



CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
APRIL 15, 2021
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action March 18, 2021
Exhibit 1	Special Exception Petition No. 21-004-SE



**CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
MARCH 18, 2021
DRAFT SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, March 18, 2021, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

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

III. AGENDA

- A.** There were no items added, deferred, or withdrawn from the agenda.
- B.** Motion by Board Member Chartier, seconded by Board Member Baughman to approve the agenda as presented. **Motion Carried Unanimously.**

IV. MINUTES

- A.** Motion by Board Member Baughman, seconded by Vice Chairperson McCoy to dispense with the reading and approve the January 21, 2021, Board of Adjustment Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:02 P.M.

- A.** Variance Petition No. 21-001-V.
 - 1. Notary Public Patty Burnette administered an oath to Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, who responded affirmatively.
 - 2. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 - 3. No comments were offered on behalf of the Property Owner.
 - 4. No public comments were offered.
 - 5. No Ex-Parte disclosures were offered.
 - 6. Motion by Board Member Baughman, seconded by Board Member Chartier to approve Variance Petition No. 21-001-V, which requests to reduce the South side setback from 10 to 5-feet within a Residential Single Family-One Zoning District, (Ref. Code Sec. 90-105 (b)(1)) located at 611 Southeast 6th Avenue for the purpose of constructing a 24-foot wide residence with the following condition: removal of concrete slab and two walkways encroaching on the parcel to the South, Centennial Park, owned by the City of Okeechobee and addressed as 701 Southeast 6th Avenue. **Motion Carried Unanimously.**
- B.** Special Exception Petition No. 21-003-SE.
 - 1. Notary Public Patty Burnette administered an oath to Mr. George Banville, 814 Southeast 37th Terrace, Okeechobee, Florida, and Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, all responded affirmatively.
 - 2. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 - 3. Mr. Banville commented he had no issues with providing buffering to improve esthetics.
 - 4. No public comments were offered.
 - 5. No Ex-Parte disclosures were offered.

QUASI-JUDICIAL PUBLIC HEARING ITEM V. B. CONTINUED:

6. Motion by Board Member Jonassaint, seconded by Board Member Chartier to approve Special Exception Petition No. 21-003-SE which requests to allow a proposed use of outdoor storage, building trades contractor within a Heavy Commercial Zoning District, (Ref. Code Sec. 90-283 (5)) located at 108 Southeast 5th Avenue for the proposed use of an electrical contractor's office, with tool and equipment storage with the following conditions: install some type of slatting or screening on the chain link fence for the entire perimeter of the property. **Motion Carried Unanimously.**

CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:30 P.M.

VI. Chairperson Hoover adjourned the meeting at 6:30 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.

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>3-2-21</u>	Petition No. <u>21-004-SE</u>
		Fee Paid: <u>500.00 CK# 1193</u>	Jurisdiction: <u>BOA</u>
		1 st Hearing: <u>4-15-21</u>	2 nd Hearing: <u>N/A</u>
		Publication Dates:	
		Notices Mailed: <u>3/31</u>	
Rezone, Special Exception and Variance			
APPLICANT INFORMATION			
1	Name of property owner(s): <u>Bryan Family Commercial Property LLC</u>		
2	Owner mailing address: <u>6300 S.E. 128th Ave Okeechobee, FL 34974</u>		
3	Name of applicant(s) if other than owner <u>Bucio Chinese Restaurant</u>		
4	Applicant mailing address: <u>104 S.E. 6th St.</u>		
	E-mail address: <u>Bucio Bucio 0325 @ gmail.com</u>		
5	Name of contact person (state relationship): <u>Victor Bucio (son)</u>		
6	Contact person daytime phone(s): <u>Liborio Bucio (863) 261-3712</u>		
PROPERTY INFORMATION			
7	Property address/directions to property: <u>104 S.E. 6th St.</u>		
8	Describe current use of property: <u>Restaurant</u>		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) <u>2-buildings</u>		
	Source of potable water: <u>OUA</u> Method of sewage disposal: <u>OUA</u>		
10	Approx. acreage: <u>.462</u> Is property in a platted subdivision? <u>Yes</u>		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: <u>No</u>		
12	Is a pending sale of the property subject to this application being granted? <u>No</u>		
13	Describe uses on adjoining property to the North: North: <u>Business</u> East: <u>Residential</u> South: <u>School</u> West: <u>Business</u>		
14	Existing zoning: <u>Heavy Commercial</u> Future Land Use classification: <u>Commercial</u>		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? () No, (X) Yes. If yes provide date, petition number and nature of approval. <u>Special Exception - drive thru window 05-002-SE Approved 9-27-2005</u>		
16	Request is for: () Rezone (X) Special Exception () Variance		
17	Parcel Identification Number: <u>3-21-37-35-0020-02200-0100</u> <u>-0100</u>		

REQUIRED ATTACHMENTS

✓ 18	Applicant's statement of interest in property: <i>owner of Bucia Chinese Restaurant</i>
✓ 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: <i>7-23-2013</i>
✓ 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
<i>Dennis Bryan</i>	<i>Dennis Bryan</i>	<i>1-25-2021</i>

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 Limited Liability Company

BRYAN FAMILY COMMERCIAL PROPERTY, LLC

Filing Information

Document Number L13000071116
FEI/EIN Number N/A
Date Filed 05/14/2013
State FL
Status ACTIVE

Principal Address

6300 SOUTHEAST 128TH AVENUE
OKEECHOBEE, FL 34974

Mailing Address

6300 SOUTHEAST 128TH AVENUE
OKEECHOBEE, FL 34974

Registered Agent Name & Address

MILLER, DAVID A
225 EAST LEMON STREET, SUITE 300
LAKELAND, FL 33801

Authorized Person(s) Detail

Name & Address

Title MGR

BRYAN, DENNIS L

6300 SOUTHEAST 128TH AVENUE
OKEECHOBEE, FL 34974

Annual Reports

Report Year	Filed Date
2019	02/02/2019
2020	03/05/2020
2021	01/13/2021

Document Images

[01/13/2021 -- ANNUAL REPORT](#) [View image in PDF format](#)

[03/05/2020 -- ANNUAL REPORT](#) [View image in PDF format](#)

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <i>Drive thru window</i> Ref. Sec. 90-283 (1) <i>Drive-through service</i>
B	Are there similar uses in the area? No <input type="checkbox"/> (X) Yes If yes, briefly describe them: <i>Arby's</i>
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: <i>Restaurant - 5 employees - 11:00am - 7 days a week - none</i>
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.

Drive thru has been approved for about 50 yrs.

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.

Plans have been approved by the city for buildings before

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

Just cars - no ~~visual~~ excessive noise or ~~visual~~ anything bad visually

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.

very quiet - people drive up to window, receive their food, pay and leave

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

The city of Okeechobee handles both

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

Plenty of parking onsite

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. *No*
2. The use is specifically authorized as a special exception use in the zoning district. *Yes*
3. The use will not have an adverse effect on the public interest. *none*
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns. *very appropriate*
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property. *No*
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses. *hasn't in the past*
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services. *No*
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety. *none*

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)]



FILE NUM 2013009002
 OR BK 735 PG 1430
 SHARON ROBERTSON, CLERK OF CIRCUIT COURT
 OKEECHOBEE COUNTY, FLORIDA
 RECORDED 09/03/2013 02:19:42 PM
 AMT \$10.00
 RECORDING FEES \$27.00
 DEED DOC \$0.70
 RECORDED BY L Shain
 Pgs 1430 - 1432; (3 pgs)

This instrument prepared by:
 David A Miller, Esq.
 PETERSON & MYERS, P.A.
 Post Office Box 24628
 Lakeland, Florida 33802-4628

PARCEL I.D. NO.:

3-15-37-35-0010-01760-0070
 3-21-37-35-0020-02200-0100
 3-21-37-35-004A-00000-0010
 3-21-37-35-004A-00000-0020
 3-21-37-35-004A-00000-0030
 3-21-37-35-004A-00000-0040
 3-21-37-35-004A-00000-0050
 3-21-37-35-004A-00000-0060
 3-21-37-35-004A-00000-0070
 3-21-37-35-004A-00000-0080
 3-21-37-35-004A-00000-0090
 3-21-37-35-004A-00000-0100
 3-21-37-35-004A-00000-00C0

WARRANTY DEED

THIS INDENTURE,

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 23 day of July, 2013, between **DENNIS L. BRYAN and ANITA H. BRYAN, husband and wife**, Grantor, whose mailing address is 6300 Southeast 128th Avenue, Okeechobee, Florida 34974, and **BRYAN FAMILY COMMERCIAL PROPERTY, LLC, a Florida limited liability company**, Grantee, the mailing address of which is 6300 Southeast 128th Avenue, Okeechobee, Florida 34974.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee, and Grantee's heirs, successors, and assigns forever, the following described land in Okeechobee County, Florida, to-wit:

(See attached Exhibit "A")

EXHIBIT "A"

Lots 7 and 8, Block 176, FIRST ADDITION TO OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, page 5, public records of Okeechobee County, Florida

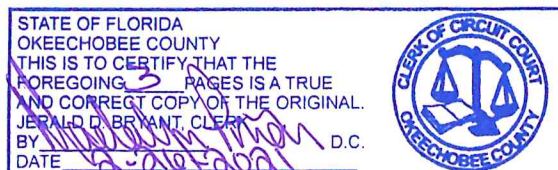
AND

Lots 10, 11 and 12, Block 220 FIRST ADDITION TO OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, page 6, public records of Okeechobee County, Florida

AND

Lots 4, 5, 6, 10, 11, 12, Block 16, together with the alley running North to South between Lots 4, 5 and 6 and Lots 10, 11 and 12, within Block 16, South Okeechobee, according to the plat thereof recorded in Plat Book 5, page 7, public records of Okeechobee County, Florida

This property is also described Units 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the White House Plaza Condominium, a Condominium according to the Declaration of Condominium dated September 27, 2007, and recorded in O.R. Book 640, page 1, public records of Okeechobee County, Florida, together with all of the appurtenances to the Units (Lots) including but not limited to all of the undivided shares of common elements.



This conveyance is subject to the following:

1. Conditions, restrictions, limitations and easements of record, if any, but this provision shall not operate to re-impose the same.
2. Zoning and other governmental regulations.
3. Taxes and assessments for 2013 and subsequent years.

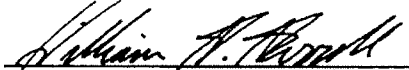
Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

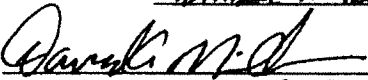
THIS INSTRUMENT WAS PREPARED FROM UNVERIFIED INFORMATION. NO EXAMINATION OF TITLE WAS REQUESTED OR MADE AND NO RESPONSIBILITY IS ASSUMED FOR TITLE OR DESCRIPTION PROBLEMS.

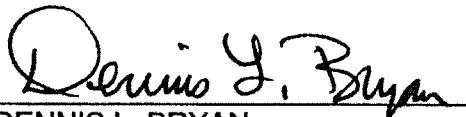
The subject property is not the homestead of the Grantor, said Grantor residing elsewhere.

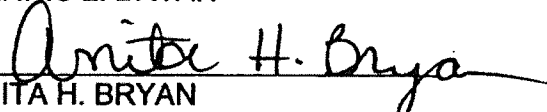
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print name: William H. Herrell


Print name: David A. Miller


DENNIS L. BRYAN


ANITA H. BRYAN

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me on this 23 day of July, 2013, by DENNIS L. BRYAN and ANITA H. BRYAN, husband and wife, who (X) are personally known to me or () have produced _____ as identification.

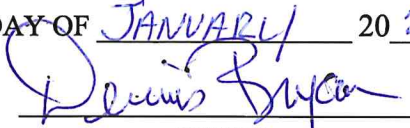
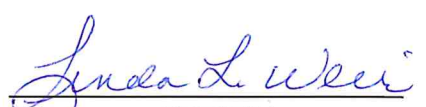
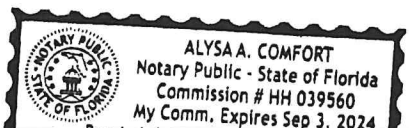
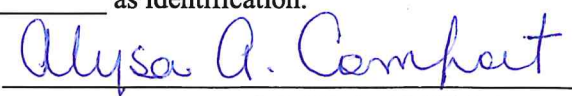


DAVID A. MILLER
Notary Public, State of Florida
My Comm. Expires 08/04/17
Commission No. FF 15249


Notary Public
My commission expires:

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:			Bryan Family Commercial Property		
			Dennis & Anita Bryan		
Mailing Address:			6300 S.E 128 th Ave		
			Okeechobee Fla. 34974		
Home Telephone:		467-6414	Work:		Cell: 634-1876
Property Address:			104 S.E 6 th Street		
Parcel ID Number:			3-21-37-35-0020-02200-0100		
Name of Applicant:			Liborio Bucio		
Home Telephone:		none	Work:	261-3712	Cell: 623-7501
<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>					
IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>28</u>					
DAY OF <u>JANUARY</u> 20 <u>21</u> .					
					
OWNER			WITNESS		
_____ OWNER			_____ WITNESS		
STATE OF FLORIDA COUNTY OF <u>Okeechobee</u>					
<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>28th</u> day of <u>January</u>, 20<u>21</u>, by <u>Dennis Bryan</u>, (Name of Person)</p> <p>who is personally known to me or produced _____ as identification.</p>					
					
			NOTARY PUBLIC SIGNATURE		

BOUNDARY SURVEY PREPARED FOR BRYAN FAMILY COMMERCIAL PROPERTY, LLC.

DESCRIPTION:

LOTS 10, 11, 12, BLOCK 220, FIRST ADDITION TO OKEECHOBEE FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE PLAT(P) AND MEASURED(M).
- 2) SITE ADDRESS: 104 SE 6TH STREET.
- 3) PARCEL ID: 3-21-37-35-0020-02200-0100.
- 4) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.
- 5) THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- 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 NORTH RIGHT-OF-WAY LINE OF SE 6TH STREET IS TAKEN TO BEAR SOUTH 89°47'51" WEST.
- 12) DATE OF LAST FIELD SURVEY: 02/05/21.

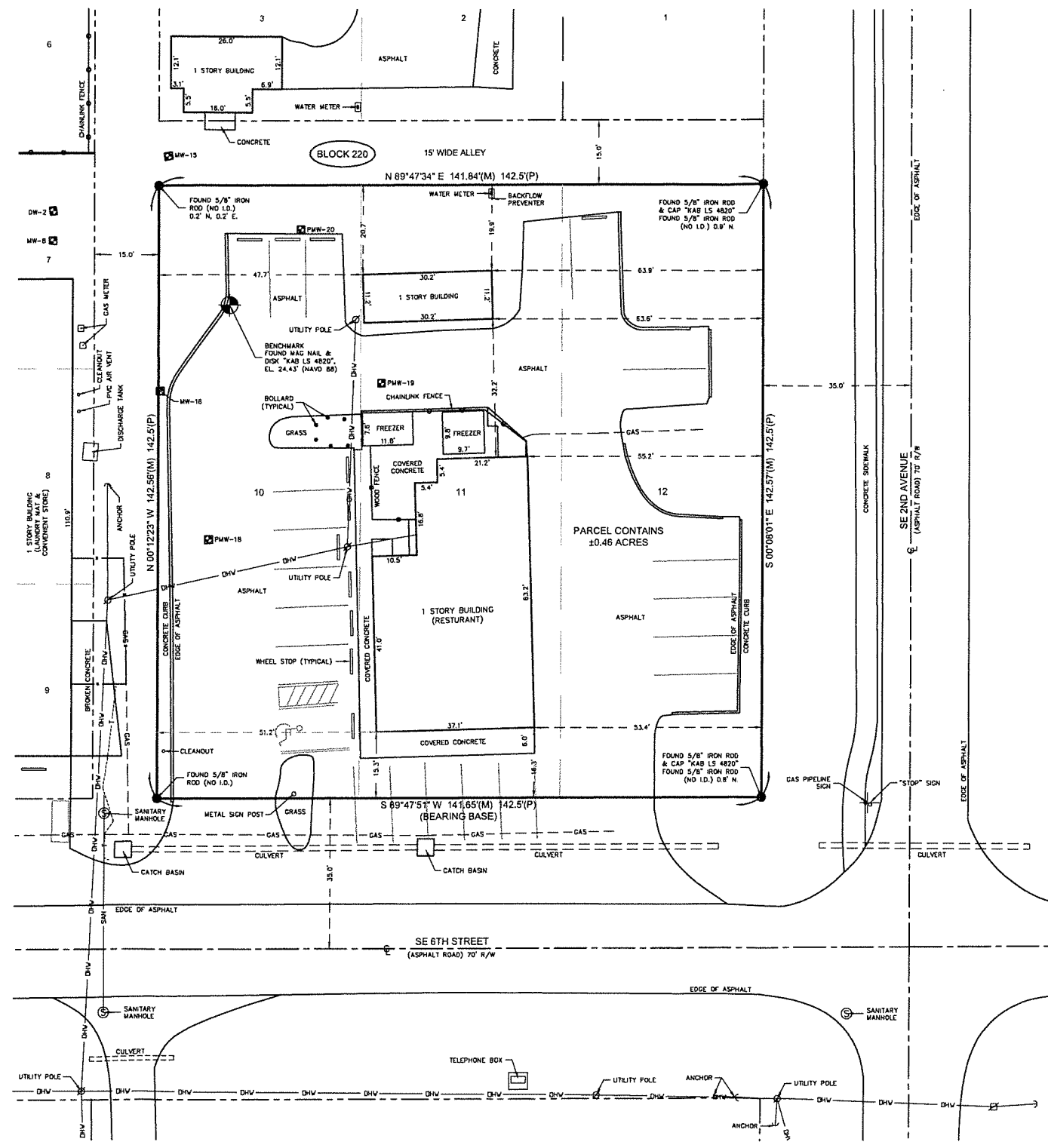
MONITOR WELL LOCATIONS (ELEV. NAVD 88)			
DESCRIPTION	NORTHING	EASTING	ELEVATION
MW-8	1055878.42	711624.85	25.85
MW-15	1055898.11	711651.65	25.31
MW-16	1055843.72	711650.07	24.66
PMW-18	1055809.21	711661.62	24.52
PMW-19	1055845.65	711701.76	24.46
PMW-20	1055881.37	711682.83	23.59
DW-2	1055885.38	711624.78	25.87

PREPARED FOR THE EXCLUSIVE USE OF:
BRYAN FAMILY COMMERCIAL PROPERTY, LLC.

NORTH



0 10 20
SCALE IN FEET
MAP SCALE: 1 INCH = 20 FEET
INTENDED DISPLAY SCALE



REVISE LEGAL DESCRIPTION UPDATE BOUNDARY SURVEY	02/26/21 02/08/21	FILE FILE	WC WC	JJR JJR
DESCRIPTION	DWG. DATE	FB/PG	BY	CK
SCALE 1" = 20'	DRAWING NUMBER: 21-052			
SHEET 1 OF 1				

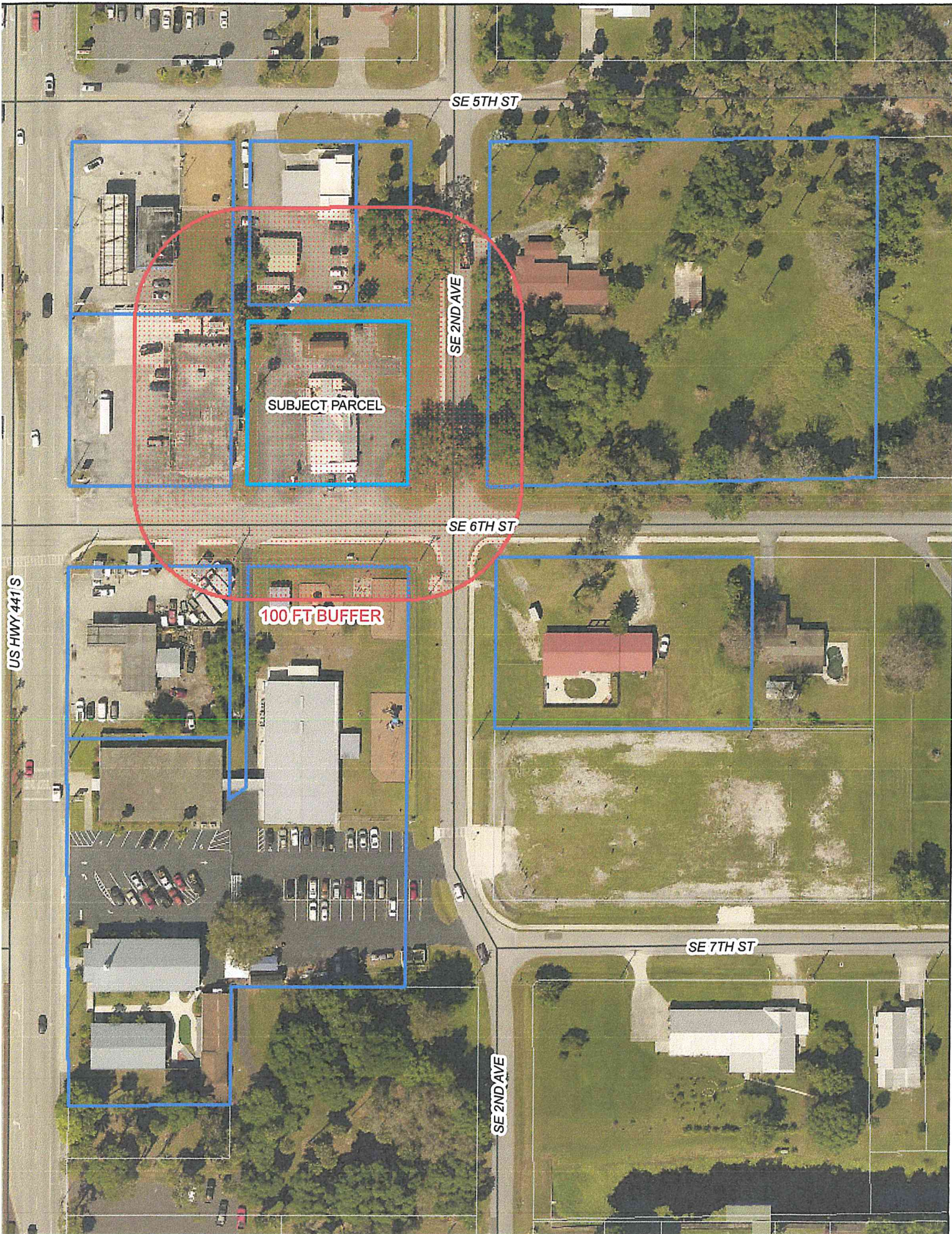
LEGEND
● - Set Iron Rod and Cap "LB 8360" ■ - Found CM
● - Found Iron Rod (and Cap) ● - Found Pipe (and Cap)
ABBREVIATIONS
B=Baseline; BM=Benchmark; C=Centerline; CATV=Cable TV; CM=Concrete Monument; CONC=Concrete; D=Delta; Δ=Delta or Central Angle; E=East; ELY=Eastline; E/P=Edge of Pavement; ESM=Easement; F.I.R.M.=Flood Insurance Rate Map; FND=Found; IP=Iron Pipe; IR&(C)=Iron Rod (and ID Cap); L=(Arc) Length; M=Measured; MH=Manhole; N=North; NLY=Northerly; NGV(O)=National Geodetic Vertical (Datum) of 1928; NTS=Not to Scale; OHW=Overhead Wires; R=Property Line; P=Point; PC=Point of Curvature; PCC=Point of Compound Curvature; PCP=Permanent Control Point; POB=Point of Beginning; POC=Point of Commencement; PRC=Point of Reverse Curvature; PRM=Permanent Reference Monument; PTP=Point of Tangency; PUBD=Public Utility and Drainage; R=Radius; R/W=Right-of-Way; S=South; SLY=Southerly; T=Tangent; TEL=Telephone Splice or Switch Box; W=West; WLY=Westerly; UTIL=Utility(ies); ⚡=Spot Elevation based on indicated Datum.

STANDARD NOTES:
1. No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor.
2. The survey depicted here is prepared exclusively for those parties noted.
3. No responsibility or liability is assumed by the surveyor for use by others not specifically named.
4. Not valid without the signature and embossed seal of Florida licensed surveyor and mapper #4506.
5. There are no visible above ground encroachments except as shown.
6. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey.
7. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and mappers as outlined in Chapter 5J-17, Florida Administrative Code.

TRADEWINDS SURVEYING GROUP, LLC.
200 SW 3rd Avenue
Okeechobee, FL 34874
Tel: (863) 763-2887
Fax: (863) 763-4342
John J. Rice, P.S.M. (LS 4506) LB 8360

405

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
3-21-37-35-0020-02150-0070	CAULEY CALVIN SR	203 SE 5TH ST		OKEECHOBEE	FL	34974
3-21-37-35-0020-02160-0070	THREE J HOLDINGS LLC	C/O INSPIRE BRANDS	THREE GLENLAKE PKWY 5TH FLOOR	ATLANTA	GA	30328
3-21-37-35-0020-02160-0110	MAY DAVID BENSON	1735 SW 40TH DR		OKEECHOBEE	FL	34974-5486
3-21-37-35-0020-02190-0010	BOROMEI NICHOLAS	500 S PARROTT AVE		OKEECHOBEE	FL	34974-4345
3-21-37-35-0020-02190-0030	SIMMONS MARSHALL	2683 NW 50TH AVE		OKEECHOBEE	FL	34972-8857
3-21-37-35-0020-02190-0050	BLACKWELL HOLDINGS LLC	520 S PARROTT AVE		OKEECHOBEE	FL	34974
3-21-37-35-0020-02200-0010	CITY OF OKEECHOBEE	55 SE 3RD AVE		OKEECHOBEE	FL	34974
3-21-37-35-0020-02200-0020	GATOR SECURITY INC	1295 8TH ST (BHR)		OKEECHOBEE	FL	34974
3-21-37-35-0020-02200-0040	TOMSUN ASSOCIATES INC	511 S PARROTT AVE		OKEECHOBEE	FL	34974
3-21-37-35-0020-02200-0070	SHAH KIRIT R	6525 JESSY CIR		LAKE WORTH	FL	33467
3-21-37-35-0020-02210-0010	PERRY SANDRA W	3285 SW 28TH ST		OKEECHOBEE	FL	34974
3-21-37-35-0020-02290-0010	CHRIST FELLOWSHIP CHURCH INC	5343 NORTHLAKE BLVD		WEST PALM BEACH	FL	33418
3-21-37-35-0020-02290-0040	TRIPLE E MANAGEMENT INC	691 E MAIN ST		PAHOKEE	FL	33476
3-21-37-35-0020-02300-0010	HOOKE CHRISTINE P	P O BOX 1291		OKEECHOBEE	FL	34973
3-22-37-35-0030-000H0-0040	VANDERCOOK CHARLES	200 SE 6TH ST		OKEECHOBEE	FL	34974-4470
3-22-37-35-0030-000H0-0070	CHRIST FELLOWSHIP CHURCH INC	5343 NORTHLAKE BLVD		WEST PALM BEACH	FL	33418



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

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



#24

Petition No. 21-004-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 _____, _____ 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 2nd day of March, 2021.

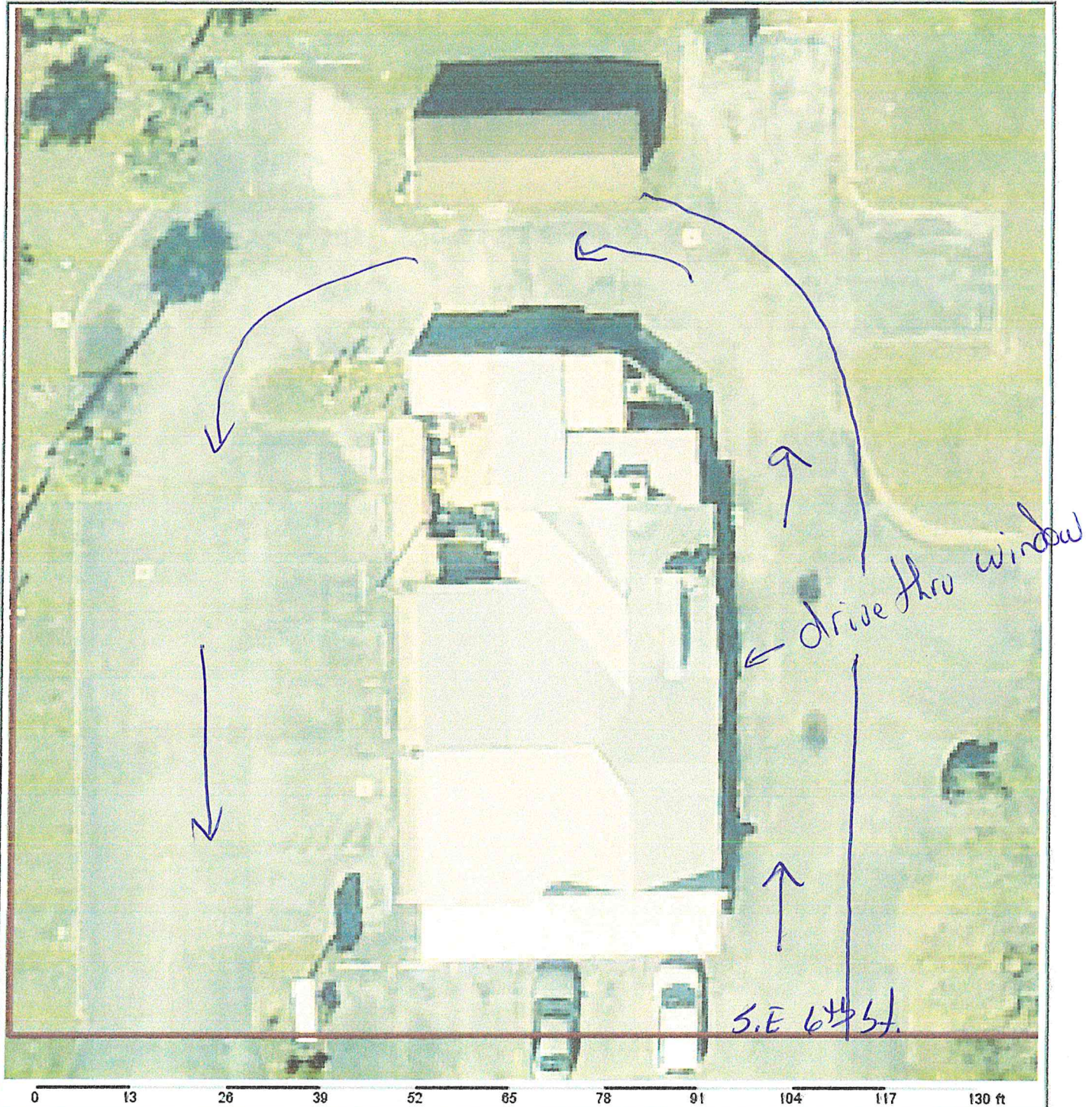
Signature of Applicant
3/2/21
Date

Liborio Bucio
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 2nd day of March, 2021, by Liborio Bucio, who is personally known to me or produced _____ as identification.

Sandra Ruiz
Notary Public Signature
SANDRA RUIZ
Notary Public - State of Florida
Commission # GG 301378
My Comm. Expires Mar 25, 2023
Bonded through National Notary Assn.



Okeechobee County Property Appraiser

Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

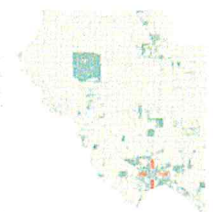
PARCEL: 3-21-37-35-0020-02200-0100 (34627) | RESTAURANT/CAFE (2100) | 0.462 AC
FIRST ADDITION TO OKEECHOBEE (PLAT BOOK 1 PAGE 11 AND PLAT BOOK 5 PAGE 6) LOTS 10 11 12 BLOCK 220

BRYAN FAMILY COMMERCIAL

2020 Certified Values

Owner: PROPERTY LLC	Mkt Lnd	\$50,830	Appraised	\$181,470
6300 SE 128TH AVE	Ag Lnd	\$0	Assessed	\$181,470
OKEECHOBEE, FL 34974	Bldg	\$92,213	Exempt	\$0
Site: 104 SE 6TH ST, OKEECHOBEE	XFOB	\$38,427	county:	\$181,470
Sales 7/23/2013 \$100 1 (U)	Just	\$181,470	Total city:	\$181,470
Info 3/26/2004 \$380,000 1 (U)			Taxable other:	\$181,470
3/1/1990 \$87,500 1 (U)			school:	\$181,470

NOTES:



Okeechobee County, FL

This information, was derived from data which was compiled by the Okeechobee County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office.

GrizzlyLogic.com

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Certified Values

updated: 2/18/2021

Parcel: << **3-21-37-35-0020-02200-0100 (34627)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 1 of 1

Owner	BRYAN FAMILY COMMERCIAL PROPERTY LLC 6300 SE 128TH AVE OKEECHOBEE, FL 34974		
Site	104 SE 6TH ST, OKEECHOBEE		
Description*	FIRST ADDITION TO OKEECHOBEE (PLAT BOOK 1 PAGE 11 AND PLAT BOOK 5 PAGE 6) LOTS 10 11 12 BLOCK 220		
Area	0.462 AC	S/T/R	21-37-35
Use Code**	RESTAURANT/CAFE (2100)	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	\$50,829	Mkt Land	\$50,830
Ag Land	\$0	Ag Land	\$0
Building	\$84,961	Building	\$92,213
XFOB	\$39,797	XFOB	\$38,427
Just	\$175,587	Just	\$181,470
Class	\$0	Class	\$0
Appraised	\$175,587	Appraised	\$181,470
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$175,587	Assessed	\$181,470
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$175,587 city:\$175,587 other:\$175,587 school:\$175,587	Total Taxable	county:\$181,470 city:\$181,470 other:\$181,470 school:\$181,470

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	Qualification (Codes)	RCode
7/23/2013	\$100	0735/1430	WD	I	U	11
3/26/2004	\$380,000	0527/0431	WD	I	U	03
3/1/1990	\$87,500	0312/0189	WD	I	U	03
7/1/1989	\$127,500	0306/0350	WD	I	Q	
4/1/1989	\$100	0303/1545	QC	I	U	03
3/1/1987	\$105,000	0285/0118	WD	I	Q	
9/1/1981	\$51,000	0000/0000	WD	I	Q	

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
Sketch	REST LOUNG (5601)	1977	2038	2260	\$92,213

*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 4	PK WATR/RE	2005	\$24,044.00	14248.00	64 x 33	PD (75%)
CONC B	COM SLB WLK	2005	\$599.00	288.00	0 x 0	PD (80%)
FENC P	6'1/2 PINE	2005	\$163.00	30.00	0 x 0	PD (70%)
OFA	OPN FLR MTL	2005	\$601.00	91.00	0 x 0	PD (75%)
FENC I	6' VENETIAN	2005	\$444.00	32.00	0 x 0	PD (75%)
LNI1	LGHT INCD	2008	\$144.00	1.00	0 x 0	PD (80%)
CONC I	BUMPERS	2005	\$174.00	16.00	0 x 0	PD (70%)
CONC E	CURB	2005	\$1,292.00	287.00	0 x 0	PD (60%)
MFS W4	MTL FL SHG/C	2005	\$9,662.00	330.00	30 x 11	PD (85%)
LWI1	LGHT W ICD	2005	\$296.00	1.00	0 x 0	PD (80%)
LNQ1	LGHT QURZ	2008	\$1,008.00	3.00	0 x 0	PD (80%)

▼ Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
067SP8	SO SIDE ST (MKT)	142.500 FF (0.462 AC)	1.0000/.8700 1.0000/ /	\$357 /FF	\$50,830

Search Result: 1 of 1

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by: GrizzlyLogic.com



Staff Report

Special Exception Request

Prepared for: The City of Okeechobee

Applicant: Bucio Chinese Restaurant

Petition No.: 21-004-SE

Address: 104 SE 6th St

Description: Drive-through service



1375 Jackson Street # 206 Fort Myers, FL 33901

General Information

Owner	Bryan Family Commercial Property, LLC 6300 SE 128 th Ave Okeechobee, FL 34974
Applicant	Bucio Chinese Restaurant 104 SE 6 th Street Okeechobee, FL
Applicant Contact Person	Liborio Bucio Victor Bucio
Site Address	104 SE 6 th Street
Parcel Identification	3-21-37-35-0020-02200-0100
Applicant Phone Number	863.261.3712
Applicant Email Address	BucioBucio0325@gmail.com
For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at https://www.cityofokeechobee.com/agendas.html	

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	Restaurant	Restaurant with drive-up window
Acreage	0.462 acres	0.462 acres

Description of Request

The matter for consideration by the City of Okeechobee Board of Adjustment is a Special Exception for a drive-up window at an existing Chinese restaurant. The Applicant is owner of Bucio Chinese Restaurant. According to the application, the restaurant has 5 employees with hours of operation from 11:00 am to 9:00 pm, 7 days per week.

The property is designated Commercial on the Future Land Use Map (FLUM) and zoned Heavy Commercial. City Code Section 90-283(1) lists "drive-through service" as a special exception use in the CHV district.

The property is approximately 0.462 acres, with an existing 2,260 square foot structure built in 1977. A window on the east side of the building has been used for drive-through service in the past and a drive-through service special exception use was previously approved for this property in 2005 (Application 05-002-SE). However, business tax receipt records indicate that there has been at least one discontinuance of the restaurant use (for at least 180 days) since that special

exception approval in 2005. Therefore, according to City Code section 90-373(f), a special exception must be approved again before the drive-through service use can legally continue.

There appears to be space for approximately 3 vehicles to stack on site between the south property line and the drive-up window. There are also 19 on-site parking spaces (one of which contains the dumpster) as well as 6 parking spaces that are partly on the subject property and extend into the public right-of-way.

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

North	Future Land Use	Commercial
	Zoning	Commercial Professional Office
	Existing Use	Office
East	Future Land Use	Single-Family residential
	Zoning	Residential Single-Family One
	Existing Use	Single family residence
South	Future Land Use	Commercial
	Zoning	Residential Single-Family One
	Existing Use	Church/School
West	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Strip commercial businesses

Consistency with Land Development Regulations

Section 70-373(b) requires that the Applicant address the following standards for granting a Special Exception during their 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: Drive thru has been approved for about 50 yrs.

STAFF COMMENTS: To address the Applicant's statement: This structure appears to have been used as a restaurant since its construction in 1977. As the City does not have the original building plans or site plans on file, it is not clear whether the drive-up service window was part of the original plans and operations. However, through a County records request staff was able to obtain a building permit application from 1992 for an expansion of the existing structure. That application includes a site plan depicting the drive through as existing at that time. Additionally, a drive-through service special use exception was approved at this site in 2005. In the application for that special use request, the applicant stated that, "the drive-through has been in operation for many years". Also, in the minutes

of that public hearing, the planning consultant is on the record stating that it, “appears that the drive thru has been in existence but has never been approved through the special exception process.” Now, due to discontinuance of use since that approval, the special use exception must be approved again in order to continue its operation.

To address the required finding: The site is located along the US-441 commercial corridor, within about 150 feet of that roadway and situated amid other commercial uses, as well as a church to the south and single family residential to the east. This is an appropriate location and site for a restaurant with drive-through service as long as vehicle stacking at the drive-through does not extend into the right-of-way, blocking traffic coming to and from US-441, and as long as the drive-through service is not disruptive to the existing adjacent single family residences.

- (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: Plans have been approved by the City for buildings before

STAFF COMMENTS: The location of the existing drive-up window on the east side of the building is not optimal, as there is little space for stacking of vehicles along the side of the building. However, since there is no drive-through intercom system, ordering will likely take place prior to patron arrival and the window will be primarily used for pickup and payment of food. There are also 18 parking spaces on-site (as well as 6 parking spaces which are partly on-site and partly in the right-of-way) which patrons can pull into while waiting for their orders. So, while it is conceivable that vehicle stacking could extend into the right-of-way, it should not occur on a regular basis. Additionally, since there are residential uses located adjacent to the side of the building where the drive-up window is located, the lack of an ordering intercom is a positive feature that will eliminate the noise generally associated with such systems. To be sure, staff contacted code enforcement, who reported that there have been no complaints about traffic backing up on 104 SE 6th Street.

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

Applicant Response: Just cars – no excessive noise or anything bad visually

STAFF COMMENTS: The property is legally nonconforming to the current landscape standards. If the board determines that it is necessary, the addition of landscaping in the parking lot islands and along the perimeter could be made a condition of approval of this request for a drive-through service special use exception. Doing so would provide some buffering of the drive-up area, parking area, dumpster and outdoor freezer/storage enclosure.

- (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: Very quiet – people drive up to window, receive their food, pay and leave

STAFF COMMENTS: Staff is not aware of any nuisance caused by the drive-up service window and the applicant is not proposing any improvements to the property at this time.

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

Applicant Response: The City of Okeechobee handle both

STAFF COMMENTS: Utility and service requirements should not be affected by approval or denial of this request.

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

Applicant Response: Plenty of parking onsite

STAFF COMMENTS: This restaurant and the drive-up window have been in operation for many years and no increase in the intensity of the use is being proposed at this time. This site is in close proximity to US-441, which allows for quick access to that highway, minimizing congestion on local roadways. Depending on the size of the customer service area, it is likely that this establishment exceeds the current minimum parking standards. The drive aisles in the parking area have ample width to accommodate internal circulation and drive-up services, while still allowing for vehicles to maneuver into parking spaces. The dual driveways allow for vehicles to drive through after being served at the window without having to turn around.

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: No

STAFF COMMENTS: There are no policies in the City's Comprehensive Plan that prohibit this use.

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

Applicant Response: Yes

STAFF COMMENTS: City Code Section 90-283(1) lists "drive-through service" as a special exception use in the CHV district.

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

Applicant Response: None

STAFF COMMENTS: It is in the public interest to facilitate business owners to provide multiple service options to their customers. There should be no adverse effects on the public interest by allowing a new business to continue using this existing drive-up window.

- (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: Very appropriate

STAFF COMMENTS: For the reasons discussed above, staff finds that continued use of this drive-up window is appropriate in this location, compatible with adjacent land uses and should not affect prevailing 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.*

Applicant Response: No

STAFF COMMENTS: Approving the use of this drive-up window should not affect property values or living conditions and should not deter development/redevelopment 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: Hasn't in the past

STAFF COMMENTS: There is currently very little on-site landscaping, though there also should not be many impacts created by the use of this drive-up window that would require screening. Headlights of vehicles waiting at the window should face north towards the office uses and should not point towards the adjacent single family homes for any significant period of time. Since there is no intercom ordering system, there should not be a significant level of noise created either.

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

Applicant Response: No

STAFF COMMENTS: There is no residential component of the applicant's request that should affect density or demand on public school capacity.

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

Applicant Response: None

STAFF COMMENTS: Any existing flooding or drainage problems at this site should not be affected by approval or denial of this request. Staff is not aware of any public safety issues resulting from use of this drive-up window in the past.

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 request to allow use of a drive-up window at 104 SE 6th St in the CHV zoning district, with the condition that design and operation continue with no intercom system, and that primary use of the window should be for payment and pickup of orders.

Submitted by:



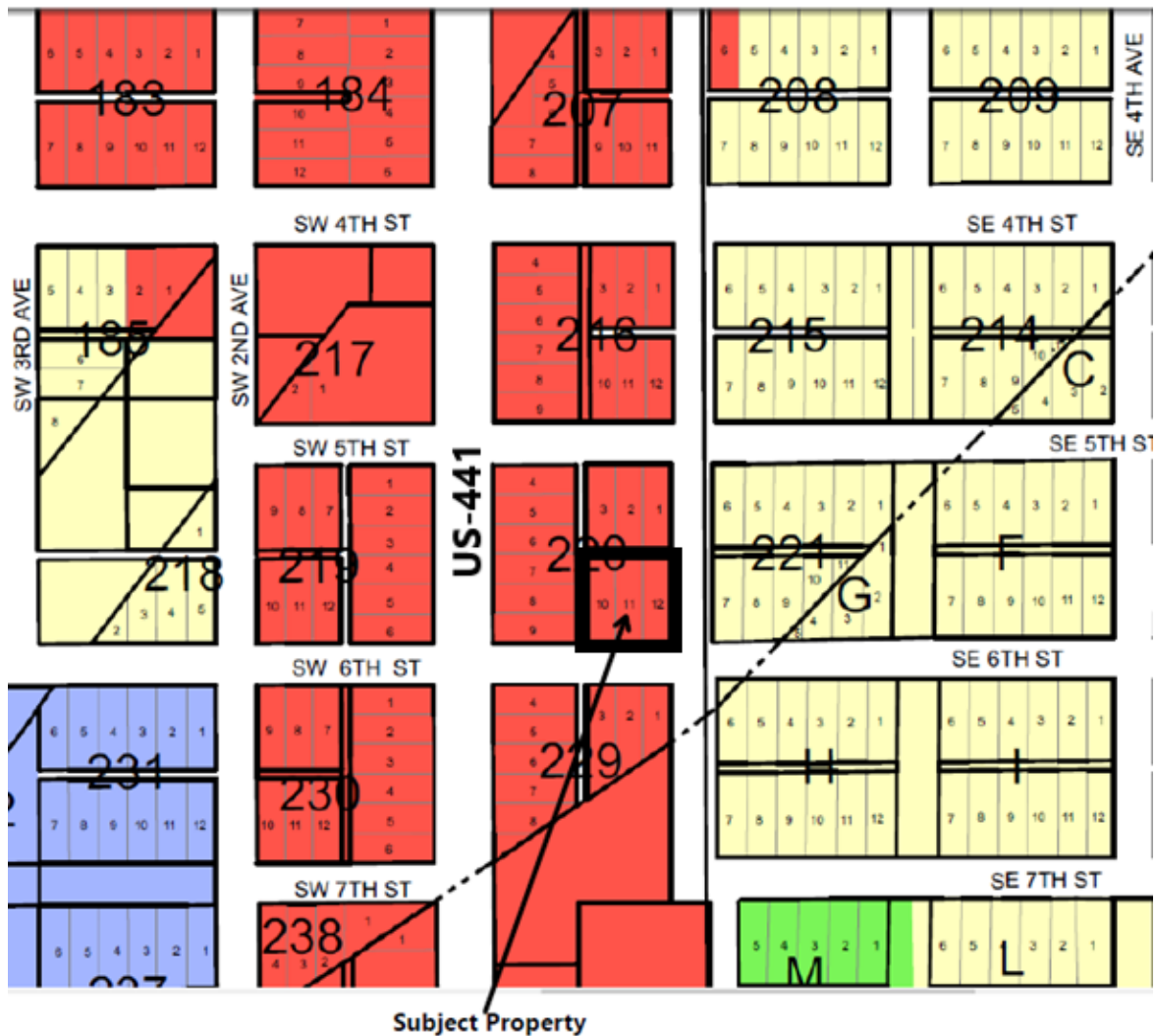
Ben Smith, AICP
Sr. Planner

March 19, 2021

Board of Adjustment Hearing: April 15, 2021

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

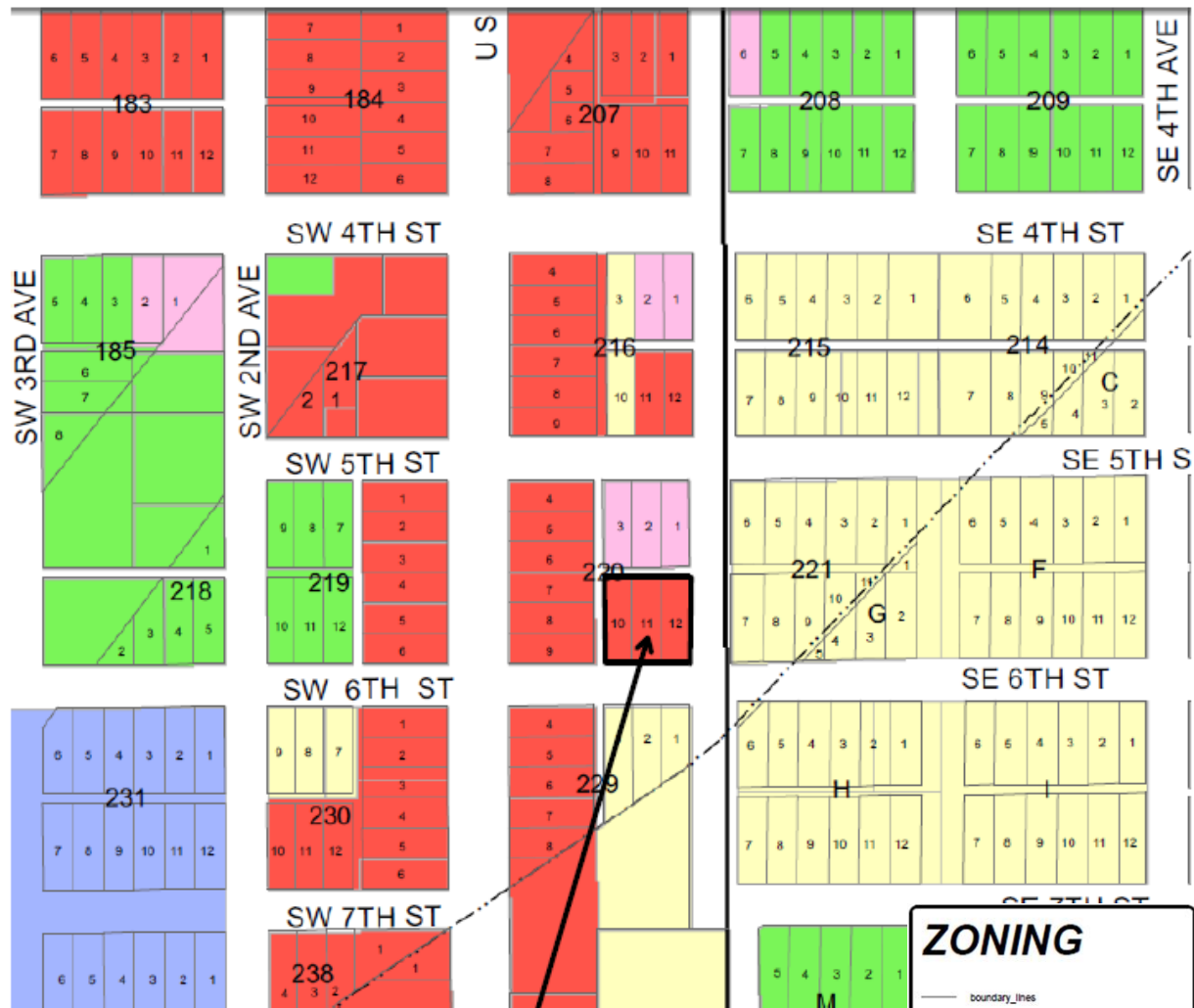
FUTURE LAND USE SUBJECT SITE AND ENVIRONS



LAND USE CLASSIFICATIONS

- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- flu_boundary_lines
- lot_line
- flu_background_parcels
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES

ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS

