

**RESOLUTION NO. 21-09-02**

**A RESOLUTION GRANTING A SPECIAL EXCEPTION TO THE LAND DEVELOPMENT CODE, SECTION 8.05.02, RESTAURANTS, FAST FOOD WITH DRIVE THROUGH WINDOW, TO ALLOW FOR 49 PARKING SPACES AS OPPOSED TO THE REQUIRED 65 PARKING SPACES; AND GRANTING A SPECIAL EXCEPTION TO THE LAND DEVELOPMENT CODE SECTION 12.04.02, (b), TO ALLOW FOR A 4.5' LANDSCAPE BUFFER AS OPPOSED TO THE REQUIRED 5' LANDSCAPE BUFFER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application has been made to the City Council of the City of Niceville, Florida, by Valparaiso Realty Company, on behalf of Chick-fil-a, for a Special Exception to the Land Development Code, Section 8.05.02, Restaurants, Fast Food with Drive Through Window, to allow for 49 parking spaces as opposed to the required 65 parking spaces, and granting a special exception to the Land Development Code, Section 12.04.02,(b), to allow for a 4.5' landscape buffer as opposed to the required 5' landscape buffer, on the property located at 1348 E. John Sims Parkway, Niceville, Florida 32578, and

**WHEREAS**, the City Council has received the recommendation of the Planning Board and notice of public hearing concerning same has been duly publicized and hearing being held this date, and

**WHEREAS**, objections, if any, have been voiced and considered to the granting of such special exception request, and

**WHEREAS**, the City Council has determined that such request for a special exception should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Niceville, Florida:

**Section 1.** That a Special Exception to the Land Development Code, Section 8.05.02, Restaurants, Fast Food with Drive Through Window, to allow for 49 parking spaces as opposed to the required 65 parking spaces, and granting a special exception to the Land Development Code, Section 12.04.02,(b), to allow for a 4.5' landscape buffer as opposed to the required 5' landscape buffer on the property located at 1348 E. John Sims, Parkway, Niceville, Okaloosa County, Florida 32578, is hereby granted on the following described property:

Parcel B, Niceville Wal-Mart Center, as recorded in Plat Book 26, Page 3, of the Public Records of Okaloosa County, Florida.

Parcel ID No. 08-1S-22-1200-0000-00B0

Property Address: 1348 E. John Sims Parkway, Niceville, Florida 32578

**Section 2.** The City does not have authority to change, alter or disregard any restrictive covenants or restrictions in deeds pertaining to this property and thus, this Resolution does not nullify any such covenants and restrictions.

**Section 3.** This Resolution shall become effective upon adoption and approval in accordance with the City Charter.

**ADOPTED** in regular session this 12th day of October 2021.

  
**MAYOR**

**ATTEST:**

  
**CITY CLERK**

September 15, 2021

**Frankie Revell**  
**Planning and Zoning Coordinator**  
**City of Niceville**  
212 Partin Drive North  
Niceville, FL 32578  
850.279.6436 ext. 1215  
[Frevell@niceville.org](mailto:Frevell@niceville.org)

**Reference:** Request for Buffer and Parking Variance  
IP #2020.1038.90  
Existing Chick-fil-A Restaurant  
1348 East John Sims Parkway E, Niceville, FL 32578

Dear Frankie Revell:

I am writing to request a landscape buffer variance and a loss of parking variance for the parcel of land located at the above-referenced address in the City of Niceville, FL.

We are requesting a variance for sixteen (16) parking spaces we are short on and a request of point five (.5) feet of landscape buffer.

I have enclosed for your reference the Okaloosa County, FL Property Appraiser Card showing the location and boundaries of the subject parcel, and other information regarding the property.

Please contact me at (407) 645-5008 or via email at [ncarreras@interplanllc.com](mailto:ncarreras@interplanllc.com) if you have any questions, or if you require any additional information in support of this request. I appreciate your assistance.

Sincerely,

**INTERPLAN LLC**

*N. Carreras*

Nancy Carreras  
Site Development / Permit Manager

ec: IP File

August 23, 2021

**Frankie Revell**  
**Planning and Zoning Coordinator**  
**City of Niceville**  
212 Partin Drive North  
Niceville, FL 32578  
850.279.6436 ext. 1215  
[Frevell@niceville.org](mailto:Frevell@niceville.org)

**Reference:** Request for Buffer and Parking Variance  
IP #2020.1038.90  
Existing Chick-fil-A Restaurant  
1348 East John Sims Parkway E, Niceville, FL 32578

Dear Frankie Revell:

I am writing to request a landscape buffer variance and a loss of parking variance for the parcel of land located at the above-referenced address in the City of Niceville, FL.

We are requesting a variance for sixteen (16) parking spaces we are short on and a request of four point five (4.5) feet of landscape buffer.

I have enclosed for your reference the Okaloosa County, FL Property Appraiser Card showing the location and boundaries of the subject parcel, and other information regarding the property.

Please contact me at (407) 645-5008 or via email at [ncarreras@interplanllc.com](mailto:ncarreras@interplanllc.com) if you have any questions, or if you require any additional information in support of this request. I appreciate your assistance.

Sincerely,  
**INTERPLAN LLC**

*N. Carreras*

Nancy Carreras  
Site Development / Permit Manager

cc: IP File



# Valparaiso Realty Company

August 12, 2021

Ms. Frankie Revell  
City of Niceville  
212 N. Partin Dr.  
Niceville, FL 32578

RE: *Chick-fil-A Restaurant  
Niceville, FL  
Request of Variance for Landscaping and Parking*

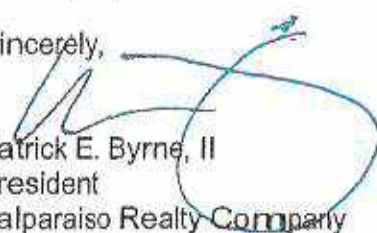
Dear Frankie:

Valparaiso Realty Company does not object to the request of the buffer variance and parking variance under the following conditions.

1. Ensure adequate landscaping is added on the west side (Ellsworth Dr.) of the property.
2. No mature trees can be removed on the South side (John Sims Parkway).
3. Reasonable safety fencing must be installed on top of the retaining wall.
4. Any landscaping destroyed on the East side (Century 21) must be replaced with the same plant/tree in size and age.
5. Any relocated monument signage must be the same size or smaller as current existing signage.

Thank you,.

Sincerely,



Patrick E. Byrne, II  
President  
Valparaiso Realty Company

Enclosure

Land Development Since 1921

Post Office Box 8 ♦ Valparaiso, FL 32580 ♦ 128 John Sims Parkway ♦ (850) 678-7812 ♦ Fax (850) 678-8353

