



CITY OF OKEECHOBEE
PLANNING BOARD/BOARD OF ADJUSTMENT
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
MAY 21, 2020
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action April 16, 2020
Exhibit 1	Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 20-002-SSA
Exhibit 2	Rezoning Petition No 20-001-R
Exhibit 3	Rezoning Petition No. 20-002-R
Exhibit 4	Special Exception Petition No. 20-002-SE



**CITY OF OKEECHOBEE, FLORIDA
APRIL 16, 2020, PLANNING BOARD MEETING
DRAFT SUMMARY OF BOARD ACTION**

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, municipalities may conduct meetings of their governing bodies without having a quorum of its members present physically or at any specific location, and utilizing communications media technology (CMT) such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

I. CALL TO ORDER

Chairperson Hoover called the CMT meeting of the Planning Board for the City of Okeechobee to order on Thursday, April 16, 2020, at 6:05 P.M. by means of using Zoom online Meeting ID 314313542 with the Host computer operated by Executive Assistant Robin Brock being in the City Council Chambers, 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The video, audio, and other digital comments are recorded and retained as a permanent record.

Chairperson Hoover provided the meeting instructions. All individual computers and telephones will be muted upon entering the meeting. The Host and the Chair will be unmuted at all times. Board Members making a motion or second are to announce their name before speaking. The Chair will call upon each Board Member individually for their vote. Please mute yourself and unmute during each item for discussion and vote. At any time during the meeting if you wish to speak, raise your hand in Zoom by clicking the icon on the right-hand side of the screen.

A. The Pledge of Allegiance was led by Board Secretary Patty Burnette.

II. ATTENDANCE

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

CITY STAFF: City Attorney John Fumero, City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present.

Chairperson Hoover moved Alternate Board Member Granados to voting position.

III. AGENDA

A. A motion was made by Member Chartier to defer to the next meeting scheduled for May 21, 2020 at 6:00 P.M., Public Hearing Item V.A. and Quasi-Judicial Item V.C. [Comprehensive Plan Small Scale Future Land Use Map (FLUM) Amendment Application No. 20-002-SSA, from Single Family Residential (SF) and Multi-Family Residential (MF) to Industrial on 2.87± acres located in the 500 to 600 blocks of Southwest 7th Avenue; and Rezoning Petition No. 20-001-R, from Residential Multiple Family (RMF) to Industrial (IND) on 2.87± acres located in the 500 to 600 blocks of Southwest 7th Avenue]; seconded by Member Granados.

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

B. A motion was made by Vice Chairperson McCoy to adopt the amended agenda, seconded by Member McCreary.

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

IV. MINUTES

- A. A motion was made by Member Chartier to dispense with the reading and approve the minutes for the March 19, 2020, Regular Meeting; seconded by Vice Chairperson McCoy.

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

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:14 P.M.

- A. Comprehensive Plan Small Scale FLUM Amendment Application No 20-002-SSA, from SF Residential and MF Residential to Industrial on 2.87 acres located in the 500 to 600 blocks of Southwest 7th Avenue was deferred until the May 21, 2020, Regular Meeting.
- B. Chairperson Hoover yielded the floor to City Planning Consultant Mr. Smith. He briefly reviewed the Planning Staff Report for Comprehensive Plan Small Scale FLUM Application No. 20-003-SSA, which requests to change the FLU designation from SF Residential to Industrial on 1.60± acres located in the 700 block between Northwest 7th and 8th Streets along Northwest 6th Avenue, Lots 11 through 20 of Block 62, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County. The Applicant has stated their intent for the development of the property is for a contractor's office. A Site Plan Review application has been submitted for review.

The maximum density allowable in the SF Residential FLU Category is four units per acre or five if the units qualify as affordable housing. With the affordable maximum development potential for 1.6 acres would be eight single-family dwellings. However, in order to develop single family dwelling units at this property, a zoning map amendment would be required, as single-family dwelling units are not permitted in the IND Zoning District. While the Industrial FLU category allows for a maximum floor area ratio (FAR) of 3.0, the IND zoning district only allows a maximum building coverage of 50 percent and a maximum building height of 45 feet (without a special exception approval). These limitations allow for a potential four-story structure, a maximum FAR of 2.0 and a maximum floor area of approximately 278,000 square feet. However, given that a four-story industrial structure is not likely, it may be more practical to expect a one- or two-story structure if this map change is approved.

1. Mr. Steven Dobbs, consultant for the Applicant, Mr. Mitchell G. Hancock, was available for questions from the Board. There were none.
2. Chairperson Hoover opened the floor for public comment and there was none.
3. No Ex-Parte disclosures were offered from Board Members.
4. Planning Staff Findings are as follows: The Application was found to be consistent with the City's Comprehensive Plan, specifically Policy 2.2 and Objective 12 of the FLU Element. The CSX Transportation Inc. railroad runs along the Northern property line of the subject parcel with existing Industrial uses operating to the North of that. The adjacent properties to the East and West of the subject property are vacant and currently designated as SF Residential on the FLUM. However, those same vacant properties are zoned IND and are also adjacent to the railroad. To the South of the subject property, across Northwest 7th Street, are several single-family residences. Despite the proximity of these residences, the Industrial designation seems more compatible and consistent with the surrounding area. Buffering of the single-family residences will be necessary.

The Applicant has provided a traffic analysis that estimates the requested map changes from SF Residential to Industrial would result in a potential increase of 651 daily vehicle trips and 93 peak hour vehicle trips. Another traffic analysis will be needed which will be specific to the Applicant's proposed development should these map changes be approved and a site plan for development of this property be submitted, as an industrial use is likely to generate heavier truck traffic than residential uses. Regarding adequacy of public facilities, the Applicant's submission includes letters

from the Okeechobee Utility Authority and Waste Management, indicating that there is adequate excess capacity to accommodate the demand for potable water, wastewater treatment and solid waste disposal that would be associated with a proposed industrial use. We agree with the Applicant's statements that the site has no significant or unique characteristics regarding environmental sensitivity, wetlands, wildlife habitat, endangered species, soil conditions or susceptibility to flooding.

Based on the foregoing analysis, Mr. Smith finds the requested Industrial FLU designation for the subject property to be to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area.

Members Brass and McCreary inquired as to the procedure of notifying the public of these types of applications as no signage is posted on the subject parcels and no surrounding property owners notices are mailed. City Attorney Fumero explained the City's Land Development Regulations state there shall be a publication of a notice of the public hearing at least twice in a newspaper of general circulation. In addition, the notice is posted at City Hall and on the City of Okeechobee's website. The notice does list an email address and a phone to contact should the public have questions. Secretary Burnette commented she has received no inquiries regarding this Application.

A motion was offered by Member Chartier to recommend approval to the City Council for Comprehensive Plan Small Scale FLUM Amendment Application No 20-003-SSA, which requests to change the FLU designation from SF Residential to Industrial on 1.60± acres located in the 700 block between Northwest 7th and 8th Streets along Northwest 6th Avenue, Lots 11 through 20 of Block 62, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County, and find it to be consistent with the Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area; seconded by Member Jonassaint.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Chartier, Jonassaint, McCreary and Granados voted: Aye. Nays: Board Member Brass. Absent: Board Member Baughman. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively May 5, 2020, 6:00 P.M.**

PUBLIC HEARING-QUASI-JUDICIAL ITEM

- C. Rezoning Petition No. 20-001-R, from RMF to Industrial on 2.87± acres located in the 500 to 600 blocks of SW 7th Avenue for the proposed use of expanding the existing industrial facility located to the North was deferred until the May 21, 2020, Regular Meeting.

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:24 P.M.

- VI. There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 6:24 P.M.

ATTEST:

Dawn T. Hoover, Chairperson

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. 3 rd Avenue, Room 101 Okeechobee, Florida 39974-2903 Phone: (863) 763-3372, ext. 218 Fax: (863) 763-1686	Date: <u>1-10-20</u>	Petition No. <u>20-002-SSA</u>
	Fee Paid:	Jurisdiction: <u>PB FCC</u>
	1 st Hearing: <u>2-20-20</u>	2 nd Hearing: <u>3-17-20</u>
	Publication Dates:	
	Notices Mailed: <u>N/A</u>	

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

TO BE COMPLETED BY CITY STAFF:

Verified FLUM Designation: SF + MF

Verified Zoning Designation: RMF

Plan Amendment Type: ☐ Large Scale (LSA) involving over 10 acres or text amendment

☒ Small Scale (SSA) 10 acres or less

☐ Small Scale (SSA) More than 10 but less than 20 acres if the proposed amendment will have a positive effect in addressing the problems of low per capita incomes, low average wages, high unemployment, instability of employment, and/or other indices of economically distressed communities.

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. ***Please print or type responses.*** If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____.

Submit 1 (one) copy of the complete application and amendment support documentation, including maps, to the General Services Department. Fifteen (15) copies of any documents over 11 X 17 are required to be submitted by the applicant.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

✱

Date

Signature of Owner or
Authorized Representative*

*Attach Notarized Letter of Owner's Authorization

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

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 39974-2903
Phone: (863) 763-3372, ext. 218
Fax: (863) 763-1686

Date:	Petition No.
Fee Paid:	Jurisdiction:
1 st Hearing:	2 nd Hearing:
Publication Dates:	
Notices Mailed:	

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

TO BE COMPLETED BY CITY STAFF:

Verified FLUM Designation: _____

Verified Zoning Designation: _____

Plan Amendment Type: ☐ Large Scale (LSA) involving over 10 acres or text amendment

☒ Small Scale (SSA) 10 acres or less

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Submit 1 (one) copy of the complete application and amendment support documentation, including maps, to the General Services Department. Fifteen (15) copies of any documents over 11 X 17 are required to be submitted by the applicant.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Date

1/6/2020

Signature of Owner or
Authorized Representative*

[Handwritten Signature]

*Attach Notarized Letter of Owner's Authorization

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

I. APPLICANT/AGENT/OWNER INFORMATION

LOUMAX DEVELOPMENT INC

Applicant

P.O. BOX 5501

Address

Fort Lauderdale

FL

33310

City

State

Zip

954-347-1077

NJMARKUS@GMAIL.COM

Telephone Number

Fax Number

E-Mail

STEVEN L. DOBBS

Agent*

209 NE 2ND STREET

Address

OKEECHOBEE

FL

34972

City

State

Zip

863-824-7644

SDOBBS@STEVEDOBBSENGINEERING.COM

Telephone Number

Fax Number

E-Mail

Ruth G. Spradley & Gale B. Nemece
%-NEMEC CHILDRENS TRUST

Owner(s) of Record

5243 EUROPA DRIVE, UNIT P

Address

BOYNTON BEACH

FL

33437

City

State

Zip

863-634-4497

Telephone Number

Fax Number

E-Mail

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

*This will be the person contacted for all business relative to the application.

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

II. REQUESTED CHANGE (Please see Section V. Fee Schedule)

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map (FLUM) Amendment

B. SUMMARY OF REQUEST (Brief explanation):

TO CHANGE THE FUTURE LAND USE OF THE 2.87 ACRES OF THE THREE PARCELS FROM
RESIDENTIAL MULTI FAMILY TO INDUSTRIAL

SF & MF to Industrial

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. PROPERTY LOCATION:

1. Site Address: 500-600 BLOCK OF SW 7TH AVE , OKEECHOBEE, FL 34974

2. Property ID #(s): 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130,
3-15-37-35-0010-01900-0010

B. PROPERTY INFORMATION (Note: Property area should be to the nearest tenth of an acre. For properties of less than one acre, area should be in square feet.)

1. Total Area of Property: 2.87 ACRES

2. Total Area included in Request: 2.87 ACRES

a. In each Future Land Use (FLU) Category: _____

(1) _____

(2) _____

(3) _____

(4) _____

b. Total Uplands: 2.87 ACRES

c. Total Wetlands: 0

Residential /
multiple Family

3. Current Zoning: SINGLE FAMILY RESIDENTIAL & MULTI-FAMILY RESIDENTIAL
4. Current FLU Category: MULTI FAMILY RESIDENTIAL & Single Family Residential
5. Existing Land Use: VACANT
6. Requested FLU Category: INDUSTRIAL

D. MAXIMUM DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY

Development Type	Existing FLU Category	Proposed FLU Category
Residential	2.87	0
Density (DU/Acre)	10	0
Number of Units	29	0
Commercial (sq.ft.)	0	0
Industrial (sq. ft.)	0	187.5 KSQ/FT

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on the submittal requirements of the State of Florida, Department of Community Affairs for a comprehensive plan amendment, and policies contained in the City of Okeechobee Comprehensive Plan. Staff will evaluate this request based on the support documentation provided by the applicant.

A. GENERAL INFORMATION AND MAPS

Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.

1. Wording of any proposed text changes.
- ✓ 2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.
- ✓ 3. A map showing existing land uses (not designations) of the subject property and surrounding properties.
- ✓ 4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.
- ✓ 5. Map showing existing zoning of the subject property and surrounding properties.
- ✓ 6. Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.

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

- ✓ 7. A copy of the deed(s) for the property subject to the requested change.
- ✓ 8. An aerial map showing the subject property and surrounding properties.
- ✓ 9. If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.

B. PUBLIC FACILITIES IMPACTS

Note: The applicant must calculate public facilities impacts based on a maximum development scenario.

- ✓ 1. Traffic Analysis
 - a. For Small Scale Amendments (SSA)
 - (1) The Applicant shall estimate traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.
 - (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use designation, the Applicant shall attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer
 - b. For Large Scale Amendments (LSA)

All LSAs shall be accompanied by a Traffic Impact Study prepared by a professional transportation planner or transportation engineer.
 - c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.
 - d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change;
- 2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:
 - a. Potable Water and Sanitary Sewer demand based on:
 - (1) 114 gallons per person per day (gppd) for residential uses
 - (2) 0.15 gallons per day per square foot of floor area for nonresidential uses
 - b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.

3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:

- ✓ a. Solid Waste;
- ✓ b. Water and Sewer;
- ✓ c. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation, as well as estimates of maximum population and nonresidential square footage developable under the existing and proposed Future Land Use categories. The application should include the applicant's correspondence to the responding agency.

C. ENVIRONMENTAL IMPACTS

Proposed plan amendments shall be accompanied by evidence that the following studies either have been completed for another permitting agency or are not relevant to the property.

There shall be inventories of:

- ✓ 1. Wetlands and aquifer recharge areas.
- ✓ 2. Soils posing severe limitations to development.
- ✓ 3. Unique habitat.
- ✓ 4. Endangered species of wildlife and plants.
- ✓ 5. Floodprone areas.

D. INTERNAL CONSISTENCY WITH THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN

- ✓ 1. Discuss how the proposal affects established City of Okeechobee population projections.
- ✓ 2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
- ✓ 3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.
- ✓ 4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.

E. JUSTIFICATION OF PROPOSED AMENDMENT



Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

V. FEE SCHEDULE

Large Scale Amendment (LSA)	\$4,000.00 plus \$30.00 per acre
Small Scale Amendment (SSA)	\$850.00 plus \$30.00 per acre
Text Amendment Flat Fee	\$2,000.00 each

VI. AFFIDAVIT

I, NEAL MARKUS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Okeechobee to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of Owner or Authorized Agent

Date

NEAL MARKUS

Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this _____ day of _____ 20____, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public

Printed Name of Notary Public

Commission Expires on: _____

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Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

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Large Scale Amendment (LSA)	\$4,000.00 plus \$30.00 per acre
Small Scale Amendment (SSA)	\$850.00 plus \$30.00 per acre
Text Amendment Flat Fee	\$2,000.00 each

VI. AFFIDAVIT

I, NEAL MARKUS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Okeechobee to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

NEAL MARKUS
Signature of Owner or Authorized Agent

1/6/2020
Date

NEAL MARKUS

Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this 6 day of JAN. 2020, by MARKUS-J. NEAL, who is personally known to me or who has produced FLDL as identification.



[Signature]
Notary Public

Printed Name of Notary Public

Commission Expires on: oct-08-2020

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

Loumax Development, Inc.

City of Okeechobee Comp Plan Amendment Support Documentation

A. General Information and Maps

Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.

1. Wording of any proposed text changes.

None proposed.

2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.

Attached

3. A map showing existing land uses (not designations) of the subject property and surrounding properties.

Attached

4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.

To the north is a parcel that has a Future Land Use (FLU) of Industrial and is being used as an Industrial use. To the east of this parcel are single family residences with a FLU of Single family. To the south, all the land has a FLU of Multi Family with a vacant structure that used to be a childcare facility. To the west there is a parcel, undeveloped, but with a FLE of Multi Family.

The proposed Future Land Use designation is consistent with the current major developed uses in the area and to the largest extent the surrounding parcels are vacant or undeveloped, with the exception to the east.

5. Map showing existing zoning of the subject property and surrounding properties.

Attached

6. **Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.**

Attached

7. **A copy of the deed(s) for the property subject to the requested change.**

Attached

8. **An aerial map showing the subject property and surrounding properties.**

Attached

9. **If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.**

~~N/A~~ Attached

B. Public Facilities Impacts

Note: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. Traffic Analysis

a. For Small Scale Amendments (SSA)

- (1) **The Applicant shall estimate of traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.**

The existing FLU for the proposed property is 2.87 acres of Single Family on blocks 190 and 191, but the western parcel has a FLU of Multi Family. Blocks 190 and 191 total 1.27 acres and the maximum density of the FLU Single family has a maximum density of 5 units per acre, which would yield a total of 6 units. While the western parcel of 1.60 acres has a FLU of Multi Family that has a maximum density of 10 units to the acre for a total of 16 units. For a total traffic count of 163 daily trips and 16 peak PM hour trips. The proposed FLU Industrial for these parcels would have a maximum density of 187.5 KSF with a maximum of 3 stories according to the City's Comprehensive Plan, which would yield a total of 1,307

daily trips with a peak hour of 182 trips. This represents an increase of 1,144 daily trips and 166 peak hour trips.

- (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use Designation, the applicant shall attach a Traffic Impact Study Prepared by a professional transportation planner or transportation engineer.**

While the proposed project at maximum density will generate more than an additional 100 trips per peak hour, a traffic study will be presented at site plan, if needed as the current owner does not plan to build 3 stories.

b. For Large Scale Amendments (LSA)

All LSAs shall be accompanied by a Traffic Impact Study prepare by a professional transportation planner or transportation engineer.

N/A

- c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.**

Acknowledged.

- d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change.**

Acknowledged.

2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:

a. Potable water and Sanitary Sewer demand based on:

- (1) 114 gallons per person per day (gppd) for residential uses**

Assume 2.5 residents per household

Current = $22 * 285 = 6,270$ gpd

Future = $0 * 285 = 0$ gpd

(2) 0.15 gallons per day per square foot of floor area for nonresidential uses

Current $0 * 0.15 = 0$ gpd

Future $187.5 \text{ KSF} * 0.15 = 28,125$ gpd

This represents an increase of 21,855 gpd

b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.

The proposed project is industrial and has no open space requirements.

3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:

a. Solid Waste;

Please see attached letter from Waste Management.

b. Water and Sewer:

The impact of the potential FLU change is addressed in the letter provided by OUA.

c. Schools.

There will be a net reduction in student potential with this changing the FLU from residential to Industrial

C. Environmental Impacts

Proposed plan amendments shall be accompanied by evidence that the following studies have been completed for another permitting agency or are not relevant to the property.

There shall be inventories of:

1. Wetlands and aquifer recharge areas.

Please see the attached wetland map from the US Fish and Wildlife Service. From this map, there appear to be no wetlands on the subject parcel.

2. Soils posing severe limitations to development

There are two soils present at this site from the attached NRCS Websoil Survey, Immokalee Fine Sand, 0 to 2 percent slopes, and Myakka Fine Sand, 0 to 2 percent slopes. These soils do not appear to have any limitation to development.

3. Unique habitat.

This parcel is undeveloped but provides no unique habitat.

4. Endangered species of wildlife and plants.

Since everything around this parcel has been partially developed for many years and with all the development around it, it does not provide the conducive habitat for endangered species.

5. Floodprone areas.

According to the attached FEMA map 12093C0480C, the subject parcels are within Zone X and shown as an area of minimal flooding.

D. Internal Consistency with the City of Okeechobee Comprehensive Plan

1. Discuss how the proposal affects established City of Okeechobee population projections.

This parcel is currently undeveloped. With the anticipated Industrial project, no residents will be added to the City population. No adverse impacts to the City population projections are expected, with the projections in line with the Cities anticipated growth and concurrency projections.

2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

There is no effect to the Comprehensive Plan Amendment's Policies and Objectives from this request. The minimal increase in density will not change the ability of the city or any other utilities to provide available water, sewer, or roads.

3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.

This project is an undeveloped parcel but will have very limited impact to the County's Comprehensive plan.

4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.

Since the City's Comprehensive Plan has been found to be consistent with all state requirements, this application is also consistent with the State Policy Plan and Regional Policy Plan Goals. Since the major concern as stated in Chapter 163.006 (5)(I) is to discourage Urban Sprawl, this application can hardly be classified as Urban Sprawl since it is simply undeveloped land inside the City Limits for development or infill, which is the preferred development pattern.

E. Justification of Proposed Amendment

Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Proposed Conditions

For the proposed Industrial Land Use designation, the maximum development is approximately 50% building coverage, 3 stories.

L 1.2.d.

Use	Measure	Rate	Gallons per Day
Single Family/Multifamily (Existing)	22 Units @ 2.5 people per unit	114 gppd	6,270 gpd – water/sewer
Industrial (Proposed)	187.5 KSF	15 GPD per 100 sf	28,125 gpd – water/sewer
Net Impact			21,855 gpd – water/sewer

Water and Wastewater Treatment Plants

Based on the information obtained from Okeechobee Utility Authority, the permitted capacity of the surface water treatment plant is 5.0 mgd with the ground water treatment plant rated at 1.0 mgd. The wastewater treatment plant permitted capacity is currently 3.0 mgd.

The maximum daily flow of the combined water treatment plant finished water production is 3.89 mgd for the period of April 2018 through March 2019. The average daily flow of the wastewater treatment plant is 0.916 mgd of the 3 mgd plant for the same time period.

Police

The nearest City Police station is located at 50 SE 2nd Avenue. No additional Police stations are scheduled. The existing Police station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Police Department will be determined by the local government review.

Fire

The nearest fire station is located at 55 SE 3rd Avenue. No additional fire stations are scheduled. The existing fire station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Fire Department will be determined by the local government review.

Solid Waste

Waste Management operates the regional solid waste landfill. Waste Management has previously indicated they have a 100-year capacity left in their facility.

Stormwater Management

The project is located in the City of Okeechobee and according to the attached FIRM panel 12093C0480C, this parcel is in Flood Zone X.

There are no wellfields within 1,000 feet of the parcel.

Potential adverse impacts to ground and surface waters will be minimized by implementation of appropriate erosion control measures during construction in accordance with the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities. Erosion control measures that may be implemented include stabilization practices such as temporary seeding, permanent seeding, mulching, geotextiles, or sod stabilization; structural practices such as silt fences, earth dikes, diversions, swales, sediment traps, check dams, or storm drain inlet protection; and sediment basins.

Stormwater runoff quantity and quality are strictly regulated by the City and the SFWMD to ensure that pre-development drainage conditions are maintained. The proposed rate of discharge from the site will be less than or equal to the existing discharge rate from the site. The discharges off-site will be minimized by on-site detention within the stormwater management system. The drainage system will be owned, operated and maintained by the owner, who's past record of compliance has been shown to be a responsible property owner and should be acceptable to the City and the SFWMD. The Stormwater Management System will employ, wherever practical, a variety of Best Management Practices (BMP). The following are a list of potential BMP that could be integrated into the Water Management System during the final design and permitting stage:

- Oil and grease skimmers;
- Environmental swales;
- Minimize “short-circuiting” of pond flow patterns;
- Raised storm inlets in grassed swales;
- Utilize stormwater retention where feasible; and
- Street cleaning and general site maintenance.

Parks and Recreation

This will be an industrial development with no Park and Recreation requirement.

Hurricane Preparedness

This project is located outside any project storm surge areas within the City of Okeechobee. The current Florida Building Code requires impact windows and doors, if the residents desire to remain in the units, but management will encourage them to leave.

Miscellaneous Data**Parcel Control Numbers Subject to this Application**

3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, and 3-15-37-35-0010-01900-0010

Legal Description

Please refer to the attached legal and sketches that comprise this application for future land use amendment.

NEMEC Children's Trust
City of Okeechobee Future Land Use Amendment Surrounding Property Owners **FLU Exhibit**



NEMEC Children's Trust
City of Okeechobee Land Use Amendment Surrounding Property Owners Land Use Exhibit



NEMEC Children's Trust
City of Okeechobee Surrounding Property Owners Zoning Exhibit



This Instrument prepared by:

JAMES NEMEC, ESQUIRE
2001 Palm Beach Lakes Blvd., #400
West Palm Beach, Florida 33409

222090

FILED FOR RECORD
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD
CLERK OF CIRCUIT COURT

Warranty Deed,

made this 26th day of August, 1990.

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, grantor,*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees, grantee*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, FL. 33406

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

Together with all 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 grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

"Grantor" and "grantee" are used for singular or plural, as context requires.

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:

Ray Greenberg
Ray Greenberg
Linda Pearson
Linda Pearson

James NemeC
James NemeC
Ruth B. NemeC
Ruth B. NemeC

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

Ray Greenberg
Notary Public

My commission expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP JUNE 22, 1993
BONDED THRU GENERAL INS. UND.

NEMEC Children's Trust
City of Okeechobee Future Land Use Amendment **Aerial Exhibit**



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): NEMEC CHILDRENS TRUST

Mailing Address: 608 HARBOUR POINT WAY, GREENACRES, FL 33413

Home Telephone: Work: Cell: 863-634-4497

Property Address: 500-600 BLOCK OF SW 7TH AVENUE

Parcel ID Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010

Name of Applicant: LOUMAX DEVELOPMENT INC

Home Telephone: Work: Cell: 954-347-1077

The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 21
DAY OF December 2019

[Signature]
OWNER

[Signature]
WITNESS

OWNER

[Signature]
WITNESS

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 21st day of December 2019.

Notary Public: [Signature]
Commission Expires: 09/09/21



Commission # GG 102811
Expires September 9, 2021
Bonded Thru Budget Notary Services



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

Detail by Entity Name

Florida Profit Corporation

LOUMAX DEVELOPMENT, INC.

Filing Information

Document Number P01000028001
FEI/EIN Number 59-3707151
Date Filed 03/19/2001
State FL
Status ACTIVE

Principal Address

312 SW 7TH AVE
OKEECHOBEE, FL 34974

Changed: 01/15/2007

Mailing Address

P.O. BOX 5501
FT LAUDERDALE, FL 33310

Registered Agent Name & Address

FISHMAN, MICHAEL
5064 NW 66 LN
CORAL SPRINGS, FL 33067

Officer/Director Detail

Name & Address

Title D

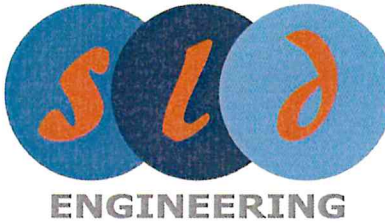
MARKUS, NEAL J
1110 OYSTERWOOD ST
HOLLYWOOD, FL 33019

Title D

FISHMAN, MICHEAL S
5064 NW 66TH LANE
CORAL SPRINGS, FL 33067

Annual Reports

Report Year	Filed Date
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December 20, 2019

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

Subject: Loumax Development, Inc. Industrial Comp Plan Application Traffic Statement

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 change the existing Future Land Use (FLU) from the existing Multi Family and Single Family to Industrial.

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). For the existing land use, the results indicate the existing 6 Single Family homes and 16 Apartments (ITE code 210 and 220 respectively) generates 163 total daily trips with 16 peak hour trips PM with 10 being in and 6 being out. For the proposed land use, the results indicate the 187.5 KSF of Light Industrial (ITE code 110) generates 1,307 total daily trips with 182 peak hour trips PM with 22 being in and 160 being out. For a change in Peak PM traffic of 1,144 total trips with 6 in and 154 being out.

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

Sincerely,

Steven L. Dobbs Engineering

Steven L. Dobbs, P. E.
President

CC: Neal Markus
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

KSF²: Units of 1,000 square feet

DU: Dwelling Unit

Fuel Position: # of vehicles that could be fueled simultaneously

Occ.Room: Occupied Room

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	0	NA	NA	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%	6.0	57	6	4	2	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%	16.0	106	10	6	3	
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	

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

KSF²: Units of 1,000 square feet

DU: Dwelling Unit

Fuel Position: # of vehicles that could be fueled simultaneously

Occ.Room: Occupied Room

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	0	NA	NA	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%	187.5	1,307	182	22	160	
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	
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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
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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	

**OKEECHOBEE LANDFILL, INC.**

10800 N.E. 128th Avenue
Okeechobee, FL 34972
(863) 357-0824

May 31, 2019

Steven L. Dobbs, P.E.
President
SLD Engineering

RE: Waste Management, Okeechobee Landfill Capacity

Mr. Dobbs,

The most recent Okeechobee Landfill Volume report calculated a total of 182,855,130 cubic yards of permitted remaining capacity. The calculations are based on an aerial survey of the active portion of the facility dated January 2, 2019 and a historic survey of the undeveloped portion of the facility dated December 27, 2010.

At the present waste intake 1,800,000 cyds/yr., we calculated an overall life of site of over 100 years. At an estimated 4.48 lbs MSW/day/person, (EPA 2015), the estimated impact from the development would be less than 600 cyds per year.

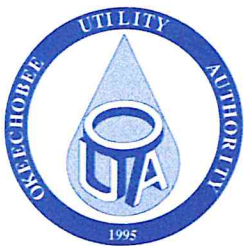
Waste Management, Okeechobee Landfill can easily meet the demand of the proposed development for the next 100 years.

If you have any questions or concerns, feel free to contact us.

Regards,

A handwritten signature in blue ink, appearing to read 'Charles Orcutt', with a long, sweeping horizontal line extending to the right.

Charles Orcutt, P.E.
Market Area Engineer
Waste Management, Inc. of Florida
863-824-4010
Corcuttl@wm.com

**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue
Okeechobee, Florida 34974-4221

(863) 763-9460
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs, P.E.
SLD Engineering
1062 Jakes Way
Okeechobee, FL 34974

Ref: **Water Capacity Request**

Parcel ID: 3-15-37-35-0010-01910-0010
3-15-37-35-0010-01900-0010
3-15-37-35-0020-02510-0130

Site Address:
±500 SW 7th Avenue
Okeechobee, FL 34974


Dear Mr. Dobbs:

In reference to a request for the availability of water capacity to the subject property, I submit the following information for your use in meeting the potable water demand requirements for the project.

The Okeechobee Utility Authority owns and operates two water treatment plants with a combined treatment capacity of 6 MGD. During the twelve month period from April 2018 to March 2019, the maximum daily flow was 3.89 MGD, or about 65% of capacity. At the present time, the OUA has excess capacity at the treatment plants. The OUA has a potable water distribution main in the road right of way near the subject property. Any upgrade requirements to the water main due to the demands of the proposed project will be at the project owners' expense.

Should you have any questions, comments or concerns with regards to the water system capacity, please contact the OUA at 863-763-9460.

Sincerely,


John F. Hayford, P.E.
Executive Director
Okeechobee Utility Authority

**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue
Okeechobee, Florida 34974-4221

(863) 763-9460
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs P.E.
Steven L. Dobbs Engineering, LLC
1062 Jakes Way
Okeechobee, Florida 34974

Ref: **Wastewater Capacity Request**

Parcel ID No.: 3-15-37-35-0010-01910-0010
3-15-37-35-0010-01900-0010
3-15-37-35-0020-02510-0130

Site Address:
±500 SW 7th Avenue
Okeechobee, FL 34974

Dear Mr. Dobbs:

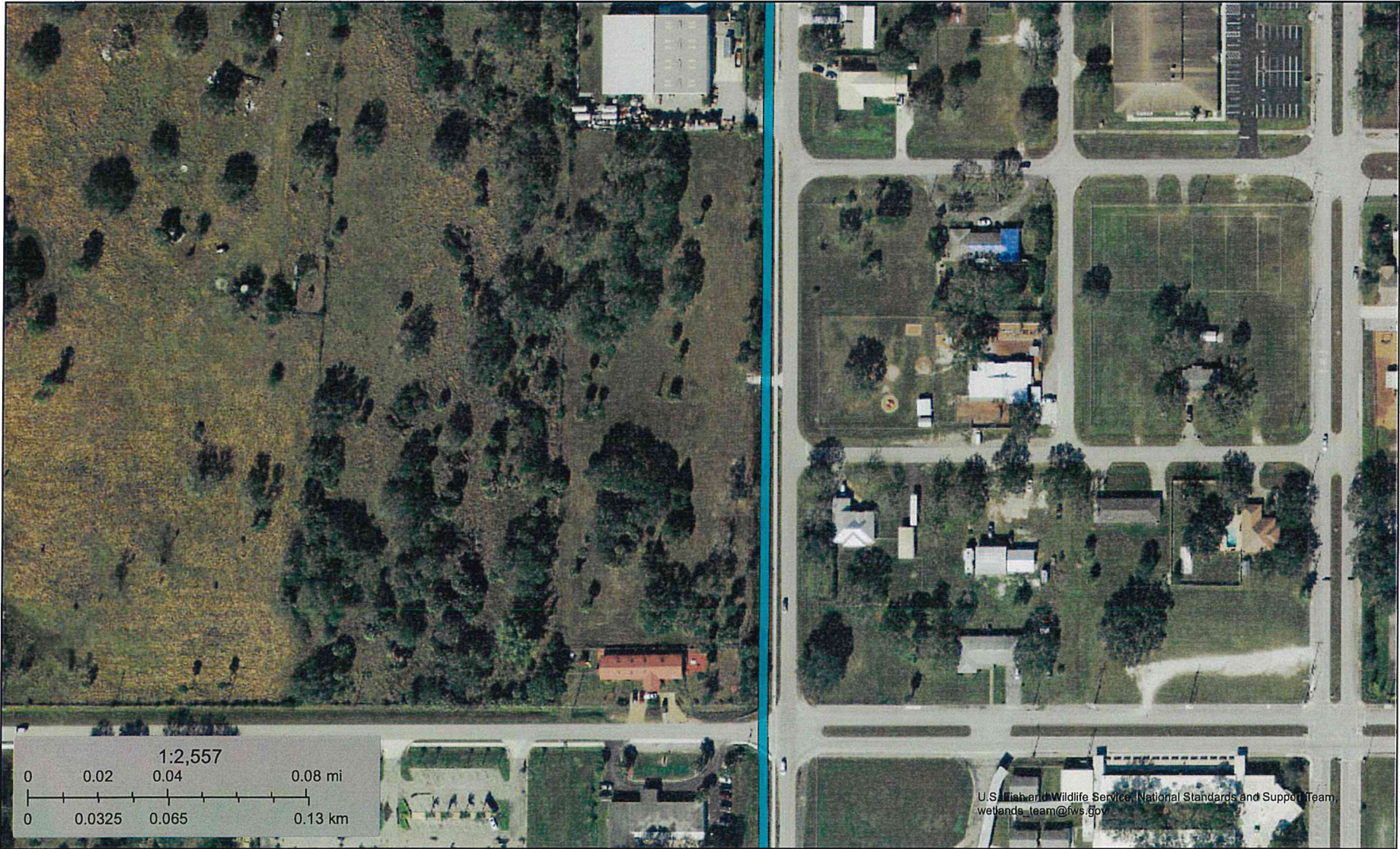
In reference to a request of the availability of wastewater capacity to the subject property, I submit the following information for your use in the permitting for the above referenced project.

The Okeechobee Utility Authority owns and operates one regional wastewater treatment plant with a FDEP permitted capacity of 3.9 MGD. During the twelve month period from May 2018 to April 2019, the annual average daily demand was 0.916 MGD, or about 24% of the current 3.9 MGD treatment capacity. The OUA does not have a wastewater service line near the subject property. Any line extensions or upgrades required to tie in to the wastewater system due to the demands of the proposed project will be at the project owner's expense.

Should you have any other questions, comments or concerns with regards to the wastewater system capacity, please contact the OUA at 863.763.9460.

Sincerely,

John F. Hayford, P.E.
Executive Director



December 18, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

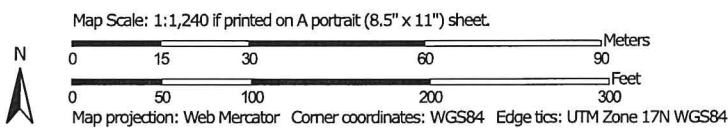
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

C2

Soil Map—Okeechobee County, Florida
(Neal Markus Industrial)



Soil Map may not be valid at this scale.



Natural Resources
Conservation Service


Web Soil Survey
National Cooperative Soil Survey

12/17/2019
Page 1 of 3

Soil Map—Okeechobee County, Florida
(Neal Markus Industrial)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons


 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Okeechobee County, Florida

Survey Area Data: Version 16, Sep 17, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2015—Mar 21, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Map Unit Legend

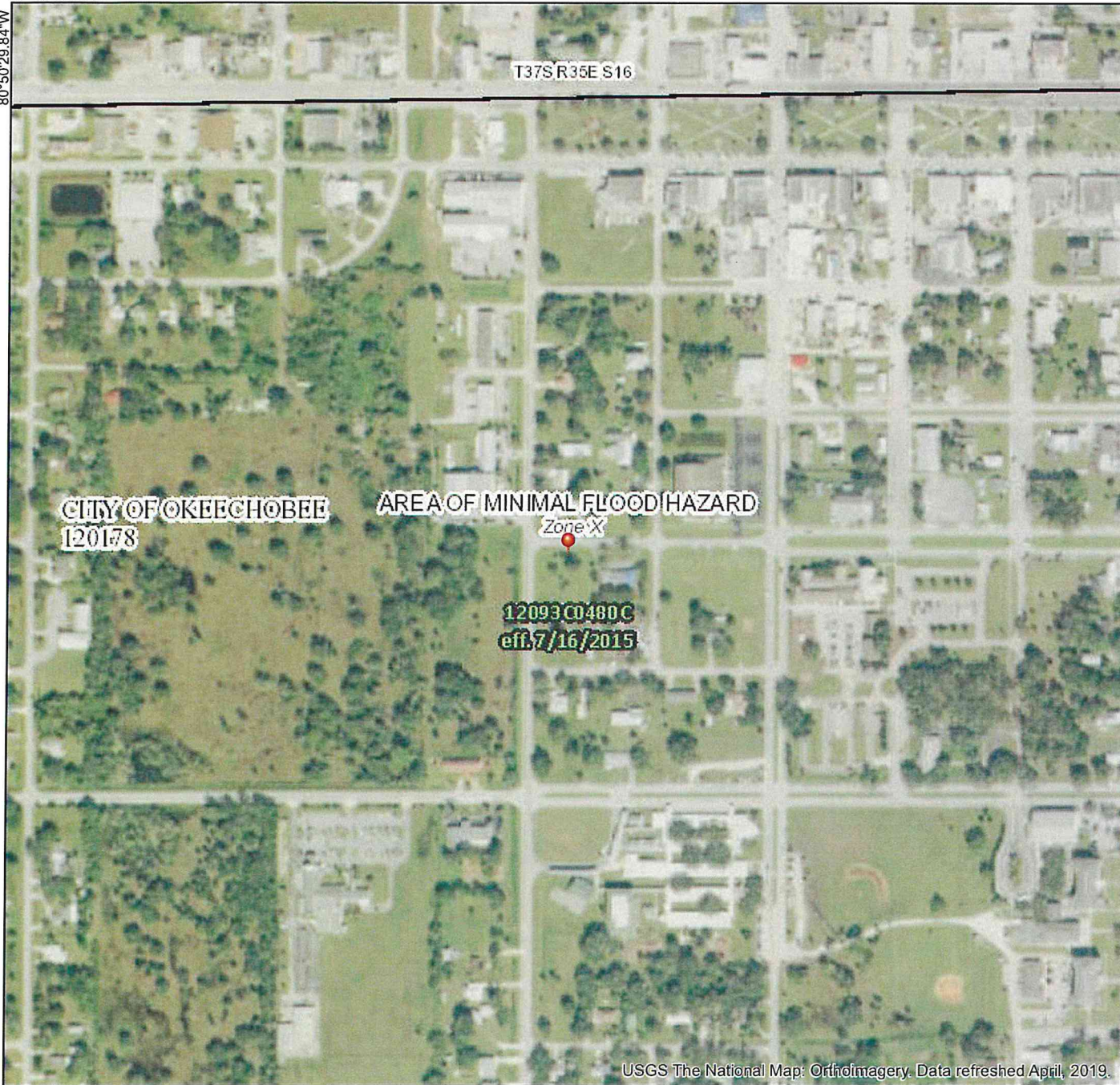
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11	Immokalee fine sand, 0 to 2 percent slopes	0.7	17.8%
14	Myakka fine sand, 0 to 2 percent slopes	3.4	82.2%
Totals for Area of Interest		4.1	100.0%

National Flood Hazard Layer FIRMette



27°14'40.03"N

80°50'29.84"W



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/17/2019 at 4:00:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

05

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

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

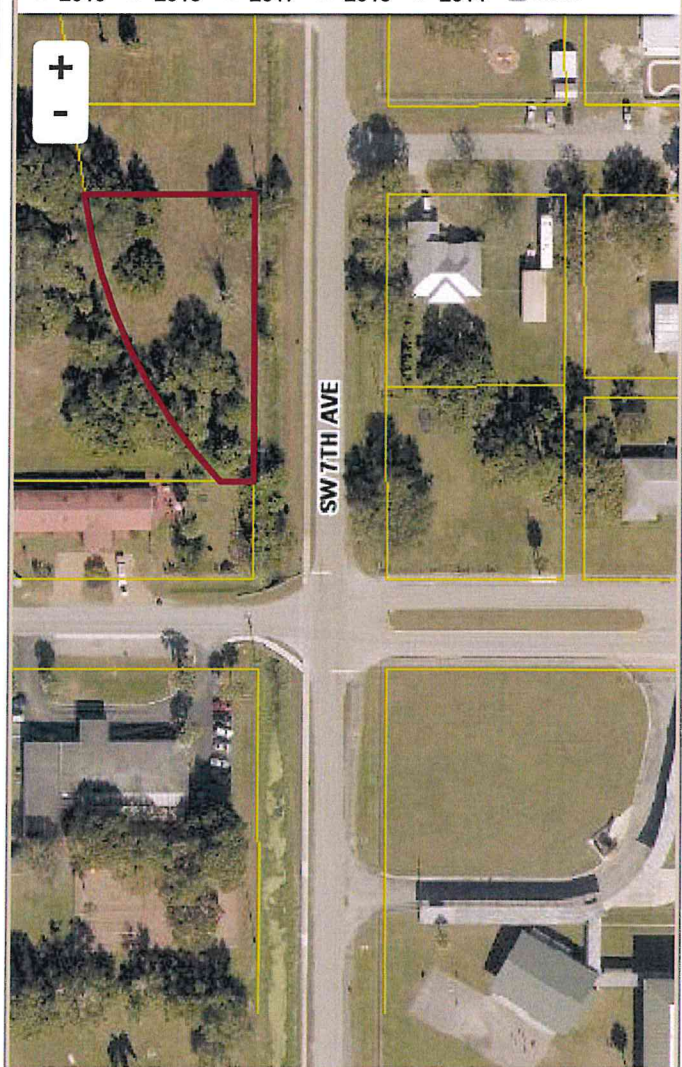
**The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

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

Aerial Viewer Pictometry Google Maps

☒ 2019
 ☐ 2018
 ☐ 2017
 ☐ 2015
 ☐ 2014
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

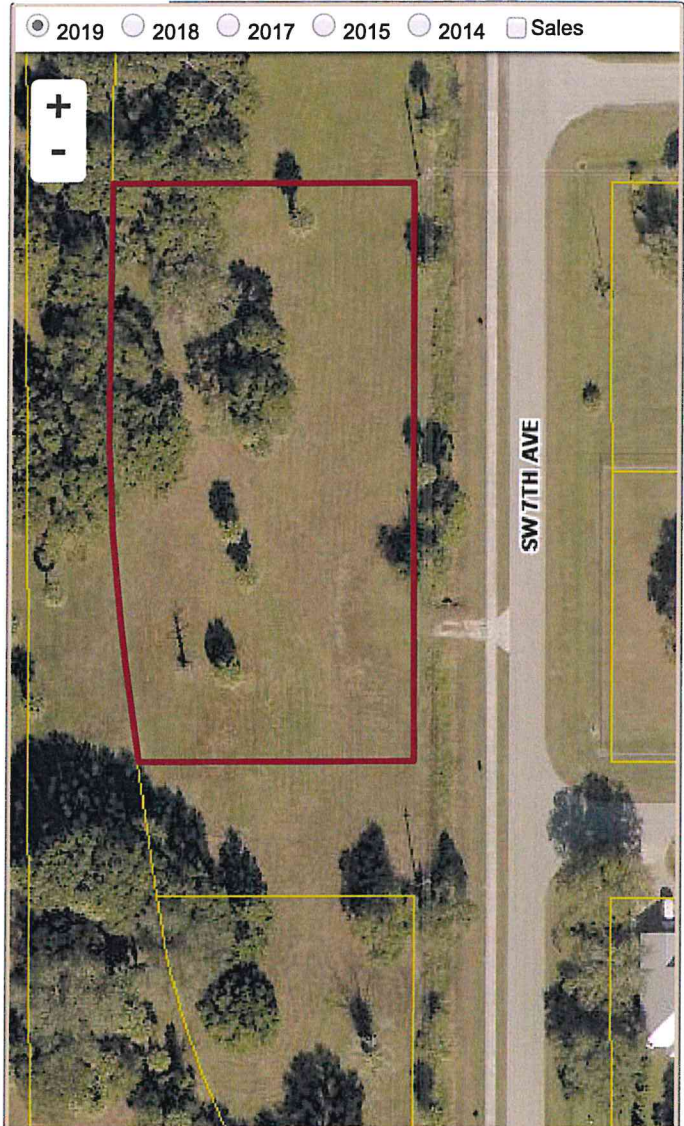
*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

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
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

161CI2	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser Mickey L. Bandi Okeechobee, Florida 863-763-4422				by: GrizzlyLogic.com	

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-21-37-35-0020-02510-0130** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

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

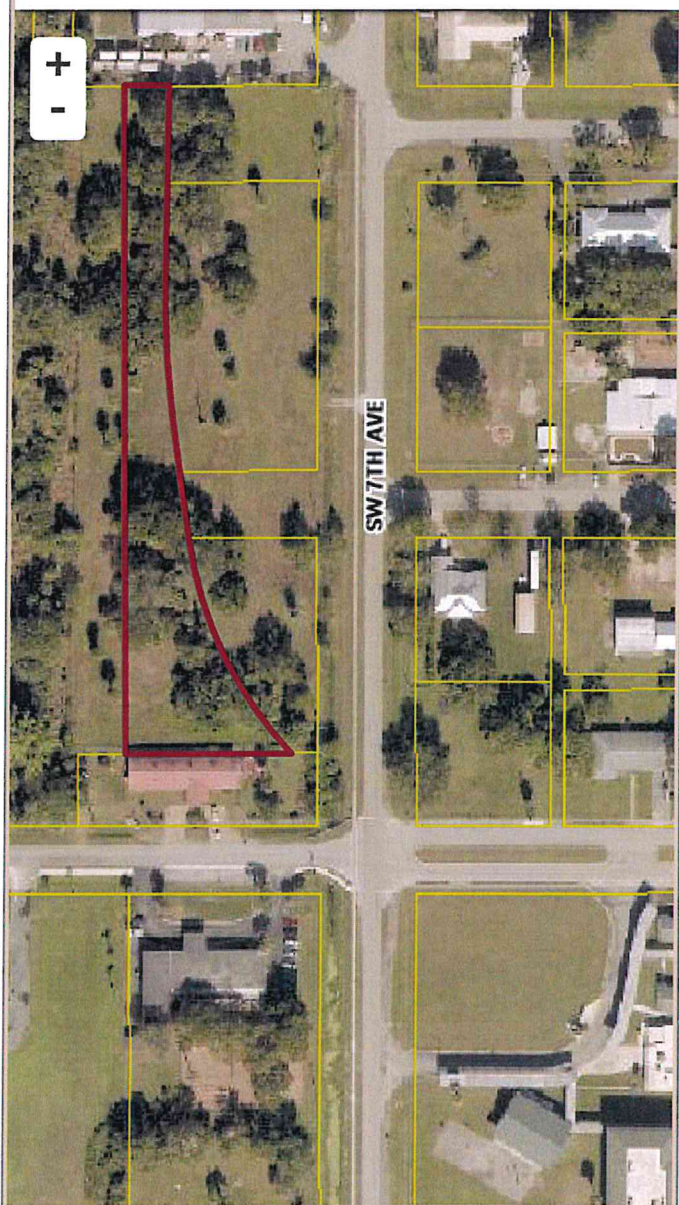
**The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$15,600 city:\$15,600 other:\$15,600 school:\$15,600	Total Taxable	county:\$16,800 city:\$16,800 other:\$16,800 school:\$16,800

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.

Aerial Viewer Pictometry Google Maps

☒ 2019 ☐ 2018 ☐ 2017 ☐ 2015 ☐ 2014 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
-----------	------	-------	-------------	----------	------------

961CAC	NON/CONFG (MKT)	1.600 AC	1.00/1.00 1.00/0.75	\$10,500	\$16,800
© Okeechobee County Property Appraiser Mickey L. Bandi Okeechobee, Florida 863-763-4422					by: GrizzlyLogic.com



Staff Report Small Scale Comprehensive Plan Amendment

Prepared for: *The City of Okeechobee*
Applicant: *Neal Markus*
 Loumax Development Inc
Petition No.: *20-002-SSA*

General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 th Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010, 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

Request

The matter before the Local Planning Agency and City Council is an application for an amendment to the Future Land Use Map (FLUM) for three vacant parcels of land totaling 2.87 acres. Two parcels are designated Single Family and one parcel is designated Multi-Family Residential on the Future Land Use Map. The proposal is to change the Future Land Use designation of all three parcels to Industrial. The Applicant has submitted a concurrent request to rezone the same parcels from Multi-family to Industrial. The Applicant owns the industrial property to the north of these parcels and has stated that the reason for these requests is expansion of existing operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

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

North	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
East	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
South	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
West	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

General Analysis and Staff Comments

A. Qualification for Amendment

Based on the size of the property (2.87 acres) this application qualifies under Chapter 163, F.S. as a Small-Scale Development Activity Plan Amendment (SSA) to the Comprehensive Plan.

B. Current and Future Development Potential as Single-Family and Multi-family Residential

This request involves three vacant parcels of land with current Future Land Use designations as follows:

- 0.409 acres of single family residential
- 0.86 acres of single family residential
- 1.6 acres of multi-family residential

The maximum density allowable in the Single-Family Residential Future Land Use Category is four units per acre or five if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.269 acres would be 6 single-family dwellings.

The maximum density allowable in the Multi-Family Residential Future Land Use Category is 10 units per acre or 11 if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.6 acres would be 17 multi-family dwellings.

C. Future Development Potential as Industrial

Policy 2.1(e) of the City's Future Land Use Element:

Industrial. Permitted uses include large-scale manufacturing or processing activities, business offices and schools, wholesaling and warehousing, public facilities, public utilities, limited retail and service uses, and off-site signs, limited agriculture, and accessory uses customary to permissible uses. Other uses related to and consistent with industrial development such as adult entertainment, salvage yards, fortunetellers, bulk storage of hazardous materials and manufacturing of chemical or leather products may be permissible under certain circumstances.

1. Industrial Development shall not exceed a floor area ratio of 3.00 and the maximum impervious surface for development within this category shall not exceed 85 percent of the site.
2. Zoning districts considered appropriate within this future land use category include only RH and Industrial (IND).

While the Industrial Future Land Use category allows for a maximum FAR of 3.0, the Industrial zoning district only allows a maximum building coverage of 50% and a maximum building height of 45 feet (without a special use exception). These limitations allow for a potential four story structure, a maximum FAR of 2.0 and a theoretical maximum floor area of approximately 250,000 square feet on 2.87 acres. However, given that a 4 story industrial structure is not likely, it may be more practical to expect a one or two story structure if this map change is approved. A one story structure occupying 50% of 2.87 acres would be about 62,500 square feet of floor area and a two story structure with the same footprint would have about 125,000 square feet of floor area. It is important to note that the applicant has not submitted any proposed plans or provided any comments regarding the potential development of the property, other than the stated desire to expand operations of the existing industrial use to the north of these subject parcels.

Comprehensive Plan Analysis

A. Consistency and Compatibility with Comprehensive Plan and Adjacent Uses.

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 of the Future Land Use Element 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.

The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7th Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these

subject parcels, which is one of only a few properties with an industrial future land use designation south of Park Street in the City. Besides the Applicant's existing site, there is an additional 2.5 acres of industrial to the north, 0.5 acres of industrially designated property on SW Park Street and a 3 acre property on SE 10th Street. The Applicant's requested future land use map changes represent a 37% increase in Industrial future land use south of Park Street in the City.

From a planning perspective, expansion of the Industrial Future Land Use in this area would be out of character and likely incompatible with the predominantly residential nature of the surrounding neighborhood.

B. Adequacy of Public Facilities

Traffic Impacts

The applicant has provided a traffic analysis that estimates the requested map changes from single family residential to industrial and multi-family residential to industrial on these parcels would result in an increase in 1,144 potential daily vehicle trips and 166 potential peak hour vehicle trips. We agree with this analysis.

In addition to the consideration of total vehicle trips, it is also important to consider that an industrial use is likely to generate more heavy truck traffic than residential uses.

If these map changes are approved and a site plan for development of these parcels were to be submitted, it would be necessary to provide additional assessment of the impact of traffic on the adjacent streets and properties at the time of site plan approval.

Demand for Potable Water, Sewer Treatment and Solid Waste Disposal

The applicant has provided an analysis on the potential change in demand for potable water and sewer services if these map changes are approved. That analysis indicates an increase of 21,855 gallons per day. We agree with this analysis.

The Applicant's submission includes letters from the Okeechobee Utility Authority and Waste Management indicating that there is adequate excess capacity to accommodate the demand for potable water, wastewater treatment and solid waste disposal that would be associated with a proposed industrial use.

C. Environmental Impacts

The subject property is within the zone X, indicating a minimal flood risk. We agree with the applicant's statements that the site has no significant or unique characteristics regarding environmental sensitivity, wetlands, wildlife habitat, endangered species, soil conditions or susceptibility to flooding.

Recommendation

Based on the foregoing analysis, we find the requested Industrial Future Land Use Designation for the subject property to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses. Therefore, we find this request inconsistent with the City's Comprehensive Plan. We **cannot** recommend approval of the Applicant's request to amend the Comprehensive Plan to designate the subject property as Industrial on the City's Future Land Use Map.

Submitted by:



Ben Smith, AICP
Sr. Planner

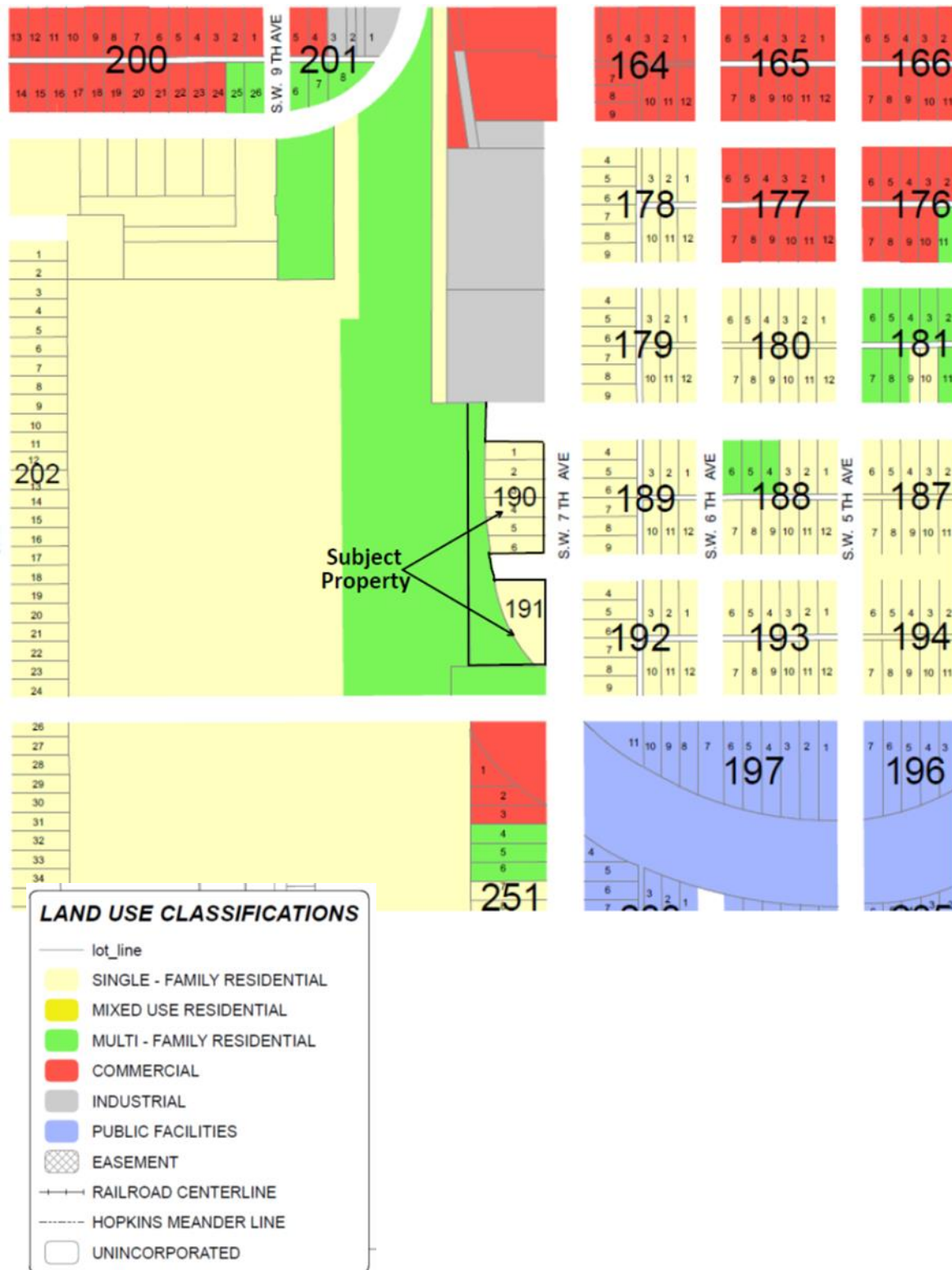
February 11, 2020

Planning Board Public Hearing: February 20, 2020

City Council Public Hearing: (tentative) March 17, 2020

Attachments: Future Land Use, Subject Site & Environs
 Zoning, Subject Site & Environs
 Existing Land Use Aerial, Subject Site & Environs

FUTURE LAND USE
SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



EXISTING LAND USE
AERIAL OF SUBJECT SITE AND ENVIRONS



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: 1-6-20	Petition No. 20-001-R
		Fee Paid:	Jurisdiction: PB+CC
		1 st Hearing: 2-20-20	2 nd Hearing: 3-17-20 /
		Publication Dates:	
		Notices Mailed: 2-5-20	
Rezone, Special Exception and Variance <i>Ruth G. Spradley + Gale B. Neme</i> APPLICANT INFORMATION			
1	Name of property owner(s): NEMEC CHILDRENS TRUST		
2	Owner mailing address: 5243 EUROPA DRIVE, UNIT P, BOYNTON BEACH, FL 33437		
3	Name of applicant(s) if other than owner: NEAL MARKUS		
4	Applicant mailing address: P.O. BOX 5501, FT. LAUDERDALE, FL 33310		
	E-mail address: NJMARKUS@GMAIL.COM		
5	Name of contact person (state relationship): STEVEN L DOBBS - CONSULTANT		
6	Contact person daytime phone(s): 863-824-7644		
PROPERTY INFORMATION			
7	Property address/directions to property: 500 - 600 BLOCK OF SW 7TH AVENUE STATE ROAD 70 WEST, TURN SOUTH ONTO SW 7TH AVENUE PARCEL IS APPROXIMATELY 1,400 FT TO THE RIGHT		
8	Describe current use of property: VACANT		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) VACANT Source of potable water: OUA Method of sewage disposal: OUA		
10	Approx. acreage: 2.87 ✓ Is property in a platted subdivision? YES		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: NO		
12	Is a pending sale of the property subject to this application being granted? YES		
13	Describe uses on adjoining property to the North: North: INDUSTRIAL East: SINGLE FAMILY South: CHILD-CARE Multi-Family West: VACANT SF		
14	Existing zoning: MULTI FAMILY RESIDENTIAL Future Land Use classification: RESIDENTIAL & MULTI		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (X) No () Yes. If yes provide date, petition number and nature of approval. RMF FAMILY RESIDENTIAL		
16	Request is for: (X) Rezone () Special Exception () Variance		
17	Parcel Identification Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130 ✓ 3-15-37-35-0010-01900-0010 ✓		

REQUIRED ATTACHMENTS

✓ 18	Applicant's statement of interest in property: CONTRACT PURCHASER
✓ 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: 08/01/1990
✓ 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

NEAL MARKUS

Date

12/19/19.

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

Loumax Development, Inc.

(Description of requested land use change and reason for request)

Loumax Development, Inc. has a contract to purchase approximately 2.87 acres located in Sections 15 and 21, Township 37S, and Range 35E. The property's parcel IDs are 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010. It is currently located in the City of Okeechobee with a current zoning of Residential Multiple Family.

The primary intent of rezoning this parcel is to change the zoning to Industrial. The proposed zoning is consistent with adjacent lands at this location surrounded by industrial, single family, churches, and other multifamily lands.

This application is for the City to grant a zoning on this parcel from the existing Residential Multiple Family to Industrial. There is adequate access to the property from SW 7th Avenue.

Loumax Development, Inc. requests that the Planning Board recommend to the City Council to grant the request to zone this parcel of land to Industrial.

ADDITIONAL INFORMATION REQUIRED FOR A REZONING	
A	Current zoning classification: RES. MULTI FAM Requested zoning classification: INDUSTRIAL
B	Describe the desired permitted use and intended nature of activities and development of the property? EXPAND EXISTING INDUSTRIAL FACILITY TO THE NORTH
C	Is a Special Exception necessary for your intended use? (<u>X</u>) No (<u> </u>) Yes If yes, briefly describe:
D	Is a Variance necessary for your intended use? (<u>X</u>) No (<u> </u>) Yes If yes, briefly describe:
E	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning 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.
F	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING
OR CHANGE IN LAND DEVELOPMENT
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.
2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.
3. The proposed use will not have an adverse effect on the public interest.
4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.
5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood
7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services
8. The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. The proposed use has not been inordinately burdened by unnecessary restrictions.

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

Loumax Development, Inc.

Responses to Standards for Considering Changes in Zoning

1. The proposed change is not contrary to the Comprehensive Plan Requirements;

The proposed request is not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family.

2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations;

The proposed of expanding Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations.

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

The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped.

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

The proposed use is appropriate for the location and compatible with the adjacent land uses.

5. The proposed use will not adversely affect property values or living conditions, or be a detriment to the improvement or development of adjacent property;

The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.

- 6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood;**

The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7th Avenue. To the north is the applicant's Industrial Property

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

The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.

- 8. The proposed use will create traffic congestion, flooding, or drainage problems, or otherwise affect public safety;**

The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east, there is a major ditch to the east where the parcel will drain into SW 7th Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.

- 9. The proposed use has not been inordinately burdened by unnecessary restrictions;**

The proposed use has not been inordinately burdened by unnecessary restrictions.

This Instrument prepared by:

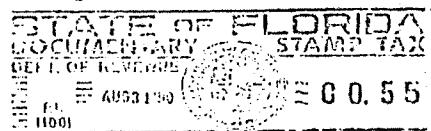
JAMES NEMEC, ESQUIRE
2001 Palm Beach Lakes Blvd., #400
West Palm Beach, Florida 33409

222090

FILED FOR RECORD
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD
CLERK OF CIRCUIT COURT



Warranty Deed,

made this 26th day of August, 1990,

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, , grantor,*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees, , grantee*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, Fl. 33406

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

Together with all 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 grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

"Grantor" and "grantee" are used for singular or plural, as context requires.

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:

Ray Greenberg
Ray Greenberg
Linda Pearson
Linda Pearson

James Neme
James Neme
Ruth B. Neme
Ruth B. Neme

STATE OF FLORIDA
COUNTY OF PALM BEACH

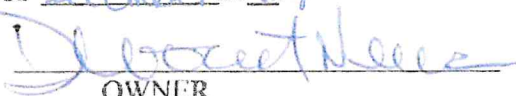
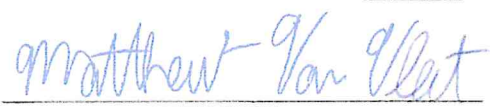
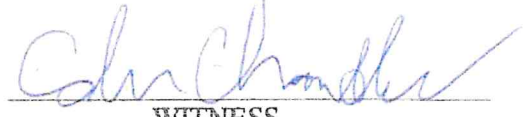


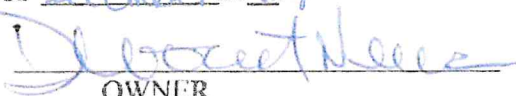
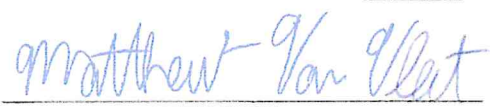
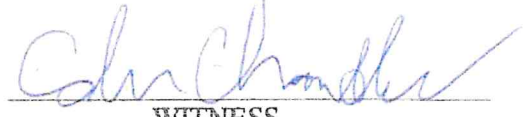


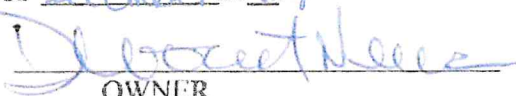
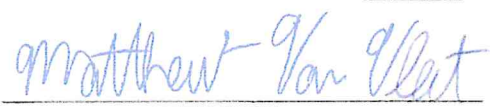
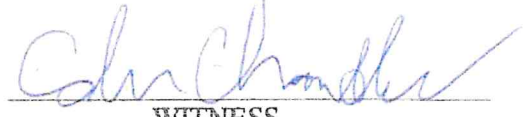


The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

Ray Greenberg
Notary Public

My commission expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP JUNE 22, 1993
BONDED THRU GENERAL INS. UND.

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): NEMEC CHILDRENS TRUST										
Mailing Address: 608 HARBOUR POINT WAY, GREENACRES, FL 33413										
Home Telephone:	Work:	Cell: 863-634-4497								
Property Address: 500-600 BLOCK OF SW 7TH AVENUE										
Parcel ID Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010										
Name of Applicant: LOUMAX DEVELOPMENT INC										
Home Telephone:	Work:	Cell: 954-347-1077								
<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>21</u> DAY OF <u>December</u> 20<u>19</u></p> <table border="0"><tr><td> OWNER</td><td> WITNESS</td></tr><tr><td> OWNER</td><td> 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>21st</u> day of <u>December</u> 20<u>19</u>.</p> <table border="0"><tr><td>Notary Public: </td><td rowspan="2"> SEAL OF FLORIDA</td><td>Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services</td></tr><tr><td>Commission Expires: <u>09/09/21</u></td></tr></table>			 OWNER	 WITNESS	 OWNER	 WITNESS	Notary Public: 	 SEAL OF FLORIDA	Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services	Commission Expires: <u>09/09/21</u>
 OWNER	 WITNESS									
 OWNER	 WITNESS									
Notary Public: 	 SEAL OF FLORIDA	Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services								
Commission Expires: <u>09/09/21</u>										



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

Detail by Entity Name

Florida Profit Corporation
LOUMAX DEVELOPMENT, INC.

Filing Information

Document Number P01000028001
FEI/EIN Number 59-3707151
Date Filed 03/19/2001
State FL
Status ACTIVE

Principal Address

312 SW 7TH AVE
OKEECHOBEE, FL 34974

Changed: 01/15/2007

Mailing Address

P.O. BOX 5501
FT LAUDERDALE, FL 33310

Registered Agent Name & Address

FISHMAN, MICHAEL
5064 NW 66 LN
CORAL SPRINGS, FL 33067

Officer/Director Detail

Name & Address

Title D

MARKUS, NEAL J
1110 OYSTERWOOD ST
HOLLYWOOD, FL 33019

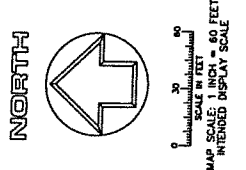
Title D

FISHMAN, MICHEAL S
5064 NW 66TH LANE
CORAL SPRINGS, FL 33067

Annual Reports

Report Year	Filed Date
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BOUNDARY SURVEY PREPARED FOR
LOUMAX DEVELOPMENT, INC.



DESCRIPTION:
LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

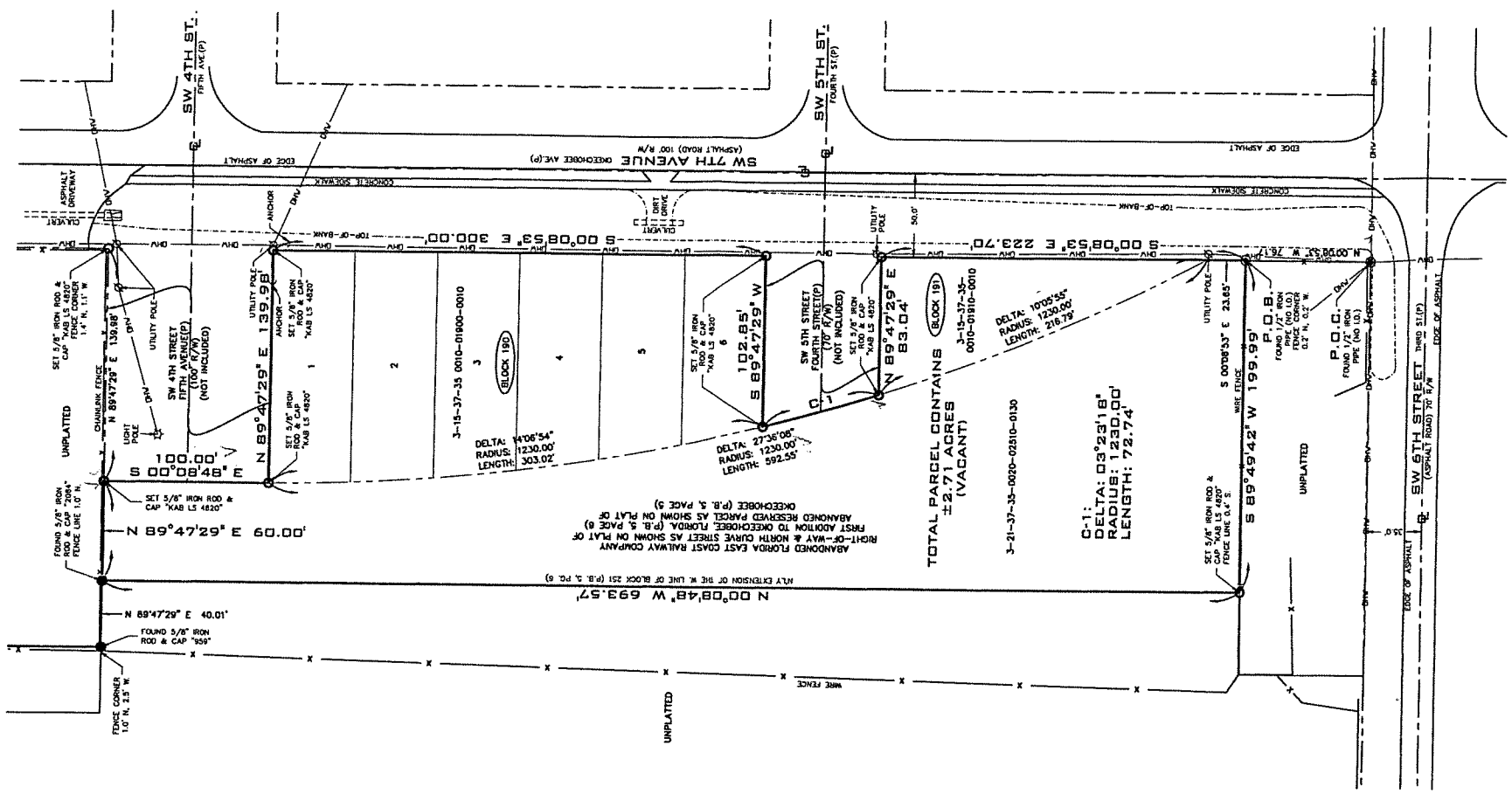
ALL OF BLOCK 191, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 5, PAGE 5 OF THE PUBLIC RECORDS OF
OKEECHOBEE COUNTY, FLORIDA.

A PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R/W) LINE OF SW 6TH STREET WITH THE WEST R/W OF SW 7TH AVENUE; THENCE NORTH 00°08'53" WEST ALONG THE WEST R/W LINE OF SAID SW 7TH AVENUE, A DISTANCE OF 76.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'42" WEST, A DISTANCE OF 199.99 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 251 OF SAID PLAT OF FIRST ADDITION TO OKEECHOBEE; THENCE NORTH 00°08'48" WEST ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 693.57 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH R/W LINE OF SW 4TH STREET; THENCE NORTH 89°47'29" EAST ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SW 4TH STREET; THENCE SOUTH 00°08'48" EAST ALONG THE WEST R/W LINE OF SW 4TH STREET, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, SAID POINT BEING A POINT OF CURVATURE OF A CURVE TO THE LEFT AND HAVING FOR ITS ELEMENTS, A CENTRAL ANGLE OF 27°36'08" AND A RADIUS OF 1230.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 592.55 FEET TO THE SOUTHEAST CORNER OF BLOCK 191 OF SAID PLAT OF OKEECHOBEE; THENCE SOUTH 00°08'53" EAST ALONG THE WEST R/W LINE OF SAID SW 7TH AVENUE, A DISTANCE OF 23.65 FEET TO THE POINT OF BEGINNING.

PROJECT SPECIFIC NOTES:

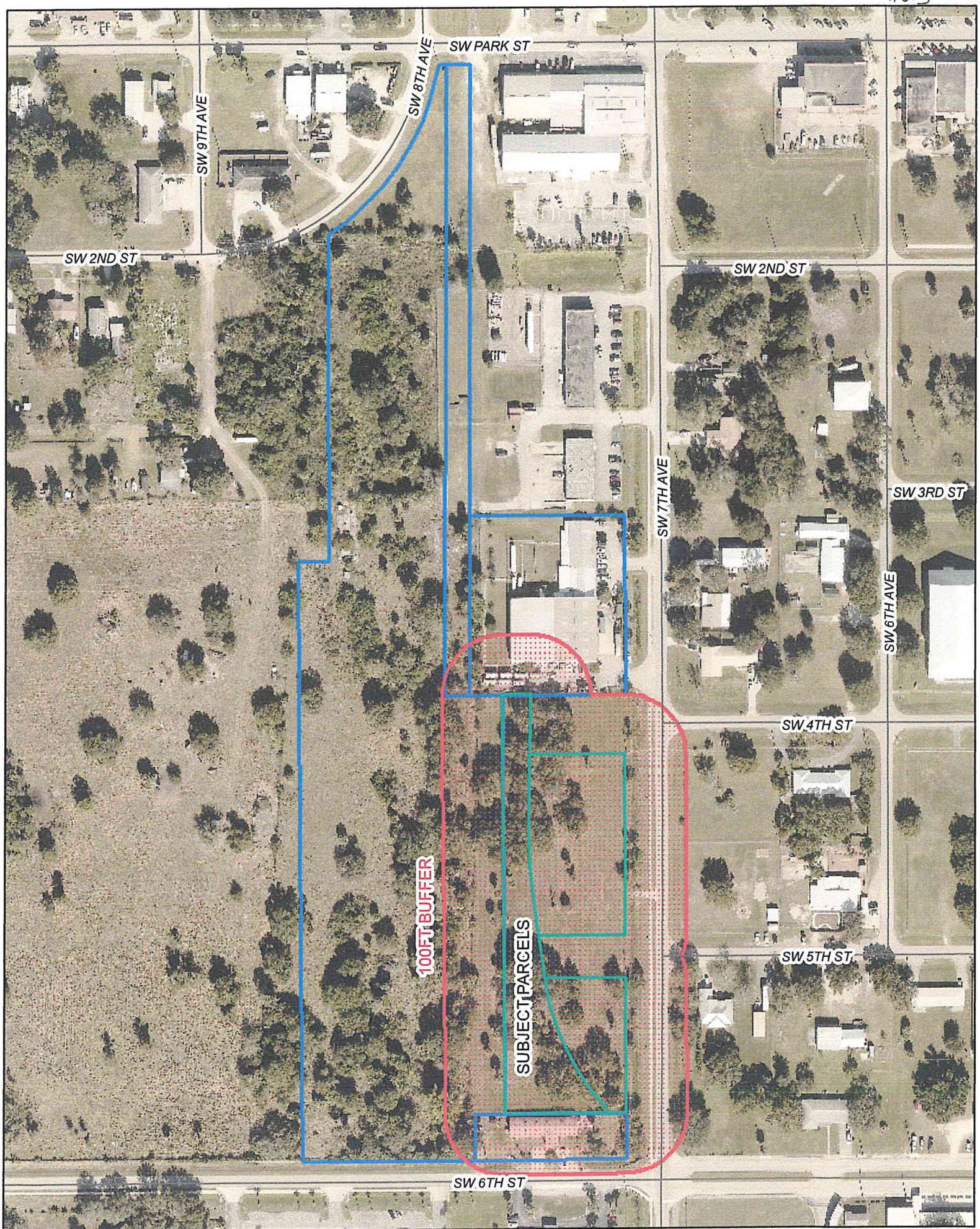
- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE CALCULATED(C) AND MEASURED(M).
- 2) SITE ADDRESS: NOT ASSIGNED AT TIME OF SURVEY.
- 3) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.
- 4) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 5) SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT AFFECT THIS PARCEL.
- 6) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 7) DATE OF LAST FIELD SURVEY: 12/30/19.



STANDARD NOTES: No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor. The survey depicted here is prepared exclusively for those parties noted. No responsibility or liability is assumed by the surveyor for use by others not specifically named. Not valid without the signature and embossed seal of Florida licensed surveyor and mapper #4820. There are no visible above ground encroachments except as shown. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and mappers as outlined in Chapter 5J-17, Florida Administrative Code.

[illegible]

20-002.SSA



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



PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
2-21-37-35-0A00-00006-C000	HAVEN OF REST INC	32801 US HIGHWAY 441 N LOT 244		OKEECHOBEE	FL	349720296
2-21-37-35-0A00-00053-0000	SALRY RR	C/O CSX CORP	500 WATER ST J910	JACKSONVILLE	FL	332020000
2-21-37-35-0A00-00013-0000	DIOCESE OF PALM BEACH	ATTN REAL ESTATE DEPT	P O BOX 109650	PALM BEACH GARDENS	FL	334100000
3-21-37-35-0020-02510-0010	A CHILD'S WORLD CHILDCARE &	PRESCHOOL INC	703 SW 6TH ST	OKEECHOBEE	FL	349744288
3-15-37-35-0010-01970-0010	OKEECHOBEE COUNTY SCHOOL BOARD			OKEECHOBEE	FL	34972
3-21-37-35-0020-02510-0120	110 MARION ROAD INC	PO BOX 453511		MIAMI	FL	332453511
3-15-37-35-0010-01920-0100	HAMRICK SARAH REGINA REVOC TRU	P O BOX 837		OKEECHOBEE	FL	349730000
3-15-37-35-0010-01920-0070	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0040	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0010	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701
3-15-37-35-0010-01890-0010	KNISELY LINDA RUCKS & ROBERT	601 SW 4TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0080	HILL JUDITH E	635 SW 85TH AVE		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0060	CREECH DANIEL B	406 SW 2ND STREET		OKEECHOBEE	FL	34974
2-21-37-35-0A00-00005-0000	LOUMAX DEVELOPMENT INC	PO BOX 5501		FT LAUDERDALE	FL	33310
3-15-37-35-0010-01790-0010	BELIEVERS FELLOWSHIP	P O BOX 653		OKEECHOBEE	FL	34973
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
3-15-37-35-0010-01890-0100	SCHOOLEY KEVIN L & DEBORAH S	604 SW 5TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01890-0040	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701

Petition No. 20-001-R

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 19TH, 2019 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 19 day of

December, 2019.

[Signature]
Signature of Applicant

12/19/19
Date

NEAL MARKUS

Name of Applicant (printed or typed)

Sworn to and subscribed before me this 19 day of DECEMBER, 2019. Personally
known to me NEAL MARKUS or produced _____ as identification and
did not take an oath.

[Signature]
Notary Public, State of Florida

Seal:



Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

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

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>**Owner & Property Info**

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

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.

Aerial Viewer Pictometry Google Maps

☒ 2019
 ☐ 2018
 ☐ 2017
 ☐ 2015
 ☐ 2014
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

1/6/2020

Okeechobee County Property Appraiser

161C12	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser Mickey L. Bandi Okeechobee, Florida 863-763-4422					by: GrizzlyLogic.com

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 1/2/2020

Parcel: << **3-21-37-35-0020-02510-0130** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

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

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

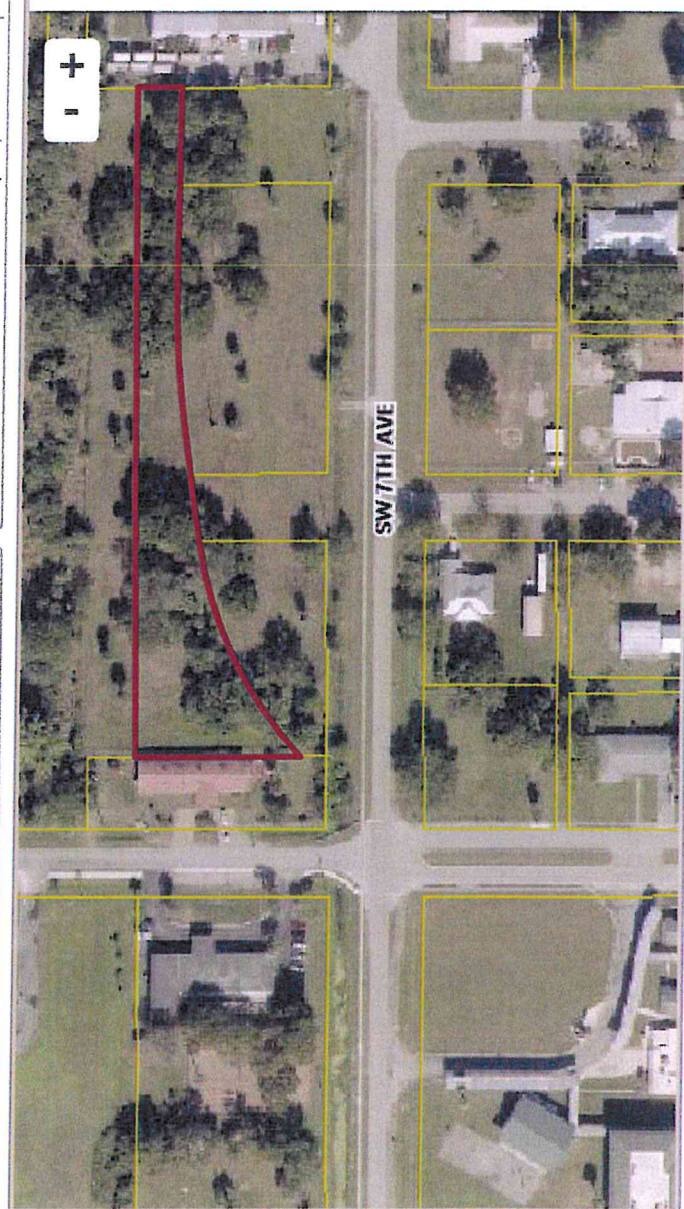
Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$15,600 city:\$15,600 other:\$15,600 school:\$15,600	Total Taxable	county:\$16,800 city:\$16,800 other:\$16,800 school:\$16,800

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.

Aerial Viewer Pictometry Google Maps

2019 2018 2017 2015 2014 Sales

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

1/6/2020

Okeechobee County Property Appraiser

961CAC

NON/CONFIG (MKT)

1.600 AC

1.00/1.00 1.00/0.75

\$10,500

\$16,800

© Okeechobee County Property Appraiser | Mickey L. Bandi | Okeechobee, Florida | 863-763-4422

by: GrizzlyLogic.com



Staff Report

Rezoning Request

Prepared for: *The City of Okeechobee*

Applicant: *Neal Markus*
 Loumax Development Inc

Address: *500-600 Block of SW 7th Avenue*

Petition No.: *20-001-R*

General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 th Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

Request

The matter before the Local Planning Agency and City Council is an application to rezone three vacant parcels of land totaling 2.87 acres from Residential Multiple Family to Industrial. The properties are bounded by SW 7th Ave on the east side, SW 6th Street on the south side and the Applicants existing industrial facility to the north. The Applicant has stated that the reason for these requests is expansion of existing industrial operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The subject property is designated Single Family and Multi-Family Residential on the Future Land Use Map. The Applicant has submitted a concurrent request for a small scale future land use map amendment to change the designation of these same parcels to Industrial on the City's Future Land Use Map.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

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

North	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
East	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
South	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
West	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

Analysis

Section 70-340 of the Land Development Regulations requires that the reviewing body find that an application for rezoning meets each of the following conditions. The Applicant has provided brief comments to each of the required findings. 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 are shown in this Arial typeface.

1. *The proposed rezoning is not contrary to Comprehensive Plan requirements.*

Applicant Comment: "The proposed request in not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family."

Staff Comment: The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7th Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these subject parcels, which is one of only a few industrial properties south of Park Street in the City. We are not recommending approval of the Applicant's requested Future land use amendment because expansion of the Industrial Future Land Use in this area would be out of character with the predominantly residential nature of the surrounding neighborhood and is therefore inconsistent with the existing pattern of development and Future Land Use Objective 12 of the City's Comprehensive Plan. Additionally, if the City Council does not approve the

Applicant's concurrent small scale future land use map amendment, then this rezoning request cannot be approved either.

2. *The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.*

Applicant Comment: "The proposed of expanding of Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations."

Staff Comment: Manufacturing of non-explosive products is a permitted use in the Industrial zoning district.

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

Applicant Comment: "The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped."

Staff Comment: Expansion of the Applicant's existing operations could have positive impacts on the public interest by bringing additional jobs to the community and increasing the tax base of the City. However, allowing the expansion of industrial zoning and industrial uses could have an adverse impact in this predominantly residential neighborhood and could have an adverse impact on investment in residential development in this area.

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

Applicant Comment: "The proposed use is appropriate for the location and compatible with the adjacent land uses."

Staff Comment: If this rezoning request is approved, it would allow for expansion of industrial uses farther into an area that is predominantly residential. Industrial is typically one of the least compatible land uses to residential. In addition to the use the specific manufacturing use that the applicant is proposing at this location, it is important to consider the other uses that would be permitted according to the Industrial zoning district regulations including:

- Manufacturing, processing, except those which produce explosives
- Mechanical and repair services
- Bulk storage of nonhazardous material.
- Outdoor sales and storage, building contractor
- Wholesale sales and distribution
- Enclosed warehouse and storage
- Commercial laundry, dry cleaner
- Auto service station, car wash
- Radio, television or cable reception, transmission or operational facilities.
- Public utility.
- Public facility
- Water treatment services, (including storage of chemicals for use and/or retail sale)
- Pest control (including storage of chemicals for use and/or retail sale)
- Medical marijuana dispensary

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

Applicant Comment: “The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.”

Staff Comment: There are currently several vacant residentially zoned properties adjacent to the subject parcels. Approval of this rezoning request could affect the likeliness of those properties to be developed and could thereby affect the value of those properties. Additional heavy truck traffic in this neighborhood could also affect the living conditions of the nearby residents.

6. *The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.*

Applicant Comment: “The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7th Avenue. To the north is the applicant’s Industrial Property.”

Staff Comment: Depending on the specific activities involved, buffering can be used to alleviate some of the potential impacts of industrial uses. However, buffering will not reduce the impacts of increased heavy truck traffic in this predominantly residential neighborhood.

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

Applicant Comment: “The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.”

Staff Comment: Potential demand for schools and recreation facilities would be reduced if this rezoning is approved. Potential demand for water, sewer and solid waste is likely to increase. Additional vehicle trips are also projected. However, approval of this request is not likely to create a density pattern that will overburden facilities.

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

Applicant Comment: “The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east there is a major ditch to the east where the parcel will drain into SW 7th Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.”

Staff Comment: There is no reason to doubt the Applicant’s comments on this finding. Drainage issues would be considered at time of site plan review.

9. *The proposed use has not been inordinately burdened by unnecessary restrictions.*

Applicant Comment: “The proposed use has not been inordinately burdened by unnecessary restrictions.”

Staff Comment: The proposed use has not been inordinately burdened by unnecessary restrictions.

Recommendation

Based on the foregoing analysis, we find the requested rezoning to Industrial to be inconsistent with the City’s Comprehensive Plan. We have reservations regarding the compatibility with adjacent uses and do not find it consistent with the urbanizing pattern of the area. Therefore, we **cannot** recommend approval of the Applicant’s rezoning request.

Additionally, we have not recommended approval of the Applicant’s concurrent request for a future land use map amendment of these parcels. If the Council does not approve that request, then this rezoning request cannot be approved either.

Submitted by:



Ben Smith, AICP
Sr. Planner

February 11, 2020

Planning Board Public Hearing: February 20, 2020

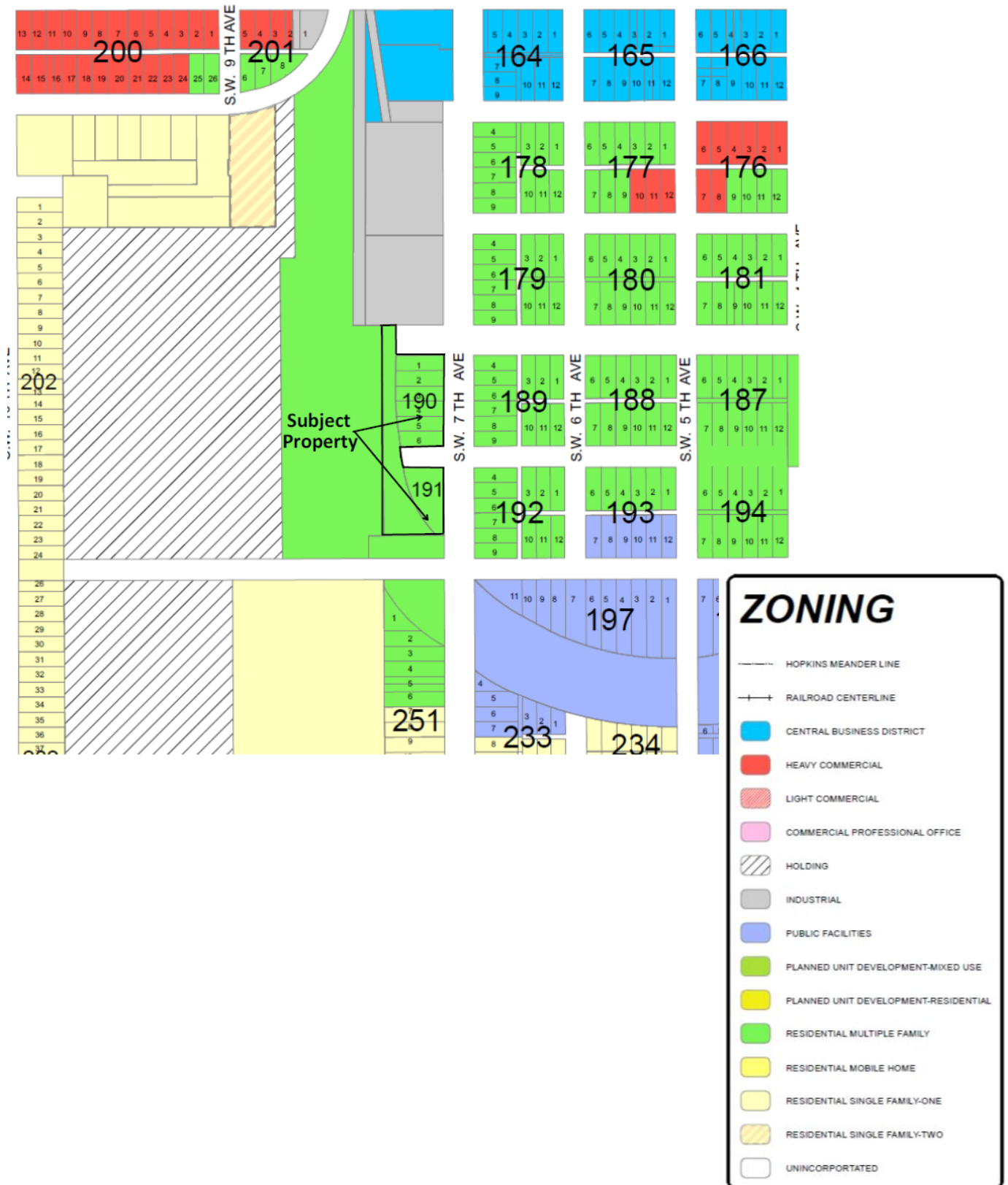
City Council Public Hearing: (tentative) March 17, 2020

Attachments: Future Land Use, Subject Site & Environs
Zoning, Subject Site & Environs
Aerial, Subject Site & Environs

FUTURE LAND USE SUBJECT SITE AND ENVIRONS



ZONING SUBJECT SITE AND ENVIRONS



AERIAL SUBJECT SITE AND ENVIRONS



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>3-12-20</u>	Petition No. <u>20-002-K</u>
		Fee Paid:	Jurisdiction: <u>PB+CC</u>
		1 st Hearing: <u>5-21-20</u>	2 nd Hearing: <u>6-16-20 & 7-7-20</u>
		Publication Dates:	
		Notices Mailed:	
Rezone, Special Exception and Variance			
APPLICANT INFORMATION			
1	Name of property owner(s): Best Value Real Estate LLC		
2	Owner mailing address: 407 Saint Andrews Dr Belleair, FL 33756-1935		
3	Name of applicant(s) if other than owner Dillon Moore		
4	Applicant mailing address: 407 Saint Andrews Dr Belleair, FL 33756-1935		
	E-mail address: dmoore@bestvaluehealthcare.com		
5	Name of contact person (state relationship): Dillon Moore, Chief Financial Officer		
6	Contact person daytime phone(s): 251-802-9996		
PROPERTY INFORMATION			
7	Property address/directions to property: 204 SE Park St <u>SE Park St</u> Okeechobee, FL 34972		
8	Describe current use of property: Medical Office		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) 1 Office/Medical Office, 0 dwelling units, Currently in-use, non-vacant Source of potable water: City Method of sewage disposal: City		
10	Approx. acreage: <u>0.5</u> ✓ Is property in a platted subdivision? Yes, City of Okeechobee		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: No		
12	Is a pending sale of the property subject to this application being granted? <u>No</u>		
13	Describe uses on adjoining property to the North: North: City Road/City Office/Public Right of Way East: Office Building South: Assisted Living Facility West: City Road/Retail Stores		
14	Existing zoning: Residential Multi-Family 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: (<u>x</u>) Rezone () Special Exception () Variance		
17	Parcel Identification Number: Parcel 1: 3-15-37-35-0010-01710-0020 (Practice) ✓		

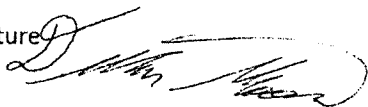
Parcel 2: 3-15-37-35-0010-01710-0040 (Adjoining vacant lot) ✓

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: 8/23/2019
✓ 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

Dillon Moore

Date

01/30/2020

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

ADDITIONAL INFORMATION REQUIRED FOR A REZONING	
A	Current zoning classification: Residential Multi-Family Requested zoning classification Central Business District
B	Describe the desired permitted use and intended nature of activities and development of the property? Operation of existing Medical Office
C	Is a Special Exception necessary for your intended use? (<input checked="" type="checkbox"/>) No (<input type="checkbox"/>) Yes If yes, briefly describe:
D	Is a Variance necessary for your intended use? (<input checked="" type="checkbox"/>) No (<input type="checkbox"/>) Yes If yes, briefly describe:
E	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning 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.
F	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING
OR CHANGE IN LAND DEVELOPMENT
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.
This proposal is not contrary to Comprehensive Plan requirements and is being made to bring the property into compliance with the City's future land use designation and is consistent with the property's current use for the last 30+ years. The property is zoned residential multi-family while it has been used as a medical office for the last 30+ years. the Intent is to continue to use the property as a medical office. No changes to the property's use are expected.
2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.
We are applying for Central Business District zoning which is consistent with surrounding properties and consistent with the property's current use.
3. The proposed use will not have an adverse effect on the public interest.
The Property is currently used as a medical office and the plan is to continue to use the property in this capacity as it has been used for the last 30+ years.
4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.
The Property is located in the down-town area of Okeechobee and there are many other small offices and other medical offices surrounding and adjacent to the property.
5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.
No changes are expected to the use of the property and the application is being made to have zoning be consistent with the property's historical and contributing use.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood

The property is located in the down-town are of Okeechobee and is only open during normal working hours of approximately 8am - 5pm during weekdays. The plan is to continue this use. The property has operated in this capacity for 30+ years.

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

No changes are expected to be made to the property and volume of business is not expected to change.

We are open to the idea of joining the two parcels together, should the City find that to be beneficial.

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

The property's use is not expected to change, patient volume is not expected to substantially increase and the property's use is not expected to change.

9. The proposed use has not been inordinately burdened by unnecessary restrictions.

We intend to use the property as it has been used for the last 30+ years, as a simple primary care medical office.

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



Best Value Healthcare
Best Value Real Estate
407 St. Andrews Drive
Belleair, FL 33756

1/30/2020

RECEIVED
MAR 26 2020

To whom it may concern,

We respectfully ask that the City consider this application for rezoning of a property that we own located at 204 SE Park St, Okeechobee, FL.

Parcel 1: 3-15-37-35-0010-01710-0020 (Practice)

Parcel 2: 3-15-37-35-0010-01710-0040 (vacant lot)

Best Value Healthcare and Best Value Real Estate purchased the practice and land from Stanley Sweda, MD in July/August 2019 (closing of the land took place on 8/23/19) as Dr. Sweda was permanently retiring from practicing medicine. We currently employ approximately 10 people at the practice and have plans to continue successful operations in the long term. Dr. Sweda had been operating a medical practice on the premises for at least 30 years (date of incorporation 10/23/1987) prior to purchase by Best Value. The property is currently zoned Residential Multi-family for reasons unknown. The property appears to have taken on the zoning of Residential Multi-Family in 1998 despite the practice being in operation since 1987. The Property Appraiser Building Description is "OFFICE MED." The property is surrounded and directly adjacent to "Central Business District" and Commercially zoned properties. There is no other residentially zoned property on the block in which the property is located. The Future Land Use map provided by the city has the property zoned "Commercial." Based on the surrounding properties as well as the circumstances above, we feel that the most appropriate zoning is "Central Business District."

The practice has been a fixture in the community and has served thousands of patients over the past 30+ years. We look forward to continuing our successful partnership with the City of Okeechobee and its surrounding communities.

Thank you for your consideration. Please feel free to reach out to me at any time for questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dillon Moore'.

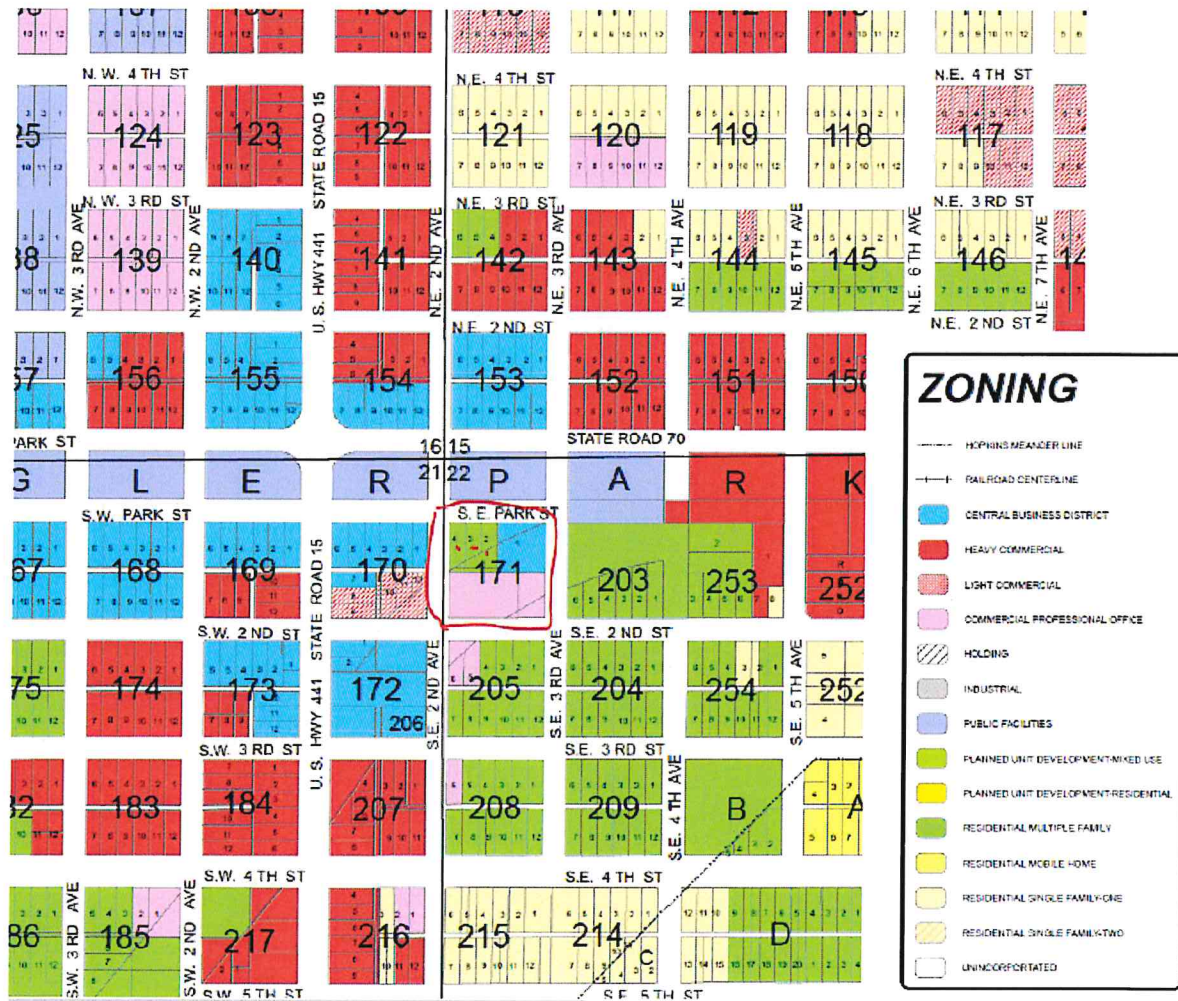
Dillon Moore

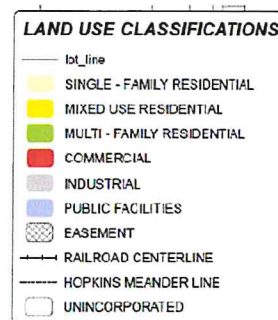
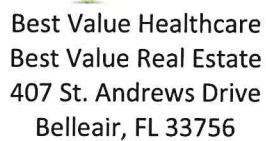
Chief Financial Officer
dmoore@bestvaluehealthcare.com
251-802-9996



Best Value Healthcare
Best Value Real Estate
407 St. Andrews Drive
Belleair, FL 33756

Current Zoning:





FILE NUM 2019009032
OR BK 829 PG 1950
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 08/28/2019 12:20:03 PM
ANT \$170,000.00
RECORDING FEES \$18.50
DEED DOC \$1,190.00
RECORDED BY L Shain
Pgs 1950 - 1951 (2 pgs)

This Document Prepared By and Return to:
Christopher J. Twohey, PA
844 SE Ocean Blvd. Suite A
Stuart, Florida 34994

Parcel ID Number:

Warranty Deed

This Indenture, Made this 23rd day of August, 2019 A.D., Between Stanley Sweda, M.D. (as to Parcel 1) and Gail Siekmann and Marcella Curcurito, as Personal Representatives of the Estate of Rennae Belsky Sweda, deceased (as to Parcel 2) of the County of Indian River, State of Florida, grantors, and Best Value Real Estate, LLC, a Florida limited liability company whose address is: 407 Saint Andrews Dr., Belleair, FL 33756 of the County of, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Okeechobee

State of Florida to wit:
PARCEL 1: 3-15-37-35-0010-01710-0020

Beginning at the Northeast Corner of Lot 2, Block 171, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, page 5 of the Public Records of Okeechobee County, Florida, and run South along the

Continued on Attached

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

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: Gerard A. Scobie
Witness

Printed Name: Nelida Castro
Witness

Estate of Rennae Belsky Sweda, deceased

By: Gail Siekmann (Seal)

Gail Siekmann, Personal Representative
Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

By: Marcella Curcurito (Seal)

Marcella Curcurito, Personal Representative
P.O. Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

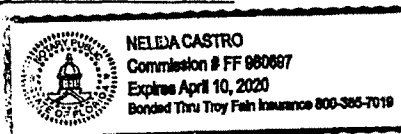
Stanley Sweda, M.D.

P.O. Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 22 day of August, 2019, by Gail Siekmann, Personal Representative and Marcella Curcurito, Personal Representative of Estate of Rennae Belsky Sweda, deceased on behalf of the estate who are personally known to me or who have produced their Florida's driver license as identification.

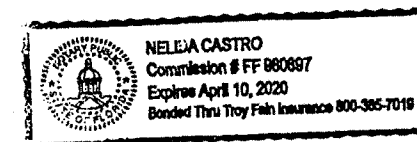
Printed Name:
Notary Public
My Commission Expires:



State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 23rd day of August, 2019, by Stanley Sweda, M.D. who is personally known to me or who has produced his Florida's driver license as identification.

Printed Name:
Notary Public
My Commission Expires:



sweda

Label Generated by CDisplay Systems, Inc. 2019 (043) 763-5555 and Form FLWD-1

Warranty Deed - Page 2

Parcel ID Number:

East line of Lot 2, aforesaid a distance of 142.5 feet; thence West parallel to South Park Street to the intersection of the West line of Lot 3, Block 171 extended South; thence North along said extended West line a distance of 142.5 feet to the South boundary of South Park Street; thence East along the South boundary of South Park Street to the Point of Beginning. Said lands also described as follows: Lots 2 and 3, Block 171, TOWN OF OKEECHOBEE, according to plat thereof recorded in Plat Book 5, page 5, of the public records of Okeechobee County, Florida, also that part of North Curve Street and part of the former but now abandoned Florida East Coast Railroad right of way as shown on plat of First Addition to Town of Okeechobee, recorded in Plat Book 3, page 26, of the Public Records of St. Lucie County, Florida, lying South of and adjacent to said Lots 2 and 3, Block 171, Town of Okeechobee aforesaid.

PARCEL 2: 3-15-37-35-0010-01710-0040

Lot 4, Block 171, Town of Okeechobee, according to the plat thereof recorded in Plat Book 5, Page 5, Public Records of Public Records of Okeechobee County, Florida.

SUBJECT TO:

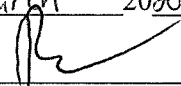
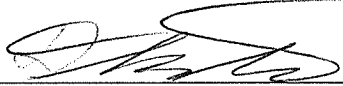
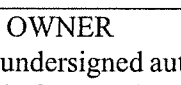
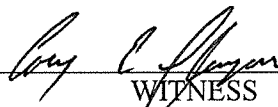
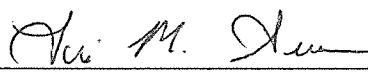
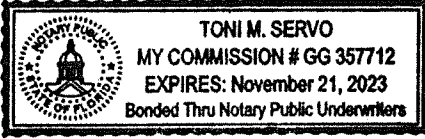
1. Taxes for the year 2019, and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantors.

NOTE TO PROPERTY APPRAISER: THE ALLOCATION OF CONSIDERATION PAID FOR PARCEL 1 IS \$142,000.00 AND FOR PARCEL 2 IS \$28,000.00.

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): Best Value Real Estate, LLC (Rajankumar Naik, Registered Agent, Owner)		
Mailing Address: 407 St Andrews Dr Belleaire, FL 33756		
Home Telephone: 727-455-5416 Work: 727-455-5416 Cell: 727-455-5416		
Property Address: 204 SE Park St Okeechobee, FL 34972		
Parcel ID Number: 3-15-37-35-0010-01710-0020 3-15-37-35-0010-01710-0040		
Name of Applicant: Dillon Moore		
Home Telephone: 251-802-9996 Work: Cell: 251-802-9996		
<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>17th</u> DAY OF <u>March</u> 20<u>20</u>.</p>		
 _____ OWNER	 _____ WITNESS	
 _____ 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>17th</u> day of <u>March</u> 20<u>20</u>.</p>		
Notary Public:  Commission Expires: <u>11-21-2023</u>	SEAL	

Detail by Entity Name

Florida Limited Liability Company
BEST VALUE REAL ESTATE, LLC

Filing Information

Document Number L19000203171
FEI/EIN Number 84-2847424
Date Filed 08/14/2019
State FL
Status ACTIVE

Principal Address

407 SAINT ANDREWS DRIVE
BELLEAIR, FL 33756

Mailing Address

407 SAINT ANDREWS DRIVE
BELLEAIR, FL 33756

Registered Agent Name & Address

NAIK, RAJANKUMAR
407 SAINT ANDREWS DRIVE
BELLEAIR, FL 33756

Authorized Person(s) Detail

Name & Address

Title Manager

Naik, Rajankumar
407 SAINT ANDREWS DRIVE
BELLEAIR, FL 33756

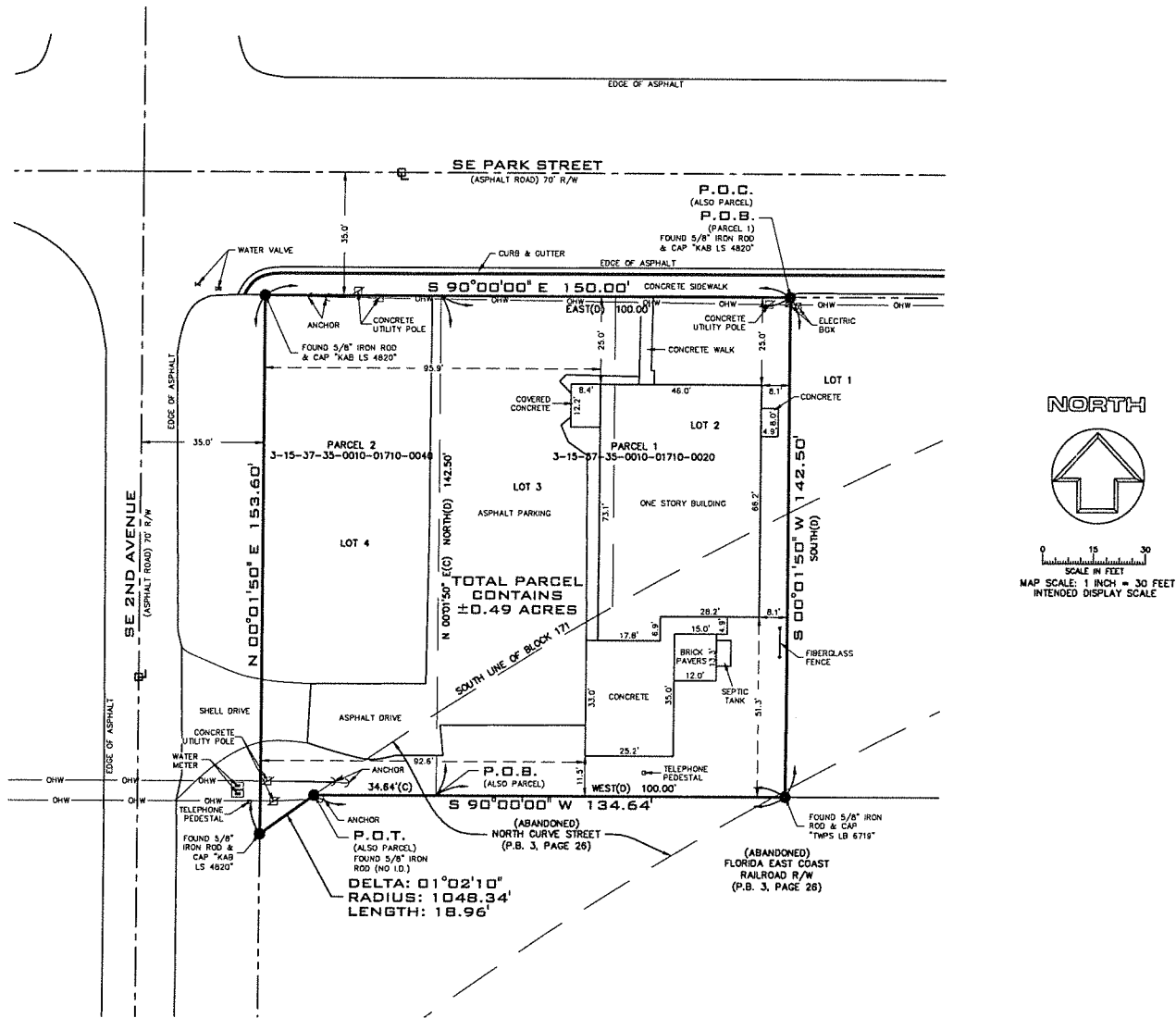
Annual Reports

Report Year	Filed Date
2020	02/05/2020

Document Images

02/05/2020 -- ANNUAL REPORT	View image in PDF format
08/14/2019 -- Florida Limited Liability	View image in PDF format

BOUNDARY SURVEY PREPARED FOR BEST VALUE REAL ESTATE, LLC.



DESCRIPTION:

PARCEL 1:
CITY OF OKEECHOBEE BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND RUN SOUTH ALONG THE EAST LINE OF LOT 2, AFORESAID A DISTANCE OF 142.5 FEET; THENCE WEST PARALLEL TO SOUTH PARK STREET TO THE INTERSECTION OF THE WEST LINE OF LOT 3, BLOCK 171 EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED WEST LINE A DISTANCE OF 142.5 FEET TO THE SOUTH BOUNDARY OF SOUTH PARK STREET; THENCE EAST ALONG THE SOUTH BOUNDARY OF SOUTH PARK STREET TO THE POINT OF BEGINNING. SAID LANDS ALSO DESCRIBED AS FOLLOWS: LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, ALSO THAT PART OF NORTH CURVE STREET AND PART OF THE FORMER BUT NOW ABANDONED FLORIDA EAST COAST RAILROAD RIGHT OF WAY AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE AFORESAID.

AND

PARCEL 2:
LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

ALSO THAT PART OF NORTH CURVE STREET AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 171; THENCE SOUTH 00°01'50" WEST, A DISTANCE OF 142.50 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 90°00'00" WEST, A DISTANCE OF 34.64 FEET TO THE POINT OF TERMINUS.

PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE DEED(D) AND MEASURED(M).
- 2) SITE ADDRESS: 204 SE PARK STREET.
- 3) PARCEL ID: 3-15-37-35-0010-01710-0020 & 3-15-37-35-0010-01710-0040.
- 4) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.
- 5) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 6) SURVEYOR WAS NOT PROVIDED WITH ANY TITLE INFORMATION FOR THIS PARCEL. SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT EFFECT THIS PARCEL.
- 7) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 8) DATE OF LAST FIELD SURVEY: 02/20/2020.

PREPARED FOR THE EXCLUSIVE USE OF:
BEST VALUE REAL ESTATE, LLC.

BOUNDARY SURVEY	02/26/20	FILE	WC	DMN
DESCRIPTION	DWG. DATE	FB/PG	BY	CK
SCALE 1" = 30'	DRAWING NUMBER:			
SHEET 1 OF 1	34050			

LEGEND
● - Set Iron Rod and Cap "KAB LS 4820" ■ - Found CM
● - Found Iron Rod (and Cap) ● - Found Pipe (and Cap)
ABBREVIATIONS
B=Baseline, BM=Benchmark, C=Centerline, C=Calculated, CATV=Cable TV, CM=Concrete Monument, CON=Concrete, D=Deed, Δ=Delta or Central Angle, E=East, ELY=Easterly, E/P=Edge of Pavement, ESMT=Easement, F.I.R.M.=Flood Insurance Rate Map, FID=Found, IP=Iron Pipe, IR&(C)=Iron Rod (and Cap), L=(Arc) Length, M=Measured, MH=Manhole, N=North, NLY=Northerly, NOVD(N)=National Geodetic Vertical (Datum) of 1929; NTS=Not to Scale; OHW=Overhead Wires; R=Property Line; P=Plot; PC=Point of Curvature; PCC=Point of Compound Curvature; PCP=Permanent Control Point; PUB=Point of Beginning; POC=Point of Commencement; PRC=Point of Reverse Curvature; PRM=Permanent Reference Monument; PFI=Point of Tangency; PU&D=Public Utility and Drainage; R=Radius; R/W=Right-of-Way; S=South; SLY=Southerly; T=Tangent; TEL=Telephone Splice or Switch Box; W=West; WLY=Westerly; UTL=Utility(ies); ⚡=Spot Elevation based on indicated Datum

- STANDARD NOTES:
1. No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor.
 2. The survey depicted here is prepared exclusively for those parties noted.
 3. No responsibility or liability is assumed by the surveyor for use by others not specifically named.
 4. Not valid without the signature and embossed seal of Florida licensed surveyor and mapper #4820.
 5. There are no visible above ground encroachments except as shown.
 6. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey.
 7. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and mappers as outlined in Chapter 5J-17, Florida Administrative Code.

TRADEWINDS SURVEYING SERVICES, LLC.

200 S.W. 3rd Avenue
Okeechobee, FL 34974
Tel: (863) 763-2887
Fax: (863) 763-4342



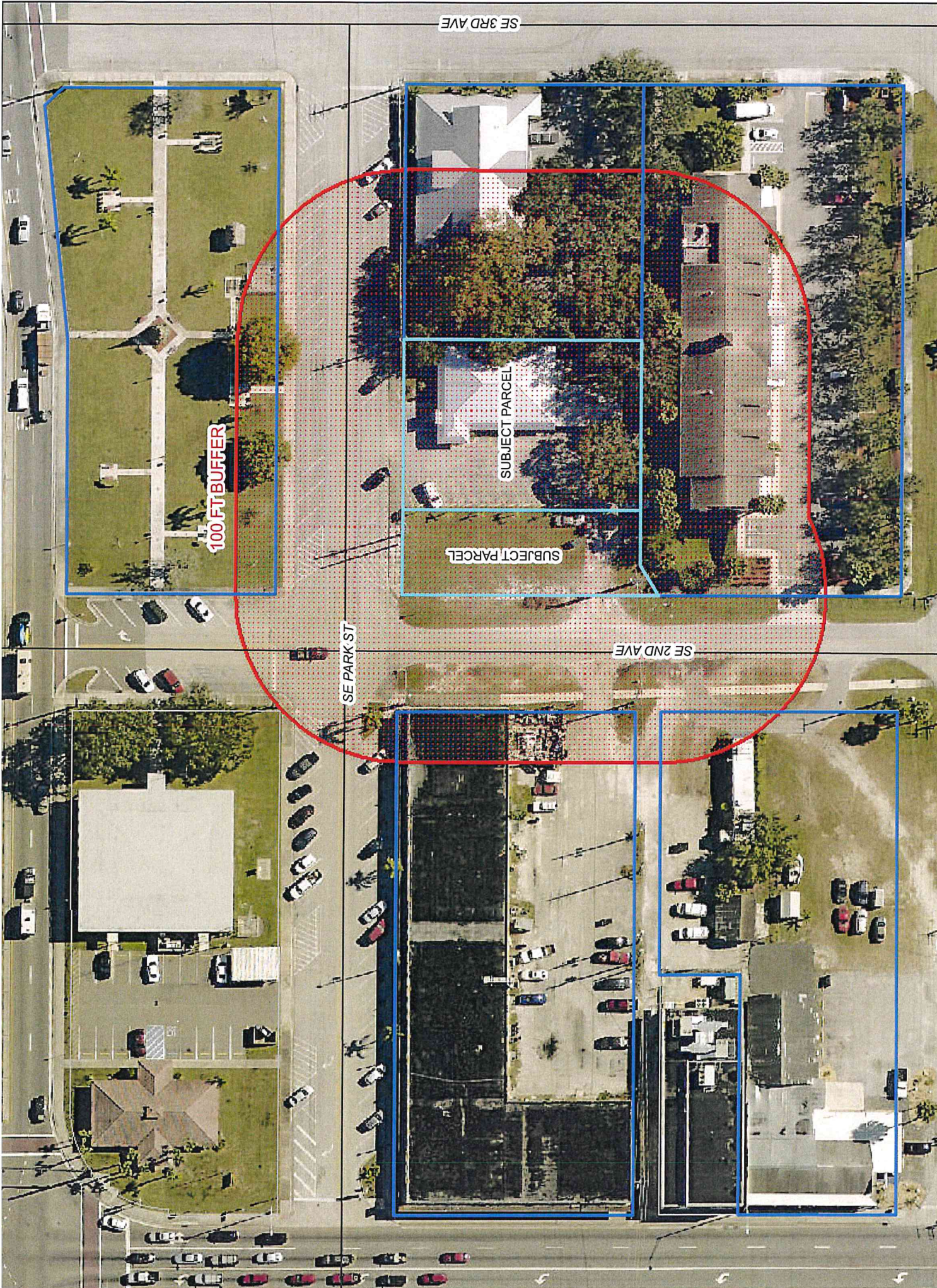
David M. Narro (PSM 6024)

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
3-15-37-35-0010-01530-0070	PMA OKEECHOBEE REALTY LLC	481 SW PORT ST LUCIE BLVD		PORT ST LUCIE	FL	349532000
3-15-37-35-0010-01530-0100	PEKING MGMT LLC	180 NW 3RD AVE STE A		OKEECHOBEE	FL	349724118
3-15-37-35-0010-01530-0110	CONLON DAVID M & ROSE M	100 SW 15TH ST		OKEECHOBEE	FL	349745256
3-15-37-35-0010-01540-0010	SPIRIT CV OKEECHOBEE FL LLC	%CVS #3237-01/OCC EXP DEPT	1 CVS DRIVE	WOONSOCKET	RI	28956146
3-15-37-35-0010-01700-0010	DANIEL DAVID R III	548 NW 50TH DR		OKEECHOBEE	FL	34972
3-15-37-35-0010-01700-0070	UNITED TELEPHONE COMPANY OF FL	EMBARQ CORP ATTN: PROPERTY TAX	P O BOX 2599	OLATHE	KS	66063
3-15-37-35-0010-01700-0080	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY		STUART	FL	349974937
3-15-37-35-0010-01710-0010	VISITING NURSE ASSOCIATION OF	FLORIDA INC	2400 SE MONTEREY ROAD #300	STUART	FL	34996
3-15-37-35-0010-01710-0050	VISITING NURSE ASSOCIATION OF	FLORIDA INC	2400 SE MONTEREY RD STE 300	STUART	FL	349960000
3-15-37-35-0010-01710-0080	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903
3-15-37-35-0010-01720-0010	PATEL J D & PATEL N TRUSTEE	201 S PARROTT AVE		OKEECHOBEE	FL	349744338
3-21-37-35-0020-02050-0010	ANITA'S RENTAL PROPERTIES INC	701 NE 3RD ST		OKEECHOBEE	FL	349724576
3-21-37-35-0020-02050-0020	MILES MICHAEL L & GLORIA J	2382 SW 2ND CT		OKEECHOBEE	FL	349743935
3-21-37-35-0020-02050-0030	HANCOCK SAMMY & HANCOCK TY	990 SE 23RD ST		OKEECHOBEE	FL	349745392
3-21-37-35-0020-02050-0040	ROSSI CHRIS	204 SE 2ND ST		OKEECHOBEE	FL	34974
3-21-37-35-0020-02050-0050	LKMS LLC	P OX 625		OKEECHOBEE	FL	34973
3-21-37-35-0020-02530-0020	AMERICAN LEGION POST 64	501 SE 2ND STREET		OKEECHOBEE	FL	349740000
3-15-37-35-0010-01690-0130	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903
3-15-37-35-0010-01690-0130	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903



OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON



SE 3RD AVE

SE 2ND AVE

SE PARK ST

SUBJECT PARCEL

SUBJECT PARCEL

100 FT BUFFER

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 February 10, 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 17 day of March, 2020.

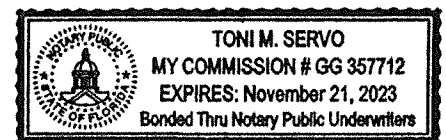
Dillon Moore
Name of Applicant (printed or typed)

State of Florida
County of Okeechobee

Sworn to and subscribed before me this 17th day of March, 2020. Personally known to me ✓ or produced _____ as identification and did not take an oath.

Ari M. Lee
Notary Public, State of Florida

Seal:



Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 3/5/2020

Parcel: << 3-15-37-35-0010-01710-0020 >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Result: 1 of 2

Owner	BEST VALUE REAL ESTATE LLC 407 SAINT ANDREWS DR BELLEAIR, FL 337561935		
Site	204 SE PARK ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND RUN SOUTH ALONG THE EAST LINE OF LOT 2, AFORESAID A DISTANCE OF 142.5 FEET; THENCE WEST PARALLEL TO SOUTH PARK STREET TO THE INTERSECTION OF THE WEST LINE OF LOT 3, BLOCK 171 EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED WEST LINE A DISTANCE OF 142.5 FEET TO THE SOUTH BOUNDARY OF SOUTH PARK STREET; THENCE EAST ALONG THE SOUTH BOUNDARY OF SOUTH PARK STREET TO THE POINT OF BEGINNING. SAID LANDS ALSO DESCRIBED AS FOLLOWS: LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, ALSO THAT PART OF NORTH CURVE STREET AND PART OF THE FORMER BUT NOW ABANDONED FLORIDA EAST COAST RAILROAD RIGHT OF WAY AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE AFORESAID. <<<less		
Area	0.325 AC	S/T/R	15-37-35
Use Code**	PROFESS SV (001900)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$70,470	Mkt Land (1)	\$70,470
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (1)	\$191,992	Building (1)	\$194,278
XFOB (3)	\$3,503	XFOB (3)	\$3,847
Just	\$265,965	Just	\$268,595
Class	\$0	Class	\$0
Appraised	\$265,965	Appraised	\$268,595
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$265,965	Assessed	\$268,595
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$265,965 city:\$265,965 other:\$265,965 school:\$265,965	Total Taxable	county:\$268,595 city:\$268,595 other:\$268,595 school:\$268,595

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.

RMF/c



Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 3/5/2020

Parcel: << 3-15-37-35-0010-01710-0040 >>

Aerial Viewer Pictometry Google Maps

☒ 2019 ☐ 2018 ☐ 2017 ☐ 2015 ☐ 2014 ☐ Sales**Owner & Property Info**

Owner	BEST VALUE REAL ESTATE LLC 407 SAINT ANDREWS DR BELLEAIR, FL 337561935		
Site	SE PARK ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 4 BLOCK 171		
Area	0.175 AC	S/T/R	15-37-35
Use Code**	VACANT COM (001000)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$28,836	Mkt Land (1)	\$28,836
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$28,836	Just	\$28,836
Class	\$0	Class	\$0
Appraised	\$28,836	Appraised	\$28,836
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$28,836	Assessed	\$28,836
Exempt	\$0	Exempt	\$0
Total	county:\$28,836	Total	county:\$28,836
Taxable	city:\$28,836	Taxable	city:\$28,836
	other:\$28,836		other:\$28,836
	school:\$28,836		school:\$28,836

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
8/23/2019	\$170,000	829/1950	WD	V	U	19
2/26/1996	\$5,000	375/1078	WD	V	U	03
6/19/1979	\$0	229/1233	PR	V	U	03
12/1/1965	\$0	101/0765	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

▼ Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

▼ Land Breakdown

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
067EP2	SE PARK ST (MKT)	50.000 FF - (0.175 AC)	1.00/1.00 1.00/0.80	\$577	\$28,836



Staff Report

Rezoning Request

Prepared for: *The City of Okeechobee*

Applicant: *Dillon Moore, CFO*
 Best Value Healthcare

Address: *204 SE Park Street*

Petition No.: *20-002-R*

General Information

Applicant Owner	Dillon Moore, CFO Best Value Real Estate LLC
Applicant Address	407 Saint Andrews Drive Belleair FL 33756
Applicant Email Address	dmoore@bestvaluehealthcare.com
Site Address	204 SE Park Street
Parcel Identification	3-15-37-35-0010-01710-0020 (Practice) 3-15-37-35-0010-01710-0040 (Adjoining vacant lot)
Contact Person	Dillon Moore, Chief Financial Officer
Contact Phone Number	251.802.9996
Contact Email Address	dmoore@bestvaluehealthcare.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 .	

Request

The matter before the Local Planning Agency and City Council is an application to rezone a 0.5 acre parcel located at 204 SE Park Street consisting of a medical office and the adjacent vacant property. The Applicant is requesting to rezone from Residential Multiple Family to Central Business District, to continue operations of a medical practice. The subject property is designated Commercial on the Future Land Use Map.

The Applicant/Owner Best Value Healthcare and Best Value Real Estate purchased the medical practice and land from Stanley Sweda, MD in July/August 2019 as Dr. Sweda was permanently retiring from practicing medicine. They currently employ approximately 10 people at the practice and have plans to continue successful operations in the long term. Dr. Sweda had been operating a medical practice on the premises for at least 30 years (date of incorporation 10/23/1987) prior to purchase by Best Value.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Residential Multi-Family	Central Business District
Use of Property	Medical Office	Medical Office
Acreage	0.5 acre	0.5 acre

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

North	Future Land Use	Public Facilities
	Zoning	Public Facilities
	Existing Use	Park
East	Future Land Use	Commercial
	Zoning	Central Business District
	Existing Use	Business (Visiting Nurse Association)
South	Future Land Use	Commercial
	Zoning	Commercial Professional Office
	Existing Use	Assisted Living Facility
West	Future Land Use	Commercial
	Zoning	Central Business District and Light Commercial
	Existing Use	Business (Retail Strip Center)

Analysis

Section 70-340 of the Land Development Regulations requires that the reviewing body find that an application for rezoning meets each of the following conditions. The Applicant has provided brief comments to each of the required findings. 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 are shown in this Arial typeface.

1. *The proposed rezoning is not contrary to Comprehensive Plan requirements.*

Applicant Comment: "This proposal is not contrary to Comprehensive Plan requirements and is being made to bring the property into compliance with the City's future land use designation and is consistent with the property's current use for the last 30+ years. The property is zoned residential multi-family while it has been used as a medical office for the last 30+ years. The intent is to continue to use the property as a medical office. No changes to the property's use are expected."

Staff Comment: The current zoning of residential multifamily is not appropriate for the commercial future land use designation. However, policy 2.1(d) of the future land use (FLU) element specifically lists the CBD zoning district as appropriate in the commercial future land use category.

FLU Policy 2.2 states that the City will continue to protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards. Additionally, FLU 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. For the reasons stated in the comments below, we agree that the Applicant's requested map change is consistent with FLU Policy 2.2, FLU Objective 12 and all other requirements of the Comprehensive Plan.

2. *The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.*

Applicant Comment: "We are applying for Central Business District zoning which is consistent with surrounding properties and consistent with the property's current use."

Staff Comment: Section 90-312 specifically lists medical office as a permitted use within the CBD zoning district.

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

Applicant Comment: "The Property is currently used as a medical office and the plan is to continue to use the property in this capacity as it has been used for the last 30+ years."

Staff Comment: The proposed use has been providing medical services to the community for many years and does not have an adverse impact on the public interest.

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

Applicant Comment: "The Property is located in the down-town area of Okeechobee and there are many other small offices and other medical offices surrounding and adjacent to the property."

Staff Comment: The subject property is separated one block from SR 70 by municipal park area, and is within the business area of downtown Okeechobee. A health care facility lies to the east, an assisted living facility to the south, and retail to the west. Except for the public facility zoning of the park, the property is surrounded by commercial zoning.

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

Applicant Comment: "No changes are expected to the use of the property and the application is being made to have zoning be consistent with the property's historical and contributing use."

Staff Comment: The property has been used as a medical office for many years and the applicant has stated their intent to continue that use. No adverse effects are expected.

6. *The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.*

Applicant Comment: “The property is located in the down-town are of Okeechobee and is only open during normal working hours of approximately 8am - 5pm during weekdays. The plan is to continue this use. The property has operated in this capacity for 30+ years.”

Staff Comment: The medical office use should not cause any nuisances or hazards that would require buffering from the adjacent land uses. The adjacent land uses are compatible, and the applicant has not proposed any major site improvements at this time that would require additional buffering.

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

Applicant Comment: “No changes are expected to be made to the property and volume of business is not expected to change. We are open to the idea of joining the two parcels together, should the City find that to be beneficial.”

Staff Comment: The Applicant is not proposing any changes in the current use that would increase demand for public facilities.

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

Applicant Comment: “The property's use is not expected to change, patient volume is not expected to substantially increase and the property's use is not expected to change.”

Staff Comment: The Applicant is not proposing any changes in the current use that would affect public safety.

9. *The proposed use has not been inordinately burdened by unnecessary restrictions.*

Applicant Comment: “We intend to use the property as it has been used for the last 30+ years, as a simple primary care medical office”

Staff Comment: The proposed use has not been inordinately burdened by unnecessary restrictions.

Recommendation

Based on the foregoing analysis, we find the requested rezoning to Central Business District to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Therefore, we recommend **Approval** of the Applicant's rezoning request.

Submitted by:



Ben Smith, AICP
Sr. Planner

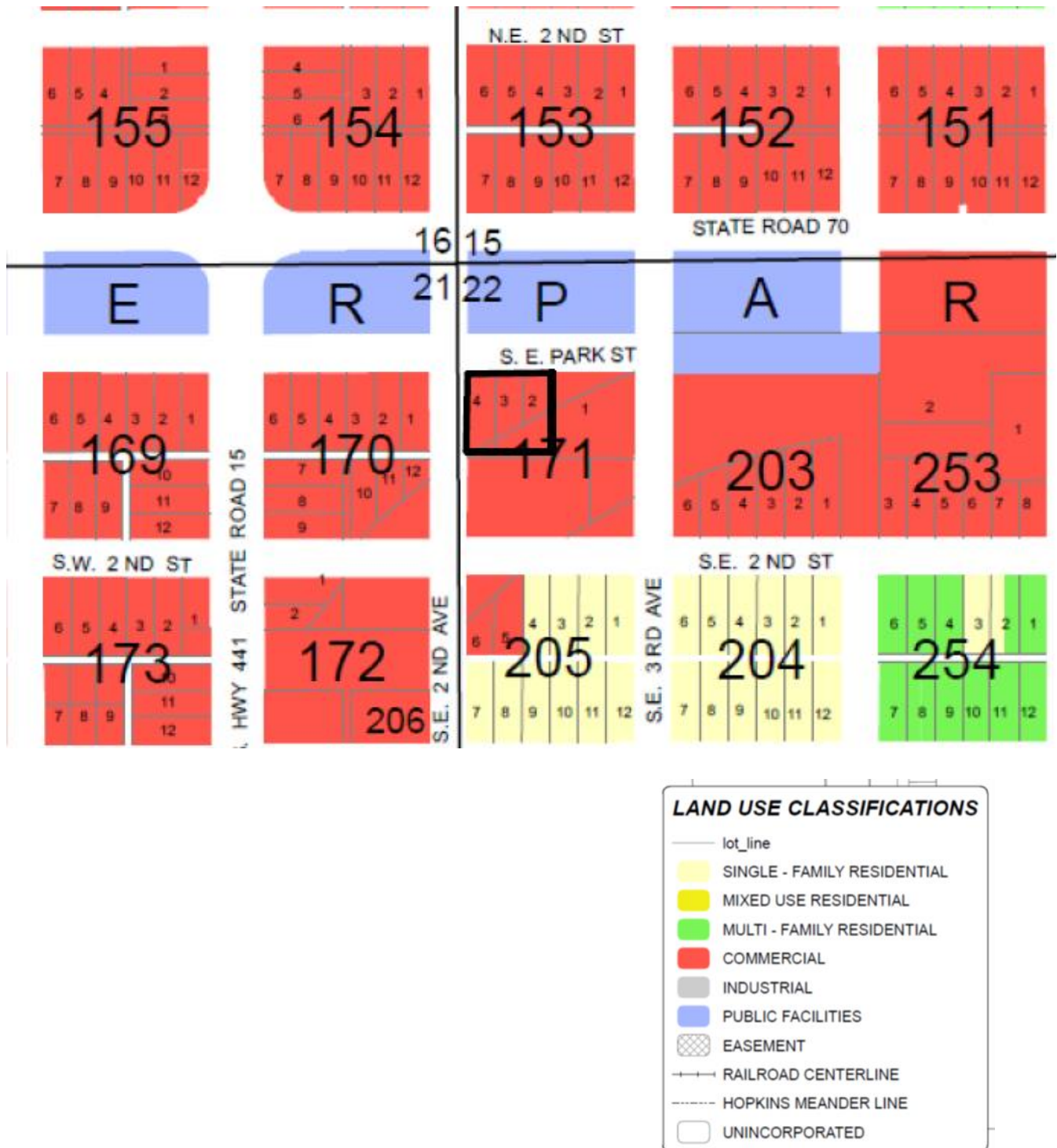
April 9, 2020

Planning Board Public Hearing: May 21, 2020

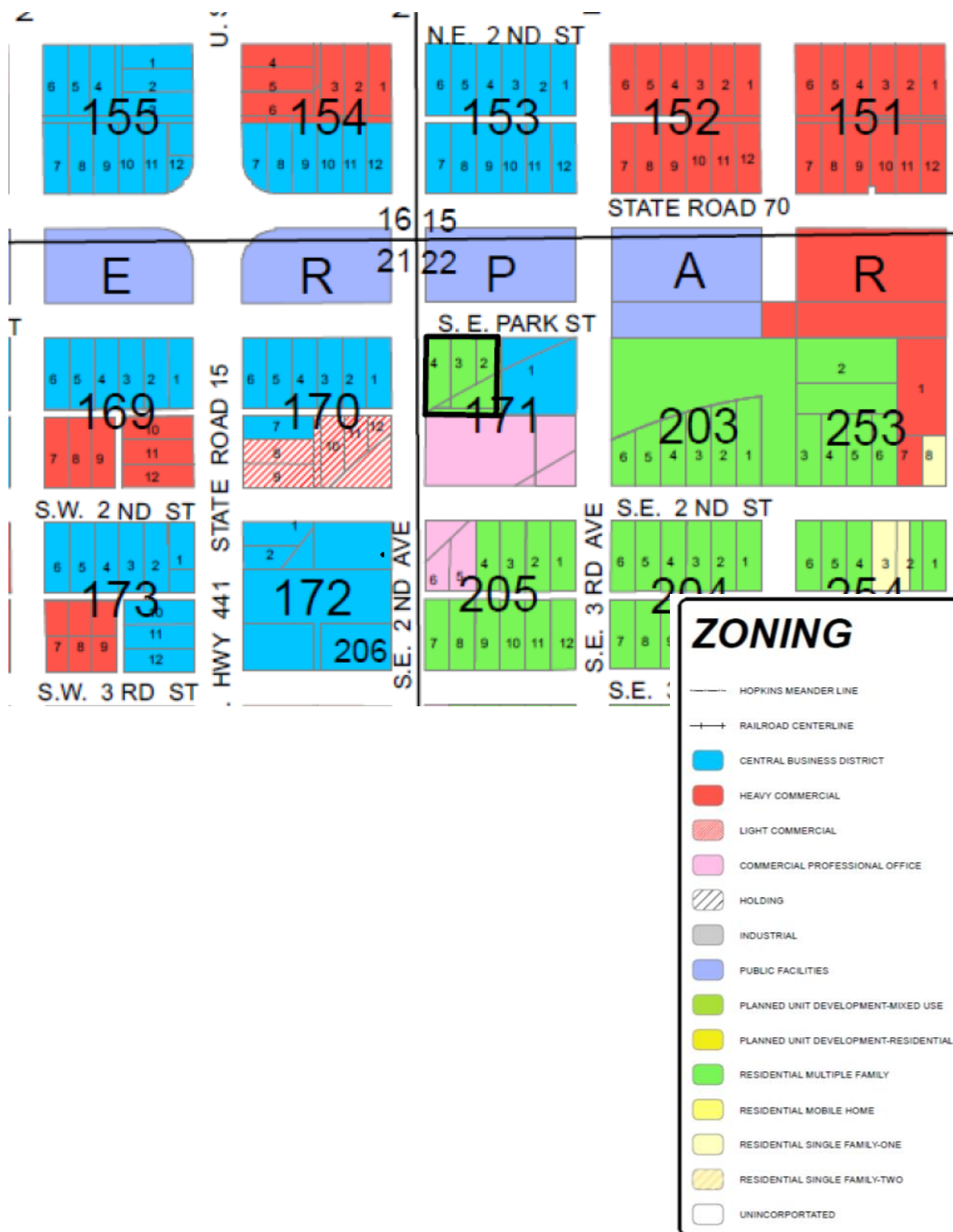
City Council Public Hearing: (tentative) June 16, 2020 and July 7, 2020

Attachments: Future Land Use, Subject Site & Environs
 Zoning, Subject Site & Environs
 Aerial, Subject Site & Environs

**FUTURE LAND USE
SUBJECT SITE AND ENVIRONS**



ZONING **SUBJECT SITE AND ENVIRONS**



AERIAL SUBJECT SITE AND ENVIRONS



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>3-17-20</u> Petition No. <u>20-002-SE</u> Fee Paid: <u>1070.00 CK# 11898</u> Jurisdiction: <u>BOA</u> 1 st Hearing: <u>5-21-20</u> 2 nd Hearing: <u>N/A</u> Publication Dates: Notices Mailed: <u>5-6-20</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>		
8	Describe current use of property: <u>The site is currently vacant, inhabited only by some overgrown vegetation, and trees.</u>		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) <u>The proposed development includes the construction of a 5,411 SF RaceTrac convenience store and 26 fueling dispensers. The construction of two access driveways from SR 70 are proposed.</u> 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? <u>NO</u>		
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? <u>Yes</u>		
13	Describe uses on adjoining property to the North: North: <u>Vacant; Zoned Heavy Commercial</u> East: <u>Vacant; Zoned Heavy Commercial</u> South: <u>Retail & Food Services ;Zoned Heavy Commercial</u> West: <u>Residential Mobile Homes</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? (<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: <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)
X 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
X 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

Brian Thorman

Date

01/14/2020

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

ADDITIONAL INFORMATION REQUIRED FOR A SPECIAL EXCEPTION	
A	Describe the Special Exception sought: Per City of Okeechobee Code of Ordinances, Section 90-283 convenience stores with fuel pumps are allowed after issuance of a special exception use petition is approved. 90-283(25)
B	Are there similar uses in the area? No (<u>X</u>) Yes If yes, briefly describe them: There are two other existing gas stations within the 1.5 miles along SR 70.
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 is permitted under special exception approval. Alcohol sales are prohibited from 2:00 am to 7:00 am on Monday thru Saturday. On Sundays it is prohibited 2:00 am to 1:00 pm. Per code Section 6-1(a) and (b).
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)]

March 13, 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 5,411 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 convenience store with fueling positions as per Sec. 90-283(25).

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. Specifically, the applicant is proposing to offer a separate canopy designated to service large trucks that often travel on SR-70 as SR-70 is considered a major transportation corridor through the City of Okeechobee. The site plan has been carefully designed to ensure appropriate access of regular everyday customers as well as the commercial trucks to maintain proper circulation and 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 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.

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 16 fuel positions offering regular unleaded, ethanol free, and diesel fuel as well as five fuel positions designated for 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. Wider drive aisles are also being provided for better circulation and allow circulation to maintain throughout the property should there be customers in line waiting to put gas. 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 (25), this proposed development (convenience store with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approval.

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 intendent to offer gasoline services as well as extend food and beverage offerings to both nearby residents as well as pass by travelers.

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 gasoline services 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 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 other physical separations such as perimeter hedges and landscape to help screen surrounding uses 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 dark ink, appearing to read 'KB' followed by a stylized flourish.

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

March 13, 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 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 5,411 SF retail building with two gas canopies to provide an extended diesel offering to larger trucks traveling along SR 70. The proposed Site Plan will include 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 site is currently vacant and zoned Heavy Commercial. The applicant has interest in purchasing the gross parcel areas, however the proposed development will encompass a net development area of approximately 6.63 acres. There are no current plans for the remainder of the property at the time of this application. 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 convenience store with fueling positions as per Sec. 90-283(25).

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

720



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: 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 $\frac{1}{2}$ 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


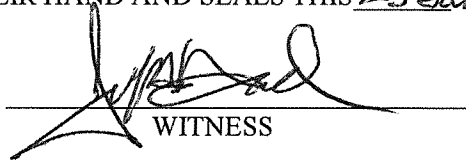
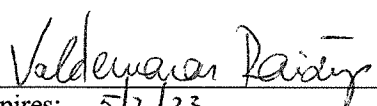
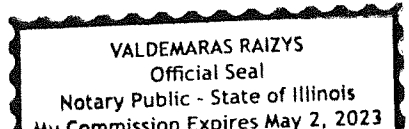
Parcel 2: Beginning at the Southwest corner of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 15, Township 37 South, Range 35 East and run North along the West boundary a distance of 594 feet; then run East a distance of 186.3 feet; then run South a distance 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

#21

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:  Commission Expires: <u>5/2/23</u></p>		<p>SEAL</p> 




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: 
(Signature)

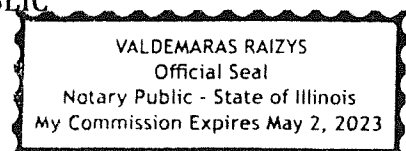
Donald J. Hackl
(Print Name, Title)

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





[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
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01/16/2012 -- ANNUAL REPORT	View image in PDF format
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02/03/2009 -- ANNUAL REPORT	View image in PDF format
04/07/2008 -- ANNUAL REPORT	View image in PDF format
03/05/2007 -- ANNUAL REPORT	View image in PDF format
04/28/2006 -- ANNUAL REPORT	View image in PDF format
04/27/2005 -- ANNUAL REPORT	View image in PDF format
04/29/2004 -- ANNUAL REPORT	View image in PDF format
04/25/2003 -- ANNUAL REPORT	View image in PDF format
02/20/2003 -- Share Exchange	View image in PDF format
05/10/2002 -- ANNUAL REPORT	View image in PDF format
05/18/2001 -- ANNUAL REPORT	View image in PDF format
11/02/2000 -- Merger	View image in PDF format
05/01/2000 -- ANNUAL REPORT	View image in PDF format
04/23/1999 -- ANNUAL REPORT	View image in PDF format
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	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

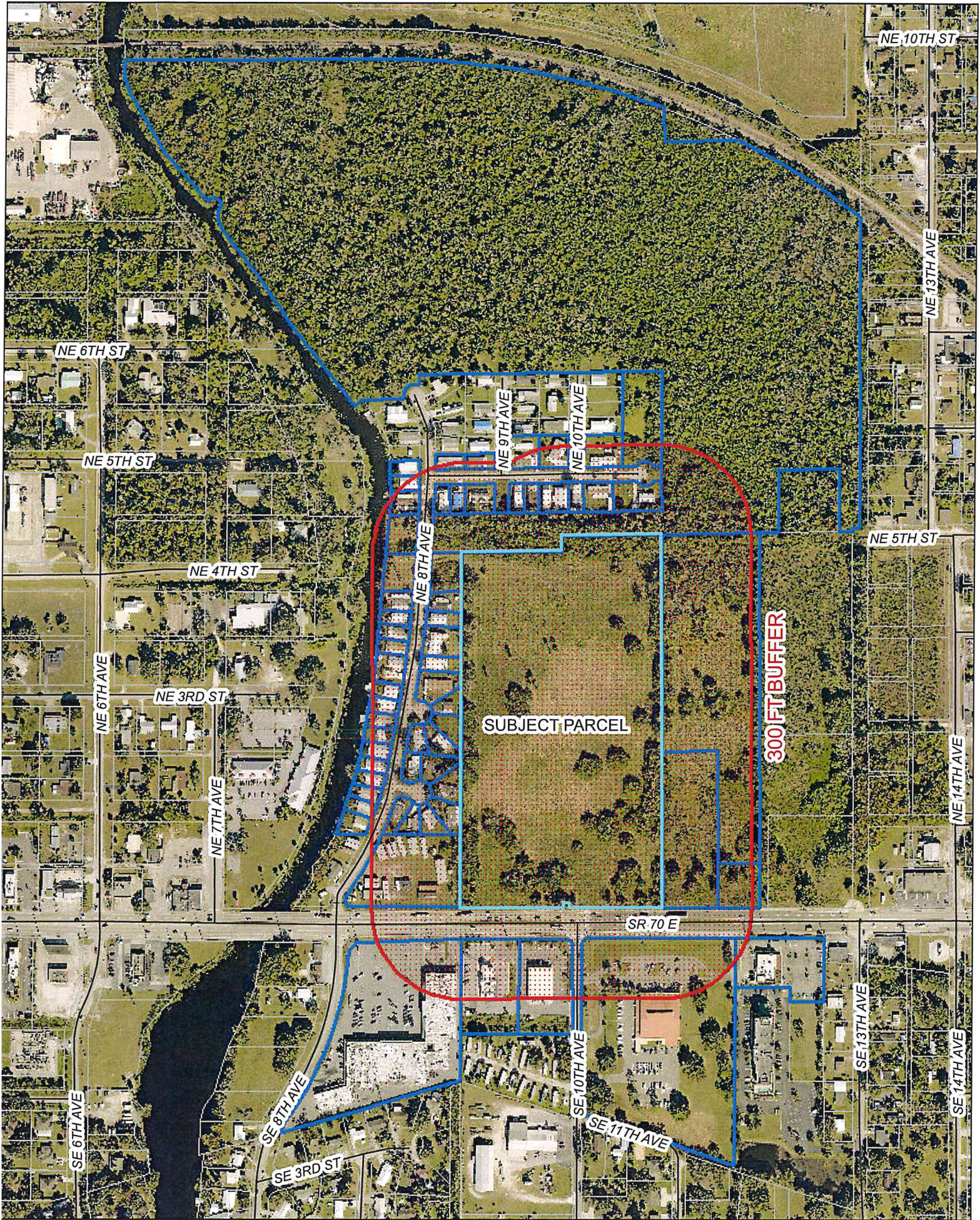
Title DIRECTOR
Name BOLCH, JORDAN BASS
Address 200 GALLERIA PARKWAY SE
SUITE 900
City-State-Zip: ATLANTA GA 30339

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

#23

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	ST	ZIP	COUNTRY
2-15-37-35-0A00-00003-0000	ORDONEZ JAVIER E (ESTATE)	C/O CONSUELO PATRICIA ORDONEZ	CALLE 41 #21-34	BOGOTA, DE				COLUMBIA
2-15-37-35-0A00-00008-0000	H2OLDINGS LLC	%CRAIG HACKL	1534 WALNUT AVENUE		WILMETTE	IL	60091	
2-15-37-35-0A00-00008-A000	WRJ SALES INC	600 PACKARD CT			SAFETY HARBOR	FL	34695	
2-15-37-35-0A00-00009-0000	GRIGSBY WILLIAM R JR	10282 PAYNE RD			SEBRING	FL	338759457	
2-15-37-35-0A00-00009-A000	GRIGSBY WILLIAM R JR	10282 PAYNE RD			SEBRING	FL	338759457	
2-22-37-35-0A00-00004-A000	CENTAURUS OASIS TWO LLC	%ALEX WOLAK	16139 BISCAYNE BLVD		AVENTURA	FL	331604337	
2-22-37-35-0A00-00009-0000	UNITED STATES POSTAL SERVICE	4000 DEKALB TECNOLOGY PARKWAY	BUILDING 500 SUITE 550		ATLANTA	GA	30340	
2-22-37-35-0A00-00011-0000	NEXT TURN OKEECHOBEE LLC	1943 RIDGEMONT LN			DECATUR	GA	300334068	
2-22-37-35-0A00-00011-A000	OKEECHOBEE YF LLC	6585 MEGHAN ROSE WAY			CLARENCE	NY	14051	
2-22-37-35-0A00-00013-A000	ROYALS O K LUNCH INC	324 SW 16TH ST			BELLE GLADE	FL	334302824	
3-15-37-35-021A-00000-0010	BROUGHTON LAWRENCE R	101 NE 8TH AVE			OKEECHOBEE	FL	349724508	
3-15-37-35-021A-00000-0020	HADID ISAAC J	103 NE 8TH AVE			OKEECHOBEE	FL	349724508	
3-15-37-35-021A-00000-0030	BOOTH JUSTIN	17099 NW 144TH AVE			OKEECHOBEE	FL	349727824	
3-15-37-35-021A-00000-0040	LUCKEY CHRISTOPHER R & CYNTHIA	107 NE 8TH AVE			OKEECHOBEE	FL	34972	
3-15-37-35-021A-00000-0050	PIERCE GEORGE P & ELIZABETH J	1101 TEMPLIN AVE			BARDSTOWN	KY	400042545	
3-15-37-35-021A-00000-0060	MARSHALL DOUGLAS R SR & BEVERL	14088 SW 144TH PARKWAY			OKEECHOBEE	FL	349740000	
3-15-37-35-021A-00000-0070	JOHNSON JIMMY D & LORAIN K &	HOLLAND EARLINE	113 NE 8TH AVE		OKEECHOBEE	FL	349724508	
3-15-37-35-021A-00000-0080	BREWER MARIAN L	201 NE 8TH AVE			OKEECHOBEE	FL	349720000	
3-15-37-35-021A-00000-0090	WILSON TROY & MARSHA	1566 OLDHAM RD			MOUNT STERLING	KY	403539586	
3-15-37-35-021A-00000-00E0	RIVER RUN RESORT HOA	UNKNOWN						
3-15-37-35-021A-00000-00W0	RIVER RUN RESORT HOA	UNKNOWN						
3-15-37-35-021A-00000-0100	MECHEL PETER	172 CEDAR AVE	RICHMOND HILL ON L4C2A8					CANADA
3-15-37-35-021A-00000-0120	VERROCHI RICHARD P	33 PRINCETON ST			BOSTON	MA	21281628	
3-15-37-35-021A-00000-0130	HOWARD JAMES D	2248 KY 556			SANDY HOOK	KY	411718865	
3-15-37-35-021A-00000-0140	BARRETT ELVIS A	208 NE 17TH AVE			OKEECHOBEE	FL	34972	
3-15-37-35-021A-00000-0150	WALDRON BETTY M & WALDRON CLIF	301 NE 8TH AVE			OKEECHOBEE	FL	349724513	
3-15-37-35-021A-00000-0160	HANNAN EDWARD & KATHRYN	2443 9/10 SIDE RD RR#1	NEW LOWELL, ONTARIO L0M 1N0					CANADA
3-15-37-35-021A-00000-0170	MINTON FREDDIE L & MINTON RUBY	302 NE 8TH AVENUE			OKEECHOBEE	FL	34972	
3-15-37-35-021A-00000-0180	ARRIAGA FERMIN	2302 SW 3RD AVE			OKEECHOBEE	FL	34974	
3-15-37-35-021A-00000-0190	DICKERHOOF PEDIE DUKE	212 NE 8TH AVE			OKEECHOBEE	FL	349724504	
3-15-37-35-021A-00000-0210	URDANETA JOSE A	210 NE 8TH AVE			OKEECHOBEE	FL	349724504	
3-15-37-35-021A-00000-0220	GOMEZ BRANDI GILLIS	208 NE 8TH AVE			OKEECHOBEE	FL	349724504	
3-15-37-35-021A-00000-0240	GAINER FOREST R JR	142 SW 72ND TERRACE			OKEECHOBEE	FL	34974	
3-15-37-35-021A-00000-0250	SINGH MARTYNA	1628 SE 13TH TER			CAPE CORAL	FL	339903845	
3-15-37-35-021A-00000-0260	MADD ASSETS LLC	1210 SW 2ND AVE			OKEECHOBEE	FL	349745222	
3-15-37-35-021A-00000-0270	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY			STUART	FL	349974937	
3-15-37-35-021A-00000-0280	MAMMARELLI KELLY B	114 NE 8TH AVENUE			OKEECHOBEE	FL	34972	
3-15-37-35-021A-00000-0290	MITCHELL SHERRY	112 NE 8TH AVE			OKEECHOBEE	FL	349740000	
3-15-37-35-021A-00000-0310	COSSIO EDMUNDO R	HALL AIDA M	455 BACOM POINT RD		PAHOKEE	FL	334762401	
3-15-37-35-021A-00000-0320	CANCINO JOSE LUIS	106 NE 8TH AVE			OKEECHOBEE	FL	34972	
3-15-37-35-021A-00000-0330	MAMMARELLI LISA MARIE	104 NE 8TH AVE			OKEECHOBEE	FL	349724505	
3-15-37-35-021A-00000-0340	MCGEE JAMES WAYNE & JOAN N	16060 EAST DERBY DRIVE			LOXAHATCHEE	FL	33470	
3-15-37-35-021A-00000-0350	SUAREZ PRUDENCIO & GEORGINA V	100 NE 8TH AVE			OKEECHOBEE	FL	349720003	
3-15-37-35-021B-00000-0050	HELMS ROSEMARY A	9130 FLUSH RD			SAINT GEORGE	KS	665359733	
3-15-37-35-021B-00000-0060	MASTALER TERRELL	401 NE 8TH AVE			OKEECHOBEE	FL	349720000	
3-15-37-35-021B-00000-0070	MOSHIER ROBERT R & CAREN A	309 NE 8TH AVE			OKEECHOBEE	FL	34972	

3-15-37-35-021B-00000-00A0	RIVER RUN RESORT HOA	UNKNOWN			
3-15-37-35-021B-00000-0120	MERRY CHARLIE T JR & DIANE H	404 NE 8TH AVE	OKEECHOBEE	FL	349720000
3-15-37-35-021B-00000-0130	CANCINO MARIA ELENA	310 NE 8TH AVE	OKEECHOBEE	FL	349724514
3-15-37-35-021B-00000-0140	PHILLIPS RACHELLE D	13163 MACDILL CT	EL PASO	TX	79908
3-15-37-35-021B-00000-0150	THOMAS TIMOTHY LEE	809 NE 5TH STREET	OKEECHOBEE	FL	34974
3-15-37-35-021B-00000-0170	BOOTH JUDY ANN	903 NE 5TH ST	OKEECHOBEE	FL	34972
3-15-37-35-021B-00000-0180	CLAY MARTHA ANN	412 SE 6TH ST	OKEECHOBEE	FL	34974
3-15-37-35-021B-00000-0190	NAVE MICHAEL & CLEM-NAVE SARA	2304 NORTHGATE BLVD	AUBURN	IN	467061015
3-15-37-35-021B-00000-0210	NEAL LAVON BOWMAN	1001 NE 5TH STREET	OKEECHOBEE	FL	349720000
3-15-37-35-021B-00000-0220	HOUSER LARRY D	2190 SE 25TH DR	OKEECHOBEE	FL	349746475
3-15-37-35-021B-00000-0240	GORBY JAMES L & ALMA ROSE	1009 NE 5TH STREET	OKEECHOBEE	FL	34972
3-15-37-35-021B-00000-0260	SCHOONMAKER DENNIS D & BRENDA	P O BOX 2141	OKEECHOBEE	FL	34973
3-15-37-35-021B-00000-0360	MILLER PATRICIA A	509 NE 10TH AVENUE	OKEECHOBEE	FL	34972
3-15-37-35-021B-00000-0380	JOHNSON TONY R & LINDA G	486 TEAYS LN	HURRICANE	WV	25526
3-15-37-35-021B-00000-0490	SHACKELFORD STEPHANIE	891 NE 5TH ST	OKEECHOBEE	FL	34972



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



Petition No. 20-002-SE

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

I hereby certify under the penalty of law or the revocation 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 _____, _____ 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 14 day of

January, 2020.

Brian Thornton

Signature of Applicant

01/14/2020

Date

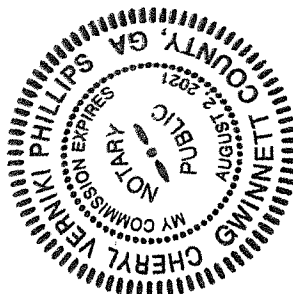
Brian Thornton

Name of Applicant (printed or typed)

State of ~~Florida~~ Georgia
County of ~~Okeechobee~~ Guinn

Sworn to and subscribed before me this 14th day of January, 2020. Personally
known to me _____ or produced _____ as identification and
did not take an oath.

Cheyl Phillips
Notary Public, State of Florida GA



Seal:

Okeechobee County Property Appraiser

Mickey L. Bandi

2019 Certified Values

updated: 3/12/2020

Parcel: << 2-15-37-35-0A00-00007-0000 >>

Aerial Viewer Pictometry Google Maps

Owner & Property Info

Owner	H2OLDINGS LLC %DONALD J HACKL 1534 WALNUT AVE WILMETTE, IL 600910000		
Site	NE 8TH AVE, 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 ACR (009900)	Tax District	50

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

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

Property & Assessment Values

2018 Certified Values		2019 Certified Values	
Mkt Land (4)	\$1,109,969	Mkt Land (4)	\$1,109,969
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$1,109,969	Just	\$1,109,969
Class	\$0	Class	\$0
Appraised	\$1,109,969	Appraised	\$1,109,969
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$1,109,969	Assessed	\$1,109,969
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:\$1,109,969 city:\$1,109,969 other:\$1,109,969 school:\$1,109,969

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	525/1999	WD	V	U	02 (Multi-Parcel Sale) - show
10/2/1998	\$170,000	412/1349	WD	V	U	03
9/1/1992	\$235,000	337/0811	WD	V	U	03
11/1/1990	\$0	321/1260	CT	V	U	03
12/1/1980	\$150,000	238/1030	WD	V	Q	
2/1/1977	\$100,000	195/0035	WD	V	Q	
9/21/1976	\$0	189/0357	WD	V	U	03
1/1/1972	\$0	134/0013	WD	V	U	03

▼ Building Characteristics

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

Revised Survey - RECD 4-28-20

RIVER RUN RESORT
PLAT BOOK 6, PAGE 18

LOT 25

LOT 26

LOT 30

LOT 31

LOT 32

UNPLATTED LANDS

RACETRAC PETROLEUM
(DEVELOPMENT SITE)

UNPLATTED LANDS

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
FPB = FIBER OPTIC PULLBOX
CPP = CONCRETE POWER POLE
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

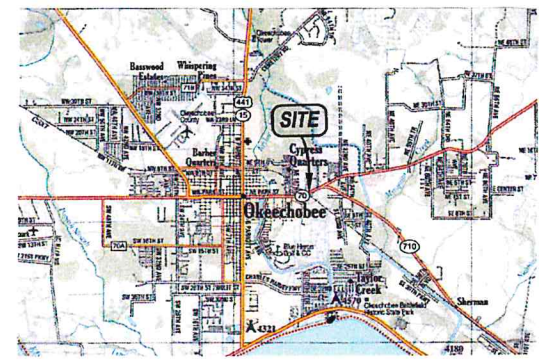
PARCEL ID: 2-15-37-35-0400-0000-4000
WRJ SALES INC
800 PACKARD COURT
SAFETY HARBOR, FLORIDA 34895

CURVE TABLE
L-1 S89°49'26"W 20.00'
L-2 S00°10'34"E 17.00'
L-3 N00°10'34"W 17.00'

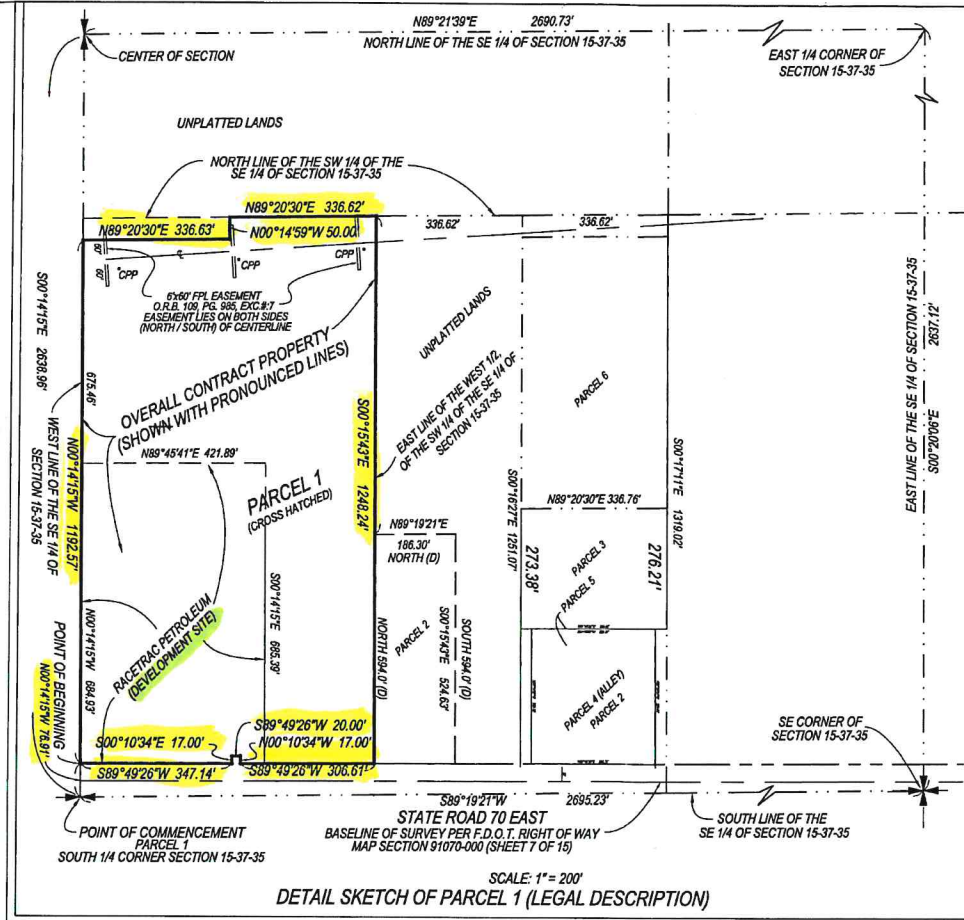
STATE ROAD 70 EAST

S89°49'26"W 347.10'

S89°49'26"W 54.75'



LOCATION MAP - NOT TO SCALE



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 50 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 FOR ROAD PURPOSES; ALSO EXCEPT THE FOLLOWING DESCRIBED PROPERTY 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 36.95 FEET TO THE CENTERLINE OF STATE ROAD 70; THENCE NORTH 80°54'48" EAST, 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 30 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:
COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE RUN NORTH 00°14'15" WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 16.91 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 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 112.51 FEET TO A POINT THAT IS 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15;
THENCE NORTH 89°20'30" EAST, ALONG SAID LINE, A DISTANCE OF 336.62 FEET; THENCE NORTH 00°14'15" WEST, A DISTANCE OF 90.00 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°15'45" EAST, ALONG SAID EAST LINE, A DISTANCE OF 124.24 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF STATE ROAD 70; THENCE ALONG SAID NORTH RIGHT OF WAY, SOUTH 89°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.

SURVEYOR'S NOTES:
1. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND UTILITIES OR/ADJACENT TO THIS SITE. THE APPROXIMATE LOCATION OF ALL UTILITIES SHOWN HEREON WERE TAKEN FROM ASBUILT DRAWINGS AND/OR ON-SITE LOCATION AND SHOULD BE VERIFIED BEFORE CONSTRUCTION.
2. NO ATTEMPT WAS MADE BY THIS FIRM TO LOCATE UNDERGROUND FOOTINGS OR BUILDINGS OR FENCES OR ADJACENT TO THIS SITE.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY OF RECORD AS SHOWN ON THE RECORD PLAT IF ANY.
4. ALL ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), NGS BENCHMARK Y 528, ELEVATION 23.12; (NAVD 88)
5. THE BEARING BASE OF THIS SURVEY IS ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD 70 EAST, S89°49'26"W, BASED ON STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83, WITH 2011 ADJUSTMENT.
6. LEGAL DESCRIPTION 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-0480-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 | 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.

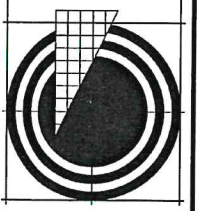
TITLE REVIEW:
THIS SITE WAS SURVEYED IN ACCORDANCE WITH A TITLE COMMITMENT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NUMBER: CWH11110, COMMITMENT DATE: AUGUST 08, 2019, 5:00 PM.
SCHEDULE B - SECTION 1
EXCEPTION 85: DEED BOOK 48, PG. 351 - AFFECTS PROPERTY, UNPLOTTABLE
EXCEPTION 86: O.R.B. 240, 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 87: O.R.B. 109, PG. 385 - AFFECTS PROPERTY, AS SHOWN ON SKETCH OF SURVEY
EXCEPTION 88: 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 INCLOSURES ITEMS 1, 2, 3, 4, 8, 9, 11, 13 AND 18 OF TABLE 'A' THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 18, 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
2020.04.28
12:57:59 -04'00'

DATE	REVISIONS	CHK
10-25-19	RT COMMENTS	CDW
1-15-20	NEW TITLE DOCS	CDW
3-5-20	BLOODHOUND LOCATES	CDW
4-28-20	ADDED TREES - OVERHEAD WIRES CHANGED 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 772-334-0668 - EMAIL: WATSONKILLANE@GMAIL.COM
LICENSED BUSINESS NO. 8241



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



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.: 20-002-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
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 (CHV) zoning district. The subject property is located on the north side of State Road 70 across from Zaxby's, Family Dollar and the Post Office. The gross 18.86 acre property is currently a vacant lot which the applicant is contracted to purchase from H2oldings LLC (current property owner).

In addition to this special exception application, the applicant has submitted a site plan application (20-003-TRC) which depicts development of the southwest 6.63 acres of this parcel with a new RaceTrac gas station and convenience store, including a 5,411 square foot retail building with two canopies, providing an extended diesel fueling area and parking area designed to accommodate larger trucks.

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. Identified 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 and 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. Specifically, the applicant is proposing to offer a separate canopy designated to service large trucks that often travel on SR-70 as SR-70 is considered a major transportation corridor through the City of Okeechobee. The site plan has been carefully designed to ensure appropriate access of regular everyday customers as well as the commercial trucks to maintain proper circulation and safety of all customer regardless of their transportation means.

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.

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 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.

- (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 and north. However, the applicant has submitted a site plan which depicts an ample landscape buffer proposed on the west side. The proposed landscape buffer exceeds the minimum landscape buffer requirements provided in the City's Code.

- (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 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 would be the main buffer between the adjacent residences to the west. The landscape plan indicates that the

hedge would be started with 18 inch tall plants spaced 2 feet apart, though Walter's Viburnum 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.

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 16 fuel positions offering regular unleaded, ethanol free, and diesel fuel as well as five fuel positions designated for 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. Wider drive aisles are also being provided for better circulation and allow circulation to maintain throughout the property should there be customers in line waiting to put gas. 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: The Applicant's description is consistent with the submitted site plan, which meets the City's parking facility standards. 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 City's public works director has been contacted by the applicant 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 (25), this proposed development (convenience store with fueling positions) is an allowed use within Heavy Commercial zoned areas with a special exception approval.

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.

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 gasoline services 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 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 applicant is proposing a landscape buffer that should minimize these potential effects. However, if the Board determines that additional buffering should be provided to protect the existing residences, the Board could require that a wall be provided along the east and north property line as a condition for approval of this special exception.

- (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 other physical separations such as perimeter hedges and landscape to help screen surrounding uses 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 a landscape buffer. However, if the Board determines that additional buffering should be provided to protect the existing residences, the Board could require that a wall be provided along the east and north property line as a condition for approval of this special exception.

- (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 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

We request that the Board of Adjustment consider whether or not a buffer wall should be provided along the western and northern property line in areas where existing adjacent residents may experience increased truck noise generated by this development as a condition of the special exception approval. Otherwise, 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 for a new RaceTrac Gas Station and Convenience Store.

Submitted by:



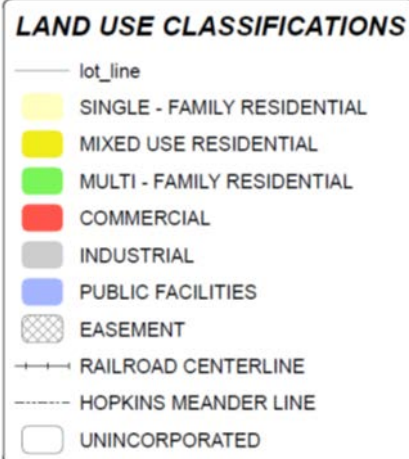
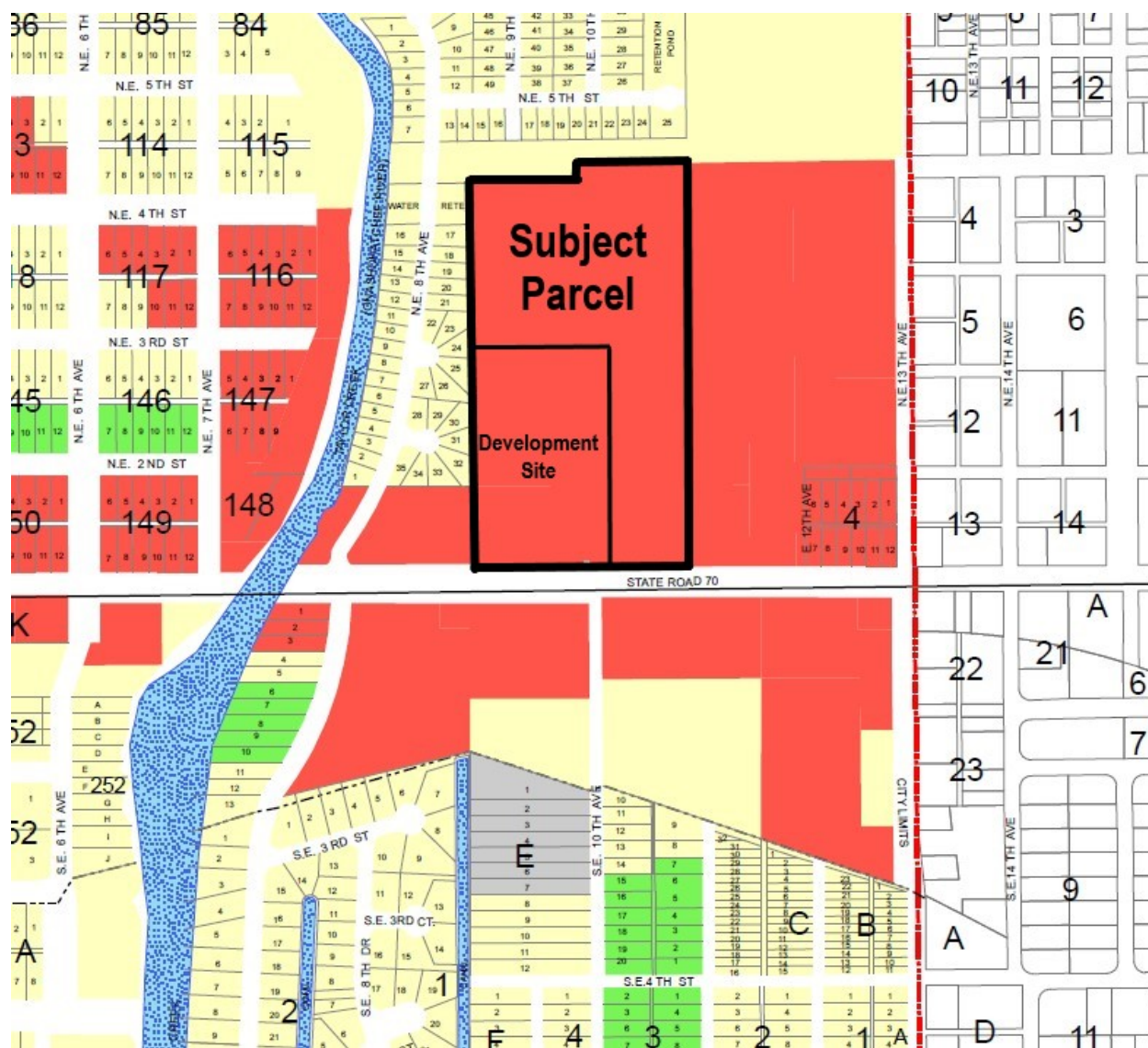
Ben Smith, AICP

May 12, 2020

Board of Adjustment Hearing: May 21, 2020

Attachments: Future Land Use Map, Zoning Map, and Aerial Depicting Existing Land Uses

FUTURE LAND USE SUBJECT SITE AND ENVIRONS



The map displays a portion of the City of Tulsa, Oklahoma, with various zoning districts and street layouts. The central focus is a large red area labeled "Subject Parcel" and "Development Site". This area is bounded by NE 5th St to the north, NE 13th Ave to the east, and NE 8th Ave to the west. To the south of the subject parcel is State Road 70. The map also shows Taylor Creek and the Tonawatchee River to the west. Other streets shown include NE 12th Ave, NE 14th Ave, SE 3rd St, SE 3rd Ct, SE 4th St, SE 10th Ave, and SE 14th Ave. The map is divided into several colored zones, each representing a different zoning type. A legend in the bottom right corner provides the key for these zones and symbols.

ZONING

- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

AERIAL SUBJECT SITE AND ENVIRONS

