



**Site and Development Plan, Petition Number: 14-1SP  
Special Exception, Petition Number: 14-2SE  
VUD Waiver, Petition Number 14-1WV**

**Staff Report**

**Applicant:** Marine Max East, Inc.

**Parcel ID #:** 0428-12-0003

**Agent:** Phillip Needs

**Property Acreage:** 8.25 acres

**Existing Zoning:** Commercial Intensive (CI)  
Venetian Urban Design overlay district

**Existing Future Land Use Designation:** Southern Gateway Corridor (Planning Area C)

**Summary of Site and Development Plan:**

- 1) Conversion of a portion of a boat sales showroom to a restaurant
- 2) The 165-seat restaurant, comprised of 3,241 square feet of indoor space and a 1,977 square foot open-air deck located behind the existing structure
- 3) Conversion of an outdoor boat display area to a parking lot with landscaping and lighting improvements.

**Summary of Special Exception Petition:**

In conjunction with the site and development plan, the applicant is requesting modifications from the following Land Development Code standards:

- 1) Sect. 86-411(8) – Landscaping between parking tiers
- 2) Sect. 86-436 – Landscaping adjacent to public rights-of-way
- 3) Sect. 86-437 – Landscaping adjacent to property lines
- 4) Sect. 86-438 – Interior (parking area) landscaping

**Summary of Waiver from Venetian Urban Design District (VUD) Standards:**

**Planning Commission recommendation; final action taken by City Council.**

In conjunction with the site and development plan, the applicant is requesting a waiver from the following VUD standards:

- 1) Sect. 86-122(m) – Landscaping, screens and buffers
- 2) Sect. 86-122(o) – Parking

## I. BACKGROUND INFORMATION

As shown on the below aerial photograph, the subject Marine Max Marina property is located immediately north of the south US 41 Business Bridge on the east side of US 41 Business. The existing uses on the property include 67 wet boat slips, a dry boat storage building, boat repair and part store buildings, a boat sales building, outdoor boat display and off-street parking. The property has access from US Bus. 41 and the Inter-coastal Waterway. Abutting land uses on the east side of US Bus. 41 include a car dealership and undeveloped land owned by the West Coast Inland Management District (WCIND) to the north and the Inter-coastal Waterway to the east.

### Aerial Photograph/Existing Land Use



### Future Land Use:

The following future land use map shows the subject property located at the southern end of the Southern Gateway Corridor, shown as Planning Area C on the below map. Except for a portion of the Venice Municipal Airport which has an Industrial future land use map designation, all other surrounding properties are located within the Southern Gateway Corridor.

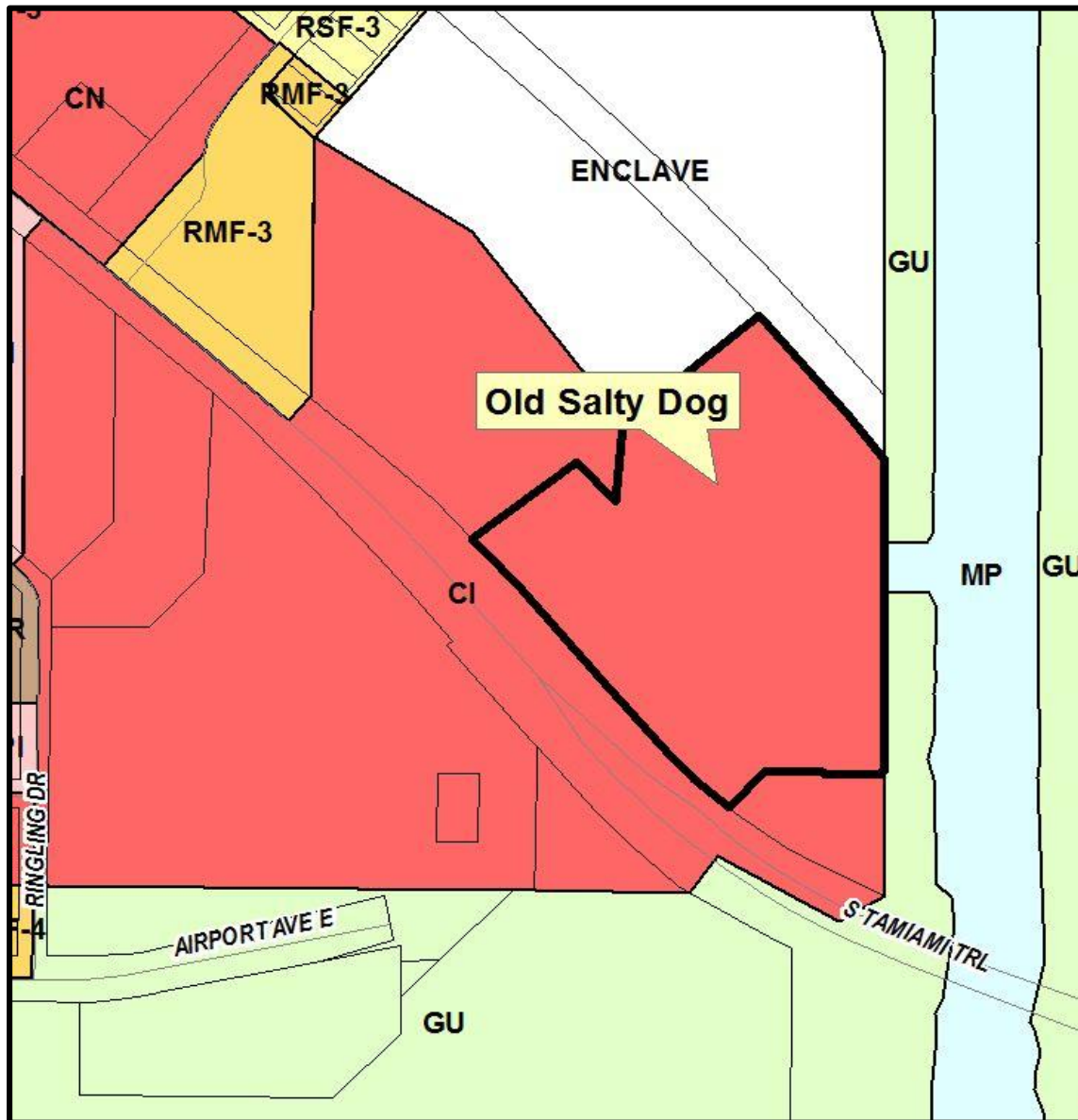
## **Future Land Use Map**



### Existing Zoning:

The following map shows the existing zoning of the subject and surrounding properties. The subject property is zoned commercial, intensive (CI). The subject property abuts CI-zoned property to the south, west and north, an un-zoned enclave (WCIND property) to the north and Government Use and Marine Park zoning to the east.

### **Existing Zoning Map**



### Southern Gateway Corridor (Planning Area C) Policy and CI & VUD Use Regulations

Per Policy 16.5, the intent of the Southern Gateway Corridor (Planning Area C) is to develop a mixed use area with medical facilities, professional and medical office space, multi-family residences, mixed use commercial areas, retail shops, entertainment, marine

services, hotels and restaurants. The existing marine service and proposed restaurant are uses consistent with the planning intent of the Southern Gateway Corridor.

Per Section 86-93(b) of the LDC, a number of service establishments are classified as permitted uses. Marinas, boat sales, boat liveries (dry-dock boat storage) and restaurants are among the permitted service establishments in the CI district. As such the proposed mixed-use marina/sit-down restaurant are permitted uses in the CI district.

The subject property is also located in the Venetian Urban Design (VUD) overlay district, which allows additional uses other than those permitted in the underlying CI district. Per Section 86-122(c), the VUD district designates restaurants as a permitted use.

## **II. SITE AND DEVELOPMENT PLAN REVIEW**

### Overview of Materials Submitted for Planning Commission Review

The applicant is requesting Planning Commission approval of a site and development plan for a 165-seat restaurant on the subject property. As indicated in Section II of this report, a restaurant is consistent with the planning intent of the Southern Gateway Corridor and a restaurant is a permitted use in both the CI district and the VUD overlay district.

Three sets of drawings show the proposed site and development plan improvements. The first is a ten-sheet site and development plan drawings prepared by Kimley-Horn and Associates, Inc. These drawings show existing conditions on the subject property, the layout of the proposed 73-space off-street parking area, the building footprint for the proposed indoor restaurant and outdoor dining deck and the proposed landscaping and outdoor lighting in the new parking area.

The second set of drawings is a one-sheet drawing showing the proposed floor plan for the restaurant and outdoor dining area prepared by Del Vescovo Design Group. The floor plan shows three different types of dining areas: interior, covered exterior and uncovered exterior. Seventy-seven seats are proposed in the interior portion of the restaurant (64 seats at tables and 13 seats at the bar); 76 seats are proposed in the covered portion of the open air deck (62 seats at tables and 14 seats at the bar); and 12 seats at tables in the uncovered portion of the open air deck.

The final set of drawings are architectural plans prepared Ron Scott. The drawings show the proposed architectural improvements to the portion of the existing boat sales showroom that is to be converted to the restaurant.

### Existing Conditions

This section reports on the existing site conditions through a series of photographs that depict areas of the site that will be altered by the proposed project.

The first two photographs show the existing boat sales showroom building that will, in part, be converted to a restaurant. The first photograph shows the northern portion of the building that will be converted to a restaurant. The second photograph shows the remaining portion of the building that will remain as a boat showroom area.



The northern portion of the existing boat sales showroom that is proposed to be converted to a restaurant.



The larger southern portion of the building is to remain as a boat sales showroom.



The back of the showroom building where a partially roof-covered, open-air deck/dining area is proposed. Refer to the architectural and floor plan drawings for the layout and design of the proposed deck.



The existing boat display area north of the showroom building. The area is proposed to be shared by the restaurant and the marina. The layout of this area is shown on the site plan drawings.



Fork-lift used to move boats. Moving boats from the front display area requires considerable space to maneuver. This is the primary reason why interior parking lot landscaping is not proposed.



A row of boats will remain in place for display. The applicant has entered into agreement with the FL Dept. of Transportation to allow the planting of additional palm trees in the eastern five feet of the right-of-way.



The north property line, closest to US 41 Bus., with boats and automobiles displayed on both sides of the property line. The applicant is proposing no landscaping between what will be two abutting parking areas.



Eastern portion of the north property line, with no landscaping proposed.



Northeast corner of property, with two proposed landscape islands and a row of shrubs along the inside of the existing fence.

### Proposed Showroom Conversion and Outdoor Deck

The subject property is located in Southern Gateway Corridor (Planning Area C) and Policy 16.6.H specifies that Northern Italian Renaissance architectural design standards are to be applied to new and redevelopment projects. Policy 15.7 of the Future Land Use & Design

Element of the comprehensive plan provides further policy direction regarding architectural design style for developed properties that may have another architectural design style. Below is the full text of the policy.

**Policy 15.7 Previously Established Architectural Styles.** Where the architectural style of a development has been established and approved prior to the effective date of this comprehensive plan, said development shall be allowed to renovate or expand without having to comply with the required architectural style of the planning area. A determination of compliance shall be made by the General Manager of Development Services or his or her designee.

Staff worked with the project architect to prepare a well-designed exterior of the restaurant that is consistent with Northern Italian Renaissance architectural design standards. While above Policy 15.7 could be applied in this case, the applicant chose to design the exterior to the restaurant consistent with the Northern Italian Renaissance architectural style.

The elevated, partially roofed, open-air deck located behind (to the east of) is designed consistent with the exterior of the restaurant. Design features for the deck consistent with the exterior of the restaurant include the design of column and color.

#### Off-Street Parking

In order to provide the minimum number of off-street parking spaces for the existing marina uses that are to remain as well as the proposed 165-seat restaurant, a new 73-space parking area is proposed. The new parking area is located on a portion of the site that is currently used for outdoor boat display. Outdoor boat display is proposed to remain in place in an approximately 30-foot wide area between the front property line and the parking area. Staff confirms that the proposed site and development plan is in compliance with the minimum number of off-street parking spaces for the existing marina uses that are to be retained and the proposed 165-seat restaurant.

The landscaping of the parking area is not in compliance with several LDC design standards. In fact, the location of the proposed parking area is not in compliance with the VUD parking standards which require parking to be located behind buildings. Many of the modifications or departures from LDC and VUD parking/landscaping design standards arise due to:

1. The operational characteristics of the existing marina use and how the property has developed to support the marina use.
2. The land use characteristic adjacent to the proposed parking area.

#### Proposed Signage

The applicant proposes only one wall sign on the north elevation of the restaurant. No monument ground sign is proposed. Staff confirms the proposed wall sign is in compliance with the City sign code.

## Reliance on Other Approvals by Planning Commission and City Council

Approval of the site and development plan is contingent on Planning Commission approval of a concurrently processed Special Exception Petition No. 14-2SE which seeks modifications from four LDC parking and landscaping standards and City Council approval of a concurrently processed petition to waive VUD parking and landscaping, screens and buffers standards (VUD Waiver Petition No. 14-1WV). A detailed analysis of the Special Exception and VUD Waivers petitions will be provided in the subsequent sections of this staff report.

## Summary of Staff Findings

Staff confirms the site and development plan application is consistent with the City of Venice Comprehensive Plan. Subject to approval of Petition No. 14-2SE and 14-1WV, staff confirms the application is in compliance with all applicable land development code standards. Staff also confirms the proposed development is in compliance with all concurrency requirements, including transportation concurrency.

There are no outstanding technical issues that would prevent the Planning Commission from taking action on the site and development plan petition.

## Planning Commission Findings of Fact

Section 86-23(n) specifies the Planning Commission's role in taking action on a site and development plan application and reads in part, "..... the planning commission shall ..... be guided in its decision and exercise of its discretion to approve, approve with conditions, or to deny by the following standards".

To assist the Planning Commission, staff has prepared a comment on each of the following standards or findings by which the site and development plan application should be evaluated.

- (1) *Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the city.*

**Staff Comment on Ownership:** Documents have been provided confirming ownership and control of the subject property.

- (2) *Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the planning commission the authority to reduce residential densities below that permitted by the schedule of district regulations set out in article IV, division 2 of this chapter.*

**Staff Comment on Use:** The proposed restaurant is consistent with the planning intent of the Southern Gateway Corridor (Planning Area C) and is in compliance with the use regulations for the CI zoning district and the VUD overlay district.

**Staff Comment on Density:** No residential uses are proposed for the site.

**Staff Comment on Height:** The existing boat sales showroom building is in compliance with all applicable maximum height standards. The proposed restaurant will not alter the height of the building.

**Staff Comment on Conservation:** The site is not located within any recognized conservation area as determined by the Biodiversity Hotspots Map which identifies occurrences of endangered or listed species (“Closing the Gaps in Florida’s Wildlife Habitat Conservation System,” Florida Game and Fresh Water Fish Commission).

- (3) *Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing utilities and refuse collection, and access in case of fire, catastrophe or emergency.*

**Staff Comment on Site Geometry:** The existing access driveway onto US 41 Business will not be altered by the site and development plan.

**Staff Comment on Concurrency:** Staff has determined that concurrency requirements have been satisfied for the proposed project.

- (4) *Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.*

**Staff Comment on Parking:** Staff confirms that the minimum number of off-street parking spaces required for the various uses on the site have been provided.

**Staff Comment on Transportation:** The project has been reviewed by the city’s traffic consultant to confirm that concurrency management and access management requirements have been satisfied.

- (5) *Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.*

**Staff Comment on Landscaping and Buffering:** The site and development plan application does not comply with all landscaping and buffering standards of the LDC, including the landscaping and buffering standards for the VUD overlay district. The applicant is seeking relief

from those standards in the form of a special exception application and a waiver from applicable VUD standards. The applicant has provided some landscaping around portions of the parking lot perimeter, including the planting of palm trees with the US 41 Business right-of-way to supplement the existing palms trees planted in the right-of-way.

- (6) *Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall public drainage capacities.*

**Staff Comment on Stormwater:** The developer is required to control and treat post runoff stormwater (24 hour / 25 year storm event). The City's Engineering Department will confirm this drainage standard is met during the review of construction plans.

**Staff Comment on Flood Zone:** The property lies within flood zone "C" which is an area of minimal flooding.

**Staff Comment on Wetlands:** The subject property is developed. There is no evidence of wetlands being present on this developed site.

- (7) *Adequacy of provision for sanitary sewers, with particular relationship to overall city sanitary sewer availability and capacities.*

**Staff Comment on Sanitary Sewer:** A service line will be connected to an existing on-site sanitary sewer line.

- (8) *Utilities, with reference to hook-in locations and availability and capacity for the uses projected.*

**Staff Comment on Potable Water:** A service line will be connected to an existing on-site water main line.

- (9) *Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community or citywide open spaces and recreational facilities.*

**Staff Comment on Recreation & Open Space:** There is no recreation or open space requirement for the site.

- (10) *General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values.*

**Staff Comment on Site Arrangement and Amenities:** The existing site arrangement will remain largely unchanged. A portion of the existing boat sales showroom will be converted to a restaurant, a new elevated deck will be constructed behind the showroom building and the outdoor

display area north of the showroom building will be re-designed to a shared off-street parking and boat display area.

*(11) Such other standards as may be imposed by this chapter on the particular use or activity involved.*

**Staff Comment on Flora and Fauna:** The subject property is developed. No presence of listed or protected species was observed during site visits.

*(12) In the event that a site and development plan application is required, no variance to the height, parking, landscape, buffer or other standards as established herein may be considered by the Planning Commission. The Planning Commission may consider modifications to these standards under the provisions and requirements for special exceptions.*

**Staff Comment on Code Modifications:** A special exception petition has been submitted for modification of four LDC landscaping standards. A waiver application has been submitted for modifications from the VUD landscaping, screens and buffers, and parking standards. Approval of the special exception and VUD waiver applications will be required to find the site and development plan application in compliance with the LDC.

### Planning Commission Determination

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and public input, the following determination alternatives are available for Planning Commission's action on the site and development plan application.

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.

### **III. SPECIAL EXCEPTION REVIEW**

Section 86-23(n)(12) of the LDC provides Planning Commission the authority to consider modification of specified land development standards through special exception as part of the duties included in the site plan approval process. This section reads:

*In the event that a site and development plan application is required, variance to the height, parking, landscape, buffer or other standards as established herein may be considered by the planning commission. The planning commission may consider modifications to these standards under the provisions and requirements for special exceptions.*

The applicant has submitted a special exception application requesting modifications from the following four LDC standards:

- 1) Sect. 86-411(8) – Landscaping between parking tiers
- 2) Sect. 86-436 – Landscaping adjacent to public rights-of-way
- 3) Sect. 86-437 – Landscaping adjacent to property lines
- 4) Sect. 86-438 – Interior (parking area) landscaping

A full citation of each of the code sections will be provided below, as well as the applicant's proposed code modification and the applicant's rationale for the modification.

*Section 86-411(8) – Landscaping between parking tiers*

*Where tiers of interior parking spaces are proposed to abut one another, the facilities shall be designed so as to have an area of not less than five feet in width maintained between such tiers, which shall be landscaped in accordance with this chapter.*

The proposed site and development plan has two areas where rows of interior parking spaces abut. The applicant proposed to provide no landscaping between the two interior rows of parking. The applicant's rationale for not providing landscaping between the two rows of parking is that the interior of the parking area needs to be clear of landscaping to allow the movement of boats that are proposed to be on display in the first thirty feet of the parking area.

*Section 86-436 – Landscaping adjacent to public rights-of-way*

Due to the length of this code section, the standard will be summarized. When a proposed parking area abuts a public road right-of-way a five-foot wide landscape area is required inside the property along the right-of-way. Within the landscaped area one tree is required for each 50 foot of landscaped area and a minimum two foot high hedge, wall or other opaque durable landscape barrier is required along the entire length of the landscaped area.

The applicant proposes to modify from the above standard by:

- Using a five-foot wide area along the easternmost portion of the US 41 Business right-of-way, agreed upon by the FL Department of Transportation, as a landscape area.
- Planting eight 8" caliper Royal Palms in the five-foot wide landscape area. Note: palm trees are not considered by the LDC to be trees for the purpose of required landscaping.

The applicant believes the planting of Royal Palms will supplement the existing palms located within the US 41 Business right-of-way. The planting of palms, as opposed to canopy trees, will also result in less maintenance of the boats displayed right along the right-of-way line. Staff notes that the continued boat display along the right-of-way line will actually provide some screening of vehicles parked behind the boats in the parking area.

*Section 86-437 – Landscaping adjacent to property lines*

Due to the length of this code section, the standard will be summarized. When a proposed parking area abuts a neighboring property a five-foot wide landscape area is required along the property line. An average of one tree is required for each fifty linear feet of landscaped area.

The applicant proposes no landscape area along the north property line. The rationale for the code modification is that the neighboring property to the north is a car dealership with cars parked along the shared property line and that there is not a need to screen abutting parking areas from each other. There is a two-foot wide non-paved area along the eastern boundary of the parking where the applicant proposes to plant shrubs along the property line and two landscape islands, each with a Royal Palm and shrubs.

*Section 86-438 – Interior (parking area) landscaping*

Due to the length of this code section, the standard will be summarized. The minimum interior landscape area is based on the area of parking spaces and other vehicle use areas (e.g. drive aisles). The total number of required trees shall not be less than one tree for each 100 square feet of required interior landscaping area. Such landscape areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.

The site and development plan exceeds the minimum interior landscape area. However, the landscape areas are not located in the interior of the parking area and only one tree, as opposed to the nine required trees, is proposed in the “interior” landscape areas.

The applicant’s rationale for not providing interior landscaping in the interior of the parking area is that the interior of the parking area needs to be clear of landscaping to allow the movement of boats that are proposed to be on display in the first thirty feet of the parking area.

Below is a table that summarizes the above information regarding the LDC modifications requested by Petition No. 14-2SE.

<b>LDC Modifications Requested by Petition No. 14-2SE</b>			
<b>LDC Section</b>	<b>LDC Standard</b>	<b>Proposed Standard</b>	<b>Rationale</b>
Section 86-411(8)	Five foot wide landscaping between interior rows of parking.	No landscaping between interior rows of parking.	Need to retain ability to move displayed boats; required landscaping will not allow such movement of boats.
Section 86-436	One canopy tree per every 50 feet of landscaping adjacent to public ROW.	Use of palms trees instead of canopy trees.	Proposed palm trees consistent existing palms along US Bus. 41; palms more compatible w/ abutting boat display area.
Section 86-437	Five foot wide landscaping where parking abuts another property, one tree per 50 linear foot of landscaping.	No landscaping abutting car dealership, two foot wide landscaping abutting stormwater pond w/ shrubs 3-foot on center.	Area abutting car dealership paved to property line; width of unpaved area adjacent to off-site stormwater pond adequate for only planting shrubs.
Section 86-438	Interior parking area landscaping based on number of parking spaces and vehicle use area; one tree per 100 sq. ft. of required landscaped area.	Sufficient landscaped area provided; 9 trees required, 1 tree provided.	Interior landscaped islands will not allow movement of boats displayed outdoors.

## Planning Commission Findings of Fact

Section 86-43(e) provides the required finding for Planning Commission approval of a special exception request. Section 86-43(e) reads as follows:

*Before any special exception shall be approved, the planning commission shall make a written finding that the granting of the special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:*

- (1) *Compliance with all applicable elements of the comprehensive plan.*

**Staff Comment on compliance with the comprehensive plan:** Staff confirms that the site improvements and requested special exception is consistent with the comprehensive plan.

- (2) *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

**Staff Comment on ingress and egress:** The existing access to US 41 Business is being retained and that access adequately provides for automotive and pedestrian safety and convenience, traffic flow and control and access to emergency vehicles.

- (3) *Off-street parking and loading areas, where required, with particular attention to the items listed in subsection (e)(2) of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.*

**Staff Comment on parking and loading areas:** The site and development plan complies with the minimum number of off-street parking spaces. The absence of a landscape area along the north property line will have minimal economic, noise, glare or odor effects on the abutting car dealership. The existing marina has numerous off-street loading areas.

- (4) *Refuse and service areas, with particular reference to the items listed in subsections (e)(2) and (e)(3) of this section.*

**Staff Comment on refuse and service areas:** The existing deteriorated dumpster enclosure is being replaced.

- (5) *Utilities, with reference to location, availability and compatibility.*

**Staff Comment on utilities:** Existing on-site utility service is adequate for the proposed restaurant.

- (6) *Screening and buffering, with reference to type, dimensions and character.*

**Staff Comment on screening and buffering:** The applicant proposes modifications to landscaping and screening requirements. The planting of Royal Palms and the continued outdoor display of boats in front of the parking area appears sufficient to screen the parking area from US 41 Business. The absence of landscaping along the north property line will likely have minimal impact on the abutting car dealership.

- (7) *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.*

**Staff Comment on signs:** One wall sign, in compliance with the sign code, is proposed on the north elevation of the restaurant.

- (8) *Required yards and other open space.*

**Staff Comment on required yard and open space:** The site and development plan is in compliance all minimum yard requirements. Open space is not required by the CI district or the VUD overlay district.

- (9) *General compatibility with adjacent properties and other property in the district.*

**Staff Comment on compatibility:** The proposed restaurant can be deemed compatible with the abutting car dealership and vacant WCIND property. Restaurants are a specific use listed in the planning intent of the Southern Gateway Corridor (Planning Area C).

- (10) *Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.*

**Staff Comment on any special requirements:** No special requirements are established in the schedule of district regulations for the proposed restaurant.

#### Planning Commission Determination

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and public input, the following determination alternatives are available for Planning Commission's action on the special exception application.

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.

#### IV. VUD WAIVER REVIEW

The subject property is located in the Venetian Urban Design (VUD) overlay district and is subject to compliance with the VUD standards. Staff confirm that the site and development plan complies with all VUD standards except the following in which the applicant requests a waiver be granted by City Council upon recommendation from the Planning Commission.

##### *Section 86-122(m) – Landscaping, screens and buffers.*

Due to the length of this code section, the standard will be summarized. The VUD standards require the following:

- Parking areas are required to be broken up by landscaping and pedestrian walkways.
- Interior parking area landscaping is required to divide and break up expanses of paving and long rows of parking spaces. Trees and other planting materials are required to be evenly distributed throughout the parking lot.
- Surface parking spaces and vehicle use areas are required to be screened from view, from adjacent properties and from adjacent streets. At minimum, the perimeter buffering shall include one tree for each 25 feet along US 41 Business. 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.

The proposed parking area is only minimally broken up by landscaping. No pedestrian walkways are proposed. No landscaping is proposed in the interior of the parking area. The applicant proposes the planting of Royal Palms within the US 41 Business right-of-way and abutting the proposed parking area. No landscaping is proposed along the north property line abutting the car dealership. Two landscape islands, each with a Royal Palm and shrubs, and a row of shrubs are proposed where the parking area abuts the east property line.

The applicant's rationale for the waiver of the VUD landscaping, screens and buffers standards are identical to those provided above for the special exception petition.

##### *Section 86-122(0) – Parking.*

*Per Section 86-122(o)(1), parking is prohibited in front of buildings and structures.*

The structures and paved areas on the site exist and the paved area currently used for boat display is located in front of a structure on the site. The applicant proposes to convert most of the boat display area to a parking area for the restaurant.

The applicant's rationale for the waiver of the VUD parking standard is that the paved area and buildings on the site currently exist with the paved area being in front of a building. The applicant is simply converting a boat display area to a parking area.

Below is a table that summarizes the above information regarding the VUD waivers requested by Petition No. 14-1WV.

VUD Waivers Requested by Petition No. 14-1WV			
VUD Section	VUD Standard	Proposed Standard	Rationale
Section 86-122(m)	Landscaping to be evenly distributed throughout the parking area; along US 41 Bus. Minimum one tree for each 25 feet; min. five foot high hedge, wall or other screening material.	Landscaping proposed around some of the perimeter of the parking area; only palm trees planted along US 41 Bus. (one tree every 50 feet).	No interior landscaping to allow movement of displayed boats; proposed palm trees consistent with palms in existing US 41 right-of-way.
Section 86-122(o)	Parking is prohibited in front of buildings and structures.	Existing boat display area in front of building is being converted to off-street parking area.	The paved area already exists between US 41 & the existing building; use simply changing from outdoor boat display to off-street parking.

#### Planning Commission Recommendation on Findings

Section 86-122(f)(2) has the following provision for the granting of a waiver from VUD standards.

*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;

**Staff Comment on identification of ordinance provision(s) to be waived:** The applicant has identified the two sections of the VUD district in which waivers are 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;

**Staff Comment on peculiar physical conditions:** Boat display and off-street parking is proposed on a relatively confined area nearly all of which is paved to the property lines. In order to maintain the operational characteristics of a marina, the interior of the proposed parking area needs to be unobstructed by landscaping to enable the movement of boats.

- c. Description that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement;

**Staff Comment on public benefit:** The granting of the waiver will facilitate implementation of the Southern Gateway Corridor (Planning Area C) planning intent of having restaurants in the corridor.

- d. Description of the hardships, which will accrue to the detriment of the property owner, if the requested waiver is not granted;

**Staff Comment on hardships accrued if the waiver is not granted:** If the waiver is not granted, the property owner would not be able to enjoy the synergistic characteristics associated with the mixed use of the property as a marina and restaurant.

- 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;

**Staff Comment on implementation of intent and purpose of the chapter:** The primary purpose and intent of the LDC (the chapter) is to implement the city comprehensive plan. The planning intent of the Southern Gateway Corridor (Planning Area C) is to establish a welcoming “front door” to Venice by creating a pedestrian-oriented streetscape and mixed use corridor. The corridor is further intended to develop a mixed use area with a variety of uses including marine services and restaurants. The proposed mixed use project can be seen as implementing the intent of the Southern Gateway Corridor. The intent of the VUD overlay district is, in part, to establish a district that better links the community together by creating a pedestrian-friendly, urban mixed-use community. The proposed mixed use project can be seen as implementing the intent of the VUD overlay district.

- 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.

**Staff Comment on public safety, health or welfare:** There is sufficient information in the record to establish it will be in the interest of public safety, health and welfare to grant the waiver application.

#### Planning Commission Recommendation to City Council

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and public input, the following recommendation alternatives are available for Planning Commission’s action on the VUD waiver application.

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.