

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

**CONDITIONAL USE
FOR MURPHY OIL
AT 16211 S. MILITARY TRAIL**

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

1. These conditional use requests came before the City Commission on April 2, 2019. These conditional use requests are to allow Murphy Oil located at 16211 S. Military Trail to establish a gas station with convenience mart and to operate 24-hours.

2. The City staff and Applicant presented documentary evidence and testimony to the City Commission pertaining to the conditional use request for Murphy Oil. 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 uses 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 for Gas Station with Convenient Mart (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 uses 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 _____

b. **LDR Section 4.3.3(VV) Required Findings for 24-Hour Operation**

(Conditional Use): Pursuant to Section 4.3.3(VV), in addition to any findings required by Section 2.4.5(E) of the Land Development Regulations, and any other required findings, the following specific findings shall be made for any 24-hour business to be approved for a conditional use:

- i. That the use will be consistent with Housing Element A-11.3 of the Comprehensive Plan of the City of Delray Beach;
- ii. That the submitted security plan contains measures adequate to reasonably protect the safety of patrons, employees and nearby residents.
- iii. That the amount and type of proposed buffering is adequate to minimize the effects of noise impacts upon surrounding uses and nearby residential properties and to act as a visual buffer to the property from surrounding uses and nearby residential properties.

Are the requirements of Section 4.3.3(VV) met?

Yes _____ No _____

Pursuant to Section 2.4.5(E)(5), in addition to the provisions of Chapter 3, the City Commission must determine that the conditional uses will not:

- iii. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- iv. 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 February 25, 2019, the Planning and Zoning Board considered the conditional use request for the convenience mart and voted 7 to 0 to recommend approval of the conditional use, based upon positive findings, and the conditional use request for the 24-Hour Operation and voted 6 to 1 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 requests were 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 for the convenience mart and approves ____ denies ____ the conditional use request for the 24-Hour Operation set forth above, and hereby adopts this Order this 2nd day of April 2019, by a vote of ____ in favor and ____ opposed for the convenience mart and by a vote of ____ in favor and ____ opposed for the 24-Hour Operation.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

Lynn Gelin, City Attorney