

Page 1: City Commission Submittal Requirements

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: To be filled out by Applicant

Property Owner's Name	Town Development Co.	
Applicant / Agent's Name	Stephanie J. Toothaker, Esq.	
Development / Project Name	Cumberland Farms	
Development / Project Address	Existing: 333 E Sunrise Boulevard	New: Same
Current Land Use Designation	Commercial and Residential Medium	
Proposed Land Use Designation	Commercial and Residential Medium	
Current Zoning Designation	B-2, CB, and RD-15	
Proposed Zoning Designation	B-2 and CB	
Specific Request	Rezoning from RD-15 to CB of 0.3533 acres and commercial flex allocation	

The following number of Plans:

- One (1) original signed-off set, signed and sealed at 24" x 36"
- Two (2) copy sets at 11" x 17"
- One (1) electronic version* of complete application and plans in PDF format to include only the following:
 - Cover page
 - Survey
 - Site plan with data table
 - Ground floor plan
 - Parking garage plan
 - Typical floor plan for multi-level structure
 - Roof plan
 - Building elevations
 - Landscape plan
 - Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
 - Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT:** Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP:** Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Page 2: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must POST SIGNS for all City Commission hearings of development applications according to Sec. 47-27.4.

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA
BROWARD COUNTY

RE: CITY COMMISSION CASE NO.

APPLICANT:

PROPERTY:

PUBLIC HEARING DATE:

BEFORE ME, the undersigned authority, personally appeared, who upon being duly sworn and cautioned, under oath deposes and says:

- 1. Affiant is the Applicant in the above cited City of Fort Lauderdale Board or Commission Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the Board or Commission.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least fifteen (15) days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the Board or Commission. Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning five (5) calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this day of, 20.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.3.i of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. (initial here)
Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)



STEPHANIE J. TOOTHAKER
Direct Dial: 954.765.2905
Email: sjt@trippscott.com

December 13, 2018

VIA HAND DELIVERY

PLANNING AND ZONING BOARD
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
URBAN DESIGN & PLANNING DIVISION
CITY OF FORT LAUDERDALE
700 N.W. 19TH AVE
FORT LAUDERDALE, FL

**Re: CUMBERLAND FARMS – 333 E Sunrise Boulevard
Site Plan Level IV and Rezoning Narrative (Case No. R17066)**

Dear Members of the Planning and Zoning Board:

This firm represents Town Development Co. as owner and applicant, ("Applicant"), of the real property located at 333 East Sunrise Boulevard, Fort Lauderdale, FL 33304, (the "Property"). Applicant hereby requests Site Plan Level IV approval to construct a modern Cumberland Farms convenience store and gas station. The Property currently has multiple land use and zoning designations. Furthermore, the property has been vacant for a considerable amount of time. The proposed development of the Property requires that a portion of the Property be rezoned to CB and a small portion of the Residential Medium land use designation be amended to Commercial through the flexibility allocation process. Additionally, Applicant is requesting a minor parking reduction in the amount of four spaces. Please see a detailed description of the request below.

I. Project Specifics

Applicant proposes construction of a Cumberland Farms convenience store and gas station. The Property is bordered by Sunrise Boulevard to the south, NE 4th Ave to the east, and NE 3rd Ave to the west. The Property is currently vacant and does not contain any structures or improvements on the site.

The Property has three (3) zoning designations: Boulevard Business, ("B-2"); Community Business, ("CB"); and Residential Single Family/Duplex/Low Medium Density District, ("RD-15"). The portion of the Property that is designated for the Cumberland Farms has an underlying land use designation of Commercial and Residential Medium. The site area is approximately 1.48 acres (64,658 sf).

Applicant is proposing a modern Cumberland Farms which will operate a convenience store and gas station on the Property. Cumberland Farms' mission is to deliver the friendliest, cleanest, and most convenient customer experience. Cumberland Farms seeks to accomplish this mission by providing clean and friendly stores, the smartest selection of basic necessities, and a streamlined process allowing for fast service.

110 Southeast Sixth Street, Fifteenth Floor • Fort Lauderdale, Florida 33301
Post Office Box 14245 • Fort Lauderdale, Florida 33302
Tel 954.525.7500 • Fax 954.761.8475 • www.trippscott.com

1755941v1 306727.0001

Fort Lauderdale • Boca Raton • Tallahassee

Cumberland Farms opened their first convenience store in 1962, and has enjoyed a large loyal following ever since. In 2009, Cumberland Farms began an extensive, national upgrade and rebranding of its convenience store concept to not only provide better service to its customer base. Among other major improvements, Cumberland Farms changed its logo, drastically modernized the exterior styling of its new buildings, and revamped its offerings to add a large selection of fresh food, creative drinks, and more grocery choices than a typical convenience store. Today, Cumberland Farms has almost six hundred (600) stores in eight (8) states and employs over six thousand (6,000) people. The proposed development will provide residents and employees in the area with a safe, upscale, service-oriented, and convenient location to purchase drinks, fresh food, specialty coffee beverages, fuel, and other necessities.

Architecturally, the proposed development will implement the modern design typical of the rebranded stores and provide sixteen (16) fueling pump stations. Seating areas will be provided outside the convenience market for those who wish to eat on premises or travelers that need to relax and rejuvenate. The Property will be adequately illuminated so as to enhance safety for the customer utilizing services at night. However, the lighting implemented will not infringe on encroach into the neighboring uses. The proposed development will consist of a 24-hour daily operation.

II. Unified Land Development Regulations Analysis

The proposed development is subject to a Site Plan Level IV review. In terms of the development review, the Property and the proposed development are subject to the following sections of the ULDR:

- | | |
|-----------------|---|
| 1. Sec.47-6.10 | Permitted and Conditional Uses, Community Business (“CB”) |
| 2. Sec. 47-6.12 | Permitted and Conditional Uses, General Business (“B-2”) |
| 3. Sec.47-6.20 | Table of Dimensional Requirements |
| 4. Sec.47-18.5 | Automotive Service Station |
| 5. Sec.47-18.43 | Liquor Store and Convenience Store |
| 6. Sec. 47-35.1 | Definitions |
| 7. Sec.47-24.2 | Site Plan Development Permits |
| 8. Sec.47-28.1 | Flexibility Rules |
| 9. Sec.47-24.4 | Rezoning |
| 10. Sec.47-20 | Parking and Loading Requirements |
| 11. Sec.47-21 | Landscape and Tree Preservation |
| 12. Sec.47-25.2 | Adequacy Requirements |
| 13. Sec.47-25.3 | Neighborhood Compatibility Requirements |

An analysis addressing each of the pertinent land use and zoning regulations is below.

A. Permitted and Conditional Uses, Community Business (“CB”) (Sec.47-6.10)

The Property has three zoning classifications. One of the applicable zoning classifications is Community Business, (“CB”). An automotive fueling station is a permitted use in the CB zoning district pursuant to Sec. 47-6.10, ULDR. A convenience store is also a permitted use within CB zoning. Therefore, the Cumberland Farms, which possesses both a convenience store and fuel pumps, is a permitted use within the portion of the Property that is zoned CB.

B. Permitted and Conditional Uses, General Business (“B-2”) (Sec.47-6.12)

The Property has three zoning classifications. In addition to CB zoning, the Property is also zoned General Business ("B-2"). Automotive fueling stations and convenience stores are permitted uses within B-2 zoning. Therefore, a Cumberland Farms convenience store with fuel pumps, is a permitted use within B-2 zoning.

C. Table of Dimensional Requirements (Sec.47-6.20)

The dimensional requirements for CB and B-2 zoning are contained within Sec. 47-6.20, ULDR.

Requirements	CB	B-2
Maximum Height (ft.)	150	150
Maximum Lot Size	None	None
Maximum FAR	None	None
Minimum Front Yard (ft.)	5 ¹	5 ¹
Minimum Corner Yard (ft.)	5 ¹	5 ¹
Minimum Side Yard	10 ²	15 ²
Minimum Rear Yard	15 ²	20 ²

¹ Where the height of a building in a business zoning district exceeds nine feet (9 ft.) measured from the ground floor elevation, that portion of the building may extend into the front yard area.

² The minimum side yard requirements only apply when the property is contiguous to residential property. If the property is not contiguous to residential property, there are no applicable requirements for a minimum side or rear yard.

Applicant has complied with the applicable dimensional requirements contained within Sec. 47-6.20, ULDR. See the table below with the applicable setbacks and dimensions.

DIMENSION REGULATIONS:	REQUIRED	PROPOSED
MAX. HEIGHT (FEET):	150	33'-4"
MIN. LOT AREA (S.F.):	NONE	58,987.02
MIN. LOT WIDTH (FEET):	NONE	260.00
MAX. FAR:	NONE	0.09
MIN. YARD:		
FRONT – EAST (FEET):	5	82.81 (CANOPY)
SIDE – NORTH (FEET):	N/A	59.05 (CANOPY)
SIDE – SOUTH (FEET):	N/A	32.46
REAR – WEST (FEET):	5	5

The proposed Cumberland Farms will have a height of 33'-4", well below the maximum height of 150'. Additionally, the proposed setbacks are in compliance with the applicable regulations.

D. Automotive Service Station (Sec. 47-18.5)

Section 47-18.5, ULDR, provides requirements applicable to automotive service stations. Specifically, the code provides that automotive service stations provide fuel, oil or grease to be dispensed to vehicles. This section is applicable to the proposed development as Cumberland Farms will contain fueling pumps. Pursuant to the applicable code section, there should be a minimum distance of 300 feet from the property boundary of an automotive service station to any house of worship, public park,

hospital or school. Additionally, the minimum lot size should 17,500 square feet, and the minimum lot width should be 175 feet at the front property line.

The project is in compliance with the applicable requirements of Section 47-18.5, ULDR. Immanuel Baptist Church is the closest house of worship to the Property and is approximately 386' away from the property boundary of the proposed Cumberland Farms. Furthermore, the net area of the lot size is approximately 58,987 square feet, well above the minimum requirement of 17,500 square feet. Finally, the proposed lot width is 260 feet, above the minimum requirement of 175 feet. Therefore, the proposed development meets the requirements of Section 47-18.5, ULDR.

E. Convenience Store, Multi-Purpose (Sec.47-18.43)

The proposed Cumberland Farms contains an automotive fueling component, as well as a convenience store. A convenience store is a permitted use within CB and B-2 zoning. Convenience stores are also subject to additional requirements pursuant to Section 47-18.43, ULDR. The relevant ULDR section prohibits certain uses within the Northwest Regional Activity Center land use designation. Specifically, the following are not permitted within the Northwest Regional Activity Center: liquor store; package liquor store; convenience kiosk; convenience store; convenience store, multipurpose. The Property has an underlying land use designation of commercial, and is not located within the Northwest Regional Activity Center. Therefore, the prohibitions contained within Section 47-18.43, ULDR are not applicable.

F. Convenience Store, Multi-Purpose Definition (Sec. 47-35.1)

The City of Fort Lauderdale ULDR provides the following definition for a convenience store, multi-purpose:

A retail establishment with a maximum of six thousand (6,000) square feet of gross floor area that may have drive-through facilities, where food or beverages are prepared and served for pay for on or off-site consumption; and where automotive fuel is sold, but offers no automotive repair. Other prepackaged goods, household items, automotive fluids and wiper blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers, magazines may also be sold. A multi-purpose convenience store dispensing automotive fuels shall also be considered an automotive service station and shall meet the requirements for that use.

Sec. 47-35.1, ULDR.

Applicant's original proposal contained a 6,568 square foot convenience store, multi-purpose. Applicant has since reduced the gross floor area of the structure to 4,574 square feet

G. Site Plan Development Permits (Sec.47-24.2)

There are two concurrent site plan reviews applicable to this development. The Flex allocation of Commercial land use on a Residential land use designation is subject to site plan level III review. An application for rezoning is subject to site plan level IV review.

The Commercial Flex allocation to property with Residential land use, is reviewed by the Development Review Committee ("DRC") and the Planning and Zoning Board ("PZB"). The rezoning from RD-15 to CB will be heard by the DRC, PZB, and City Commission.

H. Flexibility Rules (Sec.47-28.1)

Flexibility rules permit the City of Fort Lauderdale to revise and rearrange land uses without requiring an amendment to the Broward County Land Use Plan. Pursuant to Sec. 47- 28.1.G, ULDR, the City may permit commercial uses on a parcel with a residential land use designation subject to certain conditions. Applicant requests flexibility allocation to allow for a land use designation of Commercial instead of Residential Medium on the relevant portion of the Property.

An allocation of Commercial flexibility to property with a Residential land use must be limited to a rezoning to Community Business ("CB") or Exclusive Use ("X-Use"). Additionally, no more than five percent (5%) of the total area within a flexibility zone which is designated residential may be rezoned to CB or X-Use and the parcel proposed for CB or X-Use may not be greater than ten (10) contiguous acres.

There are two applicable land use designations on the property -- Commercial and Residential Medium. Applicant respectfully requests a Flexibility allocation of Commercial to the portion of the Property designated Residential land use. In conformance with the requirements under the ULDR, Applicant proposes rezoning a portion of the Property to CB zoning, and the parcel proposed for CB zoning is not greater than ten (10) contiguous acres. Furthermore, the Property is located in Flex Zone 50. The rezoning of the relevant portion of the Property will not result in more than five percent (5%) of the total area within Flexibility Zone 50 being designated as CB. Additionally, the Applicant provides the following information to show compliance with the Flexibility Rules criteria:

a. Demonstration that use of commercial flex acreage supports and implements the specific goals, objectives and policies of the City's LUP.

The Property is currently vacant and unimproved. The City of Fort Lauderdale Future Land Use Element of the Comprehensive Plan contains a vacant land analysis. Most of the vacant land in the City is zoned for commercial institutional or industrial land uses. *See pg. 1-12, City of Fort Lauderdale Comprehensive Plan.* It is expected that the remaining vacant land in the City will be developed at intensity similar to adjacent uses. Id. The Cumberland Farms development is similar in intensity to adjacent uses. As discussed in the Neighborhood Compatibility section, the surrounding uses relate to automobiles and the Cumberland Farms helps complement the adjacent uses.

Additionally, the Property is within the Middle River-South Middle River-Sunrise Boulevard Community Redevelopment Plan. The relevant Community Redevelopment Plan outlines an analysis for vacant parcels, similar to the analysis contained within the City of Fort Lauderdale Comprehensive Plan. An unusual incidence of vacant lots is considered a blight determinant since it is visually unattractive and indicates a persistent lack of development interest in an area. In addition, vacant lots attract dumping and can create a sanitation problem. This along with the tendency for overgrowth of grass and shrubs can attract vermin and make the property difficult to patrol. *See page 34, Middle River/South Middle River/Sunrise Boulevard Community Redevelopment Plan.* The supply of vacant land within the Community Redevelopment Area is likely to last for many years due to the low market demand for vacant property.

Applicant proposes developing a vacant piece of land in an underdeveloped area within the Community Redevelopment Area. The development provides a necessary use for those traveling along Sunrise Boulevard and neighboring streets. The applicable development plans seek to implement practical uses such as an automobile fueling station and convenience store on the relevant vacant lot, therefore, fulfilling the goals of the applicable land use plans. Development of the vacant parcel supports and implements the specific goals, objectives and policies of the City's Land Use Plan.

1755941v1 306727.0001

b. Rezoning application in accordance with Sec. 47-24.2, Development Permits and Procedures.

Applicant is concurrently submitting an application for rezoning for the development. Applicant is requesting for a portion of the Property with an RD-15 classification to be rezoned to CB. The request is in compliance with the applicable rezoning and flexibility rules.

c. Site Plan Level III approval in accordance with Sec. 47-24.2, Development Permits and Procedures.

Applicant is submitting the applicable Site Plan Level III application in accordance with the City of Fort Lauderdale ULDR.

I. Rezoning (Sec.47-24.4)

Section 47-24.4, ULDR, outlines the requirements and procedure for rezoning. As previously discussed, there are three applicable zoning classifications for the Property. The applicable zoning classifications are as follows: CB; B-2; and RD-15. Furthermore, there are two applicable land use designations for the Property. The two land use designations are Commercial and Residential Medium. Applicant seeks to amend the Residential Medium land use designation to Commercial pursuant to the flexibility allocation process contained in Sec. 28.1, ULDR.

Applicant respectfully requests a rezone of the RD-15 designated area to CB. This rezone request is consistent with the Comprehensive Plan as CB is a permissible zoning classification within the Commercial land use designation. Pursuant to Section 27-24.4, ULDR, an application for rezoning is to be reviewed in accordance with the following criteria:

a. Zoning district proposed is consistent with the City's Comprehensive plan.

The zoning district proposed is consistent with the City's Comprehensive Plan. The City of Fort Lauderdale's Comprehensive Plan provides that the areas designated commercial are intended to provide for business, retail, service, office, and other commercial enterprises which support the resident and tourist populations of the City and create employment opportunities. *See page 2-41, City of Fort Lauderdale Comprehensive Plan.* Permitted uses within the commercial land use category include: retail uses; office and business uses; utilities, transportation and communication facilities.

b. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration. The proposed Cumberland Farms will complement the surrounding businesses. To the west of the Property are a Midas automotive repair shop, a used car dealership, and an auto body repair and painting shop. To the east of the Property is a Home Depot. To the south there are multiple automobile dealerships, as well as drive-thru restaurants. The surrounding uses center mainly center on automotive sales and repair. The proposed Cumberland Farms would provide an automotive fueling station and convenience store.

An automotive fueling station and convenience store would allow the surrounding automotive uses to have a close and convenience fueling station while also providing a clean and friendly convenience store. The closest automotive fueling station to the neighboring businesses is over half a mile away. The proposed Cumberland Farms would provide a clean and friendly environment for the automotive repair

shops and automotive dealerships to refuel both their vehicles and their person. Additionally, the proposed Cumberland Farms would complement the neighboring Home Depot because it would provide a fueling location for workers and customers who frequent the store. Finally, the location of the Property is along a hurricane evacuation route. The proposed use would provide a much needed fuel supply along a popular evacuation route. Therefore, the proposed Cumberland Farms would not adversely impact the character of development in or near the area under consideration because it is consistent with the surrounding development.

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.

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 discussed in the previous section, the surrounding uses mostly consist of automotive sales and repairs. The proposed Cumberland Farms is compatible with the surrounding automotive uses and the neighboring Home Depot. Additionally, the proposed zoning district is compatible with the neighboring zoning districts and applicable land use designation of Commercial.

This rezone request would assist the City of Fort Lauderdale in cleaning up their zoning maps. The rezone would return the relevant area back to a commercial use, consistent with the applicable surrounding land uses. Furthermore, the surrounding zoning districts include B-2, CB, and RD-15. The area to be rezoned is contiguous with the CB and B-2 zoning districts, and is close in proximity to the main thoroughfare of Sunrise Boulevard. Therefore, the proposed Cumberland Farms is compatible with the surrounding districts and uses and the character of the area proposed is suitable for the uses permitted in CB zoning.

J. Parking and Loading Requirements (Sec.47-20.2)

Applicant proposes the development of a an automotive service station and convenience store with a gross floor area of 4,574 square feet. Pursuant to Section 47-20.2, a convenience store use requires one parking space for every 150 square feet. Please see a breakdown of the parking provided below:

PARKING DATA:
REQUIRED:

USE	AREA	RATIO	AMOUNT
GROSS FLOOR AREA	4,574 S.F.	1 SPACE/ 150 S.F.	30.5 SPACES
CUSTOMER SERVICE AREA	779 S.F.	1 SPACE / 40 S.F.	26.0 SPACES
TOTAL:			56.5 SPACES

PROVIDED:

TYPE	AMOUNT	PERCENT
STANDARD SPACES	40	75.5%
SPACES AT PUMPS*	11	20.8%
ACCESSIBLE SPACES	2	3.7%
TOTAL SPACES	53	100.0%

* PER SECTION 47-20.2 20% OF CONVENIENCE STORE PARKING CAN UTILIZE SPACES ADJACENT TO PUMPS

BICYCLE PARKING:

REQUIRED PER APBP STANDARDS:

SHORT TERM: 1 SPACE FOR EACH 2,000 SF OF FLOOR AREA (MIN. 2 SPACES)

LONG TERM: 1 SPACE FOR EACH 12,000 SF OF FLOOR AREA (MIN. 2 SPACES)

TOTAL REQUIRED: 5 SPACES (3 SHORT TERM, 2 LONG TERM)

PROVIDED: 7 SPACES (1 RACK)

LOADING ZONE:

REQUIRED: TYPE II (12' X 45')

PROVIDED: TYPE II (12' X 45')

I755941v1 306727.0001

K. Landscape and Tree Preservation (Sec.47-21)

The proposed Cumberland Farms will be surrounded by luscious landscaping. Applicant has provided street trees between the roadway and property to serve as a buffer between the fueling services and the main thoroughfare of Sunrise Boulevard. Street trees are also provided on the east and west boundaries of the Property. In addition to street trees, Applicant has also provided landscaping within the vehicular use area to enhance the quality of the experience for the customer.

Please refer to the Landscape Plan, Sheet Number CFG08.0, and supporting documents for detailed information as to the proposed landscaping. There is currently no landscaping on the site to preserve pre-construction.

L. Adequacy Requirements (Sec.47-25.2)

a. Applicability

The adequacy requirements of Section 47-25.2 are applicable to this project.

b. Communications Network

The project will not overburden the existing communications network.

c. Drainage Facilities

Public drainage facilities are not affected by the proposal. Any construction on the Property will comply with applicable stormwater management regulations.

d. Environmentally Sensitive Lands

To Applicant's knowledge, there are no environmentally sensitive lands in the vicinity.

e. Fire Protection

Adequate water supply, fire hydrants, fire apparatus, appropriate access and exits, and a sprinkler system will remain or be provided in accordance with the Florida Building Code and South Florida Fire Code.

f. Parks and Open Space

The proposed use on the Property does not affect the public access to waterways or other public open spaces.

g. Police Protection

The proposed development will have controlled access doors and security cameras on the premises.

h. Potable Water and Potable Water Facilities

The proposed use does not affect potable water. Applicant anticipates that the existing water mains and treatment facilities have sufficient capacity and an ability to handle the added demand

of this project. A written determination of reservation of available capacity will be requested from the City and provided to Sustainable Development staff upon request.

i. Sanitary Sewer

The proposed use does not affect sanitary sewer. The existing sewer treatment facilities and systems have sufficient capacity to provide for the needs of the project. A written determination of reservation of available capacity will be requested from the City and provided to Sustainable Development staff upon request.

j. Schools

The proposed development is not located within a residential zoning district, and therefore, there will be no impact on the schools.

k. Solid Waste

The Applicant's existing trash collection/service area will continue to serve the club's needs.

l. Storm Water

Please see site plan and civil drawings for information regarding proposed treatment of storm water.

m. Transportation Facilities

1. The Applicant does not anticipate the project will have a significant impact on transportation facilities. The existing transportation facilities in the area have sufficient capacity for this project.
2. The Applicant expects the project to create a marginally increased impact on the regional transportation network.
3. The proposed project will not measurably affect local streets.
4. A traffic study is not required for this project.
5. No dedication of right-of-way is necessary for this project.
6. The project includes clearly delineated walkways. All pedestrian components will comply with applicable engineering standards.
7. Access to the Property is provided by Northeast 4th Avenue and avoids vehicular and pedestrian conflicts with the adjacent Sunrise Boulevard.
8. The Applicant does not anticipate needing to make any additional roadway improvements.
9. The Applicant will provide the required number and type of street trees.

n. Wastewater

The proposed use does not affect wastewater.

o. Trash Management

Adequate accommodation of garbage and recycling has been incorporated into the site design.

p. Historic and Archaeological Resources

N/A.

q. Hurricane Evacuation

The Property is located west of the Intracoastal Waterway and is situated along a hurricane evacuation route. The proposed Cumberland Farms will assist in the event of a hurricane emergency by providing fuel and food services for residents evacuating the area along the applicable route

M. Neighborhood Compatibility (Sec.47-25.3)

a. The neighborhood compatibility requirements are met as follows:

1. Adequacy requirements.

See the above responses pertaining to the adequacy requirements.

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

The proposed development will not exceed the maximum levels of smoke, odor, emissions of particulate matter and noise. The automobile fueling station use will not create any more smoke and odor as compared to the neighboring automotive repair shops and Home Depot. Applicant will take all necessary measures to mitigate any effects from the activities conducted on the Property.

3. Design and Performance Standards

a. Lighting

The proposed development will not use any lighting which will illuminate abutting residential property and no source of incandescent or mercury vapor illumination will be directly visible from any abutting residential property. Additionally, no neon lights will be visible from any abutting residential property.

b. Control of Appearance

Applicant has incorporated architectural features into its design which protects the character of the residential areas from visual impact. Applicant is developing a Cumberland Farms which will have a canopy over the fuel pumps and a modern and sleek structure which will house the convenience store. The design of the proposed development will be safe and inviting to pedestrians and travelers alike.

c. Setback Regulations

Applicant has provided sufficient setbacks to mitigate any effects from the proposed use on the Property.

1755941v1 306727.0001

d. Bufferyard Requirements

The proposed development possesses adequate bufferyard measures through implementation of setbacks and extensive landscaping. Lush landscaping surrounds the Property, protecting the customers from the surrounding roads.

e. Neighborhood Compatibility and Preservation

The proposed development will be compatible with, and preserve the character and integrity of adjacent neighborhoods. As discussed in the rezoning section, the Property is surrounding by automotive uses and the proposed Cumberland Farms provides automotive fueling services. Furthermore, Applicant has incorporated improvements on-site and 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. Extensive landscaping is planned to provide an effective buffer from the surrounding roads. Also, Applicant has provided extensive setbacks to mitigate any adverse effects from emissions or noise. The pumps were placed near Sunrise Boulevard so they were as far as possible from the residential neighborhood to the north.

The Property is located in the area under the purview of the Central City CRA. Accordingly, any development of the Property should be consistent with these plans. Its redevelopment goals are to remove slum and blight and provide increased redevelopment opportunities in the area, including improving housing stock, streets and infrastructure, improve safety, bring quality jobs and services to the area, and foster the development of new businesses, mixed use and transit oriented development to the area with a focus on the Sunrise Boulevard, NE 13th Street, NE 4th Avenue and the Florida East Coast Railway Corridors. See *Middle River- South Middle River-Sunrise Boulevard Community Redevelopment Plan*.

There are eight Planning Principles of the Middle River-South Middle River-Sunrise Boulevard Community Redevelopment Plan. *Middle River-South Middle River-Sunrise Boulevard Community Redevelopment Plan, page IV-4.*

- Pursuing large scale redevelopment at strategic locations.
- Redevelop large, underutilized site.
- Make alterations to current Zoning Code to allow for more compatible parking requirements.
- Creating area-wide Design Guidelines.
- Utilizing vacant lots for infill housing.
- Development of 7th Avenue and 9th Avenue Connectors.
- Introducing traffic calming measures.
- Target and attract specific industries.

The Middle River-South Middle River-Sunrise Boulevard Community Redevelopment Plan provides a blueprint for creating an active urban center. The plan sets forth a series of recommendations for development within the Central City CRA. Economic development projects and housing projects that may be considered are:

- Attraction of users creating jobs in the area.
- Construction of new retail/office facilities
- Attraction of new jobs in office/retail/restaurant.
- Attraction of private developers to undertake projects in the CRA district.

1755941v1 306727.0001

- Acquisition of vacant lots with rights to residential use.
- Promote mixed use and TOD projects in the corridor and recommended locations.

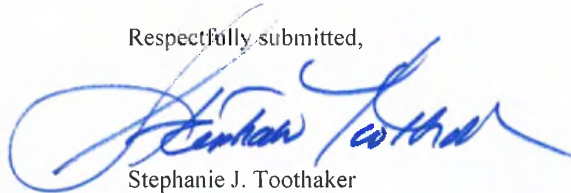
The proposed development meets the goals of the Central City CRA, and more specifically, the Middle River-South Middle River-Sunrise Boulevard Community Redevelopment Plan. The location on the corner of Sunrise Boulevard and NE 4th Ave currently contains a vacant lot, and is widely traveled. The project provides an opportunity to redevelop a vacant land in a strategic location, allows for redevelopment of an underutilized site, and makes alterations to the zoning code to allow for more consistent zoning. Additionally, the proposed Cumberland Farms will provide jobs in the area, will provide for new construction, and will promote multimodal transportation along a widely used thoroughfare.

III. Conclusion

The proposed development of the Property is consistent with the applicable land use and zoning regulations. Moreover, the design and scale of the project make it compatible with the neighborhood. Accordingly, the Applicant respectfully requests Site Plan Level IV approval.

If we can provide any additional information, or if you have any questions, please do not hesitate to contact us.

Respectfully submitted,



Stephanie J. Toothaker
FOR THE FIRM