

NORRIS & NORRIS, P.A.  
ATTORNEYS AT LAW  
253 N.W. MAIN BOULEVARD  
LAKE CITY, FL 32055  
www.norrisattorneys.com

RECEIVED  
3/29/2023  
2:14 PM  
dh

Guy W. Norris†\*  
John E. Norris  
1924 - 2016  
† Certified Circuit Mediator  
\* Qualified Arbitrator

Phone: (386) 752-7240  
Facsimile: (386) 752-1577

March 29, 2023

Via email growthmanagement@lcfla.com; sikea@lcfla.com and  
tjk@rkkattorneys.com and,  
Hand Delivery

City of Lake City, Florida  
c/o Growth Management Department  
Land Development Regulation Administrator  
City Hall  
205 N. Marion Ave.  
Lake City, FL 32055

Re: City of Lake City, Florida, Board of Adjustment; Notice of Appeal of New  
Construction Permit #000046609, Gateway Crossings

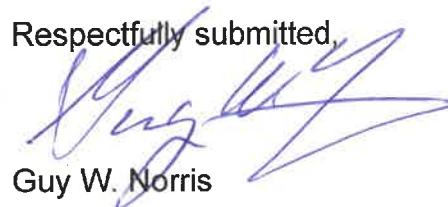
Dear Land Development Regulation Administrator:

Enclosed is a Notice of Appeal of New Construction Permit #000046609 Gateway  
Crossing (27 pages) and Appendix to Notice of Appeal of New Construction Permit  
#000046609 Gateway Crossing (30 pages), hereby submitted to the City's Land  
Development Regulation Administrator, the City Clerk and the City Attorney for filing on  
behalf of Florida Gateway Hotels, LLC, et al.

If you have any questions regarding the foregoing, please do not hesitate to  
contact me.

Thank you for your consideration.

Respectfully submitted,



Guy W. Norris

GWN/slr

cc: Via Email Only:  
City Clerk: sikesa@lcfla.com  
City Attorney, Todd Kennon, Esquire, tjk@rkkattorneys.com

RECEIVED  
3/29/2023  
2:14pm  
HL

**BEFORE THE BOARD OF ADJUSTMENT OF  
THE CITY OF LAKE CITY, FLORIDA.**

**NOTICE OF APPEAL OF  
NEW CONSTRUCTION PERMIT # 000046609 GATEWAY CROSSINGS**

Florida Gateway Hotels, LLC, and Lake City Hotels, LLC, pursuant to Section 11.1.1 of the Land Development Regulations (“LDR”) of the City of Lake City, FL (“City”) appeal the New Construction Permit #000046609 issued on February 28, 2023, (“Development Order”) by the City to GWC Development Partners, LLC (“Developer.”)

**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 Northwest 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. It owns Lot 2 of Gateway Crossings (“Property”), which it intends to lease to a Circle K operator 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. A copy of the application for the Development Order is included in Florida Gateway’s Appendix to Notice of Appeal, Exhibit A.

On February 28, 2023, the City's Land Development Regulation Administrator, issued "New Commercial Construction Permit #000046609 ("Development Order"), a copy of which is attached as Exhibit B.

The Development Order authorizes the expansion of the existing Circle K, apparently as an "*Automotive service and self-service station*" under LDR 4.15.2.1. for this Commercial Highway Interchange zoning district to provide for high flow diesel pump refueling and servicing of trucks and tractor trailer rigs. There is no commercial use defined or provided for as "convenience store with fuel and diesel" in the LDR as stated in the Development Order.

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 as Exhibit D.

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.*

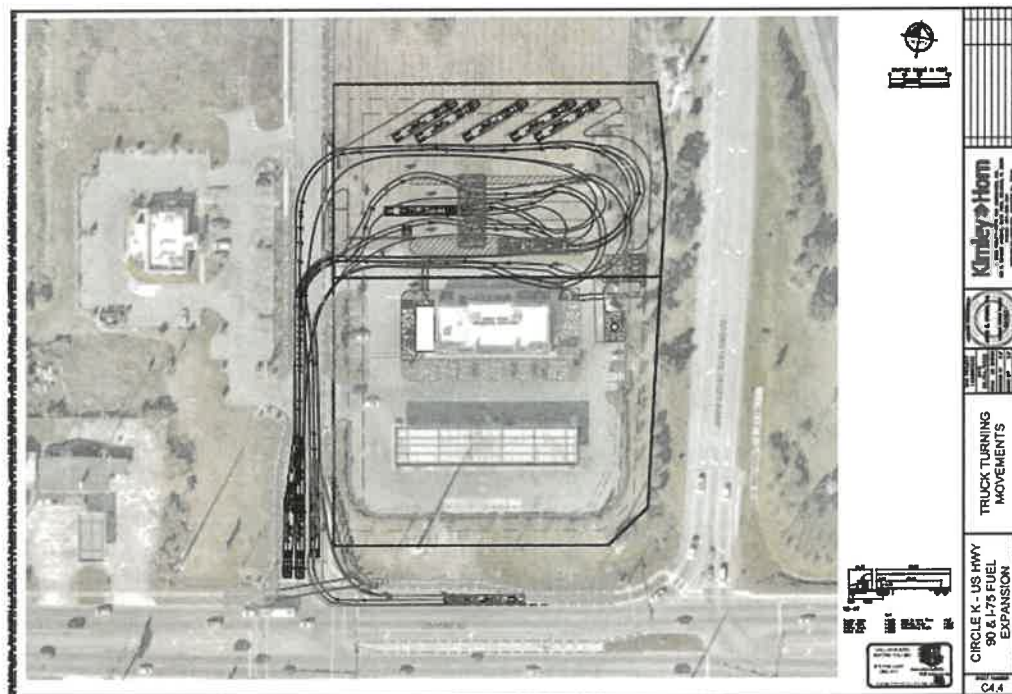
LDR 2.1 Definitions, General (Emphasis added.) See Exhibit D.

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*.” No “*Special exception*” was 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 D.

[illegible]

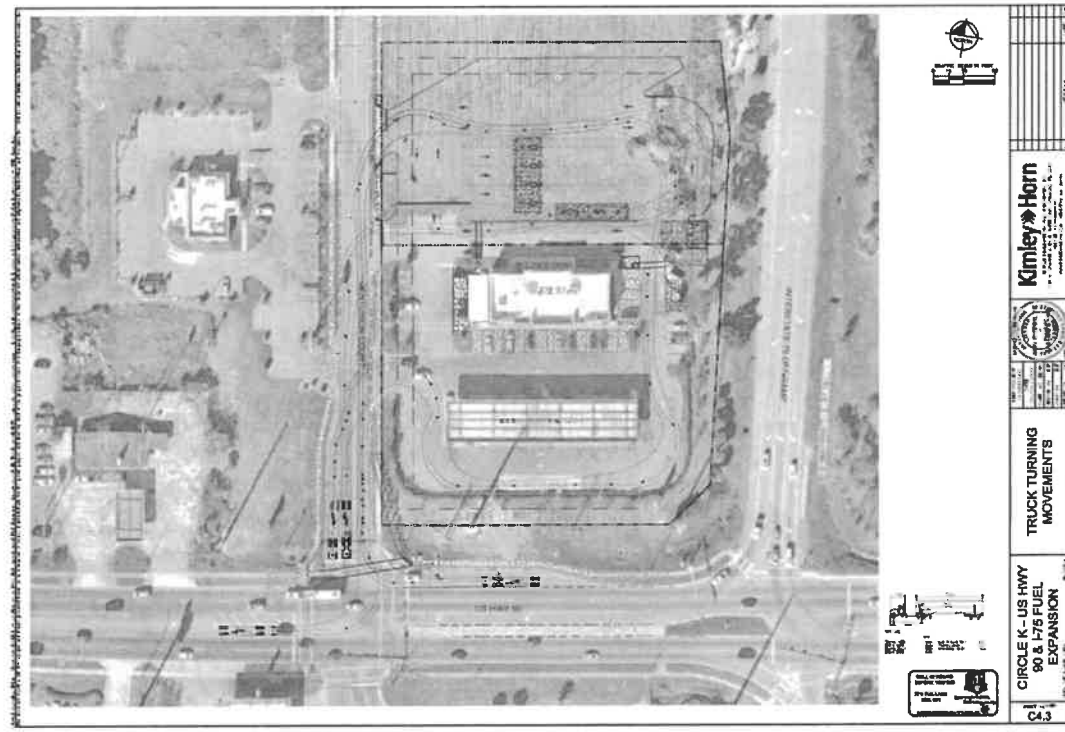
This current site plan was never submitted to the Planning and Zoning Board for review and approval. While a previous site plan was approved by the Planning and Zoning Board on July 6, 2022, the amended site plan was approved only by the Land Development Regulation Administrator. No notice was provided to Florida Gateway of any public hearing to consider any site plans or approve the Development Order.

The Development Order 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.





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 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.

The Columbia County Tourist Development Council expressed opposition to the proposed Development, writing to the 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 as Exhibit C.

### **Argument.**

The Development Order 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 overturn the Development Order. First, the Development is not an “Automotive Service Station.” Second, even if the City determines the use is an “Automotive Service Station” there is no evidence that the City applied the “special design standards for automobile service and self-service stations” established by the LDR. Third, the Development 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. Fourth, the Development is a “*prohibited use*” in the CHI zoning district. Finally, the traffic study done by the Developer to support the Development Order is fatally flawed and cannot provide competent substantial evidence to properly evaluate concurrency and the impacts of the proposed Development on traffic and public safety. For any of these reasons, the Board of Adjustment should reverse the decision of the City’s Land Development Regulation Administrator to issue the Development Order.

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 Development will also create traffic conflicts within the Circle K 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 Development Order approves a Development that is not an "*Automotive Service Station*" as a "*Permitted Use*."**

The property subject to the Development Order and the lands surrounding it are located within the City's CHI, Commercial, Highway Interchange Zoning District. Below is a picture of the parcel 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 D.

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 Development is 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 Development as an “*Automotive Service Station.*” The proposed Development is 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 Development Order this proposed Development is for a “diesel canopy and underground storage tanks” for use as a “convenience store with fuel and diesel.” See Exhibit B. 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 Development 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 Development will only serve trucks and tractor trailer rigs, not “*automobiles.*” For this reason, the Development Order should be denied because it was based on the incorrect conclusion that the “*permitted use*” to be approved by the Development Order 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 Development Order fails to apply 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 Development Order approves a Development 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 Board of Adjustment must grant the appeal and reverse the Development Order.

**2. The Development 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 Development Order 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 Development 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 new Development will only serve trucks and tractor trailer rigs. The proposed expansion is not for the purpose of refueling and servicing automobiles.

The City’s staff determined this Development is 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 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 use of this Development 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 proposed Development includes adding new restroom facilities for the truck drivers. All these facts clearly establish the proposed Development 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 D and F.

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 new Development under consideration constitutes a “*Truck stop*.” As such, the application required consideration as a “*Special Exception*.” Since there is no disagreement that the Development Order was not processed as a “*Special*

*Exception,”* the Board of Adjustment must grant the appeal and reverse the Development Order.

To be clear, however, while LDR 4.15.5. 1. requires a “*Special Exception*” for any Development Order authorizing a “*Truck stop*” in the CHI district, this proposed Development 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 proposed Development 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.

This proposed Development required a *Special Exception* which was neither sought nor obtained. This proposed Development does not qualify for a *Special Exception* under LDR 4.15.5.1. under any circumstances. The Board of Adjustment has no alternative under the LDR than to reverse the Development Order.

### **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 proposed Development is located on a narrow, 2-lane road, adjacent to the most intense intersections 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 Development, 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 proposed Development expansion 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 Development. This proposed Development is likely to cause significant traffic snarls and danger to the public that will adversely affect our community for generations to come.

This proposed development constitutes a "*prohibited use or structure*" under LDR Section 4.15.4.2. Therefore, the Development Order approving such use must be reversed as incompatible with the City's CHI district.

**4. The Traffic Study done to support the Development Order is flawed and does not meet the requirements of the LDR to evaluate the Developments 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 during the review of the application for the Development Order which was prepared by Kimley-Horn and Associates, Inc. for the proposed Development ("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 as Exhibit E.

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 Development Order 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 Development 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.

#### 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 Development Order violates various provisions of the City’s LDR.

The Development Order was issued in error. The proposed Development, 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 Development 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 Development in this high traffic area is a prohibited use that poses a threat to public safety, and the Development is “*incompatible*” with the surrounding development in violation of the LDR.

Finally, the Developer’s traffic study for the Development 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.

As a remedy to this appeal, Florida Gateway respectfully requests that the City of Lake City Board of Adjustment deny the Development Order.

RESPECTFULLY SUBMITTED on this 29<sup>th</sup> day of March 2023.

ANSBACHER LAW



---

Terrell K. Arline, Esquire  
Fla. Bar. No. 306584  
1819 Tamiami Drive  
Tallahassee, FL 32301  
(850) 321-8726  
tkarlinelaw@gmail.com  
terrell.arline@ansbacher.net  
Hannah Rullo, Esquire  
Fla. Bar No. 1026157  
8818 Goodby's Executive Drive  
Jacksonville, FL 32217  
hannah.rullo@ansbacher.net  
julia.voss@ansbacher.net  
(904) 737-4600

NORRIS & NORRIS, P.A.

/s/ Guy W. Norris

Guy W. Norris  
Florida Bar No. 844500  
253 NW Main Boulevard  
Lake City, FL 32055  
Phone: (386) 752-7240  
Fax: (386) 755-1577  
gnorris@norrisattorneys.com  
sregister@norrisattorneys.com

## CERTIFICATE OF FILING AND SERVICE

I CERTIFY that a copy of this document has been served on this 29<sup>th</sup> day of March 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.



Terrell K. Arline, Esquire

Copies furnished:

Land Development Regulation Administrator  
205 N. Marion Ave.  
Lake City, FL 32055

By hand delivery and electronic mail to [growthmanagement@lcfla.com](mailto:growthmanagement@lcfla.com)

Todd Kennon, Esquire  
City Attorney  
582 West Duval Street  
Lake City, FL 32055

By electronic mail to [tjk@rkkattorneys.com](mailto:tjk@rkkattorneys.com)

Courtesy copy provided:

GWC Development Partners, LLC  
Registered Agent Daniel Hotte  
8890 West Oakland Park Blvd.  
Suite 201  
Sunrise, FL 33351  
By direct mail.

RECEIVED  
3/29/2023  
2:14 PM  
AK

**APPENDIX TO NOTICE OF APPEAL OF NEW CONSTRUCTION**  
**PERMIT #000046609 GATEWAY CROSSINGS**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>BATES NUMBER</b>
A.	Application for New Development and Site Review Committee Meeting	001 - 013
B.	New Commercial Construction Permit #000046609 (02/28/2023)	014
C.	Columbia County Tourist Development Council Letter to Paul Dyal (11/08/2022)	015
D.	Portions of Land Development Regulation	016 - 023
E.	Buckholz Traffic Technical Evaluation of March 2022 Circle K Traffic Impact Analysis	024 - 029
F.	Circle K Sign Design and Description Details	030



# EXHIBIT A



CITY OF LAKE CITY

## APPLICATION FOR NEW DEVELOPMENT AND SITE REVIEW COMMITTEE MEETING

### FOR OFFICIAL USE ONLY

MEETING DATE: \_\_\_\_\_

MEETING TIME: \_\_\_\_\_

### APPLICANT INFORMATION

Date: 09/01/2021

Name: Jarod C. Stubbs, P.E.

Business  
Name:

Kimley-Horn and Associates

Address: 189 S Orange Ave., Ste 1000, Orlando, FL

Phone: (407) 409-7002

Business  
Address:

189 South Orange Ave., Suite 1000

Email: jarod.stubbs@kimley-horn.com

Orlando, FL 32801

### SUBJECT PROPERTY INFORMATION

Address: NE corner of US Hwy 90 and NW Centurion Ct (behind the Circle K)

Property  
Owner :

GWC Development Partners, LLC

Parcel ID#: 35-3s-16-02524-102; and 35-3s-16-02524-111

Existing Use: Vacant Commercial

Owner  
Address:

2682 NW Noegel Rd

Zoning District: CHI Commercial Highway Intensive

Lake City, FL 32055

### DESCRIPTION OF REQUEST (may be attached, separately)

PLEASE PROVIDE AS MUCH DETAIL AS POSSIBLE SO THAT STAFF CAN BE PREPARED TO ADDRESS YOUR QUESTIONS.

Please include information regarding:

- Proposed use
- Proposed improvements to building and/or site

The proposed project is to be a high speed diesel expansion to the existing Circle K with related parking, underground fuel storage tanks, and other necessary improvements. The project is anticipated to take up space on both parcels listed in this application. Expected new impervious area for the project is +/- 49,850 square feet. The existing Circle K will also have improvements including a building expansion for additional restrooms and an adjustment to the parking spaces to allow space for said expansion. See attached site plan for more detail.

### SUBMIT WITH THIS FORM

- Copy of survey or sketch of location/building
- Sketch of any proposed improvements
- Any other information that will help in review of the proposal

### SUBMIT COMPLETED FORM AND DOCUMENTS TO:

Mail: Lake City Growth Management Department, 205 N Marion Ave, Lake City, FL 32055

Email: growthmanagement@lcfia.com

Fax: 386-758-5426

If you have any further questions, please contact Growth Management, 386-719-5750



PREPARED BY: KIMLEY-HORN  
 CHECKED BY: J. H. HORN  
 DATE: 10/10/00  
 PROJECT: 001-000000-000000-000000  
 DRAWING: 001-000000-000000-000000  
 SHEET: 001-000000-000000-000000  
 TOTAL SHEETS: 001-000000-000000-000000  
 SCALE: 1" = 100'



CONCEPTUAL SKETCH

CIRCLE K - U.S. 90 & I-75

SP-01





## GROWTH MANAGEMENT

205 North Marion Ave.  
Lake City, FL 32055  
Telephone: (386)719-5750  
E-Mail:  
growthmanagement@lcfla.com

## FOR PLANNING USE ONLY

Application # SPR22-15

Application Fee: \$200.00

Receipt No. \_\_\_\_\_

Filing Date 4/1/22

Completeness Date \_\_\_\_\_

# Site Plan Application

## A. PROJECT INFORMATION

1. Project Name: CIRCLE K - US 90 & I-75
2. Address of Subject Property: 143 NW Centurion Ct., Lake City, FL 32055
3. Parcel ID Number(s): 35-3S-16-02524-001, 35-3S-16-02524-102, 35-3S-16-02524-111
4. Future Land Use Map Designation: Commercial
5. Zoning Designation: CHI - Commercial Highway Interchange
6. Acreage: ±3.46
7. Existing Use of Property: Existing Circle K gas station and convenience store
8. Proposed use of Property: Circle K gas station and high speed diesel station
9. Type of Development (Check All That Apply):
  - ☒ Increase of floor area to an existing structure: Total increase of square footage ±652 SF
  - ☒ New construction: Total square footage ±54,470 SF
  - ☐ Relocation of an existing structure: Total square footage \_\_\_\_\_

## B. APPLICANT INFORMATION

1. Applicant Status ☐ Owner (title holder) ☒ **Agent**
2. Name of Applicant(s): Jarod Stubbs P.E. Title: Civil Engineer  
Company name (if applicable): Kimley-Horn  
Mailing Address: 189 S. Orange Ave. Suite 1000  
City: Orlando State: FL Zip: 32801  
Telephone: (407) 409-7002 Fax: ( ) Email: jarod.stubbs@kimley-horn.com
3. If the applicant is agent for the property owner\*.  
Property Owner Name (title holder): Daniel Hotte of GWC Development Partners, LLC  
Mailing Address: 2682 W Noegel Rd  
City: Lake City State: FL Zip: 32055  
Telephone: (407) 580-5173 Fax: ( ) Email: dberry@shafferconst.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from government officials regarding government business is subject to public records requests. Your e-mail address and communications may be subject to public disclosure.

\*Must provide an executed Property Owner Affidavit Form authorizing the agent to act on behalf of the property owner.

**C. ADDITIONAL INFORMATION**

1. Is there any additional contract for the sale of, or options to purchase, the subject property?  
If yes, list the names of all parties involved: \_\_\_\_\_  
If yes, is the contract/option contingent or absolute: ☐ Contingent ☐ Absolute
2. Has a previous application been made on all or part of the subject property? ☐ Yes ☒ No  
Future Land Use Map Amendment: ☐ Yes \_\_\_\_\_ ☐ No \_\_\_\_\_  
Future Land Use Map Amendment Application No. \_\_\_\_\_  
Site Specific Amendment to the Official Zoning Atlas (Rezoning): ☐ Yes \_\_\_\_\_ ☐ No \_\_\_\_\_  
Site Specific Amendment to the Official Zoning Atlas (Rezoning) Application No. \_\_\_\_\_  
Variance: ☐ Yes \_\_\_\_\_ ☐ No \_\_\_\_\_  
Variance Application No. \_\_\_\_\_  
Special Exception: ☐ Yes \_\_\_\_\_ ☐ No \_\_\_\_\_  
Special Exception Application No. \_\_\_\_\_

**D. ATTACHMENT/SUBMITTAL REQUIREMENTS**

1. ☒ Vicinity Map – Indicating general location of the site, abutting streets, existing utilities, complete legal description of the property in question, and adjacent land use.
2. Site Plan – Including, but not limited to the following:
  - a. ☒ Name, location, owner, and designer of the proposed development.
  - b. ☒ Present zoning for subject site.
  - c. ☒ Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
  - d. ☒ Date, north arrow, and graphic scale not less than one inch equal to 50 feet.
  - e. ☒ Area and dimensions of site (Survey).
  - f. ☒ Location of all property lines, existing right-of-way approaches, sidewalks, curbs, and gutters.
  - g. ☒ Access to utilities and points of utility hook-up.
  - h. ☒ Location and dimensions of all existing and proposed parking areas and loading areas.
  - i. ☒ Location, size, and design of proposed landscaped areas (including existing trees and required landscaped buffer areas).
  - j. ☒ Location and size of any lakes, ponds, canals, or other waters and waterways.
  - k. ☒ Structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.
  - l. ☒ Location of trash receptacles.
  - m. For multiple-family, hotel, motel, and mobile home park site plans:
    - i. Tabulation of gross acreage.
    - ii. Tabulation of density.
    - iii. Number of dwelling units proposed.
    - iv. Location and percent of total open space and recreation areas.
    - v. Percent of lot covered by buildings.

- vi. Floor area of dwelling units.
  - vii. Number of proposed parking spaces.
  - viii. Street layout.
  - ix. Layout of mobile home stands (for mobile home parks only).
8. Stormwater Management Plan—Including the following:
- a. Existing contours at one foot intervals based on U.S. Coast and Geodetic Datum.
  - b. Proposed finished elevation of each building site and first floor level.
  - c. Existing and proposed stormwater management facilities with size and grades.
  - d. Proposed orderly disposal of surface water runoff.
  - e. Centerline elevations along adjacent streets.
  - f. Water management district surface water management permit.
9. Fire Department Access and Water Supply Plan: The Fire Department Access and Water Supply Plan must demonstrate compliance with Chapter 18 of the Florida Fire Prevention Code, be located on a separate signed and sealed plan sheet, and must be prepared by a professional fire engineer licensed in the State of Florida. The Fire Department Access and Water Supply Plan must contain fire flow calculations in accordance with the Guide for Determination of Required Fire Flow, latest edition, as published by the Insurance Service Office ("ISO") and/or Chapter 18, Section 18.4 of the Florida Fire Prevention Code, whichever is greater.
10. Concurrency Impact Analysis: Concurrency Impact Analysis of impacts to public facilities. For commercial and industrial developments, an analysis of the impacts to Transportation, Potable Water, Sanitary Sewer, and Solid Waste impacts are required.
11. Comprehensive Plan Consistency Analysis: An analysis of the application's consistency with the Comprehensive Plan (analysis must identify specific Goals, Objectives, and Policies of the Comprehensive Plan and detail how the application complies with said Goals, Objectives, and Policies).
12. Legal Description with Tax Parcel Number (In Word Format).
13. Proof of Ownership (i.e. deed).
14. Agent Authorization Form (signed and notarized).
15. Proof of Payment of Taxes (can be obtained online via the Columbia County Tax Collector's Office).
16. Fee. The application fee for a Site and Development Plan Application is \$200.00. No application shall be accepted or processed until the required application fee has been paid.



### NOTICE TO APPLICANT

All eleven (11) attachments are required for a complete application. Once an application is submitted and paid for, a completeness review will be done to ensure all the requirements for a complete application have been met. If there are any deficiencies, the applicant will be notified in writing. If an application is deemed to be incomplete, it may cause a delay in the scheduling of the application before the Planning & Zoning Board.

A total of ten (10) copies of proposed site plan application and all support materials must be submitted along with a PDF copy on a CD. See City of Lake City submittal guidelines for additional submittal requirements.

**THE APPLICANT ACKNOWLEDGES THAT THE APPLICANT OR AGENT MUST BE PRESENT AT THE PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD, AS ADOPTED IN THE BOARD RULES AND PROCEDURES. OTHERWISE THE REQUEST MAY BE CONTINUED TO A FUTURE HEARING DATE.**

I hereby certify that all of the above statements and statements contained in any documents or plans submitted herewith are true and accurate to the best of my knowledge and belief.

Jared Stubbs  
Applicant/Agent Name (Type or Print)

[Signature]  
Applicant/Agent Signature

6/8/2022  
Date

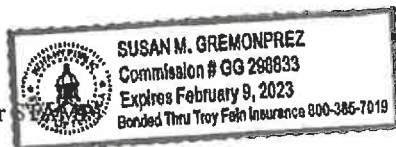
Applicant/Agent Name (Type or Print)  
\_\_\_\_\_  
Applicant/Agent Signature

\_\_\_\_\_  
Date

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 8th day of June, 2022, by (name of person acknowledging) Jared Stubbs.

(NOTARY SEAL or



[Signature]  
Signature of Notary  
\_\_\_\_\_  
Printed Name of Notary

Personally Known ☒ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced

City of Lake City - Growth Management Department  
205 North Marion Ave, Lake City, FL 32055 ♦ (386) 719-5750

NOTICE OF APPEAL 007

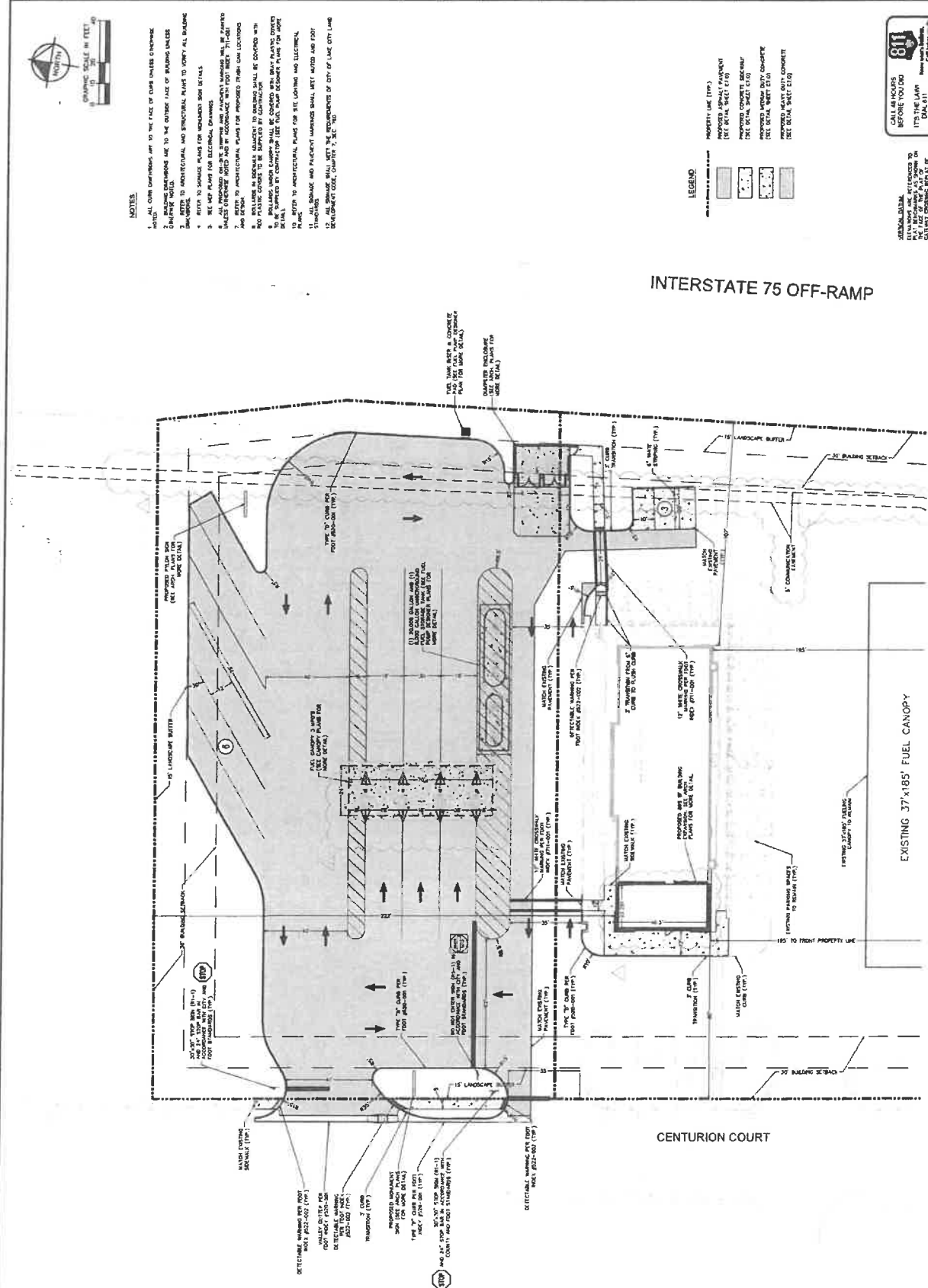


[illegible]

## SITE PLAN

**Kimley»Horn**  
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
168 S ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801  
PHONE: 407-868-1511  
WWW.KIMLEY-HORN.COM REGISTRY NO. 30108

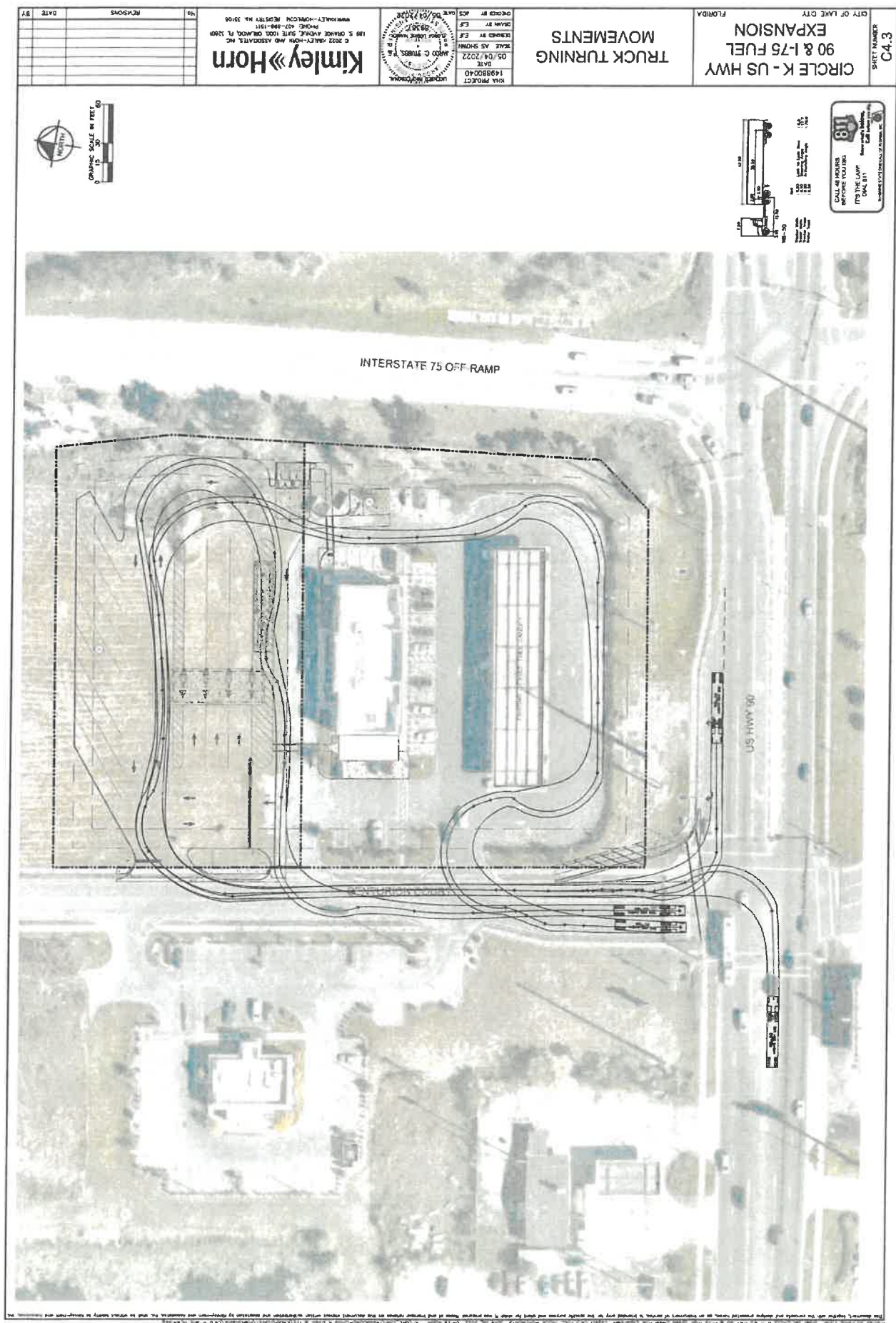
NO	REVISIONS	DATE	BY
1	APPROXIMATE REVISION	08/28/72	AG



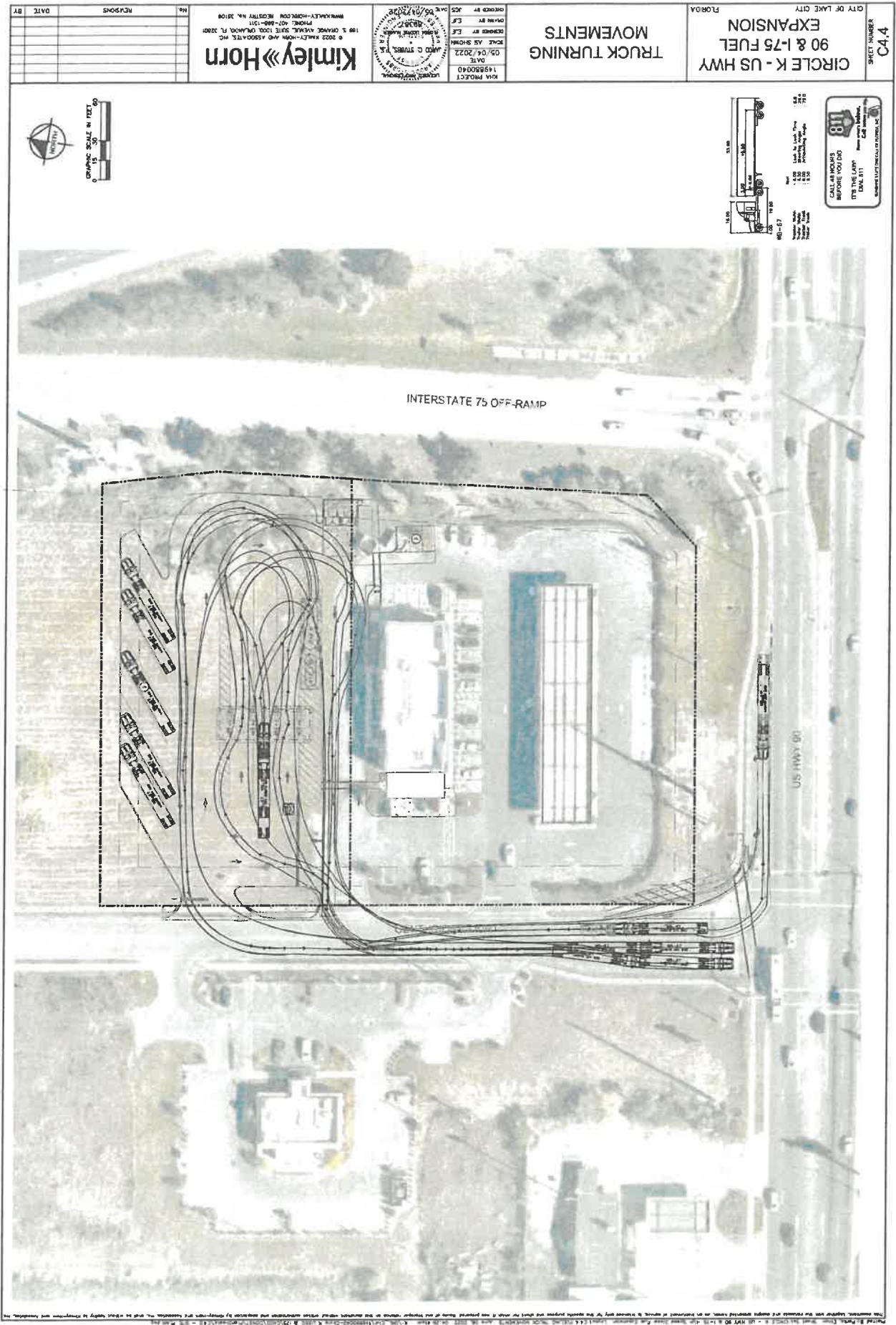
**NOTES**

A graphic scale in feet, ranging from 0 to 40 feet, with major markings every 10 feet and minor markings every 2 feet. To the left of the scale is a north arrow pointing towards the top-left, with the word "NORTH" written vertically next to it.









COLUMBIA COUNTY PROPERTY VALUATION SUMMARY										PAGE 1 of 1									
VALUATION BY										STANDARD									
Tax Group: 1										Tax Disc									
BUILDING MARKET VALUE										706,759									
TOTAL MARKET OBX/F VALUE										103,200									
TOTAL LAND VALUE - MARKET										1,239,211									
TOTAL MARKET VALUE										2,049,170									
SOH/AGL Deduction										0									
ASSESSED VALUE										2,049,170									
TOTAL EXEMPTION VALUE										0									
BASE TAXABLE VALUE										2,049,170									
TOTAL JUST VALUE										2,049,170									
INCOME VALUE										2,049,170									
PREVIOUS YEAR MKT VALUE										2,056,457									

MARKET ADJUSTMENTS											
TYPE	MDL	EFF. AREA	TOT ADJ PTS	EFF. BASE RATE	REPL. COST NEW	AVG	EYE	ECON	FNCT	NORM	% COND
4300	04	7,473	161,1610	97.50	728,618	2017	2017	0	0	0	3.00
HX Base Yr											

BUILDING CHARACTERISTICS									
ELEMENT	CD	CONSTRUCTION							
Exterior Wall	17	Masonry STOC 90							
Exterior Wall	21	STONE 10							
Roof Structure	09	RIDGE FRAM 100							
Roof Cover	04	BUILT-UP 100							
Interior Wall	08	DECORATIVE 100							
Interior Floor	15	HARDTILE 100							
Ceiling	01	FIN. SUSPD 100							
Air Condition	06	ENG CENTRL 100							
Heating Type	09	ENG F AIR 100							
Fixtures	12	100							
Frame	03	MASONRY 100							
Story Height	12	100							
RMS	0	100							
Stories	1	1. 100							
Units	0	100							
Condition Adj	04	04 100							

QUALITY									
08 08									
1126 CONV STORE/GAS									
MAP NUM	RHOOD	35316.040	MKT AREA	1.00	06				
SUBAREA MARKET VALUE									
TYPE	TOTAL GROSS AREA	PCT OF BASE	TOT ADJ	5,265	497,938				
BAS	5,265	100	5,265	497,938					
CAN	7,360	30	2,208	208,822					

SALES DATA									
OFF RECORD Number	DATE	TYPE	Q	V	RGN	SALE PRICE			
1339/0654	6/20/2017	WD	Q	I	01	2,487,200			
GRANTOR: GWC DEVELOPMENT PARTN									
GRANTEE: ASPRI INVESTMENTS L									

BUILDING NOTES									
BUILDING DIMENSIONS									
BAS= W36 N3 W45 S3 W33 S45 E114 ETR-S50 E35 CAN= W184 S40									
E184 N40S W35 N50S N45S.									

LAND DESCRIPTION																					
L	USE	LAND USE	DESCRIPTION	CAP	R	LOC	FRONT	DEPTH	TOT LND LOTS	UNIT PRICE	TOT ADJ	% COND	ADJUST PRICE	LAND VALUE	OTHER ADJUSTMENTS AND NOTES	YEAR	DENSITY	DECL	FRZ	YR	CONSRV
1	1410	CONV STORE		0			0.00	0.00	86,206.00	82	11.50	1.00	1.00	1.25	14.38	1,239,211					

EXTRA FEATURES														
L	OBX/F	DESCRIPTION	BLD CAP	L	W	UNITS	UT	Adj R	ACT UNIT PRICE	ORIG COND	YEAR ON	YEAR ACTUAL	% COND	NOTES
1	0260	PAVEMENT-A	0	0	0	35,400.00	UT	1.60	1.60	100	2017	2017	3	58,240
2	0166	CONC, PAVMT	0	0	0	11,300.00	UT	2.25	2.25	100	2017	2017	3	25,425
3	0253	LIGHTING	0	0	0	10,000.00	UT	1,500.00	1,500.00	100	2017	2017	3	15,000
4	0164	CONC BTN	0	0	0	308.00	UT	11.00	11.00	100	2017	2017	3	3,388
5		FENCE/WOOD	0	0	0	74.00	UT	15.50	15.50	100	2017	2017	3	1,147

TOTALS									
12 625		7,473		706,759		143 NW CENTURION CT, LAKE CITY		103,200	

BUILDING NOTES									
143 NW CENTURION CT, LAKE CITY									

TOTAL OBX/F									
103,200									

REVIEW DATE 11/01/2018									
BY MEBC									
Total Acres: 1.98									
Total Land Value: 1,239,211									
Market: 0									
Agricultural: 0									
Common: 1,239,211									
PRINTED 02/10/2022									

NOTICE OF APPEAL 013									
----------------------	--	--	--	--	--	--	--	--	--

## EXHIBIT B



**City of Lake City, FL.**  
**New Commercial Construction Permit #000046609**  
**Issued February 28, 2023**



\* Request inspections by calling 386-719-2023 or visiting <https://www.columbiacountyfla.com/PermitSearch/InspectionCalendar.aspx>

**OWNER:** GWC DEVELOPMENT PARTNERS **PHONE:** 800-280-0780 **ADDRESS:** ,  
 LLC

**PARCEL:** 35-3S-16-02524-102 **ZONING:** **FLOOD ZONE:** X **Coords:** 30.18,-82.69

**SUBDIVISION:** GATEWAY CROSSING A REPLAT OF LOTS 2,3 & 11 **LOT:2** **BLK:** **PHASE:** **UNIT:**  
**ACRES:** 1.03

### CONTRACTORS

**NAME:** CHRISTOPHER PEDEN

**ADDRESS:**  
 11245 OLD ROSWELL RD  
 ALPHARETTA, GA 30009

**PHONE:** 770-595-4317

**LICENSE:** CBC1265254

**BUSINESS:** US GENERAL CONSTRUCTION INC

License	License Title	Contractor	Business
EC0001861	CERT. ELECTRICAL	BILLY J PARMER	K & D ELECTRIC
CFC1427145	PLUMBING CONTRACTOR	CODY BARRS	BARRS PLUMBING INC
CCC1333195	CERT. ROOFING	JAMES M HORSLEY	HORSLEY CONSTRUCTION GROUP INC

### PROJECT DETAILS

**THIS IS THE CONSTRUCTION OF A::** Diesel Canopy and Underground Storage Tanks  
**DESCRIBE COMMERCIAL USE::** Convenience Store with Fuel & Diesel  
**HEATED AREA (SQFT):** 0  
**TOTAL AREA (SQFT):** 1680  
**STORIES:** 0  
**BUILDING HEIGHT:** 20  
**DRIVEWAY ACCESS TO PROPERTY:** D.O.T. Permit  
**IS THERE A FIRE SPRINKLER SYSTEM?:** No  
**DEV PERMIT #:** F023-  
**SERVICE AMPS:** 800  
**BUILDING CODE EDITION:** 2020 Florida Building Code 7th Edition and 2017 National Electrical Code  
**FEMA MAP NUMBER :** 12023C0290D  
**SEALED ROOF DECKING OPTIONS. (MUST SELECT ONE.):** Other (explain)

**NOTICE:** Addition to the requirements of this permit, there may be restrictions applicable to this property that may be found in the public records of this county and there may be additional permits required from other governmental entities such as water management districts, state or federal agencies.

**"WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."**

**NOTICE:** All work is to be completed in accordance with the permitted plans and applicable codes of Columbia County, Florida. In order to maintain a valid permit the work authorized must commence within 180 days of issuance and have an approved inspection within every 180 days thereafter.

**MUST POST ON THE JOBSITE:** Copies of the Permit and Recorded Notice of Commencement for inspection.

2/28/2023 11:53 AM

NOTICE OF APPEAL 014



EXHIBIT C



November 8, 2022

Paul Dyal  
City Hall  
205 N. Marion Ave.  
Lake City, FL 32055

Dear Mr. Dyal,

It has recently come to the Tourist Development Council's attention that the Circle K located at the I-75 and Hwy 90 West interchange plans to expand their fueling station to service 18-wheeler cargo trucks. This is incredibly concerning to the Tourist Development Council, and we respectfully request a meeting to discuss these concerns.

A part of Tourist Development's mission is to strengthen the economy and quality-of-life for residents through visitor spending in our community. 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.

The Tourist Development Council hopes we can meet to discuss these quality-of-life concerns to gain a better understanding of the project and if necessary, to find a solution for our community.

We look forward to hearing from you and thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Rocky Ford". The signature is fluid and cursive, with the first name "Rocky" and the last name "Ford" clearly distinguishable.

Rocky Ford, Chairman, Columbia County Tourist Development Council

Cc: City of Lake City Council  
Columbia County Tourist Development Council  
Columbia County Board of County Commissioners  
David Kraus, County Manager  
Kevin Kirby, Assistant County Manager.



## EXHIBIT D

*Adult Care Center.* An adult care center is a private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide day personal care for three (3) or more adult persons not related by lineal consanguinity or marriage to the operator, who by reason of illness, physical infirmity, or advanced age are unable to care for themselves during the daylight hours. Nursing homes or residential homes for the aged are not adult care centers.

*Adult Care Center, Overnight.* An overnight adult care center is an establishment as defined above as an adult care center where adults are cared for not only during the day but overnight and such stay does not exceed twenty-four (24) hours at any one time. An overnight adult care center provides full overnight sleeping facilities for such adults. Nursing homes or residential homes for the aged are not overnight adult care centers.

*Adverse Effect.* Adverse effect means increases in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-Year Flood Area due to development.

*Alley or Service Drive.* An alley or service drive is a public or private right-of-way which affords only a secondary means of access to property abutting thereon.

*Alter or Alteration of a Stormwater Management System.* Alter or alteration of a stormwater management system is work done other than that necessary to maintain the system's original design and function.

*Alteration.* Alter or alteration shall mean any change in size, shape, occupancy, character, or use of a building or structure.

*Aquifer or Aquifer System.* Means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

*Area of Shallow Flooding.* Area of shallow flooding means a designated AO or VO Zone on the incorporated City's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

*Area of Special Flood Hazard.* Area of special flood hazard is the land so designated on the City's Flood Hazard Boundary Map or the Flood Rate Insurance Map.

*Arterial Streets.* Arterial streets are streets (roads) which conduct large volumes of traffic over long distances and are functionally classified as such on the Future Traffic Circulation Map of the City's Comprehensive Plan.

*Automobile Wrecking or Automobile Wrecking Yard.* The term automobile wrecking or automobile wrecking yard refers to the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

*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 regrooving, 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).

*Bar, Cocktail Lounge, or Tavern.* A bar, cocktail lounge, or tavern is any establishment which is devoted primarily to the retailing and on premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell alcoholic beverages.

*Base Flood.* Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Basement.* A basement means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling provided, however, that the distance from the grade to the ceiling shall be at least four (4) feet six (6) inches. (see Cellar).

*Bed and Breakfast Inn.* Bed and breakfast inn means an owner occupied structure converted to function as a conventional single family residence providing a limited number of guest rooms available on a daily rental basis. Kitchen facilities are not available in individual rooms.

*Bicycle and Pedestrian Ways.* Bicycle and pedestrian ways means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

*Block.* The term block includes tier or group and means a group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

*Board of Adjustment.* The term Board of Adjustment shall mean the Board of Adjustment of the City, as herein provided for within these land development regulations.

*Breakaway Wall.* A breakaway wall is a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*Buildable Area.* The buildable area is that portion of a lot remaining after the required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on the percent of lot which may be covered by buildings may require open space within the buildable area.

*Building.* A building is any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein. This definition of a building does not include screened enclosures not having a roof impervious to weather.

*Building Front Yard Setback Line.* The building front yard setback line is the rear edge of any required front yard as specified within these land development regulations. (See Article 4)

*Building, Height of.* Height of building is the vertical distance measured from the established grade at the corner of a front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel and shed roofs, and to a height three-fourths (3/4) the distance from the ground to the apex of A-frame and dome roofs, as depicted in the diagram below. (See Article 4, Exclusions from Height Limitations).

*Surety Device.* A surety device is an agreement by a subdivider with the City Council for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

*Surface Water.* Surface water means water above the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

*Surficial Aquifer System.* Surficial aquifer system means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated elastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer System where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table and water within it is under mainly unconfined; but, beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one (1) or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

*Surveyor, Land.* The term land surveyor shall mean a land surveyor registered under Chapter 472, Florida Statutes, as amended, who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

*To Plat.* The phrase to plat means to divide or subdivide land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and the recording of the plat in the office of the County Clerk in the manner provided for in these land development regulations.

*Travel Trailer.* A travel trailer is a vehicular, portable structure built on a chassis, designed to be a temporary dwelling for travel, recreational, and vacation purposes, which is:

1. Identified on the unit by the manufacturer as a travel trailer;
2. Not more than eight (8) feet in body width; and
3. Of any weight provided its body length does not exceed thirty-five (35) feet.

*Truck Stop.* 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.

*Unsafe Building.* An unsafe building is a building or structure that has any of the following conditions, such that the life, health, property, or safety of the general public is endangered:

1. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the City Building Code for new buildings.
2. Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the City Building Code for new buildings.

## SECTION 4.15 "CHI" COMMERCIAL, HIGHWAY INTERCHANGE

### 4.15.1 DISTRICTS AND INTENT

The "CHI" Commercial, Highway Interchange category includes one zone district: CHI. This specialized district is intended for areas where adequate lot depth is available to provide development for vehicular related uses primarily serving the traveling public. Uses in such district are subject to criteria and standards intended to preserve the character of the district and to minimize adverse impacts with abutting and nearby uses. This district shall only be applied to interstate highway interchange areas.

### 4.15.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Automotive service and self-service stations (see Section 4.2 for special design standards for automotive service and self-service stations).
2. Rental of automotive vehicles, trailers and trucks.
3. Restaurants.
4. Hotels and Motels.
5. Retail commercial outlets for sale of fruit, gifts, novelties and similar uses catering to tourists.
6. Light manufacturing, assembling, processing, packaging or fabricating in a completely enclosed building.
7. Facilities for storage and distribution of products including wholesale activity.
8. Retail factory outlets for sale of goods.

Unless otherwise specified, the above uses are subject to the following limitations: (1) products to be sold only at retail; and (2) for all developments, site and development plan approval is required (see Article 13).

### 4.15.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees of the principal use.
2. Uses and structures which:
  - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
  - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
  - c. Do not involve operations or structures not in keeping with the character of the district.
3. On-site signs (see Section 4.2).

### 4.15.4 PROHIBITED USES AND STRUCTURES

1. Dwelling units, except as provided under accessory uses.

2. 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.

4.15.5 SPECIAL EXCEPTIONS  
(See also Articles 12 and 13)

1. Truck stops.
2. Travel trailer parks or campgrounds (see Section 20.24).
3. Commercial tourist attractions.
4. Package store for sale of alcoholic beverages; bar tavern, or cocktail lounge.
5. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, heavy machinery and equipment, lumber and building supplies, and monuments.
6. Public buildings and facilities.
7. Bed and breakfast Inns (see Section 4.2).
8. Off-site signs (see Section 4.2).

4.15.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted uses (unless otherwise specified):  
Minimum site area 1 acre  
Minimum lot width 200 feet

4.15.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)

1. All permitted uses (unless otherwise specified):  
Front 30 feet  
Side 30 feet  
Rear 30 feet

Special Provisions:

No less than 15 feet of the depth of the required front yard shall be maintained as a landscaped area. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length and contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways. The remainder of the required yard may be used for offstreet parking, but not for buildings.

The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of thirty-five (35) feet from wetlands.

The location of any structure (except permitted docks, walkways and piers) shall be setback a minimum of thirty-five (35) feet from perennial streams and creeks.

#### 4.15.8 MAXIMUM HEIGHT OF STRUCTURES

1. Structure height for buildings shall be regulated in accordance with Chapter 5 of the Florida Building Code and minimum yard requirements established in these land development regulations;
2. Height requirements for signs shall be as established in Section 4.2.20.4(8); and
3. Heights for structures other than buildings and signs shall be regulated in accordance with standards established by the Federal Aviation Administration codes and any regulations and guidelines as may be established by the City and/or Airport Committee or Authority.

#### 4.15.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

35%

Note: In addition to meeting the required lot, yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

#### 4.15.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (See also Section 4.18)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting either (a) residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall be not less than twenty (20) feet in width along the affected rear and/or side yards as the case may be.

#### 4.15.13 MINIMUM OFFSTREET PARKING REQUIREMENTS (See also Section 4.2)

1. Commercial (and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area, plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
2. Restaurants, cocktail lounges, bars, and taverns: one (1) space for each three (3) seats in public rooms.
3. Hotels and motels: one (1) space for each sleeping room, plus two (2) spaces for the owner or manager, plus required number of spaces for each accessory use such or restaurant, bar, etc. as specified.
4. Warehousing and storage only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
5. Public buildings and facilities.
6. Bed and breakfast inn; in addition to parking required for the residence, one (1) parking space shall be provided for each guest room. The Board of Adjustment may vary the parking requirement for those properties listed on the City's historic landmark or site list based upon site constraints including, but not limited to, small yards, inadequate space for parking, and the availability of on-street parking.
7. For other special exceptions as specified herein: to be determined by findings in the particular case.

Note: Offstreet loading required (see Section 4.2)

THIS PAGE LEFT BLANK INTENTIONALLY

#### 4.2.6 AUTOMOTIVE SERVICE AND SELF-SERVICE STATIONS

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service and self-service stations (with the exception that for automobile self-service stations where self-service gasoline pumps in conjunction with retail and commercial outlets for sale of food, hardware and drugs, there shall be no outside sales of oil, grease, parts or accessories for automobiles and no service except for self-service water, air or carwash).

- 4.2.6.1 Lot dimensions and area. An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet. A corner lot shall have a minimum area of not less than twenty thousand (20,000) square feet and an interior lot a minimum area of not less than fifteen thousand (15,000) square feet.
- 4.2.6.2 Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.
- 4.2.6.3 Location of pumps and structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.
- 4.2.6.4 Curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage, each break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.
- 4.2.6.5 Trash storage. Adequate, enclosed trash storage facilities shall be provided on the site.

#### 4.2.7 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A PLATTED LOT

Whenever any land is subdivided, a building permit for the construction of a building or other principal structure (excluding commercial buildings under common ownership or unified control) shall not be issued for any such structure on less than a lot as platted within such subdivided land.

#### 4.2.8 EXCLUSIONS FROM HEIGHT LIMITATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, observation towers, or other appurtenances usually required to be placed above the roof level and, excepting airport control towers and observation towers, not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight-approach zone of airports.





EXHIBIT E  
BUCKHOLZ TRAFFIC  
3585 KORI ROAD  
JACKSONVILLE, FLORIDA 32257  
(904) 886-2171 jwbuckholz@aol.com

February 28, 2023

Mr. Nick Patel, Chief Operating Officer  
Lake City Hotels, Inc.  
3696 West US Highway 90  
Lake City, Florida 32024

**Re: Technical Evaluation of March 2022 Circle K Traffic Impact Analysis; Lake City, Florida**

Dear Mr. Patel:

Per your request I have reviewed the subject traffic study completed by Kimley-Horn and Associates, Inc. for the expansion of the Circle K gas station with convenience store located in the northeast quadrant of the US 90/Centurion Court intersection. I offer the following comments which are generally in priority order of importance.

1. In Section 4.1 of the report background traffic (future non-site traffic from other developments and general area growth) was calculated using a 2.1% annual growth rate which was calculated using historical daily counts taken on US 90. This approach ignores the development that is currently underway along Centurion Court right behind the Circle K (see Attachment A) where a 1227 sf Sonic Restaurant with dual drive thru windows and a 3428 sf Rib Crib Restaurant with drive-thru window have been approved. Vacant land also exists along Centurion Court behind Circle K which will eventually be used for a 110 room hotel and a 50,000 sf cold storage warehouse. Tables 1 and 2 show that the two restaurants will almost immediately add 103 trips to Centurion Court during the critical weekday PM peak hour while the hotel and cold storage will eventually add another 46 PM peak hour trips (see Tables 3 and 4) for a total of 149 missing peak hour trips. All of the intersection analyses fail to account for these expected trips.
2. In the Kimley-Horn report the calculated trip generation for the expanded site is reduced by 69% for the weekday AM peak hour and by 60% for the weekday PM peak hour. The apparent conjecture is that this is a relatively unpopular gas station based on existing traffic counts. One might derive such reduction factors by comparing the expected peak hour trip generation of the existing site based on ITE formulas to the actual driveway counts. However, this was not done. The trip generation was instead mistakenly compared to all of the trips using Centurion Court which includes trips associated with the existing Tru By Hilton hotel and Denny's restaurant that are located on this road – resulting in an over count. However, it also fails to take into account the trips between the site and the existing hotel and restaurant – resulting in an under count. The net result is unclear. In any event, if the popularity of this Circle K increases to just an average level the volume of traffic that it generates during the peak hours can be expected to more than double which will adversely affect all of the intersection evaluations that were conducted.
3. The Kimley-Horn report 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 results in projected site traffic volumes at the US 90/Centurion Court intersection that are too low. Correcting this mistake will also adversely affect the intersection analyses.

4. The Kimley-Horn Synchro analysis contains some input errors. A.) The 110 foot storage length for the southbound approach is incorrectly assigned to the right turn movement instead of the left turn movement. This error masks the deleterious queue effect on this approach. B.) Incorrect truck percentages are used. For example, the percentage of trucks for the northbound left turn movement during the weekday PM peak hour is 5.3% (see page 11 of Appendix B of the KH report) whereas in Synchro it is coded as only 3% (see page 3 of Appendix D of the KH report).
5. New diesel pumps are being installed at Circle K and the radius on the northeast corner of the US 90/Centurion Court intersection is being increased to service large trucks. However, 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 expect it to increase for both the southbound left turn movement and the westbound right turn movement.
6. Table 5 in the Kimley-Horn report lists an expected 95<sup>th</sup> percentile queue length under expected 2023 Build conditions in the left turn lane on the Centurion Court approach to US 90 to be 6.8 vehicles (round to 7). At 25 feet of required storage per vehicle queued this produces a queue of 175 feet -which extends to the Denny's driveway and blocks access to the 110 foot long thru/right turn lane on Centurion Court. If we make the traffic volume corrections discussed in this letter we can expect this queue to be considerably longer.
7. Synchro is privately developed "black box" software which does not always faithfully reproduced the results obtained with the more generally accepted and publicly developed Highway Capacity Software (HCS). Running the PM peak hour intersection analysis using the latest HCS software (but still using the artificially low BUILD traffic volumes contained in the Kimley-Horn report) can produce dramatically different queue, delay, and level of service. For example, the HCS identifies level of service F conditions for the northbound left turn lane (not level of service E) with much higher delay and with a 95<sup>th</sup> percentile queue of 5.7 vehicles (not 3.1 vehicles). This queue exceeds the available storage length by a factor of almost three, blocking access to the adjacent thru/right turn lane.

It is my professional opinion that the Kimley-Horn traffic study is both incomplete and inaccurate and that the recommendations contained in the report do not ensure safe and efficient access to the proposed site. One can envision a series of improvements that would help traffic flow in the area, including the provision of side street left turn arrows for the traffic signal at the US 90/Centurion Court/Florida Gateway Drive intersection, extension of the existing thru/right turn lane on Centurion Court, extension of the existing left turn lane on Florida Gateway Drive, the addition of a third approach lane on centurion Court, and the lengthening of the westbound right turn lane on US 90.

Please contact me if you have any questions concerning this matter.

Sincerely,

Jeffrey W. Buckholz, PhD, P.E., PTOE  
President

This item has been digitally signed and sealed by Jeffrey W. Buckholz, P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

**TABLE 1**

**TRIP GENERATION CALCULATIONS**

**HIGH TURNOVER SIT DOWN RESTAURANT**

Land Use Code 932

T = Number of Vehicle Trip Ends

Size of Building = 3428 (X = 3.428)

<u>TIME PERIOD</u>	<u>TOTAL</u> TRIP GENERATION <u>EQUATION</u>	<u>TOTAL</u> TRIP <u>ENDS</u>	<u>PERCENT</u> <u>ENTERING</u>	<u>PERCENT</u> <u>EXITING</u>	<u>TOTAL</u> TRIP ENDS <u>ENTERING</u>	<u>TOTAL</u> TRIP ENDS <u>EXITING</u>
<b>AVERAGE WEEKDAY</b>						
Daily	T = 107.2 (X)	352	50%	50%	176	176
AM Peak Hour	T = 9.57 (X)	33	55%	45%	18	15
PM Peak Hour	T = 9.05 (X)	31	61%	39%	19	12

SOURCE: Institute of Transportation Engineers, "Trip Generation", 11th Edition (2021)

**BUCKHOLZ TRAFFIC**

TABLE 2

## TRIP GENERATION CALCULATIONS

## FAST-FOOD RESTAURANT WITH DRIVE-THRU WINDOW AND NO INDOOR SEATING

Land Use Code 935

T = Number of Vehicle Trip Ends

Size of Building = 1227 (X = 1.227)

<u>TIME PERIOD</u>	<u>TOTAL</u> <u>TRIP GENERATION</u> <u>EQUATION</u>	<u>TOTAL</u> <u>TRIP</u> <u>ENDS</u>	<u>PERCENT</u> <u>ENTERING</u>	<u>PERCENT</u> <u>EXITING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>ENTERING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>EXITING</u>
<b>AVERAGE WEEKDAY</b>						
Daily	<b>T = 467.48 (X)</b>	574	50%	50%	287	287
AM Peak Hour	T = 43.00 (X)	53	47%	53%	25	28
PM Peak Hour	T = 59.50 (X)	72	51%	49%	37	35

SOURCE: Institute of Transportation Engineers, "Trip Generation", 11th Edition (2021)

**Estimated Using LUC 934**

<u>NEW TRIPS</u>		<u>NEW</u> <u>TRIP</u> <u>ENDS</u>	<u>PERCENT</u> <u>ENTERING</u>	<u>PERCENT</u> <u>EXITING</u>	<u>NEW</u> <u>TRIP ENDS</u> <u>ENTERING</u>	<u>NEW</u> <u>TRIP ENDS</u> <u>EXITING</u>
<u>TIME PERIOD</u>	<u>PERCENT NEW TRIPS</u>					
<b>AVERAGE WEEKDAY</b>						
Daily	<b>69%</b>	396	50%	50%	198	198
AM Peak Hour	<b>69%</b>	37	51%	49%	19	18
PM Peak Hour	<b>69%</b>	50	52%	48%	26	24

SOURCE: Institute of Transportation Engineers, "Trip Generation", 11th Edition (2021). Excel Tabl

## BUCKHOLZ TRAFFIC

**TABLE 3**  
**TRIP GENERATION CALCULATIONS**

**BUSINESS HOTEL**

Land Use Code 312

T = Number of Vehicle Trip Ends

X = Rooms = 110

<u>TIME PERIOD</u>	<u>TOTAL</u> <u>TRIP GENERATION</u> <u>EQUATION</u>	<u>TOTAL</u> <u>TRIP</u> <u>ENDS</u>	<u>PERCENT</u> <u>ENTERING</u>	<u>PERCENT</u> <u>EXITING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>ENTERING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>EXITING</u>
<b>AVERAGE WEEKDAY</b>						
Daily	$T = 2.90 (X) + 151.69$	470	50%	50%	235	235
AM Peak Hour	$T = 0.30 (X) + 6.94$	40	39%	61%	16	24
PM Peak Hour	$T = 0.21 (X) + 12.03$	35	55%	45%	19	16

SOURCE: Institute of Transportation Engineers, "Trip Generation", 11th Edition (2021)

**BUCKHOLZ TRAFFIC**

TABLE 4

## TRIP GENERATION CALCULATIONS

## HIGH-CUBE COLD STORAGE WAREHOUSE (SMALL SIZE)

Land Use Code 157

T = Number of Vehicle Trip Ends

Size of Building = 50,000 gsf (X = 50.0)

<u>TIME PERIOD</u>	<u>TOTAL</u> <u>TRIP GENERATION</u> <u>EQUATION</u>	<u>TOTAL</u> <u>TRIP</u> <u>ENDS</u>	<u>PERCENT</u> <u>ENTERING</u>	<u>PERCENT</u> <u>EXITING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>ENTERING</u>	<u>TOTAL</u> <u>TRIP ENDS</u> <u>EXITING</u>
<b>AVERAGE WEEKDAY</b>						
Daily	T = 2.12 (X)	102	50%	50%	51	51
AM Peak Hour	T = 0.11 (X)	10	77%	23%	8	2
PM Peak Hour	T = 0.12 (X)	11	28%	72%	3	8

From LUC 154

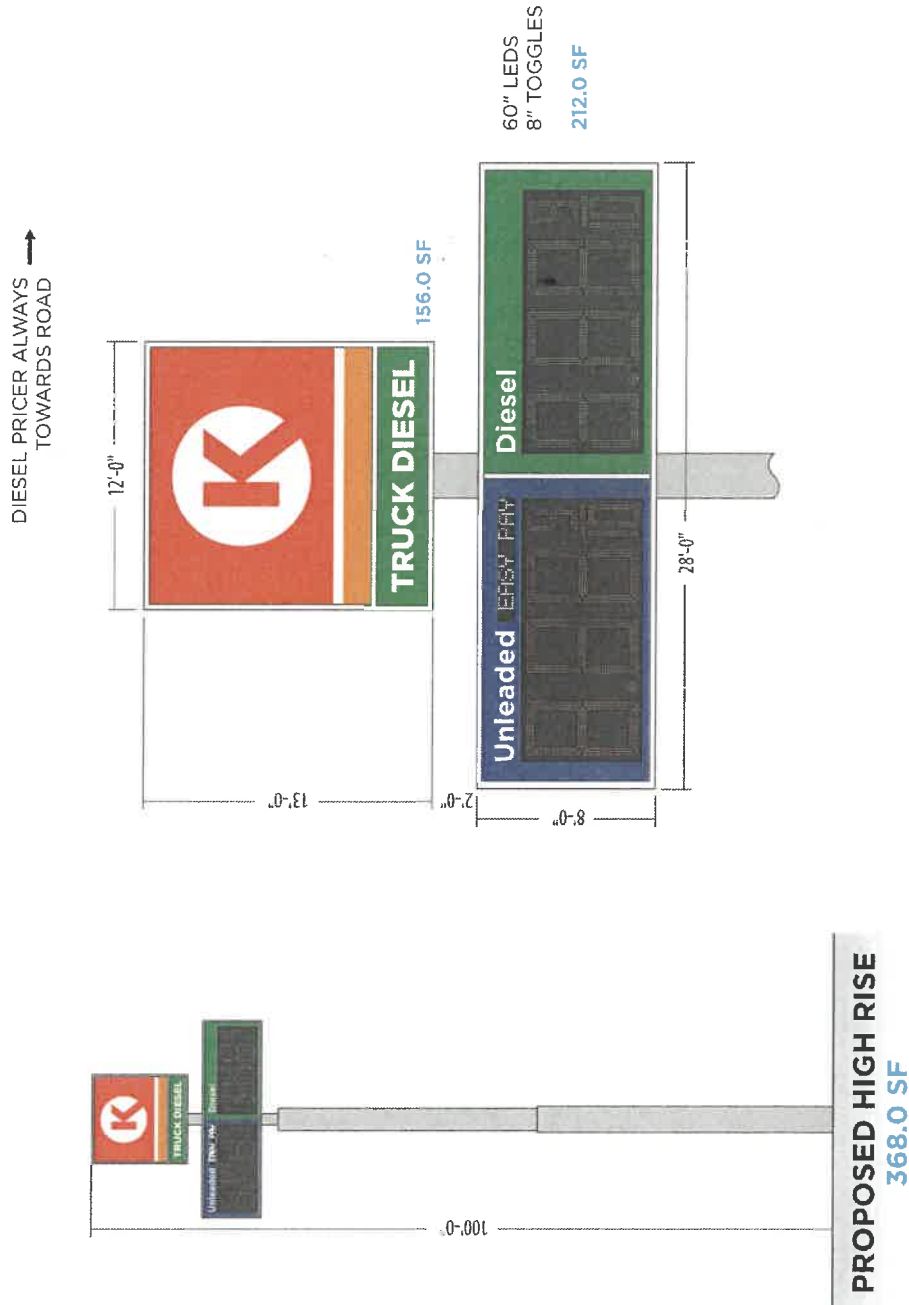
SOURCE: Institute of Transportation Engineers, "Trip Generation", 11th Edition (2021)

## BUCKHOLZ TRAFFIC

# EXHIBIT F

CIRCLE K | 9831 | LAKE CITY, FL | EXTERIOR SIGN PACKAGE | MID SIGN

PG 4 / 5



**CORPORATE  
IDENTIFICATION  
SOLUTIONS**

CUSTOMER  
CIRCLE K

SITE NUMBER  
9831

LOCATION  
LAKE CITY, FL

ACCOUNT REP  
BEN DEHAVES

DRAWN BY  
MH

DATE  
09/13/22

REVISION  
03

SCALE  
NTS

CORPORATE ID SOLUTIONS  
5543 N ELSTON AVE  
CHICAGO, IL 60630  
P: 773-763-9800 | F: 773-763-9806  
CORPORATEIDSOLUTIONS.COM

## CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC. (CIS). IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

SIGNATURE

DATE

NOTICE OF APPEAL 030