

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

Round	22-A	Intake Date	May 12, 2021 <b><u>Revised June 8, 2021</u></b>
Application Name	Murphy Oil – 6950 S. Congress Avenue	Control No.	1997-00027
Acres	1.925	Concurrent Zoning application?	Yes
		Text Amend?	Yes
PCNs	00-43-45-05-23-000-0010 & 00-43-45-05-23-012-0000		
Location	Northeast corner of Hypoluxo Road and Congress Avenue, directly south of Floral Rd.		
	<b>Current</b>	<b>Proposed</b>	
Tier	Urban/Suburban	Urban/Suburban	
Use	Retail use with pharmacy, including 2 drive-thru lanes and canopy. Existing retail building is 12,200 s.f. and canopy is 1,248 s.f. The site includes 61 parking spaces, a loading zone and landscaping.	Gas and fuel sales, retail & convenience store. Proposed convenience store building – 2,824 s.f. & 6 MPDs – 12 fueling positions.	
Zoning	1.69 ac – Community Commercial (CC) 0.24 ac – Single Family Residential (RS)	1.69 ac – Community Commercial (CC) 0.24 ac – Single Family Residential (RS)	
Future Land Use Designation	1.69 ac – Commercial Low (CL) 0.24 ac – Commercial Low with Cross-Hatching (CLX)	1.69 ac – Commercial Low (CL) 0.24 ac – Commercial Low with Cross-Hatching (CLX)	
Underlying Future Land Use Designation	1.925 acres – Medium Residential, 5 units per acre (MR-5)	1.925 acres – Medium Residential, 5 units per acre (MR-5)	
Conditions	Ord. 1995-043 MR-5 to CL-O/5 (1.04 ac) Ord. 1997-023 CL-O/5 to CL/5 (1.1 ac) Ord. 1999-002 CL/5 to CL/5 (2.13 ac) Ord. 1999-002 MR-5 to CLX/5 (2.13 ac)  Ordinance 1999-002 amended Ordinance 1997-023 to read: B. Ordinance 97-23 is amended by modifying the conditions of approval contained in Part I B. of said ordinance for a 1.10 acre parcel located on the northeast corner of Hypoluxo Road and Congress Avenue as follows: 3. Size/Uses: a) The subject property shall be restricted to the following: <ul style="list-style-type: none"> <li>a maximum of 12,200 square feet of building;</li> <li>retail, general use.</li> </ul>	Ord. 1995-043 MR-5 to CL-O/5 (1.04 ac) Ord. 1997-023 CL-O/5 to CL/5 (1.1 ac) Ord. 1999-002 CL/5 to CL/5 (2.13 ac) Ord. 1999-002 MR-5 to CLX/5 (2.13 ac)  Ordinance 1999-002 amended Ordinance 1997-023 to read: B. Ordinance 97-23 is amended by modifying the conditions of approval contained in Part I B. of said ordinance for a 1.10 acre parcel located on the northeast corner of Hypoluxo Road and Congress Avenue as follows: (Proposed additions are <u>underlined</u> ; Deletions are shown as <del>strike though</del> ) 3. Size/Uses: a) The subject property shall be restricted to the following:	

	<p>b) The uses in the CC district will also be allowed, except for the following as defined by the Palm Beach County Unified Land Development Code (ULDC):</p> <ul style="list-style-type: none"> <li>a. automotive service station;</li> <li>b. car wash and auto detailing;</li> <li>c. convenience store. no gas sales;</li> <li>d. convenience store with gas sales;</li> <li>e. laundry services;</li> <li>f. lounge. cocktail;</li> <li>g. restaurant, fast food;</li> <li>h. restaurant. general;</li> <li>i. restaurant. specialty;</li> <li>j. retail sales, mobile, temporary or transient;</li> <li>k. vehicle inspection center;</li> <li>l. vehicle repair and related services, mobile minor;</li> <li>m. vehicles sales and rental;</li> <li>n. veterinary clinic with outdoor runs.</li> </ul>	<ul style="list-style-type: none"> <li>• a maximum of 12,200 square feet <u>including up to a maximum of 2,824 of convenience store and with gas sales up to 12 fueling positions of building;</u></li> </ul> <p><del>b) The uses in the CC district will also be allowed, except for the following <u>uses</u> as defined by the Palm Beach County Unified Land Development Code (ULDC) <u>shall be prohibited</u>:</del></p> <ul style="list-style-type: none"> <li>a. automotive service station;</li> <li>b. car wash and auto detailing;</li> <li><del>c. convenience store. no gas sales;</del></li> <li><del>d. convenience store with gas sales;</del></li> <li>e. laundry services;</li> <li>f. lounge. cocktail;</li> <li>g. restaurant, fast food;</li> <li>h. restaurant. general;</li> <li>i. restaurant. specialty;</li> <li>j. retail sales, mobile, temporary or transient;</li> <li>k. vehicle inspection center;</li> <li>l. vehicle repair and related services, mobile minor;</li> <li>m. vehicles sales and rental;</li> <li>n. veterinary clinic with outdoor runs.</li> </ul>
<b>Density Bonus</b>	None	None

## B. Development Potential

	Current FLU	Proposed FLU
<b>Density/Intensity:</b>	5 du/acre / .50 FAR	5 du/acre / .50 FAR
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	5 du/acre x 1.925 ac. = 10 units	5 du/acre x 1.925 ac. = 10 units
<b>Maximum Beds (for CLF proposals)</b>	10 max du x 2.39 = 23 beds	10 max du x 2.39 = 23 beds
<b>Population Estimate</b>	10 max du x 2.39 = 23	10 max du x 2.39 = 23
<b>Maximum Square Feet<sup>2,4</sup></b> (non-residential designations)	.5 FAR x 1.69 ac. = 36,808 s.f.	.5 FAR x 1.69 ac. = 36,808 s.f.
<b>Proposed or Conditioned Potential<sup>3,4</sup></b>	Maximum 12,200 s.f. retail general uses	9,376 s.f. of retail sales, 2,824 s.f. of convenience store, and 12 fueling positions
<b>Max Trip Generator</b>	General Commercial #820 $\text{Ln}(T) = 0.68 \text{ Ln}(x) + 5.57$	Gas Station with Convenience Store #FDOT Rate $14.3(12.3*FP + 15.5*x)$
<b>Maximum Trip Generation</b>	576 daily trips	Maximum = 576 daily trips Proposed = 1,065 daily trips
<b>Net Daily Trips:</b>	0 (maximum minus current) 1,065 (proposed minus current)	
<b>Net PH Trips:</b>	74 AM, 74 PM proposed	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

Identify the information for the agent processing the application. The agent will be the primary contact for Planning Division staff throughout the amendment process.

<b>Name</b>	Damian Brink
<b>Company Name</b>	Bowman Consulting Group, Ltd.
<b>Address</b>	13450 W. Sunrise Blvd.
<b>City, State, Zip</b>	Sunrise, Florida 33323
<b>Phone / Fax Number</b>	954-314-8471
<b>Email Address</b>	<a href="mailto:dbrink@bowman.com">dbrink@bowman.com</a> & <a href="mailto:Bowman_FTL@Bowman.com">Bowman_FTL@Bowman.com</a>

### B. Applicant Information

Identify the information for each Property Owner and Contract Purchaser. Duplicate table as needed.

<b>Name</b>	Contact Agent
<b>Company Name</b>	MURPHY OIL USA, INC.
<b>Address</b>	200 Peach St.
<b>City, State, Zip</b>	El Dorado, Arkansas 71730
<b>Phone / Fax Number</b>	Contact Agent
<b>Email Address</b>	Contact Agent
<b>Interest</b>	Lessee

<b>Name</b>	Alexander Boria
<b>Company Name</b>	BD CONGRESS LLC
<b>Address</b>	13001 Zambrana Street
<b>City, State, Zip</b>	Coral Gables, Florida 33156
<b>Phone / Fax Number</b>	786-586-2492
<b>Email Address</b>	<a href="mailto:aboria@borluv.com">aboria@borluv.com</a>
<b>Interest</b>	Property Owner



# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	The subject property was developed in 2000 as an Eckerd Pharmacy. The 12,200 square-foot building, canopy with drive-thru, buffer wall, parking lot, lift station and landscaping were all constructed and installed in 2000 according to the Palm Beach County Property Appraiser records. Please see attachment F – Build Features Inventory & Map for more details and an aerial of the existing site.
<b>PCN</b>	00-43-45-05-23-000-0010 & 00-43-45-05-23-012-0000  Please see the Legal Description with acres as Attachment A. Please see the Survey dated August 11, 2020 as with acres as Attachment P.
<b>Street Address</b>	6950 S Congress Ave, Lake Worth, Florida 33462
<b>Frontage</b>	Approximately 398 feet of frontage along Hypoluxo Road and 208 feet of depth. Approximately 190 feet of frontage along S Congress Avenue and 407 feet of depth. Approximately 400 feet of frontage along Floral Road and 208 feet of depth.
<b>Legal Access</b>	The currently legal access to the site is via existing right-in/right-out on Hypoluxo Road and a right-in/right-out on S Congress Avenue.
<b>Contiguous under same ownership</b>	There is no contiguous ownership of property that is not part of this application.
<b>Acquisition details</b>	BD Congress LLC, a Florida limited liability company, purchased the property from D & N Real Estate Holdings, L.C.C., a Florida limited liability company on March 11, 2021. The purchase price was \$2,300,000.00. Please see the attached Warranty Deed as part of Attachment A.
<b>Size purchased</b>	BD Congress LLC purchased the two parcels (Parcel “A” and Tract “L”) totaling ±1.925 acres.

### B. Development History

<b>Control Number</b>	1997-27
<b>Previous FLUA Amendments</b>	<p><b><u>Ordinance 1995-43:</u></b> Small Scale Future Land Use Amendment (App. 94-4) amended 1.04 acres from MR/5 to CL-O/5. No Conditions of Approval.</p> <p><b><u>Ordinance 1997-23:</u></b> Small Scale Future Land Use Amendment (App. 97-SCA 83 COM 1) amended 1.1 acres from CL-O/5 to CL/5. Conditions:</p> <ol style="list-style-type: none"><li>1. Architectural Control: Similar architectural character and treatment shall be provided on all sides of the building.</li><li>2. Landscaping: Landscaping and buffering along the east and north property lines shall be upgraded to include:<ul style="list-style-type: none"><li>• a minimum ten (10) foot wide landscape buffer strip;</li><li>• a six (6) foot high opaque concrete wall. The wall shall be located on the inside edge of the required landscape buffer strip along the east and north sides and connecting through the safe corner triangle/ corner clip at the northeast corner of the property. The exterior side of the wall shall be</li></ul></li></ol>

	<p>given a finished architectural treatment which is compatible and harmonious with abutting development;</p> <ul style="list-style-type: none"> <li>• canopy trees, palm or pine trees, and shrub/hedge material on both sides of the wall.</li> </ul> <p>3. Uses:</p> <ol style="list-style-type: none"> <li>1. The subject property shall be restricted to the following: <ul style="list-style-type: none"> <li>• a maximum of 9,000 square feet of building;</li> <li>• retail general use.</li> </ul> </li> <li>2. The uses in the CC district will also be allowed, except for the following as defined by the Palm Beach County Unified Land Development Code (ULDC): <ol style="list-style-type: none"> <li>a. automotive service station;</li> <li>b. car wash and auto detailing;</li> <li>c. convenience store, no gas sales;</li> <li>d. convenience store with gas sales;</li> <li>e. laundry services;</li> <li>f. lounge, cocktail;</li> <li>g. restaurant, fast food;</li> <li>h. restaurant, general;</li> <li>i. restaurant, specialty;</li> <li>j. retail sales, mobile, temporary or transient;</li> <li>k. vehicle inspection center;</li> <li>l. vehicle repair and related services, mobile minor;</li> <li>m. vehicles sales and rental;</li> <li>n. veterinary clinic with outdoor runs.</li> </ol> </li> <li>3. Hours of business operation. (open to the public) shall be limited to 8:00 a.m. to 9:00 p.m. daily.</li> <li>4. The petitioner shall perpetually maintain the exterior side of all walls. Maintenance shall include the exterior surface of the wall, landscaping, irrigation and daily garbage/trash pick up.</li> </ol> <p>Any request for a change in the permitted uses shall require an amendment to the Palm Beach County Comprehensive Plan.</p> <p><b>Ordinance 1999-002:</b> Small Scale Future Land Use Amendment (App. 98-SCA 83 COM 4) amended 1.03 acres from MR-5 to CL/5 with crosshatching on the eastern 50' of the property. Conditions:</p> <p>B. Ordinance 97-23 is amended by modifying the conditions of approval contained in Part I B. of said ordinance for a 1.10 acre parcel located on the northeast corner of Hypoluxo Road and Congress Avenue as follows: (Additions are <u>underlined</u>; Deletions are shown as <del>strike through</del>)</p> <ol style="list-style-type: none"> <li>1. Architectural Control: Similar architectural character and treatment shall be provided on all sides of the building.</li> <li>2. Landscaping: Landscaping and buffering along the east and north property lines shall be upgraded to include: <ul style="list-style-type: none"> <li>• a minimum ten (10) foot wide landscape buffer strip;</li> <li>• a six (6) foot high opaque concrete wall <u>or six (6) foot hedge</u>. The wall <u>or hedge</u> shall be located <del>on the inside edge</del> of within the required landscape buffer strip along the east and north sides <del>and connecting through the safe corner triangle/corner clip at the northeast corner</del> of the property. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.</li> <li>• canopy trees, palm or pine trees, and shrub/hedge material on both sides of the wall.</li> </ul> </li> <li>3. Size/Uses: <ol style="list-style-type: none"> <li>a) The subject property shall be restricted to the following: <ul style="list-style-type: none"> <li>• a maximum of <del>9,000</del> 12,200 square feet of building;</li> <li>• retail, general use.</li> </ul> </li> </ol> </li> </ol>
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<p>b) The uses in the CC district will also be allowed, except for the following as defined by the Palm Beach County Unified Land Development Code (ULDC):</p> <ul style="list-style-type: none"> <li>a. automotive service station;</li> <li>b. car wash and auto detailing;</li> <li>c. convenience store. no gas sales;</li> <li>d. convenience store with gas sales;</li> <li>e. laundry services;</li> <li>f. lounge. cocktail;</li> <li>g. restaurant, fast food;</li> <li>h. restaurant. general;</li> <li>i. restaurant. specialty;</li> <li>j. retail sales, mobile, temporary or transient;</li> <li>k. vehicle inspection center;</li> <li>l. vehicle repair and related services, mobile minor;</li> <li>m. vehicles sales and rental;</li> <li>n. veterinary clinic with outdoor runs.</li> </ul> <p>c) <del>Hours of business operation (open to the public) shall be limited to 8:00 a.m. to 9:00 p.m. daily.</del></p> <p>4. The petitioner shall perpetually maintain the exterior side of all walls. Maintenance shall include the exterior surface of the wall, landscaping, irrigation and daily garbage/trash pick up.</p> <p>5. <u>The cross-hatched portion of the site shall be limited to allow only landscaping and/or drainage.</u></p>					
<b>Concurrency</b>		The site has concurrency reservation for the 12,200 square-feet of retail with pharmacy use that exists today on the subject property.			
<b>Plat, Subdivision</b>		The subject property has been platted. The plat name is ECKERD'S – HYPOLUXO, Plat Book 87 on pages 61 and 62 of the public records of Palm Beach County, Florida.			
<b>Zoning Approvals &amp; Requests</b>		Provide a list of approvals including DRO, resolutions, and variances. Indicate uses, square footages, and units approved in the Description. Indicate Type of request (Class A, Variance, TDR, WHP, Planned Development, etc.) Please identify if each development order will be retained, abandoned, revised, by associated concurrent zoning applications. Please indicate if there are any vested units or approvals that are anticipated to be retained and indicate date for anticipated submittal of any zoning applications.			
Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
R-97-973	Z/COZ97-27	Approved	Rezoning w/Conditional Overlay Zone	Rezoning from RS to CC	
R-99-106	Z97-27(A)	Approved	Rezoning w/Conditional Overlay Zone	Rezoning from RS to CC	
R-99-107	DOA97-27(A)	Approved	Development Order Amendment	DOA to add land area (1.03 ac) and building square-footage	
R-99-521	DOA97-27(A)	Approved	Development Order Amendment	Previously approved Resolution (R-99-107) inadvertently	

				contained errors in Conditions A.3, A.4, B.3, B.5, and 12 of Exhibit C	
R-2000-718	EAC9727(B)	Approved	Development Order Amendment/ Expedited Application Consideration	DOA to modify/delete conditions in Resolutions R-99-107 & R-99-521.	Amend Conditions as follows: <ul style="list-style-type: none"> <li>• B2: remove a &amp; b</li> <li>• Modify B5</li> <li>• Modify O1a</li> <li>• Modify O2</li> </ul>

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 4. Consistency

### A. Consistency

<b>Justification</b> Provide as G.1.	Please see Attachment G – Justification
<b>Residential Density Increases</b> Provide as G.2.	<b>No residential density increases are being requested as part of this amendment.</b>
<b>Compatibility</b> Provide as G.3.	Please see Attachment G – Justification
<b>Comprehensive Plan</b> Provide as G.4.	Please see Attachment G – Justification
<b>Florida Statutes</b> Provide as G.5.	Please see Attachment G – Justification

### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Floral Road ROW & Single-family residential – Floral Park subdivision (5 units/acre)	Medium Residential, 5 units per acre	Single Family Residential
<b>South</b>	City of Boynton Beach – Hypoluxo Road right-of-way, gas station (new 7-Eleven proposed – 4,500 sf), restaurant (Park Avenue BBQ – 5,828 sf) & retail shopping center (Boynton Lake Plaza - Total 107,166 sf)	Local Retail Commercial – City of Boynton Beach	Community Commercial – City of Boynton Beach
<b>East</b>	Single-family residential – Floral Park subdivision (5 units/acre)	Medium Residential, 5 units per acre	Single Family Residential
<b>West</b>	S Congress Ave. right-of-way & retail, with pharmacy (Walgreen's – 14,711 sf)	Commercial Low, with an underlying Medium Residential, 5 units per acre	Community Commercial

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
Please see Palm Beach County Traffic Approval Letter and Traffic Report under Attachment H		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	General Commercial #820 $\text{Ln}(T) = 0.68 \text{ Ln}(x) + 5.57$	Gas Station with Convenience Store #FDOT Rate $14.3 (12.3 * \text{FP} + 15.5 * x)$
<b>Maximum Trip Generation</b>	576 daily trips	Maximum = 576 daily trips Proposed = 1,065 daily trips
<b>Net Daily Trips:</b>	0 (maximum minus current) 1,065 (proposed minus current)	
<b>Net PH Trips:</b>	74 AM, 74 PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	None
<b>Traffic Consultant</b>	Simmons & White 2581 Metrocentre Blvd. West, Suite 3 West Palm Beach, FL 33407 P. 561-478-7848	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	The nearest Palm Tran Bus Route is Route #2 – WPB – BCR via Congress Avenue	
<b>Nearest Palm Tran Stop</b>	Bus Stop ID#817, Stop Name: Congress Ave @ Floral Road (northbound) – Located on east side of N Congress Ave. 200 feet north of site; & Bus Stop ID#868, Stop Name: Congress Ave @ Hypoluxo Rd. (southbound) – Located on the west side of N Congress Ave. just south of Hypoluxo Rd 350 feet south of site.	
<b>Nearest Tri Rail Connection</b>	Take Bus Route #2 – WPB – BCR via Congress Avenue from Bus Stop ID#817 north to Bus Stop ID#830. Get off and walk north 550 feet to Lake Worth Road and walk east 150 feet to Bus Stop #5953 to pick up Bus Route #62 – WLW – LKW via Lake Worth Road east to the Lake Worth Tri Rail Station – Bus Stop ID#5969.	

### C. Portable Water & Wastewater Information

Please see LOS letter from the City of Lake Worth Beach Water Utilities Department in Attachment I.

<b>Potable Water &amp; Wastewater Providers</b>	It should be noted that the existing CVS building is currently serviced by The City of Lake Worth Beach Water Utilities Department. According to the attached letter, the City of Lake Worth Beach Water Utilities Department has potable water and sewer service capacity to service the subject property.
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	There is a 12-inch water main that runs along Floral Road and along the eastern side of the drainage retention area site. The site is served by a City of Lake Worth Beach maintained lift station that is located in the NE property corner. Please see the LOS comment letter attached as Attachment I.

### D. Drainage Information

Please see attached Drainage Statement proved by Bowman as Attachment J. Below is a summary of the Drainage Statement:

1. The subject property is located within the Lake Worth Drainage District, who is the drainage provider.
2. The project is located in the C-16 Drainage Basin of the South Florida Water Management District (SFWMD).
3. The new drainage system will be constructed consisting of exfiltration trenches, catch basins, and a dry detention area to address water quality and stormwater storage requirements. The far east lot, by property ID number 00-43-45-05-23-012-0000, is allotted for drainage purposes solely. The outfall for this project's drainage system will connect to an existing storm structure in Congress Avenue right-of-way. Legal positive outfall will be via the Congress Avenue drainage system.
4. The proposed stormwater management system will be designed to meet the criteria of the SFWMD (C-16 Basin), the requirements of LWDD, and the requirements of Palm Beach County.

The drainage design will meet the following specific requirements:

- The building floor elevations will be designed to meet the 100 year — 3-day rainfall event.
- The runoff from the site will be through an approved control structure and will meet the 25 year — 3-day rainfall event allowable discharge rate per the SFWMD and the LWDD and will comply with the connection criteria requirements of Palm Beach County.
- The parking lot elevations shall meet or exceed the 5 year -1day rainfall event flood stage.
- Water quality treatment will comply with the SFWMD criteria.

### E. Fire Rescue

<b>Nearest Station</b>	Station #35 (2501 Lantana Rd, Lake Worth, FL 33462)
<b>Distance to Site</b>	2.0 miles
<b>Response Time</b>	6 minutes 30 seconds
<b>Effect on Resp. Time</b>	According to PBC County Fire Rescue, this amendment will have minimal impact on Fire Rescue services. See PBC Fire Rescue Letter as Attachment K.

## F. Environmental

### Significant habitats or species

Due to the urban nature of the existing development, there is no evidence or reasonable expectation that any listed species are present on the site. The subject property is utilized for commercial retail land use and is proposed to be converted to a convenience store with gas station. Significant habitats are not supported on this site and the proposed development does not alter or impact any critical environmental resources. Existing protected vegetation removed by proposed development shall be mitigated in accordance with the ULDC standards. Therefore, there will be no impacts to the natural environment if this site is develop as intended. In fact, with the current landscaping requirements in place under the ULDC, it is reasonable to assume that the site will be enhanced with vegetation, especially along buffers and in open space areas.

Please see Attachment L Significant Habitats or Species Detail.

### Flood Zone\*

The subject property is located within Zone X, Minimal Flood Hazard Area per National Flood Hazard Layer FIRMette 12099C0779F, Palm Beach County, effective October 5, 2017. See attached Flood Plain Statement – Attachment J.

### Wellfield Zone\*

The subject property is not located within a Wellfield Zone per maps found on the Palm Beach County GIS Maps (myGeoNav). Please see attached map and Wellfield Protection Zone Statement as Attachment M.

*\* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.*

## G. Historic Resources

According to the Historic Resources Evaluation Letter provided by the County's Historic Preservation Officer/Archeologist, Christian Davenport, there are no identified historic or architecturally significant resources on or within 500 feet of the subject property. Furthermore, there are no known archaeological resources located on or within 500 feet of the subject property. Please see the attached Historical Resources letter as Attachment N.

## H. Parks and Recreation - Residential Only (Including CLF)

**No residential density increases are being requested as part of this amendment.**

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional		0.00339		
Beach		0.00035		
District		0.00138		



**I. Libraries - Residential Only (Including CLF)**

**No residential density increases are being requested as part of this amendment.**

**Library Name****Address****City, State, Zip****Distance***Indicate the distance from the site to the nearest library.***Component****Level of Service****Population Change****Change in Demand****Collection**

2 holdings per person

**Periodicals**

5 subscriptions per 1,000 persons

**Info Technology**

\$1.00 per person

**Professional staff**

1 FTE per 7,500 persons

**All other staff**

3.35 FTE per professional librarian

**Library facilities**

0.34 sf per person

**J. Public Schools - Residential Only (Not Including CLF)**

**No residential density increases are being requested as part of this amendment.**

**Elementary****Middle****High****Name****Address****City, State, Zip****Distance**

# **2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION**

## **Part 6. Attachments**

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- A. PCN's, Legal Description and Warranty Deed (includes Legal in PDF & Word)**
- B. Agent Consent Form**
- C. Applicant's Ownership Affidavit**
- D. Applicant's Notice Affidavit, Map, Property Appraiser List, and Labels**
- E. Disclosure of Ownership Interests**
- F. Built Feature Inventory & Map**
- G. Consistency with the Comprehensive Plan and Florida Statutes (includes in PDF & Word)**
- H. Traffic Approval Letter & Traffic Study**
- I. Water & Wastewater Provider LOS Letters**
- J. Drainage Statement & Flood Plain Statement**
- K. Fire Rescue Letter**
- L. Natural Feature Inventory & Map**
- M. Wellfield Zone Map & Statement**
- N. Historic Resource Evaluation Letter**
- O. Palm Beach County School District LOS Letter**
- P. Survey**
- Q. Text Amendment Application (Part 7 in PDF & Word)**

## Attachment F – Built Features Inventory & Map Detail

Murphy Oil – 6950 S. Congress Avenue  
Palm Beach County Future Land Use Amendment Submittal  
Original Submittal: May 12, 2021

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Below is an aerial photo taken in February 2020 with the subject property highlighted in yellow. The 12,200 square-foot building, canopy drive-thru, buffer wall, parking lot, lift station and landscaping were all constructed in 2000 according to the Palm Beach County Property Appraiser records.



Aerial photograph of site was taken in February 2020 and downloaded from Google

## Attachment G – Consistency with Comprehensive Plan & Florida Statutes

### Murphy Oil – 6950 S. Congress Avenue Palm Beach County Future Land Use Atlas Amendment Application Original Submittal: May 12, 2021 – Revised June 8, 2021

#### Introduction

On behalf of the Property Owner, BD CONGRESS LLC (“Owner”), and the Applicant and Lessee, MURPHY OIL USA, INC. (“Applicant”), Bowman Consulting Group, Ltd. (“Petitioner”) respectfully requests your approval of this Small-Scale Future Land Use Amendment application for a property located in unincorporated Palm Beach County, Florida. The ±1.925-acre (±83,843.25 s.f.) subject property (PCNs: 00-43-45-05-23-000-0010 & 00-43-45-05-23-012-0000) is located at the northeast corner Hypoluxo Road and S. Congress Avenue (“subject property”). This application is associated with accompanying Conditional Use and Site Plan applications to be submitted to the Palm Beach County Zoning Division in June 2021.

Currently, the subject property supports Future Land Use designations of Commercial Low (CL) with underlying 5 units per acre - part (1.69 acres) and Commercial Low with underlying 5 units per acre with Cross-Hatching (CLX) – part (0.24 acres), subject to conditions of approval restricting the use of the property, and is within the Community Commercial (CC) – part (1.69 acres) and Single-Family Residential (RS) – part (0.24 acres) zoning districts. The subject property currently has a retail use with pharmacy (vacant – formerly CVS), including 2 drive-thru lanes with canopy. The existing retail building is 12,200 s.f. with a 1,000 s.f. mezzanine. The site includes 61 parking spaces, a loading zone and landscaping. The latest site plan of record with Palm Beach County is Exhibit No. 5 approved on June 28, 2000. More discussion on the history of the property is detailed in the Future Land Use Amendment application. Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
<b>Subject Property</b>	<b>Retail, with Pharmacy (CVS Pharmacy – Closed June 2020)</b>	<b>CL (part) &amp; CLX (part)</b>	<b>CC (part) &amp; RS (part)</b>
<b>North</b>	Floral Road ROW & Single-family residential (Floral Park)	MR-5	RS
<b>South</b>	City of Boynton Beach Hypoluxo Road ROW, gas station (new 7-Eleven), restaurant (Park Ave BBQ) & a retail shopping center (Boynton Lakes Plaza)	LRC*	C3*
<b>East</b>	Single-family residential (Floral Park)	MR-5	RS
<b>West</b>	S Congress Ave. ROW & Retail, with pharmacy (Walgreen’s)	CL/5	CC

\*Boynton Beach: LRC - Local Retail Commercial, C3 – Community Commercial

## **Request**

The Applicant is proposing to redevelopment the site by removing the existing building to construct a 2,824 square-foot convenience store with retail gas sales including 6 fuel pumps (12 fueling positions). As part of the previous Comprehensive Plan Amendment approvals for subject property there was a 50-foot-wide buffer zone area cross-hatched on the Comprehensive Plan Future Land Use Atlas map to act as a buffer for the residential communities to the north and east. Additional landscape buffers were also conditioned on the north, west and south sides of the property, which are labeled as 'buffer easements' on the current plat (P.B. 87, Pages 61-62 in the public records of Palm Beach County). The Applicant is not making any changes or amendments to these landscape buffers or the 50-foot buffer tract (Tract "L" on the Plat).

The follow are the text amendment changes being requested to Ordinance 1999-002 as part of this Small-Scale Future Land Use Amendment application. **(New Additions are underlined; New Deletions are shown as strike through):**

**Ordinance 1997-23:** Small Scale Future Land Use Amendment (App. 98-SCA 83 COM 4) amended 1.03 acres from MR-5 to CL/5 with crosshatching on the eastern 50' of the property. Conditions:

B. Ordinance 97-23 is amended by modifying the conditions of approval contained in Part I B. of said ordinance for a 1.10 acre parcel located on the northeast corner of Hypoluxo Road and Congress Avenue as follows:

1. Architectural Control: Similar architectural character and treatment shall be provided on all sides of the building.
2. Landscaping: Landscaping and buffering along the east and north property lines shall be upgraded to include:
  - a minimum ten (10) foot wide landscape buffer strip;
  - a six (6) foot high opaque concrete wall or six (6) foot hedge. The wall or hedge shall be located of within the required landscape buffer strip along the east and north sides of the property. The exterior side of the wall shall be given a finished architectural treatment which is compatible and harmonious with abutting development.
  - canopy trees, palm or pine trees, and shrub/hedge material on both sides of the wall.
3. Size/Uses:
  - a) The subject property shall be restricted to the following:
    - a maximum of 12,200 square feet including up to a maximum of 2,824 of convenience store and with gas sales up to 12 fueling positions of building;
    - ~~retail, general use.~~
  - b) ~~The uses in the CC district will also be allowed, except for the following uses as defined by the Palm Beach County Unified Land Development Code (ULDC) shall be prohibited:~~
    - a. automotive service station;
    - b. car wash and auto detailing;
    - c. ~~convenience store, no gas sales;~~
    - d. ~~convenience store with gas sales;~~
    - e. laundry services;



- f. lounge, cocktail;
  - g. restaurant, fast food;
  - h. restaurant, general;
  - i. restaurant, specialty;
  - j. retail sales, mobile, temporary or transient;
  - k. vehicle inspection center;
  - l. vehicle repair and related services, mobile minor;
  - m. vehicles sales and rental;
  - n. veterinary clinic with outdoor runs.
4. The petitioner shall perpetually maintain the exterior side of all walls. Maintenance shall include the exterior surface of the wall, landscaping, irrigation and daily garbage/trash pick up.
  5. The cross-hatched portion of the site shall be limited to allow only landscaping and/or drainage.

## **History**

The subject property has a prior history of development approvals dating back to 1995. See the subject property's detailed development approval history in the FLUA Amendment Application Section B – Development History.

## **G.1 - Justification**

The following is justification for the amendment as required by Future Land Use Element Policy 2.1-f. In this case, the adopted Future Land Use designation is correct, but the approved conditions of approval in Ordinance 1999-002 are outdated and require reevaluation to meet today's market trends and allow beneficial use of the subject property. The following demonstrates that an amendment to the existing conditions of approval is warranted.

**Policy 2.1-f:** Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate.

Below is the Applicant's justification and response to **Policy 2.1-f**:

### **1) The proposed FLU is appropriate and suitable for the subject site.**

In the case of the subject property, the current Future Land Use of Commercial Low is appropriate and suitable for the subject site. However, the approving Ordinance and conditions of approval are limiting the redevelopment of the property to meet today's market demands. Specifically, the current conditions of approval in Ordinance 1999-002 restrict the development of the subject property to a maximum of 12,200 square feet of retail, general use. The conditions of approval further restrict the development of the subject property and limit the uses allowed only to those in the Community Commercial (CC) zoning district, with exception to those specifically listed in the Ordinance. Even further restrictions associated with the Board of County Commissioners' ("BCC") Resolutions R-2000-0718 and the approved site plan (Eckerd's Drugs – Petition 97-027 – Exhibit No. 5 - approved on June 28, 2000) limit the development of the subject property to only retail with a pharmacy. Therefore, only a retail pharmacy (drugstore) is

allowed on the property today. A Development Order Amendment to amend Resolution R-2000-0718 to remove the Use Limitation for the drugstore is required just to utilize the property and existing building for a retail use. CVS was in a long-term lease with the property owner but now that they have vacated, Ordinance 1999-002 needs to be reevaluated due to changed conditions in the market, as more pharmacies are closing their brick-and-mortar stores than opening in today's market, especially during the recent COVID-19 pandemic.

**2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:**

The basis for the proposed Future Land Use Amendment is based upon previous changes in Future Land Use on adjacent properties, as well as changes in market conditions as it relates to retail pharmacies. These changes have directly affected the subject property and the ability to market the existing building space to other retail users.

**a. Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**

There are no changes to Future Land Use designations in the immediate area that directly affect this application, however the history of the adjacent property to the west warrant further evaluation of the subject property's conditions of approval in Ordinance 1999-002. The subject property was developed prior to the neighboring property directly across S Congress Avenue to the west (Control No. 1996-72 - Walgreen's). These properties are very similar in that they are both situated at a major intersection with single-family residential adjacent on the north and east, or west in the case of the neighboring Walgreen's property. However, the Walgreen's property did not receive the same use restrictions as the subject property. In fact, the only restrictions in the approving Ordinance for Walgreen's were the 200' crosshatch along the western portion of property, access only to Hypoluxo Road and S Congress Avenue, and a minimum 20-foot buffer along the north property line. As such, this application seeks only to avail the subject property of the same rights granted to the property to the west, which is situated in the exact same development pattern as the subject property. Further, the mere fact that the subject property would not have to go through a Development Order Amendment just to allow another retail user is reason enough to reevaluate Ordinance 1999-002 for the subject property and amend the conditions of approval to allow other uses that are typically permitted by the existing CL Future Land Use and CC zoning.

**b. Changes in the access or characteristics of the general area and associated impacts on the subject site;**

There have been no changes in the access as it relates to this site, however there are several changes in the area that have necessitated a reevaluation of the previous Future Land Use Amendment approval as it relates to the conditions of approval. As stated above, the adjacent Walgreen's property did not receive the same use restrictions as the subject property and is allowed to change it's use subject to the allowances of the Comprehensive Plan and Unified Land Development Code

through the Building Permit/Business License, Development Review Officer, Zoning Commission, or BCC approval process, as applicable. The Walgreen's property is not unduly burdened by a requirement to amend the Future Land Use and process a Development Order Amendment in order to make reasonable use of their property as allowed by the County's regulations, whereas these approvals are required to make use of the subject property. Furthermore, S Congress Avenue from Hypoluxo Road south to Woolbright Road has seen significant commercial development over the last 20 years and this corner of the intersection is a vital piece of that puzzle. As the prior retail pharmacy use is no longer viable due to changes in market conditions since the adoption of Ordinance 1999-002, this amendment is necessary to allow use of the subject property and remove the blight that is perpetuated through vacant and unused commercial buildings. This amendment is a unique opportunity for the redevelopment of this particular corner of a major intersection in Palm Beach County.

**c. New information or change in circumstances which affect the subject site;**

New information and changes in circumstances have occurred over the last 20 years that now affect the subject site. Since Ordinance 1999-002 was approved amending the subject property's Future Land Use from MR/5 to CL/5 and imposing conditions of approval that severely restricted the property's use, the subject property and building have sat vacant for a year. The previous tenant, CVS Pharmacy moved out June of 2020. The closing of major brick-and-mortar retail pharmacies like CVS and Walgreen's has been a trend over the past several years due to competition in the marketplace with major grocery chains like Publix offering prescription drugs, as well as others (Winn-Dixie & Walmart). Other factors affecting brick-and-mortar retail pharmacies are new online pharmacy options like PillPack – an Amazon company, Costco, RX Outreach and Healthwarehouse.com. The online retail pharmacies of today were not around or no competition when the CVS Pharmacy on the subject property opened its doors in the early 2000's. These changed conditions and circumstances necessitate the evaluation of the previous Future Land Use Amendment approval in Ordinance 1999-002 and the opportunity to allow additional Community Commercial (CC) zoning uses for the subject property like neighborhood convenience store and retail gas uses.

**d. Inappropriateness of the adopted FLU designation; or**

The Applicant agrees that the current Commercial Low Future Land Use is appropriate for the subject property. No change to the Future Land Use designation is being requested as part of this amendment application. The inappropriateness applies to the conditions of approval that severely restrict the utilization and development of the subject property that other properties with a Commercial Low Future Land Use designation can achieve. In fact, after the adoption of Ordinance 1999-002, in 2001 the County approved a Future Land Use change for the property immediately across Congress Avenue to the west, located in the same single family residential context, without the same use restrictions as those applied to the subject property. This indicates that the County later found such restrictions to be inappropriate for a property located in this context. It is apparent by the vacancy of this commercial retail building, in a vibrant commercial corridor, that a reevaluation of Ordinance 1999-002 is necessary.



**e. Whether the adopted FLU designation was assigned in error.**

The Applicant does not feel that the previous Future Land Use designation was adopted or assigned in error. The Applicant is merely asking for the County to reevaluate Ordinance 1999-002 and the conditions of approval to see if they are still relevant 20 years later. The Commercial Low Future Land Use designation is appropriate for the subject property. In fact, **Policy 2.2.2-a – Intersection Location**, specifically states *Commercial Low, High Office, or High future land use designations shall have frontage on two built roadway segments identified as an arterial road and a collector road, or two arterial roads*. The subject property has frontage on S Congress Avenue (Urban Principal Arterial) and Hypoluxo Road (Urban Minor Arterial). As further stated in the Comprehensive Plan (**Page 122 – FLUE**), *The CL category includes a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas*. The Commercial Low land use category was intended to provide commercial activities and services like convenience stores and gas stations ‘adjacent’ to residential areas. The fact that Ordinance 1999-002 restricts the property to only allow 12,200 square feet of retail use is inconsistent with the intent of the Commercial Low designation and with how the County applied this designation for the property across the street to the west only 2 years after the adoption of Ordinance 1999-002. The convenience store and retail gas sales uses have a high amount of passer-by trips, meaning people typically do not make special trips or go out of their way to visit these types of commercial uses. Therefore, a significant portion of the anticipated traffic trips assigned to the proposed convenience store and retail gas sales uses are people who were already ‘passing by’ the use. This Future Land Use amendment is merely requesting to remove the restrictions on the convenience store and retail gas sales uses that were imposed by the approving Ordinance 1999-002 and allow them to be utilized on the subject property today.

**G.2 – Residential Density Increases**

No residential density increases are being requested as part of this amendment.

**G.3 – Compatibility**

The proposed Future Land Use Amendment is compatible with existing and planned development in the immediate vicinity and the Applicant has evaluated the impacts on the following areas as it relates to Comprehensive Plan **Policy 2.1-f**: *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

- 1. The natural environment, including topography, soils and other natural resources;**

Response: The subject property has been operating as a retail pharmacy for over 15 years. Due to the urban nature of the existing development, there is no evidence or reasonable expectation that any listed species are present on the site. The subject property is utilized for commercial retail land use and is proposed to be converted to a convenience store with retail gas sales. Significant habitats are not supported on this site and the proposed development does not alter or impact any critical environmental resources. Existing protected vegetation removed by proposed development shall be mitigated in accordance with the ULDC standards. Therefore, there will be no impacts to the natural environment if this site is develop as intended. In fact, with the current landscaping requirements in place under the ULDC, it is reasonable to assume that the site will be enhanced with vegetation, especially along buffers and in open space areas.

## **2. The availability of facilities and services;**

Response: The site is located within the Urban/Suburban Tier in the Urban Service Area with frontage along a major County corridors S Congress Avenue and Hypoluxo Road. Detailed information on each of the required facilities and services can be found below:

- a. Traffic: Please see attached traffic analysis and letter indicating compliance with Policy 3.5-d of the FLUE of the Comprehensive Plan.
- b. Mass Transit: The nearest Palm Tran Route is Route #2 – WPB – BCR via Congress Avenue and the nearest bus stops are: Bus Stop ID#817, Stop Name: Congress Ave @ Floral Road (northbound) & Bus Stop ID#868, Stop Name: Congress Ave @ Hypoluxo Rd. (southbound).
- c. Potable Water and Wastewater: Potable water and wastewater service will be provided by the City of Lake Worth Beach Water Utilities Department. See attached Service availability letter under Attachment I.
- d. Drainage: The site is within the boundaries of the Lake Worth Drainage District (LWDD). Legal positive outfall is available to the site via S Congress Avenue right-of-way adjacent to the west property line through the use of on-site retention areas in conjunction with a system of exfiltration trenches, inlets and closed piping systems. Please refer to the Drainage Statement prepared by Bowman dated May 7, 2021 being included as Attachment J with this application for more details.
- e. Fire Rescue: The nearest Palm Beach County Fire Rescue station is Station #35 (2501 Lantana Road) located approximately 2 miles from the subject property. The estimated response time to the subject property is 6 minutes 30 seconds. Palm Beach County Fire Rescue has determined that the amendment will have minimal impact on Fire Rescue. Please see attached letter from PBC Fire Rescue (Attachment K)

## **3. The adjacent and surrounding development;**

Response: To the north and east of the subject property is single-family residential land use. In order to ensure property buffering and compatibility, the previous Future Land Use Amendment Ordinance 1999-002 conditioned a 50-foot undevelopable cross-hatched buffer area on the eastern portion of the subject property as well as a platted 15-foot landscape buffer along the north property line. Directly to the west is S Congress Avenue (a 120' right-of-way) as well as a retail pharmacy (Walgreen's). Directly to the south is Hypoluxo Road (a 110' right-of-way) and a convenience store with gas sales (new 7-

Eleven), restaurant (Park Ave BBQ) and retail shopping center. Below are the existing FLUA designations and current land uses for the surrounding properties:

North: MR-5 – Single-family residential

South: LRC (City of Boynton Beach) – various commercial including convenience store with retail gas sales, restaurant, and retail shopping center.

East: MR-5 – Single-family residential

West: CL/5 – Retail with pharmacy

The proposed Future Land Use Amendment to Ordinance 1999-002 to allow a convenience store and retail gas sales will be compatible with both the residential and non-residential uses that surround the subject property given the buffering conditions of approval placed on the property under the previous Future Land Use Amendment. Those conditions included a 50-foot-wide buffer area on the eastern portion of the property cross-hatched on the Comprehensive Plan Future Land Use Atlas map to act as a buffer for the residential communities to the north and east. Additional landscape buffers were also conditioned on the north, west and south sides of the property, which are identified as buffer easements on the recorded plat (P.B. 87, Pages 61-62 in the public records of Palm Beach County). The Applicant is not proposing any changes or amendments to these landscape buffer easements or the 50-foot buffer tract (Tract “L” on aforementioned Plat). Furthermore, the property to the west, which is located in the exact same context as the subject property, is not subject to the same use restrictions as the subject property. As such, the County has already found at this commercial node that the proposed modification to the existing conditions of approval is compatible with the surrounding single family residential uses.

#### **4. The Future Land Use balance;**

The Applicant is not requesting to amend the Future Land Use designation of the subject property. In fact, the Applicant feels that the Commercial Low designation is appropriate for the area and an appropriate transition from heavy commercial areas to the south along Hypoluxo Road and S Congress Avenue. Further, the existing landscape buffers and buffer wall that are in place provide protection for the community to the north and east. This property provided extensive buffering as part of the previous Future Land Use Amendment. The Applicant is only seeking to avail the property of the same rights enjoyed by the property across Congress Avenue to the west that is located in the same context. Therefore, it is appropriate to revisit the conditions of approval to allow additional neighborhood serving uses to this property.

#### **5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;**

Response: This request is to allow the redevelopment of an existing retail pharmacy to a convenience store with gas sales which on a majority of other properties in the County with a Commercial Low Future Land Use would be allowed. This area of the County is mostly built-out with little to no vacant land available. The subject property is at the northeast corner of the intersection of two arterial roadways, S Congress Avenue (Urban Principal Arterial) and Hypoluxo Road (Urban Minor Arterial). The proposed project exemplifies the prevention of sprawl as it is infill redevelopment of an already developed property within the Urban/Suburban Tier.

**6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and**

Response: The subject property is not within any Community Plans or Planning Area Special Study areas recognized by the Board of County Commissioners. It should be noted that the Property Owner and the Applicant have been in communication with the Floral Park Homeowners' Association. The Floral Park HOA is a volunteer HOA and residents are not required to pay dues. The Property Owner and the Applicant's Planning Consultant, Bowman, made a presentation to the Floral Park HOA Board on March 9, 2021. An additional meeting is anticipated in order to make a similar presentation to the residents of the community in May or June. Some of the Board's initial concerns were related to traffic, lighting, access to Floral Road, hours of operation and possible gasoline spills. The Applicant is committed to ensuring that all these issues are mitigated. The Applicant will continue to report to the PBC Planning Staff on the status of future meetings and provide letters of support as if they are obtained.

**7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.**

Response: The subject property is directly across Hypoluxo Road from the City of Boynton Beach, 1.1 miles from the Town of Lantana, and 1.1 miles from the City of Atlantis.

**G.4 – Comprehensive Plan**

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).

Below are the specific objectives and policies of the Comprehensive Plan:

**Objective 1.1 Managed Growth Tier System, #5.** *Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;*

This Objective encourages infill development and redevelopment activity, which is exactly what this Future Land Use Amendment is requesting. The subject property was developed with a use, a retail pharmacy, that unfortunately had a shelf-life of approximately 15 years due to significant changes in technology and market demands over that period. As such, it is now necessary to reevaluate the previous conditions of approval and update the Ordinance 1999-002 to allow additional uses like a convenience store and retail gas sales to eliminate the blight caused by a vacant commercial building and allow this property to once again be part of this vibrant community.

As stated above, the subject property's Future Land Use designation is appropriate, however the approving Ordinance 1999-002 and the conditions of approval necessitate a reevaluation as they are over 20 years old and did not anticipate the technological changes of the past two decades and today's commercial market. As stated in the Comprehensive Plan (Page 122 – FLUE), The CL category includes a limited range of neighborhood-oriented commercial

activities designed primarily to provide services to adjacent residential areas. The Applicant is proposing to redevelop the existing retail pharmacy into a convenience store with gas station, which is a common neighborhood serving use. The 1999 Future Land Use Amendment (Ordinance 1999-002) did address the adjacent neighborhood concerns by imposing conditions of approval related to the 50' buffer zone and a 15' landscape buffer easement that included a concrete wall along the north and east property lines. The Applicant is not requesting any changes to these conditions, and only seeks to modify the use restrictions to allow the subject property the same development rights that are enjoyed by the property across the street to the west.

**Objective 2.2 Future Land Use Provisions - General** – *Palm Beach County shall ensure development is consistent with the County's diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provisions of facilities and services shall be consistent with the property's future land use designation, and the applicable Goals, Objectives and Policies of this Element.*

Response: The Applicant is not requesting to amend the property's existing Commercial Low Future Land Use designation. The proposed amendment is requesting to remove the convenience store with gas sales use from the restricted list to allow for the redevelopment of the northeast corner of S Congress Avenue and Hypoluxo Road, a prominent intersection of Palm Beach County where adequate public facilities and services are existing and available. This change is consistent with the County's character and surrounding future land use designations.

**Policy 1.2-b:** *Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.*

Response: The subject property is located at the northeast corner of S Congress Avenue and Hypoluxo Road. Unfortunately, adaptive reuse of the existing building has not been achieved over the past year likely due to the proliferation of big box retail stores that exist along S Congress Avenue to the south, as well as the prevalence of online marketplaces that reduce the need for typical brick and mortar retail establishments. The property's continued vacancy has rendered it effectively an infill parcel that requires redevelopment in order to prevent the foreseeable blight that occurs when a commercial space remains vacant for a long period of time. Therefore, the opportunity to redevelop this property is necessary to revitalize an active corner of a major intersection in Palm Beach County. The proposed amendment to revise the conditions of approval to allow the convenience store and retail gas sales uses, in conjunction with maintaining the buffering conditions previously placed on the property, will ensure that the property is redeveloped consistent with the surrounding properties.

**Policy 2.2.2-a – Intersection Location**

This policy specifically states *Commercial Low, High Office, or High future land use designations shall have frontage on two built roadway segments identified as an arterial road and a collector road, or two arterial roads.*

Response: The subject property has frontage on S Congress Avenue (Urban Principal Arterial) and Hypoluxo Road (Urban Minor Arterial).

**Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*



Response: The subject property already has a Commercial Low Future Land Use designation and is located at a major intersection in the County; thus, the amendment would not result in or encourage the proliferation of strip commercial development.

## **G.5 – Florida Statutes**

The data and analysis presented in this application and justification statement support the request for this Future Land Use Amendment to revise the conditions of approval of the previous amendment under Ordinance 1999-002 and demonstrate consistency with the Florida Statutes, specifically Chapter 163.

The following summary details the compliance of the requested amendment with Florida Statutes.

- Florida Statutes, Section 163.3177.(6).(a).9.a. indicates that the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
  - Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
  - Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - Fails to maximize use of existing public facilities and services.
  - Fails to maximize use of future public facilities and services.
  - Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government
  - Fails to provide a clear separation between rural and urban uses.
  - Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - Fails to encourage a functional mix of uses.
  - Results in poor accessibility among linked or related land uses.
  - Results in the loss of significant amounts of functional open space.

**As detailed throughout this justification, the proposed amendment seeks to modify conditions of approval that restrict use of the subject property to allow redevelopment of an infill property. The existing conditions of approval discourage and inhibit infill redevelopment of the subject property and fail to encourage a functional mix of uses, which is contrary to the discouragement of urban sprawl per Florida Statutes. Approval of the requested amendment to the conditions of approval will allow for the reuse of land in a way that maximizes use of existing services and facilities and protects natural resources and agricultural areas by locating development within the existing suburban area where it is needed. As such, the requested amendment will help to discourage sprawl.**

- Florida Statutes, Section 163.3177.(6).(a).9.b: The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - Promotes conservation of water and energy.
  - Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
  - Preserves open space and natural lands and provides for public open space and recreation needs.
  - Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

**The requested amendment is intended to allow an infill redevelopment project that furthers many of the elements listed above including direction of economic growth to a geographic area that does not have an adverse impact on the County's natural resources by locating development in a built-out environment, promotion of the efficient provision of public facilities and services by locating development where there are existing facilities and services, promotion of a walkable community by locating community commercial uses within walking distance of existing residences, and creation of a balance of uses by allowing contextually appropriate neighborhood commercial uses within close proximity to the residents the uses are needed to serve**

In conclusion, the proposed Small-Scale Future Land Use Amendment to amend the conditions of approval associated with Ordinance 1999-002 is consistent with the Goals, Objectives, and Policies of Palm Beach County Comprehensive Plan and the Florida Statutes. The proposed amendment is also compatible with the surrounding area due to the previous buffering conditions placed on the property from the same Ordinance 1999-002. On behalf of the Property Owner, BD CONGRESS LLC ("Owner"), and the Applicant and Lessee, MURPHY OIL USA, INC. ("Applicant"), Bowman Consulting Group, Ltd. ("Petitioner") respectfully requests your approval of this Small-Scale Future Land Use Amendment application.





WATER UTILITIES DEPARTMENT  
301 COLLEGE STREET  
LAKE WORTH BEACH, FL 33460

July 22, 2020

Stan Kouzmine  
Bowman Consulting  
13450 W. Sunrise Blvd, Ste 320  
Sunrise, FL 33323

Subj: 6950 S Congress Ave  
PCN # 00-43-45-05-23-000-0010

Dear Mr. Kouzmine,

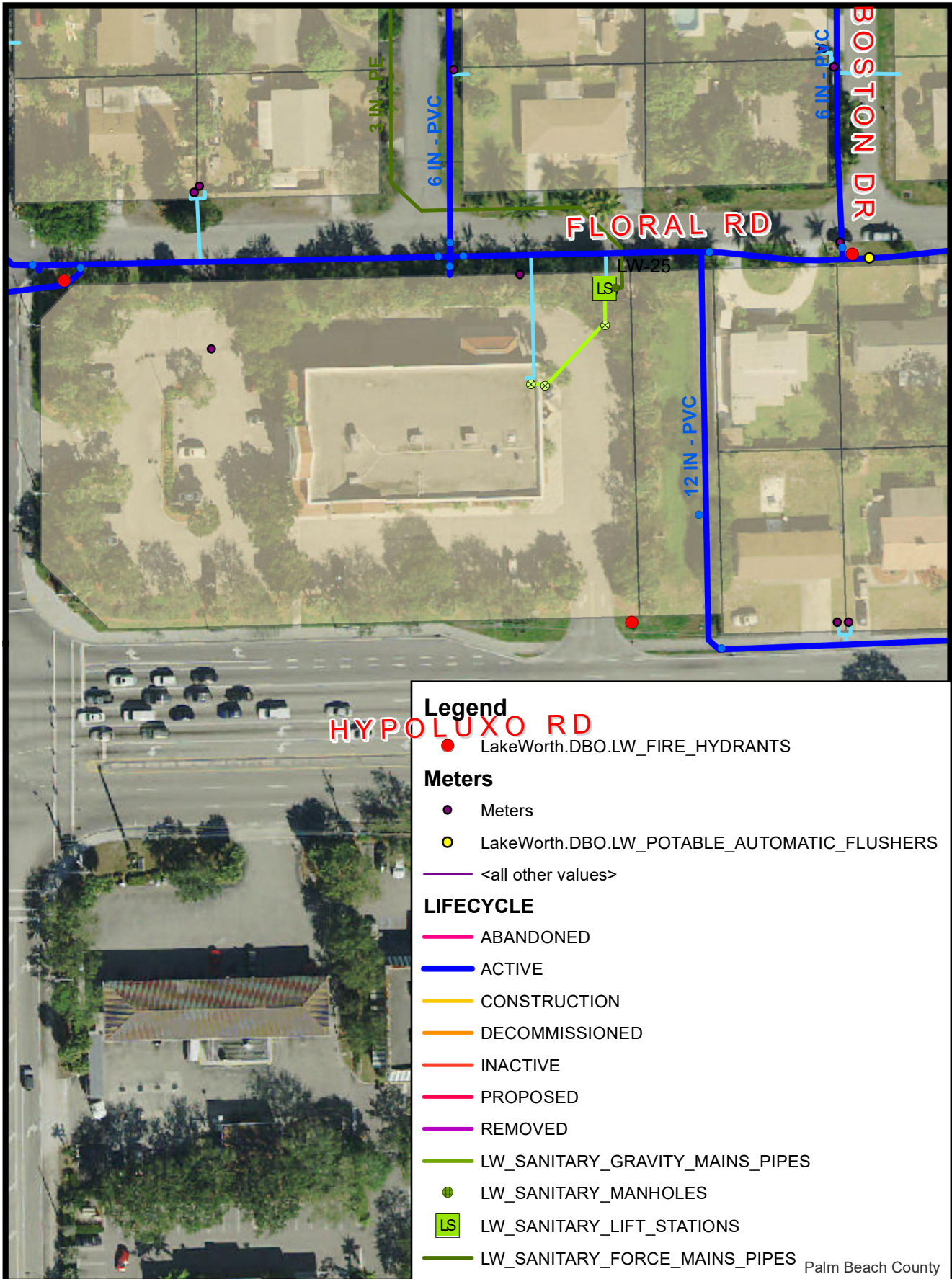
The City of Lake Worth Beach Water Department has potable water and sewer service in the vicinity of this site. There is a 12-inch water main that runs along Floral Road and along the eastern side of the drainage retention area site. The site is served by a City maintained lift station that is located in the NE property corner. The capacity of the lift station is shown within the separately attached as built drawings.

Should you have any questions, please call me at (561) 586-1640.

Sincerely,

A handwritten signature in black ink, appearing to read "Giles Rhoads", is positioned below the "Sincerely," text.

Giles Rhoads, P.E.  
Assistant Director, Water Utilities Department  
City of Lake Worth Beach



**Drainage and Legal Positive Outfall Statement  
Murphy Oil – 6950 S. Congress Avenue  
Palm Beach County Future Land Use Atlas Amendment Application  
Original Submittal: May 12, 2021**

**Location:**

The subject property is ±1.686 acres and is located at 6950 S. Congress Avenue, within Lake Worth, Palm Beach County, FL. The site is currently identified by folio numbers 00-43-45-05-23-000-001 & 00-43-45-05-23-012-0000, Section 5, Township 45 South, Range 43 East and is currently platted under Eckerd's - Hypoluxo Subdivision per P.B. 87, PG. 61-62, of the Public Records of Palm Beach County, Florida.

**FEMA Flood Data:**

The subject property is located within Zone X, Minimal Flood Hazard Area per the National Flood Hazard Layer FIRMette 12099C0779F, Palm Beach County, effective October 5<sup>th</sup>, 2017.

The project is located in the C-16 Drainage Basin of the South Florida Water Management District (SFWMD).

**Existing Conditions:**

The site currently contains a CVS supermarket/drugstore with right-in/right-out access on S. Congress Avenue and Hypoluxo Road. There are six (6) drainage structures on-site located within the drive aisles around the property. The drainage system is owned by Lake worth Drainage District and ultimately connects to the LWDD L-17 canal.

**Proposed Improvements and Drainage System:**

The proposed site improvements consist of complete demolition of the existing site and construction of a 2,824 sq. ft. convenience store with canopy and fueling dispensing system, fuel tanks, dumpster enclosure, and associated paved/concrete parking/drive aisles, and open space areas to allow for landscape requirements.

A new drainage system will be constructed consisting of exfiltration trenches, catch basins, and a dry detention area to address water quality and stormwater storage requirements. The far east lot, by property ID number 00-43-45-05-23-012-0000, is allotted for drainage purposes solely. The outfall for this project's drainage system will connect to an existing storm structure in Congress Avenue right-of-way. Legal positive outfall will be via the Congress Avenue drainage system.

The proposed stormwater management system will be designed to meet the criteria of the SFWMD (C-16 Basin), the requirements of LWDD, and the requirements of Palm Beach County.

The drainage design will meet the following specific requirements:

- The building floor elevations will be designed to meet the 100 year — 3-day rainfall event.
- The runoff from the site will be through an approved control structure and will meet the 25 year — 3-day rainfall event allowable discharge rate per the SFWMD and the LWDD and will comply with the connection criteria requirements of Palm Beach County.
- The parking lot elevations shall meet or exceed the 5 year -1day rainfall event flood stage.
- Water quality treatment will comply with the SFWMD criteria.

This item has been digitally signed and sealed by Justin Thompson, P.E. on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

05/07/2021

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**Justin Thompson, P.E.**

Florida License No. 84595

**Bowman Consulting Group, LTD.**

Board of Professional Engineers

Certificate of Authorization No. 30462



**Flood Plain Statement**  
**Murphy Oil – 6950 S. Congress Avenue**  
**Palm Beach County Future Land Use Atlas Amendment Application**  
**Original Submittal: May 12, 2021**

**Location:**

The subject property is ±1.686 acres and is located at 6950 S. Congress Avenue, within Lake Worth, Palm Beach County, FL. The site is currently identified by folio number 00-43-45-05-23-000-001 & 00-43-45-05-23-012-0000, Section 5, Township 45 South, Range 43 East and is currently platted under Eckerd's - Hypoluxo Subdivision per P.B. 87, PG. 61-62, of the Public Records of Palm Beach County, Florida.

**FEMA Flood Data:**

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The project is located in the C-16 Drainage Basin of the South Florida Water Management District (SFWMD).

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05/07/2021

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**Justin Thompson, P.E.**  
Florida License No. 84595  
**Bowman Consulting Group, LTD.**  
Board of Professional Engineers  
Certificate of Authorization No. 30462



**Fire Rescue**

Chief Reginald K. Duren  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Mack Bernard, Mayor  
Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

April 23, 2021

Bowman Consulting  
Damian Brink  
13450 W Sunrise Blvd.  
Suite 320  
Sunrise, FL 33323

Re: Murphy Oil - 6950 S. Congress Ave.

Dear Damian Brink:

Per your request for response time information to the subject property located at 6950 S. Congress Avenue. This property is served currently by Palm Beach County Fire-Rescue station #35, which is located at 2501 Lantana Rd. The subject property is approximately 2 miles from the station. The estimated response time to the subject property is 6 minutes 30 seconds. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 5:58.

Changing the land use of this property will have minimal impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue

## Attachment L - Significant Habitats or Species Detail

### Murphy Oil – 6950 S. Congress Avenue Palm Beach County Future Land Use Amendment Submittal Original Submittal: May 12, 2021

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#### Significant habitats or species:

Below is an aerial photo taken in February 2020 with the subject property highlighted in yellow.

Due to the urban nature of the existing development, there is no evidence or reasonable expectation that any listed species are present on the site. The subject property is utilized for commercial retail land use and is proposed to be converted to a convenience store with retail gas sales. Significant habitats are not supported on this site and the proposed development does not alter or impact any critical environmental resources. Existing protected vegetation removed by proposed development shall be mitigated in accordance with the ULDC standards. Therefore, there will be no impacts to the natural environment if this site is develop as intended. In fact, with the current landscaping requirements in place under the ULDC, it is reasonable to assume that the site will be enhanced with vegetation, especially along buffers and in open space areas.



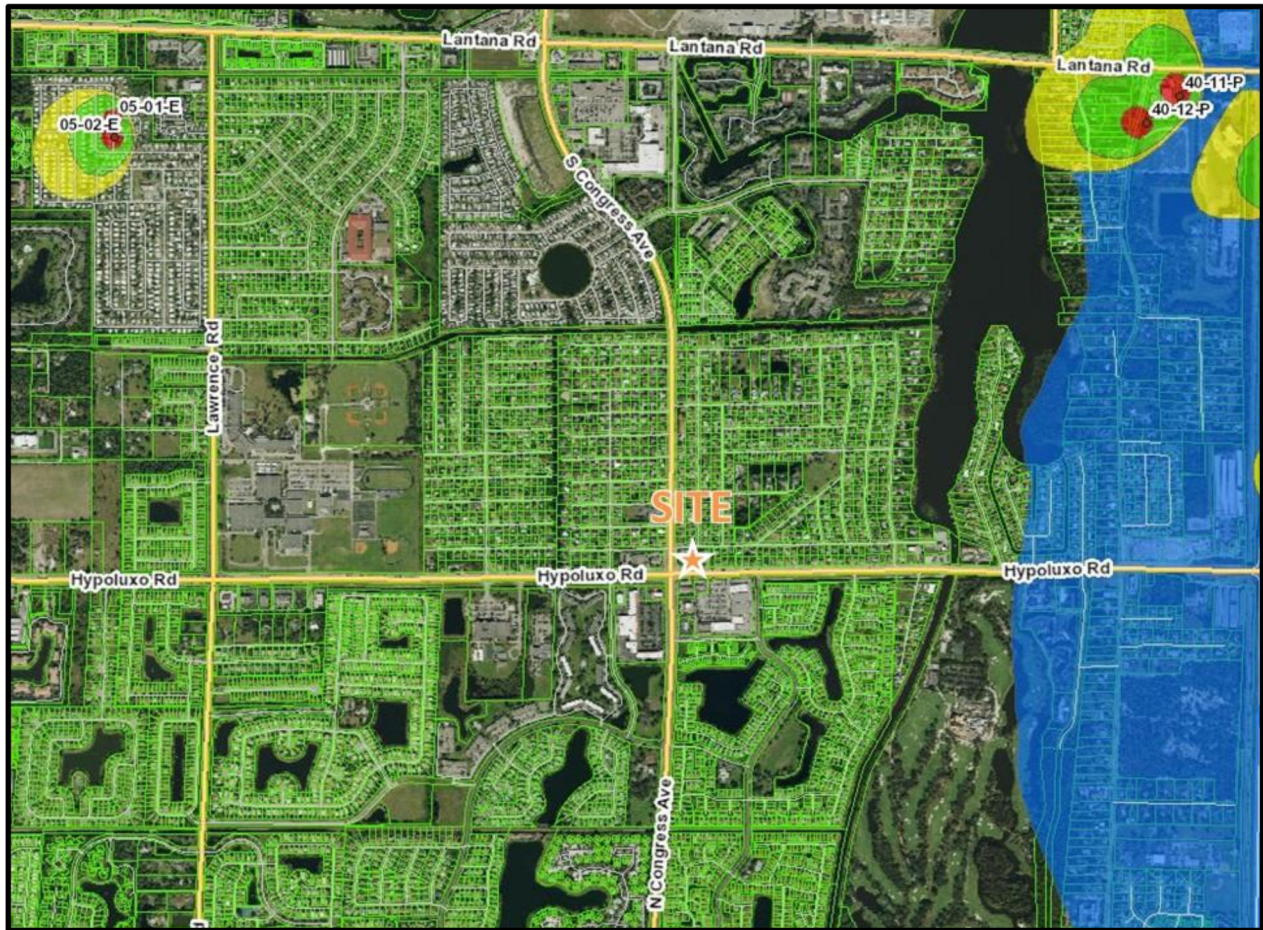
Aerial photograph of site was taken in February 2020 and downloaded from Google



## Attachment M – Wellfield Zone Map & Statement

Murphy Oil – 6950 S. Congress Avenue  
Palm Beach County Future Land Use Amendment Submittal  
Original Submittal: May 12, 2021

The subject property is not located within a Wellfield Zone as show below from the maps found on the Palm Beach County GIS Maps (myGeoNav) published by Palm Beach County.



### Legend

#### Wellfield Protection Wells



#### Wellfield Protection Zones

- 1
- 2
- 3
- 4

#### Parcels





**Wellfield Protection Zone Statement  
Murphy Oil – 6950 S. Congress Avenue  
Palm Beach County Future Land Use Atlas Amendment Application  
Original Submittal: May 12, 2021**

**Location:**

The subject property is ±1.686 acres and is located at 6950 S. Congress Avenue, within Lake Worth, Palm Beach County, FL. The site is currently identified by folio number 00-43-45-05-23-000-001 & 00-43-45-05-23-012-0000, Section 5, Township 45 South, Range 43 East and is currently platted under Eckerd's - Hypoluxo Subdivision per P.B. 87, PG. 61-62, of the Public Records of Palm Beach County, Florida.

**Wellfield:**

The subject property is not located within a wellfield zone per Palm Beach County Wellfield Protection Zone maps found on the Palm Beach County Interactive Wellfield Map site published by Palm Beach County.

This item has been digitally signed and sealed by Justin Thompson, P.E. on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

05/07/2021

**Justin Thompson, P.E.**

Florida License No. 84595

**Bowman Consulting Group, LTD.**

Board of Professional Engineers

Certificate of Authorization No. 30462



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



printed on sustainable  
and recycled paper

April 26, 2021

Damian Brink  
Bowman Consulting  
13450 W. Sunrise Blvd. Suite 320  
Sunrise, Florida 33323

RE: Historical and Archaeological Resource Review for the property located at 6950 S. Congress Avenue, Lake Worth, Florida, under PCN's: 00-43-45-05-23-000-0010 and 00-43-45-05-23-012-0000.

Dear Mr. Brink:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statute 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Davenport".

Christian Davenport, MA, RPA  
County Historic Preservation Officer/ Archeologist

cc: Patricia Behn, Planning Director, PBC Planning Division  
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\LandUseAmendments&Development  
Review\BowmanConsulting\locations:6950 S.CongressAve-PCN's\_00434505230000010&-012-0000 04-26-  
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