



***Project: Village on the Isle***  
**Site and Development Plan Amendment Petition No. 17-09SP**  
**Special Exception Petition No. 17-06SE**

**Owner:** The Southwest Florida Retirement Center, Inc.

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

**Address:** 900 South Tamiami Trail

**Parcel ID #:** 0430-07-0007

**Parcel Size:** 15.5 acres ±

**Existing Future Land Use Designations:** Institutional-Professional and Medium Density Residential

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

**Summary of Site and Development Plan:**

Village on the Isle (VOTI) proposes an expansion of its campus, the following improvements are proposed:

- Two, five-story independent living buildings with a combined total of 70 independent living units,
- A three-story skilled nursing facility with 64 skilled nursing units,
- The three buildings have a combined floor area of 189,334 square feet, and
- Associated improvements including but not limited to off-street parking, covered walkway connecting buildings, landscaping, signage 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)(2) to reduce two minimum front yard setbacks (along Avenida Del Circo from 31.5' to 20.7' and along Plaza Mayor from 30.0' to 15.3').
3. Section 86-401(a)(11) to allow five internal directional signs to exceed a max. area of two square feet.
4. Section 86-402(b)(1)b to allow directional signs to not have a monument sign design.
5. Section 86-423(c) for two driveways that exceed the maximum width of 24 feet at the property line.
6. Section 86-436(b) to not provide required shrubs along a portion of a required five-foot wide landscaped area adjacent to Avenida Del Circo.
7. Section 86-437 to not provide the required landscaping adjacent to a portion of the property line shared with Emmanuel Lutheran Church.
8. Section 122-434 to reduce the minimum number of off-street parking spaces from 342 to 270 spaces.

**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. 00-09SP.2 (Emmanuel Lutheran Church)
- Special Exception Petition No. 17-05SE (Emmanuel Lutheran Church)

**Technical Review Committee (TRC):** The subject petition has been reviewed by the TRC and, except for the requested code modifications, 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 Village on the Isle and Emmanuel Lutheran Church shall be fully executed and recorded prior to the issuance of any certificate of occupancy.
4. The triangular portion of city right-of-way on Plaza Mayor shall be vacated prior to any construction activity.

## **I. BACKGROUND**

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

- 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 AND PROJECT SUMMARY**

### **Introduction:**

The proposed improvements on the VOTI campus have been planned and designed in coordination with proposed improvements on the Emmanuel Lutheran Church property which abuts the subject property to the north. 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 (see area “R1” on Figure 1) adjacent to the U.S. 41 Business and the VOTI will acquire from Emmanuel Lutheran Church a 0.498-acre parcel (see area “A2” on Figure 1) 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:

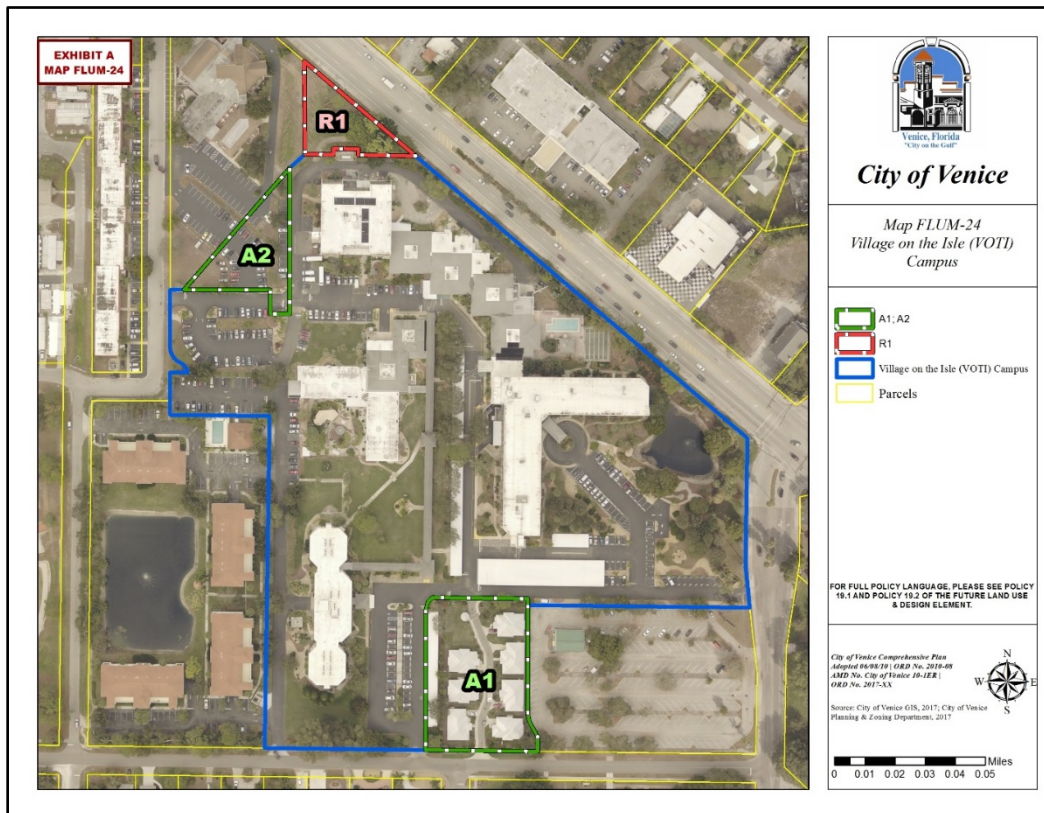
Proposed improvements on the subject property (VOTI) are shown on Figures 2 and 3 (see pages 4 and 5) and include but are not limited to the following:

- Two, five-story independent living buildings with a combined total of 70 independent living units,
- A three-story skilled nursing facility with 64 skilled nursing units,
- The three buildings have a combined floor area of 189,334 square feet, and
- Associated improvements including but not limited to off-street parking, covered walkways connecting buildings, landscaping, signage and drainage.

Figure 2 shows the proposed skilled nursing facility and associated improvements which are on the southern or top portion of the site plan drawing (the cross-hatched portion of the drawing shows coordinated improvements on the Emmanuel Lutheran Church property). Figure 3 shows the two proposed independent living facilities in the eastern portion of the campus near the corner of U.S. 41 Business and Avenida Del Circo.

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

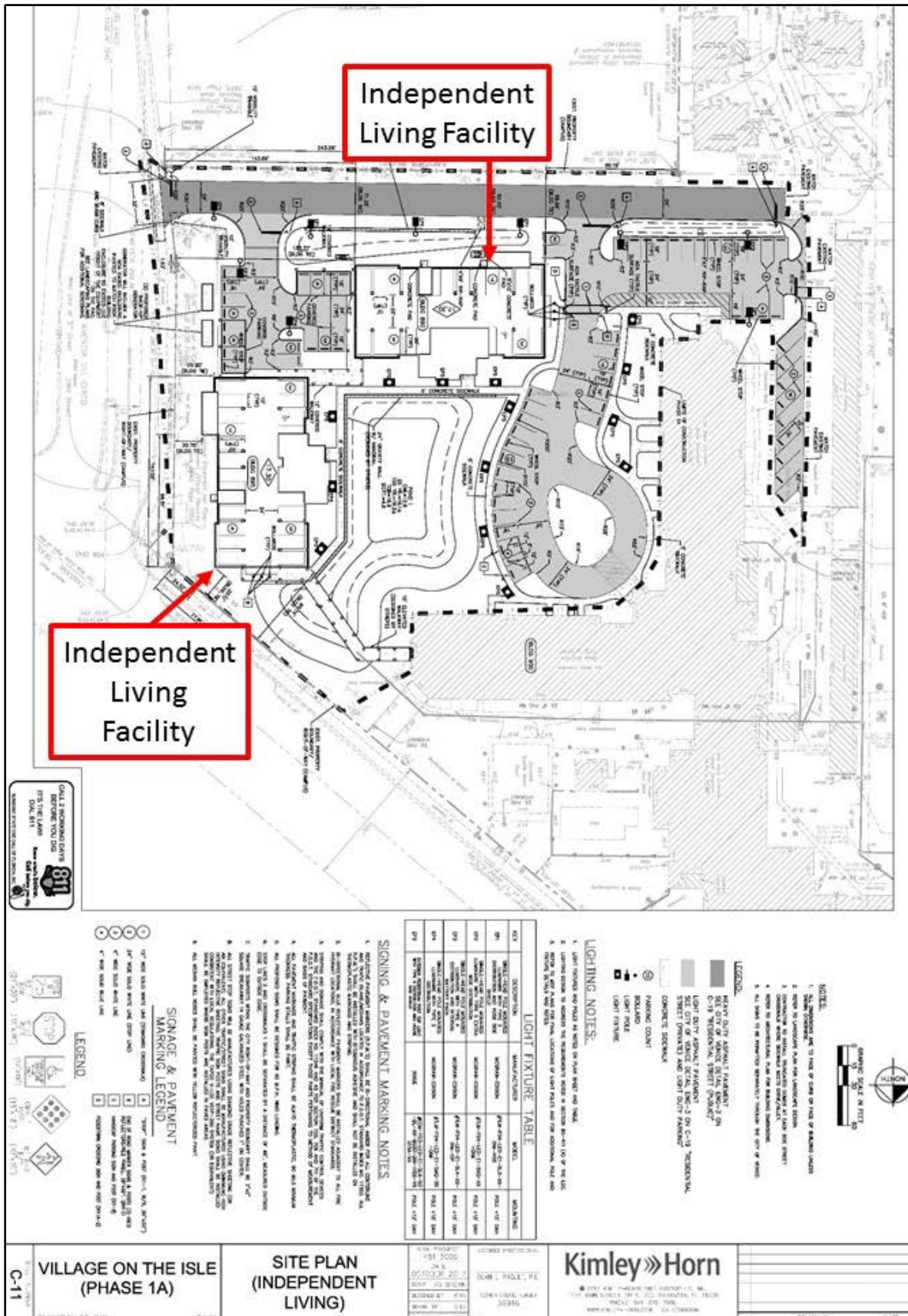
## Figure 1: Location of Land Swap between VOTI and Emmanuel Lutheran Church





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Figure 3 Proposed Site Plan Drawing, Southern Section





### III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

#### On- and Off-Site Conditions:

The subject property and surrounding properties are shown on Map 1. Two churches, two residential multi-family properties, professional offices, a one-half block section of a residential single-family neighborhood and U.S. 41 Business are adjacent to the VOTI campus. The subject property has vehicular access from Avenida Del Circo, Field Avenue and Plaza Mayor, 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 VOTI on Avenida Del Circo and the location of the proposed independent living building located along Avenida Del Circo and U.S. 41 Business



The location of the second proposed independent living building in the internal of the VOTI campus



The location of the skilled nursing facility requiring the removal of a surface parking area



An existing covered walkway on the VOTI campus

Table 1 on the following page summarizes the existing uses, zoning and the future land use designation of surrounding properties. All properties to the north, east and west of the subject property 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 first is a Zone X FIRM designation with moderate to low flood risk. This designation is not identified as a Special Flood Hazard Area and therefore not subject to based flood elevation requirements. The second is 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 commercial properties on the north side of U.S. 41 Business	Commercial, Intensive (CI), Office, Professional and Institutional (OPI), Residential, Single-Family 3 (RSF-3), and Venetian Urban Design (VUD) overlay district	Southern Gateway Corridor (Planning Area C)
<b>West</b>	Church and multi-family residential properties	Residential, Multiple-Family 3 (RMF-3), OPI, and VUD	Medium Density Residential and Southern Gateway Corridor
<b>South</b>	Village on the Isles campus	RSF-3 and OPI	Low Density Residential and Southern Gateway Corridor
<b>East</b>	Church and single-family residential properties	OPI and VUD	Southern Gateway Corridor

**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.*

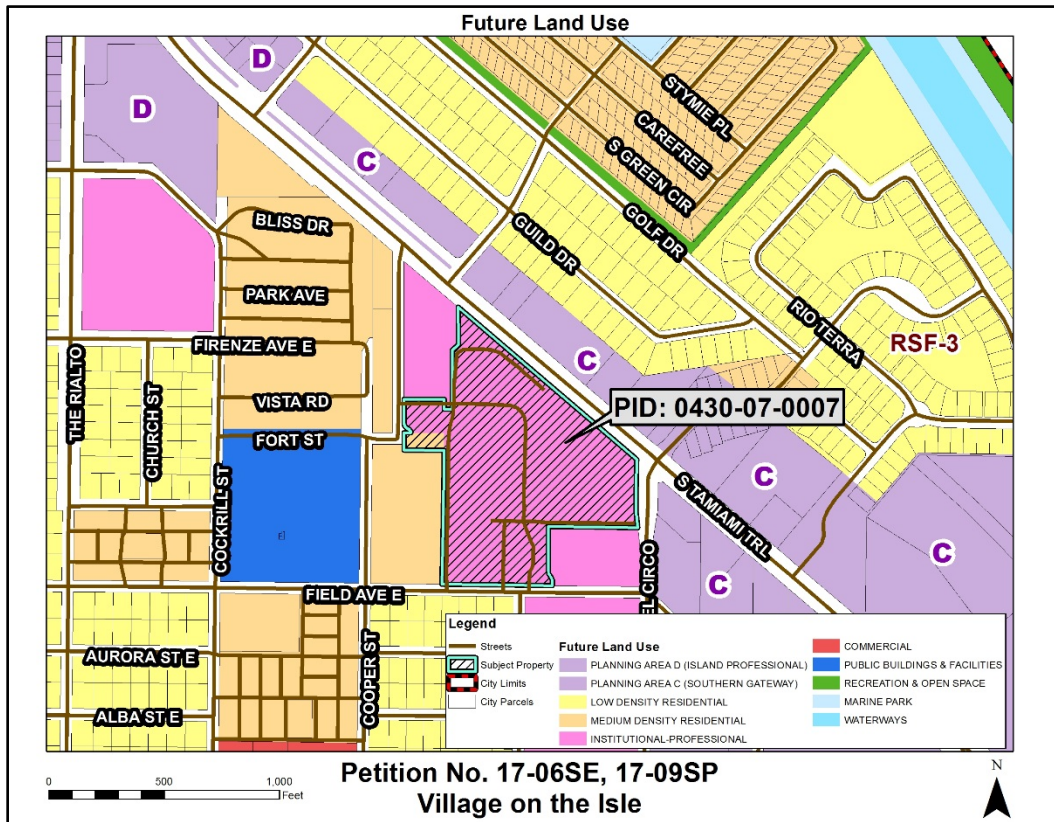
The subject property is one of two properties in the city which the 2010 Comprehensive Plan designates as an area of unique concern. Objective 19 of the Future Land Use & Design Element of the 2010 Comprehensive Plan introduces the standards for other areas of unique concern as follows:

*Guide the growth and development of other areas 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.*

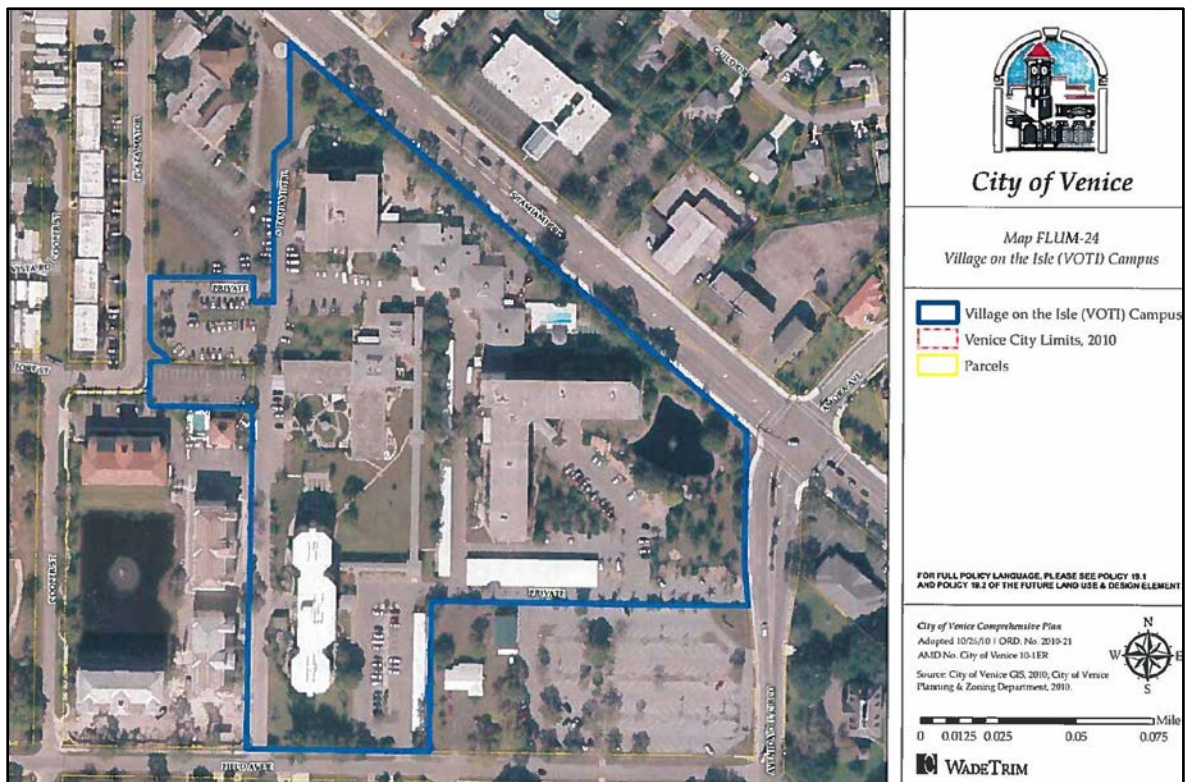
Map 3 on the following page shows Map FLUM-24 which designates the subject property as the Village on the Isle (VOTI) Campus and shows the boundary of the campus.



## MAP 2: Future Land Use Map



## Map 3: Existing VOTI Campus (Map FLUM-24)



The VOTI campus designation provides policy that guides the growth and development of the VOTI campus. 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 the 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 establishes development standards for the VOTI Campus. The development standards are listed in Section IV of this report which evaluates the project for consistency with the standards.

In a concurrently processed comprehensive plan amendment, VOTI proposes to amend Map FLUM-24 by adding to the VOTI campus designation the previously acquired "Cottages" parcel on Field Avenue and to account for the planned land swap with Emmanuel Lutheran Church. Proposed VOTI improvements are within an area which is planned to be acquired from Emmanuel Lutheran Church. As such, a stipulation is required making the subject site and development plan amendment approval effective upon approval of the comprehensive plan amendment.

### **Existing Zoning:**

Map 4 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) 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.*

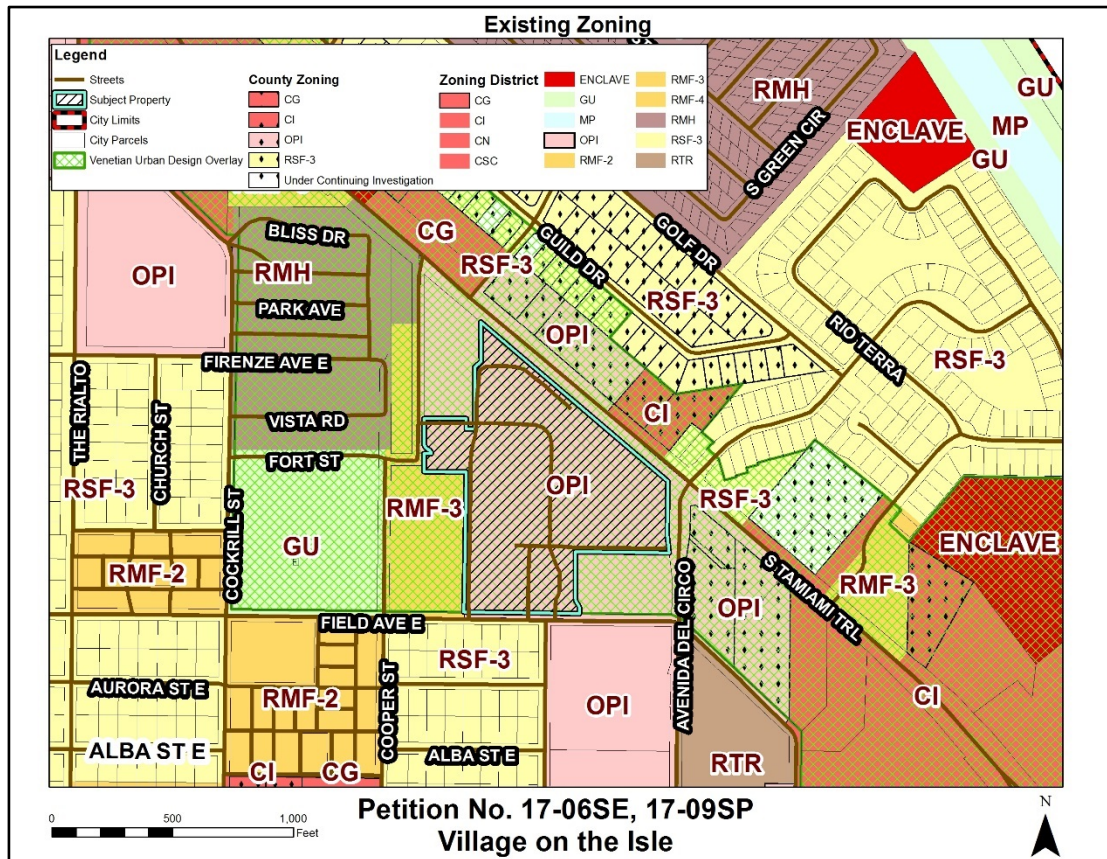
Section 96-122(a) specifies the VUD district is an overlay district, which supplements or supersedes the provisions of any underlying district and provides the following intent statement for the district:

*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 4: 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 subject property is also classified as an area of unique concern and assigned a VOTI campus designation which provides policy that guides the growth and development of the VOTI campus. 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 the 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 the following Village on the Isle development standards:

- **Maximum Residential Density** – The maximum residential density range shall be up to 18 dwelling units per acre for independent living facilities, 30 units per acre for assisted living facilities with individual kitchen facilities, and 55 units per acre for assisted living facilities without individual kitchen facilities.
- **Non-Residential Uses** – The total square footage in the campus is limited to a maximum floor area ratio (FAR) of 4.0.
- **Maximum Building Height** – Maximum height for new construction is limited to the height of existing VOTI structures. Additional allowances are provided for additional height necessary for building appurtenances and for the renovation or expansion of existing campus facilities.
- **Parking** – VOTI uses may reduce their overall parking requirements upon review and approval of a parking study and may also use shared parking facilities.
- **Architectural Design Style** – Facilities and structures on the VOTI campus may reflect the existing architectural design character predominate on the site or parent facility.

The proposed skilled nursing facility and two independent living facilities are consistent with planned uses in the Office-Professional future land use map designation as well as the planning intent of the VOTI campus.

The following table shows the proposed and maximum density, intensity and building height standards. The site and development plan amendment is consistent with the maximum residential density, maximum floor area ratio and maximum building height standards contained in Policy 19.2.

Type of Standard	Maximum Standard	Proposed Standard
Maximum Residential Density		
Independent Living Facility	18 dwelling units per acre	13.6 dwelling units per acre
Assisted Living Facility	30 units per acre (w/ kitchens)	4.5 units per acre (w/ kitchens)
Floor Area Ratio (FAR)	4.0 FAR	0.89 FAR
Maximum Building Height		
Independent Living Facility	63.1 feet	62.9 feet
Assisted Living Facility	63.1 feet	55.1 feet

Policy 19.2C specifies that maximum building height in the VOTI campus is limited to the height of existing buildings on the VOTI campus. Matthew Hall, an independent living facility, is the tallest building on the campus with a height of 63.1 feet. As such, this is the maximum building height standard for the VOTI campus.

The project implements Policy 19.2D by proposing a parking facility shared by VOTI and Emmanuel Lutheran Church. See Section VII of this report for an evaluation of the proposed shared parking facility as it relates to a request for a code modification to reduce the minimum number of off-street parking spaces on the VOTI campus.

Policy 19.2E specifies that facilities and structures on the VOTI campus may reflect the existing architectural design character predominate on the site or parent facility. Based on a review of architectural elevation drawings of the proposed buildings, staff confirms the design of the proposed buildings appears to be consistent with the existing architectural design style on the campus.

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 three single-family neighborhoods in proximity of the subject property. The first is a single-family subdivision on the south side of Field Avenue. The second 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 commercial property located along the north side of U.S. 41 Business. None of these single-family neighborhoods are immediately adjacent to the proposed improvements to the VOTI campus.

VOTI has existed on the subject property since 1982 with various periodic improvements made to the campus since that time. The proposed facilities have a combined floor area of 189,334 square feet which is well within the maximum allowable floor area on the campus.

Traditional planning practice recognizes that certain uses are compatible with adjacent single-family neighborhoods. Depending on its design and layout, a senior housing facility with

associated community and health care services is one such use that can be considered compatible with single-family neighborhoods. The existing and proposed campus is well-designed with facilities generally located in the central portion of the campus.

Given the project is an expansion of a senior housing facility that has existed on the subject property for 35 years, the distance separating the proposed improvements from single-family neighborhoods and the type and scope of proposed improvements, it may be concluded that the proposed site and development plan amendment will not be 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 involves proposed institutional uses, not commercial or industrial uses. See the above response to consideration no. 1 for an evaluation of compatibility.

- 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 on the subject property are consistent with the Institutional-Professional future land use map designation, consistent with the planning intent of the VOTI campus (Policy 19.1), and are permitted uses 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 three-story skilled nursing facility is located adjacent to a three-story residential condominium project, a two-story apartment complex, and a church. The two five-story independent living buildings are adjacent to a church parking lot and professional offices on the east side of Avenida Del Circo. The intensity of the proposed facilities is consistent with the intensity of the existing facilities that have been on the campus since 1982. Overall, the site and development plan amendment is not expected to significantly increase the intensity of the overall VOTI campus 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. 17-06SE, which are evaluated in Section VII 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 to construct a new off-street parking facility adjacent to U.S. 41 Business that is in front of an existing church building.

The following is a summary of the required and proposed standards that apply to the proposed skilled nursing facility and two independent living facilities.

	Required Standard	Proposed Standard
Front Yard Setback		
Skilled Nursing Facility	30 feet	15.3 feet <sup>1</sup>
Independent Living Facilities	31.5 feet	20.7 feet <sup>1</sup>
Side Yard Setback		
Skilled Nursing Facility	15 feet	39.8 feet
Independent Living Facilities	17 feet	60.5 feet
Maximum Lot Coverage	30%	26.6%

Note: 1. Requires special exception approval for code modification from Section 86-90(j)(2)

### **Concurrency/Adequate Public Facilities:**

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

Lead Agency	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	48 ERUs	Concurrency confirmed by Utility Department
Utilities	Sanitary Sewer	48 ERUs	Concurrency confirmed by Utility Department
Public Works	Solid Waste	498 pounds/day	Concurrency confirmed by Public Works Department
Public Works	Parks & Recreation	82 persons	Concurrency confirmed by Public Works Department
Engineering	Drainage	Compliance with SWFWMD permit	Concurrency confirmed by Engineering Department
Transportation Planner/Engineer	Transportation	9 p.m. peak hour trips	Concurrency confirmed by City Consultant
School Board	Public Schools	Proposed uses do not necessitate a review for school concurrency	Exempt from school concurrency

## **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, on pages 12-15). 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:** Ingress and egress to the proposed skilled nursing facility and independent living facilities is from existing driveways on Avenida Del Circo and Plaza Mayor. Minor modifications to the design of the driveways are proposed to accommodate the overall design of the project. 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:** Through the concurrently processed special exception and VUD waiver petitions, the applicant requests relief from several off-street parking standards related to the location of parking in relation to buildings, the landscaping of parking areas, the width of driveways and the minimum number of required parking spaces. With the requested modifications from these standards, the project maintains an overall safe and efficient off-street parking and loading design. Except for the requested code modifications and VUD waivers, 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 86-436(b) and 86-437, the TRC has confirmed the project complies with all applicable landscaping standards contained in the Land Development Code. 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 on Sanitary Sewer:** For the skilled nursing facility, new sanitary sewer lines will connect to an existing on-site sanitary sewer main and for the independent living facilities new sanitary sewer lines will connect to an existing sanitary sewer main in the Avenida Del Circo right-of-way. 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:** For the skilled nursing facility, new water service lines will connect to an existing water main located in the Plaza Mayor right-of-way and for the independent living facilities new water service lines will connect to an existing water main located in the Avenida Del Circo right-of-way. 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:** 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 5.95 acres, of which 2.69 acres or 45.2% 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 12-15). 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)(2), 86-401(a)(11), 86-402(b)(1)b, 86-423(c), 86-436(b), 86-437, and 122-434. Staff's analysis of the requested special exception is provided in Sections VII and VIII 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. 17-09SP**

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 the 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 the 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 Village on the Isle and Emmanuel Lutheran Church shall be fully executed and recorded prior to the issuance of any certificate of occupancy.
4. The triangular portion of city right-of-way on Plaza Mayor shall be vacated prior to any construction activity.

## **VII. PLANNING ANALYSIS FOR SPECIAL EXCEPTION PETITION NO. 17-06SE**

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 eight 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)(2) to reduce three minimum front yard setbacks. For the skilled nursing facility, the request is to reduce the minimum front yard along Plaza Mayor from 30.0 feet to 20.1 feet. For the southernmost proposed independent living facility, the request is to reduce the minimum front yard along Avenida Del Circo from 31.5 feet to 20.7 feet.
3. Section 86-401(a)(11) to allow five internal directional signs to exceed a maximum area of two square feet; the area of the proposed signs is not to exceed a maximum area of 22 square feet.
4. Section 86-402(b)(1)b to allow the five directional signs to not have a monument sign design.
5. Section 86-423(c) to allow two driveways that exceed the maximum width of 24 feet at the property line. A driveway providing access to Avenida Del Circo has a width of 33 feet and a driveway providing access to Plaza Mayor has a width of 30 feet.
6. Section 86-436(b) to not provide required shrubs in the 30-foot wide, southernmost section of the landscaped area along Avenida Del Circo.
7. Section 86-437 to not provide landscaping adjacent to a property line shared with VOTI.
8. Section 122-434 to reduce the minimum number of off-street parking spaces from 342 to 270 spaces.

In the application materials transmitted to the Planning Commission, the applicant's justifications for the requested code modifications can be found in the project narrative. 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 proposed skilled nursing facility and existing assisted living facility (Mark Manor) and the Emmanuel Lutheran Church building. As such, the covered walkway extends across the side lot line shared by VOTI and Emmanuel Lutheran Church, resulting in a zero-foot side yard setback.

### Staff Analysis:

The proposed improvements on the VOTI campus have been planned and designed in coordination with the proposed improvements on the Emmanuel Lutheran Church property which abuts the subject property to the north. 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)(2), Minimum Landscaped Front Yard

Section 90(j)(2) requires buildings with a height greater than 35 feet provide additional side and rear yards at a ratio of one foot for each four feet of building height in excess of 35 feet, and a front yard of 30 feet or one-half the building height, whichever is greater. The skilled nursing building has a height of 55.1 feet and the southernmost independent living building has a height of 62.9 feet. The following table shows the minimum required and requested front yard setbacks for these two buildings.

<b>Proposed Building and Applicable Front Yard</b>	<b>Minimum Required Front Yard</b>	<b>Requested Front Yard</b>
Skilled Nursing along Plaza Mayor	30.0 feet	15.3 feet
Independent Living along Avenida Del Circo	31.5 feet	20.7 feet

### Staff Analysis:

There is an interesting interaction between the OPI district standards and the VUD district standards which can be observed when applying setback standards to the southernmost independent living facility that fronts both U.S. 41 Business and Avenida Del Circo. It is important to note, where there is a conflict between the underlying OPI district standards and the VUD standards, the VUD standards apply.

Along the U.S. 41 Business frontage the VUD setback standards apply and require a maximum setback of 15 feet. Along the Avenida Del Circo frontage the OPI setback standards apply and require a minimum setback based on the height of the building. For the independent living building in question, a minimum front yard setback of 31.5 feet is required along Avenida Del Circo. Consequently, the applicant has requested a VUD waiver from the maximum setback along U.S. 41 Business to allow a 20.1 setback. For the frontage along Avenida Del Circo, the applicant has requested a code modification from the minimum setback of 31.5 feet to allow a setback of 20.7 feet.

There are limited open areas on the VOTI campus to build new facilities and the regulatory interaction between the OPI and VUD district standards further complicates the siting of new buildings.

### Section 86-401(a)(11), Maximum Area of Directional Signs

Section 86-401(a)(11) establishes permanent directional signs on non-residential properties as an exempt sign not requiring a sign permit. There are several standards which such exempt signs are required to meet, including a maximum four-square foot standard for a directional sign in the required front yard and a two-square foot standard for directional signs not located in a required front yard. The project includes five directional signs located in the interior of the site. The applicant requests a code modification to allow these signs to have an area not to exceed 22 square feet.

#### Staff Analysis:

Maximum area standards are appropriate for single use properties such as a bank where signs are needed to direct customers to the ATM, drive-through, exit and other facilities. The two or four-square foot limitation is adequate for directing customers to a limited number of on-site services or facilities. In contrast, the 15.5 acre VOTI campus has multiple facilities offering a wide range of services. Plan sheets HS-1 and HS-2 show the design and content of the proposed directional signs. The signs are intended to direct visitors and vendors delivering supplies to the five main campus facilities.

### Section 86-402(b)(1)b, Ground Signs Required to have a Monument Design

Section 86-423(c) specifies that unless otherwise permitted within this division, all ground signs in a non-residential zoning district shall be monument ground signs. The applicant requests a code modification to allow the five directional signs to not have a monument design. The directional signs will be pylon signs with two posts installed in the ground.

#### Staff Analysis:

Typically, incidental signs, like on-site directional signs, are not subject to sign design standards. However, the city's sign code requires all ground signs in a non-residential district to have a monument design. Strict application of this standard would require a handicapped parking space sign or a no trespassing sign to have a monument design.

### 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. The applicant requests a code modification to allow a 30-foot wide driveway on Plaza Mayor and a 33-foot wide driveway on Avenida Del Circo.

#### Staff Analysis:

Both driveways are 24-foot wide with curve aprons extending to the adjacent streets. The aprons begin to curve before the front property line resulting in the driveways exceeding the maximum width of 24 feet measured at the front property line.

### Section 86-436(b), Landscaping Adjacent to Public Rights-of-Way

Section 86-436 requires a landscaped area between an off-street parking facility and the street right-of-way. There are several landscaping standards that apply to the required landscaped area, one of which is a hedge, wall or other opaque durable landscape barrier of at least two feet in height along the entire

length of the landscaped area. In the required landscaped area along Avenida Del Circo, shrubs are provided except for the southernmost 30 feet of the landscape area. The applicant requests a code modification to not provide shrubs in this 30-foot section of landscaped area.

Staff Analysis:

The 30-foot wide section of landscaped area is adjacent to the main VOTI campus entrance on Avenida Del Circo and a new monument sign is proposed in this area. A required tree and ground cover plantings are proposed in the subject landscaped area. Visibility at the intersection of the driveway and Avenida Del Circo is enhanced by not providing shrubs to the edge of the driveway.

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 applicant requests a code modification to not provide this required landscaping along the property line shared with Emmanuel Lutheran Church.

Staff Analysis:

The proposed improvements on the VOTI campus have been planned and designed in coordination with proposed improvements on the Emmanuel Lutheran Church which abuts the subject property to the north. 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 landscape islands provide landscaping and south of the property line there are three proposed landscaped stormwater facilities on VOTI property.

Section 122-434, Minimum Number of Off-Street Parking Spaces

Section 122-434 establishes minimum off-street parking requirements for various types of land uses. Each type or classification of use has a standard which specifies how the minimum number of off-street parking spaces are to be calculated. The following table shows how the minimum number of off-street parking spaces on the subject property are calculated. Accounting for existing and proposed uses, a total of 342 off-street parking spaces are required; the applicant requests a code modification to allow a total of 270 spaces on the VOTI campus.

Land Use	Off-Street Parking Standard	Minimum # of Parking Spaces
Independent Living Facility	1 space per dwelling unit	256
Assisted Living Facility	1 space per unit w/ kitchens	70
64-Bed Skilled Nursing Facility	1 space per 4 beds	16
TOTAL		342

Staff Analysis:

Policy 19.2D of the Future Land Use & Design Element of the 2010 Comprehensive Plan provides that VOTI uses may reduce their overall parking requirements upon review and approval of a parking study



and may also use shared parking facilities. The requested code modification implements this comprehensive plan policy. VOTI and Emmanuel Lutheran Church have entered into a shared parking agreement which is included in the application materials submitted to the Planning Commission.

The applicant has prepared a parking study which is also included in the Planning Commission packets. The study analyzed the existing parking utilization and forecasted parking demand associated with the proposed expansion of the VOTI campus. Existing parking on the VOTI and Emmanuel Lutheran Church properties were studied to evaluate parking demand during peak parking times to establish weekday and weekend parking occupancy rates for all parking areas on the two properties. Parking demand per unit was established for both properties and these parking rates were applied to the proposed number of parking spaces on both properties.

The Emmanuel Lutheran site and development plan amendment provides a total of 137 off-street parking spaces, which does not include the on-street parking along Plaza Mayor and the 26 off-street parking spaces on the church offices property on the west side of Plaza Mayor. The VOTI site and development plan amendment provides a total of 270 off-street parking spaces. The two properties have a combined total of 407 off-street parking spaces.

On a typical Sunday, the study found the future parking demand is anticipated to be 342 spaces compared to the 407 available spaces. The peak parking demand on a typical weekday is 294 spaces.

Staff found the methodology used in the parking study was fundamentally sound, the conclusions drawn from the data were reasonable and the study, as a whole, provides sufficient information to allow the Planning Commission to evaluate the requested code modification.

### **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 front yard setbacks for buildings
- The maximum area of permanent identification signs
- The non-monument design of identification ground signs
- 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
- Minimum number of off-street parking spaces

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. There is one policy in the Future Land Use & Design Chapter of the comprehensive that is applicable to two of the requested code modifications. Policy 19.2D is directly relevant to the requested code modification from Section 122-434 to reduce the minimum number of off-street parking spaces on the subject property from 338 to 270 spaces. The policy is also relevant to the requested code modification from Section 86-437 which requires landscaping between off-street parking facilities and adjacent property lines. This policy establishes the following provision for required parking on the VOTI campus:

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

The referenced code modifications represent a reduction of parking requirements. Consistent with the above policy, a parking study has been submitted to substantiate the sufficiency of a shared parking arrangement between VOTI and Emmanuel Lutheran Church. The requested code modifications from Sections 86-437 and 122-434 facilitate the implementation of shared parking facility which is provisionally allowed by Policy 19.2D.

### **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:** Ingress and egress to the proposed skilled nursing facility and independent living facilities is from existing driveways on Avenida Del Circo and Plaza Mayor. Minor modifications to the design of the driveways are proposed to accommodate the overall design of the project. 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:** Through the concurrently processed special exception and VUD waiver petitions, the applicant requests relief from several off-street parking standards related to the location of parking in relation to buildings, the landscaping of parking areas, the width of driveways and the minimum number of required parking spaces. Except for the requested code modifications and VUD waivers, the TRC has confirmed the design of the proposed off-street parking and loading facilities complies with all applicable LDC standards. No concerns were raised regarding pedestrian safety, traffic flow and control and access in case of fire or catastrophe. The overall*

*project design provides a safe and efficient off-street parking and loading facilities. The landscaping associated with the proposed off-street parking facilities is expected to mitigate the economic, noise, glare and 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:** *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:** *Regarding sanitary sewer service, for the skilled nursing facility new sanitary sewer lines will connect to an existing on-site sanitary sewer main and for the independent living facilities new sanitary sewer lines will connect to an existing sanitary sewer main in the Avenida Del Circo right-of-way. The Utilities Department, in its concurrency review, confirmed there is adequate sanitary sewer capacity to serve the proposed city project. Regarding potable water service, for the skilled nursing facility new water service lines will connect to an existing water main located in the Plaza Mayor right-of-way and for the independent living facilities new water service lines will connect to an existing water main located in the Avenida Del Circo right-of-way. The Utilities Department, in its concurrency review, confirmed there is adequate water capacity to serve the proposed city project.*

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

**Staff Comment:** *Except for the code modifications from Sections 86-436(b) and 86-437, the TRC has confirmed the project complies with all applicable landscaping standards contained in the Land Development Code. The proposed off-street parking facilities are proposed to be shared by VOTI and Emmanuel Lutheran Church. Landscape buffering along the common property line would 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:** *There are four existing ground signs; two along U.S. 41 Business are to be removed and two (one along Avenida Del Circo and one along Field Avenue) that will be used as temporary construction/directional signage during construction then removed. One new temporary construction/directional sign is proposed at the corner of U.S. 41 Business and Avenida Del Circo. Three new monument ground signs are proposed; with one sign located along U.S. 41 Business, Avenida Del Circo and Field Avenue. Finally, five directional ground signs are proposed at various VOTI campus locations. See Sheets HS-1 and HS-2 for further detail on the proposed signage. Except for requested code modifications from Section 86-401(a)(11) and 86-402(b)(1)b, the TRC has confirmed the proposed signage complies with all applicable sign code standards. The sign code does not have standards for temporary signs that inform the public of a new land development and how to best access the site during construction. Planning Commission approval of the project will include approval of the temporary construction/directional signage.*

8. Required yards and other open space.

**Staff Comment:** Except for the requested code modifications from Sections 86-90(j)(1)b and 86-90(j)(2), the TRC has confirmed the project complies with all applicable required yard standards contained in the Land Development Code. 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 5.95 acres, of which 2.69 acres or 45.2% of the project area is designed as pervious open space.

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

**Staff Comment:** If the site and development plan amendment, which included site plan drawings with the requested code modifications, is 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 13-14) then the same can be found for the subject special exception petition.

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 OF STAFF 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).