

RESOLUTION NO. 22-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE 24-HOUR OPERATIONS AT A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES), KNOWN AS "7-ELEVEN AT VIA DELRAY", RELATED TO THE DEVELOPMENT OF A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 13555 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, 7-Eleven, Inc. is the fee simple owner of one (1) parcel of land which measures approximately 3.57 acres \pm and is located at 13555 South Military Trail ("Property") immediately west of South Military Trail and immediately south of Via Delray Boulevard, more particularly described in Exhibit "A"; and

WHEREAS, the owner of the Property requested that the subject property be annexed into the City of Delray Beach, which the City of Delray Beach approved on October 1, 2019; and

WHEREAS, the owner of the Property requested the property be provided a Land Use Map designation of General Commercial (GC) on the City of Delray Beach Land Use Map, which the City approved on October 1, 2019; and

WHEREAS, the owner of the subject property requested re-designating the City of Delray Beach Zoning map of said land from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC) which the City of Delray Beach approved on October 1, 2019; and

WHEREAS, a Conditional Use application (File Number 2020-061-USE) for a 24-Hour or Late Night Businesses, and reviewed by the Planning and Zoning Board at a public hearing on January 27, 2020, with the Board voting ☐ to ☐ to recommend approval; and

WHEREAS, LDR Section 2.4.5(E)(5), *Establishment of a Conditional Use*, establishes the findings that in addition to provisions of Chapter 3 of the LDRs, the City Commission must make findings that establishing the conditional use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor hinder development or redevelopment of nearby properties; and

WHEREAS, the Applicant has met the standards for 24-Hour or Late Night Businesses provided in LDR Section 4.3.3(VV); and

WHEREAS, the City Commission has reviewed the Conditional Use request for a 24-Hour or Late Night Businesses for the proposed 7-Eleven at Via Delray redevelopment, and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and

adopted.

Section 2. The City Commission makes positive findings for granting approval of the Conditional Use to authorize 24-hour operations at 7-Eleven at Via Delray, pursuant to Chapter 3 and LDR Sections 2.4.5(E)(5) and 4.3.3(VV), subject to the following conditions:

a. **conditions**

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2019.

M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
7-ELEVEN AT VIA DELRAY LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 11, THENCE WITH A BEARING OF SOUTH 89°20'58" WEST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 11, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. 809) THENCE WITH A BEARING OF SOUTH 01°19'42" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL RIGHT-OF-WAY A DISTANCE OF 286.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, AS RECORDED IN O.R. BOOK 2226. PAGE 1210 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL A DISTANCE OF 384.84 FEET; THENCE WITH A BEARING OF SOUTH 89°17'12" WEST, A DISTANCE OF 384.73 FEET; THENCE WITH A BEARING OF NORTH 0°39'02" WEST, A DISTANCE OF 410.40 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY; THENCE WITH A BEARING OF NORTH 89°20'58" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, A DISTANCE OF 361.89 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 45°29'22" EAST, A DISTANCE OF 35.46 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND CONVEYED TO PALM BEACH COUNTY DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5893, PAGE 1036 AND IN THAT CERTAIN STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 6633, PAGE 172, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 3.57 ACRES, MORE OR LESS.