



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

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<b>Draft Minutes</b>	Summary of Board Action May 21, 2020
<b>Exhibit 1</b>	Abandonment of Right-of-Way Petition No. 20-001-AC-SC
<b>Exhibit 2</b>	Planning Staff Report Topic



**CITY OF OKEECHOBEE, FLORIDA**  
**PLANNING BOARD/BOARD OF ADJUSTMENT MEETING**  
**MAY 21, 2020**  
**DRAFT SUMMARY OF BOARD ACTION**

**I. CALL TO ORDER**

Chairperson Hoover called the regular meeting of the Planning Board/Board of Adjustment for the City of Okeechobee to order on Thursday, May 21, 2020, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

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

**II. ATTENDANCE**

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

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

**III. AGENDA**

- A. Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn.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

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

**IV. MINUTES**

- A. A motion was made by Member Chartier to dispense with the reading and approve the minutes for the April 16, 2020, Regular Meeting; seconded by Member Brass.

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

**V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:04 P.M.**

- A. City Planning Consultant Mr. Ben Smith of LaRue Planning and Management Services briefly reviewed the Planning Staff Report for Comprehensive Plan Small Scale Future Land Use Map (FLUM) Amendment Application No 20-002-SSA, which requests to change the Future Land Use (FLU) designation from Single Family Residential (SF) and Multi-Family Residential (MF) to Industrial (I) on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue. Mr. Smith explained the Applicant has submitted a concurrent request to rezone the same parcels from Residential Multiple Family (RMF) to Industrial (IND). The Applicant owns the industrial property to the North of these three vacant parcels and has not submitted any proposed plans or provided any comments regarding the potential development of the property other than the stated desire to expand his existing manufacturing of compressed air canisters operations. 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 1.269 acres (the total of two vacant parcels, 0.409 and 0.86 acres) would be six single-family dwellings. The maximum density allowable in the MF Residential FLU Category is 10 units per acre or 11 if the units qualify as affordable housing.

With the affordable maximum development potential for the 1.6 acres (total of last vacant parcel) would be 17 multi-family dwellings. While the I 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 250,000 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. Steve Dobbs, consultant for the Applicant, Loumax Development Inc., on behalf of the Property Owners Nemec Children's Trust, was available for questions from the Board. Mr. Dobbs reviewed an additional handout he provided to the Board which gave some basic background information on the current business. In addition, he provided a copy of the original plat indicating these subject parcels were located adjacent to the Florida East Coast Railway Yard and Grounds. He explained his client purchased the property in 2001 and did not anticipate the business would grow this big. He has looked at purchasing the 50-foot railway right-of-way to the West of the current business but indicated this would not be enough land to expand. Besides going South, there was nothing else available as the land further to the West of the railway was already purchased by a Church.
2. Chairperson Hoover opened the floor for public comment. Secretary Burnette relayed she had a phone conversation with Mrs. Linda Knisely who resides at 601 Southwest 4<sup>th</sup> Street. She was opposed to the requested changes. As a resident located a block within these subject parcels, she believes this is not an appropriate area for this industrial business. There are many churches and schools with a lot of children in the area. She is concerned with the amount of truck traffic and believes there is available industrial area in the city they could relocate to and expand.
3. Vice Chairperson McCoy disclosed he had spoken to Mr. Dobbs about concerns with the property. No other disclosures were offered.
4. Planning Staff Findings are as follows: Policy 2.2 of the FLU 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 FLU 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. From a planning perspective, expansion of the Industrial FLU in this area would be out of character and likely incompatible with the predominantly residential nature of the surrounding neighborhood. The property to the North of the subject parcels is Industrial but the remainder of the surrounding properties hold residential designations on the City's FLUM 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 Southwest 7<sup>th</sup> Avenue 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 I FLU 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 Southwest Park Street and a 3-acre property on Southeast 10<sup>th</sup> Street. The Applicant's requested FLUM changes represent a 37 percent increase in Industrial FLU South of Street in the City.

The Applicant has provided a traffic analysis that estimates the requested change to an I FLU on these parcels would result in an increase in 1,144 potential daily vehicle trips and 166 potential peak hour vehicle trips. 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.

Should these map changes be 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. 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. The subject property is within the zone X, indicating a minimal flood risk. 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, he finds the requested Industrial FLU Designation for the subject property to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses. Therefore, he finds this request inconsistent with the City's Comprehensive Plan and recommends denial.

Vice Chairperson McCoy inquired as to what exactly the use would be or the parcels. Would they be used for truck parking or warehouse space? This additional property may help in alleviating the trucks parking on Southwest 7<sup>th</sup> Avenue that are waiting to be loaded or unloaded. Member Jonassaint commented there presently were concerns with egress as trucks coming out of the site hold up traffic in the area. Member Brass commented even though this business has made contributions to the community for many years, she voiced concerns with the residential neighborhood being impacted. Member Baughman commented the area is already impacted as this business has been located here for some time and feels the request should be approved.

A motion was offered by Member Brass to recommend denial to the City Council for Comprehensive Plan Small Scale FLUM Amendment Application No 20-002-SSA, which requests to change the FLU designation from SF Residential and MF Residential to I on 2.87± acres located in the 500 to 600 blocks of Southwest 7<sup>th</sup> Avenue, and finds it to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses, seconded by Member Chartier.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Board Member Baughman. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively June 16, 2020, 6:00 P.M.**

#### **PUBLIC HEARING-QUASI-JUDICIAL ITEM**

- B. City Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Rezoning Petition No. 20-001-R, which requests to change the zoning designation from RMF to IND 2.87± acres located in the 500 to 600 blocks of Southwest 7th Avenue for the proposed use of expanding the existing industrial facility located to the North. He explained the Applicant, Loumax Development Inc, has also submitted a concurrent request to change the FLU designation from SF Residential and MF Residential to I on these parcels. The subject parcels are currently vacant. He finds the requested rezoning to IND to be inconsistent with the City's Comprehensive Plan. He has reservations regarding the compatibility with adjacent uses and does not find it consistent with the urbanizing pattern of the area. Therefore, he is recommending denial of the Applicant's rezoning request.

1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, and Mr. Steve Dobbs, PE, 1062 Jakes Way, Okeechobee, Florida.
2. Mr. Steve Dobbs, consultant for the Applicant, Loumax Development Inc., on behalf of the Property Owners Nemec Children's Trust, was present and available for questions from the Board. He wanted to bring to their attention should the request be denied, and his client decides to relocate elsewhere, then this property would be open to any other permitted Industrial use.
3. Chairperson Hoover opened the floor for public comment. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to sixteen surrounding property owners. Secretary Burnette relayed she had a phone conversation with Mrs. Linda Knisely who resides at 601 Southwest 4<sup>th</sup> Street. She was opposed to the requested changes. As a resident located a block within these subject parcels, she believes this is not an appropriate area for this industrial business. There are many churches and schools with a lot of children in the area. She is concerned with the amount of truck traffic and believes there is available industrial area in the city they could relocate to and expand.
4. Vice Chairperson McCoy disclosed he had spoken to Mr. Dobbs about concerns with the property. No other disclosures were offered.
5. Planning Staff findings are as follows: The property to the North of these parcels is Industrial but the remainder of the surrounding properties hold residential designations on the City's FLU and Zoning Maps. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across Southwest 7th Avenue 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. Planner Smith is not recommending approval of the Applicant's requested FLUM Amendment because expansion of the Industrial FLU 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 FLU Objective 12 of the City's Comprehensive Plan. Additionally, if the City Council does not approve the Applicant's concurrent Comprehensive Plan Small Scale FLUM Amendment, then this rezoning request cannot be approved either. The proposed expansion of the current use being manufacturing of non-explosive products, is a permitted use in the IND Zoning District. 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. If this rezoning 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. The property to the immediate North of the subject parcels is designated I on the FLUM and zoned IND with the use being the existing industrial business. The property to the East is designated SF Residential on the FLUM and zoned RMF with the use being that of a single-family home and vacant parcels. The property to the South is designated MF Residential on the FLUM and zoned RMF with the use being A Child's World Child Care and Preschool. The property to the West is designated MF Residential on the FLUM and zoned RMF with the parcels being vacant.

Plans have been submitted for future development of a residential apartment complex to be known as Emerald Greens

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. Depending on the specific activities involved, buffering can be used to alleviate some of the potential impacts of industrial uses although it will not reduce the impacts of increased heavy truck traffic in this predominantly residential neighborhood. Potential demand for schools and recreation facilities would be reduced if this rezoning is approved and 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. The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for additional traffic. Drainage issues would be considered at time of site plan review. The proposed use has not been inordinately burdened by any unnecessary restrictions.

Member Chartier commented maybe this business should be located in the City's or County's Industrial Parks where it would be more appropriate, and more space would be available.

A motion was offered by Member Jonassaint to recommend denial to the City Council for Rezoning Petition No. 20-001-R, which requests to change the zoning designation from RMF to IND on 2.87± acres located in the 500 to 600 blocks of Southwest 7th Avenue for the proposed use of expanding the existing industrial facility located to the North, seconded by Member Granados.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Board Member Baughman. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively July 7, 2020, 6:00 P.M.**

C. City Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Rezoning Petition N No. 20-002-R, from RMF to Central Business District (CBD) for Lots 2 through 4 of Block 171, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County, on 0.50± acres located at 204 Southeast Park Street for the proposed use of a medical office. He explained the Applicant, Mr. Dillon Moore on behalf of the Property Owner, Best Value Real Estate LLC, is requesting this change in order for the business located on the parcels to continue operations as a medical practice. The property was purchased from Dr. Stanley Sweda, who was retiring, in August of 2019. That medical office had been in practice for approximately 30 years. The parcel located on the corner of Southeast 2<sup>nd</sup> Avenue and Southeast Park Street is currently vacant. He finds the requested rezoning to CBD to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Therefore, he is recommending approval of the Applicant's rezoning request.

1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida.
2. Mr. Moore was available by Zoom.com for questions from the Board. There were none.

3. Chairperson Hoover opened the floor for public comment. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to fourteen surrounding property owners.
4. No disclosures of Ex-Parte were offered.
5. Planning Staff findings are as follows: The current zoning of RMF is not appropriate for the Commercial FLU designation. However, Policy 2.2 of the FLU element specifically lists the CBD Zoning district as appropriate in the Commercial FLU. Medical office is specifically listed as a permitted use in the CBD Zoning District. 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. The subject property is separated one block from East North Park Street (State Road 70 East), a municipal park area and is within the business area of downtown Okeechobee. The property to the immediate North of the subject parcels is designated Public Facilities on the FLUM and zoned Public Facilities with the use being that of a park. The property to the East is designated Commercial on the FLUM and zoned CBD with the use being that of the Visiting Nurse Association. The property to the South is designated Commercial on the FLUM and zoned Commercial Professional Office (CPO) with the use being The Grand Oaks Assisted Living Facility. The property to the West is designated Commercial on the FLUM and zoned CBD and Light Commercial (CLT) with the parcels being occupied by a retail strip center. No adverse effects are expected with the continued medical office use. The proposed medical use should not cause any nuisances or hazards that would require buffering from the adjacent land uses. The applicant is not proposing any changes in the current use that would increase demand for public utilities or public safety. The proposed use has not been inordinately burdened by unnecessary restrictions.

A motion was offered by Member Chartier to recommend approval to the City Council for Rezoning Petition N No. 20-002-R, from RMF to CBD for Lots 2 through 4 of Block 171, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public Records, Okeechobee County, on 0.50± acres located at 204 Southeast Park Street for the proposed use of a medical office, seconded by Member Baughman.

- a) The board offered no further discussion.
- b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members, Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: None. Motion Carried. The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively July 7, 2020, 6:00 P.M.**

- D. Planning Consultant Mr. Smith briefly reviewed the Planning Staff Report for Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a Heavy Commercial (CHV) Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatte acres, located in the 900 to 1000 block along East North Park Street/State Road 70 East. The subject property is located on the north side of State Road 70 (SR70) East across from Zaxby's, Family Dollar and the United States Post Office. The Applicant is currently under contract to purchase the vacant parcel from the current property owner, H2oldings LLC. In addition to this Special Exception Application, the Applicant has submitted a Site Plan Application No. 20-003-TRC, which depicts development of the Southwest 6.63 acres of the 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.

He recommends **approval** of the Special Exception for a new RaceTrac Gas Station and Convenience Store with the request that the Board of Adjustment consider whether or not a buffer wall should be provided along the Western and Northern property lines in areas where existing adjacent residents may experience increased truck noise generated by this development. 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.

1. This being a quasi-judicial proceeding, Notary Public Patty Burnette administered an oath to those intending to offer testimony, all responded affirmatively, and stated their names and addresses for the record. Mr. Ben Smith, Planning Consultant, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, Mr. Kevin Betancourt, P.E., with Thomas Engineering Group, 6300 Northwest 31<sup>st</sup> Avenue, Ft. Lauderdale, Florida, Ms. Vangela McFarland, 5051 Northeast 16<sup>th</sup> Court, Okeechobee, Florida, and Mr. Jack Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, Okeechobee, Florida.
2. Mr. Kevin Betancourt, PE, with Thomas Engineering Group, consultant for the Applicant, RaceTrac Petroleum Inc., on behalf of the Property Owner H2oldings, Inc., was present and available for questions from the Board. Samantha Jones, Engineering Project Manager and Cleo Chang, Engineering Project Analyst both for RaceTrac Petroleum Inc, were attending the meeting via Zoom.
3. Chairperson Hoover opened the floor for public comment. Mr. Jack Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, commented he is not against development of the property, just has concerns. He enjoys the area and all of the animals. The drainage swale is the only thing that divides the properties now. He has concerns with the potential noise and what the remainder of the property will be used for. Secretary Burnette noted for the record the Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to fifty-seven surrounding property owners. Secretary Burnette received a letter and an email before the meeting which were read into the record.

Pedie Dickerhoof, 212 Northeast 8<sup>th</sup> Avenue, Mr. Terrell Mastaler, 401 Northeast 8<sup>th</sup> Avenue, Mr. Robert Shannon 200 Northeast 8<sup>th</sup> Avenue, Mr. Jose Urdaneta, 210 Northeast 8<sup>th</sup> Avenue, Mr. Richard Verrochi and Ms. Rebecca Mully, 209 Northeast 8<sup>th</sup> Avenue: "Dear Ms. Burnette, As a homeowner in River Run Resort, I would like to express that I am adamantly against the Special Exception Petition No. 20-002-SE to allow building a "convenience store with fuel pumps". This proposal would place the new 24-hour RaceTrac Gas Station & Convenience Store with 21 pumps, directly behind our quiet neighborhood. As stated by the Applicant, they are also placing 5 extra pumps for extended diesel offering for large trucks. The first comment from our neighbors when they hear this is "a truck stop?", no way!" We the residents bought our homes here specifically because it was peaceful. As mentioned by the applicant, the introduction of unnecessary crime brought to the area by these types of businesses, is not very appealing. Our main concerns are (in part) as follows: majorly increased noise levels at all hours, increased pollution due to idling diesel vehicles, bright lights all night, disturbed eco system that provides homes to many animal species including gopher tortoises, indigo and painted bunting migratory birds, and grazing white tail deer and obviously, the plummeting property values. There is no reasonable way to mitigate the 24-hour noise and bright lights at night. The addition of trees, shrubs, and other vegetation looks beautiful, but cannot stop the heavy industrial noise coming from such a business. I believe the Future Land Use Map also calls for Commercial Use, not Heavy Commercial Use. The Applicant is buying over 18 acres of land, but their utilization is only proposed for over 6 acres. What other Heavy Commercial businesses will then be permitted for the balance of this property?".

Mr. Chris Luckey: My wife and I are full time residents of Okeechobee and live at 107 Northeast 8<sup>th</sup> Avenue. Our home faces directly down Northeast 3<sup>rd</sup> Street, in the direction of the proposed 24 hr. RaceTrac gas station/truck stop/convenience store. I am strongly in opposition to this petition and construction for the following reasons: increased noise levels to our residential neighborhood River Run Resort, the nighttime lights that will shine directly into our bedroom windows, the potential for increased crime that can easily filter into our neighborhood with the 24 hr. hours of operation and no wall structure to prevent, the pollution caused by multiple large idling diesel semi-trucks, the decline in property values that will result due to our peaceful neighborhood now being bordered by a truck stop/gas station. My request would be that this petition be denied for the above reasons. If the petition is granted, I strongly request that the City require RaceTrac to erect a solid wall between their entire parcel and our River Run Resort neighborhood. The wall should be high enough to block any noise, pollution from the idling diesel semi-trucks and the site lighting, to keep it from bleeding into our neighborhood. A landscaped area would NOT be sufficient to separate such an invasive business, with 24 hr. service, from our once peaceful neighborhood. Has a hearing date and time been scheduled, and if so, is there a way for residents to attend?".

4. Vice Chairperson McCoy disclosed he had spoken to the Manager of the RaceTrac store currently located at 1596 State Road 70 East in Okeechobee Florida. No other disclosures were offered.
5. Planning Staff's responses to the Applicant's presentation on consistency with the Land Development Regulations (LDR's) are, the location and site are appropriate for the proposed use. The site fronts East North Park Street/SR70 East which will provide access to fuel and convenience goods along a heavily traveled roadway. The property to the immediate North of the subject parcel is designated SF Residential on the FLUM and zoned Residential Mobile Home (RMH) with the use being that of the River Run Resort Mobile Home Park. The property to the East is designated C on the FLUM and zoned CHV with the parcels being vacant. The property to the South is designated C on the FLUM and zoned CHV with the uses being a Zaxby's restaurant, a Family Dollar Store and the United States Post Office. The property to the West is designated SF Residential on the FLUM and zoned Residential Single Family One with the use being that of a manufactured home sales center. The site is of sufficient size to allow adequate interior circulation and buffering of the adjacent residences. Even though the Applicant is proposing to only construct the RaceTrac gas station and convenience store on 6.63 acres located in the Southwest corner of the parcel, the Special Exception approval is being requested for the entire 18.86 acres. The remaining acres will stay vacant until sometime in the future. The CHV Zoning District specifically identifies convenience store with a fueling station as a Special Exception Use. 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 LDR's. 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 and is known for growing into tall hedges up to 15 feet tall. Gas stations with convenience stores often get associated with crime and loitering. The Applicant is aware of these issues and have devoted special attention to providing actual security measures throughout the site design. 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.

Utility services are expected to be fully available and the adequacy and specifics of these facilities will be addressed during the site plan review stage. 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. This will 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. The Applicant is currently working with Florida Department of Transportation (FDOT) to see what off-site improvements will be required to provide a signalized left turn lane for the East bound travelers along SR70.

Planning Staff's responses to the Applicant's presentation on the required findings are, the property is designated on the FLUM and the proposed use is not contrary to the Comprehensive Plan. Convenience store with fuel pumps is included under the list of Special Exceptions Uses in the CHV Zoning District. The proposed use will not have an adverse effect on the public interest. It is possible that allowing the Applicant to develop this requested proposed use will not deter, but instead, encourage development of the vacant property to the East. Conversely, it is possible that property values and living conditions for the nearby residences could be affected, as additional noise is likely to be generated by the proposed use operating 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. 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. 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.

A motion was offered by Member Brass to approve Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a CHV Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatte acres, located in the 900 to 1000 block along East North Park Street/SR70 East with the following conditions: minimum of an eight foot wall along the West boundary line beginning at the start of the River Run Resort Mobile Home Park, seconded by Member McCoy.

- a) The board further reviewed and after a lengthy discussion decided to vote on this motion and then make changes in a new motion.
- b) **Vice Chairperson McCoy, Board Members, Brass and Jonassaint voted: Aye. Nays: Chairperson Hoover, Board Members, Baughman, Chartier, and Granados. Motion Failed.**

A motion was offered by Member Chartier to approve Special Exception Petition No. 20-002-SE, which requests to allow a convenience store with fuel pumps within a CHV Zoning District, (Ref. Sec. 90-282(25)) on 18.86± unplatte acres, located in the 900 to 1000 block along East North Park Street/SR70 East with the following conditions: an eight foot wall be built along the Western boundary line beginning at the Southern boundary of the actual River Run Resort Mobile Home Park extending up to the Southern boundary of the retention pond; future development of the site would continue wall along the North boundary line; no showers, no overnight truck parking to be allowed and increased landscape buffering to the North where there is no wall, seconded by Member McCoy.

- a) The board offered no further discussion.
- b) **Vice Chairperson McCoy, Board Members, Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: Chairperson Hoover. Motion Carried.**

**CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 8:25 P.M.**

- VI.** There being no further items on the agenda, Chairperson Hoover adjourned the meeting at 8:25 P.M.

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Dawn T. Hoover, Chairperson

ATTEST:

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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.

DRAFT



Exhibit 1  
July 16, 2020

**CITY OF OKEECHOBEE**  
**General Services Department**  
**55 Southeast 3<sup>rd</sup> Street**  
**Okeechobee, Florida 34974**  
**863-763-3372 X 9820**  
**Fax: 863-763-1686**

**ABANDONMENT OF RIGHT-OF-WAY PETITION**

**PETITION NO.** 80-001-A2-SC

<b>Application fee (non-refundable)</b> <b>\$600.00</b>	Date Fee Paid: <u>5-5-20</u>	Receipt No: <u>53903</u>
<b>Note:</b> (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges 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.	TRC Meeting: <u>6-18-20</u>	Publication Date: Letters Mailed:
	PB/BOA Meeting: <u>7-16-20</u>	Publication Dates: Letters Mailed:
	City Council 1 <sup>st</sup> Reading: <u>8-4-20</u>	CMR Letter E-mailed:
	City Council Public Hearing: <u>8-12-20</u>	Publication Date:

Right-of-way Definition: Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies. [F.S. Ch. 177 § 177.031(16)]. Easements for roads and related purposes shall be considered as right-of-way.

**Legal Description of the Right-of-Way to be Abandoned:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

**Note:** Upon abandonment of a right-of-way in the City of Okeechobee or First Addition of City of Okeechobee Subdivision's, there may be a Fee Simple Interest from the Hamrick Trust. For more information contact Gil Culbreth, 3550 US Hwy 441 South, Okeechobee, Florida 34974, 863-763-3154.

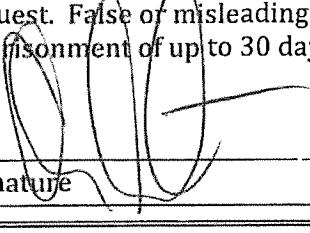
**Purpose of the Right-of-Way Abandonment:**

NW 10th Street ROW and the alley are required to be abandoned so the block to the north can be joined to this one for a multifamily residential project.

RECEIVED APR 24 2020

<input checked="" type="checkbox"/>	Name of property owner(s): Omar Abuaita
	Owner(s) mailing address: 3000 N. Ocean Drive, Unit 16F, Rivera Beach, FL 33404
	Owner(s) e-mail address: randy@twodrunkengoats.net
	Owner(s) daytime phone(s): 863-824-7644
	Fax:

<input checked="" type="checkbox"/>	<b>Required Attachments</b>
<input type="checkbox"/>	Copy of recorded deed of petitioner <u>as well as any other property owner whose property is contiguous to the right-of-way.</u>
<input type="checkbox"/>	Letters of Consent or Objection. (If more than one property owner is involved and they are <b>not</b> signing the petition). <b>SEE NOTE BELOW FOR ADDITIONAL INSTRUCTIONS</b>
<input checked="" type="checkbox"/>	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.
<input type="checkbox"/>	List of all property owners within 300' of subject property (See Information Request Form attached)
<input checked="" type="checkbox"/>	Site Plan of property after abandonment. (No larger than 11x 17)
<input type="checkbox"/>	Utility Companies Authorization Form. (See attached)
<input checked="" type="checkbox"/>	Supplementary supporting information: Copy of recorded Plat of the Subdivision where right-of-way exists no larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)
<p><b>PLEASE NOTE:</b> <i>If there are other property owners that are contiguous to the subject right-of-way, a notarized letter must be attached with the following information: date, their name(s), what property they own, and whether they object to or consent to the right-of-way abandonment. (See attached sample letter)</i></p>	

<input checked="" type="checkbox"/>	<b>Confirmation of Information Accuracy</b>
I hereby certify that the information contained in and/or attached with this petition is correct. The information included in this petition 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 summary denial of this petition.	
	
Signature	Omar Abuaita
Printed Name	
Date	

## **PLEASE COMPLETE THE FOLLOWING**

### **FINDINGS REQUIRED FOR GRANTING A VACATION OF RIGHTS-OF-WAYS (Sec. 78-33, page CD78:4 in the LDR's)**

It is the Petitioner's responsibility to convince the Technical Review Committee, Planning Board/BOA and City Council that approval of the proposed vacation is justified. Specifically, the Petitioner should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing body to find that:

#### **1. Proposed vacation is consistent with the Comprehensive Plan:**

The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies.

#### **2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement:**

Neither ROW or alley is sole access to any property and a remaining land will not require an easement.

#### **3. Proposed vacation is in the public interest and provides a benefit to the City:**

The proposed vacation of the ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls.

#### **4. Proposed vacation would not jeopardize the location of any utility.**

There are currently no utilities in either of the requested abandonments.

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



FILE NUM 2019009528  
OR BK 830 PG 1298  
SHARON ROBERTSON, CLERK & COMPTROLLER  
OKEECHOBEE COUNTY, FLORIDA  
RECORDED 09/16/2019 08:33:01 AM  
AMT \$12,000.00  
RECORDING FEES \$18.50  
DEED DOC \$84.00  
RECORDED BY M Pinon  
Pgs 1298 - 1299 (2 pgs)

Prepared by and return to:  
**Patricia A. Ragon**

**Clear Title & Legal Services**  
202 NW 5th Street  
Okeechobee, FL 34972  
863-824-6776  
File Number: 3488-19  
Will Call No.:

[Space Above This Line For Recording Data]

## **Warranty Deed**

**This Warranty Deed** made this 13th day of September, 2019 between **Selina Abney**, a single woman whose post office address is **477 SW 72nd Terrace, Okeechobee, FL 34974**, grantor, and **Omar Abuaita**, a single man whose post office address is **2800 N. Ocean Drive, Unit A23D, Riviera Beach, FL 33404**, grantees:

(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:

**Lots 17,18,19,20,21,22,23,24,25 and 26, Block 39, CITY OF OKEECHOBEE**, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida

**Parcel Identification Number: 3-15-37-35-0010-00390-0170**

and

**Lots 1,2,3,4,5,6,7,8,9 and 10, Block 39, CITY OF OKEECHOBEE**, according to the Plat thereof recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida

**Parcel Identification Number: 3-15-37-35-0010-00390-0010**

**Subject to; 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, 2018.

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

DoubleTime®

Signed, sealed and delivered in our presence:

Patricia A. Ragon  
Witness Name: Patricia A. Ragon

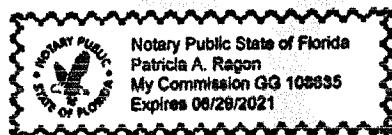
Valerie Martin  
Witness Name: Valerie Martin

Selina Abney (Seal)  
Selina Abney

State of Florida  
County of Okeechobee

The foregoing instrument was acknowledged before me this 13th day of September, 2019 by Selina Abney, who [ ] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]



Patricia A. Ragon  
Notary Public

Printed Name: Patricia A. Ragon

My Commission Expires: \_\_\_\_\_

Prepared By:  
CITIZENS TITLE ONLINE INC  
10235 W SAMPLE ROAD SUITE 206  
CORAL SPRINGS, FL 33065

FILE NUM 2007014721  
OR BK 00642 PG 0463  
SHARON ROBERTSON, CLERK OF CIRCUIT COURT  
OKEECHOBEE COUNTY, FL  
RECORDED 11/01/2007 12:28:44 PM  
RECORDING FEES 10.00  
DEED DOC 2,450.00  
RECORDED BY N Arnold  
Pg 0463; (1pg)

## PERSONAL REPRESENTATIVE DEED

File No., 92070816

This Indenture made this 11 day of OCTOBER , A.D. 2007 between  
**NYSOLA GRANT AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MELTON  
GEORGE GRANT as Grantor\***, whose address is: 14432 WELLINGTON TRACE  
WELLINGTON, FL 33414

and **FOSLER, LLC**  
as Grantee\*, whose address is: 728 SANDPIPER WAY NORTH NORTH PALM BEACH, FL 33408

**WITNESSETH**, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars 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 grantee and grantee's heirs and assigns forever the following described land located in the County of OKEECHOBEE State of Florida, to-wit:

LOTS 1 THROUGH 10, INCLUSIVE AND LOTS 17 THROUGH 26 INCLUSIVE, BLOCK 28, CITY OF OKEECHOBEE, ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED IN PLAT BOOK 5, AT PAGE(S) 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Property Tax ID Number: 3-15-37-35-0010-00280-0010, R3-15-37-35-0010-00280-0100  
3-15-37-35-0010-00280-0170 and 3-15-37-35-0010-00280-0180  
SUBJECT TO easements, restrictions and reservations of record, if any but this shall not reimpose same and taxes for 2007 and subsequent years.

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

\*Singular and plural are interchangeable as context requires.

**IN WITNESS WHEREOF**, Grantor has hereunto set grantor's hand and seal the day and year first above written,

(WITNESS 1) Amber E. B. McMichael  
SIGN AND PRINT NAME Amber E. B. McMichael

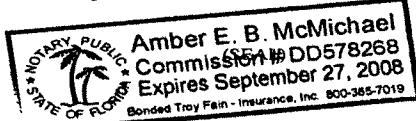
Amber E. B. McMichael  
NYSOLA GRANT, AS PERSONAL REPRESENTATIVE  
OF THE ESTATE OF MELTON GEORGE GRANT

(WITNESS 2) Doreen Newman  
SIGN AND PRINT NAME Doreen Newman

State of FLORIDA  
County of Palm Beach

The foregoing instrument was acknowledged before me on this 11<sup>th</sup> day of October,  
2007 by **NYSOLA GRANT** is personally known to me or who has produced  
Florida as identification and did not take any oath.

My Commissions Expires:



Amber E. B. McMichael  
Notary Public  
PRINT OR TYPE NAME:

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

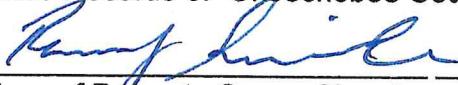
Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.



\_\_\_\_\_  
Signature of Property Owner Signature of Property Owner

Randy Simler

Printed Name Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 03-30-2020

(date) by RANDEL G. SIMLER

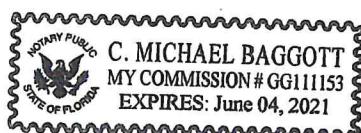
who is personally known to me or who produced FLORIDA DL as identification and who did (did not) take oath.

(Seal) Michael Baggott

(Notary Public signature)

Commission No. GG111153

(Name of Notary typed, printed or stamped)



**2019 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L07000081937

**Entity Name:** FOSLER, LLC**Current Principal Place of Business:**

C/O RANDY SIMLER  
 310 LAKE SHORE DR APT #3  
 LAKE PARK, FL 33403

**FILED**  
**Mar 28, 2019**  
**Secretary of State**  
**2930627666CC**

**Current Mailing Address:**

C/O RANDY SIMLER  
 310 LAKE SHORE DR APT #3  
 LAKE PARK, FL 33403 US

**FEI Number:** 26-0811427**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**

SIMLER, RANDY  
 310 LAKE SHORE DR  
 APT #3  
 LAKE PARK, FL 33403 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

**Authorized Person(s) Detail :**

Title	MGRM	Title	MGRM
Name	FOSTER, KENNETH	Name	SIMLER, RANDY
Address	525 KINGFISH RD	Address	310 LAKE SHORE DR APT #3
City-State-Zip:	NORTH PALM BEACH FL 33408	City-State-Zip:	LAKE PARK FL 33403

*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 a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** KENNETH FOSTER

MGRM

03/28/2019

---

Electronic Signature of Signing Authorized Person(s) Detail Date

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

Dear Reviewer:

Fosler, LLC owns the following property:

Lots 1 to 10 Block 28 and lots 17 to 26 inclusive, City of Okeechobee, Plat Book 5, Page 5 as recorded in the Okeechobee County Public Records.

Do hereby consent or agree, with my/our signature below, to the closing of the alley and/or street described below:

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

Together with

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\_\_\_\_\_  
Signature of Property Owner

Randy Simler

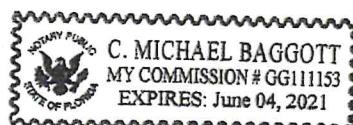
Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was acknowledged before me this 03-30-2020  
(date) by RANDEL G. SIMLER,  
who is personally known to me or who produced FLORIDA DL as  
identification and who did (did not) take oath.  
(Seal) MICHAEL BAGGOTT  
(Notary Public signature)  
Commission No. GG111153

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

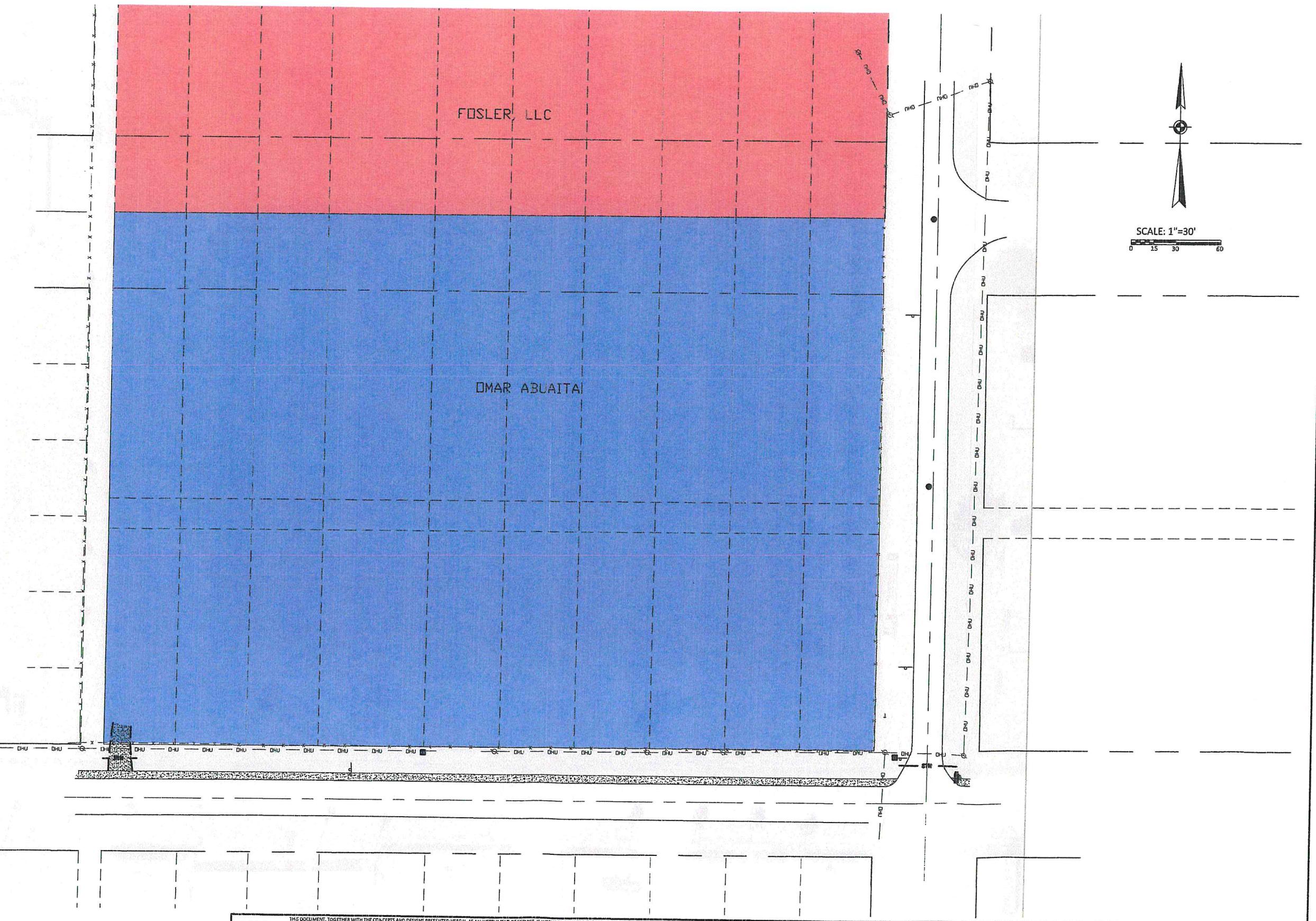


N  
E  
S  
W

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE

THIS MAP WAS COMPILED FROM THE  
OKEECHOBEE COUNTY PROPERTY APPRAISER'S  
OFFICE FOR USE IN ASSESSING PROPERTY TAXES.  
IT IS NOT TO BE USED FOR OTHER PURPOSES.

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	ST	ZIP
3-15-37-35-0010-00280-0010	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT #3		NLAKE PARK	FL	33403
3-15-37-35-0010-00280-001A	HAMRICK TRUST	% H G CULBRETH	P O BOX 848		OKEECHOBEE	FL	349730848
3-15-37-35-0010-00280-0180	FOSLER LLC	C/O RANDY SIMLER	310 LAKE SHORE DR APT#3		LAKE PARK	FL	33403
3-15-37-35-0010-00290-0010	OKEECHOBEE COMMONS, LTD.	C/O PROPERTY TAX EAGLE	3338-L1 COUNTRY CLUB RD	SUITE 236	VALDOSTA	GA	316050000
3-15-37-35-0010-00290-0110	KNIGHT ROBERT W	1010 NW 5TH AVE			OKEECHOBEE	FL	349740000
3-15-37-35-0010-00380-0070	TANGLEWOOD LTD	C/O A & M PROPERTIES INC	PO BOX 330		LAKELAND	FL	338020000
3-15-37-35-0010-00400-0070	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00450-0010	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0010	WALPOLE JAY L & STEPHANIE	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00460-0050	C W ROBERTS CONTRACTING INC	3372 CAPITAL CIR NE			TALLAHASSEE	FL	323083710
3-15-37-35-0010-00460-0220	SEABOARD COAST LINE RAILROAD	%WALPOLE FEED & SUPPLY CO	2595 NW 8TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-00460-022A	WALPOLE JAY L	PO BOX 1723			OKEECHOBEE	FL	349731723
3-15-37-35-0010-00470-0010	WALPOLE KEITH A	2850 SW 16TH ST			OKEECHOBEE	FL	34972
3-15-37-35-0010-00470-0100	WALPOLE FEED AND SUPPLY CO	2595 NW 8TH STREET			OKEECHOBEE	FL	34972



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. USE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY STEVEN L DOBBS, P. E., SHALL BE WITHOUT LIABILITY TO STEVEN L DOBBS ENGINEERING, LLC.



FLORIDA CERTIFICATE OF AUTHORIZATION NO. CO029206

No.	Date	By	Revisions

**OMAR ABUAITA  
CITY OF OKEECHOBEE ABANDONMENT**  
LOCATED IN THE CITY OF OKEECHOBEE, FL

#### POST ABANDONMENT EXHIBIT

JOB No.: 2019-031  
SHEET  
1 OF 1

**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
 Utility Companies Authorization Form

**Instructions:**

Applicant: Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

Utility Companies: If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

Florida Power & Light	FPL HAS NO objection
863-467-3708	There are no FPL facilities
Donna Padgett	At this time

*Donna Padgett*      *Donna Padgett*      863-467-3708      3/20/20  
 Authorized Signature      Typed Name & Title      Phone No.      Date

Embarq d/b/a Century Link	
863-452-3185	
Kenneth R. Lutz	
<a href="mailto:ken.lutz@centurylink.com">ken.lutz@centurylink.com</a>	

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
<a href="mailto:dbutcher@fpuc.com">dbutcher@fpuc.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
<b>*REQUIRED ONLY FOR CITY OF OKEECHOBEE &amp; FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS</b>			
Hamrick Estate			
Gil Culbreth, Co-Trustee			
863-763-3154			

Authorized Signature	Typed Name & Title	Phone No.	Date

LEGEND:

BOUNDARY  
SECTION  
TOWNSHIP  
RANGE 3

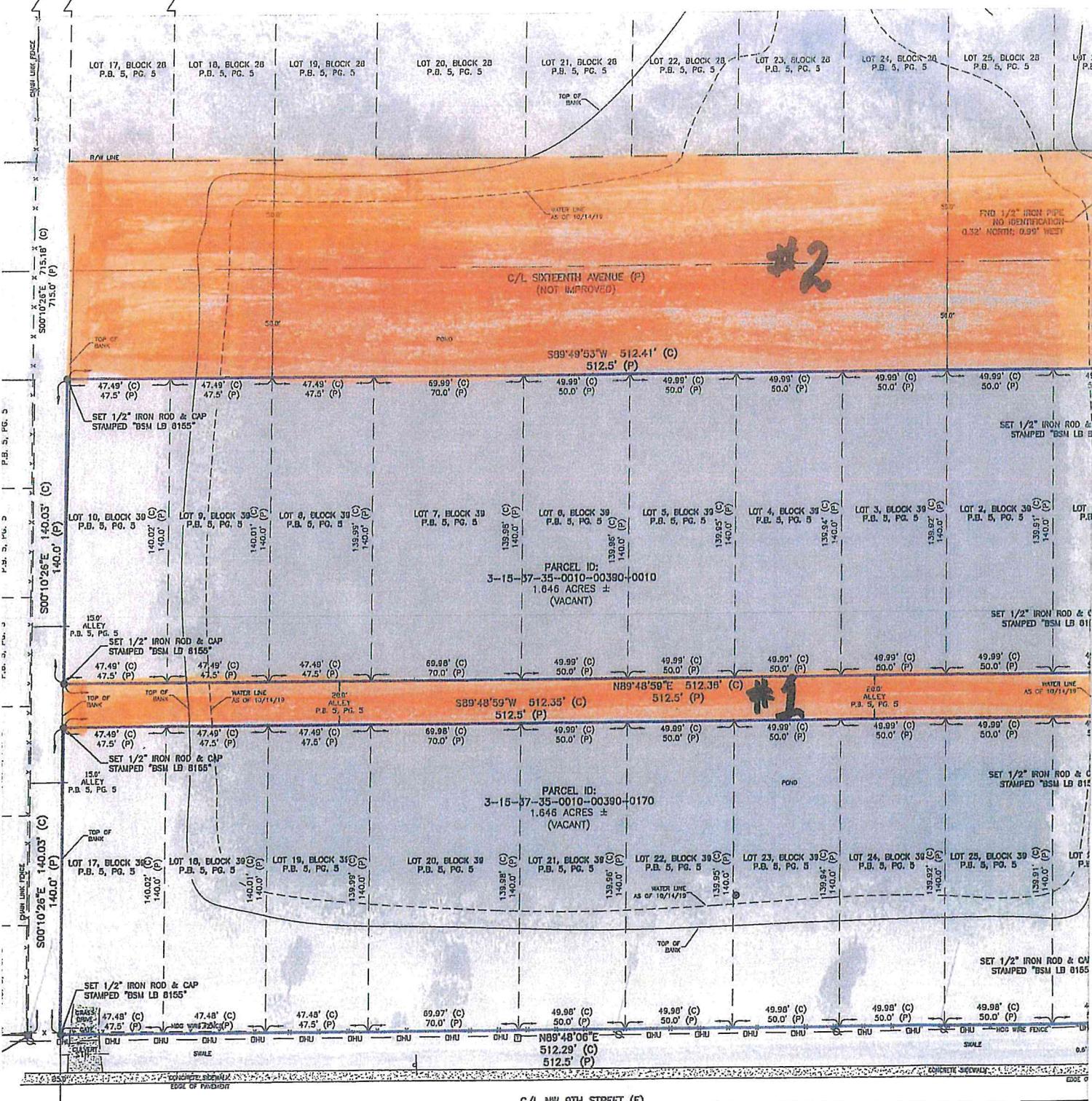
### GRAPHIC SCALE



( IN FEET )  
1 INCH = 30 FT.  
(INTENDED DISPLAY SCALE)

FND 4"X4" CONCRETE MONUMENT  
-NO IDENTIFICATION  
(BROKEN)

ID	IDENTIFICATION
FND	FOUND
P.B.	PLAT BOOK
PG.	PAGE
(C)	CALCULATED DIMENSION
(P)	PLAT DIMENSION
(F)	FIELD
OHU	OVERHEAD UTILITY LINE
WELL	WELL
TP	TELEPHONE PEDESTAL.
GUY ANCHOR	GUY ANCHOR
SUPPORT SIGN	SINGLE SUPPORT SIGN
UTILITY POLE	UTILITY POLE
SANITARY MANHOLE	SANITARY MANHOLE





Florida State University  
Florida Power and Light  
Boundary Solutions, Inc.

INTERSECTION OF NW 9TH ST & NW 5TH AVE

**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
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**Instructions:**

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
<a href="mailto:ken.lutz@centurylink.com">ken.lutz@centurylink.com</a>			

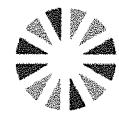
Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
<a href="mailto:dbutcher@fpuc.com">dbutcher@fpuc.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
<b>*REQUIRED ONLY FOR CITY OF OKEECHOBEE &amp; FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS</b>			
Hamrick Estate			
Gil Culbreth, Co-Trustee			
863-763-3154			

Authorized Signature	Typed Name & Title	Phone No.	Date
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CenturyLink

3/20/2020

Steven L. Dobbs Engineering, LLC  
Steven L. Dobbs, P.E  
208 NE 2<sup>nd</sup> Avenue  
Okeechobee, FL 34972

No Reservations/No Objection

**SUBJECT:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

Together with:

That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 100 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida.

To Whom It May Concern:

Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Mike Pietlukiewicz  
Contract Manager II  
CenturyLink  
P826193



5/25/2020

Steven L. Dobbs Engineering, LLC  
Steven L. Dobbs, P.E.  
208 NE 2<sup>nd</sup> Avenue  
Okeechobee, FL 34972

CenturyLink

No Reservations/No Objection

**SUBJECT:**

That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the Public Records of Okeechobee County, Florida

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To Whom It May Concern:

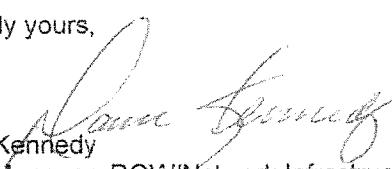
Embarq Florida, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

Danett Kennedy  
Senior Manager, ROW/Network Infrastructure Services  
CenturyLink  
P826193



**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
**Utility Companies Authorization Form**

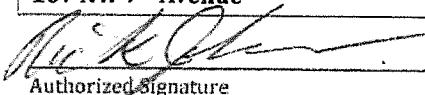
**Instructions:**

**Applicant:** Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

**Utility Companies:** If an easement is needed, provide a complete legal description for it. The City Attorney will address it as a nonexclusive perpetual easement within the Ordinance. If there is going to be a relocated easement, provide legal of where it's to be relocated to. The City Attorney will address this in the Ordinance by denoting the relocated easement is in an attached exhibit to the Ordinance. Additionally, the effective date will be upon the City's receipt of the recorded relocated easement between the owner and utility company and provided on the utility company's form.

Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824	RICK-JOHNSON@CABLE.COMCAST.COM		
107 NW 7th Avenue	NO OBJECTION		
	Rick Johnson Construction Coordinator	561-402-4513	2-8-10
Authorized Signature	Typed Name & Title	Phone No.	Date

Okeechobee Utility Authority	
John Hayford	
863-763-9460	
100 SW 5th Avenue	

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
dbutcher@fpuc.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
<b>*REQUIRED ONLY FOR CITY OF OKEECHOBEE &amp; FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS</b>			
Hamrick Estate			
Gil Culbreth, Co-Trustee			
863-763-3154			

Authorized Signature                      Typed Name & Title                      Phone No.                      Date

**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
**Utility Companies Authorization Form**

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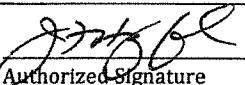
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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority	No impact to OUA facilities		
John Hayford			
863-763-9460	Foster CCC Abandonment		
100 SW 5 <sup>th</sup> Avenue	2019-03		

Authorized Signature	Typed Name & Title	Phone No.	Date
	John F. Hayford Executive Director	763-9460	3/26/20

Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
dbutcher@fpuc.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
<b>*REQUIRED ONLY FOR CITY OF OKEECHOBEE &amp; FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS</b>			
Hamrick Estate			
Gil Culbreth, Co-Trustee			
863-763-3154			

Authorized Signature	Typed Name & Title	Phone No.	Date
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**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
 Utility Companies Authorization Form

**Instructions:**

**Applicant:** Deliver the petition and this form to the following Utility Companies for their comments. It must be signed and dated with a contact number for each person.

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
ken.lutz@centurylink.com			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher <i>Ivan Gibbs</i>			
561-366-1635			
dbutcher@fpuc.com <i>ivan.gibbs@fpuc.com</i>			

*On Dill* *Ivan Gibbs* *Engineering 561-723-3459* *2/14/2020*  
 Authorized Signature      Typed Name & Title      Phone No.      Date

\*REQUIRED ONLY FOR CITY OF OKEECHOBEE & FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS

Hamrick Estate	
Gil Culbreth, Co-Trustee	
863-763-3154	

Authorized Signature	Typed Name & Title	Phone No.	Date
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**CITY OF OKEECHOBEE RIGHT-OF-WAY ABANDONMENT PETITION**  
 Utility Companies Authorization Form

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Florida Power & Light	
863-467-3708	
Donna Padgett	

Authorized Signature	Typed Name & Title	Phone No.	Date
Embarq d/b/a Century Link			
863-452-3185			
Kenneth R. Lutz			
<a href="mailto:ken.lutz@centurylink.com">ken.lutz@centurylink.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
Comcast Cable			
863-763-2824			
107 NW 7 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Okeechobee Utility Authority			
John Hayford			
863-763-9460			
100 SW 5 <sup>th</sup> Avenue			

Authorized Signature	Typed Name & Title	Phone No.	Date
Florida Public Utilities			
Dale M. Butcher			
561-366-1635			
<a href="mailto:dbutcher@fpuc.com">dbutcher@fpuc.com</a>			

Authorized Signature	Typed Name & Title	Phone No.	Date
<b>*REQUIRED ONLY FOR CITY OF OKEECHOBEE &amp; FIRST ADDITION TO CITY OF OKEECHOBEE SUBDIVISIONS</b>			
Hamrick Estate <i>TRUST</i>	THE HAMRICK TRUST HAS A fee simple interest IN THE SUBJECT Property		
Gil Culbreth, Co-Trustee			
863-763-3154			

<i>H.G. Culbreth</i>	H. G. Culbreth, Jr.	863 6100265	4-15-2020
Authorized Signature	Typed Name & Title	Phone No.	Date
	Co-Trustee		

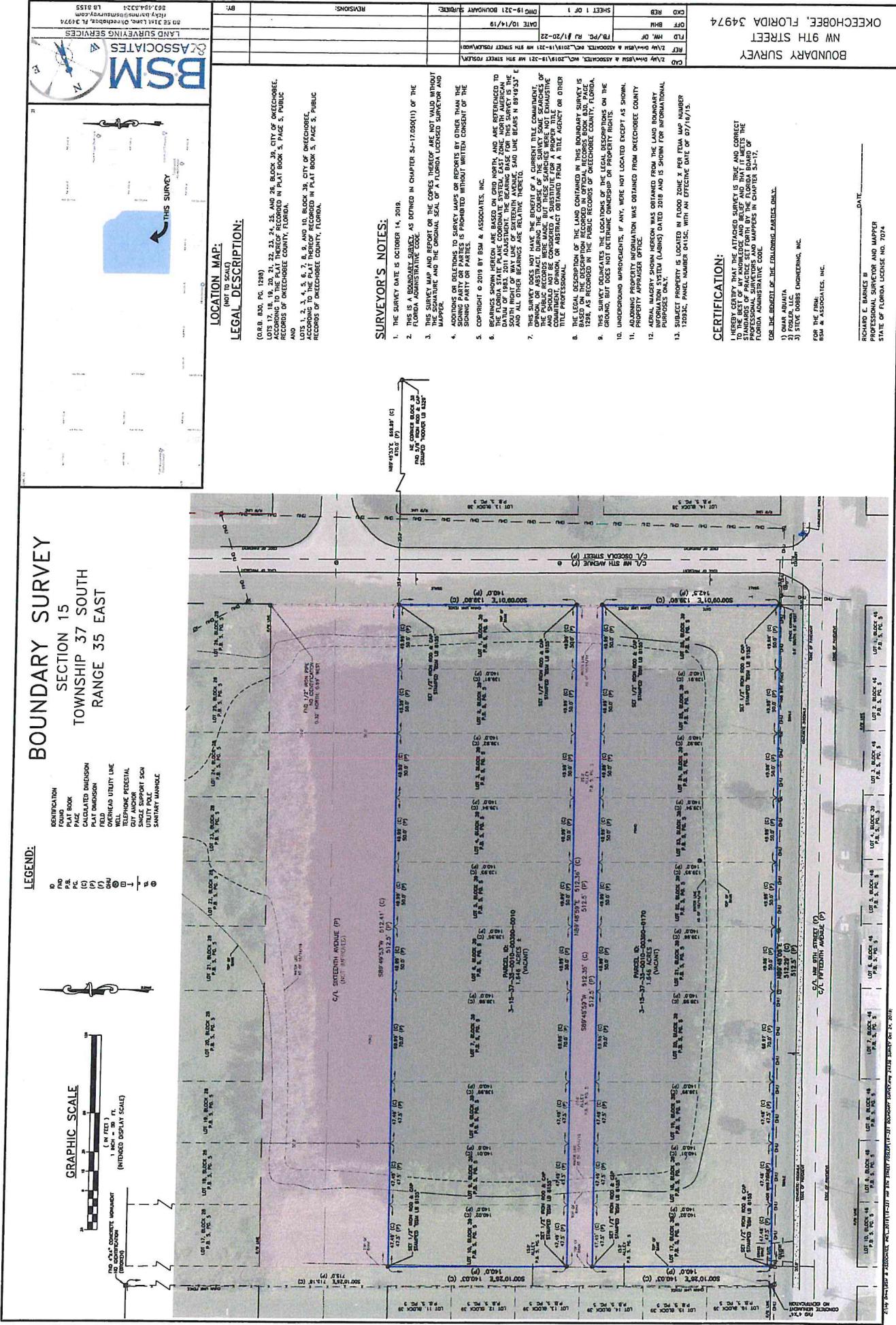


Checklist for Abandonment of Right-of-Way  
Petition No. 80-001-70-SC

Required Information and Attachments		Date Rcv'd	Ck'd
<b>1</b>	Application fee (non-refundable) \$600.00  <b>Note: (Resolution No. 98-11) Schedule of Land Development Regulation Fees and Charges</b> <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.</b>	4/24/20	✓
<b>2</b>	Completed and signed petition		✓
<b>3</b>	Copy of recorded deed of petitioner as well as any other property owner whose property is contiguous to the right-of-way.		✓
<b>4</b>	Letters of Consent or Objection. (If more than one property owner is involved and they are <b>not</b> signing the petition).		✓
<b>5</b>	Location map of subject property and surrounding area within 100' (See Information Request Form attached) and dimensions of right-of-way.		
<b>6</b>	List of all property owners within 300' of subject property (See Information Request Form attached)		
<b>7</b>	Site Plan of property after abandonment. (No larger than 11x 17)		✓
<b>8</b>	Utility Companies Authorization Form. (See attached)		
<b>9</b>	Copy of recorded Plat of the Subdivision where right-of-way exists no Larger than 11x17. (Can be obtained from the County Clerk's Office, Court House)		✓

MISSING

missing  
?mbard





## Staff Report

## Right-of-Way Abandonment/Street Vacation

*Prepared for:* The City of Okeechobee

*Applicant:* Omar Abuaita

*Petition No.:* 20-001-AC-SC

## Request

The matter before the TRC is a request to abandon two sections of public right-of-way:

1. A 20' by 512.5' ROW section totaling 10,250 square feet described as follows:

*"That portion of alley, 20 feet in width, lying between Lots 1 through 10 and Lots 17 through 26, Block 39, City of Okeechobee, according to the plat thereof as recorded in Plat Book 5 at Page 5 of the public Records of Okeechobee County, Florida.*

2. A 70' by 512.5' ROW section totaling 35,875 square feet described as follows:

*"That portion of Northwest 10th Street (formerly known per plat as Sixteenth Avenue), 70 feet in width, lying between Lots 1 through 10, Block 39 and Lots 17 through 26 Block 28, City of Okeechobee, according to the plat thereof as recorded*

In total, the abandonment request encompasses 46,125 square feet (1.06 acres) of public ROW. The vacant portion of block 39 contiguous to the subject ROWs was recently approved for a future land use map amendment and a rezoning to multifamily residential. If this request is approved, the applicant has stated their intention is to join that property to the vacant portion of block 28 to the north and construct a multifamily residential project.

## General Information

Applicant / Owner	Omar Abuaita 3000 N. Ocean Drive Unit 16F Rivera Beach, FL
Owner Phone Number	863.824.7644
Owner E-mail Address	randy@twodrunkengoats.net
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> .	

## Characteristics of the Subject Property

	Existing	Proposed
Future Land Use Map Classification	Multi Family Residential	Multi Family Residential
Zoning District	Residential Multiple Family	Residential Multiple Family
Use of Property	Vacant	Multi-Family Apartments
Acreage	3.26	4.32

## Description of the Subject Site and Surrounding Area

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in Red, and the existing land uses in the vicinity are shown below on the aerial photograph from the Property Appraiser's office. The Applicant owns the two parcels labeled *proposed multi-family apartments*.



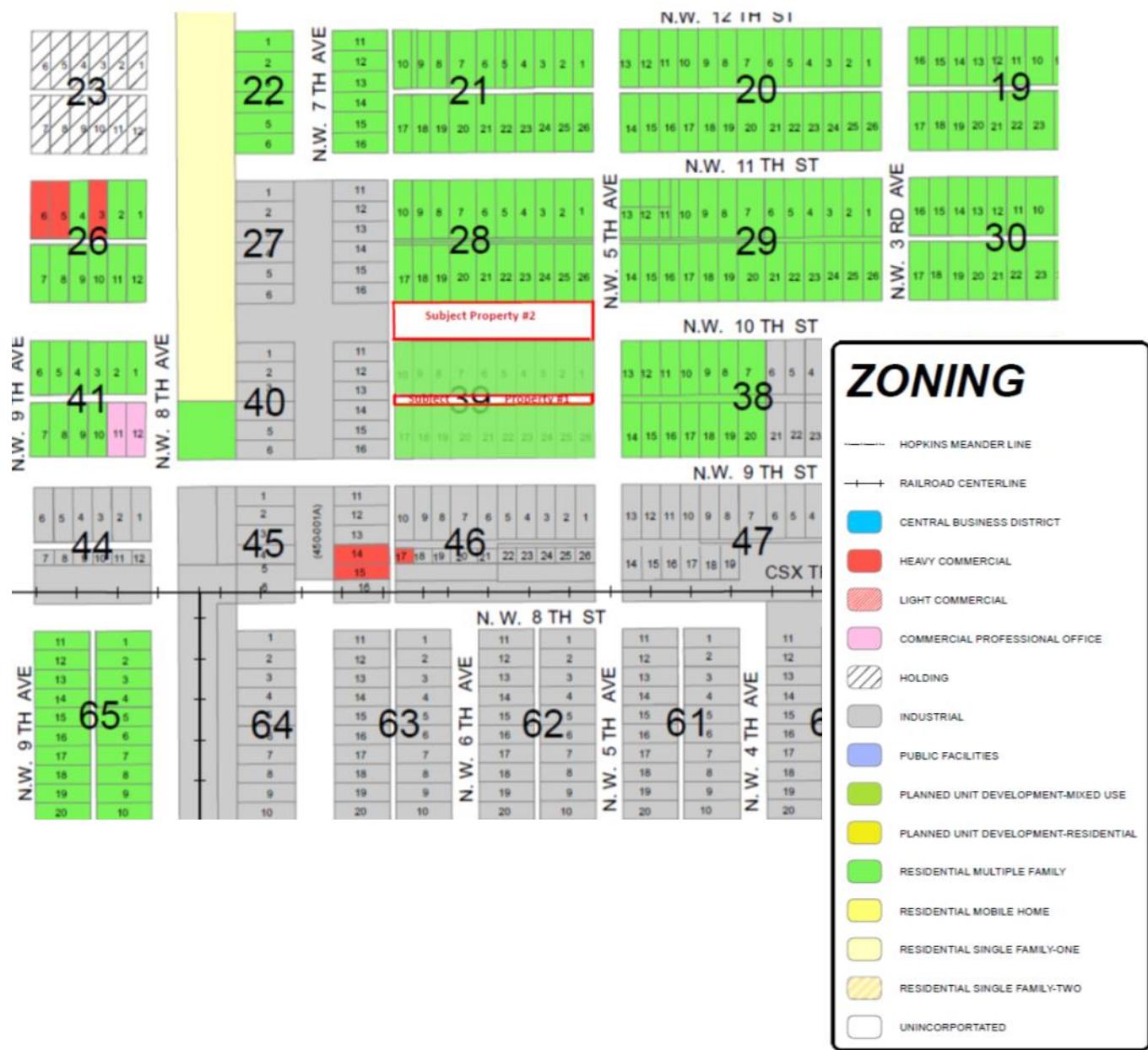
## FUTURE LAND USE

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in **Red**, and the existing Future Land Use Map designations are shown on this excerpt from the City's Future Land Use Map. With the City Council recently approving a map amendment change of the Applicant's property to multi-family residential, and the property to the north designated as multi-family residential, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.



## ZONING

The subjects of the abandonment/vacation, vacant alley (subject property #1) and unimproved right-of-way of NW 10<sup>th</sup> Street (subject property #2) are outlined in **Red**, and the existing zoning designations are shown on this excerpt from the City's Zoning Map. With the City Council recently approving a zoning map change of the Applicant's property to residential multiple family, and the property to the north designated as residential multiple family, it seems appropriate to place the same designation on the vacated property. The multi-family designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.



## Consistency with Sec. 78-33, Vacation of Rights-of-Way

Sec. 78.33 states that applications to vacate an alley or public right-of-way may be approved upon a finding by the City Council that the following requirements have been met. The Applicant's responses are provided in Times Roman typeface and are repeated below exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff Comments are in Arial typeface.

### **1. Proposed vacation is consistent with the Comprehensive Plan.**

**Applicant Comment:** "The requested road ROW and alley are currently not used for access or utilities, there is no mention of alleys in the City's Comprehensive Plan, the LDR's mention alleys in Section 86-142, which states alley may be allowed in residential districts, also in Section 70-335, which states notice of abandonment required, otherwise they are other referenced, but not concerning vacancies."

**Staff Comment:** There is nothing in the City's Comprehensive Plan concerning abandonments or vacations of rights-of-way.

### **2. Right-of-way to be vacated is not the sole access to any property, and the remaining access is not an easement**

**Applicant Comment:** "Neither ROW or alley is sole access to any property and a remaining land will not require an easement."

**Staff Comment:** Access will not be affected for any properties. Additionally, the property owner of the parcel on the north of the 10<sup>th</sup> St ROW has provided a notarized form of consent to the Applicant's request. The Applicant has provided a diagram depicting how the 10<sup>th</sup> St ROW would be divided, with the northern half going to Fosler LLC and the southern half going to Omar Abuaita, the Applicant. This arrangement makes sense as these are the only contiguous properties (NW 5<sup>th</sup> Ave lies to east of these properties and an alley separates these properties from the parcel to the west).

### **3. Proposed vacation is in the public interest and provides a benefit to the City.**

**Applicant Comment:** "The proposed vacation of ROW and alley is within a block that will become a multifamily project to provide workforce housing, which the City is in need of, so this vacation will allow the existing ROW and alley's square footage to add density to this project so more housing can be added and return the property to the tax rolls."

**Staff Comment:** The proposed right-of-way area to be vacated has not been improved to facilitate vehicular traffic. Turning over maintenance responsibility to the Applicant and adding this property to the City tax rolls will be a benefit to the City. If the property is developed according to the Applicant's stated plans, additional taxes will be collected by the City.

**4. Proposed vacation would not jeopardize the location of any utility.**

**Applicant Comment:** "There are currently no utilities in either of the requested abandonments."

**Staff Comment:** The Applicant has provided signed authorizations from all necessary utility entities including:

- Florida Power & Light
- Century Link (with the condition that the Applicant will bear the cost of relocation and repair of any facilities that are found and/or damaged in the vacated areas)
- Comcast
- Okeechobee Utility Authority
- Florida Public Utilities

**Recommendation**

Based on the foregoing information and analysis, we believe, from a planning perspective, that the requested alley vacation/abandonment can be considered consistent with the requirements of Sec. 78-33. Staff recommends **approval** of this request.

Submitted by:



Benjamin L. Smith, AICP  
Sr. Planner, LaRue Planning

May 29, 2020

TRC Meeting: June 18, 2020

PB/BOA Meeting: July 16, 2020

City Council 1<sup>st</sup> Reading: (tentative) August 4, 2020

City Council 2<sup>nd</sup> Reading and Public Hearing: (tentative) September 1, 2020



**CITY OF OKEECHOBEE, FLORIDA**  
**JUNE 18, 2020**  
**DRAFT TECHNICAL REVIEW COMMITTEE MINUTES**

**I. CALL TO ORDER**

Chairperson Montes De Oca called the regular meeting of the Technical Review Committee for the City of Okeechobee to order on Thursday, June 18, 2020, at 10:00 A.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and digital comments are recorded and retained as a permanent record.

A. The Pledge of Allegiance was led by Chairperson Montes De Oca.

**II. ATTENDANCE**

Technical Review Committee Secretary Patty Burnette called the roll. City Administrator Marcos Montes De Oca, Public Works Director David Allen, and Building Official Jeffery Newell were present. Police Chief Bob Peterson was absent, and Major Donald Hagan was present in his place. Fire Chief Smith was absent, and Lieutenant Steve Weeks was present in his place.

**CITY STAFF**

City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya and Executive Assistant Robin Brock were present in the Chambers and City Attorney John Fumero was present via Zoom. The School Board Representative, Okeechobee Utility Authority (OUA) Executive Director John Hayford, and Okeechobee County Environmental Health Director Victor Faconti were absent with consent.

**III. AGENDA**

- A. Chairperson Montes De Oca asked whether there were any agenda items to be added, deferred or withdrawn. There were none.
- B. A motion was made by Building Official Newell to approve the agenda as published; seconded by Public Works Director Allen.

**Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.**

**IV. MINUTES**

- A. A motion was made by Building Official Newell to dispense with the reading and approve the May 21, 2020 regular meeting minutes; seconded by Public Works Director Allen.

**Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.**

## V. NEW BUSINESS

A. City Planning Consultant Ben Smith of LaRue Planning and Management Services briefly reviewed the Planning Staff Report for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10<sup>th</sup> Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County. He stated recently the vacant portion of Block 39 contiguous to the subject rights-of-way was approved for a Future Land Use Map Amendment (FLUM) to Multi-Family Residential and a Rezoning change to Residential Multiple Family (RMF). If this request is approved, the Applicant intends to join the vacant portion of Block 28 to the North and construct a multifamily residential project. With those recent FLUM and Zoning approvals and the property to the North being designated as Multi-Family Residential on the FLUM and RMF on the zoning map, it seems appropriate to place the same designation on the vacated property. This designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site.

Planning Staff's responses to the required findings are. The alleyway is not the sole means of access to any property. The property owner of the parcel to the North of the Northwest 10<sup>th</sup> Street right-of-way, Fosler LLC, has provided consent and the Applicant owns the Southern half. The proposed right-of-way areas to be vacated have not been improved to facilitate vehicular travel. Turning over maintenance responsibility to the Applicant and adding property to the City's tax rolls will be a benefit to the City. Finally, the Applicant has received authorization from all necessary utility entities. Planning Staff is recommending approval based on these findings.

1. Building Official Newell commented he is in support of the request although, just a little concerned with the Industrial uses close by he proposed residential.

Fire Lieutenant Weeks: No issues were received.

Major Hagan: No issues were received.

Public Works Director Allen stated his concern is with the North to South Alleyway located on the West side of Blocks 28 and 39 that would still be open for the City to maintain. He understands the property is in the City of Okeechobee subdivision which would involve purchasing the property from the H. E. Hamrick Trust. Since this would be an additional expense for the Applicant, maybe a maintenance agreement would be a better alternative.

Chairperson Montes De Oca asked Mr. Randy Simler, Registered Agent for Fosler LLC, who is intending to purchase the property from the Applicant, Omar Abuaita, if the City requested a maintenance agreement would he be open to that. Mr. Simler answered yes.

County Environmental Health Dept: No issues were received.

OUA: No issues were received.

2. Mr. Michael Baggot, with SLD Engineering, who represents the Property Owner, Omar Abuaita, and the Applicant, Mr. Randy Simler, was present for questions. Mr. Simler, 310 Lakeshore Drive, Lake Park Florida, was present as well.
3. Chairperson Montes De Oca asked whether there were any comments or questions from those in attendance from the Public. There were none.
4. Chairperson Montes De Oca disclosed he had spoken to both Mr. Simler and Mr. Steve Dobbs, PE, with SLD Engineering, regarding the application. There were no other disclosures offered.
5. A motion was offered by Building Official Newell to recommend approval to the Planning Board for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10<sup>th</sup> Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26 Block 28; seconded by Public Works Director Allen.
  - a) The Committee offered no further discussion.
  - b) **Chairperson Montes De Oca, Public Works Director Allen, Building Official Newell, Major Hagan, and Fire Lieutenant Weeks voted: Aye. Nays: none. Motion Carried.**

- VI. There being no further items on the agenda, Chairperson Montes De Oca adjourned the meeting at 10:12 A.M.

Please take note and be advised that any person desiring to appeal any decision made by the Technical Review Committee with respect to any matter considered at this proceeding, such interested person will need a record of the proceedings, and for such purpose may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. General Service's media are for the sole purpose of backup for official records of the Department.

Marcos Montes De Oca, Chairperson

ATTEST:  
Patty M. Burnette, Secretary

## Staff Report

**To:** Okeechobee Planning Board  
**From:** Ben Smith, AICP  
**Meeting Date:** July 16, 2020  
**Subject:** Workshop - Rezoning of Holding Properties

---

Correcting map conflicts is a subject that has long been discussed by the City Council and the Planning Board. Regarding the City's future land use map and zoning map, there are several types of map conflicts that exist:

- Properties with zoning designations that are inconsistent with the future land use designation
- Properties with existing land uses that are inconsistent with map designations.
- Properties zoned Holding.

The purpose of this workshop is to discuss city-initiated rezoning of properties currently zoned Holding.

At one time, the City's land development code contained regulations for the development of properties zoned Holding. However, several years ago, the Holding district regulations were removed from the land development code. At that time, it was intended that most properties zoned Holding would be rezoned to one of the single family residential zoning districts or to the Rural Heritage district. The Rural Heritage district was conceived in order to provide an appropriate zoning district for Holding properties that would continue to be used for agricultural purposes. The City's Comprehensive Plan was also amended at that time to allow limited agriculture in the appropriate future land use categories to address existing lands in the City where agricultural activities have been and continue to be active.

Since there are no longer any Holding district regulations provided in the code that would regulate development of properties zoned Holding, the Holding designation is no longer supported by the City's land development code. At this time, if any property owner of land zoned Holding is seeking to develop that property, a rezoning must be performed first. As such, staff received direction from the Planning Board to proceed with recommendations for City initiated rezoning of the Holding properties. This report provides information for each Holding property and recommendations for map changes for most of those properties.

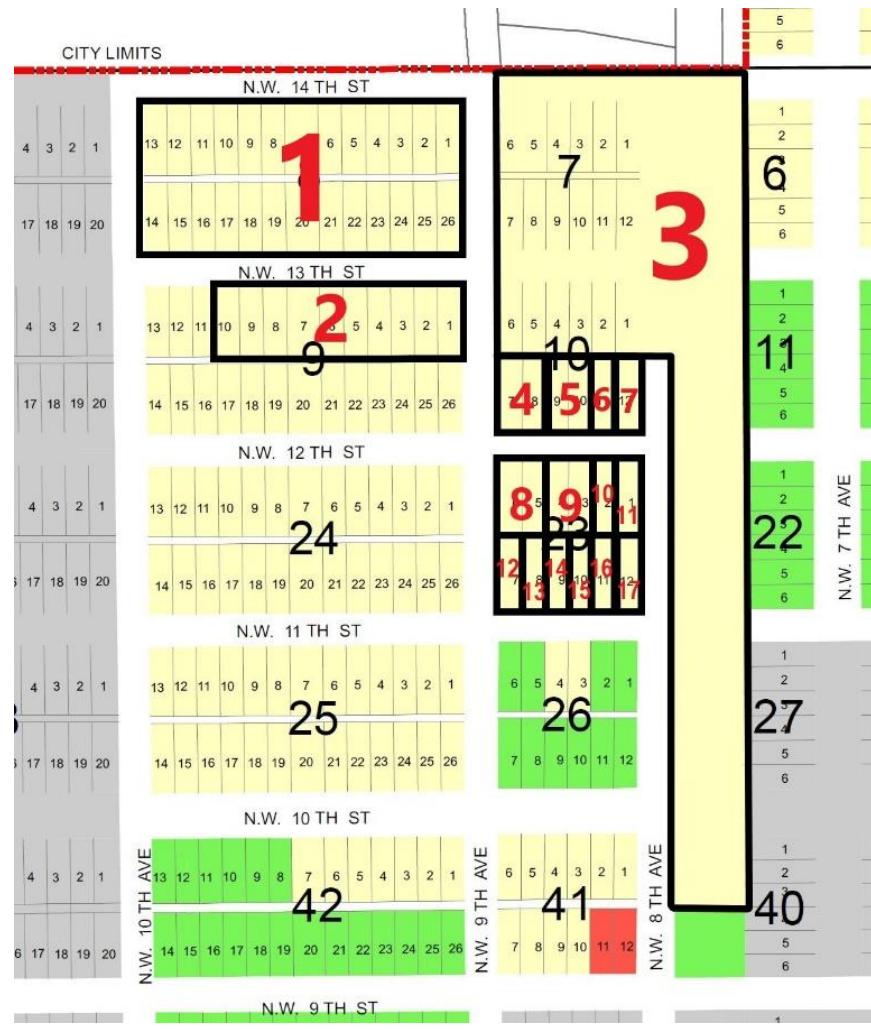
There are currently 55 parcels of land within the City that are zoned Holding. A few of these parcels are developed, though most are undeveloped or used for agricultural purposes. Most of the Holding properties are designated as Single Family Residential on the Future Land Use Map, though there are two with Commercial designations and one with Mixed Use Residential.

For ease of viewing, eight separate areas of the City are depicted on sub maps of the future land use map and the zoning map. Properties within those sub map areas are labeled with Map ID Numbers. Parcels of land that are contiguous, under the same ownership, and contain the same existing land use are grouped together under a shared Map ID Number.

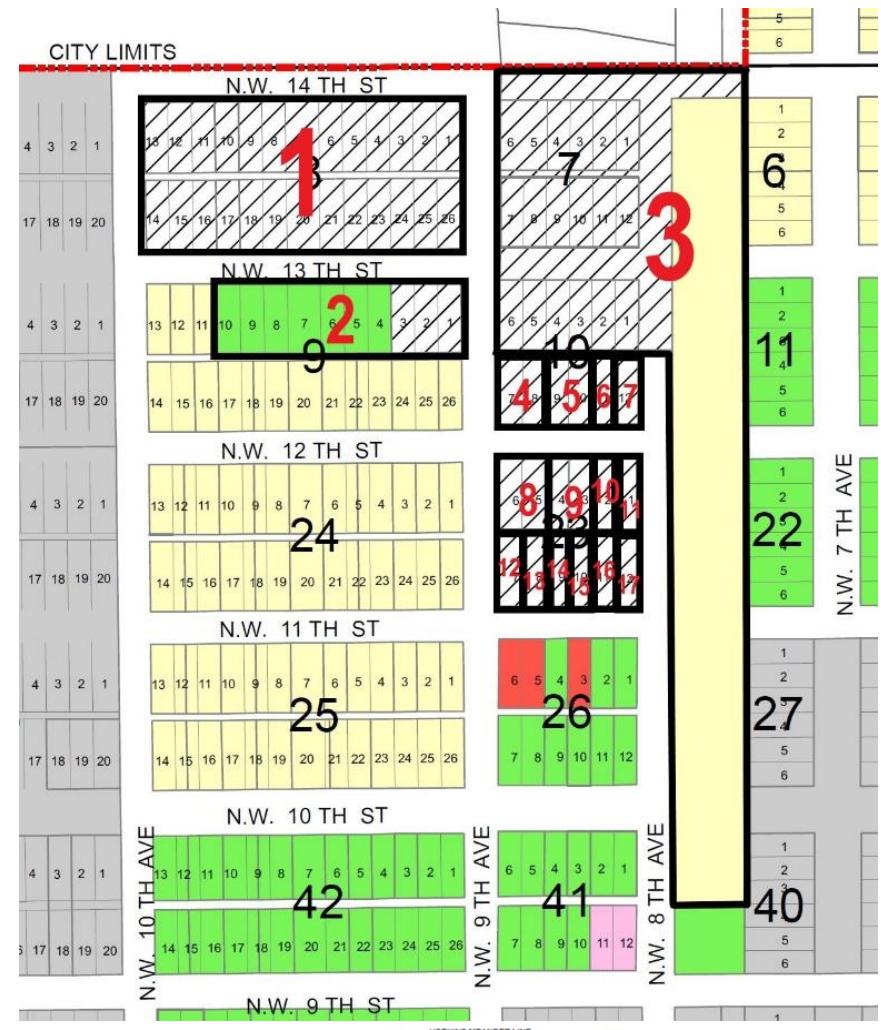
If the actions/recommendations outlined in the report are also recommended by the Board, staff can begin to prepare a report on the necessary tasks and costs associated with these city-initiated map changes. The City will have to perform the map changes according to code, which includes the following tasks:

- Each Map ID will be treated as a separate application. For Map IDs that undergo a zoning map change and a future land use map change, each action will require the City to draft a separate application and staff report.
- The City should attempt to make contact with each property owner to discuss the proposed map change.
- Advertising should include the standard required notice procedures (advertising in the local paper) as well as mailings and signage posted on the subject properties.
- Each application will require a survey. If the property owner cannot provide one, and the property appraiser does not have one on record, then the City may have to commission new surveys.
- If the proposed map changes will allow for an increased intensity of use, the effects to public facilities, utilities and services will need to be assessed.

## Map Area 1 - Future Land Use



## Map Area 1 - Zoning



### **Map ID #1**

Acres: 4.63

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 5 separate parcels. Rezone all parcels to RSF-1 to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

### **Map ID #2**

Acres: 1.8

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Lots 1 through 3 of this parcel are zoned Holding. However, lots 4 thorough 10 are zoned Residential Multifamily. The entire property should be rezoned to RSF-1 to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

### **Map ID #3**

Acres: 11.3

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

Comments/Recommendations: A portion of this parcel is zoned Holding and a portion is zoned RSF-1. Depending on the current/intended use of the property, either the Holding portion of this parcel should be rezoned to RSF-1 or the entire property should be rezoned to Rural Heritage.

### **Map ID #4**

Acres: 0.34

Future Land Use: Single Family Residential

Use: One Triplex & Two Single Family Residences

Comments/Recommendations: Though this parcel contains multi-family structures, this parcel would be nonconforming (too much density for lot size) even with multi-family designations. The entire property should be rezoned to RSF-1 to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

### **Map ID #5**

Acres: 0.34

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: Rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #6**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #7**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #8**

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Rezoned to RSF-1 to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #9**

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Rezoned to RSF-1 to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #10**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #11**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #12**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #13**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #14**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #15**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #16**

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

### **Map ID #17**

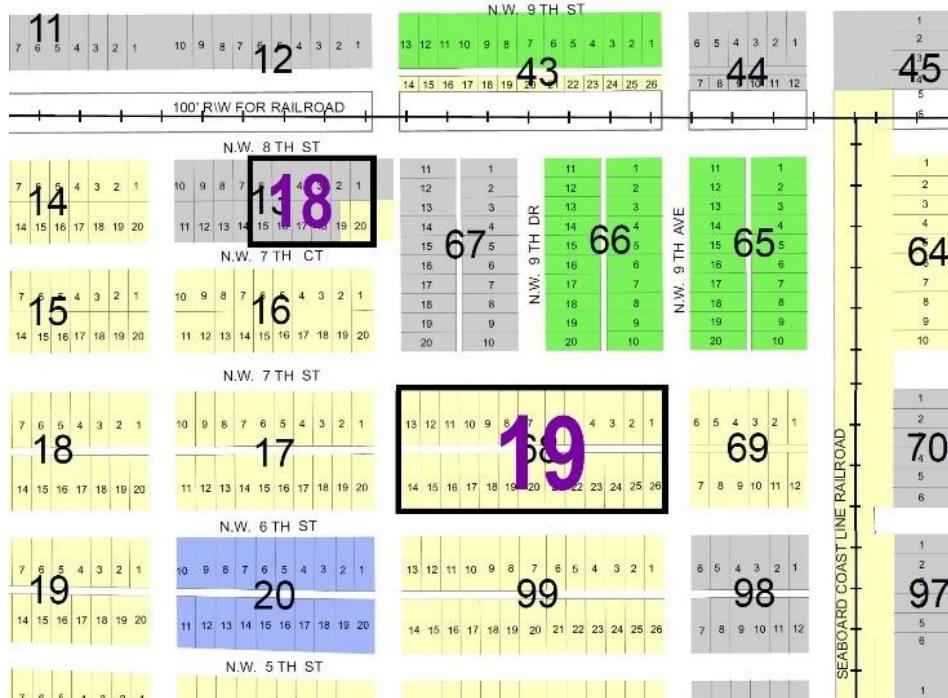
Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

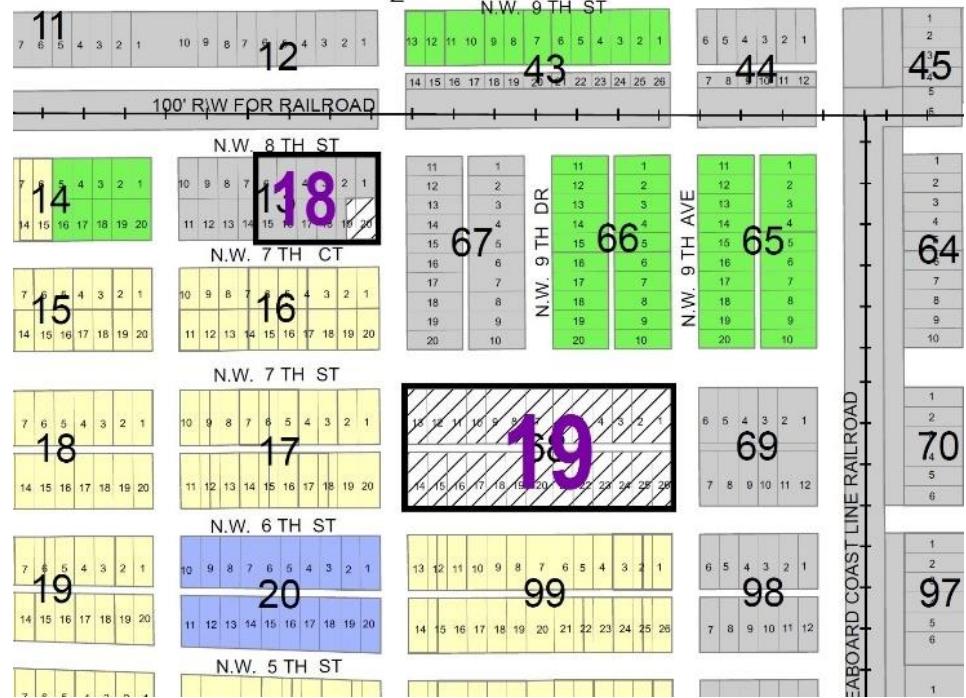
Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should be rezoned to RSF-1 to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

## Map Area 2 - Future Land Use



- lot\_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

## Map Area 2 - Zoning



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

### **Map ID #18**

Acres: 1.76

Future Land Use: Industrial & Single Family Residential

Use: Warehouse & Outdoor Storage

Comments/Recommendations: This parcel has split future land use and zoning designations, though most of it is designated industrial. It is adjacent to the railway and other industrial to the east. Though there are single family residences to the south, staff is of the opinion that map changes to industrial would provide the most consistency with the existing land use and pattern of land use in the surrounding area. A future land use map amendment to industrial for Lots 19 and 20 in the southeast corner of this parcel should be initiated concurrently with a zoning map change to industrial for the same lots.

### **Map ID #19**

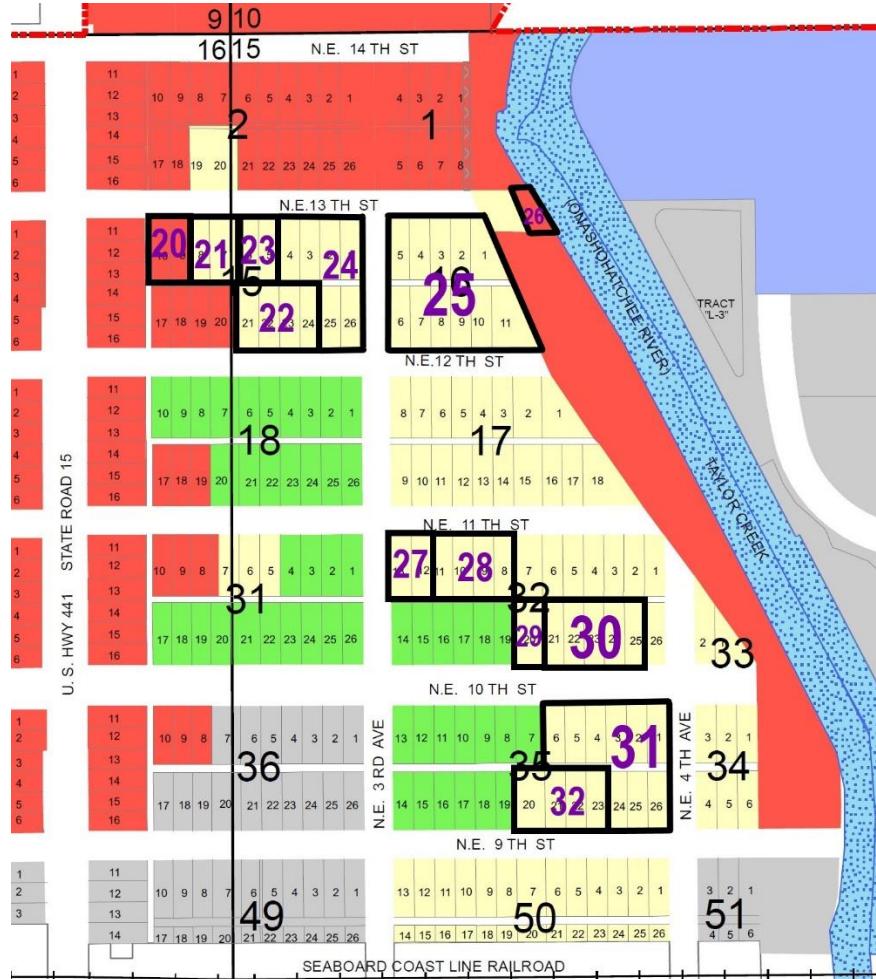
Acres: 4.3

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. Rezone both parcels to RSF-1 to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

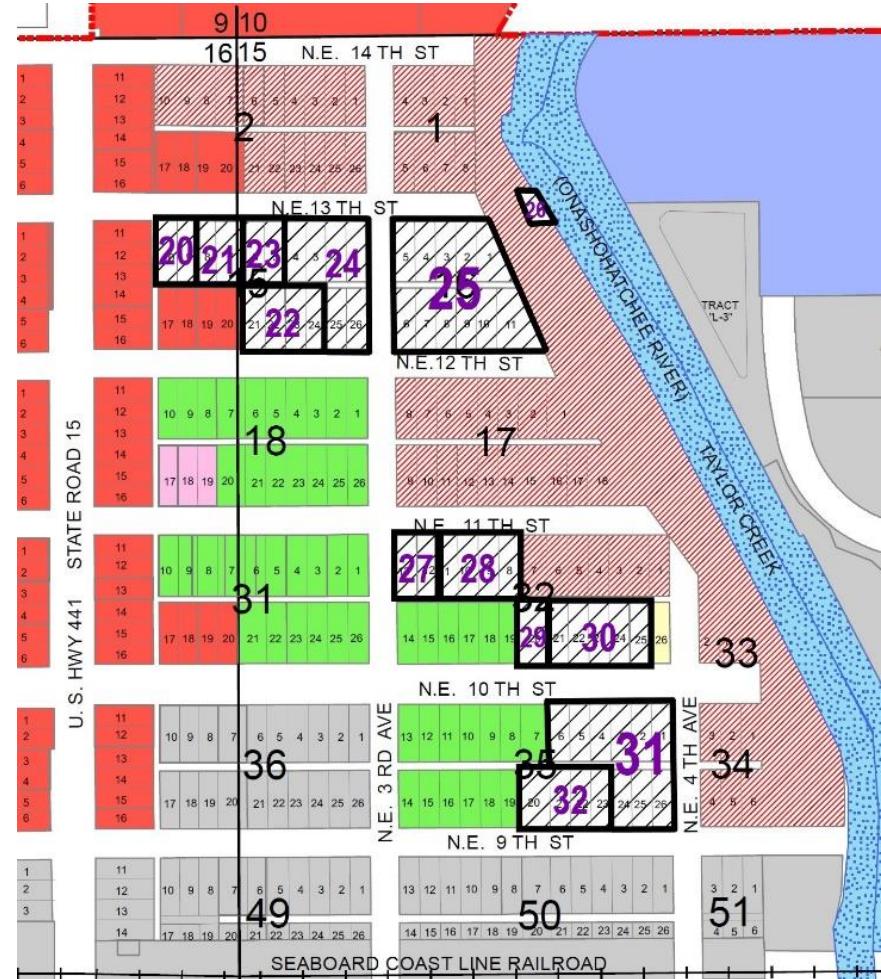
## Map Area 3 - Future Land Use



Legend:

- lot line
- SINGLE-FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

## Map Area 3 - Zoning



Legend:

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

### **Map ID #20**

Acres: 0.33

Future Land Use: Commercial

Use: Vacant

Comments/Recommendations: This parcel is one lot off of US-441, with an existing medical office to the south. Rezone to either CPO, CLT or CHV to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

### **Map ID #21**

Acres: 0.4

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel is located along the commercial corridor (close proximity to US-441), there are existing commercial uses adjacent and nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential is not the likely development for this parcel. Staff does not recommend that any map changes be initiated by the City for this property. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #22**

Acres: 0.69

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels and is located along the commercial corridor (close proximity to US-441). There are existing commercial and multi-family uses adjacent and nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential is not the likely development for this parcel. Staff does not recommend that any map changes be initiated by the City for this property. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #23**

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel is located along the commercial corridor (close proximity to US-441), there are existing commercial uses nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential is not the likely development for this parcel. Staff does not recommend that any map changes be initiated by the City for this property. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #24**

Acres: 1.0

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels and is located along the commercial corridor (close proximity to US-441). There is an existing multi-family development adjacent and commercial uses nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential is not the likely development for this parcel. Staff does not recommend that any map changes be initiated by the City for this property. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #25**

Acres: 2.1

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. The property to the east and south is a large parcel with a single family residence. Rezone both to RSF-1 to be consistent with the future land use designation.

### **Map ID #26**

Acres: 0.1

Future Land Use: Commercial

Use: Public Utility

Comments/Recommendations: This parcel is owned by the Okeechobee Utility Authority. Public facilities are specifically listed as an allowable use in the Commercial future land use category under future land use policy 2.1(d). However, public facility/utility is not listed as a permitted use in any of the commercial zoning districts. Instead, it is listed as special exception use in the commercial zoning districts. The City could rezone this property to one of the commercial zoning district and concurrently approve the public utility as a special exception. However, it is likely more sensible to take no action until the City makes plans to improve the property or sell it.

### **Map ID #27**

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels, neither of which meet the minimum lot area or lot width requirements for RSF-1 district separately. However, if the owner joins the parcels, the RSF-1 district requirements will be met. We recommend rezoning both parcels to RSF-1 to be consistent with the future land use designation and the character of the surrounding area. The property owner should be encouraged to join the parcels and not sell them separately.

### **Map ID #28**

Acres: 0.69

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Rezone to RSF-1 to be consistent with the future land use designation and the character of the surrounding area.

### **Map ID #29**

Acres: 0.26

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Rezone to RSF-1 to be consistent with the future land use designation and the character of the surrounding area.

### **Map ID #30**

Acres: 0.84

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. One of the parcels does not meet the minimum lot area or lot width requirements for RSF-1 district separately. However, if the owner joins the parcels, the RSF-1 district requirements will be met. We recommend rezoning both parcels to RSF-1 to be consistent with the future land use designation and the character of the surrounding area. Though Section 90-32 allows for construction of a single family residence on this parcel, the property owner should be encouraged to join parcels and not sell the smaller parcel separately.

### **Map ID #31**

Acres: 1.4

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. Rezone both parcels to RSF-1 to be consistent with the future land use designation and the character of the surrounding area.

### **Map ID #32**

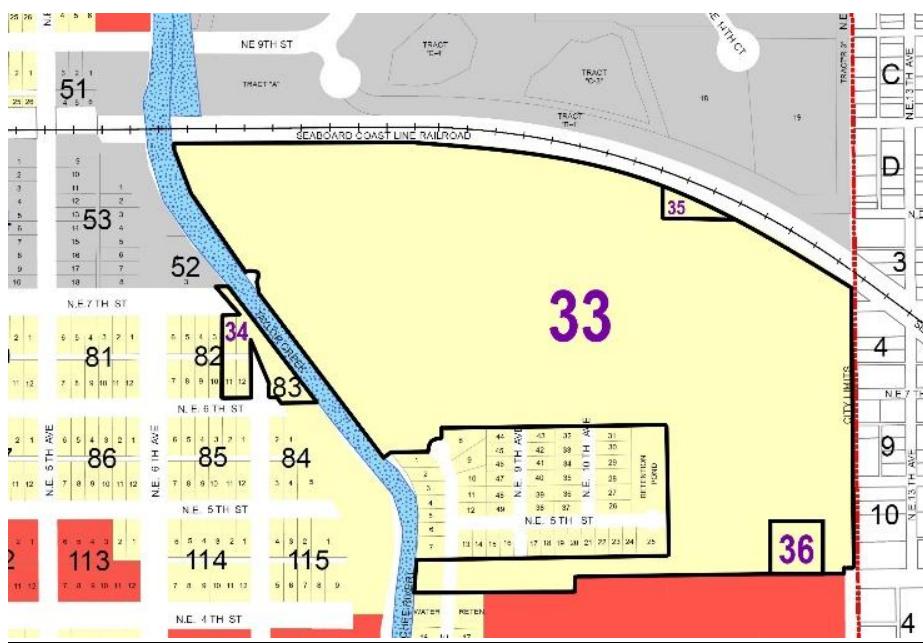
Acres: 0.71

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Rezone to RSF-1 to be consistent with the future land use designation and the character of the surrounding area.

## Map Area 4 - Future Land Use



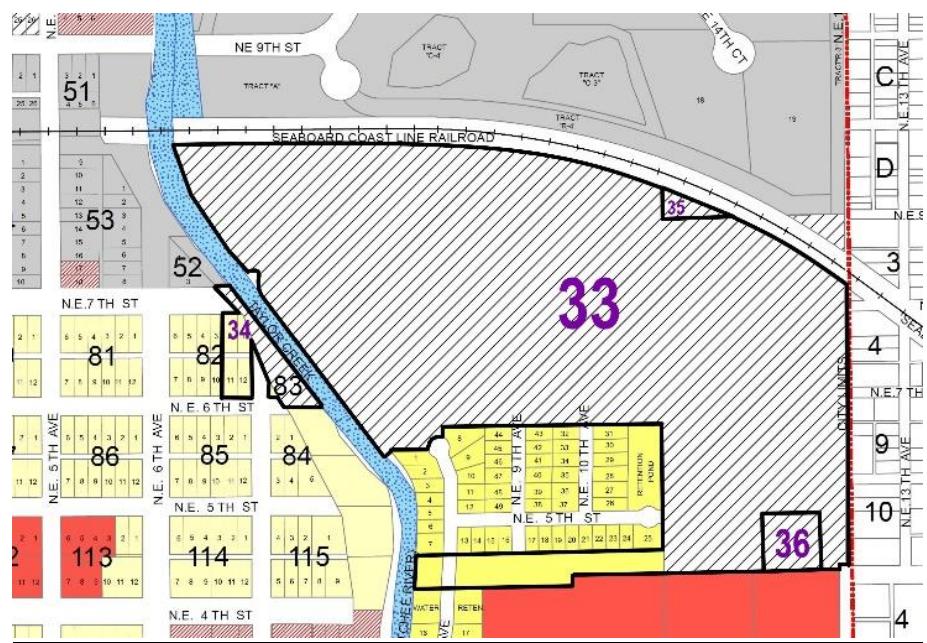
lot\_line  
HOPKINS MEANDER LINE  
RAILROAD CENTERLINE  
EASEMENT  
UNINCORPORATED

— RAILROAD CENTERLINE  
---- HOPKINS MEANDER LINE  
--- UNINCORPORATED

— EASEMENT  
— lot\_line

SINGLE - FAMILY RESIDENTIAL  
MIXED USE RESIDENTIAL  
MULTI - FAMILY RESIDENTIAL  
COMMERCIAL  
INDUSTRIAL  
PUBLIC FACILITIES  
EASEMENT  
RAILROAD CENTERLINE  
HOPKINS MEANDER LINE  
UNINCORPORATED

## Map Area 4 - Zoning



HOPKINS MEANDER LINE  
RAILROAD CENTERLINE  
HOLDING  
INDUSTRIAL

— HOPKINS MEANDER LINE

— RAILROAD CENTERLINE

— HOLDING

— INDUSTRIAL

PUBLIC FACILITIES

PLANNED UNIT DEVELOPMENT-MIXED USE

PLANNED UNIT DEVELOPMENT-RESIDENTIAL

HEAVY COMMERCIAL

LIGHT COMMERCIAL

RESIDENTIAL MULTIPLE FAMILY

RESIDENTIAL MOBILE HOME

COMMERCIAL PROFESSIONAL OFFICE

RESIDENTIAL SINGLE FAMILY-TWO

RESIDENTIAL SINGLE FAMILY-ONE

UNINCORPORATED

### **Map ID #33**

Acres: 51.19

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: A portion of this property is zoned RMH and the property surrounds an existing manufactured home park. The railway runs along the northern property line and beyond that is the City's Commerce Center. Taylor creek runs along the western property line with single family residential and industrial uses on the other side of the creek. The boundary of the City runs along the eastern property line with single family residences in the adjacent unincorporated area beyond. Vacant commercially designated property lies to the south. Staff does not recommend that any map changes be initiated by the City for this property. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #34**

Acres: 1.36

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: The west portion of this parcel is already zoned RSF-1. Rezone remainder to RSF-1 to be consistent with the future land use designation, existing land use and character of surrounding area.

### **Map ID #35**

Acres: 1.1

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: The railway runs along the northern property line and beyond that is the City's Commerce Center. The property to the west and south is zoned Holding with no city-initiated map change recommendations being made by staff at this time. Similarly, staff does not recommend that any map changes be initiated by the City for this property either. When the property owner is ready to develop, they should present their own argument for their desired map changes.

### **Map ID #36**

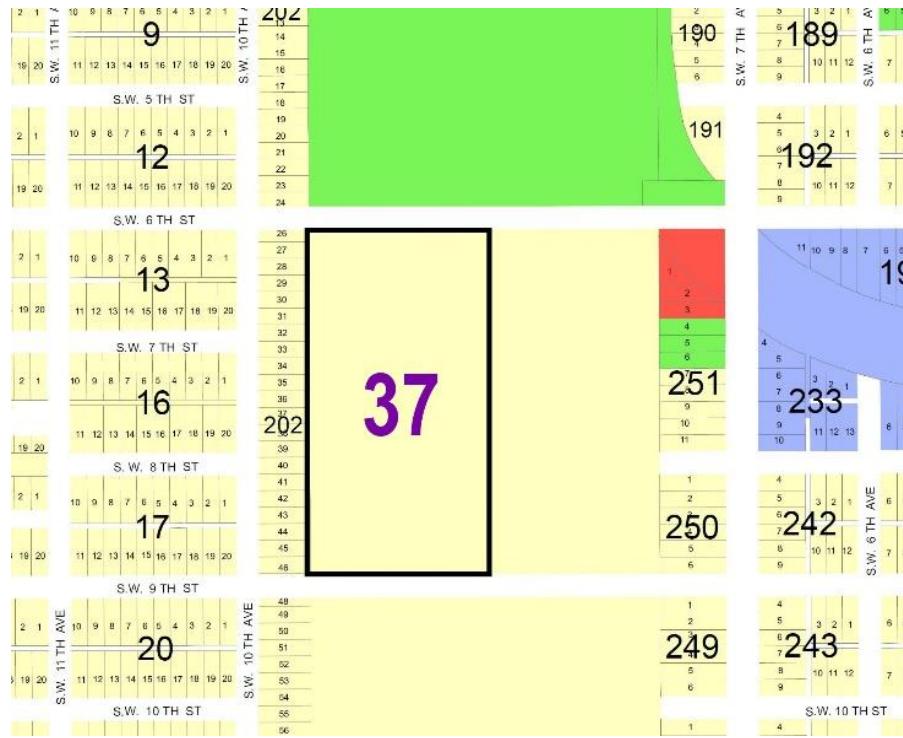
Acres: 1.0

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Vacant commercially designated property lies to the south. The property to the east, west and north is zoned Holding with no city-initiated map change recommendations being made by staff at this time. Similarly, staff does not recommend that any map changes be initiated by the City for this property either. When the property owner is ready to develop, they should present their own argument for their desired map changes.

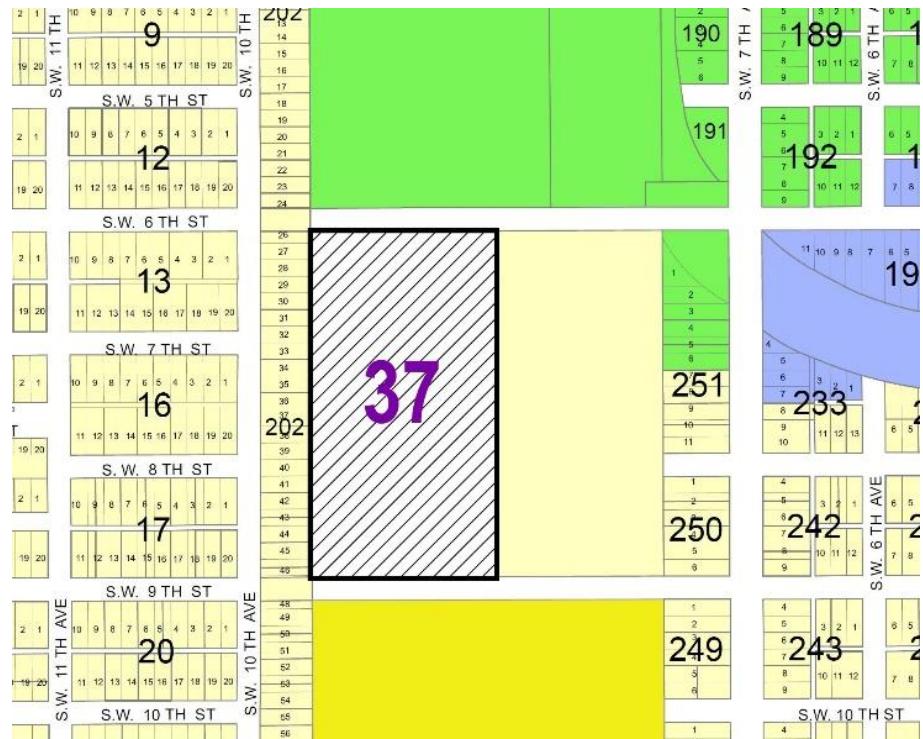
## Map Area 5 - Future Land Use



Legend:

- lot\_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

## Map Area 5 - Zoning



Legend:

- 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

### **Map ID #37**

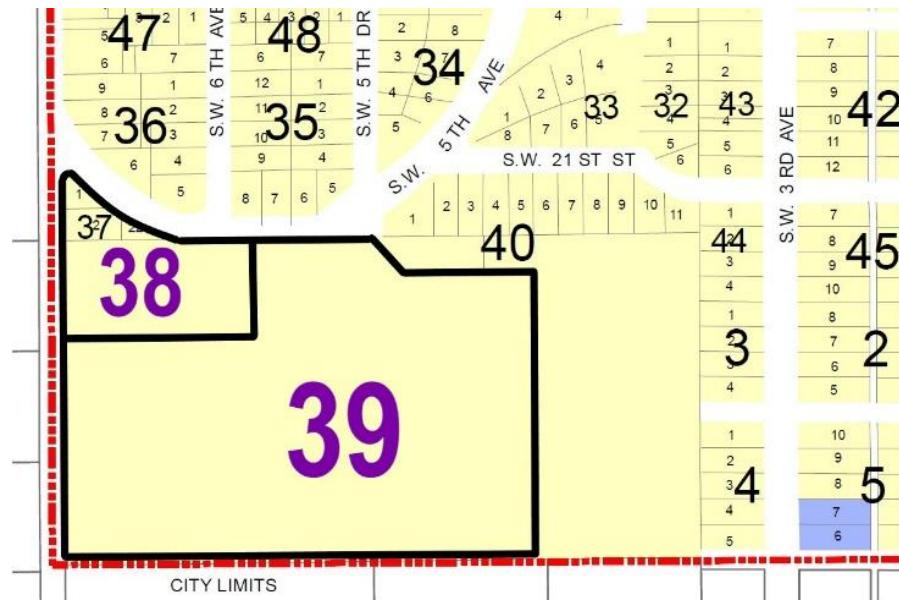
Acres: 13.32

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

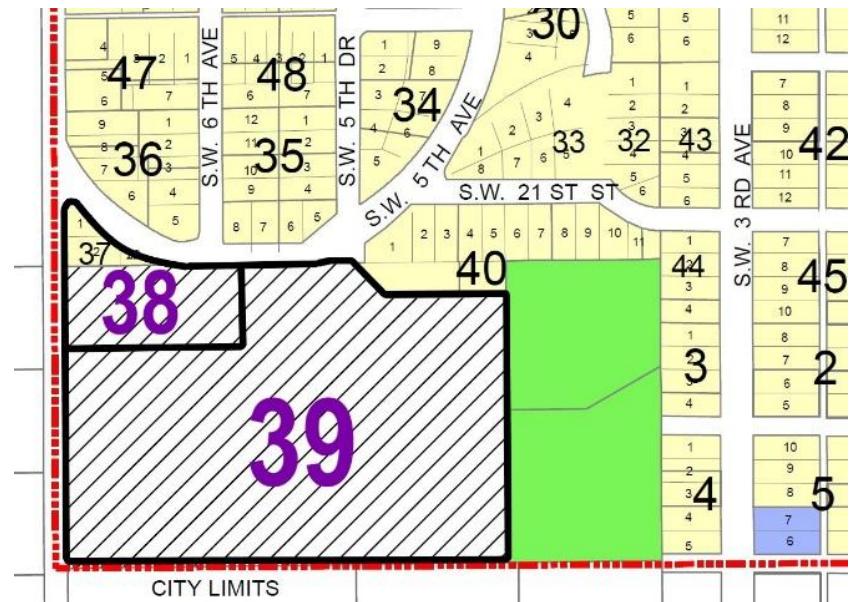
Comments/Recommendations: Depending on the current/intended use of the property, this parcel should be rezoned to RSF-1 or Rural Heritage.

**Map Area 6 - Future Land Use**



- lot\_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

**Map Area 6 - Zoning**



- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- 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

### **Map ID #38**

Acres: 1.72

Future Land Use: Single Family Residential

Use: Two Single Family Residences

Comments/Recommendations: A portion of this parcel is already zoned RSF-1. Rezone remainder to RSF-1 to be consistent with future land use designation, existing land use, and character and pattern of land use of the surrounding area.

### **Map ID #39**

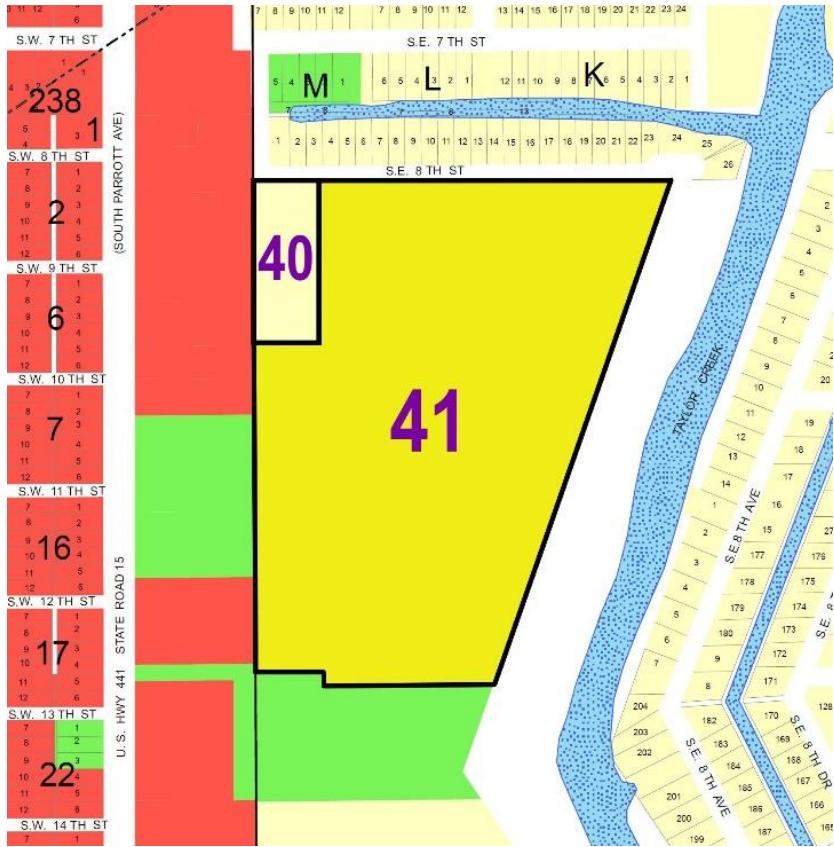
Acres: 12.21

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

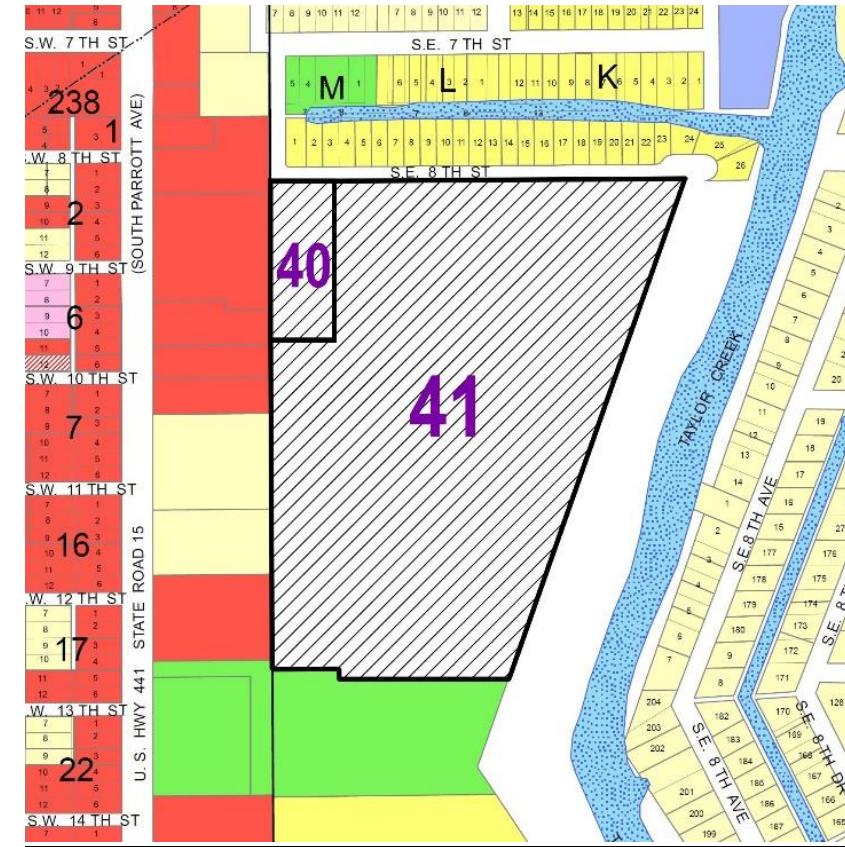
Comments/Recommendations: Depending on the current/intended use of the property, this parcel should be rezoned to RSF-1 or Rural Heritage.

## Map Area 7 - Future Land Use



- lot\_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

## Map Area 7 - Zoning



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

## **Map ID #40**

Acres: 2.21

Future Land Use: Single Family Residential

Use: Parking for Bank

Comments/Recommendations: This parcel contains overflow parking for the existing bank facility to the west. Since this parcel is separate from the bank parcel, the existing land use of this property can best be characterized as a commercial parking lot. Among the commercial zoning districts, the CHV district is the only district that allows commercial parking lot as a permitted use. The actions that would provide the most consistency between the maps and existing land use would be to initiate a future land use map amendment to Commercial and a concurrent rezoning to CHV.

## **Map ID #41**

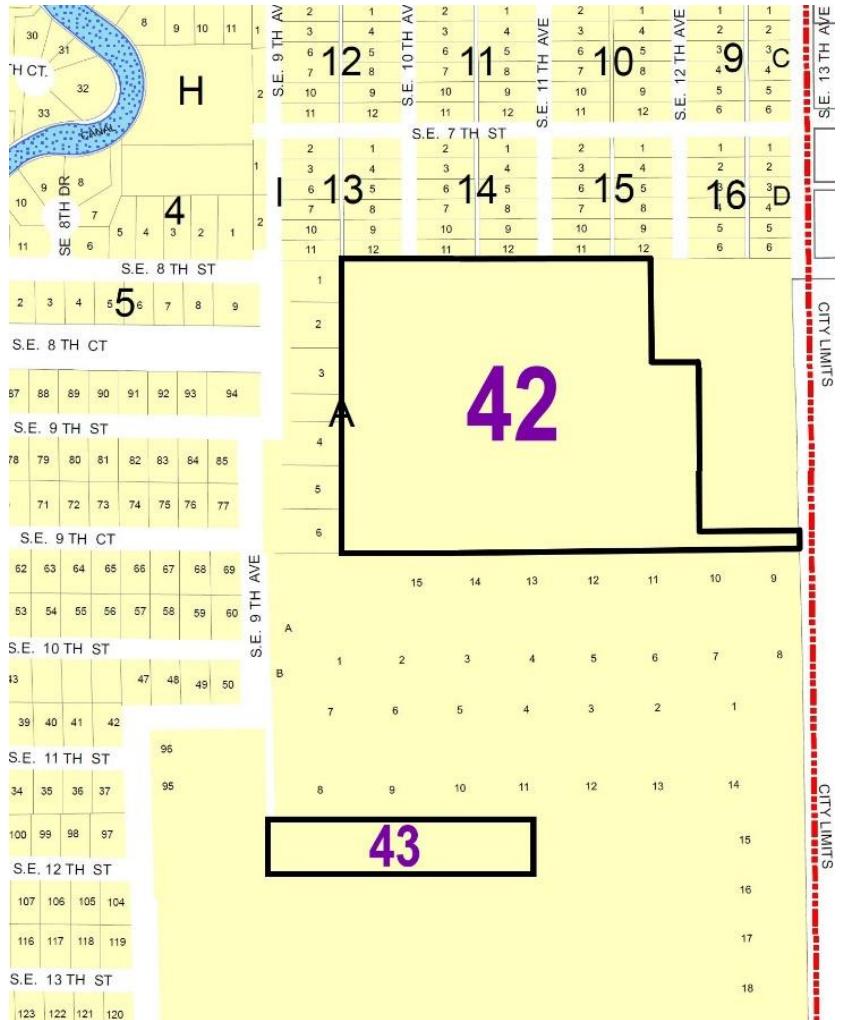
Acres: 39.88

Future Land Use: Mixed Use Residential

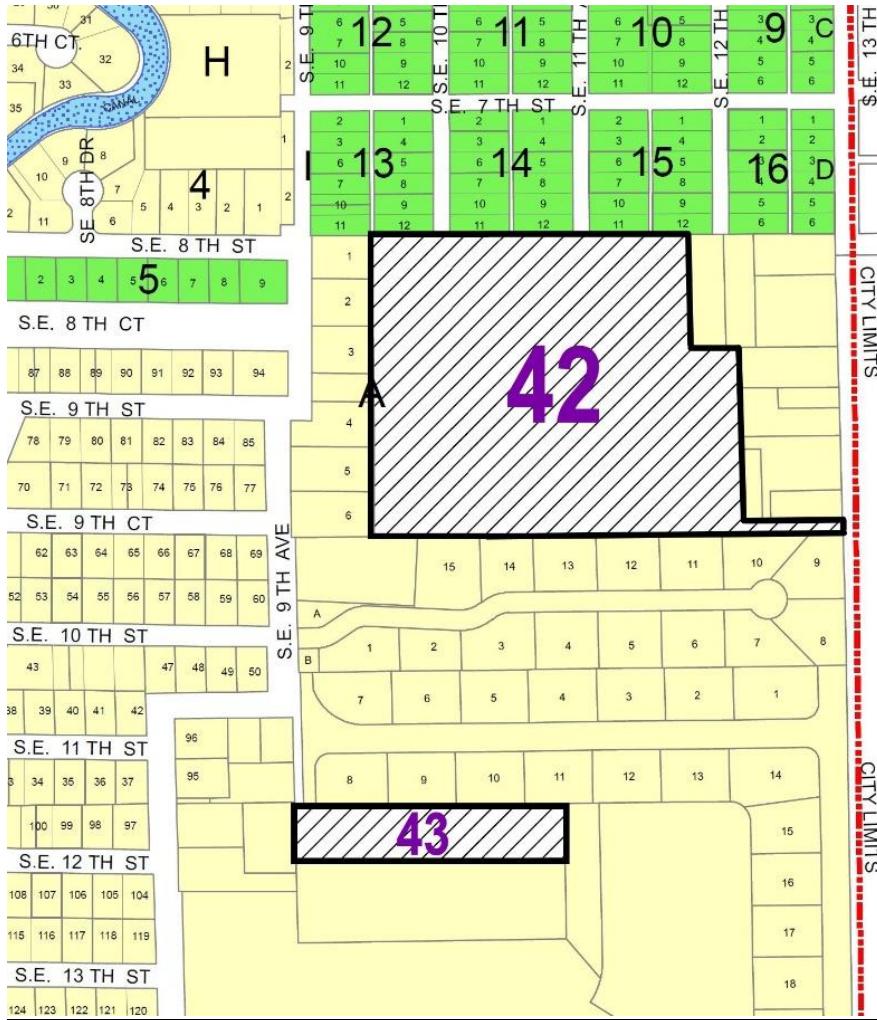
Use: This parcel was clearly used for agricultural purposes at one time, though it is unclear whether the agricultural use has been maintained.

Comments/Recommendations: This parcel meets the minimum size requirements for the Mixed Use Residential future land use category and limited agricultural uses are permitted in the Mixed Use Residential future land use category. However, rezoning to PUD-M should only be approved through the planned unit development process and should not be city initiated. Staff is not recommending any city-initiated map changes for this property. When the property owner is ready to develop, the property owner should proceed with the planned unit development approval process or present their own argument for their desired map changes.

## Map Area 8 - Future Land Use



## Map Area 8 - Zoning



### **Map ID #42**

Acres: 14.21

Future Land Use: Single Family Residential

Use: Single Family Residence and possibly agricultural

Comments/Recommendations: This property is comprised of 2 separate parcels. The property appraiser lists the use of this property as improved pasture though aerials indicate that a single family residence is also present on the site. Depending on the intended use of this property, it should be rezoned to either RSF-1 or Rural Heritage.

### **Map ID #43**

Acres: 2.0

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: Rezone to RSF-1 to be consistent with future land use designation, existing land use, and character and pattern of land use of the surrounding area.