January 5, 2016 Board of Adjustment
Staff Recommendations

PETITIONER: Steven Wherry, Greenspoon Marder Law, agent for TVC Margate Co., LLC
LOCATION: 2000 N State Road 7
ZONING: TOC-G Gateway District

INTRODUCTION

Public hearing applications BA-3-2016 through BA-12-2016 were filed for a single project, and this staff report will provide a recommendation to the Board for each application. This redevelopment project proposes to replace a largely unused and nearly vacant office building located at the Southeast corner of State Road 7 and Copans Road at 2000 North State Road 7 with an upscale 5,943 square foot Wawa hybrid convenience store and gasoline service station, with future plans for a Phase II retail component to occur on the eastern portion of the subject property.

This is the latest of four gasoline service station applications that have been submitted to the City since 2014. In February 2014 Race Trac submitted a proposal to develop a 24 hour, 24 pump service station at the site located at the Northeast corner of State Road 7 and Northwest 31st Street; in June 2014 an Orion gasoline service station received approval to re-open a long time vacant gas station located at the Northwest corner of State Road 7 and West Atlantic Boulevard at 505 North State Road 7 rather than attempt to redevelop the site; and in June 2015 Cumberland Farms submitted preliminary plans to redevelop a vacant Walgreens pharmacy located at 5485 West Atlantic Boulevard into a gasoline service station. Of the preceding three applications, only the Orion gasoline service station at 505 North State Road 7 has progressed beyond conception into the process of making physical improvements, and is currently under construction.

As part of the City's vision for redevelopment and future economic prosperity, Transit Oriented Corridor (TOC) provisions were adopted into the Margate Comprehensive Plan and Margate Zoning Code, fostering a change in land development and zoning patterns along State Road 7 and Atlantic Boulevard. The general focus of TOC redevelopment is to create a bicycle and pedestrian friendly streetscape, while providing a dense urban form to support mass transit ridership. A gasoline service station, while inherently designed to support individual vehicle usage, and generally in conflict with TOC land development standards, still constitute a much needed component of the City of Margate economy due to the suburban single family neighborhoods development patterns and strong reliance on individual vehicle ownership and usage that Margate faces. The result is a challenge of integrating a vehicle oriented use and need of the City into a Transit Oriented Corridor.

When Race Trac submitted an application in 2014 they identified a need for a north bound fueling station on State Road 7. The site that was selected by Race Trac was not suitable for a gasoline service station, primarily due to its adjacency to residential land and environmentally sensitive conservation areas. Although this application was denied, the City understood the demand for such a use and encouraged Race Trac to find another location on State Road 7.

The variances being sought by Wawa are similar to those previously petitioned for by Race Trac, as well as other auto necessary businesses where the TOC regulations fundamentally cannot be adhered to. The location selected by Wawa does not present the same adverse effects to adjacent

neighborhoods that other properties would, including the property previously petitioned for by Race Trac. On October 27, 2015 the City of Margate's Development Review Committee (DRC) reviewed a preliminary Site Plan for this project. During the review, there were a number of design components that did not comply with the regulations set forth in the City of Margate Code of Ordinances, including Appendix A – Zoning. Since the DRC meeting, the applicant has made corrections to the site plan to bring the parking dimensions, provisions of bicycle parking, landscaping, and dumpster enclosure into compliance with the Code. The applicant has also made voluntary improvements to the site, including offering an outdoor seating area and an interior driveway connection to the existing property that abuts the southern property line, allowing for future connectivity and cross access. The remaining outstanding items become the subject of the applicant's variance proposals, which generally focus on the location, placement, and size of the proposed hybrid convenience store and gasoline service station on the property and in relation to the public right of ways.

PART 4: SIGNS

HEARING NO.: BA-10-2016
SECTION OF CODE: Section 39.6(A)(2)

Code requires a minimum five foot setback from the right-of-way for monument signs. Petitioner is requesting permission to provide a setback of 2.04 feet for a gas price monument sign.

HEARING NO.: BA-11-2016
SECTION OF CODE: Section 39.8(C)(3)

Code limits gasoline service stations to a single gas price monument sign. Petitioner is requesting permission to install a second gas price monument sign at a gasoline service station.

The above described variances both pertain to proposed signage for the new development, and will be discussed together in order to prevent redundancy.

The intent of the five foot setback requirement for monument signs is to ensure adequate visibility afforded to drivers. The subject of the sign setback is the gas price sign proposed to be located along State Road 7. At this particular location, there is approximately 35 feet from the curb of the roadway to the property line. If granted, this variance would place the front edge of the gas price monument sign 37 feet from the State Road 7 roadway, providing ample separation from the roadway.

A review of the typical Margate gasoline service stations is required in order to understand the intent of the Code limiting gasoline service stations to a single gas price monument sign. Typical Margate gasoline service stations are located at intersections, are on relatively small parcels, and generally have oversized driveways. The Sign Code created this limitation in order to keep signage scaled to typical gasoline service station development. The applicant is proposing a gasoline service station that is much larger than typical, on a 3.6 acre site, with driveway connections that are spaced several hundred feet apart and located on separate major thoroughfares.

Staff finds that the size of property and the size of the development offer a unique situation for signage. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of both of these variances.**

RECOMMENDATION: **APPROVE** APPROVE WITH CONDITIONS DENY

Director of Economic Development.

4 JAN 16
Date