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**VIA HAND DELIVERY**

THE HONORABLE MAYOR, VICE MAYOR  
AND CITY COMMISSIONERS  
CITY OF FORT LAUDERDALE  
700 N.W. 19<sup>TH</sup> AVE  
FORT LAUDERDALE, FL 33311

***Re: City Commission Rezoning Application - Justification Narrative  
Wawa and Chick-fil-A (Cypress Creek Road) – Case No. ZR16001***

Honorable Mayor, Vice Mayor, and City Commissioners:

BW Cypress Creek Powerline, LLC (hereafter referred to as “Applicant”) is requesting to rezone the properties located at 6191 N Powerline Road, Fort Lauderdale, FL 33309, and 920 NW 62<sup>nd</sup> Street, Fort Lauderdale, FL 33309. The Applicant proposes to rezone the subject properties from Industrial (I) to General Business (B-2). The properties are generally located at the southwest corner of West Cypress Creek and North Powerline. The properties proposed for rezoning have an underlying land use designation of Employment Center. The proposed redevelopment of the existing Speedway gasoline station and the vacant parking lot will require the property to be rezoned to B-2 and the Employment Center land use designation amended to Commercial through the flexibility allocation process.

The rezoning request with flex allocation of Commercial land use would allow for the development of a 5,911 square foot Wawa food and beverage market with gasoline service and a 3,999 square foot Chick-fil-A restaurant with drive through facilities. With its astonishing customer loyalty, Wawa is known as a hybrid restaurant with gasoline sales. It provides patrons with a convenient one-stop-shop for fresh, built-to-order foods, beverages, coffee, snacks and fuel services. Building on the brand’s success in other areas, this project includes an outdoor dining area which is designed to create a comfortable pedestrian public space with lush foliage surrounding the site along the right-of-ways, wide comfortable sidewalks and bicycle parking.

The site was carefully designed to reduce the pedestrian/vehicular conflicts that existed on the site with the existing Speedway Station. There are currently two proposed ingress/egress options to the site. The proposed parking has been provided along the Powerline Road perimeter and not along the Cypress Creek right-of-way. This configuration aligns with the Uptown Urban Village vision.

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## I. PROPERTY DESCRIPTION & PROPOSED DEVELOPMENT

The properties proposed to be rezoned are located at 920 NW 62<sup>nd</sup> Street (“Chick-fil-a”) and 6191 N Powerline Road (“Wawa”) (collectively the “Property”).

The proposed site for Property is roughly 2.56-acres (111,728 square feet) and is generally located at the southwest corner of Cypress Creek Road and Powerline Road (Folio Nos. 4942-09-00-0165 and -0164). Currently, on the corner exists a 655 square foot gasoline service station with two fuel islands. This existing Speedway station will be demolished and replaced with the new Wawa project.



## II. CONSISTENCY WITH THE COMPREHENSIVE PLAN

### A. *Proposed zoning district is consistent with the City’s Comprehensive Plan.*

The proposed rezoning is consistent with the City of Fort Lauderdale Comprehensive Plan. The proposed rezoning and use of flexibility accomplishes Objective 1.36 of the City of Fort Lauderdale Comprehensive Plan. *See City of Fort Lauderdale Comprehensive Plan, page 2-28.* The Comprehensive Plan seeks to utilize the flexibility rules established by the Broward County Land Use Plan in order to facilitate the arrangement of commercial acreage to allow the City to respond to changing conditions.

The proposed development also attempts to guide growth, discourage sprawl, and encourage transit in accordance with Objective 1.32 of the Comprehensive Plan. *See City of Fort Lauderdale Comprehensive Plan, page 2-24.* The new development discourages urban

sprawl and centralizes commercial, retail, residential and cultural activities by providing a refueling station on an underutilized parcel. The automobile service station will service vehicles traveling along the main thoroughfares, and will enhance the curb appeal of the Property.

The proposed rezoning also complies with the Future Land Use Element of the City's Comprehensive Plan. The Property has an underlying land use designation of Employment Center, is located in the Uptown Urban Village Area, and is zoned Industrial (I). The Uptown Urban Village Project is a planning project that identifies strategies in creating a more livable urban village core for the Uptown area. The overall intent is to establish a single land use designation that supports a mix of uses and multi-modal development. *See pg. 30 of the Uptown Urban Village Technical Assistance Panel Report dated August 12 and 13, 2014.* The development will support the mix of multi-modal development by providing a restaurant and convenience store within walking or biking distance to the local community and Executive Airport.

The Project provides an opportunity to redevelop the underutilized portion of the property with a new modern Wawa convenience store and gasoline station, redeveloping the existing Speedway Station site that has existed on the property since 1969. The new Chick-fil-A will occupy the portion of the parking lot that is vacant and rarely used. The Project will facilitate redevelopment along the adjacent major thoroughfares and will serve the surrounding neighborhood.

The redevelopment project will be sustainable, with minimal vehicular and pedestrian conflicts along the two major corridors. Furthermore, the Project will facilitate redevelopment along the adjacent major thoroughfares, creating a highly visible, and highly desirable, Wawa retail store and gas station that will serve the surrounding areas. The redevelopment achieves the goals of the Uptown Urban Village Area by supporting a mix of uses and multi-modal development.

***B. Substantial changes in character of development in or near the area under consideration supports the proposed rezoning.***

The Project site is located in an active area of the City adjacent to two major thoroughfares with multiple commercial, industrial, and airport uses nearby. This area of the City has grown with a variety of commercial and industrial uses and it is important to locate highly visible and popular destination businesses in these active areas. The Project will be able to serve the local neighborhoods, as well as traffic from the Executive Airport and traffic accessing I-95 to the east of our location. The utilization of the flexibility rules to change the underlying land use facilitates the arrangement of commercial acreage to allow the City to respond to changing conditions in the area.

***C. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.***

As noted above, the character of the surrounding area is suitable for the uses permitted within the proposed zoning district, and is compatible with the surrounding districts and uses. The project is replacing an existing gasoline station and redeveloping the vacant warehouse parking lot. The proposed Chick-fil-A and Wawa convenience store and gasoline station are allowable uses within the General Business zoning district. The uses proposed will support the adjacent existing businesses, while continuing the development trends in this area of the City.

### **III. UNIFIED LAND DEVELOPMENT CODE (“ULDR”) ANALYSIS**

In terms of the City development review, the Properties and the proposed development are subject to the following sections of the ULDR:

1. Sec. 47-6.2.C General Business District (B-2)
2. Sec. 47-24.4 Rezoning
3. Sec. 47-25.2 Adequacy Requirements
4. Sec. 47-25.3 Neighborhood Compatibility Requirements
5. Sec. 47.27.5.C Notice for Rezoning and Change in Uses
6. Sec. 47-28 Flexibility Rules

#### **A. General Business (B-2) Zoning District (Sec. 47-6.2.C)**

The General Business District is intended to provide for the location of commercial business uses which cater infrequently to households, but are necessary for the City’s economic vitality and to meet the general business needs of the community. The B-2 district limits certain uses which could have a detrimental effect on abutting land uses if these uses were permitted to exist without certain standards being met. The B-2 district is located on sites concentrated on or around major trafficways.

Permitted uses within the B-2 zoning district include: automotive service stations; convenience stores; convenience store, multi-purpose; and food and beverage drive-thru. *Sec. 47-6.12, ULDR*. Therefore, the proposed project of the Wawa automotive service station and convenience store and the Chick-fil-A drive-thru restaurant are permitted uses within the B-2 zoning district.

#### **B. Rezoning (Sec. 47-24.4)**

The City Commission is the decision-making body for rezoning applications. If the Planning and Zoning Board determines that the Site Plan Level III application meets the criteria as provided in Sec. 47-24.4; ULDR, the Planning and Zoning Board shall recommend to the City Commission that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the Applicant.

The City Commission shall then hold a public hearing to consider the application and the record and recommendations forwarded by the department and the Planning and Zoning Board

and shall hear public comment on the application and vote on whether requested rezoning should be authorized.

The new proposed development of the Wawa and Chick-fil-A will be constructed as a conforming use after the rezoning from I to B-2. An automotive service station is currently a permitted use within Industrial zoning, however a convenience store is not permitted. Rezoning from I to B-2 will allow the proposed development of the Wawa and Chick-fil-A to be in compliance with the applicable regulations under the ULDR.

**C. Adequacy Requirements (Sec. 47-25.2)**

*For ease of review, subsections A-Q of Section 47-25.2 have been pasted into this justification statement.*

**A. *Applicability.***

The adequacy requirements stated in ULDR Section 47-25.2 are applicable to the project to evaluate the demand it will place on public services and facilities.

**B. *Communications network.***

The Applicants are not aware of any interference with the City's communication network. If interference is identified, the Applicants shall work with the City to eliminate the interference.

**C. *Drainage facilities.***

Acknowledged.

**D. *Environmentally sensitive lands.***

The site is currently developed with a building and open parking. There are no environmentally sensitive lands located on the property.

**E. *Fire protection.***

Acknowledged.

**F. *Parks and open space.***

Acknowledged.

**G. *Police protection.***

The proposed project use will have 24 hour staffing and proper security monitoring for the Property. This will be further addressed by the Applicants.

**H. Potable water and Potable Water Facilities.**

The Applicants are committed to compliance with the City's standards. The design of the water service system shall be in accordance with the City's requirements as noted above and in accordance with the Florida Building Code, and American Water Works Association (AWWA) Standards and Manuals of Water Supply Practices. The domestic and the fire demands for the facilities will be coordinated with the City to verify the design of all components of the domestic and fire protection supply systems. Design of a water distribution system requires both domestic and fire flow demands be considered concurrently.

Meter assembly shall meet the requirements of the City.

**I. Sanitary sewer.**

The Applicants are committed to complying with the City's standards. The design of the sanitary service system shall be in accordance with the City's requirements as noted above and in accordance with the Florida Building Code, and applicable State and Federal Standards. The sanitary sewerage flow demands for the facilities will be coordinated with the City to verify the design of all components of the sanitary systems. Existing sanitary pipes in conflict with proposed building structures will be relocated as a part of this Project.

**J. Schools.**

N/A as this is non-residential development.

**K. Solid waste.**

The Applicants will contact the solid waste authority (waste management) for coordination of services for this development.

**L. Storm Water.**

The Applicants are committed to compliance with the City's standards.

Federal, State and local regulations regarding the design of storm-water management systems shall be considered the minimum design criteria and should apply. Additionally the Project will be designed to minimize the impacts of construction activities on the drainage system by preventing loss of soil by water and wind erosion. An NPDES SWPPP will be prepared and implemented

in accordance with the Florida Department of Environmental Protection criteria. Low Impact Development (LID) strategies will be used in this project. LID is a storm water management strategy concerned with maintaining or restoring the natural hydrologic functions of a site.

***M. Transportation facilities.***

A licensed traffic engineer has been engaged to complete the required traffic analysis for the Project. A narrative regarding the traffic impact and transportation facilities is included with the submittal package provided to the Transportation and Mobility Department.

***N. Wastewater.***

Acknowledged.

***O. Trash Management Requirements.***

Acknowledged.

***P. Historic and Archaeological Resources.***

There are no historic or archeological resources on the site.

***Q. Hurricane Evacuation.***

The Applicants will determine the agency with jurisdiction over hurricane evacuation and provide the required agency analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity will be maintained without impairment resulting from the Project or describing actions or development modifications necessary to be implemented in order to maintain levels of service and capacity.

**As indicated by the above analysis, the proposed project satisfies all of the adequacy requirements of the ULDR.**

**D. Neighborhood Compatibility (Sec. 47-25.3)**

The Applicants offer the following point-by-point analysis of how the proposed project is compatible with the neighborhood in which it is located. *For ease of review, the subsections of Section 47-25.3 have been pasted into this narrative.*

***The neighborhood compatibility requirements are as follows:***

***1. Adequacy Requirements.***

*For ease of review, subsections A-Q of Section 47-25.2 have been pasted above.*

**2. *Smoke, odor, emissions of particulate matter and noise.***

The design will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise as regulated by Chapter 27, Pollution Control, of the Code of Broward County, and that a DNRP permit for such facility is not required. In addition, the Project will comply with the criteria established.

**3. *Design and Performance Standards.***

**a. *Lighting.***

The Project will incorporate pedestrian level lighting in the form of bollards and soft landscape lighting, along with required light poles for access and security. This area is very dark and potentially unsafe for pedestrian access in the evenings and the project will look to provide a safer and more user friendly environment.

**b. *Control of Appearance.***

The proposed project will be maintained by the owner/operators of the facility on a recurring basis as this is critical for the success of this venture.

**c. *N/A.***

**d. *N/A.***

**e. *Neighborhood Compatibility and Preservation.***

The neighborhood compatibility criteria include performance standards requiring all developments to be “compatible with, and preserve the character and integrity of adjacent neighborhoods...include modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods.” *Sec. 47-25.3.A.3.e.i.a; ULDR.*

The properties to the north, south, east and west are all zoned Industrial or Commercial in nature. To the west of the Property on Cypress Creek Road is the Fort Lauderdale Executive Airport.

**As indicated by the above analysis, the proposed project satisfies all of the neighborhood compatibility requirements of the ULDR.**



### **E. Community Outreach**

Pursuant to the City's Public Participation Ordinance and the ULDR Secs. 47-27.4.A.2.c. and 47-24.2.A.3.c.iii, the Applicant has conducted a public participation meeting. The requisite report on this public meeting is attached as part of this submittal. Additionally, the notice of the public participation meeting was sent to the Board of Directors of Envision Uptown, Inc., a Florida not-for-profit corporation which facilitates an economic development partnership with private sector businesses in the Fort Lauderdale Executive Airport Region.

In addition to meeting the minimum requirements, the Applicant has worked diligently with the community to address the concerns raised. After numerous meetings with all the involved parties, the plans have been reworked to accommodate the requests of the surrounding community. The developers have incorporated Envision Uptown's requested modifications into their approve plans, and shown a continued willingness to accommodate the economic development partnership.

**As described above, the Applicant has met the City's Public Participation Code requirements of the ULDR.**

### **F. Notice Procedures for Rezoning and Changes in Use (Sec. 47-27.5.C.3)**

Pursuant to the City's notice procedures for rezoning and changes in use, found in ULDR Sec. 47-27.5.C, the Applicant has provided mail notice to the owners of lands under consideration for a change in the zoning map designation, and the owners of lands within three hundred (300) feet of those lands. The mail notice was sent at least ten (10) days prior to the date set for public hearing, March 15, 2017. Pursuant to Sec. 47-27.5.C.3, the Applicant has provided the proper sign notice.

**As described above, the Applicant has met the City's notice requirements of the ULDR.**

### **G. Flexibility Rules (Sec. 47-28)**

The City of Fort Lauderdale may permit a development to be used for commercial business uses within lands designated Industrial land use or Employment Center land use on the City's land use plan, by rezoning the parcel to a business zoning district. *Sec. 47-28.J.1, ULDR.* In accordance with Sec. 47-28.J, ULDR, no more than twenty percent (20%) of the total land use area within the flexibility zone that is designated for Industrial land use or U.C. Employment Center land use may be rezoned to a business zoning district. Additionally, the rezoning application must be submitted and Site Plan Level III approval obtained in accordance with Sec. 47-24.2, ULDR. *Sec. 47-28.J.1.b, ULDR.*

Fort Lauderdale's Comprehensive Plan and Broward County Land Use Plan Policy 3.02.02 also contain the requirements that twenty percent (20%) of areas designated Employment Center to be used for commercial and retail uses. *City of Fort Lauderdale Comprehensive Plan, page 2-48*. This policy is subject to the restrictions identified within Broward County Land Use Policy 13.01.10 and the Employment Center Permitted Uses subsection of the Plan Implementation Requirements section of the Broward County Land Use Plan.

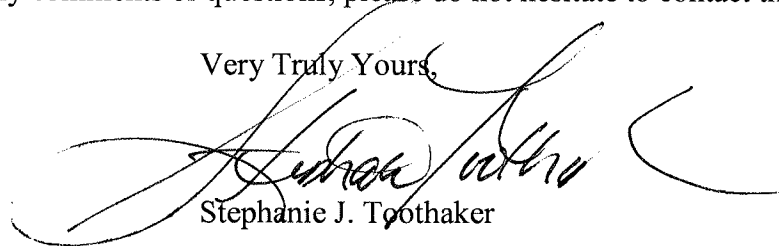
Applicants have complied with the requirements of the City of Fort Lauderdale's ULDR and Broward County's Land Use Plan. The area to be rezoned is located in Flexibility Zone 42. Within Flexibility Zone 42, there are 153 acres which can be rezoned from Employment Center to Commercial to reach the 20% threshold, and only 3.83 acres within the total have been utilized. Therefore, 149.17 acres are available for rezoning from Employment Center to Commercial.

**As described above, the Applicant has met the flexibility requirements of the ULDR and Broward County's Land Use Plan.**

#### IV. CONCLUSION

The proposed development and rezoning of the Property is consistent with the applicable land use and zoning regulations. Accordingly, we respectfully request your recommendation to the City Commission that the proposed development and use meets the standards and requirements of the ULDR and criteria for Rezoning. If we can provide any additional information, or if you have any comments or questions, please do not hesitate to contact the firm.

Very Truly Yours,



Stephanie J. Toothaker