

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**CONDITIONAL USE REQUEST FOR 7 ELEVEN #34798 AT 16000 S. MILITARY
TRAIL**

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

1. This conditional use request came before the City Commission on August 21, 2018. This conditional use request is to allow 7 Eleven #34798 located at 16000 S. Military Trail to establish a convenience mart.

2. The City staff and Applicant presented documentary evidence and testimony to the City Commission pertaining to the conditional use request for 7 Eleven. All of the evidence is a part of the record in this case. Required findings are made in accordance with Sections I and II.

I. COMPREHENSIVE PLAN

a. **Comprehensive Plan – Future Land Use Element Objective A-1:** This objective requires that the property be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

Is Future Land Use Element Objective A-1 met?

Yes _____ No _____

b. **Future Land Use Map**: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map. The subject property has a Future Land Use Map designation of GC (General Commercial) and a zoning designation of PC (Planned Commercial).

Is the project's proposed location consistent with the Future Land Use Map?

Yes _____ No _____

c. **Concurrency**: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Are the concurrency requirements met with respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste, and schools?

Yes _____ No _____

d. **Consistency**: Will the granting of the conditional use be consistent with and further the goals and policies of the Comprehensive Plan?

Yes _____ No _____

II. **LDR REQUIREMENTS:**

a. **LDR Section 2.4.5(E) Required Findings (Conditional Use)**: Pursuant to Section 2.4.5(E)(5), in addition to the provisions of Chapter 3, the City Commission must determine that the conditional use will not:

- i. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- ii. Hinder development or redevelopment of nearby properties.

Are the requirements of Section 2.4.5(E)(5) met?

Yes _____ No _____

3. The comments and notes set forth in the staff report are hereby incorporated herein.

4. At its meeting of August 20, 2018, the Planning and Zoning Board considered the conditional use request and voted 5 to 0 to recommend approval of the conditional use, based upon positive findings.

5. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the conditional use request was submitted.

6. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained

in the record including but not limited to the staff reports and testimony of experts and other competent witnesses supporting these findings.

7. Based on the entire record before it, the City Commission approves ____ denies ____ the conditional use request set forth above subject to the conditions set forth in Exhibit A, attached hereto and made a part hereof, and hereby adopts this order this 02 day of October, 2018 by a vote of ____ in favor and ____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

R. Max Lohman, City Attorney

EXHIBIT A

**TO THE CONDITIONAL USE REQUEST FOR 7 ELEVEN AT 16000 S. MILITARY
TRAIL**

LIST CONDITIONS OF APPROVAL

1. Prior to being placed on the agenda for the Site Plan Review and Appearance Board (SPRAB), the proposed development must meet the Traffic Performance Standards of Palm Beach County.