

**Grady Minor**

Civil Engineers • Land Surveyors • Planners • Landscape Architects

7-Eleven Store No. 42251**Administrative Variance Request – List of Requests and Justifications***Revised July 2024*

Deviation 1: Deviation 1 seeks relief from LDC Section 34-1353.e.1, for Automobile Service Stations street-right-of-way buffer landscaping, which requires landscaping adjacent to rights-of way external to the development project be located within a landscape buffer that is a minimum of 25 feet in width to include 5 canopy trees per 100 linear feet with a minimum 14 feet in height to instead allow 5 canopy trees per 100 linear feet with a minimum 14 feet in height to be planted within a 20 foot width area along US 41 and a 15 foot width area along Island Park Road.

JUSTIFICATION: The existing site was permitted together with the Island Park Shopping Center under one Development Order per DO 84-08-021-00D even though it was a separate parcel. Along the entire extent of US 41 the landscape buffer was consistent for the shopping center and the previous bank parcel with a 10 foot type A buffer. Along Island Park Road the buffer was also consistent between the shopping center and the previous bank parcel with a 15 foot type B buffer. This request proposes to enhance the buffer plantings substantially from what exists today and provides the same plantings required for a convenience store with fuel pumps. The trees that are able to be saved along US 41 are proposed to remain due to the extent of various infrastructure abutting the ROW/Property Line. Over time the areas abutting the property line and right of ways have become widespread with overhead power, gas, water main, fiber, and other dry utilities. It is anticipated some of the existing tree roots may have expanded and it is proposed to keep them as to limit disruption to services at the property line. This deviation will also facilitate redevelopment of a site which is currently a demolished building pad with parking around the perimeter.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 2: Deviation 2 seeks relief from LDC Section 34-1353.e.2, for Automobile Service Stations street-right-of-way buffer landscaping, which requires an undulating berm with a maximum slope of 3:1 at a minimum of two feet in height constructed along the entire length of the landscape buffer to instead allow an undulating berm two feet in height to not be constructed adjacent to Island Park Road or US 41.

JUSTIFICATION: The addition of up to two feet of fill to create an undulating berm would negatively affect existing trees proposed to remain along US 41. It is anticipated the plantings would not withstand the addition of the fill. Also, this deviation supports the re-

development of the shopping center to impact less area and be more consistent with the existing buffers that they will adjoin.

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Deviation 3: Deviation 3 seeks relief from LDC Section 10-285 Table 1, Connection Separation, which requires future suburban areas along a functional classification of major collector (Island Park Road) to be 330 feet to instead allow a 285 foot separation from the proposed Island Park Road revised ingress/egress to US 41 and a 182 foot separation to the existing southwest ingress/egress to the Island Park Road Shopping Center.

JUSTIFICATION: The proposed revised ingress/egress along Island Park Road was coordinated with LeeDOT through phone calls, emails, and an in-person meeting on November 30th, 2021. The location shifts the ingress/egress to the southwest along Island Park Road to provide additional connection separation from US 41 as was requested in the aforementioned meeting. Please note the site currently has an ingress/egress location 181 feet from US 41 and 292 feet from the existing southwest ingress/egress to the Island Park Road Shopping Center. This configuration provides an additional 107 feet between US 41 and the ingress/egress which was of prominent concern at the LeeDOT meeting.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 4: Deviation 4 seeks relief from LDC Section 34-2020.b, required parking spaces for non-residential uses, which requires 470 spaces for the shopping center and the proposed 7-Eleven Store No. 42251 to instead allow a 9.2% reduction in parking for a total of 427 spaces.

JUSTIFICATION: Lee Tran Bus Stop number 1563 is located in front of the shopping center along Route 140 per the LeeTran System map. Pedestrian connectivity along Island Park Road routes patrons to the front of the shopping center. Based on a site visit this stop was utilized by patrons of the shopping center.

Based on the Land Development Code Section 34-2020 there are two columns of which parking may be utilized to determine parking count. They are "minimum spaces for single-use development" or "minimum spaces for multiple-use development". For items of which the multiple use development column was available the count was utilized, however, to get to the closest existing uses within the center not all uses within the column provided a reduction for multiple use as some items in that column were not available. Therefore, there are some uses which are currently counting for the single use development versus multiple use development such as the high school.

One existing use is catering by Savour First Choice Catering. As catering was not listed restaurant use was utilized and totals 33.13 spaces. As it is catering and not a full restaurant the parking count for the actual use will be much less than noted.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 5: Deviation 5 seeks relief from LDC Section 34-2015.1, parking location, which requires all required parking spaces be provided on the same premises to instead allow shared parking between the Island Park Shopping Center and the proposed 7-Eleven Store Number 42251.

JUSTIFICATION: The Island Park Shopping Center and the previous bank on the subject parcel were originally developed under one Development Order; DO 84-08-021-00D. The parking was fully intertwined and calculated together for both parcels. Due to this precedence on the site it is requested to remain as shared parking between the two developments. In the existing and proposed plans the drive aisles as well as parking are seamless between the two projects. The site plan with the previous parking calculations under the aforementioned DO is on page 4 of the shopping center plans and outparcel plans from that DO.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation 6: Deviation 6 seeks relief from LDC Section 10-416.D.1, Landscape buffering adjacent property, which requires a buffer area along the perimeter of proposed development whenever the development abuts a different use to instead allow the southern landscape buffer between the proposed 7-Eleven and the shopping center to be located as shown on the proposed site plan with the required 5' landscape buffer north of the proposed southern access drive rather than the southern property boundary.

JUSTIFICATION: The proposed deviation is order to facilitate health and safety for the project area. Pushing the landscape buffer up will provide a continuous buffer while the remaining shopping center ingress/egress is tied into the proposed access drive on the south side of the project site.

The alternative is based on sound engineering practice. The alternative is also no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the

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deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.