

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 19-019**

STAFF REPORT

TO: Chair and Members
Planning and Development Board

THRU: Ed Breese
Planning and Zoning Administrator

FROM: Luis Bencosme
Planner I

DATE: May 17, 2019

PROJECT NAME: 7-Eleven Gas Station
COUS 19-001 / MSPM 19-006

REQUEST: Approve request for Conditional Use and Major Site Plan Modification (COUS 19-001 / MSPM 19-006) for 7-Eleven, Inc., to allow a 2,540 sq. ft. convenience store, a 3,096 sq. ft. gas station canopy composed of six (6) pump stations, and related site amenities and improvements, on a 0.84 acre parcel, located at 4798 N. Congress Avenue, in a C-3 (Community Commercial) zoning district. Applicant: Grant Distel, 7-Eleven, Inc.

PROJECT DESCRIPTION

Applicant: Grant Distel, 7-Eleven, Inc.

Property Owner: Bank Street Partners LLC

Agent: Shane Laakso, Keith and Associates

Location: 4798 N. Congress Avenue

Existing Land Use/Zoning: Local Retail Commercial (LRC) / C-3 Community Commercial

Proposed Land Use/Zoning: Local Retail Commercial (LRC) / C-3 Community Commercial

Proposed Uses: Gas Station with convenience store

Acreage: 0.84 Acres

Adjacent Uses:

North:	Right-of-way of Hypoluxo Road; farther north, developed commercial, within Palm Beach County jurisdiction;
South:	Developed multi-tenant commercial property (Chase Bank and Duffy's Sports Grill), classified as Local Retail Commercial (LRC) and zoned C-3 (Community Commercial);
East:	Developed multi-tenant commercial property (Publix Super Market), classified as Local Retail Commercial (LRC) and zoned C-3 (Community Commercial); and
West:	Right-of-way of South Congress Avenue; farther west, developed multi-tenant commercial property (Bank of America and Presidente Supermarket), classified as Local Retail Commercial (LRC) and zoned C-3 (Community Commercial);

PROPERTY OWNER NOTIFICATION

Owners of properties within 400 feet of the subject project were mailed a notice of this request and its respective hearing dates. The applicant has certified that signage is posted and notices mailed in accordance with Ordinance No. 04-007.

BACKGROUND/ PROPOSAL

The 0.84-acre subject property consists of a parcel that is currently developed with two single story buildings. The principal building is presently occupied by a Mobil convenience store, gas station canopy and separate car wash building.

The applicant has submitted Conditional Use and Major Site Plan Modification applications to redevelop the property with a 2,540 square foot 7-Eleven convenience store and gas station. The existing car wash building located on the south side of the property will be demolished and converted into a 24 ft. wide two-way drive isle and a 12 ft. wide loading zone.

The requests for Conditional Use and Major Site Plan Modification approval are being processed concurrently as the gas station use requires Conditional Use approval.

STANDARDS FOR EVALUATING CONDITIONAL USES AND ANALYSIS

Section 11.2.D of the Land Development Regulations contains the following standards to which conditional uses are required to conform to. Following each of these standards is the Planning and Zoning Division's evaluation of the application as it pertains to each of the standards. In addition, the applicant has submitted a separate detailed justification statement that addresses each of these standards (see Exhibit "C" – Justification Statement).

The Planning & Development Board and City Commission shall consider only such conditional uses that are authorized under the terms of these zoning regulations and, in connection

therewith, may grant conditional uses absolutely or conditioned upon adherence to conditions of approval including, but not limited to, the dedication of property for streets, alleys, recreation space and sidewalks, as shall be determined necessary for the protection of the surrounding area and the citizens' general welfare, or deny conditional uses when not in harmony with the intent and purpose of this section. In evaluating an application for conditional use approval, the Board and Commission shall consider the effect of the proposed use on the general health, safety and welfare of the community and make written findings certifying that satisfactory provisions have been made concerning the following standards, where applicable:

1. *Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

The subject property currently has two (2) primary points of ingress/egress; one (1) driveway is located on the west side of the parcel which connects to South Congress Avenue, and one (1) on the north side connecting to Hypoluxo Road. The property also has two (2) points of cross-access with the property to the east (see Exhibit "B"). With the redevelopment of the site, the applicant proposes to modify the the ingress/egress drive on the west to an ingress access point only, as recommended by Palm Beach County Traffic Engineering, while retaining the full ingress/egress driveway along Hypoluxo Road. The applicant also proposes to close the one-way cross-access drive between the shopping center and the gas station located closest to Hypoluxo Road, to reduce turning movement conflicts at the entrance drive. The closure of this cross-access drive is offset by the two-way cross-access drive with the shopping center on the south side of the building, which provides access in both directions, in a much safer manner. Two-way drive aisles are provided throughout the site for efficient traffic flow. There are existing sidewalks along both Hypoluxo Road and South Congress Avenue, and pedestrian access to the site is proposed to be enhanced through the construction of a new walkway leading from Hypoluxo Road and connecting directly to the convenience store entry doors. The convenience store is lined with walkways and a covered bike rack has been provided.

2. *Off-street parking and loading areas where required, with particular attention to the items in standard #1 above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole.*

The minimum parking spaces required for gas stations is calculated at 1 parking space per 250 square feet of gross floor area. The proposed gas station would be required to provide a total of 11 parking spaces as the principal building is 2,540 square feet. The site plan depicts 11 parking spaces; 4 spaces located on the north side of the property, and seven 7 spaces located near the building frontage. An accessible parking space has been provide and strategically located immediately near the building's front door, which allows safe and quick access to the convenience store. The proposed location of the parking spaces would not create or increase the negative effects caused by glare, noise and odor as they have been located away from adjacent properties and have been effectively screened by landscaping around the perimeter of the property as required by the City's landscape code. Furthermore, the site plan includes a 12 foot by 35 foot loading zone located near the south building façade and adjacent to a 24 foot wide two-way drive aisle, which is of sufficient width to provide efficient traffic flow and control, as well as access during regular business hours and in case of an emergency situation.

3. Refuse and service areas, with particular reference to the items in standards 1 and 2 above.

A dumpster has been proposed near the southeast corner of the property, behind the rear of the building and setback approximately 50 feet from the south property line. The refuse area is screened by both an enclosure composed of 7 foot, 4 inch tall walls and landscaping that shall be maintained at half the height of the enclosure walls. Trash would be removed on a standard schedule. Solid waste is not anticipated to increase significantly as a result of this application. However, should the waste flow create an issue, the waste pick-up frequency will be increased to accommodate it. Additionally, a 60 foot clear area has been provided to ensure efficient trash pick-up on the north side of the south drive aisle, which should not disrupt the flow of traffic into and out of the subject property or the adjacent property to the east.

4. Utilities, with reference to locations, availability, and compatibility.

The City of Boynton Beach Utility Department currently serves the site, and utilities would continue to be available and provided, consistent with Comprehensive Plan policies and City regulations. No additional impacts are anticipated with this application.

5. Screening, buffering and landscaping with reference to type, dimensions, and character.

The site is a corner lot surrounded by two commercial properties to the east and south. Both properties are zoned C-3, which is similar to the subject property's zoning designation. The proposed building design, height, and use is compatible to the design, height and uses of the buildings located on the adjacent properties. The applicant is proposing a perimeter landscaped buffer along the south and east property lines comprised of variety of hedges (Florida Privet, Spanish Stopper, Ixora, and Wild Coffee) and several types of closely spaced trees (existing Oak Trees and new trees), which should be sufficient to ensure proper screening from view of adjacent properties and to meet landscape code requirements. The plant material chosen will be native and/or drought-tolerant, such as Gumbo Limbo (tree), Cabbage Palm (palm tree), Florida Privet (shrub) and Gulf Mully Grass (groundcover). Additionally, butterfly attracting plant material such as Coontie, Jatropha, Ixora, and Wild Coffee have been utilized in the planting schedule.

6. Signs, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and nearby properties.

The applicant proposes to maintain the existing pylon pole sign located on the norwest side of the property. The sign structure will not be modified, except for the bottom 3 cabinets which will utilize LED digital technology to display regular gas and diesel prices. Although the City code currently prohibit the use of electronic signs, recent legislative amendments prohibit the City from restricting the visibility of signage displaying gas pricing. This preemptive legislative requirement would only apply to pricing and not to other merchandise and other services. No additional monument signs have been proposed. Furthermore, 2 internally illuminated wall signs with LEDs have been proposed for the building; a sign located on the west elevation, facing Congress Avenue and another sign on the north elevation, facing Hypoluxo Road. The pump island canopy will include energy efficient LED recessed canopy lighting that will provide proper lumen levels and ensure safety for all gas station pump users.

The proposed Photometric Plan shows the installation of 7 light poles. In an effort to diminish glare and impact on surrounding properties, the light fixtures will be full cutoff

design, and the light levels are depicted to be below the code maximum of 5.9 footcandles, other than underneath the pump island canopy, where additional lumens are allowed for safety associated with credit card transactions. The canopies attached to the west and north building façades will have 8 ft. long LED batten strip recessed lighting fixtures. The building will have 7 wall mounted fixtures along the west, south and east façades to provide adequate lighting levels immediately around the building and ensure sufficient visibility and safety. The pump island canopy will be illuminated by recessed canopy LED lights to reduce glare.

7. Required setbacks and other open spaces.

The gas station building is proposed to meet or exceed the minimum setback requirements of the C-3 zoning district. Minimum setbacks are: front (west) required 35' – provided 125.18'; rear (east) required 20' – provided 20.04'; side corner (north) required 35' – provided 79.28'; and side (south) required 20' – provided 49.11'.

8. General compatibility with adjacent properties, and other property in the zoning district.

The gas station is generally compatible with the remainder of the commercial uses on the corridor, and large residential developments nearby. The building's design is typical of most commercial structures with a mix of smooth stucco painted with two complementary colors (Balanced Beige and Aesthetic Beige) and split-face blocks painted Balance Beige. Also, the building has a parapet roof design with a transition between high impact EIFs cornice finished with stucco and prefinished metal parapet cap to create an interesting transition. The west and north façades have a set of glass windows, doors and prefinished eyebrows.

9. Height of building and structures, with reference to compatibility and harmony with adjacent and nearby properties, and the city as a whole.

The gas station convenience store is designed as a one-story structure, with the parapet wall at a height of 20', and the top of cornice feature at 21' – 4", which is compatible with the structures on adjacent properties, and under the maximum allowable height of 45' in the C-3 zoning district. The highest point of the pump island canopy is 17.5'.

10. Economic effects on adjacent and nearby properties, and the city as a whole.

The overall economic effects of the proposed use, which is similar to the existing use of the property, on adjacent and nearby properties, and the City as a whole, will be minimal, other than the enhanced condition of the property with the upgraded building and site features. Furthermore, the City would benefit from permit fees and certificate of use fees. It is a local convenience as intended by LRC future land use designation. Additionally, it provides commercial retail services, which support the resident and visitor populations as well as creating new employment opportunities for the adjacent residential communities.

11. Where applicable, the proposed use furthers the purpose and intent of a corresponding mixed use zoning district or redevelopment plan;

A mixed use zoning district or redevelopment plan is inapplicable to this project.

12. Compliance with, and abatement of nuisances and hazards in accordance with, the performance standards of Chapter 2, Section 4.N. of the City's Land Development Regulations and conformance to the City of Boynton Beach Noise Control Ordinance.

The project would not create smoke, odors, fumes, or toxic matter that would negatively impact the neighboring properties. The fueling stations are subject to federal and state safety standards, which provide protections from the nuisances and hazards of fuel. All convenience store activity takes place entirely within the fully enclosed building. As indicated above, the applicant is proposing to screen the site with dense landscape composed of trees and hedges around the perimeter of the property that should be sufficient to prevent noise associated with operations to become an issue. With incorporation of all conditions and staff recommendations contained herein, the proposed use would exist in a manner that is in compliance with the above-referenced codes and ordinances of the City of Boynton Beach.

- 13. Required sound study and analysis. All conditional use applications for bars, nightclubs and similar establishments shall include the following analysis performed by a certified acoustic engineer: a. Data on the sound emitting devices/equipment and the methods and materials to be used to assure that the acoustic level of the City Code will be met; b. The analysis shall specify the authority and/or basis for determination of the acoustic level of the sound emitting devices/equipment; c. The analysis of any sound retention, reduction or reflection shall include information such as the nature, types and coefficients of sound absorbent and sound-reflecting materials to be used, coatings of the surfaces of ceilings, walls, windows, and floors and insulation to be used; and/or d. It shall also verify that sound standards shall be met during the normal opening of doors for people entering and exiting the establishment.*

This standard is inapplicable to this Project because there are no proposed uses for bars, nightclubs, and similar establishments.

RECOMMENDATION

Based on the information contained herein, compliance with development regulations and conditional use standards, staff recommends APPROVAL of this request for conditional use and major site plan modification, subject to satisfying all conditions of approval recommended by staff as contained in Exhibit "D" – Conditions of Approval. Any additional conditions of approval recommended by the Board and required by the City Commission will be placed in Exhibit "D" accordingly. Furthermore, pursuant to Chapter 2, Article II, Section 2.C Conditional Uses, a time limit is to be set within which the proposed project is to be developed. Staff recommends that a period of 18 months be allowed to receive the necessary building permits.