



**CITY OF RIVIERA BEACH STAFF REPORT  
CASE NUMBERS SP-20-23 AND SE-20-02  
PARCEL CONTROL NUMBERS:  
56-42-42-25-41-000-0060 and  
56-42-42-25-41-000-0050  
A Site Plan and Special Exception request**

**A Resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving Site Plan application (SP-20-23) and Special Exception application (SE-20-02) from Pointe West Riviera Beach, Inc., to construct a gas station consisting of a 5,4411 SF convenience store and outdoor seating area with 22 fuel pumps, on 2.8-acre parcels of land located on the northwest corner of the intersection of Bee Line Highway and North Military Trail, identified by Parcel Control Numbers 56-42-42-25-41-000-0060 AND 56-42-42-25-41-000-0050. Having a commercial (COM) Future Land Use Designation and General Commercial (CG) Zoning Designation, providing for conditions of approval, and providing for an effective date.**

**A. Applicant(s):** Pointe West Riviera Beach, Inc.

**B. Request:** The applicant is requesting approval to construct a filling station (gas station consisting of a 5,411-square foot convenience store and outdoor seating area with 22 fuel pumps, on two parcels of land totaling 2.8-acres of land. The application, applicant's narrative responses to criteria and site plan are included as **Exhibit 1**.

**C. Location:** The subject property is located on the northwest corner of the intersection of Beeline Highway and North Military Trail, identified by parcel control numbers 56-42-42-25-41-000-0060 AND 56-42-42-25-41-000-0050

**D. Property Description and Uses:** The subject property description and uses are as follows:

Parcel Control Numbers: 56-42-42-25-41-000-0060; and 56-42-42-25-41-000-0050

Parcel Size: 2.8 acres

Existing Use: Vacant Property

Zoning: Commercial General (CG) Zoning District

Future Land Use: Commercial (C)

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## E. Adjacent Property Description and Uses:

North: General Commercial (GC) – Medical Use

South: Limited Industrial (IL) – Auto Services

East: North Military Trail and east Limited Industrial (IL) – Storage Facility

West: Commercial General (CG) – Medical Use

## F. Background:

The site currently is a vacant property that is a part of an approved master-planned subdivision designated as “The Triangle Commerce Center”. This mast site plan was approved on September 6, 2006, by City Council. The overall intent of this plan/subdivision is to develop medical uses such as hospital/clinic and medical office activities. A list of allowed uses and a building layout were included in this plan. A gas station/convenience store is not included in the allowed uses of the Triangle Commerce Center. This request would require an amendment to the allowed uses of the master plan.

## G. Staff Analysis:

In reviewing this site plan/special exception request, staff submits the following analysis:

According to Section 31-57 of the City’s Zoning Code, the purpose of site plan review shall be to ascertain if the proposed new development is in conformity with the comprehensive plan, is not detrimental to the neighboring land use; that an efficient pedestrian and vehicular traffic system including proper means of ingress and egress to the streets is provided for, and that the proposed project shall be a viable addition to the community. In addition to the above site plan considerations, Section 31-62 of the Land Development Code lists seven additional factors which must be considered in the review of a special exception request.

Staff’s review of those considerations are indicated in **bold type** below:

- a) Ingress to and egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

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**Staff Response: Due to the location of the property, ingress and egress shall be from Bee Highway from the west and North Military Trail from the east of the subject property.**

- b) Off-street parking and loading areas, where required, including consideration of relevant factors related to ingress and egress, and the economic, noise, glare or odor effects of the location of such areas on adjacent and nearby properties and properties generally in the district.

**Staff Response: According to Section 31-57 of the City's Zoning Code, the purpose of site plan review shall be to ascertain that the proposed new development is in conformity with the comprehensive plan. The purpose and intent of the Triangle Commerce Center master plan is to encourage and create medical-related and medical office uses on this site. The auto services-related nature of the proposed use, including noise, glare and odor effects, will discourage the establishment medically-related uses at this location.**

- c) Refuse and service areas, including consideration of relevant factors related to ingress and egress as well as parking and loading areas.

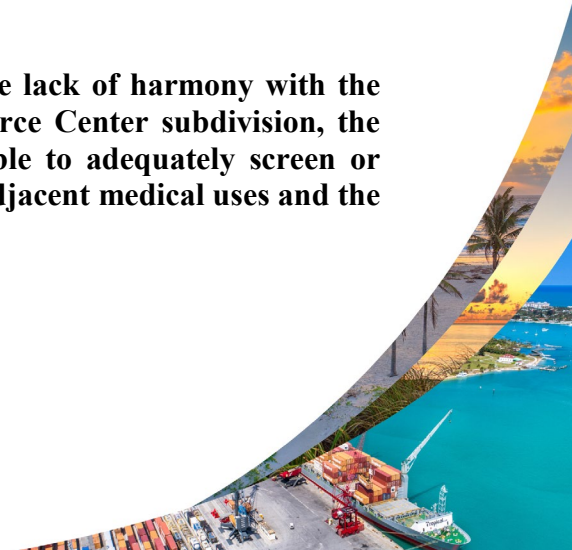
**Staff Response: The pollution from gas stations — primarily from surface-level spills and leaks and from eroding underground storage tanks — leaching into soil, contaminates waterways and adversely affects air quality. Refuse and waste disposal are more problematic regarding a gas station/convenience store use versus a medical/office-related use.**

- d) Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use or structure.

**Staff Response: If approved, staff would ensure adequate utility access for the proposed use.**

- e) Screening, buffering and landscaping, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structures between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

**Staff Response: Due to the incompatibility and the lack of harmony with the existing medical uses within the Triangle Commerce Center subdivision, the applicant's proposed landscape plan will be unable to adequately screen or buffer the gas station/convenience store from the adjacent medical uses and the**



**existing uses. Therefore, it is the staff's professional opinion that the landscape plan is inadequate for the proposed use.**

- f) Signs, or outside displays, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of same on properties in the district.

**Staff Response: Due to the commercial nature of the use, any proposed signage, outdoor displays and proposed exterior lighting for a proposed gas station/convenience store will be incompatible with the existing and future medical-related uses within the Triangle Commerce Center. Staff has determined that the excess glare, noise and vehicular traffic will occur as a result of the proposed use.**

- g) Required yards and open spaces. The board shall make such recommendations as it deems necessary, guided by the factors that may be described in this zoning district, based on the nature of the request and its effect.

**Staff Response: Based on the nature and impact of the proposed gas station/convenience store, staff recommends that the Planning and Zoning Board recommend denial of the site plan, because such setbacks and open spaces will not reduce the adverse impacts and incompatible land use created by this use.**

In addition to the above criteria, the Comprehensive Plan's Future Land Use Element - OBJECTIVE 1.3: Incompatible Land Uses; "The City shall continue to take/support actions which reduce uses which are inconsistent or incompatible with the future land use map and City's adopted objectives". It is staff's professional opinion, that the proposed use is incompatible with the medical-related objectives of the Triangle Commerce Center master plan and could be detrimental to the existing, neighboring land uses.

Furthermore, the approved master plan for this property includes a specific list of uses which were deemed desirable to create a medical center to compliment the adjacent Veterans Affairs hospital. Medical industry jobs are generally considered high quality area of employment. Staff does not believe it is in the best interest of the City to amend the list of allowed uses in the medical center triangle master plan to allow a gas station, which would produce lower quality jobs and economic impact than what is currently allowed.

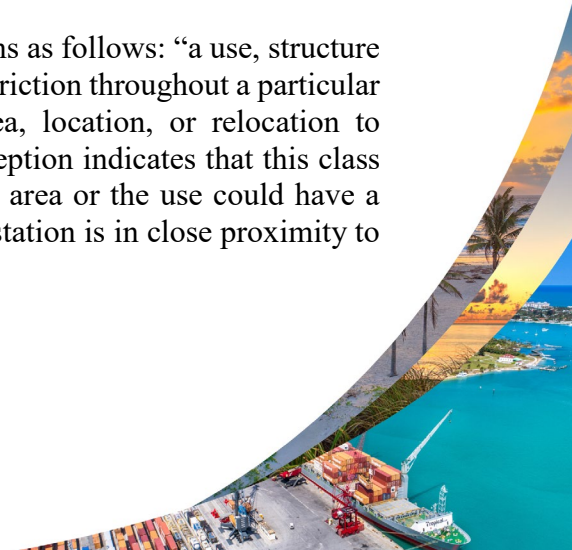
Finally, the Land Development Code defines special exceptions as follows: "a use, structure or PUD that would not be appropriate generally or without restriction throughout a particular zoning district, but would, if controlled as to number, area, location, or relocation to neighborhood, be appropriate." This definition of special exception indicates that this class of land uses should be regulated as to the number in a given area or the use could have a negative impact. The particular location of this proposed gas station is in close proximity to

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an intersection that already contains gas stations on three of the four corners. Staff believes that a fourth gas station in the vicinity of this intersection constitutes an overconcentration of a use that the land development code considers to be potentially invasive. In the exhibit below, the proposed development site is circled in red and the existing gas stations are circled in blue.



**E. Recommendation:**

Staff recommends denial of the proposed Special Exception/Site Plan request for the establishment of the Race Trac Service Station property located at Parcel Control Numbers 56-42-42-25-41-000-0060 and 56-42-42-25-41-000-0050.

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If the Planning and Zoning Board decides to approve this petition/application, staff recommends it be subject to the following conditions:

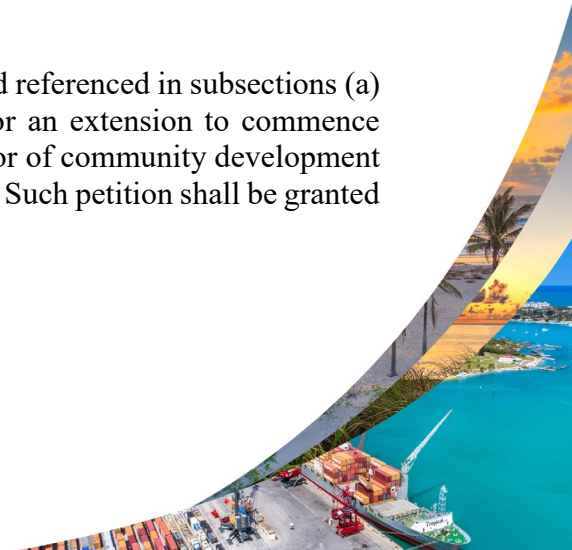
1. A two-year landscaping performance bond for 110% of the value of landscaping and irrigation shall be required before a Certificate of Occupancy or Certificate of Completion is issued.
2. Construction and landscaping improvements must be initiated within 18 months of the effective date of this Resolution in accordance with Section 31-60(b), of the City Code of Ordinances. Demolition, site preparation, and/or land clearing shall not be considered construction. Building permit application and associated plans and documents shall be submitted in its entirety and shall not be accepted by City staff in a partial or incomplete manner.
3. City council authorizes City staff to approve future amendments to this site plan administratively so long as the site plan does not deviate greater than 5% from the originally approved site plan.
4. This development must receive final Certificate of Occupancy from the City for all uses approved within five years of the approval of the adopting resolution or the adopting resolution shall be considered null and void, requiring the applicant to resubmit an application for site plan and special exception approval and re-initiate the site plan approval process.
5. All future advertising must state that the development is located in the City of Riviera Beach. Fees and penalties in accordance with City Code Section 31-554 will be levied against the property owner and/or business for violation of this condition.
6. Once approved, this resolution shall supersede any previous site plan approval resolutions associated with this property, causing previous site plan approval resolutions to be null and void.
7. Every site plan approved prior to the effective date of the ordinance from which this section is derived shall automatically expire within 18 months of the effective date of the ordinance from which this section is derived unless the owner of the property to which the site plan is applicable has received a validly-issued building permit and has initiated site plan improvements other than site preparation, land clearing, land filling and soil compaction.
9. Thirty days prior to the expiration of the 18-month period referenced in subsections (a) and (b) of this section, a property owner may apply for an extension to commence development by filing a petition therefor with the director of community development and environmental control on forms provided by the city. Such petition shall be granted

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by the director of community development and environmental control by finding that the applicant has:

- a. Made a diligent and good faith effort to comply with all conditions and requirements for site plan approval, to acquire a building permit and to commence the construction of site improvements.
- b. Been precluded from doing so for reasons beyond the control of the property owner.

### Location Map (N.T.S.)



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