22-004-SESpecial Exception Staff Report



Applicant | 401 NW 3rd Street, LLC Address | 321 NW 4th Avenue





Prepared for The City of Okeechobee

General Information

Owner: 401 NW 3rd Street, LLC Applicant: 321 NW 4th Avenue Primary Contact: Sheryl Wells Site Address: 321 NW 4th Avenue

Parcel Identification: 3-15-37-35-0010-01260-0090

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: 3-15-37-35-0010-01260-0090	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	СРО	СРО
Use of Property	Existing professional offices	Special Exception; Massage therapist on 2 nd floor
Acreage	0.68	0.68

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

	Future Land Use	Zoning	Existing Use
North	Single-Family Residential	CPO (Commercial Professional Office)	Residential/Office; Medical Office
East	Public Facilities	PU (Public Use)	Government
South	Commercial	CPO (Commercial Professional Office)	Office
West	Commercial	CPO (Commercial Professional Office)	Office



Description of Request and Existing Conditions

The request for consideration by the City of Okeechobee Board of Adjustment is a Special Exception for a Massage Therapist office ("use") within an existing two-story professional office building which contains multiple separate commercial units and one residential unit, which was approved by the City's Board of Adjustment as a special exception in 2020. The proposed use will occupy one 465 square foot unit on the second floor of the building. The use will have operating hours from 8:00 a.m. to 5:00 p.m., with a potential for appointments to be scheduled any day of the week. There will be one employee, which will be the massage therapist, who will schedule only one client per appointment. The applicant is not proposing to conduct any activities outside of the unit. The applicant notes that a hair salon previously occupied this unit as a tenant, a use which is also classified as a personal service pursuant to the definition provided in LDC Chapter 66-1.

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: A massage therapist offers quiet services to a limited clientele that will not affect the other existing tenants within the building.

Staff Comments: The proposed massage therapy service is consistent and compatible with the existing commercial and personal service uses within the building. The building itself is surrounded mainly by commercial and public uses. Shared parking for the building is available onsite. The proposed operations include one employee and one patron at a time. At least two parking spaces should be reserved in the onsite parking facility by the landlord for the proposed 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: No outside evidence of this tenant will be visible. No changes to the exterior of the existing building will occur due to this type of tenant. Years ago, this building had a hair salon as a tenant.

Staff Comments: The proposed use will be located on the second floor of an existing professional office building. No exterior building or site modifications are proposed at this time, though it is not anticipated that the proposed use will require any exterior building or site modifications. The surrounding land use pattern consists of commercial and public uses and will not be negatively impacted by the proposed massage therapy service. Existing and previous



professional service uses within the building have not posed any compatibility issues that staff is aware of.

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

Applicant Response: Due to the second floor location, this is not applicable.

Staff Comments: The proposed professional service use will be located in an existing office building; therefore, no additional landscaping should be necessary to screen the use. Due to the use location in an existing, functioning office building, the proposed use will have no external impacts requiring screening.

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

Applicant Response: Landlord shall hold the massage therapist tenant to the same standards of care as all other tenants.

Staff Comments: The massage therapist will operate during standard business hours and will only have capacity to provide services to one (1) patron at a time. If deemed necessary, additional conditions on the operation may be required by the Board as a condition of approval of this request.

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

Applicant Response: The existing building is serviced for water/sewer by OUA and paid for by the landlord. All rental units have their own electric meter and are responsible for establishing an account with FPL and paying the monthly bills.

Staff Comments: The utilities and other service requirements of the existing office building have been accounted for. As the applicant indicated, the building currently receives water and sewer and all rental units have their own electric meter.

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

Applicant Response: Due to the limited clientele of the proposed tenant, there will be little, if any, additional traffic generated by the massage therapy service.

Staff Comments: The proposed massage therapist use poses a de minimis impact on the surrounding roadway network. The applicant indicated the massage therapist will be the only employee and will only have capacity for one patron at a time. Therefore, the use will require two parking spaces total during operating hours of 8:00 a.m. to 5:00 p.m. This practical parking requirement is consistent with the City's codified parking standards, which require two spaces



per chair for barbershops, beauty shops and nail salons; and one parking space per 300 sq ft of floor area for personal service uses. As such, two of the 18 onsite parking spaces should be allocated by the landlord towards this use. Additionally, it should be noted that the site has direct access to on-street parking provided on NW 3rd Street, and in the event that all spaces on-site are utilized, there is available street parking nearby and on other surrounding streets that could supplement the parking required for the proposed use.

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: Allowing a massage therapist to occupy a 2-floor unit within the building will have little, if any, impact on the existing tenants or the neighboring properties.

Staff Comments: The Okeechobee Comprehensive Plan does not contain any policies which would prohibit the requested use. Personal services are listed as permissible uses within the Commercial Future Land Use Category, in which the project is located. 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: Yes, Sec. 90-223 – Special Exception Uses allows an exception for "personal services".

Staff Comments: Agreed. *Personal Services* is an allowed special exception use within the Commercial Professional and Office (CPO) zoning district.

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

Applicant Response: No

Staff Comments: It is not expected that inclusion of this use to the subject property will create any disturbance or adverse effects. The applicant is proposing to utilize this existing unit at the subject property to provide a service within the community.

(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: Yes – see answer to question #1 above.



Staff Comments: As previously mentioned, the requested use is to be included on the second floor in a unit of an existing office building. 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.

(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 – see answer to question #1 above.

Staff Comments: The special exception request seeks approval of a personal service use (massage therapist) to operate within a unit of an existing office building containing other professional and personal offices uses. The property to the north, south, east and west of the project site are already developed and are located in an urbanized area of the City. The requested use will be located in an existing unit of an existing office building. Therefore, there is no indication that the requested use will adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent property.

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

Applicant Response: This is not applicable – proposed tenant suite is located on the 2nd floor of an existing building.

Staff Comments: Due to the nature of the request as described above, staff is not recommending that any additional landscaping or other screening be necessary as a condition of approval of this request.

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

Applicant Response: This is not applicable – a tenant occupying an existing commercial suite will not have any affect on public facilities.

Staff Comments: The proposed use will not generate any demand on the local school system. The description of the proposed use provided by the applicant states that the massage therapist will be the only employee and a maximum of one (1) patient can be seen at a time. Staff is recommending a condition of approval that patients will not be permitted to park on-site overnight. Demand for utilities will not have a significant impact on the OUA's capacity. Based on the nature of the proposed use, the limited number of staff and patrons, and the existing on-site parking facilities, the use will not create a burden on streets.



(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 good access proximate to US-441 and the estimated traffic generation associated with the proposed use should amount of any significance that would overburden local roadways. Additionally, vehicle trip generation associated with some type of commercial use should have been contemplated and planned at the time the existing building was constructed.

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. No vehicle in any way associated with a patron shall be left at the facility overnight (between the hours of 7pm to 7am).
- 2. The personal service use is limited to the following hours of operation: 8:00 a.m. to 5:00 p.m.

Submitted by:

Ben Smith, AICP

Director of Planning

October 28, 2022

Okeechobee Board of Adjustment Hearing: November 17, 2022



Supplemental Exhibits



Exhibit A: Zoning Map

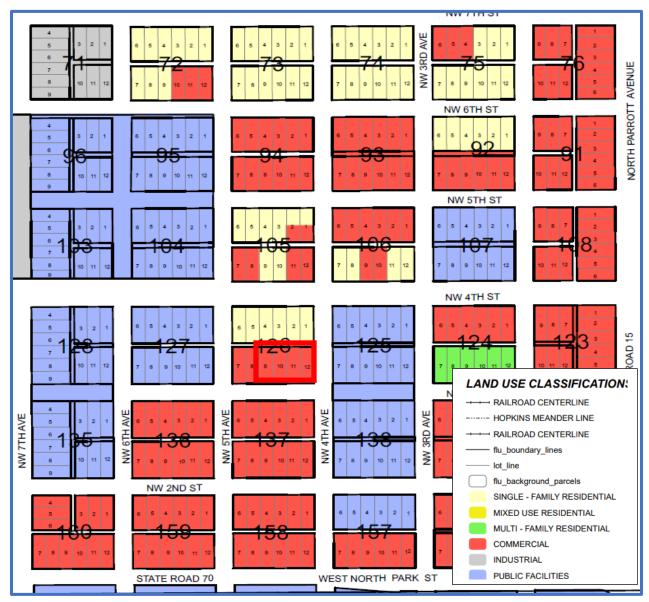


Exhibit B: Future Land Use Map

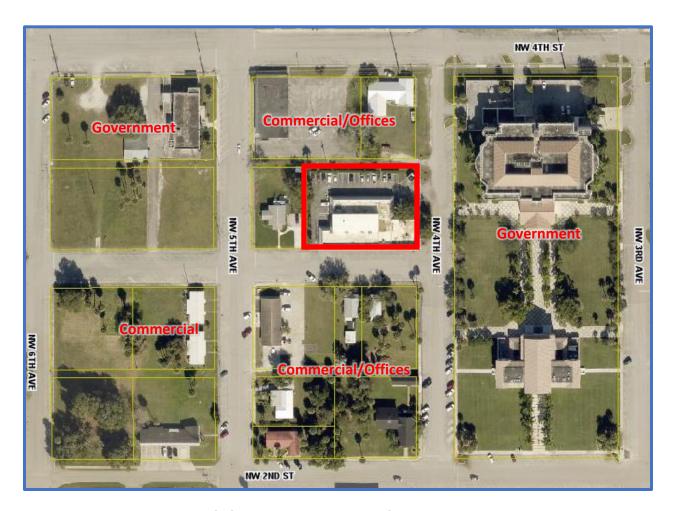


Exhibit C: Existing Land Use Map

Ger 55 S Oke Pho	of Okeechobee neral Services Department S.E. 3 rd Avenue, Room 101 eechobee, Florida 34974-2903 one: (863) 763-3372, ext. 9820 : (863) 763-1686		Petition No. Jurisdiction: 2 nd Hearing:	82-004-SE BOA N/A
XX	Rez	one, Special Exception an APPLICANT INFORMAT		
1	Name of property owner(s): 40	1 NW 3rd Street, LLC		
2	Owner mailing address: 305 N	W 4th Ave, Okeechobee, FL 34	1972	
3	Name of applicant(s) if other than	owner		
4	Applicant mailing address:			
	E-mail address: sheryl@closeconst	ructionIIc.com		
5	Name of contact person (state rela	ationship): Sheryl Wells (pr	roperty manager)	
6	Contact person daytime phone(s):	863-467-0831		
		PROPERTY INFORMAT	ION	
7	Property address/directions to pro 321 NW 4th Avenue, Okeechobee, FL	•		
8	Describe current use of property: Professional Office Building			
9	Describe improvements on proper Two story professional office building was by the City 7/2020 by Special Exception Source of potable water: OUA	vith 23 units. There is one resid	dential unit within the	·
10	Approx. acreage: .688	Is property in a platted su	ıbdivision? City of	f Okeechobee
11	Is there a use on the property that	is or was in violation of a city	y or county ordinan	ce? If so, describe:
12	Is a pending sale of the property su	ubject to this application beir	ng granted? No	
13	Describe uses on adjoining proper North: Sheriff's Office		ounty Courthouse	
	South: Business Offices	West: He	ouse	
14	Existing zoning: CP0	Future Land Use classific	cation: Commerci	al
15	Have there been any prior rezoning property? () No _(_X_)Yes. If y			
16	Request is for: () Rezone (_	X) Special Exception (_) Variance	, ittadiioa
17	Parcel Identification Number: 2 1	5 27 25 0010 01260 0000	/	

		REQUIRED ATTACHMENTS
V	18	Applicant's statement of interest in property: Owner
/	19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
1	20	Last recorded warranty deed: Warranty Deed 4/4/2001 - Quit Claim 3/29/2012 (see attached)
	21	Notarized letter of consent from property owner (if applicant is different from property owner)
1	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)
V	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	P 11	Printed Name	Date	
	TO(.	Ul	Thomas C. Close, President	9/22/2022

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

	ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION
	Describe the Special Exception sought: Ref. Sec 90-423(2)
A	Describe the Special Exception sought: Allow (1) office occupancy by a massage therapist (under personal services exception) Personal Service
	Are there similar uses in the area? No (X) () Yes If yes, briefly describe them:
В	
	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:
C	Massage therapy - hours are 8 - 5. No employees - just the owner/therapist. No outside activities.
	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the special
D	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 Trip Generation. The TIA must
υ.	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.
Е	Responses addressing the standards and required findings for a special exception as described below. Attach additional sheets
E	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.

A massage therapist offers quiet services to a limited clientele that will not affect the other existing tenants within the building.

- 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.
 - No outside evidence of this tenant will be visible. No changes to the exterior of the existing building will occur due to this type of tenant. Years ago, this building had a hair salon as a tenant.
- 3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.

Due to the second floor location, this is not applicable.

- 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.
 - Landlord shall hold the massage therapist tenant to the same standards of care as all other tenants.
- 5. Demonstrate how the utilities and other service requirements of the use can be met.
 - The existing building is serviced for water/sewer by OUA and paid for by the Landlord. All rental units have their own electric meter and are responsible for establishing an account with FPL and paying the monthly bills.
- 6. Demonstrate how the impact of traffic generated will be handled, off site and on site.
 - Due to the limited clientele of the proposed tenant, there will be little, if any, additional traffic generated by the massage therapy service.

(Rev 4/2020) Page 8 of 11

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. Allowing a massage therapist to occupy a 2-floor unit within the building will have little, if any, impact on the existing tenants or the neighboring properties.

The use is specifically authorized as a special exception use in the zoning district.
 Yes, Sec. 90-223 - Special Exception Uses allows an exception for "personal services"

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.

Yes - see answer to question #1 above.

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

No - see answer to question #1 above.

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

This is not applicable - proposed tenant suite is located on the 2nd floor of an existing building.

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

This is not applicable - a tenant occupying an existing commercial suite will not have any affect on public facilities.

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)]

Prepared By and Return to John D. Cassels, Jr., Esq. Cassels & McCall P.O. Box 968 Okeechobee, Florida 34973 SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FLORIDA
RECORDED 03/29/2012 03:33:32 PM
RECORDING FEES \$18.50
RECORDED BY G Hewbourn
Pas 0108 - 109; (2pas)

Parcel ID Number:

OUIT CLAIM DEED

THIS QUIT CLAIM DEED executed this 29 day of March, 2012, by CLOSE PROPERTIES, LLC, a Florida limited liability company f/k/a CLOSE PROPERTIES, INC., a Florida corporation, first party whose address is 301 NW 4th Avenue, Okeechobee, FL 34972, to 401 NW 3rd STREET, LLC, a Florida limited liability company, second party, whose mailing address is 301 NW 4th Avenue, Okeechobee, FL 34972.

(Whereverused herein, the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH:

That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of OKEECHOBEE, State of Florida, to wit:

LOTS 9, 10, 11 AND 12, BLOCK 126, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

SUBJECT TO restrictions, reservations and easements of record, if any.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said second party forever.

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

Signed, Sealed and Delivered in the presence of:

CLOSE PROPERTIES, LLC, a Florida limited liability company by CLOSE HOLDINGS, LLC, a Florida limited liability company

THOMAS C. CLOSE, Manager

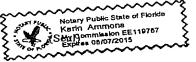
[6121-91478.WPD]

STATE OF FLORIDA COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 29 day of March, 2012, by Thomas C. Close, Manager of CLOSE HOLDINGS, LLC, as Manager of CLOSE PROPERTIES, LLC, who is personally know or who has produced 0 as identification.

NOTAR PUBLIC
My Commission Expires:

Karin Ammon



9,4

[6121-91478.WPD]

號0452 №1867

This Instrument Prepared By and Return to: CONELY & CONELY, P.A. TOM W. CONELY, III, ESQUIRE Post Office Drawer 1367 Okeechobee, FL 34973-1367 Parcel Number: 3-15-37-35-0010-01370-0030 3-15-37-35-0010-01260-0090 1-07-37-35-0A00-00027-0000 1-07-37-35-0A00-00028-A000

Documentary Stamps paid in the amount of 4,200.00 Class C Intangible Tax paid in the amount Sharon Robertson, Clerk of Circuit Court Okeacholog County-Ekyrida 4-4-2001

WARRANTY DEED

THIS WARRANTY DEED made the 38d day of April, A.D., 2001, by CHARLES ECHOLS a/k/a CHARLES W. ECHOLS, THOMAS L. CLOSE a/k/a THOMAS W. CLOSE (as to Parcels 1 and 2), individually and as general partners of ECHOLS AND CLOSE PARTNERSHIP, a Florida general partnership (as to Parcels 3 and 4), hereinafter called "Grantor", to CLOSE PROPERTIES, INC., a Florida corporation, whose post office address is 2232 N.W. 32nd Avenue, Okeechobee, FL 34972, hereinaster called "Grantee":

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

WITNESSETH: That the grantor, for and in consideration of TEN & NO/100 (\$10.00) DOLLARS and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okcechobee County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 2000.

Grantors certify that the above described properly is not their constitutional homestead as made and provided by the laws of the State of Florida, and is not now and never has been contiguous to the homestead of said Grantors.

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

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

Signed, scaled and delivered

MAE CONELY Printed Name: EVA

CONELY, Printed Name:

CHARLES W. ECHOLS

100 N.W. 16th Street, Belle Glade, FL 33430

THOMAS L. CLOSE

2232 N.W. 32nd Avenue, Okeechobee, FL 34972

STATE OF FLORIDA COUNTY OF OKEECHOBEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared CHARLES W. ECHOLS and THOMAS L. CLOSE, individually and as general partners of ECHOLS AND CLOSE PARTNERSHIP, who are personally known to me or who have produced their driver's license as identification and who executed the foregoing instrument and they acknowledged before me that they executed same.

WITNESS my hand and official scal in the County and State last aforesaid this Aday of April, 2001.

NOTARY PUBLIC State of Florida My Commission Expires:

___ (SEAI

Chr.E.

T.L.C.

EVA MAE CONELY

MY COMMISSION # CC 980503

EXPIRES: Docomber 12, 2001

Doctor from Natary Fuels: Undersed 47



EXHIBIT "A"

Parcel 1:

Lot 3 of Block 137, OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, Page 5, public records of Okeechobee County, Florida.

Lots 9, 10, 11 and 12 of Block 126, OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, Page 5, public records of Okeechobee County, Florida.

Parcel 3:

Tracts 5 and 6 of PLAYLAND PARK ACRES, an unrecorded plat, being more particularly described as follows: Commence at the Southeast corner of Section 7, Township 37 South, Range 35 East, and run North 02°53'55" East on Section line, a distance of 843.62 feet to a point; thence run North 36°23'35" West on Easterly boundary of a County Road, a distance of 1503.97 feet for POINT OF BEGINNING; thence run North 53°36'25" East, a distance of 200 feet to a point on Southerly boundary of S.R. 700; thence run North 36°23'35" West along South boundary of S.R. 700, a distance of 200 feet; thence run South 53°36'25" West, a distance of 200 feet; thence run South 53°36'25" West, a distance of 200 feet; thence run South 36°23'35" East, a distance of 200 feet to the POINT OF BEGINNING.

Parcel 4:

Tract 7 of PLAYLAND PARK ACRES, an unrecorded plat, being more particularly described as follows: Commence at the Southeast corner of Section 7, Township 37 South, Range 35 East, and run North 02°53'55" East on Section line, a distance of 843.62 feet to a point; thence run North 36°23'35" West on Easterly boundary of a County Road, a distance of 1403.97 feet for POINT OF BEGINNING; thence continue North 36°23'35" West along said County Road, for a distance of 100.00 feet to a point; thence run North 53°36'25" East for a distance of 200.00 feet to a point on the Southerly right-of-way line of S.R. 700 (U.S. Hwy. 98); thence run South 36°23'35" East along said Southerly right-of-way line, for a distance of 100.00 feet; thence run South 53°36'25" West for a distance of 200.00 feet to the POINT OF BEGINNING.

TIL.C.

FILED FOR RECORD

2001 AFD -4 AMII: 41

SHARON ROBERTSON CLERK OF CIRCUIT COURT

350469

CITY OF OKEECHOBEE 55 SE 3RD AVENUE

OKEECHOBEE, FL 34974TELE: 863-763-3372 FAX: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property (Owners: 401 N	W 3rd Stre	et, LLC		
	-				
Mailing Address:	305 NW 4th Aven	ue, Okeecl	hobee, FL 34972	2	
Home Telephone:	N/A	Work:	863-467-0831	Cell:	
Property Address:	321 NW 4th Avenu	ıe, Okeech	obee, FL 34972		
Parcel ID Number:	3-15-37-35-00	010-01260	0-0090		
Name of Applicant:	401 NW 3rd St	reet, LLC		_	
Home Telephone:	N/A	Work:	863-467-0831	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.					
DAY OF SUPTER	Mbel 2022 Thomas C. Clos	÷	_	Sheryl & Wells WITNESS Luck MASSA	4 -
OWNE STATE OF FLORIDA COUNTY OF Okes	(_		O WITNESS	
The foregoing instrument of th	day of Septe	ed	_, 20 <u>22</u> _, by <u>←</u>	(Name of Person) as identification.)



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company 401 NW 3RD STREET, LLC

Filing Information

Document Number

L11000067737

FEI/EIN Number

45-2708714

Date Filed

06/09/2011

Effective Date

06/09/2011

State

FL

Status

ACTIVE

Principal Address

305 NW 4TH AVE

OKEECHOBEE, FL 34972

Changed: 03/11/2020

Mailing Address

305 NW 4TH AVE

OKEECHOBEE, FL 34972

Changed: 03/11/2020

Registered Agent Name & Address

CLOSE HOLDINGS, LLC

305 NW 4TH AVE

OKEECHOBEE, FL 34972

Name Changed: 04/27/2012

Address Changed: 03/11/2020

Authorized Person(s) Detail

Name & Address

Title MGR

CLOSE HOLDINGS, LLC 305 NW 4TH AVE OKEECHOBEE, FL 34972

Title President

Close, Thomas C 305 NW 4TH AVE OKEECHOBEE, FL 34972

Title Secretary

Stone, Melissa 305 NW 4TH AVE OKEECHOBEE, FL 34972

Title Treasurer

Wells, Sheryl L 305 NW 4TH AVE OKEECHOBEE, FL 34972

Annual Reports

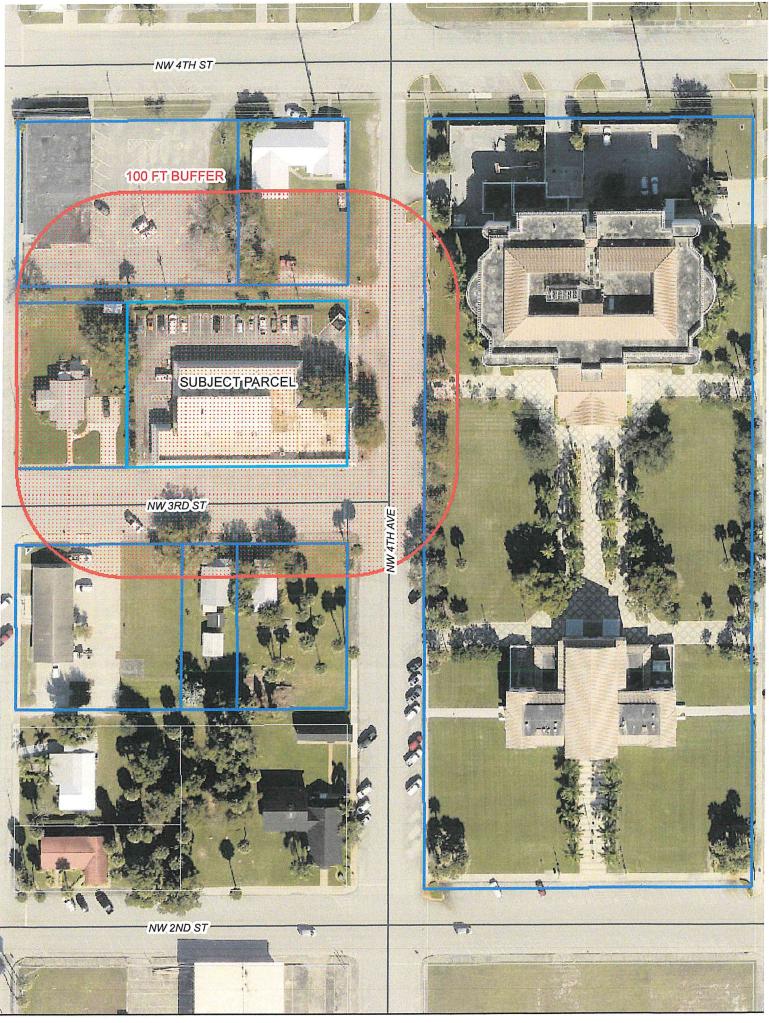
Report Year	Filed Date
2020	03/11/2020
2021	02/01/2021
2022	02/07/2022

Document Images

02/07/2022 ANNUAL REPORT	View image in PDF format
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04/12/2013 ANNUAL REPORT	View image in PDF format
04/27/2012 ANNUAL REPORT	View image in PDF format
06/09/2011 - Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

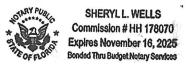
PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
3-15-37-35-0010-01050-0070	BIG LAKE PROPERTY HOLDINGS LLC	410 NW 4TH ST		OKEECHOBEE	FL	34972
3-15-37-35-0010-01050-0090	SENIORS R ABLE INC	P O BOX 759		OKEECHOBEE	FL	34973-0759
3-15-37-35-0010-01050-0110	3LF LLC	PO BOX 598		OKEECHOBEE	FL	34973
3-15-37-35-0010-01060-0070	CALIDAD PROPERTIES LLC	903 SE CENTRAL PKWY		STUART	FL	34994-3904
3-15-37-35-0010-01250-0010	OKEECHOBEE COUNTY	%CASSELS & MCCALL	304 NW 2ND ST ROOM #106	OKEECHOBEE	FL	34972
3-15-37-35-0010-01260-0010	OKEECHOBEE COUNTY	304 NW 2ND ST #102		OKEECHOBEE	FL	34972-4146
3-15-37-35-0010-01260-0030	HAVEN MEDICAL LLC	6423 COLLINS AVE APT 1509		MIAMI	FL	33141-4643
3-15-37-35-0010-01260-0070	BIG DADDY RENTALS LLC	11637 NE 76TH AVE		OKEECHOBEE	FL	34972
3-15-37-35-0010-01270-0010	OKEECHOBEE COUNTY	PROP APPR TAX COLL		OKEECHOBEE	FL	34972
3-15-37-35-0010-01360-0010	RODRIGUEZ RICKEY N	11341 SW HILLCREST CIR		FORT PIERCE	FL	34987-2705
3-15-37-35-0010-01360-0100	JKST HOLDINGS LLC	4459 SE KUBIN AVE		STUART	FL	34997-2467
3-15-37-35-0010-01370-0010	AZCONA ROGELIO G	505 SW 18TH ST		OKEECHOBEE	FL	34974-3405
3-15-37-35-0010-01370-0030	ACE PEST CONTROL INC	405 NW 3RD ST		OKEECHOBEE	FL	34972
3-15-37-35-0010-01370-0040	RIEDEL FAMILY LLC	1676 NE 54TH TRAIL		OKEECHOBEE	FL	34972
3-15-37-35-0010-01370-0070	LAMBERTI MADELINE K	2494 SW 22ND CIR E		OKEECHOBEE	FL	34974
3-15-37-35-0010-01370-0100	FEE & FEE PLLC	400 NW 2ND ST		OKEECHOBEE	FL	34972-4106



Petition	No.	22-004-SE

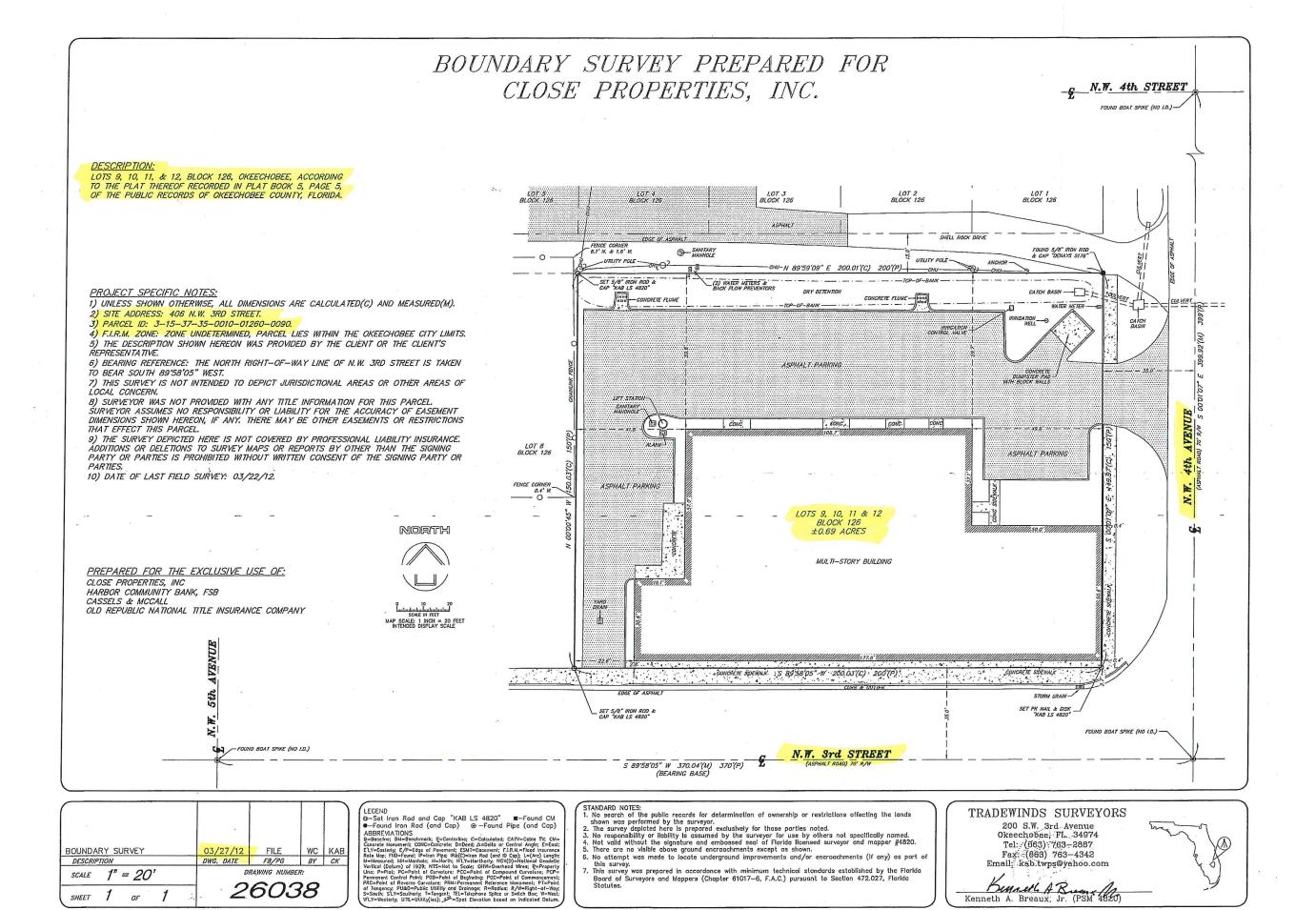
Affidavit Attesting to the Completeness and Accuracy of the List of Surrounding Property Owners

I hereby certify under the penalty of law or the revocation	on of the requested approval sought that to the best of my
knowledge and belief, the attached list constitutes t	he complete and accurate list of the property owners,
addresses, and parcel identification numbers of all parc	els and tracts within three hundred (300) feet not including
intervening streets, alleys, or waterways, of the perimet	er of the lands which are subjects of, or are contiguous to
but held under the same ownership as, the lands subject	ct to the application for a change in land use or zoning, said
list constituting a portion of that application. This affida	vit is made based upon an inspection of the tax rolls of the
Property Appraiser of Okeechobee County as of	23 20 02 , and the
Assertions made to me by members of that Office that	* 1
information available to that office. I therefore attest to	this 23 rd day of
September, 2022.	
toc ch	9/03/22
Signature of Applicant	Date
Thomas C. Close, President	
Name of Applicant (printed or typed)	
STATE OF FLORIDA	
COUNTY OFOkeechobee	
The foregoing instrument was acknowledged before m	
notarization, this <u>23rdday of September,</u> 20 <u>22</u>	, by Thomas C. Close , who is personally known
to me or produced <u>personally known</u>	_as identification.



Notary Public Signature

proposed soof horaful owner's Residence 2nd Floor - 401 NW 3rd Street, LLC



26038

SHEET 1 OF



CITY OF OKEECHOBEE, FLORIDA BOARD OF ADJUSTMENT MEETING JULY 16, 2020 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, July 16, 2020, at 6:05 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-150 effective June 23, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

II. ATTENDANCE

Board of Adjustment Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present.

CITY STAFF: City Attorney John Fumero, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present. City Planning Consultant Ben Smith entered the Council Chambers at 6:20 P.M.

III. AGENDA

- A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn. There were none.
- B. A motion was made by Member Brass to adopt the agenda as presented, seconded by Member Baughman.

Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.

IV. CHAIRPERSON HOOVER OPENED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:06 P.M.

- A. Attorney Fumero briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-003-SE which requests to allow a proposed use of one dwelling unit per commercial building in a Commercial Professional Office (CPO) Zoning District, (Ref Sec 90-223(12)) on 0.688± acres located at 406 NW 3rd Street. The Applicant is requesting to convert 1,029 square feet of office space on the second floor of an existing office building to a residential dwelling unit. The floor plans submitted show a two-bedroom, two-bathroom residential dwelling unit that will be accessible from both an external and internal stairway. Planning Staff recommends approval of the Special Exception request based on it being consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area.
 - 1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, stated their names and addresses for the record. Mr. John Fumero, City Attorney, Nason, Yeager, Gerson, Harris and Fumero, P.A., 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, Florida.

IV. QUASI-JUDICIAL PUBLIC HEARING ITEM CONTINUED

- 4. No disclosures of Ex-Parte were offered.
- 5. Planning Staff's responses to the Applicant's presentation on consistency with the Land Development Regulations (LDR's) are, the proposed use will be located above the existing ground floor commercial use and is specifically listed as a special exception use in the CPO Zoning District. The property to the immediate North of the subject parcel is designated Single Family Residential on the Future Land Use Map (FLUM) and zoned CPO with the use being that of an insurance office. The property to the East is designated Public Facilities on the FLUM and zoned Public Use with the use being that of the Okeechobee County Courthouse. The property to the South is designated Commercial (C) on the FLUM and zoned CPO with the use being that of business offices. The property to the West is designated C on the FLUM and zoned CPO with the use being that of a vacant building. The proposed residential use is not expected to negatively affect adjacent uses. No changes to the design of the building will be necessary to ensure compatibility. No additional landscape screening is required as the proposed residential unit will be contained within the existing structure. It is unlikely that this proposed use would create any nuisances that would affect other uses. The proposed conversion of commercial to residential should not significantly affect the ability to provide services or utilities. Currently, it should be noted that the subject property is nonconforming to the current parking requirements. However, if the Applicant's request is approved, that nonconformity would be slightly lessened. The 1,029 square feet of office space that is being converted would require 3.34 parking spaces according to the current parking code. A two-bedroom multi-family dwelling unit only requires two parking spaces. The Institute of Traffic Engineers provides estimated trip generation rates for apartments and general office which shows a slight decrease in the estimated traffic generation for the applicant's request.

Planning Staff's responses to the Applicant's presentation on the required findings are the property is designated C on the FLUM and the proposed use is not contrary to the Comprehensive Plan. One dwelling unit per commercial building is included under the list of Special Exception Uses in the CPO Zoning District. The proposed use will not have an adverse effect on the public interest. The proposed use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns. Allowing a second-floor residence unit within an existing building should have no impact on the neighboring businesses. The proposed use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property. No required screening from surrounding uses is necessary as the proposed unit will be located inside the existing building with no exterior changes. The requested conversion of uses should not have a significant impact on water, sewer or transportation facilities. It is possible that adding one additional dwelling unit in the City could bring one or several additional school aged children to the Okeechobee school system. However, this potential increase should not significantly impact the County school system. This proposed use should not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

A motion was offered by Member Baughman to approved Special Exception No. 20-003-SE which requests to allow a proposed use of one dwelling unit per commercial building in a Commercial Professional Office (CPO) Zoning District, (Ref Sec 90-223(12)) on 0.688± acres located at 406 NW 3rd Street, seconded by Member Granados.

V. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:21 P.M.

Dawn T. Hoover, Chairperson

ATTEST:

Patty M. Bunetta Patty M. Burnette, Secretary

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

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2022 Preliminary Certified

updated: 9/22/2022

arcel:	(<<)	3-15-37-35-0010-01260-0	0090 (33843)	
· · · · · · · ·	0 D	wa wa who I was		

Owner & Pr	operty Info	Result: 1	of 1			
Owner	401 NW 3RD STREET LLC C/O CLOSE HOLDINGS LLC 305 NW 4TH AVE OKEECHOBEE, FL 34972-2552					
Site	406 NW 3RD ST OKEECHOBEE					
Description*	CITY OF OKEECHOBEE LOTS 9 10 11 12 BLOCK 126					
Area	0.688 AC S/T/R 15-37-35					
Use Code**	STORES/1 STORY (1100)	Tax District	50			

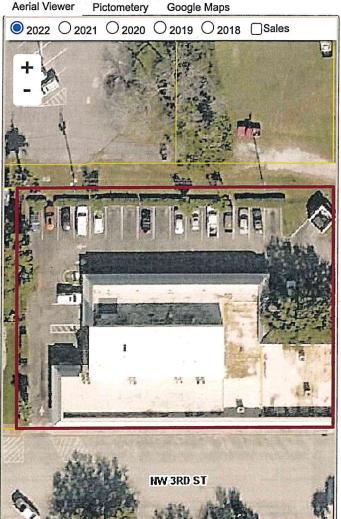
The <u>Description</u> above is not to be used as the Legal Description for this in any legal transaction.

**The <u>Use Code</u> is a Dept. of Revenue code. Please contact Okeechobe Planning & Development at 863-763-5548 for zoning info.

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LOCK	
5-37-35	
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is parcel	
ee County	

Property & Assessment Values 2021 Certified Values 2022 Preliminary Certified Mkt Land \$133,500 Mkt Land \$133,500 Ag Land \$0 Ag Land \$0 \$472,700 **Building** \$429,712 Building **XFOB** \$50,491 XFOB \$72,524 Just \$613,703 Just \$678,724 Class \$0 Class \$0 Appraised \$613,703 Appraised \$678,724 SOH/10% SOH/10% \$3,651 Cap [?] Cap [?] \$613,703 Assessed \$678,724 Assessed \$0 Exempt Exempt county:\$675,073 county:\$613,703 city:\$613,703 Total city:\$675,073 Total other:\$613,703 Taxable other:\$675,073 Taxable school:\$613,703 school:\$678,724

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



Sales History									
Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode			
3/29/2012	\$0	0713/0108	QC	1	U	11			
4/3/2001	\$0	0452/1867	WD	ı	U	02 (Multi-Parcel Sale) - show			
5/1/1980	\$0	0235/0792	WD	I	U	03			
10/1/1977	\$15,000	0000/0000	01	V	Q				

▼ Building Characteristics							
Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value		
Sketch	NBHD CENTR (3800)	1962	14892	16961	\$472,700		

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

▼ Extra Features & Out Buildings (Codes)								
Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)		
ASPH 2	COM SLB WLK	2006	\$21,955	12362.00	0 x 0	PD (80%)		

Okeechobee County Property Appraiser

ELEV	ELEV COMM	2006	\$46,750	1.00	0 x 0	PD (85%)	
CONC B	CONC B COM SLB WLK		\$861	283.00	0 x 0	PD (90%)	
CONC E	CURB	2006	\$1,469	216.00	0 x 0	PD (85%)	
WAL5 A	6'CB R/WAL	2006	\$1,028	36.00	0 x 0	PD (85%)	
CONCI	BUMPERS	2006	\$86	5.00	0 x 0	PD (85%)	
LNQ1	LGHT QURZ	2006	\$375	1.00	0 x 0	PD (85%)	

▼ Land Breakdown									
Code	Description	Units	Adjustments	Eff Rate	Land Value				
067NP8	NO SIDE ST (MKT)	200.000 FF (0.688 AC)	1.0000/.8900 1.0000/ /	\$668 /FF	\$133,500				

Search Result: 1 of 1

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