



CITY OF OKEECHOBEE
BOARD OF ADJUSTMENT MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
OCTOBER 15, 2020
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action August 20, 2020
Exhibit 1	Special Exception Petition No. 20-001-SE
Exhibit 2	Special Exception Petition No. 20-004-SE
Exhibit 3	Special Exception Petition No. 20-005-SE



**CITY OF OKEECHOBEE, FLORIDA
BOARD OF ADJUSTMENT MEETING
AUGUST 20, 2020
DRAFT SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Board of Adjustment for the City of Okeechobee to order on Thursday, August 20, 2020, at 6:03 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. 20-193 effective August 7, 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.

A. The Pledge of Allegiance was led by Chairperson Hoover.

II. ATTENDANCE

General Services Secretary Montoya called the roll. Chairperson Dawn Hoover, Vice-Chairperson Doug McCoy, Board Members Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Member Joe Papasso was present. Board Member Phil Baughman and Alternate Board Member Jim Shaw were absent with consent.

CITY STAFF: City Planning Consultant Ben Smith, Planning Board Secretary Patty Burnette, and Executive Assistant Robin Brock were present. City Attorney John Fumero was absent with consent.

Chairperson Hoover moved Alternate Board Member Papasso to voting position.

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- A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn.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 Board Member Chartier to adopt the agenda as presented; seconded by Vice Chairperson McCoy.

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

IV. MINUTES

- A. A motion was made by Board Member Brass to dispense with the reading and approve the July 16, 2020 Board of Adjustment Regular Meeting minutes; seconded by Board Member Granados.

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

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

City Planning Consultant Smith briefly reviewed the Planning Staff Report for Variance Request No. 20-001-V which requests to increase a two-face pole sign from 20-foot to 40-foot in height and the sign area from 50-square feet to 150-square feet, (Ref. Code Sec. 90-573 (a)(1)); to be used to bring attention to a secondary diesel canopy located in the rear of a proposed building for a RaceTrac Gas Station and Convenience Store at 975 East North Park Street/SR70. The City of Okeechobee's Land Development Regulations (LDR's) state that one ground sign or pole sign is allowed in the front yard, and such sign shall not exceed 50 square feet in sign area and 20 feet in height, and shall not be closer than 25 feet to a residential district.

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. Ms. Lavon Neal, 1001 Northeast 5th Street, Okeechobee, Florida; Ms. Samantha Jones and Ms. Cleo Chang, 200 Galleria Parkway, SE, Suite 900, Atlanta, Georgia; Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Ms. Chang, Engineering Project Analyst for the Applicant, and Ms. Jones, Engineering Project Manager, both for RaceTrac Petroleum Inc., were present and available for questions. They distributed and reviewed a nine-page presentation. Page one being the cover page; page two an overview of the proposed RaceTrac location; page three the proposed site plan; page four a view traveling Westbound on East North Park Street/SR70; page five showing a pole sign meeting the City's current LDR's with a 10-inch diesel pricing sign; page six showing the proposed pole sign with a 24-inch diesel pricing sign; page seven depicts graphics showing their reasonings for the distance it would take a semi-tractor trailer to properly brake after one would see the signage for diesel fuel; page eight they pointed out compatibility and safety reasons for their request; and page nine for questions from the Board. Discussion among the Board Members focused on whether this denial would impact the operations of the business; the hardship being self-created from their design of the proposed site; the aesthetics and how it would affect the nearby residential neighborhood; placement of the proposed sign near the traffic light on Southeast 10th Avenue and East North Park Street/SR70 not making the most sense as if it were further East so should one miss the first entrance they would still have time to turn into the second entrance and a very small part of the proposed sign actually addressed the diesel price and how this would inform semi-truck drivers diesel was available. Planner Smith felt the facility was large enough for the public to be aware of its location and that community aesthetics were established in the City's LDR's for a purpose.
3. Chairperson Hoover opened the floor for public comment. Ms. Neal voiced concerns regarding lighting and the possibility that the public may gather and socialize close to the property boundaries between the proposed Business and the River Run Resort Community. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to fifty-seven surrounding property owners.
4. No disclosures of Ex-Parte were offered.
5. Planning Staff's recommendation for denial is based upon two sets of criteria. One being the site's consistency with the current LDR's and the other, findings required for granting a Variance.

Planning Staff's responses to the Applicant's presentation on consistency with the LDR's are: there are no unique physical conditions present on the development site or the larger subject parcel and the Applicant's comments do not demonstrate that any unique physical conditions are present on the site. Sections 70-172 and 70-374 explicitly state self-created problems and economic hardship shall not be grounds for granting a variance. The location of the diesel fueling area and general site layout are self-created problems and should not be used as justification for granting a variance. There is a 35-mph maximum speed limit on this segment of SR70 for both Eastbound and Westbound vehicles. For drivers that are maintaining that speed limit, a 20-foot tall, 50-square foot sign (which is the maximum allowed) should be adequately visible.

Planning Staff's responses to the Applicant's presentation on the required findings are: locating the diesel fueling area at the rear of the site is a choice made by the Applicant and is a typical site design feature for large fueling station facilities with convenience stores such as the Applicant's proposed project.

This is not a special condition or circumstance that pertains to the land or an existing structure. Staff feels the Applicant can adequately advertise their services with a sign that meets code. The Applicant is allowed the same right as other properties in the Heavy Commercial zoning district to construct a 20-foot tall, 50-square foot pole sign. The Applicant can make reasonable use of the land and their proposed structures without granting any Variances. Granting this Variance would confer a special privilege to the Applicant. Selling diesel fuel is not a justifiable reason to allow Variances from the sign code. The type and size of signage allowed within a community has a direct effect on community aesthetics. Some residents and business owners make decisions whether or not to purchase property based on the aesthetics of the immediate area. Allowing signage that does not fit within the community's standards may erode the public's faith in the local government's ability to uphold those standards and improve or maintain the community aesthetics.

Based upon the foregoing information and comments, all of which demonstrate that the requested Variance does not meet the standards and findings required for granting of Variances by the Board of Adjustment, Staff recommends **denial** of the request.

A motion was offered by Board Member Jonassaint to deny Variance Petition No. 20-001-V which requests to increase a two-face pole sign from 20-foot to 40-foot in height and the sign area from 50-square foot to 150-square foot to be used to bring attention to a secondary diesel canopy located in the rear of a proposed building for a RaceTrac Gas Station and Convenience store at 975 East North Park Street/SR/70 as required criteria for granting a Variance has not been met; seconded by Board Member Brass.

- a) The Board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Brass, Chartier, Granados, Jonassaint and Papasso voted: Aye. Nays: None. Absent Board Member: Baughman. Motion Carried.**

CHAIRPERSON HOOVER CLOSED THE QUASI-JUDICIAL PUBLIC HEARING AT 6:40 P.M.

- VI. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:40 P.M.

Dawn T. Hoover, Chairperson

ATTEST:

Patty M. Burnette, Secretary

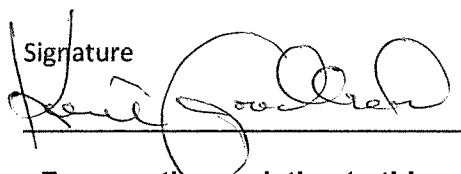
Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board/Board of Adjustment and Appeals with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the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

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686		Date: <u>2-5-20</u>	Petition No. <u>20-001-SE</u>
		Fee Paid: <u>500.00 CK#7169</u>	Jurisdiction: <u>30A</u>
		1 st Hearing: <u>4-14-20</u> 4-14-20 <u>4-19-20</u>	2 nd Hearing: <u>N/A</u>
		Publication Dates: <u>10-15-20</u>	
		Notices Mailed: <u>4-1-20</u> 4-1-20 <u>4-30-20</u>	
Rezone, Special Exception and Variance			
APPLICANT INFORMATION			
1	Name of property owner(s): SOUTHERN CONSTRUCTION & DEVELOPMENT		
2	Owner mailing address: 12575 SR 70 EAST, OKEECHOBEE, FL 34972		
3	Name of applicant(s) if other than owner		
4	Applicant mailing address: 12575 SR 70 EAST, OKEECHOBEE, FL 34972		
	E-mail address: KAGOOBREAD1969@GMAIL.COM		
5	Name of contact person (state relationship): STEVEN DOBBS, CONSULTANT		
6	Contact person daytime phone(s): 863-634-0194		
PROPERTY INFORMATION			
7	Property address/directions to property: 701 US 441 NORTH, OKEECHOBEE, FL 34972 <u>701 N. Parrott Ave</u>		
8	Describe current use of property: PARKING COMMERCIAL VEHICLES AND STORAGE INSIDE THE BUILDING.		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc. REMOVED TREES, GRADED LAND, CLEAN BUILDING Source of potable water: OUA Method of sewage disposal: OUA		
10	Approx. acreage: <u>.48</u> Is property in a platted subdivision? <u>Yes</u>		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: 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: COMPUTER REPAIR / UHAUL East: SEARS South: MOTEL West: SELF STORAGE		
14	Existing zoning: HEAVY COMMERCIAL Future Land Use classification: COMMERCIAL		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (<u>X</u>) No () Yes. If yes provide date, petition number and nature of approval.		
16	Request is for: () Rezone (<u>X</u>) Special Exception () Variance		
17	Parcel Identification Number: 3-15-37-35-0010-00580-0080 ✓		

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: 06/27/2000
✓ 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

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
 KEITH GOODBREAD

Date
 2.4.20

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



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Profit Corporation

SOUTHERN CONSTRUCTION & DEVELOPMENT, INC.

Filing Information

Document Number P98000043022
FEI/EIN Number 65-0841323
Date Filed 05/11/1998
State FL
Status ACTIVE

Principal Address

12575 STATE ROAD 70 EAST
OKEECHOBEE, FL 34972

Changed: 04/19/2010

Mailing Address

12575 STATE ROAD 70 EAST
OKEECHOBEE, FL 34972

Changed: 04/19/2010

Registered Agent Name & Address

GOODBREAD, MARK E
12575 STATE ROAD 70 EAST
OKEECHOBEE, FL 34972

Name Changed: 08/29/2019

Address Changed: 08/29/2019

Officer/Director Detail

Name & Address

Title PD

GOODBREAD, BRAD G
12575 STATE ROAD 70 E
OKEECHOBEE, FL 34972

Title S/TD

GOODBREAD, KEITH A

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: 90-283(5) OUTDOOR SALES & STORAGE BUILDING TRADES CONTRACTOR
B	Are there similar uses in the area? No (<u>X</u>) Yes If yes, briefly describe them: MINI STORAGE TO THE WEST, UHAUL TRUCK STORAGE TO THE NORTH
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building: THE OFFICE WILL BE OPEN FROM 8-5 WEEK DYS, BUT TRUCKS WILL ENTER & LEAVE ALL THROUGH THE DAY AND EVENING
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.
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.
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.
4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.
5. Demonstrate how the utilities and other service requirements of the use can be met.
6. Demonstrate how the impact of traffic generated will be handled, off site and on site.

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

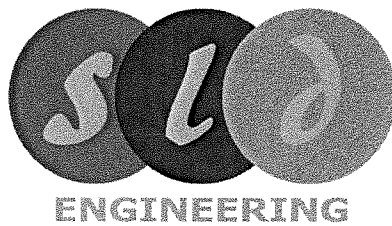
It is the Applicant's responsibility to convince the Board of Adjustment that approval of the proposed special exception is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the Board of Adjustment to find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

1. The use is not contrary to the Comprehensive Plan requirements.
2. The use is specifically authorized as a special exception use in the zoning district.
3. The use will not have an adverse effect on the public interest.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

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)]

Revised
Rec'd 8-12-20



August 12, 2020

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Keith Goodbread Trucking - City of Okeechobee, Semi-Tractor Trailer Parking Special Exception

Standards for granting a special exception:

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

The site fronts on 441N at the northwest corner of NW 7th Avenue and 441N. The site has good access from the south, if required with existing curb cuts off FDOT.

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

The site and existing building are perfect for this use. There are two existing curb cuts off 441N as well as a culvert crossing from the south. This will allow the site to be accessed by the semi-trucks planned to be parked onsite as needed and the storage will be used to support the trucking operation.

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

Visual screening is provided according to the City of Okeechobee's landscape ordinance as it fronts on 441N which is heavily traveled and this use will not cause any adverse impacts to adjacent properties.

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.

The nature of the business is a trucking company to store trucks onsite and provide a fueling station to be used by the company trucks. There should be no potential hazards or public nuisances created by the use.

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

There are existing water and sewer service to the site as well as power, so there are no utility or service requirements that cannot be met currently.

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

Traffic will enter and leave from the south off NW 7th Street as well as Highway 441N. This will all be company traffic as it is not a business open to the general public. There will be approximately 10 trucks stored and fueled onsite.

1062 Jakes Way, Okeechobee, FL 34974

Phone: (863) 824-7644 **Cell:** (863) 634-0194

Email: sdobbs@stevedobbsengineering.com **Website:** www.SteveDobbsEngineering.com

Findings required for granting a special exception:

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

This parcel is zoned Heavy Commercial and has a Future Land Use of Commercial and this special exception request is in the Heavy Commercial Zoning. This parcel is perfect for business such as the one proposed and is absolutely within the spirit of the Comprehensive Plan.

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

According to the City of Okeechobee, Code of Ordinances Section 90-283(5), Outdoor sales and storage, building trades contractor is specifically authorized in the Land Development Regulations.

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

It should have a positive effect on neighboring businesses by utilizing a currently vacant building and parcel and should have a positive effect on the public interest.

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, this parcel is currently developed so the urbanizing land use has been established and the business is compatible with other businesses in the vicinity.

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

This change will not negatively impact property values or living conditions, nor deter development of adjacent property as all adjacent property is already developed.

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

No hazards or impacts are anticipated by this use to adjacent uses as previously discussed.

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

This use will not overburden public facilities including streets and as stated previously the utilities already servicing this site are sufficient for the proposed use.

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

The site is already developed and there are no flooding or drainage issues in the area with none anticipated. There are no impacts to public safety anticipated by the addition of this use on the site.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven L. Dobbs". The signature is fluid and cursive, with the first name "Steven" and last name "Dobbs" clearly legible.

Steven L. Dobbs, P. E.
President

R-6.00
DSO-595.00

OR 0440 PAGE 1823

This instrument prepared by
EDWARD W. BECHT, ESQUIRE
Post Office Box 2746
Fort Pierce, Florida 34954

Property Tax I.D.: 3-15-37-35-0010-00580-0080

Documentary Stamps paid in the amount of
\$ 525.00

Class C Intangible Tax paid in the amount
of \$ 0.00

Sharon Robertson, Clerk of Circuit Court
Okeechobee County, Florida

By: Sharon Robertson, D.C.

Date: 7-3-2000

WARRANTY DEED

THIS WARRANTY DEED made the 27th day of June, 2000, by HOLMES OIL COMPANY, INC., a Florida corporation, whose post office address is Post Office Box 1959, Fort Pierce, Florida 34954, hereinafter called the grantor, to SOUTHERN CONSTRUCTION & DEVELOPMENT, INC., a Florida corporation, whose post office address is 8000 Highway 70 E, Okeechobee, Florida 34972 hereinafter called the grantee:

(Whenever 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 the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okeechobee County, FLORIDA, viz:

Lots 8, 9 and 10, Block 58 Okeechobee, according to the plat thereof as recorded in Plat Book 5, Page 5, and Plat Book 1, Page 10, both of the public records of Okeechobee County, Florida.

SUBJECT to reservations, restrictions, covenants and easements of record; provided, however, that this reference shall not act to reimpose same.

SUBJECT to that certain Purchase Money Mortgage of even date herewith.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

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

Signed, sealed and delivered in
the presence of:

Print: Jane E. Forbes

Print: Edward W. Becht

HOLMES OIL COMPANY, INC.

By: Donald R. Holmes

Donald R. Holmes, President

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 27th day of June, 2000, by DONALD R. HOLMES, as President of Holmes Oil Company, Inc., a Florida corporation, who is personally known to me x or who has produced _____ as identification and who did not take an oath.



Jane E. Forbes
Print: Jane E. Forbes
Title: Notary Public
My Commission expires _____
FILED FOR RECORD
OKEECHOBEE COUNTY, FL

339610

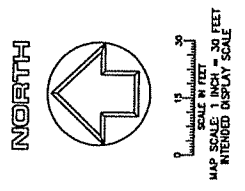
2000 JUL -3 PM 2:09

SHARON ROBERTSON
CLERK OF CIRCUIT COURT

#20

4m-9248

28



PREPARED FOR THE EXCLUSIVE USE OF:
MARK GOODBREAD

TRADEWAYS SURVEYING SERVICES, LLC.

200 S.W. 3rd Avenue
Okeechobee, FL 34974
Tel: (863) 763-2887
Fax: (863) 763-4542
Email: kab.twp@yahoo.com

Kenneth A. Breaux, Jr.

Kenneth A. Breaux, Jr. (FSM 4820) LB NO. 8097

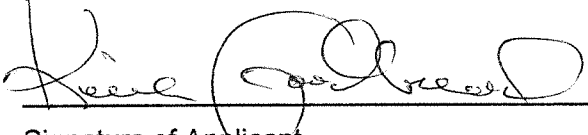
RELOCATED

PARCEL NUMBER	OWNER	ADDRESS 1	CITY	ST	ZIP
3-15-37-35-0010-00760-0100	DAG INTERNATIONAL GROUP LLC	12414 HWY 441 N	OKEECHOBEE	FL	34972
3-15-37-35-0010-00770-0060	BIG LAKE EYE CARE LLC	1540 SE 40TH AVENUE	OKEECHOBEE	FL	349740000
3-15-37-35-0010-00750-0010	CRUZ FERNANDO LOPEZ	515 NE 62ND AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00760-0070	601 N PARROTT LAND TRUST	601 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00760-0010	ASSET PRESERVATION TRUST SERVI	601 N PARROTT AVE	OKEECHOBEE	FL	34972
3-15-37-35-0010-00770-0030	4 GIRLS PROPERTIES INC	701 NE 3RD ST	OKEECHOBEE	FL	349724576
3-15-37-35-0010-00770-0030	4 GIRLS PROPERTIES INC	701 NE 3RD ST	OKEECHOBEE	FL	349724576
3-15-37-35-0010-00570-0180	CRCO PROPERTIES LLC	364 NW 115TH DR	OKEECHOBEE	FL	34972
3-15-37-35-0010-00570-0080	TRENT RONALD L	708 N PARROTT AVE	OKEECHOBEE	FL	349722670
3-15-37-35-0010-00580-0070	G-4 LAND & CATTLE COMPANY	12575 HIGHWAY 70 EAST	OKEECHOBEE	FL	34972
3-15-37-35-0010-00570-0150	TRENT RONALD L	2322 SE 33RD ST	OKEECHOBEE	FL	349740000
3-15-37-35-0010-00570-0050	TRENT RONALD L	2322 SE 33RD ST	OKEECHOBEE	FL	34974
3-15-37-35-0010-00580-0040	GAGBEE INC	12575 HWY 70 E	OKEECHOBEE	FL	34972
3-15-37-35-0010-00570-0140	TRENT RONALD L	2322 SE 33RD STREET	OKEECHOBEE	FL	34974
3-15-37-35-0010-00580-0110	FREEMAN WILLIAM H	1989 SW 37TH AVE	OKEECHOBEE	FL	349740000
3-15-37-35-0010-00580-0010	ESTREMER ALEJANDRO & JANET	PO BOX 337	OKEECHOBEE	FL	349730337
3-15-37-35-0010-00570-0110	ARMSTRONG ANGELA	902 SE 10TH STREET	OKEECHOBEE	FL	349740000
3-15-37-35-0010-00570-0010	ARMSTRONG MICHAEL	902 SE 10TH STREET	OKEECHOBEE	FL	349740000
3-15-37-35-0010-00590-0010	UNITED FEED CO-OP INC	BOX 485	OKEECHOBEE	FL	349730485

**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 December 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 3rd day of

February, 2020



Signature of Applicant

2.4.20
Date

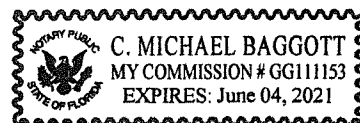
KEITH GOODBREAD
Name of Applicant (printed or typed)

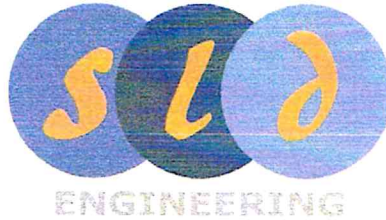
State of Florida
County of Okeechobee

Sworn to and subscribed before me this 4th day of FEBRUARY, 2020. Personally known to me _____ or produced _____ as identification and did not take an oath.


Notary Public, State of Florida

Seal:





March 17, 2020

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Subject: Keith Goodbread Trucking Special Exception

Dear Mr. Smith:

Steven L. Dobbs Engineering, LLC, has completed an analysis of the traffic generation statement for the above referenced facility. The project is to convert an empty building to storage and parking for semi-tractor trailers.

This analysis was based on a spreadsheet distributed by the Florida Department of Transportation, which is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (8th Edition). The results indicate the proposed 0.5 acre Truck Terminal (ITE code 030) generates 41 total daily trips with 3 PM peak hour trips with 1 being in and 2 being out.

Should you have any questions or comments, please do not hesitate to call.

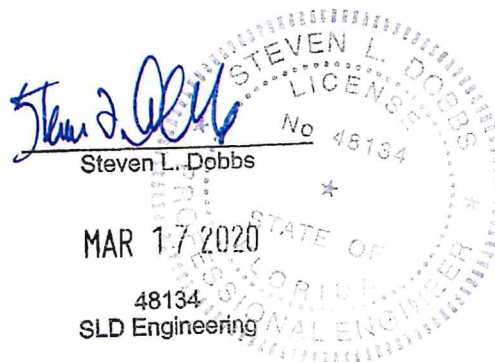
Sincerely,

Steven L. Dobbs Engineering

A handwritten signature in blue ink that reads "Steven L. Dobbs".

Steven L. Dobbs, P. E.
President

CC: Keith Goodbread
File



Instructions:

Enter Numbers into the "Expected Units"
in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: Not Available

DU: Dwelling Unit

Occ.Room: Occupied Room

KSF²: Units of 1,000 square feet

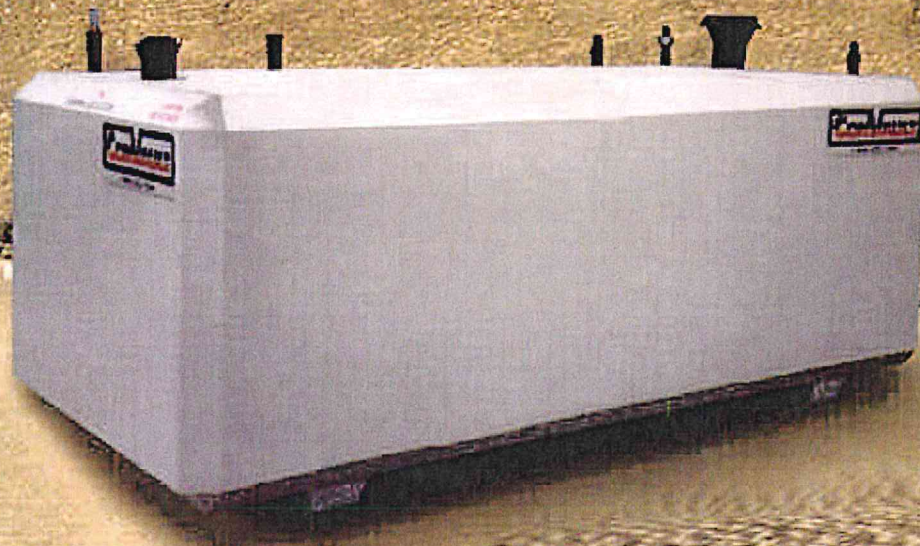
Fuel Position: # of vehicles that could be fueled simultaneously

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (Independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%	0.5	41	3	1	2	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF ²	6.97	0.97	12%	88%		0	0	NA	NA	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF ²	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF ²	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF ²	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF ²	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF ²	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF ²	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF ²	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA	
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ.Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	

F:\2019-044 Keith Goodbread Trucking\03-DWG\2019-044 SITE PLAN 20200827.dwg, 8/27/2020 4:19:23 PM, DWG To PDF.pc3



The Safest Fuel Storage on the Planet



Built to stand the test of time...

The Aboveground Solution to the Underground Problem

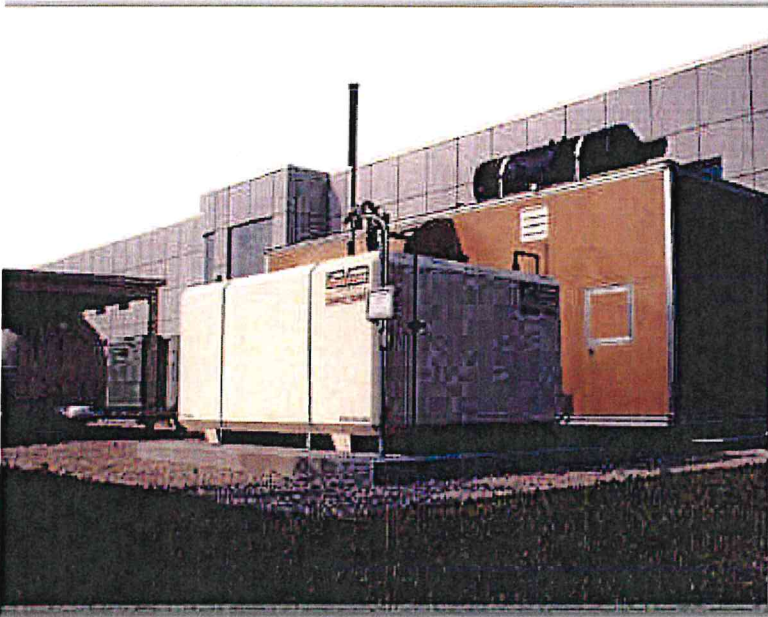
Interest in the preservation of our environment has prompted all levels of many governments to issue strict guidelines for the installation, operation and removal of underground storage tanks (UST's). As a result, owners and operators are faced with tedious and complicated rules and paperwork. They may also be faced with expensive upgrades, purchase of monitoring equipment, testing, and obtaining pollution liability insurance to comply with these requirements. In the event of a leak, the actual costs for soil and groundwater clean-up can be catastrophic. As aboveground storage tanks (AST's) replace UST's on a more regular basis, strict guidelines are being issued for AST's as well. ConVault's innovative Protected AST's are the proven solution for these problems.



Engineered for Safety

ConVault Protected AST's are engineered to survive in the real world. Utilizing patented manufacturing procedures, the resulting product is a tank for flammable liquids seamlessly encapsulated in six-inch thick concrete with integral secondary containment, thermal stability, vehicle impact protection, and projectile protection. The system contains no cold joints or heat transfer points on the bottom or the sides.

ConVault primary steel tanks (including spill containment basins) are fabricated in accordance with UL 142 (Seventh Edition). Each unit is pressure tested twice at the factory using ConVault patented processes to insure proper performance in the field. ConVault Protected AST's are shop-fabricated under strict quality controls in accordance with UL 2085 and ULC-S655 and ULC-S602 for Protected Tanks. Primary and secondary containment are independently tested at the plant in accordance with UL and ULC requirements.



The ConVault Protected AST is listed in accordance with UL 2085, ULC-S655, and ULC-S602 Insulated/Secondary Containment for Aboveground Storage Tanks, Protected Type.

The six-inch thick (6") concrete exterior acts as a thermal mass reducing temperature variations, provides a non-corrosive, durable exterior, and provides protection for the secondary containment.

The ConVault Protected AST system has passed numerous performance tests including 2-hour liquid-pool and furnace fire tests, vehicle impact test and projectile-resistance test. Numerous real-life events have also proven the safety of the system. The end result: owners and operators of ConVault Protected AST's are provided with PEACE OF MIND.



Meets Government, Environmental and Fire Safety Regulations

Each ConVault Protected AST is exhaustively production-tested at the factory before shipment to its destination. ConVault Protected AST's meet NFPA 30, 30A and 31; UFC, BOCA, SBCCI, and International Fire Code fire safety requirements and provide grounding connections in accordance with NFPA 780. ConVault Protected AST's have been approved by environmental and fire protection officials in all states of Australia, all provinces of Canada, all states of the USA, and by government officials of the Czech Republic, England, Finland, Germany, Poland, Russia, and Slovakia.



The California Air Resources Board has certified ConVault Protected AST's for Phase I and II balanced vapor recovery, including methanol/ethanol blends. ConVault Protected AST's meet all safety requirements for primary and secondary containment, leak monitoring, spill containment and overfill protection. Specific jurisdictions may have special requirements for tank accessories. Contact your local representative for local regulations.

With the first installation in 1986, over 27,000 tanks are now in service at extremely diverse locations in over 20 different countries without a single reported system failure to-date! It is this historical performance that has been the cornerstone of regulatory comfort with the ConVault protected AST product.

Designed for Value

The ConVault Protected AST system will provide ongoing value for fuel storage. More stringent regulations are consistently on the horizon; however, with a ConVault Protected AST the need for updating is greatly reduced. ConVault operating costs are substantially lower than virtually any other AST on the market. The concrete exterior provides protection for the secondary containment, and acts as a thermal mass, reducing temperature variations (which reduces fuel vapor loss and water vapor gain), while providing a non-corrosive, durable exterior.

To meet your fuel storage needs, ConVault Protected AST's are manufactured in sizes ranging from 125 to 12,000 US gallons, or 500 to 45 000 liters (including multi-compartment options). ConVault AST's have a 20 or 30-year warranty. ConVault Protected AST's are produced at manufacturing sites around the world. The unit is shipped as a finished assembly, normally limiting the need for major on-site work to providing a concrete pad and electrical service. Although the units are intended for stationary service, in the event of changing requirements they can be moved and reinstalled. ConVault Protected AST's are thus an asset, compared to UST's or "tanks in dikes" which are usually considered a liability.



Always consult local fire and building codes before installing a ConVault Protected AST since environmental and fire safety regulations can vary between jurisdictions.

To find out more about ConVault products, please visit the web site at <http://www.convault.com>, inquire by email to info@convault.com, or call 209-632-7571 (800-222-7099 in the USA) for the ConVault representative nearest you.

US Measurements					Metric Measurements				
ConVault Size Gallons	Weight Pounds	A (Length) ft. & in.	B (Width) ft. & in.	C (Height) ft. & in.	ConVault Size Liters	Weight kg	A (Length) mm	B (Width) mm	C (Height) mm
125	6,200	4' 0.5"	4' 0.5"	3' 11"	1 000	4 000	2 350	1 150	1 100
250	8,000	7' 8"	3' 9.5"	3' 3"	2 000	6 000	3 300	1 450	1 100
500	12,000	11' 0"	4' 6"	3' 4"	4 000	9 000	3 300	1 750	1 450
1,000	18,000	11' 0"	5' 8"	4' 4"	6 000	12 000	3 400	2 400	1 500
2,000	30,000	11' 3"	8' 0"	5' 6"	8 000	13 500	3 400	2 400	1 800
3,000 LP	36,000	11' 3"	8' 0"	7' 3.5"	12 000	18 000	4 900	2 400	1 800
3,000 HP	37,500	9' 9"	8' 0"	8' 9"	16 000 LP	22 000	5 800	2 400	1 950
4,000 LP	44,000	17' 7"	8' 0"	6' 5.25"	16 000 HP	20 000	4 050	2 400	2 650
4,000 HP	40,000	12' 6"	8' 0"	8' 9"	20 000 LP	21 000	7 150	2 400	1 950
4,000 DW	44,000	12' 2"	8' 0"	8' 9"	20 000 HP	24 000	4 950	2 400	2 650
5,200	47,000	15' 6"	8' 0"	8' 9"	22 000	25 000	5 400	2 400	2 650
6,000	60,000	17' 7"	8' 0"	8' 9.25"	25 000	28 000	6 100	2 400	2 650
8,000	72,000	23' 1"	8' 0"	8' 9.25"	30 000	34 000	7 250	2 400	2 650
10,000	87,000	28' 7"	8' 0"	8' 9.25"	35 000	41 000	9 100	2 400	2 650
12,000	101,000	34' 1"	8' 0"	8' 9.25"	45 000	46 000	10 700	2 400	2 650

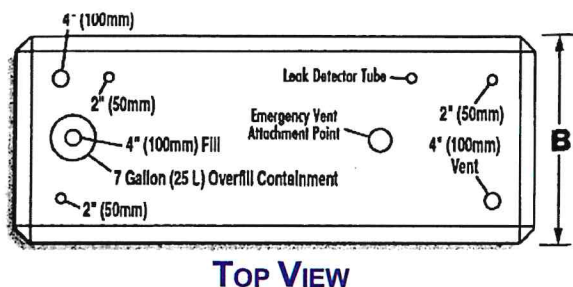
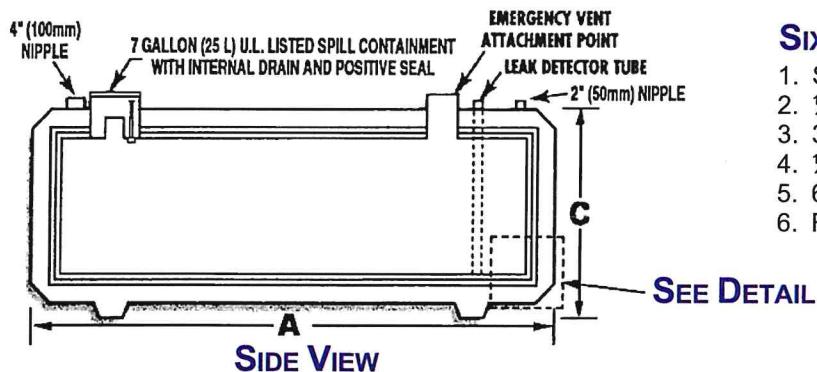
Cylindrical			
Size Gallons	Weight Pounds	Diameter ft. & in.	Length ft. & in.
4,000 Cyl	46,000	9' 4.5"	11' 11"
5,200 Cyl	52,000	9' 4.5"	15' 1.5"
6,000 Cyl	60,000	9' 4.5"	17' 3"
8,000 Cyl	72,000	9' 4.5"	22' 7"
10,000 Cyl	80,000*	9' 4.5"	27' 11"
12,000 Cyl	90,000*	9' 4.5"	33' 3"

* If "lightweight Concrete is used "

Most units are also available as a split unit in several configurations.

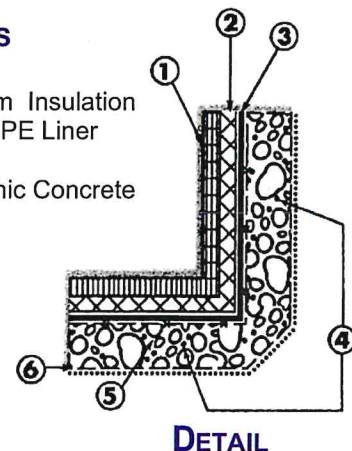
Caution! All sizes are not available from all manufacturing plants. Shape, dimensions, and weights may vary between manufacturing plants. Other sizes not listed may be available.

Check with your local representative.



SIX STEP PROCESS

1. Steel Tank
2. 1/4" (6mm) Styrofoam Insulation
3. 30 Mil. (0.76mm) HDPE Liner
4. 1/2" (12mm) Rebar
5. 6" (105mm) Monolithic Concrete
6. Finish



U.S. PATENT #4,826,644; #4,931,235;
#4,934,122; #4,963,082; #4,986,436;
#5,064,155; #5,157,888; #5,174,079;
#5,234,191; #5,126,095

(OTHER U.S. & FOREIGN PATENTS PENDING)



CORPORATE OFFICES
4109 ZEERING ROAD
DENAIR, CALIFORNIA 95316

(209) 632-7571
OR 1-800-222-7099 IN THE USA
WWW.CONVAULT.COM
INFO@CONVAULT.COM



SPECIFICATIONS FOR RECTANGULAR ABOVEGROUND STORAGE TANKS

1. The Insulated Secondary Containment Aboveground Storage Tank Systems for Flammable and Combustible Liquids, Protected Type: Vehicle Impact Protected, and Projectile Resistant shall be tested to and listed for the following:
 - A. **UL - 142**, aboveground steel tanks for flammable and combustible liquids.
 - B. **UL - 2085**, two-hour furnace fire test and two hour simulated pool fire test for insulated and protected tanks.
 - C. **UL - 2085 and UFC Test Standard (Article 79 or APPENDIX #A-II-F-1)**, for both Vehicle Impact Protection and Projectile Resistance.
 - D. **UL - 2085**, Protected aboveground tanks for flammable and combustible liquids.
 - E. **UL - 2085**, Non-Metallic Secondary Containment protected tanks for flammable and combustible liquids with secondary containment Emergency Venting by "Form of Construction".
 - F. **CAN/ULC- S601 (ORD - 142.18)**, Standard for shop fabricated steel aboveground horizontal tanks for flammable and combustible liquids.
 - G. **CAN/ULC- S655 (ORD - C 142.16)**, Standard for protected aboveground tank assemblies for flammable and combustible liquids.
 - H. **CAN/ULC- (ORD - C 142.5)**, Standard for concrete encased aboveground tank assemblies for flammable and combustible liquids.
 - I. **CAN/ULC- (ORD - C 142.16)**, the furnace burn requirements for two hour fire rating.
 - J. **CAN/ULC- (ORD - C 142.25)**, the open (pool) fire testing for two-hour flammable liquid fire test.
 - K. **CAN/ULC- (ORD - 142.23)**, for aboveground tanks for used oil.
 - L. **The requirement for Uniform Fire Code (UFC) for two-hour (firewall) test.**



M. To be tested and certified by the California Air Resources Board (CARB) for Balanced Phase 1 and Phase II Vapor Recovery including methanol and ethanol.

N. High Explosive (HE) Blast Resistance: The tank system design shall be the subject of a Blast Effects Analysis (BEA) for resistance under the following blast load scenarios:

- 1) a 50-pound HE man-portable improvised explosive device (MPIED) at the standoff distance of 5 feet;
- 2) a 500-pound HE vehicle-born improvised explosive device (VBIED) at the standoff distance of 20 feet; and
- 3) a vapor cloud explosion (VCE) with a load of 10 psi.

The BEA shall conclude that the tank system will resist the explosion loads and remain intact, without failure of the primary tank or expectation of leakage. Movement of the tank shall not exceed 2 inches.

The engineering consultants performing the BEA shall be a nationally recognized firm with over 10 years experience offering comprehensive services related to blast and impact effects analysis, explosive safety design, vulnerability assessments and threat mitigation.

2. The primary steel tank shall be rectangular in shape and have continuous welds on all exterior seams, manufactured in accordance with UL listing requirements and UL Standard 142.
3. The primary steel tank shall be pressure tested at 5 psig for 24 to 48 hours.
4. The primary steel tanks shall have "emergency vent" system as per NFPA 30 Code requirements.
5. The protected and insulated AST systems shall have a thru-tank leak detector tube to allow for physical checkup and monitoring capability between the primary and the secondary containment.
6. The primary steel tank shall be pressurized at 5 psig during concrete encasement.
7. The outer surface of the primary steel tank shall be covered by a minimum of 1/4" thick (6.4 mm) Styrofoam insulation panels.
8. The secondary containment shall be impervious to corrosion, including damage or failure due to microbial infestation. Because steel is known to be affected by microbial influenced corrosion, the secondary containment shall consist of a 30 Mil thick (0.76 mm) High-Density Polyethylene membrane enclosing the steel tank and insulation material.



9. The primary steel tank and the secondary containment shall be encased in six inches of monolithic reinforced concrete, with minimum design strength of 4,000 and 5,000 psi at 28 days depending on the tank size. The concrete design shall include the following for long-term durability: air entrainment, water reducing admixture, and steel reinforcement. Concrete encasements with seams will not be approved.
10. The protected and insulated AST systems shall be of concrete exterior and a continuous and visually verifiable monolithic (seamless) pour on top, bottom, ends, and sides and contain no cold joints or heat sinks (heat transfer points). The AST must be shop fabricated and tested in accordance with the UL listings. Designs that use two layers of steel with insulation material between them will not be approved.
11. No steel or insulating material shall come in contact with the concrete or other corrosive material.
12. All openings shall be from the top only.
13. All exposed metal with the exception of stainless steel must be powder coated to inhibit corrosion.
14. The protected and insulated AST systems shall include a 7 or 15-gallon powder coated or stainless steel, UL listed spill containment, and shall include normally closed valve to release spilled product into the primary steel tank. Spill containment which route the spilled product into interstitial area will not be approved.
15. The protected and insulated AST systems shall have a coated concrete exterior to resist weather and reflect sunlight. Models with steel exteriors will not be approved.
16. The protected and insulated tank system shall be warranted by the manufacturer against defects in material or workmanship for 20 or 30 years following the delivery of the tank. Warranties that limit coverage to 12 months for failure due to defective materials and workmanship will not be permitted.
17. The protected and insulated AST systems design shall have been in use for a minimum of twenty (20) years. The manufacturer must stipulate no reportable AST containment system failure in over 30,000 units produced.
18. The protected and insulated AST systems shall have two (2) bolts for connecting grounding conductors for lightning protection in accordance with NFPA 780.



Staff Report

Special Exception Request

Outdoor Sales and Storage Building Trades Contractor

Prepared for: The City of Okeechobee

Applicant: Southern Construction & Development

Petition No.: 20-001-SE

General Information

Owner/Applicant	Southern Construction & Development Keith Goodbread
Applicant Address	12575 SR 70 East Okeechobee, FL 34972
Applicant Email Address	KAGoodbread1969@gmail.com
Site Address	701 US 441 North / 701 N Parrott Ave
Contact Person	Steven Dobbs, Consultant
Contact Phone Number	863.634.0194
Contact Email Address	sdobbs@stevedobbsengineering.com

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	Parking commercial vehicles, two offices and indoor storage	Semi-truck parking and fueling from above ground fuel tank; office; and indoor/outdoor storage
Acreage	0.479	0.479

Legal Description of Property

Parcel Identification Number: 3-15-37-35-0010-00580-0080

LOTS 8, 9 and 10, BLOCK, 58 OKEECHOBEE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 5, AND PLAT BOOK 1, PAGE 10, BOTH OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Description of Request and Proposed Use of Property

The matter for consideration by the City of Okeechobee Board of Adjustment is a request for a Special Exception to allow parking and fueling of commercial vehicles (including semi-tractor trailer trucks) from an above ground fuel tank at the subject property, which is zoned CHV Commercial Heavy. This use is not explicitly allowed in Section 90-282 as a permitted use in the CHV district but is comparable to "outdoor sales and storage, building trades contractor", which is specifically listed in Section 90-283 as a special exception use in the CHV district. The applicant has stated that the facility will not be open to the public and will only be used to park and fuel their company trucks.

The subject site is located directly on US-441 (Parrot Avenue) on the northwest corner of 441 and NW 7th Street. There is an existing 1,800 square foot structure on the property which is currently used for office and storage. The structure is non-conforming to the setback requirements and no significant changes are proposed for the structure at this time.

There are two existing curb cuts on 441 as well as two existing entrances on NW 7th. The proposed site plan shows usage of only one entrance from 441 and one entrance from NW 7th. The site plan shows new striped parking added in front of the existing building as well as an un-striped parking area for 4 semi-trucks. An above ground diesel fuel tank is depicted between the existing building and the proposed semi-truck parking area.

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

North	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Computer Repair / UHaul
East	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Sears
South	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Motel
West	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Self Storage

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.

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

APPLICANT RESPONSE: The site fronts on 441N at the northwest corner of NW 7th Avenue (sic) and 441N. The site has good access from the south, if required with existing curb cuts off FDOT.

STAFF COMMENTS: 441 is considered a shipping corridor and this site's location on 441 is outside the central business district and historic area of the City. If some buffering is provided and usage is limited to private fueling and parking of company trucks, then this location should be appropriate for the intended uses without the need to provide roadway improvements.

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

APPLICANT RESPONSE: The site and existing building are perfect for this use. There are two existing curb cuts off 441N as well as a culvert crossing from the south. This will allow the site to be accessed by the semi-trucks planned to be parked onsite as needed and the storage will be used to support the trucking operation.

STAFF COMMENTS: There is an existing 1,800 square foot building on the site, which the applicant is not proposing to expand or make any changes to at this time. The only new structures proposed are the above ground fuel tank and a fence. The fuel tank has been located to meet the above ground fuel tank setbacks provided in City Code Section 90-692. The proposed fence is chain link and will meet the height requirements of 90-639.

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

APPLICANT RESPONSE: Visual screening is provided according to the City of Okeechobee's landscape ordinance as it fronts on 441N which is heavily traveled and this use will not cause any adverse impacts to adjacent properties.

STAFF COMMENTS: The Applicant's site plan depicts landscaping which meets the minimum standards of the City's land development code, including buffers along both roadways.

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

APPLICANT RESPONSE: The nature of the business is a trucking company to store trucks onsite and provide a fueling station to be used by the company trucks. There should be no potential hazards or public nuisances created by the use.

STAFF COMMENTS: The main potential issues on this site are the aesthetics of the truck parking, the safety of the fueling tank, and the potential for truck movements to block traffic on 441. The site plan does provide buffer landscaping along the roadway and two bollards for the fuel tank. Additional bollards should be used to ensure protection of the tank. In staff's opinion, it is questionable whether trucks will be able to back into parking area shown on the plan or back out of the parking area without using the 441 right-of-way or blocking it for short periods of time.

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

APPLICANT RESPONSE: There are existing water and sewer service to the site as well as power, so there are no utility or service requirements that cannot be met currently.

STAFF COMMENTS: Water and sewer service is currently provided by Okeechobee Utility Authority.

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

APPLICANT RESPONSE: Traffic will enter and leave from the south off NW 7th Street as well as Highway 441N. This will all be company traffic as it is not a business open to the general public. There will be approximately 10 trucks stored and fueled onsite.

STAFF COMMENTS: The location of the site outside of the city center and with direct frontage on US-441 is appropriate for this use. If use is limited to the applicant's company trucks and is not open to the public, then the use should not generate a sufficient amount of vehicle trips (semi-trucks or otherwise) to overburden the local roadways. However, the size of the lot may not be adequate to facilitate truck movements that do not impede traffic on 441. Additionally, there does not seem to be adequate space on the site for storage of 10 semi-trucks. The Board may consider placing a restriction on the number of semi-trucks that may be parked at one time on the site.

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.

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

APPLICANT RESPONSE: This parcel is zoned Heavy Commercial and has a Future Land Use of Commercial and this special exception request is in the Heavy Commercial Zoning. This parcel is perfect for business such as the one proposed and is absolutely within the spirit of the Comprehensive Plan.

STAFF COMMENTS: Future Land Use Policy 2.1(d) describes the permitted uses of the Commercial future land use category to include automotive and warehousing. These broad use descriptions are consistent with the applicant's proposed uses.

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

APPLICANT RESPONSE: According to the City of Okeechobee, Code of Ordinances Section 90-283(5), Outdoor sales and storage, building trades contractor is specifically authorized in the Land Development Regulations.

STAFF COMMENTS: In addition to the existing uses (office and indoor storage) taking place at the subject property, the applicant is requesting a special exception to allow parking and fueling of commercial vehicles, including semi-tractor trailer trucks. While this use is not exactly described in Section 90-282 as a permitted use in the CHV district, it is comparable to "outdoor sales and storage, building trades contractor", which is specifically listed in Section 90-283 as a special exception use in the CHV district.

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

APPLICANT RESPONSE: It should have a positive effect on neighboring businesses by utilizing a currently vacant building and parcel and should have a positive effect on the public interest.

STAFF COMMENTS: This use could adversely affect the public interest if trucks using the site cause blockages on US-441.

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

APPLICANT RESPONSE: Yes, this parcel is currently developed so the urbanizing land use has been established and the business is compatible with other businesses in the vicinity.

STAFF COMMENTS: With landscape buffering, the proposed use is appropriate for this location on US-441. However, the size of the subject parcel may not be appropriate for this use, as the applicant has not demonstrated that there is sufficient space for semi-trucks to use the truck parking area without blocking the public roadways.

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

APPLICANT RESPONSE: This change will not negatively impact property values or living conditions, nor deter development of adjacent property as all adjacent property is already developed.

STAFF COMMENTS: This use should not be a detriment to the existing uses on adjacent properties which are typical heavy commercial and industrial uses.

- (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: No hazards or impacts are anticipated by this use to adjacent uses as previously discussed.

STAFF COMMENTS: The site plan shows a landscape buffer is proposed which meets the minimum requirements of the City's land development code. If deemed necessary, the Board can consider requiring additional landscaping or other screening.

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

APPLICANT RESPONSE: This use will not overburden public facilities including streets and as stated previously the utilities already servicing this site are sufficient for the proposed use.

STAFF COMMENTS: Residential density and school capacity will not be affected, as no dwelling units are proposed at this time. Water and sewer capacity should not be significantly affected by the proposed use. If use of the facility is limited to company staff and vehicles, then vehicle trip generation should also not be significant.

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

APPLICANT RESPONSE: The site is already developed and there are no flooding or drainage issues in the area with none anticipated. There are no impacts to public safety anticipated by the addition of this use on the site.

STAFF COMMENTS: The site plan does include a water detention feature that will be reviewed by the city engineer and building department. As discussed above, the proposed use is not expected to generate a significant number of vehicle trips. Though there are questions as to whether turning movements could block traffic flow on 441.

Recommendation

Based on the foregoing analysis, we find that the subject property may not be large enough to fully accommodate the internal circulation and parking of multiple semi-trucks. Otherwise, the requested Special Exception is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. If the applicant can demonstrate that ingress, egress and interior circulation will not cause significant blockages of US-441, then we recommend approval of the Special Exception for outdoor sales and storage building trades contractor. Additionally, the Board may consider placing conditions on their approval including:

1. Maintain private use (company staff and vehicles only) of the facility only. Prohibit offering fueling and other services to the public.
2. Limiting the number of semi-trucks that may be parked on the site at any one time.
3. Striping of semi-truck parking spaces.
4. Requiring additional landscape buffering including installation and maintenance of specific hedge species (e.g. clusia, cocoplum, simpson stopper, silver buttonwood, etc.) along roadways to ensure screening.

Submitted by:

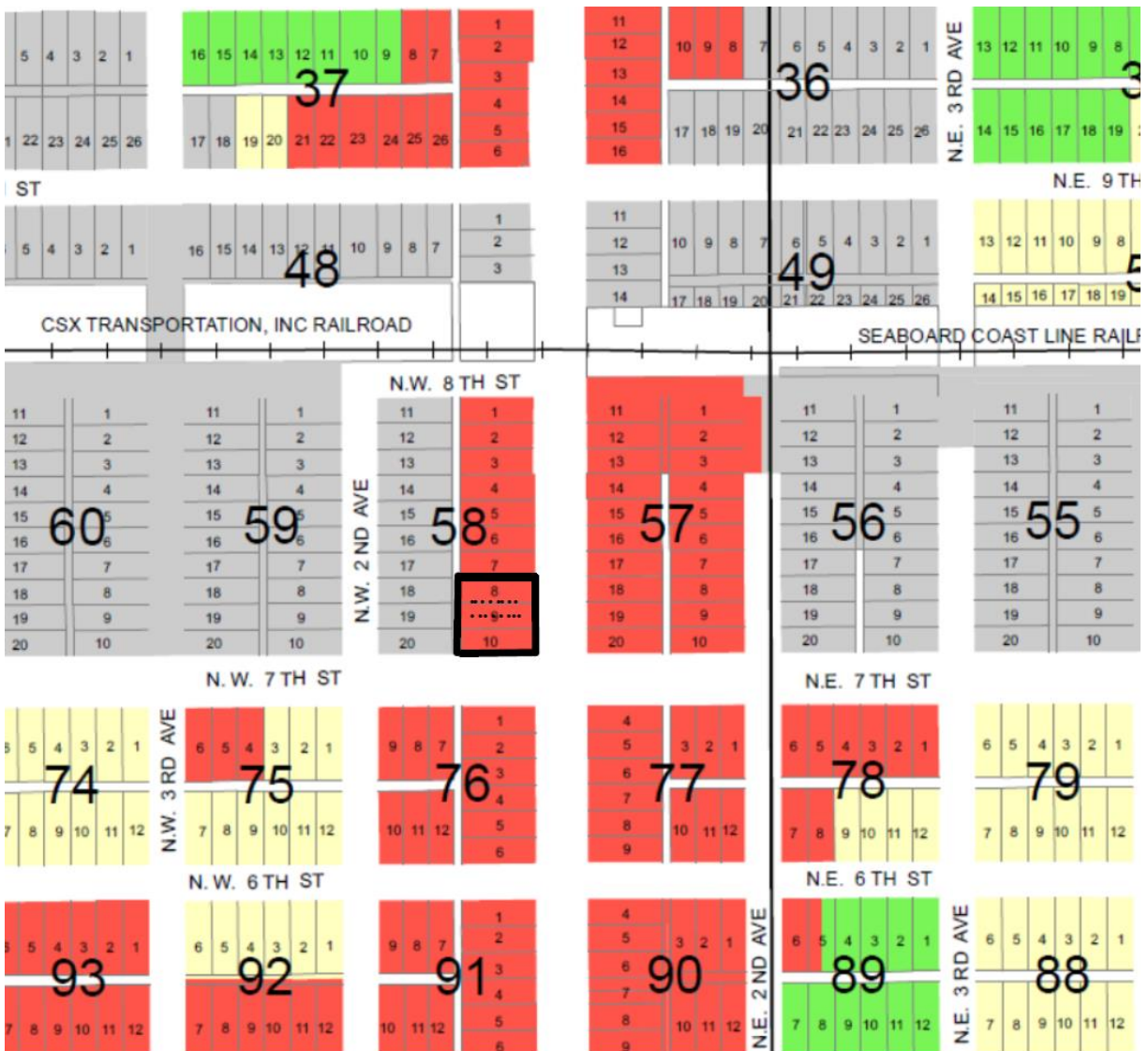


Ben Smith, AICP
Sr. Planner
September 25, 2020

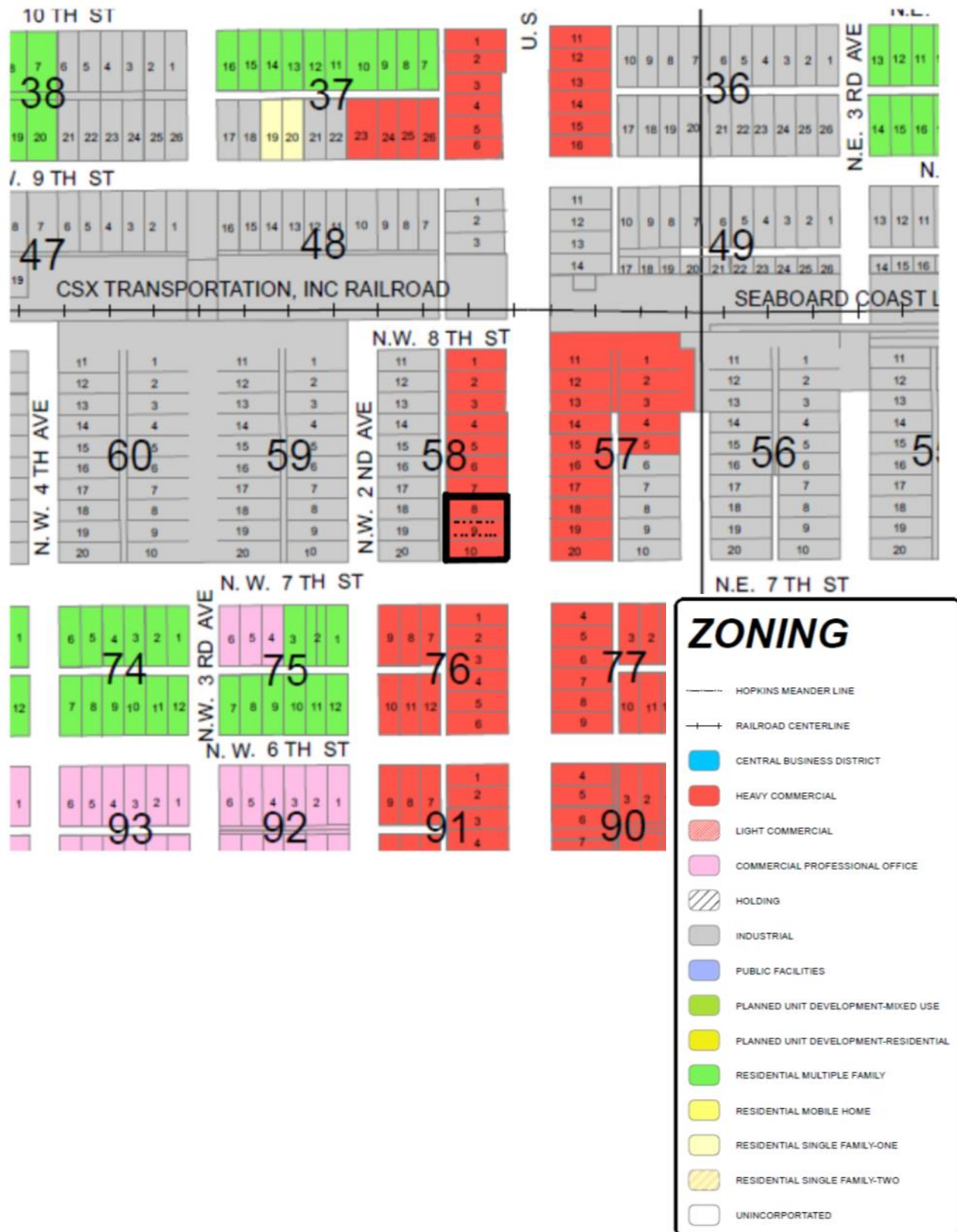
Board of Adjustment Hearing: October 15, 2020

FUTURE LAND USE

SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS



10/15/20

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686		Date: <u>9-1-20</u> Petition No. <u>20-004-SE</u> Fee Paid: <u>1067.60</u> Jurisdiction: <u>BOA</u> 1 st Hearing: <u>10-15-20</u> 2 nd Hearing: <u>N/A</u> Publication Dates: Notices Mailed: <u>9-30-20</u>	
Rezone, Special Exception and Variance			
APPLICANT INFORMATION			
1	Name of property owner(s): <u>H2OLDINGS LLC</u>		
2	Owner mailing address: <u>1534 Walnut Ave, Wilmette, IL 60091</u>		
3	Name of applicant(s) if other than owner <u>Racetrac Petroleum Inc.</u>		
4	Applicant mailing address: <u>200 Galleria Parkway SE, Suite 900, Atlanta, GA 30339</u>		
	E-mail address: <u>sjones@racetrac.com</u>		
5	Name of contact person (state relationship): <u>Samantha Jones, Engineering Project Manager</u>		
6	Contact person daytime phone(s): <u>770-431-7600</u>		
PROPERTY INFORMATION			
7	Property address/directions to property: <u>SR 70 & NW 10th Ave, Okeechobee, FL 34972</u> <u>975 NE Park St</u>		
8	Describe current use of property: The site is currently vacant, inhabited only by some overgrown vegetation, and trees.		
9	Describe improvements on property (number/type buildings, dwelling units , occupied or vacant, etc. The proposed development includes the construction of an 8,100 SF RaceTrac convenience store with drive thru and 22 fueling pumps. The construction of two access driveways from SR 70 are proposed. Source of potable water: <u>12" DI</u> Method of sewage disposal: <u>8" PVC gravity sewer toward the west boundary</u>		
10	Approx. acreage: <u>18.92 acres</u> Is property in a platted subdivision?		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: <u>No</u>		
12	Is a pending sale of the property subject to this application being granted?		
13	Describe uses on adjoining property to the North: North: <u>Parking lot toward the back of the convenience store</u> East: <u>Driveway to enter property</u> South: <u>Two driveways entering the gas station</u> West: <u>Driveway to enter property</u>		
14	Existing zoning: <u>Heavy Commercial Use</u> Future Land Use classification: <u>Commercial Use</u>		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? () No (<u>X</u>) Yes. If yes provide date, petition number and nature of approval. <u>20-002-SE, convenience store with fuel pumps, May 2020</u>		
16	Request is for: () Rezone (<u>X</u>) Special Exception () Variance		
17	Parcel Identification Number: <u>2-15-37-35-0A00-00007-0000</u>		

REQUIRED ATTACHMENTS	
✓ 18	Applicant's statement of interest in property:
19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
✓ 20	Last recorded warranty deed:
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three 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


Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date

 Max McBrayer 8/4/2020

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

[Florida Department of State](#)

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Foreign Profit Corporation

RACETRAC PETROLEUM, INC.Filing Information

Document Number P14841
FEI/EIN Number 63-0642959
Date Filed 06/15/1987
State GA
Status ACTIVE
Last Event SHARE EXCHANGE
Event Date Filed 02/20/2003
Event Effective Date NONE

Principal Address

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339

Changed: 01/22/2018

Mailing Address

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339

Changed: 01/22/2018

Registered Agent Name & Address

CORPORATE CREATIONS NETWORK INC.
801 US HIGHWAY 1
NORTH PALM BEACH, FL 33408

Name Changed: 01/22/2018

Address Changed: 03/13/2020

Officer/Director Detail**Name & Address**

Title Director

LENKER, MAX
142 CANNONBALL LANE
WATERSOUND, FL 32461

Title Secretary, Director

BOLCH, SUSAN BASS
1250 SPYGLASS LANE
NAPLES, FL 34102

Title Asst. Secretary, Director

DUMBACHER, ROBERT
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title COO

MILAM, BILL
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Chairman, Director

BOLCH, CARL JR
1250 SPYGLASS LANE
NAPLES, FL 34102

Title Director

MORAN, ALLISON BOLCH
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Asst. Secretary, Chief Legal Officer

AKERS, JOSEPH H
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director, President, Asst. Secretary

MORHOUS, NATALIE BOLCH
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director, Asst. Secretary

ISBILL, MELANIE BOLCH

200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director

BOLCH, JORDAN BASS
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Other, Vice President of Real Estate & Engineering

THORNTON, BRIAN
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Other, Vice President of Category Mgt

POSENER, ROBBY
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title CFO, CEO

MCBRAYER, JR, MAX E
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Annual Reports

Report Year	Filed Date
2017	04/19/2017
2018	04/13/2018
2019	04/26/2019

Document Images

04/26/2019 -- ANNUAL REPORT	View image in PDF format
04/13/2018 -- ANNUAL REPORT	View image in PDF format
01/22/2018 -- Reg. Agent Change	View image in PDF format
11/01/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
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04/25/2003 -- ANNUAL REPORT	View image in PDF format
02/20/2003 -- Share Exchange	View image in PDF format
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05/18/2001 -- ANNUAL REPORT	View image in PDF format
11/02/2000 -- Merger	View image in PDF format
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04/30/1998 -- ANNUAL REPORT	View image in PDF format
05/02/1997 -- ANNUAL REPORT	View image in PDF format
04/26/1996 -- ANNUAL REPORT	View image in PDF format
05/11/1995 -- ANNUAL REPORT	View image in PDF format

Florida Department of State, Division of Corporations

2019 FOREIGN PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P14841

Entity Name: RACETRAC PETROLEUM, INC.**Current Principal Place of Business:**200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339**Current Mailing Address:**200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339 US**FEI Number:** 63-0642959**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**CORPORATE CREATIONS NETWORK INC.
11380 PROSPERITY FARMS ROAD #221E
PALM BEACH GARDENS, FL 33410 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title DIRECTOR
Name LENKER, MAX
Address 142 CANNONBALL LANE
City-State-Zip: WATERSOUND FL 32461

Title SECRETARY, DIRECTOR
Name BOLCH, SUSAN BASS
Address 1250 SPYGLASS LANE
City-State-Zip: NAPLES FL 34102

Title ASST. SECRETARY, DIRECTOR
Name DUMBACHER, ROBERT
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title COO
Name MILAM, BILL
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title CHAIRMAN, DIRECTOR
Name BOLCH, CARL JR
Address 1250 SPYGLASS LANE
City-State-Zip: NAPLES FL 34102

Title DIRECTOR
Name MORAN, ALLISON BOLCH
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title ASST. SECRETARY, CHIEF LEGAL
OFFICER
Name AKERS, JOSEPH H
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title DIRECTOR, PRESIDENT, ASST.
SECRETARY
Name MORHOUS, NATALIE BOLCH
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Continues on page 2

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JOSEPH H. AKERS**ASSISTANT SECRETARY** 04/26/2019

Electronic Signature of Signing Officer/Director Detail

Date

Officer/Director Detail Continued :

Title DIRECTOR, ASST. SECRETARY
Name ISBILL, MELANIE BOLCH
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title OTHER, VICE PRESIDENT OF REAL ESTATE &
ENGINEERING
Name THORNTON, BRIAN
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title CFO, CEO
Name MCBRAYER, JR, MAX E
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title DIRECTOR
Name BOLCH, JORDAN BASS
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title OTHER, VICE PRESIDENT OF
CATEGORY MGT
Name POSENER, ROBBY
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <i>Ref. Sec 90-283(1)</i> Per City of Okeechobee Code of Ordinances, Section 90-283 special exception is required for drive-thru service
B	Are there similar uses in the area? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If yes, briefly describe them: Although the applicant is proposing a convenience store w/ gas service is different from the surrounding uses, drive-thru uses are provided in several existing establishments along the SR10 corridor.
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building: The fuel station with 24 hour convenience store w/ gasoline service is permitted under previous special exception approval. This special exception approval will allow an additional drive-thru service for customers the several convenience store offerings.
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.
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.
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.
4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.
5. Demonstrate how the utilities and other service requirements of the use can be met.
6. Demonstrate how the impact of traffic generated will be handled, off site and 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.
2. The use is specifically authorized as a special exception use in the zoning district.
3. The use will not have an adverse effect on the public interest.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

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)]

August 28, 2020

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974-2903
Phone: (863) 763-3372 Ext. 9820

**RE: RaceTrac Market
SR-70 & SE 10th Avenue
City of Okeechobee, Florida 34972
Parcel No. 2-15-37-35-0A00-00007-0000**

REQUEST AND JUSTIFICATION FOR SPECIAL EXCEPTION

The applicant is proposing to add a new RaceTrac Gas Station & Convenience Store to the property located at north of the intersection of State Road 70 & SE 10th Avenue. The gross 18.92-acre property is currently a vacant lot. The applicant is contracted to purchase the properties Parcel No. 2-15-37-35-0A00-00007-0000 from H2OLDINGS LLC (Property Owner). The applications submitted is proposing a new 8,100 SF retail building with two gas canopies to provide an extended diesel offering to larger trucks traveling along SR 70. The site is currently vacant and zoned Heavy Commercial. This proposed development is currently an allowed usage of the area due to its current zoning classification but will require a special exception for the use of a drive-thru service for the proposed convenience store as per Sec. 90-283(1).

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

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

As aforementioned, the applicant is proposing to add a new RaceTrac Gas Station & Convenience Store along the SR 70 corridor. RaceTrac is considered a modern convenience store that provides the public with many products and choices to its consumers. The purposed of this special exception request to allow for drive-thru service for the applicant's convenience store products and offerings. The site is located on SR-70 which is considered to be a major transportation corridor through the City of Okeechobee. The drive-thru service would be appropriate for travelers as well as local traffic who wish to grab something from the RaceTrac Market without needing to get out of their vehicle. The site plan has been carefully designed to ensure drive-thru separation and provide sufficient stacking to maintain access and circulation for all customers whether their intent to use the drive-thru, enter the market, or refuel. The site plan was designed to maintain circulation while maintaining safety of all customer regardless of their transportation means.

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

The proposed use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area. The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and can still offer services to the adjacent residential properties.

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

Landscape techniques to visually screen the proposed fuel station use from the adjacent uses include a privacy wall running to the west of the property along the proposed development. Additionally, the provision of dense, native plantings that form a continuous buffer at the Western perimeter. Specifically, a Walter's Viburnum hedgerow and a staggered arrangement of Live Oak, Sweetgum, & Red Maple trees, provided at an average of 20 feet on center consistent with Code requirements, serve to buffer views from the neighboring residential uses, while also occasionally integrating existing Sabal Palms to be retained. Along the SR 70, an Inkberry hedgerow, in addition to layers of compact Firebush, Yaupon holly, and muhly grass, among other shrubs & groundcovers, screen the vehicle use area & add visual interest to the frontage & roadway corridor, while Live Oak, Dahoon Holly, Red Maples offer filtered views of the site. To the North & East, continuous Walter's Viburnum hedges extend along the perimeters to isolate the areas of proposed development from the remainder of the parcel that is not to be affected. Existing natural vegetation typical of Mesic Hammock plant communities loosely define the extents of the property.

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.

Gas stations with convenience stores often get associated with crime and loitering. RaceTrac is aware of these issues and have devoted to change this idea by incorporating standards in all their new buildings beginning with the building appearance to providing actual security measures throughout the site design. The Applicant has devoted special attention to the building's elevations by incorporating brick and stone elements with dark bronze accents in combination with brand colors to give the building an attractive modern aesthetic above the typical gas station elevations to provide an inviting appearance to all travelers. Once inside the building, the open floor plan together with the location of the cash wrap will be able to give the attendant a clear visual throughout the store. The idea is to create an environment where customer activity and open concept will deter crime through natural surveillance. In addition to natural surveillance techniques present throughout the site, RaceTrac is equipped with a 24-hour surveillance system both inside and outside of their stores. In addition, all RaceTrac

facilities are company owned and operated so that the maintenance of the property and the quality of the service will be consistently at the highest industry standards. If approved, the drive-thru will provide a service that will keep the site in operation and provide a “natural surveillance” during the later hours of operation when this sort activity often occurs.

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

The applicant will be working with the Okeechobee Utility Authority for water and sewer services and with South Florida Water Management District for the drainage of the property. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. Based on preliminary conversations, there are a means of providing these services to the applicant.

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

The site has been designed to provide a long drive-thru area that provides sufficient stacking for the drive-thru use so that the remainder of the site will not be affected when the drive-thru begins to back up. Additionally, the Site Plan proposes 40' wide drive aisles between the parking and fuel areas should either the drive-thru, convenience store, or fuel areas back up there would be enough space to maintain circulation. The Site Plan also provides a separate parking and fuel area for the larger trucks. The reason for this is to separate the larger diesel vehicles from circulating with the everyday consumers. Diesel is also offered in the standard fuel pumps so that light/medium trucks may still fuel in this area without the need to go to the diesel canopy. The applicant is currently working with FDOT to see what off-site improvements will be required to provide a signalized left turn lane for the east bound travelers along SR 70. We will continue working with FDOT throughout the permitting process.

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.

The requested special exception is consistent with the Goals, Objectives and Policies of the Comprehensive Plan in that the RaceTrac Market use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area. Additionally, as a vacant and underutilized property, the project will develop an infill area with a project that is compatible with other heavy commercial uses along the SR 70 corridor.

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

As per Sec. 90-283 (1), this proposed development (convenience store w/ drive-thru service and with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approvals.

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

The proposed RaceTrac development will not have an adverse effect on the public interest as the RaceTrac is intended to offer gasoline services as well as extend food and beverage offerings to both nearby residents as well as pass by travelers and the drive-thru service will benefit the public to make RaceTrac's offerings more accessible.

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

The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and approval of this special exception will maintain land use consistency in this area and additionally be able to provide drive-thru service of RaceTrac's offerings to the public.

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

The proposed RaceTrac should not adversely affect property values or living conditions. On the contrary, the development of this property will promote infill to currently vacant surrounding properties that are zoned for commercial uses. Commercial amenities and services help drive residential interest. More specifically, food and gasoline services help travelers stop and rest to recharge after hours of driving or drive-thru service that can also positively affect nearby businesses and other services offered in this area.

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

The proposed development is far exceeding any buffer and setback requirements from the adjacent properties. Additionally, the applicant will be proposing a privacy wall along the western boundary to help screen the adjacent residential properties from the daily operations of the RaceTrac.

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

The primary traffic that the proposed RaceTrac development is intended to capture are nearby residents as well as pass-by commuters/travelers, therefore the proposed should not create an overburden to public facilities such as schools, streets, and utility services.

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

The proposed use should not create traffic congestion, flooding, or drainage problems, or otherwise affect public safety. We are currently working with FDOT on the access to the property and will continue to do so to provide any traffic measures as required to provide a satisfactory level of service as well as a safe operation of traffic to and from the RaceTrac. We will also continue to work with the water management district to design the site according to all applicable rules and regulations so that there are no adverse impacts to public safety.

Should you have any questions, please hesitate to contact me by phone or email at kbetancourt@thomaseg.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KB', is positioned above the typed name.

Kevin Betancourt, P.E.
Project Engineer
THOMAS ENGINEERING GROUP, LLC

August 28, 2020

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974-2903
Phone: (863) 763-3372 Ext. 9820

**RE: RaceTrac Market
SR-70 & SE 10th Avenue
City of Okeechobee, Florida 34972
Parcel No. 2-15-37-35-0A00-00007-0000**

Thomas Engineering Group, on behalf of RaceTrac Petroleum Inc. (Applicant), is pleased to submit this letter of intent for the development of this project. The project is located north of the intersection of State Road 70 & SE 10th Avenue. The applicant is contracted to purchase the property identified as Parcel No. 2-15-37-35-0A00-00007-0000 from H2OLDINGS LLC (Property Owner). The gross 18.92-acre property is currently a vacant lot and zoned as Heavy Commercial. This application is to revise the previously approved site plan that was approved on May 21st, 2020. The previous approval was for a RaceTrac Gas Station & Convenience Store as a 5,411 sf retail building with 20 fuel positions. Under this application, the applicant is proposing a new prototype that will be the first of its kind for RaceTrac Petroleum. The new convenience store will be a 8,100 SF retail building with a proposed drive-thru offering for the in-store RaceTrac market products and a separate gas canopy to provide an extended diesel offering to larger trucks traveling along SR 70. The proposed Site Plan includes the three structures along with associated parking exceeding zoning code requirements, access driveways, landscaping, utilities, and drainage management facilities to support the operation of the RaceTrac Market. The applicant has interest in purchasing the gross parcel area, however the proposed development will encompass a net development area of approximately 7.11 acres. There are no current plans for the remainder of the property at the time of this application. This site has an approved special exception for the gasoline use approved with the previous site plan, but the applicant is requesting the removal of the previously set condition that would not allow for truck overnight parking. Additionally, the proposed drive-thru will require an additional special exception for the drive-thru use.

The proposed development enclosed has been developed in accordance with the City of Okeechobee codes for the RaceTrac Gas Station & Convenience Store project. Should you have any questions, please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Betancourt', is written over the word 'Sincerely,'.

Kevin Betancourt, P.E.
Project Engineer

THOMAS ENGINEERING GROUP, LLC



FILE NUM 2004004662
OR BK 00525 PG 1999
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FL
RECORDED 03/15/2004 12:51:27 PM
RECORDING FEES 10.50
DEED DOC 3,850.00
RECORDED BY G Newbourn

Prepared by and return to:
Leonard Rutland, Jr., Esquire
759 South Federal Highway Suite 303
Stuart, FL 34994
File Number: 10837.24

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 10th day of March, 2004 between Harbour Bay Properties, Inc., a Florida corporation, whose post office address is c/o Theodore G. Glasrud, 3634 SE Fairway East, Stuart, FL 34997, grantor, and H2Oldings, LLC, a Delaware limited liability company whose post office address is c/o ~~Donald Hackl, 18003 Tidewater Circle, Jupiter, FL 33458~~, grantee: CRAIG HACKL, P.O. BOX 32053, PALM BEACH GARDENS, FL 33420
(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Adonna Rutland
Witness Name: Adonna Rutland

LEONARD RUTLAND, JR.
Witness Name: LEONARD RUTLAND, JR.

Harbour Bay Properties, Inc.
Theodore G. Glasrud, President

(Corporate Seal)

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 10th day of March, 2004 by Theodore G. Glasrud, President of Harbour Bay Properties, Inc., on behalf of the corporation. He ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires

LEONARD RUTLAND JR.
Notary Public - State of Florida
My Commission Expires Aug. 15, 2004
Commission #CC929236

Exhibit A

Parcel 1: The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East, Okeechobee County, Florida, lying North of the North right-of-way line of State Road No. 70; Except the North 50 feet of the West $\frac{1}{2}$ of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ for road purposes; also Except the following described property conveyed to the State of Florida:

A parcel of land in the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East, Being more particularly described as follows: Commence at the South $\frac{1}{4}$ corner of said Section 15; thence run Northerly on the $\frac{1}{4}$ section line a distance of 36.95 feet to the centerline of State Road 70; thence North $80^{\circ} 54' 49''$ East, on said centerline a distance of 347.10 feet; thence Northerly at 90° to said centerline a distance of 40 feet to the Point of Beginning; thence continue Northerly a distance of 17 feet; thence Easterly at 90° a distance of 20 feet; thence Southerly at 90° a distance of 17 feet; thence Westerly at 90° a distance of 20 feet to the Point of Beginning.

Parcel Id. Number: R2-15-37-35-0A00-00007-0000

Parcel 2: Beginning at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East and run North along the West boundary a distance of 594 feet; then run East a distance of 186.3 feet; then run South a distance of 594 feet to the South Boundary of Section 15; then run West a distance of 186.3 feet to the POINT OF BEGINNING. Less and Except the right-of-way for State Road 70.

Parcel Id. Number: R2-15-37-35-0A00-00008-0000



March 12, 2020

TO: All applicable Governmental Permitting Agencies
City of Okeechobee
County of Okeechobee, Florida
State of Florida

Consent for: H2OLDINGS LLC
1534 WALNUT AVE, WILMETTE, IL 600910000
Parcel Number: 2-15-37-35-0A00-00007-0000

RE: **Authorization of Agent for
RaceTrac Petroleum, Inc.
As related to RaceTrac - Okeechobee EDO**

This will serve as confirmation that the undersigned, H2OLDINGS, LLC, the current property owner of the property located at the NE corner of the intersection of SR 70 and SE 10th Avenue, City of Okeechobee, identified by parcel no. 2-15-37-35-0A00-00007-0000, hereby appoints RaceTrac Petroleum, Inc., to act as its authorized agent concerning all city, county, state, and government agency permits and applications, but only to the extent that such permits and applications pertain to the proposed RaceTrac Market & Gas Station development at the Property (see attached for contracted property area).

By Donald J. Hackl
(Signature)

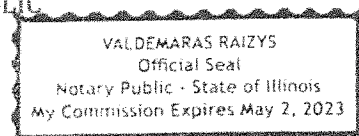
Donald J. Hackl
(Print Name, Title)

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

The foregoing instrument was acknowledged before me this 14 day of MARCH, 2020, DONALD J. HACKL. He/she ☐ is personally known to me or ☐ has produced DRIVER'S LICENSE as identification.

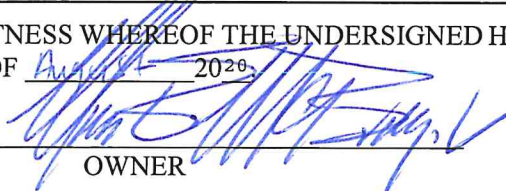
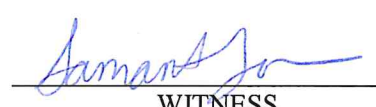

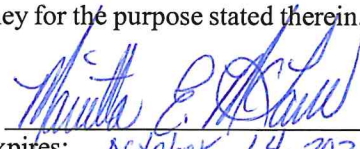
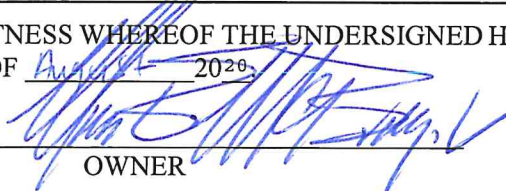
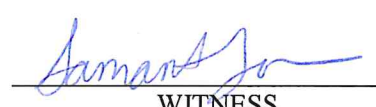

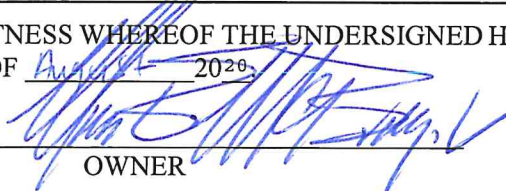
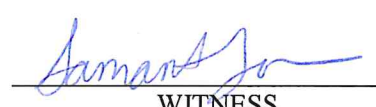

Valdemaras Raizys
Print Name: Valdemaras Raizys
NOTARY PUBLIC

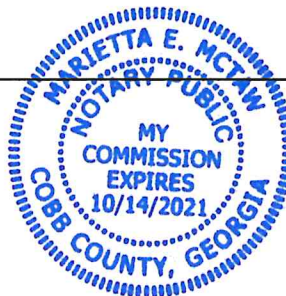
My Commission Expires: 5/2/23



City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

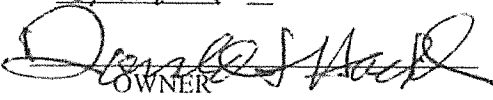
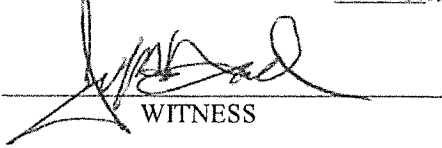
LAND USE POWER OF ATTORNEY

Name of Property Owner(s): H2OLDING LLC; Donald J Hackl						
Mailing Address: 1534 Walnut Ave., Wilmette, IL 60091						
Home Telephone:	Work:	Cell:				
Property Address: SR 70 & NW 10th Avenue, Okeechobee, FL 34972						
Parcel ID Number: 2-15-37-35-0A00-00007-0000						
Name of Applicant: Race Trac Petroleum Inc.						
Home Telephone:	Work: 770-431-7600	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>10th</u> DAY OF <u>August</u> 20<u>20</u>.</p> <table style="width: 100%;"><tr><td style="text-align: center;"> _____ OWNER</td><td style="text-align: center;"> _____ WITNESS</td></tr><tr><td style="text-align: center;"> _____ OWNER</td><td style="text-align: center;"> _____ WITNESS</td></tr></table> <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>10th</u> day of <u>August</u> 20<u>20</u>.</p> <p>Notary Public:  _____ SEAL Commission Expires: <u>October 14, 2021</u></p>			 _____ OWNER	 _____ WITNESS	 _____ OWNER	 _____ WITNESS
 _____ OWNER	 _____ WITNESS					
 _____ OWNER	 _____ WITNESS					



City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

LAND USE POWER OF ATTORNEY

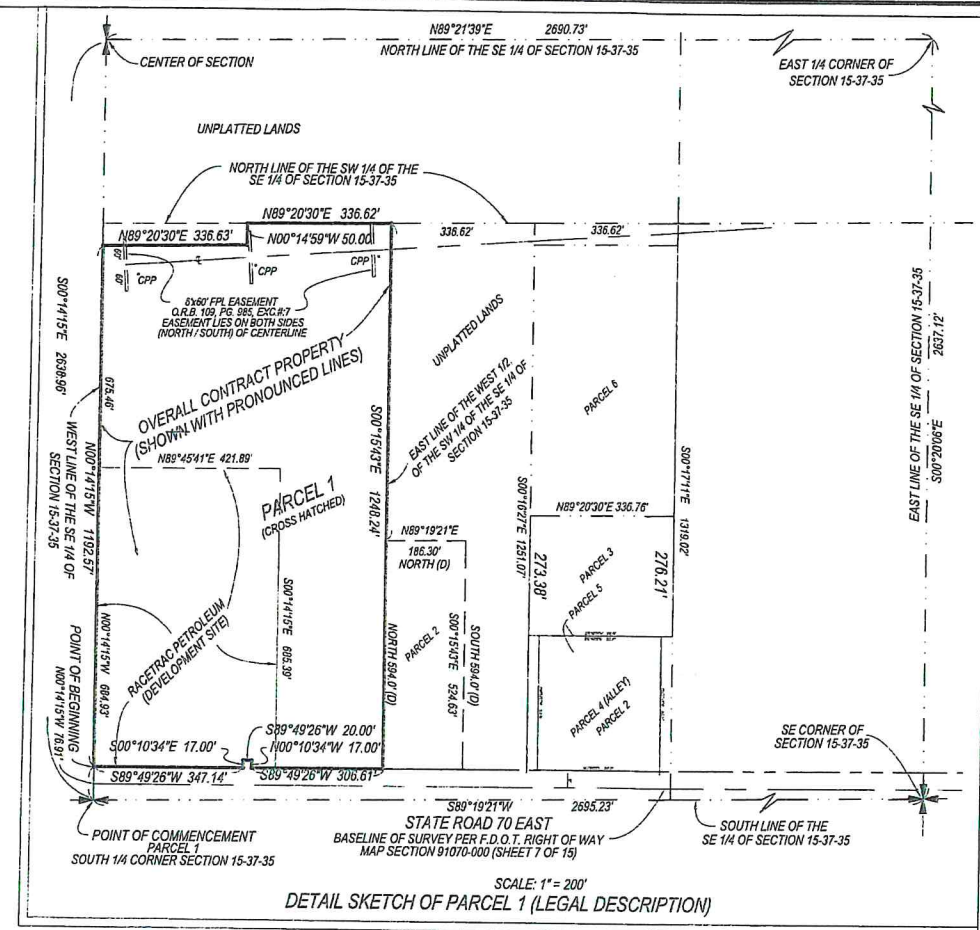
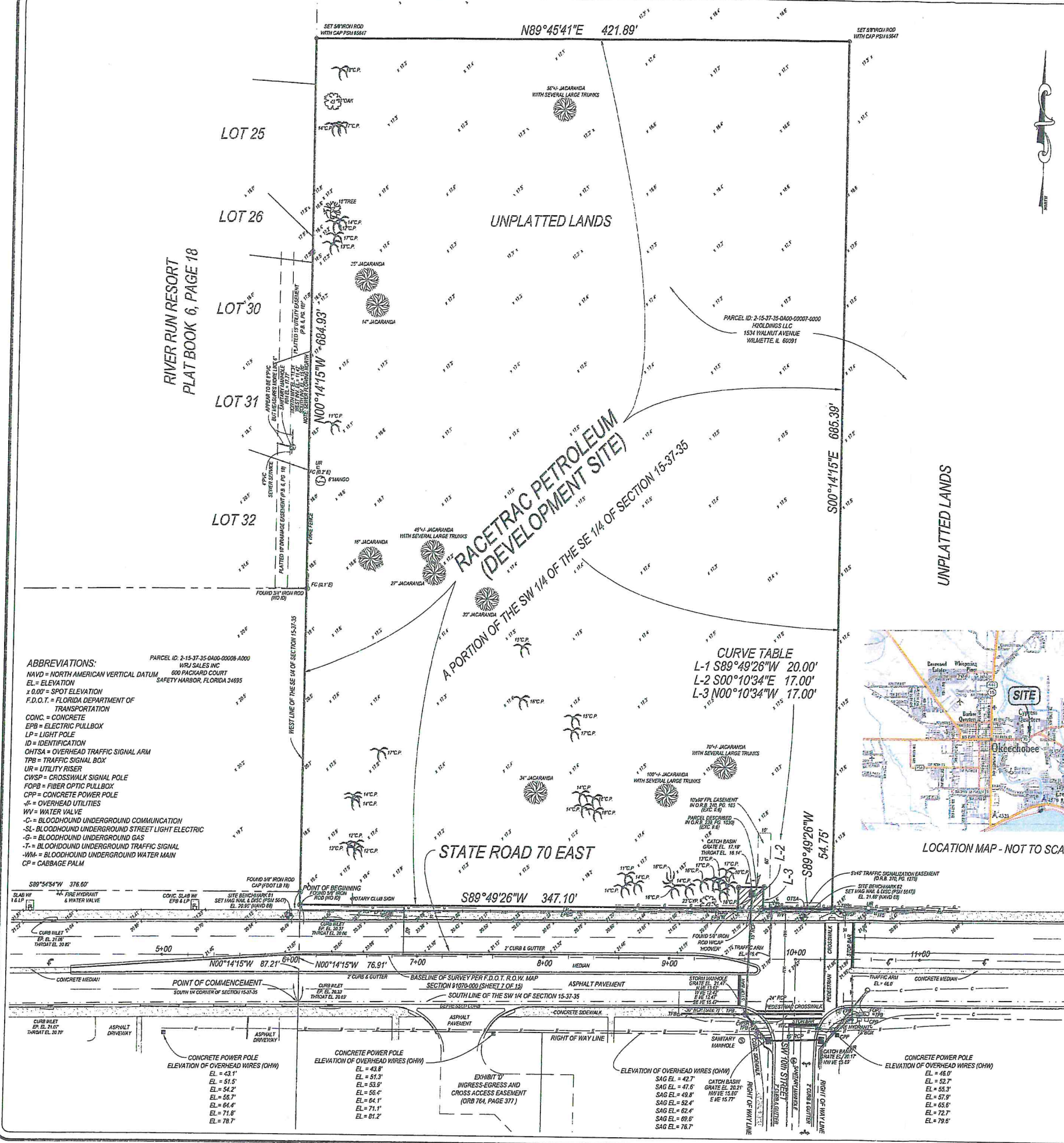
Name of Property Owner(s): H2OLDING LLC; Donald J Hackl		
Mailing Address: 1534 Walnut Ave., Wilmette, IL 60091		
Home Telephone:	Work:	Cell:
Property Address: SR 70 & NW 10th Avenue, Okeechobee, FL 34972		
Parcel ID Number: 2-15-37-35-0A00-00007-0000		
Name of Applicant: Race Trac Petroleum Inc.		
Home Telephone:	Work: 770-431-7600	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>25 Jan 2020</u> DAY OF <u>JANUARY</u> 20<u>20</u>.</p>		
 OWNER		 WITNESS
<u>N/A</u> OWNER		 WITNESS
<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>25</u> day of <u>JANUARY</u> 20<u>20</u>.</p>		
<p>Notary Public: <u>Valdemaras Raizys</u> Commission Expires: <u>5/2/23</u></p>		<p>SEAL</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"><p style="text-align: center; margin: 0;">VALDEMARAS RAIZYS Official Seal Notary Public - State of Illinois My Commission Expires May 2, 2023</p></div>

20-004-SE
RaceTrac

#23.

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
21537350A00000030000	BLUE SPRINGS HOLDINGS LLC ✓	10860 SW 25TH ST		DAVIE	FL	33324-5606
21537350A00000080000	H2OLDINGS LLC ✓	%CRAIG HACKL	1534 WALNUT AVENUE	WILMETTE	IL	60091
21537350A0000008A000	WRJ SALES INC ✓	600 PACKARD CT		SAFETY HARBOR	FL	34695
21537350A00000090000	GRIGSBY WILLIAM R JR ✓	10282 PAYNE RD		SEBRING	FL	33875-9457
21537350A0000009A000	GRIGSBY WILLIAM R JR ✓	10282 PAYNE RD		SEBRING	FL	33875-9457
22237350A0000004A000	CENTAURUS OASIS TWO LLC ✓	%ALEX WOLAK	16139 BISCAYNE BLVD	AVENTURA	FL	33160-4337
22237350A00000090000	UNITED STATES POSTAL SERVICE ✓	4000 DEKALB TECNOLOGY PARKWAY	BUILDING 500 SUITE 550	ATLANTA	GA	30340
22237350A00000110000	NEXT TURN OKEECHOBEE LLC ✓	1943 RIDGEMONT LN		DECATUR	GA	30033-4068
22237350A0000011A000	OKEECHOBEE YF LLC ✓	6585 MEGHAN ROSE WAY		CLARENCE	NY	14051
22237350A0000013A000	ROYALS O K LUNCH INC ✓	324 SW 16TH ST		BELLE GLADE	FL	33430-2824
3153735021A000000010	BROUGHTON LAWRENCE R ✓	101 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000020	HADID ISAAC J ✓	103 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000030	BOOTH JUSTIN ✓	17099 NW 144TH AVE		OKEECHOBEE	FL	34972-7824
3153735021A000000040	LUCKEY CHRISTOPHER R & CYNTHIA ✓	107 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000050	PIERCE GEORGE P & ELIZABETH J ✓	1101 TEMPLIN AVE		BARDSTOWN	KY	40004-2545
3153735021A000000060	MARSHALL DOUGLAS R SR & BEVERL ✓	14088 SW 144TH PARKWAY		OKEECHOBEE	FL	34974
3153735021A000000070	JOHNSON LORAIN K ✓	113 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000080	BREWER MARIAN L ✓	201 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000090	RAYNOR CONSTANCE K ✓	203 NE 8TH AVE		OKEECHOBEE	FL	34972-4506
3153735021A0000000E0	RIVER RUN RESORT HOA	UNKNOWN				
3153735021A0000000W0	RIVER RUN RESORT HOA	UNKNOWN				
3153735021A000000100	MECHEL PETER ✓	172 CEDAR AVE	RICHMOND HILL ON L4C2A8			
3153735021A000000120	VERROCHI RICHARD P ✓	33 PRINCETON ST		BOSTON	MA	02128-1628
3153735021A000000130	HOWARD JAMES D ✓	2248 KY 556		SANDY HOOK	KY	41171-8865
3153735021A000000140	BARRETT ELVIS A ✓	208 NE 17TH AVE		OKEECHOBEE	FL	34972
3153735021A000000150	WALDRON BETTY M & WALDRON CLIF ✓	301 NE 8TH AVE		OKEECHOBEE	FL	34972-4513
3153735021A000000160	HANNAN EDWARD & KATHRYN ✓	2443 9/10 SIDE RD RR#1	NEW LOWELL, ONTARIO L0M 1N0			
3153735021A000000170	MINTON FREDDIE L & MINTON RUBY ✓	302 NE 8TH AVENUE		OKEECHOBEE	FL	34972
3153735021A000000180	ARRIAGA FERMIN ✓	2302 SW 3RD AVE		OKEECHOBEE	FL	34974
3153735021A000000190	DICKERHOOF PEDIE DUKE ✓	212 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000210	URDANETA JOSE A ✓	210 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000220	CALDERON ASHLEY RYAN ✓	30290 JOSIE BILLIE HWY		CLEWISTON	FL	33440-9502
3153735021A000000240	GAINER FOREST R JR ✓	142 SW 72ND TERRACE		OKEECHOBEE	FL	34974
3153735021A000000250	MADD ASSETS LLC ✓	1210 SW 2ND AVE		OKEECHOBEE	FL	34974-5222
3153735021A000000260	SHANNON ROBERT LYNN ✓	200 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000270	BRUMMETT EARL VERNON JR ✓	1326 JORDAN LOOP		OKEECHOBEE	FL	34974-0275
3153735021A000000280	MAMMARELLI KELLY B ✓	114 NE 8TH AVENUE		OKEECHOBEE	FL	34972
3153735021A000000290	MITCHELL SHERRY ✓	112 NE 8TH AVE		OKEECHOBEE	FL	34974
3153735021A000000310	COSSIO EDMUNDO R ✓	455 BACOM POINT RD		PAHOKEE	FL	33476-2401
3153735021A000000320	CANCINO JOSE LUIS ✓	106 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000330	MAMMARELLI LISA MARIE ✓	104 NE 8TH AVE		OKEECHOBEE	FL	34972-4505
3153735021A000000340	MCGEE JAMES WAYNE ✓	16060 EAST DERBY DRIVE		LOXAHATCHEE	FL	33470
3153735021A000000350	SUAREZ PRUDENCIO ✓	100 NE 8TH AVE		OKEECHOBEE	FL	34972-0003
3153735021B0000000050	HELMS ROSEMARY A ✓	9130 FLUSH RD		SAINT GEORGE	KS	66535-9733

3153735021B000000060	MASTALER TERRELL ✓	401 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B000000070	MOSHIER ROBERT R ✓	309 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B0000000A0	RIVER RUN RESORT HOA	UNKNOWN			
3153735021B000000120	MERRY CHARLIE T JR & DIANE H ✓	404 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B000000130	CANCINO MARIA ELENA ✓	310 NE 8TH AVE	OKEECHOBEE	FL	34972-4514
3153735021B000000140	PHILLIPS RACHELLE D ✓	13163 MACDILL CT	EL PASO	TX	79908
3153735021B000000150	THOMAS TIMOTHY LEE ✓	809 NE 5TH STREET	OKEECHOBEE	FL	34974
3153735021B000000170	BOOTH JUDY ANN ✓	903 NE 5TH ST	OKEECHOBEE	FL	34972
3153735021B000000180	CLAY MARTHA ANN ✓	412 SE 6TH ST	OKEECHOBEE	FL	34974
3153735021B000000190	NAVE MICHAEL & CLEM-NAVE SARA ✓	2304 NORTHGATE BLVD	AUBURN	IN	46706-1015
3153735021B000000210	NEAL LAVON BOWMAN ✓	1001 NE 5TH STREET	OKEECHOBEE	FL	34972
3153735021B000000220	HOUSER LARRY D ✓	2190 SE 25TH DR	OKEECHOBEE	FL	34974-6475
3153735021B000000240	GORBY JAMES L & ALMA ROSE ✓	1009 NE 5TH STREET	OKEECHOBEE	FL	34972
3153735021B000000260	SCHOONMAKER DENNIS D & BRENDA ✓	P O BOX 2141	OKEECHOBEE	FL	34973
3153735021B000000360	MILLER PATRICIA A ✓	509 NE 10TH AVE	OKEECHOBEE	FL	34972-4523
3153735021B000000380	JOHNSON TONY R & LINDA G ✓	486 TEAYS LN	HURRICANE	WV	25526
3153735021B000000490	MURDORF MABEL SILLS ✓	891 NE 5TH ST	OKEECHOBEE	FL	34972-4519



ALTA / NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION: PARCEL 1 (ORB 525, PAGE 2000)

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 70, EXCEPT THE NORTH 40 FEET OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 FOR ROAD PURPOSES, ALSO EXCEPT THE FOLLOWING DESCRIBED PORTION CONVEYED TO THE STATE OF FLORIDA:

A PARCEL OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE RUN NORTHERLY ON THE 1/4 SECTION LINE, A DISTANCE OF 38.65 FEET TO THE CENTERLINE OF STATE ROAD 70; THENCE NORTH BY S64°49' EAST, ON SAID CENTERLINE A DISTANCE OF 347.10 FEET; THENCE NORTHERLY AT 80° TO SAID CENTERLINE A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY A DISTANCE OF 17 FEET; THENCE EASTERLY AT 80° A DISTANCE OF 20 FEET; THENCE SOUTHERLY AT 80° A DISTANCE OF 17 FEET; THENCE WESTERLY AT 80° A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

PARCEL 1 - SURVEYORS DESCRIPTION
A PORTION OF LAND LYING IN THE WEST 1/2 OF THE SE 1/4

[illegible]

1. NO ATTEMPT WAS MADE BY THIS FIRM

HEREON WERE TAKEN FROM ASBLT DRAWINGS AND/OR ON-SITE LOCATION. FOR ADJACENT TO THIS SITE: THE APPROXIMATE LOCATION OF ALL UTILITIES SHOWN
2. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND FOOTINGS OF BUILDINGS OR FENCES ON OR ADJACENT TO THIS SITE.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY OF RECORD EXCEPT AS SHOWN ON THE RECORD PLAT IF ANY.
4. ELEVATIONS SHOWN ARE BASED ON NORTH FLORIDA VERTICAL DATUM (NAVD 83). NSR BECHTOLD: V 528, ELEVATION 28.13; NAVD 83
5. THE BEARING BASE OF THIS SURVEY IS ALONG THE NORTH RIGHT OF WAY LINE, STATE ROAD TO EAST, 539°42'27W, BASED ON FLORIDA STATE PLANE COORDINATE
SYSTEM EAST ZONE, HAD 8390 WITH 3011 ADJUSTMENT.
6. LEGAL DESCRIPTIONS FURNISHED BY CLIENT.
7. ALL BEARINGS AND DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
8. 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.
9. THIS SITE LIES IN FLOOD ZONE X AS SCALED AND INTERPOLATED ON FEMA MAP NO. 12093C-0489 C, DATED JULY 16, 2015
10. THE EXPECTED USE FOR THE SURVEY AND MAP IS FOR COMMERCIAL PURPOSES.
11. ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD, IN FEET.

TREE NOTE:

WATSON | ILLIANE ACCEPTS NO RESPONSIBILITY FOR THE IDENTIFICATION OF THE TREE SPECIES SHOWN HEREON. EVERY EFFORT HAS BEEN MADE TO PROPERLY IDENTIFY TREES SHOWN, HOWEVER, TREE IDENTIFICATION IS OUTSIDE THE AREA OF EXPERTISE OF THIS FIRM. THE TREE SPECIES AS LISTED HEREON IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD BE CONFIRMED BY A CERTIFIED ARBORIST.

TITLE REVIEW:

THIS SITE WAS SURVEYED IN ACCORDANCE WITH A TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER: CHA111106, COMMITMENT DATE: AUGUST 08, 2010, 5:00 PM.
SCHEDULE B - SECTION II
EXCEPTION FS: DEED BOOK 49, PG. 351 - AFFECTS PROPERTY, UNPLOTTABLE
EXCEPTION GS: O.R.B. 249, PG. 183 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY, O.R.B. 238, PG. 1030 - DOES NOT AFFECT SUBJECT PROPERTY, AS SHOWN ON SKETCH OF SURVEY
EXCEPTION H: O.R.B. 108, PG. 955 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY
EXCEPTION IR: O.R.B. 376, PG. 1275 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY

SURVEYOR'S CERTIFICATION:

TO: DELAGO VENTURES, INC., A GEORGIA CORPORATION, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY and SOUTHERN TITLE HOLDING COMPANY, LLC.

THIS IS TO CERTIFY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 11, 13 and 16 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 12, 2019. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CRAIG D. WATSON
PROFESSIONAL SURVEYOR & MAPPER
NO. 5647 STATE OF FLORIDA

Craig D. Watson
2020.04.28
12:57:59 -04'00'

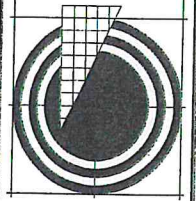
DATE	REVISIONS	DWG	CHK
10-20-19	RT COMMENTS	DPK	CDW
11-5-19	NEW TITLE DOCS.	DPK	CDW
3-5-2020	BLOODHOUND LOCATES	DPK	CDW
4-20-2020	ADDED TREES - OVERHEAD WIRES CHANGE RT DEVELOPMENT SITE		

PREPARED FOR:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GEORGIA 30339

WATSON | KILLANE
SURVEYING AND MAPPING, INC.
10001 DIXIE HIGHWAY - JENSEN BEACH, FLORIDA 33455

PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241

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JOB NUMBER: 19-478
FIELD DATE: 9-18-2019
CHECKED BY: CDW
DRAWN BY: DPK
SCALE: 1"= 40'
<i>SHEET</i>
<i>1 OF 1</i>



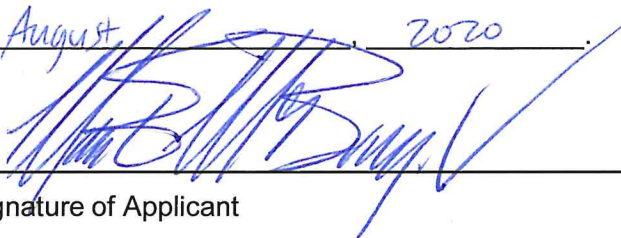
THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



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

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of August 7th, 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 10th day of

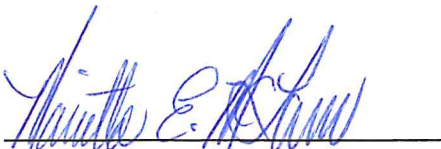
August, 2020

 Signature of Applicant

10/10/2020
 Date

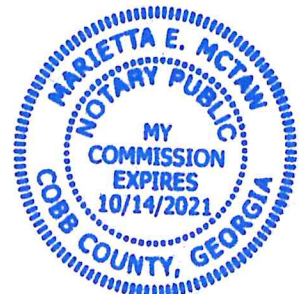
Max McBrayer
 Name of Applicant (printed or typed)

State of Florida
 County of Okeechobee

Sworn to and subscribed before me this 10th day of August, 2020. Personally known to me Max E. McBrayer, Jr. or produced _____ as identification and did not take an oath.


 Notary Public, State of Florida

Seal:



Racetrac - Okeechobee EDO

SR70 & SE 10th Avenue

Legend



Google Earth

© 2015 Google

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Working Values

updated: 9/3/2020

Parcel: << **2-15-37-35-0A00-00007-0000 (32896)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 23 of 24

Owner	H2OLDINGS LLC %DONALD J HACKL 1534 WALNUT AVE WILMETTE, IL 60091		
Site	975 NE PARK ST, OKEECHOBEE		
Description*	UNPLATTED LANDS OF THE CITY W1/2 OF SW 1/4 OF SE 1/4 N OF RD 70 LESS R/W LESS & EXCEPT A PARCEL OF LAND DESC IN ORB 6 PG 141 18.98 ACRES 15 37S 35E		
Area	18.917 AC	S/T/R	15-37-35
Use Code**	NON AG ACREAGE (9900)	Tax District	50

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

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

Property & Assessment Values

2019 Certified Values		2020 Working Values	
Mkt Land	\$1,109,969	Mkt Land	\$1,219,103
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$1,109,969	Just	\$1,219,103
Class	\$0	Class	\$0
Appraised	\$1,109,969	Appraised	\$1,219,103
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$1,109,969	Assessed	\$1,219,103
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$1,109,969 city:\$1,109,969 other:\$1,109,969 school:\$1,109,969	Total Taxable	county:\$1,219,103 city:\$1,219,103 other:\$1,219,103 school:\$1,219,103

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
3/10/2004	\$550,000	0525/1999	WD	V	U	02 (Multi-Parcel Sale) - show
10/2/1998	\$170,000	0412/1349	WD	V	U	03
9/1/1992	\$235,000	0337/0811	WD	V	U	03
11/1/1990	\$0	0321/1260	CT	V	U	03
12/1/1980	\$150,000	0238/1030	WD	V	Q	
2/1/1977	\$100,000	0195/0035	WD	V	Q	
9/21/1976	\$0	0189/0357	WD	V	U	03
1/1/1972	\$0	0134/0013	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					



Staff Report

Special Exception Request

Parcel ID: 2-15-37-35-0A00-00007-0000

Description: Drive Through Service

Prepared for: The City of Okeechobee

Applicant: RaceTrac Petroleum Inc

Petition No.: 20-004-SE

General Information

Applicant	RaceTrac Petroleum Inc 200 Galleria Pkwy SE, Suite 900 Atlanta, GA 30339
Owner	H2oldings LLC 1534 Walnut Ave Wilmette, IL 60091
Site Address	SR 70 (975 NE Park St)
Parcel Identification	2-15-37-35-0A00-00007-0000
Contact Person	Samantha Jones, Engineering Project Manager
Contact Phone Number	770.431.7600
Contact Email Address	sjones@racetrac.com

For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at <https://www.cityofkeechobee.com/agendas.html>

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	Heavy Commercial (CHV)	Heavy Commercial (CHV)
Use of Property	Vacant	RaceTrac Gas Station and Convenience Store
Acreage	18.86	18.86

Item Before the Board of Adjustment

The matter for consideration by the City of Okeechobee Board of Adjustment is an application for a special exception for drive through service at a RaceTrac gas station and convenience store in the heavy commercial zoning district on the 18.86 acre subject parcel. This site plan was previously approved by the Technical Review Committee and the Board of Adjustment previously approved a special exception for a convenience store with fuel pumps for this same project in May of this year. Since that Board of Adjustment meeting in May, the Applicant has made substantial revisions to the site plan including:

- Larger development area footprint on the parcel.
- Drive through service added
- The floor area convenience store has been increased from 5,411 to 8,100 square feet.
- One additional semi-truck fueling station

- Truck scale added

The Applicant is planning to purchase the subject property and construct the RaceTrac gas station and convenience store on the southwest 7.11 acres of the subject parcel (shown as parcel 1 on the survey). At this time, the Applicant is not proposing any development of the remaining area of Parcel 1 and those areas will continue to be vacant commercial property to the north and east of the RaceTrac development site until additional development is proposed. It is important to note that, despite the fact that the currently proposed development area is only a portion of the subject property, the applicant has applied for this special exception with a legal description that encompasses all of the subject property (parcel 1). If approved as requested, this special exception to allow drive through service will apply to the entire 18.86 acres of parcel 1 and it is conceivable that future development of the parcel could include drive through service without requesting another special exception for drive through service.

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

North	Future Land Use	Single Family Residential
	Zoning District	Residential Mobile Home (RMH)
	Existing Use	River Run Resort Mobile Home Park
East	Future Land Use	Commercial
	Zoning District	Heavy Commercial (CHV)
	Existing Use	Vacant
South	Future Land Use	Commercial
	Zoning District	Heavy Commercial (CHV)
	Existing Use	Zaxby's Restaurant, Family Dollar Store, US Post Office
West	Future Land Use	Single Family Residential
	Zoning District	Residential Mobile Home (RSF-1)
	Existing Use	Manufactured Home Sales Center & River Run Resort Mobile Home Park

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. Deficiencies are highlighted.

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

APPLICANT RESPONSE: As aforementioned, the applicant is proposing to add a new RaceTrac Gas Station & Convenience Store along the SR 70 corridor. RaceTrac is considered a modern convenience store that provides the public with many products and choices to its consumers. The purposed of this special exception request to allow for drive-thru service for the applicant's convenience store products and offerings. The site is located on SR-70 which is considered to be a major transportation corridor through the City of Okeechobee. The drive-thru service would be appropriate for travelers as well as local traffic who wish to grab something from the RaceTrac Market without needing to get out of their vehicle. The site plan has been carefully designed to ensure drive-thru separation and provide sufficient stacking to maintain access and circulation for all customers whether their intent to use the drive-thru, enter the market, or refuel. The site plan was designed to maintain circulation while maintaining safety of all customer regardless of their transportation means.

STAFF COMMENTS: Parcel 1 has approximately 674 feet of frontage on the north side of SR-70 with retail, restaurant and governmental uses existing across SR-70 to the south. The property to the east is entirely vacant commercial property. An existing manufactured home sales facility fronts on SR-70 to the west and an established manufactured home residential neighborhood exists to the west and north.

The proposed location on SR-70 near the eastern boundary of the City will provide access to fuel and convenience goods along a heavily traveled roadway without encroaching on the City's central business district. The site plan includes buffering of the adjacent residences. This is an appropriate location for drive through service.

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

APPLICANT RESPONSE: The proposed use will better serve the public along major transportation corridor without compromising the appeal of the surrounding area. The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and can still offer services to the adjacent residential properties.

STAFF COMMENTS: The main compatibility concern for this use is the existing residential neighborhood to the west. The ordering process at drive through kiosks can be somewhat noisy and head lights can shine throughout the nighttime operating hours. However, the closest residence is about 100 feet away from the proposed location of the ordering kiosk and the entirety of the proposed development will be buffered from the adjacent residences by an 8 foot tall privacy wall and a landscape buffer which exceeds the minimum landscape buffer requirements provided in the City's Code.

The design of the drive through service could be a concern for this project. At the time this report is being written, staff has received little analysis from the applicant regarding the expected functioning of the drive through lane design. The applicant has provided a diagram that depicts 9 standard sized vehicles fitting within the drive through lane. The applicant has also stated that the drive through feature is a relatively new concept for RaceTrac stations. Without significant experience with drive throughs, it is concerning that more analysis has not been performed to determine whether or not the drive through will cause internal circulation issues which could be especially problematic during the peak am and peak pm periods, potentially causing backups into the public right-of-way.

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

APPLICANT RESPONSE: Landscape techniques to visually screen the proposed fuel station use from the adjacent uses include a privacy wall running to the west of the property along the proposed development. Additionally, the provision of dense, native plantings that form a continuous buffer at the Western perimeter. Specifically, a Walter's Viburnum hedgerow and a staggered arrangement of Live Oak, Sweetgum, & Red Maple trees, provided at an average of 20 feet on center consistent with Code requirements, serve to buffer views from the neighboring residential uses, while also occasionally integrating existing Sabal Palms to be retained. Along the SR 70, an Inkberry hedgerow, in addition to layers of compact Firebush, Yaupon holly, and muhly grass, among other shrubs & groundcovers, screen the vehicle use area & add visual interest to the frontage & roadway corridor, while Live Oak, Dahoon Holly, Red Maples offer filtered views of the site. To the North & East, continuous Walter's Viburnum hedges extend along the perimeters to isolate the areas of proposed development from the remainder of the parcel that is not to be affected. Existing natural vegetation typical of Mesic Hammock plant communities loosely define the extents of the property.

STAFF COMMENTS: The applicant's description of the proposed landscaping is consistent with the submitted site plan. The proposed Walter's Viburnum hedge and the proposed 8 foot tall privacy wall will provide a buffer between the adjacent residences to the west.

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

APPLICANT RESPONSE: Gas stations with convenience stores often get associated with crime and loitering. RaceTrac is aware of these issues and have devoted to change this idea by incorporating standards in all their new buildings beginning with the building appearance to providing actual security measures throughout the site design. The Applicant has devoted special attention to the building's elevations by incorporating brick and stone elements with dark bronze accents in combination with brand colors to give the building an attractive modern aesthetic above the typical gas station elevations to provide an inviting appearance to all travelers. Once inside the building, the open floor plan together with the location of the cash wrap will be able to give the attendant a clear visual throughout the store. The idea is to create an environment where customer activity and open concept will deter crime through natural surveillance. In addition to natural surveillance techniques present throughout the site, RaceTrac is equipped with a 24-hour surveillance system both inside and outside of their stores. In addition, all RaceTrac facilities are company owned and operated so that the maintenance of the property and the quality of the service will be consistently at the highest industry standards. If approved, the drive-thru will provide a service that will keep the site in operation and provide a "natural surveillance" during the later hours of operation when this sort activity often occurs.

STAFF COMMENTS: The applicant has not provided sufficient analysis to demonstrate that the drive through service will function adequately and will not create a public nuisance.

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

APPLICANT RESPONSE: The applicant will be working with the Okeechobee Utility Authority for water and sewer services and with South Florida Water Management District for the drainage of the property. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. Based on preliminary conversations, there are a means of providing these services to the applicant.

STAFF COMMENTS: None

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

APPLICANT RESPONSE: The site has been designed to provide a long drive-thru area that provides sufficient stacking for the drive-thru use so that the remainder of the site will not be affected when the drive-thru begins to back up. Additionally, the Site Plan proposes 40' wide drive aisles between the parking and fuel areas should either the drive-thru, convenience store, or fuel areas back up there would be enough space to maintain circulation. The Site Plan also provides a separate parking and fuel area for the larger trucks. The reason for this is to separate the larger diesel vehicles from circulating with the everyday consumers. Diesel is also offered in the standard fuel pumps so that light/medium trucks may still fuel in this area without the need to go to the diesel canopy. The applicant is currently working with FDOT to see what off-site improvements will be required to provide a signalized left turn lane for the east bound travelers along SR 70. We will continue working with FDOT throughout the permitting process.

STAFF COMMENTS: Mackenzie Engineering prepared a traffic assessment for the project which determined that modifications will be necessary to the roadway and traffic light at the intersection with SE 10th Ave. The Applicant is in contact with the Florida Department of Transportation as well as the City's public works director to coordinate these improvements.

At the time this report is being written, staff has received little analysis from the applicant regarding the expected functioning of the drive through lane design. The applicant has provided a diagram that depicts 9 standard sized vehicles fitting within the drive through lane. The applicant has also stated that the drive through feature is a relatively new concept for RaceTrac stations. Without significant experience with drive throughs, it is concerning that more analysis has not been performed to determine whether or not the drive through will cause internal circulation issues which could be especially problematic during the peak am and peak pm periods, potentially causing backups into the public right-of-way.

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 RESPONSE: The requested special exception is consistent with the Goals, Objectives and Policies of the Comprehensive Plan in that the RaceTrac Market use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area. Additionally, as a vacant and underutilized property, the project will develop an infill area with a project that is compatible with other heavy commercial uses along the SR 70 corridor.

STAFF COMMENTS: Policy 2.2 of the Future Land Use Element recommends that the City protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards.

Objective 12 states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl.

This property fronts on SR-70 (Park Street), which is one of the City's commercial corridors. The commercial corridors are appropriate locations for non-residential uses. Additionally, this site is located near the eastern boundary of the City outside of the central business district. Allowing a drive through service is consistent with the established pattern of land uses within the City. With the buffering that is depicted on the site plan, it is also compatible with the adjacent residential use. **The question that remains is whether the design of proposed drive through will be appropriate for this location.**

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

APPLICANT RESPONSE: As per Sec. 90-283 (1), this proposed development (convenience store w/ drive-thru service and with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approvals.

STAFF COMMENTS: City Code Section 90-283 specifically lists drive through service as a special exception use in the CHV heavy commercial zoning district.

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

APPLICANT RESPONSE: The proposed RaceTrac development will not have an adverse effect on the public interest as the RaceTrac is intended to offer gasoline services as well as extend food and beverage offerings to both nearby residents as well as pass by travelers and the drive-thru service will benefit the public to make RaceTrac's offerings more accessible.

STAFF COMMENTS: It is in the public interest to have access to convenience goods through drive through service. Especially in light of the current pandemic, person-to-person contact is limited when compared to typical walk-in retail facilities. **However, the public interest could be negatively affected if the popularity of the drive through service exceeds the ability of employees to serve the drive through patrons and the queuing of the drive through exceeds the limits of the development site.**

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

APPLICANT RESPONSE: The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and approval of this special exception will maintain land use consistency in this area and additionally be able to provide drive-thru service of RaceTrac's offerings to the public.

STAFF COMMENTS: This property fronts on SR-70 (Park Street), which is one of the City's commercial corridors. The commercial corridors are appropriate locations for non-residential uses. Additionally, this site is located near the eastern boundary of the City outside of the central business district. Allowing drive through service is appropriate in this location and

consistent with the established pattern of land uses within the City. With buffering depicted on the site plan, it is also compatible with the adjacent residential use.

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

APPLICANT RESPONSE: The proposed RaceTrac should not adversely affect property values or living conditions. On the contrary, the development of this property will promote infill to currently vacant surrounding properties that are zoned for commercial uses. Commercial amenities and services help drive residential interest. More specifically, food and gasoline services help travelers stop and rest to recharge after hours of driving or drive-thru service that can also positively affect nearby businesses and other services offered in this area.

STAFF COMMENTS: It is possible that allowing the applicant to develop this use will not deter but, instead, encourage development of the vacant property to the east. Conversely, it is possible that property values and living conditions for the nearby residences could be affected, as additional noise is likely to be generated by the RaceTrac development. However, with the buffering that is proposed, it is unlikely that the drive through service will significantly affect the residences any more than they are already affected by the other proposed uses at this site.

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

APPLICANT RESPONSE: The proposed development is far exceeding any buffer and setback requirements from the adjacent properties. Additionally, the applicant will be proposing a privacy wall along the western boundary to help screen the adjacent residential properties from the daily operations of the RaceTrac.

STAFF COMMENTS: The current site plan submitted by the applicant includes an 8 foot tall privacy wall and significant landscaping between the adjacent residences and the proposed development. These features should provide adequate buffering to mitigate potential impacts of the drive through service.

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

APPLICANT RESPONSE: The primary traffic that the proposed RaceTrac development is intended to capture are nearby residents as well as pass-by commuters/travelers, therefore the proposed should not create an overburden to public facilities such as schools, streets, and utility services.

STAFF COMMENTS: This non-residential development will not impact the public school adopted levels of service and there is sufficient utility capacity to accommodate the proposed development. A traffic impact statement has been provided which concludes that roadway and traffic signal modifications will be necessary to accommodate the increase in vehicle trips generated by this project. Those improvements are being coordinated by the Applicant with the Florida Department of Transportation and with the City's Public Works Director.

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

APPLICANT RESPONSE: The proposed use should not create traffic congestion, flooding, or drainage problems, or otherwise affect public safety. We are currently working with FDOT on the access to the property and will continue to do so to provide any traffic measures as required to provide a satisfactory level of service as well as a safe operation of traffic to and from the RaceTrac. We will also continue to work with the water management district to design the site according to all applicable rules and regulations so that there are no adverse impacts to public safety.

STAFF COMMENTS: Drainage improvements, including a water retention area at the rear of the project, are included in the site plan. Public safety should not be affected by this project.

Recommendation

In the foregoing analysis, we have expressed several concerns regarding the functionality of the proposed drive through service. We recommend that the Applicant demonstrate that the currently proposed design of the drive through can function without causing internal circulation issues or disruptions to traffic in the public right-of-way. We also are concerned that approval of this request could allow other drive throughs on the subject parcel without review by the Board of Adjustment. Otherwise, the requested Special Exception is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Therefore, if the Applicant can demonstrate at the Board of Adjustment hearing that the drive through service will function without causing a public nuisance, then we recommend **approval** of the Special Exception for drive through service with the following conditions:

1. Approval is contingent upon the applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan.
2. Approval of this special exception request for drive through service is limited to the 7.11 acres of the development site, as depicted on the survey and plans.

Submitted by:



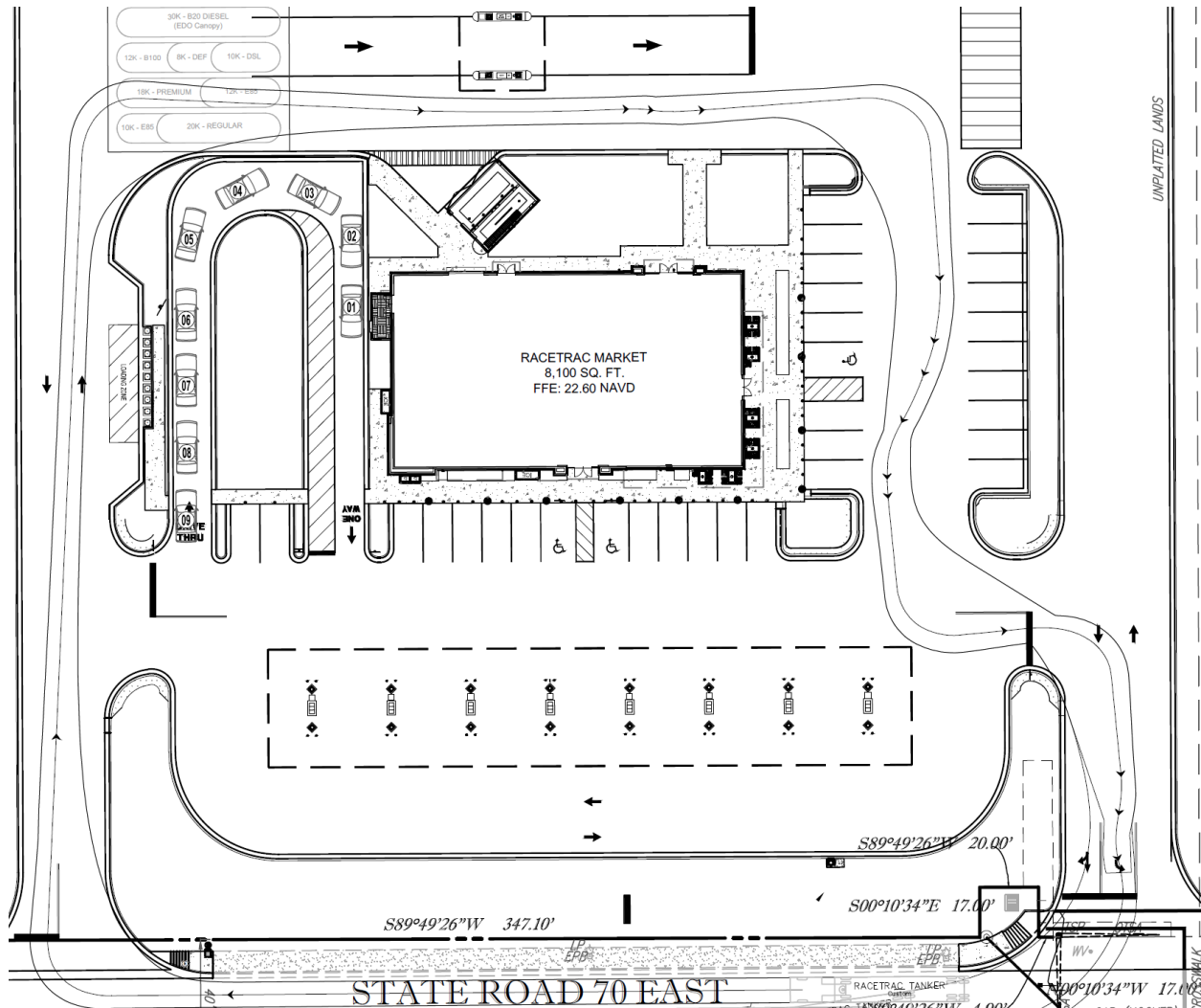
Ben Smith, AICP

October 6, 2020

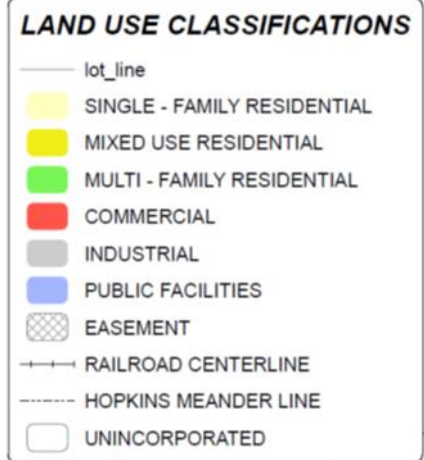
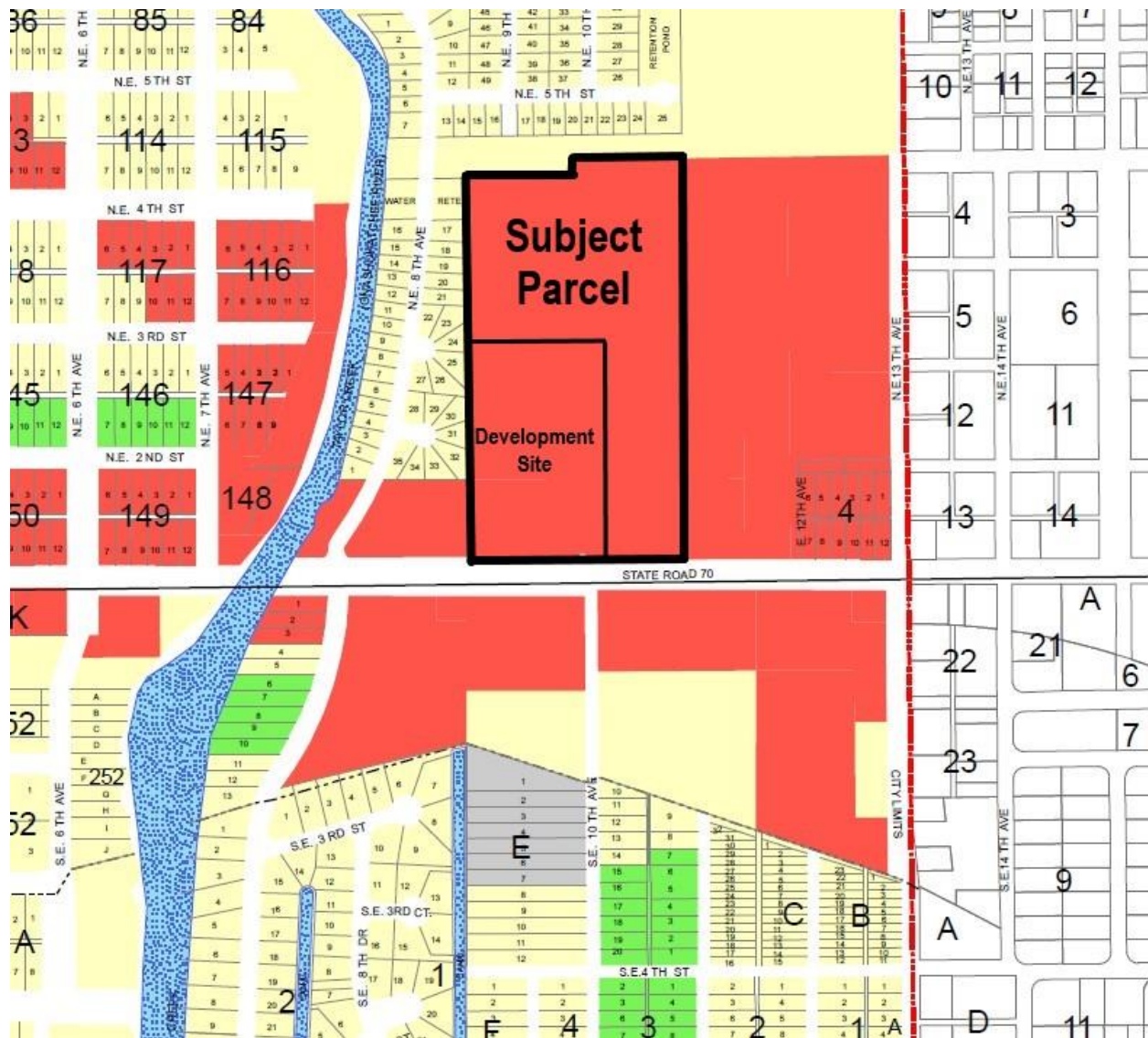
Board of Adjustment Hearing: October 15, 2020

Attachments: Future Land Use Map
Zoning Map
Aerial Map

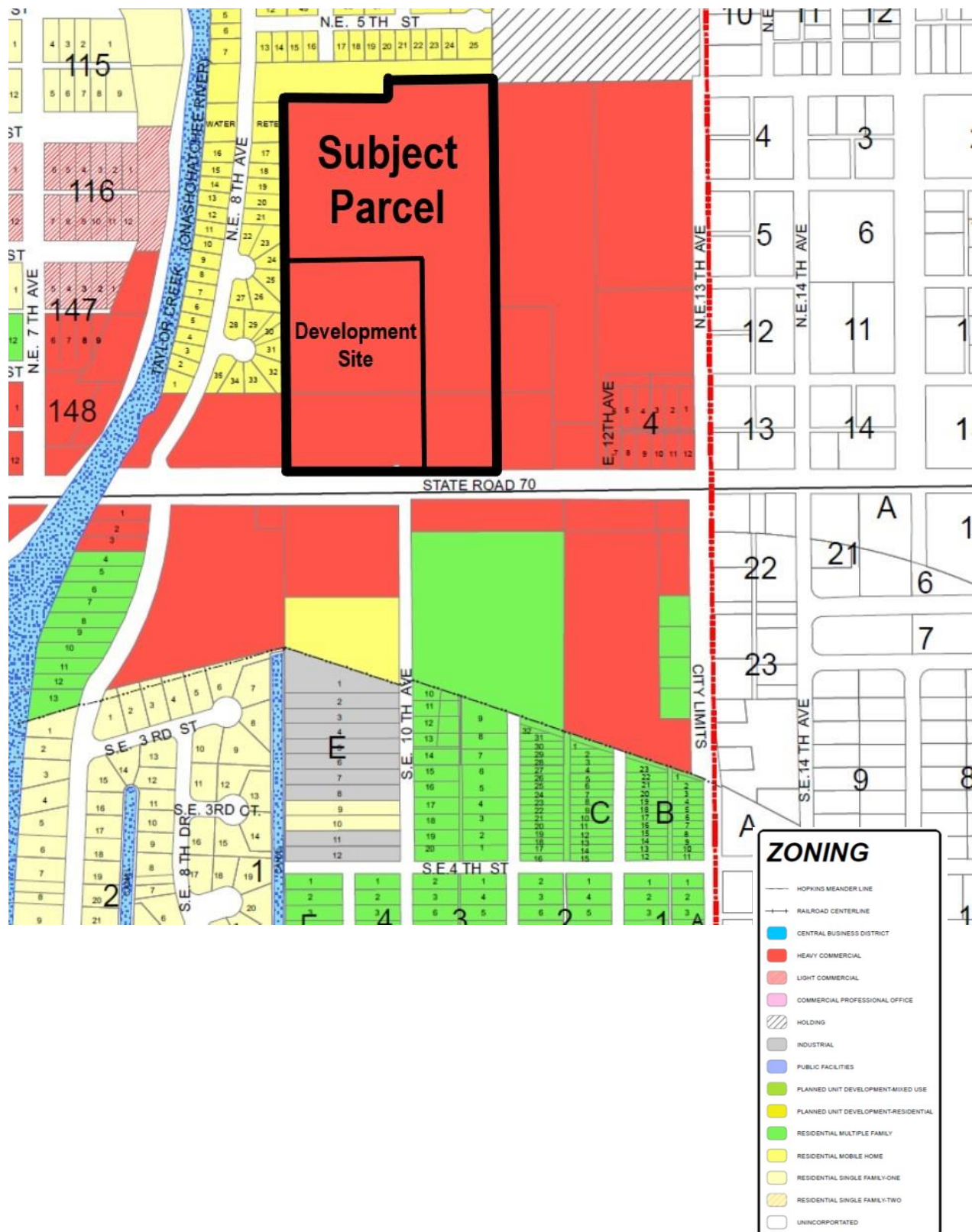
DRIVE THROUGH STACKING DIAGRAM



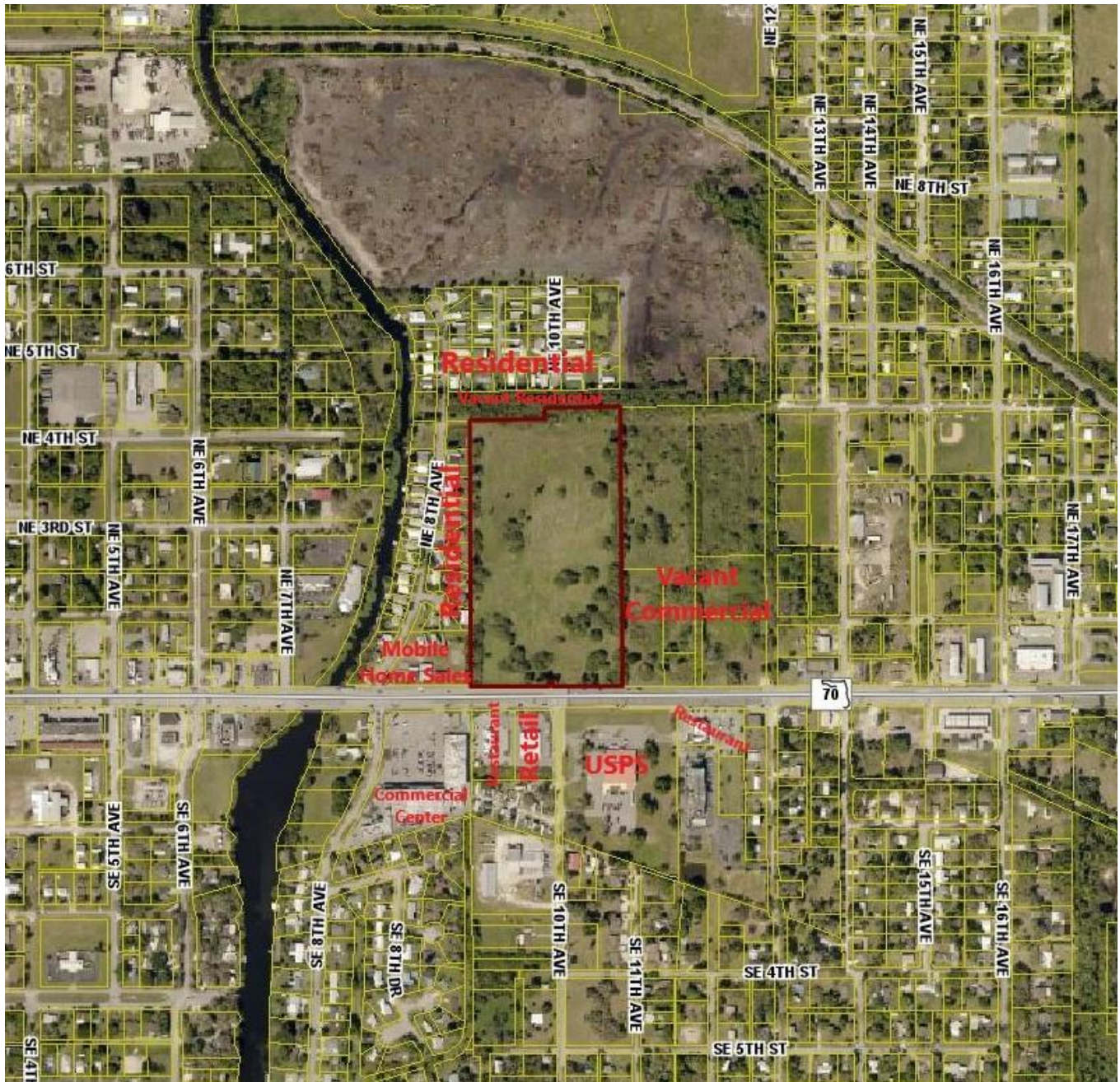
FUTURE LAND USE SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS



A PORTION OF
SECTION 15 TOWNSHIP 37 SOUTH RANGE 35 EAST

12. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS, AS SHOWN ON SURVEY.

SCALE: 1" = 200'

DETAIL SKETCH OF PARCEL 1 (LEGAL DESCRIPTION)

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE RUN NORTH 00°14'15" WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 76.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 1970-000 (SHEET 7-15); SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'15" WEST, ALONG SAID SECTION 15, A DISTANCE OF 1192.57 FEET TO A POINT THAT IS 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE CONTINUE NORTH 00°14'15" WEST, ALONG SAID SECTION 15, A DISTANCE OF 148.98 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE CONTINUE NORTH 00°14'15" WEST, ALONG SAID SECTION 15, A DISTANCE OF 50.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE NORTH 88°49'26" EAST, A DISTANCE OF 336.62 FEET TO A POINT THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE SOUTH 00°15'43" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1248.24 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 70; THENCE FOR THE FOLLOWING FIVE (5) COURSES ALONG SAID NORTH RIGHT OF WAY, SOUTH 88°49'26" WEST, A DISTANCE OF 1300.61 FEET; THENCE NORTH 00°10'34" WEST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 88°49'26" WEST, A DISTANCE OF 347.14 FEET; THENCE NORTH 00°10'34" EAST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 88°49'26" WEST, A DISTANCE OF 347.14 FEET TO THE POINT OF BEGINNING.

CONTAINING: 821.5984 ACRES SQUARE FEET AND/OR 18.86 ACRES MORE OR LESS.

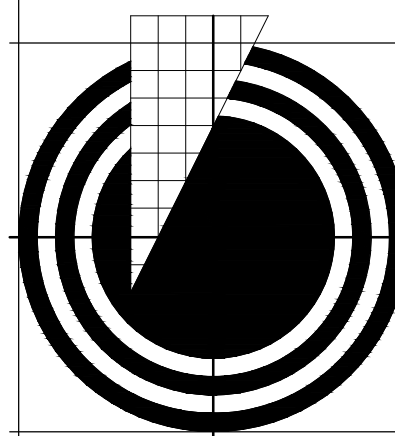
NAVD = NORTH AMERICAN VERTICAL DATUM
EL = ELEVATION
x 0.00' = SPOT ELEVATION
F.D.O.T. = FLORIDA DEPARTMENT OF
TRANSPORTATION
CONC. = CONCRETE
EPB = ELECTRIC PULLBOX
LP = LIGHT POLE
ID = IDENTIFICATION
CP = CABBAGE PALM
W/V = WATER VALVE

CRAIG D. WATSON
PROFESSIONAL SURVEYOR & MAPPER
NO. 5647 STATE OF FLORIDA

DATE	REVISIONS	DWG	CHK
10-20-19	RT COMMENTS	DPK	CDW
11-5-19	NEW TITLE DOCS.	DPK	CDW
3-5-2020	BLOODHOUND LOCATES	DPK	CDW
4-26-2020	ADDED TREES - OVERHEAD WIRES CHANGE RT DEVELOPMENT SITE		
8-20-2020	CHANGE BOUNDARY ADD TOPO (STATE ROAD 70)		

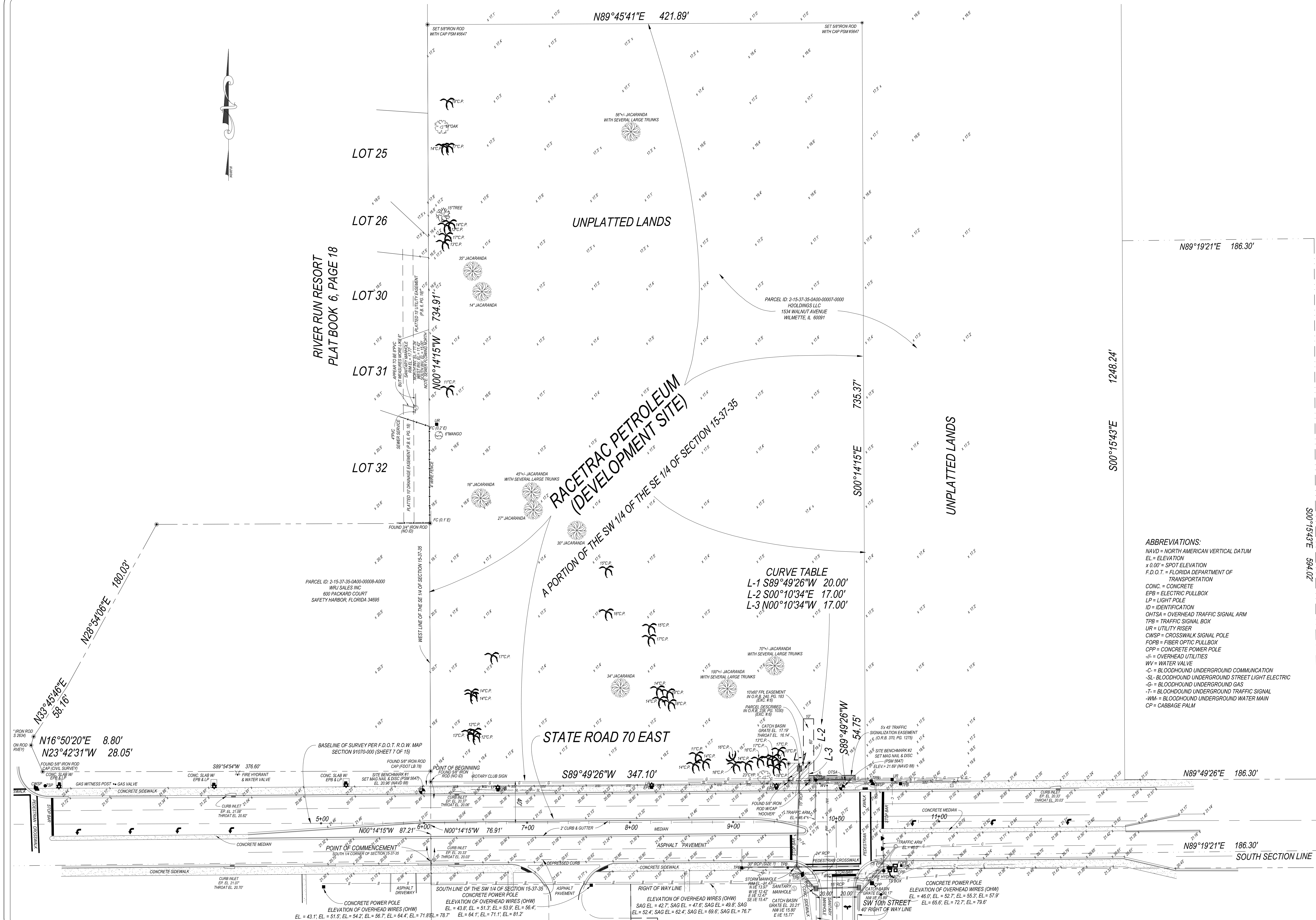
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GEORGIA 30339

WATSON | KILLANE
SURVEYING AND MAPPING, INC.
2240 NE DIXIE HIGHWAY - JEENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241



1 OF 2

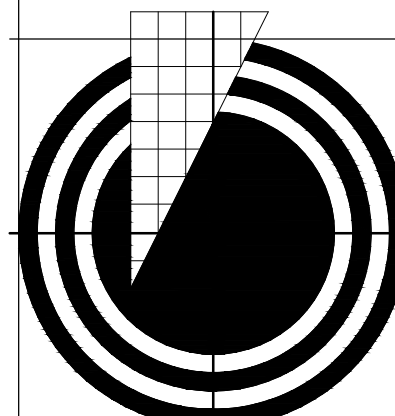
LOCATION MAP - NOT TO SCALE



DATE	REVISIONS	DWG	CHK
10-26-19	PT COMMENTS	DPK	CDW
11-5-19	NEW TITLE DOCS	DPK	CDW
3-5-2020	BLOODHOUND LOCATES	DPK	CDW
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	CHANGED DEVELOPMENT SITE		
8-20-2020	CHANGE BOUNDARY		
	ADD TOPO (STATE ROAD 70)		



WATSON | KILLANE
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PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241



JOB NUMBER:	19-478
FIELD DATE:	9-18-2019
CHECKED BY:	CDW
DRAWN BY:	DPK
SCALE:	1"= 40'
SHEET	2 OF 2

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686		Date: 9-1-20	Petition No. 20-005-SE
		Fee Paid: 1067.60	Jurisdiction: BOA
		1 st Hearing: 10-15-20	2 nd Hearing: N/A
		Publication Dates:	
		Notices Mailed: 9-30-20	
Rezone, Special Exception and Variance APPLICANT INFORMATION			
1	Name of property owner(s): H2OLDINGS LLC		
2	Owner mailing address: 1534 Walnut Ave, Wilmette, IL 60091		
3	Name of applicant(s) if other than owner Racetrac Petroleum Inc.		
4	Applicant mailing address: 200 Galleria Parkway SE, Suite 900, Atlanta, GA 30339		
	E-mail address: sjones@racetrac.com		
5	Name of contact person (state relationship): Samantha Jones, Engineering Project Manager		
6	Contact person daytime phone(s): 770-431-7600		
PROPERTY INFORMATION			
7	Property address/directions to property: SR 70 & NW 10th Ave, Okeechobee, FL 34972 975 NE Park St		
8	Describe current use of property: The site is currently vacant, inhabited only by some overgrown vegetation, and trees.		
9	Describe improvements on property (number/type buildings, dwelling units , occupied or vacant, etc. The proposed development includes the construction of an 8,100 SF RaceTrac convenience store with drive thru and 22 fueling pumps. The construction of two access driveways from SR 70 are proposed. Source of potable water: 12" DI Method of sewage disposal: 8" PVC gravity sewer toward the west boundary		
10	Approx. acreage: 18.92 acres Is property in a platted subdivision?		
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?		
13	Describe uses on adjoining property to the North: North: Parking lot toward the back of the convenience store East: Driveway to enter property South: Two driveways entering the gas station West: Driveway to enter property		
14	Existing zoning: Heavy Commercial Use Future Land Use classification: Commercial Use		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? () No (X) Yes. If yes provide date, petition number and nature of approval. 20-002-SE, convenience store with fuel pumps, May 2020		
16	Request is for: () Rezone (X) Special Exception () Variance		
17	Parcel Identification Number: 2-15-37-35-0A00-00007-0000		

REQUIRED ATTACHMENTS	
✓ 18	Applicant's statement of interest in property:
19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.
✓ 20	Last recorded warranty deed:
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three 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


Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

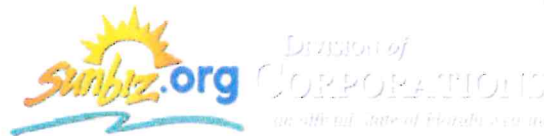
Date

 Max McBayer 8/4/2020

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

[Florida Department of State](#)

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Foreign Profit Corporation

RACETRAC PETROLEUM, INC.Filing Information

Document Number	P14841
FEI/EIN Number	63-0642959
Date Filed	06/15/1987
State	GA
Status	ACTIVE
Last Event	SHARE EXCHANGE
Event Date Filed	02/20/2003
Event Effective Date	NONE

Principal Address

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339

Changed: 01/22/2018

Mailing Address

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339

Changed: 01/22/2018

Registered Agent Name & Address

CORPORATE CREATIONS NETWORK INC.
801 US HIGHWAY 1
NORTH PALM BEACH, FL 33408

Name Changed: 01/22/2018

Address Changed: 03/13/2020

Officer/Director Detail**Name & Address**

Title Director

LENKER, MAX
142 CANNONBALL LANE
WATERSOUND, FL 32461

Title Secretary, Director

BOLCH, SUSAN BASS
1250 SPYGLASS LANE
NAPLES, FL 34102

Title Asst. Secretary, Director

DUMBACHER, ROBERT
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title COO

MILAM, BILL
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Chairman, Director

BOLCH, CARL JR
1250 SPYGLASS LANE
NAPLES, FL 34102

Title Director

MORAN, ALLISON BOLCH
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Asst. Secretary, Chief Legal Officer

AKERS, JOSEPH H
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director, President, Asst. Secretary

MORHOUS, NATALIE BOLCH
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director, Asst. Secretary

ISBILL, MELANIE BOLCH

200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Director

BOLCH, JORDAN BASS
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Other, Vice President of Real Estate & Engineering

THORNTON, BRIAN
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title Other, Vice President of Category Mgt

POSENER, ROBBY
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Title CFO, CEO

MCBRAYER, JR, MAX E
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GA 30339

Annual Reports

Report Year	Filed Date
2017	04/19/2017
2018	04/13/2018
2019	04/26/2019

Document Images

04/26/2019 -- ANNUAL REPORT	View image in PDF format
04/13/2018 -- ANNUAL REPORT	View image in PDF format
01/22/2018 -- Reg. Agent Change	View image in PDF format
11/01/2017 -- AMENDED ANNUAL REPORT	View image in PDF format
04/19/2017 -- ANNUAL REPORT	View image in PDF format
04/18/2016 -- ANNUAL REPORT	View image in PDF format
05/20/2015 -- AMENDED ANNUAL REPORT	View image in PDF format
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04/27/2005 -- ANNUAL REPORT	View image in PDF format
04/29/2004 -- ANNUAL REPORT	View image in PDF format
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02/20/2003 -- Share Exchange	View image in PDF format
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05/02/1997 -- ANNUAL REPORT	View image in PDF format
04/26/1996 -- ANNUAL REPORT	View image in PDF format
05/11/1995 -- ANNUAL REPORT	View image in PDF format

Pitts Department of State, Division of Corporations

2019 FOREIGN PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P14841

Entity Name: RACETRAC PETROLEUM, INC.**Current Principal Place of Business:**200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339**Current Mailing Address:**200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339 US**FEI Number:** 63-0642959**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**CORPORATE CREATIONS NETWORK INC.
11380 PROSPERITY FARMS ROAD #221E
PALM BEACH GARDENS, FL 33410 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title	DIRECTOR	Title	SECRETARY, DIRECTOR
Name	LENKER, MAX	Name	BOLCH, SUSAN BASS
Address	142 CANNONBALL LANE	Address	1250 SPYGLASS LANE
City-State-Zip:	WATERSOUND FL 32461	City-State-Zip:	NAPLES FL 34102
Title	ASST. SECRETARY, DIRECTOR	Title	COO
Name	DUMBACHER, ROBERT	Name	MILAM, BILL
Address	200 GALLERIA PARKWAY SE SUITE 900	Address	200 GALLERIA PARKWAY SE SUITE 900
City-State-Zip:	ATLANTA GA 30339	City-State-Zip:	ATLANTA GA 30339
Title	CHAIRMAN, DIRECTOR	Title	DIRECTOR
Name	BOLCH, CARL JR	Name	MORAN, ALLISON BOLCH
Address	1250 SPYGLASS LANE	Address	200 GALLERIA PARKWAY SE SUITE 900
City-State-Zip:	NAPLES FL 34102	City-State-Zip:	ATLANTA GA 30339
Title	ASST. SECRETARY, CHIEF LEGAL OFFICER	Title	DIRECTOR, PRESIDENT, ASST. SECRETARY
Name	AKERS, JOSEPH H	Name	MORHOUS, NATALIE BOLCH
Address	200 GALLERIA PARKWAY SE SUITE 900	Address	200 GALLERIA PARKWAY SE SUITE 900
City-State-Zip:	ATLANTA GA 30339	City-State-Zip:	ATLANTA GA 30339

Continues on page 2

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JOSEPH H. AKERS**ASSISTANT SECRETARY** 04/26/2019

Electronic Signature of Signing Officer/Director Detail

Date

Officer/Director Detail Continued :

Title DIRECTOR, ASST. SECRETARY
Name ISBILL, MELANIE BOLCH
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title OTHER, VICE PRESIDENT OF REAL ESTATE &
ENGINEERING
Name THORNTON, BRIAN
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title CFO, CEO
Name MCBRAYER, JR, MAX E
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title DIRECTOR
Name BOLCH, JORDAN BASS
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

Title OTHER, VICE PRESIDENT OF
CATEGORY MGT
Name POSENER, ROBBY
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: <u>90-283(25) Convenience store with fuel pumps</u> There is a previous special exception approval to allow gasoline services at this property. The intent of this application is to remove a condition placed on that approval that prohibits truck overnight parking.
B	Are there similar uses in the area? No <input checked="" type="checkbox"/> Yes If yes, briefly describe them: There are a few gasoline stations along within the city and along the SR-70. We are uncertain if any of provide overnight parking for trucks.
C	If a business, briefly describe the nature of the business, number of employees, hours of operation, and any activities to be conducted outside of a building: The fuel station with 24 hour convenience store offers gasoline service with an extended diesel offering to larger trucks.
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.
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.
3. Demonstrate any landscaping techniques to visually screen the use from adjacent uses; or explain why no visual screening is necessary.
4. Demonstrate what is proposed to reduce the impact of any potential hazards, problems or public nuisance generated by the use; or explain how the nature of the use creates no such potential problems.
5. Demonstrate how the utilities and other service requirements of the use can be met.
6. Demonstrate how the impact of traffic generated will be handled, off site and 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.
2. The use is specifically authorized as a special exception use in the zoning district.
3. The use will not have an adverse effect on the public interest.
4. The use is appropriate for the proposed location, is reasonably compatible with adjacent uses and is not detrimental to urbanizing land use patterns.
5. The use will not adversely affect property values or living conditions, nor be a deterrent to the development of adjacent property.
6. The use may be required to be screened from surrounding uses to reduce the impact of any nuisance or hazard to adjacent uses.
7. The use will not create a density pattern that will overburden public facilities such as schools, streets, and utility services.
8. The use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

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)]



THOMAS ENGINEERING GROUP
6300 NW 31ST AVENUE
FORT LAUDERDALE, FL 33309
P: 954-202-7000
F: 954-202-7070

August 28, 2020

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974-2903
Phone: (863) 763-3372 Ext. 9820

RE: RaceTrac Market
SR-70 & SE 10th Avenue
City of Okeechobee, Florida 34972
Parcel No. 2-15-37-35-0A00-00007-0000

**REQUEST AND JUSTIFICATION FOR SPECIAL EXCEPTION FOR
GASOLINE SALES**

The applicant is proposing to add a new RaceTrac Gas Station & Convenience Store to the property located at north of the intersection of State Road 70 & SE 10th Avenue. The gross 18.92-acre property is currently a vacant lot. The applicant is contracted to purchase the properties Parcel No. 2-15-37-35-0A00-00007-0000 from H2OLDINGS LLC (Property Owner). The applications submitted is proposing a new 8,100 SF retail building with two gas canopies to provide an extended diesel offering to larger trucks traveling along SR 70. The site is currently vacant and zoned Heavy Commercial. This proposed development is currently an allowed usage of the area due to its current zoning classification but will require a special exception for the use of a drive-thru service for the proposed convenience store as per Sec. 90-283(1).

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

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

As aforementioned, the applicant is proposing to add a new RaceTrac Gas Station & Convenience Store along the SR 70 corridor. RaceTrac is considered a modern convenience store that provides the public with many products and choices to its consumers. The purposed of this special exception request is to revise the previously approved special exception for the 5,411 sf convenience store with gasoline sales. The special exception was approved on May 21st, 2020 with a condition that no truck overnight parking would be allowed on-site. Since the approval, RaceTrac has revised the Site Plan to convert this location to a "Travel Center" due to its lot size. The most obvious difference is a larger convenience store (8,100 SF) that will appeal to interstate travelers along SR-70 as well as local traffic. The site is located on SR-70 which is a major transportation corridor through the City of Okeechobee and the applicant does not want to prohibit overnight truck parking at the site and possibly offer overnight truck parking as an

additional service to truck users. The site plan has been carefully designed to separate truck use and truck parking area to maintain access, safety, and circulation for all customers.

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

The proposed use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area with an appealing building appearance that is above the average gas station design. The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and can still offer services to the adjacent residential properties.

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

Landscape techniques to visually screen the proposed fuel station use from the adjacent uses include a privacy wall running to the west of the property along the proposed development. Additionally, the provision of dense, native plantings that form a continuous buffer at the Western perimeter. Specifically, a Walter's Viburnum hedgerow and a staggered arrangement of Live Oak, Sweetgum, & Red Maple trees, provided at an average of 20 feet on center consistent with Code requirements, serve to buffer views from the neighboring residential uses, while also occasionally integrating existing Sabal Palms to be retained. Along the SR 70, an Inkberry hedgerow, in addition to layers of compact Firebush, Yaupon holly, and muhly grass, among other shrubs & groundcovers, screen the vehicle use area & add visual interest to the frontage & roadway corridor, while Live Oak, Dahoon Holly, Red Maples offer filtered views of the site. To the North & East, continuous Walter's Viburnum hedges extend along the perimeters to isolate the areas of proposed development from the remainder of the parcel that is not to be affected. Existing natural vegetation typical of Mesic Hammock plant communities loosely define the extents of the property.

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.

Gas stations with convenience stores often get associated with crime and loitering. RaceTrac is aware of these issues and have devoted to change this idea by incorporating standards in all their new buildings beginning with the building appearance to providing actual security measures throughout the site design. The Applicant has devoted special attention to the building's elevations by incorporating brick and stone elements with dark bronze accents in combination with brand colors to give the building an attractive modern aesthetic above the typical gas station elevations to provide an inviting appearance to all travelers. Once inside the building, the open floor plan together with the location of the cash wrap will be able to give the attendant a clear visual throughout the store. The idea is to create an environment where

customer activity and open concept will deter crime through natural surveillance. In addition to natural surveillance techniques present throughout the site, RaceTrac is equipped with a 24-hour surveillance system both inside and outside of their stores. In addition, all RaceTrac facilities are company owned and operated so that the maintenance of the property and the quality of the service will be consistently at the highest industry standards. If approved, this site will provide 24-hour service to all users. By maintaining operation, the site will provide “natural surveillance” even during the later hours of the night when this sort activity often occurs.

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

The applicant will be working with the Okeechobee Utility Authority for water and sewer services and with South Florida Water Management District for the drainage of the property. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. Based on preliminary conversations, there are a means of providing these services to the applicant.

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

The site has been designed to provide a long drive-thru area that provides sufficient stacking for the drive-thru use so that the remainder of the site will not be affected when the drive-thru begins to back up. Additionally, the site plan has been carefully designed to separate truck use and truck parking area to maintain access, safety, and circulation for all customers. Diesel is also offered in the standard fuel pumps so that light/medium trucks may still fuel in this area without the need to go to the diesel canopy. Site design also includes 40' wide drive aisles between the parking and fuel areas so that there would be enough space to maintain circulation should the site get congested, there is sufficient room to allow vehicles to go around the queuing vehicles. The applicant is currently working with FDOT to see what off-site improvements will be required to provide a signalized left turn lane for the east bound travelers along SR 70. We will continue working with FDOT throughout the permitting process.

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.

The requested special exception is consistent with the Goals, Objectives and Policies of the Comprehensive Plan in that the RaceTrac Market use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area. Additionally,

as a vacant and underutilized property, the project will develop an infill area with a project that is compatible with other heavy commercial uses along the SR 70 corridor.

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

As per Sec. 90-283 (1), this proposed development (convenience store w/ drive-thru service and with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approvals.

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

The proposed RaceTrac development will not have an adverse effect on the public interest as the RaceTrac is intended to offer gasoline services as well as extend food and beverage offerings to both nearby residents as well as pass by travelers and the drive-thru service will benefit the public to make RaceTrac's offerings more accessible.

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

The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and approval of this special exception will maintain land use consistency in this area and additionally be able to provide drive-thru service of RaceTrac's offerings to the public.

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

The proposed RaceTrac should not adversely affect property values or living conditions. On the contrary, the development of this property will promote infill to currently vacant surrounding properties that are zoned for commercial uses. Commercial amenities and services help drive residential interest. More specifically, food and gasoline services help travelers stop and rest to recharge after hours of driving or drive-thru service that can also positively affect nearby businesses and other services offered in this area.

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

The proposed development is far exceeding any buffer and setback requirements from the adjacent properties. Additionally, the applicant will be proposing a privacy wall along the western boundary to help screen the adjacent residential properties from the daily operations of the RaceTrac.

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

The primary traffic that the proposed RaceTrac development is intended to capture are nearby residents as well as pass-by commuters/travelers, therefore the proposed should not create an overburden to public facilities such as schools, streets, and utility services.

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

The proposed use should not create traffic congestion, flooding, or drainage problems, or otherwise affect public safety. We are currently working with FDOT on the access to the property and will continue to do so to provide any traffic measures as required to provide a satisfactory level of service as well as a safe operation of traffic to and from the RaceTrac. We will also continue to work with the water management district to design the site according to all applicable rules and regulations so that there are no adverse impacts to public safety.

Should you have any questions, please hesitate to contact me by phone or email at kbetancourt@thomaseg.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB' with a stylized flourish.

Kevin Betancourt, P.E.
Project Engineer
THOMAS ENGINEERING GROUP, LLC

August 28, 2020

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 34974-2903
Phone: (863) 763-3372 Ext. 9820

**RE: RaceTrac Market
SR-70 & SE 10th Avenue
City of Okeechobee, Florida 34972
Parcel No. 2-15-37-35-0A00-00007-0000**

Thomas Engineering Group, on behalf of RaceTrac Petroleum Inc. (Applicant), is pleased to submit this letter of intent for the development of this project. The project is located north of the intersection of State Road 70 & SE 10th Avenue. The applicant is contracted to purchase the property identified as Parcel No. 2-15-37-35-0A00-00007-0000 from H2OLDINGS LLC (Property Owner). The gross 18.92-acre property is currently a vacant lot and zoned as Heavy Commercial. This application is to revise the previously approved site plan that was approved on May 21st, 2020. The previous approval was for a RaceTrac Gas Station & Convenience Store as a 5,411 sf retail building with 20 fuel positions. Under this application, the applicant is proposing a new prototype that will be the first of its kind for RaceTrac Petroleum. The new convenience store will be a 8,100 SF retail building with a proposed drive-thru offering for the in-store RaceTrac market products and a separate gas canopy to provide an extended diesel offering to larger trucks traveling along SR 70. The proposed Site Plan includes the three structures along with associated parking exceeding zoning code requirements, access driveways, landscaping, utilities, and drainage management facilities to support the operation of the RaceTrac Market. The applicant has interest in purchasing the gross parcel area, however the proposed development will encompass a net development area of approximately 7.11 acres. There are no current plans for the remainder of the property at the time of this application. This site has an approved special exception for the gasoline use approved with the previous site plan, but the applicant is requesting the removal of the previously set condition that would not allow for truck overnight parking. Additionally, the proposed drive-thru will require an additional special exception for the drive-thru use.

The proposed development enclosed has been developed in accordance with the City of Okeechobee codes for the RaceTrac Gas Station & Convenience Store project. Should you have any questions, please do not hesitate to contact us with any questions.

Sincerely,



Kevin Betancourt, P.E.

Project Engineer

THOMAS ENGINEERING GROUP, LLC



FILE NUM 2004004662
OR BK 00525 PG 1999
SHARON ROBERTSON, CLERK OF CIRCUIT COURT
OKEECHOBEE COUNTY, FL
RECORDED 03/15/2004 12:51:27 PM
RECORDING FEES 10.50
DEED DOC 3,850.00
RECORDED BY G Newbourn

Prepared by and return to:
Leonard Rutland, Jr., Esquire
759 South Federal Highway Suite 303
Stuart, FL 34994
File Number: 10837.24

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 10th day of March, 2004 between Harbour Bay Properties, Inc., a Florida corporation, whose post office address is c/o Theodore G. Glasrud, 3634 SE Fairway East, Stuart, FL 34997, grantor, and H2Oldings, LLC, a Delaware limited liability company whose post office address is c/o Donald Hackl, 18003 Tidewater Circle, Jupiter, FL 33458, grantee: CRAIG HACKL, P.O. BOX 32053, PALM BEACH GARDENS, FL 33420
(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Adonna Rutland

Witness Name: CRAIG HACKL, JR.

Harbour Bay Properties, Inc.
Theodore G. Glasrud, President

(Corporate Seal)

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 10th day of March, 2004 by Theodore G. Glasrud, President of Harbour Bay Properties, Inc., on behalf of the corporation. He ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires

LEONARD RUTLAND JR.
Notary Public - State of Florida
My Commission Expires Aug. 15, 2004
Commission #CC929236

Exhibit A

Parcel 1: The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East, Okeechobee County, Florida, lying North of the North right-of-way line of State Road No. 70; Except the North 50 feet of the West $\frac{1}{2}$ of the West $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ for road purposes; also Except the following described property conveyed to the State of Florida:

A parcel of land in the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East, Being more particularly described as follows: Commence at the South $\frac{1}{4}$ corner of said Section 15; thence run Northerly on the $\frac{1}{4}$ section line a distance of 36.95 feet to the centerline of State Road 70; thence North $80^{\circ} 54' 49''$ East, on said centerline a distance of 347.10 feet; thence Northerly at 90° to said centerline a distance of 40 feet to the Point of Beginning; thence continue Northerly a distance of 17 feet; thence Easterly at 90° a distance of 20 feet; thence Southerly at 90° a distance of 17 feet; thence Westerly at 90° a distance of 20 feet to the Point of Beginning.

Parcel Id. Number: R2-15-37-35-0A00-00007-0000

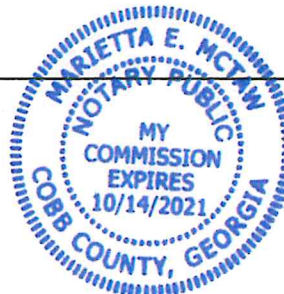
Parcel 2: Beginning at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East and run North along the West boundary a distance of 594 feet; then run East a distance of 186.3 feet; then run South a distance of 594 feet to the South Boundary of Section 15; then run West a distance of 186.3 feet to the POINT OF BEGINNING. Less and Except the right-of-way for State Road 70.

Parcel Id. Number: R2-15-37-35-0A00-00008-0000

City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

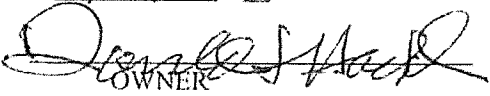

LAND USE POWER OF ATTORNEY

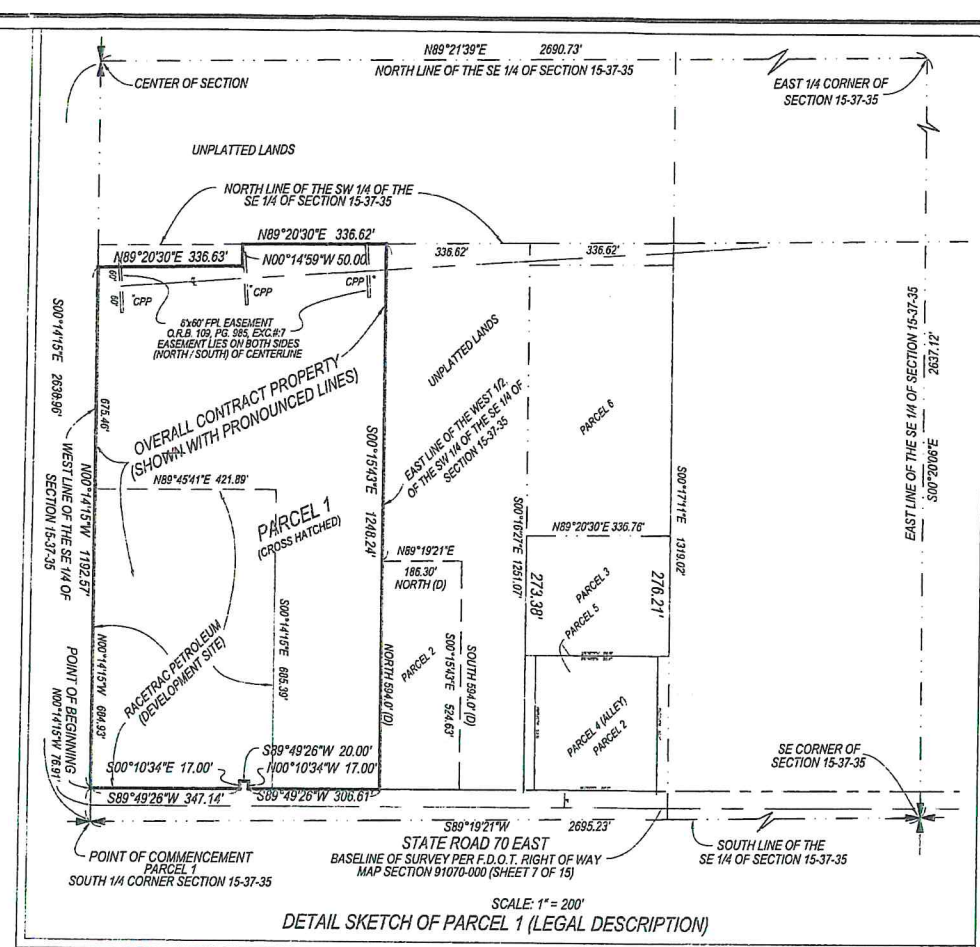
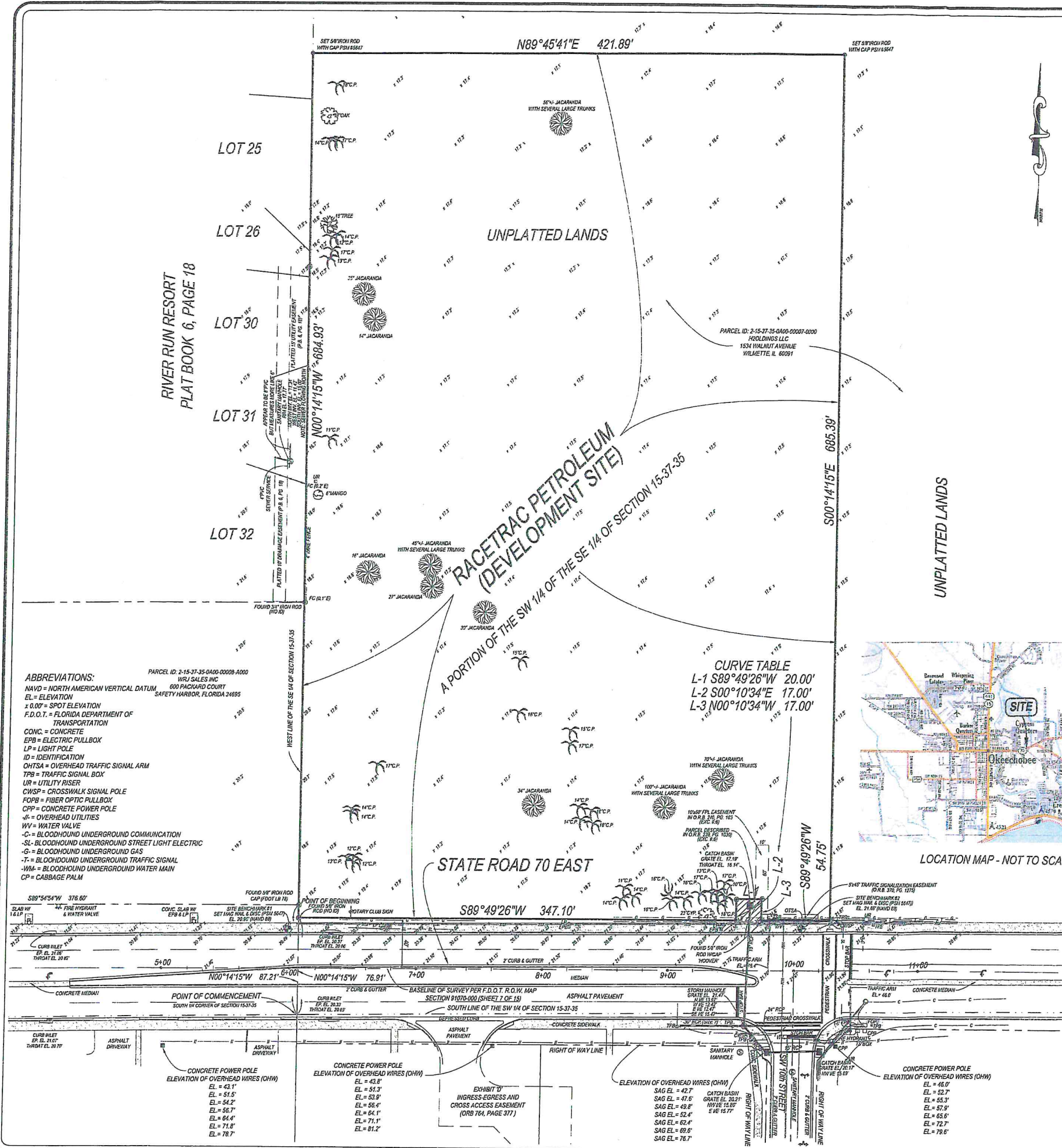
Name of Property Owner(s): H2OLDING LLC; Donald J Hackl						
Mailing Address: 1534 Walnut Ave., Wilmette, IL 60091						
Home Telephone:	Work:	Cell:				
Property Address: SR 70 & NW 10th Avenue, Okeechobee, FL 34972						
Parcel ID Number: 2-15-37-35-0A00-00007-0000						
Name of Applicant: Race Trac Petroleum Inc.						
Home Telephone:	Work: 770-431-7600	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>10th</u> DAY OF <u>August</u> 20<u>20</u>.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;"> _____ OWNER</td><td style="width: 50%; text-align: center;"> _____ WITNESS</td></tr><tr><td style="text-align: center;">_____ OWNER</td><td style="text-align: center;"> _____ WITNESS</td></tr></table> <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>10th</u> day of <u>August</u> 20<u>20</u>.</p> <p>Notary Public:  SEAL Commission Expires: <u>October 14, 2021</u></p>			 _____ OWNER	 _____ WITNESS	_____ OWNER	 _____ WITNESS
 _____ OWNER	 _____ WITNESS					
_____ OWNER	 _____ WITNESS					



City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974
Tele: 863-763-3372 Fax: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owner(s): H2OLDING LLC; Donald J Hackl		
Mailing Address: 1534 Walnut Ave., Wilmette, IL 60091		
Home Telephone:	Work:	Cell:
Property Address: SR 70 & NW 10th Avenue, Okeechobee, FL 34972		
Parcel ID Number: 2-15-37-35-0A00-00007-0000		
Name of Applicant: Race Trac Petroleum Inc.		
Home Telephone:	Work: 770-431-7600	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>25 Jan 2020</u> DAY OF <u>JANUARY</u> 20<u>20</u>.</p>		
 OWNER		 WITNESS
<u>N/A</u> OWNER		 WITNESS
<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>25</u> day of <u>JANUARY</u> 20<u>20</u>.</p>		
<p>Notary Public: <u>Valdemaras Raizys</u> Commission Expires: <u>5/2/23</u></p>		<p>SEAL</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"><p style="text-align: center;">VALDEMARAS RAIZYS Official Seal Notary Public - State of Illinois My Commission Expires May 2, 2023</p></div>



ALTA / NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION: PARCEL 1 (ORB 525, PAGE 2000)
 THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, EISENHOWER COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 70, EXCEPT THE NORTH 50 FEET OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 FOR ROAD PURPOSES; ALSO EXCEPT THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE STATE OF FLORIDA:
 A PORTION OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 15; THENCE RUN NORTHERLY ALY ON THE 1/4 SECTION LINE A DISTANCE OF 36.85 FEET TO THE CENTERLINE OF STATE ROAD NO. 70; THENCE SOUTHERLY ALY ON SAID CENTERLINE A DISTANCE OF 342.10 FEET; THENCE NORTHERLY AT 90° A DISTANCE OF 17.50 FEET TO SAID CENTERLINE; A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY AT 90° A DISTANCE OF 17 FEET; THENCE EASTERLY AT 90° A DISTANCE OF 20 FEET; THENCE SOUTHERLY AT 90° A DISTANCE OF 17 FEET; THENCE WESTERLY AT 90° A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

PARCEL 1 - SURVEYORS DESCRIPTION
A PORTION OF LAND LYING IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SECTION 15, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHWEST 1/4 OF SAID SECTION 15, A CORNER OF THE SOUTHWEST 1/4 OF SECTION 15, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70, A CORNER OF FLORIDA STATE ROAD 70, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 76.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70, A CORNER OF FLORIDA STATE ROAD 70, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 11.00 FEET TO THE SOUTHWEST 1/4 OF SECTION 15, A CORNER OF THE SOUTHWEST 1/4 OF SECTION 15, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 119.67 FEET TO A POINT THAT IS 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A CORNER OF THE SOUTHWEST 1/4 OF SECTION 15, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 336.63 FEET; THENCE NORTH 00°14'15" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 15, THENCE RUN NORTH 00°14'15" WEST, A DISTANCE OF 336.63 FEET TO A POINT, A DISTANCE OF 336.63 FEET TO A POINT THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 15, A CORNER OF THE SOUTHWEST 1/4 OF SECTION 15, THENCE RUN NORTH 00°14'15" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 264.56 FEET TO THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE RUN NORTH 00°14'15" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 264.56 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 70, THENCE FOR THE FOLLOWING FIVE (5) CURVES ALONG SAID NORTH RIGHT OF WAY, SOUTH 89°46'26" WEST, A DISTANCE OF 30.61 FEET; THENCE SOUTH 89°46'26" WEST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°46'26" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°46'26" WEST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°46'26" WEST, A DISTANCE OF 347.14 FEET TO THE POINT OF BEGINNING.
CONTAINING 81,598.45 SQUARE FEET, OR 1.87 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND UTILITIES ON/OR ADJACENT TO THIS SITE. THE APPROXIMATE LOCATION OF ALL UTILITIES SHOWN HEREON WERE TAKEN FROM AS-BUILT DRAWINGS AND/OR ON-SITE LOCATION AND SHOULD BE VERIFIED BEFORE CONSTRUCTION.
2. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND FOOTINGS OF BUILDINGS OR FENCES ON OR ADJACENT TO THIS SITE.
3. LOTS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RECORD EXCEPT AS SHOWN ON THE RECORD PLAT IF ANY.
4. THIS SURVEY WAS BASED ON NORTH AMERICAN DATUM 1988 (NAD 83), NG5 BENCHMARK V-528, ELEVATION 23.12, (NAD 83).
5. THE BEARING BASE OF THIS SURVEY IS ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD 10 EAST, 389+427.26", BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83(2011) ADJUSTMENT.
6. LEGAL DESCRIPTION FURNISHED BY CLIENT.
7. ALL BEARS AND DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED.
8. 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.
9. THIS SITE LIES IN FLOOD ZONE "X" AS SCALED AND INTERPOLATED ON FEMA MAP NO. 10293C-0480-C, DATED: JULY 16, 2015.
10. THE EXPECTED USE FOR THE SURVEY MAP AND REPORT IS FOR COMMERCIAL PURPOSES.
11. ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD IN FEET.

TREE NOTE:

WATSON1 KILLANE ACCEPTS NO RESPONSIBILITY FOR THE IDENTIFICATION OF THE TREE SPECIES SHOWN HEREON. EVERY EFFORT HAS BEEN MADE TO PROPERLY IDENTIFY TREES SHOWN, HOWEVER, TREE IDENTIFICATION IS OUTSIDE THE AREA OF EXPERTISE OF THIS FIRM. THE TREE SPECIES AS LISTED HEREON IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD BE CONFIRMED BY A CERTIFIED ARBORIST.

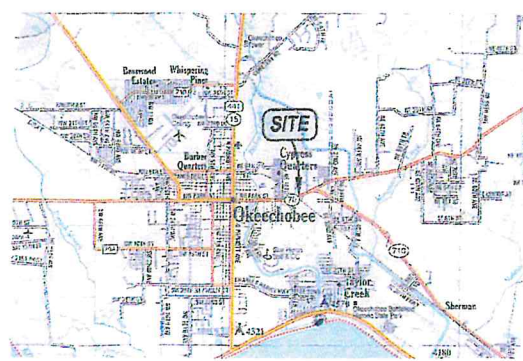
TITLE REVIEW:
THIS SITE WAS SURVEYED IN ACCORDANCE WITH A TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER: CM191100, COMMITMENT DATE: AUGUST 08, 2010, 5:00 PM.
SCHEDULE B - SECTION II
EXCEPTION #5: DEED BOOK 49, PG. 351 - AFFECTS PROPERTY, UNPLOTTABLE
EXCEPTION #6: O.R.B. 240, PG. 158 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY; O.R.B. 238, PG. 1030 - DOES NOT AFFECT SUBJECT PROPERTY, AS SHOWN ON SKETCH OF SURVEY
EXCEPTION #7: O.R.B. 109, PG. 985 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY
EXCEPTION #8: O.R.B. 370, PG. 1275 - AFFECTS PROPERTY, AS SHOWN ON SKETCH

SURVEYOR'S CERTIFICATION:
TO: DEL LAGO VENTURES, INC., A GEORGIA CORPORATION; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AND SOUTHERN TITLE HOLDING COMPANY, LLC.
THIS IS TO CERTIFY THAT THIS MAP, OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 9, 11, 13 AND 16 OF TABLE "X" THEREOF. THE PLAT WORK WAS COMPLETED ON SEPTEMBER 19, 2019. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CRAIG D. WATSON
PROFESSIONAL SURVEYOR & MAPPER
NO. 5547, STATE OF FLORIDA

 CRAIG D. WATSON
S-12474
STATE OF FLORIDA
SURVEYOR

Craig D. Watson
2020.04.28
12:57:59 -04'00'

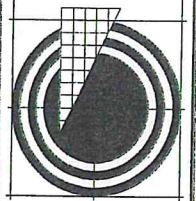


LOCATION MAP - NOT TO SCALE

DATE	REVIEWS	DWG	CHK
10-20-19	RT COMMENTS	DPK	CDW
11-5-19	NEW TITLE DOCS	DPK	CDW
3-5-2020	BLOODHOUND LOCATES	DPK	CDW
4-20-2020	ADDED TREES - OVERHEAD WIRES CHANGE RT DEVELOPMENT SITE		

PREPARED FOR:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GEORGIA 30339

WATSON | KILLANE
SURVEYING AND MAPPING, INC.
2240 NE DIXIE HIGHWAY - JENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241



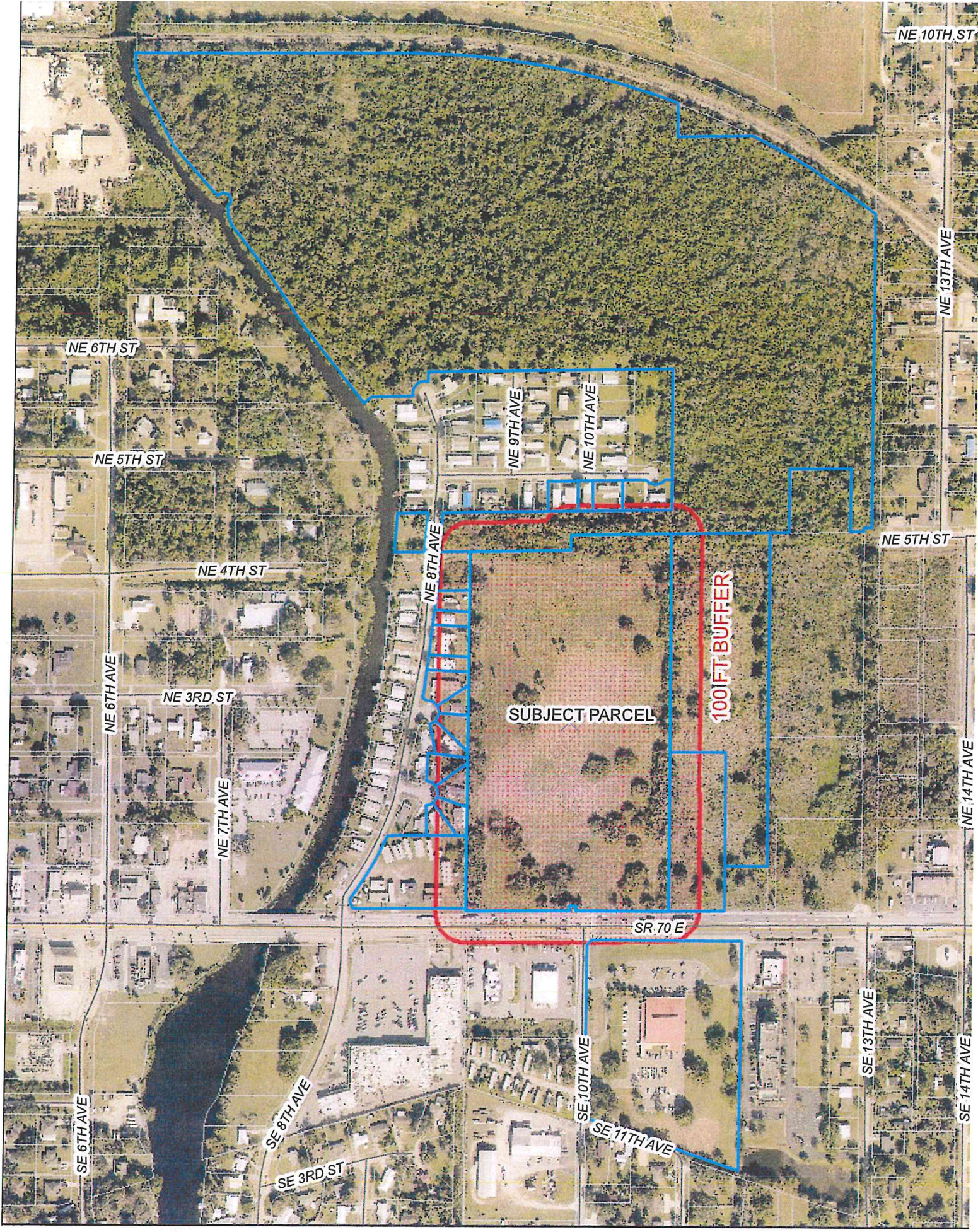
JOB NUMBER: 19-478
FIELD DATE: 9-18-2019
CHECKED BY: CDW
DRAWN BY: DPK
SCALE: 1"= 40'
<i>SHEET</i> <i>1 OF 1</i>

20-004-SE
RaceTrac

#23.

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
21537350A00000030000	BLUE SPRINGS HOLDINGS LLC ✓	10860 SW 25TH ST		DAVIE	FL	33324-5606
21537350A00000080000	H2OLDINGS LLC ✓	%CRAIG HACKL	1534 WALNUT AVENUE	WILMETTE	IL	60091
21537350A0000008A000	WRJ SALES INC ✓	600 PACKARD CT		SAFETY HARBOR	FL	34695
21537350A00000090000	GRIGSBY WILLIAM R JR ✓	10282 PAYNE RD		SEBRING	FL	33875-9457
21537350A0000009A000	GRIGSBY WILLIAM R JR ✓	10282 PAYNE RD		SEBRING	FL	33875-9457
22237350A0000004A000	CENTAURUS OASIS TWO LLC ✓	%ALEX WOLAK	16139 BISCAYNE BLVD	AVENTURA	FL	33160-4337
22237350A00000090000	UNITED STATES POSTAL SERVICE ✓	4000 DEKALB TECNOLOGY PARKWAY	BUILDING 500 SUITE 550	ATLANTA	GA	30340
22237350A00000110000	NEXT TURN OKEECHOBEE LLC ✓	1943 RIDGEMONT LN		DECATUR	GA	30033-4068
22237350A0000011A000	OKEECHOBEE YF LLC ✓	6585 MEGHAN ROSE WAY		CLARENCE	NY	14051
22237350A0000013A000	ROYALS O K LUNCH INC ✓	324 SW 16TH ST		BELLE GLADE	FL	33430-2824
3153735021A000000010	BROUGHTON LAWRENCE R ✓	101 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000020	HADID ISAAC J ✓	103 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000030	BOOTH JUSTIN ✓	17099 NW 144TH AVE		OKEECHOBEE	FL	34972-7824
3153735021A000000040	LUCKEY CHRISTOPHER R & CYNTHIA ✓	107 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000050	PIERCE GEORGE P & ELIZABETH J ✓	1101 TEMPLIN AVE		BARDSTOWN	KY	40004-2545
3153735021A000000060	MARSHALL DOUGLAS R SR & BEVERL ✓	14088 SW 144TH PARKWAY		OKEECHOBEE	FL	34974
3153735021A000000070	JOHNSON LORAIN K ✓	113 NE 8TH AVE		OKEECHOBEE	FL	34972-4508
3153735021A000000080	BREWER MARIAN L ✓	201 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000090	RAYNOR CONSTANCE K ✓	203 NE 8TH AVE		OKEECHOBEE	FL	34972-4506
3153735021A0000000E0	RIVER RUN RESORT HOA	UNKNOWN				
3153735021A0000000W0	RIVER RUN RESORT HOA	UNKNOWN				
3153735021A000000100	MECHEL PETER ✓	172 CEDAR AVE	RICHMOND HILL ON L4C2A8			
3153735021A000000120	VERROCHI RICHARD P ✓	33 PRINCETON ST		BOSTON	MA	02128-1628
3153735021A000000130	HOWARD JAMES D ✓	2248 KY 556		SANDY HOOK	KY	41171-8865
3153735021A000000140	BARRETT ELVIS A ✓	208 NE 17TH AVE		OKEECHOBEE	FL	34972
3153735021A000000150	WALDRON BETTY M & WALDRON CLIF ✓	301 NE 8TH AVE		OKEECHOBEE	FL	34972-4513
3153735021A000000160	HANNAN EDWARD & KATHRYN ✓	2443 9/10 SIDE RD RR#1	NEW LOWELL, ONTARIO L0M 1N0			
3153735021A000000170	MINTON FREDDIE L & MINTON RUBY ✓	302 NE 8TH AVENUE		OKEECHOBEE	FL	34972
3153735021A000000180	ARRIAGA FERMIN ✓	2302 SW 3RD AVE		OKEECHOBEE	FL	34974
3153735021A000000190	DICKERHOOF PEDIE DUKE ✓	212 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000210	URDANETA JOSE A ✓	210 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000220	CALDERON ASHLEY RYAN ✓	30290 JOSIE BILLIE HWY		CLEWISTON	FL	33440-9502
3153735021A000000240	GAINER FOREST R JR ✓	142 SW 72ND TERRACE		OKEECHOBEE	FL	34974
3153735021A000000250	MADD ASSETS LLC ✓	1210 SW 2ND AVE		OKEECHOBEE	FL	34974-5222
3153735021A000000260	SHANNON ROBERT LYNN ✓	200 NE 8TH AVE		OKEECHOBEE	FL	34972-4504
3153735021A000000270	BRUMMETT EARL VERNON JR ✓	1326 JORDAN LOOP		OKEECHOBEE	FL	34974-0275
3153735021A000000280	MAMMARELLI KELLY B ✓	114 NE 8TH AVENUE		OKEECHOBEE	FL	34972
3153735021A000000290	MITCHELL SHERRY ✓	112 NE 8TH AVE		OKEECHOBEE	FL	34974
3153735021A000000310	COSSIO EDMUNDO R ✓	455 BACOM POINT RD		PAHOKEE	FL	33476-2401
3153735021A000000320	CANCINO JOSE LUIS ✓	106 NE 8TH AVE		OKEECHOBEE	FL	34972
3153735021A000000330	MAMMARELLI LISA MARIE ✓	104 NE 8TH AVE		OKEECHOBEE	FL	34972-4505
3153735021A000000340	MCGEE JAMES WAYNE ✓	16060 EAST DERBY DRIVE		LOXAHATCHEE	FL	33470
3153735021A000000350	SUAREZ PRUDENCIO ✓	100 NE 8TH AVE		OKEECHOBEE	FL	34972-0003
3153735021B0000000050	HELMS ROSEMARY A ✓	9130 FLUSH RD		SAINT GEORGE	KS	66535-9733

3153735021B000000060	MASTALER TERRELL ✓	401 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B000000070	MOSHIER ROBERT R ✓	309 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B0000000A0	RIVER RUN RESORT HOA	UNKNOWN			
3153735021B000000120	MERRY CHARLIE T JR & DIANE H ✓	404 NE 8TH AVE	OKEECHOBEE	FL	34972
3153735021B000000130	CANCINO MARIA ELENA ✓	310 NE 8TH AVE	OKEECHOBEE	FL	34972-4514
3153735021B000000140	PHILLIPS RACHELLE D ✓	13163 MACDILL CT	EL PASO	TX	79908
3153735021B000000150	THOMAS TIMOTHY LEE ✓	809 NE 5TH STREET	OKEECHOBEE	FL	34974
3153735021B000000170	BOOTH JUDY ANN ✓	903 NE 5TH ST	OKEECHOBEE	FL	34972
3153735021B000000180	CLAY MARTHA ANN ✓	412 SE 6TH ST	OKEECHOBEE	FL	34974
3153735021B000000190	NAVE MICHAEL & CLEM-NAVE SARA ✓	2304 NORTHGATE BLVD	AUBURN	IN	46706-1015
3153735021B000000210	NEAL LAVON BOWMAN ✓	1001 NE 5TH STREET	OKEECHOBEE	FL	34972
3153735021B000000220	HOUSER LARRY D ✓	2190 SE 25TH DR	OKEECHOBEE	FL	34974-6475
3153735021B000000240	GORBY JAMES L & ALMA ROSE ✓	1009 NE 5TH STREET	OKEECHOBEE	FL	34972
3153735021B000000260	SCHOONMAKER DENNIS D & BRENDA ✓	P O BOX 2141	OKEECHOBEE	FL	34973
3153735021B000000360	MILLER PATRICIA A ✓	509 NE 10TH AVE	OKEECHOBEE	FL	34972-4523
3153735021B000000380	JOHNSON TONY R & LINDA G ✓	486 TEAYS LN	HURRICANE	WV	25526
3153735021B000000490	MURDORF MABEL SILLS ✓	891 NE 5TH ST	OKEECHOBEE	FL	34972-4519



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

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



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

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of August 7th, 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 10th day of

August, 2020


Signature of Applicant

8/10/2020

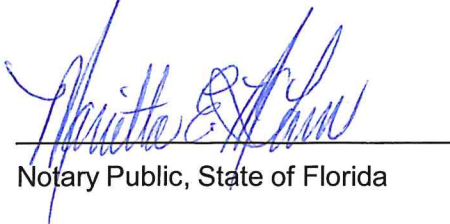
Date

Max McBrayer

Name of Applicant (printed or typed)

State of Florida
County of Okeechobee

Sworn to and subscribed before me this 10th day of August, 2020. Personally known to me Max E. McBrayer, Jr. or produced _____ as identification and did not take an oath.



Notary Public, State of Florida



Racetrac - Okeechobee EDO

SR70 & SE 10th Avenue

Legend



Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2020 Working Values

updated: 9/3/2020

Parcel: << **2-15-37-35-0A00-00007-0000 (32896)** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 23 of 24

Owner	H2OLDINGS LLC %DONALD J HACKL 1534 WALNUT AVE WILMETTE, IL 60091		
Site	975 NE PARK ST, OKEECHOBEE		
Description*	UNPLATTED LANDS OF THE CITY W1/2 OF SW 1/4 OF SE 1/4 N OF RD 70 LESS R/W LESS & EXCEPT A PARCEL OF LAND DESC IN ORB 6 PG 141 18.98 ACRES 15 37S 35E		
Area	18.917 AC	S/T/R	15-37-35
Use Code**	NON AG ACREAGE (9900)	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.

☒ 2020 ☐ 2019 ☐ 2018 ☐ 2017 ☐ 2015 ☐ Sales
**Property & Assessment Values**

2019 Certified Values		2020 Working Values	
Mkt Land	\$1,109,969	Mkt Land	\$1,219,103
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$1,109,969	Just	\$1,219,103
Class	\$0	Class	\$0
Appraised	\$1,109,969	Appraised	\$1,219,103
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$0
Assessed	\$1,109,969	Assessed	\$1,219,103
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$1,109,969	Total Taxable	county:\$1,219,103
	city:\$1,109,969		city:\$1,219,103
	other:\$1,109,969		other:\$1,219,103
	school:\$1,109,969		school:\$1,219,103

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
3/10/2004	\$550,000	0525/1999	WD	V	U	02 (Multi-Parcel Sale) - show
10/2/1998	\$170,000	0412/1349	WD	V	U	03
9/1/1992	\$235,000	0337/0811	WD	V	U	03
11/1/1990	\$0	0321/1260	CT	V	U	03
12/1/1980	\$150,000	0238/1030	WD	V	Q	
2/1/1977	\$100,000	0195/0035	WD	V	Q	
9/21/1976	\$0	0189/0357	WD	V	U	03
1/1/1972	\$0	0134/0013	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					



August 24, 2020

Eve Raymond
SFWMD
3800 NW 16th Boulevard A
Okeechobee, Florida 34972

Proj: Okeechobee Racetrac Site - Okeechobee County, Florida
(BTC File #601-26)
Re: Request for Additional Information Responses
App. No. 200526-3522

Dear Ms. Raymond:

The purpose of this letter is to provide the District with the environmental responses of comments for the above referenced Permit Application for the above referenced project site.

3. Have onsite inspections of wetland determinations for this site been conducted by District staff? Please contact Eve Raymond, the environmental reviewer, at 863-462-5260 ext. 3007 to arrange a field inspection if no prior inspections have been completed. Prior to the field inspection, wetland boundaries should be field staked for SFWMD staff verification and approval. In the event that jurisdictional wetlands do occur on the site, additional information related to wetlands and potential impacts to wetlands may be required to assist Staff in their review of the proposed project.

A site review was conducted with Eve Raymond of the District and Daniel Gough of BTC on August 20, 2020. The reviewed and approved wetland limits are depicted on the revised site plans. The wetland totals 0.35 acres in size and per Sec. 10.2.2.1 of the A.H., no mitigation is required for the less than 0.5-acre isolated system. Furthermore, the attached UMAM illustrates the low functional value of the wetland system.

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

4. Has the Applicant completed a wildlife survey for the entire project area? Please submit results of a detailed wildlife survey for the project site. In addition, please provide copies of any correspondence pertaining to the project from the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

Utilizing methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised January 2017), an assessment for "listed" floral and faunal species occurring within the subject site boundaries was conducted in August 2020. The survey covered approximately 100% of the subject site's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017) that have the potential to occur in Okeechobee County.

No plant species "listed" by either the state or federal agencies were identified on the subject property during the assessments conducted. The following is a list of those wildlife species identified during the evaluation of the site:

Reptiles and Amphibians

brown anole (*Anolis sagrei*)

eastern racer (*Coluber constrictor*)

Birds

American Crow (*Corvus caurinus*)

Mourning Dove (*Zenaida macroura*)

Northern Cardinal (*Cardinalis cardinalis*)

Mammals

eastern gray squirrel (*Sciurus carolinensis*)

nine-banded armadillo (*Dasypus novemcinctus*)

None of the above wildlife species are identified on the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (updated May 2017).

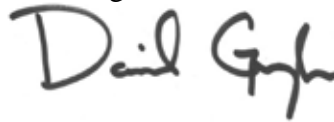
5. At this time, the District has not received correspondence from the Florida Department of State's Division of Historical Resources (DHR). What is the status of review by the

DHR? Pursuant to Section 10.2.3(f), Volume I, the District will require documentation from DHR indicating that the proposed project will not adversely affect historical or archaeological resources in order to recommend approval of this application.

A request for an archaeological determination has been submitted to the Division of Historical Resources (DHR). Once the correspondence is received, a copy will be provided to District staff.

Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,



Daniel Gough
Project Manager



John Miklos
President

attachments



TABLE 1. PROJECT WETLAND (WL) AND OTHER SURFACE WATER (SW) SUMMARY

WL & SW ID	WL & SW TYPE	WL & SW SIZE	WL & SW NOT IMPACTED	TEMPORARY WL & SW IMPACTS			PERMANENT WL & SW IMPACTS			MITIGATION ID
				WL & SW TYPE	IMPACT SIZE	IMPACT CODE	WL & SW TYPE	IMPACT SIZE	IMPACT CODE	
W-1	640	0.35	0.00				640	0.35	F	
PROJECT TOTALS		0.350	0.000		0.00			0.350		

Comments: FLUCFCS - Florida Land Use, Cover and Forms Classification System

CODES (multiple entries per cell not allowed):

Wetland Type: from an established wetland classification system (see Section E, 111b.)

Impact Type: D=dredge; F=fill; H=change hydrology; S=shading; C=clearing; O=other

FORM NUMBER 40C-4.900(1)

Reviewer: _____

PART I - QUALITATIVE DESCRIPTION
(See Section 62-345.400, F.A.C.)

Site/Project Name Okeechobee Racetrac		Application Number		Assessment Area Name or Number W-1	
FLUCCs Code 640		Further classification (optional)		Impact or Mitigation Site Impact	
				Assessment Area Size 0.35	
Basin/Watershed Name/Number		Affected Waterbody (class)		Special Classification (i.e. OFW, AP, other local/state/federal designation of importance) N/A	
Geographic relationship to and hydrologic connection with wetlands, other surface waters, uplands Assessment area is hydrologically isolated and surrounded by disturbed uplands with mobile home park to the west and State Road 70 to the south.					
Assessment area description Wetland 1 assessment area is a disturbed and isolated depression that is a monoculture of paragrass with standing water and minimal wildlife utilization.					
Significant nearby features SR 70 to the south, mobile home park to the west				Uniqueness (considering the relative rarity in relation to the regional landscape) Common	
Functions Minimal biological functions				Mitigation for previous permit/other historic use	
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found) Small amphibians and reptiles.				Anticipated Utilization by Listed Species (List species, their legal classification (E,T, SSC), type of use, and intensity of use of the assessment area) None	
Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings nests, etc.):					
Additional relevant factors:					
Assessment conducted by: Daniel Gough				Assessment date(s): 8-20-2020	

PART II - Quantification of Assessment Area (impact or mitigation)
(See Section 62-345.500 and .600, F.A.C.)

Site/Project Name Okeechobee Racetrac	Application Number	Assessment Area Name or Number W-1
Impact or Mitigation Impact	Assessment conducted by: Daniel Gough	Assessment date: 8/20/2020

Scoring Guidance
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed

Optimal (10)	Moderate (7)	Minimal (4)	Not Present (0)
Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500 (6)(a) Location and Landscape Support w/o pres or current with <div>4</div> <div>0</div>	Habitat support outside of assessed area is minimal with little downstream benefits provided. Adjoining uplands have been heavily impacted through agricultural practices. Uplands have been historically cleared and graded. SR 70 exists to the south and a mobile home park to the west.
.500 (6)(b) Water Environment (n/a for uplands) w/o pres or current with <div>3</div> <div>0</div>	System is hydrologically isolated and only retains rainfall from the immediate area.
.500 (6)(c) Community structure 1. Vegetation and/or 2. Benthic Community w/o pres or current with <div>2</div> <div>0</div>	Vegetation is a monoculture of paragrass

Score = sum of above scores/30 (if uplands, divide by 20)
w/o pres or current with
<div>0.3000</div> <div>0.0000</div>

If preservation as mitigation,	
Preservation adjustment factor =	
Adjusted mitigation delta =	

For impact assessment areas	
FL = delta x acres =	0.11

Delta = [with current]
0.30

If mitigation	
Time lag (t-factor) =	
Risk factor =	

For mitigation assessment areas	
RFG = delta/(t-factor x risk) =	



Staff Report

Special Exception Request

Parcel ID: 2-15-37-35-0A00-00007-0000

Description: Convenience Store with Fuel Pumps

Prepared for: The City of Okeechobee

Applicant: RaceTrac Petroleum Inc

Petition No.: 20-005-SE

General Information

Applicant	RaceTrac Petroleum Inc 200 Galleria Pkwy SE, Suite 900 Atlanta, GA 30339
Owner	H2oldings LLC 1534 Walnut Ave Wilmette, IL 60091
Site Address	SR 70 (975 NE Park St)
Parcel Identification	2-15-37-35-0A00-00007-0000
Contact Person	Samantha Jones, Engineering Project Manager
Contact Phone Number	770.431.7600
Contact Email Address	sjones@racetrac.com
For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at https://www.cityofokeechobee.com/agendas.html	

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning District	Heavy Commercial (CHV)	Heavy Commercial (CHV)
Use of Property	Vacant	RaceTrac Gas Station and Convenience Store
Acreage	18.86	18.86

Item Before the Board of Adjustment

The matter for consideration by the City of Okeechobee Board of Adjustment is an application for a Special Exception to allow a convenience store with fuel pumps in the heavy commercial zoning district. This site plan was previously approved by the Technical Review Committee and the Board of Adjustment previously approved a special exception for a convenience store with fuel pumps for this same project in May of this year. That previous special exception approval included several conditions:

1. No overnight truck parking allowed
2. No showers allowed

3. An 8 ft perimeter wall must be built along the western boundary of the site starting at the southern boundary of the River Run Resort, extending to the southern boundary of the subject site water retention area.
4. Increased landscape buffer provided along the western boundary between River Run Resort and the subject site water retention area.
5. Any future development of the subject parcel along the boundaries of the River Run Resort must continue the 8 foot perimeter wall.

Since that Board of Adjustment meeting in May, the Applicant has made substantial revisions to the site plan. Along with this special exception request, the Applicant is requesting a new site plan approval from the TRC and another special exception approval for drive through service from the Board of Adjustment. Changes to the site plan include:

- Larger development area footprint on the parcel.
- Drive through service added
- The floor area convenience store has been increased from 5,411 to 8,100 square feet.
- One additional semi-truck fueling station
- Truck scale added

The reason the applicant has reapplied for the special exception request for a convenience store with fuel pumps is to request that the condition of no overnight truck parking be removed. The Applicant has now stated that they would like to allow overnight truck parking.

After discussing this issue with City staff, it seems this condition is problematic. The condition lacks specificity as “overnight” is not defined as a length of time or a time period in the day. Additionally, even if “overnight” were better defined, the condition could prove to be difficult and time consuming for the City to enforce. The police department would be responsible for regular checks on parked trucks every evening. And ultimately, if it is determined that trucks are parking overnight, it is unclear what enforcement actions the City should take.

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

North	Future Land Use	Single Family Residential
	Zoning District	Residential Mobile Home (RMH)
	Existing Use	River Run Resort Mobile Home Park
East	Future Land Use	Commercial
	Zoning District	Heavy Commercial (CHV)
	Existing Use	Vacant
South	Future Land Use	Commercial
	Zoning District	Heavy Commercial (CHV)
	Existing Use	Zaxby's Restaurant, Family Dollar Store, US Post Office
West	Future Land Use	Single Family Residential
	Zoning District	Residential Mobile Home (RSF-1)
	Existing Use	Manufactured Home Sales Center & River Run Resort Mobile Home Park

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.

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

APPLICANT RESPONSE: As aforementioned, the applicant is proposing to add a new RaceTrac Gas Station & Convenience Store along the SR 70 corridor. RaceTrac is considered a modern convenience store that provides the public with many products and choices to its consumers. The purposed of this special exception request is to revise the previously approved special exception for the 5,411 sf convenience store with gasoline sales. The special exception was approved on May 21st, 2020 with a condition that no truck overnight parking would be allowed on-site. Since the approval, RaceTrac has revised the Site Plan to convert this location to a "Travel Center" due to its lot size. The most obvious difference is a larger convenience store (8,100 SF) that will appeal to interstate travelers along SR-70 as well as local traffic. The site is located on SR-70 which is a major transportation corridor through the City of Okeechobee and the applicant does not want to prohibit overnight truck parking at the site and possibly offer overnight truck parking as an additional service to truck users. The site plan has been carefully designed to separate truck use and truck parking area to maintain access, safety, and circulation for all customers.

STAFF COMMENTS: The Applicant is planning to purchase the subject property and construct the RaceTrac gas station and convenience store in the southwest corner of the parcel (shown as parcel 1 on the survey). At this time, the Applicant is not proposing any development of the remaining area of Parcel 1 and those areas will continue to be vacant commercial property to the north and east of the RaceTrac development site until new development is proposed. It is important to note that, despite the fact that the currently proposed development area is only a portion of the subject property, the applicant has applied for this special exception with a legal description that encompasses all of the subject property (parcel 1). If approved, this special exception to allow a convenience store with fuel pumps will apply to the entirety of parcel 1. Thereby, we will discuss the appropriateness of the location with regard to the entirety of parcel 1.

The proposed location on SR-70 near the eastern boundary of the City will provide access to fuel and convenience goods along a heavily traveled roadway without encroaching on the City's central business district. The site is of sufficient size to allow adequate interior circulation and buffering of the adjacent residences. This is an appropriate location for a gas station and convenience store.

Parcel 1 has approximately 674 feet of frontage on the north side of SR-70 with retail, restaurant and governmental uses existing across SR-70 to the south. The property to the east is entirely vacant commercial property. An existing manufactured home sales facility fronts on SR-70 to the west and an established manufactured home residential neighborhood exists to the west and north. The existence of the residential neighborhood to the west and north was the primary reason that the Board members cited in their reasoning to place the conditions on their previous approval, including the condition of no overnight truck 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.***

APPLICANT RESPONSE: The proposed use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area with an appealing building appearance that is above the average gas station design. The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and can still offer services to the adjacent residential properties.

STAFF COMMENTS: The main compatibility concern for this use is the existing residential neighborhood to the west and north. However, the site plan depicts an ample landscape buffer proposed on the west side which exceeds the minimum landscape buffer requirements provided in the City's Code. Additionally, the revised site plan depicts an 8 foot tall wall to be provided along the western boundary of the site starting at the southern boundary of the River Run Resort, extending to the northern limit of the development site.

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

APPLICANT RESPONSE: Landscape techniques to visually screen the proposed fuel station use from the adjacent uses include a privacy wall running to the west of the property along the proposed development. Additionally, the provision of dense, native plantings that form a continuous buffer at the Western perimeter. Specifically, a Walter's Viburnum hedgerow and a staggered arrangement of Live Oak, Sweetgum, & Red Maple trees, provided at an average of 20 feet on center consistent with Code requirements, serve to buffer views from the neighboring residential uses, while also occasionally integrating existing Sabal Palms to be retained. Along the SR 70, an Inkberry hedgerow, in addition to layers of compact Firebush, Yaupon holly, and muhly grass, among other shrubs & groundcovers, screen the vehicle use area & add visual interest to the frontage & roadway corridor, while Live Oak, Dahoon Holly, Red Maples offer filtered views of the site. To the North & East, continuous Walter's Viburnum hedges extend along the perimeters to isolate the areas of proposed development from the remainder of the parcel that is not to be affected. Existing natural vegetation typical of Mesic Hammock plant communities loosely define the extents of the property.

STAFF COMMENTS: The applicant's description of the proposed landscaping is consistent with the submitted site plan. The 8 foot tall wall will provide a solid buffer between the adjacent residences to the west. The Walter's Viburnum hedge is depicted around the entirety of the hardscaped portion of the development site (excluding the water retention area) and the species is known for growing into tall hedges up to 15 feet tall, depending on care.

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

APPLICANT RESPONSE: Gas stations with convenience stores often get associated with crime and loitering. RaceTrac is aware of these issues and have devoted to change this idea by incorporating standards in all their new buildings beginning with the building appearance to providing actual security measures throughout the site design. The Applicant has devoted special attention to the building's elevations by incorporating brick and stone elements with dark bronze accents in combination with brand colors to give the building an attractive modern aesthetic above the typical gas station elevations

to provide an inviting appearance to all travelers. Once inside the building, the open floor plan together with the location of the cash wrap will be able to give the attendant a clear visual throughout the store. The idea is to create an environment where customer activity and open concept will deter crime through natural surveillance. In addition to natural surveillance techniques present throughout the site, RaceTrac is equipped with a 24-hour surveillance system both inside and outside of their stores. In addition, all RaceTrac facilities are company owned and operated so that the maintenance of the property and the quality of the service will be consistently at the highest industry standards. If approved, this site will provide 24-hour service to all users. By maintaining operation, the site will provide “natural surveillance” even during the later hours of the night when this sort activity often occurs.

STAFF COMMENTS: None.

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

APPLICANT RESPONSE: The applicant will be working with the Okeechobee Utility Authority for water and sewer services and with South Florida Water Management District for the drainage of the property. All utility services will be designed and constructed according to the standards and approval of the corresponding jurisdictional authority. Based on preliminary conversations, there are a means of providing these services to the applicant

STAFF COMMENTS: None

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

APPLICANT RESPONSE: The site has been designed to provide a long drive-thru area that provides sufficient stacking for the drive-thru use so that the remainder of the site will not be affected when the drive-thru begins to back up. Additionally, the site plan has been carefully designed to separate truck use and truck parking area to maintain access, safety, and circulation for all customers. Diesel is also offered in the standard fuel pumps so that light/medium trucks may still fuel in this area without the need to go to the diesel canopy. Site design also includes 40’ wide drive aisles between the parking and fuel areas so that there would be enough space to maintain circulation should the site get congested, there is sufficient room to allow vehicles to go around the queuing vehicles. The applicant is currently working with FDOT to see what off-site improvements will be required to provide a signalized left turn lane for the east bound travelers along SR 70. We will continue working with FDOT throughout the permitting process.

STAFF COMMENTS: Mackenzie Engineering prepared a revised traffic assessment for the revised site plan which recommends that modifications will be necessary to the roadway and traffic light at the intersection with SE 10th Ave. The Applicant is in contact with the Florida Department of Transportation as well as the City’s public works director to coordinate these improvements.

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 RESPONSE: The requested special exception is consistent with the Goals, Objectives and Policies of the Comprehensive Plan in that the RaceTrac Market use will better serve the public along a major transportation corridor without compromising the appeal of the surrounding area. Additionally, as a vacant and underutilized property, the project will develop an infill area with a project that is compatible with other heavy commercial uses along the SR 70 corridor.

STAFF COMMENTS: Policy 2.2 of the Future Land Use Element recommends that the City protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards.

Objective 12 states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl.

This property fronts on SR-70 (Park Street), which is one of the City's commercial corridors. The commercial corridors are appropriate locations for non-residential uses. Additionally, this site is located near the eastern boundary of the City outside of the central business district. Allowing a convenience store with fuel pumps is appropriate in this location and consistent with the established pattern of land uses within the City. With appropriate buffering, it is also compatible with the adjacent residential use.

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

APPLICANT RESPONSE: As per Sec. 90-283 (1), this proposed development (convenience store w/ drive-thru service and with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approvals.

STAFF COMMENTS: City Code Section 90-283 specifically lists convenience store with fuel pumps as a special exception use in the CHV heavy commercial zoning district.

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

APPLICANT RESPONSE: The proposed RaceTrac development will not have an adverse effect on the public interest as the RaceTrac is intended to offer gasoline services as well as extend food and beverage offerings to both nearby residents as well as pass by travelers and the drive-thru service will benefit the public to make RaceTrac's offerings more accessible.

STAFF COMMENTS: It is in the public interest to have access to convenience goods and fuel along major travel routes such as SR-70. It is also in the public interest to allow development which provides an increase in the tax base. This use should not have an adverse effect on the public interest.

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

APPLICANT RESPONSE: The proposed use is compatible with adjacent uses as Heavy Commercial is the predominant zoning classification along the SR-70 corridor and approval of this special exception will maintain land use consistency in this area and additionally be able to provide drive-thru service of RaceTrac's offerings to the public.

STAFF COMMENTS: This property fronts on SR-70 (Park Street), which is one of the City's commercial corridors. The commercial corridors are appropriate locations for non-residential uses. Additionally, this site is located near the eastern boundary of the City outside of the central business district. Allowing a convenience store with fuel pumps is appropriate in this location and consistent with the established pattern of land uses within the City. With appropriate buffering, it is also compatible with the adjacent residential use.

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

APPLICANT RESPONSE: The proposed RaceTrac should not adversely affect property values or living conditions. On the contrary, the development of this property will promote infill to currently vacant surrounding properties that are zoned for commercial uses. Commercial amenities and services help drive residential interest. More specifically, food and gasoline services help travelers stop and rest to recharge after hours of driving or drive-thru service that can also positively affect nearby businesses and other services offered in this area.

STAFF COMMENTS: It is possible that allowing the applicant to develop this use will not deter but, instead, encourage development of the vacant property to the east. Conversely, it is possible that property values and living conditions for the nearby residences could be affected, as additional noise is likely to be generated by this use, which is proposed to operate 24 hours per day. The large truck fueling and parking area is located adjacent to these existing residences. The current site plan includes an 8 foot tall privacy wall along the west property line as well as a landscape buffer around the entire perimeter of the development site that should minimize these potential effects.

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

APPLICANT RESPONSE: The proposed development is far exceeding any buffer and setback requirements from the adjacent properties. Additionally, the applicant will be proposing a privacy wall along the western boundary to help screen the adjacent residential properties from the daily operations of the RaceTrac.

STAFF COMMENTS: The existing residences to the north and west represent the main concern for negative impacts on surrounding uses. The large truck fueling and parking area is located adjacent to these existing residences and is likely to generate noise 24 hours per day. To mitigate these impacts, the applicant is proposing an 8 foot wall on the west property line along with a landscape buffer around the entire perimeter of the development site.

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

APPLICANT RESPONSE: The primary traffic that the proposed RaceTrac development is intended to capture are nearby residents as well as pass-by commuters/travelers, therefore the proposed should not create an overburden to public facilities such as schools, streets, and utility services.

STAFF COMMENTS: This non-residential development will not impact the public school adopted levels of service and there is sufficient utility capacity to accommodate the

proposed development. A traffic impact statement has been provided which concludes that roadway and traffic signal modifications will be necessary to accommodate the increase in vehicle trips generated by this project. Those improvements are being coordinated by the Applicant with the Florida Department of Transportation and with the City's Public Works Director.

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

APPLICANT RESPONSE: The proposed use should not create traffic congestion, flooding, or drainage problems, or otherwise affect public safety. We are currently working with FDOT on the access to the property and will continue to do so to provide any traffic measures as required to provide a satisfactory level of service as well as a safe operation of traffic to and from the RaceTrac. We will also continue to work with the water management district to design the site according to all applicable rules and regulations so that there are no adverse impacts to public safety.

STAFF COMMENTS: Drainage improvements, including a water retention area at the rear of the project, are included in the site plan. Public safety should not be affected by this project.

Recommendation

Based on the foregoing analysis, the requested Special Exception is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. We recommend approval of the Special Exception request for a new convenience store with fuel pumps along with conditions that are either enforceable as features of the development or that provide specific parameters and enforcement actions. The revised site plan submitted for review by the Technical Review Committee does include an 8 foot wall along the western boundary of the development site and a significant landscape buffer at the rear of the development site; both of which were features that were required by the Board of Adjustment as conditions of their previous special exception approval. If the Board agrees to re-approve this special exception request, the Board may wish to consider the following conditions:

1. Approval is contingent upon the applicant providing, at a minimum, the buffering features as depicted in the current draft of the site plan.
2. No showering facilities shall be constructed as part of this development.
3. Future development of the subject parcel adjacent to the boundaries of the River Run Resort must provide an 8 foot tall perimeter wall.

Submitted by:



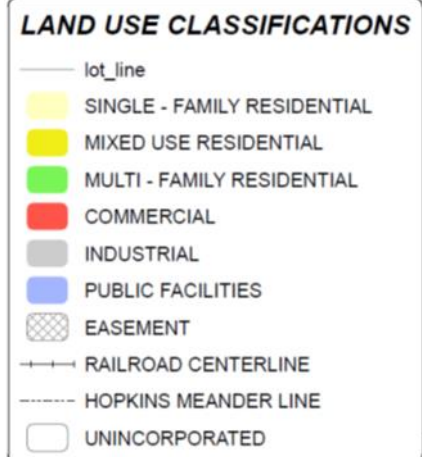
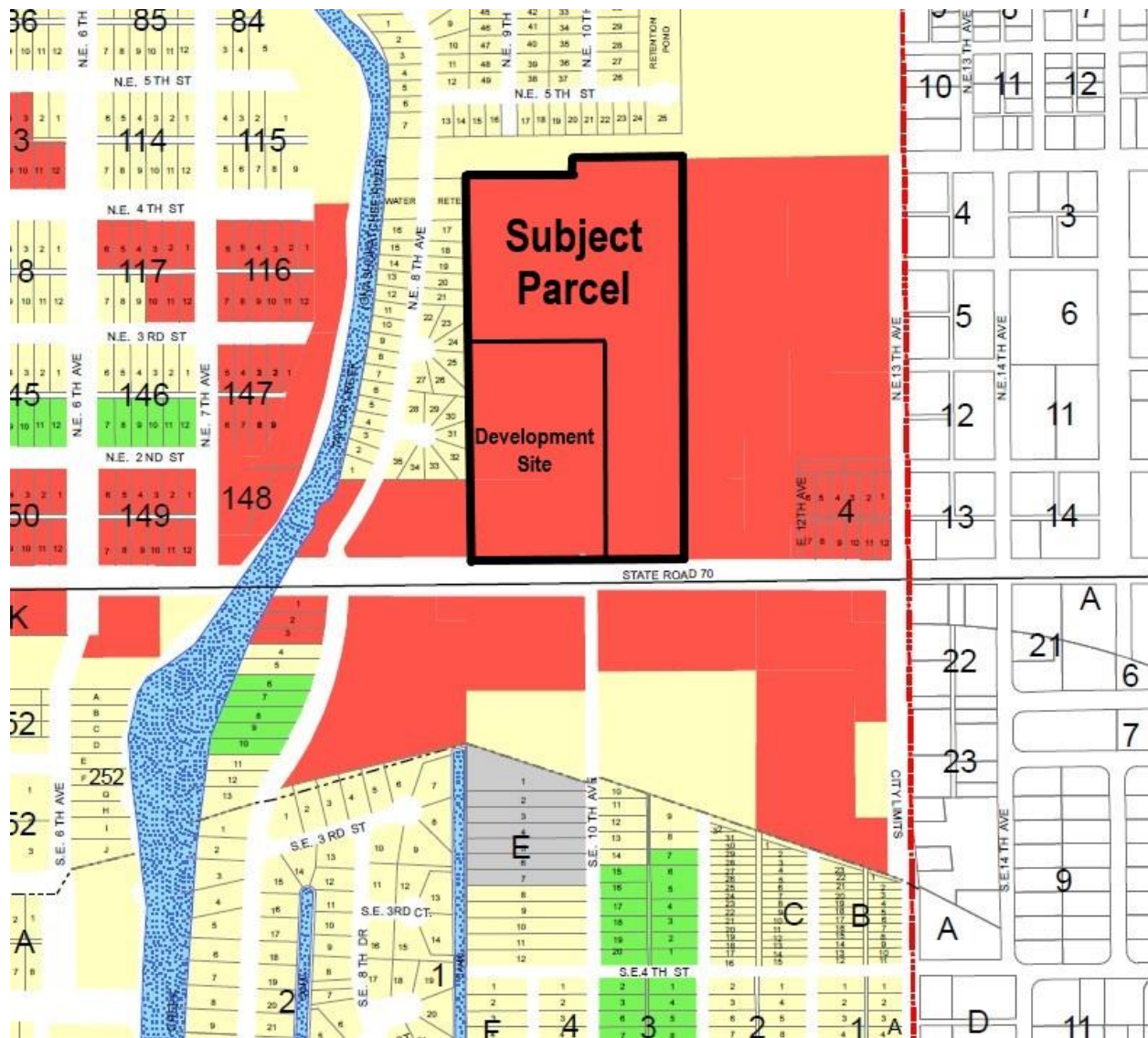
Ben Smith, AICP

October 6, 2020

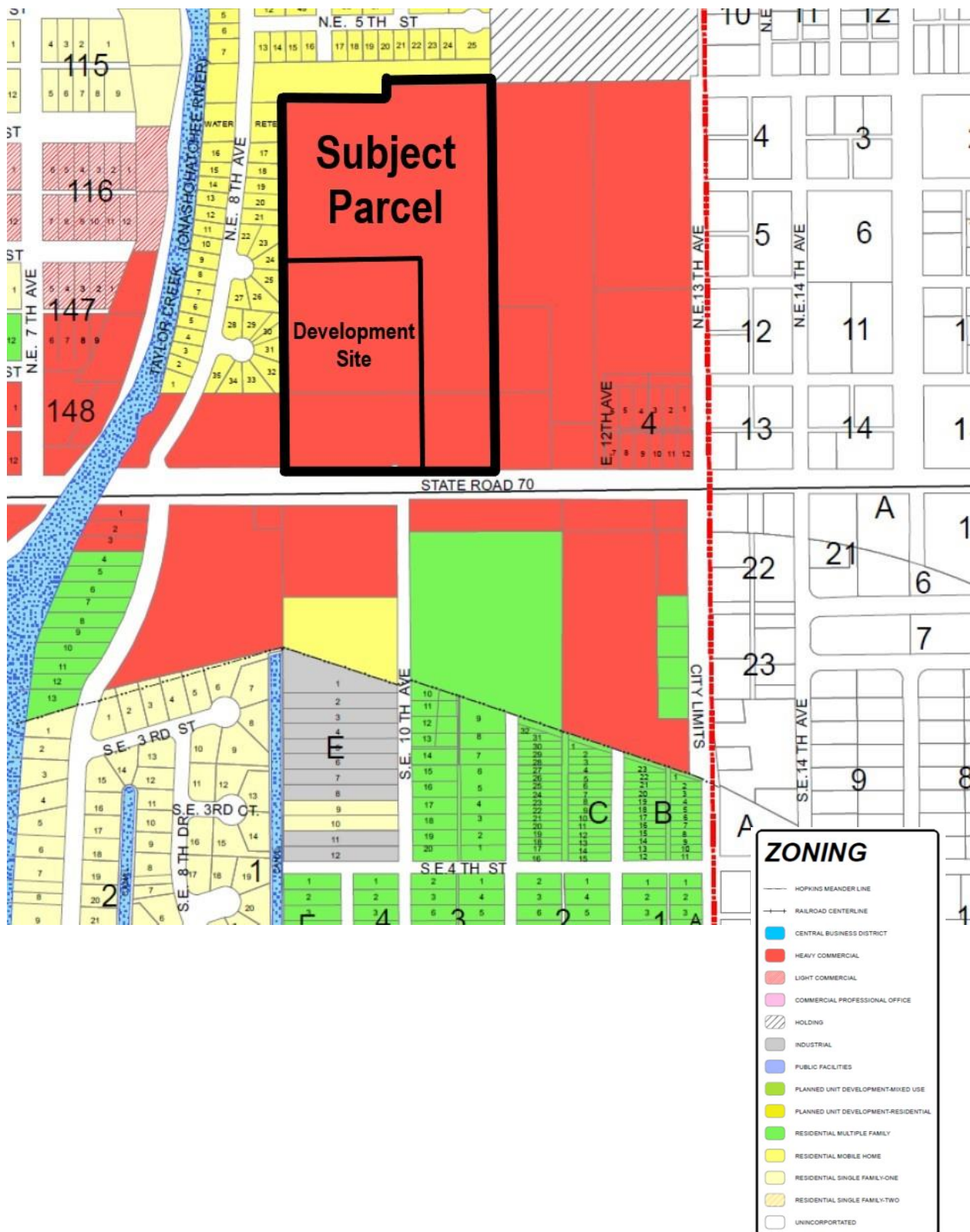
Board of Adjustment Hearing: October 15, 2020

Attachments: Future Land Use Map, Zoning Map, and Aerial Map

FUTURE LAND USE SUBJECT SITE AND ENVIRONS

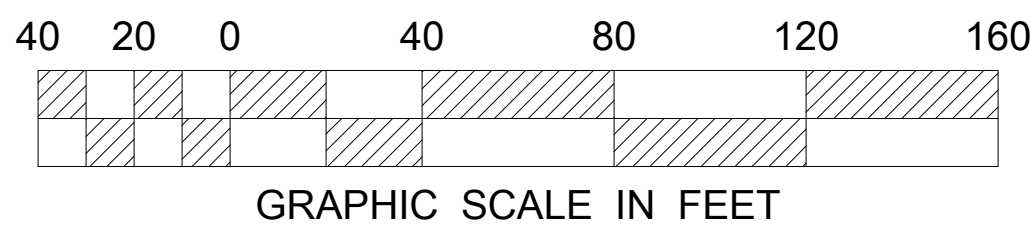


ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS





Know what's below.
Call before you dig.

CIRCULATION PLAN		DATE	9/11/2020
RACETRAC MARKET		SCALE	1" = 40'
& GAS STATION		DRAWN-BY	JFV
SR 70 & NE 10TH AVENUE		DRAWING NAME:	
OKEECHOBEE, FLORIDA		C 1.3	1
SHEET NO.		VERSION	

A PORTION OF
SECTION 15 TOWNSHIP 37 SOUTH RANGE 35 EAST

12. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS, AS SHOWN ON SURVEY.

SCALE: 1" = 200'
DETAIL SKETCH OF PARCEL 1 (LEGAL DESCRIPTION)

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE RUN NORTH 00°14'15" WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 76.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP ALONG SECTION 91070-000 (SHEET 7-15); SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'15" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1192.57 FEET TO A POINT THAT IS 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE NORTH 89°20'30" EAST, ALONG SAID LINE, A DISTANCE OF 336.63 FEET; THENCE NORTH 00°14'59" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE NORTH 89°20'30" EAST, A DISTANCE OF 336.62 FEET TO A POINT THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 00°15'43" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1248.24 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 70; THENCE FOR THE FOLLOWING FIVE (5) COURSES ALONG SAID NORTH RIGHT OF WAY, SOUTH 88°49'26" WEST, A DISTANCE OF 306.61 FEET; THENCE NORTH 00°10'34" WEST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°49'26" WEST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°10'34" EAST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 89°49'26" WEST, A DISTANCE OF 347.14 FEET TO THE POINT OF BEGINNING.

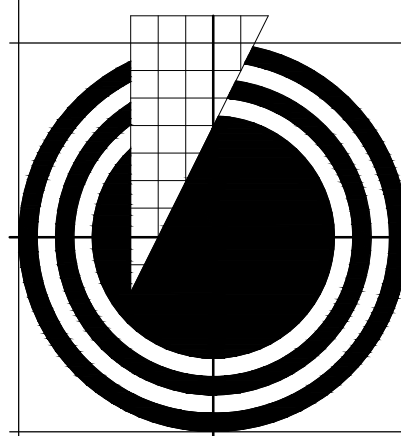
CONTAINING: 821,598.48 SQUARE FEET AND/OR 18.86 ACRES MORE OR LESS.

SHEET 1 OF 2 (NOT VALID WITHOUT SHEET 2 OF 2)

DATE	REVISIONS	DWG	CHK
10-20-19	RT COMMENTS	DPK CDW	
11-5-19	NEW TITLE DOCS.	DPK CDW	
3-5-2020	BLOODHOUND LOCATES	DPK CDW	
4-26-2020	ADDED TREES - OVERHEAD WIRES CHANGE RT DEVELOPMENT SITE		
8-30-2020	CHANGE BOUNDARY ADD TOPO (STATE ROAD 70)		

RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE
SUITE 900
ATLANTA, GEORGIA 30339

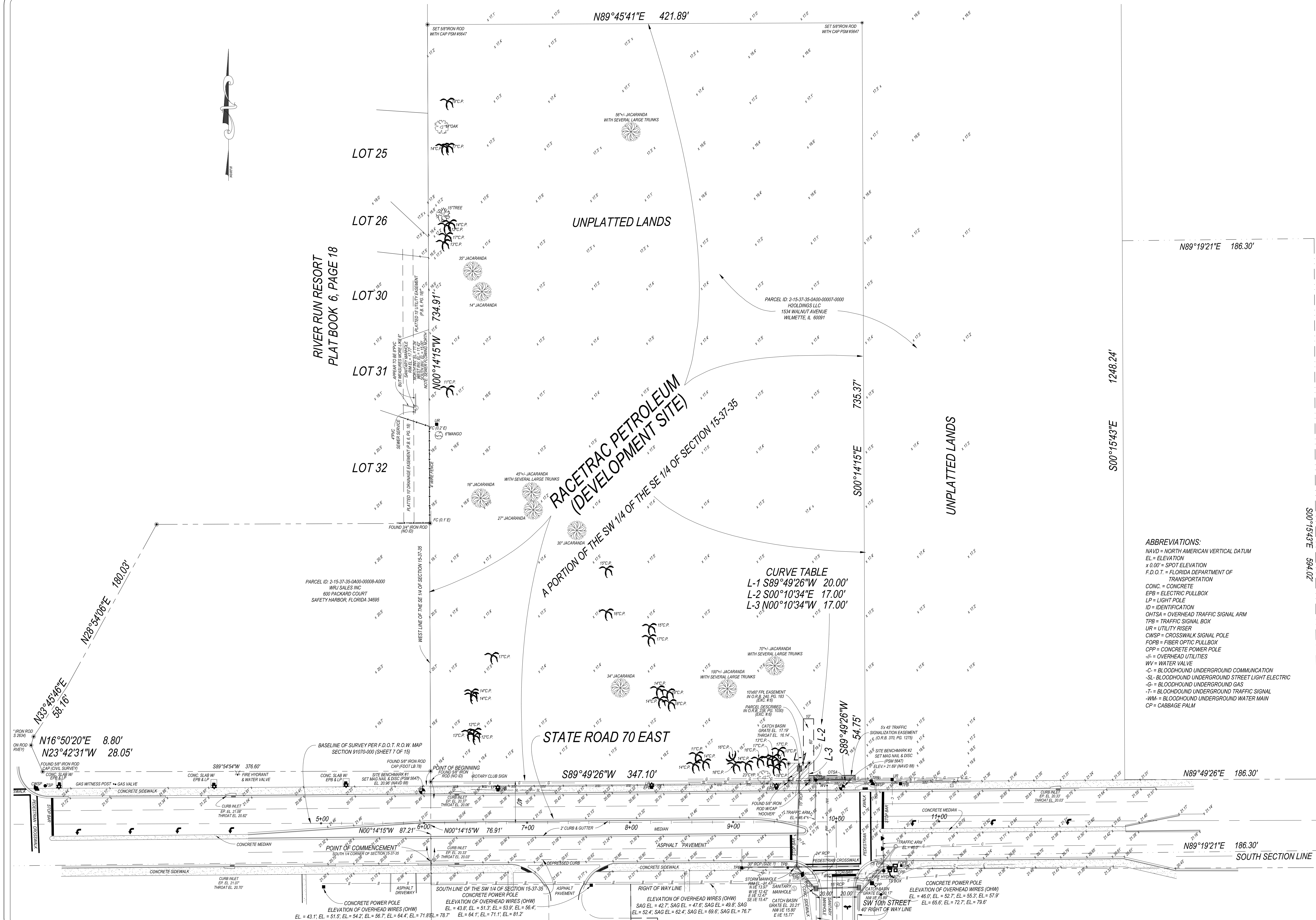
WATSON | KILLANE
SURVEYING AND MAPPING, INC.
2240 NE DIXIE HIGHWAY - JENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM



1 OF 2

CRAIG D. WATSON
PROFESSIONAL SURVEYOR & MAPPER
NO. 5647 STATE OF FLORIDA

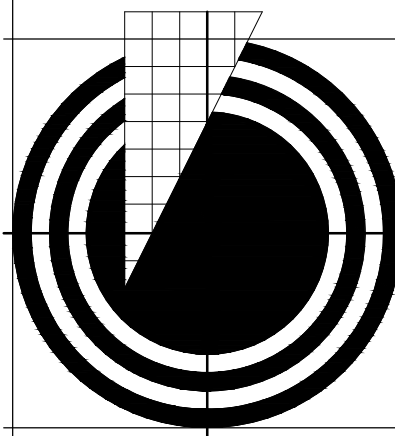
LOCATION MAP - NOT TO SCALE



ABBREVIATIONS:
NAVD = NORTH AMERICAN VERTICAL DATUM
EL = ELEVATION
x 0.00' = SPOT ELEVATION
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
CONC = CONCRETE
EPB = ELECTRIC PULLBOX
LP = LIGHT POLE
ID = IDENTIFICATION
OHTSA = OVERHEAD TRAFFIC SIGNAL ARM
TPB = TRAFFIC SIGNAL BOX
UR = UTILITY RISER
CWSP = CROSSWALK SIGNAL POLE
FOPB = FIBER OPTIC PULLBOX
CPP = CONCRETE POWER POLE
WV = WATER VALVE
WV+ = WATER VALVE
C = BLOODHOUND UNDERGROUND COMMUNICATION
SL = BLOODHOUND UNDERGROUND STREET LIGHT ELECTRIC
G = BLOODHOUND UNDERGROUND GAS
T = BLOODHOUND UNDERGROUND TRAFFIC SIGNAL
WM = BLOODHOUND UNDERGROUND WATER MAIN
CP = CABBAGE PALM

DATE	REVISIONS	DWG	CHK
10-26-19	PT COMMENTS	DPK	CDW
11-15-19	NEW TITLE DOCS	DPK	CDW
3-5-2020	BLOODHOUND LOCATES	DPK	CDW
4-26-2020	ADDED TREES - OVERHEAD WIRES CHANGE IN DEVELOPMENT SITE		
8-20-2020	CHANGE BOUNDARY ADD TOPO (STATE ROAD 70)		

WATSON | KILLANE
SURVEYING AND MAPPING, INC.
2240 NE DIXIE HIGHWAY - JENSEN BEACH, FLORIDA 34957
PHONE 772-334-0868 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241



JOB NUMBER: 19-478
FIELD DATE: 9-18-2019
CHECKED BY: CDW
DRAWN BY: DPK
SCALE: 1"= 40'

SHEET
2 OF 2