



***Project: Village on the Isle/Emmanuel Lutheran Church***  
**Venetian Urban Design (VUD) District Waiver**  
**Petition No. 17-01WV**  
**Staff Report**

**Owners:** The Southwest Florida Retirement Center, Inc.  
Emmanuel Lutheran Church, Inc.

**Agent:** Dean Paquet, P.E., Kimley-Horn and Associates, Inc.

**Addresses:** 800 and 900 South Tamiami Trail

**Property ID #s:** 0430-07-0007 and 0430-02-0018

**Parcel Sizes:** Village on the Isle – 15.5 ± acres; Emmanuel Lutheran Church – 2.5 ± acres

**Existing Future Land Use Designations:**

Village on the Isle: Institutional-Professional, Medium Density Residential, and Village on the Isle Campus (VOTI), Map FLUM-24

Emmanuel Lutheran Church: Institutional-Professional

**Existing Zoning Districts:** Office, Professional and Institutional (OPI)  
Venetian Urban Design (VUD) overlay district

**Summary of VUD Waiver Request:**

The applicant proposes waivers from the following VUD district standards in relation to a proposed off-street parking facility:

- Section 86-122(l)(4)a requires buildings to have a setback no greater than 15 feet along U.S. 41 Business. *(Two proposed covered walkways and one of the two independent living buildings are setback more than 15 feet from U.S. 41 Bypass.)*
- Section 86-122(m)(4)c requires perimeter buffering along U.S. 41 Business that includes one tree for each 25 feet of frontage installed to the right-of-way line. *(The waiver request is to install less than the minimum number of trees and not install trees at the right-of-way line.)*
- Section 86-122(o)(1) prohibits parking in front of buildings and structures. *(The waiver request is to construct a new off-street parking facility adjacent to U.S. 41 Business that is in front of an existing church building.)*

**Technical Review Committee (TRC):** The subject petition has been reviewed by the TRC and has been found in compliance with the regulatory standards of the City Code of Ordinances.

**Concurrently Processed Land Development Petitions:**

- Site and Development Plan Amendment Petition No. 17-09SP (Village on the Isle)
- Special Exception Petition No. 17-06SE (Village on the Isle)
- Site and Development Plan Amendment Petition No. 00-09SP.2 (Emmanuel Lutheran)
- Special Exception Petition No. 17-05SE (Emmanuel Lutheran Church)
- Comprehensive Plan Amendment Petition No. 17-04CP (VOTI and Emmanuel Lutheran Church)

## **I. BACKGROUND**

### Emmanuel Lutheran Church:

- In 1978 the church was first developed
- In 2000 and 2008 the church received administrative site and development plan amendment approvals for alterations and additions to two buildings and the expansion of sanctuary seating
- In 2015, the church received site and development plan amendment (Petition No. 00-9SP.1) approval to install an electronic changeable copy sign

### Village on the Isle:

- The subject property was acquired by SW Florida Retirement Center, Inc. (a.k.a. Village on the Isle) in 1979. The information on subsequent improvements to the property listed below was obtained from the Sarasota County Property Appraiser.
- In 1982 the following improvements were constructed on the VOTI campus:
  - A six-story, 194,382 square foot, 154-unit independent living facility (Matthew Hall)
  - A five-story, 82,310 square foot, 70-unit assisted living facility (Mark Manor)
  - A one-story, 26,202 square foot common facility comprised of dining halls for independent living residents and assisted living residents, a shared kitchen facility, meeting rooms, and other amenities and campus facilities
- In 1984 the following improvements were constructed on the VOTI campus:
  - A five-story, 78,496 square foot, 56-unit independent living facility (Trinity Hall)
  - A one-story, 22,058 square foot, 60-unit skilled nursing facility
- In 2010, Conditional Use Petition No. 10-01CU was approved allowing the construction of roof-top parapet walls on Mark Manor and Matthew Hall
- In 2012, VOTI purchased a 0.89 ± acre parcel on Field Avenue from Grace Methodist Church and in the following year constructed seven single-family detached independent living units (The Cottages)
- Between 1982 and 2014 various other improvements including but limited to the following were constructed on the campus: carports, swimming pools, new elevator, etc.

## **II. INTRODUCTION / SUMMARY OF PROPOSAL**

Village on the Isle (VOTI) has initiated its first phase of plans to expand and renovate its campus facilities. A series of building permits have been issued and work has begun on the renovation of existing buildings. The subject Venetian Urban Design (VUD) waiver request is one of several concurrently processed land development petitions to allow VOTI to build new facilities on its campus.

The VOTI development plans include a formal partnership between VOTI and the Emmanuel Lutheran Church. The two parties have agreed to a land swap and a shared parking agreement. These agreements have facilitated VOTI's development plans, provided the church with new and renovated off-street parking facilities, and addressed the overall off-street parking needs of both parties. The requested VUD waivers apply to improvements proposed on VOTI and Emmanuel Lutheran Church property. As such, both properties are included in the subject VUD waiver request.

The requested VUD waiver is being processed in accordance with Section 86-122(f)(2) which specifies City Council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. This subsection of code specifies information an applicant is required

to submit and establishes two considerations or findings which are to be used to evaluate an applicant’s waiver request. The application submission requirements and the considerations/findings will be evaluated in the Planning Analysis section of this report (Section V).

III. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject and Surrounding Property Information:

Map 1 on the following page, shows the subject properties including land owned by VOTI and Emmanuel Lutheran Church. The requested VUD waivers apply to improvements proposed on VOTI and Emmanuel Lutheran Church property. As such, both properties are included in the subject VUD waiver request. The subject properties are generally located south of U.S. 41 Business and west of Avenida Del Circo. Vehicular access to the subject properties is provided by U.S. 41 Business, Avenida Del Circo, Field Avenue and Plaza Mayor.

Map 1: Aerial



Table 1 on the following page summarizes the existing uses, zoning and the future land use designation of surrounding properties. All surrounding properties to the north, east and west are in the Venetian Urban Design (VUD) zoning overlay district.

Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with two flood zone designations. The Emmanuel Lutheran Church property has a Zone X FIRM designation with moderate to low flood risk. The Zone X designation is not identified as a Special Flood Hazard Area and therefore not subject to based flood elevation requirements. The Village on the Isle property has

a Zone X and an AE FIRM designation with high to low flood risk. The AE designated portion of the parcel is identified as a Special Flood Hazard Area and is subject to base flood elevations of 15.9 to 16.4 feet. Any development of the property will be subject to compliance with FEMA requirements.

**Table 1: Existing Designations of Surrounding Properties**

<b>Direction</b>	<b>Existing Land Use(s)</b>	<b>Existing Zoning</b>	<b>Future Land Use Map Designation(s)</b>
<b>North</b>	U.S. 41 Business and various commercial uses and vacant land across U.S. 41 Business	Commercial, General (CG), Commercial, Intensive (CI), Office, and Professional and Institutional (OPI)	Southern Gateway Corridor (Planning Area C)
<b>West</b>	Church offices, multi-family residential and mobile home park	Residential, Multiple-Family 3 (RMF-3) and Residential, Manufactured Home (RMH)	Medium Density Residential
<b>South</b>	Single-family and multi-family residential, church and church parking lot	Office, Professional and Institutional (OPI) and Residential, Single-Family 3 (RSF-3)	Low Density Residential, Medium Density Residential and Institutional-Professional
<b>East</b>	Church parking lot and professional offices	Office, Professional and Institutional (OPI)	Southern Gateway Corridor (Planning Area C)

#### **Future Land Use:**

Map 2 on the following page, shows the subject properties have an Institutional-Professional future land use map designation. Policy 13.2 of the Future Land Use & Design Element of the 2010 Comprehensive Plan provides the following language on planned uses in the Institutional-Professional designation.

*Activity centers that include business and professional offices, educational, governmental, religious, and health facilities and other non-residential uses. Institutional-Professional land uses are typically clustered around a predominant institution or feature a number of common business uses such as medical facilities, schools, or professional businesses. The total square footage of institutional-professional uses shall not exceed a floor area ratio (FAR) of 0.5.*

Objective 19 of the Future Land Use & Design Element of the 2010 Comprehensive Plan designates the Village on the Isle property as one of two areas of unique concern and Map FLUM-24 defines a Village on the Isle (VOTI) campus boundary. Policy 19.1 provides the following planning intent for the VOTI campus:

*The City of Venice recognizes the full range of residential, community and social services provided by Village on the Isle (VOTI) and its unique situation in the community requires special development and redevelopment standards. In order to establish this use as a targeted location in support of the City's Venice Strategic Plan 2020, which calls for an*

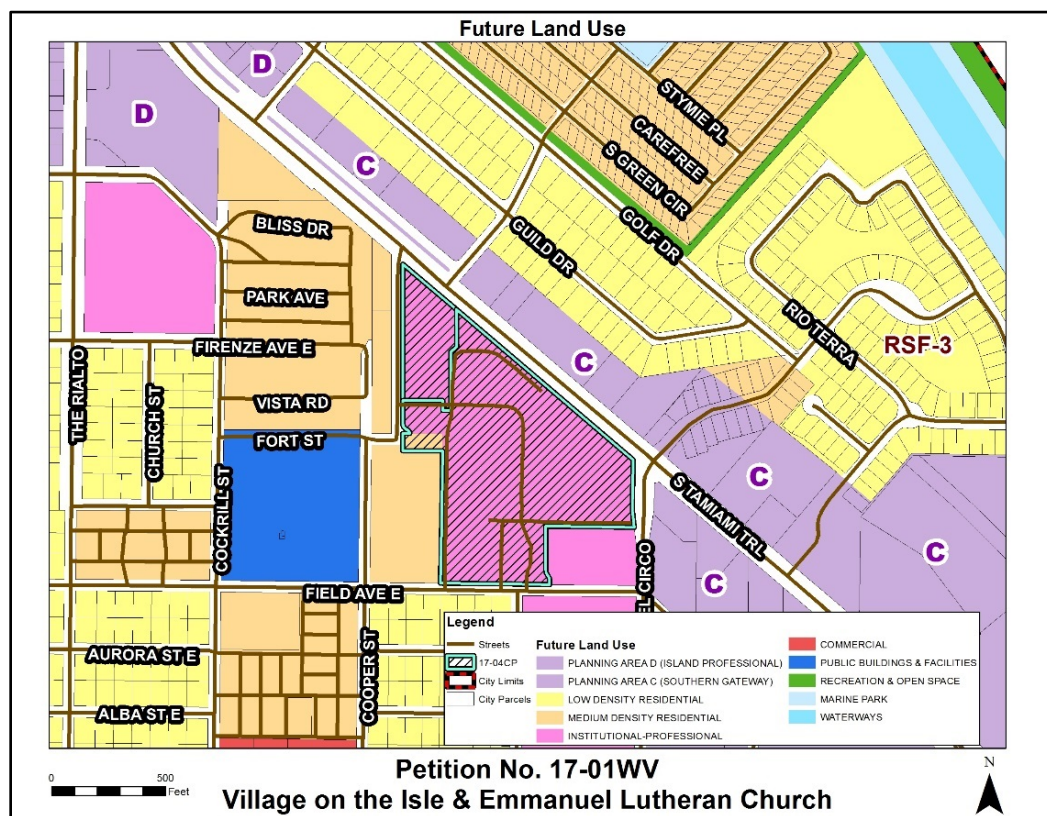


*expansion to the range of housing and services available to serve needs of the community, the following standards are established to permit the continued operation and renovation of VOTI's development program including: assisted living, independent living, skilled nursing facilities and services, community services, adult day care, and related health care services and facilities.*

Policy 19.2 provides Village on the Isle development standards which address maximum density of residential development, the maximum intensity of non-residential development, maximum building height, parking and architectural design style.

The subject property owners have requested a concurrently processed comprehensive plan amendment to expand the VOTI campus by 0.98 acres. The proposed expansion recognizes the Village on the Isle 2012 acquisition and subsequent development of the "Cottages" parcel on Field Avenue and a proposed land swap between VOTI and Emmanuel Lutheran Church.

**Map 2: Future Land Use Map (Map FLUM-1)**



### Existing Zoning:

Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property is zoned Office, Professional and Institutional (OPI) and is in the Venetian Urban Design (VUD) zoning overlay district. Section 86-90(a) provides the following language on the intent of the OPI District:

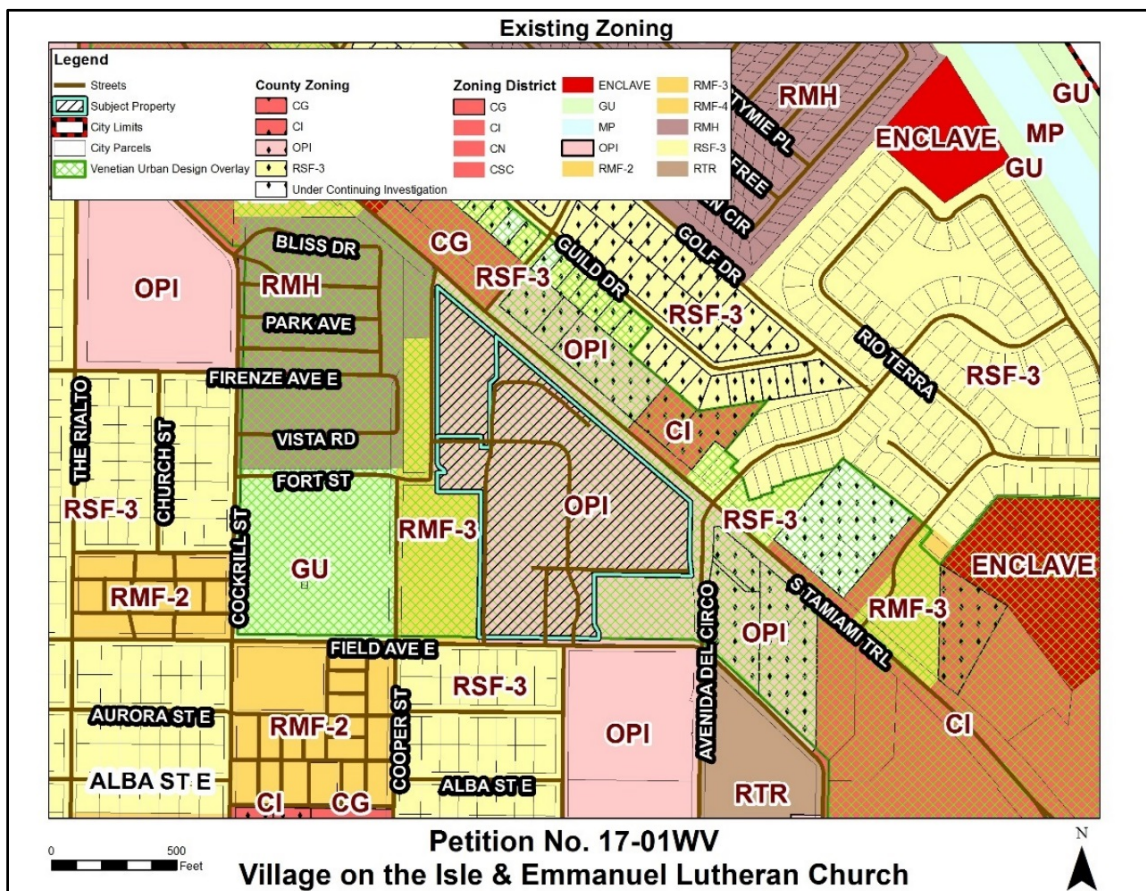
*The OPI district is intended for professional and business offices and institutional, cultural and allied uses. Moderate density multiple-family residential uses are permitted by special exception. Erection of new one- and two-family dwellings is not permitted as being out of*

character with the district. The district is not commercial in character, however, certain very limited commercial uses are permissible by special exception in demonstrated support of office and institutional uses in the specific OPI district. Large scale office, cultural and institutional uses are encouraged to locate in these districts. The OPI district is designed to be compatible with residential uses.

Section 86-122(a) provides the following language on the intent of the VUD district:

*The VUD district is an overlay district, which supplements or supersedes the provisions of any underlying district. The standards in this district are intended to establish a district that better links the community together by creating a pedestrian-friendly, urban mixed-use community. As such, this overlay district will improve the city's connectivity, both on the island by encouraging pedestrian walkability between the neighborhoods and U.S. 41 Business corridor, and between the island and the rest of the community by enabling other nonvehicular forms of transportation. This improved connectivity will ensure that residents and visitors can interact with each other and the built environment in a more positive manner. Additionally, the U.S. 41 Business corridor standards are critical to ensuring that this area is developed in such a way that it promotes the city's sense of community and supports its unique character as defined by the Northern Italian Renaissance architecture, community sidewalks, well-designed landscaping, and accessible environs. The result of the standards created by the Venetian urban design overlay district is a welcoming front door that will enhance the entire community and benefit all city residents.*

**Map 4: Existing Zoning**



#### **IV. REQUESTED VUD WAIVERS**

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

Section 86-122(l)(4)a – This standard requires new buildings be setback no more than 15 feet from the front property line along U.S. 41 Business. The waiver request from this standard applies to three proposed buildings.

The first is the covered walkway which provides a pedestrian connection between the existing church building and the proposed skilled nursing facility and the existing assisted living facility (Mark Manor). The location of the covered walkway is indicated on Figure 1 which is a site plan drawing of proposed improvements on the Emmanuel Lutheran Church property and Figure 2 which is a site plan drawing of proposed improvements on the north portion of the VOTI property. The proposed covered walkway is setback approximately 210 feet from the front property line along U.S. 41 Business.

The second is the covered walkway which provides a pedestrian connection between the proposed independent living building along U.S. 41 Business and an existing independent living facility (Matthew Hall). The location of this second covered walkway is indicated on Figure 3 which is a site plan drawing of proposed improvements on the south portion of the VOTI property. The proposed covered walkway is setback approximately 25 feet from the front property line along U.S. 41 Business.

The third building is the independent living building along U.S. 41 Business. The location of the proposed independent living building is indicated on Figure 3 which is a site plan drawing of proposed improvements on the south portion of the VOTI property. This building is setback 20 feet from the front property line along U.S. 41 Business.

Section 86-122(m)(4)c – This standard requires the buffering of off-street parking areas along U.S. 41 Business. The buffering shall include one tree for each 25 feet of parking area that fronts U.S. 41 Business and the trees are required to be installed to the right-of-way line. The proposed off-street parking extends 300 feet along U.S. 41 Business frontage requiring a total of 12 trees. The applicant proposes 3 trees not installed to the right-of-way line.

Section 86-122(o)(1) – This standard prohibits off-street parking in front of buildings and structures. The proposed off-street parking facility on the church property is in front of the existing church building (see Figure 1 on the following page for the location of the proposed parking facility). An existing gravel-surface parking area, which currently extends across land owned by both VOTI and Emmanuel Lutheran Church, has been shared by VOTI and the church for some time. The waiver request is to allow the off-street parking at its proposed location in front of the existing church building.



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## **V. PLANNING ANALYSIS**

### **Consistency with the 2010 Comprehensive Plan:**

There are no specific policies in the comprehensive plan relating to the requested VUD waivers. However, the proposed petitions associated with the project serve to implement Objective 19 of the Future Land Use & Design Element of the comprehensive plan which identifies VOTI as an area of unique concern and guides the growth and development of the VOTI campus.

The concurrently processed site and development plan amendment and special exception petitions for VOTI and Emmanuel Lutheran Church and the subject VUD waiver petition all have site plan drawings showing the same project design. The staff report for the site and development plan and special exceptions contain planning analysis on the project's consistency with the 2010 Comprehensive Plan. Due to the lack of specific comprehensive plan policy related to VUD waivers and with a finding of consistency with the 2010 Comprehensive Plan for the concurrently processed site and development plan amendment and special exception petitions, Waiver Petition No. 17-01WV may also be found consistent with the comprehensive plan.

### **Compliance with the Land Development Code:**

Section 86-122(f)(2) has the following provision which addresses the review of waiver requests.

*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.*

The above provision contains two findings which need to be evaluated and reached in taking action on a requested waiver. The two findings are as follows:

Specific application of the site or design requirement makes strict compliance:

1. An unreasonable burden upon the property, and
2. Presents a difficulty unique to the development of the property.

This above referenced code section continues by providing six informational requirements which generally include the identification of the specific VUD standard in which a waiver is sought and data and analysis by which the waivers may be evaluated.

Staff confirms the project design complies with all VUD standards except for those standards in which a waiver is sought and that the applicant has provided the information required by Section 86-122(f)(2) to allow city to evaluate and act on the requested waivers. Compliance with all other Land Development Code standards is evaluated as part of the review of the site and development plan amendments for VOTI and Emmanuel Lutheran Church.

The application materials transmitted to the Planning Commission includes the applicant's written response to each of the following informational requirements specified in Section 86-122(f)(2). For each, staff provides a comment to supplement or confirm responses made by the applicant.



- a. Identification of the ordinance provision for which the variance is requested;

**Staff Comment:** The applicant has identified the 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:** Staff concurs with the five considerations identified by the applicant. Additionally, the independent living building along U.S. 41 Business, while not complying with the maximum 15-foot setback, is setback 20.1 feet from the front property line along U.S. 41 Business and setback 20.8 feet from the front property line along Avenida Del Circo. With no parking area in front of the building on either road frontage, the proposed design meets the intent of the VUD district. The covered walkways are designed with only columns and roof and are approximately ten feet in height. The off-street parking area along U.S. 41 Business does have the required five-foot high hedge row between the front property line and the parking area and the interior landscaping of the parking area exceeds the minimum planting requirements contained in Section 86-438.

- 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:** Staff concurs with the responses provided by the applicant. Additionally, the granting of the waiver will facilitate implementation of Objective 19 and Policy 19.1 of the Future Land Use & Design Element of the 2010 Comprehensive Plan. Objective 19 identifies the Village on the Isle Campus as an area of unique concern and includes the following language that addresses the subject of public benefit:

*Guide the growth and development of other area of unique concern by establishing planning practices that address specific needs such as the provision of special needs housing, health care or other services that benefit the community as a whole.*

Policy 19.1, in part, references “*an expansion to the range of housing and services available to serve the needs of the community*”.

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

**Staff Comment:** If the requested waivers were not granted the VOTI campus expansion project would need to be redesigned. Additionally, the redesign may necessitate revisions to the land swap and shared parking agreement with Emmanuel Lutheran Church.

- 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:** Staff concurs with the responses provided by the applicant regarding how the project design implements the intent and purpose of the VUD district. The primary purpose and intent of the LDC (the chapter) is to implement the city's comprehensive plan. As identified in staff's response to item c., above, the VOTI campus expansion project, as designed, implements Objective 19 and Policy 19.1 of the Future Land Use & Design Element of the 2010 Comprehensive Plan.

- 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:** There is sufficient information provided in the applicant's materials and this staff report addressing the interest of the public safety, health or welfare for the Planning Commission to make its recommendation to City Council and for City Council to act on the subject waiver request.

In addition to the above findings that apply to all three requested waiver requests, Section 86-122(l)(1)b specifies for waiver requests from VUD architectural design standards that "*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 requested waiver from Section 86-122(l)(4)b requires such a finding. The above responses to Sections 86-122(f)(2)c, e and f provide the Planning Commission sufficient information to make this finding regarding the public interest.

Based on the information submitted by the applicant and staff's analysis of the waiver request, sufficient information is provided to allow the Planning Commission to make the required findings to provide a recommendation to City Council on the VUD waivers requested in Waiver Petition No. 17-01WV.

## **VI. SUMMARY FINDINGS**

Based on the planning analysis provided in Section V of this report, sufficient information has been provided to allow the Planning Commission to make the following findings on the subject VUD waiver petition.

1. ***Consistency with the Comprehensive Plan:*** Waiver Petition No. 17-01WV may be found consistent with the comprehensive plan.
2. ***Compliance with the Land Development Code:*** Waiver Petition No. 17-01WV may be found in compliance with the Land Development Code.