

**BEFORE THE PLANNING AND ZONING BOARD
OF THE CITY OF LAKE CITY, FLORIDA.**

**OBJECTION TO SITE PLAN APPLICATION #SPR 22-15
OF GWC DEVELOPMENT PARTNERS LLC**

Florida Gateway Hotels, LLC and Lake City Hotels, LLC, object to the Site Plan Application SPR22-15, filed April 1, 2022 by GWC Development Partners, LLC (“Developer.”) for Lot 2, Gateway Crossings subdivision. The Site Plan Application, this Objection and public comment will be presented to the City of Lake City, Florida Planning and Zoning Board in public hearing on January 10, 2024, and January 17, 2024 if necessary.

Facts.

Florida Gateway Hotels, LLC, is a Florida limited liability company that owns real property within the Gateway Crossings subdivision, located near the northwest corner of the intersection of I-75 and US-90. Florida Gateway Hotels, LLC developed The Tru by Hilton hotel on Lot 7 located at the end of NW Centurion Court. The Tru is operated by Lake City Hotels, LLC. The principals of Florida Gateway Hotels, LLC and Lake City Hotels, LLC, Nick Patel and P.J. Patel, also have an interest in Lots 4 and 5 in Gateway Crossings, which may be developed as a hotel. They also own and operate 7 other hotels within the I-75/US Highway 90 interchange. Collectively, Florida Gateway Hotels, LLC, Lake City Hotels, LLC and the Patels are referred to herein as “Florida Gateway.”

Below is a picture of The Tru by Hilton hotel owned by Florida Gateway.



GWC Development Partners, LLC, (“Developer”), is a Florida limited liability company that is the developer of Gateway Crossings. Developer owns Lot 2 of Gateway Crossings (“Property”), which it intends to lease to Circle K to construct a new facility with diesel canopy, high flow diesel pumps, truck and tractor-trailer rig parking, and underground storage tanks to serve commercial trucks and tractor-trailer rigs, together with additional restrooms and parking at the Property (“Development”), as an expansion to the current use of Lot 1. Lot 1 of Gateway Crossings is owned by Aspri Investments LLC of Phoenix, Arizona. A

copy of the Site Plan Application (“Application”) is included in Florida Gateway’s Appendix to Objection to Site Plan Application, as Exhibit A.

On March 29, 2023, Florida Gateway timely filed a Notice of Appeal of the development order ultimately issued by the City in February, 2023. Thereafter, the City determined a quasi-judicial hearing on the Developer’s Application is required because the public notice requirements for the July, 2022 Planning and Zoning Board meeting were not satisfied as was shown by Florida Gateway’s Notice of Appeal. The City determined a *de novo* public hearing on the Application is necessary to rectify issues of due process to Florida Gateway and the public, which public hearing on the Application is scheduled to commence January 10, 2024.

The Application seeks expansion of the existing use for Lot 1 as a “Circle K gas station and convenience store,” to develop Lot 2 and make renovations to the building on Lot 1 for a “Circle K gas station and high speed diesel station.” The terms “gas station,” “convenience store,” and “high speed diesel station” are not found in the City of Lake City Land Development Regulations (LDR).

The LDR provides defined terms for the various uses permitted under the LDR. There are two (2) defined uses which include dispensing fuel at retail in the LDR section 2.1, Definitions General. They are *Automotive Service Station*, and *Truck Stop*. LDR section 14.15 “CHI” Commercial, Highway Interchange, is the specialized zoning district in which the Gateway Crossings subdivision is located.

Under LDR Section 14.15.2 Automotive service and self-service stations, restaurants, hotels and motels, and the like, are Permitted Principal Uses and Structures. LDR 4.15.2, 1., 3., and 4.

Truck stops are not a Permitted Principal Use or Structure. Instead, under LDR Section 14.15.5, Truck stops are Special Exceptions. LDR 4.15.5, 1.

Although the Developer's Application expressly states that its proposed new use of the Property is "Circle K gas station and high speed diesel station," only a Site Plan Application was filed. The Developer has not filed a Special Exception Application, the form of which is included in Florida Gateway's Appendix to Objection to Site Plan Application, Exhibit B.

Apparently, the Developer's Application contends the proposed new use described as "Circle K gas station and high speed diesel station," is an "*Automotive service and self-service station*" under LDR 4.15.2.1., though it does not use the LDR defined term. Florida Gateway objects and contends the LDR defined term "*Truck Stop*" applies to a proposed use for high flow diesel pump refueling and servicing of trucks and tractor trailer rigs. The Application clearly shows a proposed new facility with diesel canopy, high flow diesel pumps, truck and tractor-trailer rig parking, and underground storage tanks to serve commercial trucks and tractor-trailer rigs, together with additional restrooms and parking at the Property.

The LDR defines an *Automotive Service Station* as follows:

Automotive Service Station. *An Automotive service station is an establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles; and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. In addition, an Automotive service station may provide accessory facilities for car washing and polishing (but not commercial car wash facilities) and may render minor repair services. However, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, tire recapping or re-grooving, storage of automobiles not in operating condition, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations are prohibited. An Automotive service station is not a repair garage, a body shop, truck stop, or a car wash or a combination thereof.*

For the purposes of these land development regulations, where motor fuel pumps are erected for the purpose of dispensing motor fuel at retail primarily for automobiles, such motor fuel pumps shall be considered to constitute an Automotive service station, even where additional services which are customarily associated with an Automotive service station are not provided. Where such motor fuel pumps are erected in conjunction with a use which is not an Automotive service station, each use shall be considered as a separate principal use and as such, each must meet all applicable requirements of these land development regulations (see Article 4 for special design standards for Automotive service stations).

LDR 2.1 Definitions, General (emphasis added.) A copy of this definition is attached in Florida Gateway's Appendix to Objection to Site Plan Application, Exhibit C.

The proposed expansion of the Property provides for the addition of three (3) high flow diesel pump service bays and additional parking for up to six (6) commercial trucks and tractor-trailer rigs.

The LDR defines “*Truck stop*” as follows:

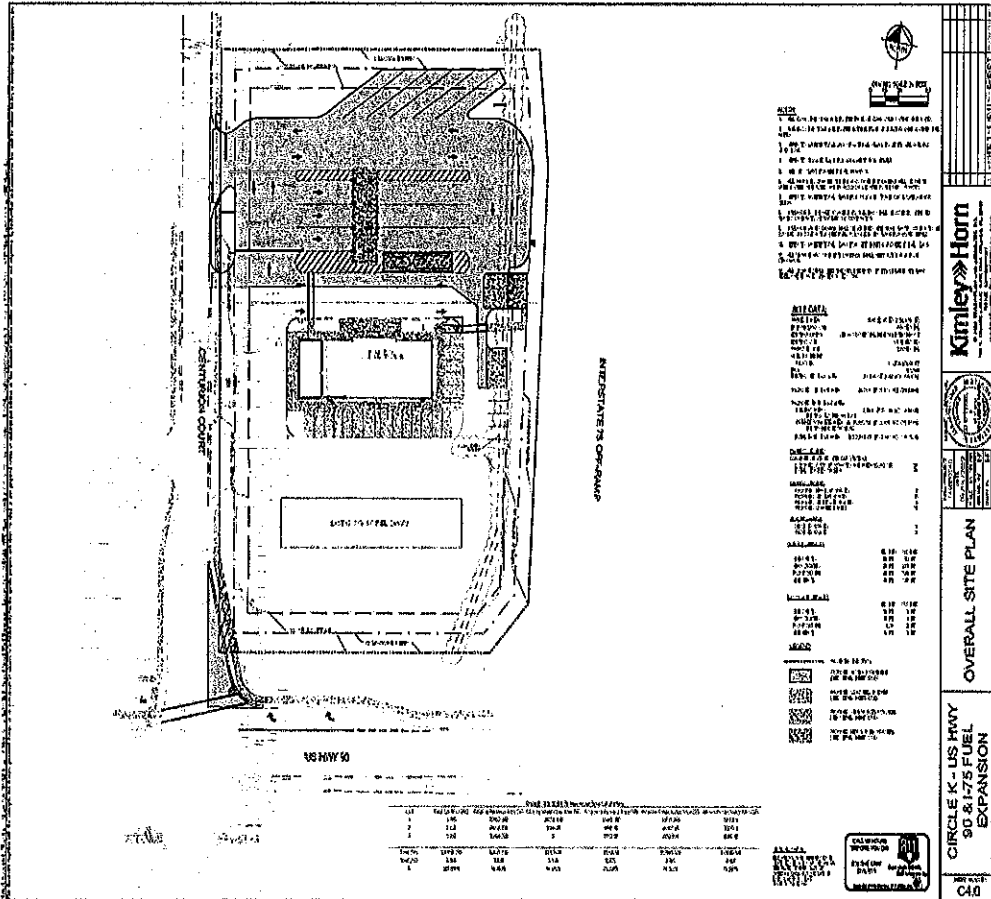
A truck stop is an establishment where the principal use is primarily the refueling and servicing of trucks and tractor trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

LDR 2.1 Definitions, General (Emphasis added.) See Exhibit D.

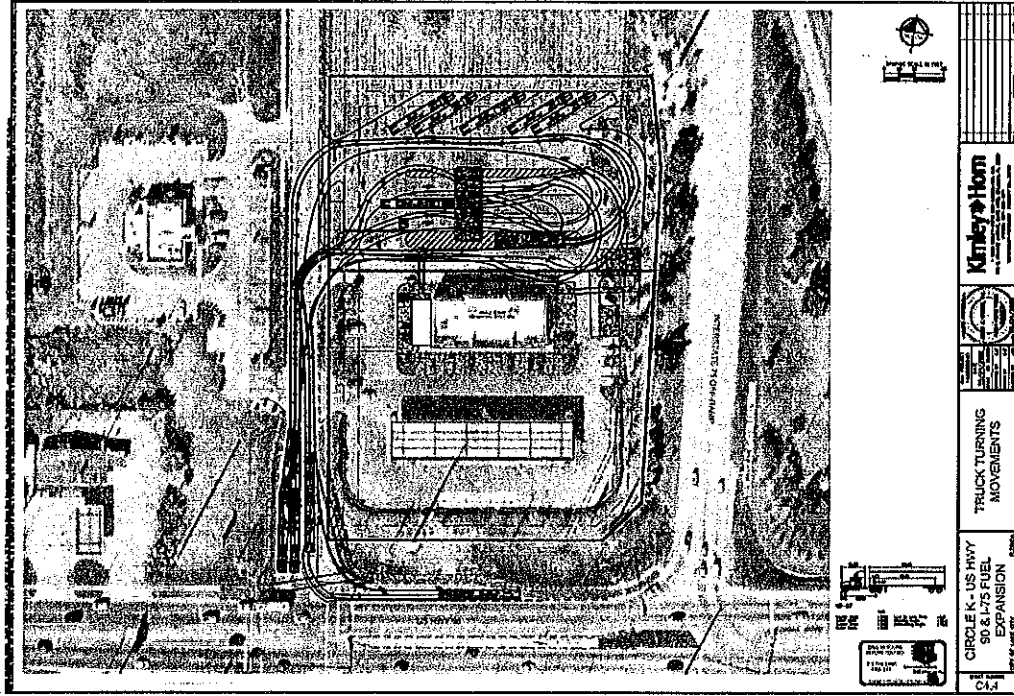
LDR Section 4.15.5(1) provides that a “*Truck stop*” is not permitted as of right in the CHI zoning district, but rather must be approved as a “*Special Exception*.”

The Developer has not applied for a “*Special Exception*.” No “*Special Exception*” has been granted by the City, nor was any hearing held before the Planning and Zoning Board concerning whether the proposed use constitutes a “*Truck stop*” under LDR 14.15.5.1. See Exhibit C.

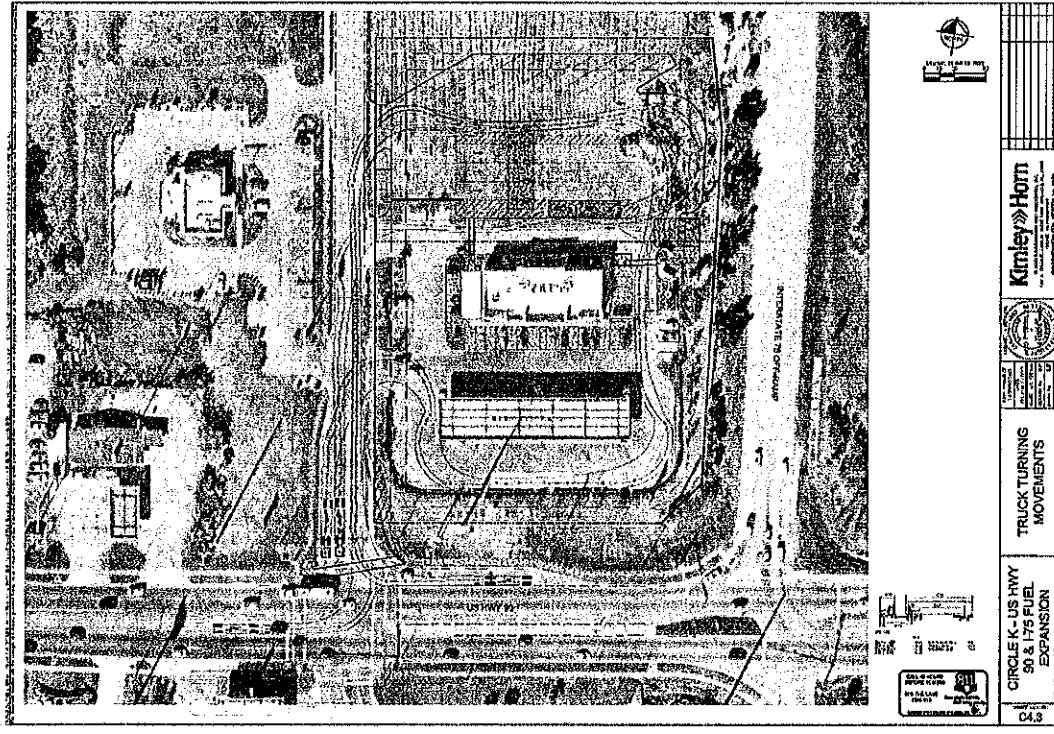
Below is a copy of the current site plan for the proposed Development. The Property is north of the existing Circle K, and east of the existing Denny’s restaurant. The entire Gateway Crossings subdivision is accessed by a cul de sac two-lane road known as NW Centurion Court. The Tru by Hilton hotel is located on Lot 7, and other future developments, two restaurants, a Sonic and a Rib Crib, have previously been approved for construction.



The proposed Site Plan allows trucks and tractor trailer rigs to enter the site and access the high flow diesel pump service bays from NW Centurion Court through the existing NW driveway of the Circle K and also through the Circle K parking lot. Below is a drawing of the expected Truck Turning Movements shown on the site plans for the Development.



Also below is a second drawing of the Truck Turning Movements, which depicts tractor trailer rig access to the high flow diesel pump service bays and alternative egress by exiting through the existing Circle K parking lot and automobile service station area.



The commercial trucks and tractor-trailer rigs solicited by Circle K for refueling at the high flow diesel pump service bays will enter and exit the Property on NW Centurion Court, which is only a two-lane road with concrete curbs and gutters. As shown by the Developer's Truck Turning Movements depictions, these large commercial trucks and tractor-trailer rigs must navigate through the I-75 and US Highway 90 interchange and throughout the existing *Automotive Service Station* traffic to be refueled and serviced in the Gateway Crossings subdivision.

As part of the application, the Developer submitted a traffic study. The Developer's traffic study does not consider the impact of the currently approved development to the north of the Property in Gateway Crossings. Further, despite the purpose of this expansion of the Circle K to construct new high flow diesel fuel

pump service bays, the Developer's traffic study assumes that truck and tractor trailer rig traffic will not increase, and actually be the same after the construction and opening of the Truck stop.

On November 8, 2022, the Columbia County Tourist Development Council expressed opposition to the proposed Truck stop, writing to the then City Manager in part:

"We are concerned how this new semi-trailer truck fueling station will negatively impact the quality of life for residents and visitors alike. The traffic at this intersection is already problematic and this project will only exacerbate the issue and alter the landscape of this exit for years to come."

A copy of the TDC's letter to the City Manager is attached in Florida Gateway's Appendix to Objection to Site Plan Application, Exhibit D.

The Florida Department of Transportation has also expressed concerns regarding this Development. On October 30, 2023, the Permits Manager of the Florida Department of Transportation, Lake City Operations, ("FDOT") wrote to Mayor Stephen Witt, Todd Kennon, City Attorney, and Rebecca Thigpen, Central Construction Manager, Circle K Stores, to advise that "the Department intends to revoke Commercial Access and Signal Connection Permit No. 2015-A-282-0026 (NW Centurion Court) issued on April 18, 2016 to Gateway Crossing development and under subsequent jurisdiction of the City of Lake City; not renew Safety Upgrade Permit No. 2022-a-292-00008 (NW Centurion Court) issued on May 18,

2022 2 Circle K that expires on November 20, 2023; and close the connection to the Gateway Crossing property per section 14-96.01(2), FAC.

The FDOT notice further provides in pertinent part:

The City did not contact the Department to determine if a new permit application and modification of existing connection is required. The City also failed to contact the Department to determine the need for connection modifications or to submit a new application for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change. The planned construction at the site is significantly different from what was represented during the Department permitting process and there are significant safety concerns given the close proximity of the location to I-75 right-of-way.

A copy of the FDOT notice is attached in Florida Gateway's Appendix to Objection to Site Plan Application, Exhibit E.

Argument.

The proposed Site Plan Application violates four different provisions of the City's LDR. All are of equal importance and sufficient on their own to serve as a basis to deny the Application. First, the proposed project's new use is not an "Automotive Service Station." Even if the Planning and Zoning Board determines the use is an "Automotive Service Station" there is no evidence that the City staff applied the "special design standards for automobile service and self-service stations" required by the LDR. Second, the proposed project's new use is, in fact, a "Truck stop," which is not a permitted use within the CHI, Commercial, Highway

Interchange zoning district. Rather, a "*Truck stop*" may only be approved as a "*Special Exception*," which it was not. Third, the proposed project's new use is a "*prohibited use*" in the CHI zoning district under LDR 4.15.4.2. Finally, the traffic study done by the Developer to support the Application is fatally flawed and cannot provide competent substantial evidence to properly evaluate concurrency and the impacts of the proposed project's new use on traffic and public safety. For any of these reasons, the Planning and Zoning Board should deny the Application.

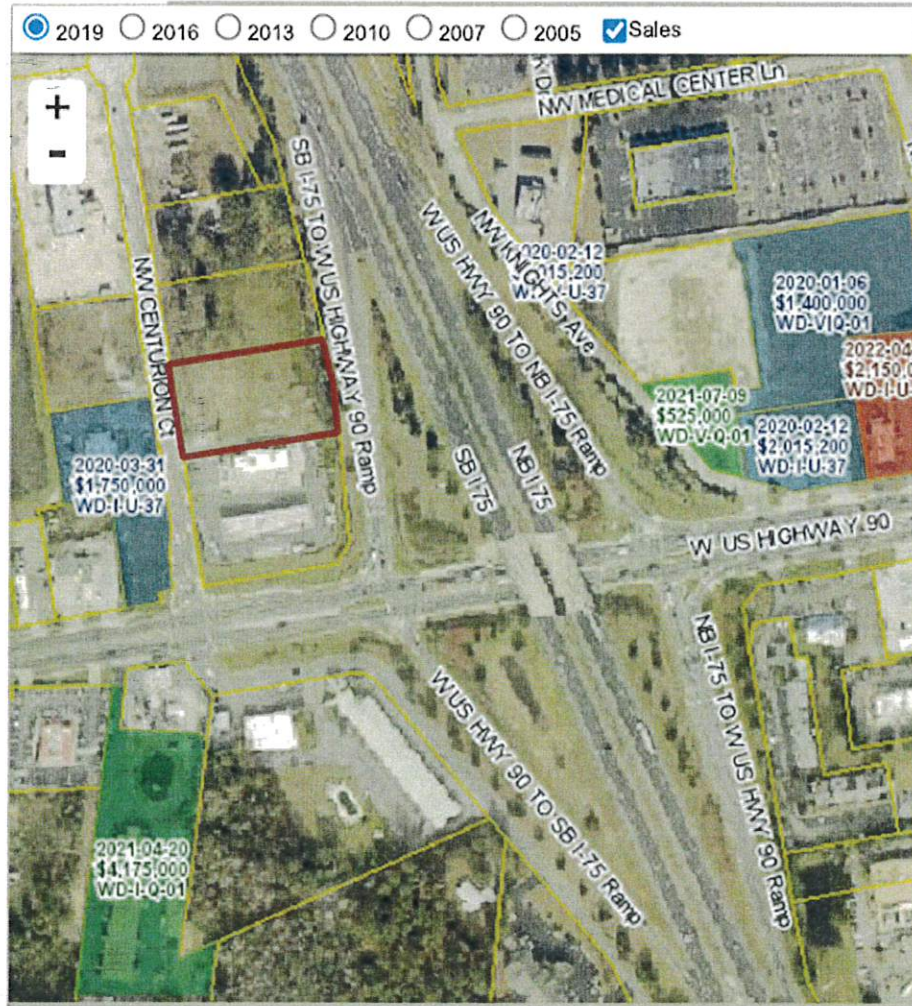
Florida Gateway contends that the two-lane road with limited right-hand turn lane and the short distance from the I-75 exit ramps and US 90 to the Property, will result in significant increase in truck and tractor trailer rig traffic. This will result in an increase in conflicts between traffic serving The Tru hotel and the currently existing and other additional approved high traffic volume businesses (Denny's, Sonic and Rib Crib restaurants) in Gateway Crossing with the large trucks coming to and leaving the site. The proposed project's new use will also create traffic conflicts within the Circle K existing and expanded Property. Large trucks and tractor trailer rigs will enter the diesel refueling area through the existing Circle K parking lot and will exit the site via NW Centurion Court near the primary driveway to Denny's restaurant.

Florida Gateway also submits that the proposed use of the Property is incompatible with the character of this zoning district, which is the primary entry

point of travelers to Columbia County and Lake City. Due to the interstate's high-traffic volume and intense local use, this intersection is one of the busiest in all of Columbia County. Florida Gateway contends that the proposed use of the Property in a manner consistent with a "*Truck stop*" is incompatible with the "Gateway to Florida" commercial profile of Lake City and Columbia County for this zoning district and may attract visitors to this vital area of our community that would negatively impact the visitors to the hotels and the patrons of the surrounding businesses.

1. The Site Plan Application is not an "*Automotive Service Station*" or a "*Permitted Use*."

The Application's subject parcel, Lot 2, Gateway Crossings subdivision and the lands surrounding it are located within the City's CHI, Commercial, Highway Interchange Zoning District. Below is a picture of Lot 2 taken from the Columbia County Property Appraiser's website.



The City’s LDR Section 4.15 governs the uses in the CHI Commercial Highway Interchange zoning category. LDR Section 4.15.2 sets forth the “*Permitted Principal Uses and Structures*” and 4.15.2.1 specifically allows “*Automotive service and self-service stations.*” A copy of LDR Section 4.15 is included in Exhibit C.

Under the City’s LDR, developments providing motor vehicle refueling and servicing goods and service are either an “*Automotive service and self-service station*” or a “*Truck stop.*” The LDR make clear that such facilities are one or the

other, as “*An Automotive service station is not a . . . truck stop, . . . or a combination thereof.*” LDR 2.1

Apparently, the City staff determined this Application is for an “*Automotive Service Station.*” However, the definition of “*Automotive Service Station*” belies this finding. The LDR defines this use as follows:

Automotive Service Station. *An Automotive service station is an establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles; and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. In addition, an Automotive service station may provide accessory facilities for car washing and polishing (but not commercial car wash facilities) and may render minor repair services. However, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, tire recapping or re-grooving, storage of automobiles not in operating condition, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations are prohibited. An Automotive service station is not a repair garage, a body shop, truck stop, or a car wash or a combination thereof.*

... Where such motor fuel pumps are erected in conjunction with a use which is not an Automotive service station, each use shall be considered as a separate principal use and as such, each must meet all applicable requirements of these land development regulations (see Article 4 for special design standards for Automotive service stations).

LDR 2.1 Definitions, General (emphasis added.)

It is simply illogical, and contrary to LDR 2.1, to construe the proposed project’s use as an “*Automotive Service Station.*” The proposed Application proposes an expansion of an existing “*Automotive Service Station*” to a much larger

establishment with the new, expanded facilities specifically designed to serve only commercial trucks and tractor-trailer rigs for refueling and service at high flow diesel pump service bays. While an “*Automotive Service Station*” may provide diesel fuel for automobiles and other motor vehicles, they are not utilizing high flow diesel pump service bays designed to refuel larger commercial trucks and tractor-trailer rig fuel tanks. According to the Application this proposed project's new use is for a “diesel canopy and underground storage tanks” for use as a “convenience store with fuel and diesel.” See Exhibit A. As noted above the LDR do not provide for any use described as “convenience store with fuel and diesel.” The LDR do, however, specifically provide that an “*Automotive Service Station*” provides for “*the dispensing at retail of motor fuel and oil primarily for automobiles.*” LDR 2.1 also specifically provides: “*An Automotive service station is not a . . . truck stop, . . . or a combination thereof.*”

This proposed project's new use is specifically designed for the purpose of refueling and servicing large trucks and tractor trailer rigs that require diesel fuel dispensed from high flow diesel pump service bays. This new proposed project's new use will only serve trucks and tractor trailer rigs, not “*automobiles.*” For this reason, the Application should be denied because it was based on the incorrect conclusion that the “*permitted use*” to be approved by the Application was an “*Automotive service and self-serve station.*”

Further, LDR Section 4.15.2(1) authorizes “*Automotive service and self-service stations*” as a permitted principal use for the CHI district but requires such use to comply with the “*special design standards for Automotive service and self-service stations*” set forth in LDR 4.2. The Application fails to comply with LDR Section 4.2 for “*special design standards for Automotive service and self-service stations*” set forth in of the LDR. A copy of Section 4.2 is included in Exhibit D.

Section 4.2.6 of the LDR sets forth the “*regulations*” that “*apply to the location, design, construction, operation, and maintenance of automotive service and self-serve stations,*” which references “*gasoline pumps*” but does not mention diesel fuel, much less the **high flow diesel pump service bays** necessary for large trucks and tractor trailer rigs. LDR 4.2.6

Because the Application seeks approval of a proposed project that is not an “*Automotive Service Station*” as a “*permitted use*” and failed to apply the “*special design standards for Automotive service and self-service stations*” set forth in of the LDR, the Planning and Zoning Board must deny the Application.

2. The Proposed Project’s New Use is a “Truck stop” which is not a permitted use within the CHI, Commercial, Highway Interchange zoning district, and which may only be approved as a “Special Exception.”

LDR Section 4.15.5.1. provides that “*Truck stops*” are not permitted as of right in the CHI district, but rather must be approved as a “*Special Exception.*” See Exhibit D. A *Special Exception* requires compliance with LDR Articles 12 and 13.

LDR Article 12 provides the required hearing procedures for *Special Exceptions*.

LDR Article 13 provides the requirements for permitting and concurrency management. This Application was not processed as a *Special Exception*.

The LDR defines “*Truck stop*” as follows:

A truck stop is an establishment where the principal use is primarily the refueling and servicing of trucks and tractor trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

LDR 2.1 Definitions, General (Emphasis added.)

The issue is whether the proposed use under this Application which adds new diesel only facilities *is primarily the refueling and servicing of trucks and tractor trailer rigs*? The answer can only be yes, as this proposed Development is specifically designed for the purpose of refueling and servicing large trucks that require diesel fuel dispensed from high flow diesel pump service bays. This proposed project’s new use will only serve trucks and tractor trailer rigs. The proposed expansion is not for the purpose of refueling and servicing automobiles.

Upon information and belief, the City’s staff determined this application is for an “*Automotive service and self-serve station*,” and not a “*Truck stop*” because the proposed use is only for “refueling,” but not “servicing” of trucks. Apparently, the City’s staff determined the proposed new use of high flow diesel pump service bays is primarily for automotive use, not primarily for trucks and tractor trailer rigs.

The LDR definitions do not define or otherwise distinguish “refueling and servicing.” It is common knowledge that refueling or recharging is a required form of servicing any motor vehicle. It is also clear the term “servicing” as used by the LDR does not have the same meaning as the term “repair and maintenance” also included in the definition. The definition for “*Truck stop*” states that “facilities for repair and maintenance” is an option by using the conjunction “may have.”

A “*Truck stop*” under the Lake City LDR “*may have*” facilities for repair and maintenance, but it is not required to have those facilities to meet the definition of a “*Truck stop*.” Therefore, the LDR use of the term “*refueling and servicing*” must involve uses that are different than “*repair and maintenance*.”

Florida Gateway submits it is reasonable to construe the term “*servicing*” as including less intense maintenance activities such as checking and adding oil or transmission fluid, or adding air to truck tires, and refueling. The City staff’s determination that this proposed Development is not a “*Truck stop*” requires a tortured conclusion that “*servicing*” a truck or tractor-trailer rig includes adding air to truck tires, but excludes refueling the truck.

What distinguishes a “*Truck stop*” is that the proposed use is “*primarily for refueling and servicing trucks and tractor-trailer rigs*,” which is the exact proposed primary new use of the Property sought by the Application proposing to new install

high flow diesel fuel pump service bays and other “*Truck stop*” facilities in the heart of the busiest intersection of Lake City.

In addition, however, the existing Circle K serves prepared food and provides a few tables and chairs for its customers much like a “*snack bar*.” Also, the amended site plan includes six (6) commercial trucks and tractor-trailer rig parking spaces which are not required for “*refueling*.” These tractor-trailer rig parking spaces may, however, provide “*sleeping accommodations for the drivers of such over-the-road equipment*.” Also, the Application includes adding new restroom facilities for the truck drivers.

All these facts clearly establish the Application for the proposed projects new use adding high flow diesel fuel pump service bays, tractor trailer rig parking, underground diesel storage tanks and a new 100-foot sign advertising TRUCK DIESEL, is a “*Truck stop*” as defined by LDR 2.1. See Exhibits C, F and G. All of the proposed new facilities support the high flow diesel pump service bays which are “*primarily for refueling and servicing trucks and tractor trailer rigs*,” and not suited for use by automobiles. The uncontroverted facts clearly establish this Application under consideration constitutes a “*Truck stop*.” As such, the Developer’s Application required consideration as a “*Special Exception*.” Since there is no disagreement that the Application has not been processed as a “*Special Exception*,” the Planning and Zoning Board must deny the Application.

To be clear, however, while LDR 4.15.5. 1. requires a *“Special Exception”* for any proposed projects new use authorizing a *“Truck stop”* in the CHI district, this Application does not come close to meeting the LDR requirement for granting a *Special Exception* .

LDR 2.1 defines *“Special Exception”* as:

“a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. ... (For the procedure in securing special exceptions, see Article 12).”

This Application seeks to provide high flow diesel fuel pump service bays for large trucks and tractor-trailer rigs at the busiest, highest traffic intersection in all of Columbia County. This proposed use consistent with a *“Truck stop”* is incompatible with the commercial profile for this CHI district for Lake City and Columbia County. There is nothing about this proposed Development that *“would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare”* in this CHI district. To the contrary, in addition to the traffic nightmare, this proposed use is most likely to attract visitors to this vital area of our community that would negatively impact the patrons of the hotels and the surrounding restaurants and other businesses, and our residents. This is why the

Tourist Development Council took the unusual step to request the City to deny the Application for this use.

Florida Gateway retained Luis N. Serna, AICP, a professional Certified Planner with Calvin, Giordano & Associates, Inc., to evaluate the Developer's Site Plan Application. Mr. Serna concludes "the proposed expansion of the Circle K by the addition of tractor trailer fueling on the adjacent parcel was not properly defined as a truck stop. Therefore, the City failed to properly process the Application as a Special Exception as required by the LDRs. Without processing this as a Special Exception, the review staff did not provide an opportunity for the Planning and Zoning Board, the Board of Adjustment, and the public to review the potential impacts of this use and to address potential controls of the use on the number, area, location, or relation to the neighborhood."

Further, "given the types of uses in the Gateway Crossings subdivision, which include restaurants and a hotel, and the high level of automobile traffic within Gateway Crossings from these uses, there are concerns that an increase in the amount of tractor trailer traffic near the entrance of this subdivision will cause significant adverse impacts to surrounding uses particularly from noise and traffic. Impacts to public roadways will extend beyond Gateway Crossings to also affect U.S. 90 and the offramp for Interstate 75. Without processing this application as a Special Exception, the City did not permit affected property owners and the public to

adequately assess the full impacts of the proposed use and to address any potential mitigating conditions to address these impacts.”

A copy of Mr. Serna’s report is attached in Florida Gateway’s Appendix to Objection to Site Plan Application, as Exhibit F.

This Application required a *Special Exception* which was neither sought nor obtained. This Application does not qualify for a *Special Exception* under LDR 4.15.5.1. under any circumstances. The Planning and Zoning Board has no alternative under the LDR than to deny this Application.

3. The Development is a “prohibited use.”

LDR Section 4.15.4 lists “*Prohibited uses and structures*” in the CHI zoning district. LDR Section 4.15.4.2 includes as a “*Prohibited use or structure*”:

Any other uses or structures not specifically, provisionally or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation or likely for other reasons to be incompatible with the character of the district.

LDR 4.15.4.2 (emphasis supplied.)

Florida Gateway submits the proposed expansion use is a “*prohibited use*” under the LDR 14.15.4. 2. This Application is for Lot 2, Gateway Crossings located on a narrow, 2-lane road, adjacent to the most traffic intense intersection in Lake City, and poses serious traffic problems that are dangerous to drivers and

pedestrians. The long turning radius required for large trucks and tractor-trailer rigs using the proposed Truck stop will block and interfere with both lanes of traffic on NW Centurion Court and within the Circle K Property.

Also, Florida Gateway submits that a “*Truck stop*” is simply incompatible with the character of the surrounding development and will pose negative impacts to the users of the hotels, the restaurants, and to future development. This is the intersection to Lake City and Columbia County known as the “Gateway to Florida.” Clearly large commercial trucks and tractor-trailer rigs, which are the targeted customers for this proposed project's new use, create more “*smoke, odor, noise, ... fumes, gas, vibration, ... [and] emission of particulate matter*” than is otherwise experienced at any automobile service station in the zoning district including the existing Circle K.

The Application is wholly inconsistent and incompatible with the I-75/US 90 intersection. In less than five or 15 minutes of travel time, approximately five (5) miles South of the intersection of I-75 and U.S. 90, at the intersection of I-75 and S.R. 47, and also approximately 15 miles South at the intersection of I-75 and U.S. 441, there are ample locations available and zoned as permitted use for a “*Truck stop.*”

It is important to recognize that comparable CHI districts in neighboring communities do not tolerate developments with a proposed use such as this.

Comparable interchanges to our “Gateway of Florida” CHI district such as Valdosta’s Exit 18, Gainesville’s Newberry Road and Archer Road exits, and Ocala’s Exit 200, while constituting commercial hubs for those communities with numerous hotels, restaurants, businesses and automobile service stations, none of them have any commercial uses even remotely comparable to a “*Truck stop*” or any other use such as this proposed project's new use. This Application, if approved, is likely to cause significant traffic snarls and danger to the public that will adversely affect our community for generations to come.

This proposed project's new use constitutes a “*prohibited use or structure*” under LDR Section 4.15.4.2. Therefore, the Application must be denied as incompatible with the City’s CHI district.

4. The Traffic Study done to support the Application is flawed and does not meet the requirements of the LDR to evaluate the Proposed Project's impact on concurrency, traffic, and public safety.

Section 13.12.3 of the LDR requires that all development shall maintain level of service standards, including traffic and requires “a concurrency review to be made with applications for development approvals and a Certificate of Concurrency issued prior to development.” The Developer provided a flawed traffic study in the Application which was prepared by Kimley-Horn and Associates, Inc. (“traffic study”).

Florida Gateway retained Jeffrey W. Buckholz, PhD, P.E. PTOE, a professional traffic engineer, to evaluate the Developer's traffic study. He has opined that the Developer's traffic study is "incomplete and inaccurate and that the recommendations contained in the report do not ensure safe and efficient access to the proposed site." A copy of Dr. Buckholz's report is attached in Florida Gateway's Appendix to Objection to Site Plan Application, as Exhibit G.

Dr. Buckholz found, in part, that the Developer's traffic study:

1. Ignored the impact of "development that is currently underway along Centurion Court . . . right behind the Circle K" including a Sonic Restaurant and a Rib Crib Restaurant both with drive through windows.
2. The traffic study "calculated trip generation for the expanded site" at a rate that was "reduced by 69% for the weekday AM peak hour and by 60% for the weekday PM peak hour."
3. The traffic study "applies their reduction for pass-by traffic to vehicles using US 90; they do not make the reasonable assumption that a large portion of the pass-by traffic will be drawn from I-75." This error "results in projected site traffic volumes at the US 90/Centurion Court intersection that are too low." It seems reasonable to assume that a new truck stop at this location would draw truck traffic from I-75, which Kimley-Horn ignored.

4. “The Kimley-Horn Synchro analysis contains some input errors,” that “masks the deleterious queue effect.” Dr. Buckholz also found that the traffic study used “incorrect truck percentages.”
5. The “percentage of trucks reflected in Kimley-Horn’s 2023 Build analysis is no different than the percentage in their 2021 existing analysis.” One would assume that once the truck stop is in operation the number of trucks would increase, especially being so near the I-75 US-90 interchange. To assume that truck traffic will be the same after the Development is simply irrational.
6. The traffic study did not provide the “queue length” for the left turn lane on the Northwest Centurion Court approach to US 90. Using Kimley-Horn’s own traffic numbers (which are substantially low) the peak queue length is expected to “extend to the Denny’s driveway and blocks access to the ... thru/right turn lane on Centurion Court.”
7. Finally, Dr. Buckholz opines that the traffic study is not based on the “generally accepted and publicly developed Highway Capacity Software (HCS)” but rather on Synchro – a private “black box” software program. This can result in vastly different queue lengths as in the case for the south approach (Florida Gateway Drive) left turn lane where the HCS predicts a

queue length that is longer than Synchro “by a factor of almost three, blocking access to the adjacent through/right turn lane.”

The City and the Developer must support the Application with “competent substantial evidence,” which the courts say is “evidence that provides a factual basis from which a fact at issue may reasonably be inferred.” See, *Broward Cnty. v. G.B.V. Int'l, Ltd.*, 787 So. 2d 838, 845 (Fla. 2001). Competent substantial evidence “sufficient to sustain a finding of an administrative agency, is evidence that is sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.” See, *Sch. Bd. Of Hillsborough Cnty. v. Tampa Sch. Dev. Corp.*, 113 So. 3d 919, 923 (Fla. 2d DCA 2013); see also *Lee Cnty. v. Sunbelt Equities, II, Ltd. P’ship*, 619 So. 2d 996, 1002–03 (Fla. 2d DCA 1993) (quoting *Town of Indialantic v. Nance*, 400 So. 2d 37, 40 (Fla. 5th DCA 1981), *aff’d*, 419 So. 2d 1041 (Fla. 1982)).

Additionally, Florida Gateway submits that the traffic flow patterns of the trucks and travel trailer rigs traveling through the site of the proposed project is likely to create significant conflicts between trucks and pedestrians inside the project.

Thus, because of these deficiencies, the Developer’s traffic study cannot constitute competent substantial evidence to support the factual conclusion that the proposed Development meets the City’s concurrency standards, or more importantly, would not cause traffic congestion or pose traffic safety concerns.

In addition, upon information and belief, the proposed project's new use constitutes significant change in the traffic volumes on NW Centurion Court and the I-75/ U.S. Highway 90 West interchange requiring approval from FDOT which has neither been sought nor obtained by the City or the Developer.

Conclusion.

State law requires that "*each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.*" § 163.3202, *Fla. Stat.* As shown above, the Application's proposed project violates various provisions of the City's LDR.

The Application's proposed project's new use, which is admittedly designed to serve commercial trucks and tractor-trailer rigs for refueling and service at high flow diesel pump service bays, is not "*Automotive Service Station*" as defined by the LDR. Even if it were, the City did not apply the required "*special design standards for automobile service and self-service stations.*" In fact, the proposed project is a "*Truck stop,*" that must be approved as a "*Special Exception,*" which it was not. The additional commercial truck and tractor-trailer rig traffic from the proposed project's new use in this high traffic area is a prohibited use that poses a threat to public safety, and the project is "*incompatible*" with the surrounding development in violation of the LDR.

Finally, the Developer's traffic study for the Application is flawed, as it does not provide competent substantial evidence that meets the requirements of the LDR to evaluate concurrency and the impacts of proposed development on traffic and public safety.

Remedy Requested.

Florida Gateway respectfully requests that the City of Lake City Planning and Zoning Board deny the Site Plan Application #SPR 22-15.

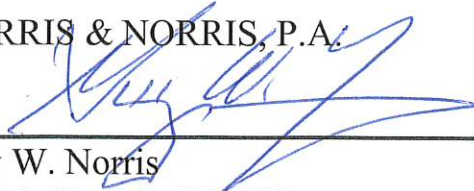
RESPECTFULLY SUBMITTED on this 18th day of December, 2023.

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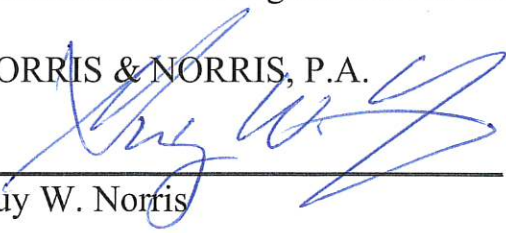
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CERTIFICATE OF FILING AND SERVICE

I CERTIFY that a copy of this document has been served on this 18th day of December, 2023, on the City of Lake City, Florida Land Development Regulation Administrator, and a courtesy copy has been provided to the Developer, by electronic mail or regular mail as indicated.

NORRIS & NORRIS, P.A.



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