

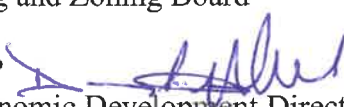


**Planning, Zoning & Economic Development  
Memorandum**

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**DATE:** January 11, 2022

**TO:** Members of the Planning and Zoning Board

**THRU:** Danny A. Holmes, AICP   
Planning, Zoning & Economic Development Director

**FROM:** Shawn Lamey, APA, Planner II

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**I. PROJECT SUMMARY**

- A. Project Name / Number: Plantation Shell Circle K / PP20-0029
- B. Requests:
1. Conditional use approval to allow a service station in the SPI-2 (AM: Auto Mall) zoning district; and
  2. Site plan, elevations and landscape plan approval to construct a 2,484 square foot convenience store with four (4) fueling stations (dispensers) / eight (8) gas pumps and a 1,960 square foot fuel canopy; and
  3. The applicant is requesting one (1) zoning waiver from Chapter 27 of the City Code and two (2) landscape waivers from Chapter 13 of the City Code. See Exhibit E.
- C. Recommendation: Staff recommends **APPROVAL** of the requested conditional use, site plan, elevation, landscape plan, and waivers subject to the conditions included in Section V.B.

**II. APPLICATION SUMMARY**

- A. Owner: Lake Worth Property Enterprises LLC
- B. Agent: John D. Voigt
- C. Location: 501 N. State Road 7 (See Exhibit B)
- D. Size: 0.60 acres (0.55 acres after r/w dedication)
- E. Folio: 504001010121 & 504001010122

F. Legal Description: See Exhibit “E”.

H. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

<u>Existing Use &amp; Zoning</u>	<u>Future Land Use Map</u>
Subject site: Service Station with gas pumps SPI-2 (AM)	Local Activity Center
North: Commercial uses zoned SPI-2 (AM)	Local Activity Center
South: Commercial uses zoned SPI-2 (HCS)	Local Activity Center
East: Commercial uses zoned SPI-2 (AM)	Local Activity Center
West: State Rd 7 then Commercial uses zoned SPI-2 (AM)	Right-of-Way then Local Activity Center

### III. BACKGROUND

#### 1. Subject Property/The Site

The subject property is zoned SPI-2 (Auto Mall), is 0.58 acres in area and located on the northwest corner of State Road 7 and NW 5<sup>th</sup> Street. The site is developed with a 2,023 square foot service station containing three repair bays and a small retail space constructed in 1967. The site is bound by office uses to the north, south, and west, together with used car lots across State Road 7 to the east. Refer to Exhibit C for the zoning map.

#### 2. Synopsis

The applicant requests site plan approval to demolish the existing building (Texaco) with 4 fueling stations/8 pumps and construct a service station with four (4) fueling stations (dispensers) / 8 gas pumps (Shell) and a single story 2,484 square foot convenience store (Circle K) providing ancillary food and beverage sales. A 1, 960 square foot detached fuel canopy will be oriented parallel with State Rd 7 on the eastern portion of the property. Service station use in the SPI-2 (AM) zoning district is subject to conditional use approval.

Since the convenience store is less than 2,500 square feet, the use is classified as a service station which requires conditional use approval and is subject to the regulations (including separation requirements) contained in Section 27-613.3(26).

Based on building size, 8 parking spaces are required by code and 8 spaces are being proposed.

C. Applicable Criteria

The review of this application was initiated prior to the adoption of the new code on March 24, 2021. Therefore, this and subsequent reviews will be based on the code in effect prior to March 24, 2021.

The review of a Conditional Use request for the service station use shall include consideration of the criteria noted in Section 27-768 of the Land Development Code.

**IV. PROJECT ANALYSIS, CRITERIA AND FINDINGS**

A. Comprehensive Plan Considerations

The proposed use is consistent with the Local Activity Center (LAC) land use designation.

B. Zoning Considerations

Conditional Use Criteria for service station use:

1. A binding and buildable site plan that allows the Council to determine the architectural features and buffering needed to protect the surrounding property.

Applicant response: A Site Plan application has been filed with this Conditional Use application. There have been two lengthy Pre-Development Meetings with staff regarding the Conceptual Site Plan. The applicant intends to comply with all requirements and to adequately address this criteria through the Site Plan process. The applicant is now submitting for the third DRC review, so the Site Plan application and Conditional Use application will each be fully vetted before reaching the City Council.

Staff response: *The subject property is surrounded by commercial uses on the north, south, and west together with State Rd 7 to the east. The proposed building and fuel canopy is architecturally compatible and adequately buffered from adjacent uses.*

2. The proposed conditional use will be consistent with the general plan for the physical development of the district including any master plan or portion thereof adopted by the Council.

Applicant response: The Conditional Use is consistent with the general plan for physical development of the district in that the property lies within the Auto Mall subdistrict, and is certainly a compatible use. In addition, the use already exists on the site and over the course of many years has proven to be compatible and in no way detrimental to the neighborhood or development of the district. Further, the applicant would submit that with the imminent closure of Plantation General Hospital, that new commercial construction in the corridor is desirable for the City as well as the applicant.

*Staff response: The use currently exists and is permitted as a conditional use in the B-AM zoning district and consistent with the Local Activity Center Land Use Plan map designation.*

3. The proposed conditional use will be in harmony with the general character of the neighborhood, considering population density, scale and bulk of any proposed structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. A present need for the conditional use must be demonstrated.

Applicant response: The proposed Conditional Use is in harmony with the general character of the neighborhood as shown by how long it has already existed in harmony in this same location. The viability and current need for the Conditional Use is shown by the success of the service station and the owner/applicant's desire to invest substantially in a complete demolition of the site and rebuild of a modern facility. The applicant's market analysis is attached as Exhibit "A".

*Staff response: Even with the proposed increase in the size of the convenience store and increase in fueling stations staff agrees that the proposed service station site plan is compatible with adjacent development patterns. Please refer to the Engineering Department staff comments in regards to the traffic study.*

4. The proposed conditional use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood, and will cause no objectionable noise, vibration, fumes, odor, dust, glare or physical activity.

Applicant response: Since the proposed use has existed for many, many years at the site, the applicant would submit that it has already demonstrated that this use will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding property. It is believed that there has never been an issue with objectionable noise, vibration, fumes, odor, dust or glare of physical activity, and that this aspect will remain unchanged. Further, the current use at one time included three service bays which are a far more intense use than a convenience store and would be more likely to generate noise and odor. As mentioned previously, with the upcoming departure of the hospital from this corridor, any new commercial development is desirable for both the City and the applicant.

*Staff response: The proposed use should not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood.*

5. The proposed conditional use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.

Applicant response: The Conditional Use will not adversely affect the health, safety, security, morals, or general welfare of the residents or anyone in the neighborhood. This has been conclusively demonstrated by the many years of continuous operation of the

service station use at this site. The modernization of the use and the removal of the automobile service aspect lessens the intensity. The demolition of the existing site and the new development will help modernize the corridor and may help spur additional commercial development.

*Staff response: The proposed use should not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the neighborhood.*

6. The proposed conditional use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities.

Applicant response: The Conditional Use will not, in conjunction with existing development in the area and permitted development under existing zoning, overburden existing public services and facilities. This has been shown over the many years that the Plantation Texaco has been in existence and operation at this site. There is no reason to believe that a modernized version of the same use will overburden existing facilities. With the hospital planning to vacate the corridor, that will greatly reduce demand on existing facilities in the area. The applicant would submit that the new construction will help with the revitalization of the State Road 7 corridor in this area.

*Staff response: Please refer to the Utilities Department staff comments. No deficiencies have been identified.*

7. The proposed conditional use shall meet all other specific standards that may be set forth elsewhere in the Code of Ordinances.

Applicant response: The service station use has existed for many years at this site and it is believed to have always met all standards within the Code of Ordinances. The applicant has submitted a Site Plan application which will require approval for the tear down and rebuild of the site. In addition, the applicant is platting the property. Any other deviations from the code will be addressed through the subsequent filing of a Waiver application. The applicant will continue to meet all specific standards as required by the City including the Gateway 7 Corridor criteria.

*Staff response: With the exception of the waivers requested on Exhibit E, the proposed site plan is in compliance with the city code requirements.*

8. The proposed conditional use shall disclose the square feet of use sought for approval so that an adequate evaluation may be made.

Applicant response: All specifics including square footage are addressed in the accompanying Site Plan application package. The convenience store is scheduled to be 2,484 sq. ft. This takes the place of the prior service station office, service bays and small convenience store that had occupied the office. The overall site is not increasing in size so the overall footprint will not increase due to setback requirements, pervious area requirements and the like.

*Staff response: The applicant is proposing to redevelop the site with a 2,484 square foot convenience store, a 1,960 square foot canopy with 16 gas pumps. The applicant is requesting 24-hour operation of the service station.*

C. Citizen Comments

The City of Plantation posts signage on properties for site plan approvals and sends out notices to surrounding property owners when planning and zoning actions are requested. This provides an opportunity for citizen participation in the zoning process. In this case, the Planning, Zoning & Economic Development Department posted signs on or before on December 31, 2021 and sent out notices on December 17, 2021. This provides an opportunity for citizen participation in the zoning process. The Planning and Zoning staff has not received written objections or phone calls from citizens objecting to this application. Staff has received phone calls from the current tenant inquiring the about the application to redevelop the site.

D. Concerns, Issues and other Pertinent Information

Code Violation: There are no violations issued for the subject site at this time.

Transportation:

The 2019 level of service for State Road 7 from Broward Boulevard to Sunrise Boulevard currently operates at level of service C per the 2019 Broward County Roadway Capacity and Level of Service Analysis (MPO). Note, 2019 is the latest available traffic data available through the MPO.

The 2019 Broward County Roadway Capacity and Level of Service Analysis predicts that the level of service for the same segment in the year 2040 will be a level of service of F.

Street	Section	2019 Daily LOS	2019 Peak LOS	2040 Daily LOS	2040 Peak LOS
State Road 7	N of Broward	C	C	F	F

E. Waiver Approval Standards

The standard for approving a zoning waiver is found in Section 27-690(f)4 and must meet the following provision:

*“That any waiver of standard zoning requirements serves public purposes to a degree at least equivalent to the general provisions of the ordinance establishing comprehensive zoning regulations and other applicable city ordinances and regulations or the actions, design and solutions proposed, and although not in accord with a literal interpretation with the zoning and other applicable regulations and ordinances, satisfy public purposes to at least an equivalent degree”.*

The proposed waivers permit the property be developed in a reasonable manner that will be in keeping with the intent and purpose of the applicable zoning regulations.

## V. RECOMMENDATIONS:

### A. Board and Committee Recommendations:

December 8, 2020	DRC Agenda, Deferred
April 13, 2021	DRC Agenda, Deferred
September 28, 2021	DRC Agenda, No objection to the project moving forward

### B. Staff Recommendation:

Staff recommends **APPROVAL** subject to staff comments noted below

## STAFF COMMENTS:

### PLANNING & ZONING:

#### In General:

1. The applicant has submitted the form to the appropriate City departments for sign off prior to City Council approval. *Comment acknowledged by the applicant.*
2. The applicant is responsible for City impact fees payable at the time of permitting. A credit for City Impact fees for the existing square footage will be granted if construction is begun within five years of demolition. Impact fees do not include utility fees and capacity charges. *Comment acknowledged by the applicant.*
3. Update and provide the entire resubmittal in PDF format on a CD, flash drive, or other means of electronic transfer. Submittal shall be separated into folders (i.e. site plan, landscape, civil, etc...). *Comment acknowledged by the applicant.*
4. When responding to staff comments, please “bubble” any plan changes and specify the page number corrected in the written responses. *Comment acknowledged by the applicant.*
5. The property requires platting prior to issuance of a building permit for a new principal structure. A plat (PP20-0030) has been approved by the City Council. Plat recordation is required prior to issuance of a building permit. *Comment acknowledged by the applicant.*
6. The lots (2) must be combined under one folio number either through recordation of the plat or a unity of title. Recordation is required prior to issuance of a building permit. *Comment acknowledged by the applicant.*

#### Site Plan:

7. Section 27.613.4(a) requires a 25-foot rear setback. Revise to meet the standards or request a waiver. *A waiver has been requested per the applicant. Staff does not object.*

#### Elevations:

8. Label materials and colors for the canopy elevations. *Provide a legend on Sheet CE-1.0. (color)Comment not addressed.*

Details:

9. A Paint Color Approval form needs to be completed approved by the Zoning Department and submitted with the building permit to the Building Department. *Comment acknowledged by the applicant.*
10. Add to the legend notes section on the elevations (Sheet A-2.0): (1) “Flat roof to be a built-up or membrane roofing system”, (2) “Mirrored or reflective glass is not permitted nor proposed”, (3) “Exit doors shall be painted to match the building” and (4) “Building up-lighting (including rooftop fixtures/LED/neon tape lighting, brow and canopy and ground lighting), designed to flood the building elevations in light are not proposed”, (5) “All transformers, fire pumps, FPL boxes, utility and mechanical equipment, etc. locations must be screened from public view by a fence, wall, or hedge” (7) “No air / vacuum services are offered” and (8) “Outdoor storage is prohibited (i.e. propane cages, ice cabinets) or merchandise is not permitted. **Comment not addressed.**

Signage:

11. Note: Signage (including the ground sign currently in the right-of-way dedication area) is not part of this review. All signage must comply with Section 22-33 Gasoline service stations and Section 22-20 Permanent sign regulations. The maximum signage allowed is one 18-square-foot wall sign and one 40-square-foot ground sign. Canopy signage is limited to two signs not to exceed eight square feet each. Pump and spanner signage will be reviewed at time of permit. *Comment acknowledged by the applicant.*

Gateway Landscape Easement:

12. A 10-foot wide landscape easement may be required along State Rd 7.

Note:

- A. Please Resolve Comments 1,3,4,8,10 Prior to City Council Application
- B. Please Resolve Comments 2,5,6,9 Prior to Building Permit

**LANDSCAPING:**

Notes:

1. Provide a color landscape plan with the Planning and Zoning Board submittal.
2. All site plan and planting plan comments from the Department of Public Works – Environmental Landscape Division must be responded to in writing before this project will be released from this department to proceed to the Planning and Zoning Board.
3. The applicant may be required to execute a developer agreement and post security for all engineering and landscape related improvements at time of permitting. *Please note: Only the perimeter and off-site landscape shall be included in the landscape portion of the bond.*
4. Tree/palm removal and relocation permits as well as Tree/palm trimming permits must be obtained directly through the Department of Public Works – Environmental Landscape Division at the time of permitting.

Site Plan:

1. Section 13-41(b) **WAIVER REQUIRED** requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area:
  - 10’ lpz is required along the western façade – 3’ has been provided.
  - 10’ lpz is required along the eastern façade – 9’ has been provided.

Planting Plan:

1. Section 13-41(c) **WAIVER REQUIRED** requires one tree per each 30 lineal feet of façade  
Western LPZ: 3 Trees Required – 0 trees Provided



2. Section 13-35(1)(e). Root barrier system shall be installed in situations where a tree or palm is planted within 10' of a paved surface or infrastructure. Draw barriers as far away from the tree/palm trunk as possible as close proximity to the trunk will diminish the vigor.
3. Section 13-45(b) requires that all trees retained on a site shall be protectively barricaded before and during construction activities. Please show locations for tree protection barriers on the Planting Plan as well as the Demolition Plan.
4. Provide construction/engineering details for the Planter Boxes and specify soil composition/mixture and soil volume.
5. Section 13-44(a)(b)(7)(d) requires that the tree(s), if destroyed, will be replaced by the applicant by providing the equivalent monetary value to the city's tree fund.
6. Section 13-44(a)(b)(9) requires that any persons conducting a permitted tree relocation must post a bond to insure the survival of tree(s) designated for preservation.
7. Sec. 13-44(a)(b)(7)(b)(c)(d) requires that all proposed trees to be removed must be mitigated.

Note:

- A. Please Resolve Comments 1 (Site Plan), 1-7 (Planting plan) Prior to City Council Application
- B. Please Resolve Comments 1-4 (Notes) Prior to Permit

**ENGINEERING:** No objection

1. The stormwater management regulation for this property is subject to the regulations of Chapter 27 Broward County Code in addition to Chapter 9 of City of Plantation Land Development Code. Please ensure that the use of pervious pavers is approved by Broward County Environmental and Engineering Division. A stormwater License shall be obtained prior to the issuance of an engineering permit.
2. The property requires platting prior to issuance of a building permit for a new principal structure. A plat (PP20-0030) has been approved by the City Council. Plat recordation is required prior to issuance of a building permit.
3. The property is abutting state Road 7 which is owned and maintained by FDOT. Applicant shall obtain all the required FDOT permits prior to the issuance of an engineering permit.
4. Applicant submitted a traffic statement that outline the new trip generated by the redevelopment of this site
5. Please reconsider the use of pervious pavers on parking spaces and keep them on the pedestrian walkway if site meets the 35% pervious percentage.
6. Please calculate the number of residential equivalent units (ERUs) generated by the site according to Code Section 9-100 and add it to the site data table on sheet C2.0 accordingly

Note:

- A. Please Resolve Comments \_\_\_\_\_ Prior to City Council Application
- B. Please Resolve Comments 1-6 Prior to Engineering Permit

**TRAFFIC CONSULTANT:** See Engineering Department Comments

Note:

- A. Please Resolve Comments \_\_\_\_\_ Prior to City Council Application
- B. Please Resolve Comments \_\_\_\_\_ Prior to Building Permit

**BUILDING:** No objections

Note:

- A. Please Resolve Comments \_\_\_\_\_ Prior to City Council Application
- B. Please Resolve Comments \_\_\_\_\_ Prior to Building Permit

**FIRE:**

Reviews:

- Comments 1 – 16 on the Staff Report to the Development Review Committee meeting of December 8<sup>th</sup>, 2020.
- Applicant response on March 16, 2021 submittal.
- Fire Dept reply on the Staff Report to the Development Review Committee meeting of April 13, 2021.
- Applicant response on August 27, 2021 submittal.
- Comment 17 and Fire Dept reply on the Staff Report to the Development Review Committee meeting of September 28, 2021.
- Applicant response on November 30, 2021 submittal.
- Fire Dept reply on the Staff Report to the Planning & Zoning Board meeting of January 4, 2022.

No objections as to this Conditional Use, Site Plan, Elevation, and Landscape Plan approval with the understanding that the applicant and/or owner are aware of following City of Plantation Fire Department comments and will comply with each comment by affirming in written reply and/or plan submittal.

1. All aspects of fire and life safety shall comply with the current edition of the Florida Fire Prevention Code at time of permitting.  
\*Applicant response – Comment acknowledged.  
\*Fire Dept reply – Complied.
2. All structures/buildings shall be able to provide a maintained minimum, as determined by City of Plantation Fire Department, radio signal strength for fire department communications during in-building operations. A two-way radio communication enhancement system may be necessary to comply with this requirement.  
\*Applicant response – The property shall provide the required radio signal strength as directed.  
\*Fire Dept reply – Complied.
3. Structures/buildings shall be entirely protected by an approved, supervised automatic fire sprinkler system hydraulically calculated to City of Plantation drought standard of 50-PSI static, 45-PSI residual, at 1100-GPM flow, with a minimum 10% safety margin.  
\*Applicant response – The building is not proposed to be fire sprinkled, there is a hydrant accessible for the site (see sheet C4.0).  
\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure

protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Please note that the proposed sprinkled facility shall comply with the City of Plantations drought standards. sheet T-2.0 provided demonstrates the proposed fire truck path for adequate fire service.

\*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting. Additionally, sheet T2.0 is omitted from this submittal.

\*Applicant response – Please see T2.0 included as requested. Also see sheet T2.1 for additional movements as requested by the Fire Department. Note that the proposed building shall be sprinkled.

\*Fire Dept reply – Complied.

4. Fire sprinkler system underground supply line shall have its own dedicated tap directly from water main, not shared; as such, the point of service shall be the valve at the water main tap.

\*Applicant response – The building is not proposed to be fire sprinkled.

\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Please see updated sheet C-4.0 for individual fire main tap location and information.

\*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.

\*Applicant response – Please see updated sheet C-4.0 for individual fire main tap location and information.

\*Fire Dept reply – Complied.

5. The same Florida Fire Protection Contractor I, II or V shall be responsible for the installation of the fire sprinkler system underground supply line from valve at water main up to the 12” above grade stub outside of building and the Double Detector Check Valve (DDCV) (backflow preventer).

\*Applicant response – Comment noted.

\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Please see updated sheet C-4.0 for individual fire main tap location and information, including DDCV.

\*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.

\*Applicant response – Please see updated sheet C-4.0 for individual fire main tap location and information, including DDCV.

\*Fire Dept reply – Complied.

6. Fire department connection (FDC) and its adjacent fire hydrant (FH) shall face roadway, shall be located on same side of roadway, within 6’ to 25’ of each other, and within 6’ of curb front.

\*Applicant response – Comment noted.

\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Please see updated sheet C-4.0 For fire hydrant and FDC locations as requested.

\*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.

\*Applicant response – Please see updated sheet C-4.0 for individual fire main tap location and information, including DDCV.

\*Fire Dept reply – Complied.

7. The following shall be permitted separately:

- a. All fire sprinkler system underground supply line from valve at water main up to the 12” above grade stub outside of building and the FDC (if connected to supply line prior to the 12” above grade stub).
- b. DDCV.
- c. Whole fire sprinkler system installations after the 12” above grade stub outside of building.

\*Applicant response – Comment noted.

\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Comment acknowledged; the individual permits will be obtained at the time of permitting.

\*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.

\*Applicant response – Comment acknowledged; the individual permits will be obtained at the time of permitting.

\*Fire Dept reply – Complied.

8. FDC’s shall comply with following:

- a. Free standing.
- b. Single 4” screened Storz coupling on a 30-degree bend.
- c. Intake between 24” to 36” above grade.
- d. No obstructions within 3’ of sides.
- e. Unobstructed 6’ wide area from FDC to curb front.
- f. Posted “NO PARKING - FIRE DEPARTMENT CONNECTION” sign behind it, compliant FFPC NFPA-1 and current City of Plantation Engineering Department Fire Lane Signing and Marking Standard.

\*Applicant response – Noted.

\*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.

\*Applicant response – Please see updated sheet C-4.0 For FDC location and information as indicated in the above comment.

- \*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.
- \*Applicant response – Please see updated sheet C-4.0 For FDC location and information as indicated in the above comment.
- \*Fire Dept reply – Complied.
9. FH's shall comply with following:
- No obstructions within 3'.
  - Unobstructed 6' wide area from FH to curb front.
- \*Applicant response – Comment noted.
- \*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.
- \*Applicant response – Please see updated sheet C-4.0 For fire hydrant information as requested.
- \*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.
- \*Applicant response – Please see updated sheet C-4.0 For fire hydrant information as requested.
- \*Fire Dept reply – Complied.
10. Fire sprinkler riser(s) shall be in an area that provides an unobstructed 3' access to the front and to the sides of the appliances.
- \*Applicant response – Comment acknowledged.
- \*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.
- \*Applicant response – The proposed facility will not be incorporating a sprinklered system. Please see sheet EC-1.0 has been updated.
- \*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.
- \*Applicant response – Please see updated sheet C-4.0 For the location of the FDC as requested.
- \*Fire Dept reply – Complied.
11. Fire sprinkler monitoring alarm control panel shall be located in a properly conditioned room that provides an unobstructed 3' access to the front and to the sides of the cabinet.
- \*Applicant response – Comment acknowledged.
- \*Fire Dept reply – It should be noted that prior submittal provided for a building/structure protected by an automatic fire sprinkler system. Current Sheet EC-1.0 still states same. Please refer to comment 17 if building/structure is not to be protected by an automatic fire sprinkler system.
- \*Applicant response – The proposed facility will not be incorporating a sprinklered system. Please see sheet EC-1.0 has been updated.
- \*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.
- \*Applicant response – Comment acknowledged, the alarm panel shall be provided as required.

- \*Fire Dept reply – Complied.
- 12. Any straight curbing in excess of 4’ shall be designated "NO PARKING - FIRE LANE", compliant FFPC NFPA-1 and current City of Plantation Engineering Department Fire Lane Signing and Marking Standard.
  - \*Applicant response – Comment acknowledged.
  - \*Fire Dept reply – Complied.
- 13. A Knox 3200 series Key Vault shall be provided/installed at locations designated by the City of Plantation Fire Department.
  - \*Applicant response – Comment acknowledged.
  - \*Fire Dept reply – Complied.
- 14. Fueling canopy shall have a minimum 13’6” vertical clearance.
  - \*Applicant response – Comment acknowledged, the fuel canopy will meet and exceed the minimum clearance. See Fuel Canopy drawings.
  - \*Fire Dept reply – Complied.
- 15. Please be aware that City of Plantation Ordinances only permits one (1) single aboveground fuel storage tank, of which it cannot exceed 250 gallons. As such, the sale of 20-lbs (5-gal) LP-Gas tanks, like those for BBQ’s, is prohibited.
  - \*Applicant response – Comment noted.
  - \*Fire Dept reply – Complied.
- 16. Additional conditions may arise upon review of all required permitting plans.
  - \*Applicant response – Comment acknowledged.
  - \*Fire Dept reply – Complied.
- 17. If building/structure is not being protected by an automatic fire sprinkler system, emergency vehicle access roadways shall have a turning radius of 50’ outside and 38’ inside, compliant with City of Plantation Engineering Dept standard. This requirement shall be depicted in all of the following:
  - a. All interior turns.
  - b. Westbound NW 5<sup>th</sup> Street to right in.
  - c. Right out to westbound NW 5<sup>th</sup> Street.
  - d. Eastbound NW 5<sup>th</sup> Street to left in.
  - e. Left out to eastbound NW 5<sup>th</sup> Street.
  - f. Southbound N State Road 7 to right in.
  - g. Right out to southbound N State Road 7.
  - \*Applicant response – The proposed building shall be sprinkled.
  - \*Fire Dept reply – The applicant responses of August 27, 2021 to comments 10, 11 and 17 are conflicting.
  - \*Applicant response – Please see T2.0 included as requested. Also see sheet T2.1 for additional movements as requested.
  - \*Fire Dept reply – Complied.

**POLICE:**

No objection to the conditional use, site plan, elevation, and landscape plan.

**Note:**

- A. Please Resolve Comments \_\_\_\_\_ Prior to City Council Application
- B. Please Resolve Comments \_\_\_\_\_ Prior to Building Permit

## **UTILITIES:**

No objection to the Conditional Use, Site Plan, Elevation and Landscape Plan. Applicant has agreed to all previous Utilities' comments throughout the DRC process.

1. Prior to a Building Permit or Occupational License being issued, the following must be provided:

- \$500.00 review fee must be submitted to the Utilities Department
- Water and Sewer Utility plans must be submitted to the Utilities dept. for review and approval.
- FDEP Water and Sewer Permits must be approved
- Utilities Agreement must be executed
- Utilities Performance Bond must be posted
- Utility Easements must be executed
- Utility Inspection fees must be paid
- **Capacity Charges must be paid in FULL.**

- **Contact: Johnathan Adams if you have any questions, 954.414.7352**

Note:

- A. Please Resolve Comments \_\_\_\_\_ Prior to City Council Application  
B. Please Resolve Comments 1 Prior to Building Permit

**O.P.W.C.D.** No comment.

**WASTE MANAGEMENT** Contact Andrew Kandy or Adrian Moore at [akandy3@wm.com](mailto:akandy3@wm.com) or [amoore@wm.com](mailto:amoore@wm.com).

## **VI. EXHIBITS:**

- A. Letter of Intent
- B. Aerial Map
- C. Zoning Map
- D. Legal Description
- E. Waiver Request

**EXHIBIT A  
Letter of Intent**

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Re: APEC – Plantation Shell Circle K  
501 N. State Road 7  
Plantation, Florida

Letter of Intent

Applications: Site Plan  
Plat  
Conditional Use

Date: January 4, 2022

**UPDATED LETTER OF INTENT**

The applicant, Lake Worth Property Enterprises, LLC, is the owner of the Texaco station located at 501 N. State Road 7, Plantation, Florida. The station is operated by Automated Petroleum and Energy Company, Incorporated (“APEC”), and Lake Worth Property Enterprises, LLC is a subsidiary of this company. APEC owns and operates gas stations and convenience stores throughout the State of Florida. APEC was incorporated in 1986 and its principals have been in the energy business since prior to that time.

The station that is subject to these applications is located on the northwest corner of State Road 7 and N.W. 5<sup>th</sup> Street. Currently, it is a Texaco station and has the appearance of a very old-fashioned, traditional-looking service station. Currently, there are five pumps with ten vehicle fueling positions, three service bays, and the office area was converted to a small convenience store some time ago.

The applicant is seeking to totally demolish the existing structure and to rebuild a modern gas station with a more functional convenience store. Tentatively, Shell is anticipated to be the gas station operator, and Circle K to be the convenience store operator. The site is being reconfigured for safety and circulation. The number of gas pumps is being reduced from five to four with eight fueling positions. The service bays will be removed and the convenience store will be enlarged to 2,484 sq. ft. This still constitutes a reduction in the building’s overall footprint.

The proposal does not contemplate having a kitchen or the preparation of food items for sale. No



automobile service would be provided and, in fact, was discontinued many years ago. There are no plans to include a car wash or similar facility.

The subject property is zoned SPI-2 AM Special Public Interest, Auto Mall. The property is not platted which requires the filing of the application to plat the property. The application has been filed and approved, and has moved forward to Broward County.

In addition, the applicant is providing a full Site Plan for the rebuild of the site. A gas station with an accessory convenience store use in this zoning district is considered a conditional use, which requires the filing of the third application. Even though the gas station use currently exists, the demolition of the structure and the rebuild of the new facility requires the filing of a conditional use application.

The applicant proposes that the gas station and convenience would be open 24 hours a day, seven days a week, and would be staffed at all times by one or more employees. The convenience store will remain open and there will not be a so-called "cashier's cage". The applicant has designed the facility in such a fashion as to allow for large windows for police and the public to be able to observe the interior at all times. Low landscape planting will not obstruct this view. The facility and the canopy will be well lit and there will be video cameras in operation both inside and outside at all times.

The applicant obviously would have a minimum of one employee on-site at any time, and at certain times would have multiple employees during busier hours of operation. In addition, the building will be fully equipped with a fire sprinkler system due to the tightness of the site.

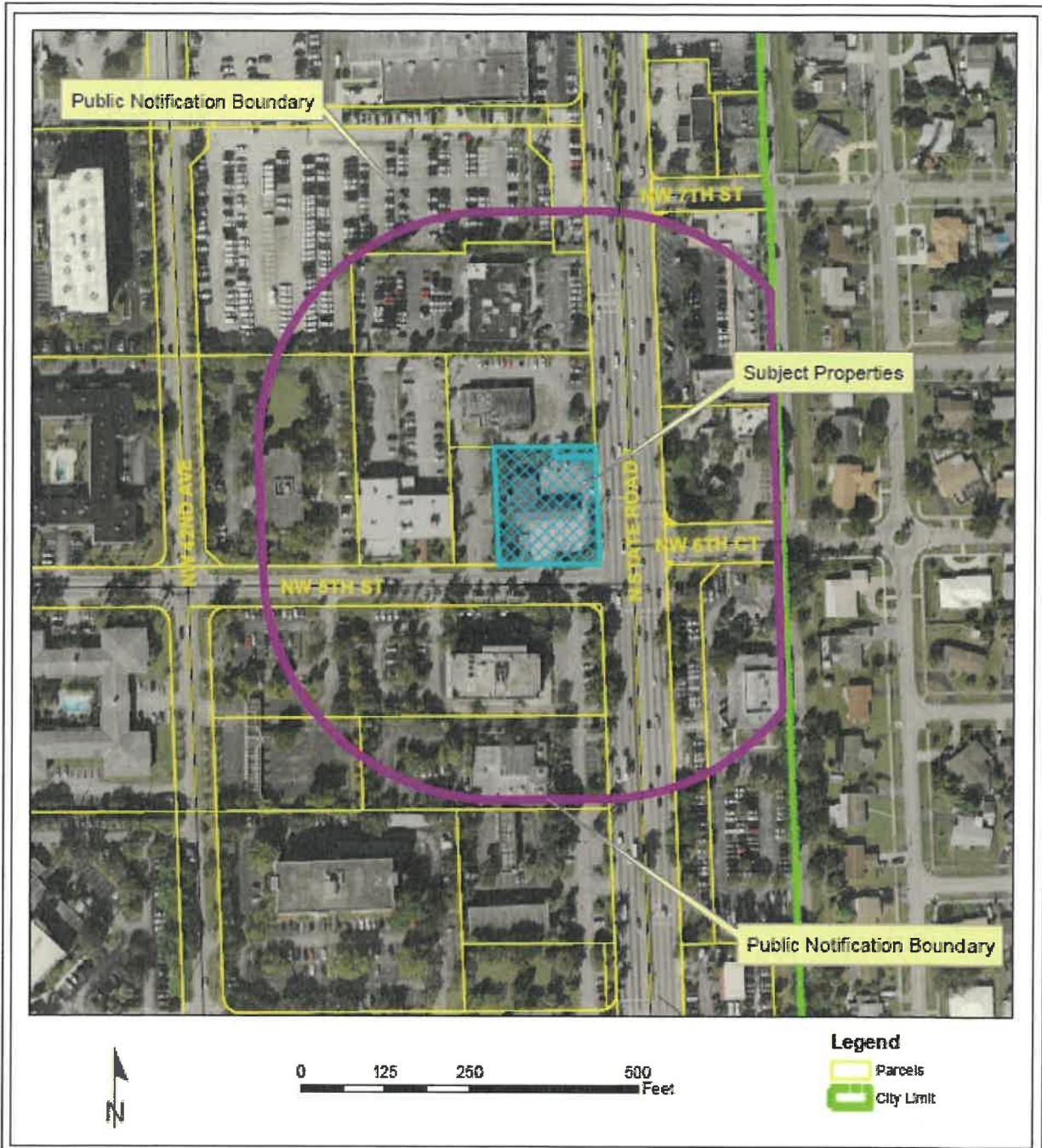
The applicant will be providing a market analysis, but feels that a small station and convenience store such as this can compete with modern giants such as Wawa. Currently the station does a good business even though it is antiquated and has a very small convenience store operation. APEC believes it is well worth the investment to raze and rebuild the site into a modern gas station and convenience store. APEC has found that many customers prefer a small station and store such as this to the mega stations. State Road 7 is a heavily traveled corridor and a gas station of this nature captures drive-by traffic, rather than being a destination in an of itself.

The proposed demolition and rebuild of the site does not involve any alteration of the underground fuel tanks. The tanks will remain in their location unchanged, so there should be no environmental issues resulting from the work. Further, the applicant will comply with all requirements of the Gateway design criteria.

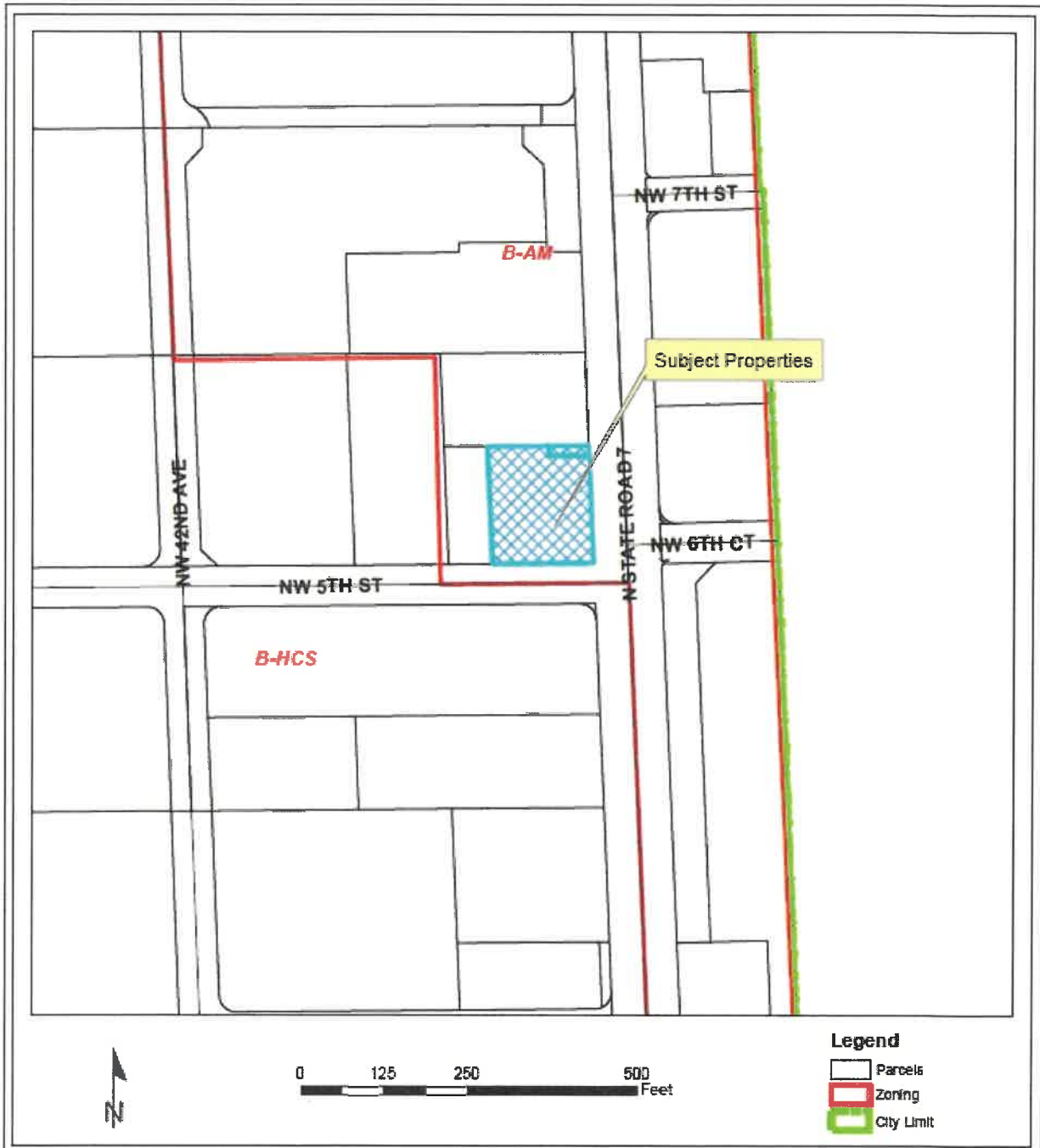
Respectfully submitted,

  
JOHN VOIGT

AERIAL MAP



ZONING MAP



**EXHIBIT D**  
**Legal Description**

**LEGAL DESCRIPTION:**

THE SOUTH 185 FEET OF THE EAST 185 FEET OF TRACT 8, AS MEASURED ALONG THE EAST AND SOUTH LINES OF SAID TRACT 8, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 1, TOWNSHIP 50 SOUTH, RANGE 41 EAST OF BROWARD COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE SOUTH 10 FEET AND THE EAST 35 FEET THEREOF, AND EXCEPTING THEREFROM ALL THAT PART OF SAID TRACT LYING EXTERIOR TO THE ARC OF A 25 FOOT RADIUS CURVE, TANGENT TO THE SOUTH AND EAST LINES OF SAID PARCEL. THE SOUTH LINE OF SAID TRACT 8 LYING 15 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 AND THE EAST LINE OF SAID TRACT 8 LYING 15 FEET WEST OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1.

SAID LANDS LYING AND BEING SITUATE IN THE CITY OF PLANTATION, BROWARD COUNTY, FLORIDA.

**EXHIBIT E**  
**Waiver requests**

**ZONING WAIVER:**

1. From: Section 27-613.4(a) which requires rear setback of 25 feet.  
To: Reduce the rear setback to 3 feet on the west property line.

*Applicant Justification:* This is a very old site which is very tight for redevelopment. The applicant has moved the convenience store building as far to the west as possible to provide for room for the service station component and fuel truck movement on the east side of the building fronting State Road 7. As a result, the applicant is only able to provide 3' of rear setback and 3' of a Landscape Pedestrian Zone. Due to the narrow width, the applicant is unable to plant any trees in this 3' swath of land and, therefore, requests these three Waivers, all for the same reasons.

*Staff response:* Staff concurs.

**LANDSCAPE WAIVERS:**

1. Section 13-41(a)(b) **WAIVER REQUIRED** requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area:
  - 10' lpz is required along the western façade – 3' has been provided.
  - 10' lpz is required along the eastern façade – 9' has been provided.

**Justification:** The applicant has moved the convenience store building as far to the west as possible to provide for room for the service station component and fuel truck movement on the east side of the building fronting State Road 7. As a result, the applicant is only able to provide 3' of rear setback and 3' of a Landscape Pedestrian Zone. Due to the narrow width, the applicant is unable to plant any trees in this 3' path of land and, therefore request these three Waivers, all for the same reasons.

**Response:** Staff has no objection to this variance request.

2. Section 13-41(c) **WAIVER REQUIRED** requires one tree per each 30 lineal feet of façade  
Western LPZ: 3 Trees Required – 0 trees Provided

**Justification:** The applicant has moved the convenience store building as far to the west as possible to provide for room for the service station component and fuel truck movement on the east side of the building fronting State Road 7. As a result, the applicant is only able to provide 3' of rear setback and 3' of a Landscape Pedestrian Zone. Due to the narrow width, the applicant is unable to plant any trees in this 3' path of land and, therefore request these three Waivers, all for the same reasons.

**Response:** Staff has no objection to this variance request.