## **Wawa**

## **Northwest Corner of W Atlantic Blvd and N Andrews Ave**

## **Statement of Use and Justification**

BW Atlantic Andrews, LLC (“Petitioner”) is the owner of a +/- 2.20-acre aggregation of four (4) parcels, which is generally located on the northwest corner of West Atlantic Boulevard and North Andrews Avenue (“Property”) within the City of Pompano Beach (“City”). The Property is identified by parcel identification numbers 4842-34-00-1000, 4842-34-00-1001, 4842-34-00-1010, 4842-34-00-1011. The Property is designated Industrial on the City’s Future Land Use Map and located within the I-1, General Industrial, zoning district. The Property is vacant and ripe for redevelopment. The City previously approved a Major Site Plan (PZ NO. 16-12000042), Major Building Design (PZ NO. 16-12000042), Canopy Waiver (Zoning Letter No. 17-02000038), Commercial Flex Allocation (PZ NO. 16-05000004), and Bollard Variance (Appeal No. 17-11000005) for the Property and a neighboring parcel to allow for development of a vibrant +/- 6,119 square foot Wawa with sixteen (16) fueling stations (“Prior Approval”). Due to issues that arose with the acquisition of the neighboring parcel, it is no longer possible to implement the Prior Approval. As such, Petitioner has worked to redesign their plans to work within the boundaries of the Property. Petitioner now proposes to develop the Property as a 5,812 square foot Wawa with sixteen (16) fueling positions (“Project”).

## Site Plan Review Standards Justification

To obtain Major Site Plan approval, the Petitioner must demonstrate the Project complies with criteria of Section 155.2407.E, Pompano Beach Zoning Code (“Code”). As explained below and evidenced by the plans and documents submitted with the application, the Project meets or exceeds all pertinent criteria of the Code.

1. *Is consistent with the comprehensive plan;*

The Project is consistent with the goals, objectives and policies of the City’s Comprehensive Plan (“Plan”). As the Project seeks to develop a vacant and underutilized Property, it meets the City’s objective to encourage development of infill areas (Objective 01.12.00). Furthermore, the City’s policy is to utilize existing flexibility provisions to facilitate proposed developments in urban infill areas (Policy 01.12.03). The Project intends to improve this industrial Property with a vibrant Wawa store with the required pedestrian facilities to promote a pedestrian-oriented community (Policy 01.01.06). Pedestrian walkways are proposed on the north, west, and south side of the building connecting to sidewalks along the south and east Property frontages adjacent to the existing adjacent rights-of-way. There is also an outdoor seating area designed to encourage pedestrian activity. The Project provides a loading zone on the north side of the building and offers two sets of bicycle racks on the south side of the building at the corner of the Property (Policy 01.01.07). Petitioner provides proper accessibility with the roadway and transit network by providing properly designated and well-planned entrances and exits on both Atlantic Boulevard and Andrews Avenue, as well as proposing construction of new turn lanes and bus lanes (Objective 01.02.00 and Policy 01.02.05). Petitioner will dedicate rights-of-way according to the requirements of Broward County and has received a pre-approval letter from the Florida Department of Transportation (Policy 01.02.03 and 01.02.09).

1. *Complies with the applicable district, use, and intensity and dimensional standards of this Code;*

Pursuant to Code Section 155.3402.A, one of the purposes of the General Industrial district is to provide convenience services to industrial employees. This Code section specifically identifies gasoline filling stations as an appropriate use in this district. In compliance with this provision Wawa provides its patrons with convenience services such as fuel services, fresh, built-to-order meals, beverages and coffee, and surcharge-free ATMs. All Wawa stores offer a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks. Given its location on a major intersection and proximity to I-95, the Project site is the perfect location to serve the needs of local employees, residents within the city, and surrounding communities. As such, Petitioner has submitted a Commercial Flex Allocation Application requesting the allocation of Commercial Flex to the Property.

Additionally, the Project meets or exceeds, the intensity and dimensional standards of the Code as follows:

|  |  |  |
| --- | --- | --- |
| **Standard** | **Required** | **Provided** |
| Lot area, minimum (sq. ft.) | 10,000 | 95,756 |
| Lot width, minimum (ft.) | 100 | 412.8 |
| Density, maximum (du/ac) | n/a | n/a |
| Lot coverage, maximum (% of lot area) | 65 | 12.5 |
| Pervious area (minimum (% of lot area) | 20 | 37.3 |
| Height, maximum (ft.) | 45 | 30’-2” |
| Front yard setback, minimum (ft.) | 25 | 20\* |
| Street side yard setback, minimum (ft.) | 10 | 10.1 |
| Setback from a waterway or canal, minimum (ft.) | 15 | n/a |
| Interior yard setback, minimum (ft.) | 10 | 61.8 |
| Rear yard setback, minimum (ft.) | 30 | 564 |

\*Relief from this standard shall be sought through the City’s Administrative Adjustment process.

The Code also provides dimensional standards for accessory structures, which apply to canopies at gasoline filling stations. Code Section 155.4303.F governs the design of canopies that are accessory to gasoline fueling stations and specifically acknowledges that the canopies are appropriately located adjacent to the store building along Atlantic Boulevard. In addition, the proposed canopies are less than the one hundred twenty foot (120’) maximum length permitted. Further, a waiver from the maximum height clearance height of sixteen feet (16’) will be requested in consideration of the following facts: that the canopies are not comprised of a flat roof; the height of the canopies is less than that of the average height of the principal buildings; at least one elevation of the canopies maintains a sixteen foot (16’) clearance; and the Architectural Appearance Committee will review and approve the canopy design via a Major Building Design application.

1. *Complies with the applicable development standards of this Code;*

As noted above, the Project complies with the applicable development standards of this Code except as detailed in the Administrative Adjustment justification detailed herein, which will be formally requested through a separate application.

1. *Complies with all other applicable standards in this Code;*

The Project complies with all other applicable standards in the Code.

1. *Complies with all requirements or conditions of any prior applicable development orders;*

The Project complies with all requirements and conditions of the prior development orders for Commercial Flex Allocation and Canopy Waiver.

1. *Is issued a concurrency review certificate in accordance with Chapter 154 (Planning) of the Code of Ordinances;*

The Project will be issued a concurrency review certificate in accordance with Chapter 154 (Planning) of the Code. The Project will not reduce the levels of service for public facilities and services below the levels of service standards set forth in the City’s Plan. It will not significantly impact water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment. Further, the Project will result in development that is adequately serviced by public facilities including roads, potable water, wastewater, solid waste, storm water, parks, police, fire, and emergency medical facilities.

1. *Is designed to provide safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan;*

The Project provides safe, adequate, paved vehicular access between buildings within the development and streets as identified on the Broward County Trafficways Plan. The Project has an internal circulation system that provides customers safe access between the Wawa store and canopy and from any parking areas. Furthermore, the Project provides access to and from both Atlantic Boulevard and Andrews Avenue.

1. *Complies with any applicable hazardous material licensing requirements in the Broward County Wellfield Protection Ordinance;*

The Property is not located near any wellfields. Therefore, this requirement is inapplicable to the Project.

1. *Complies with crime prevention security strengthening and CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support; and*

The Project complies with CPTED standards for natural surveillance, natural access control, territorial reinforcement, maintenance, and activity support. Lighting and landscaping will permit natural surveillance within the Property to help discourage crime. Walkways, lighting, signage and landscaping will clearly guide people and vehicles to and from proper entrances. Physical designs such as pavement treatments, landscaping and signage will discourage potential trespassers because of the sense of proprietorship they create over private areas. Further, the Project will create a new, attractive development in place of a rundown, undesirable and vacant portion of the Property. A CPTED Plan has been provided as part of the site plan submittal.

1. *Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision.*

The Project complies with the approved Transportation Corridor Studies (“Studies”). The Property is located in the Pompano Tech district of the Studies. This district is seen as becoming a major employment center for the City that capitalizes on access and visibility to I-95 and the Florida Turnpike with a specific focus in high tech and green technology industries. This Project is aligned with the vision of the Pompano Tech district in that it serves the convenience needs of the employees working in the district. Furthermore, the Project is consistent with the illustration in the Studies, which contemplates retail frontage on the northwest corner of West Atlantic Boulevard and North Andrews Avenue. Additionally, the Project is compatible with the current and envisioned future development on adjacent properties that generally include industrial zones to the north, south, and west and a transit-oriented district and multiple-family residences to the east. It will also expand and strengthen the economic base of the City by creating both temporary jobs during the construction phase and long-term jobs with the added employees as a result of this Project. Lastly, given its proximity to I-95, the Project is accessible to residents of the City and provides easy access from neighboring cities within Broward County.

## Sustainable Development Options and Points

As required for an application for approval of a Major Site Plan for nonresidential development, the Project will incorporate at least twelve (12) sustainable design options from 155.5802, Sustainable Development Options and Points as follows:

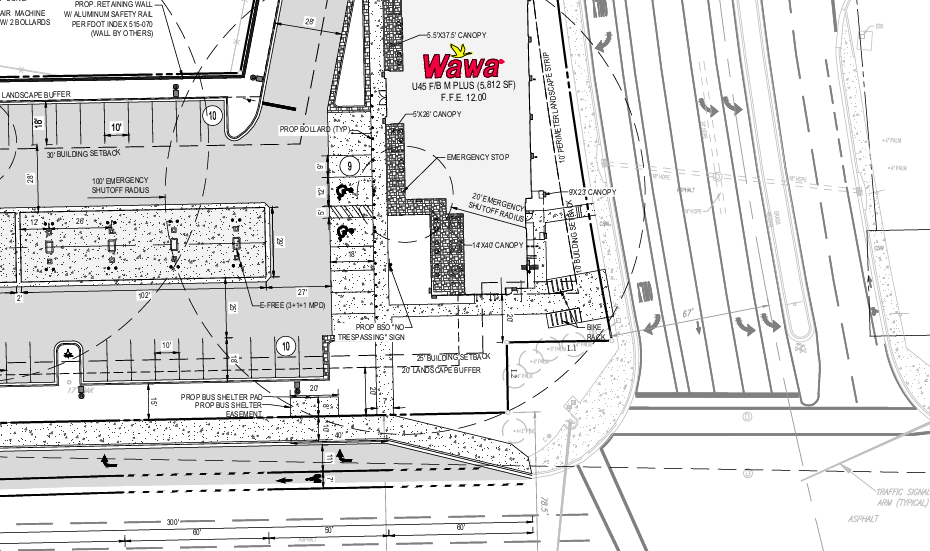
* **Efficient Cooling** – All air conditioners will be Energy Star qualified. – **2 points**
* **Hurricane Resistant Structures** – The principal building is constructed to meet increased wind loads (150 mph load minimum) – **4 points**
* **White Roof –** All roof surfaces are white. A white TPO single ply membrane is proposed as shown on the roof plan included with this application. – **2 points**
* **Infill or Mixed-Use Development** – The development constitutes infill development – **4 points**
* **TOTAL POINTS: 12**

## Administrative Adjustment Standards Justification

As referenced above, a Minor Administrative Adjustment is required to allow the proposed twenty foot (20’) front setback from Atlantic Boulevard in lieu of the twenty-five foot (25’) front setback required (“Administrative Adjustment”). The proposed Administrative Adjustment is within the twenty percent (20%) maximum reduction allowed through Minor Administrative Adjustment process detailed in Table 155.2421.B.1. In accordance with Section 155.2421.E.2., Petitioner will demonstrate for the Administrative Adjustment that: (a) the requested Administrative Adjustment is not inconsistent with the character of development in the surrounding area, and will not result in incompatible uses; (b) any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable; (c) the Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either: i. required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally, ii. supporting an objective from the purpose statements of the zoning district where located, or iii. proposed to protect sensitive natural resources or save healthy existing trees; (d) the Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety; and (e) the Administrative Adjustment is consistent with the comprehensive plan.

1. *The requested Administrative Adjustment is not inconsistent with the character of development in the surrounding area and will not result in incompatible uses.*

The proposed Administrative Adjustment is consistent with the character of development in the surrounding area and will not result in incompatible uses. Approval of the Administrative Adjustment will allow the proposed building to be located five feet (5’) closer to the front (south) property line than is strictly permitted by the City’s Zoning Code. It is important to note that the south property line experiences an unusual jog to the north as it nears the intersection located to the east as shown in the excerpt from the proposed site plan copied below. This change in the location of the property line places the property line and required setback farther from the actual roadway than would typically occur. As such, the proposed setback reduction will be consistent with the development in the surrounding area and will not result in incompatible uses.



In addition, the Project (including the requested Administrative Adjustment) is compatible with the current and envisioned future development on adjacent properties that generally include industrial zones to the north, south, and west and a transit-oriented district and multiple-family residences to the east.

1. *Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.*

No adverse impacts will result from the requested Administrative Adjustment. As described above, the location of the building will in fact be farther from the roadway than would typically be required as the property line jogs to the north as it nears the intersection. As such, the proposed setback will not create any adverse impacts.

1. *The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:*
   1. *Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally;*
   2. *Supporting an objective from the purpose statements of the zoning district where located; or*
   3. *Proposed to protect sensitive natural resources or save healthy existing trees.*

The requested Administrative Adjustment is of a technical nature involving relief from the front setback dimensional requirement, is required to compensate an unusual aspect of the Property that is not shared by landowners generally and is supporting an objective from the purpose statement of the I-1 zoning district. The Property is located at the northwest corner of the intersection of Atlantic Boulevard and Andrews Avenue. As shown in the excerpt from the proposed site plan copied above, there is an unusual jog in the property line along Atlantic Boulevard that places a portion of the property line farther from the roadway than is typical. This change in the location of the property line for a small portion of the Project frontage necessitates the requested Administrative Adjustment. In addition to the unusual property line configuration, the requested Administrative Adjustment supports the purpose of the I-1 zoning district to “include some uses that … provide convenience services to industrial employees (e.g., child care facilities, gasoline filling stations, banks)” by making possible the development of the Project. Considering the foregoing, the requested Administrative Adjustment is technical in nature, is required due to an unusual aspect of the Property and supports the purpose of the I-1 zoning district.

1. *The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.*

The requested Administrative Adjustment will not interfere with the convenient and enjoyable use of adjacent lands and will not pose a danger to the public health or safety. As detailed herein, the requested Administrative Adjustment entails a minor five-foot (5’) reduction to the front setback from Atlantic Boulevard due to an unusual jog in the south property line. Though the building will technically be set back less than required, the building practically complies with the setback requirement and is in fact significantly farther from the Atlantic Boulevard roadway than would be required by the twenty-five-foot (25’) setback requirement were the property line consistent. Considering that the required setback is provided in practice, approval of the requested Administrative Adjustment will not substantially interfere with the convenience and enjoyable use of adjacent lands and will not pose a danger to the public health or safety.

1. *The Administrative Adjustment is consistent with the comprehensive plan.*

The requested Administrative Adjustment is consistent with the goals, objectives and policies of the City’s Comprehensive Plan (“Plan”). As the Project seeks to develop a vacant and underutilized Property, it meets the City’s objective to encourage development of infill areas (Objective 01.12.00). Furthermore, the City’s policy is to utilize existing flexibility provisions to facilitate proposed developments in urban infill areas (Policy 01.12.03). The Project intends to improve this industrial Property with a vibrant Wawa store with the required pedestrian facilities to promote a pedestrian-oriented community (Policy 01.01.06). Pedestrian walkways are proposed on the north, west, and south side of the building connecting to sidewalks along the south and east Property frontages adjacent to the existing adjacent rights-of-way. There is also an outdoor seating area designed to encourage pedestrian activity. The Project provides a loading zone on the north side of the building and offers two sets of bicycle racks on the south side of the building at the corner of the Property (Policy 01.01.07). Petitioner provides proper accessibility with the roadway and transit network by providing properly designated and well-planned entrances and exits on both Atlantic Boulevard and Andrews Avenue, as well as proposing construction of new turn lanes and bus lanes (Objective 01.02.00 and Policy 01.02.05). Petitioner will dedicate rights-of-way according to the requirements of Broward County and has received a pre-approval letter from the Florida Department of Transportation (Policy 01.02.03 and 01.02.09). Considering that the Administrative Adjustment is necessary in order to develop the Project and the Project is consistent with the Comprehensive Plan as detailed herein, the Administrative Adjustment is consistent with the Comprehensive Plan.

## Building Design Review Standards Justification

Section 155.2408.E of the Code also requires a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building complies with the following criteria.

1. *Complies with the applicable design standards in Section*[*155.3703.F*](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=florida(pompanobeach_zoning)$jumplink_q=%5bfield%20folio-destination-name:%27155.3703.F%27%5d$jumplink_md=target-id=JD_155.3703.F)*and*[*Article 5*](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=florida(pompanobeach_zoning)$jumplink_q=%5bfield%20folio-destination-name:%27Ch.%20155%2C%20Art.%205%27%5d$jumplink_md=target-id=JD_Ch.155Art.5) *or deviations from specific building design standards are warranted in this case and the proposed alternatives are superior to the design standards.*

The Project complies with the Architectural Style Standards. The substyle can be considered “Tropical Contemporary.” The Tropical Contemporary elements include a climate-sensitive roof form with contemporary design elements such as vertical orientation, sparsely used ornamentation, vertically-oriented metal casement windows, and materials such as concrete and steel structural frames, standing seam metal roofs, and extended overhangs with outdoor seating.

The Project is compliant with the “Primary Façade Materials” requirement. Per Table 155.3703.F.7.e, the Project uses the following materials: wood (Hardie plank for durability), cream colored manufactured cut stone, and stucco. The colors are low-saturation, neutral, warm tones of yellows, white, and tans with red accents.

The Project’s roof form is compliant. The flat roof meets slope, metal material, and eave depth requirements. The flat roof has a parapet with cornice, and the parapet height is compliant.

With regard to the Building Orientation and Fenestration standards, the Applicant requests the AAC authorize deviations from these standards, as the proposed building is a unique corner building with a variety of superior design elements. The justification for the deviations is discussed below in the “Superior Design Alternative Justification.”

1. *Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC supplemental Criteria;*

The building is in compliance with the AAC Supplemental Criteria. One of Wawa’s main Core Values is “Delight Customers.” The building design image is the embodiment of this philosophy. This goal is achieved not only by the high level of friendly service, quality food, and well-maintained facilities, but also through the warmth and approachability of its architectural style. The “Tropical Contemporary” design is intended to promote a residential feel that is clean, comfortable, and safe, as well as a human-scale restaurant vibe. It is characterized by a metal roof, Bahamian shutters, plank siding / stucco / cast stone finishes, light colors with white trim, a tower entry feature, and extended overhangs with outdoor seating. The outdoor seating, which connects to Atlantic Boulevard with sidewalks, promotes a sense of place. The building style is compatible with a diversity of surrounding uses and building styles both commercial and residential. The gas canopy style takes its materials and colors from the building (stone veneer watertable and sill, precast wall base, powder-coated white metal elements, and coppertone standing seam metal roofing), but adds a delightful, even playful twist with the beautiful and unique architectural trusses, sloping ceiling and LED lighting that is signature to Wawa in all of its markets. The cost for this architecturally-designed Canopy is far in excess of the standard fuel canopies that are utilized by area gas stations. Wawa does not consider itself a gas station, but first and foremost a convenience store with real food service. A traditional fuel canopy just wouldn’t be good enough. Although the immediate area is utilitarian Industrial, there is residential close by as well as relatively unadorned business buildings across the street. The proposed building is compatible with and an improvement to the surrounding area. Its presence is certain to encourage other high-quality businesses and will surely provide a sense of arrival and place.

1. *Complies with CPTED Standards for natural surveillance, natural access control, territorial reinforcement, and maintenance;*

Please refer to the CPTED narrative attached hereto as Exhibit “A” which addresses the compliance for all five (5) CPTED principles.

1. *Complies with the*[*Ch 156*](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=$jumplink_q=%5bfield%20folio-destination-name:%27Ch.%20156%27%5d$jumplink_md=target-id=JD_Ch.156)*: Sign Code, if applicable;*

The AAC Sign application will be submitted separately and is inapplicable for this review.

1. *Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable; and*

The Studies envision Atlantic Boulevard as a vibrant main street for commerce that will serve local’s needs. For the western portion of Atlantic Boulevard and, in particular, the Pompano Tech district encompassing the Project site, the Studies envision a major employment center and green and high-tech industries creating an economic center that also supports the large industrial area, neighborhood employees, and surrounding residential neighborhoods with community-level retail uses. The Project could not be a more perfect fit and is compliant with the Studies. The Project will transform a blighted industrial property into a vibrant retail center to serve local’s needs. According to the Studies, locals will include the employees of both the industrial area and the green/high-tech industries as well as residential neighborhoods who also call this workplace their home. The Project provides a plethora of amenities to support both businesses and residential neighborhoods, such as convenience services: fuel services, a place for fresh, built-to-order foods, beverages, coffee, and surcharge-free ATMs. All of Wawa’s stores offer a large fresh food service selection, including Wawa brands such as built-to-order hoagies, fresh brewed coffee, hot breakfast sandwiches, built-to-order specialty beverages, and an assortment of soups, sides and snacks, especially Wawa’s most coveted soft pretzels.

1. *Additionally, any application for Minor Building Design not required to comply with the Design Standards in*[*Part 6 of Article 5*](http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=florida(pompanobeach_zoning)$jumplink_q=%5bfield%20folio-destination-name:%27Ch.%20155%2C%20Art.%205%2C%20Part%206%27%5d$jumplink_md=target-id=JD_Ch.155Art.5Part6)*:, shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the building or structure is cohesive, consistent, and complimentary to the existing vernacular design.*

This code provision is inapplicable to this Project, which is an application for a Major Building Design.

Superior Design Alternative Justification

The Applicant respectfully requests the Architectural Appearance Committee grant the following two deviations from the Code’s design standards:

1. **155.5602.C.2. Building Orientation.**
2. **Fronting Streets. The front façade of all buildings, as defined by the primary entrance, shall front onto a street, a courtyard, or plaza, not an off-street parking area. In the case of corner lots, the primary entrance shall face the street from which the building derives its street address. Nothing shall prohibit a secondary entrance from facing a surface parking area.**
3. **Single-Building Development Parallel to the Street. All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.**

The code requires the primary entrance to face the street from which the building derives its street address, in this case Atlantic Boulevard, and align the long axis of the building parallel to the street it fronts. As this is an oddly-shaped corner lot parcel, the Applicant crafted a unique design that brings the building close to Atlantic Boulevard and Andrews Avenue, with two entrances and outdoor seating near the Atlantic Boulevard side and an additional entrance for pedestrians on Andrews Avenue. In lieu of strict compliance with the Building Orientation standards, the proposed design is superior for the following reasons.

1. The site is irregularly-shaped creating design challenges for a gas station and convenience store/restaurant use, as well as most commercial uses. The proposed configuration allows for convenient access to the site from Atlantic Boulevard and functional on-site circulation with the fuel pumps and vehicular use areas. Arranging the long-axis of the building along Atlantic Boulevard would frustrate access on Atlantic Boulevard and unreasonably complicate design of the fuel pump islands. Moreover, the internal arrangement of business activities within the store does not allow for inclusion of a door on the south side of the building.
2. The three entry points are superior to the code-required primary entrance approach. As this is a gas station and convenience store use, most customers will come to the site via vehicle. Thus, providing two entry points on the west side facing the fuel pumps is superior to providing one entry on Atlantic Boulevard. Moreover, the entry point near the southwest corner close to Atlantic Boulevard and the connecting sidewalks encourages pedestrian engagement with the site and use of the outdoor seating area provided. The entry point on the east side further promotes pedestrian activity, as that entrance will only be accessed by pedestrians.
3. This configuration promotes public safety considerations. If the long side of the building were configured parallel to Atlantic Boulevard, with the fuel pumps and vehicular customer access on the north side of the building, police would have severely obstructed views of activity in the vehicular use areas and within the primary structure. By placing the short-axis of the structure on Atlantic Boulevard with its primary entrance door situated at the southwest corner near Atlantic Boulevard and large windows of the store facing the pumps, this allows for police driving by to view all activity on the site.
4. The configuration of the primary structure simply fits the irregular site. The design standard, which would require fronting the long edge of the building along Atlantic Boulevard, would not allow for a successful site design. There is simply insufficient width on the property for the design the code suggests.
5. Allowing the short edge of the building to front on Atlantic Boulevard ensures the business will have an Atlantic Boulevard address, as opposed to an Andrews Avenue address. The Applicant prefers this address on Atlantic Boulevard for business purposes, as it is more easily identified by customers. More importantly, fire and police staff at the City expressed a strong preference for the business to have an Atlantic Boulevard address based on life safety concerns and ease of identification by first responders/emergency vehicles.
6. The proposed alternative design allows for the building to have the appearance of three frontages, one on Atlantic Boulevard, one facing the fuel pumps, and one facing Andrews Avenue, with an entrance for pedestrians. This design is superior to and more distinctive than a typical gas station design that has only one entrance or frontage.
7. For Wawa, this is a “first of its kind” building configuration, creating a project of distinction. Applicant is unaware of any other gas station/convenience store in the area to project the appearance of three frontages for a convenience store. Compliance with the design standard relative to building orientation would yield a design with one frontage, which is clearly inferior.

1. **155.5602.C.7.a. and b. Fenestration/Transparency.**

**a. At least 30 percent of the street-facing façade area of the ground-level floor of buildings shall be occupied by windows or doorways.**

**b. All ground-level windows on street-facing facades shall be transparent.**

In lieu of providing transparent windows on street-facing facades, the Applicant proposes occupying at least 30 percent of the street-facing façade areas with spandrel glass and adding other architectural features. As this is a corner lot, there are street-facing facades on Atlantic Boulevard and Andrews Avenue. This design is superior to the code requirement for the following reasons.

1. As explained above, the site is irregularly-shaped and constrained. The Applicant designed the site plan to ensure the building is positioned close to the hard corner in an effort to promote Transit-Oriented design and pedestrian activity principles. However, this design decision needed to function for the underlying gas and convenience store use. As most customers will be coming to the site via vehicle, the customer service areas in the store need to be facing the vehicular areas, and the back of house/storage areas needed to be located elsewhere. The only places within the store for the storage, offices, and restrooms were on street-facing sides. Thus, the Applicant cannot provide transparent windows into these areas and spandrel glass was proposed.
2. While the design standard expressed a clear preference for transparent windows, the length of the building along Andrews Avenue consists of four different planes, contributing to interest thru massing.  Contrasting yet compatible materials provide an inviting aesthetic. Below the line of spandrel windows along Andrews Avenue, a stone wainscot is provided - rather than extending the glazing to grade - in order to enhance the façade appearance. The glazing percentage meets code minimum of 30%, and if the glazing extended to grade it would increase to 36%.
3. On Atlantic Boulevard, the activity in the open mall/outdoor seating and entrance area can be seen upon approach and by motorists driving by. The spandrel glazing draws attention to the clear-glazed entrance beyond.
4. The materials used are exceptional in quality: All materials are pre-finished for lasting beauty and durability, eliminating the need for frequent painting; Superior brands with excellent warranties are utilized for the manufactured stone, wood and stucco cladding materials, as well as other components on the building.
5. The modern-style building with beautiful finishes and interesting massing is certain to create an exciting focal point at the intersection of Atlantic and Andrews.  It has the appearance of three facades with multiple doors.
6. Sustainable features include, but are not limited to, white roof, hurricane resistant structure, low-E glazing, West side overhangs, partial South side overhangs, all LED lighting, a Building Automation System (BAS) for monitoring of HVAC energy usage, and Energy Star RTUs.
7. The Nichiha wood-look siding uses recycled content.
8. No maintenance or painting is required due to the superior pre-finished materials used.
9. Clear glazing is necessary on the west side of the building for customer security purposes, as it allows clear views in and out of the store towards the fuel pumps. This necessity has design implications – the bathrooms, office, and storage areas must be located away from the clear glazing area. Naturally, the Applicant moved these functional areas to the Atlantic Boulevard and Andrews Avenue sides. Thus, spandrel glass was proposed for the exterior facades of these areas, as it is preferable to blank walls or transparent windows into these unsightly spaces.
10. The entire building is a project of distinction in that it is highly unique for Wawa, as well as for any convenience store.

In summary, the proposed Wawa store design is a first of its kind. The Applicant has taken an amoeba-shaped corner parcel and crafted a site plan that achieves a variety of development standards. First and foremost, the site layout and variegated façade materials focus activity and pedestrian engagement to the hard-corner of the site – Atlantic Boulevard and Andrews Avenue. Second, the design presents the appearance of three frontages, with outdoor seating and an entrance point at the southwest corner of the structure, another entrance on the west side for the majority of customers, and a third entrance on the Andrews Avenue side for pedestrians walking from north of the site. Third, the design functions for the various uses, services, and security requirements intended for the Project. In light of the above, the Applicant respectfully requests the AAC authorize the above-referenced design deviations.

**Exhibit “A”**

CPTED PRINCIPLE #1 - NATURAL SURVEILLANCE: "SEE AND BE SEEN" IS THE OVERALL GOAL WHEN IT COMES TO CPTED AND NATURAL SURVEILLANCE. A PERSON IS LESS LIKELY TO COMMIT A CRIME IF THEY THINK SOMEONE WILL SEE THEM DO IT. LIGHTING AND LANDSCAPE PLAY AN IMPORTANT ROLE IN CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN.

**RESPONSE: THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF WEST ATLANTIC BOULEVARD AND ANDREWS AVENUE EXTENSION. THE ONLY FENCING PROPOSED IS LOCATED AROUND THE RETENTION AREA AND WILL BE A TYPE THAT PROVIDES VISIBILITY THROUGH THE RAILS. THE PROJECT IS DESIGNED WITH OPEN VIEWS ACROSS THE PROPERTY FROM TWO RIGHTS OF WAY. ADDITIONALLY, THERE ARE LIGHT FIXTURES AFFIXED TO ALL BUILDING FACES AND STRATEGICALLY LOCATED THROUGHOUT THE PARKING AREA. LANDSCAPING IS PLANNED AS A MIX OF TREES AND LOW GROUND COVER THAT ALLOW FOR VIEWSHEDS INTO THE PROPERTY FROM THE ADJACENT ROADWAYS. A CONTINUOUS HEDGE SPACED 24” ON CENTER IS LOCATED AROUND THE ENTIRE PERIMETER OF THE VEHICULAR USE AREA TO BE MAINTAINED AT A MAXIMUM HEIGHT OF THREE FEET ABOVE THE ELEVATION OF THE ADJACENT VEHICULAR USE AREA, AS PER CITY ZONING CODE.**

**THE USE WILL OPERATE 24 HOURS PER DAY AND THE WINDOW SIGNAGE WILL BE DESIGNED AND LOCATED TO ENSURE THAT THERE IS A CLEAR AND UNOBSTRUCTED VIEW FROM THE OUTSIDE OF THE BUILDING AND IN A NORMAL LINE OF SIGHT OF THE CASH REGISTER AND SALES TRANSACTION AREA. A VIDEO SURVEILLANCE SYSTEM WILL BE EMPLOYED IN ACCORDANCE WITH THE CITY’S STANDARDS. THE SECURITY CAMERA SYSTEM SHALL BE CAPABLE OF MONITORING, RECORDING AND RETRIEVING A CLEAR AND IDENTIFIABLE IMAGE TO ASSIST LAW ENFORCEMENT PERSONNEL IN OFFENDER IDENTIFICATION AND APPREHENSION. CAMERAS SHALL BE:**

* **IN OPERATION AT ALL TIMES,**
* **READILY VIEW ABLE AND ACCESSIBLE BY EMPLOYEES,**
* **RECORDING THE INTERIOR OF THE BUSINESS AS SHOWN ON THE SECURITY PLAN SHEET,**
* **RECORDING ANY PARKING AREAS AS SHOWN ON THE CPTED PLAN SHEET, AND**
* **RECORDINGS SHALL BE RETAINED AND AVAILABLE TO POLICE FOR A PERIOD OF 72 HOURS FROM THE DATE OF RECORDING.**

**THE FOLLOWING COMPONENTS ARE PROPOSED FOR BOTH THE PEDESTRIAN ACCESS ENTRY AND THE SWING GATES ON THE DUMPSTER ENCLOSURE:**

* **LOCKABLE GATES WITH A ROBUST LOCKING MECHANISM SUCH AS A THROW BOLT WITH A PADLOCK,**
* **BOTTOM GATE CLEARANCES OF AT LEAST 8" ABOVE THE GROUND FOR VIEWING UNDERNEATH, AND**
* **A VANDAL RESISTANT/PROOF MOTION-SENSOR SECURITY LIGHT TO ILLUMINATE THE AREA WHEN IN USE BETWEEN SUNSET AND SUNRISE.**

CPTED PRINCIPLE #2 - NATURAL ACCESS CONTROL: THIS IS MORE THAN A HIGH BLOCK WALL TOPPED WITH BARBED WIRE. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN OR CPTED UTILIZES THE USE OF WALKWAYS, FENCES, LIGHTING, SIGNAGE AND LANDSCAPE TO CLEARLY GUIDE PEOPLE AND VEHICLES TO AND FROM THE PROPER ENTRANCES. THE GOAL WITH THIS CPTED PRINCIPLE IS NOT NECESSARILY TO KEEP INTRUDERS OUT, BUT TO DIRECT THE FLOW OF PEOPLE WHILE DECREASING THE OPPORTUNITY FOR CRIME.

**RESPONSE: THE BUILDING IS ORIENTED TO THE SOUTHEAST OF THE PROPERTY. THE ENTRANCE IS LOCATED ON THE FAÇADE OF THE BUILDING FACING THE GAS CANOPY AND LOCATED ACROSS ONE ROW OF PARKING AND THE GAS PUMP CANOPY. A DESIGNATED PEDESTRIAN SIDEWALK LINKS PEDESTRIANS TO THE ADJACENT ATLANTIC BOULEVARD RIGHT-OF-WAY. A SIDEWALK CONNECTION IS LOCATED NEAR THE END CAP OF THE PARKING BAY ON THE EAST SIDE OF THE BUILDING. IN ADDITION TO THE NATURAL ACCESS CONTROL, THE FOLLOWING COMPONENTS SHALL BE INCLUDED IN THE SECURITY SYSTEM:**

* + **A BURGLAR ALARM,**
  + **A STRATEGICALLY LOCATED SILENT PANIC ALARM,**
  + **AN ADDITIONAL SILENT PANIC ALARM PORTABLE LANYARD OR KEY CHAIN, OR A BUTTON IN THE SECURED OFFICE AREA,**
  + **AN ELECTRONIC SURVEILLANCE MONITOR DEDICATED TO SURVEILLANCE AND STRATEGICALLY LOCATED IN THE OFFICE FOR MAXIMUM ACTIVE AND PASSIVE OBSERVATION.**

**THESE COMPONENTS WILL PROVIDE THE NATURAL ACCESS CONTROL NEEDED TO DIRECT THE FLOW OF PEOPLE AND DECREASE THE OPPORTUNITY FOR CRIME.**

CPTED PRINCIPLE #3 - TERRITORIAL REINFORCEMENT: CREATING OR EXTENDING A "SPHERE OF INFLUENCE" BY UTILIZING PHYSICAL DESIGNS SUCH AS PAVEMENT TREATMENTS, LANDSCAPING AND SIGNAGE THAT ENABLE USERS OF AN AREA TO DEVELOP A SENSE OF PROPRIETORSHIP OVER IT IS THE GOAL OF THIS CPTED PRINCIPLE. PUBLIC AREAS ARE CLEARLY DISTINGUISHED FROM PRIVATE ONES. POTENTIAL TRESPASSERS PERCEIVE THIS CONTROL AND ARE THEREBY DISCOURAGED.

**RESPONSE: THE PROJECT IS DESIGNED TO ORIENT THE BUILDING TO THE SOUTHEAST CORNER OF THE PROPERTY. THE NORTH, SOUTH, EAST, AND WEST PROPERTY LINES WILL BE LANDSCAPED WITH PERIMETER LANDSCAPE STRIPS TO DEFINE THE PROPERTY BOUNDARY AND ENTRY POINTS. LANDSCAPE ISLANDS WILL BE PROVIDED BETWEEN PARKING STALL GROUPINGS. THIS ARRANGEMENT WILL CREATE A CLEAR DEFINITION OF THE PUBLIC RIGHTS OF-WAY AND THE PRIVATE REALM. IN ADDITION, THE APPLICANT WILL SUBMIT A BROWARD SHERIFF’S OFFICE NO TRESPASS PROGRAM AFFIDAVIT AND SHALL POST BSO NO TRESPASS SIGNAGE AT THE NORTH, SOUTH, EAST AND WEST OF THE PROPERTY AS IDENTIFIED ON THE CPTED PLAN SO THAT IT IS CLEARLY VISIBLE AND APPARENT. THE NO TRESPASS SIGNAGE WILL BE POSTED SECURELY USING FASTENERS AT ALL CORNERS. THE MEASURES DESCRIBED HEREIN WILL DEFINE THE PROJECT’S SPHERE OF INFLUENCE AND CLEARLY DISTINGUISH THE PRIVATE AND PUBLIC AREAS THUS DISCOURAGING TRESPASSING.**

CPTED PRINCIPLE #4 – MAINTENANCE: CPTED AND THE "BROKEN WINDOW THEORY" SUGGESTS THAT ONE "BROKEN WINDOW" OR NUISANCE, IF ALLOWED TO EXIST, WILL LEAD TO OTHERS AND ULTIMATELY TO THE DECLINE OF AN ENTIRE NEIGHBORHOOD. NEGLECTED AND POORLY MAINTAINED PROPERTIES ARE BREEDING GROUNDS FOR CRIMINAL ACTIVITY. A FORMAL CPTED BASED MAINTENANCE PLAN WILL HELP YOU PRESERVE YOUR PROPERTY VALUE AND MAKE IT A SAFER PLACE.

**RESPONSE: THE WAWA POLICY IS TO MAINTAIN STRICT BUILDING AND SITE MAINTENANCE. THE EXTERIOR WILL BE REGULARLY MAINTAINED WITH ROUTINE LANDSCAPING AND CUSTODIAL SERVICES. A SCHEDULE WILL BE CREATED TO CONDUCT PREVENTATIVE MAINTENANCE TO THE BUILDING, LIGHTING, AND PARKING LOT. REPAIRS WILL BE PERFORMED AS THEY OCCUR TO ENSURE THE PROPERTY MAINTAINS A POSITIVE OUTWARD APPEARANCE AND ADHERES TO CORPORATE AND CPTED STANDARDS. A STORE MANAGER WILL OVERSEE ALL PROPERTY MAINTENANCE.**

CPTED PRINCIPLE #5 – ACTIVITY: SUPPORT INCREASE THE USE OF A BUILT ENVIRONMENT FOR SAFE ACTIVITIES WITH THE INTENT OF INCREASING THE RISK OF DETECTION OF CRIMINAL AND UNDESIRABLE ACTIVITIES. NATURAL SURVEILLANCE BY THE INTENDED USERS IS CASUAL AND THERE IS NO SPECIFIC PLAN FOR PEOPLE TO WATCH OUT FOR CRIMINAL ACTIVITY.

**RESPONSE: THE PROPOSED DEVELOPMENT PROVIDES A NEW GAS STATION AND CONVENIENCE STORE THAT IS ORIENTED TO THE PUBLIC RIGHT OF WAY AND PROVIDES PEDESTRIAN CONNECTIONS TO THE PUBLIC SIDEWALK. OUTDOOR SEATING IS ALSO PROPOSED. THE PROJECT DESIGN MAKES IT POSSIBLE FOR PEDESTRIANS TO COMFORTABLY CIRCULATE THE AREA AND THE INCLUSION OF THE OUTDOOR SEATING USE WILL INCREASE MOVEMENT IN THE IMMEDIATE SURROUNDING AREA.**