



**CITY OF OKEECHOBEE  
PLANNING BOARD MEETING  
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974  
AUGUST 19, 2021  
LIST OF EXHIBITS**

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<b>Draft Minutes</b>	Summary of Board Action July 15, 2021
<b>Exhibit 1</b>	Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 21-005-SSA
<b>Exhibit 2</b>	Comprehensive Plan Amendment No. 21-002-CPA



**CITY OF OKEECHOBEE, FLORIDA  
PLANNING BOARD MEETING  
JULY 15, 2021  
SUMMARY OF BOARD ACTION**

**I. CALL TO ORDER**

Chairperson Hoover called the regular Planning Board meeting for the City of Okeechobee to order on Thursday, July 15, 2021, at 6:02 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present. Vice Chairperson Doug McCoy and Board Member Felix Granados were absent without consent. Chairperson Hoover moved Alternate Board Members Papasso and Shaw to voting position.

**III. AGENDA**

- A. New Business Item A. was added.
- B. Motion by Member Chartier, seconded by Member Baughman to approve the agenda as amended. **Motion Carried Unanimously.**

**IV. MINUTES**

- A. Motion by Member Brass, seconded by Alternate Board Member Papasso to dispense with the reading and approve the May 20, 2021, Regular Meeting and Workshop minutes. **Motion Carried Unanimously.**

**V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:06 P.M.**

- A. Abandonment of Right-of-Way Petition No. 21-001-AC, requests to vacate the 20-foot wide by 299.75-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 110, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Public Records of Okeechobee County.
  - 1. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services reviewed the Planning Staff Report recommending approval.
  - 2. Mr. Steven Dobbs was present on behalf of the Property Owner, JKST Holdings, LLC, and commented even though the Rezoning request to change the zoning from Light Commercial to Residential Multiple Family (RMF) was denied by the City Council, (Petition No. 21-002-R), his client still wished to proceed with the abandonment request. He further commented his client was going to petition the City Council to administratively rezone the parcel to Heavy Commercial (CHV).
  - 3. There were no public comments offered.
  - 4. There were no Ex-Parte disclosures offered.
  - 5. Motion by Member Baughman, seconded by Member Jonassaint to recommend to the City Council approval of Abandonment of Right-of-Way Petition No. 21-001-AC as presented in [Exhibit 1, which includes the findings as required for granting a vacation of rights-of-way petitions per Code Section 78-33; Planning Consultant's analysis of the findings and recommendation for approval; and the Technical Review Committee's (TRC) recommendation to approve] with the following conditions: after abandonment the property will reflect the current Future Land Use (FLU) and Zoning Map designations; Florida Power and Light (FPL) is requiring a 10-foot easement be provided for the full 20-foot width of the subject right-of-way on the West side, adjacent to Northeast 2<sup>nd</sup> Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for August 3, 2021, and September 7, 2021.

V. PUBLIC HEARING ITEMS CONTINUED

- B. Abandonment of Right-of-Way Petition No. 21-002-AC, requests to vacate the 15-foot wide by 299.84-foot long East to West alleyway lying between Lots 1 through 6 and 7 through 12 of Block 121, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records of Okeechobee County.
1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
  2. Mr. Dobbs was present on behalf of the Property Owners, Shaun and Desiree Penrod, and commented even though the Rezoning request to change the zoning from Residential Single Family-One to RMF was denied by the City Council, (Petition No. 21-003-R), his client still wished to proceed with the abandonment request. He further commented his client was going to petition the City Council to administratively rezone the parcel to CHV.
  3. There were no public comments offered.
  4. There were no Ex-Parte disclosures offered.
  5. Motion by Member Chartier, seconded by Member Baughman to recommend to the City Council approval of Abandonment of Right-of-Way Petition No. 21-002-AC as presented in [Exhibit 2, which includes the findings as required for granting a vacation of rights-of-way petitions per Code Section 78-33; Planning Consultant's analysis of the findings and recommendation for approval; and the TRC's recommendation to approve].with the following conditions: after abandonment the property will reflect the current FLU and Zoning Map designations; FPL is requiring a 10-foot easement be provided for the full 15-foot width of the subject right-of-way on the West side, adjacent to Northeast 2<sup>nd</sup> Avenue; and Century Link has requested a condition that the Applicant will bear the cost of relocation and repair any facilities that are found and/or damaged in the vacated areas. **Motion Carried.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for August 3, 2021, and September 7, 2021.
- C. Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 21-004-SSA, from Single Family Residential to Industrial on 1.60± acres located in the 500 Block of NW 7<sup>th</sup> Street.
1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
  2. There were no comments offered by the Property Owner or Agent.
  3. There were no public comments offered.
  4. There were no Ex-Parte disclosures offered.
  5. Motion by Member Jonassaint, seconded by Member Baughman to recommend to the City Council approval of Comprehensive Plan Small Scale Future Land Use Map Amendment Application No. 21-004-SSA as presented in [Exhibit 3, which includes the findings as required for granting applications per Code Section 70-340; and the Planning Consultant's analysis of the findings and recommendation for approval]. **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at a Public Hearing tentatively scheduled for August 17, 2021.
- D. Comprehensive Plan Text Amendment No. 21-001-CPA, which proposes to amend the City's Future Land Use Map (FLUM) and textual amendments to the FLU Element of the City's Comprehensive Plan.
1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval. He explained on June 29, 2021, House Bill 59 became law. It basically requires every city to adopt a Property Rights section into their Comprehensive Plan before any other Comprehensive Plan Amendments that were not initiated prior to July 1, 2021, can be adopted. Both he and the City Attorney feel this proposed amendment was initiated before then although the Department of Economic Opportunity does not. This Board can either make their recommendation to the City Council on this Amendment tonight or continue it until a date certain to allow time for Staff to bring forth the proposed Property Rights Element for recommendation.

**V. PUBLIC HEARING ITEM D CONTINUED**

2. The Board inquired as to whether they could just recommend to the City Council for approval of the Property Rights Element as discussed and what could happen if they made a motion to continue Amendment No. 21-001-CPA to another meeting in the future. Planner Smith commented the Property Rights information would need to be advertised before action can take place. Should the Board wish to continue No. 21-001-CPA to a date certain then no additional advertising would be required.
3. There were no public comments offered.
4. There were no Ex-Parte disclosures offered.
5. Motion by Member Baughman, seconded by Alternate Board Member Papasso to continue Comprehensive Plan Text Amendment No. 21-001-CPA, as presented in Exhibit 4 until the September 16, 2021, meeting to allow time for the required amendment for the Property Rights Element to be presented. **Motion Carried Unanimously.**

**CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:42 P.M.**

**VI. NEW BUSINESS**

- A. Planner Smith briefly discussed a potential development and some proposed changes to the Land Development Regulations he would be preparing for a workshop regarding the Planned Unit Development (PUD) Zoning Districts. He explained it would be positive for the city to bring forth a new PUD section which would allow some flexibility and bring forth some new projects. The Board offered some suggestions as to mimicking areas where PUD changes have been successful once allowances were opened and mixed uses were added.

**VII. Chairperson Hoover adjourned the meeting at 6:56 P.M.**

Submitted by:

\_\_\_\_\_  
Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board 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 <sup>rd</sup> Avenue, Room 101 Okeechobee, Florida 39974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686	Date: <u>0-22-21</u>	Petition No. <u>21-005-SSA</u>
	Fee Paid: <u>850.00</u>	Jurisdiction: <u>YB+CC</u>
	1 <sup>st</sup> Hearing: <u>8-19-21</u>	2 <sup>nd</sup> Hearing: <u>9-27-21</u>
	Publication Dates:	
	Notices Mailed: <u>N/A</u>	

**APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT**

**TO BE COMPLETED BY CITY STAFF:**

Verified FLUM Designation: SF

Verified Zoning Designation: CHV

- 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: 29.

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.

6/21/21  
Date

  
Signature of Owner or Authorized Representative\*

\*Attach Notarized Letter of Owner's Authorization

**I. APPLICANT/AGENT/OWNER INFORMATION**

SURAIYA HUSAIN REV TRUST AGREEMENT

**Applicant**  
4079 LAKE BOSSE VIEW DR

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Address  
ORLANDO FL 32810

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City State Zip  
407-719-9376

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Telephone Number Fax Number E-Mail

JEFFREY M SUMNER, PE

**Agent\***

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410 NW 2ND STREET

---

Address

---

OKEECHOBEE FL 34972

---

City State Zip

---

863-763-9474 jeff@sumnerengineering.com

---

Telephone Number Fax Number E-Mail

SAME AS APPLICANT

**Owner(s) of Record**

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Address

---

City State Zip

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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.

**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):

Small-scale amendment to Future Land Use Map to Commercial for Lots 19 - 20,  
Block 2, City of Okeechobee  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A. PROPERTY LOCATION:

1. Site Address: 1300 N. Parrott Avenue  
Okeechobee, FL 34972
2. Property ID #(s): 3-15-37-35-0010-00020-0190  
\_\_\_\_\_

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: 1.111 Acres (48,395.2 sq. ft.)
2. Total Area included in Request: 0.402 Acres (17,511.1 sq. ft.)  
*.405*
- a. In each Future Land Use (FLU) Category: \_\_\_\_\_
- (1) Single-Family Residential: 0.402 Acres (17,511.1 sq. ft.)
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) .405
- b. Total Uplands: 0.402 Acres (17,511.1 sq. ft.)
- c. Total Wetlands: 0.0 Acres (0.0 sq. ft.)

- 3. Current Zoning: Heavy Commercial ✓
- 4. Current FLU Category: Single-Family Residential ✓
- 5. Existing Land Use: Vacant
- 6. Requested FLU Category: Commercial

**D. MAXIMUM DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY**

Development Type	Existing FLU Category	Proposed FLU Category
Residential		
Density (DU/Acre)	4	
Number of Units	1	
Commercial (sq. ft.)		26,267 sq. ft. <sup>1</sup>
Industrial (sq. ft.)		

<sup>1</sup> Based upon the maximum allowable Floor Area Ratio of 1.50, per the direction provided by City Planning staff.

**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 SEE ATTACHED AMENDMENT SUPPORT DOCUMENTATION LETTER AND MAP SERIES**

**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. **Three (3) CERTIFIED BOUNDARY** surveys of the property (one no larger than 11x17; scale not less than one inch to 20 feet; North point) containing: date of survey, ✓ surveyor's name, address and phone number; legal description of property pertaining to the application; computation of total acreage to nearest tenth of an acre; location sketch of subject property, and surrounding area within one-half mile radius. <sup>1</sup>

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

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 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.
    - (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, **Jeffrey M. Sumner**, 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

6/21/21  
Date

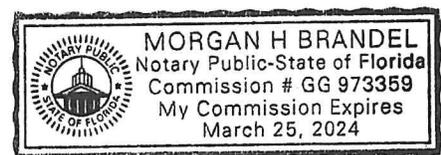
**Jeffrey M Sumner**  
Typed or Printed Name

STATE OF FLORIDA

COUNTY OF Okeechobee

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this day of 21, June, 2021, by Jeff Sumner, who  
(Name of Person)  
is personally known to me or produced \_\_\_\_\_ as identification.

  
Notary Public Signature





July 27, 2021

City of Okeechobee Planning & Zoning Department  
Attn: Patty Burnette, General Services Coordinator  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

**RE: Request for Small Scale Amendment  
Lots 19 - 20, Block 2, City of Okeechobee**

Ms. Burnette:

This letter report is intended to supplement the above-referenced application, specifically **Part IV – Amendment Support Documentation**. The subject property is part of an existing developed parcel (Lots 15 – 20, Block 2) owned by the applicant. Lots 15 - 18 currently have a FLU designation of Commercial and is currently developed with a medical office building and parking lot, while the lots subject to this application (Lots 19 - 20) have a FLU Designation of Single-Family Residential, and are currently vacant. Further, current zoning for all six lots is Heavy Commercial. Support documentation for the application is described below and/or attached hereto. I have attempted to use lettering/numbering consistent with that in the application form.

**A. GENERAL INFORMATION AND MAPS**

1. Wording of Proposed text changes. **N/A – No text changes are proposed.**
2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties. **Map A-2 – Future Land Use Designations is attached.**
3. A map showing existing land uses (not designations) of the subject property and surrounding properties. **Map A-3 – Existing Land Use (Actual) is 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. **The subject property is within the urban developed area of the City Okeechobee. The existing use (commercial) and zoning (Heavy Commercial) are consistent with the requested land use change. Further, the requested change is consistent with the development pattern in the area, surrounded by either developed commercial uses or vacant tracts likely to be developed as commercial uses.**
5. Map showing existing zoning of the subject property and surrounding properties. **Map A-5 – Existing Zoning Designations is 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. **A certified boundary survey of the subject parcel (Lots 19 - 20, Block 2) has been submitted to the City under separate cover. A small-scale copy of the survey is included for distribution as Exhibit A-6.**

7. A copy of the deed(s) for the property subject to the requested change. **Exhibit A-7 – Deed is attached.**
8. An aerial map showing the subject property and surrounding properties. **Map A-8 – Aerial is 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 – The owner is the applicant.**

**B. PUBLIC FACILITIES IMPACTS**

1. Traffic Analysis – Utilizing the ITE Trip Generation Manual (10<sup>th</sup> Edition) to estimate traffic volumes associated with the proposed Land Use Designation (relative to the existing Land Use Designation), and utilizing the maximum development units for each as shown in Part III.B of the application, the estimated increase in expected traffic volumes is as follows:

Description / ITE Code	Units	Expected Units	Calculated Daily Trips	PM Peak Trips	AM Peak Trips
Single Family Homes (210)	DU	1	9.44	0.99	0.74
Medical Office (720)	1000 sf	26.3	922	91	97
<b>Increase</b>			<b>913</b>	<b>90</b>	<b>96</b>

An estimated increase of 90 PM peak trips and 96 AM peak trips should be considered insignificant given the proximity to a State Highway (US 441), and is not expected to burden existing LOS of the surrounding road network.

2. Potable Water and Sanitary Sewer / Open Space
  - a. Utilizing the LOS values in the City’s Comprehensive Plan of 114 gallons per person per day (gppd) for water and 130 gppd for wastewater and 2.7 persons per DU, the potential water and sewer flows for the existing FLU category are:

$$1 \text{ DU} \times 2.7 \text{ people/DU} \times 114 \text{ gppd} = 308 \text{ gallons per day (water)}$$

$$1 \text{ DU} \times 2.7 \text{ people/DU} \times 130 \text{ gppd} = 351 \text{ gallons per day (wastewater)}$$

The Comprehensive Plan does not provide water or wastewater generation rates for commercial uses (understandably, as rates could vary greatly between various commercial uses). To estimate water and wastewater flows associated with the proposed FLU category, the City’s Small-Scale Comprehensive Plan application utilizes a rate of 0.15 gallons per day for non-residential uses:

$$26,267 \text{ sq. ft.} \times 0.15 \text{ gpd} / 100 \text{ sq. ft.} = 3,940 \text{ (water and wastewater)}$$

**Increased water demand = 3,632 gallons per day**  
**Increased sewer demand = 3,589 gallons per day**

- b. Recreation / Open Space – **Not applicable to non-residential uses.**
3. Correspondence with the appropriate agencies substantiating the adequacy of existing facilities to support the proposed change are included as Appendix B-3. At this point, we have requested capacity confirmation letters from Okeechobee Utility Authority (water

and wastewater) and Okeechobee Landfill, Inc. (solid waste). As this is a non-residential use, capacity confirmation from the School Board is not applicable. We have conservatively requested capacity confirmation based on the maximum potential additional square footage as described in the preceding sections.

#### C. ENVIRONMENTAL IMPACTS

1. Wetlands and aquifer recharge areas. **N/A – the subject parent tract is already developed for the proposed use, and is within a developed urban area of the City. As confirmed by review of the National Wetland Inventory mapping system (<https://www.fws.gov/wetlands/Data/Mapper.html>), there are no on-site wetlands or recharge areas.**
2. Soils posing severe limitation to development. **N/A – the subject parent tract is already developed for the proposed use. Additional development on the subject tract can be accomplished with normal site preparation and soil treatment. A soils map is attached as *Exhibit C-2*.**
3. Unique habitat. **N/A – there is no unique habitat on this cleared lot.**
4. Endangered species of wildlife and plants. **N/A – there are no known endangered species present.**
5. Floodprone areas. **N/A – the subject property is within the developed City of Okeechobee, and has a flood zone designation of X (Area of Minimal Flood Risk / 0.2 Percent Chance Annual Flood Hazard.**  
<https://msc.fema.gov/portal/search?AddressQuery=1300%20NE%2013th%20Street%2C%20Okeechobee%2C%20Florida#searchresultsanchor>

#### D. INTERNAL CONSISTENCY WITH THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN

1. Effect on the established City of Okeechobee population projections. **The proposed FLUM amendment changing the existing FLUM designation from Single-Family Residential to Commercial will have no affect on the established City of Okeechobee population projections. There will be no increase in residential population.**
2. Goals and Objectives of the City's Comprehensive Plan that are affected by the proposed amendment. **See attached *Policy Analysis*.**
3. Effects on the County's Comprehensive Plan as it relates to adjacent unincorporated areas. **The proposed FLUM amendment is 0.402 acres in size and will have no effect on the County's Comprehensive Plan as it relates to adjacent unincorporated areas.**
4. State Policy Plan and Regional Policy Plan goals and policies relevant to this plan amendment. **The proposed FLUM amendment is 0.402 acres in size and is not relevant to the State Policy Plan and Regional Policy Plan goals and policies.**

#### E. JUSTIFICATION OF PROPOSED AMENDMENT

There is an existing commercial/office development abutting the property to the west; vacant commercial zoned property to the east; vacant commercial property to the north; and vacant residential property to the south. There is no existing residential use on NE 13<sup>th</sup> Street east of N Parrott Avenue.

As stated above, the existing FLUM designation for the subject property is Single-Family Residential. Abutting property FLUM designation on the west, north and east sides of the

**property is Commercial. The south side of the property is NE 13<sup>th</sup> Street. The FLUM designation on the south side of NE13th Street across from the subject property is Single-Family Residential. The proposed request for a Future Land Use Map Amendment is from Single-Family Residential to Commercial. The existing FLUM designation for the subject property, Single-Family Residential, is inconsistent with the abutting FLUM designation, Commercial, on three sides of the subject property. In addition, amending the FLUM designation to Commercial will render the subject property consistent with the underlying zoning designation, Heavy Commercial.**

**At present, the property cannot be developed for commercial uses without this FLUM amendment.**

We have attempted to prepare a complete application for the proposed Small Scale Amendment. However, if you have any questions or require any additional information at this time, please do not hesitate to contact me at your convenience. Thank you in advance for your assistance in this matter.

Sincerely,

**Sumner Engineering & Consulting, Inc.**

Jeffrey M. Sumner, PE  
President

cc: Jason Donald (via email)  
Allen Murphy (via email)  
Derrill McAteer (via email)

**Attachment to IV.D.2.**  
**Relevant Comprehensive Plan Goals and Policies Analysis**

***Future Land Use Element***

***Objective 2: The City of Okeechobee shall continue to ensure that all new development is consistent with the Future Land Use Element.***

The existing FLUM designation for the subject property is Single-Family Residential. Abutting property FLUM designation on the west, north and east sides of the property is Commercial. The south side of the property is NE 13<sup>th</sup> Street. The FLUM designation on the south side of NE13th Street across from the subject property is Single-Family Residential. The proposed request for a Future Land Use Map Amendment is from Single-Family Residential to Commercial. The existing FLUM designation for the subject property, Single-Family Residential, is inconsistent with the abutting FLUM designation, Commercial, on three sides of the subject property. In addition, amending the FLUM designation to Commercial will render the subject property consistent with the underlying zoning designation, Heavy Commercial. At present, the property cannot be developed for commercial uses without this FLUM amendment.

***Policy 2.1.d)***

***Commercial. Permitted uses include the full range of offices, retail, personal and business services, automotive, wholesale, warehousing, related commercial activities, and accessory uses customary to permissible uses. Other uses related to and consistent with commercial development such as houses of worship, public facilities, public utilities, communications facilities, hospitals, group homes, adult family care homes, assisted living facilities, and limited residential use associated with a commercial building, may be permissible under certain circumstances.***

- 1. Commercial 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 Commercial Professional Office (CPO), Light Commercial (CLT), Heavy Commercial (CHV), and Central Business District (CBD).***

The proposed FLUM amendment to Commercial will not exceed a floor area ratio of 3.00. In fact, based on height and parcel size limitations, the FAR will not exceed 1.5.

***Policy 2.5: The City shall amend its Future Land Use Map, as necessary, to address inconsistent land use areas.***

***Policy 3.3: The City of Okeechobee shall continue to coordinate with Okeechobee County in amending the City-County zoning maps to ensure that, all property in the City is zoned in accordance with the Future Land Use Element.***

As stated above, amending the FLUM designation to Commercial will render the subject property consistent with the underlying zoning designation, Heavy Commercial.

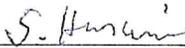
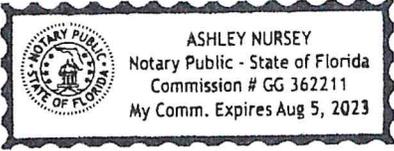
***Policy 12.1: Criteria, standards, and related provisions established in the Land Development Code for reducing the impacts from any land uses that are not in conformance or are inconsistent with this Comprehensive Plan shall as a minimum:***

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

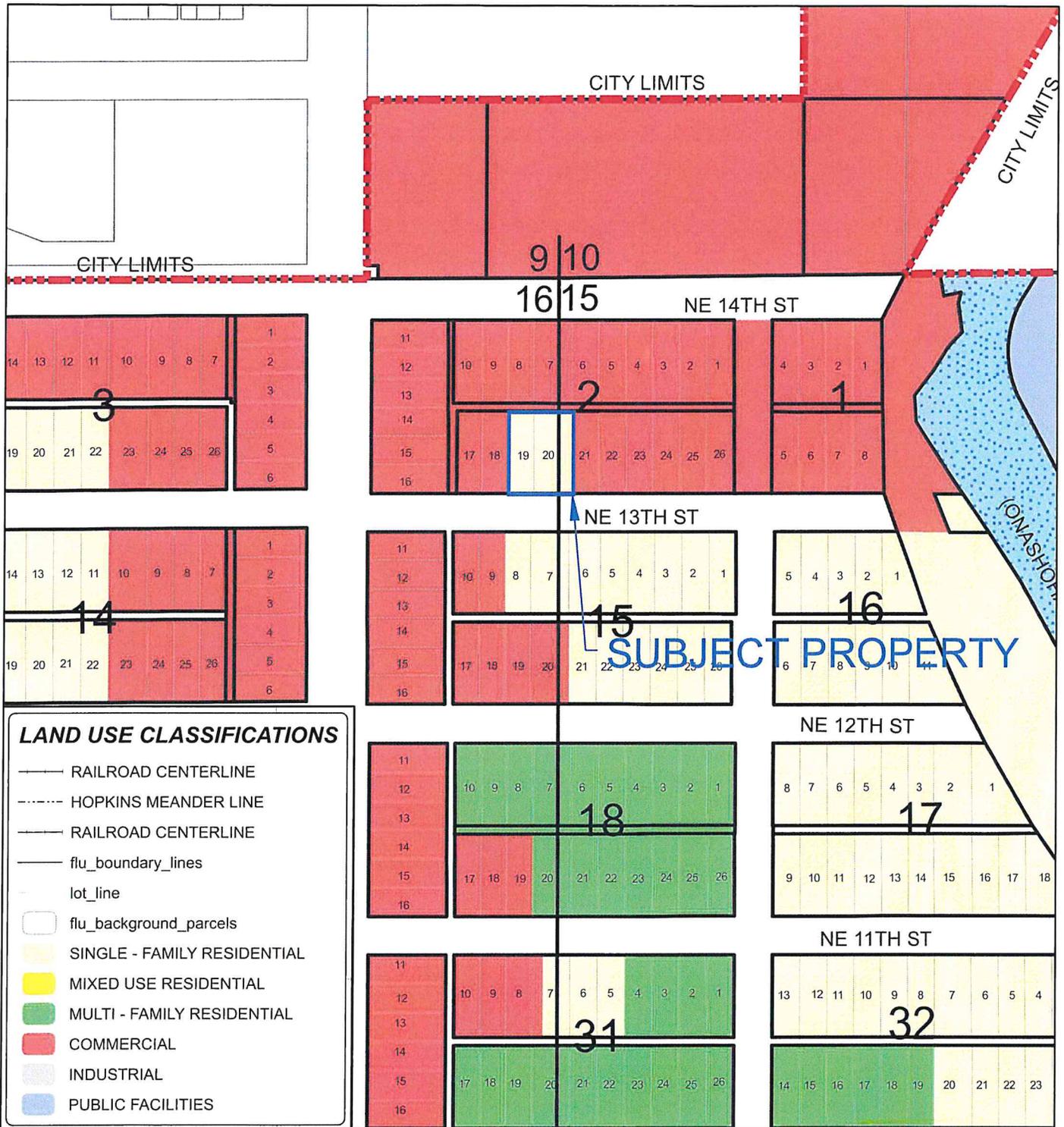
***The purpose of such regulations shall be to eliminate or reduce use inconsistent with the character of the surrounding area. Such criteria, standards, and related provisions shall not cause undue hardship, economic or otherwise, to the owners of such nonconforming uses.***

There is an existing commercial/office development abutting the property to the west; vacant commercial zoned property to the east; vacant commercial property to the north; and vacant residential property to the south. There is no existing residential use on NE 13<sup>th</sup> Street east of N Parrott Avenue.

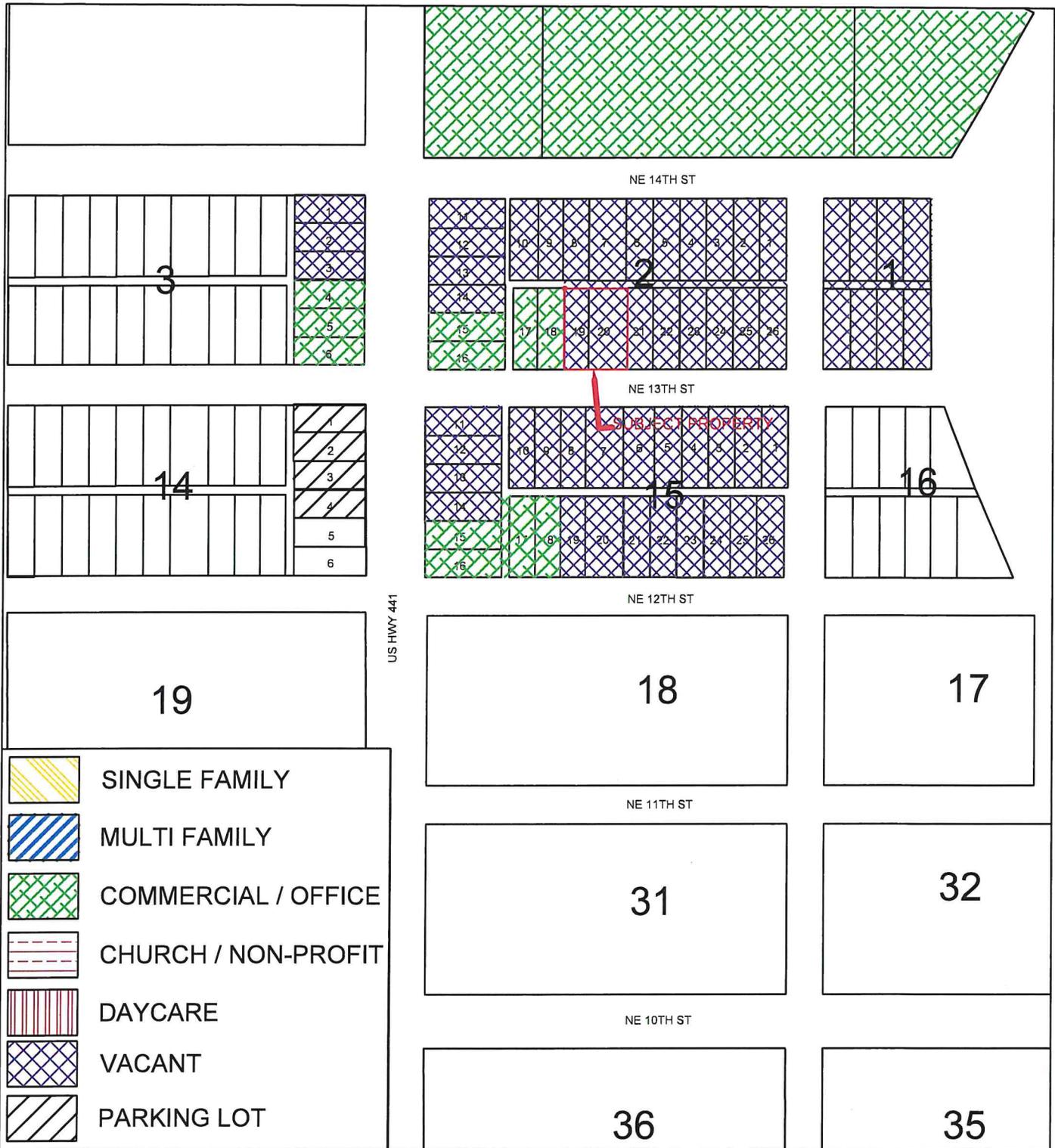
CITY OF OKEECHOBEE  
 55 SE 3<sup>RD</sup> AVENUE  
 OKEECHOBEE, FL 34974  
 TELE: 863-763-3372 FAX: 863-763-1686  
**LAND USE POWER OF ATTORNEY**

<b>Name of Property Owners:</b>		
SURAIYA HUSAIN REV TRUST AGREEMENT		
<b>Mailing Address:</b>		
4079 LAKE BOSSE VIEW DR, ORLANDO FL 32810		
<b>Home Telephone:</b>	<b>Work:</b>	<b>Cell:</b> 407-719-9376
<b>Property Address:</b> NE 13TH ST, OKEECHOBEE FL 34974		
<b>Parcel ID Number:</b> 31537350010000200190		
<b>Name of Applicant:</b> Jeffrey M. Sumner, PE Sumner Engineering & Consulting, Inc. 410 NW 2nd Street, Okeechobee, FL 34972 863.763.9474		
<b>Home Telephone:</b>	<b>Work:</b>	<b>Cell:</b> 407-719-9376
<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>10<sup>th</sup></u> DAY OF <u>June</u> 20<u>21</u>.</p>		
 _____ OWNER	 _____ WITNESS	
_____ OWNER	_____ WITNESS	
STATE OF FLORIDA		
COUNTY OF _____		
<p>The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or  <input type="checkbox"/> online notarization, this <u>10</u> day of <u>June</u>, 20<u>21</u>, by _____,        (Name of Person)        who is personally known to me or produced <u>10 FL State</u> as identification.</p>		
	 NOTARY PUBLIC SIGNATURE <u>Expire Aug 5, 2023</u>	

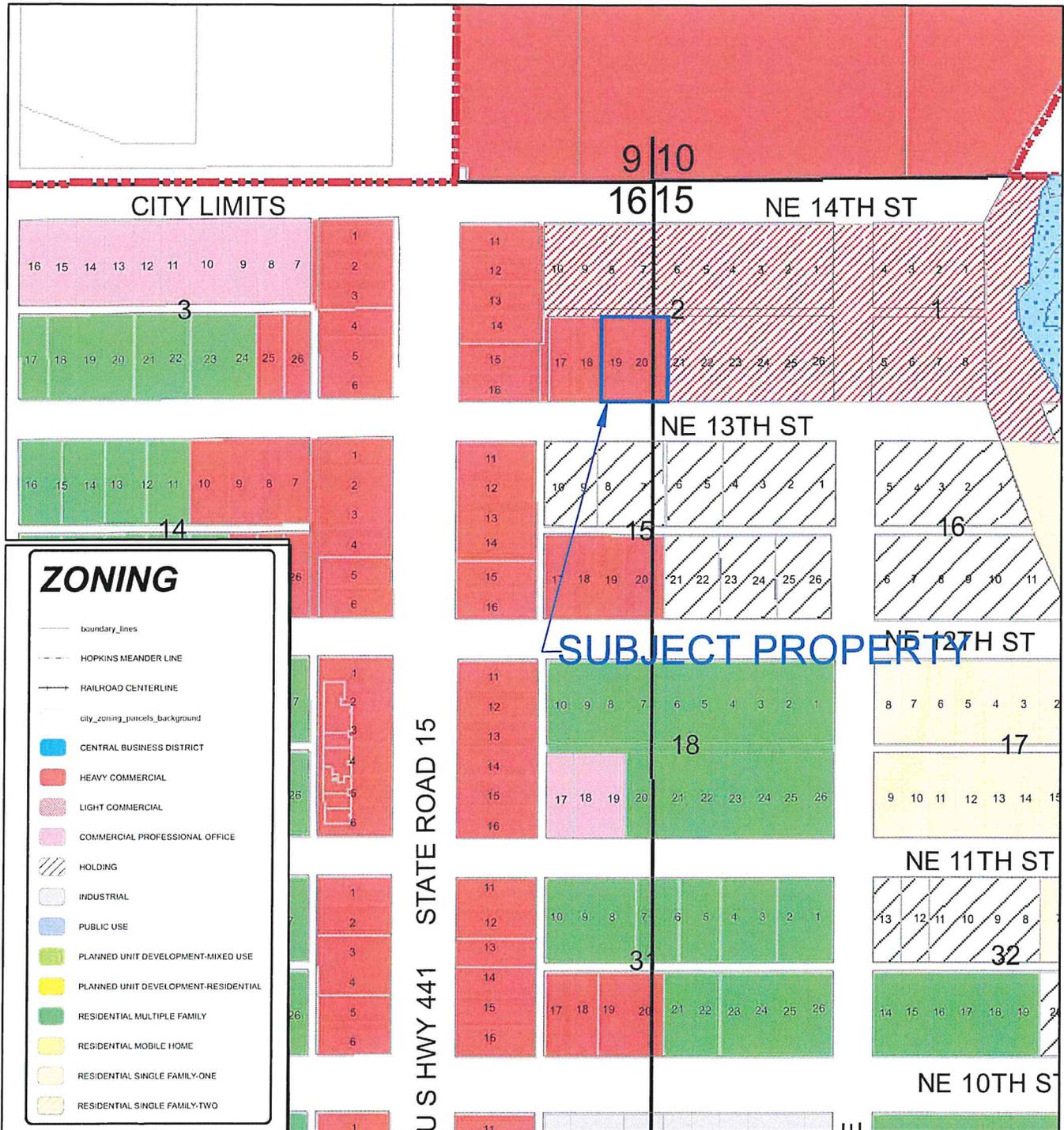
# MAP A-2 FUTURE LAND USE DESIGNATIONS



# MAP A-3 EXISTING LAND USE (ACTUAL)

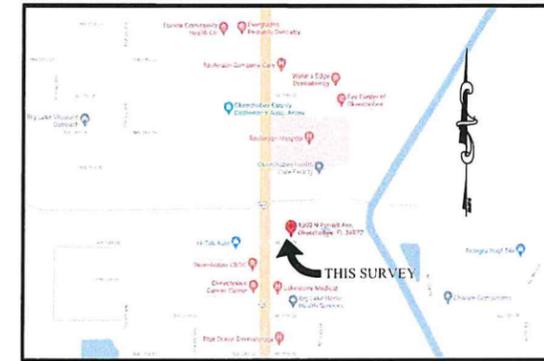


# MAP A-5 EXISTING ZONING DESIGNATIONS



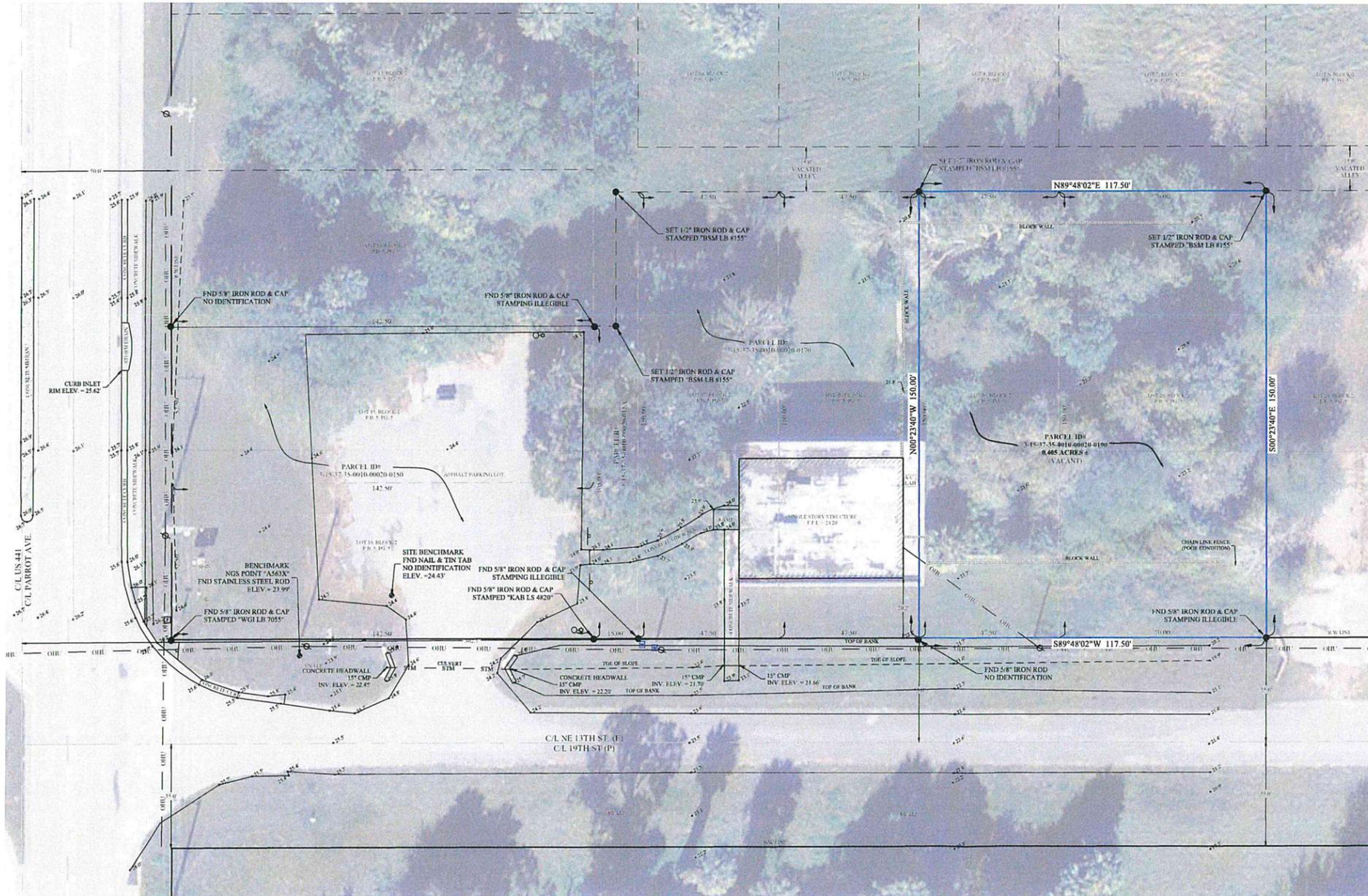
# BOUNDARY & TOPOGRAPHIC SURVEY

LOCATED IN SECTION 15  
TOWNSHIP 37 SOUTH  
RANGE 35 EAST



LOCATION MAP:  
(NOT TO SCALE)

**BSM & ASSOCIATES**  
LAND SURVEYING SERVICES  
80 SE 31st Lane, Okeechobee, FL 34974  
ricky.barnes@bsmsurvey.com  
863-484-8324  
LB 8155



### LEGAL DESCRIPTION:

LOTS 19 AND 20 OF BLOCK 2, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY FLORIDA.

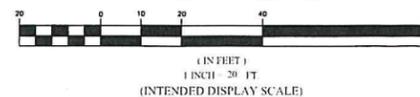
### SURVEYOR'S NOTES:

1. THE SURVEY DATE IS JUNE 18, 2021.
2. THIS IS A **BOUNDARY & TOPOGRAPHIC SURVEY**, AS DEFINED IN CHAPTER 5J-17.050(11) OF THE FLORIDA ADMINISTRATIVE CODE.
3. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. 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.
5. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. THE BEARING BASE FOR THIS SURVEY IS THE SOUTH LINE OF BLOCK 2, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY FLORIDA, SAID LINE BEARS S 89°48'02" W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
6. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS ESTABLISHED BY NATIONAL GEODETIC SURVEY (NGS) CONTROL POINT "A 563 X" HAVING A PUBLISHED ELEVATION OF 23.99 (NAVD88). ELEVATION DEPICTED ON THIS SURVEY WERE OBTAINED USING REAL TIME KINEMATIC (RTK) GPS METHODS WITH AN EXPECTED ACCURACY OF +/- 0.1'.
7. THIS SURVEY DOES NOT HAVE THE BENEFIT OF A CURRENT TITLE COMMITMENT, OPINION, OR ABSTRACT. DURING THE COURSE OF THE SURVEY SOME SEARCHES OF THE PUBLIC RECORDS WERE MADE, BUT THESE SEARCHES WERE NOT EXHAUSTIVE AND SHOULD NOT BE CONSIDERED A SUBSTITUTE FOR A PROPER TITLE COMMITMENT, OPINION, OR ABSTRACT OBTAINED FROM A TITLE AGENCY OR OTHER TITLE PROFESSIONAL.
8. THIS SURVEY DELINEATES THE LOCATIONS OF THE LEGAL DESCRIPTIONS ON THE GROUND, BUT DOES NOT DETERMINE OWNERSHIP OR PROPERTY RIGHTS.
9. UNDERGROUND IMPROVEMENTS, IF ANY, WERE NOT LOCATED EXCEPT AS SHOWN.
10. ADJOINING PROPERTY INFORMATION WAS OBTAINED FROM OKEECHOBEE COUNTY PROPERTY APPRAISER OFFICE AND/OR SHOWN PER PLAT.
11. AERIAL IMAGERY SHOWN HEREON WAS OBTAINED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) DATED 2018 AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.
12. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X PER FEMA MAP NUMBER 12093C, PANEL NUMBER 0415C, WITH AN EFFECTIVE DATE OF 07/16/15.

### LEGEND:

- C/L CENTERLINE
- R/W RIGHT-OF-WAY
- O/H U OVERHEAD UTILITY
- ELEV. ELEVATION
- FND FOUND
- INV. INVERT
- CMP CORRUGATED METAL PIPE
- F.F.E. FINISH FLOOR ELEVATION
- (F) FIELD
- (P) PLAT
- P.B. PLAT BOOK
- PAGE PAGE
- PG. IDENTIFICATION
- ID UTILITY POLE
- LP LIGHT POLE
- FL FLOOD LIGHT
- EX EXISTING ELEVATION
- WM WATER METER

### GRAPHIC SCALE



### CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

FOR THE BENEFIT OF THE FOLLOWING PARTIES ONLY:

- 1) CUSHMAN & WAKEFIELD
- 2) SUMNER ENGINEERING & CONSULTING, INC.

**Richard Barnes**  
PROFESSIONAL SURVEYOR AND MAPPER  
BSM & ASSOCIATES, INC.

Digitally signed by Richard Barnes  
Date: 2021.07.13  
13:47:42 -04'00'

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

CAD	FILE	DATE	BY
REF	FILE	DATE	BY
FILE	FILE	DATE	BY
OFF	FILE	DATE	BY
CAD	FILE	DATE	BY

BOUNDARY & TOPOGRAPHIC SURVEY  
NW 13TH STREET  
OKEECHOBEE, FLORIDA 34972

Return to: (enclose self-addressed stamped envelope)

Name: Chester B. Griffin, Esq.  
Address: P. O. Box 1270  
Ft. Pierce, FL 34954

This Instrument Prepared by:

Name: Chester B. Griffin, Esq. of Neill  
Griffin Jeffries & Lloyd, Chartered  
Address: 311 So. Second Street  
Ft. Pierce, FL 34954

Property Appraiser Parcel Identification

Folio Number(s):

Grantee(s) S.S. # (s)

WARRANTY DEED  
INDIVID. TO INDIVID.

RAMCO FORM 01

BOOK 378 PAGE 176  
FILED FOR RECORD  
OKEECHOBEE CO. FL.

96 MAY 14 PM 12:08

SHARON ROBERTSON  
CLERK OF CIRCUIT COURT

282908

Documentary stamps paid in the amount of

70  
Sharon Robertson, Clerk of Circuit Court  
Date: 5/14/96

6.00 P.  
-70 Doc.

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 8th day of May, 1996, by MUZAFFAR HUSAIN and SURAIYA HUSAIN, his wife

hereinafter called the Grantor, to SURAIYA HUSAIN, as Trustee of the Suraiya Husain Revocable Trust Agreement dated May 8, 1996 whose post office address is 150 N.E. 13th Street, Okeechobee, FL 34947

hereinafter called the Grantee

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the Grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Okeechobee County, State of Florida, viz:

Lots 6-10, inclusive, Lots 19 and 20, and Lots 23-26, inclusive, Block 2, Lots 11-14, inclusive, Block 15; Lots 1-11, inclusive, Block 16, all in City of Okeechobee, according to the plat thereof recorded in Plat Book 5, page 5, public records of Okeechobee County, Florida. SUBJECT to restrictions, reservations and easements, if any, of record.

Grantor confers on the Trustee the power and authority to protect, conserve, sell or lease, encumber or otherwise to manage and dispose of the real property described hereinabove, including but not limited to all powers listed in Florida Statutes 689.071.

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, and hereby 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, 1995.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature (as to first Grantor)  
Chester B. Griffin  
Printed Name

Witness Signature (as to first Grantor)  
Mary van der Lugt  
Printed Name

Witness Signature (as to Co-Grantor, if any)

Witness Signature (as to Co-Grantor, if any)

STATE OF FLORIDA )  
COUNTY OF ST. LUCIE )  
Muzaffar Husain and Suraiya Husain, his wife,

Grantor Signature  
Muzaffar Husain  
Printed Name  
150 N. E. 13th Street, Okeechobee, FL 34974  
Post Office Address

Co-Grantor Signature, if any  
Suraiya Husain  
Printed Name  
150 N.E. 13th St., Okeechobee, FL 34974  
Post Office Address

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

known to me to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken. (Check one: )  Said person(s) is/are personally known to me.  Said person(s) provided the following type of identification:

NOTARY RUBBER STAMP SEAL



MARY VAN DER LUGT  
MY COMMISSION # CC355562 EXPIRES  
April 7, 1998  
BONDED THRU TROY FAIR INSURANCE, INC.

Witness my hand and official seal in the County and State last aforesaid this 8th day of May, A.D. 1996.  
Notary Signature  
Mary van der Lugt  
Printed Name

08  
30  
94

Office Design, Stenciled Paper & Printing Co., Inc., 1994

# MAP A-8 AERIAL



Sumner Engineering & Consulting, Inc.  
*Agriculture, Civil, Land & Water Resources*

410 NW 2ND STREET  
Okeechobee, FL 34972  
863.763.9474



**WASTE MANAGEMENT**

10800 N.E. 128th Avenue  
Okeechobee, FL 34973  
(863) 357-0111  
(863) 357-0772 Fax

Writer's Direct Telephone: 954/984-2021  
Writer's Direct Facsimile: 954/984-2057  
rkaplan@wm.com

July 20, 2021

Jeff Sumner, P.E.  
Sunmer Engineering & Consulting, Inc.  
393 SW 67<sup>th</sup> Drive  
Okeechobee, FL 34974

Re: Lots 19-20, Block 2, City of Okeechobee  
Confirmation of Adequate Services

Dear Mr. Sumner:

This letter is written pursuant to your request for written verification of certain information relating to the proposed development project.

You indicated this project is expected to no actual additional solid waste per year. Waste Management Inc. of Florida has the capability to continue serving the project area, including collection of the solid waste it may generate annually.

Should you have any questions regarding this matter, please contact me.

Sincerely,

Okeechobee Landfill, Inc.

A handwritten signature in blue ink, appearing to read 'C Orcutt', written over the printed name of Charles Orcutt.

Charles Orcutt, P.E.  
Market Area Engineer,  
Waste Management, Inc. of Florida

***From everyday collection to environmental protection, Think Green.® Think Waste Management.***



**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

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

June 23, 2021

Mr. Jeffery M. Sumner, P.E.  
SEC, Inc.  
410 NW 2<sup>nd</sup> Street  
Okeechobee, FL 34972

Ref: **Water Capacity Request**

Parcel ID: 3-15-37-35-0010-00020-0190

Site Address: NE 13<sup>th</sup> Street  
Okeechobee, FL 34972  
Lots 19 & 20, Block 2

Dear Mr. Sumner:

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 March 2020 to February 2021, the maximum daily flow was 3.3 MGD, or about 55% of capacity. At the present time, the OUA has excess capacity at the treatment plants. The OUA does have a potable water distribution main in the road right of way at the subject property. Any upgrade requirements to the water main infrastructure due to the demands of the proposed project will be at the property 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  
Executive Director  
Okeechobee Utility Authority



## OKEECHOBEE UTILITY AUTHORITY

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

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

June 23, 2021

Mr. Jeffery M. Sumner P.E.  
SEC, Inc.  
410 NW 2<sup>nd</sup> Street  
Okeechobee, Florida 34972

Ref: **Wastewater Capacity Request**

Parcel ID No.: 3-15-37-35-0010-00020-0190

Site Address: NE 13<sup>th</sup> Street  
Okeechobee, FL 34972  
Lots 19 & 20, Block 2

Dear Mr. Sumner:

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.

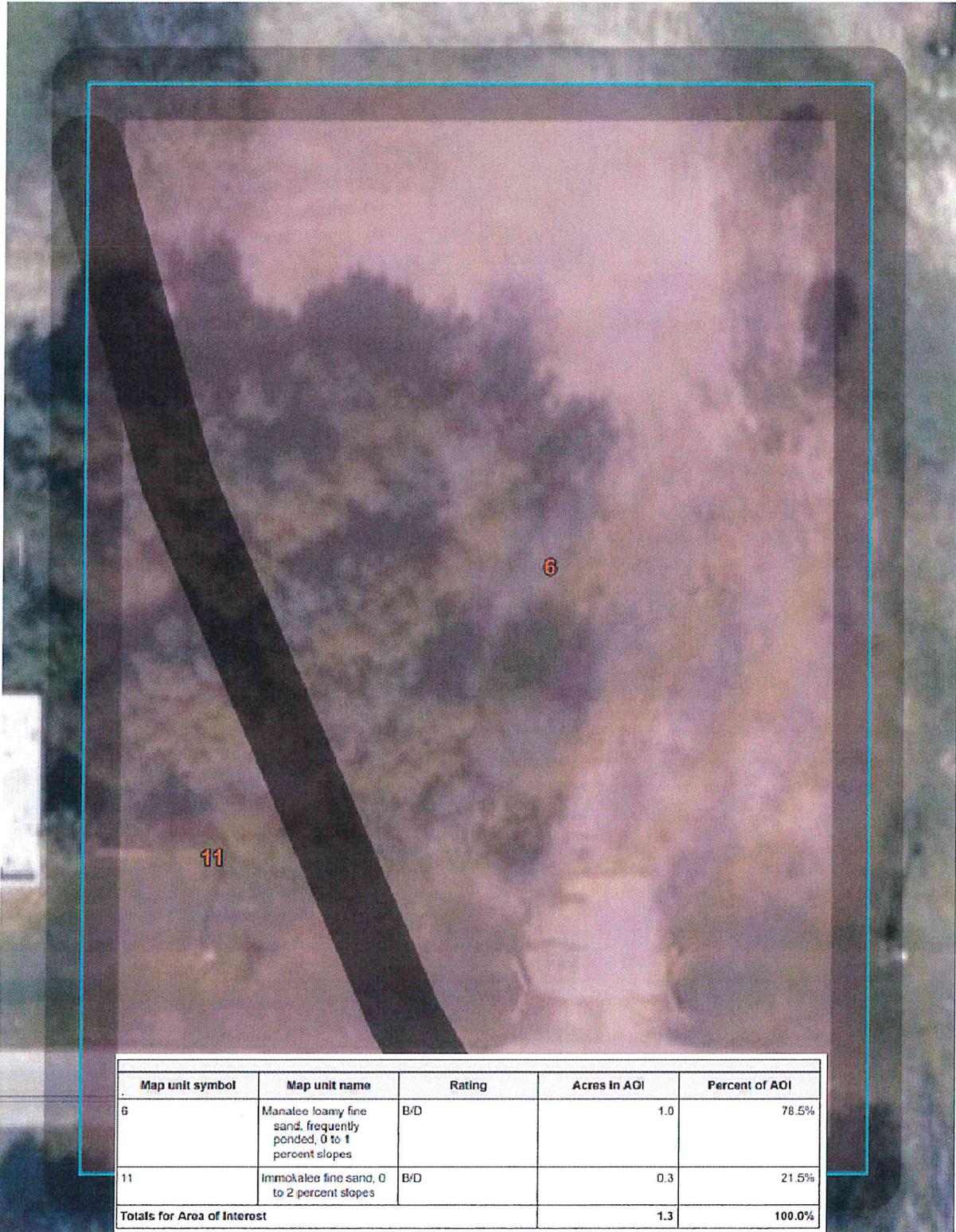
The Okeechobee Utility Authority owns and operates one regional wastewater treatment plant with a FDEP permitted capacity of 3.9 MGD. During the twelve month period from November 2019 to October 2020, the annual average daily demand was 0.944 MGD, or about 31% of the current 3.9 MGD treatment capacity. The OUA does not have a wastewater service line near the subject property. Any line extensions or upgrades required 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

# EXHIBIT C-2 - SOIL MAP



**Sumner Engineering & Consulting, Inc.**  
*Agriculture, Civil, Land & Water Resources*

410 NW 2ND STREET  
 Okeechobee, FL 34972

863.763.9474

# Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

**2020 Certified Values**

updated: 6/24/2021

Parcel: << 3-15-37-35-0010-00020-0190 (33193) >>

Aerial Viewer Pictometry Google Maps

## Owner & Property Info

Result: 1 of 1

Owner	HUSAIN SURAIYA REV TR AGREE 4079 LAKE BOSSE VIEW DR ORLANDO, FL 32810-1904		
Site	NE 13TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 19 & 20 BLOCK 2		
Area	0.402 AC	S/T/R	15-37-35
Use Code**	PROFESS SVC/BLD (1900)	Tax District	50

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

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

## Property & Assessment Values

2019 Certified Values		2020 Certified Values	
Mkt Land	\$19,890	Mkt Land	\$21,060
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$2,425	XFOB	\$3,010
Just	\$22,315	Just	\$24,070
Class	\$0	Class	\$0
Appraised	\$22,315	Appraised	\$24,070
SOH Cap [?]	\$0	SOH/10% Cap [?]	\$7,844
Assessed	\$22,315	Assessed	\$24,070
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$14,751	Total Taxable	county:\$16,226
	city:\$14,751		city:\$16,226
	other:\$14,751		other:\$16,226
	school:\$22,315		school:\$24,070

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



## Sales History

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
5/8/1996	\$0	0378/0176	WD	V	U	03
3/1/1989	\$0	0276/1655	WD	V	U	03
1/1/1986	\$0	0275/1168	WD	V	U	03
2/1/1977	\$0	0196/0185	WD	V	U	03

## Building Characteristics

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

## Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
WAL4 C	5'CBS 2SID	1997	\$3,010	215.00	0 x 0	PD (50%)

## Land Breakdown

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



# **Staff Report**

## **Small Scale**

### **Comprehensive Plan Amendment**

*Prepared for:*            *The City of Okeechobee*

*Applicant:*                *Suraiya Husain Rev Trust Agreement*

*Address:*                 *1300 N Parrott Avenue*

*Petition No.:*            *21-005-SSA*

*Request:*                 *Change from Single Family Residential*  
*to Commercial*



1375 Jackson Street # 206 Fort Myers, FL 33901

**General Information**

Applicant/Owner	Suraiya Husain Rev Trust Agreement
Applicant Address	4079 Lake Bosse View Drive Orlando, FL 32810
Site Address	1300 N Parrott Avenue
Parcel Identification	3-15-37-35-0010-00020-0190
Contact Person	Jeffrey M Sumner, PE
Contact Phone Number	863.763.9474
Contact Email Address	jeff@sumnerengineering.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 <a href="https://www.cityofokeechobee.com/agendas.html">https://www.cityofokeechobee.com/agendas.html</a>	

**Future Land Use, Zoning and Existing Use**

	Existing	Proposed
Future Land Use	Single Family Residential	Commercial
Zoning	Heavy Commercial	Heavy Commercial
Use of Property	Vacant	No stated development plans at this time.
Acreage	0.405	0.405

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

<b>North</b>	Future Land Use	Commercial
	Zoning	Light Commercial
	Existing Use	Vacant
<b>East</b>	Future Land Use	Commercial
	Zoning	Light Commercial
	Existing Use	Vacant
<b>South</b>	Future Land Use	Single Family Residential
	Zoning	Holding
	Existing Use	Vacant
<b>West</b>	Future Land Use	Commercial
	Zoning	Heavy Commercial
	Existing Use	Medical Office

## 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 a 0.405 acre parcel. The parcel is currently designated Single Family Residential on the Future Land Use Map and the Applicant is requesting a change to Commercial.

The subject property is vacant, though the adjacent parcels to the west are also owned by the applicant and developed with a medical office and parking lot.

## General Analysis and Staff Comments

### A. Qualification for Amendment

Based on the size of the property (0.405 acres), this application qualifies under Chapter 163, F.S. as a Small-Scale Development Activity Plan Amendment (SSA) to the Comprehensive Plan.

### B. Current Development Potential as Single-Family Residential

The property is currently designated as single family residential on the City's Future Land Use Map and Heavy Commercial on the City's zoning map. Future land use Policy 2.1(a) allows a maximum standard density in the Single-Family Residential Future Land Use Category of four units per acre or five if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 0.405 acres would be two single-family dwellings. However, because the parcel is only 117.5 feet wide, which is not wide enough to create two lots that meet the minimum lot width, only one single family dwelling unit could be developed. Additionally, in order to develop a single family dwelling unit at this property, a zoning map amendment would be required, as single family dwelling units are not permitted in the Heavy Commercial Zoning District.

### C. Future Development Potential as Commercial

The Applicant has stated that there are no plans to develop this parcel at this time, and that the main purpose of this request is to make the future land use designation consistent with the zoning. However, if this map change is approved, the property may be developed according to standards of the Comprehensive Plan and the Land Development Code.

While the Commercial Future Land Use category allows for a maximum FAR of 3.0, the City's most intense commercial zoning district (CHV) 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 three story structure, a maximum FAR of 1.5 and a maximum floor area of approximately 26,460 square feet on this 0.405 acre parcel.

However, given the parking requirements for most commercial uses and the maximum impervious surface ratio allowed in the Heavy Commercial of 85%, it would be difficult to provide sufficient parking for 26,460 square feet of commercial use on this parcel. Additionally, given the character of Okeechobee, it would be unusual to exceed two stories. A two-story structure with 50% building coverage on 0.405 acres would have a floor area of approximately 17,640 square feet.

**D. 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 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 subject parcel is approximately 250 feet from the US-441 right-of-way and while much of the surrounding property is vacant, there is an adjacent medical office and other healthcare facilities in close proximity. There are no single family homes in the immediate area.

Between the Comprehensive Plan (Future Land Use Map) the Land Development Code (Zoning Map), the Comprehensive Plan is the ruling document; and it is the typical zoning practice to make the zoning conform to the future land use map. However, there are many inconsistencies between the City's future land use map and zoning map. In some cases, the future land use designation of a particular property is a better fit for the existing land use and the pattern of land use in the area. In other cases, the zoning designation is a better fit. On this particular parcel the zoning designation of Heavy Commercial is a better fit for the pattern of land use than the future land use designation of single family residential.

**E. Adequacy of Public Facilities**

Traffic Impacts

Based on the change in the maximum development potential of this parcel if this request is approved, the applicant submitted a traffic analysis which indicates that the Institute of Transportation Engineers estimates a single family dwelling unit to generate 9.44 vehicle trips per day and 26,300 square feet of medical office to generate 922 vehicle trips per day. The potential increase of 913 daily trips is significant, though unlikely, as a 26,300 square foot facility is not a likely development at this location. Additionally, the applicant correctly points out that the proximity to US-441 would ease the burden on the local road network.

Demand for Potable Water and Sewer Treatment

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 potential of 3,632 gallons of potable water demand and 3,589 gallons of sewer demand per day. We agree with this analysis.

The Applicant submitted letters from the Okeechobee Utility Authority and indicating that there is adequate excess capacity in the facilities to accommodate the demand for potable water and wastewater treatment. Though, at this time, there is no potable water distribution main or wastewater service line near the subject property; and all facility improvements required for connection must be at the owner's expense.

Demand for Solid Waste Disposal

Waste Management has previously confirmed a considerable level of excess capacity available to serve the solid waste disposal needs of other developments in the City. It's reasonable that the volume of solid waste generated by the proposed improvements can also be accommodated within the capacity of the County's Solid Waste Facility.

**F. Environmental Impacts**

The US Fish & Wildlife Service Wetland Inventory Map does not depict any wetlands on this parcel.

No critical habitat is identified on this parcel by the USFWS mapping.

**Recommendation**

Based on the foregoing analysis, we find the requested Commercial future land use designation for the subject property 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 request to amend the Future Land Use Map of the City's Comprehensive Plan to change the designation of this property from Single Family Residential to Commercial.

Submitted by:



Ben Smith, AICP

Sr. Planner

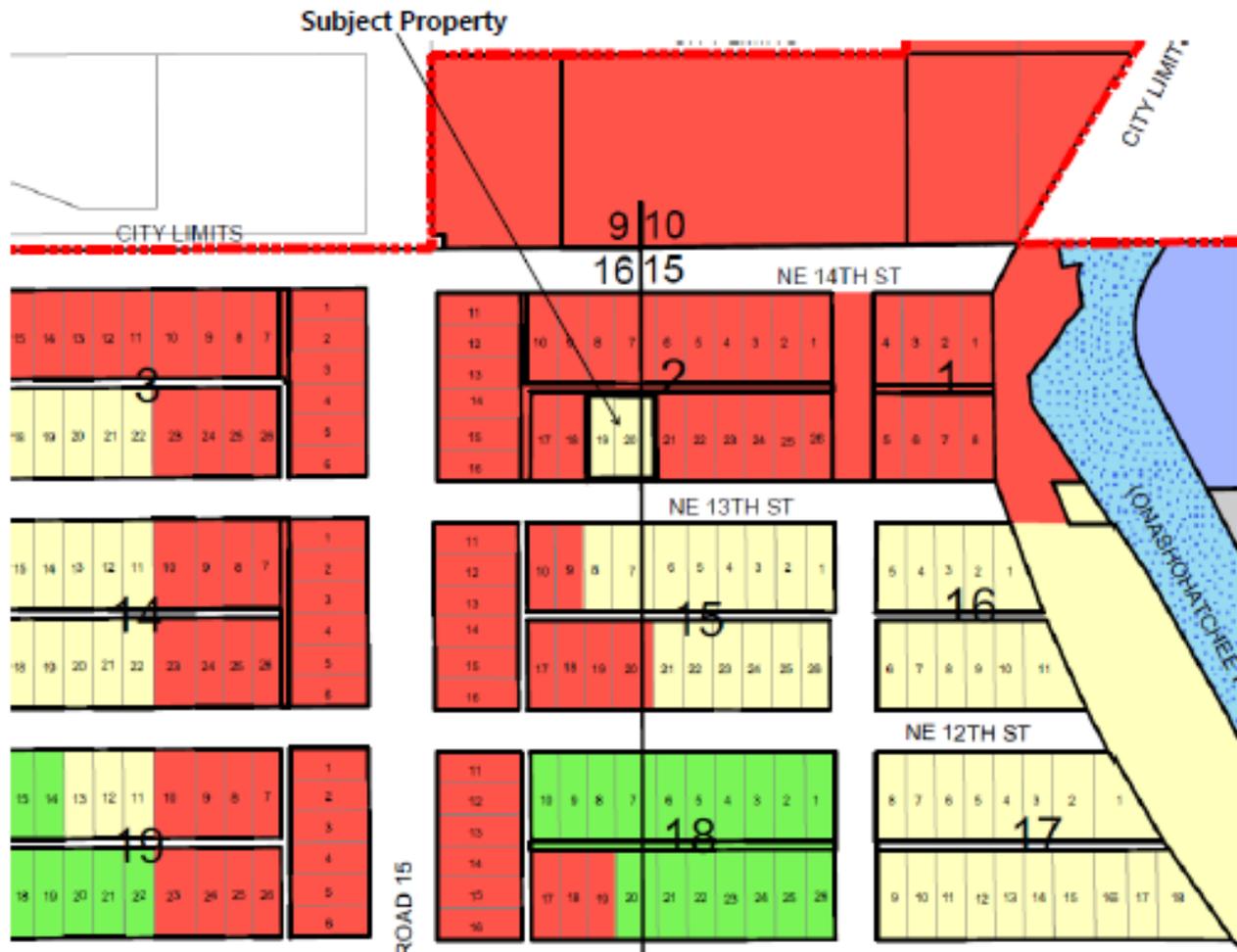
August 7, 2021

Planning Board Public Hearing: August 19, 2021

City Council Public Hearing: (tentative) September 27, 2021

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

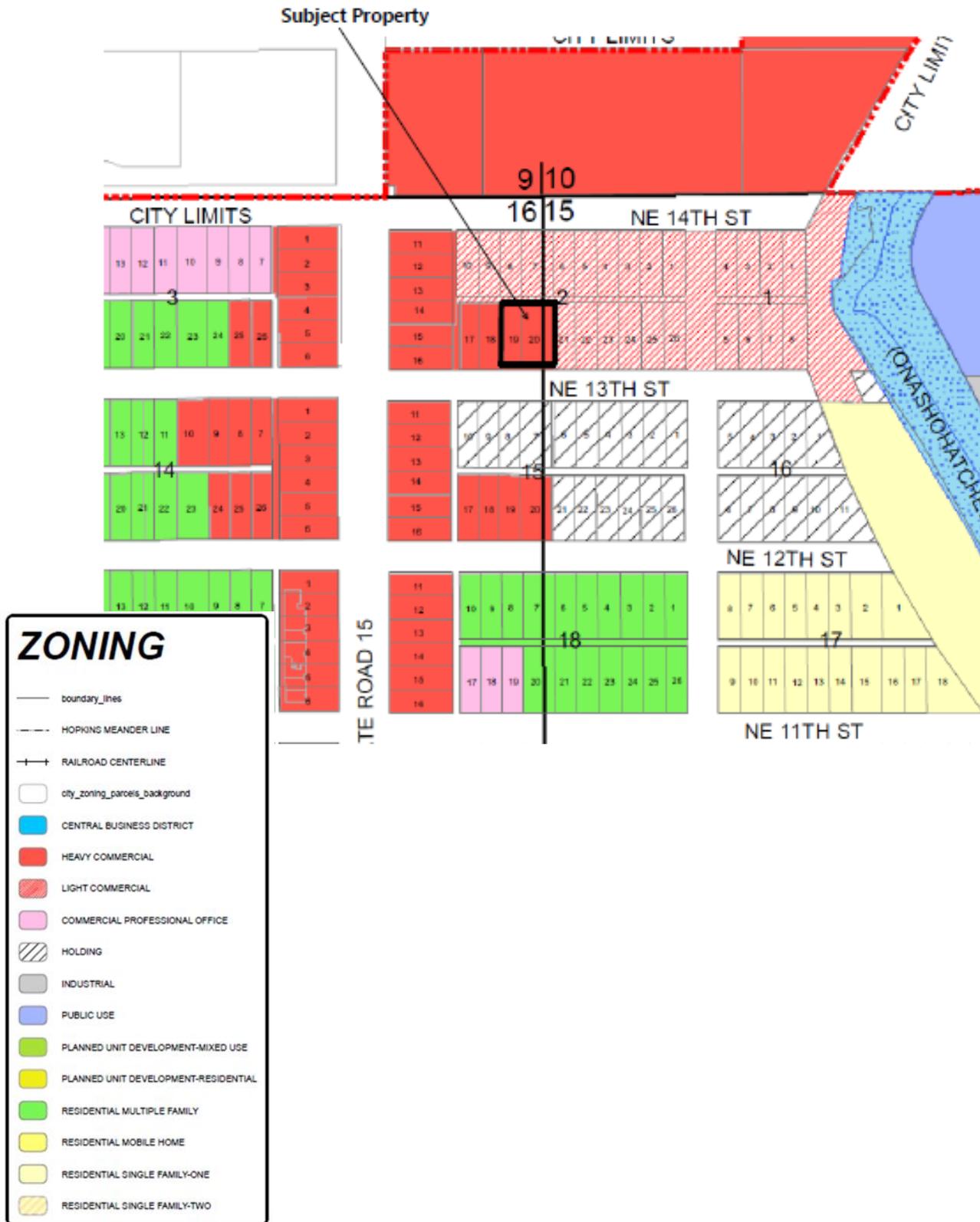
FUTURE LAND USE  
 SUBJECT SITE AND ENVIRONS



**LAND USE CLASSIFICATIONS**

- +--- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- +--- RAILROAD CENTERLINE
- flu\_boundary\_lines
- lot\_line
- flu\_background\_parcel
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES

### ZONING SUBJECT SITE AND ENVIRONS



EXISTING LAND USE  
AERIAL OF SUBJECT SITE AND ENVIRONS





## Staff Report

**To:** Okeechobee Planning Board  
**From:** Ben Smith, AICP  
**Meeting Date:** August 19, 2021  
**Subject:** Property Rights Element Comprehensive Plan Amendment

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On June 29<sup>th</sup>, 2021, the Governor signed House Bill 59 into law. One of the requirements of HB 59 is that every local government in the state of Florida must adopt a Property Rights Element into their Comprehensive Plan. The legislation provides a recommended “statement of rights” for inclusion in the Element. Though local governments are not required to adopt the exact language of the recommended statement of rights, the language that is adopted may not be in conflict with the provided statements.

Another requirement of HB 59 is that local governments must adopt the Property Rights Element prior to adoption of any other comprehensive plan amendments that have been initiated after July 1, 2021. As discussed at the July 15, 2021 Planning Board meeting, it is staff’s contention that the City’s proposed commercial corridor plan amendment was initiated prior to July 1, 2021 and should be allowed to be submitted to the Florida Department of Economic Opportunity (DEO) (state land planning agency) prior to the adoption of the Property Rights Element.

City staff corresponded with DEO staff and provided documentation to verify that advertised public workshops for the proposed commercial corridor plan amendment were held in April and May and that the City paid for public hearing advertisement of that amendment in June prior to the adoption of the legislation. Nevertheless, DEO staff has stated that they are not considering the amendment to be initiated prior to July 1<sup>st</sup> because a public hearing was not held in June.

At the July public hearing for the proposed commercial corridor amendment, the Planning Board voted to continue the hearing of that amendment to the September meeting and directed staff to bring the Property Rights Element for a public hearing as soon as possible so that it could be adopted prior to, or concurrently with the adoption of the Commercial Corridor Amendment. Attached is a proposed Ordinance for adoption of the Property Rights Element. The language that is included in the proposed policies is the recommended statement of rights included in the legislation. The proposed Goal includes an excerpt of existing language from Florida Statute Section 163.3161(10), which is also referenced in HB 59, along with Florida Statute Section 187.101(3). The full text of those statute sections is provided below. The full, adopted text of HB 59 is also attached.

If the Planning Board, acting as City’s Local Planning Agency, agrees that the text changes in this proposed amendment are desirable and consistent with the City’s Comprehensive Plan, we request that they recommend that the City Council transmit this amendment to DEO. The Board may also consider adopting alternative language for the Property Rights Element, as long as it does not conflict with the statement of rights provided in the statute.

If the City Council also agrees that this proposed amendment is desirable and consistent with the City’s Comprehensive Plan, then they may vote to transmit to DEO. Once the state and various agencies (FDOT, FDEP, SFWMD, etc.) have had 30 days to review the amendment, if there are

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no objections, then the City Council may adopt the amendment at a final public hearing.

Florida Statute Section 163.3161(10)

It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must ultimately be determined in a judicial action.

Florida Statute Section 187.101(3)

The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.

**ORDINANCE NO \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING A PROPERTY RIGHTS ELEMENT, INCLUDING A GOAL, OBJECTIVE AND POLICIES, INCLUDING STATEMENTS OF PROPERTY RIGHTS AS PROVIDED IN FLORIDA STATUTE 163.3177(6), AS REQUIRED BY RECENTLY ADOPTED FLORIDA HOUSE BILL 59; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The City Of Okeechobee recognizes the need to plan for orderly growth and development; and the State Legislature passed the Community Planning Act requiring all local governments to prepare and adopt a Comprehensive Plan; and

**WHEREAS**, Chapter 163, Florida Statutes, authorizes amendments to Adopted Comprehensive Plans under the Expedited Review Process; and

**WHEREAS**, The City recognizes the adoption of House Bill 59 requires adoption of a Property Rights Element into the City's Comprehensive Plan; and

**WHEREAS**, the Planning Board, acting as the Local Planning Agency of the City of Okeechobee, Florida, recently reviewed and discussed proposed Comprehensive Plan Amendment No 21-002-CPA at a duly advertised public hearing on August 19, 2021, determined such request to be consistent with the City's Comprehensive Plan and recommends the City Council transmit the proposed amendment to the State Land Planning Agency for review and approval, and subsequent adoption by ordinance by the City Council; and

**WHEREAS**, the City Council has agreed with the recommendation of the Planning Board and finds that Comprehensive Plan Amendment 21-002-CPA complies with the requirements of Florida Statute 163, Part II, and that the proposed application is consistent with the City's Comprehensive Plan.

**NOW, THEREFORE**, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

**SECTION 1:     SHORT TITLE.**

**THIS ORDINANCE** shall be known as a "City of Okeechobee Comprehensive Plan Amendment," pursuant to F.S. 163.3184, regarding Application No. 21-002-CPA and shall be effective within the City limits of the City of Okeechobee, Florida.

**SECTION 2: AUTHORITY.**

This City of Okeechobee Comprehensive Plan Amendment is adopted pursuant to the provisions of Chapter 163.3184, Florida Statutes.

**SECTION 3: REVISIONS TO THE COMPREHENSIVE PLAN.**

The City Council for the City of Okeechobee, Florida amends herein the Comprehensive Plan by adding a Property Rights Element to read as follows:

**Property Rights Element**

Goals, Objectives and Policies

**Goal:** The City shall recognize and respect all judicially acknowledged or constitutionally protected private property rights.

**Objective 1:** Private property rights shall be considered in the City's decision making.

**Policy 1.1:** Property owners shall have the right to physically possess and control their interests in the property, including easements, leases, or mineral rights.

**Policy 1.2:** Property owners shall have the right to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

**Policy 1.3:** Property owners shall have the right to privacy and to exclude others from the property to protect their possessions and property.

**Policy 1.4:** Property owners shall have the right to dispose of their property through sale or gift.

**SECTION 3: INCLUSION OF ORDINANCE AND REVISED COMPREHENSIVE PLAN.**

It is the intention of the City Council of the City of Okeechobee, Florida that the provisions of this Ordinance, and the revisions to the Comprehensive Plan which are incorporated herein by reference, shall become and be made a part of the City of Okeechobee Comprehensive Plan (City of Okeechobee Ordinance No. 635, as

amended).

**SECTION 4: CONFLICT.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5: SEVERABILITY.**

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 6: EFFECTIVE DATE.**

Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

**INTRODUCED** for first reading of the ordinance for transmittal to the State Land Planning Agency at a public hearing this \_\_\_\_ day of \_\_\_\_\_ 2021, pursuant to F.S. 163.3184.

**PASSED AND ADOPTED** after Second and Final Public Hearing this \_\_\_\_ day of \_\_\_\_\_, 2021, pursuant to F.S. 163.3184.

---

Dowling Watford, Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

---

John J. Fumero, City Attorney

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CS/CS/CS/HB 59, Engrossed 1

2021 Legislature

1  
2 An act relating to growth management; amending s.  
3 163.3167, F.S.; specifying requirements for certain  
4 comprehensive plans effective, rather than adopted,  
5 after a specified date and for associated land  
6 development regulations; amending s. 163.3177, F.S.;  
7 requiring local governments to include a property  
8 rights element in their comprehensive plans; providing  
9 a statement of rights which a local government may  
10 use; requiring a local government to adopt a property  
11 rights element by the earlier of its adoption of its  
12 next proposed plan amendment initiated after a certain  
13 date or the next scheduled evaluation and appraisal of  
14 its comprehensive plan; prohibiting a local  
15 government's property rights element from conflicting  
16 with the statement of rights contained in the act;  
17 amending s. 163.3237, F.S.; providing that the consent  
18 of certain property owners is not required for  
19 development agreement changes under certain  
20 circumstances; providing an exception; amending s.  
21 337.25, F.S.; requiring the Department of  
22 Transportation to afford a right of first refusal to  
23 certain individuals under specified circumstances;  
24 providing requirements and procedures for the right of  
25 first refusal; amending s. 380.06, F.S.; authorizing

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2021 Legislature

26 |       certain developments of regional impact agreements to  
 27 |       be amended under certain circumstances; providing  
 28 |       retroactive applicability; providing a declaration of  
 29 |       important state interest; providing an effective date.

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

33 |       Section 1. Subsection (3) of section 163.3167, Florida  
 34 | Statutes, is amended to read:

35 |       163.3167 Scope of act.—

36 |       (3) A municipality established after the effective date of  
 37 | this act shall, within 1 year after incorporation, establish a  
 38 | local planning agency, pursuant to s. 163.3174, and prepare and  
 39 | adopt a comprehensive plan of the type and in the manner set out  
 40 | in this act within 3 years after the date of such incorporation.

41 | A county comprehensive plan is controlling until the  
 42 | municipality adopts a comprehensive plan in accordance with this  
 43 | act. A comprehensive plan for a newly incorporated municipality  
 44 | which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and  
 45 | all land development regulations adopted to implement the  
 46 | comprehensive plan must incorporate each development order  
 47 | existing before the comprehensive plan's effective date, may not  
 48 | impair the completion of a development in accordance with such  
 49 | existing development order, and must vest the density and  
 50 | intensity approved by such development order existing on the

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2021 Legislature

51 effective date of the comprehensive plan without limitation or  
 52 modification.

53 Section 2. Paragraph (i) is added to subsection (6) of  
 54 section 163.3177, Florida Statutes, to read:

55 163.3177 Required and optional elements of comprehensive  
 56 plan; studies and surveys.—

57 (6) In addition to the requirements of subsections (1)-  
 58 (5), the comprehensive plan shall include the following  
 59 elements:

60 (i)1. In accordance with the legislative intent expressed  
 61 in ss. 163.3161(10) and 187.101(3) that governmental entities  
 62 respect judicially acknowledged and constitutionally protected  
 63 private property rights, each local government shall include in  
 64 its comprehensive plan a property rights element to ensure that  
 65 private property rights are considered in local decisionmaking.  
 66 A local government may adopt its own property rights element or  
 67 use the following statement of rights:

68  
 69 The following rights shall be considered in local  
 70 decisionmaking:

71  
 72 1. The right of a property owner to physically  
 73 possess and control his or her interests in the  
 74 property, including easements, leases, or mineral  
 75 rights.

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2021 Legislature

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2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

Section 3. Section 163.3237, Florida Statutes, is amended to read:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by

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101 mutual consent of the parties to the agreement or by their  
 102 successors in interest. A party or its designated successor in  
 103 interest to a development agreement and a local government may  
 104 amend or cancel a development agreement without securing the  
 105 consent of other parcel owners whose property was originally  
 106 subject to the development agreement, unless the amendment or  
 107 cancellation directly modifies the allowable uses or  
 108 entitlements of such owners' property.

109 Section 4. Subsection (4) of section 337.25, Florida  
 110 Statutes, is amended to read:

111 337.25 Acquisition, lease, and disposal of real and  
 112 personal property.—

113 (4) The department may convey, in the name of the state,  
 114 any land, building, or other property, real or personal, which  
 115 was acquired under subsection (1) and which the department has  
 116 determined is not needed for the construction, operation, and  
 117 maintenance of a transportation facility. When such a  
 118 determination has been made, property may be disposed of through  
 119 negotiations, sealed competitive bids, auctions, or any other  
 120 means the department deems to be in its best interest, with due  
 121 advertisement for property valued by the department at greater  
 122 than \$10,000. A sale may not occur at a price less than the  
 123 department's current estimate of value, except as provided in  
 124 paragraphs (a)-(d). The department may afford a right of first  
 125 refusal to the local government or other political subdivision

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126 | in the jurisdiction in which the parcel is situated, except in a  
127 | conveyance transacted under paragraph (a), paragraph (c), or  
128 | paragraph (e). Notwithstanding any provision of this section to  
129 | the contrary, before any conveyance under this subsection may be  
130 | made, except a conveyance under paragraph (a) or paragraph (c),  
131 | the department shall first afford a right of first refusal to  
132 | the previous property owner for the department's current  
133 | estimate of value of the property. The right of first refusal  
134 | must be made in writing and sent to the previous owner via  
135 | certified mail or hand delivery, effective upon receipt. The  
136 | right of first refusal must provide the previous owner with a  
137 | minimum of 30 days to exercise the right in writing and must be  
138 | sent to the originator of the offer by certified mail or hand  
139 | delivery, effective upon dispatch. If the previous owner  
140 | exercises his or her right of first refusal, the previous owner  
141 | has a minimum of 90 days to close on the property. The right of  
142 | first refusal set forth in this subsection may not be required  
143 | for the disposal of property acquired more than 10 years before  
144 | the date of disposition by the department.

145 | (a) If the property has been donated to the state for  
146 | transportation purposes and a transportation facility has not  
147 | been constructed for at least 5 years, plans have not been  
148 | prepared for the construction of such facility, and the property  
149 | is not located in a transportation corridor, the governmental  
150 | entity may authorize reconveyance of the donated property for no

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151 | consideration to the original donor or the donor's heirs,  
152 | successors, assigns, or representatives.

153 |       (b) If the property is to be used for a public purpose,  
154 | the property may be conveyed without consideration to a  
155 | governmental entity.

156 |       (c) If the property was originally acquired specifically  
157 | to provide replacement housing for persons displaced by  
158 | transportation projects, the department may negotiate for the  
159 | sale of such property as replacement housing. As compensation,  
160 | the state shall receive at least its investment in such property  
161 | or the department's current estimate of value, whichever is  
162 | lower. It is expressly intended that this benefit be extended  
163 | only to persons actually displaced by the project. Dispositions  
164 | to any other person must be for at least the department's  
165 | current estimate of value.

166 |       (d) If the department determines that the property  
167 | requires significant costs to be incurred or that continued  
168 | ownership of the property exposes the department to significant  
169 | liability risks, the department may use the projected  
170 | maintenance costs over the next 10 years to offset the  
171 | property's value in establishing a value for disposal of the  
172 | property, even if that value is zero.

173 |       (e) If, at the discretion of the department, a sale to a  
174 | person other than an abutting property owner would be  
175 | inequitable, the property may be sold to the abutting owner for

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2021 Legislature

176 | the department's current estimate of value.

177 |       Section 5. Paragraph (d) of subsection (4) of section  
178 | 380.06, Florida Statutes, is amended to read:

179 |       380.06 Developments of regional impact.—

180 |       (4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

181 |       (d) Any agreement entered into by the state land planning  
182 | agency, the developer, and the local government with respect to  
183 | an approved development of regional impact previously classified  
184 | as essentially built out, or any other official determination  
185 | that an approved development of regional impact is essentially  
186 | built out, remains valid unless it expired on or before April 6,  
187 | 2018, and may be amended pursuant to the processes adopted by  
188 | the local government for amending development orders. Any such  
189 | agreement or amendment may authorize the developer to exchange  
190 | approved land uses, subject to demonstrating that the exchange  
191 | will not increase impacts to public facilities. This paragraph  
192 | applies to all such agreements and amendments effective on or  
193 | after April 6, 2018.

194 |       Section 6. The Legislature finds and declares that this  
195 | act fulfills an important state interest.

196 |       Section 7. This act shall take effect July 1, 2021.