



**CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
JULY 16, 2020
LIST OF EXHIBITS**

Exhibit 1

Special Exception Petition No. 20-003-SE

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974-2903
Phone: (863) 763-3372, ext. 218
Fax: (863) 763-1686

Date: 6-2-20

Petition No. 20-003-SE

Fee Paid:

Jurisdiction: BOA

1st Hearing: 7-16-202nd Hearing:

Publication Dates:

Notices Mailed:

Rezone, Special Exception and Variance

APPLICANT INFORMATION

- 1 Name of property owner(s): 401 NW 3rd Street, LLC
- 2 Owner mailing address: 305 NW 4th Avenue, Okeechobee, FL 34972
- 3 Name of applicant(s) if other than owner
- 4 Applicant mailing address:
- E-mail address: sheryl@closeconstructionllc.com
- 5 Name of contact person (state relationship): Sheryl Wells, Treasurer (401 NW 3rd Street, LLC)
- 6 Contact person daytime phone(s): 863.467.0831

PROPERTY INFORMATION

- 7 Property address/directions to property:
315-317 NW 4th Avenue, Okeechobee, FL 34972
Parcel address: 406 NW 3rd Street
- 8 Describe current use of property:
Professional Office Building
- 9 Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.
Two-story professional office building with a total of 23 units. Of these units, 3 are currently vacant. There are currently no residential units in the building.
Source of potable water: OUA Method of sewage disposal: OUA
- 10 Approx. acreage: .688 ✓ Is property in a platted subdivision? City of Okeechobee
- 11 Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe:
No
- 12 Is a pending sale of the property subject to this application being granted? No
- 13 Describe uses on adjoining property to the North:
North: Insurance Office East: County Courthouse
South: Business Offices West: Vacant building / Health Office
- 14 Existing zoning: CPO Future Land Use classification: Commercial
- 15 Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (X) 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: 3-15-37-35-0010-01260-0090 ✓

RECEIVED MAY 28 2020

11:30am

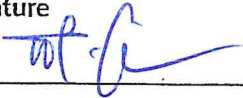
REQUIRED ATTACHMENTS

✓ 18	Applicant's statement of interest in property: Owner
✓ 19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
✓ 20	Last recorded warranty deed: Warranty Deed 4/4/2001 - Quit Claim Deed 3/29/2012 (see attached)
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three property surveys (one no larger than 11x17) containing: a. Certified boundary survey, 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
✓ 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 N/A

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

Thomas C. Close, President

Date

5/15/2020

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

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

#20
FILE NUM 2012003266
OR BK 00713 PG 0108
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FLORIDA
RECORDED 03/29/2012 03:33:32 PM
RECORDING FEES \$18.50
RECORDED BY G Newbourn
Pgs 0108 - 109; (2pgs)

Parcel ID Number:

Rec 18.50
Doc. 70

QUIT CLAIM DEED

THIS QUIT CLAIM DEED executed this 29th 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.

(Wherever used 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

Joe G. Mullins
(Signature)

JOE G. MULLINS
(Print Name)

Karin Ammons
(Signature)

Karin Ammons
(Print Name)

BY: Thomas C. Close

THOMAS C. CLOSE, Manager

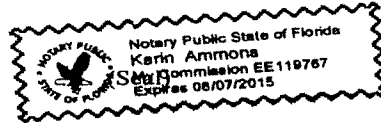
STATE OF FLORIDA
COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 29th 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 DL as identification.

Karin Ammons
NOTARY PUBLIC

My Commission Expires:

Karin Ammons



COPY

prisoner

RETURN TO

Rec # 17.00
Doc 4200.00

OR 0452 PAGE 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
of \$ 6-
Sharon Robertson, Clerk of Circuit Court
Okeechobee County, Florida
By: Michael M. Hulse, D.C.
Date: 4-4-2001

WARRANTY DEED

THIS WARRANTY DEED made the 3rd 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, hereinafter 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 Okeechobee 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 property 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 sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Eva Mae Conely
Printed Name: EVA MAE CONELY

Charles W. Echols
CHARLES W. ECHOLS
100 N.W. 16th Street, Belle Glade, FL 33430

Tom W. Conely, III
Printed Name: TOM W. CONELY, III

Thomas L. Close
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 seal in the County and State last aforesaid this 3rd day of April, 2001.

Eva Mae Conely (SEAL)
NOTARY PUBLIC State of Florida
My Commission Expires:

C.W.E.
C.W.E.

T.L.C.
T.L.C.



COPY

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.

Parcel 2:

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 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.

CME
T.L.C.

350469

FILED FOR RECORD
OKEECHOBEE COUNTY, FL

2001 SEP -4 AM 11:41

SHARON ROBERTSON
CLERK OF CIRCUIT COURT

LAND USE POWER OF ATTORNEY

Name of Property Owner(s): 401 NW 3rd Street, LLC		
Mailing Address: 305 NW 4th Avenue, Okeechobee, FL 34972		
Home Telephone: n/a	Work: 863.467.0831	Cell:
Property Address: 406 NW 3rd Street, Okeechobee, FL 34972		
Parcel ID Number: 3-15-37-35-0010-012600-0090		
Name of Applicant: 401 NW 3rd Street, LLC		
Home Telephone: n/a	Work: 863.467.0831	Cell:
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>		
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>26th</u> ^{15th} DAY OF <u>November</u> 20<u>19</u> ²⁰</p>		
<p>_____ OWNER Thomas C. Close, President</p>		<p><u>Mr. Buckel</u> WITNESS</p>
<p>_____ OWNER</p>		<p>_____ WITNESS</p>
<p>Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this <u>15th</u> day of <u>May</u> 20<u>20</u></p>		
<p>Notary Public: <u>Sheryl L Wells</u> SEAL</p>		
<p>Commission Expires: <u>11/16/2021</u></p>		



SHERYL L. WELLS
Commission # GG 124996
Expires November 16, 2021
Bonded Thru Budget Notary Services



[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

BOUNDARY SURVEY PREPARED FOR
CLOSE PROPERTIES, INC.

DESCRIPTION:

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

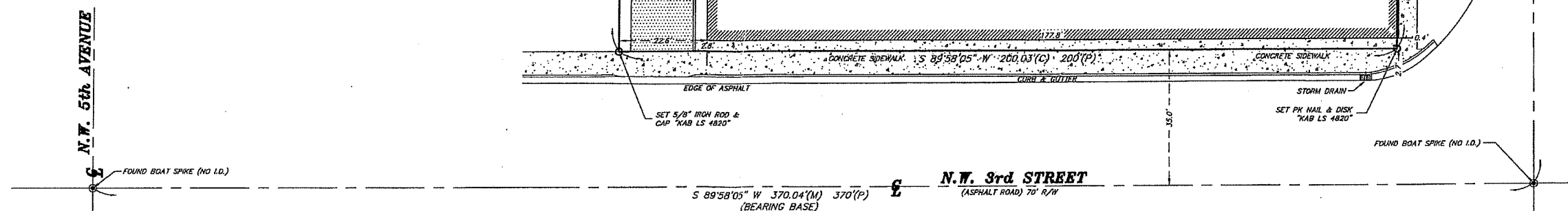
PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE CALCULATED(C) AND MEASURED(M).
- 2) SITE ADDRESS: 406 N.W. 3RD STREET.
- 3) PARCEL ID: 3-15-37-35-0010-01260-0090.
- 4) F.I.R.M. ZONE: ZONE UNDETERMINED, PARCEL LIES WITHIN THE OKEECHOBEE CITY LIMITS.
- 5) THE DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
- 6) BEARING REFERENCE: THE NORTH RIGHT-OF-WAY LINE OF N.W. 3RD STREET IS TAKEN TO BEAR SOUTH 89°58'05" WEST.
- 7) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 8) SURVEYOR WAS NOT PROVIDED WITH ANY TITLE INFORMATION FOR THIS PARCEL. SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, IF ANY. THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT EFFECT THIS PARCEL.
- 9) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 10) DATE OF LAST FIELD SURVEY: 03/22/12.

PREPARED FOR THE EXCLUSIVE USE OF:
CLOSE PROPERTIES, INC
HARBOR COMMUNITY BANK, FSB
CASSELL & MCCALL
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



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



BOUNDARY SURVEY		03/27/12	FILE	WC	KAE
DESCRIPTION		DWG. DATE	FB/PG	BY	CK
SCALE 1" = 20'		DRAWING NUMBER: 26038			
SHEET 1 OF 1					

LEGEND

●=Set Iron Road and Cap ■KAB LS 4820 ■=Found CM
●=Found Iron Road (and Cap) ⊗=Found Pipe (and Cap)

ABBREVIATIONS

B=Baseline; BM=Benchmark; C=Centerline; C=Culminated; CATV=Cable TV; C=Causeway;
CC=Concrete; CG=Concrete Grout; CD=Dimple or Control Angle; CE=Eastward;
ELY=Elevated; E/P=Edge of Pavement; ESMT=Easement; F.I.R.M.=Fire Insurance
Rate Map; FMO=Found; FR=Iron Pipe; R&C=Culvert road and cap; Lo=(are) Location
Notes: Milwaukee; Medford; Fairview; MD(=North) Directional
Vertical (datum) of 1929; NTS=Not to Scale; OHN=Overhead Wires; R=Property
Line; P=Plot; PC=Point of Curvature; PCP=Point of Compound Curvature; PCPT=
Point of Tangency; PU=Paved Public Utility and Drainage; R=Radius; R=W=Right-of-Way
Boundary; RL=Right Line; RS=Right Side; S=Spot Elevation based on indicated datum.
UTL=Utility; UTL=Utility;()=Spot Elevation based on indicated datum.

- STANDARD NOTES:**
1. No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor.
 2. The survey depicted here is prepared exclusively for those parties noted.
 3. No responsibility or liability is assumed by the surveyor for use by others not specifically named.
 4. No survey without visible signature and embossed seal of Florida licensed surveyor and mapper #4820.
 5. There are no visible above ground encroachments except as shown.
 6. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey.
 7. This survey was prepared in accordance with minimum technical standards established by the Florida Board of Surveyors and Mappers (Chapter 61G17-6, F.A.C.) pursuant to Section 472.027, Florida Statutes.

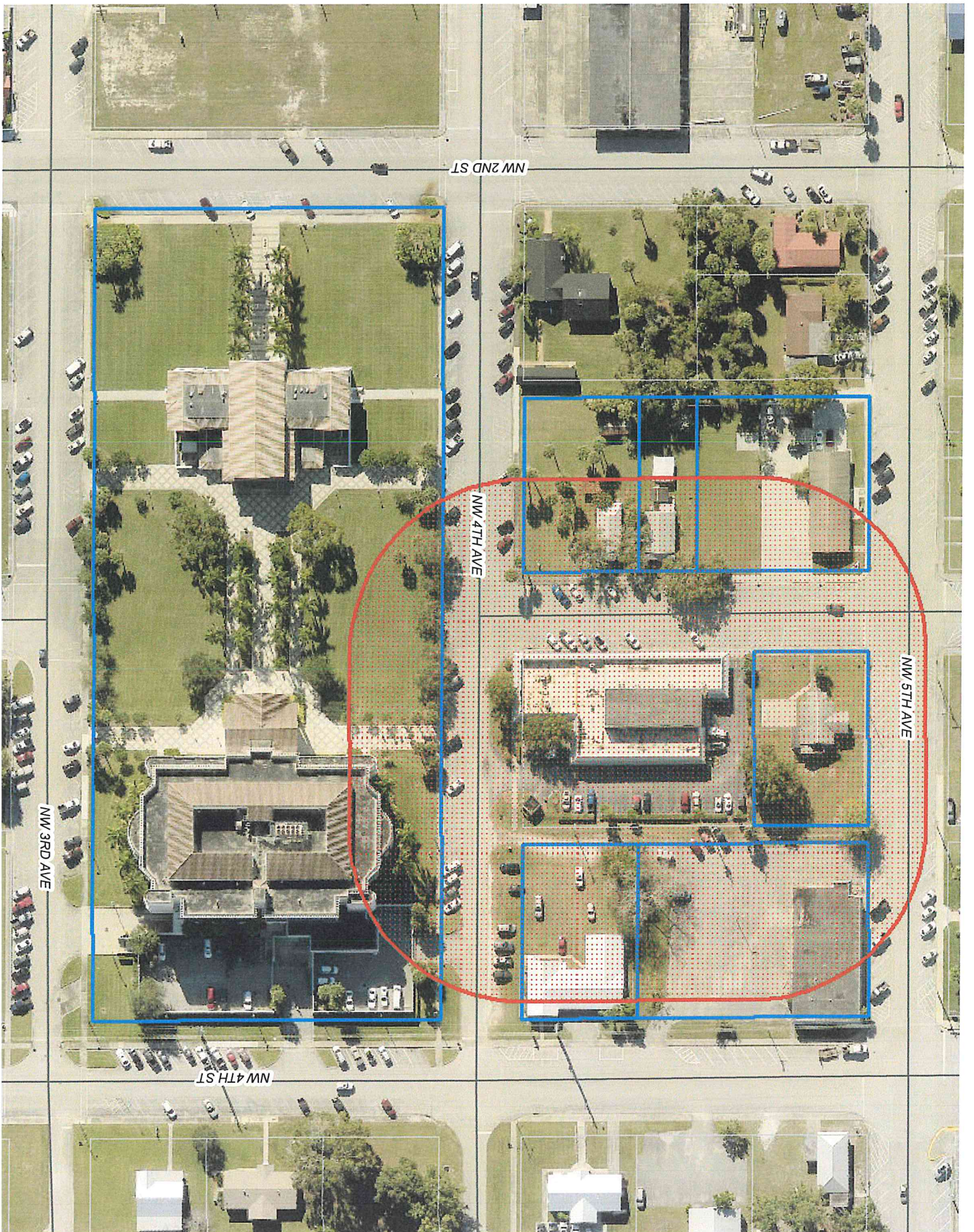
TRADEWINDS SURVEYORS

200 S.W. 3rd Avenue
Okeechobee, FL 34974
Tel: (863) 763-2887
Fax: (863) 763-4342
Email: kab.twps@yahoo.com

Kenneth A. Breau, Jr.
Kenneth A. Breau, Jr. (PSM 4820)



PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
3-15-37-35-0010-01260-0070	BIG DADDY RENTALS LLC	410 SW 3RD ST		OKEECHOBEE	FL	349744227
3-15-37-35-0010-01370-0040	RIEDEL FAMILY LLC	744 SW 24TH AVE		OKEECHOBEE	FL	34974
3-15-37-35-0010-01370-0030	ACE PEST CONTROL INC	405 NW 3RD ST		OKEECHOBEE	FL	34972
3-15-37-35-0010-01370-0010	FLORES BUSINESS VENTURES LLC	4600 MILITARY TRL STE 101		JUPITER	FL	334584811
3-15-37-35-0010-01260-0030	HAVEN MEDICAL LLC	6423 COLLINS AVE APT 1509		MIAMI	FL	331414643
3-15-37-35-0010-01260-0010	OKEECHOBEE CO FARM BUREAU	401 NW 4TH ST		OKEECHOBEE	FL	349742550
3-15-37-35-0010-01250-0010	OKEECHOBEE COUNTY	%CASSELS & MCCALL	304 NW 2ND ST ROOM #106	OKEECHOBEE	FL	349720000



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

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of May 15, 2020 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 15th day of

May, 2020.

TCR

Signature of Applicant

5/15/2020
Date

Thomas C. Close, President
Name of Applicant (printed or typed)

State of Florida
County of Okeechobee

Sworn to and subscribed before me this 15th day of May, 2020. Personally known to me Thomas C. Close or produced _____ as identification and did not take an oath.

Sheryll L Wells
Notary Public, State of Florida



SHERYLL WELLS Seal:
Commission # GG 124896
Expires November 16, 2021
Bonded Thru Budget Notary Services

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <u>Ref. Sec. 90-223 (1a)</u> Allow (1) residential unit (on the 2nd floor) within current CPO zoned building
B	Are there similar uses in the area? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, briefly describe them: We are not aware of any similar residential units in CPO zoned buildings nearby
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: (1) Residential unit only
D	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the special exception or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips, and level of service on all adjacent roadway links with and without the project.
E	Responses addressing the standards and required findings for a special exception as described below. Attach additional sheets as necessary.

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

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

1. Demonstrate that the proposed location and site are appropriate for the use.
(1) Residential Unit is well suited for the 2nd story location and will create No impact to services, utilities or parking.
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 the residence will be visible. No changes to the exterior of the existing building will occur.
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/Building Owner shall hold the residential 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 currently already serviced for water/sewer by OUA and paid for by the building owner. All rental units have their own electric meter. Tenants are responsible for creating an account with (FPL) and paying for their usage directly.
6. Demonstrate how the impact of traffic generated will be handled, off site and on site.
There is no anticipated additional traffic generated by having a residential tenant on site.

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

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

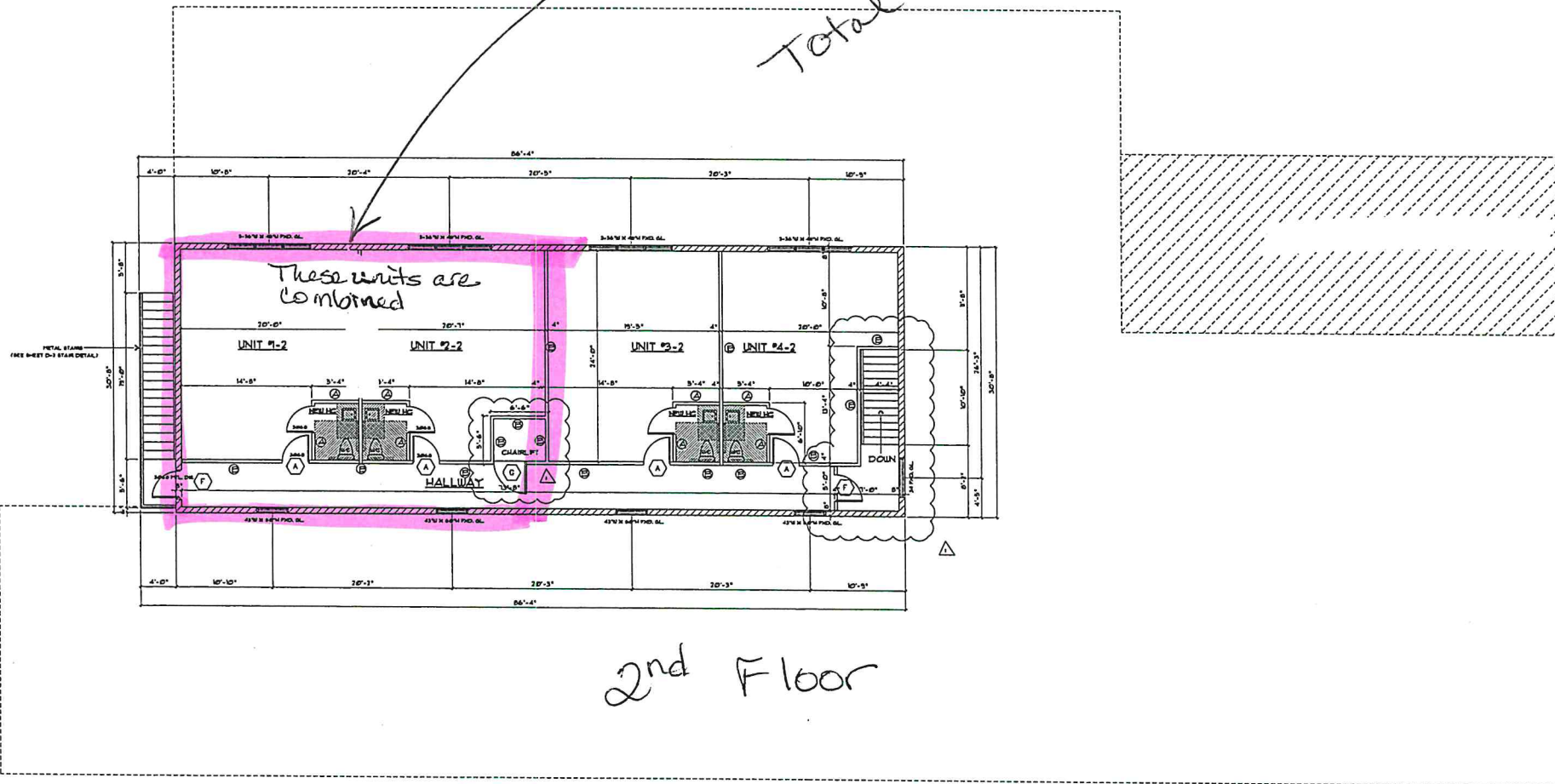
1. The use is not contrary to the Comprehensive Plan requirements.
Allowing (1) second-floor residence unit within the existing building will have no impact on the building nor any of the neighboring businesses. Sec. 90-223 Special Exception Uses permits said (1) residential unit.
2. The use is specifically authorized as a special exception use in the zoning district.
Yes - Sec. 90-223 Special Exception uses permits "One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use." We meet this requirement.
3. The use will not have an adverse effect on the public interest.
We anticipate allowing (1) second-floor residence unit within an existing building will have no impact on the neighboring businesses. Mixing commercial and residential is common practice in urban areas.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
See answer to Question #3 above.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
See answer to Question #3 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. The unit is located on the second floor. No exterior building changes will be made.
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. One residential unit will not overburden streets or utility services. (Schools are N/A)
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
Please see answer to Question #7 above. We have included a layout of the building showing the area we are requesting to be turned into a residential unit.

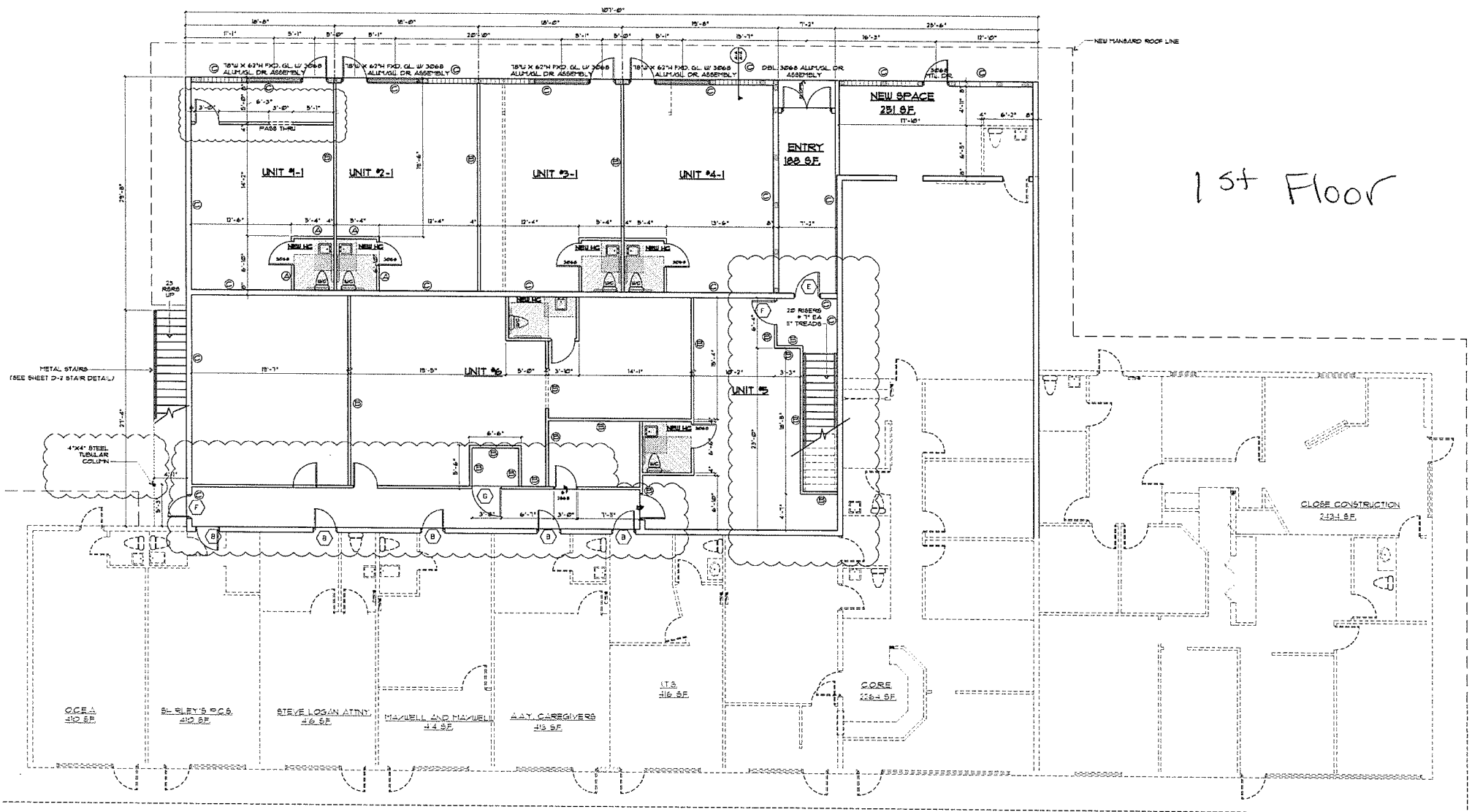
The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above standards and required findings and offer a recommendation for approval or denial.

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)]

Proposed
Residential
Unit

Total of 1029 #





1st Floor

EXISTING OFFICE SPACES TO REMAIN AS IS

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 5/28/2020

Parcel: << **3-15-37-35-0010-01260-0090** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	401 NW 3RD STREET LLC 301 NW 4TH AVE OKEECHOBEE, FL 34972		
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 S (001100)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$121,040	Mkt Land (1)	\$121,040
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (1)	\$362,949	Building (1)	\$400,927
XFOB (7)	\$49,071	XFOB (7)	\$50,120
Just	\$533,060	Just	\$572,087
Class	\$0	Class	\$0
Appraised	\$533,060	Appraised	\$572,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$533,060	Assessed	\$572,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$533,060 city:\$533,060 other:\$533,060 school:\$533,060	Total Taxable	county:\$572,087 city:\$572,087 other:\$572,087 school:\$572,087

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

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
3/29/2012	\$0	713/0108	QC	I	U	11
4/3/2001	\$0	452/1867	WD	I	U	02 (Multi-Parcel Sale) - show
5/1/1980	\$0	235/0792	WD	I	U	03
10/1/1977	\$15,000	0/	01	V	Q	

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
Sketch	1	NBHD CENTR (003800)	1962	14892	16961	\$400,927

*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)

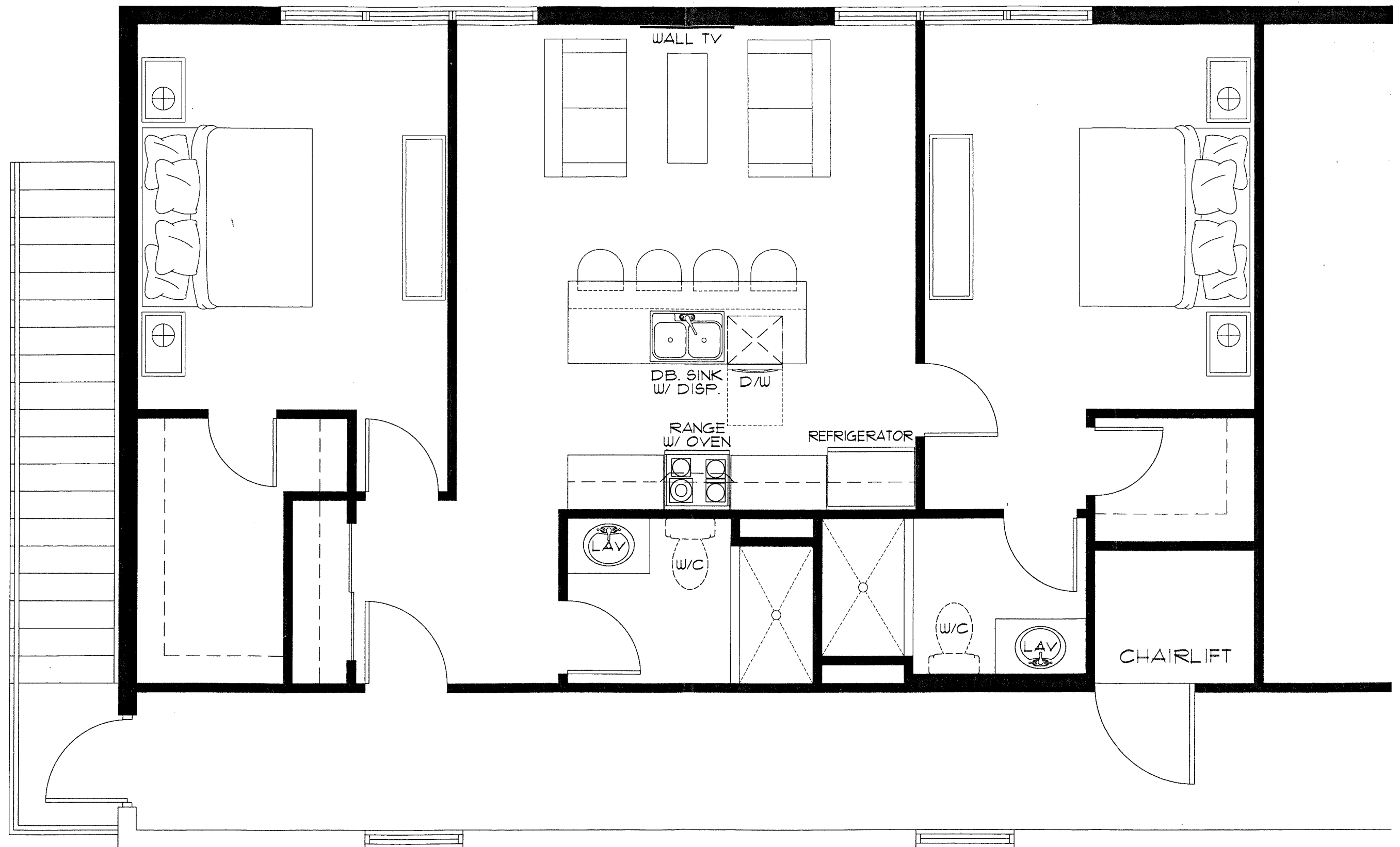
Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
ASPH 2	COM SLB WL	2006	\$18,394.00	12362.000	0 x 0 x 0	PD (080.00)
ELEV	ELEV COMM	2006	\$28,900.00	1.000	0 x 0 x 0	PD (085.00)
CONC B	COM SLB WL	2006	\$599.00	283.000	0 x 0 x 0	PD (090.00)

Sec. 90-223. - Special exception uses.

The following uses and structures are permitted in the CPO district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Day care center.
- (2) Personal services, except pawn shops and dry cleaning on premises.
- (3) Cafe.
- (4) Business school.
- (5) Private club.
- (6) House of worship.
- (7) Public facility and use.
- (8) Public utility.
- (9) Permitted uses in excess of 45 feet in height.
- (10) Adult family care homes, assisted living facility as defined in F.S. § 429.02(5).
- (11) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located Okeechobee County.
- (12) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

(LDR 1998, § 362; Ord. No. 1008, § 1, 2-19-2008; Ord. No. 1115, § 1, 10-21-2014; Ord. No. 1127, § 2, 9-28-2015; Ord. No. 1170, § 4, 10-2-2018)



close construction
 501 NW 4th AVE
 Okeechobee FL 34972

Ted- Kelchner 863-~~4~~634-0151



Staff Report

Special Exception Request

Prepared for: *The City of Okeechobee*
Applicant: *401 NW 3rd Street, LLC*
Address: *406 NW 3rd Street*
Petition No.: *20-003-SE*

General Information

Owner/Applicant	401 NW 3 rd Street, LLC
Owner Address	305 NW 4 th Ave Okeechobee, FL 34972
Site Address	406 NW 3 rd Street
Parcel Identification	3-15-37-35-0010-01260-0090 Lots 9, 10, 11, 12 Block 126
Contact Person	Sheryl Wells, Treasurer
Contact Phone Number	863.467.0831
Contact Email Address	sheryl@closeconstructionllc.com
For the legal description of the subject parcel or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at https://www.cityofokeechobee.com/agendas.html	

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	CPO	CPO
Use of Property	Professional Office Building	Professional Office Building, & 1 Residential Unit
Acreage	0.688	0.688

Description of Request

The matter for consideration by the City of Okeechobee Board of Adjustment is a Special Exception to allow 1,029 square feet of office space on the second floor of an existing office building to be converted to a residential dwelling unit.

The property is designated Commercial on the Future Land Use Map (FLUM) and zoned CPO, Commercial Professional Office. The existing use of the property for office is a permitted use, though Section 90-223 lists "one dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use" as a special use exception in the CPO district.

The applicant has provided floor plans of the existing structure showing that 1,029 square feet of the second floor will be converted to a two-bedroom, two-bathroom residential dwelling unit and that access to the unit will be available from an external stairway as well as an internal stairway.

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, as described below in the staff comments.

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

North	Future Land Use	Single Family Residential
	Zoning	CPO, Commercial Professional Office
	Existing Use	Insurance Office
East	Future Land Use	Public Facilities
	Zoning	Public Use
	Existing Use	County Courthouse
South	Future Land Use	Commercial
	Zoning	CPO
	Existing Use	Business Office
West	Future Land Use	Public Facilities
	Zoning	Public Use
	Existing Use	Vacant Building / Health Office

Consistency with Land Development Regulations

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

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

Applicant Comment: (1) Residential Unit is well suited for the 2nd story location and will create No impact to services, utilities or parking.

STAFF COMMENTS: "One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use" is specifically listed as a special exception use in the CPO zoning district. The proposed

dwelling unit will be located above the existing ground floor commercial use. There is no other specific guidance provided in the code regarding the appropriateness of a site for mixed use in the CPO district.

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

Applicant Comment: No outside evidence of the residence will be visible. No changes to the exterior of the existing building will occur/

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

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

Applicant Comment: Due to the second floor location – this is not applicable.

STAFF COMMENTS: The proposed residential use will be contained within the existing structure and should not require any additional screening.

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

Applicant Comment: Landlord/Building Owner shall hold the residential tenant to the same standards of care as all other tenants.

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

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

Applicant Comment: The existing building is currently already serviced for water/sewer by OUA and paid for by the building owner. All rental units have their own electric meter. Tenants are responsible for creating an account with (FPL) and paying for their usage directly.

STAFF COMMENTS: The proposed conversion of commercial to residential should not significantly affect the ability to provide services or utilities.

The City's level of service standard for potable water and sewer for nonresidential uses is 0.15 gallons per day per square foot (gpd/sf). Using this standard, it is estimated that the 1,029 square feet of office space that is being converted would require 154.35 gallons of water and sewer service per day.

Infrastructure Element Policy 1.1 sets level of service standards for potable water at 114 gallons per capita per day and sewer at 130 gallons per capita per day. With average

household size of a multifamily dwelling unit estimated at 2.5 persons, it can be estimated that 285 gallons of potable water service and 325 gallons of sewer service will be used by the proposed dwelling unit. This estimated increase in water and sewer service usage is not significant and can be accommodated by existing infrastructure.

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

Applicant Comment: There is no anticipated additional traffic generated by having a residential tenant on site.

STAFF COMMENTS: 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 multifamily dwelling unit only requires two parking spaces. The parking nonconformity that exists on the property would be slightly lessened.

The Institute of Traffic Engineers provides estimated trip generation rates for apartments and general office that shows a slight decrease in the estimated traffic generation for the applicant's request. 1,029 square feet of general office is estimated to generate 11.33 daily vehicle trips with 1.53 of those trips occurring during the PM peak hour. One apartment dwelling unit is estimated to generate 6.65 daily vehicle trips with 0.62 of those trips occurring during the PM peak hour.

Section 70-373(c) (1) – (8)

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

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

Applicant Comment: Allowing (1) second-floor residence unit within the existing building will have no impact on the building nor any of the neighboring businesses. Sec 90-223 Special Exception Uses permits said (1) residential unit.

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

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

Applicant Comment: Yes – Sec 90-223 Special Exception uses permits "One dwelling unit per commercial building provided that the dwelling unit is located either above or behind the ground floor commercial use." We meet this requirement.

STAFF COMMENTS: Agreed.

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

Applicant Comment: We anticipate allowing (1) second-floor residence unit within an existing building will have no impact on the neighboring businesses. Mixing commercial and residential is common practice in urban areas.

STAFF COMMENTS: Agreed.

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

Applicant Comment: See answer to Question #3 above.

STAFF COMMENTS: Agreed.

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

Applicant Comment: See answer to Question #3 above.

STAFF COMMENTS: Agreed.

- (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 Comment: This is not applicable. The unit is located on the second floor. No exterior building changes will be made.

STAFF COMMENTS: Agreed.

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

Applicant Comment: This is not applicable. One residential unit will not overburden streets or utility services. (Schools are N/A)

STAFF COMMENTS: As discussed above, the requested conversion of uses should not have a significant impact on water, sewer or transportation facilities. School capacity is an applicable service to discuss in regard to any new residential use and 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.

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

Applicant Comment: Please see answer to Question #7 above. We have included a layout of the building showing the area we are requesting to be turned into a residential unit.

STAFF COMMENTS: This conversion of 1,029 square feet of second floor office space to a two-bedroom dwelling unit should not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

Recommendation

Based on the foregoing analysis, we find the requested Special Exception to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area and recommend **approval** of the special exception to allow 1,029 square feet of office space on the second floor of an existing office building to be converted to one residential dwelling unit.

Submitted by:



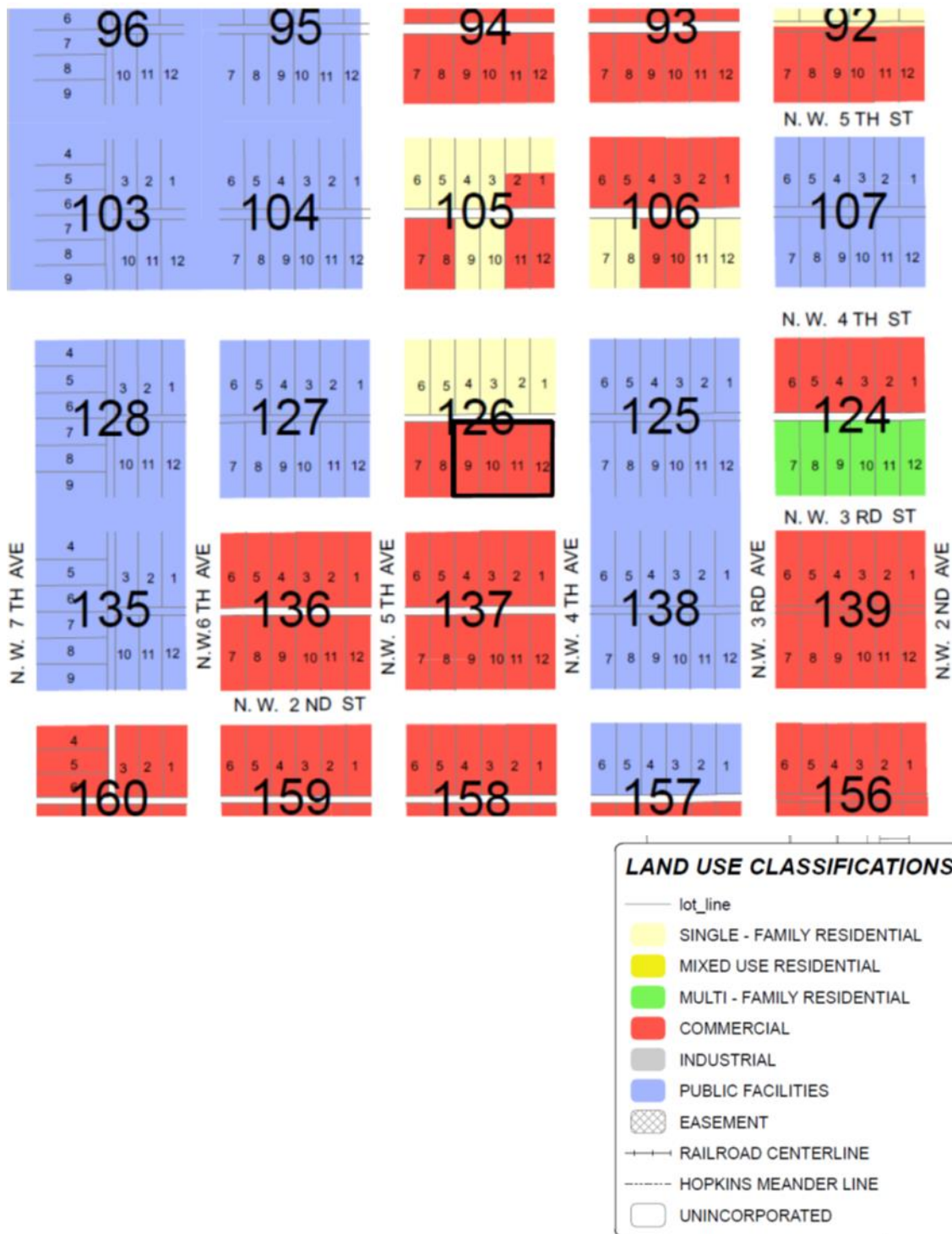
Ben Smith, AICP
Sr. Planner

July 2, 2020

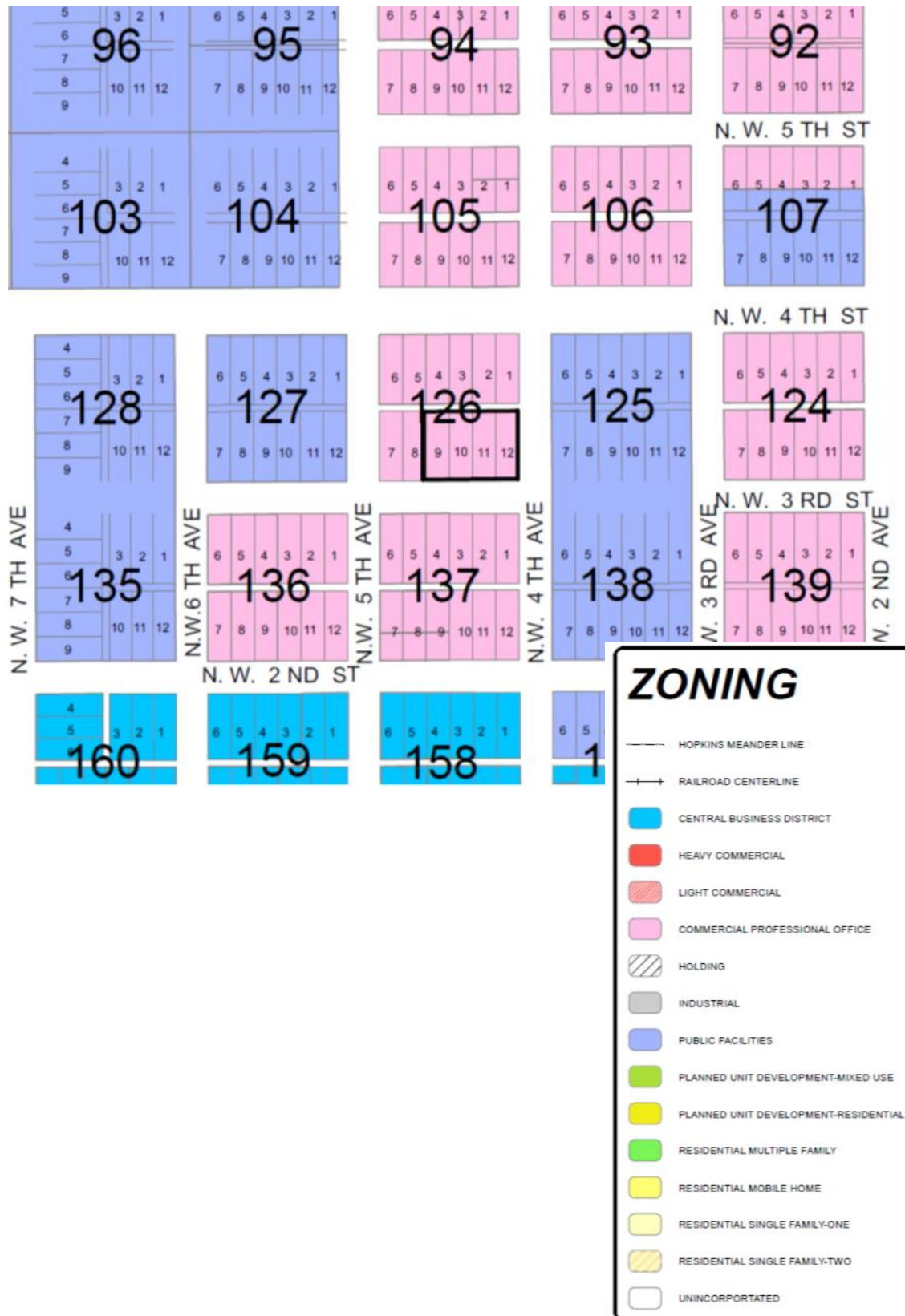
Board of Adjustment Hearing: July 16, 2020

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

FUTURE LAND USE SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS

