

## **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

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### **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 31<sup>st</sup> 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.

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## **PART 1: PROXIMITY TO EXISTING GASOLINE SERVICE STATION**

**HEARING NO.:** BA-03-2016

**SECTION OF CODE:** Section 8.4(B)(1)(g)

Code does not allow gasoline service stations within 1,000 feet of any other gasoline service station. Petitioner is requesting permission to allow a gasoline station within 1,000 feet of an existing gasoline service station.

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The intent of this code provision was to curb the proliferation of gasoline service stations within the City that was occurring at the time of its adoption, as the City of Margate had reached its supply saturation point for such uses. However, since the passage of this regulation, several gasoline services stations have closed, and in doing so a substantial demand for a gas station on the northbound side of State Road 7 has been created. Race Trac identified this demand in 2014, but was not successful at bringing a project to fruition due the non-compatibility of their chosen site with adjacent properties. The nearest existing northbound gasoline service stations are a Marathon station located at 804 North State Road 7 south of Margate Boulevard to this sites south, and a Chevron located at 4650 North State Road 7at Wiles Road and State Road 7 to the north. The subject property is located at the nexus of two major thoroughfares; State Road 7 and Copans Road and will be able to serve northbound traffic as well as those commuters utilizing the highway system.

Staff finds a substantial demand for a northbound gasoline service station on State Road 7 within the City of Margate. 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 this variance.**

**RECOMMENDATION:** APPROVE

APPROVE WITH  
CONDITIONS

DENY

  
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Director of Economic Development.

4 JAN 16  
Date