



## Legislation Text

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File #: 18-592, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** October 2, 2018

REQUEST FOR A CONDITIONAL USE TO ESTABLISH A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 16000 S. MILITARY TRAIL (7 ELEVEN-#34798) (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to approve the Conditional Use for a Convenience Mart (Gasoline Station with food sales) at 16000 S. Military Trail for 7 Eleven #34798 by adopting the findings of fact and law contained in the staff report and the finding that the request is consistent with Section 2.4.5(E)(5), Conditional Use Findings and Chapter 3, Performance Standards, and is consistent with the Comprehensive Plan with the following condition:

1. Prior to consideration of the site plan by the Site Plan Review and Appearance Board (SPRAB), the proposed development must meet the Traffic Performance Standards of Palm Beach County.

**Background:**

The 0.93 acre 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 parcel is zoned Planned Commercial (PC) with a Future Land Use Map designation of General Commercial (GC). In 1985, the City approved the site plan for the shopping center as well as a Conditional Use for a Service Station, the equivalent to the current code definition of Convenience Mart. The site plan approval included 62,080 sf of retail space and three outparcels that consisted of the 840 sf service station with four fueling stations, a financial establishment and a restaurant. Cross access and parking agreements are in place for all tracts within the shopping center.

The Applicant has submitted a Class V Site Development plan in conjunction with the Modification of the Conditional Use request. 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 revise standard parking spaces to parallel parking. Parking spaces removed for the revision will be relocated to the front of the convenience mart. A waiver for the minimum floor area was approved by Commission on July 10, 2018 by a 4-1 vote.

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 operation is considered a conforming conditional use.

LDR Section 2.4.5(E)(7) allows an approved Conditional Use to be modified. If the modification involves intensity of use, the modification must be approved by The Planning and Zoning Board. If the requested modification is found to be significant by the Board, then the modification must be heard as a new Conditional Use application by the City Commission. The modification increases the intensity of use both by enlarging the convenience mart and increasing the quantity of fueling stations. The Board did find the modification to be significant.

Pursuant to 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 Future Land Use Map, Concurrency, Consistency and Compliance with the Land Development Regulations. A positive finding was made with respect to L.D.R Section 3.1.1 as fully described in the attached staff report.

Pursuant to Section 2.4.5(E)(5) (Findings), in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- A. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- B. Nor that it will hinder development or redevelopment of nearby properties.

A finding was made that the use will not have detrimental effect upon the stability of the neighborhood, nor will it hinder the development or redevelopment of nearby properties as fully described in the attached staff report.

The Planning and Zoning Board reviewed the request at its meeting on August 20, 2018, where a recommendation to approve the modification to the conditional use was made by a 5 -0 vote.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Applicant must have Conditional Use approval for the Site Plan Review and Appearance Board review.