



CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
JULY 20, 2023
LIST OF EXHIBITS

Draft Minutes

Summary of Board Action December 15, 2022

Staff Report/Exhibit 1

Special Exception Petition No. 23-003-SE



CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
DECEMBER 15, 2022
DRAFT SUMMARY OF BOARD ACTION

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, December 15, 2022, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue, Room 200, Okeechobee, Florida (FL), 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, Mac Jonassaint, and Alternate Board Members Jim Shaw and Carl Berlin, Jr. were present. 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- A.** There were no items added, deferred, or withdrawn from the agenda.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 Jonassaint, to approve the agenda as presented. **Motion Carried Unanimously.**
- C.** There were no comment cards submitted for public participation for issues not on the agenda.

IV. MINUTES

- A.** Motion by Board Member Jonassaint, seconded by Vice Chairperson McCoy to dispense with the reading and approve the November 17, 2022, Board of Adjustment Regular Meeting minutes. **Motion Carried Unanimously.**

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

- A.** Special Exception Petition No. 22-003-SE requesting to waive the minimum separation from off-site uses and waive the separation distances between communication towers for a wireless telecommunication facility, in an Industrial Zoning District (IND), (per the City's Land Development Regulations (LDR) Section 90-603(c)(d)(e)), located at 1117 Northwest (NW) 9th Street.
 - 1.** Notary Public Patty Burnette administered an oath to Mr. Ben Smith, Morris-Depew Associates Inc., 2914 Cleveland Avenue, Fort Myers, FL, Ms. Gloria M. Velazquez, Nason, Yeager, Gerson, Harris and Fumero, P.A., 750 Park of Commerce Boulevard, Suite 210, Boca Raton, FL, Mr. Gary Ritter, City Administrator, 55 SE 3rd Avenue, Okeechobee, FL, Ms. Melissa Murrin, Associate with Jimerson Birr, One Independent Drive, Suite 1400, Jacksonville, FL, Mr. Sanjay Dhawan (via zoom), Vice President, New Business Technology and Operations for SBA Communications Corporation, 8051 Congress Avenue, Boca Raton, FL, Mr. Jason Laskey, SBA Communications Corporation, 1621 Northeast 17th Terrace, Fort Lauderdale, FL, Mr. W. Patton Hahn, Baker, Donelson, Bearman, Caldwell and Berkowitz, P.C., Shipt Tower, 420 20th Street North, Suite 1400, Birmingham, Alabama, who responded affirmatively.
 - 2.** City Planning Consultant Smith briefly reviewed the Planning Staff Report explaining the Applicant is requesting to permit a structure exceeding 45-feet in height in the IND Zoning District, (per LDR Section 90-345(4)). In addition, proposing development [on 0.14 acres of the 5.19-acre parcel] of a 50-foot by 50-foot fenced compound that includes a communications tower, storage, landscaping, two electric service H-frames as well as a 30-foot by 120-foot access corridor between the compound and the Northern property line fronting NW 9th Street. Color of tower will be flat black, blue, or grey. The total tower height including lightning rods is 160-feet. The City's Technical Review Committee (TRC) reviewed the site plan submitted for this request and recommended approval with several conditions. The latest site plan and additional documents submitted by the Applicant have satisfied some of those requirements.

V. QUASI-JUDICIAL PUBLIC HEARING ITEM A CONTINUED

2. Continued. Staff's remaining recommended conditions for approval being: landscape plan shall be revised to provide state native very drought tolerant shrub species as listed in the South Florida Water Management District (SFWMD) Xeriscape Plant Guide per the City's LDR Section 90-540; plans shall be revised to provide total perimeter fence height of exactly eight feet; submittal of Federal Aviation Administration (FAA) approval for proposed tower design/height; use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banner, or streamer is prohibited; per LDR Section 90-603(p), if the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or dismantle and remove the tower; and per LDR Section 90-603(r), certification of compliance with all current Federal Communication Commission (FCC) standards, including FCC nonionizing electromagnetic radiation (NIER), shall be submitted prior to receiving final inspection by the building department. The City Council shall provide final determination of approval, denial, or approval with conditions for proposed freestanding communication tower per LDR Section 90-602(c)(2). In addition, approval of the site plan will also be contingent upon approval of, and any conditions placed on, this request by the City Council. Planner Smith noted an updated fencing plan and landscaping plan were received right before the meeting from the Applicant's representative. The fencing plan meets code requirements, although he cannot verify that the species type listed on the landscaping plan meets code requirements. One additional point he mentioned was in accordance with LDR Section 90-602(c)(2)(b) regarding demonstrating need or demand for the communications facility. It is not clear that the Applicant has demonstrated need for the communication facility, as there is opportunity for AT&T to retain their current lease and maintain their equipment on the SBA tower. However, statements are provided by CitySwitch II-A, LLC and AT&T demonstrating demand for this facility. Based on these statements, it is clear that AT&T desires to locate communications equipment on this tower. According to statements provided by the Applicant to the City's TRC, CSX is also likely to place communications equipment on this tower. This is demonstration of demand.
3. Mr. Hahn was present on behalf of the Applicant, CitySwitch II-A, LLC. He stated they have worked diligently to meet all requirements. They will plant drought resistance shrubs and they have demonstrated demand. He commented that SBA submitted a 41-page document the evening before this meeting [has been made a part of the official minute packet]. Member Jonassaint inquired as to whether AT &T had any issues with SBA other than the Okeechobee site. Mr. Hahn responded they are in dispute nationwide with SBA.
4. Ms. Murrin, on behalf of SBA, discussed her client's opposition to this Application due to another tower being located 0.7 miles away and that the Applicant has not demonstrated a need or demand. AT&T's argument that the proposed tower is needed due to the cost of rent on SBA's tower is not applicable as SBA sent a letter on December 14, 2022, offering to match the monthly rent rate currently offered to AT&T by CitySwitch II-A, LLC, less \$10.00. In addition, she stated the proposed tower would not provide any appreciable increase in signal coverage or strength. Mr. Dhawan, expert witness for SBA, explained he studies and analyzes 5G to try to enhance coverage. He spoke about no need or demand being provided for and that there will be an adverse effect on the public. He mentioned these towers are unsightly and that there already a few towers in the area. Overall broadband coverage is maximized for the customers. By the proposed tower being located so close to the SBA tower, a gain in coverage would increase on the East side but decrease on the West side.
Member McCoy mentioned this is a City Planning Board and they could not make decisions on things that would be affecting the County. If this tower is going to increase coverage to the City, then that would be a benefit to the City residents. Mr. Laskey, Zoning Manager for SBA, discussed AT&T being a customer since 2008 under a master agreement with Nextel.

V. QUASI-JUDICIAL PUBLIC HEARING ITEM A CONTINUED

4. Continued. They continue to do agreements as AT&T has many tower sites with SBA. An offer was sent, SBA is willing to negotiate, and AT&T knows how to contact them.
Member Brass asked what the terms are for the existing agreements. He responded five-year terms. So is AT&T within their right to terminate. Mr. Laskey responded yes. Although SBA is concerned about proliferation. They wish to build good sites with good carriers collocating on one tower.
Member Shaw inquired as to the future of the SBA tower should AT&T leave. Verizon and T-Mobile would still be customers. Member Baughman inquired as to what part of the agreement AT&T was upset with that they are wishing to leave. Mr. Hahn responded AT&T needs to provide coverage in this area and they are at a point where they have a choice to not exercise another five-year term. Member Brass commented we are all customers, and one should not force a company to remain. Technology has costs and demands upgrades. Are there concessions being made for these costs as well as just lease costs. Mr. Hahn believes they have met all required codes.
Member Brass inquired as to whether four towers were excessive for a city. Mr. Hahn commented more demand for services will increase as population increases. Planner Smith inquired to Mr. Hahn, regardless of SBA's latest offer to amend the current lease agreement with AT&T, to the best of his knowledge, does AT&T still desire to enter into an agreement to lease space for their equipment on the new tower that CitySwitch II-A, LLC, plans to construct. Mr. Hahn responded yes. Member Baughman inquired as to whether the Property Owner, CSX Transportation Inc., has given any responsibility to take over should AT&T abandon the tower. Planner Smith responded the property owner has authorized the Applicant to submit this application request. Mr. Hahn responded that CSX could use this tower as well and if the tower is abandoned then it would need to come down. CitySwitch II-A, LLC, has an agreement, and they are responsible for the equipment not CSX.
5. No Ex-Parte disclosures were offered.
6. Motion by Board Member Brass, seconded by Board Member Chartier, to recommend approval to the City Council for Special Exception Petition No. 22-003-SE as presented in [Exhibit 1, which includes the standards and findings for granting Petitions per Code Section 70-373; and the Planning Consultant's analysis of the findings and recommendation for approval] with the following conditions: landscape plan shall be revised to provide state native very drought tolerant shrub species as listed in the SFWMD Xeriscape Plant Guide per the City's LDR Section 90-540; plans shall be revised to provide total perimeter fence height of exactly eight feet; submittal of FAA approval for proposed tower design/height; use of any portion of a tower for sign or advertising purposes including, without limitation, company name, banner, or streamer is prohibited; per LDR Section 90-603(p), if the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower or dismantle and remove the tower; and per LDR Section 90-603(r), certification of compliance with all current FCC standards, including FCC NIER, shall be submitted prior to receiving final inspection by the building department. The City Council shall provide final determination of approval, denial, or approval with conditions for proposed freestanding communication tower per LDR Section 90-602(c)(2). In addition, approval of the site plan will also be contingent upon approval of, and any conditions placed on, this request by the City Council. [This includes approval to permit a structure exceeding 45-feet in height in the IND Zoning District per LDR Section 90-345(4)]. **Motion Carried Six to One, Board Member Baughman voted No.**

CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 7:08 P.M.

VI. CITY ADMINISTRATOR UPDATE

- Reviewed the memorandum provided by staff addressing the importance of checking their City emails, providing links to the website for assistance with agendas and documentation for meetings and providing the wi-fi password for use in the Council Chambers.
- The upcoming year’s schedule for tentative meeting dates was also distributed for posting to their calendars to ensure the least amount of conflicts causing members to be absent.
- Board Member Brass commented that receiving additional information from an Applicant within an hour of a meeting did not provide adequate time to review. Administrator Ritter concurred. However, with complex Petitions this can happen from time to time, but it is not the normal procedure. Staff is always cognizant when it does happen.

VII. Chairperson Hoover adjourned the meeting at 7:11 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.

23-003-SE

Special Exception Staff Report



Applicant | 507 NE Park ST, LLC

Parcel Identification | 3-15-37-35-0010-01500-0110



Prepared for The City of Okeechobee

General Information

Owner: 507 NE Park ST, LLC

Applicant: Alfonso Vargas / 507 NE Park ST, LLC

Primary Contact: Alfonso Vargas, AVargas1055@att.net, (305) 331-6137

Parcel Identification: 3-15-37-35-0010-01500-0110

Note: For the legal description of the project or other information relating 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 of Subject Property

Parcel Identification: 3-15-37-35-0010-01500-0110	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	Vacant Self-Service Carwash	Self-Service Carwash
Acreage	0.325 Acres	0.325 Acres

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

	Future Land Use	Zoning	Existing Use
North	Commercial	Heavy Commercial (CHV)	Okeechobee Utility Authority Warehouse
East	Commercial	Heavy Commercial (CHV)	NE 6 th Avenue, Liquor Store
South	Commercial	Heavy Commercial (CHV)	S.R. 70, Convenience/Gas Station
West	Commercial	Heavy Commercial (CHV)	Vacant Mixed-Use Building

Description of Request and Existing Conditions

The request for consideration by the City of Okeechobee Board of Adjustment is a Special Exception for a self-service carwash with four (4) wash tunnels. The proposed use will occupy a 0.325-acre parcel, which is located at 507 NE Park Street, fronting S.R. 70 to the south and NE 6th Avenue to the east. The subject property was previously approved for the special exception use of a self-service carwash, via Petition 11-002-SE, however the carwash operations ceased for period of at least 180 days, causing the special exception use approval to lapse. Due to that inactivity, continuation of the carwash requires a new special exception approval. It is the intention of the Applicant to re-open the carwash and occupy the existing structure.

Review of previously approved application 11-002-SE and the associated staff report indicate that application was also submitted in order to renew a previous carwash special exception approval that had lapsed due to discontinuation of the use. The available property appraiser records indicate the existing structure was built in 2003. The staff report and meeting minutes from the Board of Adjustment's special exception hearing indicate that the request was approved with two conditions related to parking. The report indicates that only one parking space was provided on-site, which was striped and reserved for ADA accessibility in front of the building. The staff report noted that the 825 square feet upstairs area of the structure would be used for a small office, but mostly for storage. Based on the applicable off-street parking requirements (which have not changed since 2011), approval of the request was recommended with two conditions:

1. A second parking space located in the rear portion of the site, meeting the requirements of the LDC, will be formally designated and lined.
2. The approval of the requested special exception is based on the fact that not more than 300 feet of floor area of the building will be used as an office, or any other use except for storage of materials or equipment related to operation of the car wash, unless additional parking is provided to accommodate such use in accordance with the off-street parking requirements of the LDC.

The survey that was submitted with this application does not depict any designated parking spaces, outside of the wash and vacuum stalls.

Consistency with LDC Section 70-373

City LDC Section 70-373(b) requires that applicants for special exception requests must address the following standards. The applicant has submitted responses to each standard, which are provided unedited below. Staff comments are also provided in response to the standards and the applicant's responses.

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

Applicant Response: The site was a self-service car wash.

Staff Comments: The subject property is located with direct frontage on SR-70, a major commercial corridor within the City, and with direct access to NE 6th Ave. The property is zoned Heavy Commercial (CHV) and designated Commercial on the Future Land Use Map. The surrounding existing uses, zoning, and future land use designations are all commercial. The existing structure has operated as a self-service carwash previously, though with at least two interruptions in use, potentially since 2003. A carwash has operated at this location for many years and this location continues to be appropriate for that use.

- (2) *Demonstrate how the site and proposed buildings have been designed so they are compatible with the adjacent uses and the neighborhood.*

Applicant Response: The carwash adds convenience to the new and existing business and patrons.

Staff Comments: The building and use are compatible with surrounding uses. No changes are proposed, and no changes are necessary.

- (3) *Demonstrate any landscaping techniques to visually screen the use from adjacent uses.*

Applicant Response: Not necessary. The business in surrounding area all coordinate with car wash business.

Staff Comments: The subject property has existing landscaping that presumably met the requirements at the time the site was developed. No additional screening for the adjacent commercial uses should be necessary.

- (4) *Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use.*

Applicant Response: Existing car wash. No known hazards or issues.

Staff Comments: The subject property is developed with an existing self-service carwash facility, which was previously in use for many years and staff is not aware of any problems that have occurred during the previous operations.

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

Applicant Response: All utilities and services were in use prior. No issues.

Staff Comments: The subject property has existing sanitary sewer and potable water connections, and the availability of adequate capacity was considered at the time the previous special exception request was approved.

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

Applicant Response: Traffic plan attached.

Staff Comments: A Traffic Impact Statement has not been included in the application package. However, there is no reason to believe that allowing the previous operations to resume will result in greater traffic than was contemplated when the use was originally approved. Additionally, the access to both NE 6th Ave and SR-70 provides for adequate ingress/egress as well as interior circulation.

City LDC Section 70-373(c) provides a list of findings that the Board of Adjustment must address in its determination to approve the request, deny the request, or approve the request with conditions. The applicant has submitted responses to each finding, which are provided un-edited below. Staff comments are also provided in response to the findings and the applicant's responses.

(1) The use is not contrary to comprehensive plan requirements.

Applicant Response: Existing approved carwash to operate as previously approved.

Staff Comments: The Okeechobee Comprehensive Plan does not contain any policies which would prohibit the requested use. The proposed use is consistent with the Commercial Future Land Use Category, as described within the Comprehensive Plan.

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

Applicant Response: Existing car wash.

Staff Comments: The use is specifically authorized as a special exception use in the CHV district, as stated in LDC Section 90-283(2).

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

Applicant Response: No.

Staff Comments: The proposed use will provide a service to those traveling along SR-70, in addition to the surrounding community. The property has operated as a carwash previously and it is not expected that re-establishment of the use will create any disturbance or adverse effects on the public interest.

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

Applicant Response: The use will offer convenience to businesses and patrons on Park Avenue.

Staff Comments: As stated previously, the subject site and location is appropriate for the proposed use.

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

Applicant Response: No.

Staff Comments: We agree that re-establishment of the carwash use will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties. In fact, the continued vacancy of the property is more likely to lead to blight than the resumption of operations.

- (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: The building and equipment are positioned according to prior car wash approvals.

Staff Comments: The existing landscaping should be adequate for the resumption of the carwash use.

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

Applicant Response: No.

Staff Comments: The proposed use will not include a residential component. Therefore, no direct effects on density patterns and public-school facilities are expected. No additional demands on other services should be expected, other than what was already accommodated for when the carwash use was originally approved.

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

Applicant Response: No.

Staff Comments: The site has direct access to SR-70, a Principal Arterial Roadway, to the south and NE 6th Avenue to the east. Ingress/egress and vehicle circulation will occur as it did during previous operations and trip generation can be expected to be similar to the volumes generated during previous operations. Additionally, carwashes are likely to generate alternative peak trip generation periods than most other uses; typically, less generation during the weekday am and pm periods and greater generation during the weekends. There are no changes proposed to the site that will affect flooding or drainage. The site has high visibility from the public rights-of-way and is not likely to cause any concerns related to public safety.

Recommendation

Based on the materials and statements provided by the applicant and the foregoing analysis, we recommend approval of this special exception request subject to the following conditions:

1. The ADA parking space previously provided in the front of the building shall remain.
2. A second parking space located in the rear portion of the site, meeting the requirements of the LDC, will be formally designated and lined.
3. Not more than 300 feet of floor area of the building will be used as an office, or any other use except for storage of materials or equipment related to operation of the car wash, unless additional parking is provided to accommodate such use in accordance with the off-street parking requirements of the LDC.

Submitted by:



Ben Smith, AICP

Director of Planning

July 10, 2023

Okeechobee Board of Adjustment Hearing: July 20, 2023

Supplemental Exhibits

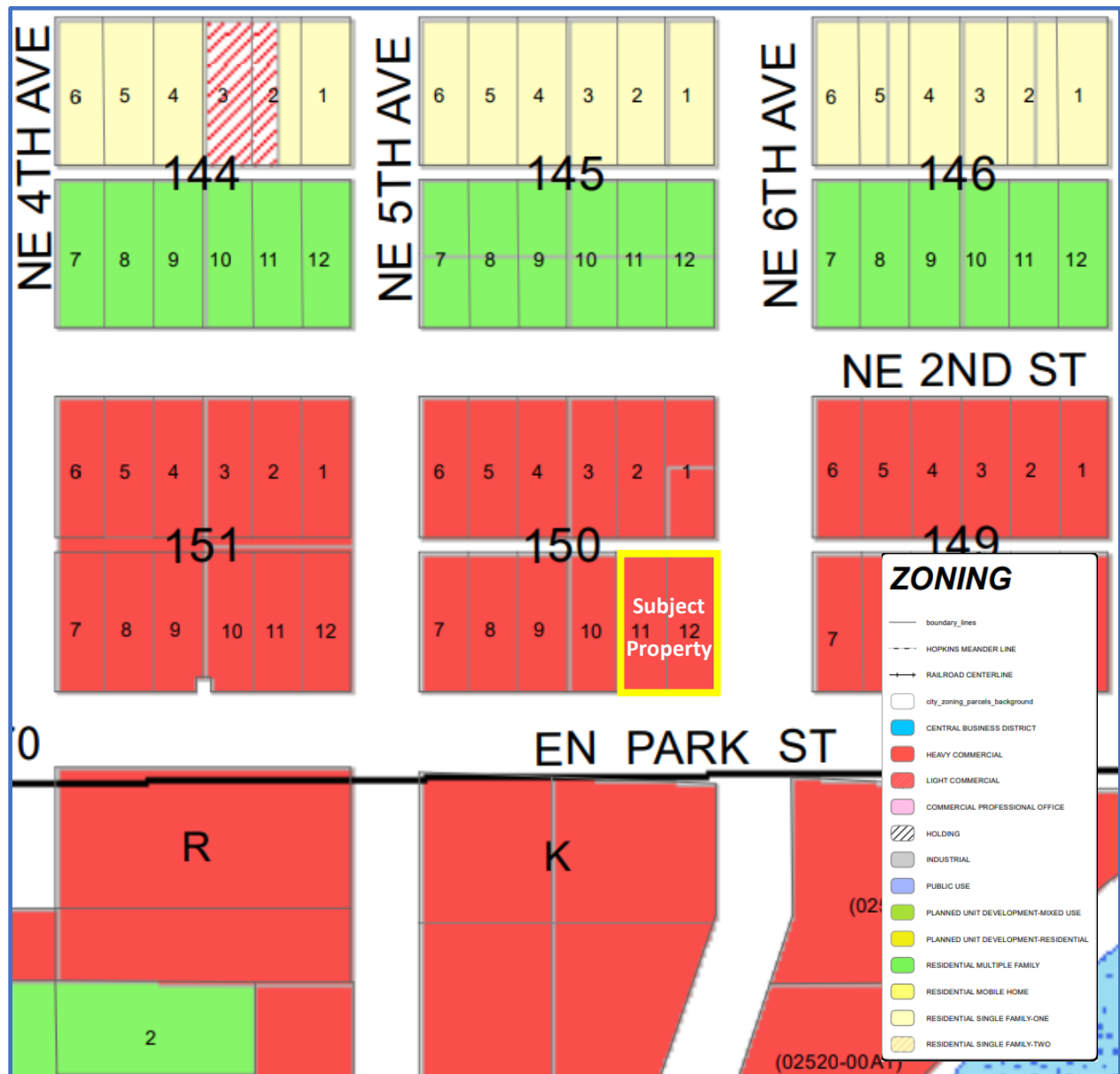


Exhibit A: Zoning Map

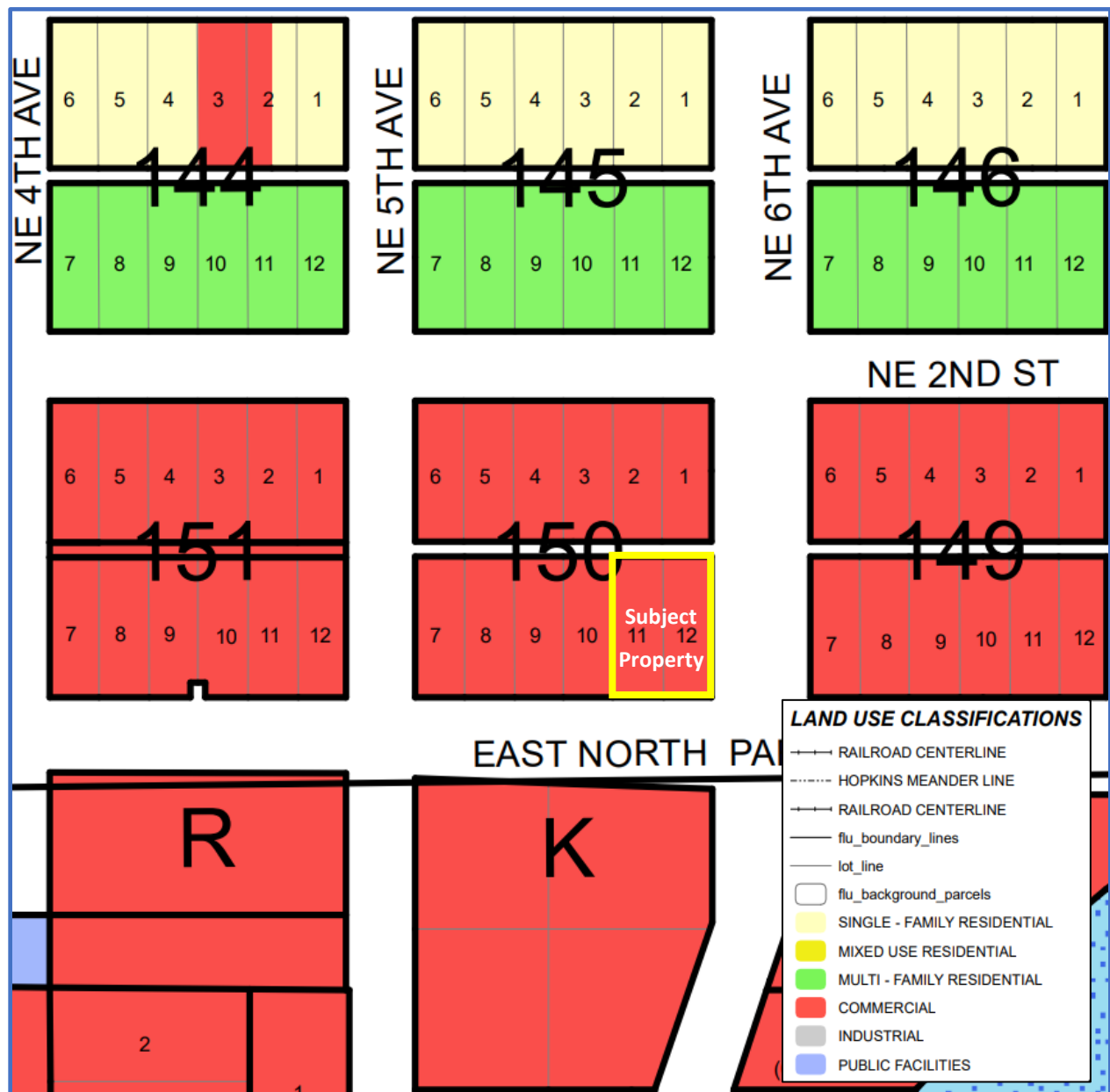


Exhibit B: Future Land Use Map



Exhibit C: Existing Land Use Map

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: 5/1/2023 5-18-23	Petition No. 23-003-SE
		Fee Paid: 500.00	Jurisdiction: BOA
		1 st Hearing: 7-20-23	2 nd Hearing: N/A
		Publication Dates:	
		Notices Mailed: 7/5	
Rezone, Special Exception and Variance APPLICANT INFORMATION			
1	Name of property owner(s): 507 NE PARK ST, LLC		
2	Owner mailing address: 1055 NW 27 AVE, MIAMI FL. 33125		
3	Name of applicant(s) if other than owner ALFONSO VARGAS / 507 NE PARK ST, LLC		
4	Applicant mailing address: 1055 NW 27 AVE MIAMI FL. 33125		
	E-mail address: AVARGAS1055@ATT.NET		
5	Name of contact person (state relationship): ALFONSO VARGAS		
6	Contact person daytime phone(s): 305-331-6137		
PROPERTY INFORMATION			
7	Property address/directions to property: 507 NE PARK ST. OKEECHOBEE FL 34972		
8	Describe current use of property: HAND CAR WASH		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) THERE HAS BEEN NO IMPROVEMENT THE IDEA IS TO OPEN IT AS IS Source of potable water: CITY WATER Method of sewage disposal: ITS CONNECTED TO SEWER		
10	Approx. acreage: 0.325 AC 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 VIOLATION		
12	Is a pending sale of the property subject to this application being granted? YES		
13	Describe uses on adjoining property to the North: NO USES North: <i>N/W vacant w/ storage</i> East: <i>ABC Liquor</i> <i>N/E DUAL 44 Station</i> West: <i>Retail Shop</i> South: <i>Abandoned Bldg.</i>		
14	Existing zoning: REPAIR SERVICE (2500) Future Land Use classification:		
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: ✓ 3-15-37-35-0010-01500-0110 (33952)		

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REQUIRED ATTACHMENTS	
18	Applicant's statement of interest in property: RE OPEN AS A CARWASH
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:
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

Special Exception Petition No. 11-002-SE


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



ALFONSO VARGAS

5/01/2023

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

507 NE PARK ST, LLC

Filing Information

Document Number L23000148715

FEI/EIN Number NONE

Date Filed 03/23/2023

Effective Date 03/23/2023

State FL

Status ACTIVE

Principal Address

507 NE PARK ST
OKEECHOBEE, FL 34972

Mailing Address

1055 NW 27 AVENUE
MIAMI, FL 33125

Registered Agent Name & Address

VARGAS, ALFONSO
1055 NW 27 AVE
MIAMI, FL 33125

Authorized Person(s) Detail

Name & Address

Title MGR

VARGAS, ALFONSO
1055 NW 27 AVE
MIAMI, FL 33125 UN

Annual Reports

No Annual Reports Filed

Document Images

[03/23/2023 -- Florida Limited Liability](#)

[View image in PDF format](#)

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <i>Ref. Sec 90-283(2)</i> <i>re open car wash</i> <i>car wash</i>
B	Are there similar uses in the area? No (<input checked="" type="checkbox"/>) (<input type="checkbox"/> Yes If yes, briefly describe them: <i>to my knowledge not in city limits</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>No employees, self service car wash.</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. *This site was a self service car wash.*
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 car wash adds convenience to the new and existing business and patrons.*
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary. *not necessary. The business in surrounding area all coordinate with car wash business*
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. *Existing car wash. No know hazards or issues.*
5. Demonstrate how the utilities and other service requirements of the use can be met. *All utilities + services were in use prior. No issues*
6. Demonstrate how the impact of traffic generated will be handled, off site and on site. *Traffic Plan attached*

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. *Existing approved Car Wash. To operate as previously approved.*
2. The use is specifically authorized as a special exception use in the zoning district. *Existing Car Wash*
3. The use will not have an adverse effect on the public interest. *NO*
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 use will offer convenience to businesses and patrons on Park Ave.*
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. *The building and equipment are positioned according to prior car wash approvals*
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. *NO*

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)]



#40

Prepared by:
Brittany Clyatt
Cove Harbour Title Services, LLC
311 S. 2nd Street, Suite 102-A
Ft. Pierce, Florida 34950
File Number: 23-0004

General Warranty Deed

Made this April ^{18th} 2023 A.D. By **Be A Man Buy Land, LLC, a Florida Limited Liability Company**, 4260 SE Federal Hwy., Stuart, Florida 34997, hereinafter called the grantor, to **507 NE Park St, LLC, a Florida Limited Liability Company**, whose post office address is: 1055 NW 27 Avenue, Miami, FL 33125, hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) 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, Florida, viz:

The North 1/2 of Lot 1, and all of Lots 2, 3, 10, 11, and 12, Block 150, OKEECHOBEE, according to the plat thereof, as recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number(s): 3-17-37-35-0010-01500-0010; 3-17-37-35-0010-01500-0100; 3-15-37-35-0010-01500-0110

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; that the grantor hereby fully 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, 2022.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Rene Griffith
Witness Printed Name Rene Griffith

Jennifer Roselee
Witness Printed Name Jennifer Roselee

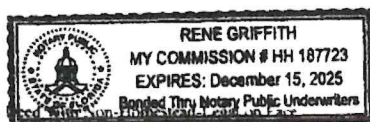
State of Florida
County of Martin

Be A Man Buy Land, LLC, a Florida Limited Liability Company

(Seal)

Joseph Z Gazza, as Managing Member of Be A Man Buy Land, LLC, 4260 SE Federal Hwy., Stuart, Florida 34997

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this ^{18th} day of April, 2023, by Joseph Z Gazza as Managing Member of Be A Man Buy Land, LLC, Florida Limited Liability Company, who is are personally known to me or who has produced _____ as identification.



DEED Individual Warranty

Rene Griffith
Notary Public
Print Name: Rene Griffith
My Commission Expires: 12/15/2025

BOUNDARY SURVEY

I have reviewed FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE				
Issuing Office File Number: 23-0004				
Dated MARCH 09, 2023 @ 8:00 AM.				
All policy and title search items have been abstracted and all that apply are shown hereon				
ITEM#	P.B.	PG.	CONVEYANCE	STATUS
9	5	5	OKEECHOBEE	NOT PLOTTABLE
ITEM#	O.R.B.	PG.	CONVEYANCE	STATUS
10	D.B. 42	115	RESERVATIONS	NOT PLOTTABLE
11	772	1918	EASEMENT DEED AND AGREEMENT	SHOWN HEREON

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF OKEECHOBEE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

THE NORTH 1/2 OF LOT 1, AND ALL OF LOTS 2, 3, 10, 11, AND 12, BLOCK 150, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

CERTIFIED TO:

507 NE PARK ST, LLC; LINDA ROTH, P.A.; COVE HARBOUR TITLE SERVICES, LLC; FIRST AMERICAN TITLE INSURANCE COMPANY; ALFONSO VARGAS; COVE HARBOUR TITLE SERVICES; JOSEPH ZACHARY GAZZA

COMMUNITY NUMBER: 120178

PANEL: 0480

SUFFIX: C

FLOOD ZONE: X

FIELD WORK: 4/18/2023

PROPERTY ADDRESS:

505 AND 507 NE PARK STREET
AND 105 NE 6TH AVENUE
OKEECHOBEE, FLORIDA 34972

SURVEY NUMBER: 581570

CLIENT FILE NUMBER: 23-0004

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
C	CENTERLINE
Δ	CENTRAL / DELTA ANGLE
I.D.	IDENTIFICATION
L	LENGTH
LB	LICENSED BUSINESS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.H.	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.K.	PARKER KYLON NAIL
P.R.C.	POINT OF REVERSE CURVE
PSM	PROFESSIONAL SURVEYOR MAPPER
P.T.	POINT OF TANGENCY
R	RADIAL / RADIUS
R/W	RIGHT OF WAY

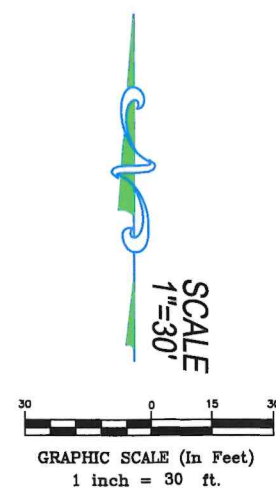
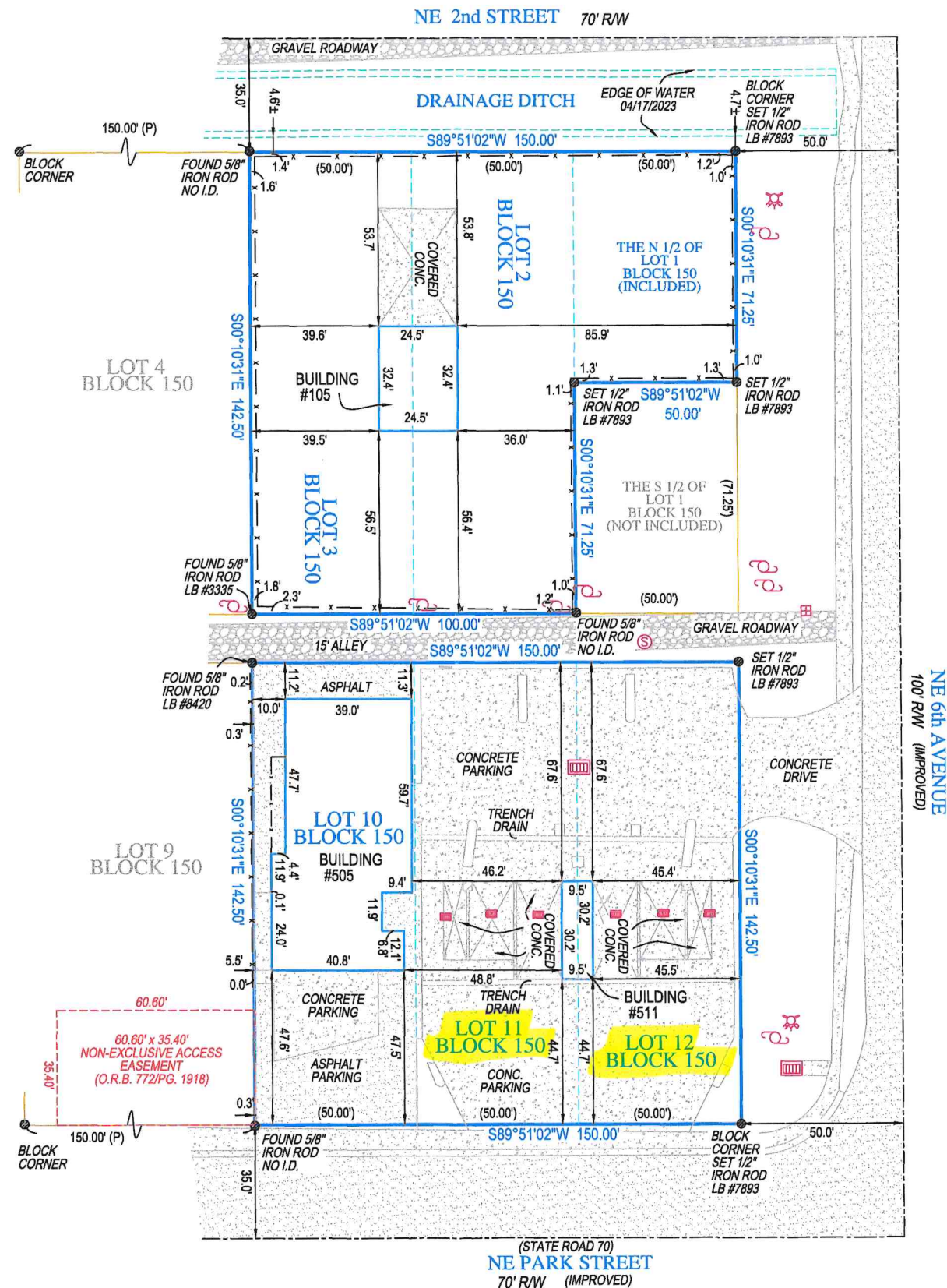
SURVEY NOTES

ASPHALT SURFACE CROSSES THE PROPERTY LINE ON SOUTHERLY AND NORTHERLY SIDES OF LOT.

CONCRETE DRIVE CROSSES THE PROPERTY LINE ON EASTERLY SIDE OF LOT.

CONCRETE SURFACE CROSSES THE PROPERTY LINE ON SOUTHERLY SIDE OF LOT

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY



GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE ABSTRACTED FOR EASEMENTS OR ENCUMBRANCES, BUT NOT FOR EASEMENTS OR ENCUMBRANCES OF OTHER KINDS.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.

LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

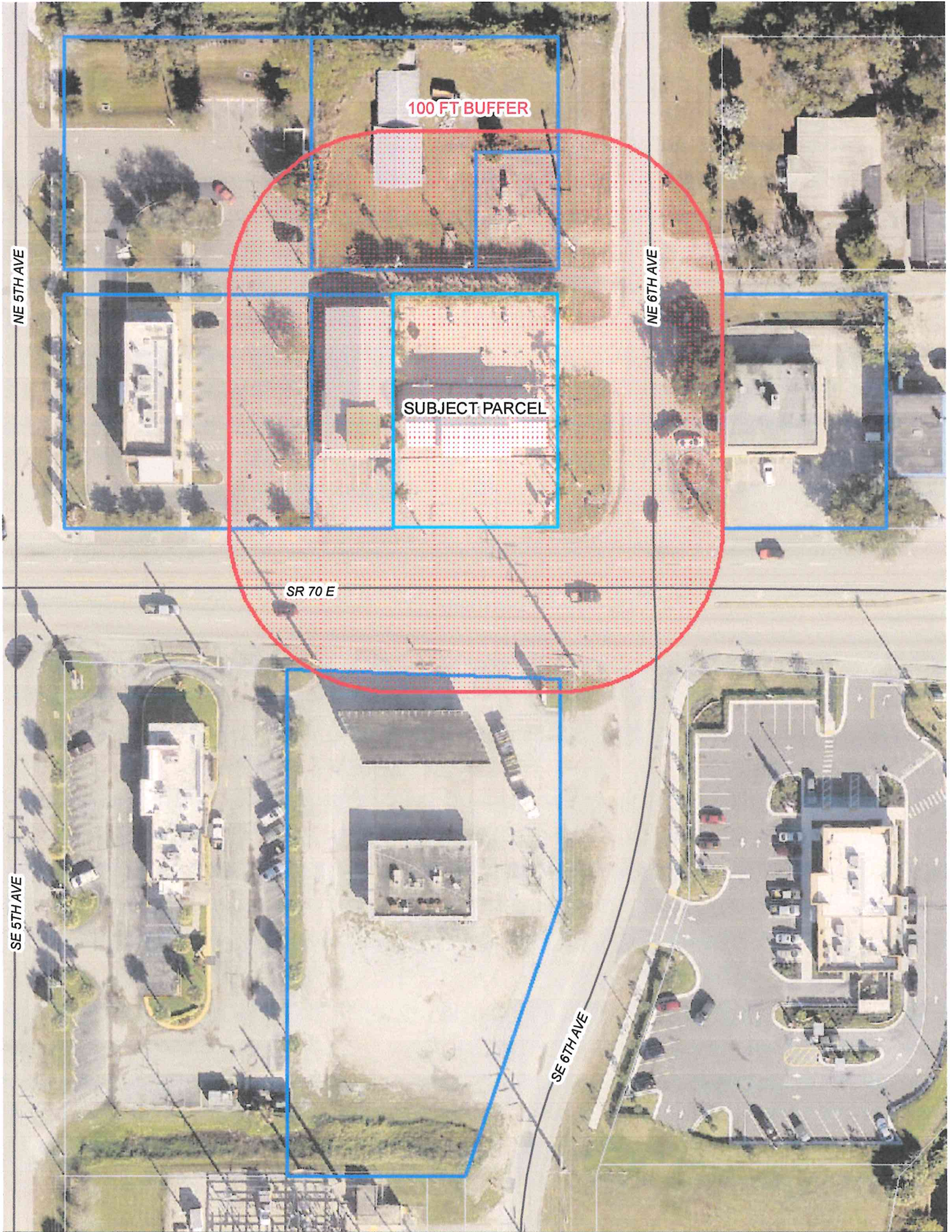
TARGET
SURVEYING, LLC

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE
KENNETH J OSBORNE
Date: 2023 04 23
15:39:29 -04'00'

(SIGNED) KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

#23

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
3-15-37-35-0010-01450-007A	FERRELL KIMBERLY	200 NE 5TH AVE		OKEECHOBEE	FL	34972-2987
3-15-37-35-0010-01450-0110	TOMLINSON LARENDA G	201 NE 6TH AVE		OKEECHOBEE	FL	34972
3-15-37-35-0010-01460-0070	RUIZ FRANCISCO J HERNANDEZ	200 NE 6TH AVE		OKEECHOBEE	FL	34972-4581
3-15-37-35-0010-01490-0010	BASHAR 104 LLC	C/O BASHAR YATAK	201 SE 24TH AVE	POMPANO BEACH	FL	33062-5307
3-15-37-35-0010-01490-0070	ABC PROPERTIES, LTD	P O BOX 593688		ORLANDO	FL	32859
3-15-37-35-0010-01490-0090	BASHAR 605 LLC	C/O BASHAR YATAK	201 SE 24TH AVE	POMPANO BEACH	FL	33062-5307
3-15-37-35-0010-01490-0100	BASHAR 625 LLC	C/O BASHAR YATAK	201 SE 24TH AVE	POMPANO BEACH	FL	33062-5307
3-15-37-35-0010-01500-0010	507 NE PARK ST LLC	C/O ALFONSO VARGAS	1055 NW 27TH AVE	MIAMI	FL	33125
3-15-37-35-0010-01500-001A	OKEECHOBEE UTILITY AUTHORITY	100 SW 5TH AVE		OKEECHOBEE	FL	34974-4221
3-15-37-35-0010-01500-0040	L4 PALM BEACH LLC	2950 GATEWAY CENTRE BLVD		MORRISVILLE	NC	27560-9615
3-15-37-35-0010-01500-0070	L4 PALM BEACH LLC	2950 GATEWAY CENTRE BLVD		MORRISVILLE	NC	27560-9615
3-15-37-35-0010-01500-0100	507 NE PARK ST LLC	C/O ALFONSO VARGAS	1055 NW 27TH AVE	MIAMI	FL	33125
3-15-37-35-0010-01510-0010	MCDONALD'S USA LLC	PO BOX 182571		COLUMBUS	OH	43218-2571
3-15-37-35-0010-01510-0110	GLADES PARTS COMPANY INC	PO BOX 2260		BELLE GLADE	FL	33430-3435
3-15-37-35-0010-01710-0100	WAFH OF OKEECHOBEE INC	1403 NW AVENUE A		BELLE GLADE	FL	33430-2865
3-15-37-35-0010-01710-0110	502 PARK OKEE LLC	C/O DONALD RATNER	42450 VIA PRATO	INDIAN WELLS	CA	92210-7810
3-15-37-35-0010-01710-0120	OKBEE OUTPARCEL LLC	2469 N JOHN YOUNG PKWY STE C-D		ORLANDO	FL	32804
3-21-37-35-0020-02520-00A0	BRAVOFLORIDA LLC	4220 EDISON LAKES PKWY		MISHAWAKA	IN	46545-1462



**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 May 17, 2023 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 17 day of

May, 2023.

Alfonso Vargas
Signature of Applicant

5/17/23
Date

Alfonso Vargas
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 17 day of May, 2023, by Alfonso Vargas, who is personally known to me or produced _____ as identification.



Janet Sadow
Notary Public Signature

PAGE 1 OF 1
BOUNDARY SURVEY

I have reviewed FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE			
Issuing Office File Number: 23-0004			
Dated MARCH 09, 2023 @ 8:00 AM			
All policy and title search items have been abstracted and all that apply are shown hereon			
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OKEECHOBEE, FLORIDA 34972

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○	CENTERLINE ROAD	●	PROPERTY CORNER
■	COVERED AREA	○	UTILITY BOX
+	DOTTING ELEVATION	○	UTILITY POLE
+	HYDRANT	○	WATER METER
○	MANHOLE	○	WELL
—	METAL FENCE	—	WOOD FENCE

ABBREVIATION DESCRIPTION:

A.C.	ANT CONTOUR
C.	CENTERLINE
D.	DISTANCE
L.	LENGTH
L.B.	LICENSED BURNERS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.V.	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.R.	PARALLEL KILN
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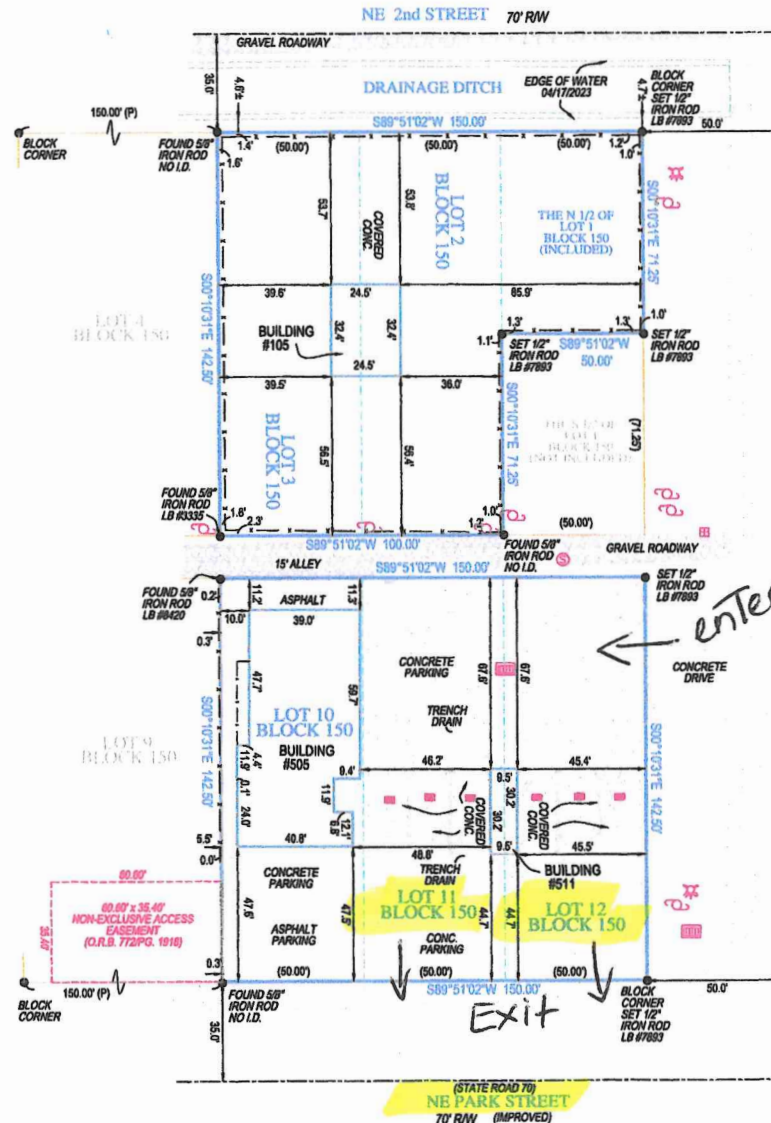
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THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY



GENERAL NOTES:
1. LEGAL DESCRIPTION PROVIDED BY OTHER
2. THE LANDS SHOWN HEREON WERE ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT
3. APPROVED FOR RECORD BY THE FLORIDA DEPARTMENT OF REVENUE
4. THIS SURVEY WAS PREPARED BY THE SURVEYOR AND NOT FOR THE PURPOSE OF CONVEYING TITLE
5. ONLY VISIBLE ENCUMBRANCES LOCATED

SERVING FLORIDA
6801 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33417
PHONE (561) 840-4800
STATEWIDE PHONE (800) 228-4807
STATEWIDE FACSIMILE (800) 741-0876
WEBSITE: <http://targetsurveying.com>



SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE
KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER 06416

Traffic Plan