a floor plan and revised Application submitted by my client, Bashar 605 LLC for a Special Exception, permitting one residential unit on the second floor of the building at 605 NE Park Street in Okeechobee. With my letter of November 1, 2020, I previously submitted the deed, maps, lists and certified surveys required for the application as well as a \$530 check for the application fee. Please destroy that check; I have mailed to you a \$500 check to take its place, per your instruction.

If you have any questions or require additional information, please contact me by telephone or email. Thank you so very much for your assistance and your courtesy. Happy Thanksgiving. Be well and safe.

Sincerely,


Elaine Johnson James

Enclosures

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <i>Ref. Sec. 90-283(17) one dwelling unit per commercial building</i> One residential unit on second floor of building at 605 NE Park Street in Okeechobee, Florida
B	Are there similar uses in the area? No (<input type="checkbox"/>) (XX) Yes If yes, briefly describe them: The parcel to the north of the building is a residence. Since the proposed exception is residential use on the second floor of a building that is used for commerce, there are not any new proposed buildings, traffic will not be impacted, and additional landscaping is not required. Residential use on the second floor is consistent with the Comprehensive Plan and permitted by Ordinance. Water and sewer utility service already is provided to the entire building. No nuisances or potential problems are implicated by residential use on the second floor.
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building:
D	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the special exception or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips, and level of service on all adjacent roadway links with and without the project.
E	Responses addressing the standards and required findings for a special exception as described below. Attach additional sheets as necessary.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(b), LDR page CD70:19]

Applicants are required by Sec. 70-373(b) to address the following issues in his/her presentation before the Board of Adjustment. Staff strongly recommends that the Applicant include, in his/her application, materials that address each of these issues in order to allow Staff and the Board of Adjustment sufficient time to adequately consider the Applicant's request.

1. Demonstrate that the proposed location and site are appropriate for the use. **The parcel to the North of 605 NE Park is a residence.**
2. Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood, or explain why no specific design efforts are needed. **New buildings are not proposed.**
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary. **Please see section B, above.**
4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems. **No potential problems or hazards are implicated by having one residential unit on the second floor.**
5. Demonstrate how the utilities and other service requirements of the use can be met. **The Okeechobee Utility Authority already provides water and sewer utility service to the entire building.**
6. Demonstrate how the impact of traffic generated will be handled, off site and on site. **One residential unit on the second floor will not impact traffic. Ample parking space is available.**

FINDINGS REQUIRED FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(c), LDR pages 19 & 20]

It is the Applicant's responsibility to convince the Board of Adjustment that approval of the proposed special exception is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the Board of Adjustment to find that:

1. The use is not contrary to the Comprehensive Plan requirements. **The use of part of the second floor as one residential unit is not contrary to the Comprehensive Plan.**
2. The use is specifically authorized as a special exception use in the zoning district. **Sec. 90-283(17) permits a special exception to be granted so that there can be one residential on the second floor of a commercial building.**
3. The use will not have an adverse effect on the public interest. **Providing one residential unit is in the public's interest, not contrary to it.**
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns. **The parcel to the north is a residential unit. The proposed use is compatible with adjacent uses and not detrimental to urbanizing land use patterns.**
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property. **The proposed addition of a residential unit will increase property values and provide a home for someone. It will not impact the development of neighboring property.**
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses. **No nuisance or hazard will be caused by having one residential unit on the second floor of the building.**
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services. **One residential unit will not create a density pattern of any kind.**
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety. **One residential unit will not create traffic congestion or flood or drainage problems, nor will it affect public safety.**

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above standards and required findings and offer a recommendation for approval or denial.

NOTE: AN APPROVAL OF A SPECIAL EXCEPTION EXPIRES IF A BUILDING PERMIT APPLICATION HAS NOT BEEN SUBMITTED WITHIN TWO YEARS OF THE APPROVAL [Sec. 70-348(4)]

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 11/2/2020

Parcel: << **3-15-37-35-0010-01490-0090 (33944)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 1 of 1

Owner	BASHAR 605 LLC 201 SE 24TH AVE POMPANO BEACH, FL 33062-5307		
Site	605 NE PARK ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 9 & THE WEST 1/2 OF LOT 10 BLOCK 149		
Area	0.244 AC	S/T/R	15-37-35
Use Code**	MXD RES/OFF/STO (1200)	Tax District	50

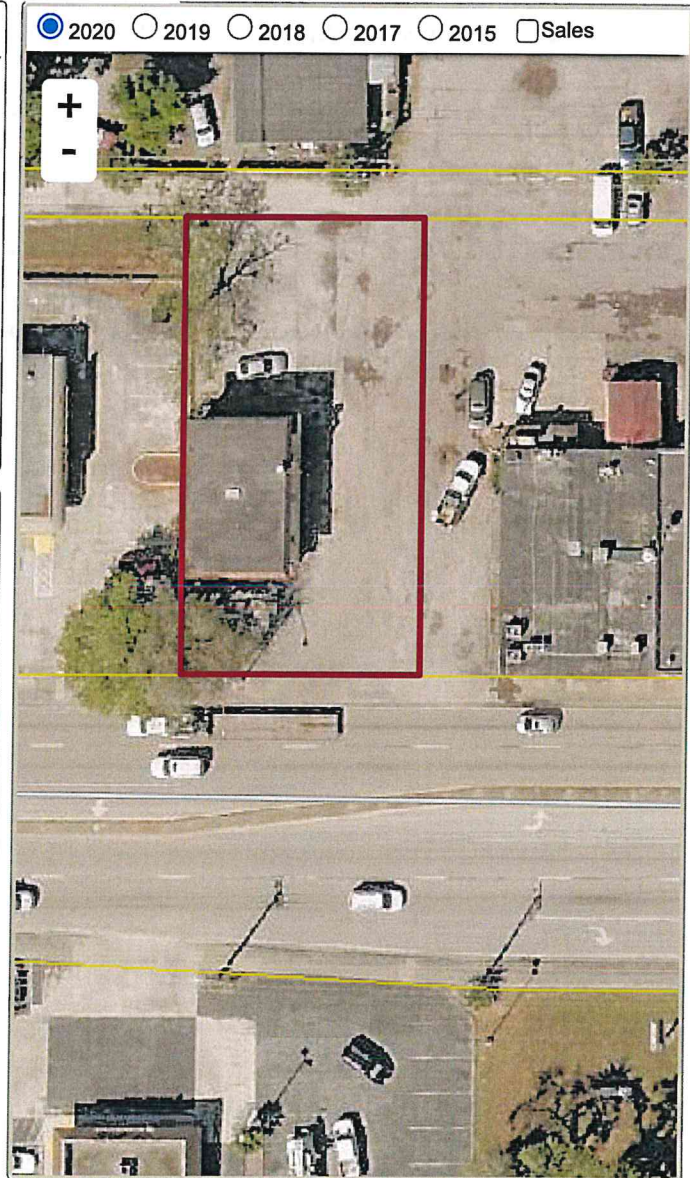
*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

**The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$64,432	Mkt Land	\$64,432
Ag Land	\$0	Ag Land	\$0
Building	\$71,400	Building	\$73,491
XFOB	\$5,147	XFOB	\$5,307
Just	\$140,979	Just	\$143,230
Class	\$0	Class	\$0
Appraised	\$140,979	Appraised	\$143,230
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$140,979	Assessed	\$143,230
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$140,979	Total Taxable	county:\$143,230
	city:\$140,979		city:\$143,230
	other:\$140,979		other:\$143,230
	school:\$140,979		school:\$143,230

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/18/2020	\$240,000	2020008985	WD	I	Q	01
8/7/2014	\$66,700	0776/1547	WD	I	U	11
8/7/2014	\$217,128	0749/1301	WD	I	Q	01
8/13/2001	\$400,600	0460/1926	WD	I	U	02 (Multi-Parcel Sale) - show
1/27/1997	\$0	0387/1557	WD	I	U	03
11/1/1993	\$100,000	0350/0431	WD	I	Q	
3/1/1969	\$2,500	0114/0778	WD	V	Q	
3/1/1968	\$0	0107/0169	WD	V	U	03
12/1/1967	\$0	0105/0536	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
Sketch	REST LOUNG (5601)	1969	2801	3277	\$73,491

*Bldg_Desc determinations are used by the Property Appraisers office solely for the purpose of determining a property's Just Value for ad valorem

tax purposes and should not be used for any other purpose.

▼ **Extra Features & Out Buildings** (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
ASPH 2	COM SLB WLK	1973	3552	6840.00	0 x 0	PD (25%)
CONC B	COM SLB WLK	1983	1282	1972.00	0 x 0	PD (25%)
LNI1	LGHT INCD	2006	90	1.00	0 x 0	PD (50%)
CONC B	COM SLB WLK	2006	383	184.00	0 x 0	PD (80%)

▼ **Land Breakdown**

Code	Description	Units	Adjustments	Eff Rate	Land Value
067EP5	W OF CRK 200 (MKT)	10,650.000 SF (0.244 AC)	1.0000/1.0000 1.0000/ /	\$6 /SF	\$64,432

Search Result: 1 of 1

© Okeechobee County Property Appraiser | Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

by: GrizzlyLogic.com



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

BASHAR 605 LLC

Filing Information

Document Number L20000203017
FEI/EIN Number NONE
Date Filed 07/20/2020
State FL
Status ACTIVE

Principal Address

201 SE 24TH AVE
POMPANO BEACH, FL 33062

Mailing Address

201 SE 24TH AVE
POMPANO BEACH, FL 33062

Registered Agent Name & Address

ELAINE JOHNSON JAMES, ESQ
5080 NORTH OCEAN DR 11B
RIVIERA BEACH, FL 33404

Authorized Person(s) Detail

Name & Address

Title MGR

YATAK, BASHAR
201 SE 24TH AVE
POMPANO BEACH, FL 33062

Annual Reports

No Annual Reports Filed

Document Images

07/20/2020 -- Florida Limited Liability [View image in PDF format](#)



THIS INSTRUMENT PREPARED BY AND RETURN TO:

William P. Jacobson, Esq.

Home Title America Inc.

105 South Narcissus Avenue, Suite 200

West Palm Beach, Florida 33401

Our File No.: **20-0057(Parcel 2)**

\$240,000.00

Property Appraisers Parcel Identification (Folio) Number: 3-15-37-35-0010-01490-0090

Florida Documentary Stamps in the amount of **\$1,680.00** have been paid hereon.

Space above this Line for Recording Data

WARRANTY DEED

THIS WARRANTY DEED, made the 24th day of August, 2020 by **Ruiz Investments LLC**, a Florida limited liability company, whose post office address is 625 NE Park Street, Okeechobee, FL 34972 herein called the Grantor, to **Bashar 605, LLC**, a Florida limited liability company whose post office address is 201 SE 24th Avenue, Pompano Beach,, FL 33062, hereinafter called the Grantee;

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in OKEECHOBEE County, State of Florida, viz.:

LOT 9 AND THE WEST 1/2 OF LOT 10, BLOCK 149, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AND AS RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and taxes for the year 2020 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Yuriela Peña Hernandez.

Witness #1 Printed Name

Witness #2 Signature

Stanley M Mays Jr

Witness #2 Printed Name

Ruiz Investments LLC, a Florida limited liability company

Antonio Ruiz

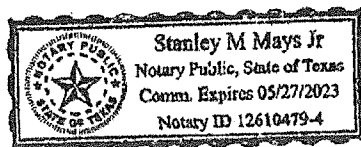
By: Antonio Ruiz, Manager

State of Texas

County of Harris

The foregoing instrument was acknowledged before me this 18 day of August 2020, Antonio Ruiz, Manager of Ruiz Investments LLC, a Florida limited liability company who appeared by physical presence or online notarization and has produced as identification

SEAL



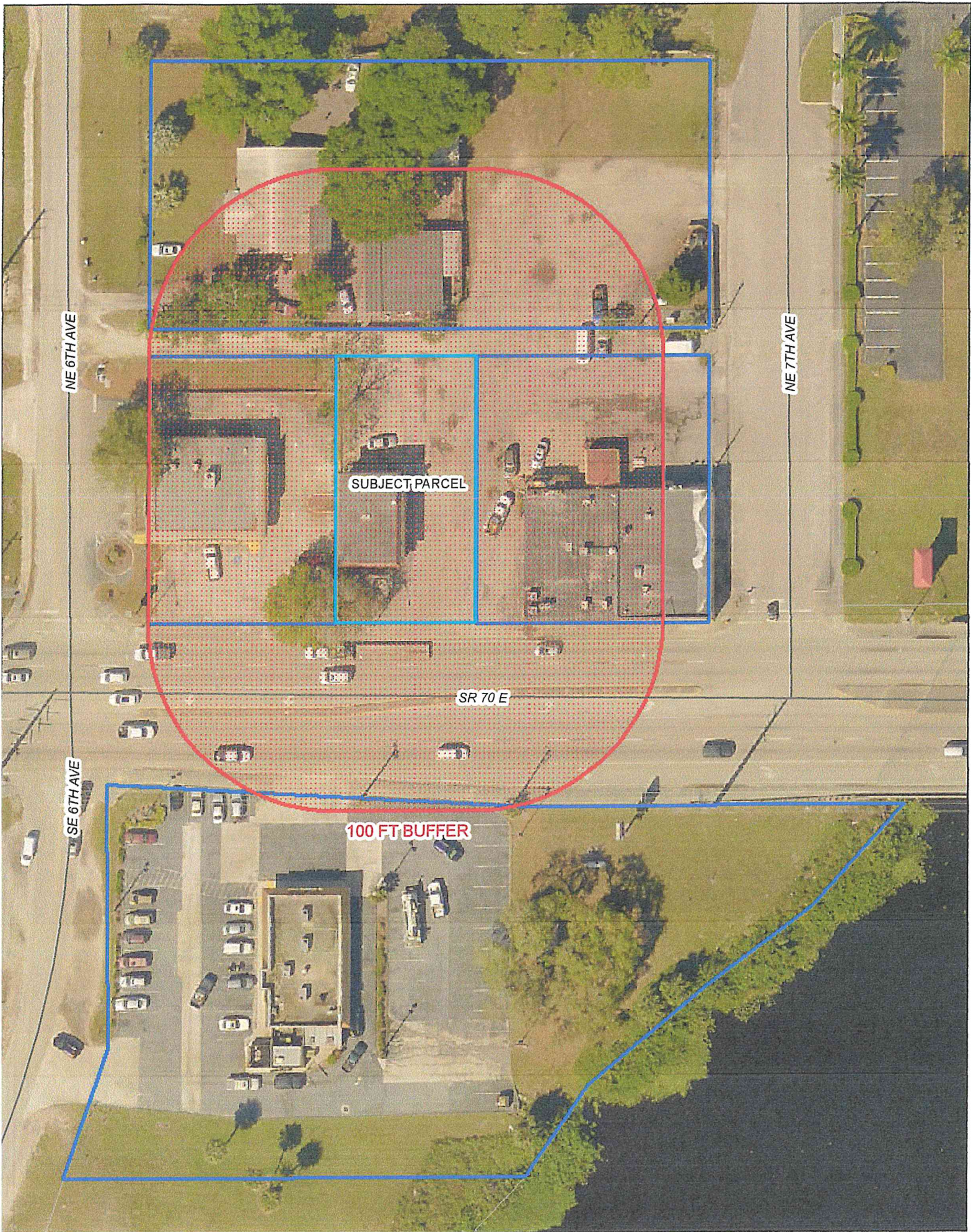
Stanley M Mays Jr
Notary Public

STANLEY M MAYS JR
Printed Notary Name

My commission expires: **05/27/2023**

#23

PARCEL NUMBER	OWNER	ADDRESS 1	CITY	STATE	ZIP
31537350010014600070	BURK DONALD L	200 NE 6TH AVE	OKEECHOBEE	FL	34972-4581
31537350010014600100	PEACOCK DANNY R & DEBBIE L	205 NE 7TH AVE	OKEECHOBEE	FL	34972
31537350010014700060	4 GIRLS PROPERTIES INC	701 NE 3RD ST	OKEECHOBEE	FL	34972-4576
31537350010014800010	4 GIRLS PROPERTIES INC	701 NE 3RD ST	OKEECHOBEE	FL	34972-4576
31537350010014900010	RUIZ INVESTMENTS LLC	625 NE PARK ST	OKEECHOBEE	FL	34972-4547
31537350010014900070	ABC PROPERTIES, LTD	P O BOX 593688	ORLANDO	FL	32859
31537350010014900100	RUIZ INVESTMENTS LLC	625 NE PARK ST	OKEECHOBEE	FL	34972-4547
31537350010015000010	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY	STUART	FL	34997-4937
3153735001001500001A	OKEECHOBEE UTILITY AUTHORITY	100 SW 5TH AVE	OKEECHOBEE	FL	34974-4221
31537350010015000100	SALMON NITA	888 US HIGHWAY 441 SE	OKEECHOBEE	FL	34974-7422
31537350010015000110	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY	STUART	FL	34997-4937
31537350010017100120	FORTEX HOLDINGS LLC	12212 WILD IRIS WAY #111	ORLANDO	FL	32837-7628
321373500200252000A0	BRAVOFLORIDA LLC	4220 EDISON LAKES PKWY	MISHAWAKA	IN	46545-1462
321373500200252000A1	BRAVOFLORIDA LLC	4220 EDISON LAKES PKWY	MISHAWAKA	IN	46545-1462



THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



**Affidavit Attesting to the Completeness and Accuracy
of the List of Surrounding Property Owners**

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of October 22, 2020, and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this on the 1st day of November 2020.

Elaine Johnson James
Signature of Applicant for Bashor 605 LLC

November 1, 2020

Date

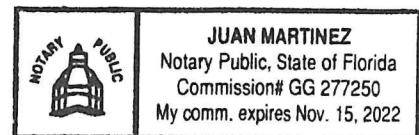
Bashar 605, LLC by Elaine Johnson James, its Attorney

Name of Applicant (printed or typed)

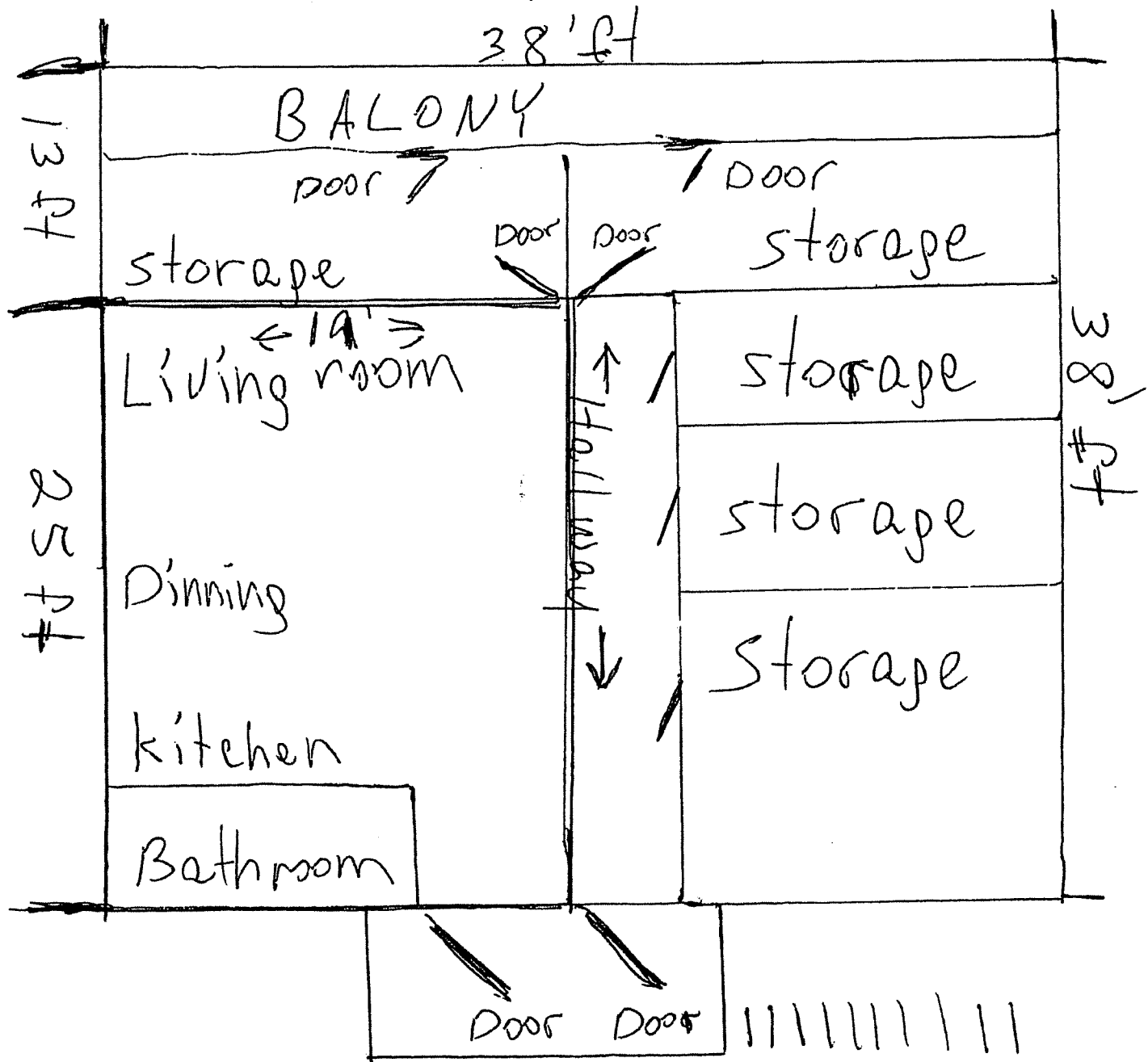
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence, this 1st day of November 2020 by Elaine Johnson James, who is personally known to me.

Juan Martinez
Notary Public Signature



Drawing for upstairs
 605 NE PARK St
 Okeechobee, FL 34972



Living quarters
 apartment 19' x 25' 475' stairs to upstairs



Staff Report

Special Exception Request

Prepared for: The City of Okeechobee

Applicant: Bashar 605, LLC

Petition No.: 21-001-SE

Address: 605 NE Park Street

Description: Dwelling unit above commercial use

General Information

Applicant/Owner	Bashar 605, LLC
Applicant Address	201 SE 24 th Ave Pompano Beach, FL 33062
Site Address	605 NE Park Street
Parcel Identification	3-15-37-35-0010-01490-0090
Contact Person	Elaine Johnson James, Attorney
Contact Phone Number	561.245.1144
Contact Email Address	ejames@elainejohnsonjames.com

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	1 st Floor – Restaurant /lounge 2 nd Floor – formerly used as residence	1 st Floor – Restaurant/lounge 2 nd Floor – Storage and one residential dwelling unit
Acreage	0.244	0.244

Future Land Use, Zoning, and Existing Use on Surrounding Properties

North	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Residential
East	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Grocery Store
South	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Burger King Restaurant
West	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Liquor Store

Legal Description of Property

Parcel Identification Number: 3-15-37-35-0010-01490-0090

LOT 9 AND THE WEST ½ OF LOT 10, BLOCK 149, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF ST LUCIE COUNTY, FLORIDA AND AS RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Description of Request

The matter for consideration by the City of Okeechobee Board of Adjustment is a request to approve a Special Exception to allow one residential dwelling unit on the second floor of an existing two-story commercial building.

The property is designated Commercial on the Future Land Use Map (FLUM) and zoned CHV, Heavy Commercial. City Code Section 90-283 lists "One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use" as a special exception use in the CHV district.

According to the application, the first-floor use is restaurant/lounge and the second floor was formerly used as a residence. The application also included floor plans showing that 475 square feet of the second floor is proposed to be used for a studio apartment style dwelling unit and that access to the unit will be available from an external stairway at the rear of the building. The remainder of the upstairs area is shown on the floor plan as reserved for storage.

In total, the subject building is 2,801 square feet and is nonconforming to the current setback requirements. The lot is 10,700 square feet and is nonconforming to the landscaping requirements and the maximum impervious surface requirement. As there appears to be very little striping remaining on the pavement which would designate parking spaces, the property is also nonconforming to the parking standards.

Consistency with Land Development Regulations

Section 70-373(b) requires that the Applicant address the following standards for granting a Special Exception during his/her presentation to the Board of Adjustment. The Applicant has submitted, as part of the submission, brief statements and information addressing these standards. These are repeated below in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments follow and are shown in Arial typeface.

- (1) *Demonstrate that the proposed location and site are appropriate for the use.*

APPLICANT RESPONSE: The parcel to the North of 605 NE Park is a residence.

STAFF COMMENTS: "One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use" is

specifically listed as a special exception use in the CHV zoning district. The proposed dwelling unit will be located above the existing ground floor commercial use. There is no other specific guidance provided in the code regarding the appropriateness of a site for mixed use in the CHV district.

- (2) *Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood, or explain why no specific design efforts are needed.*

APPLICANT RESPONSE: New buildings are not proposed.

STAFF COMMENTS: This proposed residential use is not expected to negatively affect adjacent uses. We agree that no changes to the design of the building will be necessary to ensure compatibility.

- (3) *Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.*

APPLICANT RESPONSE: The parcel to the north of the building is a residence. Since the proposed exception is residential use on the second floor of a building that is used for commerce, there are not any new proposed buildings, traffic will not be impacted, and additional landscaping is not required. Residential use on the second floor is consistent with the Comprehensive Plan and permitted by Ordinance. Water and sewer utility service already is provided to the entire building. No nuisances or potential problems are implicated by residential use on the second floor.

STAFF COMMENTS: Though the property is nonconforming to the landscape standards, which include provisions for landscape screening/buffering, this proposed residential use will not increase those existing nonconformities and the use will be contained within the existing structure. No additional screening should be necessary to approve this residence.

- (4) *Demonstrate what is proposed to reduce the impacts of any potential hazards, problems or public nuisance generated by the use or explain how the nature of the use creates no such potential problems.*

APPLICANT RESPONSE: No potential problems or hazards are implicated by having one residential unit on the second floor.

STAFF COMMENTS: We agree that any nuisances created by allowing the proposed dwelling unit will be the responsibility of the landlord to mediate between the residential and commercial tenants of the building. It is unlikely that this use would create any nuisances that would affect other uses beyond the subject property.

- (5) *Demonstrate how the utilities and other service requirements of the use can be met.*

APPLICANT RESPONSE: The Okeechobee Utility Authority already provides water and sewer utility service to the entire building.

STAFF COMMENTS: The proposed studio dwelling unit should not significantly affect OUA's ability to continue to provide services or utilities.

- (6) *Demonstrate how the impact of traffic generation will be handled off site and on-site.*

APPLICANT RESPONSE: One residential unit on the second floor will not impact traffic. Ample parking space is available.

STAFF COMMENTS: City Code requires 1.75 parking spaces for each one-bedroom multifamily dwelling unit. Since there is only one unit proposed, 1.75 would be rounded up to 2 spaces. This site should be able to accommodate the 2 parking spaces that are required for this dwelling unit, in addition to what would be required for the remaining commercial space.

Section 70-373(c) (1) – (8)

When reaching a conclusion on a Special Exception request, the Board of Adjustment shall consider and show in its record the following findings as set forth in Section 70-373(c)(1)-(8). The required findings are listed below followed by the Applicant's statements in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments follow and are shown in Arial typeface.

- (1) *The use is not contrary to the Comprehensive Plan requirements.*

APPLICANT RESPONSE: The use of part of the second floor as one residential unit is not contrary to the Comprehensive Plan.

STAFF COMMENTS: This applicant's request is not contrary to the requirements of the City's Comprehensive Plan.

- (2) *The use is specifically authorized as a special exception use in the zoning district.*

APPLICANT RESPONSE: Sec. 90-283(17) permits a special exception to be granted so that there can be one residential on the second floor of a commercial building.

STAFF COMMENTS: Agreed

- (3) *The use will not have an adverse effect on the public interest.*

APPLICANT RESPONSE: Providing one residential unit is in the public's interest, not contrary to it.

STAFF COMMENTS: Agreed

- (4) *The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.*

APPLICANT RESPONSE: The parcel to the north is a residential unit. The proposed use is compatible with adjacent uses and not detrimental to urbanizing land use patterns.

STAFF COMMENTS: Agreed

- (5) *The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.*

APPLICANT RESPONSE: The proposed addition of a residential unit will increase property values and provide a home for someone. It will not impact the development of neighboring property.

STAFF COMMENTS: This use should not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.

- (6) *The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.*

APPLICANT RESPONSE: No nuisance or hazard will be caused by having one residential unit on the second floor of the building.

STAFF COMMENTS: Agreed. No additional screening should be necessary.

- (7) *The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.*

APPLICANT RESPONSE: One residential unit will not create a density pattern of any kind.

STAFF COMMENTS: The requested conversion of uses should not have a significant impact on water, sewer or transportation facilities. This studio dwelling unit will not significantly impact the County school system.

- 8) *The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.*

APPLICANT RESPONSE: One residential unit will not create traffic congestion or flood or drainage problems, nor will it affect public safety.

STAFF COMMENTS: Allowing a dwelling unit within this existing structure should not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

Recommendation

Based on the foregoing analysis, we find the requested Special Exception to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area and recommend **approval** of the special exception to allow 425 square feet on the second floor of this existing commercial building to be used for one residential dwelling unit.

Submitted by:



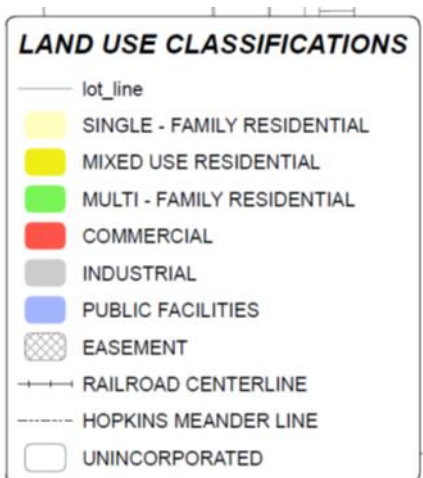
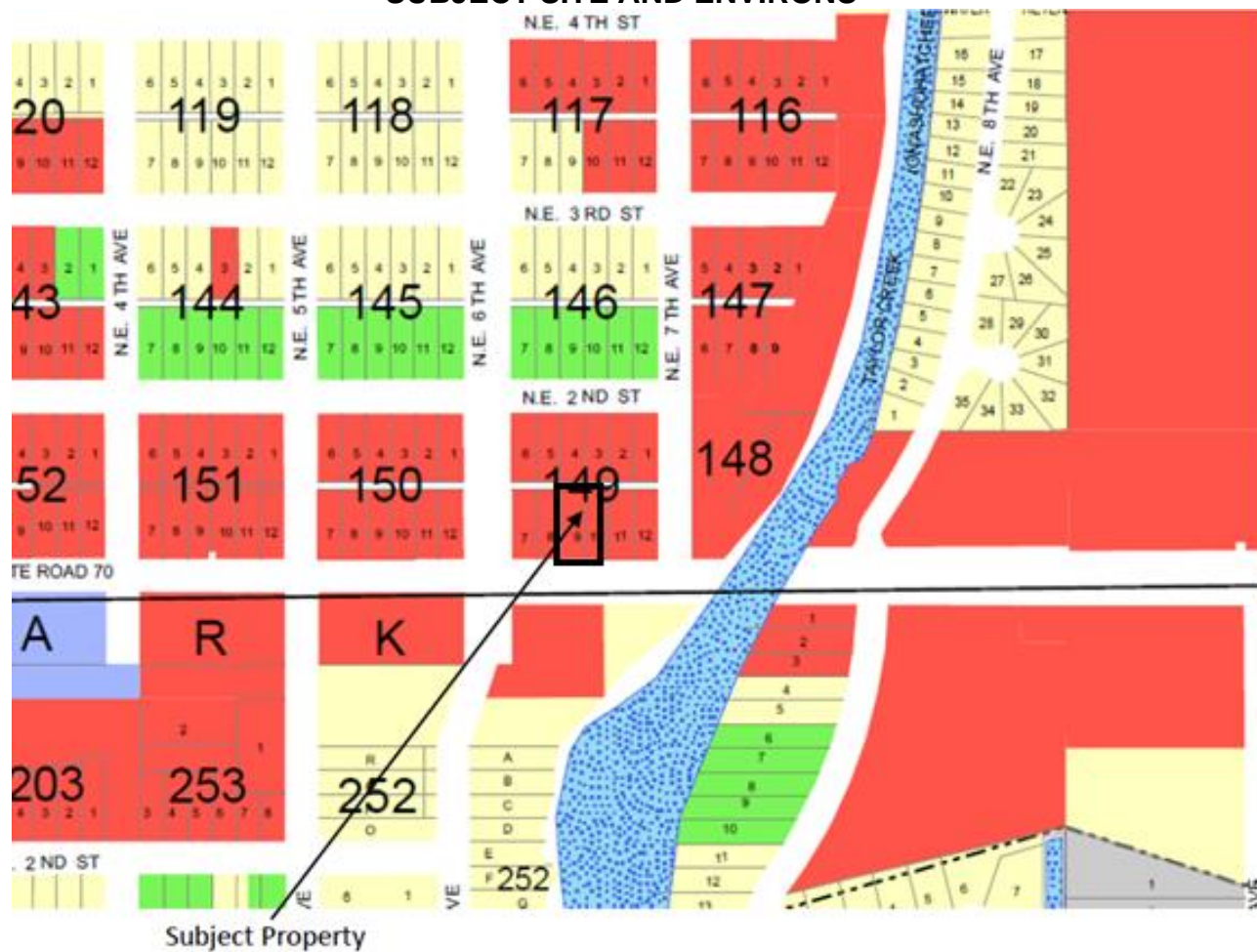
Ben Smith, AICP
Sr. Planner

January 7, 2021

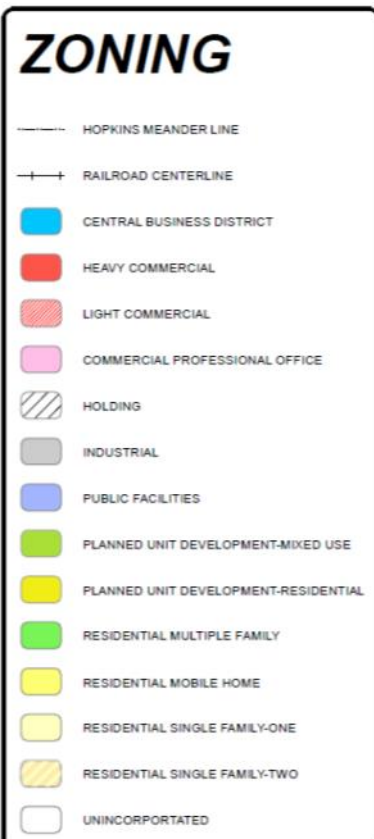
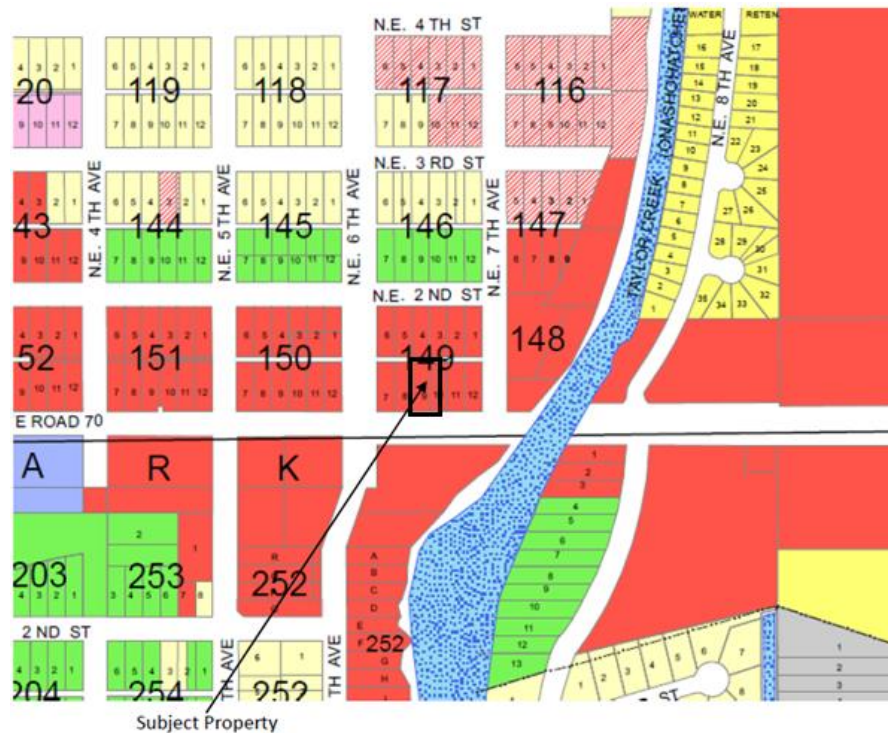
Board of Adjustment Hearing: January 21, 2021

Attachments: Future Land Use Map
Zoning Map
Aerial Photograph Showing Existing Land Uses

FUTURE LAND USE SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS



1/21/21

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686		Date: <u>12-8-20</u> Fee Paid: 1 st Hearing: <u>1-21-21</u> Publication Dates: Notices Mailed: <u>1-6-21</u>	Petition No. <u>21-002-SE</u> Jurisdiction: <u>BOA</u> 2 nd Hearing: <u>N/A</u>
Rezone, Special Exception and Variance			
APPLICANT INFORMATION			
1	Name of property owner(s): WILLIAMSON CATTLE COMPANY		
2	Owner mailing address: 9050 NE 12TH DRIVE OKEECHOBEE, FL 34972		
3	Name of applicant(s) if other than owner		
4	Applicant mailing address:		
	E-mail address: HEATHER@WILLIAMSONCATTLECO.COM		
5	Name of contact person (state relationship): STEVE DOBBS, CONSULTANT		
6	Contact person daytime phone(s): 863-634-0194		
PROPERTY INFORMATION			
7	Property address/directions to property: 1600 S PARROTT AVENUE, OKEECHOBEE, FL 34974		
8	Describe current use of property: MOVIE THEATRE		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc. 14,208 SF AUDITORIUM Source of potable water: OUA Method of sewage disposal: OUA		
10	Approx. acreage: 1.0 Is property in a platted subdivision? Yes		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: NO		
12	Is a pending sale of the property subject to this application being granted?		
13	Describe uses on adjoining property to the North: North: RESTAURANT East: EYE CARE, AUTOMOTIVE South: STRIP MALL West: MEDICAL		
14	Existing zoning: HEAVY COMMERCIAL Future Land Use classification: COMMERCIAL		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (<input checked="" type="checkbox"/>) No (<input type="checkbox"/>) Yes. If yes provide date, petition number and nature of approval.		
16	Request is for: (<input type="checkbox"/>) Rezone (<input checked="" type="checkbox"/>) Special Exception (<input type="checkbox"/>) Variance		
17	Parcel Identification Number: 3-28-37-35-0050-00290-0010		

REQUIRED ATTACHMENTS	
18	Applicant's statement of interest in property: Owner
19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
20	Last recorded warranty deed: 11/25/2020
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
22	Three (3) CERTIFIED BOUNDARY surveys of the property (one no larger than 11x17; scale not less than one inch to 20 feet; North point) containing: a. Date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre d. Location sketch of subject property, and surrounding area within one-half mile radius
✓ 23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
✓ 24	Affidavit attesting to completeness and correctness of the list (attached)
25	Completed specific application and checklist sheet for each request checked in line 15

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date



FRANK W WILLIAMSON, III

11/25/2020

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820

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Signature

Printed Name

Date



FRANK W WILLIAMSON, III

11/25/2020

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Profit Corporation

WILLIAMSON CATTLE COMPANY

Filing Information

Document Number 215897
FEI/EIN Number 59-0845447
Date Filed 09/29/1958
State FL
Status ACTIVE
Last Event AMENDMENT
Event Date Filed 10/28/1994
Event Effective Date NONE

Principal Address

9050 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Changed: 03/28/2007

Mailing Address

9050 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Changed: 03/08/2011

Registered Agent Name & Address

WILLIAMSON, FRANK W III
9000 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Name Changed: 03/08/2011

Address Changed: 03/08/2011

Officer/Director Detail

Name & Address

Title PD

WILLIAMSON , FRANK W, III
9000 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Title STD

RUCKS, HEATHER W
2240 NW 144TH DRIVE
OKEECHOBEE, FL 34972

Title D

WILLIAMSON , FRANK W, Jr.
9200 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Title D

COOK, KAREN W
2110 NE 39TH BLVD
OKEECHOBEE, FL 34972

Title VPD

WILLIAMSON, JOHN W
9084 HWY 441 N
OKEECHOBEE, FL 34972

Title D

WILLIAMSON, BETTY C
9200 NE 12TH DRIVE
OKEECHOBEE, FL 34972

Title Director

Hamilton, Kristin L
634 Otis Blvd
Spartanburg, SC 29302

Annual Reports

Report Year	Filed Date
2018	01/12/2018
2019	02/08/2019
2020	01/20/2020

Document Images

01/20/2020 -- ANNUAL REPORT	View image in PDF format
02/08/2019 -- ANNUAL REPORT	View image in PDF format
01/12/2018 -- ANNUAL REPORT	View image in PDF format
01/11/2017 -- ANNUAL REPORT	View image in PDF format
04/08/2016 -- ANNUAL REPORT	View image in PDF format
04/07/2015 -- ANNUAL REPORT	View image in PDF format
02/04/2014 -- ANNUAL REPORT	View image in PDF format

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: 90-283 (2) Auto service station, car wash
B	Are there similar uses in the area? No <input checked="" type="checkbox"/> Yes If yes, briefly describe them: No
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building: The car wash will be open from 7:00 am - 8:00 pm, with 3 - 5 employees onsite. Outside activities will be vacuuming of cars.
D	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the special exception or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips, and level of service on all adjacent roadway links with and without the project.
E	Responses addressing the standards and required findings for a special exception as described below. Attach additional sheets as necessary.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(b), LDR page CD70:19]

Applicants are required by Sec. 70-373(b) to address the following issues in his/her presentation before the Board of Adjustment. Staff strongly recommends that the Applicant include, in his/her application, materials that address each of these issues in order to allow Staff and the Board of Adjustment sufficient time to adequately consider the Applicant's request.

1. Demonstrate that the proposed location and site are appropriate for the use.
2. Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood, or explain why no specific design efforts are needed.
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.
4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.
5. Demonstrate how the utilities and other service requirements of the use can be met.
6. Demonstrate how the impact of traffic generated will be handled, off site and on site.

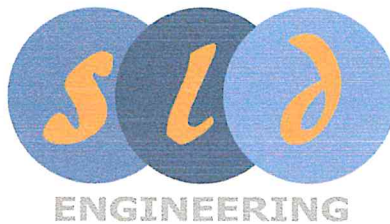
FINDINGS REQUIRED FOR GRANTING A SPECIAL EXCEPTION [Sec. 70-373(c), LDR pages 19 & 20]

It is the Applicant's responsibility to convince the Board of Adjustment that approval of the proposed special exception is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the Board of Adjustment to find that:

1. The use is not contrary to the Comprehensive Plan requirements.
2. The use is specifically authorized as a special exception use in the zoning district.
3. The use will not have an adverse effect on the public interest.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above standards and required findings and offer a recommendation for approval or denial.

NOTE: AN APPROVAL OF A SPECIAL EXCEPTION EXPIRES IF A BUILDING PERMIT APPLICATION HAS NOT BEEN SUBMITTED WITHIN TWO YEARS OF THE APPROVAL [Sec. 70-348(4)]



December 10, 2020

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Brahman Car Wash, LLC - City of Okeechobee, Auto Service Station, Car Wash Special Exception

Standards for granting a special exception:

1. Demonstrate that the proposed location and site are appropriate for the use.

The site fronts on 441N, north of SW 17th Street. The site has good access from the south and west this site is appropriate for the proposed use. However, since the use is going to be the south half of the lot and the access is planned off of SW 2nd Avenue this project will have very little impact to adjoining property owners to the south and west.

2. Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood or explain why no specific design efforts are needed.

The proposed building shown on the site plan on the south half of the lot is to house the car wash mechanism, storage, and an office, so no special design effort is required.

3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.

Visual screening will be provided for the development of the south half of this parcel according to the City of Okeechobee's landscape ordinance as it fronts on 441N which is heavily traveled and this use will not cause any adverse impacts to adjacent properties.

4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.

The car wash vacuum stations could cause impact to adjacent neighbors, but since the car wash is going to be placed on the south side of the south half of the lot away from the existing restaurant to the north with outdoor seating the distance will be great enough to diminish the proposed impact.

5. Demonstrate how the utilities and other service requirements of the use can be met.

There are existing water and sewer service to the site as well as power, so there are no utility or service requirements that cannot be met currently. Sanitary sewer is planned to be extended to the north half of the lot for future development.

6. Demonstrate how the impact of traffic generated will be handled, off site and on site.

Traffic will enter and leave from the south off SW 2nd Avenue. There is sufficient vehicular storage onsite to store cars that will be waiting for car washes, so no backup onto the street is anticipated.

Findings required for granting a special exception:

1. The use is not contrary to the Comprehensive Plan requirements.

This parcel is zoned Heavy Commercial and has a Future Land Use of Commercial and this special exception request is in the Heavy Commercial Zoning for the south half of the lot as shown on the exhibit. The south half of this parcel is perfect for business such as the one proposed and is absolutely within the spirit of the Comprehensive Plan, while leaving the north half of the parcel for future development.

2. The use is specifically authorized as a special exception use in the zoning district.

According to the City of Okeechobee, Code of Ordinances Section 90-283 (2), Auto service station, car wash. The use is authorized.

3. The use will not have an adverse effect on the public interest.

The proposed project on the south half of the lot should have a positive effect on neighboring businesses by drawing more traffic to this location on a consistent basis all times of the day as opposed to the theatre that only had showings in the afternoon and at night.

4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.

Yes, this parcel is currently developed, while this use will only take up the south half of this City block so the urbanizing land use has been established and the business is compatible with other businesses in the vicinity.

5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.

This change will not negatively impact property values or living conditions, nor deter development of adjacent property as all adjacent property is already developed of the south half of this parcel are already developed.

6. The use may be required to be screened from the surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.

This use will use the City of Okeechobee landscaping codes for proper screening of the use and no special screening should be required for the south half of this parcel.

7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.

This use will not overburden public facilities including streets and as stated previously the utilities already servicing this site are sufficient for the proposed use.

8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

The site is already developed and there are no flooding or drainage issues in the area with none anticipated. There are no impacts to public safety anticipated by the addition of this use on the site.

Sincerely,



Steven L. Dobbs, P. E.
President



Sharon Robertson, Clerk of the Circuit Court & Comptroller
Okeechobee, FL Recorded 12/1/2020 9:51 AM
Fees: RECORDING \$18.50 D DOCTAX PD \$5,250.00

Prepared by and return to:

FRANK H. FEE, IV
Fee and Fee, PLLC
400 NW 2nd Street
Okeechobee, FL 34972
863-763-3131
File No.: 20-1444

Parcel Identification No. 3-28-37-35-0050-00290-0010

[Space Above This Line For Recording Data]

Rec 18.50
DS 5250.00

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 25th day of November, 2020 Between

KARLA H. ROBY and DEBRA S. SALES whose post office address is **1906 SW 5th Avenue, Okeechobee, FL 34974** of the County of **Okeechobee, State of Florida**, grantor*, and **WILLIAMSON CATTLE COMPANY, a Florida corporation** whose post office address is **9050 NE 12th Drive, Okeechobee, FL 34972** of the County of **Okeechobee, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Okeechobee County Florida**, to-wit:

Lots 1 to 12, inclusive, Block 29, and the vacated alley located in Block 29, FIRST ADDITION TO SOUTH OKEECHOBEE, according to the plat thereof recorded in Plat Book 1, Page 17, Public Records of Okeechobee County, Florida.

THE PROPERTY DESCRIBED HEREIN DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS, NOR IS IT CONTIGUOUS TO THE HOMESTEAD OF THE GRANTORS.

Subject to restrictions, reservations and easements of record, if any.

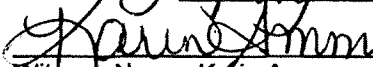
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

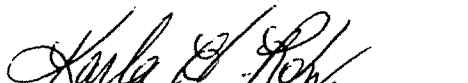
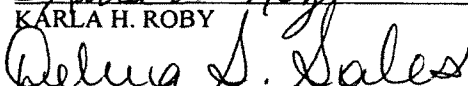
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Gregory K. Dufree


Witness Name: Karin Ammons


KARLA H. ROBY

DEBRA S. SALES

State of Florida
County of Okeechobee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of November, 2020 by KARLA H. ROBY and DEBRA S. SALES, who ☒ are personally known or ☐ have produced n/a as identification.

[Notary Seal]


Notary Public

Printed Name: Karin Ammons


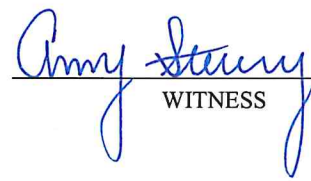

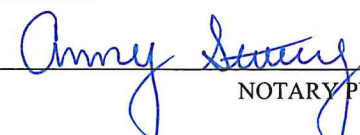
My Commission Expires: _____



COPY

#21

CITY OF OKEECHOBEE
55 SE 3RD AVENUE
OKEECHOBEE, FL 34974
TELE: 863-763-3372 FAX: 863-763-1686
LAND USE POWER OF ATTORNEY

Name of Property Owners: WILLIAMSON CATTLE COMPANY		
Mailing Address: 9050 NE 12TH DRIVE OKEECHOBEE, FL 34972		
Home Telephone:	Work: 863-763-4740	Cell: 863-634-7151
Property Address: 1600 S PARROTT AVENUE, OKEECHOBEE, FL 34974		
Parcel ID Number: 3-28-37-35-0050-00290-0010		
Name of Applicant: WILLIAMSON CATTLE COMPANY		
Home Telephone:	Work: 863-763-4740	Cell: 863-634-7151
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>		
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>25</u> DAY OF <u>November</u> 20<u>20</u>.</p>		
 OWNER	 WITNESS	
_____ OWNER	_____ WITNESS	
<p>STATE OF FLORIDA COUNTY OF <u>Okeechobee</u></p>		
<p>The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this <u>25</u> day of <u>November</u>, 20<u>20</u>, by <u>Frank W. Williamson III</u>, (Name of Person) who is personally known to me or produced _____ as identification.</p>		
	<p>Amy Storey NOTARY PUBLIC STATE OF FLORIDA Comm# GG072576 Expires 2/24/2021</p>	 NOTARY PUBLIC SIGNATURE

Petition No. 21-002-SE

**Affidavit Attesting to the Completeness and Accuracy
of the List of Surrounding Property Owners**

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of November 23, 2020 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 25th day of November, 2020.


Frank W. Williamson III
Signature of Applicant

11/25/20
Date

Frank W. Williamson III
Name of Applicant (printed or typed)

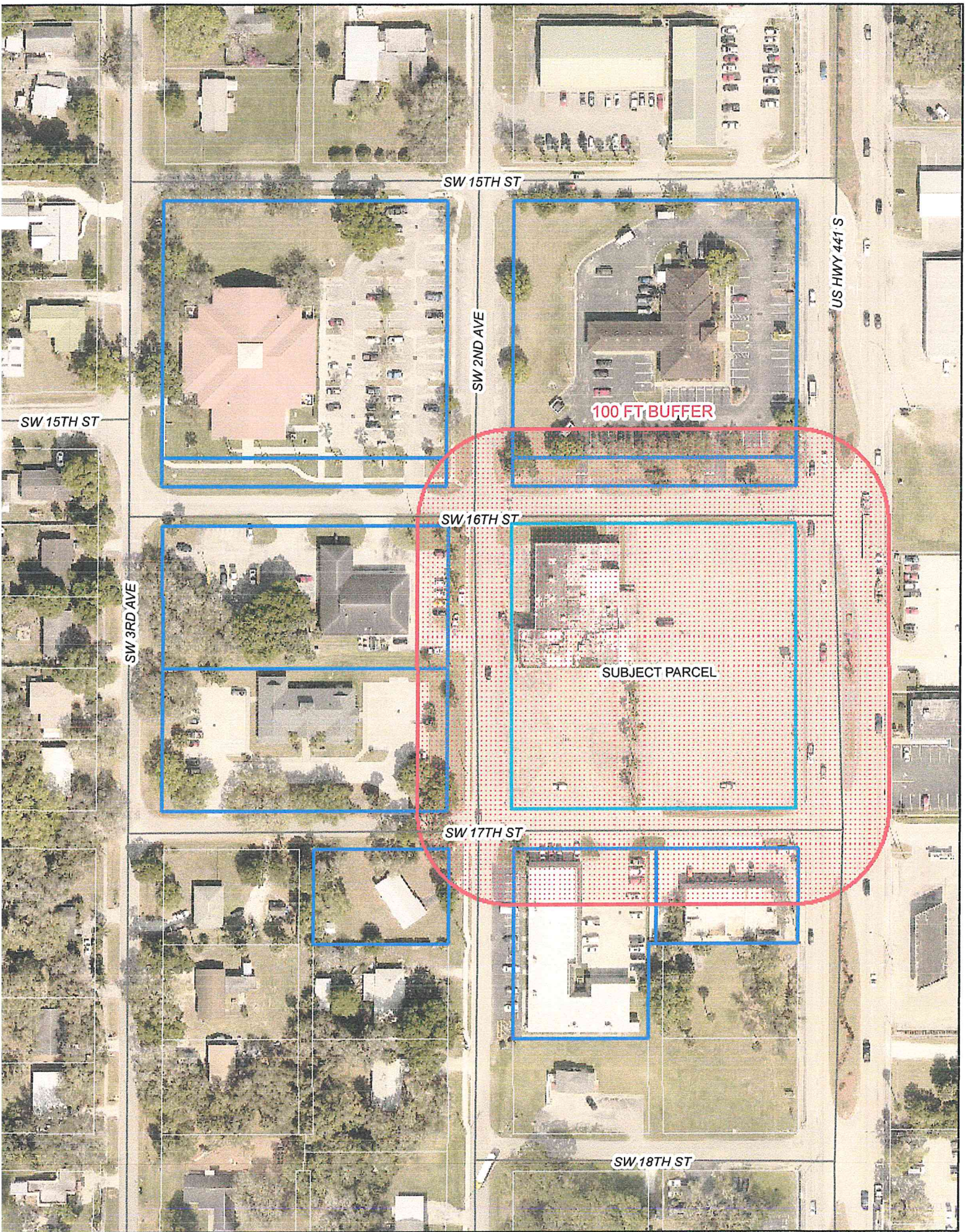
STATE OF FLORIDA
COUNTY OF Okeechobee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of November, 2020, by Frank W. Williamson III who is personally known to me or produced _____ as identification.

 Amy Storey
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG072576
Expires 2/24/2021

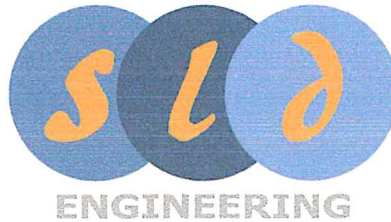
Amy Storey
Notary Public Signature

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
22837350A00000260000	HENDRY WILLIAM L TRUSTEE	P O DRAWER 1337		OKEECHOBEE	FL	34973-1337
22837350A0000028A000	AZTECA #3 INVESTMENTS LLC	8890 NE 12TH LN		OKEECHOBEE	FL	34974-8148
22837350A00000300000	SOUTH PARROTT EYE CARE LLC	606 N PARROTT AVE		OKEECHOBEE	FL	34972-2646
22837350A00000330000	AUTOZONE INC #1249	P O BOX 2198	DEPT 8088	MEMPHIS	TN	38101-2198
22837350A0000033B000	OKEECHOBEE BALANJII INCORPORATE	601 N PARROTT AVENUE		OKEECHOBEE	FL	34972
32837350050002700030	OKEECHOBEE COUNTY	302 NW 2ND AVE		OKEECHOBEE	FL	34972
32837350050002700060	CITY OF OKEECHOBEE	55 SE 3RD AV		OKEECHOBEE	FL	34974-2903
32837350050002800030	ARRANTS LLC	399 SW 18TH ST		OKEECHOBEE	FL	34974-3447
32837350050002800060	CITY OF OKEECHOBEE	55 SE 3RD AV		OKEECHOBEE	FL	34974-2903
32837350050003000010	KATAVIKER LAKE PARK IG LLC	201 SW 16TH ST		OKEECHOBEE	FL	34974-6117
32837350050003000040	NEW HORIZONS OF TREASURE COAST	ATTN: ACCOUNTS PAYABLE	4500 W MIDWAY ROAD	FT PIERCE	FL	34981-4823
32837350050003300010	WIDNER ROBERT L	191 RUFUS MURPHY RD		MOULTRIE	GA	31768-0521
32837350050003300030	HARRELL IDA	1706 SW 2ND AVE		OKEECHOBEE	FL	34974
32837350050003300050	FRAZIER MARILYN J REVOCABLE TR	%GARY FRAZIER CO-TRUSTEE	1423 SW 19TH TERRACE	OKEECHOBEE	FL	34974-4841
32837350050003300070	SILVAS CELESTINA G	1703 SW 3RD AVE		OKEECHOBEE	FL	34974-6188
32837350050003300090	VARGAS PATRICIA GRAJEDA, ETAL	1705 SW 3RD AVE		OKEECHOBEE	FL	34974-6188
32837350050003400010	PORTER HOLDINGS OF OKEECHOBEE	818 US HIGHWAY 441 SE		OKEECHOBEE	FL	34974-7422
32837350050003400030	JKST HOLDINGS LLC	PO BOX 873		PORT SALERNO	FL	34992-0873
32837350050003400050	JKST HOLDINGS LLC	PO BOX 873		PORT SALERNO	FL	34992-0873
32837350050003400070	PORTER PROPERTIES MANAGEMENT	818 US HIGHWAY 441 SE		OKEECHOBEE	FL	34974-7422
32837350050003400110	JKST HOLDINGS LLC	PO BOX 873		PORT SALERNO	FL	34992-0873
32837350050005000020	OKEECHOBEE CHURCH OF CHRIST IN	PO BOX 958		OKEECHOBEE	FL	34973-0958
32837350050005000050	BAUGHMAN JAMES	1320 SE 23RD ST		OKEECHOBEE	FL	34974-5394



THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON





November 30, 2020

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Subject: Brahman Car Wash, LLC Special Exception

Dear Mr. Smith:

Steven L. Dobbs Engineering, LLC, has completed an analysis of the traffic generation statement for the above referenced facility. The project is to convert the existing Brahman Theatre property into an automated/self-service car wash.

This analysis was based on a spreadsheet distributed by the Florida Department of Transportation, which is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (8th Edition). The results indicate the proposed 3 stall Self-Service Car Wash (ITE code 947) generates 324 total daily trips with 17 PM peak hour trips with 8 being in and 9 being out.

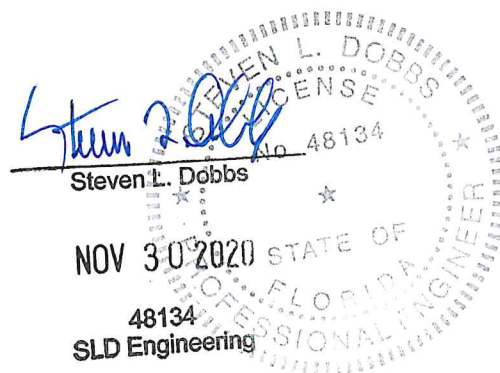
Should you have any questions or comments, please do not hesitate to call.

Sincerely,

Steven L. Dobbs Engineering

Steven L. Dobbs, P. E.
President

CC: Wes Williamson, John Williamson, and Heather Rucks
File



Instructions:

Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: Not Available
DU: Dwelling Unit
Occ.Room: Occupied Room

KSF²: Units of 1,000 square feet

Fuel Position: # of vehicles that could be fueled simultaneously

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (Independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Fast Food w/ Drive Thru 934	KSF ²	496.12	33.48	52%	48%		0	0	NA	NA	
Fast Food w/ Drive Thru 934	Seats	19.52	0.94	53%	47%		0	0	NA	NA	
Drive Thru Only 935	KSF ²	NA	153.85	54%	46%		0	0	NA	NA	Only 2 studies
Drinking Place 925	KSF ²	NA	11.34	66%	34%		0	0	NA	NA	
Quick Lube Shop 941	Service Bays	40.00	5.19	55%	45%		0	0	NA	NA	
Automobile Care Center 942	Service Bays	12.48	2.17	NA	NA		0	0	NA	NA	Daily Trips for Saturday. Caution- Only 1 Study.
Automobile Care Center 942	KSF ²	15.88	3.38	50%	50%		0	0	NA	NA	Daily Trips for Saturday.
New Car Sales 841	KSF ²	33.34	2.59	39%	61%		0	0	NA	NA	
New Car Sales 841	Employees	21.14	0.96	48%	52%		0	0	NA	NA	Peak Hour is PM Peak Hour.
Automobile Parts Sales 843	KSF ²	61.91	5.98	49%	51%		0	0	NA	NA	
Gasoline/Service Station 944	Fuel Position	168.56	13.87	50%	50%		0	0	NA	NA	Daily Rate from 4th Edition ITE
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	13.38	50%	50%		0	0	NA	NA	Have auto repair and service
Serv.Stat.w/Conv.Mkt & Carwash 946	Fuel Position	152.84	13.94	51%	49%		0	0	NA	NA	
Self-Service Carwash 947	Stalls	108.00	5.54	51%	49%	3.0	324	17	8	8	Caution- Only 1 Study.
Tire Store 848	Service Bays	NA	3.54	42%	58%		0	0	NA	NA	
Tire Store 848	KSF ²	24.87	4.15	43%	57%		0	0	NA	NA	
Wholesale Tire Store 849	Service Bays	30.55	3.17	47%	53%		0	0	NA	NA	
Supermarket 850	KSF ²	102.24	10.50	51%	49%		0	0	NA	NA	Daily based on small number of studies (Caution)
Convenience Vkt. (Open 24 hrs) 851	KSF ²	737.99	52.41	51%	49%		0	0	NA	NA	
Convenience Vkt. (Open 16 Hrs) 852	KSF ²	NA	34.57	49%	51%		0	0	NA	NA	
Convenience Vkt w/ Gas Pumps 853	KSF ²	845.60	59.69	50%	50%		0	0	NA	NA	Average size = 3,000 sqft
Discount Supermarket 854	KSF ²	96.82	8.90	50%	50%		0	0	NA	NA	Daily Trips for Saturday. Caution- Only 1 Study.
Wholesale Market 860	KSF ²	6.73	0.88	53%	47%		0	0	NA	NA	Caution- Only 1 Study.
Discount Club 857	KSF ²	41.80	4.24	50%	50%		0	0	NA	NA	Similar to "Sams" or "Pace"
Home Improvement Store 882	KSF ²	29.80	2.37	48%	52%		0	0	NA	NA	
Electronics Superstore 883	KSF ²	45.04	4.50	49%	51%		0	0	NA	NA	
Toy/Children's Superstore 864	KSF ²	NA	4.99	50%	50%		0	0	NA	NA	Peak Hour is for Saturday.
Apparel Store 876	KSF ²	66.40	3.83	50%	50%		0	0	NA	NA	
Drugstore w/o Drive-Thru 880	KSF ²	90.06	8.42	50%	50%		0	0	NA	NA	
Drugstore w/ Drive-Thru 881	KSF ²	88.16	10.35	50%	50%		0	0	NA	NA	
Furniture Store 890	KSF ²	5.06	0.45	48%	52%		0	0	NA	NA	
Video Arcade 895	KSF ²	NA	56.81	52%	48%		0	0	NA	NA	Peak Hour is PM Peak Hour. Caution- Only 1 Study.
Video Rental Store 896	KSF ²	NA	31.54	50%	50%		0	0	NA	NA	Peak Hour is PM Peak Hour.
Walk-in Bank 911	KSF ²	156.48	12.12	44%	56%		0	0	NA	NA	Daily based on 1 study & PM Peak based on 2 studies.
Drive-in Bank 912		139.25	27.41	49%	51%		0	0	NA	NA	
Drive-in Bank 912	KSF ²	148.15	25.82	50%	50%		0	0	NA	NA	

NA: Not Available

DU: Dwelling Unit

Occ.Room: Occupied Room

KSF²: Units of 1,000 square feet

Fuel Position: # of vehicles that could be fueled simultaneously

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 12/3/2020

Parcel: << 3-28-37-35-0050-00290-0010 (35898) >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 1 of 1

Owner	WILLIAMSON CATTLE COMPANY 9050 NE 12TH DR OKEECHOBEE, FL 34972-0517		
Site	1600 S PARROTT AVE, OKEECHOBEE		
Description*	FIRST ADDITION TO SOUTH OKEECHOBEE (PLAT BOOK 1 PAGE 17) LOTS 1 TO 12 INC & ALLEY BLOCK 29		
Area	2.066 AC	S/T/R	28-37-35
Use Code**	THEATER/AUDITORIUM (3200)	Tax District	50

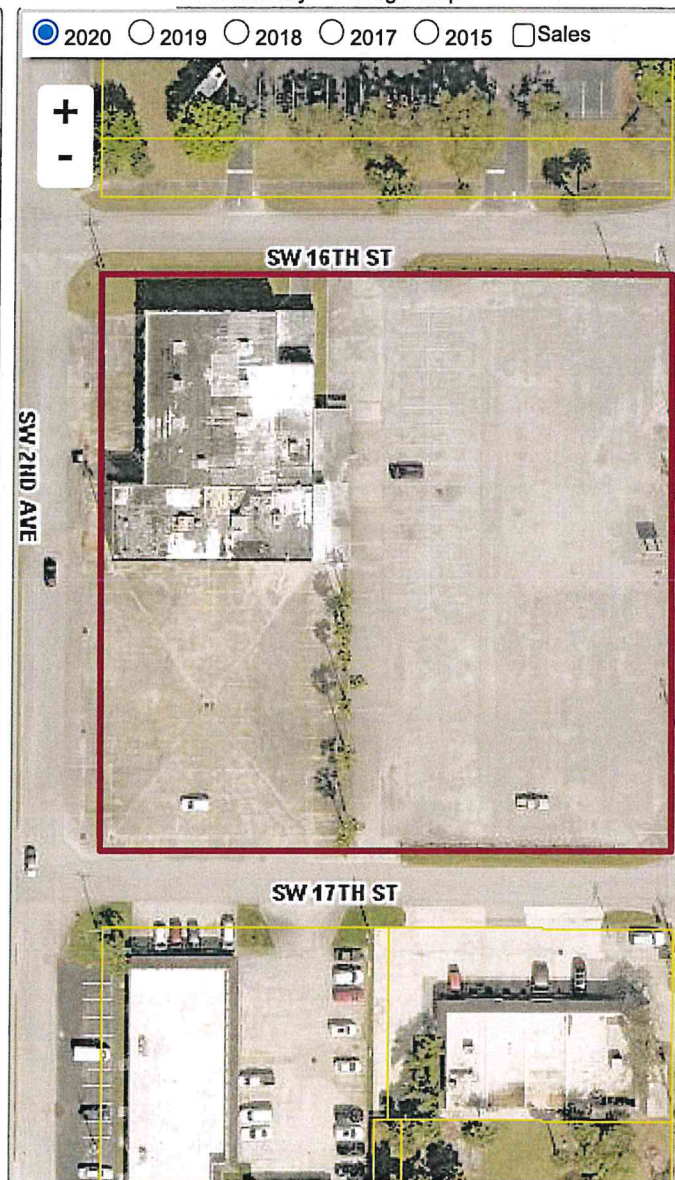
*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

**The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$403,170	Mkt Land	\$403,170
Ag Land	\$0	Ag Land	\$0
Building	\$282,123	Building	\$290,748
XFOB	\$91,201	XFOB	\$96,300
Just	\$776,494	Just	\$790,218
Class	\$0	Class	\$0
Appraised	\$776,494	Appraised	\$790,218
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$776,494	Assessed	\$790,218
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$776,494 city:\$776,494 other:\$776,494 school:\$776,494	Total Taxable	county:\$790,218 city:\$790,218 other:\$790,218 school:\$790,218

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
11/25/2020	\$750,000	2020011748	WD	I	Q	01
10/24/2012	\$100	0721/0733	QC	I	U	11
4/1/1990	\$0	0316/1278	QC	I	U	03
7/1/1987	\$0	0288/1302	WD	V	U	03
1/7/1986	\$0	0280/0925	N/A	V	U	03
1/1/1973	\$0	0145/0341	WD	V	U	03
1/1/1973	\$57,500	0144/0045	WD	I	Q	
5/1/1972	\$0	0138/0537	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
Sketch	AUDITORIUM (6000)	1974	12081	14208	\$290,748

*Bldg Desc determinations are used by the Property Appraisers office solely for the purpose of determining a property's Just Value for ad valorem tax purposes and should not be used for any other purpose.

PARCEL "A" DESCRIPTION:

LOTS 4, 5, 6, 10, 11 AND 12, BLOCK 29, FIRST ADDITION TO SOUTH OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF THE VACATED ALLEY IN SAID BLOCK 29 REVERTING TO SAID LOTS.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.03 ACRES, MORE OR LESS.


PARCEL "B" DESCRIPTION:

LOTS 1, 2, 3, 7, 8 AND 9, BLOCK 29, FIRST ADDITION TO SOUTH OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF THE VACATED ALLEY IN SAID BLOCK 29 REVERTING TO SAID LOTS.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.03 ACRES, MORE OR LESS.

PROJECT SPECIFIC NOTES:

- 1) THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. IT IS A SKETCH AND LEGAL DESCRIPTION ONLY.
- 2) BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 441 IS TAKEN TO BEAR SOUTH 00°07'24" EAST.
- 3) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE FOR EASEMENTS, DEED RESTRICTIONS, ZONING SETBACKS, RIGHTS-OF-WAY OR ABANDONMENTS.
- 4) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 5) REPRODUCTIONS OF THIS DRAWING ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE SIGNING SURVEYOR.


JOHN J. RICE, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 4506

**SKETCH OF DESCRIPTION
WILLIAMSON CATTLE COMPANY**

PREPARED FOR:

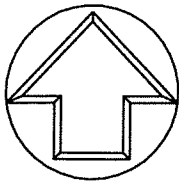
DESCRIPTION	DWG. DATE	BY	CK
PREPARE EXHIBIT	12/11/20	WC	JJR
FB/PG: N/A	SCALE: N/A		
DWG NO: 20-560	JOB NO: 20-560		

**TRADEWINDS SURVEYING
GROUP, LLC.**

200 SW 3rd Avenue
Okeechobee, FL. 34974
Tel: (863) 763-2887
Fax: (863) 763-4342

NORTH

EXHIBIT "A"
SHEET 2 OF 2

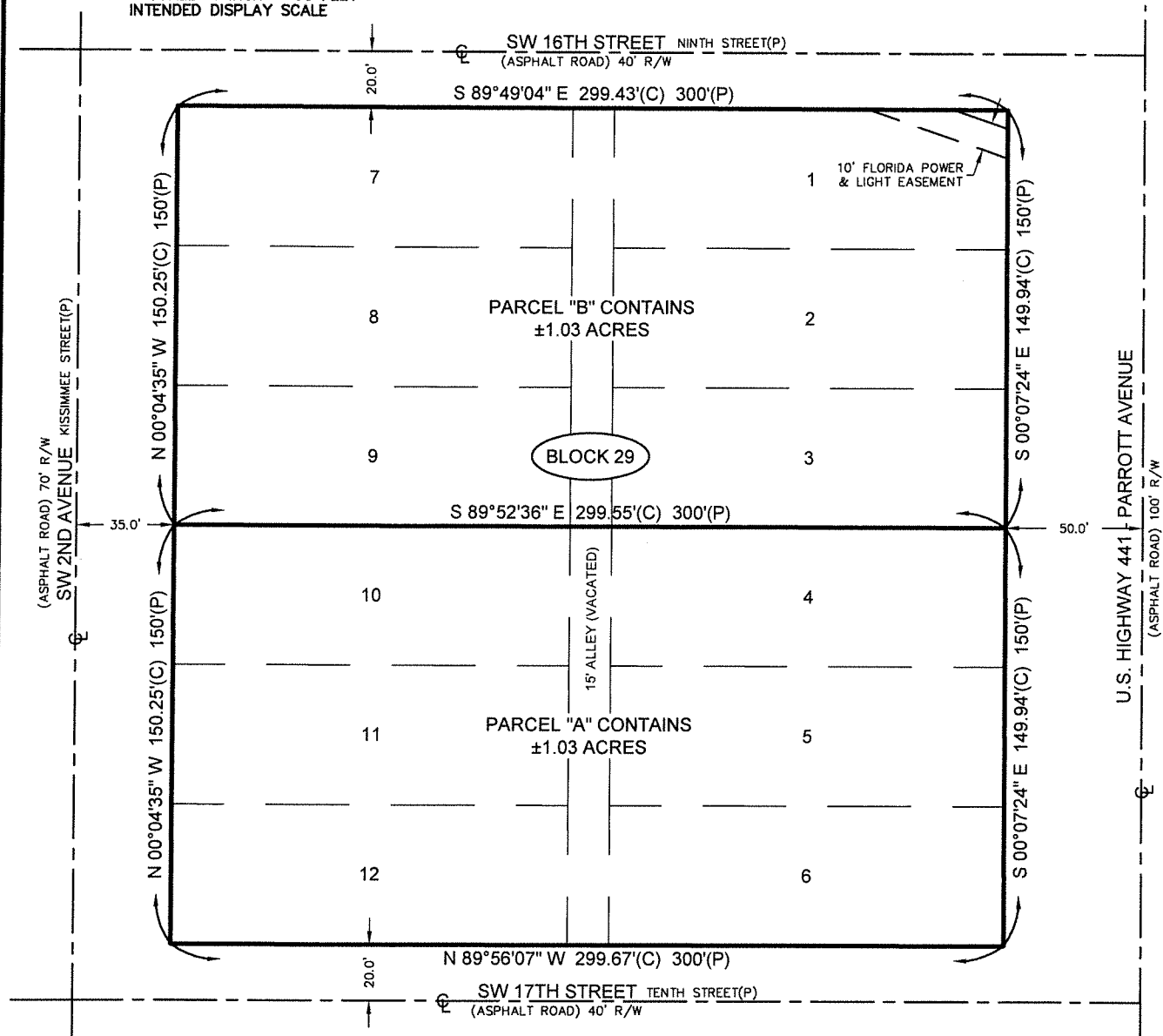


LEGEND:

CL = CENTERLINE
(C) = CALCULATED
(P) = PLAT
R/W = RIGHT-OF-WAY

0 30 60
SCALE IN FEET

MAP SCALE: 1 INCH = 60 FEET
INTENDED DISPLAY SCALE



**SKETCH OF DESCRIPTION
WILLIAMSON CATTLE COMPANY**

PREPARED FOR:

DESCRIPTION	DWG. DATE	BY	CK
PREPARE EXHIBIT	12/11/20	WC	JJR
FB/PG: N/A	SCALE: 1" = 60'		
DWG NO: 20-560	JOB NO: 20-560		

**TRADEWINDS SURVEYING
GROUP, LLC.**

200 SW 3rd Avenue
Okeechobee, FL. 34974
Tel: (863) 763-2887
Fax: (863) 763-4342

BOUNDARY SURVEY PREPARED FOR WILLIAMSON CATTLE COMPANY



DESCRIPTION:
 LOTS 1 TO 12, INCLUSIVE, BLOCK 29, AND THE VACATED ALLEY LOCATED IN BLOCK 29,
 FIRST ADDITION TO SOUTH OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED
 IN PLAT BOOK 1, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE PLAT(P) AND MEASURED(M).
- 2) THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- 3) SITE ADDRESS: 1600 S. PARROTT AVE.
- 4) PARCEL ID: 3-28-37-35-0050-00290-0010.
- 5) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.
- 6) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 7) SURVEYOR WAS NOT PROVIDED WITH ANY TITLE INFORMATION FOR THIS PARCEL. SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT EFFECT THIS PARCEL.
- 8) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.
- 9) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 10) THE DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
- 11) BEARING REFERENCE: THE WEST LINE OF PARROTT AVENUE, ALSO BEING THE EAST LINE OF BLOCK 29, IS TAKEN TO BEAR SOUTH 00°07'24" EAST.
- 12) DATE OF LAST FIELD SURVEY: 12/10/20.


PROJECT SPECIFIC LEGEND:
EL = ELEVATION
ID = IDENTIFICATION

PREPARED FOR THE EXCLUSIVE USE OF:
WILLIAMSON CATTLE COMPANY

NOTE:
ALL CATCH BASINS ARE FULL OF DIRT,
THEREFORE SURVEYOR WAS UNABLE
TO OBTAIN INVERT ELEVATIONS

TRADEWINDS SURVEYING GROUP, LLC.

200 SW 3rd Avenue
Ocala, FL 34401-4404
Tel: (863) 763-2887
Fax: (863) 763-4342



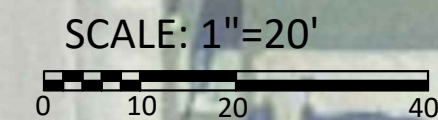
STANDARD NOTES: No search of the public records for determination of ownership or restrictions affecting these parcels was performed by the surveyor. The parcels depicted here are proposed exclusively for these parties noted. No responsibility or liability is assumed by the surveyor for use by others not specifically named, but void without the signature and embossed seal of Florida. No attempt was made to locate underground improvements and/or encroachments (if any) shown. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey. This survey was prepared in accordance with Chapter 33-117, Florida Statutes, for professional purposes and complies with those outlined in Chapter 33-117, Florida Statutes.

LEGEND
 — Set from Rod and Cap "LB B360" — Found On
 — Set from Rod and Cap "LB B360" — Found On
 — Found From Rod (and Cap) — Found From Rod (and Cap)

DESCRIPTION	DWG. DATE	FB/PG	BY	CK
ADJUDICATORY SURVEY	12/10/20	352/45	WC	JJR
DRAWING NUMBER: 20-560				

Impervious Area

Allowable Impervious Area:
Proposed ISR



Note: Since the landscaping requirement is met in the parking, buffers and islands no additional landscaping is required.

PROPOSED TREE
PROPOSED SHRUB

Patty Burnette

From: Ben Smith <ben@larueplanning.com>
Sent: Tuesday, December 29, 2020 12:36 PM
To: Patty Burnette
Cc: Yesica Montoya
Subject: FW: 21-002-SE car wash

Ben Smith, AICP, LEED GA



1375 Jackson St #206, Fort Myers, FL 33901
239-334-3366 ben@larueplanning.com

From: Steven Dobbs <sdobbs@stevedobbsengineering.com>
Sent: Tuesday, December 22, 2020 8:41 AM
To: Ben Smith <ben@larueplanning.com>
Subject: Re: 21-002-SE car wash

Please see my comments below in blue:

On Tue, Dec 22, 2020 at 8:08 AM Ben Smith <ben@larueplanning.com> wrote:

Steve,

Regarding the Brahman car wash, after reviewing the special exception application I have a few questions:

1. I see the business is described as self-service, but what roles will the employees have?

Proper operation of equipment, customer issued with money refunds, bug removal from the front of the cars is what I have been told.

- 1.
2. Regarding the traffic generation statement, how was it determined that there are three stalls? And depending on the level of employee involvement, perhaps a different use or combination of uses should be used for the traffic generation estimates. I found the following codes in the 10th edition ITE Trip Generation Manual. Code 949 may be most appropriate:

Code	Description	Unit of Measure	Trips per Unit
947	Self Service Car Wash	Wash Stalls	5.54
948	Automated Car Wash	1,000 SF GFA	14.20
949	Car Wash and Detail Center	Wash Stalls	13.60

I used the three lines as the three stalls. I can make those corrections and get you a revised traffic estimate.

Also, I have quite a few comments on the latest site plan. Most of this can wait to be addressed with the TRC application, but anything you can answer now would be helpful:

1. Some of the information in the left side table appears to be incorrect. Please make clear when the information is pertinent to the whole property, just the car wash side, or just the north side.

Noted

- 1.
2. What's the proposed impervious surface area of the car wash section?

What was calculated was just for the car wash side.

- 1.
2. What is the size of the car wash building? It looks to be about 33' x 116'. Correct?

I calculated 3,828 sf.

- 1.
2. What is the actual area that is being developed for the carwash? The table on the recent site plan you sent uses 43,560 sf, but half the area descriptions in the application use 1.06 acres (45,000 sf).

It will be the whole south half, 45,000 sf.

- 1.
2. No ADA parking is provided.

This was the plan that was provided by the client, I do not have the cad file to make changes. I saw that as well and I am sure we will be able to get one in on the site plan.

- 1.
2. Any plans to provide sidewalks along 17th and 2nd?

Currently 2nd is all asphalt from the street to the property and half of 17th as well. The sidewalks will be added.

- 1.
2. Please show the landscape buffer widths. They must be 10' wide along the streets.

they will be added to the Site Plan for TRC

- 1.
2. Is the 36' wide area on the north side a proposed water retention area?

Correct

- 1.
2. 2' of landscaping is required between the building and the vehicular use areas

I was unable to modify the existing site plan, but it will be modified once I get the cad file.

- 1.
2. The western most "bug prep" parking space and parallel parking space appear to be too close to the ROW per 90-511(e)(6).

Will make those changes to the site plan once I have the cad file.

- 1.
2. Lighting will be required per 78-71(a)(5) but it is not depicted on the plan.

A lighting plan will be submitted with the TRC package.

- 1.

I need to let the City know today regarding advertisement. Please give me a call to discuss when you get a chance. I'm leaving now and will be out of the office till around 11, but will be in the rest of the day.

Thanks,

Ben Smith, AICP, LEED GA

LaRue
planning

1375 Jackson St #206, Fort Myers, FL 33901

239-334-3366 ben@larueplanning.com

--
Steven L. Dobbs, P. E.

Steven L. Dobbs Engineering, LLC

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January 11, 2021

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Subject: Brahman Car Wash, LLC Special Exception

Dear Mr. Smith:

Steven L. Dobbs Engineering, LLC, has completed an analysis of the traffic generation statement for the above referenced facility. The project is to convert the existing Brahman Theatre property into an automated/self-service car wash.

This analysis was based on a spreadsheet distributed by the Florida Department of Transportation, which is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition). The results indicate the proposed 8 stall Self-Service Car Wash (ITE code 948) generates 891 total daily trips with 49 AM peak hour trips with 25 being in and 24 being out, and 78 PM peak hour trips with 39 being in and 39 being out

Should you have any questions or comments, please do not hesitate to call.

Sincerely,

Steven L. Dobbs Engineering

Steven L. Dobbs, P. E.
President

CC: Wes Williamson, John Williamson, and Heather Rucks
File

Brahman Car Wash Daily Trip Totals

Daily

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips		
					In	Out	In	Out	Total
Automated Car Wash	948	1	Lane	T = 891.00(X) ⁽¹⁾	50%	50%	446	445	891

(1) Daily Trips Calculated based on the PM peak hour being 8.7% of daily. PM rate divided by .087

AM Peak Hour

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips		
					In	Out	In	Out	Total
Automated Car Wash	948	1	Lane	T = 49.00(X) ⁽²⁾	50%	50%	25	24	49

(2) AM Peak Hour Calculated as 63% of PM Peak Hour

PM Peak Hour

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips		
					In	Out	In	Out	Total
Automated Car Wash	948	1	Lane	T = 77.50 (X)	50%	50%	39	39	78

Source: ITE 10th Edition Trip Generation Rates



Staff Report

Special Use Exception Request

Prepared for: The City of Okeechobee

Applicant: Williamson Cattle Company

Petition No.: 21-002-SE

Address: 1600 S Parrot Ave

Description: Car Wash



1375 Jackson Street # 206 Fort Myers, FL 33901

General Information

Applicant / Owner	Williamson Cattle Company
Applicant Address	9050 NE 12 th Drive Okeechobee, FL 34972
Applicant Email Address	Heather@WilliamsonCattleCo.com.
Site Address	1600 S Parrott Avenue
Parcel Identification	3-28-37-35-0050-00290-0010
Contact Person	Steve Dobbs, Consultant
Contact Phone Number	863.634.0194
Contact Email Address	sdobbs@stevedobbsengineering.com

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	Movie Theatre (currently closed)	Undetermined usage of existing structure (theater) on north side of property Car wash on south side of property
Acreage	2.06	2.06

Legal Description of Property

Parcel Identification Number: 3-28-37-35-0050-00290-0010

Lots 1 to 12, Inclusive, Block 29, and the vacated alley located in Block 29 First Addition to South Okeechobee, according to the plat thereof recorded in Plat Book 1, Page 17, Public Records of Okeechobee County, Florida.

Description of Request

The matter for consideration by the City of Okeechobee Board of Adjustment is a special exception request for a car wash. The applicant is proposing to convert the southern half of the existing Brahman Theatre property into an automated/self-service car wash with hours of operation from 7:00 am – 8:00 pm and 3-5 employees onsite. Car washing will occur within the proposed structure and vacuuming will occur outside in designated parking spaces.

The property is designated Commercial on the Future Land Use Map (FLUM) and zoned CHV, Heavy Commercial. City Code Section 90-283 lists “auto service station, car wash” as a special exception use in the CHV district.

The proposed site plan involves development of only the southern half of the property with a new car wash structure, vehicle stacking area and vacuum station spaces. The site plan that has been submitted with this special exception request is a basic conceptual plan. If the Board of Adjustment approves this special exception use, the project will then require site plan approval by the City Technical Review Committee before commencing with construction and operations. A more thorough site plan will be necessary at that time and all pertinent codes and standards will be applied to the project by the members of the technical review committee.

The existing theater structure located on the northern half of the property is not currently operating and the applicant has not committed to any specific use of that structure at this time. There is some discrepancy as to the actual square footage of the existing theater structure, as the application states 14,208 square feet, though the site plan states 12,081 square feet. Any future use of that structure must be able to be accommodated by the parking area that remains on the northern half of the site. This is feasible, as, for example, if a retail use were to be proposed for a 14,208 square foot structure, the current code requires that 47 parking spaces be provided; and the existing remaining parking area on the north side appears to contain at least 60 parking spaces.

Future Land Use, Zoning, and Existing Use on Surrounding Properties

North	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Restaurant
East	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Eye Care, Automotive
South	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Strip Commercial
West	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Medical and Health Services

Consistency with Land Development Regulations

Section 70-373(b) requires that the Applicant address the following standards for granting a Special Exception during his/her presentation to the Board of Adjustment. The Applicant has submitted, as part of the submission, brief statements and information addressing these standards. These are repeated below in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments follow and are shown in Arial typeface.

- (1) *Demonstrate that the proposed location and site are appropriate for the use.*

APPLICANT RESPONSE: The site fronts on 441N, north of SW 17th Street. The site has good access from the south and west this site is appropriate for the proposed use. However, since the use is going to be the south half of the lot and the access is planned off of SW 2nd Avenue this project will have very little impact to adjoining property owners to the south and west.

STAFF COMMENTS: This is an appropriate use for the proposed location along the commercial corridor, fronting on Parrot Ave. We agree that the access from 2nd Ave is ideal.

- (2) *Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood, or explain why no specific design efforts are needed.*

APPLICANT RESPONSE: The proposed building shown on the site plan on the south half of the lot is to house the car wash mechanism, storage, and an office, so no special design effort is required.

STAFF COMMENTS: The proposed car wash use is compatible with the adjacent commercial uses. The site plan submitted with this application is conceptual at this time and further revisions will be made to meet all zoning and building codes at time of site plan review with the TRC.

- (3) *Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.*

APPLICANT RESPONSE: Visual screening will be provided for the development of the south half of this parcel according to the City of Okeechobee's landscape ordinance as it fronts on 441N which is heavily traveled and this use will not cause any adverse impacts to adjacent properties.

STAFF COMMENTS: The landscape regulations, including landscape buffer requirements, will be fully enforced at time of site plan review by the TRC.

- (4) *Demonstrate what is proposed to reduce the impacts of any potential hazards, problems or public nuisance generated by the use or explain how the nature of the use creates no such potential problems.*

APPLICANT RESPONSE: The car wash vacuum stations could cause impact to adjacent neighbors, but since the car wash is going to be placed on the south side of the south half of the lot away from the existing restaurant to the north with outdoor seating the distance will be great enough to diminish the proposed impact.

STAFF COMMENTS: Though the vacuum stations will create noise, it is unlikely to significantly exceed the background noise generated by the adjacent roadway. This segment of US 441 often carries high traffic volumes, including large truck traffic, with noise levels likely in the 70 – 80 decibel range. Vacuum systems like those used by commercial car washes typically produce noise in the 55-65 decibel range. The applicant is correct that the adjacent use most likely to be affected by high noise levels, is the restaurant to the north with outdoor seating. However, the vacuum stations are proposed approximately 400 feet away, and located on the opposite side of the proposed car wash structure from the restaurant.

- (5) *Demonstrate how the utilities and other service requirements of the use can be met.*

APPLICANT RESPONSE: There are existing water and sewer service to the site as well as power, so there are no utility or service requirements that cannot be met currently. Sanitary sewer is planned to be extended to the north half of the lot for future development.

STAFF COMMENTS: Agreed.

- (6) *Demonstrate how the impact of traffic generation will be handled off site and on-site.*

APPLICANT RESPONSE: Traffic will enter and leave from the south off SW 2nd Avenue. There is sufficient vehicular storage onsite to store cars that will be waiting for car washes, so no backup onto the street is anticipated.

STAFF COMMENTS: The applicant has submitted a traffic statement with daily vehicle trip estimations based on the trip generation rates contained in the latest edition of the Institute of Transportation Engineers Trip Generation Manual. Based on a proposed 8 stall self service car wash, 891 total daily trips are estimated to be generated by this use, with 49 of those trips occurring during the AM peak hour and 78 of those trips occurring during the PM peak hour. The Florida Department of Transportation estimated that the annual average daily traffic for this segment of US-441 is 23,500 vehicle trips per day in 2019. This represents a potential 3.8% increase in vehicle trips for this segment, which is not a significant increase, and should not affect the level of service of US-441 or the local roadways.

It is also important to examine the impact that the estimated 78 vehicle trips will have during the PM peak hour, with 39 of those trips coming in and 39 going out. If vehicles cannot be processed through the facility in a timely fashion, this level of demand could create queuing that exceeds the on-site stacking area. However, this was discussed with the applicant's civil engineer and transportation engineer. Based on the operation of similar facilities, their responses indicate that this facility, with 13 stacking spaces, 19 vacuum stations and a conveyor speed on the car wash able to process 120 cars per hour, will satisfactorily accommodate the proposed demand without exceeding the on-site stacking.

When reaching a conclusion on a Special Exception request, the Board of Adjustment shall consider and show in its record the following findings as set forth in Section 70-373(c)(1)-(8). The required findings are listed below followed by the Applicant's statements in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments follow and are shown in Arial typeface.

- (1) *The use is not contrary to the Comprehensive Plan requirements.*

APPLICANT RESPONSE: This parcel is zoned Heavy Commercial and has a Future Land Use of Commercial and this special exception request is in the Heavy Commercial Zoning for the south half of the lot as shown on the exhibit. The south half of this parcel is perfect for business such as the one proposed and is absolutely within the spirit of the Comprehensive Plan, while leaving the north half of the parcel for future development.

STAFF COMMENTS: This proposed use is not contrary to any comprehensive plan policies.

- (2) *The use is specifically authorized as a special exception use in the zoning district.*

APPLICANT RESPONSE: According to the City of Okeechobee, Code of Ordinances Section 90-283 (2). Auto service station, car wash. The use is authorized.

STAFF COMMENTS: Agreed.

- (3) *The use will not have an adverse effect on the public interest.*

APPLICANT RESPONSE: The proposed project on the south half of the lot should have a positive effect on neighboring businesses by drawing more traffic to this location on a consistent basis all times of the day as opposed to the theatre that only had showings in the afternoon and at night.

STAFF COMMENTS: The theater use at the site has been discontinued. Proposing a business that will provide jobs and contribute to the local economy will have a positive impact on the public interest. Also, while there are existing car wash facilities in the City, this proposed car wash provides an additional option to the community.

- (4) *The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.*

APPLICANT RESPONSE: Yes, this parcel is currently developed, while this use will only take up the south half of this City block so the urbanizing land use has been established and the business is compatible with other businesses in the vicinity.

STAFF COMMENTS: As discussed above, the location is appropriate and the use is compatible with other adjacent uses. A car wash fits with the pattern of land uses in this area of the commercial corridor.

- (5) *The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.*

APPLICANT RESPONSE: This change will not negatively impact property values or living conditions, nor deter development of adjacent property as all adjacent property is already developed to the south half of this parcel are already developed.

STAFF COMMENTS: Development of a currently unused parcel should have a positive effect of property values and should not deter development of adjacent property. Additionally it is possible that allowing the applicant to successfully develop a car wash on the south side of this property could promote a repurposing of the theater structure or redevelopment of that portion of the parcel.

However, if the car wash use is allowed to utilize the remaining parking area on the northern half of the parcel, it could potentially deter development, redevelopment and/or repurposing of the existing theater structure. To prevent this, it would be prudent to consider limiting this special use exception approval to the southern half of the site. The applicant has provided a legal description of that portion of the site in the application and has previously indicated their agreement with this limitation.

- (6) *The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.*

APPLICANT RESPONSE: This use will use the City of Okeechobee landscaping codes for proper screening of the use and no special screening should be required for the south half of this parcel.

STAFF COMMENTS: The landscape buffer requirements will be enforced at time of site plan review. If the Board determines that additional screening is necessary, that can be required as a condition of special exception approval.

- (7) *The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.*

APPLICANT RESPONSE: This use will not overburden public facilities including streets and as stated previously the utilities already servicing this site are sufficient for the proposed use.

STAFF COMMENTS: As there is no residential component proposed, this proposed use should not have any direct affect on density patterns and the public school facilities will be unaffected. Water and sewer service will continue to be provided to this site by OUA.

- 8) *The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.*

APPLICANT RESPONSE: This site is already developed and there are no flooding or drainage issues in the area with none anticipated. There are no impacts to public safety anticipated by the addition of this use on the site.

STAFF COMMENTS: A water retention feature is proposed on the site plan, the design of which will be reviewed at time of site plan approval with the TRC for compliance with applicable standards. Public safety should be unaffected by a car wash at this site. As stated above, the roadway level of service should not be significantly affected by this facility and the proposed design should accommodate the estimated vehicle trip generation without causing vehicle queuing that exceeds the on-site stacking capabilities.

Recommendation

Based on the foregoing analysis, the requested special use exception is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Staff recommends **approval** of this special use exception request for a car wash at 1600 Parrot Avenue with the following conditions to be met prior to issuance of a building permit or commencement of the use:

1. The special exception approval shall be limited to the southern half of the subject parcel, as described in the application as follows:

LOTS 4, 5, 6, 10, 11 AND 12, BLOCK 29, FIRST ADDITION TO SOUTH OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF THE VACATED ALLEY IN SAID BLOCK 29 REVERTING TO SAID LOTS.

THE ABOVE DESCRIBED PARCEL CONTAINING 1.03 ACRES, MORE OR LESS.

2. A site plan meeting all applicable zoning codes, building codes and other design requirements must be approved by the City Technical Review Committee.

Submitted by:



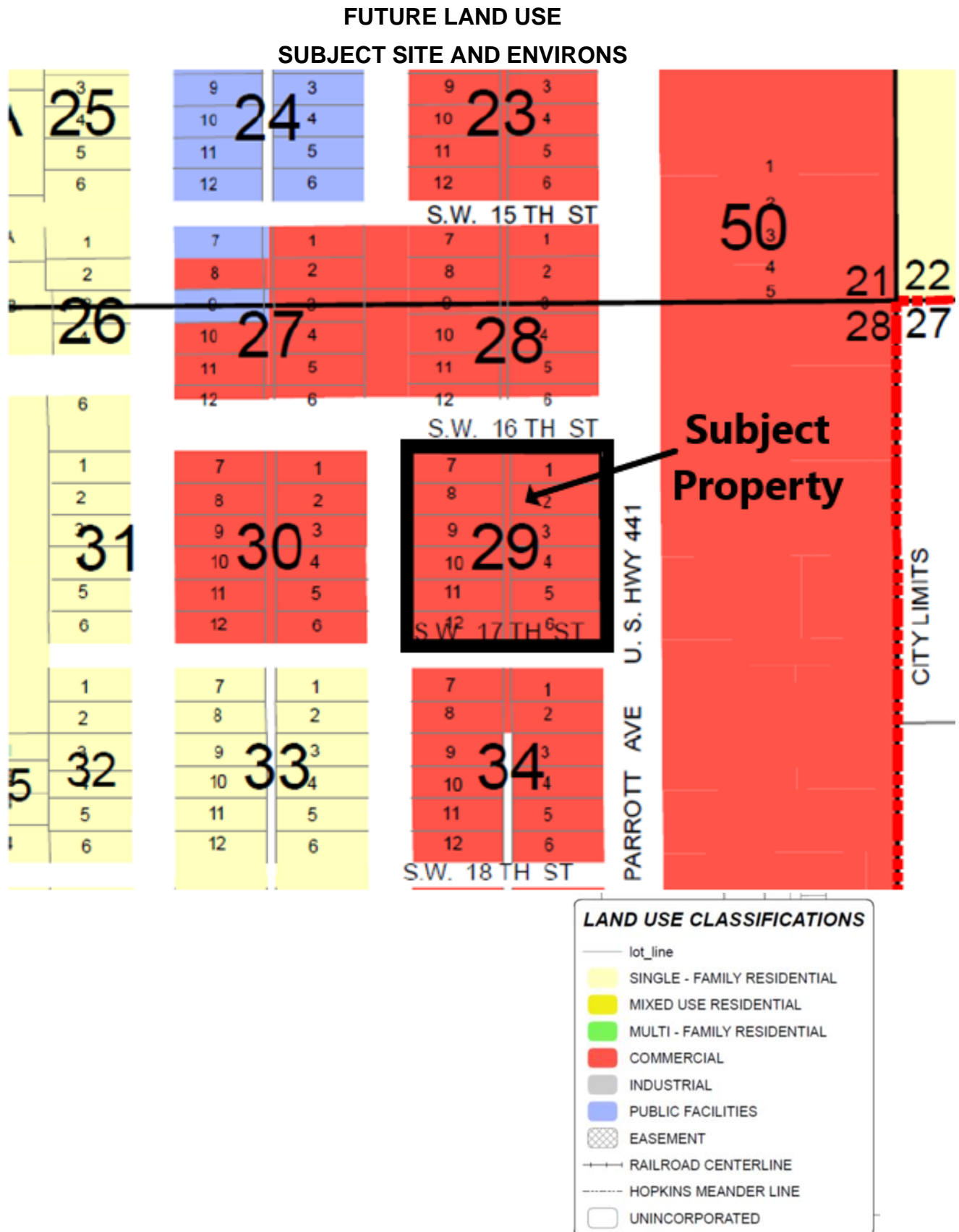
Ben Smith, AICP

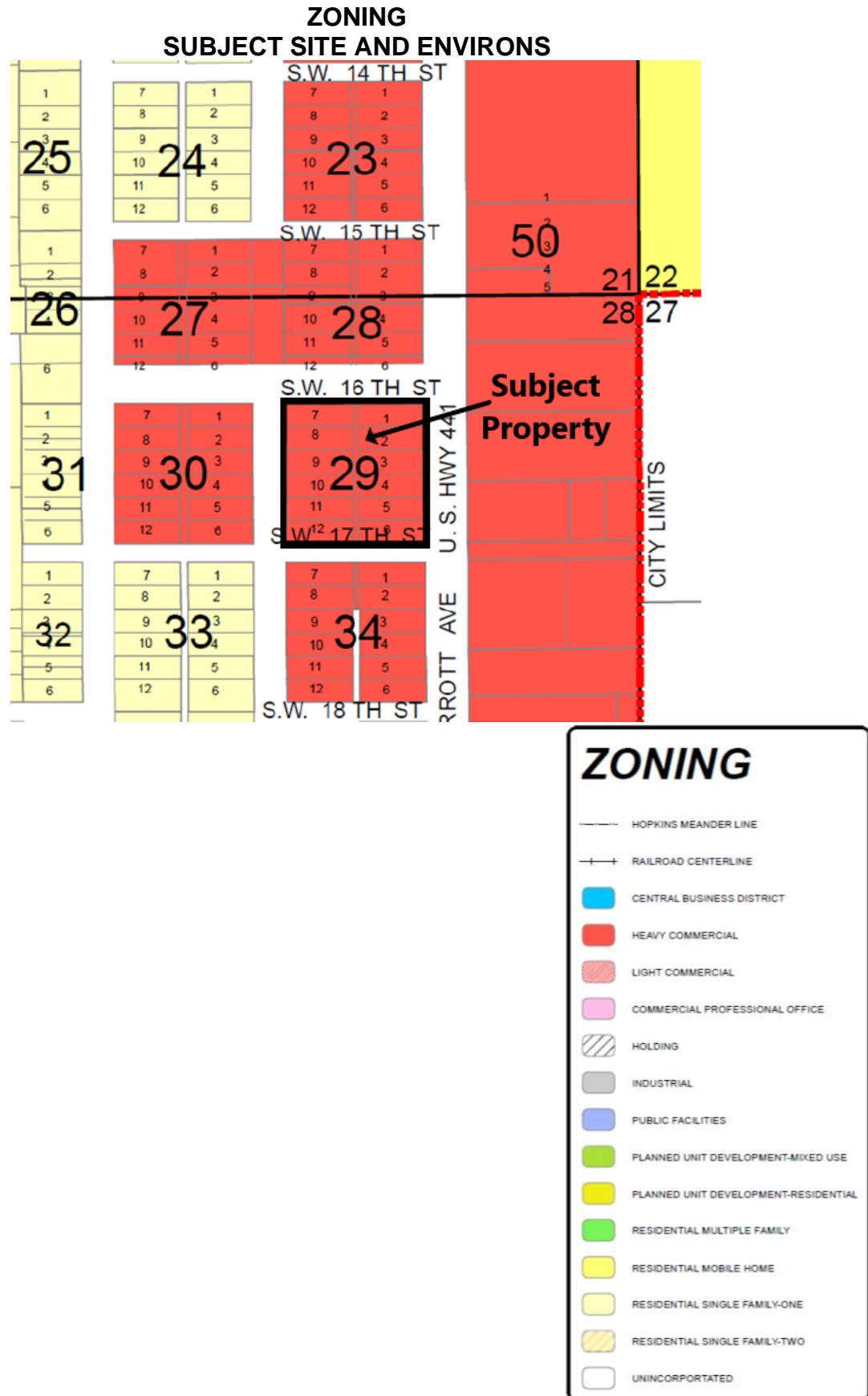
Sr. Planner

January 12, 2021

Board of Adjustment Hearing: January 21, 2021

Attachments: Future Land Use Map
Zoning Map
Aerial Photograph Depicting Existing Land Uses





**AERIAL
SUBJECT SITE AND ENVIRONS**

