

## **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 2: BUILDING SIZE AND PLACEMENT**

**HEARING NO.:** BA-04-2016

**SECTION OF CODE:** Section 9.7(C)

Code requires new development within the TOC to be located on the established build-to-line (BTL) and front the adjacent roadway; the BTL along Copans Road is 20 feet from the curb of the roadway. Petitioner is requesting permission to build a new gasoline service station that is setback 77 feet.

**HEARING NO.:** BA-05-2016

**SECTION OF CODE:** Section 9.7(D)

Code requires new development within the TOC to be located on the established build-to-line (BTL) of all applicable secondary frontages; the BTL along State Road 7 is 25 feet from the curb of the roadway. Petitioner is requesting permission to build a new gasoline service station that is setback 74 feet.

**HEARING NO.:** BA-06-2016

**SECTION OF CODE:** Section 9.7(H)

Code requires new development within the TOC-G Gateway to be build out at least 70% of their primary frontage. Petitioner is requesting permission to build a new gasoline service station that occupies 0% of the property frontage.

**HEARING NO.:** BA-07-2016

**SECTION OF CODE:** Section 9.7(I)

Code requires new development within the TOC-G Gateway that is located at the intersection of two primary streets to “hold the corner” of the intersection. Petitioner is requesting permission to build a new gasoline service station that is set back 77 feet from Copans Road and 74 feet from State Road 7 and does not “hold the corner” of the adjacent intersection.

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The above described variances all pertain to the relation of the building size and placement with the form-based code and building design guidelines adopted for the Transit Oriented Corridor (TOC), and will be discussed together in order to prevent redundancy. The subject property is a 3.6 acre rectangular multi-parcel piece of land running lengthwise along Copans Road.

TOC design guidelines require building placement to be at the front(s) of a given property, and restrict vehicle movement to the rear of the property. This orientation is successful with a number of uses, however, it is not feasible and special considerations are warranted for uses focused and specifically designed for vehicle use, especially wherein vehicular circulation around a building or other component of the property is necessary, such as a gasoline service station. While the petitioner has made great efforts to provide pedestrian amenities on site, the primary use of the site is to refuel vehicles, so vehicular accessibility and circulation must be at the design forefront.

When designing the site for a gasoline service station, the developer chose to have the fuel canopy adjacent to Copans Road with the hybrid convenience store facing both Copans Road and State Road 7. The design maximizes visibility of the hybrid convenience store from State Road 7 and fuel pumps and canopy from both frontages, as well as the number of fuel pumps that can be provided under a single canopy, and provides uninterrupted visibility of the fuel pumps by staff. The National Fire Prevention Code NFPA1 requires that gas stations provide an emergency fuel cutoff switch, and afford those employees charged with manning the switch an unobstructed view of all fuel pumps. The size and number of goods and services offered within the hybrid convenience store limits options for employee placement, essentially requiring the building and the canopy to be built running parallel to each other.

Staff finds that the nature of the use is inherently oriented toward vehicle use and accessibility, therefore the petitioner would suffer a genuine hardship if subject to a strict and literal enforcement of the pedestrian oriented design guidelines of the TOC, and that truly holding the corner while providing the required building frontage requirement would be contrary to NFPA1 requirements, therefore rendering project unbuildable. Staff finds that the granting of these variances will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if denied. **Staff recommends approval of each of these three variances.**

RECOMMENDATION: APPROVE

APPROVE WITH  
CONDITIONS

DENY

  
Director of Economic Development.

4 JAN 16  
Date

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