



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING

WAIVER APPLICATION

RECEIVED

APR 23 2014

PLANNING
& ZONING

14-3-130V
14-3-130V

WAIVER

Project Name: The Old Salty Dog

Parcel Identification No.: 0428-12-0003

Address: 1485 South Tamiami Trail

Parcel Size: 8.25 Ac. (Project Area = 1.34 Ac.)

FLUM designation: Planning Area - Southern Gateway

Zoning Map designation: Commercial, Intensive/Venetian Design Overlay (VUD)

Property Owner's Name: Marine Max East, Inc.

Telephone: (727) 536-2628

Fax: (727) 532-8367

E-mail: N/A

Mailing Address: 1485 S. Tamiami Trail, Venice, FL 34285

Project Manager: Phillip Needs

Telephone: (941) 962-3610

Mobile / Fax: (941) 922-6658

E-mail: N/A

Mailing Address: 7875 Saddle Creek Trail, Sarasota, FL 34241

Project Engineer : Tim Roane, P.E.

Telephone: (941) 379-7600

Mobile / Fax: (941) 416-2203

E-mail: tim.roane@kimley-horn.com

Mailing Address: 2601 Cattlemen Road, Sarasota, FL 34232

Project Architect: Ron Scott

Telephone: (941) 371-0829

Mobile / Fax: (941) 650-8781

E-mail: rrscott4379@gmail.com

Mailing Address: N/A

Incomplete applications cannot be processed. See reverse side for checklist.

Revised 12/10

Applicant Signature / Date:

[Signature] 4/2/2014

APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition** (address Section 86-42(e) below)
- ☒ **Public Workshop Requirements.** Date held _____
 - ☒ Copy of newspaper ad.
 - ☒ Copy of notice to property owners.
 - ☒ Copy of sign-in sheet.
 - ☒ Written summary of public workshop.

Required findings for approval. City council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information:

- a. Identification of the ordinance provision for which the variance is requested;
- b. Description, photos, drawings or plan views which are representative of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the general area;
- c. Description that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement;
- d. Description of the hardships, which will accrue to the detriment of the property owner, if the requested waiver is not granted;
- e. Description that the intent and purpose of the chapter and applicable articles are implemented and waiver from any requirement may be reasonably calculated to substantially secure the objectives of the ordinance and the comprehensive plan as well as the requirement so waived;
- f. City council shall approve or deny the waiver application upon a finding in the record that the issuance of the waiver will be in the interest of the public safety, health, or welfare.

Architectural design standards. The following architectural design standards for buildings and structures are applicable in the VUD district:

Architectural style. The Northern Italian Renaissance style of architecture, as defined elsewhere in this Code, is required. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.

- a. Application for waiver from this requirement shall be made to the planning commission for review and recommendation to city council.
- b. The planning commission shall make a written finding to city council that the granting of the waiver will or will not adversely affect the public interest. The report and recommendations of the planning commission shall be advisory only and shall not be binding upon city council.
- c. City council, after receiving the recommendation from the planning commission, may grant or deny such waiver application and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purpose of the comprehensive plan.

Public Workshop Requirements - Waiver request. An applicant may petition city council for a waiver from the requirements of conducting a public workshop meeting. The burden to show cause shall rest with the applicant. (Section 86-41)

Fees

Application filing fee \$400 (district standards) or \$200 (waiver of public workshop requirements).
Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

Waiver Request Narrative

14-1WV
RECEIVED

APR 28 2014

Background

PLANNING
& ZONING

The Maine Max marina, hereafter referred to as the Marina is located at 1485 S. Tamiami Trail, Venice Florida. The existing marina consists of 67 wet slips, dry boat storage building, boat repair and parts store buildings, and a boat sales showroom building. The existing boat sales showroom is located immediately at the U.S. 41 entrance of the Marine Max site.

Originally constructed in 1975, the existing boat showroom structure at was formerly a restaurant known as The Pewter Mug (City of Venice Bldg. Permit No. B02193). After the Pewter Mug was closed, the building was renovated to serve as the current boat sales showroom for the Marina.

The owner of the Marina is proposing an infill project consisting of renovating 3,241 square feet of the exiting boat showroom building to accommodate a proposed 165 seat restaurant known as the Old Salty Dog. Indoor dining will be provided interior to the existing building and outdoor dining will be provided with the addition of 1,977 square foot deck located behind the existing boat showroom building.

The primary use of this property is and will remain Marina; the restaurant use is ancillary to the Marina. The proposed restaurant use is consistent with the current zoning, Commercial Intensive (CI), and the future land use is Southern Gateway Planning Area. The property also lies within the Venetian Urban Design (VUD) overlay district.

Project Description

As stated above, the existing boat showroom building will house the proposed restaurant. Parking for the proposed restaurant will be provided in the existing asphalt parking lot located adjacent to the existing boat sales showroom building. The existing asphalt parking lot is currently used for boat display, as well as boat and trailer parking. There are no existing landscape islands or medians located within the existing asphalt parking lot. This is due to the nature of the Marina business where boats are moved in and out of the site via trailer and forklift. Interior landscape islands and medians within this parking lot would present a safety hazard during the movement and transport of boats for the Marina.

As stated before, the primary function of this property is Marina. As such, moving boats in and around the site is of the highest importance for the primary business function of the Marina. Boat display will remain along the frontage of U.S. 41 and the storage area behind the display area will be striped for automotive parking to serve the restaurant.

Request for Waivers

City council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information:

Waiver for 86-122(m) - Landscaping, Screens and Buffers:

(m) Landscaping, screens, and buffers. The visual appeal, character, and public environs of the street are established by the style and design of its landscaping, screens, and buffering. The more landscaping a street has, the greater the community's walkability is enhanced in the area. Additionally, screening ensures that certain uses are screened from public view. The resulting landscaping should feature a pleasing mixture of planting and structural accessories and enhance the overall environment of the

Venetian urban design district. The site and development plans for any property located in the VUD shall follow these street-landscaping standards at minimum; however, additional landscaping treatments that further enhance the overall design plan are encouraged.

(a) General provisions.

- a. The selection and placement of landscaping materials should promote natural cooling processes through the shading of buildings, streets, pedestrian walkways, bikeways and parking areas.
- b. The utilization of a mixture of native planting materials, including trees, bushes, flowering plants, and green foliage, should be encouraged to maintain healthy, varied, and energy-efficient vegetation throughout the VUD.
- c. The functional elements of the site and development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscape plan. The landscaped areas should be integrated, especially to promote the continuity of on-site and off-site open space and pedestrian systems.
- d. The placement of natural, nonstructural drainage facilities in landscaped medians is encouraged.
- e. The utilization of natural screening materials that are compatible with the architectural design of the property is encouraged. Such materials shall include cut stone, intermixed or accent natural stone, pre-cast concrete, plaster and formed stucco, or other materials that have the same appearance as these materials.

(b) Properties with a front yard setback: Properties with a front yard setback shall be landscaped with a variety of native natural plantings and accessory structures. All landscaped front yards shall be covered by grass, vegetative ground coverings, or mulch in areas not utilized for planting materials or accessory structures. Rock or shell yards are prohibited.

(c) Properties directly abutting streets: Any property whose frontage abuts the street is not required to provide buffering in the front yard. However, those properties are required to screen parking areas in accordance with the standards set forth in these standards.

(d) Parking landscaping, screens, or buffers: These standards are intended to encourage better landscaped and screened surface parking lots that will improve the appearance of a proposed development by breaking up expanses of paved areas, reduce the significant solar heat gain from parked automobiles and paved parking areas, improve the management of stormwater runoff, and provide a more pedestrian-friendly environment and shall be subject to the following guidelines:

- a. Pedestrian provisions in parking lots: In order to reduce the scale of large surface parking areas, promote natural runoff water filtration, and make them more pedestrian-friendly, the total amount of surface parking provided shall be broken up by landscaping and pedestrian walkways. Landscaped sections of parking areas should be designed to encourage water filtration and minimize undue water runoff.
- b. Interior parking lot landscaping: Trees and other planting materials in parking lot landscaping shall be evenly distributed throughout the parking lot to create a canopy effect in the parking lot that promotes natural shade and cooling effects, and shall be located to divide and break up expanses of paving and long rows of parking spaces. In addition, trees or other planting materials may be planted in the landscaped median or alongside a pedestrian walkway.

The minimum standard shall be those as set by the parking standards.

- c. Perimeter parking lot screening: Screening requirements shall apply to both perimeter and internal streets. Surface parking spaces and vehicle use areas shall be screened from view, from adjacent properties, and from adjacent streets by the use of a mixture of berms, plantings, buffers, and/or structures. Planting, screening, and buffering materials should follow the general standards for landscaping and screening in the VUD. At minimum, the perimeter buffering shall include one tree for each 25 feet or fraction along U.S. 41 Business built to right-of-way line. In addition, a hedge, wall, or other screening material of a minimum of five feet high shall be placed along the perimeter of the parking area behind the planting material so as to completely block the parking area from view of the street.
- (e) Streetscape buffers and landscaping: The site and development plans for any property located in the VUD shall follow these street landscaping, screening, and buffering standards at minimum; however, additional planting or structural treatments that further enhance the overall design plan are encouraged.
 - a. Public right-of-way: Landscaping, buffering, and screening materials shall be located in the public right-of-way with the exception of required site visibility triangle at street and driveway intersections. A mixture of such materials shall be used in order to enhance the streetscape environment and provide shade for the sidewalks and other public areas.
 - b. Drive aisles, sidewalks, bike paths: Trees and other planting materials such as shrubs, bushes, or flowering plants shall be planted along all enhanced drive aisles and along sidewalk or bike paths in order to provide natural cooling and shade. Accessory structures may be used to enhance the visual environs of the property.
- (f) Equipment screening: Building accessory structures necessary for the operation of businesses or maintenance of residential properties shall be screened from public view by a mixture of landscaping, buffering, and/or structural screening that at minimum exceeds the height of the structures being screened.
- (g) Incompatible landscape buffers and screens: Landscape buffers and screens are one type of transition tool that can be used to separate and mitigate incompatible land uses that are either adjacent to or directly across from each other. Where used, landscape buffers and screening shall provide visual barriers between different land uses, enhance the streetscape, provide privacy, and protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects.

Required findings for approval

City council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information:

- a) The ordinance provision for which the variance is requested is 86-122(m);
- b) The proposed project consists of striping an existing asphalt boat parking lot to provide parking for the proposed restaurant and continued use as a boat display area for the Marina. Due to the primary business function of the marina, moving boats in and around the site in a safe manner via boat trailer and forklift prohibits the use of interior parking lot landscaping. Addition of interior parking lot landscaping for this site would not be in the best interest of public safety.

In addition, the existing asphalt parking lot is paved up to the U.S. 41 right-of-way and the northwestern property line abutting the existing asphalt parking lot of the Darby Buick automotive dealership.

- c) By waiving the requirements of 86-122(n) the public would benefit by allowing an existing developed site (infill) to make the best use of the site in lieu of impacting a non-developed site. In addition, the safety of drivers, forklift operators, and patrons of the marina would not be compromised by potentially running into a landscape island. By allowing this project to move forward, an additional benefit to the public is the generation of tax revenue and job creation within the City of Venice.
- d) If the requested waiver is not granted; the hardship (to the detriment of the property owner) would prevent the owner from being able to display boats along the frontage of U.S. 41; adversely impacting boat sales and hampering the joint use of the property as a marina and restaurant.
- e) Portions of the existing asphalt parking area along the back of the parking lot and supplemental landscaping to screen the on-site lift station will be planted with landscaping to help meet the intent and purpose of this chapter [86-122(n)].
- f) The applicant requests that the City council approve the waiver application upon finding that the issuance of the waiver is in the best interest of safety and benefit to the public.

Waiver for 86-122(o) - Parking:

(o) Parking. In order to help promote walkability and community interaction within this mixed-use commercial district, the VUD seeks to mitigate the visual and spatial impact of vehicular parking. As such, the purpose of these standards is to encourage the placement of parking behind buildings and structures.

- (1) Parking is prohibited in front of buildings and structures.
- (2) Common parking areas behind buildings and structures that can be shared by one or more properties is encouraged.

Required findings for approval

City council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information:

- a) The ordinance provision for which the variance is requested is 86-122(p);
- b) The proposed project consists of striping an existing asphalt boat parking lot to provide parking for the proposed restaurant and continued use as a boat display area for the Marina. Due to the existing location of the parking lot, located in front of the existing boat repair and parts store, and the existing configuration of the marina it is not feasible to place the parking behind the building.
- c) By waiving the requirements of 86-122(n) the public would benefit by allowing an existing developed site (infill) to make the best use of the site in lieu of impacting a non-developed site. By allowing this project to move forward, an additional benefit to the public is the generation of tax revenue and job creation within the City of Venice.

- d) If the requested waiver is not granted; the hardship (to the detriment of the property owner) would prevent the owner from making the best use of the property within this mixed-use commercial district, prohibiting the joint use of the property as a marina and restaurant.
- e) Landscape buffering along the U.S. 41 right-of-way as well as the boat display will help mitigate the visual and spatial impact of vehicular parking which is the intent and purpose of this chapter [86-122(n)].
- f) The applicant requests that the City council approve the waiver application upon finding that the issuance of the waiver is in the benefit to the public.