



Project: Lord Higel House
Site and Development Plan Petition No. 16-07SP
Special Exception Petition No. 16-03SE
Staff Report

Owner: City of Venice

Parcel ID #: 0176-08-0016

Address: 409 Granada Avenue

Parcel Size: 33,750 square feet/0.775 acres

Agent: James Hagler, Director of Historical Resources

Future Land Use Designation: Heritage Park Neighborhood (Planning Area B)

Existing Zoning District: Government Use (GU) and Historic Venice (HV) Architectural Control District

Summary of Site and Development Plan:

- 1) The applicant proposes an early settler museum and welcome center in an existing historic structure (currently being restored).
- 2) Including open-air raised porch, the building has a footprint of 2,508 square feet; the 678 square feet of first story interior floor area is proposed for the museum/welcome center, the 593 square feet of second story interior floor area is proposed for office space.
- 3) Via a temporary use permit issued on December 1, 2015 currently valid until August 1, 2017, the City constructed a temporary 35-space parking facility with gravel drive aisles and grass parking spaces. This project was authorized by City Council on August 25, 2015.
- 4) The proposed site and development plan includes new improvements including: a detached 469 square foot restroom/storage building, two paved accessible parking spaces, an access ramp to the building, a series of walkways and yard areas planned for a demonstration garden and educational exhibits.

Summary of Special Exception Petition:

The following code modifications are requested in conjunction with the concurrently processed site and development plan application.

- Modification from Section 86-411(2) to allow non-hard surfaced parking lot drive aisles and more than 25% of the total parking spaces in the parking area to have a grass surface; the applicant proposes 94.3% (33 of the 35 total spaces) of the spaces have a grass surface.

I. BACKGROUND

On April 22, 2005, the City of Venice purchased the Lord Higel house structure which as the time was located at 811 Laguna Drive, Venice Florida. The city agreed to relocate the structure to a property owned or controlled by the city. Pursuant to Building Permit No. 05-2023, the structure was moved to its current location. Efforts to restore the structure have been ongoing in one form or another since the structure was relocated.

The construction of the temporary parking improvements, as currently designed, was authorized by City Council on August 25, 2015. In accordance with City Council authorization, a temporary use permit for the parking lot was issued by staff on December 1, 2015 which has been extended twice and currently has an expiration date of August 1, 2017. The temporary use permit was issued with the understanding the parking lot that the City would proceed with development of a permanent parking lot in compliance with City standards.

On January 26, 2016, the City of Venice and the Venice Heritage Inc., a nonprofit corporation, entered into an “Agreement to Complete Lord Higel House Construction”. The agreement establishes duties and responsibilities for both parties regarding the repair and renovation of the Lord Higel house. Among other duties and responsibilities, Provision No. 3 of the agreement provides that Venice Heritage Inc. is generally responsible for all work to the structure, including the proposed detached restroom and access ramp, necessary for the structure to be eligible for a certificate of occupancy. Provision No. 4 of the agreement specifies among other duties and responsibilities, that the City is to “develop and obtain approval of a site plan for both the Lord Higel house site as well as other City property adjacent and to the east of the Lord Higel House site that includes parking, stormwater drainage, grading, landscaping and other applicable requirements, and construction of same”. As such, the city is the applicant for the subject site and development plan and special exception petitions.

The agreement goes on to specify that upon completion of the restoration project, Venice Heritage Inc. will be responsible for furnishing the first floor of the Lord Higel House with period antiques and exhibits and operate the structure as an Early Settlers Museum and Welcome Center, with the assistance from other local non-profit organizations.

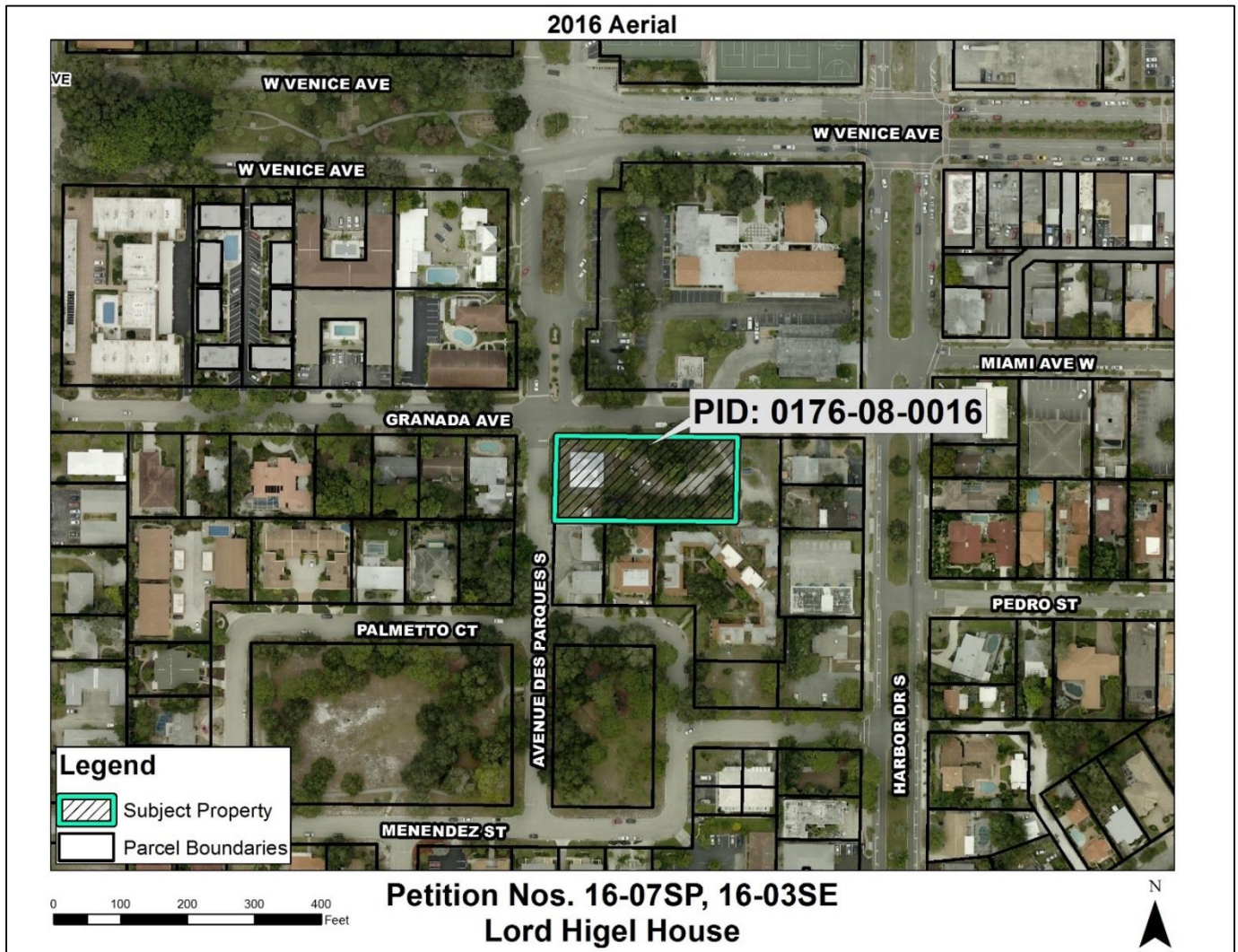
II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject and Surrounding Property Information:

The subject city-owned property is comprised of one parcel of land totaling 0.775 acres. As shown on Map 1 (see next page), the property is a corner lot with street frontage on Granada Avenue and Avenue Des Parques South. Existing improvements on the subject property include the unoccupied Lord Higel house, an accessory storage shed and a temporary 35-space grass/gravel parking lot.

Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.

Map 1: Aerial Photograph



The Lord Higel house
currently under restoration



View of the existing parking lot from Granada Avenue; multi-family properties are along the backside of the parking lot



View of the interior of the parking lot



View of the subject property including an existing shed from in front of residential multi-family property to the south



City Hall property directly north of the subject property

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	City Hall and Fire Station	Government Use (GU)	Heritage Park Neighborhood (Planning Area B)
West	Two two-family residential properties	Residential, Multiple Family 3 (RMF-3)	Heritage Park Neighborhood
South	Two multi-family and one single family residential properties	RMF-3 and RMF-4	Heritage Park Neighborhood
East	Two-family residential, hair salon, real estate office	Office, Professional and Institutional (OPI) and RMF-4	Heritage Park Neighborhood

Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with two flood zone designations, both of which are not identified as a Special Flood Hazard Area. The subject property has Zone X and Zone X (shaded) FIRM designations which have moderate to low flooding risk and no minimum finished floor elevation requirement.

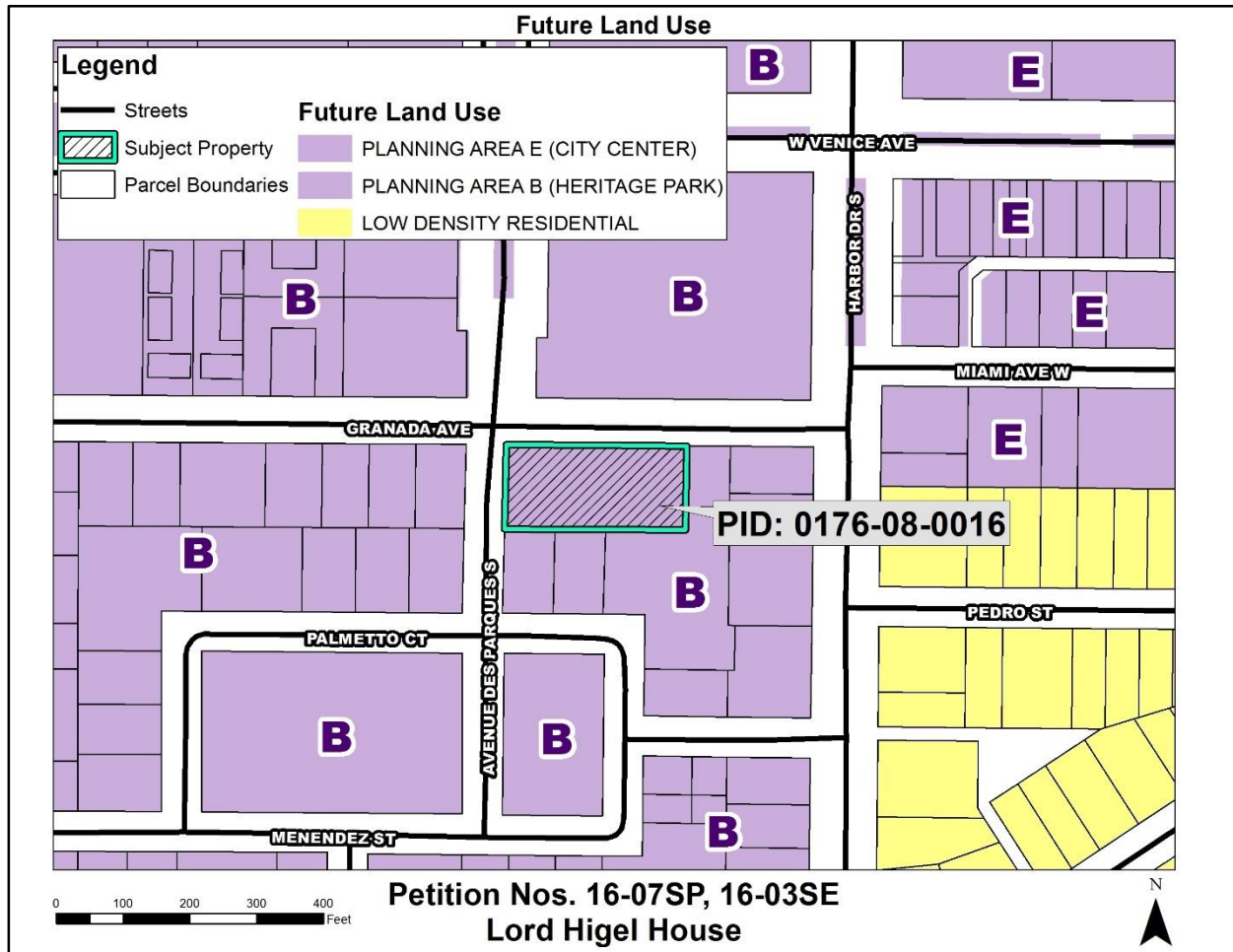
Future Land Use:

Map 2 (see following page) shows the subject property having a Future Land Use designation of Heritage Park Neighborhood (Planning Area B). The intent of this planning area is “to promote John Nolen’s original design and support Venice’s traditional downtown district through proximate multi-family housing opportunities. This is accomplished by implementing an integrated mixed use area that includes multi-family housing opportunities, and offices.”

Policy 16.4.B.2 establishes a Heritage Park Neighborhood standard in which public lands within the neighborhood shall not be developed for residential, commercial, office, or industrial purposes.

Another applicable neighborhood standard is contained in Policy 16.4.B.1 which specifies that parks and public spaces shall include a variety of community places and public spaces including but not limited to pocket parks, courtyards, plazas, open air sitting areas, urban trails, and playgrounds.

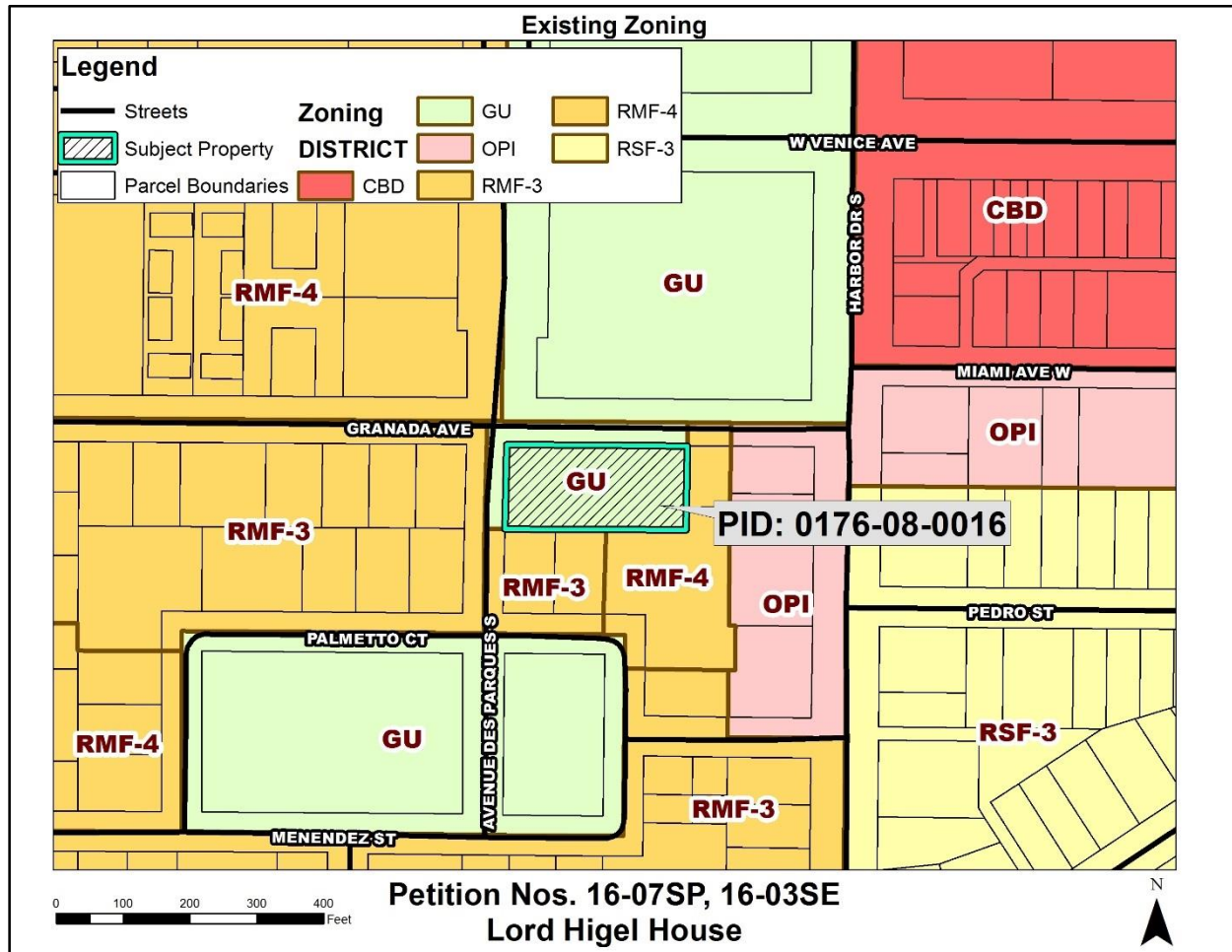
Map 2: Future Land Use Map



Existing Zoning:

Map 3 (see following page) shows the existing zoning of the subject and surrounding properties. The subject property is zoned Government Use (GU). Per Section 86-110(a) the GU district is intended to apply to those lands where national, state or local governmental activities are conducted and where governments hold title to such lands. Permitted uses in the district include a variety of uses including government buildings and other public facilities of a like nature.

Map 3: Existing Zoning Map



III. PROPOSED IMPROVEMENTS

The proposed city project is comprised of the following combination of existing and proposed improvements on the subject 0.775-acre property, both of which require site and development plan approval.

- Subject to a temporary use permit, a 35-space parking lot, constructed with gravel drive aisle and grass parking spaces. The Land Development Code requires a minimum of six off-street parking spaces for the project. The applicant proposes to provide two hard-surfaced handicapped accessible parking spaces.
- The 2,508 square foot Lord Higel house which was placed on the property 2005. The unoccupied structure has been under restoration for the past decade. Once restored, the applicant proposes to use the ground floor of the historic structure as a 678 square foot early settler museum and welcome center. The 593 square foot second floor is proposed as office space which, due to building code standards, will not be accessible to the public.
- An existing 176 square foot accessory shed building.
- A proposed detached 469 square foot restroom/storage building.
- Other proposed improvements include an access ramp to the building, a series of walkways, and yard areas planned for a demonstration garden and educational exhibits.

IV. PLANNING ANALYSIS FOR SITE AND DEVELOPMENT PLAN PETITION NO. 16-07SP

This section of the report evaluates the site and development plan petition for 1) consistency with the comprehensive plan, 2) compliance with the Land Development Code, and 3) compliance with the city's concurrency management regulations and the project's expected impacts on public facilities. For each of the three evaluations staff provides its finding and staff comments are provided for each of the required findings for site and development plan approval contained in Section 86-23(n).

1. Consistency with the Comprehensive Plan

The subject property is located in the Heritage Park Neighborhood (Planning Area B). The intent of this planning area is "to promote John Nolen's original design and support Venice's traditional downtown district through proximate multi-family housing opportunities. This is accomplished by implementing an integrated mixed use area that includes multi-family housing opportunities, and offices."

There is no Heritage Park Neighborhood policy that specifically applies to civic uses, in this case a proposed city museum/welcome center. However, the proposed use of the property is consistent with Policy 16.4.B.2 which states that public lands within the neighborhood shall not be developed for residential, commercial, office, or industrial purposes.

The project implements a neighborhood standard contained in Policy 16.4.B.1 which specifies that parks and public spaces shall include a variety of community places and public spaces including but not limited to pocket parks, courtyards, plazas, open air sitting areas, urban trails, and playgrounds. The project provides public spaces which include the museum itself, seating on the open air porch, yard areas devoted to demonstration gardens and educational exhibits.

Regarding land use compatibility, the proposed use is required to be evaluated for its potential impact on surrounding properties. For the purpose of land use compatibility, the proposed museum/welcome center is considered an institutional use. Generally, without taking into consideration size and intensity, institutional uses are the non-residential use that is most likely to be compatible with adjacent residential properties. In this case, the proposed institutional use has a total floor area of 1,271 square feet, of which only 678 square feet is museum/welcome center space open to the public.

The following table shows the existing land use of properties adjacent to the subject property.

Direction	Existing Zoning	Existing Land Use
North	Government Use (GU)	City Hall, Fire Station and public parking, and multi-family property (north of Granada Avenue & west of Avenue Des Parques S.)
East	Residential, Multiple Family 4 (RMF-4) and Office, Professional and Institutional (OPI)	Vacant RMF-4 parcel, two-family residential property, a hair salon with one dwelling unit, and a real estate office
South	RMF-3 and RMF-4	Two multi-family properties and a single family property
West	RMF-3	Two, two family residential properties

There is no nearby Residential, Single Family (RSF) zoning and only one of the adjacent properties is developed as a single-family residence. While the proposed use is institutional in nature, it will be contained in a structure that has historically been used for residential purposes and which continues to have a residential exterior design.

The proposed public parking lot is adjacent to a larger public parking lot on the north side of Granada Avenue and is used by the general public as well as one of the abutting multi-family properties. The retention of mature trees, landscape buffering in compliance with the Land Development Code, and setbacks from abutting properties lines in excess of the minimum required provide mitigation for potential incompatibilities of the parking lot.

Taking into consideration the type, size and intensity of the proposed use, the existing zoning and land use of adjacent properties, the exterior appearance of the proposed structure, and the landscaping associated with the proposed parking lot, staff finds the proposed site and development plan compatible with adjacent land uses.

The Heritage Park Neighborhood standards require Northern Italian Renaissance architectural design standards for new and redevelopment projects. However, Policy 15.7, Previously Established Architectural Styles, provides relief from planning area-based architectural styles where the architectural style of a development was established prior to the effective date of the comprehensive plan. Since the Lord Higel house was moved to the subject property prior to the effective date of the comprehensive plan, the Northern Italian Renaissance architectural design standards do not apply.

Finding of Fact (Comprehensive Plan): *The proposed site and development plan is consistent with the comprehensive plan. It is consistent with the intended uses in the Heritage Park Neighborhood and the neighborhood standards, and is compatible with adjacent land uses.*

2. Compliance with the Land Development Code

The subject property is located in Government Use (GU) zoned property. The only standards that are contained in the GU district are use regulations and a maximum residential density standard that does not apply to this project. The proposed museum/welcome center is a permitted use in the GU district.

Except for the requested code modifications to 1) to allow non-hard surfaced parking lot drive aisles and 2) more than 25% of the total parking spaces in the parking area to have a grass surface, staff confirms the site and development plan is in compliance with all applicable standards contained in the Land Development Code (LDC). The design of the proposed parking lot is dependent on Planning Commission approval of the requested code modifications. If the code modifications request is denied the parking lot will need to be constructed in compliance with Section 86-411(2).

Staff Finding: *Along with subsequent approval of the requested code modifications, staff finds the site and development can be found compliant with the LDC.*

3. Concurrency/Adequate Public Facilities

The applicant has submitted a concurrency determination application and the concurrency review has been conducted by staff. The table on the following page shows the expected public facility impacts and the status of the departmental concurrency reviews.

The traffic generation analysis from the 1,271 sq. ft. of floor area of the proposed museum/welcome center resulted in two (2) p.m. peak hour project trips impacting Granada Avenue at the existing driveway location opposite entrance to City hall parking. The existing plus project p.m. peak hour trips totals 112 trips, significantly below the service volume threshold for Granada Avenue of 380 peak hour trips.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	2.04 ERUs	Concurrency confirmed by Utility Department
Utilities	Sanitary Sewer	1.7 ERUs	Concurrency confirmed by Utility Department
Public Works	Solid Waste	N/A	There is no adopted level of service for non-residential uses.
Public Works	Parks & Recreation	N/A	There is no adopted level of service for non-residential uses.
Engineering	Drainage	Compliance with SWFWMD permit	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	Trip Generation - 2 p.m. peak hour trips (ITE General Office Building Use Code 710)	Concurrency confirmed by Planning & Zoning Division: <i>Trip Generation: 2 p.m. peak hour project trips. Existing Road volumes - 110 p.m. peak hour trips, Adopted LOC "C" roadway capacity 380 p.m. peak hour trips. Resulting LOS = maintains LOS "C"</i>
School Board	Public Schools	N/A	The project is non-residential therefore not subject to school concurrency

Staff Finding: *Appropriate reviewing staff have determined the adopted minimum levels of service for the above public facilities will be maintained after taking into account the estimated public facility impact of the proposed 678 square foot early settler museum and 593 square feet of office space.*

Planning Commission Findings of Fact for the Site and Development Plan

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 can 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: *A deed and survey have been submitted 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: *The intensity of the proposed project in relation to adjacent and nearby properties and the effect thereon is studied in detail in evaluation of the project's consistency with the comprehensive plan (See Section IV of this report, Consistency with the Comprehensive Plan, beginning on page 8). Data and analysis has been provided to evaluate this consideration and conclude that the project is compatible with adjacent land uses.*

- (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: *The applicant collected current traffic data which facilitated staff analysis and determination that the level of traffic including project trips will be well below the service volume of Granada Avenue. Regarding the proposed parking lot, staff confirms compliance with all applicable Land Development Code standards except for Section 86-411(2) which requires all drive aisles and at least 75% of the total parking spaces be constructed with a hard surface. Curbside roll away trash containers will be used for refuse collection.*

- (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: *Staff confirms that the proposed parking lot is in compliance with all applicable Land Development Code standards, including screening and landscaping standards, except for Section 86-411(2) which requires all drive aisles and at least 75% of the total parking spaces be constructed with a hard surface. The Fire Department in its technical review has confirmed the project has adequate emergency access.*

- (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: *The parking lot was designed and constructed in compliance with all applicable Land Development Code screening and landscaping standards. In addition, the parking lot setback more than minimum required by the Land Development Code.*

- (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: *The Engineering Department confirmed compliance with applicable drainage requirements.*

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

Staff Comment on Sanitary Sewer: *The project will tie into an existing sanitary sewer line. The Utilities Department in its concurrency review confirmed there is adequate sanitary sewer capacity to serve the proposed city project.*

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

Staff Comment on Potable Water: *The project will tie into existing water line. The Utilities Department in its concurrency review confirmed there is adequate water capacity to serve the proposed city project.*

- (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: *The GU district has no recreation or open space standards that apply to the project. The yards around the Lord Higel house are planned for demonstration gardens and an educational/picnic area. These planned amenities will be in open yard space providing recreational/educational benefits for those visiting 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: *The project is not anticipated to have a negative impact on property values in the area. The intensity of the proposed project in relation to adjacent and nearby properties and the effect thereon is studied in detail in evaluation of the project's consistency with the comprehensive plan (See Section IV of this report, Consistency with the Comprehensive Plan, beginning on page 8). Data and analysis has been provided to evaluate this consideration and conclude that the project is compatible with adjacent land uses.*

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

Staff Comment: *Due to the property being located in the Venetian Theme architectural control district, the proposed improvements would normally require the issuance of a certificate of architectural compliance (CAC). However, due to the pre-existing Non-Northern Italian Renaissance architectural style of the Lord Higel house, the building official determined that, in this case, the project would not require a CAC. There are no other development standards in the Land Development Code that specifically apply to the proposed project.*

- (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: *As part of a concurrently processed special exception petition, the applicant has requested code modifications from Section 86-411(2) to allow non-hard surfaced parking lot drive aisles and more than 25% of the total parking spaces in the parking area to have a grass surface; the applicant proposes 94.3% (33 of the 35 total spaces) of the spaces have a grass surface.*

Based upon the above analysis, staff has determined that sufficient information has been provided for the Planning Commission to make findings on each of the above considerations.

V. SUMMARY OF STAFF FINDINGS

Based on the planning analysis provided in Section IV of this report, staff has made the following findings regarding the site and development plan petition.

1. **Consistency with the Comprehensive Plan:** *The proposed site and development plan is consistent with the comprehensive plan.*
2. **Compliance with the Land Development Code:** *Subject to approval of the requested code modifications, the proposed site and development plan is in compliance with the Land Development Code.*
3. **Concurrency:** *The proposed site and development plan is in compliance with the city's concurrency management regulations. If approved, staff will issue the project a concurrency certificate.*

VI. PLANNING ANALYSIS FOR SPECIAL EXCEPTION PETITION NO. 16-03SE FOR REQUESTED CODE MODIFICATIONS

This section of the report evaluates the special exception petition's consistency with the comprehensive plan, and provides staff's comments on the required findings for special exception approval contained in Section 86-43(e). The requested special exception entails a request for the following code modifications associated with a concurrently processed site and development plan application:

- 1) **Modifications from Section 86-411(2)** to allow non-hard surfaced parking lot drive aisles and more than 25% of the total parking spaces in the parking area to have a grass surface; the applicant proposes 94.3% (33 of the 35 total spaces) of the spaces have a grass surface.
- 2) **Applicant Basis for request:** The applicant (City of Venice) has indicated the basis for the requested code modifications on two grounds:
 - a. Funds are not available through either the Venice Heritage Inc. or the City of Venice for the construction of hard-surfaced parking lot in compliance with Section 86-411(2), and
 - b. The appearance of the existing gravel and grass parking lot is more in keeping with the "rural aesthetic of the Lord Higley house and grounds as an early museum estate and welcome center."

Staff Review and Comments:

During review of the petitions, Planning and Zoning staff discussed alternative approaches to the project considering the lack of funds to pave the parking aisles and at least 75% of the parking spaces. One suggestion included phasing of the project providing for time to complete a parking paved parking lot in conformance with City design standards. The first phase would entail the paving of the six parking spaces and associated parking aisle required for the proposed museum/welcome center. The second phase, which would need to be completed prior to the expiration of the site and development plan (two years from the date of approval), would entail the paving of the remaining parking aisles and 21 of the remaining 33 unpaved parking spaces, resulting in 23% of the total parking spaces being grass surfaced. Further discussion included another option for paving the access/circulation aisle and providing grass parking as another option to negate the need for the requested special exception. In review of the options, the applicant chose not to pursue either of these options for the project.

Per Section 86-43(e), before any special exception shall be approved, the planning commission shall make a finding that the granting of the special exception will not adversely affect the public interest and that satisfactory provision and arrangement has been made regarding the ten considerations listed in the subsection.

The approval of the requested code modifications may have the potential to result in an adverse impact on the public interest. Staff has three concerns regarding this matter.

1. The first centers around the fact that the city is requesting modifications from its own standards. Technically, the city, like any other property owner, can request code modifications when done in conjunction with a site and development plan application. However, in one important regard the city is not like other property owners. The city serves to create and establish Land Development Code standards to protect the health, safety and welfare of the public and the city also serves as judge and jury in application

of those standards to proposed development.

In this case the city is in a unique situation. It is both a property owner and the local government which has enacted and enforces code standards. As noted, the city, as property owner, has the right to request modifications from code standards. The city, in granting itself a code modification could be viewed as establishing an exception to policy/standards that could be construed to establish a precedent for others to follow.

2. The second concern deals with the purpose and intent of why the City requires paved/hard surface parking and access for development. Related to the general health, safety, and welfare, some rationale for hard surface parking is that it provides for: a more even surface material minimizing tripping hazards and liability aspects, provides an adequate surface to accommodate emergency vehicles to and through the site and parking spaces where emergencies may occur, and paved parking provides a quality and expectation for development in the City of Venice.
3. The third concern is related to the city's use of an economic hardship justification for the requested code modifications. A financial hardship is typically not a valid argument for the granting exceptions to code standards. The city's use of such justification can give credence to other future petitioners to justify non-compliance with Land Development Code (LDC) standards on economic grounds. All code modification requests are, in part, motivated based on economic considerations. Widespread use of an economic hardship justification could undermine the enforcement of LDC standards intended to protect the public health, safety and welfare.

Consistency with the Comprehensive Plan:

In its review for consistency with the comprehensive plan, staff identified two sets of policy that apply to this case. The first are the Heritage Park Neighborhood standards. Policy 16.4F contains parking standards for the Heritage Park Neighborhood. One standard states that alternative parking standards that allow for reduced parking lot size and shared parking spaces shall be encouraged. The proposed parking lot will be shared by the museum and the public as a whole. However, the requested code modification regarding required surface has no bearing on the size of the parking lot nor its shared use. In fact, the shared use of the facility may be a consideration in requiring a code compliant parking lot surface.

Additionally, the improvements associated with the requested code modifications can be evaluated for consistency with Policy 8.2 concerning land use compatibility. The proposed public parking lot is adjacent to a larger public parking lot on the north side of Granada Avenue and is used by the general public as well as one of the abutting multi-family properties. The retention of mature trees, landscape buffering in compliance with the Land Development Code, and setbacks from abutting properties lines in excess of the minimum required mitigate potential incompatibilities of the proposed parking lot.

Staff Finding: *The comprehensive plan has no policy or development standards specific to the construction of a parking lot. Staff has determined that the requested code modifications should not generate land use incompatibilities. Therefore, staff finds the special exception petition consistent with the comprehensive plan.*

Required Planning Commission Findings for Special Exception Approval:

In accordance with Section 86-43(e), 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: *For the reasons noted in the above regarding the absence of comprehensive plan policy related to parking lot design and staff's finding regarding land use compatibility, the special exception petition 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: *The applicant conducted a traffic analysis which concluded that the level of traffic including project trips will be well below the service volume of Granada Avenue. Regarding the proposed parking lot, the requested code modifications raises staff concern over the safety and convenience of the proposed gravel parking aisles and grass parking spaces. Hard-surfaces (concrete or asphalt) provide a more stable walking surface which facilitates more safe and convenient pedestrian circulation within the parking lot. The Fire Department has not raised any concern regarding access in the event of fire or catastrophe.*

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: *The requested code modifications raises staff concern over the safety and convenience of the proposed gravel parking aisles and grass parking spaces. Hard-surfaces (concrete or asphalt) provide a more stable walking surface which facilitates more safe and convenient pedestrian circulation within the parking lot. Off-street loading areas are not required nor proposed. The proposed parking facility is not expected to have any negative impacts on the adjoining property.*

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

Staff Comment: *The Public Works staff have no objection to the project's design and method for solid waste collection.*

5. Utilities, with reference to location, availability and compatibility.

Staff Comment: *The project will tie into existing city water and sewer lines. The Utilities Department in its concurrency review confirmed there is adequate water and sewer capacity to serve the proposed project.*

6. Screening and buffering, with reference to type, dimensions and character.

Staff Comment: The parking lot was designed and constructed in compliance with all applicable Land Development Code screening and landscaping standards. In addition, the parking lot is setback more than minimum required by the Land Development Code.

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: A monument sign is proposed at the northwest corner of the site. The proposed location is outside the visibility triangle at the intersection of Granada Avenue and Avenue Des Parques.

8. Required yards and other open space.

Staff Comment: The GU district has no open space requirement that would apply to this project. The proposed parking lot is setback more than the minimum required setback from the south and east property lines.

9. General compatibility with adjacent properties and other property in the district.

Staff Comment: The proposed public parking lot is adjacent to a larger public parking lot on the north side of Granada Avenue and is used by the general public as well as one of the abutting multi-family properties. The retention of mature trees, landscape buffering in compliance with the Land Development Code, and setbacks from abutting properties lines in excess of the minimum required mitigate potential incompatibilities of the proposed parking lot.

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

Staff Comment: There are no GU district standards that specifically apply to the proposed parking lot.

VII. SUMMARY OF STAFF FINDINGS FOR SPECIAL EXCEPTION PETITION

Based on the planning analysis provided in Section VI of this report, staff finds the following regarding the subject special exception petition.

1. **Consistency with the Comprehensive Plan:** The requested code modifications are consistent with the comprehensive plan.
2. **Required Planning Commission Findings for Special Exception Approval:** Staff finds the proposed special exception:

Has the potential of adversely affecting the public interest as indicated in Section VI (staff Review and Comments) above. However, a finding could be made affirming the applicants' assertion that the "rural aesthetic of the Lord Higley house and grounds as an early museum estate and welcome center", to permanently allow for a gravel and grass parking lot, outweigh concerns over the potential adverse impact to the public interest providing. This finding would provide for the satisfactory provisions concerning the matters listed in Section 86-43(e).