



February 5, 2019

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RE: 7-ELEVEN (34785) CONDITIONAL USE PERMIT – STANDARDS FOR EVALUATING CONDITIONAL USES

Mr. Breese,

On behalf of the 7-Eleven, Inc. ("Applicant"), we are pleased to submit this letter in support of the conditional use application for a property located at 4798 N. Congress Avenue (the "Subject Property"). The letter responds to the Standards for Evaluating Conditional Uses as outlined by City of Boynton Beach Land Development Regulation Chapter 3, Article IV, Section 4, C. Standards, and as required by Section III of the Conditional Use Application. Chapter 3, Article IV, Section 4, C. indicates:

In evaluating an application for conditional use, the Board and Commission shall consider the effect of the proposed use on the general health, safety, and welfare of the community and make written findings certifying that satisfactory provisions have been made concerning all of the following standards, where applicable.

The following numbered list identifies each standard from the code and below each standard, in bold text, we provide a response:

1. Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Response: The Subject Property is currently developed with a convenience store, gas station, and car wash. The proposed redevelopment of the site includes demolishing the existing structures on the site and redeveloping the convenience store and pump canopy in a different configuration. With the redevelopment, the Applicant proposes to reconfigure the site to improve vehicle and pedestrian access from both the adjacent roads and from the adjacent shopping center.

Access to Congress Avenue

Vehicles currently access the site from Congress Avenue via an existing driveway with right-in ingress and right-out egress capabilities. The proposed redevelopment plan will relocate the driveway further south to increase the distance between the driveway and the intersection. It will also remove the egress component of this driveway. Both actions increase safety. Drivers who want to exit to Congress Ave. can do so using the shopping center's internal driveway. The shopping center has one driveway with access to Congress Ave. and an additional access point is available to motorists further south at Plaza Lane.

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Access to Hypoluxo Road

The site currently has a driveway on Hypoluxo Road with vehicle ingress and egress. The proposed site reconfiguration proposes to maintain the ingress and egress access and location of the existing driveway. However, the proposed redevelopment plan increases the length of the driveway to increase safety. Pedestrian access is also improved via a sidewalk that connects the convenience store to Hypoluxo Road and the larger pedestrian network in the area.

Cross Access Changes

The Applicant proposes to remove the internal, cross access on the north side of the property. This access currently provides one-way circulation from west-to-east. The proposed redevelopment plans improve the southern internal cross access from the property to the contiguous shopping center. These improvements include clearer pavement markings, channelization, and updated wayfinding signage. Overall, the site is reconfigured to improve circulation and increase safety for all customers entering, exiting, and remaining on the site.

2. Off-street parking and loading areas where required, with particular attention to the items in subsection C.1. above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole;

Response: The proposed site plan improves the site's off-street parking configuration. The new parking locations consolidate parking in two areas and clarify parking with clear markings. Most of the parking spaces are located in front of the convenience store. Overflow parking is located in a safe area on the north side of the property. The proposed parking areas eliminate the existing conflict between existing parking areas, traffic entering the site from Congress Avenue, and vehicle queuing for the car wash. The proposed parking configuration improves glare, noise, and lighting effects. Light emanating from vehicles on the property will decrease because most of the parking is currently located at the perimeter of the property, while most of the proposed parking on the new site plan faces the building rather than adjacent properties. The proposed loading area is clearly delineated in a location close to the store. Lighting associated with the parking and loading areas is intended to provide a safe, CPTED-supportive condition for people fueling vehicles and walking between the pumps and convenience store. The redevelopment removes the automatic car wash, which will decrease noise. Parking will not affect odor or economic effects.

3. Refuse and service areas, with particular reference to the items in subsection C.1. and C.2. above;

Response: The refuse area is located behind the proposed building and is expected to improve the access to the area for refuse trucks. The proposed refuse area will not affect adjacent properties more than existing conditions.

4. Utilities, with reference to locations, availability, and compatibility;

Response:

Water - An existing 2-inch water meter that supplies the existing building will be used to supply the proposed building. The water meter on the east side of the site is approximately 72 feet north of the south property line.

Sanitary Sewer - An existing 6-inch sanitary sewer lateral that connects to an existing 8-inch gravity sewer system and services the existing building will be used to service the proposed building. The manhole is located near the southeast corner of the site and the sewer lateral runs along the east side of the site approximately 12 feet from the east property line.

Drainage - An existing drainage structure that connects the existing site's drainage system to that of the shopping plaza will be used to connect the proposed site's drainage system to that of the shopping plaza. The existing structure is located near the east property line approximately 29 feet north of the south



property line.

5. Screening, buffering and landscaping with reference to type, dimensions, and character;

Response: The north and west buffer consists of sabal palms and native trees of varying heights to create a tiered landscape screening of the property. The shrub layer consists of a continuous native hedge along the street frontage of the property combined with drought tolerant groundcover. Signature flowering shrubs mark the ingress and egress of the property. The landscape design includes plants that support butterfly ecology. The south buffer consists of existing native trees and proposed canopy trees. A continuous hedge with groundcover fill the landscape area on the south property line. Florida Privet hedges have been used to screen the dumpster enclosure and layered shrubs are used to soften the foundation area of the building.

6. Signs, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and nearby properties;

Response: All proposed signage will comply with the City's requirements that are outlined in the Land Development Regulations. The signage will be harmonious with adjacent and nearby properties.

7. Required setbacks and other open spaces;

Response: The proposed building and canopy are setback from the right-of-way and from adjacent property lines to meet the City's Land Development Code requirements. These setbacks include Special Gas Station standards in Chapter 3. Article 4. Section 3.D.46.b.2. The site contains an 80-foot easement, which ensures that structures are setback more than the required amount along Hypoluxo Road. The proposed site plan includes more than 29 percent open space / pervious surface.

8. General compatibility with adjacent properties, and other property in the zoning district;

Response: The proposed use is the same as the existing use: both are convenience stores with gas station. Since this use is a replacement of the existing use, and the existing use is compatible with adjacent properties, the proposed use is compatible with adjacent properties. The proposed site plan also removes the car wash use, which reduces the number of uses and structures on the property. Furthermore, the subject property is located in a commercial area at the intersection of two high-traffic, arterial county roadways (Congress Ave. – Urban Principal Arterial (U-PA); Hypoluxo Rd. – Urban Minor Arterial(U-MA)). No residential development is adjacent to the site.

9. Height of buildings and structures, with reference to compatibility and harmony to adjacent and nearby properties, and the city as a whole;

Response: The proposed building is one-story, and it is replacing a one-story building. The surrounding commercial area is comprised of low-elevation commercial structures between one (1) and two (2) floors. The proposed building is consistent with the surrounding area.

10. Economic effects on adjacent and nearby properties, and the city as a whole;

Response: The redevelopment of the property could be expected to increase the values of adjacent properties because new construction and redevelopment typically signals that property is more desirable. The development will likely be more valuable than the existing development, which would increase tax revenues for the City.

11. Where applicable, the proposed use furthers the purpose and intent of a corresponding mixed use zoning district or redevelopment plan; and

Response: Not applicable. The property is in a commercial zoning district.



12. Compliance with and abatement of nuisances and hazards in accordance with the operational performance standards as indicated in [Chapter 3, Article IV, Section 1](#) and the Noise Control Ordinance, and City Code of Ordinances [Part II, Chapter 15](#), Section [15-8](#).

Response: The proposed development is compliant with the operational performance standards in Chapter 3, Article IV, Section 1. The proposed redevelopment is the same use as the existing development, but the redevelopment effort will ensure that improvements are made to the various site components. The proposed redevelopment will also remove the existing automatic car wash. This car wash will not be replaced, thus reducing the externalities associated with that use and structure.

