

STAFF REPORT
Lyons and Sample Road Plat
080-MP-91

A request to amend a platted non-vehicular access line has been filed with the Planning and Development Management Division. This plat was approved by the County Commission on November 3, 1992, for 395,038 square feet of commercial use on Tract A and 8,000 square feet of commercial use, excluding restaurants, on Tract C on 22.5 acres. The property is located on the northeast and northwest corners of Lyons Road and Sample Road, in the City of Coconut Creek. The plat was recorded on December 18, 1992 (Book 152, Page 44).

The current note approved by the County Commission on January 18, 1994 (O.R. Book 21833, Page 471) is restricted to 200,000 square feet of commercial use on Tract A and 8,000 square feet of commercial use (no restaurants) on Tract C.

A companion item to amend the plat note to eliminate commercial use from Tract C and add a service station/convenience store with 16 fueling positions is scheduled for County Commission consideration on March 20, 2018.

The applicant is requesting to reduce the non-vehicular access line along Northwest 37 Street as measured from the corner chord from 100-feet to 35-feet. The NVAL conflicts with the proposed point of access for the proposed service station.

The attached letter from the City of Coconut Creek indicates no objection to this request.

The attached pre-application letter from the Florida Department of Transportation (FDOT) indicates approval of the proposed modifications subject to the conditions and comments contained therein. The applicant is advised to contact Djemcy Limage, FDOT Access Management, at 954-777-4363 or Djemcy.Limage@dot.state.fl.us.

Staff from the Highway Construction and Engineering Division and the Transit Division have reviewed this request and recommend **APPROVAL** subject to the conditions contained in the attached memorandum from these Divisions, which recommends the applicant to meet the standards of the Broward County Development Code at the time of permit.

In addition, this approval is subject to the Board authorizing the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Finally, the applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.





SHEILA N. ROSE
DEPARTMENT DIRECTOR

October 25, 2017

Josie P. Sesodia, Director
Environmental Protection and Growth Management Department
Planning and Development Management Division
1 N. University Drive
Plantation, Florida 33324

**RE: Shell/Daily's Project
Lyons and Sample Road Plat – NVAL Amendment**

Dear Josie Sesodia:

The City of Coconut Creek has received a site plan application to redevelop the Shell/Daily's service station ("Project") on the property located at 4701 West Sample Road ("Property"), which is generally located at the northwest corner of Sample Road and Lyons Road within the City of Coconut Creek ("City"). A copy of the conceptual site plan for the Project is attached hereto as Exhibit "A". The Property is located within Lyons and Sample Road Plat as Recorded in Plat Book 152, Page 44 ("Plat"). The Plat includes a non-vehicular access line as depicted on Exhibit "B". This non-vehicular access line conflicts with the proposed point of access to the Project. In order to accommodate the Project, the developer is requesting that the City of Coconut Creek issue a letter of no objection to amend of the non-vehicular access line as depicted on Exhibit "C".

Please be advised that the City of Coconut Creek has no objection to change to the non-vehicular access line on the Lyons and Sample Road Plat as discussed above. Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

W. SCOTT STOUDENMIRE, AICP
Deputy Director of Sustainable Development

WSS:jw

\\pcc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Letters\L-17118 Shell NVAL Dele.docx



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

MIKE DEW
SECRETARY

November 20, 2017

THIS PRE-APPLICATION LETTER IS **EXTENDED** UNTIL – November 20, 2018
THIS LETTER IS NOT A PERMIT APPROVAL

Ryan Thomas
Thomas Engineering Group LLC
1000 Corporate Drive, Suite 250
Fort Lauderdale, Florida 33334

Dear Mr. Thomas:

RE: November 20, 2017 - Pre-application Extension for Category D Driveway, Date of Pre-application Meeting: May 14, 2015
Broward County - City of Coconut Creek, Urban; SR 834; Sec. # 86028; MP: 3.950
Access Class - 03; Posted Speed - 45 mph; SIS - N; Ref. Project: FM 436341.1 & FM 436319.1
Request: Use the existing channelized right in-only driveway located 325' west of Lyons Rd., and the existing right in/out, left in at NW 47 Ave.

SITE SPECIFIC INFORMATION
Project Name & Address: First Coast Energy/Store # 1810- 4701 W. Sample Road, Coconut Creek, Florida 33073
Applicant/Property Owner: Ryan Thomas
Parcel Size: 2.12 Acres Development Size: 5,000 SF C. Store & Car Wash + 16 FP

WE APPROVE YOUR REQUEST

This decision is based on your presentation of the facts, site plan and survey - please see the conditions and comments below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

Conditions:

- A minimum driveway length of 15 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided.

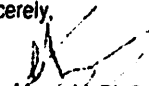
Comments: None

- Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage). A Storm Water Pollution Prevention Plan must be submitted with the application for more than one acre of "disturbed area" as defined by the Florida Department of Environmental Protection (FDEP).
- The applicant shall donate the right-of-way to the Department if right-of-way dedication is required to implement the improvements.
- All driveways not approved in this letter must be fully removed and the area restored
- Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Note, this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department. For right-of-way dedication requirements go to: <https://gis.dot.state.fl.us/OneStopPermitting>; click on Statewide Permit News; Scroll down to District 4; Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact Geysa Sosa, P.E. at the District Permits Office with any questions regarding permits – Tel. # 954-777-4377, or e-mail: geysa.sosa@dot.state.fl.us

Sincerely,


Aidin Massahi, Ph.D.
District Access Management Manager

cc: Roger Lemieux 

File: S:\Transportation Operations\Traffic Operations\Access Management\1. Pre-Apps and Variance\2015-08-14\5. 86028 MP 3.950 SR 834_First Coast Energy Store #1810\86028 MP 3.950 SR 834_First Coast Energy Store #1810.docx



Public Works Department
HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION
1 N. University Drive, Box B300, Plantation, Florida 33324-2038 • 954-577-4555 • FAX 954-357-5715

MEMORANDUM

DATE: February 22, 2018

TO: Josie Sesodia, Director
Planning and Development Management Division

FROM: David (D.G.) McGuire, Project Manager
Plat Section, Highway Construction and Engineering Division

Noemi Hew, Planner
Transportation Department, Service Development

SUBJECT: Delegation Request: Modify Conditions of Plat Approval
(Amendment to Non-Vehicular Access Line)
Lyons and Sample Road Plat (080-MP-91)

The Highway Construction and Engineering Division and the Transportation Department, Transit Division have reviewed the application for modifications to the conditions of plat approval for the subject plat. In part, the application is a request to amend the non-vehicular access line (NVAL) along NW 37th Street adjacent to the plat. Our review included the information contained in the application, the property survey, the site plan (or conceptual access plan), the recorded plat, and the Development Review Report approved by the County Commission, if available (Unavailable). Our review also included changes to the adjacent roadways and changes on the adjoining properties.

As a result of our review, staff has determined that new and amended plat requirements are necessary to ensure safe and adequate access between the adjoining Trafficway(s) and plat to comply with the adequacy standards of the Broward County Land Development Code. Staff recommends **APPROVAL** of the proposed NVAL amendment subject to the following:

NON-VEHICULAR ACCESS LINE AMENDMENT AGREEMENT

1. The property owners of Lyons and Sample Road - Tract C (Folio Number 484217040020) must fully execute the Amendment to Nonvehicular Access Lines Agreement (CAF #457) and submit it to the Highway Construction and Engineering Division for review and approval.
2. The applicant must prepare the legal descriptions for the Exhibits to the NVAL Amendment Agreement according to the details outlined in this report.
3. An Opinion of Title from an attorney or a Title Certificate from a title company must be submitted with the NVAL Amendment Agreement and must include the following information:
 - a. Same legal description as the affected portion of the recorded plat.
 - b. Record owner(s) name(s).
 - c. Mortgage holder(s) name(s) If none, it should so state.
 - d. Date through which records were searched (within 30 days of submittal).
 - e. Original signature and/or seal.
4. For properties held by partnerships or trusts, the applicant must submit copies of the partnership or trust documents, or an opinion from an attorney familiar with the partnership or trust listing the partner(s) or trustee(s) who may execute agreements and deeds.

NON VEHICULAR ACCESS LINE REQUIREMENTS

5. Exhibit "C" to the NVAL Amendment Agreement shall describe and illustrate a new non-vehicular access line extending beyond the end of the corner chord along NW 37th Street for 35 feet.

GENERAL REQUIREMENTS

6. The developer shall be responsible for the cost of relocating utilities, drainage facilities, traffic control poles, interconnect cables, and related equipment as necessary to complete required improvements.
7. Standard forms are available for downloading from the Highway Construction & Engineering Division's web page.
8. The developer shall prepare and deliver all required documents, securities, deeds, easements, and agreement(s) within 18 months of

approval of this Delegation Request. Failure to complete this process within the 18 month time frame shall render the approval of this Delegation Request null and void. No Note Amendment associated with this request may be recorded prior to the recordation of the NVAL modification agreement.

dgm



Board of County Commissioners, Broward County, Florida
Environmental Protection and Growth Management Department
Planning and Development Management Division
**Application to Change or Waive Requirements
of the Broward County Land Development Code**

INSTRUCTIONS

This form is used to apply for changes or waivers to requirements of development permit applications processed under the Broward County Land Development Code. These include changes or waivers to the following:

ROADWAY RELATED

1. Non-Vehicular Access Lines
2. Roadway Improvements (such as turn lanes, busbays traffic signals, etc.)
3. Right-of-Way Dedications
4. Sidewalks and Paved Access
5. Design Criteria

NON-ROADWAY RELATED

6. Design Criteria
7. Waste Water Disposal/Source of Potable Water
8. Fire Protection
9. Parks and/or School Dedications
10. Impact/Concurrency Fee(s)
11. Environmental Impact Report
12. Other Changes

For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate documentation attached. Please type this application or print legibly in **black ink**.

PROJECT INFORMATION

Plat/Site Plan Name Lyons and Sample Road Plat

Plat/Site Plan Number 80-MP-91 Plat Book - Page 152/44 (If recorded)

Owner/Applicant First Coast Energy, LLP Phone 954-761-2929

Address c/o 200 E. Broward Blv. Suite 1800 City FL. Lauderdale State FL Zip Code 33301

Owner's E-mail Address c/o maria.neufeld@gmlaw.com Fax # _____

Agent Greenspoon Marder, P.A. Phone 954-761-2929

Contact Person Marla Neufeld, Esq.

Address 200 E. Broward Blvd. Suite 1800 City Fort Lauderdale State FL Zip Code 33301

Agent's E-mail Address marla.neufeld@gmlaw.com Fax # _____

PROPOSED CHANGES

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. If you are requesting changes to a specific staff recommendation(s) listed in a Development Review Report, please specify the staff recommendation number(s). If you are requesting a waiver or variation of a provision of the Land Development Code, please cite the specific section(s).

Staff Recommendation No(s) _____

Land Development Code citation(s) _____

Have you contacted anyone in County Government regarding this request? Yes No

If yes, indicate name(s), department and date _____

Narrative explaining proposed changes in detail including the desired result and justification for the request (attach additional sheet if necessary):

See attached narrative for NVAL amendment

Please see the reverse side of this form for Required Documentation and Owner/Agent Certification

REQUIRED DOCUMENTATION: Submit one (1) original of each document and electronic copy of each item listed below. Each document listed below must also be submitted electronically as a separate pdf on a CD, flash drive, etc.

All requests listed on this application must include the following documents:

- Letter from the applicable municipality, dated within six (6) months of this application, stating the city's position on this request.
- Approved or recorded plat (a survey and site plan may be accepted for single family and duplex applications. Please consult with Planning and Development Management Division staff).
- A check for the application fees (if applicable) made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

For ROADWAY RELATED items (1 through 5) listed under INSTRUCTIONS on Page 1 of this form, the following additional documents are also required:

- The proposed site plan (2 original) which shows, at a minimum, the on-site traffic circulation system, adjacent roadway details, and the location of all existing and proposed driveway(s). The site plan must provide relevant dimensions and must be drawn to scale.
- Signed and sealed drawings (2 original) clearly illustrating the proposed change(s). The drawings must provide relevant dimensions and must be drawn to scale.
- A valid Pre-Application approval letter from the Florida Department of Transportation is required for all roadway and/or access related applications which abut a Trafficway that is functionally classified as a State Road. This requirement includes the creation or amendment of vehicular access and/or any improvements requiring permits from the State.

For NON-ROADWAY RELATED items (6 through 12) listed under INSTRUCTIONS on Page 1 of this form, please consult with Planning and Development Management staff to determine any additional required documentation.

OWNER/AGENT CERTIFICATION

State of Florida

County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.


Signature of owner/agent 

Sworn and subscribed to before me this 18 day of October, 2017

by Marla Neufeld He/she is personally known to me or
 Has presented _____ as identification.

Signature of Notary Public 

Type or Print Name Susan A. Barnum

 Susan A. Barnum
Commission # GG 21929
Expires: July 23, 2021
Bonded thru Aaron Notary

FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time _____ Application Date 12-12-2017 Acceptance Date 12-21-17

Comments Due 01-11-17 C.C. Mtg. Date _____ Fee \$ 2410

Report Due _____ Adjacent City none

Plats Site Plans/Drawings City Letter FDOT Letter


Other (Describe) _____

Title of Request MAL amendment

Distribute to: Engineering Traffic Engineering Mass Transit

Other _____ Other _____

Comments _____

Received by 

Lyons and Sample Road NVAL Narrative

Our client, First Coast Energy, LLP ("Applicant"), proposes to develop in the City of Coconut Creek ("City") an 8 pump, 16 fueling position gas station with car wash and a 5,000 square foot Daily's convenience store. The development site is a 2.11 +/- acre parcel located on north west corner of West Sample Road and Lyons Road with NW 37th Street to the north and NW 47th Avenue to the west, located on the Lyons and Sample Road Plat with Folio number 4842 17 04 0020. The Property is located on Tract C of the Lyons & Sample Road Plat (80-MP-91), recorded in Book 152 Page 44 of the Public Records of Broward County, Florida ("Plat").

Pursuant to this letter, the Applicant requests the review and approval by the County of the following amendment to the NVAL on the Plat as depicted on **Exhibit A**, attached hereto which shows the current NVAL and the proposed NVAL.

EXHIBIT "A"
EXISTING AND PROPOSED NVAL

EXHIBIT 'B'

SKETCH & LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION:

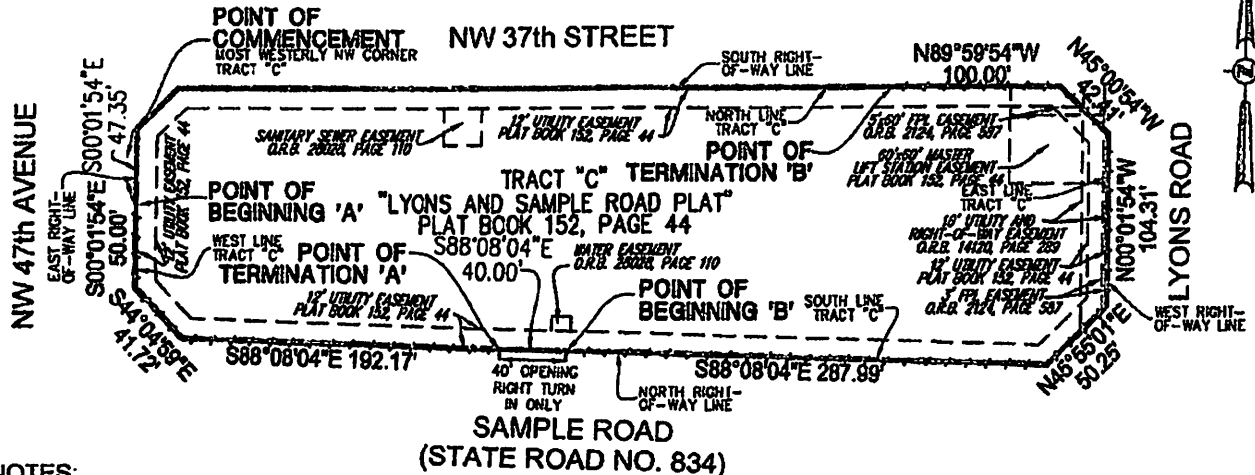
A PORTION OF THE BOUNDARY OF TRACT "C" OF "LYONS AND SAMPLE ROAD PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 152, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT "C"; THENCE SOUTH 00°01'54" EAST ALONG THE WEST LINE OF SAID TRACT "C", ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NW 47th AVENUE 47.35 FEET TO POINT OF BEGINNING 'A'; THENCE CONTINUE SOUTH 00°01'54" EAST ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE 50.00 FEET; THENCE SOUTH 44°04'59" EAST ALONG THE SOUTHWESTERLY LINE OF SAID TRACT "C" 41.72 FEET; THENCE SOUTH 88°08'04" EAST ALONG THE SOUTH LINE OF SAID TRACT "C", ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAMPLE ROAD (STATE ROAD NO. 834) FOR 192.17 FEET TO POINT OF TERMINATION 'A';

TOGETHER WITH:

COMMENCING AT POINT OF TERMINATION 'A'; THENCE SOUTH 88°08'04" EAST ALONG SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE 40.00 FEET TO POINT OF BEGINNING 'B'; THENCE CONTINUE SOUTH 88°08'04" EAST ALONG SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE 287.99 FEET; THENCE NORTH 45°55'01" EAST 50.25 FEET ALONG THE SOUTHEASTERLY LINE OF SAID TRACT 'C'; THENCE NORTH 00°01'54" WEST ALONG THE EAST LINE OF SAID TRACT 'C', ALSO BEING THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD 104.31 FEET; THENCE NORTH 45°00'54" WEST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 'C' 42.41 FEET; THENCE NORTH 89°59'54" WEST ALONG THE NORTH LINE OF SAID TRACT 'C', ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF NW 37th STREET 100.00 FEET TO POINT OF TERMINATION 'B'.

SAID LANDS SITUATE, LYING & BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA.



NOTES:

- 1) BEARINGS ARE BASED ON THE WEST LINE OF TRACT 'C', BEING S00°01'54"E.
- 2) THIS IS NOT A SKETCH OF SURVEY & DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

FILE: COCONUT CREEK HOSPITALITY

SCALE: 1"=80' DRAWN: L.S.

ORDER NO.: 60770A

DATE: 10/23/15

EXISTING NON-VEHICULAR ACCESS LINE

COCONUT CREEK, BROWARD COUNTY, FLORIDA

FOR: SHELL/DAILY'S C-STORE #1810

[Handwritten Signature]
 JOHN F. PULICE, PROFESSIONAL SURVEYOR & MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR & MAPPER LS6136

EXHIBIT 'C'

SKETCH & LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION:

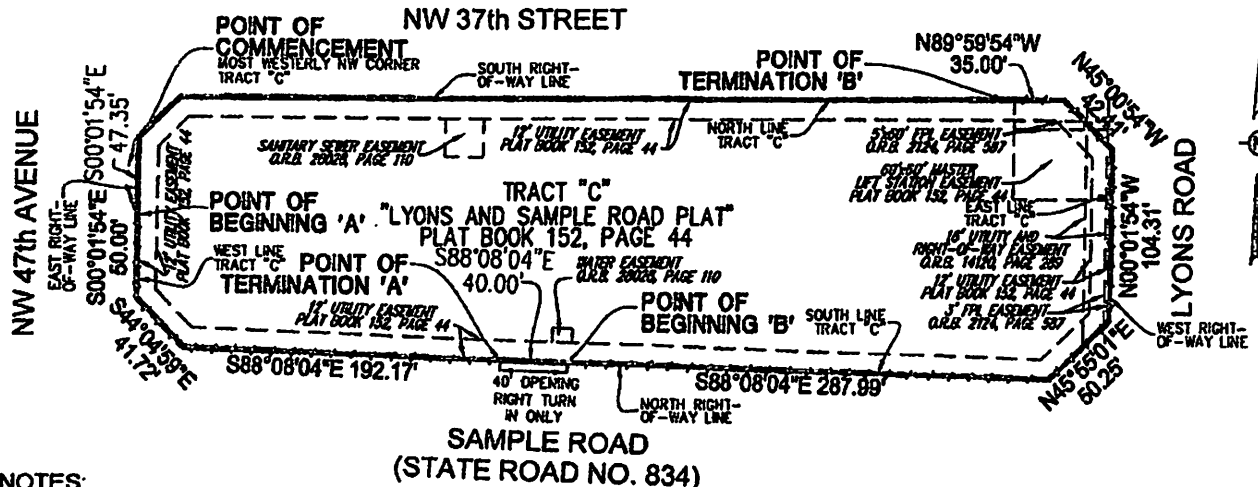
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TOGETHER WITH:

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SAID LANDS SITUATE, LYING & BEING IN THE CITY OF COCONUT CREEK, BROWARD COUNTY, FLORIDA.



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FILE: COCONUT CREEK HOSPITALITY

SCALE: 1"=80' DRAWN: L.S.

ORDER NO.: 60770B

DATE: 3/10/16

PROPOSED NON-VEHICULAR ACCESS LINE

COCONUT CREEK, BROWARD COUNTY, FLORIDA

FOR: SHELL/DAILY'S C-STORE #1810

(Signature)
 JOHN F. PULICE, PROFESSIONAL SURVEYOR & MAPPER LS2691
 BETH BURNS, PROFESSIONAL SURVEYOR & MAPPER LS6136