



Project: Emmanuel Lutheran Church
Site and Development Plan Amendment Petition No. 00-09SP.2
Special Exception Petition No. 17-05SE
Staff Report

Owner: Emmanuel Lutheran Church, Inc.

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

Address: 800 South Tamiami Trail

Parcel ID #: 0430-02-0018

Parcel Size: 2.5 acres ±

Existing Future Land Use Designation: Institutional-Professional

Existing Zoning District: Office, Professional and Institutional (OPI)

Summary of Site and Development Plan:

In coordination with the Village on the Isle plans to expand their campus, the following improvements are proposed on the Emmanuel Lutheran Church property:

- A redesign of an existing 54-space off-street parking facility,
- A new 63-space off-street parking facility,
- A covered walkway extending from the church building to off-site Village on the Isle facilities, and
- Associated improvements including but not limited to landscaping and drainage.

Summary of Special Exception Petition:

In conjunction with the concurrently processed site and development plan petition, a request for the following code modifications:

1. Section 86-90(j)(1)b to reduce the minimum side yard setback from ten feet to zero foot.
2. Section 86-90(j)(3) to reduce the minimum width of a required landscaped front yard from ten feet to six feet.
3. Section 86-423(c) for three driveways that exceed the maximum width of 24 feet at the property line.
4. Section 86-436 to not provide a portion of the required five-foot wide landscape area adjacent to Plaza Mayor.
5. Section 86-437 to not provide the required landscaping adjacent to a property line shared with Village on the Isle (VOTI).

Concurrent Land Development Applications:

- Comprehensive Plan Amendment Petition No. 17-04CP (VOTI and Emmanuel Lutheran Church)
- Venetian Urban Design (VUD) Waiver Petition No. 17-01WV (VOTI and Emmanuel Lutheran Church)
- Site and Development Plan Amendment Petition No. 17-09SP (VOTI)
- Special Exception Petition No. 17-06SE (VOTI)

Technical Review Committee (TRC): Except for the code modifications requested through concurrently processed special exception and VUD waiver petitions, 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.

Stipulations:

1. The site and development plan approval shall become effective with the approval of Comprehensive Plan Amendment Petition No. 17-04CP and Venetian Urban Design (VUD) Waiver Petition No. 17-01WV.
2. An approved SWFWMD ERP and FDOT Drainage Permit or exemption shall be submitted to the City Engineering Department prior to the commencement of any construction activity.
3. Shared use and maintenance drainage easements between VOTI and Emmanuel Lutheran Church shall be fully executed and recorded prior to the issuance of any certificate of occupancy.

I. BACKGROUND

The following is a summary background of past improvements to the subject property.

- The church property was first developed in 1978.
- 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.

II. INTRODUCTION AND PROJECT SUMMARY

Introduction:

The proposed improvements on the Emmanuel Lutheran Church site have been planned and designed in coordination with a proposed expansion of the Village on the Isle (VOTI) campus which abuts the subject property to the south. The coordination between the two abutting property owners includes the following:

- A planned land swap between the parties as reflected in Figure 1 on the following page. The land swap will be executed upon approval of the various concurrently processed land development applications. The subject site and development plan amendment site plan drawings show post-land swap property line boundaries. Per the land swap, Emmanuel Lutheran Church will acquire from VOTI a 0.413-acre parcel adjacent to the U.S. 41 Business and the VOTI will acquire from Emmanuel Lutheran Church a 0.498-acre parcel located south of the church building and west of the VOTI assisted living facility (Mark Manor).
- The parties have entered into a shared parking agreement which has been transmitted to the Planning Commission as part of the applicant's materials. The shared parking agreement is relevant to the VOTI special exception petition request for a code modification from the minimum number of off-street parking spaces on the VOTI campus.
- The site and development plan amendment site plan drawings for Emmanuel Lutheran Church and VOTI were, in effect, designed as one project by the same team of design professionals.
- A proposed covered walkway connects the existing church building with a proposed skilled nursing facility and an existing assisted living facility on the VOTI campus. Similarly, other site improvements extend across the property line shared by the two parties in a coordinated manner.

Project Summary:

Proposed improvements on the subject property (Emmanuel Lutheran Church) are shown on Figure 2 (see page 4) and include but are not limited to the following:

- a renovated 54-space off-street parking area on the south side of the existing church building,
- a new 63-space parking area along U.S. 41 Bypass,
- a ten-foot high covered walkway structure that will provide a pedestrian connection between the church building and the existing assisted living facility (Mark Manor) and the proposed skilled nursing facility, and
- landscaping, drainage and other associated improvements.

Additional information on the proposed improvements can be found in the Planning Commission packets which include engineer drawings, including the proposed site plan, architectural elevation drawings, hardscape/signage plans and a landscape plan.

EMMANUEL LUTHERAN CHURCH

±0.413 AC FROM VOTI TO CHURCH

±0.498 AC FROM CHURCH TO VOTI

VILLAGE ON THE ISLE

NORTH

GRAPHIC SCALE IN FEET
0 30 60 90 120

VILLAGE ON THE ISLE (PHASE 1A)

LAND SWAP EXHIBIT

Kimley»Horn

1777 MAIN STREET, SUITE 100, SAN JOSE, CA 95128
PHONE: 408.375.7600
WWW.KIMLEY-HORN.COM

REDESIGN OF EXISTING PARKING AREA

NEW COVERED WALKWAY

NEW PARKING AREA

LEGEND

CONCRETE SIDEWALK
PARKING PAINT
LIGHT POLES
LIGHT FIXTURES

NOTES

1. ALL IMPROVEMENTS SHALL BE DONE ON THE EXISTING LOT.
2. THE EXISTING LOT IS 100' WIDE BY 100' DEEP.
3. THE EXISTING LOT IS 100' WIDE BY 100' DEEP.
4. THE EXISTING LOT IS 100' WIDE BY 100' DEEP.

SIGNAGE & PAVEMENT MARKING NOTES

1. ALL IMPROVEMENTS SHALL BE DONE ON THE EXISTING LOT.
2. THE EXISTING LOT IS 100' WIDE BY 100' DEEP.
3. THE EXISTING LOT IS 100' WIDE BY 100' DEEP.

EMMANUEL LUTHERAN CHURCH PARKING LOT IMPROVEMENTS

SITE PLAN (CHURCH)

Kimley-Horn

III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

On- and Off-Site Conditions:

The subject property and surrounding properties are shown on Map 1. Existing improvements on the subject property include but are not limited to a 20,790-square foot church building, off-street parking, drainage and signage. The subject property has vehicular access from U.S. 41 Business and Plaza Manor, a local city street. Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.

MAP 1: Aerial Photograph



Driveway entrance to the church on Plaza Mayor with existing parking in front of the church building



Driveway entrance to the church on U.S. 41 Business



An existing shared parking area that is on both VOTI and Emmanuel Lutheran Church property; existing VOTI assisted living facility on the left undergoing renovation



An existing church parking area along Plaza Mayor on the south side of the church building

Table 1 on the following page summarizes the existing uses, zoning and the future land use designation of surrounding properties.

Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject 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. Any development of the property will be subject to compliance with FEMA requirements.

Table 1: Existing Designations of Surrounding Properties

Direction	Existing Land Use(s)	Existing Zoning	Future Land Use Map Designation(s)
North	U.S. 41 Business and vacant land commercially zoned property across U.S. 41 Business	Commercial, General (CG), Professional and Institutional (OPI), and Venetian Urban Design (VUD) overlay district	Southern Gateway Corridor (Planning Area C)
West	Church office and multi-family residential apartments	Residential, Multiple-Family 3 (RMF-3), Residential, Manufactured Home (RMH), and VUD	Medium Density Residential
South	Village on the Isle campus	OPI and VUD	Southern Gateway Corridor (Planning Area C)
East	Village on the Isle campus	OPI and VUD	Southern Gateway Corridor (Planning Area C)

Future Land Use:

The future land use map (see Map 2 on the following page) shows the future land use designations of the subject property and surrounding properties. The future land use designation for the subject property is Institutional-Professional. 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.

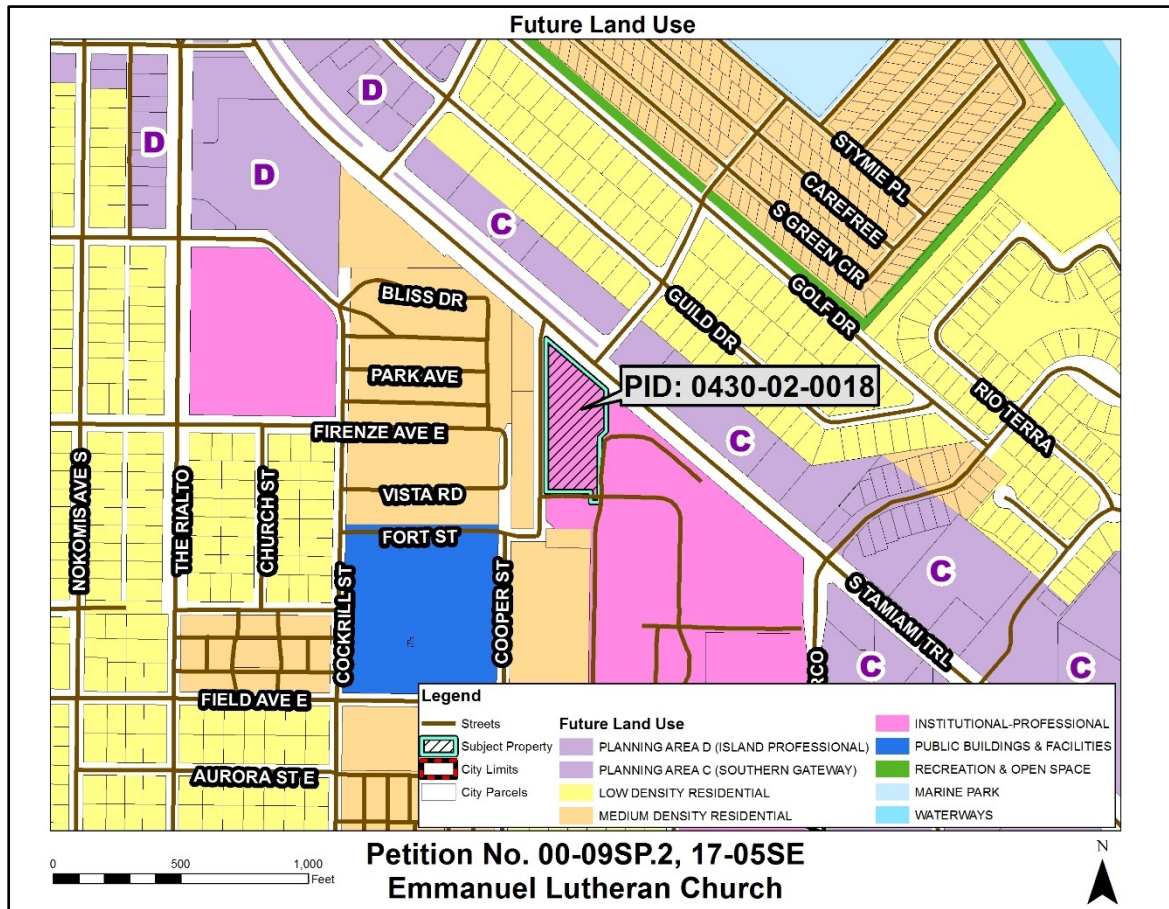
Activity centers that include business and professional offices, educational, governmental, religious, and health facilities and other non-residential uses. Institutional-Professional land uses are typically clustered around a predominant institution or feature a number of common business uses such as 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.

Existing Zoning:

Map 3 on page 9 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) specifies the following as 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.

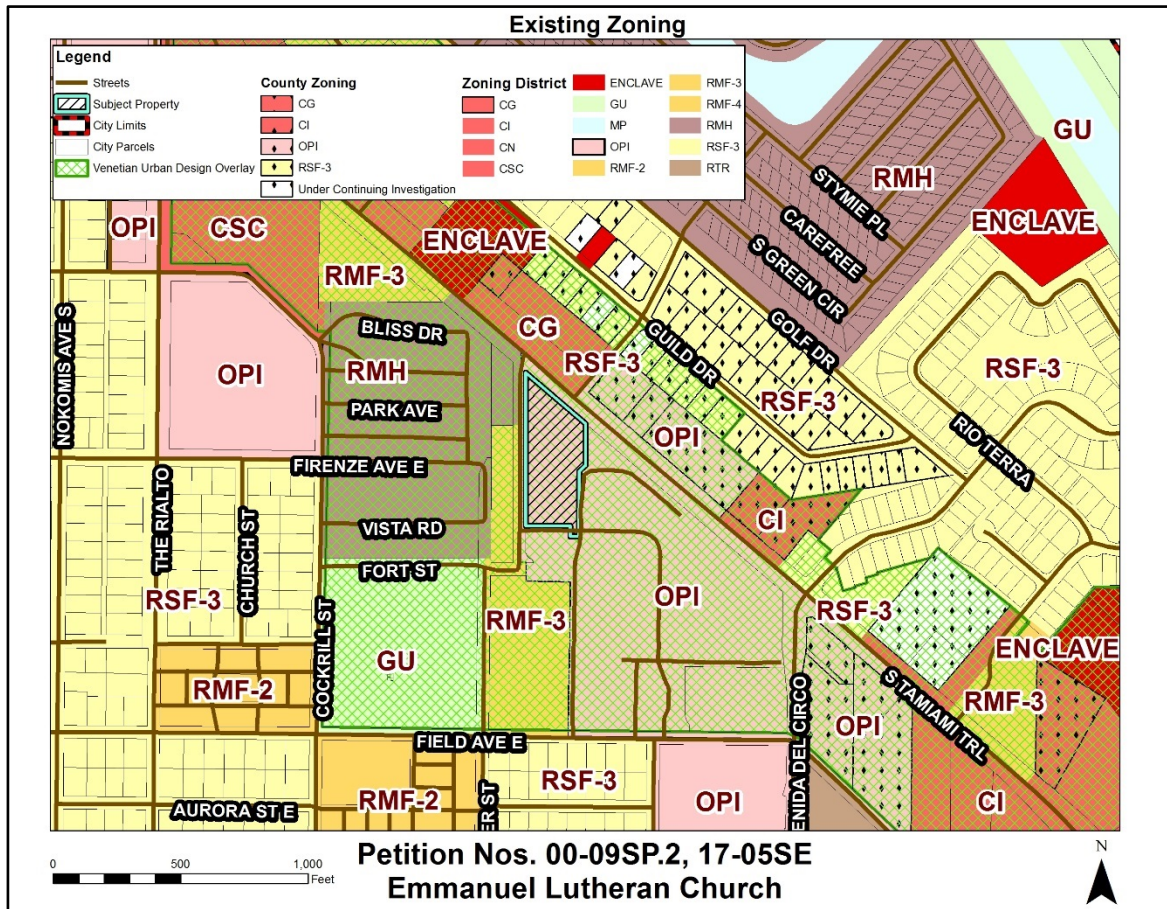
MAP 2: Future Land Use Map



Section 96-122(a) specifies the VUD district is an overlay district, which supplements or supersedes the provisions of any underlying district and provides the following intent statement for the 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 3: Existing Zoning Map



IV. PLANNING ANALYSIS FOR SITE AND DEVELOPMENT PLAN AMENDMENT

This section of the report evaluates the site and development plan amendment 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.

Consistency with the Comprehensive Plan:

The subject property has 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.

The existing and proposed use of the subject property is a religious institutional use. The subject property's existing and proposed floor area ratio is 0.18. As such, the proposed site and development plan amendment is consistent with the Institutional-Professional designation.

Policy 8.2, Land Use Compatibility Review Procedures, requires a land use compatibility review of the following:

- 1) Protection of single-family neighborhoods from the intrusion of incompatible uses,
- 2) Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses,
- 3) The degree to which the development phases out nonconforming uses in order to resolve incompatibilities with existing uses, and
- 4) Densities and intensities of proposed uses as compared to densities and intensities of existing uses.

In conducting the above review, land use density and intensity, building heights and setback, character or type of use proposed, and site and architectural mitigation design techniques are to be evaluated. If it is determined that potential incompatibility may exist, the policy lists several techniques which can be used to mitigate the potential incompatibility.

The following is a review of each of the four land use compatibility topics listed above.

- 1) Protection of single-family neighborhoods from the intrusion of incompatible uses.

There are two single-family neighborhoods in proximity of the subject property. The first is the Venice Municipal Mobile Home Park to the west of the subject property. An apartment complex and the Emmanuel Lutheran Church office separate the mobile home park from the subject property. The second is a neighborhood on the north side of U.S. 41 Business. This neighborhood is behind vacant commercial land located along the north side of U.S. 41 Business.

The church has existed on the subject property since 1978. Parking currently exists where parking is proposed. The proposed ten-foot high covered walkway in the interior of the property. Given the type and scope of proposed improvements, the proposed site and development plan amendment will not create use that is incompatible with nearby single-family neighborhoods.

- 2) Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

This consideration is not applicable; the site and development plan amendment does not propose commercial or industrial uses.

- 3) The degree to which the development phases out nonconforming uses in order to resolve incompatibilities with existing uses.

This consideration is not applicable; the existing and proposed uses are consistent with the Institutional-Professional future land use map designation and are a permitted use in the Office, Professional and Institutional (OPI) zoning district.

- 4) Densities and intensities of proposed uses as compared to densities and intensities of existing uses.

The proposed covered walkway is intended to function as an accessory site amenity to facilitate

pedestrian activity and is not expected to increase the intensity of the existing church use. The proposed off-street parking facilities will also not increase the intensity of the existing church. Overall, the site and development plan amendment is not expected to increase the intensity of the existing church in relation to the existing intensity of surrounding uses.

Compliance with the Land Development Code:

The proposed site and development plan amendment was reviewed for compliance with the OPI district regulations, the Venetian Urban Design (VUD) district regulations and all other applicable provisions of the Land Development Code (LDC). Except for the code modifications requested through Special Exception Petition No. 17-05SE, which are evaluated in Sections VII through IX of this staff report, and the following waivers from VUD standards requested through Waiver Petition No. 17-01WV, staff confirms the site and development plan amendment complies with all applicable standards contained in the Land Development Code (LDC).

- 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.

Concurrency/Adequate Public Facilities:

The applicant has submitted a concurrency determination application indicating the proposed covered walkway and off-street parking facilities would have no impact on public facilities. The application was reviewed by city departments responsible for concurrency review. The departments confirmed the proposed project is not expected to have an impact on public facilities and the adopted levels of service for those public facilities will be maintained with the approval of the project.

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".

Staff has provided commentary on each standard or finding to facilitate the Planning Commission's review and evaluation of the site and development plan application.

- (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 pages 9-11). Analysis has been provided to evaluate this consideration and conclude that the project may be found to be compatible with adjacent and nearby properties.*

- (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: *Except for a requested code modification from Section 86-423(c) for three driveways along Plaza Mayor to exceed the maximum width of 24 feet measured at the property line, the Technical Review Committee (TRC) has confirmed the proposed ingress and egress to the development has been designed in compliance with LDC standards. The Public Works Department raised no concern regarding solid waste collection and the Fire Department identified no issues related to access in case of fire, catastrophe or emergency.*

- (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: *Except for a requested VUD waiver from Section 86-122(o)(1) to locate the proposed off-street parking area along U.S. 41 Business in front of the existing church building, the TRC has confirmed the design of the proposed off-street parking and loading facilities comply with all applicable LDC standards. No concerns were raised regarding pedestrian safety, traffic flow and control and access in case of fire or catastrophe.*

- (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: *Except for the code modifications from Sections 86-90(j)(3), 86-122(m)(4)c, 86-436 and 86-437, the TRC has confirmed the proposed off-street parking facilities are designed in compliance with all applicable Land Development Code standards. The proposed off-street parking facilities are proposed to be shared by VOTI and Emmanuel Lutheran Church. Landscape buffering along the common property line reduce the effectiveness and efficiency of the proposed shared parking design.*

- (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: *The proposed covered walkway and off-street parking facilities do not require an alteration of existing sanitary sewer service; no sanitary sewer utility improvements are proposed.*

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

Staff Comment: *The proposed covered walkway and off-street parking facilities do not require an alteration of existing potable water service; no potable water utility improvements are proposed.*

- (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: *There are no specific recreation or open space standards in the Land Development Code that apply to the project. The proposed project area (where improvements are proposed) is 1.48 acres, of which 0.23 acres or 15.5% of the project area is designed as pervious open space.*

- (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 compatibility of the proposed project in relation to properties in the general area 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 pages 9-11). Analysis has been provided to evaluate this consideration and conclude that the project may be found to be compatible with adjacent and nearby properties. The proposed use is consistent with comprehensive plan and implementation of the comprehensive plan is generally expected to positively affect property values.*

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

Staff Comment: *There are no other development standards in the Land Development Code that specifically apply to the use or activity associated with the 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 Sections 86-90(j)(1)b, 86-90(j)(3), 86-423(c), 86-436 and 86-437. Staff's analysis of the requested special exception is provided in Sections V and VI of this staff report.*

V. SUMMARY FINDINGS

Based on the planning analysis provided in Section IV of this report, sufficient information has been provided to allow the Planning Commission to make the following findings on the subject site and development plan amendment petition.

1. **Consistency with the Comprehensive Plan:** *The proposed site and development plan amendment may be found to be 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 amendment may be found in compliance with the Land Development Code.*
3. **Concurrency:** *The proposed site and development plan complies with the city's concurrency management regulations. If approved, staff will issue the project a concurrency certificate.*

VI. PLANNING COMMISSION ACTION ON SITE AND DEVELOPMENT PLAN AMENDMENT PETITION NO. 00-09SP.2

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Site and Development Plan Amendment Petition No. 00-09SP.2. If Planning Commission elects to approve the petition, the following procedural stipulations will need to be included in the motion:

1. The site and development plan approval shall become effective with City Council approval of Comprehensive Plan Amendment Petition No. 17-04CP and Venetian Urban Design (VUD) Waiver Petition No. 17-01WV.
2. An approved Southwest Florida Water Management District Environmental Resource Permit and Florida Department of Transportation Drainage Permit or exemption shall be submitted to the City Engineering Department prior to the commencement of any construction activity.
3. Shared use and maintenance drainage easements between VOTI and Emmanuel Lutheran Church shall be fully executed and recorded prior to the issuance of any certificate of occupancy.

VII. PLANNING ANALYSIS FOR SPECIAL EXCEPTION PETITION NO. 17-05SE

This section of the report evaluates the special exception petition's consistency with the comprehensive plan, and provides the applicant's response and staff's comments on the required findings for special exception approval contained in Section 86-43(e). The special exception petition includes the following five requested code modifications:

1. Section 86-90(j)(1)b to reduce the minimum side yard setback from ten to zero feet.
2. Section 86-90(j)(3) to reduce the minimum width of a required landscaped front yard from ten feet to six feet.
3. Section 86-423(c) for three driveways that exceed the maximum width of 24 feet at the property line.
4. Section 86-436 to not provide a portion of the required five-foot wide landscaped area adjacent to Plaza Mayor.
5. Section 86-437 to not provide the required landscaping adjacent to a property line shared with Village on the Isle (VOTI).

Regarding the requested code modifications, the applicant provided the following justifications for the requested code modifications which can be found in the project narrative which is included in the Planning Commission materials on this petition. Staff analysis is provided for each requested code modification.

Section 86-90(j)(1)b, Minimum Side Yard Setback

Section 86-90(j)(1)b requires that OPI-zoned properties provide a minimum ten-foot side yard setback. The proposed covered walkway provides a pedestrian connection between the existing church building and the proposed skilled nursing facility and existing assisted living facility (Mark Manor). As such, the covered walkway extends across the side lot line shared by VOTI and the Emmanuel Lutheran Church, resulting in a zero-foot side yard setback.

Staff Analysis:

The proposed improvements on the Emmanuel Lutheran Church have been planned and designed in coordination with a proposed expansion of the VOTI campus which abuts the subject property to the south. The coordination between the two abutting property owners includes a planned land swap, a shared parking agreement, shared stormwater management facilities and respective site plans that are effectively merged. The proposed covered walkway is a shared pedestrian amenity which both property owners wish to have incorporated into their development plans.

Section 86-90(j)(3), Minimum Landscaped Front Yard

Section 90(j)(3) requires nonresidential uses to have a minimum of ten feet of the required front yard next to a street be landscaped. The provision does not specify the amount or type of landscaping required. The proposed off-street parking facility along U.S. 41 Business is setback six feet from the front property line. The six-foot area between the parking area and the front property line is landscaped with five-foot high shrubs. The applicant requests to reduce the required landscaped front yard to six feet in width.

Staff Analysis:

The proposed off-street parking facility is in the area that the church plans to acquire from VOTI. A gravel surface shared parking area currently exists in this area. The project will significantly upgrade this parking area. Factors exist which constrain the design of the proposed parking facility. First, the area has a triangular shape. In addition, two existing buildings (the church and assisted living facility buildings) are adjacent to the proposed parking facility. Despite these constraints, the parking facility complies with all applicable off-street parking design standards. Five-foot high shrubs will be planted within the six-foot wide area between the parking and the front property line. This landscaping is expected to mitigate the added visual impact of requested four-foot reduction in the required landscaped front yard.

Section 86-423(c), Maximum Driveway Width

Section 86-423(c) establishes a maximum driveway width of 24 feet measured at the front property line. Three proposed driveways on Plaza Mayor exceed this maximum width standard with widths of 27, 34 and 37 feet. The two northern driveways currently exist and at the front property line they merge into one driveway opening that is approximately 100 feet wide (see Sheet C-5, Existing Conditions Plan).

Staff Analysis:

All three driveways intersect Plaza Mayor at oblique angles. This geometry effects the turning radii where the driveways meet the street which results in increased driveway widths at the front property line. The design of the two northern driveways significantly reduces the existing non-conforming 100-foot wide driveway. The proposed design establishes two separate driveway openings.

Section 86-436, Landscaping Adjacent to Public Rights-of-Way

Section 86-436 requires a minimum five-foot wide landscape area between an off-street parking facility and the street right-of-way. In the landscaped area, one tree is required for every 50 feet of parking area that abuts the right-of-way and a hedge, wall or other opaque durable landscape barrier of at least two feet in height is required along the entire length of the landscape area. There are two small areas of the off-street parking facility adjacent to Plaza Mayor where the minimum five-foot landscape area is not provided. In these two areas, the corner of a paved parking space extends to the front property line.

Staff Analysis:

The minimum required planting material is provided in the proposed landscape area and the landscape area has more than the minimum number of trees. The continuous row of shrubs is accomplished by locating two shrubs in the landscaped portion of the right-of-way. The requested code modification does not materially impact the design of the required landscaping along Plaza Mayor.

Section 86-437 Landscaping Adjacent to Property Lines

Section 86-437 requires a five-foot wide landscaped area between an off-street parking area and an adjacent property line. A minimum of one tree for each 50 feet of property line is required along with grass, ground cover or other landscape material in the remaining portion of the landscaped area. The proposed site and development plan amendment does not provide this required landscaping along the property line shared with VOTI.

Staff Analysis:

The proposed improvements on the Emmanuel Lutheran Church site, including the proposed off-street parking area, have been planned and designed in coordination with a proposed expansion of the VOTI campus which abuts the subject property to the south. The proposed parking areas on both properties were designed to satisfy a shared parking agreement between the two parties. Landscaping is provided along the shared subject property line. On the Emmanuel Lutheran property, several landscaped islands provide landscaping and on the south of the property line there are three proposed landscaped stormwater facilities on VOTI property.

Consistency with the Comprehensive Plan:

For the special exception petition, the evaluation of consistency with the comprehensive plan is limited to the five requested code modifications, identified above, which pertain to Land Development Code standards regulating:

- The minimum side yard setback for a building or structure
- The minimum landscaping of a required front yard
- The maximum width of driveway access to a street
- Minimum landscaping between an off-street parking area and a street right-of-way
- Minimum landscaping between an off-street parking area and an adjacent property line

The comprehensive plan policy for the Institutional-Professional future land use map designation does not address or provide policy guidance on the above regulatory subjects. In addition, the Future Land Use & Design Chapter of the comprehensive does not have policy which specifically addresses the five requested code modifications.

The subject property is adjacent to the VOTI campus. Policy 19.2.D is a policy on parking requirements for the campus which specifies:

VOTI uses may reduce their overall parking requirements upon review and approval of a parking study and may also use shared parking facilities.

The subject property, Emmanuel Lutheran Church, has entered into a shared parking agreement with VOTI and, as such, has facilitated VOTI's desired implementation of the above policy. In addition, four of the five requested code modifications relate to the proposed design of the off-street parking facilities on the subject property. The mutually agreed upon design of the shared parking facilities on both properties relies on reduced overall parking requirements, implemented through the request for code modifications.

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.

Staff has provided commentary on each finding to facilitate the Planning Commission's review and evaluation of the special exception application.

1. Compliance with all applicable elements of the comprehensive plan.

Staff Comment: *Based on the comprehensive plan consistency analysis provided above, the special exception petition may be found 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: *Except for a requested code modification from Section 86-423(c) for three driveways along Plaza Mayor to exceed the maximum width of 24 feet measured at the property line, the Technical Review Committee (TRC) has confirmed the proposed ingress and egress to the development has been designed in compliance with LDC standards. The TRC raised no concerns regarding automotive and pedestrian safety and convenience, traffic flow and control and access in case 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: *Except for a requested VUD waiver from Section 86-122(o)(1) to locate the proposed off-street parking area along U.S. 41 Business in front of the existing church building, the TRC has confirmed the design of the proposed off-street parking and loading facilities comply with all applicable LDC standards. The landscaping associated with the proposed off-street parking facilities is expected to mitigate potential economic, noise, glare or odor impacts on adjoining properties.*

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

Staff Comment: *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: *No new potable water and sanitary sewer utility improvements are proposed on the subject property.*

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

Staff Comment: *Except for the code modifications from Sections 86-90(j)(3), 86-122(m)(4)c, 86-436 and 86-437, the TRC has confirmed the proposed off-street parking facilities are designed in compliance with all applicable Land Development Code standards. The proposed off-street parking facilities are proposed to be shared by VOTI and Emmanuel Lutheran Church. Landscape buffering along the common property line reduce the effectiveness and efficiency of the proposed shared parking design.*

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: *No new signage is proposed on the subject property.*

8. Required yards and other open space.

Staff Comment: *There are no specific open space standards in the Land Development Code that apply to the project. The proposed project area (where improvements are proposed) is 1.48 acres, of which 0.23 acres or 15.5% of the project area is designed as pervious open space. Through the concurrently processed special exception petition two code modifications from required yard standards are requested. First, the covered walkway that extends off-site to the VOTI property has no setback from the side lot line. Second, the applicant requests to modify the minimum required landscaped front yard along U.S. 41 Business from ten feet to six feet.*

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

Staff Comment: *The site and development plan amendment, which included site plan drawings with the requested code modifications, was found to be compatible with adjacent properties and other property in the district (see Section IV of this report, Consistency with the Comprehensive Plan, pages 9-11).*

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

Staff Comment: *The OPI and VUD district regulations do not include any special requirements for the existing/proposed use of the subject property.*

VIII. SUMMARY FINDINGS FOR SPECIAL EXCEPTION PETITION

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

1. **Consistency with the Comprehensive Plan:** *The special exception petition may be found to be consistent with the comprehensive plan.*
2. **Required Planning Commission Findings for Special Exception Approval:** *The following may be found regarding the special exception petition:*
 - *The granting of the special exception will not adversely affect the public interest,*
 - *No special exception use is requested in which special requirements apply, and*
 - *Satisfactory provision and arrangement have been made concerning the matters listed in Section 86-43(e).*