



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING
SPECIAL EXCEPTION APPLICATION

17-10 SE

SPECIAL EXCEPTION

Project Name: Restore Medical Partners, PLLC
Parcel Identification No.: 0000007731 and 0000007898
Address: 333 S. Tamiami Trail, Venice, FL 34285
Parcel Size: 87,895 sq. ft and 61,473 sq.ft.
FLUM designation: D(Island Professional Neighborhood, Planning Area D)
Zoning Map designation: CG (Commercial, General)
Property Owner's Name: Tandem Associates 3, LLC
Telephone: 941-441-1441
Fax: _____
E-mail: _____
Mailing Address: 333 S. Tamiami Trail, Suite 205, Venice, Florida 34285
Project Manager: Scott E. Rudacille, Esquire, Agent, Blalock Walters, P.A.
Telephone: 941-748-0100
Mobile / Fax: 941-745-2093
E-mail: srudacille@blalockwalters.com
Mailing Address: 802 11th Street West, Bradenton, FL 34205
Project Engineer : _____
Telephone: _____
Mobile / Fax: _____
E-mail: _____
Mailing Address: _____
Project Architect: _____
Telephone: _____
Mobile / Fax: _____
E-mail: _____
Mailing Address: _____

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

1-12-2018

Revised 12/10

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APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition** (address the required findings for approval below)
- ☒ **Public Workshop Requirements.** Date held November 28, 2017
 - ☒ Copy of newspaper ad.
 - ☒ Copy of notice to property owners.
 - ☒ Copy of sign-in sheet.
 - ☒ Written summary of public workshop.

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

1. Compliance with all applicable elements of the comprehensive plan.
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.
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.
4. Refuse and service areas, with particular reference to the items listed in subsections (e)(2) and (e)(3) of this section.
5. Utilities, with reference to location, availability and compatibility.
6. Screening and buffering, with reference to type, dimensions and character.
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.
8. Required yards and other open space.
9. General compatibility with adjacent properties and other property in the district.
10. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Required documentation (provide 15 sets of the following including 3 signed, sealed and dated, unless otherwise noted):

- ☐ Site and development plans at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces;
- ☐ Plans showing proposed locations for utility hookups;
- ☐ Plans for screening and buffering with reference as to type, dimensions and character;
- ☐ Proposed landscaping and provisions for trees protected by city regulations; and
- ☐ Proposed signs and lighting, including type, dimensions and character.

Fees

Application filing fee \$400.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

Narrative

The applicant, Restore Medical Partners, PLLC ("Restore"), is seeking approval of an amended special exception for a maximum of 7,344 square feet of pain management clinic use within the existing office space at 333 S. Tamiami Trail, in Suites 169/171 and 101.

In 2016 Restore obtained special exception approval for pain management clinic uses not to exceed 3,340 square feet in Suite 169/171. Due to community need, Restore now seeks to expand its practice into an additional 4004 sf suite within the same office complex. The intent is to utilize the existing space in Suite 169/171 primarily for surgical procedures while utilizing the new space at Suite 101 for patient visits and office space.

Dr. Lindsey Job is the primary physician for the Restore practice, and she is a Board Certified Anesthesiologist and Board Certified Interventional Pain Specialist. Dr. Job specializes in acute, chronic and cancer pain management with focus on interventional techniques including epidural steroid injections, radio-frequency ablation for facet pain, occipital nerve blocks, sympathetic nerve blocks, botox for migraines, spinal cord stimulation, kyphoplasty for vertebral compression fractures, joint injections, peripheral nerve blocks, stem cell harvesting and regenerative injections.

Recognizing the extreme side effects caused by long-term chronic opioid treatment regimens, Dr. Job strives to treat the underlying problem and minimize the use of opioid medications. Her commitment to helping her patients led her to obtain additional training in Anti-Aging and Regenerative Medicine through the Academy of Anti-Aging Medicine. This additional training allows Dr. Job to help wean patients off high dose opioid regimens, and supplement the body with treatment options to regenerate tissues and reduce the complications associated with opioid management such as hormone imbalance and bone loss.

Medical practice in the pain management field is regulated on a number of levels. In the City of Venice, pain management practices fall under State of Florida, Sarasota County and City regulations. This office has complied and will continue to comply with all state and local regulations.

The applicant held a public workshop, noticed in accordance with the City's Code requirements. No members of the public attended.

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Special Exception Review Criteria

Section 86-43 (e). Required findings for approval. Before any special exception shall be approved, the planning commission shall make a written finding that the granting of the special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

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

The project is consistent with the City's policies related to smart growth and the minimization of urban sprawl (FLU Element Policy 8.1) in that it will be located within an existing building which was planned for office uses and has existing community infrastructure in place to accommodate the use.

- (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.

The project proposes no changes to the approved site plan, which contemplated office uses such as this.

- (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.

The project proposes no changes to the approved site plan, which contemplated office uses such as this.

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

The project proposes no changes to the approved site plan, which contemplated office uses such as this.

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

Utilities are existing at the site.

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

The project proposes no changes to the approved site plan, which contemplated office uses. The proposed use is located completely within an existing office building and will have no external impacts.

- (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.

Any signage will comply with applicable Code requirements.

- (8) Required yards and other open space.

The use is located entirely within an existing, approved office with required yards and open space.

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

The project proposes no changes to the approved site plan, which contemplated office uses such as this.

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

See analysis below regarding Pain Management Clinic use.

Pain Management Clinic Review Criteria

Section 86-155(b) Development standards:

- (1) *Controlled substances.* The on-site sale, provision, or dispensing of controlled substances at a pain management clinic is prohibited except as specifically authorized by applicable federal or state law.

Controlled substances are not sold, provided or dispensed on site, except as specifically authorized by federal and state law.

- (2) *Loitering.* The pain management clinic shall provide adequate seating for its patients and business invitees. The pain management clinic shall not direct or encourage any patient or business invitee to stand, sit (including in a parked car), or gather or loiter outside of the building where the clinic operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. The pain management clinic shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.

The project is located inside an existing office building and will comply with the above requirements.

- (3) *Queuing of vehicles.* The pain management clinic shall ensure that there is no queuing of vehicles in the right-of-way. The pain management clinic shall take all necessary and immediate steps to ensure compliance with this paragraph.

The project is located within an existing office building with existing parking to accommodate contemplated office uses.

- (4) *Alcoholic beverages.* No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or right-of-way. The pain management clinic shall take all necessary and immediate steps to ensure compliance with this paragraph.

Alcoholic beverages are not permitted at the office. The applicant will take all necessary steps to ensure compliance with this requirement.

- (5) *Separation distances.* Pain management clinics and pharmacies shall not be co-located on the same property.

There are no pharmacies located on the project site. This provision is unclear as to whether it restricts separate pain management clinics from being located on the same property, but in this instance the two spaces are being utilized by the same entity as a single clinic.

- (6) *Operating hours.* Pain management clinics shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 p.m. on Saturdays. Pain management clinics shall not operate on Sundays.

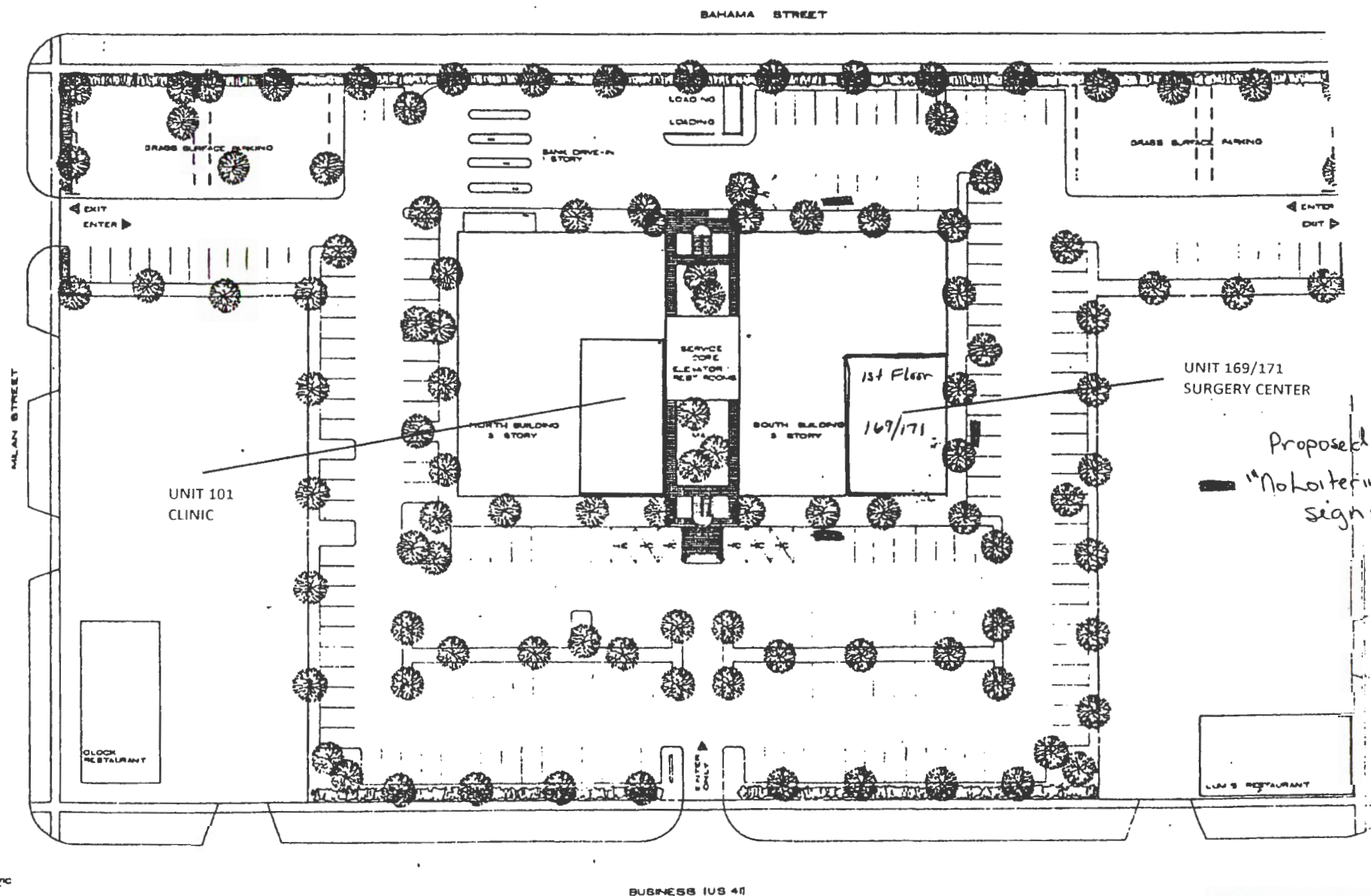
The project shall comply with the required operating hours.

- (7) *Compliance with other laws.* All pain management clinics shall at all times be in compliance with all federal and state laws, Sarasota County regulations and the City of Venice Land Development Code, as amended.

The applicant will comply with all applicable federal, state and local laws.

- (8) *Nonconformities.* The requirements for separation distances as outlined in this section shall be prospective only from the effective date of the ordinance codified herein, and therefore existing clinics in the city which do not meet the separation distance requirements shall be granted nonconforming status. These nonconforming characteristics of use shall be regulated in the same manner as set forth in section 86-555 of this Code. Therefore, no change shall be made by existing clinics which increases the nonconforming characteristics of use of separation distances. Notwithstanding any other provision of section 86-555 of this Code, all other characteristics of use (controlled substances, loitering, queuing of vehicles, alcoholic beverages, operating hours, and compliance with other laws) shall be applicable to all existing and future pain management clinics.

The project is in compliance with the requirement that no pharmacies shall be co-located on the property.



TANDEM CENTER VENICE
EDWARD J. SEIBERT AIA ARCHITECT & PLANNER PA

SITE PLAN
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