

## **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 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.

---

---

### **PART 3: PUBLIC SIDEWALK IMPROVEMENTS**

**HEARING NO.:** BA-08-2016

**SECTION OF CODE:** Section 9.7(O)(2)

Code requires that front sidewalks provide a minimum 12 foot wide paved path as part of an urban greenway that is 25 feet in overall width along State Road 7 and 20 feet in overall width along Copans Road. Petitioner is requesting permission to provide eight foot sidewalk along State Road 7 and Copans Road.

**HEARING NO.:** BA-09-2016

**SECTION OF CODE:** Section 23-6(B)(2)(a)

Code requires a landscape planting strip that is at least eight feet in width between the roadway and pedestrian sidewalk. Petitioner is requesting permission to exempt the eight foot planting requirement along State Road 7.

---

The above described variances both pertain to the requirement of new development and redevelopment within the Transit Oriented Corridor (TOC) to provide public sidewalk improvements described in the Code as an urban greenway, and will be discussed together in order to prevent redundancy.

The intent of the urban greenway is to enhance the streetscape in order to create a walkable community. The urban greenway calls for a landscape buffer to separate vehicular traffic from pedestrian traffic in order to provide a shaded walkway, to increase pedestrian safety, and to beautify the pedestrian realm. Widening of sidewalks encourages pedestrian usage and allows pedestrians to relax and enjoy their walk.

The State Road 7 (SR7) frontage offers substantially more opportunity for sidewalk improvements than the Copans Road frontage. The existing curb of State Road 7 is approximately 35 feet from the adjacent property line of the subject property. The existing improvements consist of a six foot wide sidewalk that is contiguous to the curb of the roadway, east of the sidewalk are four large mahogany trees, with the remainder of area left grassy. Existing infrastructure within the grassy SR7 right of way include overhead utilities, underground water utility, a fire hydrant, and a fire department connection. Staff finds that if the existing sidewalk was relocated away from the curb of the roadway and made to be adjacent to the west property line of the subject property, while widening the sidewalk to 10 feet, these improvements would satisfy the intent of the urban greenway. This proposal would allow the mature mahogany trees to remain in place and undisturbed, and would not encroach with existing utility infrastructure.

The Copans Road frontage does not offer the same opportunity as the State Road 7 frontage. This right of way is not curbed, and relies on the swale and drainage structures to prevent Copans Road from flooding. Staff is in agreement with the petitioner's assessment of this right-of-way and proposal to provide an eight foot wide sidewalk on this roadway. 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 both variances subject to the condition that the State Road 7 sidewalk be widened to 10 feet and located contiguous to the western property line of the subject property.**

RECOMMENDATION: APPROVE

APPROVE WITH  
CONDITIONS

DENY

  
\_\_\_\_\_  
Director of Economic Development.

4 JAN 16  
Date

---