



SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: February 27, 2019

File No.: 2018-071-
SPF-SPR-CL 5

Application Type: Class V Site Plan, Landscape Plan,
Architectural Elevations– 7-Eleven

General Data:

Agent/Applicant: Shane Laakso, Keith and Associates

Owner: 7-Eleven, Inc.

Location: 16000 S. Military Trail, Linton Oaks Square

PCN: 12424625100030000

Property Size: 0.93 Acres

FLUM: GC (General Commercial)

Zoning: PC (Planned Commercial)

Adjacent Zoning:

- North: PC
- South: CF (Community Facilities)
- East: POC (Planned Office Center)
- West: PC

Existing Land Use: 24-hour Convenience Mart

Proposed Land Use: 24-hour Convenience Mart

Item before the Board:

The action before the Board is the consideration of a Class V Site Plan application for the **7-Eleven located at 16000 S. Military Trail** pursuant to LDR Section 2.4.5 (F), including the following:

- ☐ Site Plan
- ☐ Landscape Plan
- ☐ Architectural Elevations



Staff Recommendations

By separate motions:

Site Plan:

Move approval of the Class V Site Plan Modification (2018-071) for **7-Eleven located at 16000 S. Military Trail**, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations with the following Condition of Approval:

1. Prior to building permit issuance, the portion of Utility Easement PB 51, PG 118, located under the proposed building must be abandoned.

**Note: If the site plan is denied, no further action shall be taken on the landscape plan or architectural elevations due to potential inconsistencies.*

Landscape Plan:

Move approval of the Landscape Plan for **7-Eleven located at 16000 S. Military Trail**, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 4.6.16.

Project Planner:

Christine Stivers, Senior Planner;
stiversc@mydelraybeach.com,
561-330-6056

Review Dates:

GIAB: 7-19-18

Attachments:

1. Site Plans
2. Elevations
3. Landscape Plan



Architectural Elevations:

Move approval of the Architectural Elevations for **7-Eleven located at 16000 S. Military Trail**, by adopting the findings of fact and law contained in the staff report and finding that the request meets criteria set forth in LDR Section 4.6.18(E).

Background:

The 0.93 acre subject parcel is Tract C of Linton Oaks Square, an 8.8 acre shopping center as recorded in Plat Book 51, Page 118 of the public records of Palm Beach County. The property is zoned Planned Commercial (PC) with a Future Land Use Map designation of General Commercial (GC). In early 1985, the vacant site was annexed into the City. In March of 1985, the City approved a land use amendment changing the designation from single family to commercial. Concurrently, a Conditional Use to allow a service station (convenience mart per current code) and the shopping center site plan was reviewed and approved. A service station with no mechanical repairs was approved as a conditional use. The approved site plan for the shopping center consisted of 62,080 sf of retail space and three outparcels, including a service station, financial establishment and a restaurant.

In November of 1985, a site plan modification was approved to accommodate development of the corner outparcel, the subject parcel (Tract C) as a Mobile Station. In association with the site plan modification approval, a Shopping Center Easement Agreement was recorded providing the subject parcel use of, and mutual benefit from, common parking, parking lot lighting, access over and across all paved drives and parking areas, sidewalks and other pedestrian areas within the Linton Oaks Square. The subject parcel, as well as the entire shopping center, has no residential zoning directly adjacent. PC zoning is located to the north across W. Linton Boulevard; Planned Office Center (POC), is to the east of the shopping center; Community Facilities (CF) is located to the south of the center; PC is to the west across S. Military Trail; and, at the northwest corner of the intersection of S. Military Trail and West Linton Boulevard, there is a residentially zoned development, Multi-family residential (RM) within unincorporated Palm Beach County. Although the distance from the subject parcel to the residentially zoned property is approximately 200 feet, the distance to the closest residential lot is just over 500 feet.

On July 10, 2018, a waiver for minimum structure size in the PC zoning district was granted by City Commission. On August 20, 2018, the Planning Board recommended approval for the Modification of the Conditional Use to demolish the existing facilities to construct a larger convenience mart and increase the number of fueling stations from 4 stations (8 fueling positions) to 8 stations (16 fueling positions). The modification was subsequently approved by City Commission on October 2, 2018.

Project Description:

The applicant has submitted a Class V Site Development plan to construct a Convenience Mart type gasoline station. Pursuant to LDR Section 4.3.3(J)(2), this type of gasoline station falls under the category of Convenience Mart (gasoline station with food sales), which is defined as a gasoline station which also sells foods and convenience items and does not accommodate repair or installation services and where the sale of food and convenience items is secondary to the use as a gasoline station.

The proposed site improvements include the demolition of the existing convenience mart and fuel canopy and the construction of a new 2,538 sf convenience mart with 8 fueling stations (16 fueling positions). The existing connection to the shopping center will be slightly modified to provide parallel parking to replace the existing 90 degree parking along the rear property line that will be removed during construction. 8 parallel spaces are proposed with the remaining parking along the front of the convenience mart. The proposed site plan also depicts an air pump and vacuum as well as a bike rack.

The proposed convenience mart will operate 24 hours a day, seven days a week, as it does currently. LDR Section 4.3.3(VV)(3), 24 hour Businesses, contains additional regulations for new 24 hour Businesses, including the provision of a conditional use approval; however, these additional standards do not apply to 24-hour businesses that were in operation at the time of the adoption of Ordinance No. 41-01. Per Section 1.3.7, any use which is currently allowed as a conditional use in a zoning district but which, prior to September 1, 1990, was an established permitted use shall not be deemed a nonconforming use but shall, without further action be considered a conforming conditional use. As this Mobil Station was established in November 1985 and has been operating 24 hours, the 24-hours of operation is considered a conforming conditional use.

Site Plan Analysis:

The following items identified in the Land Development Regulations shall specifically be addressed by the Site Plan Review and Appearance Board (SPRAB) for final action on the site and development applications/requests, as presented.



The subject property is zoned within the PC Zoning District. A Convenience Mart use has several development standard requirements that supersede the development standards within the PC zoning district. The following table illustrates the required standards for the PC zoning district for this parcel.

	Required	Provided
PC Zoning District, Development Standards		
Lot Depth	100-feet	168-feet
Max Lot Coverage	75%	6%
Min Open Space	25%	30%
Floor Area (Minimum square feet)	6,000 sf	2,538 sf*
Special Landscape Setback-Military Trail and Linton Blvd.(4.3.4(H)(6)(b)(6))	18.24'(Linton),16.98' (S. Military)	18.24' min.(Linton),16.98' min. (S. Military)
PC-Special landscape area	10-feet	10-feet min.

* Waiver granted 7/10/2018 by CC.

Section 4.3.3, Special requirements for specific uses-Convenience Mart:

Pursuant LDR Section 4.3.3(J), a gasoline station is any establishment at which the sale and delivery of fuel to a motor vehicle occurs. Gasoline stations are also classified as to other commercial activities which may occur on the site of the establishment.

Pursuant to LDR Section 4.3.3(J)(2), this gasoline station falls under the category of Convenience Mart (gasoline station with food sales), which is defined as a gasoline station which also sells foods and convenience items and does not accommodate repair or installation services and where the sale of food and convenience items is secondary to the use as a gasoline station.

Pursuant LDR Section 4.3.3(J)(5), the following development standards depicted on the table below apply to sites upon which a Convenience Mart gasoline station is to be located.

Standard	Convenience Mart	Provided
Minimum Lot Area	15,000 Square Feet	40,559 sf (0.93 Ac.)
Minimum Frontage	150 Feet	222.50-feet
Parking Requirements	4.5 / 1,000 Square Feet of Gross Floor Area (12 sp)	21 Spaces
Driveways	There shall be no more than two (2) curb-cuts to any abutting street with a minimum distance of twenty-five feet (25') between curb-cuts. Curb-cuts shall not have a width exceeding thirty-five feet (35'), exclusive of transitions. Curb-cuts shall not be located closer than twenty-five feet (25') to the intersection of the ultimate right-of-way lines at a corner nor closer than fifteen feet (15') from any abutting property line or alley.	The subject parcel is located interior to the shopping center, therefore, the driveway requirement does not apply in this situation.

Pursuant LDR Section 4.3.3(J)(6),the following standards apply to gasoline stations:

- (a) Gasoline dispensers, tanks, dispenser islands, and canopies shall not be located closer than fifteen feet (15') from any property line. When property directly abuts residentially zoned property, gasoline dispensers, tanks, dispenser islands and canopies, signs, or vents shall not be located closer than 40 feet from the property line abutting the residentially zoned property.

The proposed tanks, canopies and dispensers islands exceed 15 feet from the nearest property line. The tanks are approximately 20 feet from the property line and the canopy is approximately 35 feet from the property line. The subject parcel does not abut any residentially zoned property.

- (b) All storage tanks shall be underground.

The existing storage tanks will be removed and replaced with new tanks that will be located underground.



- (c) Lift and repair facilities shall be located within a structure. There are no proposed lift and repair facilities for this use.
- (d) Vending machines are to be located under roof and screened on three sides. Racks containing cans of lubricating oil may be displayed on service islands. Racks or pedestals used for the display of tires shall be located along any side (as opposed to front) of a structure.

No vending machines or tire sales are proposed and oil sales will be conducted inside only. However, CO2 and Propane tanks stored in cages are proposed along the northeast face of the building, which faces West Linton Boulevard. Per LDR Section 4.6.6(C)(2), Outside Storage, materials and equipment stored outside must be screened from view from public rights-of-ways in a manner approved by the Site Plan Review and Appearance Board. The tanks and cages will be screened from Linton Boulevard by the provided landscaping.

Lighting:

The proposed lighting consists of wall fixtures on the building and freestanding poles within the parking area and within the fuel canopy. The fuel canopy faces in towards the existing shopping center away from residential zoning across Linton Boulevard. The proposed values are within the permitted minimum and maximum ranges, which comply with the requirements of LDR Section 4.6.8(B)(3), Illumination Standards.

Minimum Parking Requirements/Loading:

Pursuant to LDR Section 4.3.3, convenience marts shall provide 4.5 parking spaces per 1,000 square feet of gross floor area. Currently, 9 parking space are located along the southern property line of the existing facility. These spaces are part of a shared parking agreement for the Linton Oaks Square shopping center. The applicant is required to provide 12 parking spaces for the proposed 2,538 sf convenience mart, but has provided 21 parking spaces, including one ADA parking space. The total spaces reflect the original approved amount of spaces for Linton Oaks Square plus the additional spaces needed for the expansion of the convenience mart. Anticipated deliveries to the convenience mart will be via box truck and gas tanker. As the structure size of the mart is less than the square footage that requires a loading area, loading will be done within one of the parking spaces. The gas tankers will unload near the tanks. Although the tanker may block one entrance to the mart, two additional entrances will be available for patrons to utilize.

Refuse Enclosure:

Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public rights-of-way. The refuse enclosure does not face a public right of way but faces the interior of the subject parcel. The area is enclosed on three sides and provides gates, meeting the code requirements.

Landscape Analysis:

Pursuant to LDR section 4.6.16(C)(1)(a), prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C). A proposed landscape plan has been submitted and evaluated by the Senior Landscape Planner and found to be in compliance. A tree disposition plan was included with the landscape plans. Removal, relocation and mitigation has been determined for the existing trees. Mitigation was found to be in compliance. To retain a cohesive feel with the shopping center, proposed tree species in the planting islands that border the center used selections that are being used throughout the shopping center.

Architectural Elevations Analysis

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered by the Site Plan Review and Appearance Board (SPRAB) in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.



The elevations are generally in good taste and will not materially depreciate the surrounding environment. The existing center is dated but the earth tones and wall material of the proposed structure are consistent with the existing buildings. Additional detailing has been added to the facades that face the right-of-ways to give the building some visual interest from that perspective. The canopy has been designed to blend with the façade of the proposed structure utilizing like colors, materials and textures. Therefore, positive findings can be made with regard to the criteria listed in LDR Section 4.6.18(E).

Pursuant to **LDR Section 3.1.1 (Required Findings)**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas.

FUTURE LAND USE MAP: The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation.

The subject property has a Future Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Future Land Use Map (FLUM) designation. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map.

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.

A positive finding of concurrency was made including a positive concurrency finding for streets and traffic by the Palm Beach County Traffic Division.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(G)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

As described in Appendix A, a positive finding of consistency can be made as it relates to Development Standards for Site Plan Actions.

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs): Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs is made.

LDR Section 2.4.5(G) (5) - Compatibility (Site Plan Findings): the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The following table indicates the zoning and land use of the properties surrounding the subject parcel:

	Adjacent Zoning	Adjacent Land Use
North	Planned Commercial (PC)	Shopping Center/Financial institutions
South	Community Facilities (CF)	South County Mental Health Center
East	Planned Office Center (POC)	Linton Medical Park
West	PC	Delray Medical Center



The subject parcel is located at the northwest portion of the shopping center. It is immediately bordered on the north by a Lake Worth Drainage District Canal then West Linton Avenue, and to the west, Military Trail. The existing shopping center borders the south and east property lines of the subject parcel. The reconstruction of the convenience mart is not abutting any residential properties, but allowable uses within the PC district. Thus, a finding can be made that the use will not have a detrimental effect upon the stability of the neighborhood, nor will it hinder the development or redevelopment of nearby properties. Therefore, a positive finding can be made with regard to LDR Section 2.4.5(F)(5) that the site plan will be compatible and harmonious with adjacent and nearby properties.

Comprehensive Plan Policies: A review of the goals, objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable objectives or policies were noted.

Future Land Use Element Objective A-1 - Property shall 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.

7 Eleven is proposing a 2,538 sf convenience mart and fueling area with 8 fueling stations. (16 fueling positions). The existing convenience mart is 840 sf with 4 fueling stations. The PC zoning district requires a standalone building to be a minimum of 6,000 square feet. Any expansion of the approved conditional use to obtain this minimum square footage is encouraged. The mart in addition to the canopy is approximately 6,800 sf. This size was the vision of the PC district creation, therefore the site is being redeveloped in a manner appropriate and complementary to the adjacent land uses.

Transportation Element - Policy A-6.2: The approval of a modification to an existing site development plan and/or conditional use shall be conditioned upon the upgrading of its points of access to meet adopted standards.

Pursuant to LDR Section 6.1.4(C)(1-2), the minimum width of a two way driveway is 24 feet. The convenience mart (gasoline station with food sales) parcel has internal access to the shopping center; therefore, access points to the shopping center must meet this minimum width. Both access points to S. Military Trail and West Linton Boulevard are a minimum of 24 feet wide. This access is consistent with the Transportation Element of the Comprehensive Plan and associated policies.

Transportation Element - Policy D-2.2: Bicycle parking and facilities shall be required on all new development and redevelopment.

As mentioned in the project description, the site plan includes the installation of a bicycle rack. The provision of a bicycle rack is consistent with the Transportation Element of the Comprehensive Plan and associated policies.

Review by Others:

The development proposal is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), West Atlantic Redevelopment Coalition (WARC), Historic Preservation Board (HPB), Downtown Development Authority (DDA) or the Community Redevelopment Agency (CRA).

Courtesy Notice:

Courtesy notices have been provided to the following homeowner's associations and/or civic groups:

- Shadywoods

Letters of objection or support, if any, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

Assessment and Conclusion:

The proposed development is consistent with the policies of the Comprehensive Plan and can be found consistent the Land Development Regulations. Also, a positive finding can be made with respect to LDR Section 2.4.5(F)(5), Findings, as the proposed development does not significantly affect surrounding properties. The proposed development is an expansion of an existing use that provides additional fueling stations to negate long wait times, the pedestrian circulation within the subject parcel is safer than what is existing. Improvements are appropriate and will not impact the Center's previously found compatibility with the surrounding area. The use is permitted by an existing conditional use and harmonious with the surrounding shopping center.



Alternative Actions:

- A. Continue with direction.
- B. Move approval of the Class V Site Plan (2018-071), Landscape Plan, and Architectural Elevations Modification for **7-Eleven located at 16000 S. Military Trail**), as amended, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), 2.4.5(I)(5), 4.6.16, 4.6.18(E) and Chapter 3, Performance Standards, of the Land Development regulations.
- C. Move denial of the Class V Site Plan (2018-071), Landscape Plan, and Architectural Elevations Modification for **7-Eleven located at 16000 S. Military Trail**), by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in 2.4.5(F)(5), 2.4.5(I)(5), 4.6.16, 4.6.18(E), and Chapter 3, Performance Standards, of the Land Development regulations.

Staff Report Prepared by: *Christine Stivers, Senior Planner*



APPENDIX "A"-CONCURRENCY FINDINGS:

Pursuant to **LDR Section 3.1.1(B)** 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:

Water and Sewer: The site will connect to an existing 6" water main which transverses through the property and connects within the S. Military Trail right-of-way.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic: A traffic study has been submitted that indicates that the proposed development will generate 1,847 daily trips, whereas the original approval provided for 845 daily trips, therefore, there is an increase of 1,002 daily trips. A finding of concurrency has been received from the Palm Beach County Traffic Division.

Parks and Recreation Facilities: Park dedication requirements do not apply to non-residential uses. Thus, the proposed development will not have any impact with respect to this standard.

Solid Waste: The existing convenience mart use (845 sf), generated 15.5 tons of solid waste per year. The proposed improvements (2,538 sf) will generate 46.6 tons of solid waste per year. The development proposal will result in a 31.1 ton decrease. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2048.

Drainage: Drainage will be accommodated on site. There are no problems anticipated to bring the site into compliance with South Florida Water Management District (SFWMD) requirements in efforts to obtain a surface water permit.

Drainage will be accommodated on site. No problems for adjacent properties are anticipated with respect to drainage as it relates to this standard.



APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)

- A. Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent



- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.
- ☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent