

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/ABN/DOA/R-2017-00354
Application Name: 7-Eleven Delray Beach
Control No.: 1984-00058
Applicant: Regions Bank
Owners: Dixie Arbors LLC
Regions Bank
Agent: Gunster, Yoakley & Stewart, PA - Josh Long/Brian Seymour
Telephone No.: (561) 650-0719/(561) 650-0621
Project Manager: Carrie Rechenmacher, Senior Site Planner

TITLE: Type II Variances_ REQUEST: to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island. TITLE: a Development Order Abandonment REQUEST: to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage. TITLE: a Development Order Amendment REQUEST: to reconfigure the Site Plan; delete square footage, modify uses; and, add an access point. TITLE: a Class A Conditional Use REQUEST: to allow Retail Gas and Fuel Sales with a Convenience Store.

APPLICATION SUMMARY: Proposed are Type II Variances (ZV), a Development Order Abandonment (ABN), a Development Order Amendment (DOA), and a Requested Use for the Peachtree Plaza Development (MUPD). The 8.61-acre site was originally approved by the Board of County Commissioners (BCC) on December 04, 1984, for an Official Zoning Map Amendment from the Agricultural Residential Zoning District to the General Commercial Zoning District to allow a Special Exception for a Planned Commercial Development, including a Large Scale Community Shopping Center in excess of 50,000 square feet (sq. ft.). The subject 1.06 acre out parcel was previously the subject of a request for a Convenience Store with Gas Sales and Car Wash that was withdrawn on January 31, 1992, and a DOA to allow a Convenience Store with Gas Sales and additional access point which was denied on June 23, 1997.

The Applicant is requesting to reconfigure the site plan, abandon Resolution R-2009-0372 which has references and conditions that are no longer applicable, and reconfigure the Site Plan for the 1.06 acre outparcel. The approved Financial Institution is to be replaced with a 2,993 sq. ft. Convenience Store with Gas Sales with 8 pumps and 16 fueling positions. A revised Plan dated January 8, 2018 was submitted by the Applicant showing five pumps and 10 fueling positions. The revision provided a a single row of pumps instead of a double row of pumps providing additional queuing space at each end of the pump islands. The revision addressed much of the Zoning Commission concerns and request to modify the Preliminary Site Plan (PSP).

The Applicant is also requesting variances to allow a reduction of the ROW Landscape Buffer width along West Atlantic Avenue (Ave.) to accommodate a Bus Stop easement; to eliminate the 20 foot of queuing on both ends of the pump islands; to allow a 24 hour operation within 250 feet (ft.) of a residential district, and to reduce the side street setback from 30 to 15 ft. (-15 ft.). The Preliminary Site Plan (PSP) indicates 66,281 sq. ft. which includes the existing 63,288 sq. ft. of mixed commercial and retail uses. The PSP indicates 323 (-3) parking spaces and one access point remains from West Atlantic Avenue (1) and one new access is proposed from Via Flora (1).

SITE DATA:

Location:	Southwest corner of Via Flora and West Atlantic Avenue
Property Control Number(s)	00-42-46-14-00-000-7040; 00-42-46-14-00-000-7130
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	General Commercial District (CG) with a SE for a Planned Commercial Development.
Proposed Zoning District:	No proposed change
Total Acreage:	8.66 acres
Affected Acreage:	1.06 acres

Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Delray Beach
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends **approval** of the Development Order Abandonment to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.

Staff recommends **denial** of the Type II Variance to allow 24-hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.

Staff recommends **denial** of the Development Order Amendment to reconfigure the Site Plan; delete square footage, modify uses; add an access point.

Staff recommends **denial** of a Class A Conditional Use to allow Retail Gas and Fuel Sales with a Convenience Store.

ACTION BY THE ZONING COMMISSION (ZC): At the December 7, 2017 ZC Hearing this application was on the Regular Agenda. Staff and the Applicant provided an overview of the project with Staff recommending denial of the variances, DOA and Class A Conditional Use. Staff concerns included issues with internal traffic circulation and insufficient changed circumstances due to outstanding cross access issues to Via Flora. The Applicant, Consultant and Property Owner spoke on behalf of the proposal. The Consultant also pointed out that there is a Condition requiring the cross-access.

The ZC concurred with staff concerns regarding the proposed circulation, access, number of pumps, and the cross-access to Via Flora and understood that Staff could have supported the variances for the hours of operation, easement overlap and setback except that they were all related to the request so recommended denial queuing variance and the variances associated with the request. The ZC gave the Applicant an option to deny the variances, or to postpone for 60-days to work with Staff to address site layout issues, queuing, and to come back with a redesign of the site. The Applicant chose the postponement and the ZC voted for a 60-day postponement to February 1, 2018, with a vote of 9-0.

APPLICATION UPDATE: Following the December 7, 2017 ZC Hearing, the Applicant met with staff to discuss alternative site design solutions and subsequently provided a revised Preliminary Site Plan and justification dated January 8, 2018. The revisions to the Preliminary Site Plan included a reduction from 8 pumps/16 fueling positions to five pumps/10 fueling positions (Figure 5 and Figure 7.)

The January 8 Preliminary Site Plan indicates a single row of pumps as opposed to a double row of pumps as indicated on the October 12, 2017 Figure 4 and Figure 6. As a result, although the revisions provided improved circulation and modified the previous request to eliminate queuing, the four variances previously requested remain as part of this submittal and request. In addition, the Applicant has not provided a cross access agreement to Via Flora.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
Z-1984-0058	Official Zoning Map Amendment to rezone from the Agricultural Residential Zoning District to the General Commercial Zoning District to allow a	R-1984-01844	December 11, 1984

Z/CA-1984-0058	Special Exception for a Planned Commercial Development including a Large Scale Community Shopping Center in excess of 50,000 Square Ft. (sq. ft.)	R-1984-01845	December 11, 1984
SE-1984-0058 (A)	Special Exception for a Planned Commercial Development including a Large Scale Community Shopping Center in excess of 50,000 Square Ft. (sq. ft.) to increase lot coverage.	R-1987-0877	June 23, 1987
DOA/R-1984-0058 (B)	DOA to allow a Convenience Store with Gas Sales and a Car Wash.	Withdrawn	January 31, 1992
DOA/R-1984-0058 (D)	DOA to allow a Self Service Storage Facility and Vehicle Rental.	R-1996-1192.1 Revoked by R-2008-001	August 22, 1996
DOA/R-1984-0058 (C)	DOA to allow a Convenience Store with Gas Sales and an additional Access Point.	R-1997-0961	Denied: June 23, 1997
FLU ORD 2001-00087 Commercial Categories 99a and 99b	County initiated Land Use amendment - that was adopted via ORD. 2001-087, which amended the land use from C/8 to CH/8 with no conditions.	ORD 2001-00087- Exh. 25	December 14, 2001
SR1984-0058 D .5	Revocation of DOA for the U-Haul Via Status Report	R-2008-001	April 24, 1997
ZV/DOA-2008-00315	To allow the reduction of queuing spaces (financial Institution)	ZR-2008-0057	October 2, 2008
ZV/DOA-2008-00315	DOA to reconfigure the Site Plan and add Square Footage	R-2009-0372	February 25, 2009

SURROUNDING LAND USES:

NORTH:

FLU Designation: High Residential (HR-8)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Villa Delray, Control No 1975-00151)

SOUTH:

FLU Designation: High Residential (HR-12)
Zoning District: Multi-Family Residential (Medium Density) District (RM)
Supporting: Residential (Lakes of Delray, Control No 1992-00045)

EAST:

FLU Designation: High Residential (HR-8)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Cameron Park PUD, Control No 1982-00112)

FLU Designation: Commercial High, with an underlying HR-18 (CH/18)
Zoning District: Specialized Commercial/Special Exception (CS/SE)
Supporting: Commercial (Northstar Funeral Home, Control No 1980-00156)

WEST:

FLU Designation: High Residential (HR-12)
Zoning District: Multi-Family Residential (High Density) District (RH)
Supporting: Residential (Villa Delray, Control No 1975-00151)

A revised Plan dated January 8, 2018 was submitted by the Applicant showing five pumps and 10 fueling positions with a single row instead of a double row of pumps. There are no pumps installed at

an angle on the north side of the pumps, or angled parking areas to encourage a one-way circulation traffic flow therefore, this remains as a request to eliminate the queuing.

TYPE II VARIANCE SUMMARY - revised

	ULDC Article	Required	Proposed	Variance
V1	6.A.1.D.14.a.2 6.A.1.D.14.a.2.b, Off Street Parking Queuing Distance	20 foot each end of pump island	0 foot each end of pump island	20 ft (100%)
V2	3.D.3.A.2.a Commercial Hours of Operation	6:00 AM to 11:00 PM within 250 ft. of a residential district	24 hours operation	11:00 PM to 1:00 AM (+7 hours)
V3	3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	30 Ft. Side Street Setback-R	15 Ft. Side Street Setback-R	-15 ft.
V4	7.F.1.A Landscape - Buffer Types Right of Way	20 foot width maximum 5 foot easement encroachment	20 foot width maximum 15 foot easement encroachment	+10 foot easement encroachment

FINDINGS:

Type II Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- 1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

V1 (Queuing) NO: Although the site is only a one acre triangular shape, the variance to address required number of queuing spaces is also the result of the intensity proposed for the site. The current request requires one queuing space on each end of the pump island for a total of eight required queuing spaces. The Preliminary Site Plan (PSP) dated October 12, 2017 indicates sufficient 10 by 20 ft. spaces for each point of service providing 16 fueling positions for the eight proposed pump islands but provides no queuing.

The revised PSP provides five pumps with 10 fueling positions and improved circulation and queuing. However the variance remains and does not meet minimum Code standards. The revised site plan indicates one-way circulation on the north side of the pumps with full queuing provided on this side. However, the pumps or parking are not angled to direct traffic from a two way to a one-way flow, therefore the queuing variance remains as a requirement. Therefore, Staff does not support this request, as there are no special conditions or circumstances that exist that are peculiar to this site that prevents the Applicant from proposing an alternative design that meets Code or minimizes the variance request. If the Variance is approved by the ZC, staff recommends a condition limiting the site to a single row or retail gas with five pumps and 10 fueling positions.

V2. (Hours of Operation) NO. Special conditions and circumstances do not exist for this property that are not applicable to other properties in the same zoning district. The use could easily operate during hours permissible by the ULDC from 6:00 am to 11:00 pm and not cause any potential additional negative impact to the residential uses that are within 250 ft. of the proposed Convenience Store with Gas Sales.

V3 (Setback) YES. There are special circumstances that exist which are peculiar to this development and that are not applicable to other developments within the same Zoning District. The approved financial institution on the 1.06 acre outparcel will be abandoned. Via Flora is a private street on the east side of the subject site. As this is considered a street, a 30-foot (ft.) side street setback is required for an MUPD. A straight zoned commercial property would only require a 15 ft. setback. As

Via Flora is a private street and not affecting a residential use, Staff has no issues with the reduced setback. In addition, a 15 ft. Right-of-Way (ROW) buffer will be provided along this east property line.

V4. (Buffer) YES. The Applicant is providing a 10 ft. by 30 ft. bus shelter easement for future use for Palm Tran. The ULDC requires a minimum 20 ft. ROW buffer with a maximum 5 ft. easement encroachment. The bus shelter easement encroaches an additional five foot for a total 10 ft. encroachment. This will still provide 10 ft. of unobstructed easement where all of the required landscaping may be installed. As the Bus Shelter is a public amenity that is highly encouraged, Staff has no issues with the easement encroachment. Therefore, Staff supports this request, as there is a special circumstance that exist, which is peculiar to this parcel of land and that, is not applicable to other developments within the same Zoning District. However, this request is related to the request for the Convenience Store with Gas Sales and DOA that is triggering these variance requests therefore Staff is not in support of the variance request.

2. Special circumstances and conditions do not result from the actions of the Applicant:

V1 V.3 NO. (Queuing and Setback) Special circumstances and conditions do result from the actions of the Applicant and is a result of the Applicant and the Applicant's request. The circumstances of the request are a result of the Applicant's proposal and request to change the use to allow for a Retail Gas and Fuel with Convenience Store.

V2 NO. (Hours of Operation) Special circumstances and conditions do result from the actions of the Applicant and is a result of the Applicant and the Applicant's request. The Applicant is choosing uses for this location that do not meet the standards of Article 3 for hours of operation within 250 ft. of a residential uses, located to the north.

V4 NO. (Buffer) Special circumstances and conditions do result from the actions of the Applicant and is a result of the Applicant and the Applicant's request. The variance request and special circumstances and conditions are a direct result of the actions of the Applicant, as there are alternative design options that will allow the Applicant to meet Code. Staff is generally in support of a bus shelter and finds the 15-foot setback adjacent to a buffer as a minimum variance. However, this request is related to the request for the Convenience Store with Gas Sales and DOA that is triggering these issues therefore Staff is not in support of the variance request.

3. Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:

V1- V4 NO: Granting this variance will confer a special privilege not allowed by the code and not available to other parcels of land and, structures or buildings within the same zoning district, as there are alternative development options that would allow compliance with Code requirements. The Applicant could develop the site and choose to operate within the standards of the ULDC.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

V1-V4 NO. The literal interpretation of the Code would not create an unnecessary and undue hardship on the Applicant. Enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district that are not restricted by the special circumstances that constrain the depth of the subject site, and would work an unnecessary and undue hardship. Although the site has a triangular shape, the Applicant could provide a plan consistent with the ULDC. However, a revised Plan was provided with a reduction in pumps and fueling positions and indicating one-way circulation on one side.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

V1- V2 NO: Granting of the variance is not the minimum variance necessary to make reasonable use of the parcel of land. The variance request is a result of the actions by the Applicant as there are alternative development options that could further reduce the variance requests. The number of pumps/fueling stations can be reduced in order to comply with the number of queuing spaces

required by Code. A revised Plan with a reduction of three pumps/6 fueling positions was provided. However, the circulation would have to be re-oriented for it to work and the queuing must be reduced.

Other reasonable uses would be an alternative location or reconfigure the outparcel to add land area. More parking is provided than is required or being utilized at this time so additional land area could be provided to be included in a revised outparcel configuration. The site plan could be amended to provide a cross access with the remainder of the shopping center. The objective of the variance approvals is to minimize the variance requests and meet other property development regulations of the ULDC.

V3 –V4 YES: The landscape buffer reduction to allow a bus shelter and the setback variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:

V1 –V2 NO: The approval of the variances would be inconsistent with the purposes, goals, objectives and policies of the Plan and the Code.

V3 –V4 YES: The landscape buffer reduction allow a bus shelter and the setback variance is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V1 NO: The granting of this variance for queuing which affects on site circulation will be injurious to the area involved and otherwise detrimental to the public welfare. Further, the intent of the Code as it relates to this Variance request is to promote safe circulation design.

V2-V4 YES: Staff does not anticipate the extended hours of operation will be injurious to the public welfare as the residential uses are north of a 120 foot ROW for West Atlantic Ave. The landscape buffer to allow a bus shelter is in the interest of the Public Welfare. The setback variance would not be injurious to the area involved.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

o Consistency with the Comprehensive Plan: The proposed use and amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

o Prior Land Use Amendments: The site has been the subject of one County initiated Land Use amendment - Commercial Categories 99a and 99b that was adopted via ORD. 2001-087, which amended the land use from C/8 to CH/8 with no conditions.

o Intensity: The maximum Floor Area Ratio (FAR) of 0.50 is allowed for project with PDD in CH/8 FLU designation in the Urban Suburban Tier (8.61 acres x 43,560 sq. ft. x 0.50 maximum FAR =

187,525.8 sq. ft. maximum). The request for a total of 66,281 sq. ft. equates to a FAR of approximately 0.18 (66,281 / 375,051.6 sq. ft. or 8.61 acres = 0.176).

o Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

Staff has determined that the request is **not in compliance** with Standard 2 based on the following analysis:

It is important to note that even though the following analysis addresses Standard 2, there is a reason to include analysis of Standard 4 (Design Minimize Adverse Impact) as these two standards are closely interrelated in terms of demonstration of compliance to meet a) the layout, function and general development characteristics under Standard 2; and b) the proposed design minimizes adverse effects on adjacent properties under Standard 4.

Staff has determined that the request does not comply with the first set of requirements under Standard 2, and thus has an effect on the use complying with the applicable portions of Article 4.B Approval Criteria.

Development Order Amendment

o Parking and Loading: Parking for a MUPD is to provide a minimum of 1 parking space for each 250 sq. ft. A total of 12 spaces are required and 12 spaces are proposed for the convenience store. The Preliminary Site Plan (PSP) indicates 66,281 sq. ft. which includes the existing 63,288 sq. ft. of mixed commercial and retail uses. The PSP indicates 323 (-3) parking spaces. The Applicant has provided eight parking spaces adjacent to the building and four additional spaces on the site. The minimum parking required is 265 spaces and 322 parking spaces are provided for the overall center.

The Applicant has requested that the loading space be reduced in size (Type I Waiver) Staff has reviewed this request and supports the administrative Type I Waiver, should the use be approved.

o Landscaping: The Preliminary Site Plans indicates the required 20 foot ROW buffer adjacent to Delray West ROW adjacent to the affected area. The ULDC allows a five-foot easement overlap which is indicated on the plan. A Type II Variance request is included where there is a bus shelter easement that encroaches a total of 30 ft. in width and a 10 ft. depth. The 10-foot buffer also includes a five-foot easement overlap. A Variance has been requested to allow for this reduction as stated above. A 15- foot buffer ROW located adjacent to Via Flora is in compliance with the ULDC. Foundation planting complies with Article 7. The foundation planting adjacent to a ROW is not required as this is adjacent to a ROW and is exempt. The foundation planting on the south side of the triangular shaped structure is considered the rear and so is also exempt.

o Architecture: The Preliminary Architectural Elevations have been reviewed by Staff and found to be in compliance with Article 5.C Design Standards and shall be receive final approved at Final DRO.

o Signage: The Applicant is proposing one new freestanding sign and one outparcel sign for the project site. A maximum of three freestanding sign are permitted by Code for a project with 301 ft. or more of frontage within the U/S Tier. The project frontage on West Atlantic Avenue is approximately 460 ft. There is one existing legal non-conforming pole sign (B85036679) for the shopping center that that is 30 ft. in height and 150 sq. ft. in sign face area. In accordance with Article 8, any structural changes to this plan would require conformance with the ULDC.

The additional sign proposed by the Applicant is 12 foot in height and 42 sq. ft. in sign face area. An outparcel sign a maximum of 20 sq. ft. and 6 ft. in height is also proposed and permitted with one per outparcel. Computations of maximum wall sign sq. ft. will be determined to be in compliance with Article 8 at time of Final DRO.

Retail Gas and Fuel

○ Location Criteria: A maximum of two Convenience Stores with gas sales and/or Retail Gas and Fuel stores are allowed at an intersection. The proposed Retail Gas and Fuel is the only fueling location of the intersection of Via Flora and West Atlantic Ave. As this is the only fueling station at this intersection the fueling station is also exempt from the separation Criteria of Article 5.E.2.c.

○ Approval Criteria

Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall make a finding that the use is appropriately located. In making the determination that, the use is appropriately located, the BCC shall consider whether or not:

1. Adequate ingress and egress have been provided.

NO. As stated earlier in the report the overall MUPD was approved in 1972, with proposed amendment to the Development Order to allow a Convenience Store with Gas Sales in 1996 that was denied (1996 Preliminary Site Plans Figures 11 and 12). The Preliminary Site Plan (Figures 4 -7) indicate that the Shopping Center has one access point along West Atlantic Avenue. A cross access to Via Flora is indicated but this access has not been agreed to by the adjacent Property Owner which is a Funeral Home (Control 1980-00156). The same access was indicated in the request in 1996 but was remanded to the DRO and reconfigured to add a second access on West Atlantic Ave. This revision was also not approved.

The current approved site plan (Figure 13) shows a cross access within the shopping center and utilizing an ingress/egress to West Atlantic Avenue (Ave). If the cross access to Via Flora is not granted then the current site plan for the Convenience Store with Gas Sales will not function. Although Engineering and Zoning Staff have provided conditions, (Exhibit C) addressing the cross access to Via Flora this access. One access point along West Atlantic Ave. provides direct ingress into the Retail Gas and Fuel and Convenience Store outparcel however, an agreement for the cross access to Via Flora or egress from the site is not finalized. If the cross access is not executed vehicles would have no way out of the site. In addition, ingress and egress internal to the development is not provided essentially turning its back to the remainder of the MUPD.

2. Adequate buffering and setbacks from residential areas have been provided.

YES. The closest residential use is located within multi-family units for the Via Del Ray PUD. The units are located north of the site, and across the 120-foot ROW for West Atlantic Avenue. The closest residential structure is approximately 120 foot back from the ROW. A 20-foot ROW buffer would be provided adjacent to the affected area of the gas station out parcel with the exception of the bus shelter location of which the Applicant has requested a variance.

Staff has included Conditions of Approval to include additional palms within the affected area of the buffer along the ROW for West Atlantic Avenue. Staff finds that there is adequate buffering from the any residential uses in the vicinity of this request.

3. Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided.

NO. The site is an existing vacant one acre out-parcel within a MUPD which is the affected area. The dimensions of the stacking, behind the point of service (fueling position) are provided if one way circulation on the north, and queuing is partially provided on the south end of the pump islands. However the pumps are not angled to encourage the one-way circulation and the proposed queuing on the revised submitted does not meet code. Therefore the variance request for 100% queuing remains and has not been amended.

Vehicle designs vary so that the gas caps for fueling are in various locations on the vehicle such as the driver's side, the passenger side or the rear of the car as well as various car and truck sizes or length. If the request is approved, Staff recommends a Use Limitation condition to a maximum of five pumps with 10 fueling positions for the retail fuel sales consistent with the revised plan submitted January 8, 2018. The limitation could provide for better circulation, however queuing variances are still required.

The second important issue is vehicular access. See discussion under Approval Criteria 1 as to whether adequate ingress and egress have been provided. Staff does not find that the proposed design meets this requirement. One access point along West Atlantic Boulevard provides direct ingress into the Retail Gas and Fuel and Convenience Store outparcel however, an agreement for the

cross access to Via Flora or egress from the site is not finalized. If the cross access is not executed vehicles would have no way to leave or egress from the site. In addition, ingress and egress internal to the development is not provided essentially turning its back to the remainder of the MUPD.

4. The number of fueling positions proposed is excessive.

YES. The proposed project design clearly indicates there are too many fueling positions requested for this site and this is causing the request for a Zoning Variance to eliminate the stacking. Staff therefore is recommending to deny the request or if approved to reduce the number of pumps. With the January 8, 2018 re-submittal, the number of pumps has been reduced from 8 pumps/16 fueling positions, to 5 pumps/10 fueling positions (Figure 5 and Figure 7.) The revision provides a single row of pumps from the double row as indicated on the October 12, 2017 Figure 4 and Figure 6. A Variance for stacking is still required but the proposed revisions improve the modified site design. The number of fueling positions as requested remains excessive for this small site. Staff is recommending a Use limitation Condition of Approval to reduce pump islands and to improve queueing and on site circulation.

5. There are an excessive number of similar stations in the vicinity.

NO. The Applicant states in the Justification Statement that there are three other Retail Gas and Fuel within a one-mile radius of the Property. The three gas stations to the east are a Shell on the southwest corner of West Atlantic and Military Trail, Speedway on the east side of Military Trail just north of West Atlantic, and BP on the southeast corner of West Atlantic and Military Trail. Approximately ½ mile further east on West Atlantic is another Shell station on the northwest corner of Barwick and West Atlantic Ave. One and ½ miles to two miles westbound and headed toward the Turnpike is a Mobile and a Chevron on the north side of West Atlantic Ave. Based on this analysis there appears to be sufficient gas stations in the area.

3. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The modification of the existing commercial outparcel is not compatible, and is generally too intense for the one acre parcel. The proposal is generally inconsistent with this shopping center as it does not connect with the existing center. The Preliminary Site Plan indicates an ingress only from West Atlantic Ave. and as proposed provides a more external impact with little interaction with the existing center. A commercial use appropriate in scale and size would minimally impact the uses and character of the land surrounding and in the vicinity of the development.

4. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

Staff has determined that the request is **not in compliance** with Standard 4 based on the following analysis described under Consistency with Code Standard #2 above.

5. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been previously cleared for the existing commercial development.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

A commercial use appropriate in scale and size would minimally impact the uses and *result in a logical, orderly and timely development pattern.* The currently constructed shopping center had a previous approval for a financial institution that was never constructed. Previous requests 20 years ago to develop this outparcel with a Convenience Store with Gas Sales were denied due to development patterns and traffic effects on neighboring uses. The development patterns remain the same as previously established. Changes to this request versus requests from 20 years ago are further discussed and outlined in the chart below under standard 8.

7. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

Build-out of the project is assumed to be by December 31, 2018. The proposed gas station with convenience store is expected to generate 1,741 net daily, 135 net AM, and 136 net PM trips.

There are no roadway improvements necessary to meet the County Traffic Performance Standards.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Atlantic Ave from El Clair Ranch Rd to Sims Rd

Existing count: Eastbound=1771, Westbound=1784

Background growth: Eastbound=167, Westbound=168

Project Trips: Eastbound=31, Westbound=31

Total Traffic: Eastbound=1967, Westbound=1983

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2680 per direction

Projected level of service: LOS D or better in each direction

The Property Owner shall record an easement for access over the drive aisle to the east and an easement for legal positive outfall prior to final site plan approval by the DRO.

The Property Owner shall configure the property into a legal lot of record and obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall install landscaping within the median of West Atlantic Avenue along the project frontage in accordance with OTIS.

FIRE PROTECTION: The proposed request has been reviewed by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: This is a nonresidential project therefore School Board ULDC standards do not apply.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Department of Health requirements.

CONCURRENCY: The MUPD has been approved for 63,288 sq. ft. of retail and restaurant uses and 2,993 sq. ft. for a Convenience Store, and Fueling Station.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The Applicant has not demonstrated changed conditions of circumstances that necessitate a modification to the approved plan. Although the current approval is for a Financial Institution, a previous application was denied by the BCC in 1996, which requested the same use. Staff evaluated the current documents submitted by the Applicant, as well as the previous application requests, and has found that there are not demonstrated changes. The chart below provides list of issues that Staff has identified with the proposed request, as well as the issues that were raised in the previous application for the same use. Staff has found that the proposed application was even more intense than the application from 1996. With the revised submittal the PSP and request is now similar to the previous request.

CHANGED CIRCUMSTANCES COMPARISON CHART:		
Issue	Previous 1996 Proposed Plan Figure 11 and Figure 12	Proposed Plan 2017
Number of pumps	5 pumps 10 fueling positions	8 pumps (+3) 16 fueling positions (+6) Revised January 2018 Plan: 5 pumps 10 fueling positions
Queuing	Insufficient Queuing and access isles	Variance required
Convenience Store SF	2391 SF	2993 SF (+602) SF
Car Wash	517 Sq. Ft Car Wash with Queuing	No car wash (-517 sq. ft.)
Proposed Access	Second Access on West Atlantic Avenue with no cross access to Via Flora.	Ingress only from West Atlantic and ingress/egress shared access on to Via Flora
Proposed Access-West Atlantic	Ingress/Egress with second Ingress Egress on W. Atlantic	Ingress only
Cross Access to Via Flora (funeral home)	Initially shown on PSP then removed. After denial by the ZC on 7-8-96, the PSP was remanded to DRO with the Via Flora cross-access closed off and new access added on West Atlantic. 3-25-97 Report: Issues with overflow traffic and pedestrian before and after peak hours of services, parking on roadways, pedestrian safety to the Funeral Home and Temple Emeth synagogue east of the Funeral Home. Funeral Home queuing on their property in the drive leading north to the signal on Atlantic Avenue. This drive will be utilized by the Convenience Store customers to reach the signal on Atlantic Avenue.	Indicates ingress/egress cross access to Via Flora Email from Agent: There is a new owner of the funeral home, so, the previous objections do not seem to be a concern. Our lessor has been working to reach out to the current funeral home owner to work with them. So far, we have heard no objection. As any protection against any concerns of the funeral home owner, during the review of our site plan application and before we were certified by Land Development, we agreed to a condition of approval that requires us to obtain a new access easement over the existing access drive opposite Via Flora. The Via Flora easement is held by the funeral home. (No Change)
Consent for Via Flora Cross Access	Not clarified in the report remanded Site Plan closed off access to Via Flora and added a new access to West Atlantic Ave.	Funeral Home Site Plan must be amended to indicate the new access point.
U-Haul Facility	Occupied building west of the subject out parcel- causing truck and traffic concerns	U-Haul approval was revoked R-2008-001.
Queuing	Insufficient area for queuing. Will block access for 2 way circulation and obstruct access to West Atlantic	ZV request for 0 queuing

Public Approval/ Opposition	Opposition from Delray Alliance	Letter of approval from Delray Villas Plat III HOA who are located across the street from the proposed Service Station
--------------------------------	---------------------------------	--

CONCLUSION:

The Applicant has not demonstrated changed circumstances to warrant this request. Staff has evaluated the standards listed under Article 2.B.2.B, specifically Standard 2 Consistency with the Code and Standard 4 Design Minimizes Adverse Impact and determined that there is not a balance between the need for change and the potential impacts generated by the request for the request for a Development Order Amendment and a Requested Use for Retail Gas and Fuel. Therefore, Staff is recommending **denial** of the requests.

If the Zoning Commission chooses to recommend approval of these requests, Staff recommends they be subject to the recommended Conditions of Approval as indicated in Exhibit C-1, C-2, and C-3.

CONDITIONS OF APPROVAL

Exhibit C-1

Type II Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated October 12, 2017. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Site Plan approval. (ONGOING: ZONING - Zoning)

2. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/ABN/DOA/R-2017-00354. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: ZONING - Zoning)

3. This Variance is approved for the Retail Gas and Fuel Sales with a Convenience Store. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

4. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (ONGOING: ZONING - Zoning)

5. Easement encroachment shall be for the bus stop easement only. (ONGOING: ZONING - Zoning)

USE LIMITATIONS-NUMBER OF GASOLINE PUMPS

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site Plan shall be modified to indicate a single row of gas fueling pumps, with a maximum of five (5) gasoline pumps and ten (10) fueling positions. (DRO/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-2

Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 12, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous Condition 1 of Resolution R-1987-877, Control No.1984-00058, which currently states:

The developer shall comply with all previous conditions of approval unless modified herein.

Is hereby deleted. [REASON: Code requirement]

4. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1984-01844 (Control 1984-00058); and R-1984-01845 (Control 1984-00058); and R-1987-0877 (Control 1984-00058); have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

ENGINEERING

1. Previous Condition 4 of Resolution R-1984-1845, Control No.1984-00058, which currently states:

The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year one hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [REASON: Code requirement]

2. The developer shall pay a fair share fee in the amount and manner required by the Fair Share Contribution for: Road Improvements Ordinance as it presently exists or as it may from time to time amended.

Presently the fair share fee for this project is \$86,150. In addition, based upon the amount of traffic generated by this development, the developer has agreed to contribute an additional \$37,906 towards Palm Beach County's existing roadway improvement program to be paid within 12 months of adoption of the resolution by the Board of County Commissioners.

If the Fair Share Contribution for Road Improvements Ordinance is amended to increase the fair share fee, this additional amount shall be credited toward the increased fair share fee. (Previous Condition 6 of Resolution R-1984-1845, Control No.1984-00058)

3. The developer shall construct concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a) A right turn lane, west approach on Delray West Road and the project's west entrance.
- b) A right turn lane, west approach on Delray West Road and Via Flora Road.
- c) Raised curb on both sides of the existing median at the project's west entrance onto Delray West Road a distance of 50 ft. [Note: COMPLETED] (Previous Condition 7 of Resolution R-1984-1845, Control No.1984-00058)

4. The developer shall install two (2) additional street lights at the entrance to the Leisureville Development. The cost of maintenance and electricity shall not be borne by Palm Beach County. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-372, Control No.1984-00058)

5. The Property Owners shall convey for: the ultimate right of way of Delray West Road, 60 ft. from centerline, within 90 days of adoption of the resolution by the Board of County Commissioners;

conveyance must be accepted by Palm Beach County prior to issuance of first building permit. [Note: COMPLETED] (Previous Condition 5 of Resolution R-1984-1845, Control No.1984-00058)

6. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2018. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: ENGINEERING - Monitoring)

7. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

8. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper access easements from the project site over the neighboring property to the east to West Atlantic Avenue. (DRO: MONITORING - Engineering)

9. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of West Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along West Atlantic Avenue. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

10. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (DRO: ENGINEERING - Engineering)

HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties. [Note: COMPLETED] (Previous Condition 2 of Resolution R-1984-1845, Control No.1984-00058)

2. Previous Condition 3 of Resolution R-1984-1845, Control No.1984-00058, which currently states:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: code requirement]

3. Previous Condition 4 of Resolution R-1987-877, Control No.1984-00058, which currently states:

Since sewer and water service are available to the property, septic tank and/or well shall not be approved for use on said property.

Is hereby deleted. [REASON: Code Requirement]

5. Previous Condition 3 of Resolution R-1987-877, Control No.1984-00058, which currently states:

No building permit shall be issued for the property until such a time that the site is connected to a public sewer system and/or water supply system.

Is hereby deleted. [REASON: Code Requirement]

LANDSCAPE - GENERAL

1. Previous Condition 2 of Resolution R-1987-877, Control No.1984-00058, which currently states:

Prior to site plan certification, the site plan shall be amended to reflect the following:

a. the proposed landscaping

Is hereby deleted. [REASON: Code Requirement]

LANDSCAPE - PERIMETER

2. Prior to certification by Site Plan Review Committee, the site plan shall be amended to reflect:

a) A six-foot solid masonry wall along the western property line, supplemented with canopy trees 8' to 10' in height, planted twenty (20) feet on center.

b) Along the eastern property line, a six foot solid masonry wall, or a 10' landscape buffer: with 36" high hedge material of 75% opaqueness.

c) Along the southern property line, a hedge of 36" in height of 75% opaqueness, supplemented by canopy trees 8' to 10' in height planted 20' on center, within the landscape area indicated on the plan.

d) The developer shall install landscaping within the median of Delray West Road from the project's east property line to the project's west property line. This shall include a raised curbing along Delray West Road per the County Engineer's and Florida Department of Transportation's approval.

(ONGOING: ZONING - Zoning) (Previous Condition 1 of Resolution R-1984-1845, Control No.1984-00058)

LIGHTING

1. The developer shall install two (2) additional street lights at the entrance to the Leisureville Development. The cost of the maintenance and electricity shall not be borne by Palm Beach County.

(ONGOING: ZONING - Zoning) (Previous Condition 8 of Resolution R-1984-1845, Control No.1984-00058)

SITE DESIGN-ACCESS TO VIA FLORA

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Property Owner shall submit the cross access easement from the project site over the neighboring property (Funeral Home, Control Number 1980-00156) to the east to West Atlantic Avenue, and shall submit proof that the easment is depicted on the approved site plan for the Funeral Home. (DRO: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-3

Class A Conditional Use- Retail Gas and Fuel with Convenience Store

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 12, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Convenience Store and Canopy shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 26, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

2. Gas station canopy shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- b. a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted;
- c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- d. lighting for the gas station canopy shall be flush mounted or recessed; and,
- e. a maximum of one canopy sign on the north facade of the canopy only. (DRO/ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING PERIMETER (NORTH PROPERTY LINE)

1. In addition to the landscaping requirements for an Incompatibility buffer, the Property Owner shall include the following:

- a. One palm for each 15 lineal feet of property line of the Retail Gas And Fuel Sales with a Convenience Store out parcel. (ONGOING: ZONING - Zoning)

SITE DESIGN-ACCESS TO VIA FLORA

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Property Owner shall submit the cross access easement from the project site over the neighboring property (Funeral Home, Control Number 1980-00156) to the east to West Atlantic Avenue, and shall submit proof that the easement is depicted on the approved site plan for the Funeral Home. (DRO: ZONING - Zoning)

USE LIMITATIONS - RETAIL GAS AND FUEL SALES WITH A CONVENIENCE STORE

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/ONGOING: ZONING - Zoning)

2. At time of submittal for Final Approval by the Development Review Officer (DRO), the Site Plan shall be modified to indicate a single row of gas fueling pumps, with a maximum of five (5) gasoline pumps and ten (10) fueling positions. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

- 1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1- Future Land Use Map

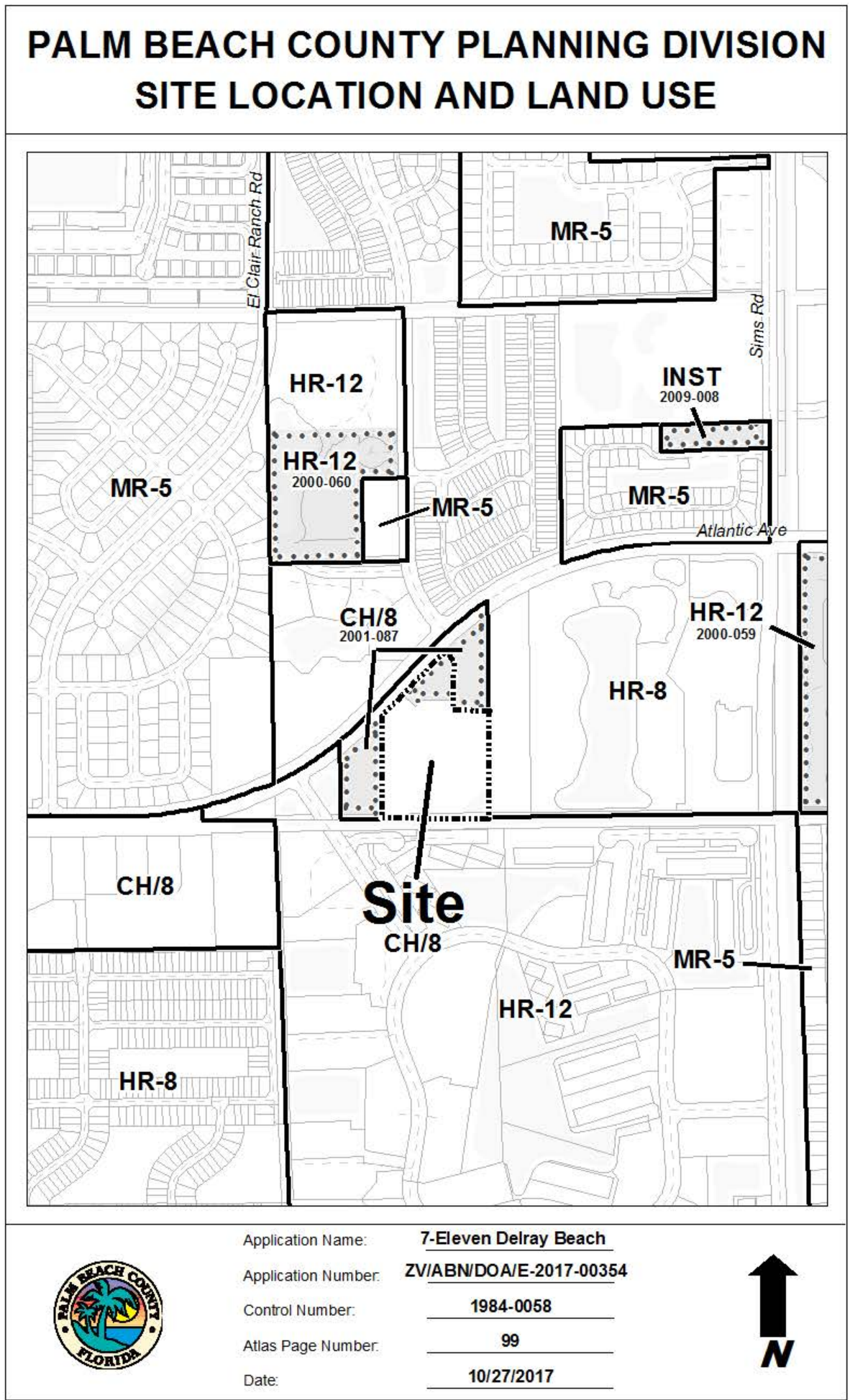


Figure 2 - Zoning Map

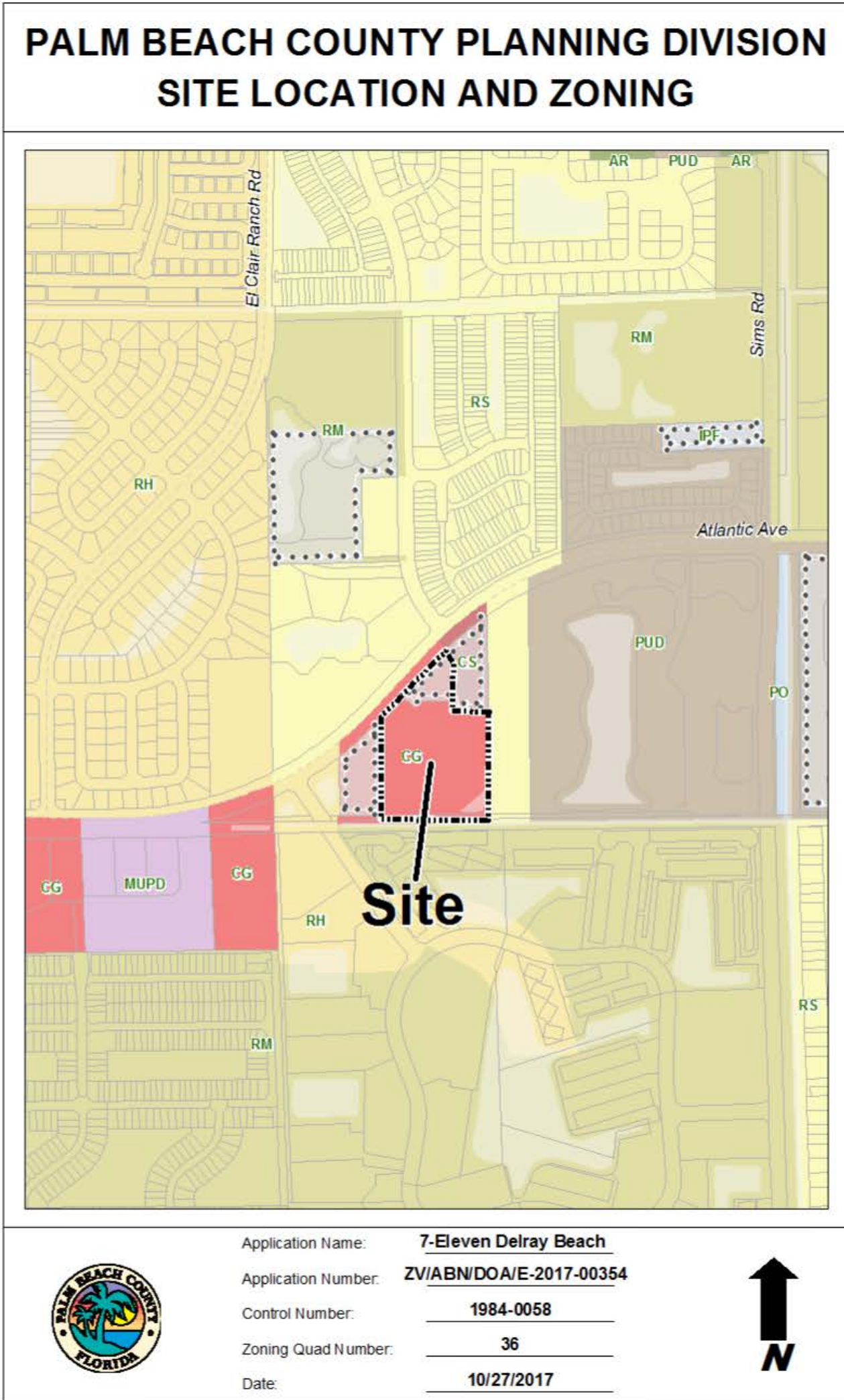


Figure 3- Aerial

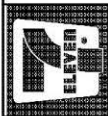


Figure 6- Preliminary Site Plan (Detail of Affected Area) Page 2 dated October 12, 2017

Bowman
 CONSULTANTS
 INC.

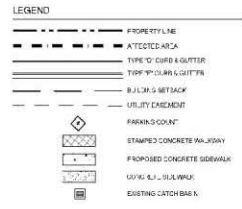
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 MIAMI, FL 33157
 PHONE: (305) 255-4545
 FAX: (305) 255-7751
 WWW.BOWMANCONSULTANTS.COM

PRELIMINARY SITE PLAN
7-ELEVEN
DELRAY BEACH



WILLIAM PFEFFER, P.E.
 LICENSE NO. 73668
 (10/22/2017)
 PLAN STATUS

DATE	DESCRIPTION
SCALE: 1" = 30'	EL, TR
	REVISION CHGD
JOB NO: 1010221-01-031	
DATE: 10/02/2017	
FILES: 1071-d-01-031-031.dwg	
PSP2 OF 2	
SHEET	



AFFECTED AREA SITE DATA

AFFECTED AREA:	45,847 SF	1.06 AC.
IMPROVEMENTS:	48,555 SF	1.10 AC.
IMPROVEMENTS (SIDEWALKS):	27,481 SF	63.0%
BUILDING:	2,592 SF	7.2%
OPEN SPACE (GREEN):	30,452 SF	66.2%
OPEN SPACE REQUIRED:	13,101 SF	30.9% (MIN.)

ZONING: GENERAL COMMERCIAL (GG) / MUPD
 TIER: URBAN SUBURBAN
 FUTURE LAND USE: COMMERCIAL HIGH (CHB)
 FLOOR AREA RATIO: 0.07
 EXISTING USE (AFF. AREA): VACANT
 PROPOSED USE (AFF. AREA): RETAIL FUEL SALES & CONVENIENCE STORE
 EXISTING USE (MUPD): RETAIL

BUILDING HEIGHT: MAX. ALLOWED: 35 FT
 PROPOSED: 26 FT (1 STORY)
 22 FT CANOPY

BUILDING SETBACKS: REQUIRED: 15 FT
 PROVIDED: 15 FT
 SIDE (EAST): 15 FT
 REAR: N/A
 0 FT

PARKING PROVIDED: 12
 REGULAR
 HANDICAP: 1
 TOTAL: 13

LOADING AREA: 12' 0" x 18' 0"

PROPOSED VARIANCES

SUDO CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1. TABLE 6.1.1.3 - GASOLINE PUMP ISLAND REQUIRED QUEUING (VEHICLE STACKING)	20' (ON BOTH SIDES OF CANOPY)	0'	NO QUEUING ON EITHER END OF PUMP ISLAND
2. ARTICLE 3.03.0.2.4 - HOURS OF OPERATION UNLESS 2,200 FROM RESIDENTIAL DISTRICT	8AM-11PM	24-HOUR	11PM - 8AM
3. ARTICLE 3 - TABLE 3.3.3.D - MUPD PORKS REQUIRED SIDE STREET SETBACK	30' 0"	15' 0"	15' 0"
4. ARTICLE 7 - TABLE 7.7.1.A.5 - REQUIRED WIDTH OF R.O.W BUFFER	20' 0"	15' (INCLUDING 5' BUS SHELTER ENCROACHMENT)	5' FOR 90' OF 343.22 (9%)

TYPE I WAIVER

SUDO CODE SECTION	REQUIRED	PROPOSED
SEC. 6.8.1.H - LOADING SPACE SHALL HAVE A MINIMUM WIDTH OF FIFTEEN (15) FEET. ADDITIONAL LOADING SPACES ADJACENT TO AND NOT SEPARATED FROM THE FIRST LOADING SPACES MAY BE REDUCED TO A MINIMUM OF TWELVE (12) FEET IN WIDTH. LOADING SPACES SHALL BE A MINIMUM OF FIFTY FIVE (55) FEET IN LENGTH.	15' 0" x 55' 0"	12' 0" x 18' 0"

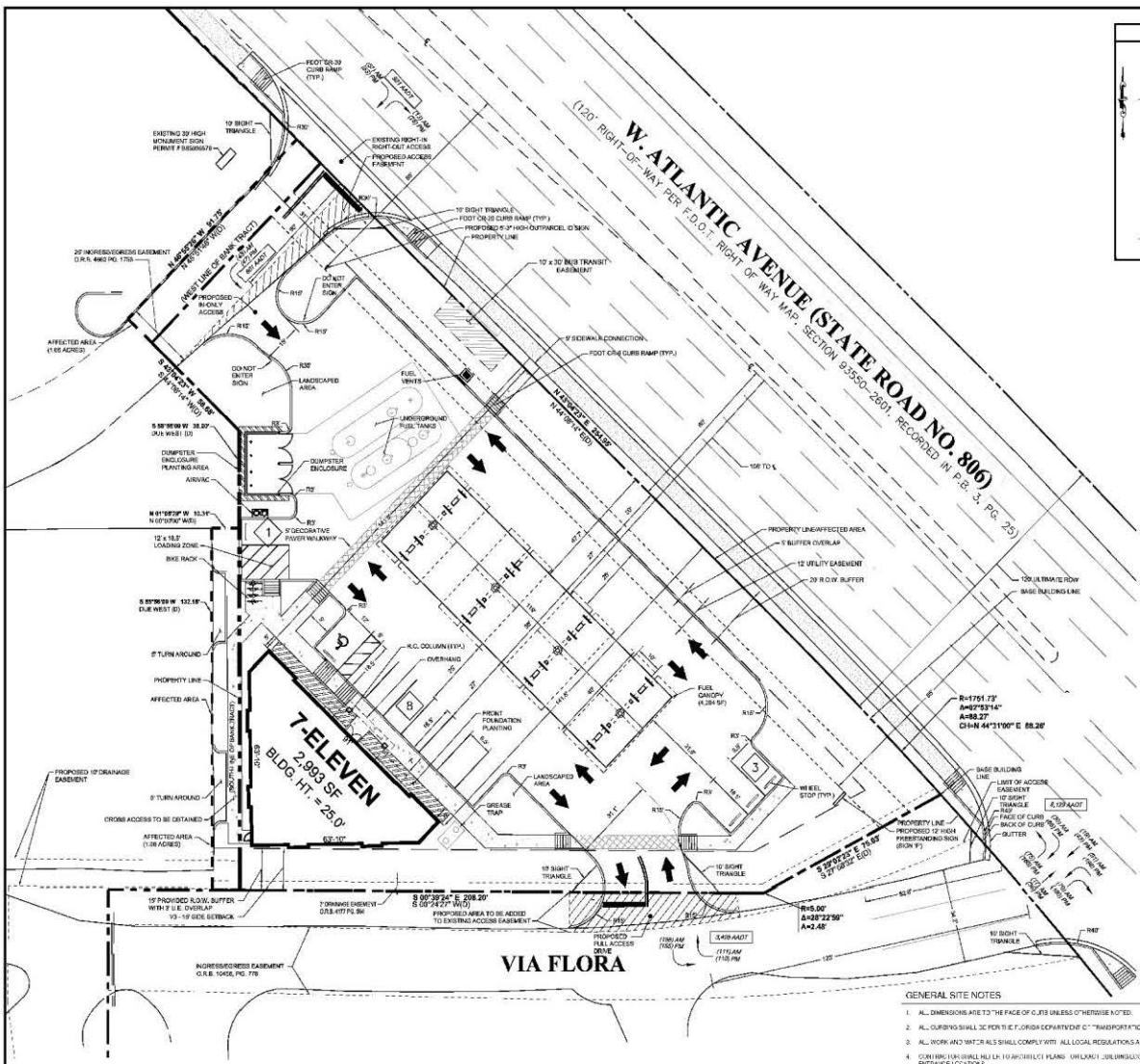
CONCURRENCY TABLE

GENERAL RETAIL #1 & 2	32,481 SF
GENERAL RETAIL #3	12,900 SF
RESTAURANT #4	13,118 SF + 3,889 SF = 17,007 SF
EXISTING SHOPPING CENTER AREA	63,782 SF
CONVENIENCE STORE #5	2,093 SF
GAS STATION-FUEL W/WHOLESALE #6	8 PUMPS (16 SF)

(*CONCURRENCY IS APPROVED FOR USES AND AMOUNTS SHOWN ON THIS PLAN.)

AMENDMENT STAMPS

ZONING STAMPS



TREE DISPOSITION CHART

TREE NUMBER	SPECIES	COMMON NAME/DESCRIPTION	EXISTING TREE	ZONING TREE	PROPOSED DISPOSITION	DATE REMOVAL	ZONING DISPOSITION	NOTES
1	SPRUE PALM (10)	SPRUE PALM	YES	YES	RETAIN	0/0	YES	
2	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
3	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
4	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
5	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
6	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
7	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
8	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
9	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
10	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
11	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	
12	SMALL PALM (10)	SMALL PALM	YES	YES	RETAIN	0/0	YES	

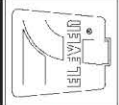
- GENERAL SITE NOTES**
- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL CURBS SHALL BE FOR THE CITY OF DELRAY BEACH DEPARTMENT OF TRANSPORTATION (DOT) STANDARD (NO. 303).
 - ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND SUDAS STANDARDS.
 - CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. VERIFY ALL UTILITIES AND STRUCTURES BEFORE ANY CONSTRUCTION.
 - CONTRACTOR SHALL REFER TO ALL SPECIFICATIONS AND GEOTECHNICAL REPORTS FOR ALL CONSTRUCTION DETAILS AND DESIGN.
 - CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. VERIFY ALL UTILITIES AND STRUCTURES BEFORE ANY CONSTRUCTION.
 - CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. VERIFY ALL UTILITIES AND STRUCTURES BEFORE ANY CONSTRUCTION.
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 - CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES. VERIFY ALL UTILITIES AND STRUCTURES BEFORE ANY CONSTRUCTION.

SUDO file name: S:\1010221 - 7-Eleven\1010221-01-031 [ENG] - W Atlantic Ave & Via Flora Rd - Delray\Engineering\Engineering Plans\Sheets\1010221-01-031-RSP.dwg 10/2/2017

Bowman
 CONSULTANTS
 INC.

4400 W. Eau Claire Blvd.
 Suite 202
 Westport, FL 32093
 Phone: (904) 862-7777
 Fax: (904) 862-7777
 www.bowmanconsultants.com

PRELIMINARY REGULATING PLAN
 7-ELEVEN
 DELRAY BEACH
 VARIOUS LOTS



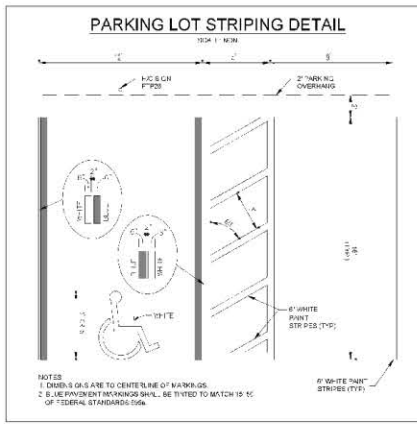
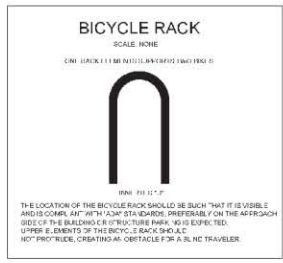
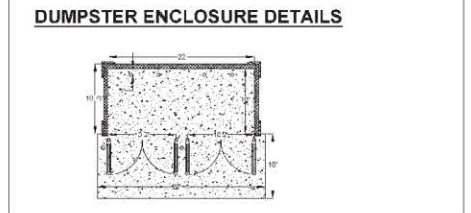
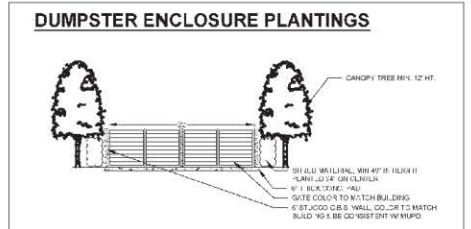
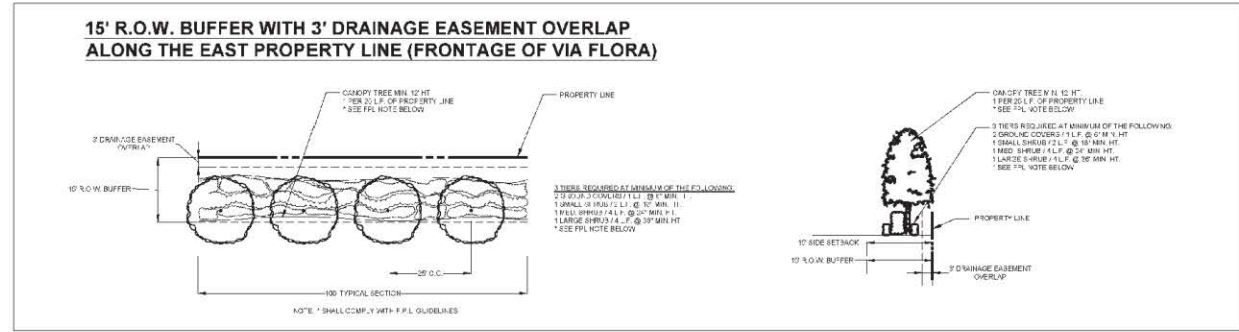
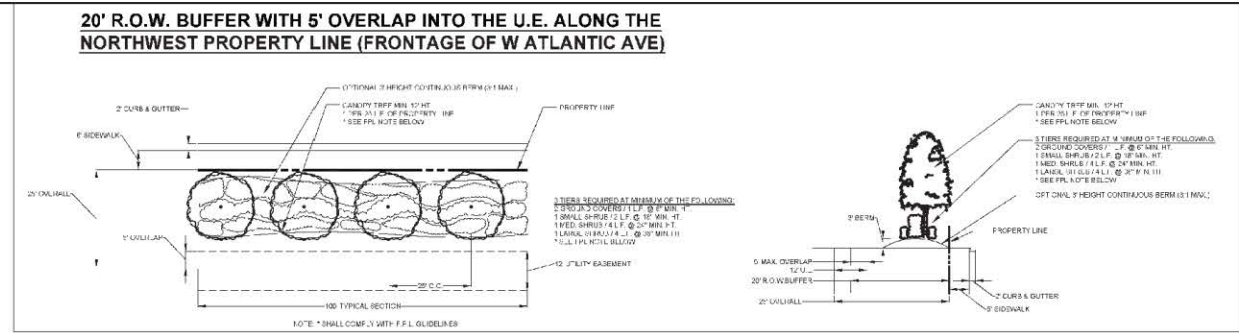
William A. Pfeffer
 P.E. 73058
 State of Florida

WILLIAM A. PFEFFER, P.E.
 LICENSE NO. 73058
 1/23/2007

DATE	DESCRIPTION	BY	CHKD
01/20/17	EL DESIGN	BP	CHNC

SCALE: AS SHOWN
 JOB No.: 010221-01-031
 DATE: 08/28/2017
 FILE: 010221-01-031-01.dwg

SHEET **PRP**

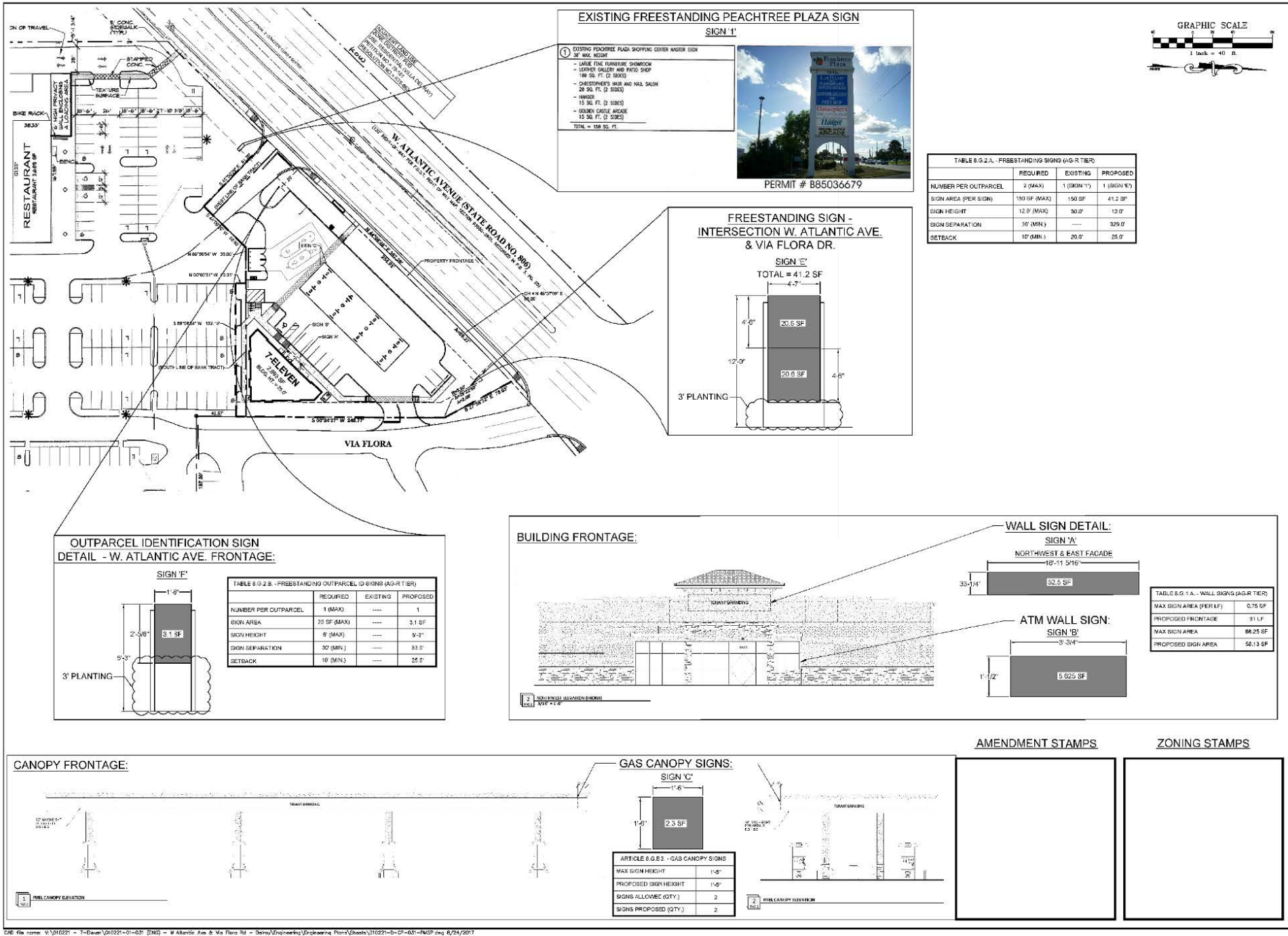


AMENDMENT STAMPS

ZONING STAMPS

Small text at the bottom of the page, likely a file path or version information.

Figure 9- Preliminary Master Sign Plan dated August 28, 2017



Bowman CONSULTING GROUP, INC.
3000 W. US Highway 1, Suite 202, Boca Raton, FL 33433
Phone: (561) 995-2751
www.bowmanconsulting.com

PRELIMINARY MASTER SIGNAGE PLAN
PEACHTREE SHOPPING PLAZA
7-ELEVEN

William Pfeffer, P.E.
73058 State of Florida
WILLIAM PFEFFER, P.E.
LICENSE # 1217008
06/28/2017
PLAN STATUS

DATE	DESCRIPTION	BY	SL	SP
	DESIGN	DRW	CHD	

SCALE: AS SHOWN
JOB No. 010221-01-031
DATE: 06/28/2017
FILE: 010221-01-031-01-031-01-031.dwg
SHEET **PMSP**

Figure 10- Preliminary Architectural Elevations dated August 28, 2017

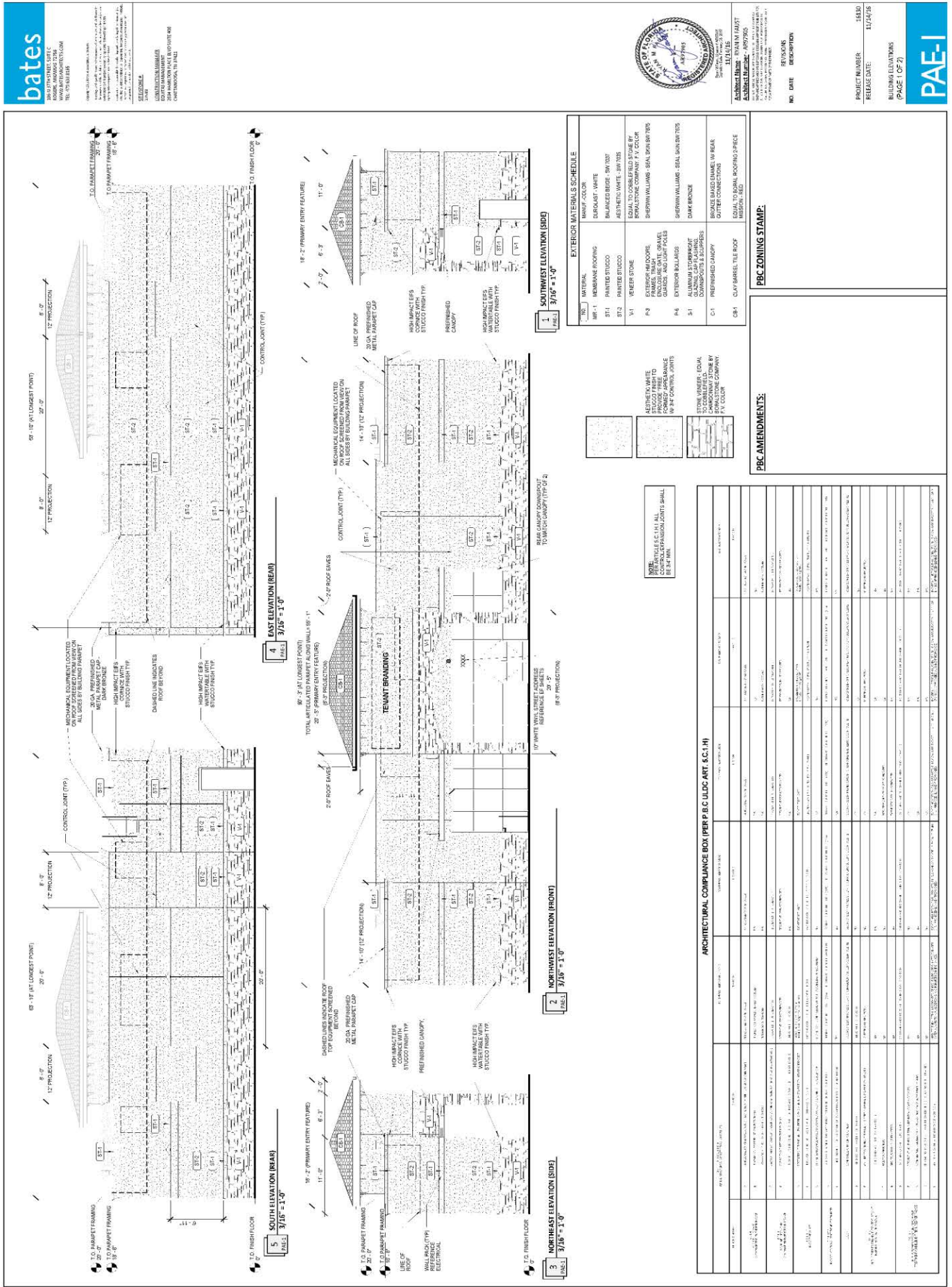


Figure 12- Visual Impact Analysis dated August 28, 2017

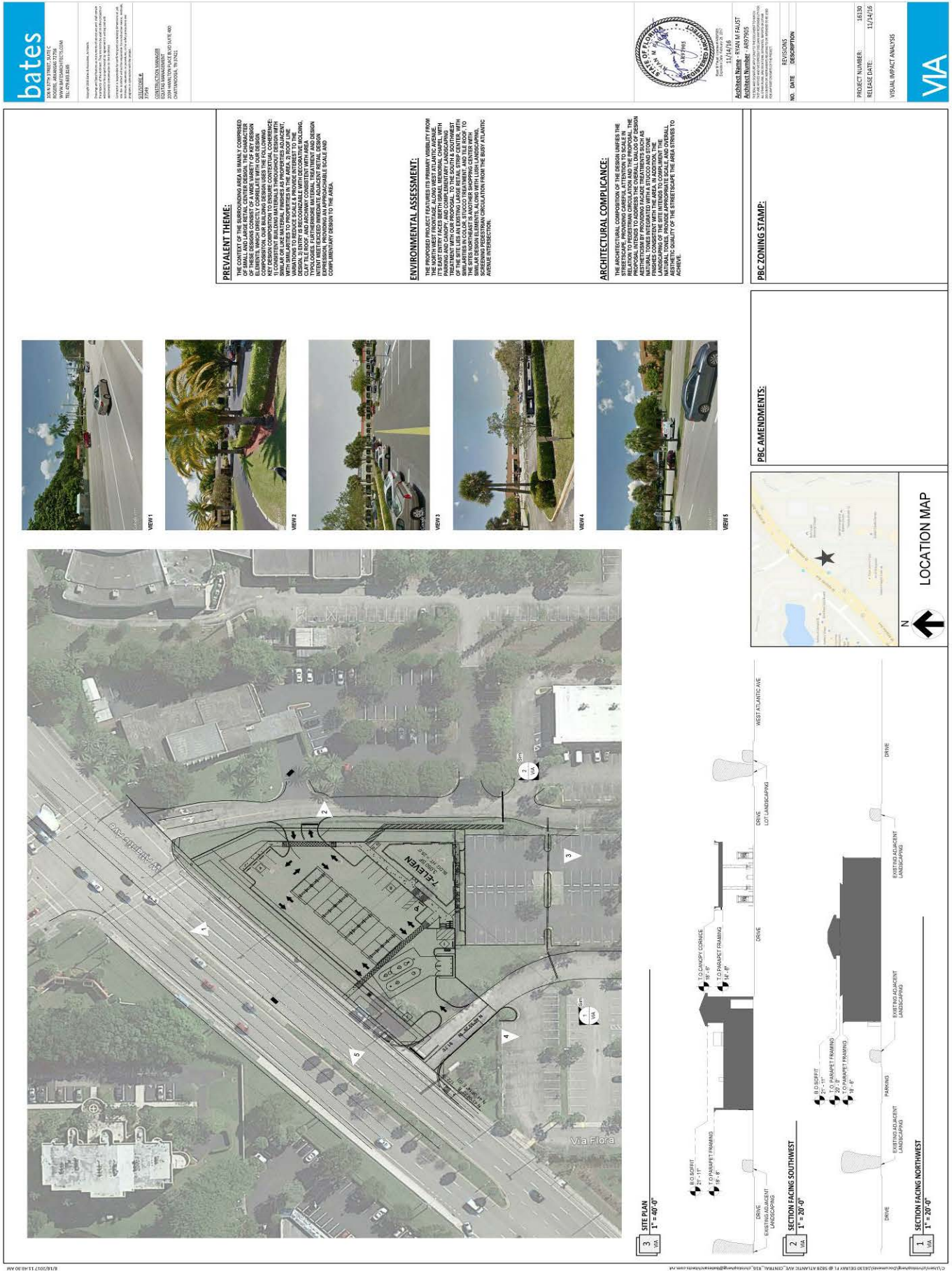


Figure 5- Approved Final Site Plan dated February 10, 2010

SITE DATA

CONTROL/PETITION NUMBER	1984-058
PROJECT NO.	TRD
NAME OF PROJECT:	BUILDING A RESTAURANT T.I.
TIER:	URBAN SUBURBAN
FUTURE LAND USE DESIGNATION	CS/CS
ZONING DISTRICT	GENERAL COMMERCIAL DISTRICT COUSE
OVERLAY DISTRICT	N/A
SECTION/TOWNSHIP/RANGE	SECTION 1A, TOWNSHIP 46 S, RANGE 42 E
PROPERTY CONTROL NUMBER (PCN)	0042401400007130
EXISTING AND PROPOSED USE:	SHOPPING CENTER
ACREAGE	8.61 AC
EXISTING SHOPPING CENTER SF	62,756 SF
PROPOSED SHOPPING CENTER SF	66,455 SF
PLAT NAME	PEACHTREE PLAZA BOOK 3, PG 23

LEGEND

AC	ACRE	BS	BUILDING SETBACK
ADT	AVERAGE DAILY TRIPS	P.L.	PROPERTY LINE
CL	CENTER LINE	R.O.W.	RIGHT OF WAY
CC/CC	CONCRETE	SW	SIDEWALK
F.A.R.	FLOOR TO AREA RATIO	SF	SQUARE FEET
L.A.E.	LIMITED ACCESS EASEMENT	SP	SPACE
L.B.	LANDSCAPE BUFFER	U.E.	UTILITY EASEMENT
O.A.B.	OFFICIAL RECORD BOOK	TYP	TYPICAL
FT	FEET	MIN	MINIMUM
FP	FOUNDATION PLANTING	MAX	MAXIMUM

DRO CONDITION
 THE PARKING AREA ON THE NORTH SIDE OF BLDG 4 SHALL BE COMPLETED IN ACCORDANCE WITH THE APPROVED SITE PLAN WITHIN 6 MONTHS OF DRO SITE PLAN APPROVAL. 9/30/10

PROPERTY DEVELOPMENT REGULATIONS (PDR)

FUTURE LAND USE (FLU) DESIGNATIONS	MINIMUM LOT DIMENSIONS				F.A.R.	BLDG. COVER	SETBACKS/SEPARATION			REAR (E)
	SIZE	WIDTH	FRONTAGE	DEPTH			FRONT (W)	SIDE (S)	SIDE (N)	
MUPD	8.0 AC	200'	200'	200'	25%	25%	50'	20'	20'	20'
CH - REQUIRED	8.0 AC	200'	200'	200'	25%	25%	50'	20'	20'	20'
CH - PROVIDED	8.6 AC	367.35'	334'	17.70%	17.70%	48.5'	206'	133.5'	302'	

PARCEL CONTROL NO. 0042401400007042
 OWNER: F.H. ENTERPRISES LLC
 MAILING ADDRESS: 9020 W. ATLANTIC AVENUE
 DELRAY BEACH, FL 33484-6809

OVERALL SITE DATA

LOT AREA	4,611 AC
FLOOR AREA	GROSS 32,481 SF
GENERAL RETAIL	18,272 SF
RETAIL # 3	12,000 SF
RETAIL RESTAURANT # 4	15,118 + 3,699 = 18,807 SF
FINANCIAL INSTITUTION # 5	3,372 SF
	66,455 SF

CONCURRENCY TABLE

GENERAL RETAIL BLDG 1&2	32,481 SF
3 RETAIL	12,000 SF
4 RETAIL RESTAURANT	15,118 + 3,699 = 18,807 SF
5 FINANCIAL INSTITUTION	3,372 SF
TRAFFIC ANALYSIS ZONE (TAZ)	471
LAST BCC APPROVAL RESOLUTION NO.	DOA 84 18/AVR/06-1192.1
CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN.	

SITE DATA

PARKING

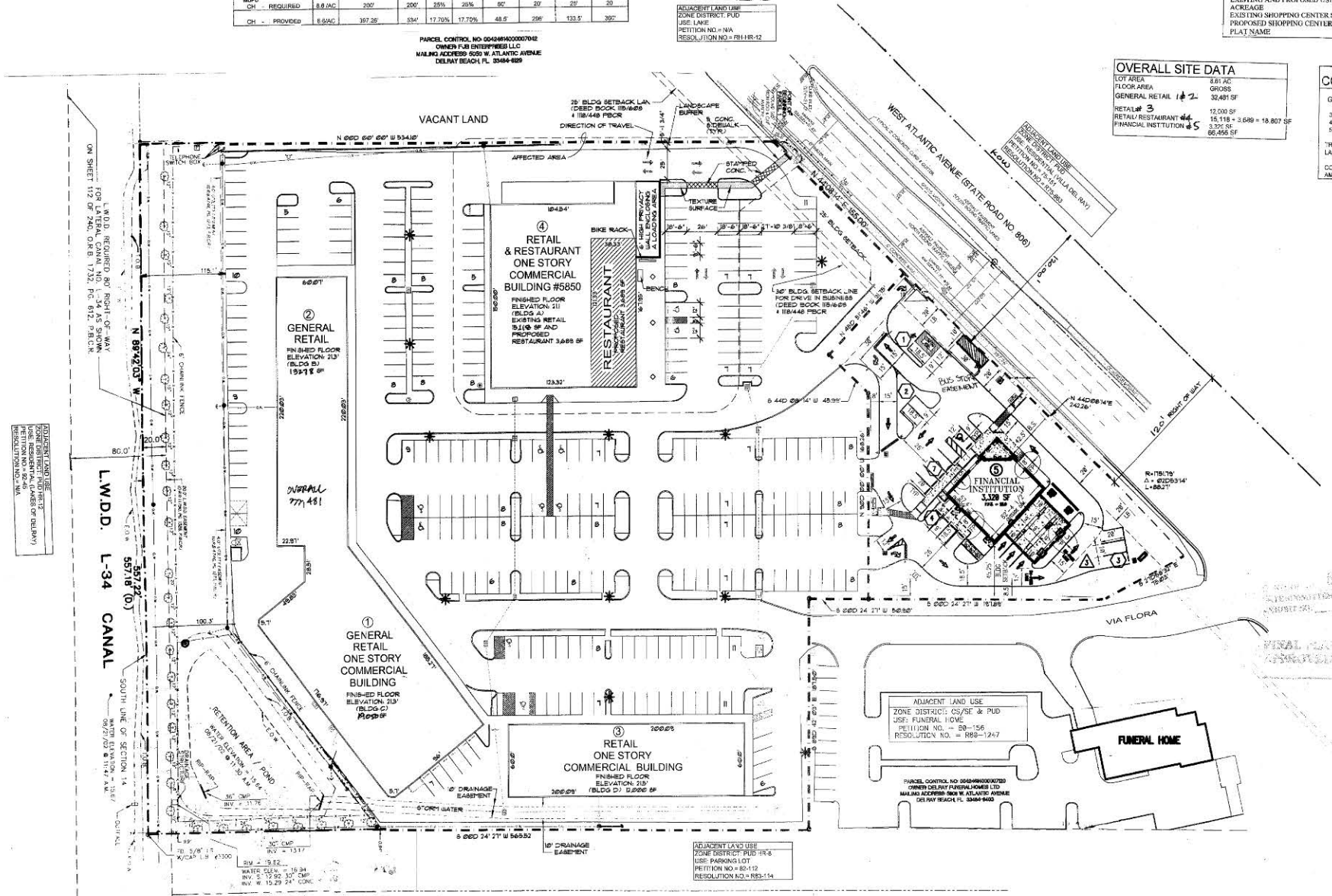
AREA OF BUILDING 66,455 SF
 PARKING CALCULATION: 66,455 / 1000 = 66.45
 PARKING SPACE: 326 SF

REQUIRED PARKING RATIO BETWEEN 4 PER 1000 SPACES AND 8 PER 1000 SPACES
 PROVIDED: 326 SP/66,455 = 4.905 PER 1000 SPACES

BUILDING HEIGHT
 MAX 45' EXISTING HEIGHT 30'
 PROPOSED BUILDING INCREASE AREA
 3,699 SF



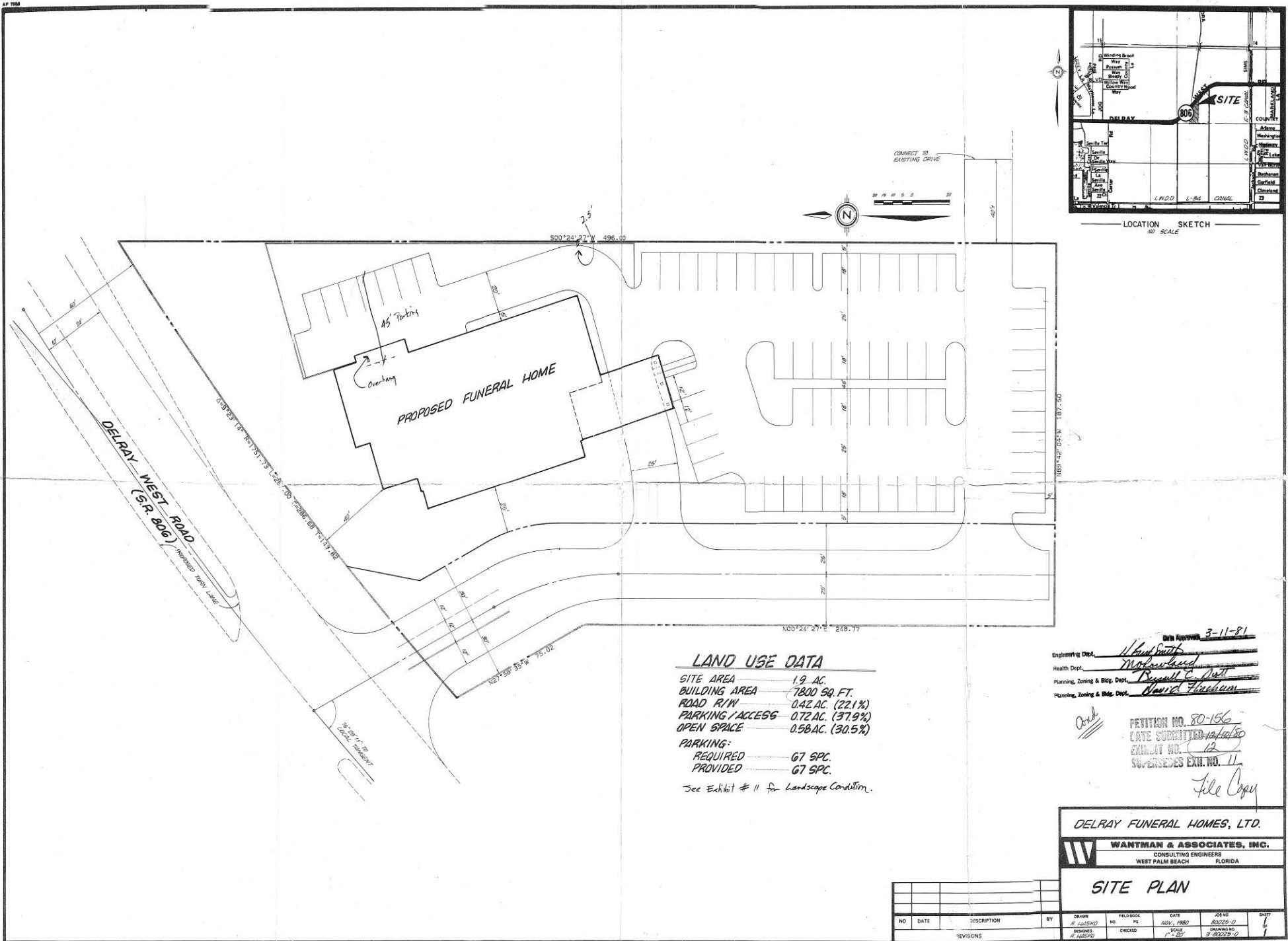
PROJECT NO. 05000-127
 CONTROL NO. 84-058
 DATE SUBMITTED 2/10/10
 EXHIBIT NO. 37
 SUPERSEDES EXH. NO. 36
 FINAL PLAN APPROVED AT 2/10/10
 ZONING STAMP



SITE PAVEMENT PLAN
 1" = 40'

PLAN FOR:
 HARRY ZUKER & PEACHTREE PLAZA
 BLDG "A" T.I. ADDITION

Figure 16- Funeral Home Site Plan Control No. 1980-00056 dated March 11, 1981



DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

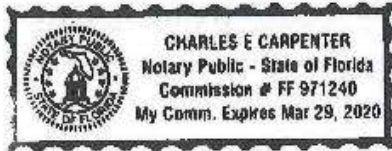
BEFORE ME, the undersigned authority, this day personally appeared Grant Dinkel, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Asst. Secretary [position—e.g., president, partner, trustee] of F. E. E. V. E. N., INC. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 3200 Hackberry Rd
IRVING, TX 75063
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Grant Distel
_____, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 6th day of FEBRUARY,
20 17, by Grant Distel, who is personally
known to me or [] who has produced _____
as identification and who did take an oath.



Charles E. Carpenter

Notary Public

CHARLES E. CARPENTER

(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 3/29/20

EXHIBIT "A"

PROPERTY

A parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida; thence run Northerly along the West line of said Section 14, a distance of 127.54 feet to a point on the Southerly right of way of State Road No. 806, as recorded in Road Plat Book 3, Page 25, Public Records of Palm Beach County, Florida; thence run Northeasterly along the said Southerly right of way line of State Road No. 806, being a curve concave to the Northwest and having a radius of 1832.27 feet, a distance of 682.61 feet to the end of said curve; thence continue Northeasterly along the tangent of said curve, being also the said Southerly right of way line of State Road No. 806, a distance of 172.39 feet to the Point of Beginning; thence North 44° 08' 14" East, continuing along the said Southerly right of way line of State Road No. 806, a distance of 242.26 feet to the beginning of a curve concave to the Southeast, said curve having a radius of 1751.73 feet; thence continue Northeasterly along the arc of said curve, being also the said Southerly right of way line of State Road No. 806, through a central angle of 02° 53' 14", a distance of 88.27 feet; thence South 27° 58' 32" East, a distance of 75.03 feet to the point of curvature of a curve to the right having a radius of 5.00 feet and a central angle of 28° 22' 59"; thence Southerly, along the arc of said curve, a distance of 2.48 feet to an intersection with a line 402.50 feet West of and parallel with the East line of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section 14; thence South 00° 24' 27" West, along said parallel line a distance of 197.89 feet; thence due West, a distance of 168.25 feet; thence South 44° 08' 14" West, a distance of 45.99 feet; thence North 45° 51' 46" West, a distance of 91.75 feet to the Point of Beginning.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

None - 7-Eleven is a publicly traded company
on the Tokyo Stock Exchange.



7-Eleven, Inc.

Disclosure of Interest

February 24, 2016

TO WHOM IT MAY CONCERN:

7-Eleven, Inc. (the "Company") is a Texas corporation, incorporated in 1961. The Company does business under the names "7-Eleven, Inc." and "7-Eleven", and maintains its principal place of business at 3200 Hackberry Road, Irving, Texas 75063. The Company was formerly known as The Southland Corporation and changed its name to 7-Eleven, Inc. on April 28, 1999.

The Company's direct parent is SEJ Asset Management & Investment Company ("SAM"), a Delaware corporation formed in 2012, with its principal place of business at 1209 Orange St., Wilmington, DE 19801. SAM is wholly controlled by Seven-Eleven Japan Co., Ltd. ("Seven-Eleven Japan"). Seven-Eleven Japan is a Japanese corporation formed in 1973, with its principal place of business at 8-8, Nibancho, Chiyoda-ku, Tokyo 102-8452, Japan. Seven-Eleven Japan is a wholly owned subsidiary of Seven and i Holdings Co. Ltd., whose stock is publicly traded on the Tokyo Stock Exchange.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Donald Stevenson, Jr.', is written over a light blue circular stamp or watermark.

J. Donald Stevenson, Jr.
Assistant Secretary
7-Eleven, Inc.

3200 Hackberry Road | Irving, TX 75063 • Mailing Address: P. O. Box 711 | Dallas, TX 75221-0711
Main Phone Number: (214) 828-7011

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

(TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER)

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Harry Zuker, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [X] Manager [position - e.g., president, partner, trustee] of Dixie Arbors, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 4800 N Federal Hwy.
Suite B-205
Boca Raton, FL 33431
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Harry Zuker, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 8 day of March 2017, by Harry Zuker, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

Mary Jo Cluet
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____



Mary Jo Cluet
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG031472
Expires 9/19/2020

EXHIBIT "A"
PROPERTY

See separate page

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 14, DISTANCE OF 127.54 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 25, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, BEING A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1832.27 FEET, A DISTANCE OF 682.61 FEET TO THE END OF SAID CURVE; THENCE CONTINUE NORTHEASTERLY ALONG THE TANGENT OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, A DISTANCE OF 17.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY OF STATE ROAD NUMBER 806, A DISTANCE OF 397.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 1751.73 FEET; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, A DISTANCE OF 375.27 FEET TO AN INTERSECTION WITH A LINE 215.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 14; THENCE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 1061.52 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 14; THENCE WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 14, A DISTANCE OF 557.18 FEET TO AN INTERSECTION WITH A LINE 566.76 FEET EAST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SAID WEST LINE OF SECTION 14; THENCE NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 534.10 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT, THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE SOUTH 89° 42' 03" EAST ALONG THE SOUTH LINE OF SAID SECTION 14, A DISTANCE OF 1,123.94 FEET TO A POINT ON A LINE 215.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 14; THENCE NORTH 00° 24' 27" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 565.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00° 24' 27" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 496.00 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 806, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 25, PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA; THENCE RUN SOUTHWESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 806, BEING A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1751.73 FEET AND A CHORD BEARING OF SOUTH 51° 43' 05" WEST, A DISTANCE OF 287.00 FEET TO A POINT; THENCE SOUTH 27° 58' 32" EAST, A DISTANCE OF 75.03 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 28° 22' 59"; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2.48 FEET TO A POINT ON A LINE 402.50 FEET WEST OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SAID EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 14; THENCE SOUTH 00° 24' 27" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 248.77 FEET; THENCE SOUTH 89° 42' 03" EAST, A DISTANCE OF 187.50 FEET TO THE POINT OF BEGINNING AFOREDESCRIBED.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42

EAST, PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 14, DISTANCE OF 127.54 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, AS RECORDED IN ROAD PLAT BOOK 3, PAGE 25, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE RUN NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, BEING A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1832.27 FEET, A DISTANCE OF 682.61 FEET TO THE END OF SAID CURVE; THENCE CONTINUE NORTHEASTERLY ALONG THE TANGENT OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 806, A DISTANCE OF 172.39 FEET TO THE POINT OF BEGINNING; THENCE NORTH 44° 08' 14" EAST CONTINUING ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 806, A DISTANCE OF 242.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 1751.73 FEET; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, BEING ALSO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 806, THROUGH A CENTRAL ANGLE OF 02° 53' 14", A DISTANCE OF 88.27 FEET; THENCE SOUTH 27° 58' 32" EAST, A DISTANCE OF 75.03 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5.00 FEET AND A CENTRAL ANGLE OF 28° 22' 59"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2.48 FEET TO AN INTERSECTION WITH A LINE 402.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 14, THENCE SOUTH 00° 24' 27" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 197.89 FEET; THENCE DUE WEST, A DISTANCE OF 168.25 FEET; THENCE SOUTH 41° 08' 14" WEST, A DISTANCE OF 45.99 FEET; THENCE NORTH 45° 51' 46" WEST, A DISTANCE OF 91.75 FEET TO THE POINT OF BEGINNING.

PARCEL 2: (Appurtenant easements)

NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, PARKING, UTILITY FACILITIES, CONSTRUCTION, MAINTENANCE, AND REPAIR ACTIVITIES AS SET FORTH IN DEED OF DECLARATION RECORDED IN OFFICIAL RECORDS BOOK 4662, PAGE 1758, AS AMENDED IN OFFICIAL RECORDS BOOK 21805, PAGE 182, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AS SET FORTH IN ACCESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 10456, PAGE 776, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

2

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Harry Zcker (95%)	4800 N Federal Hwy., Suite B205, Boca Raton, FL 33431
Lloyd (5%)	Cranet 2295 NW Corporate Blvd, Suite 235 Boca Raton, FL 33431

ICE NYSE ABOUT CONTACT

Note: Quote Data is Delayed At Least 15 Minutes

NEW YORK STOCK EXCHANGE
REGIONS FINANCIAL CORPORATION
(NYSE:RF)

QUOTE COMPANY INFORMATION NEWS SEC FILINGS
 OPTIONS

COMPANY INFORMATION		
<p>Regions Financial Corp RF</p> <hr/> <p>Business Description RF</p> <p>Regions Financial Corp provides traditional commercial, retail and mortgage banking services, & other financial services in the fields of asset management, wealth management, securities brokerage, insurance, trust services, and other specialty financing.</p>		
<p>30-day Avg Volume 14.6Mil</p>	<p>Market Cap 18.6Bil</p>	<p>Net Income 1.2Bil</p>
<p>Sales 5.5Bil</p>	<p>Sector Financial Services</p>	<p>Industry Banks - Regional - US</p>
<p>Stock Style Mid Value</p>	<p>Direct Investment Yes</p>	<p>Dividend Reinvestment Yes</p>
<p>Address</p>	<p>1900 Fifth Avenue North, Birmingham, AL, 35203</p>	
<p>Telephone</p>	<p>+1 205 581-7890</p>	

<https://www.nyse.com/quote/XNYS:RF/company>

2/14/2017

CORPORATE ACTIONS

TOTAL RETURNS PRICE HISTORY **DIVIDENDS & SPLITS**

Regions Financial Corp RF

Five Year Dividend History RF

Year	Dividend Amount
2012	0.04
2013	0.10
2014	0.18
2015	0.23
2016	0.255

As of 03/08/2017

Annual Dividends

	12/2012	12/2013	12/2014	12/2015	12/2016
Dividend Amount	0.04	0.10	0.18	0.23	0.26
Year-end Yield %	0.56	1.01	1.70	2.40	1.78

Dividend History

Payable	Amount	Ex-Date	Record	Declaration	Dividend Type
01/03/2017	\$0.065	12/07/2016	12/09/2016	10/13/2016	Cash Dividends
10/03/2016	\$0.065	09/07/2016	09/09/2016	07/14/2016	Cash Dividends
07/01/2016	\$0.065	06/08/2016	06/10/2016	04/21/2016	Cash Dividends
04/01/2016	\$0.06	03/09/2016	03/11/2016	02/11/2016	Cash Dividends
01/04/2016	\$0.06	12/09/2015	12/11/2015	10/14/2015	Cash Dividends
10/01/2015	\$0.06	09/09/2015	09/11/2015	07/16/2015	Cash Dividends
07/01/2015	\$0.06	06/10/2015	06/12/2015	04/23/2015	Cash Dividends
04/01/2015	\$0.05	03/11/2015	03/13/2015	02/12/2015	Cash Dividends
01/02/2015	\$0.05	12/10/2014	12/12/2014	10/16/2014	Cash Dividends
10/01/2014	\$0.05	09/10/2014	09/12/2014	07/17/2014	Cash Dividends

<https://www.nyse.com/quote/XNYS:RF/company>

2/14/2017

QUOTE

Regions Financial Corp

LAST PRICE **DAY CHANGE**
 15.15 +0.16 | 1.07%

MON FEB 13, 2017 04:04 PM | USD | DELAYED Closed

INDICES

INDEX	VALUE	CHANGE \$ (%)
NYSE Composite	\$11,433.93	+\$56.21 (+0.49%)
NYSE U.S. 100 Index	\$9,193.03	+\$47.50 (+0.51%)
Dow Jones	\$20,412.16	+\$142.79 (+0.70%)
S&P 500	\$2,328.25	+\$0.00 (+0.00%)

As of 2:32 PM EST, February 14, 2017

TREASURY YIELDS

MATURITY	%YIELD	1 Yr Ago	Last Close
6 Month	0.63		
2 Year	1.20		
5 Year	1.92		
10 Year	2.43		
30 Year	3.03		

COMMODITIES

<https://www.nyse.com/quote/XNYS:RF/company>

2/14/2017

COMMODITY	EXPIRY	VALUE	CHANGE \$ (%)
NYSE Liffe Gold	Feb 17	\$1,185.60	-\$48.80 -3.95%
ICE Brent Crude	Feb 17	\$56.37	+\$0.77 +1.40%
UK Natural Gas	Feb 17	\$48.95	-\$0.76 -1.54%

RELATED LINKS
EQUITIES DIRECTORY
ETPS DIRECTORY
BONDS DIRECTORY
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OPTIONS DIRECTORY

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<https://www.nyse.com/quote/XNYS:RF/company>

2/14/2017

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Korey J. Cox
Korey J. Cox, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 7 day of February 2017, by Karey Cox, [] who is personally known to me or [] who has produced as identification and who did take an oath.

Randi L. Dicus
Notary Public

RANDI L. DICUS
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 10/6/2020

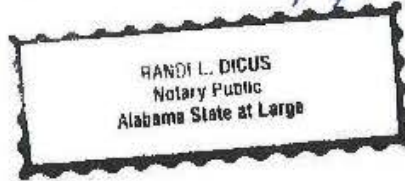
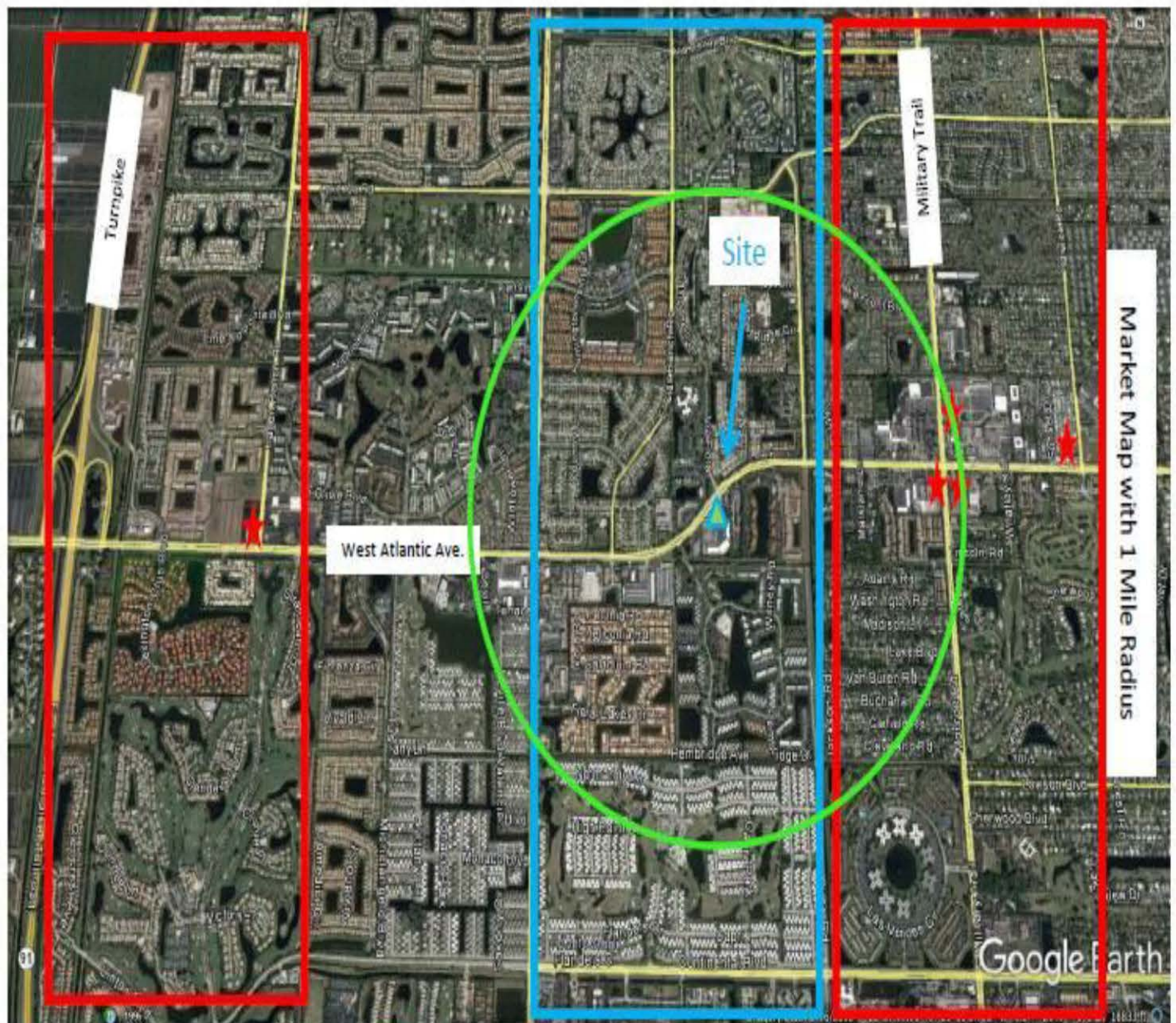


EXHIBIT "A"
PROPERTY

A parcel of land in Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows;

Commence at the Southwest corner of Section 14, Township 46 South, Range 42 East, Palm Beach County, Florida; thence run Northerly along the West line of said Section 14, a distance of 127.54 feet to a point on the Southerly right of way of State Road No. 806, as recorded in Road Plat Book 3, Page 25, Public Records of Palm Beach County, Florida; thence run Northeasterly along the said Southerly right of way line of State Road No. 806, being a curve concave to the Northwest and having a radius of 1832.27 feet, a distance of 682.61 feet to the end of said curve; thence continue Northeasterly along the tangent of said curve, being also the said Southerly right of way line of State Road No. 806, a distance of 172.39 feet to the Point of Beginning; thence North 44° 08' 14" East, continuing along the said Southerly right of way line of State Road No. 806, a distance of 242.26 feet to the beginning of a curve concave to the Southeast, said curve having a radius of 1751.73 feet; thence continue Northeasterly along the arc of said curve, being also the said Southerly right of way line of State Road No. 806, through a central angle of 02° 33' 14", a distance of 88.27 feet; thence South 27° 58' 32" East, a distance of 75.03 feet to the point of curvature of a curve to the right having a radius of 5.00 feet and a central angle of 28° 22' 59"; thence Southerly, along the arc of said curve, a distance of 2.48 feet to an intersection with a line 402.50 feet West of and parallel with the East line of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of said Section 14; thence South 00° 24' 27" West, along said parallel line a distance of 197.89 feet; thence due West, a distance of 68.25 feet; thence South 41° 08' 14" West, a distance of 45.99 feet; thence North 45° 51' 46" West, a distance of 91.75 feet to the Point of Beginning.

Exhibit E: One Mile Fueling Station Radius Map



★ = Existing Gas Station
 = 1 mile radius

□ = Service Area of Existing Gas Station

□ = Service Area of proposed 7-Eleven

DELRAY VILLAS PLAT III
HOMEOWNERS ASSOCIATION INC.
5841 CONNIE BOULEVARD, DELRAY BEACH FLORIDA 33484

December 10, 2016

Alliance of Delray Residential Associations
Robert Schulbaum, President
10290 W. Atlantic Ave. #480504
Delray Beach, Florida 33448

Re; Proposed 7-11 Development located at 5828 West Atlantic Avenue, Delray Beach.

Dear Robert

I am writing to inform you that we have met with 7-11 and their Developer Randy Tulepan and they have made a substantial effort to accommodate our concerns and have incorporated many of our suggestions in the planning of the new store. Our Association would be supportive of the proposed development.

Sincerely



Alan Schnelwar, President
Delray Villas HOA Plat III



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

MICHAEL DEW
SECRETARY

August 10, 2017

THIS PRE-APPLICATION LETTER IS VALID UNTIL – August 10, 2018
THIS LETTER IS NOT A PERMIT APPROVAL

**** Previous pre-application letter (October 13, 2017) revised to add comment.

Bill Pfeifer
Bowman Consulting
402 East Las Olas Blvd, Suite 1400
Fort Lauderdale, FL 33301

Dear Bill Pfeifer:

RE: August 10, 2017 - Pre-application Meeting for Category D Driveway
Palm Beach County - City of Not within City Limits, Urban; SR 806; Sec. # 93030; MP: 4.260
Access Class - 05; Posted Speed - 45 mph; SIS - N;
Request: Use existing joint-use right-in/right-out driveway located on the west property line.

SITE SPECIFIC INFORMATION
Project Name & Address: 7-Eleven Delray - 5828 W Atlantic Ave., Delray Beach, FL 33484
Applicant/Property Owner: 7-Eleven, Inc./Regions Bank
Parcel Size: 1.0 Acres Max. Sq.Ft./Proposed LU: 16 F.P. Gas Station + 3,500 S.F. C.Store

WE APPROVE YOUR REQUEST

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

Conditions:

- A minimum driveway length of 50 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided.
- Existing joint-use driveway shall be modified to a radial return driveway.

Comments:

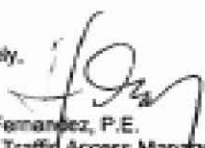
- No objection to the development in relation to the SR 806 and Via Flora intersection.

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

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

Please contact Geysa Sosa, P.E. at the District Permits Office with any questions regarding permits – Tel. # 954-777-4377, Fax # 954-877-7893 or e-mail: geysa.sosa@dot.state.fl.us.

Sincerely,


Dalia Fernandez, P.E.
District Traffic Access Manager

cc: Jerry Dixon
File: S:\Transportation Operations/Traffic Operations/Access Management/1. Pre-Apps and Variances/2017-08/10M_93030 MP 4.270 SR 806_7-Eleven/93030 MP 4.260 SR 806_7-Eleven D only.docx

www.dot.state.fl.us

Page 1 of 1

Mr. Jon MacGillis

February 14, 2017 (Updated March 14, 2017, April 20, 2017, May 24, 2017, June 26, 2017, July 17, 2017, August 24, 2017, October 11, 2017)

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A variance request for hours of operation has been included with this application. The project's location on a major arterial within an existing shopping center provides for an appropriate place for 24 hour sales.

- Previous Conditions of Approval. The applicant has reviewed the previous Conditions of Approval and noted their current status on the **Status of Conditions Report** which is included with this application. It is understood that the County will propose a new set of conditions in connection with this application which will summarize and update all of the old conditions, either eliminating them or bringing those forward which may still have some relevance to the property.
- Via Flora is an access easement and not a street. We provide a 15' setback from Via Flora which complies with the MUPD side building setbacks for commercial properties that abut parcels with non-residential zoning and FLU designations as found in Table 3.E.3.D. Staff determined that Via Flora was a street and as such we have added a variance request from the side street 30' setback standard, we disagree with Staff's interpretation for Via Flora, but nonetheless have added the side street setback request to our application.

Variations

Due to the unique shape of this property, the applicant requests the variations detailed below:

- 1) Gasoline Pump Island Required Queuing (Table 6.A.1.D)
 - Vehicle Queuing at Pump Island. Due to the very unusual triangular shape of the Site, queuing spots are not possible with this application. To accommodate for the lack of queuing additional pumps that will relieve the need to wait for an open pump have been added. The drive isles around the site are 25", which provides sufficient room to circulate on Site, even if a car is waiting to pull into a pump island. Based on their significant experience, the applicant believes the additional pumps create less queuing at the pumps given the Site constraints; removal of pumps would create additional queueing and create site circulation problems. Offering more pumps is the correct mitigation to offset the lack of pump stacking spaces.
- 2) Hours of Operation (Article 5.E.5)

WPB_ACTIVE 8146493.1

Mr. Jon MacGillis

February 14, 2017 (Updated March 14, 2017, April 20, 2017, May 24, 2017, June 26, 2017, July 17, 2017, August 24, 2017, October 11, 2017)

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- Hours of Operation limited to 6am to 11pm for properties within 250' of Residential District. The applicant is proposing to expand their hours of operation to 24 hours a day. Due to the site's proximity to a Residential District on the north side of Atlantic Avenue a variance is required. The edge of the fuel canopy is 112' feet from the center line of Atlantic Avenue. The edge of the canopy will be over 250' feet from the nearest residential structure. In-between the canopy and nearest residential structure exist the 120' right of way for Atlantic Avenue (which is classified as an Urban Principal Arterial Road), and a mature landscape buffer with wall on the adjacent residential parcel. This application is providing the required right of way landscape buffer along Atlantic Avenue which will greatly improve the streetscape and buffering for this section of the Atlantic Avenue corridor. Currently, there are no trees or landscaping along Atlantic Avenue for this site

3) Minimum Setbacks (Table 3.E.3.D)

This application request a setback variance a side street setback. The variance is the result of the irregular triangular shape of the lot. An exhibit demonstrating how the Code required buffers, setbacks and other site design requirements create an unusual hardship unique to this Site is attached as **Exhibit "B."** This project is an in-fill project. The immediate area does not have a convenience store with gas sales and because the entire area is built-out, only infill sites are available for redevelopment. Developing infill sites requires creative design, planning and sometimes variances to make a site work. This application provides a safe, creative plan that brings a much needed amenity to the surrounding neighborhood.

4) Width of R-O-W buffer (Table 7.F.7-A-5)

This application is providing a 10' x 30' bus shelter easement to Palm Tran for their future use. The bus shelter must be located along Atlantic Avenue and the site's unique geometry and small size make it impossible to provide a 20' R-O-W buffer and the bus shelter without an overlap of more than 5', which is the maximum allowed by code. Providing additional landscape area behind a bus shelter is counterproductive as that landscaping will be blocked by the bus shelter. Additionally, R-O-W serve the public, they screen uses and beautify the streetscape, bus shelters are also a public use, as they promote public transit. We believe a Code Text Amendment should be initiated by the County to allow bus shelter

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easements to overlap R-O-W buffers because R-O-W Buffers & Bus Shelters are public services and a property owner should not be penalized for providing a bus shelter on their property. The County should make it as easy as possible for property owners to provide bus shelters, because this will allow more bus shelters which in turn promotes more public transit usage. It is important to note that even with the bus shelter encroachment this site provides 10' of unobstructed R-O-W area for planting behind the bus shelter.

The specific ULDC standards for variances are addressed in the attached **Variance Standards Reply**, attached at **Exhibit "A."**

Waivers

Due to the unique shape of this property, the applicant has requested a waiver from Article 6.B.1.H (Form #19 was submitted with first submittal). The waiver may be requested pursuant to Article 6.B.1.H.7(a)(2) and the proposed requested waiver complies with the maximum waiver allowed, pursuant to 6.B.1.H.7(b):

- Loading
 - Loading Bay Size. Loading bays are normally 15 feet wide by 55 feet long to accommodate a typical semi-trailer. Given the small size of the convenience store designed only to serve the neighborhood, the Site will not be serviced by full size semi-trucks. Therefore, a smaller than normal loading bay is requested. A stall of 12' x 18.5' is all that is needed for the small convenience store.

The specific ULDC standards for waivers are addressed in the attached **Waiver Standards Reply**, attached as **Exhibit "E."**

With this application, the Plaza will continue to operate as approved; no change or modification to the Plaza is proposed with this application. The application also complies with the Code standards for Gas and Fuel Sales, Retail, Convenience Store, Class A Conditional Use and the Development Order Amendment standards. The **Gas and Fuel Sales, Retail Standards** are attached to this letter as **Exhibit "F."** The Class A Conditional Use/**Development Order Amendment Standards** are attached to this letter as **Exhibit "G."** The **Convenience Store Standards** are attached to this letter as **Exhibit "H."**

WPB_ACTIVE 8146493.1

Exhibit "A"
VARIANCE STANDARDS REPLY

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district.

1) Gasoline Pump Island Required Queuing (Table 6.A.1.D)

- **Vehicle Queuing at Pump Island.** Due to the very unusual triangular shape of the Site, traditional stacking bay are not possible with this application. To accommodate for the lack of stacking additional pumps that will relieve the need to wait for an open pump have been added. The drive isles around the site are 25', which provides sufficient room to circulate on Site, even if a car is waiting to pull into a pump island. Based on their significant experience, the applicant believes the additional pumps create less queuing at the pumps given the Site constraints; removal of pumps would create additional queuing and create site circulation problems. Offering more pumps is the correct mitigation to offset the lack of pump stacking spaces.

2) Hours of Operation (Article 5.E.5)

- Due to the site's proximity to a Residential District on the north side of Atlantic Avenue a variance is required. The edge of the fuel canopy is 112' feet from the center line of Atlantic Avenue. The edge of the canopy will be over 250' feet from the nearest residential structure. In-between the canopy and nearest residential structure exist the 120' right of way for Atlantic Avenue (which is classified as an Urban Principal Arterial Road), and a mature landscape buffer with wall on the adjacent residential parcel. This application is providing the required right of way landscape buffer along Atlantic Avenue which will greatly improve the streetscape and buffering for this section of the Atlantic Avenue corridor. Currently, there are no trees or landscaping along Atlantic Avenue for this site.

WPB_ACTIVE 8146493.1

Mr. Jon MacGillis

February 14, 2017 (Updated March 14, 2017, April 20, 2017, May 24, 2017, June 26, 2017, July 17, 2017, August 24, 2017, October 11, 2017)

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3) Minimum Setbacks (Table 3.E.3.D)

This application request a setback variance a side street setback. The variance is the result of the irregular triangular shape of the lot. An exhibit demonstrating how the Code required buffers, setbacks and other site design requirements create an unusual hardship unique to this Site is attached as Exhibit "B." This project is an in-fill project. The immediate area does not have a convenience store with gas sales and because the entire area is built-out, only infill sites are available for redevelopment. Developing infill sites requires creative design, planning and sometimes variances to make a site work. This application provides a safe, creative plan that brings a much needed amenity to the surrounding neighborhood.

4) Width of R-O-W buffer (Table 7.F.7-A-5)

The site's unique geometry and small size make it impossible to provide a 20' R-O-W buffer and the bus shelter without an overlap of more than 5', which is the maximum allowed by code. Providing additional landscape area behind a bus shelter is counterproductive as that landscaping will be blocked by the bus shelter. Additionally, R-O-W serve the public, they screen uses and beautify the streetscape, bus shelters are also a public use, as they promote public transit. This site still provides 10' of unobstructed landscape area for buffer planting behind the bus shelter.

2. Special circumstances and conditions do not result from the actions of the applicant.

1, 2,3, & 4- As discussed, the requested variances result from the triangular shape of the Site that was created by the previous development approval over thirty years ago, long before 7-Eleven became involved.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district.

1, 2, &3, & 4- No special privilege would be conferred on this applicant by the approval of these variances. Any other property owner with the same or similar circumstances could request the same relief.

WPB_ACTIVE 8146493.1

Mr. Jon MacGillis

February 14, 2017 (Updated March 14, 2017, April 20, 2017, May 24, 2017, June 26, 2017, July 17, 2017, August 24, 2017, October 11, 2017)

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4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

1, 2, &3, & 4- Complying with the Code design regulations would create a significant hardship for this applicant because it could not be done without removing the entire buildable area for the convenience store, as demonstrated in the Building Setback Diagram, Exhibit B of the Justification Statement.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

1, 2, &3, & 4- 7-Eleven is one of the very few companies who can successfully utilize a triangular shaped building. 7-Eleven is proposing a 2,993 square foot triangle shaped convenience store at this Site, which is smaller than its typical footprint and the minimum required for a viable use of the Site. While the triangle shaped building does fit well for the Site, the Site design standards still require 7-Eleven to request variances. As demonstrated on the Site Plan the placement of the store is pushed to the very limits of the buildable area. A denial of the variances would not make the reasonable use of the parcel possible.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.

1, 2, &3, & 4- The Comprehensive Plan and the ULDC allow and encourage commercial uses where appropriate. They also encourage 'infill' development and the re-development of existing commercial properties. The ULDC in particular recognizes that not all properties are the same and that unique circumstances can sometimes arise which require variance relief. The granting of the requested variances are be consistent with these goals, particularly as it will allow for an infill development that will help re-develop and revitalize a portion of an existing MUPD.

7. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

1, 2, &3, & 4- The variances will provide the opportunity to enhance the neighborhood and provide a needed service to local residents and

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businesses. The proposed 7-Eleven convenience store with gas sales is different than previous requests. Twenty years ago, the Board of County Commissioners denied an application to build an Amoco gas station with car wash at this Site. It is important to note that the proposed 7-Eleven application is extremely different than the previous Amoco application. First, gas stations in general have changed significantly over the last decade. Consumer demand has required gas stations to change their business model. Gas stations must now offer the amenities consumers expect and demand. The modern 7-Eleven convenience store features amenities and products that consumer's desires such as gourmet sandwiches, coffees, pastries and other local consumer needs. The new model also provides state of the art technology and security to provide a safe environment for neighbors to visit. The new 7-Eleven convenience store is first a neighborhood market and gathering place, then a gas station.

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Exhibit "G"
Development Order Amendment Standards Reply

1. Consistency with the Plan

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

The proposed use complies with the County's Comprehensive Plan. This property is designated CH/8. The County's Comprehensive Plan Future Land Use Element provides for "a wide range of uses, intended to serve a community and/or regional commercial demand" within Commercial High Intensity (CH) Land Use designations. The Comprehensive Plan also encourages infill development such as the proposed plan. The proposed infill development of this long-standing vacant site complies with all building and structural intensities.

2. Consistency with the Code

The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.

The application complies with the County's Unified Land Development Code ("ULDC"). The Site Plan provided with this application demonstrates compliance with the ULDC, including certain required variances.

Article 1: The subject site was created as part of a Special Exception that approved a Planned Commercial Development (PCD). PCD's were subsequently converted to MUPD's by the County. The subject site, and the existing Peach Tree Plaza shopping center was legally created through Resolution No. 84-1845. Any nonconformity in regards to lot width, length or area for the subject site is now considered a legal nonconformity. The site has never been developed therefore there are no nonconforming structures. The affected area for the project is the one acre site, the remaining portion of the existing shopping center is not affected with this proposal. An existing legal non-conformities table for the existing shopping center has been provided for reference.

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Article 2: The new Code provisions approved by Resolution No. 2017-007 have been applied to this application. This application is requesting a Class A Conditional Use for the Gas and Fuel Sales, Retail use and the Convenience Store use is a permitted use within MUPD zoning. The application complies with all of the required standards for each proposed use, a full set of standard reply documents has been provided with this application.

Article 3: The district standards for the project are provided on the site plan, any standard which is not met is subject of a requested variance or waiver. A complete set of variance and waiver forms and standard reply documents are included with this application for those district standards that cannot be met. An approval letter from the Delray Villas HOA has been included and meetings have been had with the Delray Alliance and other adjacent neighborhood associations.

Article 4: The application complies with all of the Specific Use Regulations for Gas and Fuel Sales, Retail and Convenience Store. At least 50% of the parking is adjacent to the building. A Market Map which includes a 1 mile radius of all existing gas stations has been included with this application.

Article 5: A complete set of Architectural Drawings which comply with the architectural design regulations has been provided with this application. A variance has been requested to allow for 24 hour sales. The site complies with all intersection/location criteria.

Article 6: A variance has been requested for gas station queuing spaces and a Type I waiver has been requested for reduction of size for the loading space.

Article 7: A variance has been requested for the Via Flora street setback and the Atlantic Avenue R-O-W buffer. The very unique triangle shape of the site requires variances to comply with other design regulations. The variances requested are the minimal variance needed to develop the site.

Article 8: The sign plan information has been included on the Preliminary Master Sign Plan. Existing signage for the site has been included and the proposed signage for the project complies with all sign regulations found in Article 8 of the Code.

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3. Compatibility with Surrounding Uses

The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

The project is located on West Atlantic Avenue, which is classified as an Urban Principal Arterial. Convenience stores with gas sales are an appropriate use for commercially designated property along Urban Principal Arterial roads. The project is surrounded by other commercial uses to the south and west and an institutional use to the east. The residential community to the north is separated from the project by buffers and West Atlantic Avenue.

4. Design Minimizes Adverse Impact

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The application will not adversely affect properties within the area. The area is a commercial corridor for a Palm Beach County Urban Principal Arterial road. The proposed use at this Site is on an outparcel of a long existing shopping plaza and will help improve the commercial viability of the area. The project complies with all Palm Beach County ULDC standards and intensity restrictions except for a few dimensional matters, which meet the requirements for a variance. The Site was designed so that the fueling positions front West Atlantic Avenue, with the building is located at the south end of the Site, as far as possible from the residential units to the north across West Atlantic, limiting impacts to neighboring properties. In addition, the application will result in new landscaping along the rights of way and within the site, which will enhance the neighborhood aesthetics.

5. Design Minimizes Environmental Impact

The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

The site was cleared over 30 years ago when the Peach Tree Plaza was constructed. The natural environment has already been disturbed. The proposal will not impact the natural environment. New landscaping and new structures will improve the appearance of the site.

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6. Development Patterns

The proposed use or amendment will result in a logical, orderly and timely development pattern.

A convenience store with gas sales along a Palm Beach County Urban Principal Arterial road is appropriate and will result in a logical development pattern.

7. Adequate Public Facilities

The extent to which the proposed use complies with Art. 2.F, Concurrency.

The application meets the capacity of all applicable public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, and emergency medical facilities.

8. Changed Conditions or Circumstances

There are demonstrated changed conditions or circumstances that necessitate a modification.

The Peach Tree Plaza was constructed over three decades ago. Since the development of the Plaza, the surrounding community has been built-out without a local convenience store with gas sales for the residents in this area. The nearest convenience stores with gas sales facilities are 1 mile to the east and 2 miles to the west of this site. A demand for a new state-of-the-art convenience store with gas sales exists for the residents of this area. This requires an amendment to bring a new use to the neighborhood.

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Exhibit "A"
VARIANCE STANDARDS REPLY

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district.

1) Gasoline Pump Island Required Queuing (Table 6.A.1.D)

- **Vehicle Queuing at Pump Island. Due to the very unusual triangular shape of the Site, queuing spots are not possible with this application. However, at the request of the Zoning Commission at their December hearing the applicant has redesigned the site to accommodate 75% of the required queuing. To accommodate the Zoning Commissions concern the fuel canopy has been reduced from a double loaded canopy to a single loaded canopy. The number of fueling positions has been reduced from 16 fueling positions to 12 fueling positions. The original design requested an 100% variance for queuing, now we are only requesting a 25% variance for queuing. We need 20' on each side of the pump for a total of 40' of queuing, the new design provides for 30' of total queuing. We provide 20' of queuing on the south side of the canopy and 10' of queuing on the north side of the canopy. The site's unique configuration is the reason for the variance, you do not find triangle shaped lots in the development world because they are extremely difficult to design. We have worked diligently with staff and the neighborhood to design a project that meets the ULDC as much as possible while still providing the high quality project the neighbors deserve. Our client did not create the lot, it was created over 30 years ago and has sat vacant that entire time because it's unique shape creates a difficult configuration to develop.**

2) Hours of Operation (Article 5.E.5)

- **Due to the site's proximity to a Residential District on the north side of Atlantic Avenue a variance is required. The edge of the fuel canopy is 112' feet from the center line of Atlantic Avenue. The edge of the canopy will be over 250' feet from the nearest residential structure. In-between the canopy and nearest residential structure exist the 120'**

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right of way for Atlantic Avenue (which is classified as an Urban Principal Arterial Road), and a mature landscape buffer with wall on the adjacent residential parcel. This application is providing the required right of way landscape buffer along Atlantic Avenue which will greatly improve the streetscape and buffering for this section of the Atlantic Avenue corridor. Currently, there are no trees or landscaping along Atlantic Avenue for this site.

3) Minimum Setbacks (Table 3.E.3.D)

This application request a setback variance a side street setback. The variance is the result of the irregular triangular shape of the lot. An exhibit demonstrating how the Code required buffers, setbacks and other site design requirements create an unusual hardship unique to this Site is attached as Exhibit "B." This project is an in-fill project. The immediate area does not have a convenience store with gas sales and because the entire area is built-out, only infill sites are available for redevelopment. Developing infill sites requires creative design, planning and sometimes variances to make a site work. This application provides a safe, creative plan that brings a much needed amenity to the surrounding neighborhood.

4) Width of R-O-W buffer (Table 7.F.7-A-5)

The site's unique geometry and small size make it impossible to provide a 20' R-O-W buffer and the bus shelter without an overlap of more than 5', which is the maximum allowed by code. Providing additional landscape area behind a bus shelter is counterproductive as that landscaping will be blocked by the bus shelter. Additionally, R-O-W serve the public, they screen uses and beautify the streetscape, bus shelters are also a public use, as they promote public transit. This site still provides 10' of unobstructed landscape area for buffer planting behind the bus shelter.

2. Special circumstances and conditions do not result from the actions of the applicant.

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1, 2, 3, & 4- As discussed, the requested variances result from the triangular shape of the Site that was created by the previous development approval over thirty years ago, long before 7-Eleven became involved.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district.

1, 2, &3, & 4- No special privilege would be conferred on this applicant by the approval of these variances. Any other property owner with the same or similar circumstances could request the same relief.

4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

1, 2, &3, & 4- Complying with the Code design regulations would create a significant hardship for this applicant because it could not be done without removing the entire buildable area for the convenience store, as demonstrated in the Building Setback Diagram, Exhibit B of the Justification Statement.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

1, 2, &3, & 4- 7-Eleven is one of the very few companies who can successfully utilize a triangular shaped building. 7-Eleven is proposing a 2,993 square foot triangle shaped convenience store at this Site, which is smaller than its typical footprint and the minimum required for a viable use of the Site. While the triangle shaped building does fit well for the Site, the Site design standards still require 7-Eleven to request variances. As demonstrated on the Site Plan the placement of the store is pushed to the very limits of the buildable area. A denial of the variances would not make the reasonable use of the parcel possible.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.

1, 2, &3, & 4- The Comprehensive Plan and the ULDC allow and encourage commercial uses where appropriate. They also encourage 'infill'

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development and the re-development of existing commercial properties. The ULDC in particular recognizes that not all properties are the same and that unique circumstances can sometimes arise which require variance relief. The granting of the requested variances are be consistent with these goals, particularly as it will allow for an infill development that will help re-develop and revitalize a portion of an existing MUPD.

7. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

1, 2, &3, & 4- The variances will provide the opportunity to enhance the neighborhood and provide a needed service to local residents and businesses. The proposed 7-Eleven convenience store with gas sales is different than previous requests. Twenty years ago, the Board of County Commissioners denied an application to build an Amoco gas station with car wash at this Site. It is important to note that the proposed 7-Eleven application is extremely different than the previous Amoco application. First, gas stations in general have changed significantly over the last decade. Consumer demand has required gas stations to change their business model. Gas stations must now offer the amenities consumers expect and demand. The modern 7-Eleven convenience store features amenities and products that consumer's desires such as gourmet sandwiches, coffees, pastries and other local consumer needs. The new model also provides state of the art technology and security to provide a safe environment for neighbors to visit. The new 7-Eleven convenience store is first a neighborhood market and gathering place, then a gas station.

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REPLY: There are no retail gas or convenience stores with gas sales at the intersection of West Atlantic Avenue and Via Flora.

2) Separation Criteria

Retail Gas and Fuel shall be separated from any other Retail Gas and Fuel, or Convenience Store with Gas Sales pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004] [Ord. 2011-016]**

REPLY: There are no other retail gas and fuel sales or convenience store with gas sales within the immediate area, therefore separate criteria did not apply.

3) CL FLU in U/S Tier

Where permitted in a Use Matrix, Retail Gas and Fuel with a CL FLU designation shall comply with [Article 5.E.1, Major Intersection Criteria](#). **[Ord. 2006-004] [Ord. 2011-016]**

REPLY: Not applicable.

4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers

Where permitted in a Use Matrix, Retail Gas and Fuel shall be located within 1,000 feet of the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. **[Ord. 2006-004] [Ord. 2011-016]**

REPLY: Not applicable.

5) WCRA Overlay

Retail Gas and Fuel is prohibited in the NR, NRM, and NG sub-areas, as per [Table 3.B.14.E – WCRAO Sub-area Use Regulations](#). **[Ord. 2006-004] [Ord. 2011-016]**

REPLY: Not applicable.

6) a) I-95 Interchange Exemption

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above. **[Ord. 2012-027]**

REPLY: Not applicable.

b) MUPD

Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

- 1) Required Perimeter Landscape Buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and,
- 2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with

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