



CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
SEPTEMBER 21, 2023
LIST OF EXHIBITS

Draft Minutes

Summary of Board Action July 20, 2023

Staff Report/Exhibit 1

Special Exception Petition No. 23-001-SE



CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
JULY 20, 2023
DRAFT SUMMARY OF BOARD ACTION

I. CALL TO ORDER

Vice Chairperson McCoy called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, July 20, 2023, 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. Vice Chairperson Doug McCoy, Board Members Phil Baughman, Carl Berlin, Jr., Karyne Brass, Rick Chartier, and Alternate Board Members Jon Folbrecht and Jim Shaw were present. Chairperson Dawn Hoover and Board Member Mac Jonassaint were absent with consent. Vice Chairperson McCoy moved Alternate Board Members Folbrecht and Shaw to voting position.

III. AGENDA

- A.** There were no items added, deferred, or withdrawn from the agenda.
- B.** Motion by Member Folbrecht, seconded by Member Chartier, 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 Member Baughman, seconded by Member Folbrecht to dispense with the reading and approve the December 15, 2022, Board of Adjustment Regular Meeting minutes. **Motion Carried Unanimously.**

V. VICE CHAIRPERSON MCCOY OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:03 P.M.

- A.** Special Exception Petition No. 23-003-SE requests to allow a car wash in a Heavy Commercial Zoning District, (Ref. Code Sec. 90-283(2)), located at 507 Northeast (NE) Park Street. The Applicant would like to re-open the self-service car wash in the existing building.
 - 1.** Notary Public Patty Burnette administered an oath to Mr. Ben Smith, Morris-Depew Associates Inc., 2914 Cleveland Avenue, Fort Myers, FL, and Ms. Janet Seach, 18265 SE Ridgeview Drive, Tequesta, FL, who responded affirmatively.
 - 2.** City Planning Consultant Mr. Ben Smith briefly reviewed the Planning Staff Report recommending approval with conditions.
 - 3.** Ms. Janet Seach was present on behalf of the Applicant, Mr. Alfonso Vargas. She stated this would be a self-service car wash with no office and no employees. The vacuums that are presently located in the rear of the property would be removed and the area would be restriped for seven required parking spaces.
 - 4.** No public comments were offered. Secretary Burnette stated for the record 15 courtesy notices were mailed to the surrounding property owners, advertisements, and two signs were properly posted, with no objections or comments received to date.
 - 5.** No Ex-Parte disclosures were offered.
 - 6.** Motion by Member Brass, seconded by Member Chartier, to approve Special Exception Petition No. 23-003-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: ADA parking space previously provided in the front of the building shall remain, a second parking space located in the rear portion of the site, meeting the requirements of the Land Development Regulations (LDR), will be formally designated and lined, and 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 LDRs. **Motion Carried Unanimously.**

VICE CHAIRPERSON MCCOY CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:15 P.M.

VI. CITY ADMINISTRATOR UPDATE

- Gave status updates on recent Text Amendments that had been presented to the City Council.

VII. ADJOURNMENT

Vice Chairperson McCoy adjourned the meeting at 6:17 P.M.

Submitted by:

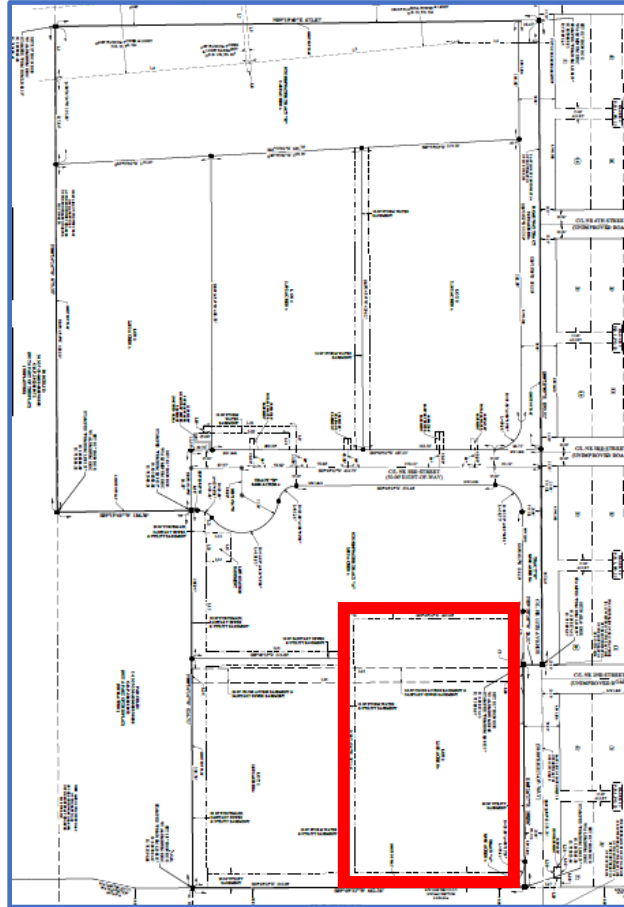
Patty M. Burnette, Secretary

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.

DRAFT

23-001-SE

Special Exception Staff Report



Applicant | Park Street Okeechobee, LLC
Parcel Identification | 2-15-37-35-0A00-00010-0000, 3-15-37-35-0210-00010-0010



Prepared for The City of Okeechobee

General Information

Owner: William R. Grigsby, Jr.

Applicant: Park Street Okeechobee, LLC

Primary Contact: Blair Knighting, AICP (904)-828-3900

Parcel Identification: 2-15-37-35-0A00-00010-0000, 3-15-37-35-0210-00010-0010

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

| | Existing | Proposed |
|------------------------|------------------------|------------------------|
| Future Land Use | Commercial | Commercial |
| Zoning | Heavy Commercial (CHV) | Heavy Commercial (CHV) |
| Use of Property | Vacant | Culver's |
| Acreage | 2.16 (replat) | 2.16 acres |

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

| | Future Land Use | Zoning | Existing Use |
|--------------|--|---|--|
| North | Commercial | Heavy Commercial (CHV) | Vacant, subject to replat |
| East | (Okeechobee County) Commercial Corridor Mixed- Use, Urban Residential Mixed Use | (Okeechobee County) Residential Mixed (RM) Commercial (C) Commercial 2 (C-2) | Unimproved NE 13 th Ave, Vehicle Sales, Vacant |
| South | Commercial | Heavy Commercial (CHV) | SR-70, Retail, Fast-Food Restaurant, Post Office |
| West | Commercial | Heavy Commercial (CHV) | Vacant, subject to replat |

Description of Request and Existing Conditions

The request for consideration by the City of Okeechobee Board of Adjustment is a Special Exception for a 4,827 sq/ft Culver's restaurant with drive-through service. The proposed special exception application has been submitted concurrent with a proposed replat, in addition to the site plan application for the restaurant. The use will occupy a 2.16-acre parcel, which is located on Lot 2 of the proposed platted Park Street Commerce Center. The "Justification and Impact Analysis" indicates that Culver's will operate from 10:30 AM – 10:00 PM, seven days a week, and employ 10-15 staff members. If the special exception application is approved, the property may be developed according to standards of the Comprehensive Plan and the Land Development Code, specifically those that pertain to the CHV district.

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 proposed use is compatible and appropriate for this location given the established commercial nature and presence of existing drive-through service restaurants in the area. Additionally, the proposed project is infill development in a location with existing infrastructure and utilities.

Staff Comments: The proposed use is located along SR-70, which is dominated by commercial uses within the Commercial Future Land Use designation. The property is zoned Heavy Commercial (CHV) within the City of Okeechobee. The proposed drive through restaurant is an allowable special exception use within the CHV district, which is consistent with the commercial corridor along SR-70 and is compatible with the surrounding properties. Assuming that the applicant can demonstrate adequate internal vehicle circulation and no significant impacts to external facilities, staff find that the proposed location and site is appropriate for the drive-through 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 proposed Culver's restaurant is not directly adjacent to residential uses. As depicted on the conceptual site plan, the restaurant building will front State Road 70 and includes landscaped areas to the north and south of the building, in addition to the setbacks and a patio space. This design is compatible with the adjacent future commercial uses.

Staff Comments: A site plan application (23-004-TRC) has been submitted concurrently with this application. Our review of that application indicates that redesign may be necessary to demonstrate consistency with the City's land development code. Once that plan is resubmitted to address the staff comments provided for that application, we will respond to this criterion. We request that the revised site plan be submitted with this application as well.

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

Applicant Response: As shown on the conceptual site plan, the proposed project will meet all setback requirements per the Heavy Commercial zoning designation (Section 90.285). Additionally, all landscaping requirements will be met. As the subject location is not directly adjacent to residential uses, uncomplimentary screening is not necessary.

Staff Comments: A site plan application (23-004-TRC) has been submitted concurrently with this application which includes landscape plans. Our review of that application indicates that redesign may be necessary to demonstrate consistency with the City's land development code. Once that plan is resubmitted to address the staff comments provided for that application, we

will respond to this criterion. We request that the revised site plans and landscape plans be submitted with this application as well.

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

Applicant Response: Given the commercial nature of the area and the existing drive-through restaurants in proximity to the site, the nature of the proposed restaurant use with drive-through service creates no potential problems or public nuisances. The property fronts State Road 70 and is not directly adjacent to residential uses. Therefore, the proposed use is in a compatible and appropriate location.

Staff Comments: The application does not provide adequate assurance that the design accommodates internal vehicle and pedestrian circulation, and that vehicle circulation will not impact the surrounding facilities.

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

Applicant Response: The Applicant will work with the Okeechobee Utility Authority to ensure water and sewer availability. The applicant will also work with the South Florida Water Management District (SFWMD), the City of Okeechobee, and other pertinent authorities to establish any additional service requirements for the proposed Culver's drive-through restaurant.

Staff Comments: The Applicant has not provided any service availability documentation from the Okeechobee Utility Authority. Staff finds that service documentation must be provided to determine consistency with LDC Section 70-373(b)(5).

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

Applicant Response: As shown on the conceptual site plan, thoughtful design has been used to create efficient traffic flow within and throughout the Culver's restaurant site. The proposed project also includes interconnectivity between adjoining parcels. Additionally, the proposed development will comply with all City of Okeechobee concurrency fees and requirements.

Staff Comments: The applicant has not provided a traffic impact study in the resubmittal package. Traffic generation and impacts should be identified within a traffic impact study or statement.

No stacking/queuing analysis is provided. Without this analysis, there is no assurance that the site will function properly. We recommend that the applicant coordinate with staff and submit a proposed methodology for this type of analysis prior to performing the analysis. Some considerations for this analysis may include:

- **Demonstration that a range of common vehicle types can be accommodated within the drive through lanes (e.g. large SUVs and trucks).**
- **Demonstration that vehicles with trailers can be accommodated or that they will be prohibited from entering the drive-through.**

- **Demonstration that estimated peak hour demand will be accommodated without causing internal circulation problems and blockages to external facilities. Average customer order processing data may be utilized from existing Culver's restaurants.**
- **How the drive through system will function, including the order intake portion and the order waiting area portion of the facility?**

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: The proposed drive-through service use is located in the Commercial Future Land Use Designation. As demonstrated in the Comprehensive Plan, and further justified below, the proposed use is appropriate and intended for the Commercial land use designation. The requested special exception is further justified by meeting the following City of Okeechobee Comprehensive Plan goals, objectives, and policies:

Objective 12: By the year 2002, the Unified Land Development Code shall be revised to specifically encourage redevelopment, infill development, compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas, and shall discourage urban sprawl, as provided in the following policy:

Policy 12.1: Criteria, standards, and related provisions established in the Land Development Code for reducing the impacts from any land uses that are not in conformance or are inconsistent with this Comprehensive Plan shall as a minimum:

- a) Regulate the subdivision and platting of land.
- b) Regulate the use, intensity and location of land development in a manner that is compatible with adjacent land uses and provides delineation in the Conservation Element.
- c) Protect Conservation Use lands designated on the Future Land Use Map and those delineated in the Conservation Element.
- d) Regulate areas subject to seasonal and periodic flooding by requiring adequate drainage and stormwater.
- e) Ensure safe and convenient on-site traffic flow and vehicle parking needs through the Site Plan review process and off-street parking regulations.
- f) Ensure that public facility, utility and service authorization has been procured prior to issuing any development order and that construction of said facilities, utilities, and services is concurrent with development.
- g) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for affected public (community) facilities.

The purpose of such regulations shall be to eliminate or reduce use inconsistent with the character of the surrounding area. Such criteria, standards, and related provisions shall not cause undue hardship, economic or otherwise, to the owners of such nonconforming uses.

The proposed project is infill development in a location appropriate for a drive-through service use. Additionally, the project is in a location currently serviced by utilities and infrastructure. A fast-food restaurant in this location matches the intensity of existing development in proximity and is a use that currently exists in the area. Therefore, the proposed project meets the intent of this comprehensive plan objective and associated policy.

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

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

Applicant Response: Per Section 90-283 of the City of Okeechobee's Land Development Code, a drive-through service use and structure(s) are permitted in the Heavy Commercial (CHV) zoning district after issuance of a special exception petition.

Staff Comments: Staff finds that "Restaurant, takeout restaurant, café" is an allowable principal use within the CHV district, per LDC Section 90-282(3). The drive-through service, proposed for Culver's, is listed as a special exception use in the CHV district, as stated in LDC Section 90-283(1).

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

Applicant Response: The proposed use will not have an adverse effect on the public interest given the commercial character of the area, the existing infrastructure and utilities to service the proposed use, and the thoughtful site design.

Staff Comments: The proposed use will provide a necessary service to those traveling along SR-70, in addition to the surrounding community. Assuming that the applicant can demonstrate adequate internal vehicle circulation and no significant impacts to external facilities, it is not expected that this 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 is appropriate for the proposed location and is compatible with the commercial character of the area as well as adjacent uses. It is also infill development and therefore not detrimental to urbanizing land use patterns and does not contribute to urban sprawl.

Staff Comments: Staff finds that the subject site and location is reasonably appropriate for the proposed use and should have no effect on urbanizing land use patterns. The proposed use will act as infill development, which will not be detrimental to urbanizing land use patterns.

- (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: The requested drive-through service use will not be a deterrent to the development of adjacent property and may increase the value of the currently vacant parcels.

Staff Comments: The proposed Culver's will be located within a larger commerce center along SR-70, which supports commercial uses. Staff finds that the use will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties.

- (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: It is not anticipated that the requested drive-through service will result in any nuisance or hazard to adjacent uses. Therefore, there are no screening requirements in addition to the landscape requirements specified by the City of Okeechobee's Land Development Code.

Staff Comments: The site plan indicates that a dumpster enclosure is proposed, which will provide screening between the dumpster, the adjacent properties, and SR-70. Staff find that no additional screening is required between the Culver's and adjacent commercial uses.

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

Applicant Response: The proposed project does not include any residential uses, therefore it will have no impact on the capacity of public schools. The project location is serviced by existing streets and utility services and there are no anticipated decreases in the respective levels of service that result from the drive-through establishment. The Applicant will comply with all applicable City of Okeechobee concurrency requirements and fees.

Staff Comments: The proposed use will not include a residential component therefore, no direct effects on density patterns and public-school facilities are expected.

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

Applicant Response: The Applicant will meet all SFWMD standards and City of Okeechobee requirements to prevent traffic congestion, flooding or drainage problems, or otherwise adverse public safety impacts.

Staff Comments: The site has direct access to SR-70, a Principal Arterial Roadway. Staff find that an updated Traffic Impact Statement, utilizing the proposed square footage on the site plan, will be required to make a final determination. The concurrent site plan application includes drainage plans, which will be reviewed for consistency with State and local policies within the 23-004-TRC Staff Report.

Recommendation

Based on the materials and statements provided by the applicant and the foregoing analysis, we recommend resubmittal of this application to address the following:

1. Survey needs to be consistent with the title.
2. Deeds, authorizations, and title need to be consistent throughout the site plan, replat, and special exception for the subject property.
3. The Applicant has not provided any service availability documentation for potable water and sanitary sewer.
4. Site plans and landscape plans resubmitted for 23-004-TRC shall be provided.
5. An analysis of the proposed internal vehicle circulation and drive-through operations must be provided which demonstrates functionality of the proposed facilities through the peak hour demand, and that vehicle stacking will not exceed on-site capacity. Potential impacts on external facilities shall be considered.
6. Plans must be consistent with final plat approval and all conditions of that approval.
7. Building permits may not be issued until final plat approval of 23-003-TRC.

Submitted by:



Ben Smith, AICP

Director of Planning

September 18, 2023

Okeechobee Board of Adjustment Hearing: TBD

Supplemental Exhibits

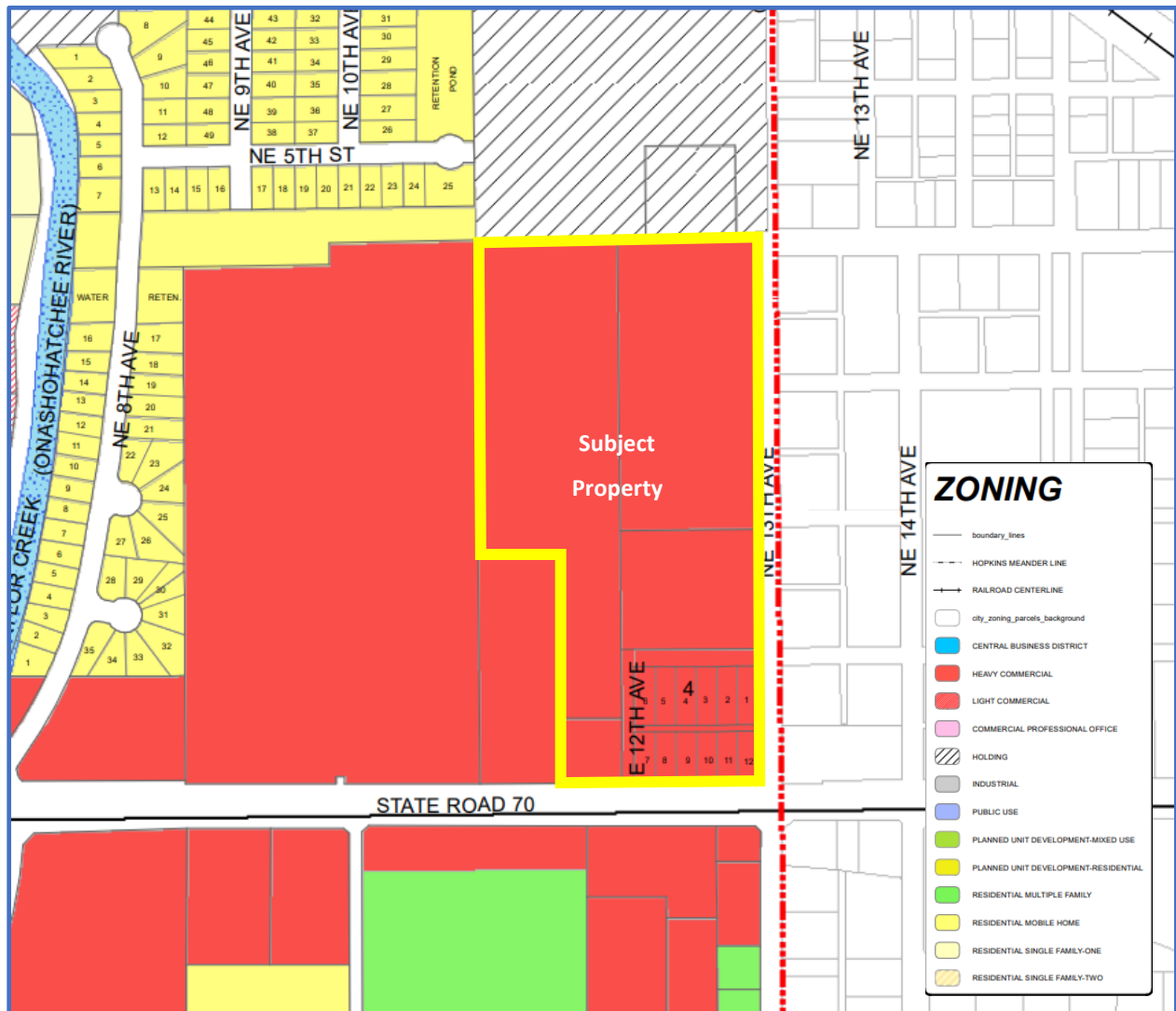


Exhibit A: Zoning Map

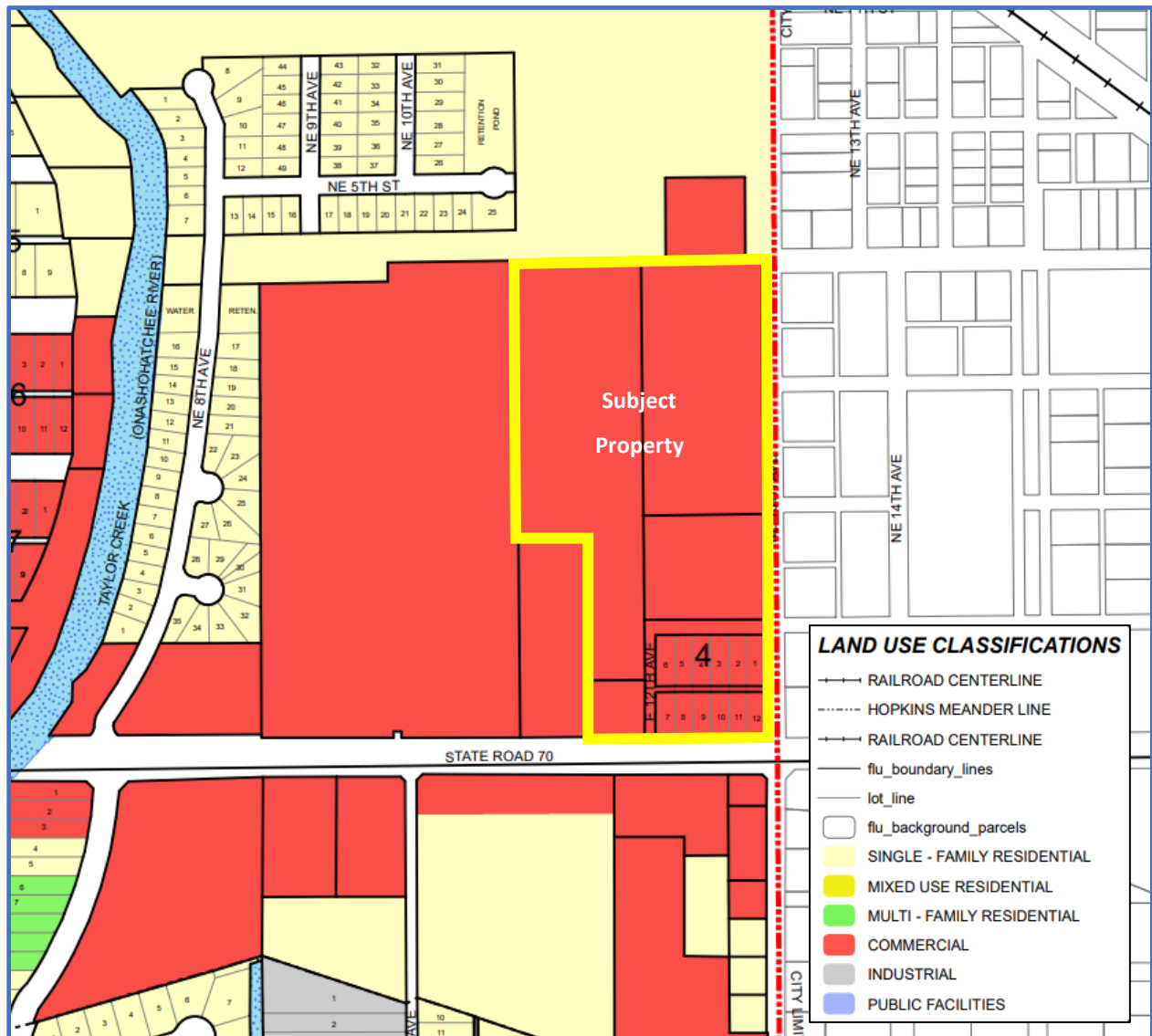


Exhibit B: Future Land Use Map



Exhibit C: Existing Land Use Map

original submittal


| | | | |
|---|--|---|-------------------------------------|
| 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: <i>8-15-23</i> | Petition No. <i>23-001-SE</i> |
| | | Fee Paid: | Jurisdiction: <i>BOA</i> |
| | | 1 st Hearing: <i>9-21-23</i> | 2 nd Hearing: <i>N/A</i> |
| | | Publication Dates: <i>9/6 and 9/13</i> | |
| | | Notices Mailed: <i>9/6</i> | |
| Rezoning, Special Exception and Variance | | | |
| APPLICANT INFORMATION | | | |
| 1 | Name of property owner(s): William R. Grigsby, Jr. | | |
| 2 | Owner mailing address: 10282 Payne Road, Sebring, Florida 33875 | | |
| 3 | Name of applicant(s) if other than owner: Park Street Okeechobee, LLC | | |
| 4 | Applicant mailing address: 603 East Fort King Street, Ocala, Florida 34471 | | |
| | E-mail address: blair.knighting@kimley-horn.com | | |
| 5 | Name of contact person (state relationship): Blair Knighting, AICP (Kimley-Horn) | | |
| 6 | Contact person daytime phone(s): (904) 828-3900 | | |
| PROPERTY INFORMATION | | | |
| 7 | Property address/directions to property: <i>Located directly across from 1000 State Road 70 East, Okeechobee, Florida.</i> <i>New lot 2, Park Street Commerce Center</i> | | |
| 8 | Describe current use of property: The property is currently vacant. | | |
| 9 | Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc. The proposed project includes one building less than 5,000 sqft., exceeds the required parking, and meets code for all setback and landscaping requirements. Please see site plan for additional details. Source of potable water: OUA Method of sewage disposal: OUA | | |
| 10 | Approx. acreage: 2.16+/- Is property in a platted subdivision? Yes <i>(Final 9-14-23)</i> | | |
| 11 | Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: No, the property is currently vacant and unimproved. | | |
| 12 | Is a pending sale of the property subject to this application being granted? Yes | | |
| 13 | Describe uses on adjoining property to the North: North: Vacant East: Commercial Use South: Commercial, Public Service (USPS) West: Commercial (RaceTrac Gas Station) | | |
| 14 | Existing zoning: Heavy Commercial Future Land Use classification: Commercial | | |
| 15 | Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? <input checked="" type="checkbox"/> No () Yes. If yes provide date, petition number and nature of approval. | | |
| 16 | Request is for: () Rezone (x) Special Exception () Variance | | |
| 17 | Parcel Identification Number: 3-15-37-35-0210-00010-0010 and 2-15-37-35-0A00-00010-0000 | | |

A. portion of

| REQUIRED ATTACHMENTS | |
|-----------------------------|---|
| 18 | Applicant's statement of interest in property: |
| 19 | Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs. |
| 20 | Last recorded warranty deed: |
| 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 Adam Ramsay Date 8/14/23

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

PARK STREET OKEECHOBEE, LLC

Filing Information

Document Number L22000487870

FEI/EIN Number 92-3774303

Date Filed 11/14/2022

State FL

Status ACTIVE

Principal Address

603 EAST FORT KING STREET
OCALA, FL 34471

Mailing Address

603 EAST FORT KING STREET
OCALA, FL 34471

Registered Agent Name & Address

RAMSAY, ADAM
603 EAST FORT KING STREET
OCALA, FL 34471

Authorized Person(s) Detail

Name & Address

Title MGR

RAMSAY, ADAM P
603 EAST FORT KING STREET
OCALA, FL 34471

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2023 | 04/28/2023 |

Document Images

[04/28/2023 -- ANNUAL REPORT](#) [View image in PDF format](#)

[11/14/2022 -- Florida Limited Liability](#) [View image in PDF format](#)

Justification and Impact Analysis for Special Exception Use

Culver's – Okeechobee, FL

Park Street Commerce Center Lot 2

Statement of Interest:

The Applicant intends to develop a Culver's restaurant with drive-through service on the subject parcel (Park Street Commerce Center Lot 2). The proposed project fronts State Road 70 east of NE 14th Avenue in the City of Okeechobee, FL and is part of the Park Street Commerce Center development. The property is in the Heavy Commercial zoning district and therefore requires a special exception use permit for the drive-through service. Given the commercial nature of the State Road 70 corridor and the presence of existing drive-through services in proximity to this site, the requested special exception use is appropriate and compatible in this location.

A. Describe the Special Exception sought:

This application seeks a special exception for a drive-through service in the Heavy Commercial zoning district. The proposed drive-through service is an integral part of the proposed Culver's restaurant and vital to the economic success of the restaurant.

B. Are there similar uses in the area? If yes, briefly describe them:

Yes, there are similar drive-through restaurant establishments (Zaxby's, Popeyes, Burger King, Taco Bell, etc.) in the area. Additionally, the area is dominated by commercial uses along State Road 70. Including, but not limited to, RaceTrac gas station, Applebees, Family Dollar, and Dollar Tree.

C. If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building;

The proposed use is a Culver's drive-through service restaurant, serving frozen custard, burgers, and similar foods. The anticipated hours will be 10:30 AM – 10:00 PM seven days a week. It is anticipated that a typical working shift will be 10-15 employees.

D. Traffic Impact Study:

Per the ITE trip generation calculator for a fast-food restaurant with drive-through window (Code 934), the proposed special exception drive-through restaurant will generate an average of 470 trips per day. The proposed development will comply with all concurrency requirements per the City of Okeechobee's concurrency management system.

E. Standards for granting a Special Exception (Section 70-373(b)):

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

The proposed use is compatible and appropriate for this location given the established commercial nature and presence of existing drive-through service restaurants in the area. Additionally, the proposed project is infill development in a location with existing infrastructure and utilities.

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

The proposed Culver's restaurant is not directly adjacent to residential uses. As depicted on the conceptual site plan, the restaurant building will front State Road 70 and includes landscaped areas to the north and south of the building, in addition to the setbacks and a patio space. This design is compatible with the adjacent future commercial uses.

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

As shown on the conceptual site plan, the proposed project will meet all setback requirements per the Heavy Commercial zoning designation (Section 90.285). Additionally, all landscaping requirements will be met. As the subject location is not directly adjacent to residential uses, uncomplimentary screening is not necessary.

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

Given the commercial nature of the area and the existing drive-through restaurants in proximity to the site, the nature of the proposed restaurant use with drive-through service creates no potential problems or public nuisances. The property fronts State Road 70 and is not directly adjacent to residential uses. Therefore, the proposed use is in a compatible and appropriate location.

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

The Applicant will work with the Okeechobee Utility Authority to ensure water and sewer availability. The applicant will also work with the South Florida Water Management District (SFWMD), the City of Okeechobee, and other pertinent authorities to establish any additional service requirements for the proposed Culver's drive-through restaurant.

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

As shown on the conceptual site plan, thoughtful design has been used to create efficient traffic flow within and throughout the Culver's restaurant site. The proposed project also includes interconnectivity between adjoining parcels. Additionally, the proposed development will comply with all City of Okeechobee concurrency fees and requirements.

F. Findings required for granting a Special Exception (Section 70-373(c)).

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

The proposed drive-through service use is located in the Commercial Future Land Use Designation. As demonstrated in the Comprehensive Plan, and further justified below, the proposed use is appropriate and intended for the Commercial land use designation. The requested special exception is further justified by meeting the following City of Okeechobee Comprehensive Plan goals, objectives, and policies:

Objective 12: By the year 2002, the Unified Land Development Code shall be revised to specifically encourage redevelopment, infill development, compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas, and shall discourage urban sprawl, as provided in the following policy:

Policy 12.1: Criteria, standards, and related provisions established in the Land Development Code for reducing the impacts from any land uses that are not in conformance or are inconsistent with this Comprehensive Plan shall as a minimum:

- a) Regulate the subdivision and platting of land.
- b) Regulate the use, intensity and location of land development in a manner that is compatible with adjacent land uses and provides delineation in the Conservation Element.
- c) Protect Conservation Use lands designated on the Future Land Use Map and those delineated in the Conservation Element.
- d) Regulate areas subject to seasonal and periodic flooding by requiring adequate drainage and stormwater.
- e) Ensure safe and convenient on-site traffic flow and vehicle parking needs through the Site Plan review process and off-street parking regulations.
- f) Ensure that public facility, utility and service authorization has been procured prior to issuing any development order and that construction of said facilities, utilities, and services is concurrent with development.
- g) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for affected public (community) facilities.

The purpose of such regulations shall be to eliminate or reduce use inconsistent with the character of the surrounding area. Such criteria, standards, and related provisions shall not cause undue hardship, economic or otherwise, to the owners of such nonconforming uses.

The proposed project is infill development in a location appropriate for a drive-through service use. Additionally, the project is in a location currently serviced by utilities and infrastructure. A fast-food restaurant in this location matches the intensity of existing development in proximity and is a use that currently exists in the area. Therefore, the proposed project meets the intent of this comprehensive plan objective and associated policy.

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

Per Section 90-283 of the City of Okeechobee's Land Development Code, a drive-through service use and structure(s) are permitted in the Heavy Commercial (CHV) zoning district after issuance of a special exception petition.

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

The proposed use will not have an adverse effect on the public interest given the commercial character of the area, the existing infrastructure and utilities to service the proposed use, and the thoughtful site design.

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 is appropriate for the proposed location and is compatible with the commercial character of the area as well as adjacent uses. It is also infill development and therefore not detrimental to urbanizing land use patterns and does not contribute to urban sprawl.

5. The use will not adversely affect property values or living conditions, not be deterrent to the development of adjacent property.

The requested drive-through service use will not be a deterrent to the development of adjacent property and may increase the value of the currently vacant parcels.

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

It is not anticipated that the requested drive-through service will result in any nuisance or hazard to adjacent uses. Therefore, there are no screening requirements in addition to the landscape requirements specified by the City of Okeechobee's Land Development Code.

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

The proposed project does not include any residential uses, therefore it will have no impact on the capacity of public schools. The project location is serviced by existing streets and utility services and there are no anticipated decreases in the respective levels of service that result from the drive-through establishment. The Applicant will comply with all applicable City of Okeechobee concurrency requirements and fees.

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

The Applicant will meet all SFWMD standards and City of Okeechobee requirements to prevent traffic congestion, flooding or drainage problems, or otherwise adverse public safety impacts.

PARK STREET OKEECHOBEE, LLC

603 East Fort King Street
Ocala, Florida 34471

VIA EMAIL

August 11, 2023

City of Okeechobee / General Services Department
Attention: Patty Burnette
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974

Re: Park Street Commerce Center – Statement of Interest in Property

Dear Ms. Burnette:

On behalf of Park Street Okeechobee, LLC (“**Applicant**”), this letter constitutes Applicant’s Statement of Interest in the following property (collectively, the “**Property**”):

- Parcel #1: 2-15-37-35-0A00-00011-0000
- Parcel #2: 2-15-37-35-0A00-00009-0000
- Parcel #3: 2-15-37-35-0A00-00009-A000
- Parcel #4: 2-15-37-35-0A00-00010-0000
- Parcel #5: 3-15-37-35-0210-00010-0010

Applicant is purchasing the Property via that certain vacant land contract between Applicant (as successor-by-assignment to WGT, Inc.) and William R. Grigsby, Jr. (“**Seller**”) dated September 2, 2022 (the “**Contract**”). Applicant intends to develop the Property into a commercial real estate project to be commonly known as the Park Street Commerce Center (“**Project**”) consisting of five separate parcels (as more particularly described in Applicant’s site plan and other related documents) with portions of shared common area infrastructure, including without limitation, roadways, drainage, lift station, utility lines, project signs, entrance features, outfall pipe, sewer connection, and all other real and personal property (or interest therein) intended by Applicant for the common use and enjoyment of all lot owners within the Project (collectively, “**Common Area Infrastructure**”).

The Common Area Infrastructure will be governed by that certain Declaration of Covenants, Conditions, Easements, and Restrictions for Park Street Commerce Center (“**Declaration**”) of which Applicant (or its assignee) shall be the “**Declarant**” under the Declaration. The Declaration shall include, without limitation, provisions addressing the design, permitting, construction, maintenance, and repair of the Common Area Infrastructure, and provisions for sharing of the costs thereof by the lot owners of parcels within the Project. All easements, water management system, and other rights related to the Common Area Infrastructure will be incorporated into the Declaration. Notwithstanding the foregoing, Applicant intends to dedicate certain items constituting the Common Area Infrastructure such as the roadways, lift station, sewer connection, and outfall pipe to the City of Okeechobee (“**City**”), the County of Okeechobee (“**County**”), and/or other governmental authorities, respectively.

Applicant is hereby submitting Applicant’s master site plan and preliminary plat for the Project in order for Applicant to obtain approval of said site plan, including multiple individual lot site plans and related special exception applications pertinent to Applicant or as jointly submitted by Applicant and a third-party future owner / user of a specific lot within the Project (“**Co-Applicant**,” and as further described below, if applicable), and plat from all governing authorities, including approval of the vacation of any existing recorded plat (“**Site Plan Approval**”). Subject to Applicant obtaining Site Plan Approval, Applicant will enter into a development agreement with the City which shall grant Applicant all rights necessary to develop the Project. More specifically, Applicant desires to enter into separate development agreements with the City for the following lots within the Project in order to develop said lot for the uses described below:

- Lot 1: Express Car Wash Facility

- Lot 2: Culver's Restaurant with Drive-Thru

Applicant sincerely looks forward to working with the City to develop this exciting project and making a large investment in the City's future and that of its residents, local businesses, and others in the surrounding community. Please direct all questions regarding the Project to Scott Winch at swinch@kinghux.com and/or (386) 527-6729.

Very truly yours,

PARK STREET OKEECHOBEE, LLC

By:



Adam Ramsay, Manager

Cc: Gary Ritter, City Administrator (*via email*)

Prepared By and Return to
John D. Cassels, Jr. Esq.
Cassels & McCall
P.O. Box 968
Okeechobee, Florida 34973

Parcel ID Numbers:
2-15-37-35-0A00-00009-A000
2-15-37-35-0A00-00009-0000
2-15-37-35-0A00-00011-0000
2-15-37-35-0A00-00010-0000
3-15-37-35-0210-00010-0110
3-15-37-35-0210-00010-0080
3-15-37-35-0210-00010-0040
3-16-37-35-0210-00010-0010

FILE NUM 2006011065
OR BK 00603 PG 1345
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FL
RECORDED 06/20/2006 04:34:38 PM
RECORDING FEES 18.50
DEED DOC 18,433.80
RECORDED BY R Parrish
Pgs 1345 - 1346; (2pgs)

WARRANTY DEED

THIS WARRANTY DEED made this 20th day of June, 2006, between **GREAT LAKES HOLDINGS, LLC**, a Florida limited liability company, whose mailing address is 410 SE 2nd Avenue, Okeechobee, FL 34974, hereinafter called the **GRANTOR**, to **WILLIAM R. GRIGSBY, JR.**, whose mailing address 518 Bear Road, Lake Placid, FL 33852, hereinafter called the **GRANTEE**:

(Wherever used herein, the terms "Grantors" and "Grantees" 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 \$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, to-wit:

PARCEL 1 (PER O.R.B. 527, PGS. 869-870):

THE WEST HALF (W ½) OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) LYING NORTH OF STATE ROAD NO. 70 (FORT PIERCE ROAD), IN SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, LESS THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 15, RUN NORTH 594 FEET, EAST 186.3 FEET, SOUTH 594 FEET; WEST 186.3 FEET TO THE POINT OF BEGINNING.

ALSO LESS THE NORTH 50 FEET WHICH IS RESERVED FOR ROAD PURPOSES.

ALSO LESS: A STRIP OF LAND 7 FEET WIDE SITUATE ADJACENT TO AND NORTHERLY OF THE EXISTING 66 FOOT RIGHT OF WAY OF STATE ROAD 70, LYING, WITHIN THE WEST ½ OF THE EAST ½ OF SW 1/4 OF SE 1/4, SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, LESS THE WEST 186.3 FEET THEREOF; CONTAINING .02 OF AN ACRE, MORE OR LESS.

PARCEL 2 (PER O.R.B. 528, PGS. 1342-1343):

ALL OF LOTS 1 THROUGH 12, INCLUSIVE, LYING NORTH OF NORTH PARK STREET (A/K/A S.R. 70 F/K/A FORT PIERCE ROAD) AS NOW CONSTRUCTED, IN BLOCK 4, PRICE ADDITION TO OKEECHOBEE CITY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

PARCEL 3 (PER O.R.B. 528, PGS. 1342-1343):

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, THENCE RUN SOUTH 00°18'26" EAST ALONG THE EASTERLY LINE THEREOF, 668.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°18'26" EAST, 276.28 FEET TO THE NORTHEAST CORNER OF PRICE ADDITION TO OKEECHOBEE CITY ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17; THENCE RUN SOUTH 89°50'34" WEST, ALONG THE NORTHERLY LINE THEREOF, 336.76 FEET TO THE NORTHWEST CORNER OF SAID PRICE ADDITION; THENCE RUN NORTH 00°17'46" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 15, A DISTANCE OF 273.38 FEET; THENCE RUN NORTH 89°20'47" EAST AND PARALLEL WITH THE NORTHERLY LINE OF PREVIOUSLY MENTIONED SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 336.71 FEET TO THE POINT OF BEGINNING.

PARCEL 4 (PER O.R.B. 528, PGS. 1342-1343):

THE ALLEY IN BLOCK 4, PRICE ADDITION TO OKEECHOBEE CITY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, LYING BETWEEN LOTS 1-6 AND 7-12.

PARCEL 5 (PER O.R.B 528, PGS 1342-1343):

THE STREET KNOWN AS NORTHEAST 2ND STREET (F/K/A CENTER STREET) AS IT RUNS EAST FROM NORTHEAST 12TH AVENUE TO NORTHEAST 13TH AVENUE, PARTICULARLY LOCATED NORTH OF BLOCK 4, PRICE ADDITION TO OKEECHOBEE CITY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

PARCEL 6 (PER O.R.B 554, PG 338):

ALL THAT PART OF THE NORTH 668.71 FEET OF THE E ½ OF THE E ½ OF SW 1/4 OF SE 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, LESS AND EXCEPT THE NORTH 50 FEET THEREOF.

Subject to those easements in favor of Florida Power and Light recorded in O.R. Book 109, Page 983 and O.R. Book 23, Page 524 and matters contained on the Plat of Price Addition to Okeechobee City recorded in Plat Book 2, Page 17, all being in the Public Records of Okeechobee County, Florida.

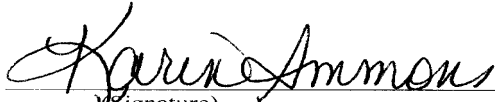
and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.


* Singular and plural are interchangeable as context requires.

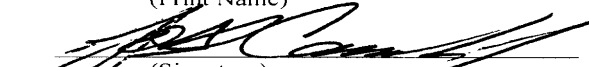
IN WITNESS WHEREOF, the said GRANTOR have executed this Deed the day and year first above written.

Signed, Sealed and Delivered in our presence:

GREAT LAKES HOLDINGS, LLC, a Florida limited liability company


(Signature)
Karin Ammons
(Print Name)

BY: 
D. Robert Willson, Managing member

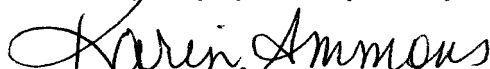

(Signature)
John S. Cassels, Jr.
(Print Name)

STATE OF FLORIDA
COUNTY OF OKEECHOBEE

Signed and sworn to (or affirmed) before me this 20th day of June, 2006, by D. ROBERT WILLSON, as Managing Member of GREAT LAKES HOLDINGS, LLC, a Florida limited liability company, who is personally known to me.



Karin Ammons
My Commission DD211896
Expires July 11, 2007


NOTARY PUBLIC
Print Name: Karin Ammons

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: WILLIAM R. GRIGSBY, JR.

Mailing Address: 10282 Payne Road, Sebring, Florida 33875

Home Telephone:

N/A

Work:

Cell:

Property Address:

Those certain 5 parcels of land referenced below totaling approximately 16.2 acres and located in close proximity to 975 NE Park Street, Okeechobee, Florida 34972

Parcel ID Number:

Parcel #1: 2-15-37-35-0A00-00011-0000, Parcel #2: 2-15-37-35-0A00-00009-0000, Parcel #3: 2-15-37-35-0A00-00009-A000, Parcel #4: 2-15-37-35-0A00-00010-0000, and Parcel #5: 3-15-37-35-0210-00010-0010.

Name of Applicant:

Park Street Okeechobee, LLC and its successors and assigns

Home Telephone:

(321) 704 - 2840

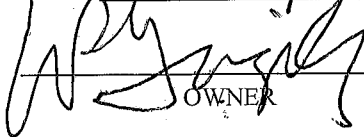
Work:

Cell:

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.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 13

DAY OF February, 2023.


OWNER

OWNER


WITNESS

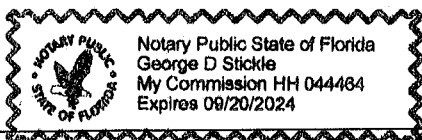
WITNESS

STATE OF FLORIDA

COUNTY OF Highlands

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13 day of Feb, 2023, by William R. Grigsby, Jr.,
(Name of Person)

who is personally known to me or produced Florida I.D. as identification.

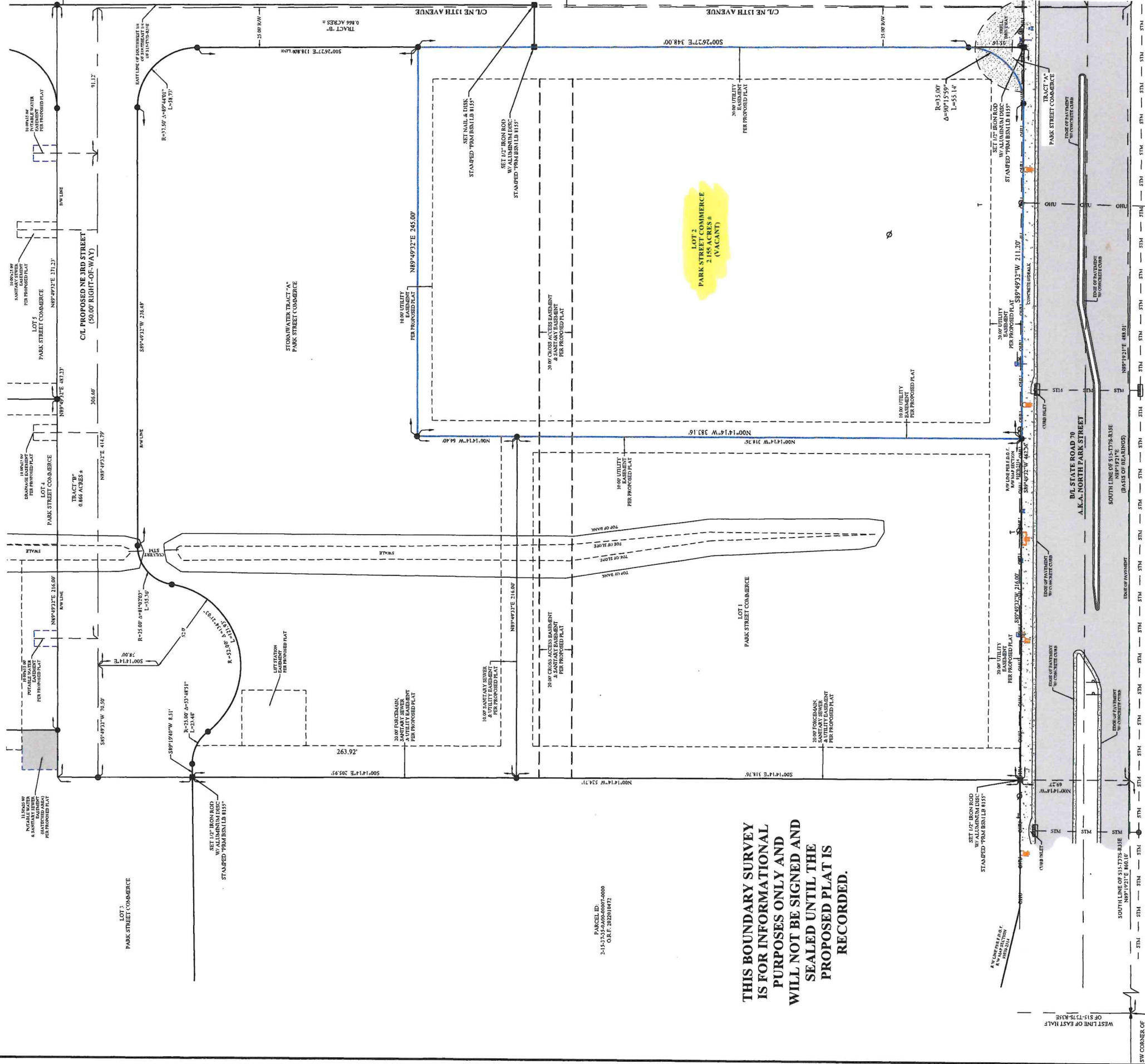




NOTARY PUBLIC SIGNATURE

BOUNDARY SURVEY

LOCATED IN SECTION 15; TOWNSHIP 37 SOUTH; RANGE 35 EAST



**THIS BOUNDARY SURVEY
IS FOR INFORMATIONAL
PURPOSES ONLY AND
WILL NOT BE SIGNED AND
SEALED UNTIL THE
PROPOSED PLAT IS
RECORDED.**

LEGAL DESCRIPTION:

LOT 2, PARK STREET COMMERCE CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK ??, PAGE ??, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SURVEYOR'S NOTES:

- THE SURVEY DATE IS FEBRUARY 15, 2023.
- THIS IS A **BOUNDARY SURVEY**, AS DEFINED IN CHAPTER 3d-17.050(11) OF THE FLORIDA ADMINISTRATIVE CODE.
- THIS SURVEY MAP AND REPORT, OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 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.
- BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NAD 83, 2011 ADJUSTMENT (NAD83/2011), AS ESTABLISHED USING REAL-TIME KINEMATIC SURVEYING TECHNIQUES. UNCONNECTED POSITIONS COMPUTED WERE VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS. ALL DISTANCES SHOWN HEREON ARE IN GRID U.S. SURVEY FEET.
- THE COORDINATE SYSTEM UTILIZED HEREON IS REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, KAS 83 ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/2011), AS ESTABLISHED USING REAL-TIME KINEMATIC SURVEYING TECHNIQUES. UNCONNECTED POSITIONS COMPUTED WERE VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS. ALL DISTANCES SHOWN HEREON ARE IN GRID U.S. SURVEY FEET.
- THIS SURVEY DOES NOT HAVE THE BENEFIT OF A CURRENT TITLE COMMITMENT, OPINION, OR ABSTRACT. DURING THE COURSE OF THIS SURVEY, NO SEARCHES OF THE PUBLIC RECORDS WERE MADE, BUT THESE SEARCHES WERE NOT EXHAUSTIVE AND SHOULD NOT BE CONSIDERED A GUARANTEE OF THE TITLE COMMITMENT, OPINION, OR ABSTRACT OBTAINED FROM A TITLE AGENCY OR OTHER TITLE PROFESSIONAL.
- ADJOINING PROPERTY INFORMATION WAS OBTAINED FROM OKECHOBEE COUNTY PROPERTY APPRAISER OFFICE AND PER UNRECORDED PLAT.
- SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X PER FEMA MAP NUMBER 120903C, PANEL NUMBER 0404C, WITH AN EFFECTIVE DATE OF 07/16/15.

LEGEND:

| | | | |
|----------|--------------------------------------|-----------------------|-------------------------|
| S | SECTION OR SOUTH | C/L | CENTERLINE |
| T | TOWNSHIP | R/W | RIGHT-OF-WAY |
| R | RANGE OR RADIUS | ID | IDENTIFICATION |
| N: | NORTHING | O.R.B. | OFFICIAL RECORD BOOK |
| E: | EASTING | O.R.F. | OFFICIAL RECORD FILE |
| ELEV. | ELEVATION | PG. | PAGE |
| F.D.O.T. | FLORIDA DEPARTMENT OF TRANSPORTATION | L | ARC LENGTH |
| F | FIELD | OHU | OVERHEAD UTILITY LINE |
| P | PLAT | FND | FOUND |
| D | DEED | C.C.R. | CERTIFIED CORNER RECORD |
| A.K.A. | ALSO KNOWN AS | | CERTIFIED CORNER |
| ● | SET 1/2" IRON ROD & CAP | UTILITY POLE | UTILITY POLE |
| ② | STAMPED "BSM LB 8155" | SINGLE SUPPORT SIGN | SINGLE SUPPORT SIGN |
| ★ | STORM WATER MANHOLE | DELINEATOR POST | DELINEATOR POST |
| ☔ | FIRE HYDRANT | BASELINE | BASELINE |
| ⚙ | WATER VALVE | WITH | WITH |
| Ⓜ | CURB INLET | LIGHT POLE | LIGHT POLE |
| Ⓜ | SANITARY MANHOLE | GLV ANCHOR | GLV ANCHOR |
| Ⓜ | WATER METER | TELEPHONE PESTAL | TELEPHONE PESTAL |
| Ⓜ | ELECTRIC SERVICE BOX | ELECTRIC JUNCTION BOX | ELECTRIC JUNCTION BOX |
| Ⓜ | | BOLLARD | BOLLARD |
| Ⓜ | | DEGREE OF CURVATURE | DEGREE OF CURVATURE |

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 31-17, FLORIDA ADMINISTRATIVE CODE.

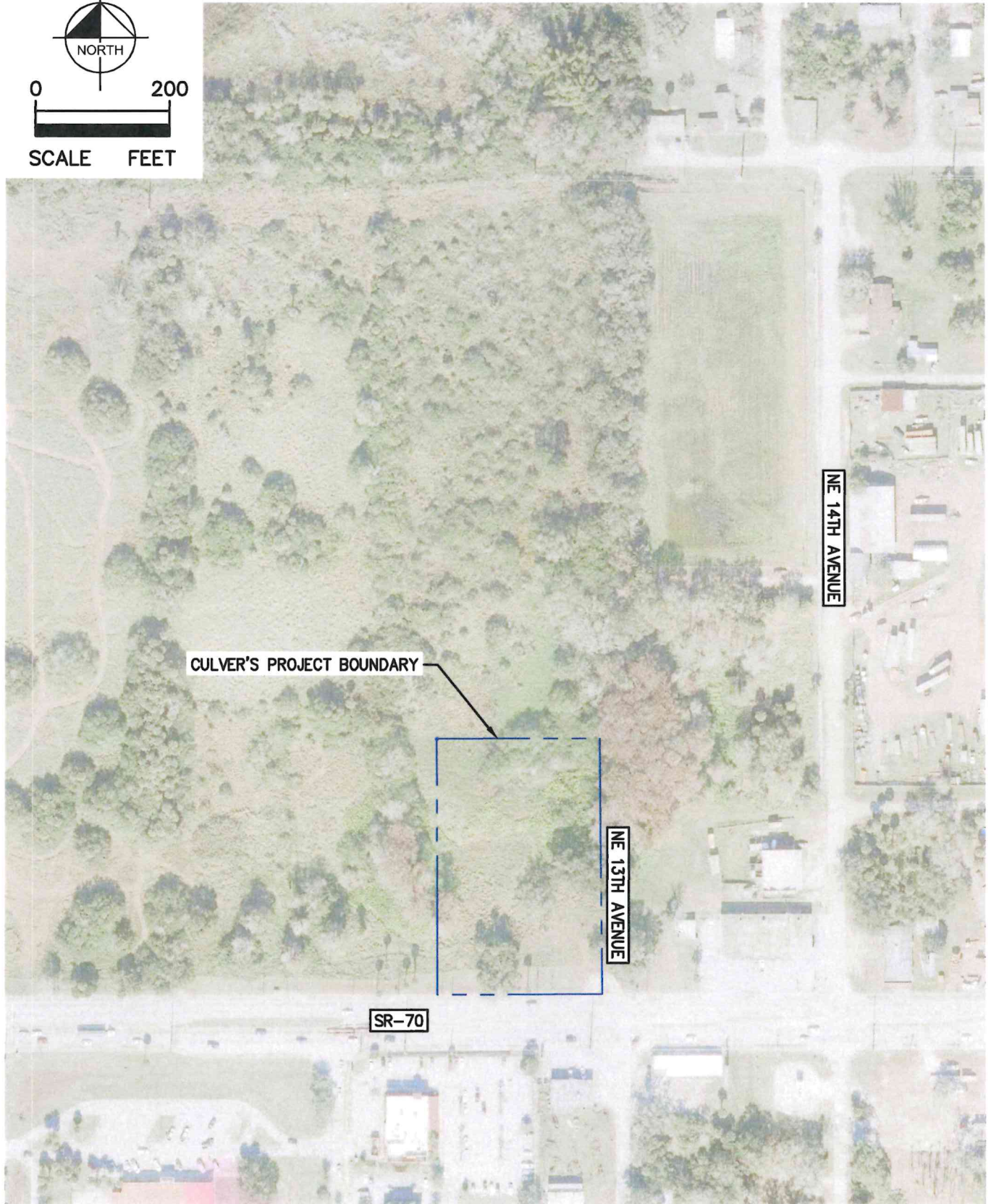
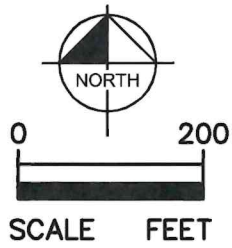
FOR THE BENEFIT OF THE FOLLOWING PARTIES ONLY:

FOR THE FIRM:
BSM & ASSOCIATES, INC.

RICHARD E. BARNES III
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NO. 7074
DATE _____



| | | | | | | | | |
|--|---|----|-------|------|--------------|---------|----------------------|-----|
| BOUNDARY SURVEY | | | | | | | | |
| HIGHWAY 70 EAST | | | | | | | | |
| OKEECHOBEE, FLORIDA 34972 | | | | | | | | |
| CAD | GARY BOWEN & ASSOCIATES, INC. 03/21/21 441 ALTA TOWN & PLAT - SINGLE CONDO PARTNERSHIP & LOT 1 SURVEY | | | | | | | |
| REF | GARY BOWEN & ASSOCIATES, INC. 03/21/21 441 ALTA TOWN & PLAT - SINGLE CONDO PARTNERSHIP & LOT 1 SURVEY | | | | | | | |
| FLD | IF | DF | FB/PG | RI # | DD-22 | | | |
| OFF | EGG | | | | DATE 02/1/23 | | | |
| CRKD | REB | | | | SHEET 1 OF 1 | | | |
| UPDATED BOUNDARY SURVEY PER REVISED PLAT | | | | | | 8/19/23 | | TIL |
| REVISIONS: | | | | | | DATE: | DWG 22-443 BND LOT 2 | BY: |



Drawing name: K:\AX_Civil\045523036 - Culvers Okeechobee FL\Cadd\Exhibits\Site Location Map.dwg Site Location Aug 21, 2023 10:03am by: Tripp Miller

SITE AERIAL EXHIBIT - CULVER'S OKEECHOBEE, FL

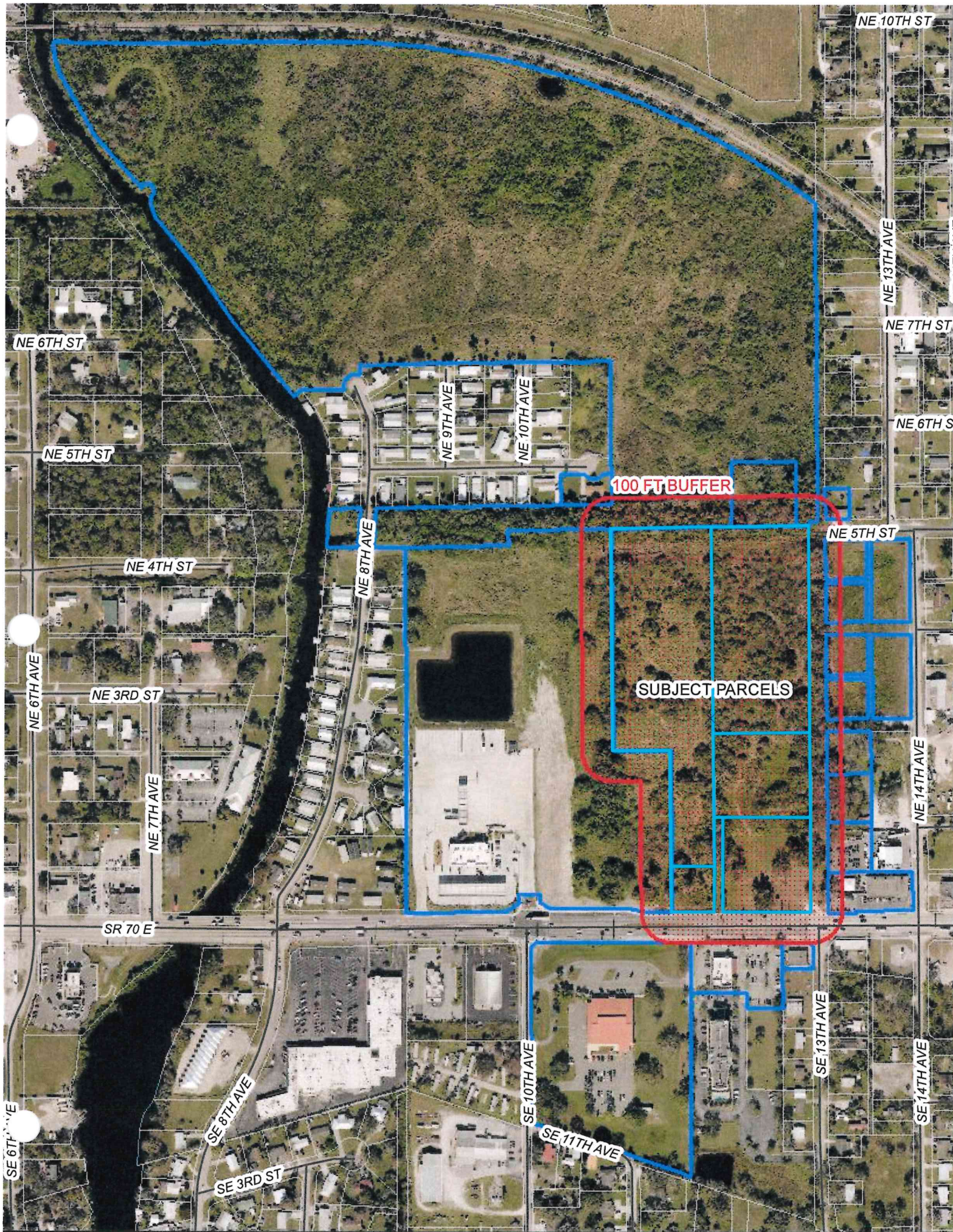
| PARCEL NUMBER | OWNER | ADDRESS 1 | ADDRESS 2 | CITY | STATE | ZIP |
|----------------------------|-------------------------------|-------------------------------|------------------------|--------------------|-------|------------|
| 1-15-37-35-0030-00040-0010 | OKEECHOBEE COUNTY | 304 NW 2ND STREET | | OKEECHOBEE | FL | 34972 |
| 1-15-37-35-0030-00120-0010 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00120-0070 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00120-0100 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00130-0010 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00130-0040 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00130-0090 | AMERI-RECREATIONAL SPORTS LLC | 7711 N MILITARY TRL STE 300 | | PALM BEACH GARDENS | FL | 33410-6506 |
| 1-15-37-35-0030-00220-0010 | ROJAS HERIBERTO | 1644 NE 40TH AVE | | OKEECHOBEE | FL | 34972-0787 |
| 1-15-37-35-0030-00220-0050 | DEO SAMSOONAL | 13887 86TH ROAD NORTH | | WEST PALM BEACH | FL | 33412 |
| 1-15-37-35-0030-00220-0080 | PRESCOTT JAMES EDWARD | 80 SE 13TH AVENUE | | OKEECHOBEE | FL | 34974 |
| 1-15-37-35-0040-00100-0010 | JOHNSON JOHNNY | 10345 SW 149TH TERR | | MIAMI | FL | 33716 |
| 1-15-37-35-0040-00100-0020 | ALLEN LYNNELL (ESTATE) | 531 NE 13TH AVENUE | | OKEECHOBEE | FL | 34972 |
| 1-15-37-35-0040-00100-0030 | WHITE JOHN JR | 519 NE 13TH AVE | | OKEECHOBEE | FL | 34972-3171 |
| 1-15-37-35-0040-00100-0050 | HOWARD ELLIS GROUP LLC | 5181 NW 81ST AVE | | LAUDERHILL | FL | 33351 |
| 1-15-37-35-0040-00100-0060 | BARRETT ELVIS ALONSO | 208 NE 17TH AVE | | OKEECHOBEE | FL | 34972 |
| 1-15-37-35-0040-00110-0090 | HOUZE VANESSA | 1290 NE 11TH ST | | OKEECHOBEE | FL | 34972-3035 |
| 1-22-37-35-0020-0000B-0010 | SAKE LLC | 2341 NE 7TH ST | | OKEECHOBEE | FL | 34972-3336 |
| 1-22-37-35-0020-0000B-0020 | BE A MAN BUY LAND LLC | 4260 SE FEDERAL HWY | | STUART | FL | 34997-4937 |
| 1-22-37-35-0020-0000B-002A | THE MEAT SHACK LLC | 1210 SW 2ND AVE | | OKEECHOBEE | FL | 34974-5222 |
| 2-15-37-35-0A00-00003-0000 | BLUE SPRING HOLDINGS LLC | 10860 SW 25TH ST | | DAVIE | FL | 33324-5606 |
| 2-15-37-35-0A00-00003-B000 | BUTLER SYLVESTER | 1873 NE 3RD STREET | | OKEECHOBEE | FL | 34972 |
| 2-15-37-35-0A00-00007-0000 | RACETRAC PETROLEUM INC | 200 GALLERIA PKWY SE STE 900 | | ATLANTA | GA | 30339-5945 |
| 2-15-37-35-0A00-00009-0000 | GRIGSBY WILLIAM R JR | 10282 PAYNE RD | | SEBRING | FL | 33875-9457 |
| 2-15-37-35-0A00-00009-A000 | GRIGSBY WILLIAM R JR | 10282 PAYNE RD | | SEBRING | FL | 33875-9457 |
| 2-15-37-35-0A00-00010-0000 | GRIGSBY WILLIAM R JR | 10282 PAYNE RD | | SEBRING | FL | 33875-9457 |
| 2-15-37-35-0A00-00011-0000 | GRIGSBY WILLIAM R JR | 10282 PAYNE RD | | SEBRING | FL | 33875-9457 |
| 2-22-37-35-0A00-00003-0000 | VISION INVESTMENT LLC | 9216 EQUUS CIR | | BOYNTON BEACH | FL | 33472-4318 |
| 2-22-37-35-0A00-00004-0000 | OKEECHOBEE HOSPITALITY LLC | PO BOX 1766 | | VALDOSTA | GA | 31603-1766 |
| 2-22-37-35-0A00-00004-A000 | CENTAURUS OASIS TWO LLC | %ALEX WOLAK | 16139 BISCAYNE BLVD | AVENTURA | FL | 33160-4337 |
| 2-22-37-35-0A00-00005-A000 | NORMAN PATRICIA | 4946 COUNTY ROAD 4408 | | BRUNDIDGE | AL | 36010 |
| 2-22-37-35-0A00-00009-0000 | UNITED STATES POSTAL SERVICE | 4000 DEKALB TECNOLOGY PARKWAY | BUILDING 500 SUITE 550 | ATLANTA | GA | 30340 |
| 3-15-37-35-0210-00010-0010 | GRIGSBY WILLIAM R JR | 10282 PAYNE RD | | SEBRING | FL | 33875-9457 |
| 3-15-37-35-021B-00000-00A0 | RIVER RUN RESORT HOA | UNKNOWN | | | | |

| | |
|----------------------------|----------------------|
| 3-15-37-35-021B-00000-0210 | NEAL LAVON BOWMAN |
| 3-15-37-35-021B-00000-0220 | DAVIS LARRY R |
| 3-15-37-35-021B-00000-0240 | GORBY JAMES L |
| 3-15-37-35-021B-00000-0260 | SCHOONMAKER DENNIS D |

| |
|--------------------|
| 1001 NE 5TH STREET |
| 1003 NE 5TH ST |
| 1009 NE 5TH STREET |
| P O BOX 2141 |

| | | |
|------------|----|-------|
| OKEECHOBEE | FL | 34972 |
| OKEECHOBEE | FL | 34972 |
| OKEECHOBEE | FL | 34972 |
| OKEECHOBEE | FL | 34973 |

✓ 600 Ft. - County



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 August 21, 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 21st day of August, 2023.

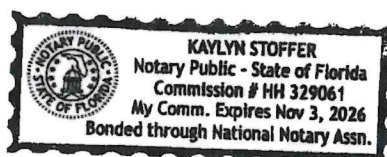
[Signature]
Signature of Applicant

8-21-23
Date

Adam Ramsay
Name of Applicant (printed or typed)

STATE OF FLORIDA
COUNTY OF Manon

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21st day of August, 2023, by Adam Ramsay, who is personally known to me or produced _____ as identification.



Kaylyn Stoffer
Notary Public Signature

