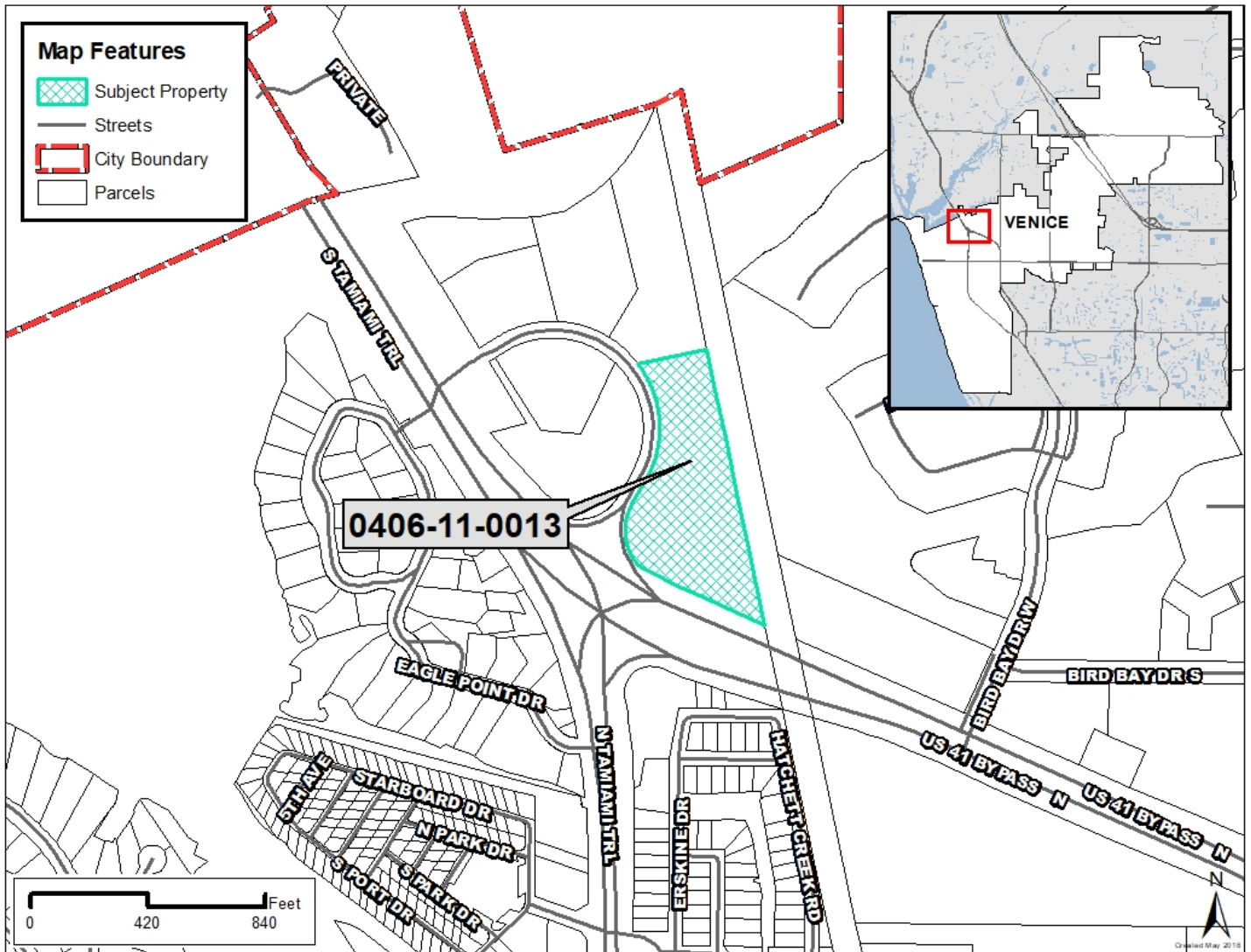




SITE AND DEVELOPMENT PLAN AMENDMENT AND SPECIAL EXCEPTION STAFF REPORT

June 19, 2018

14-04SP.1
18-01SE



PETITION NOS.: 14-04SP.1 and 18-01SE

REQUEST: Site and development plan amendment to increase the number of beds in the existing Tuscan Gardens assisted living facility from the previously approved 150 beds to the requested 198 beds. Special exception petition to modify a previously approved special exception (14-06SE) for a code modification from Section 86-90(e)(9) to reduce the minimum setback for all yards from 50 feet to the existing 21.1 feet.

GENERAL DATA

Owner: Tuscan Gardens of Venetia Bay Properties, LLC **Agent:** Greg Roberts, Esq.
Address: 841 Venetia Bay Blvd. **Property ID:** 0406-11-0013
Property Size: 6.3 acres ±
Future Land Use: Institutional-Professional
Neighborhood: Gateway Neighborhood
Existing Zoning: Office, Professional and Institution (OPI) District

ASSOCIATED DOCUMENTS

A. Application Information (completed petition)

I. EXECUTIVE SUMMARY

The existing Tuscan Gardens assisted living facility was approved by Site and Development Plan Petition 14-04SP and Special Exception Petition 14-06SE. The site and development plan approval was for 78 assisted living units and 58 memory care units, and 150 beds for the entire facility. The special exception approved the assisted living facility special exception use and a code modification from Section 86-90(j)(3) to reduce the minimum front yard setback from 30 feet to 20 feet.

After being in operation for approximately two years, the owner of the facility has experienced a greater than expected demand for individuals wanting to move into a unit in the facility occupied by an existing client. These requests are accommodated by having a bed brought into the unit. Expecting continued demand for two-bed units, the owner requests to increase the number of beds in the facility from the currently approved 150 beds to 198 beds. No physical changes to the site or facility are proposed, and no change to the number of assisted living facility units is proposed. The site and development plan amendment is limited only to increasing the number of beds from 150 to 198.

The requested increase in bed count necessitates the special exception code modification from Section 86-90(e)(9). This code section is a special exception provision that applies to assisted living facilities and reads as follows:

- (9) Assisted living facilities. Minimum lot area and setback for building in connection with such facilities shall be 2.5 acres with a minimum setback of 50 feet for assisted living facilities exceeding 150 beds.

The requested increase in bed-count to 198 requires the enforcement of the above referenced 50-foot setback for all yards. The previously approved code modification only applied to the minimum front yard setback. The application of the new 50-foot minimum setback necessitates a code modification for those portions of the existing building with setbacks less than 50 feet in width. It is important to note that the existing building was constructed in full compliance with all approved setbacks.

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following summary findings on the subject petitions:

Site and Development Plan Amendment Findings:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
The subject petition may be found consistent with the strategies contained in the Gateway Neighborhood and Land Use Element strategies applicable to the Institutional-Professional future land use designation and Policy 8.2 regarding compatibility. The subject petition may be found consistent with the Comprehensive Plan.

- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
Except for the requested code modification from Section 86-90(e)(9), the subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the considerations contained in Section 86-23(n) of the Land Development Code.
- **Conclusions / Findings of Fact (Concurrency):**
The subject petition complies with the city's concurrency management regulations. If approved, staff will issue the project an updated concurrency certificate.

Special Exception Findings:

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):

The subject petition is not in conflict with any strategies related to the Gateway Neighborhood and Institutional-Professional designation. The subject petition may be found consistent with the Comprehensive Plan.

Conclusions / Findings of Fact (Required Planning Commission Findings for Special Exception Approval)

The following may be found regarding the subject 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).*

II. BACKGROUND INFORMATION

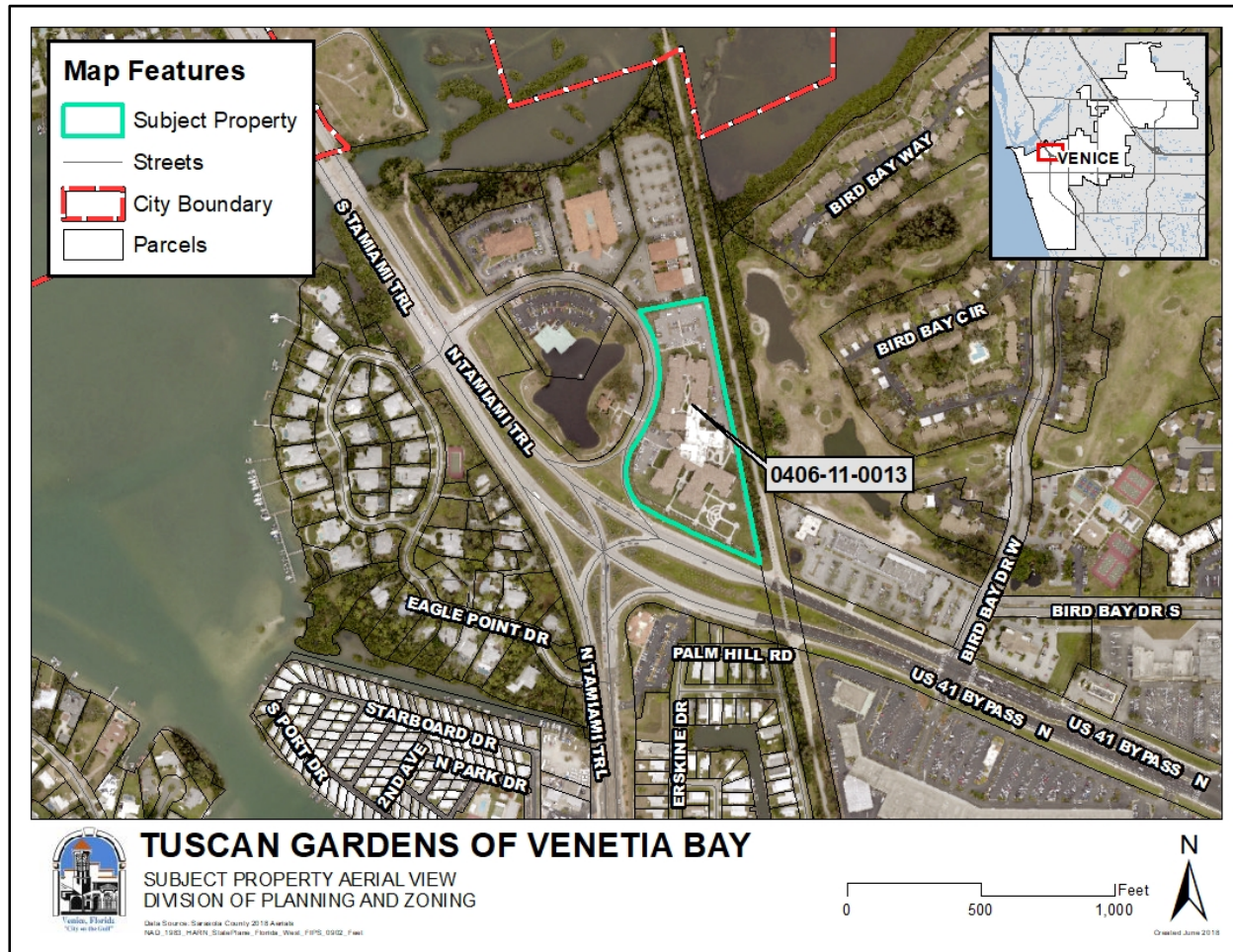
Based on a review of city records, the following is an outline of the past city actions related to the Tuscan Gardens project.

- On July 21, 2014, the Planning Commission approved Variance Petition No. 14-02VZ to grant a variance from Section 86-90(k) to allow a building to exceed the maximum 35-foot height limitation by 9' 11" for a total building height of 44' 11".
- On November 25, 2014, through the adoption of Ordinance No. 2014-26 the subject property was rezoned from Commercial, General (CG) to Office, Professional and Institutional (OPI).
- On January 6, 2015, the Planning Commission approved Site and Development Plan Petition No. 14-04SP and Special Exception Petition No. 14-06SE. The approved site and development plan was for a 150-bed assisted living facility consisting of 78 assisted living facility units and 58 memory care units. The special exception petition approved the assisted living facility as a special exception use and included a code modification from Section 86-90(j)(2) to reduce the minimum front yard setback from 30 feet to 20 feet.

III. EXISTING CONDITIONS

The aerial photograph on the following page shows the subject property as well as adjacent properties. The subject property, located north of the intersection of the U.S. 41 Bypass and U.S. 41 Business, is an existing assisted living facility. Access to the project is from two driveway connections on Venetia Bay Boulevard. The

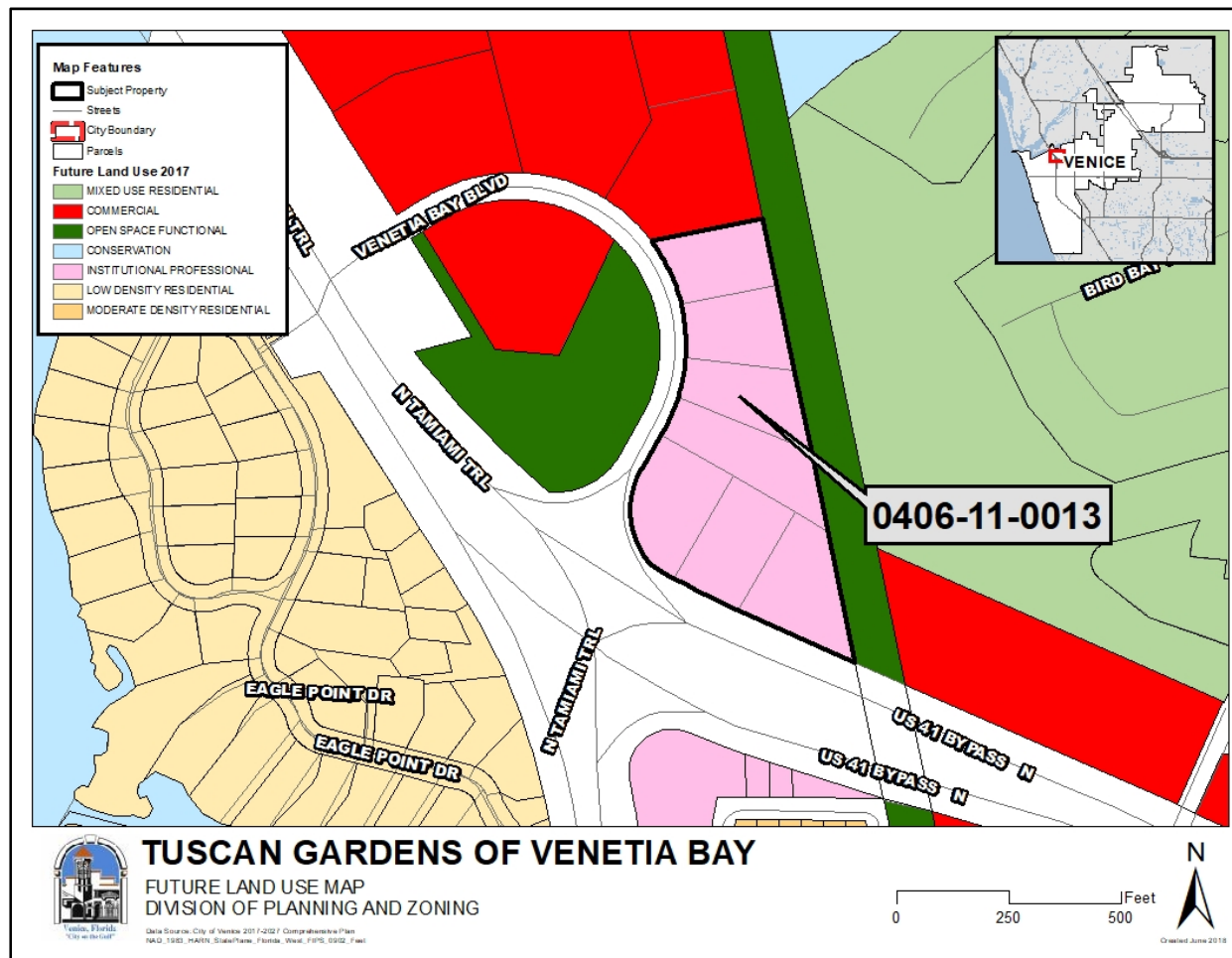
Legacy Trail abuts the east side of the subject property. Following the aerial photograph are photographs of the existing assisted living facility.



The existing assisted living facility

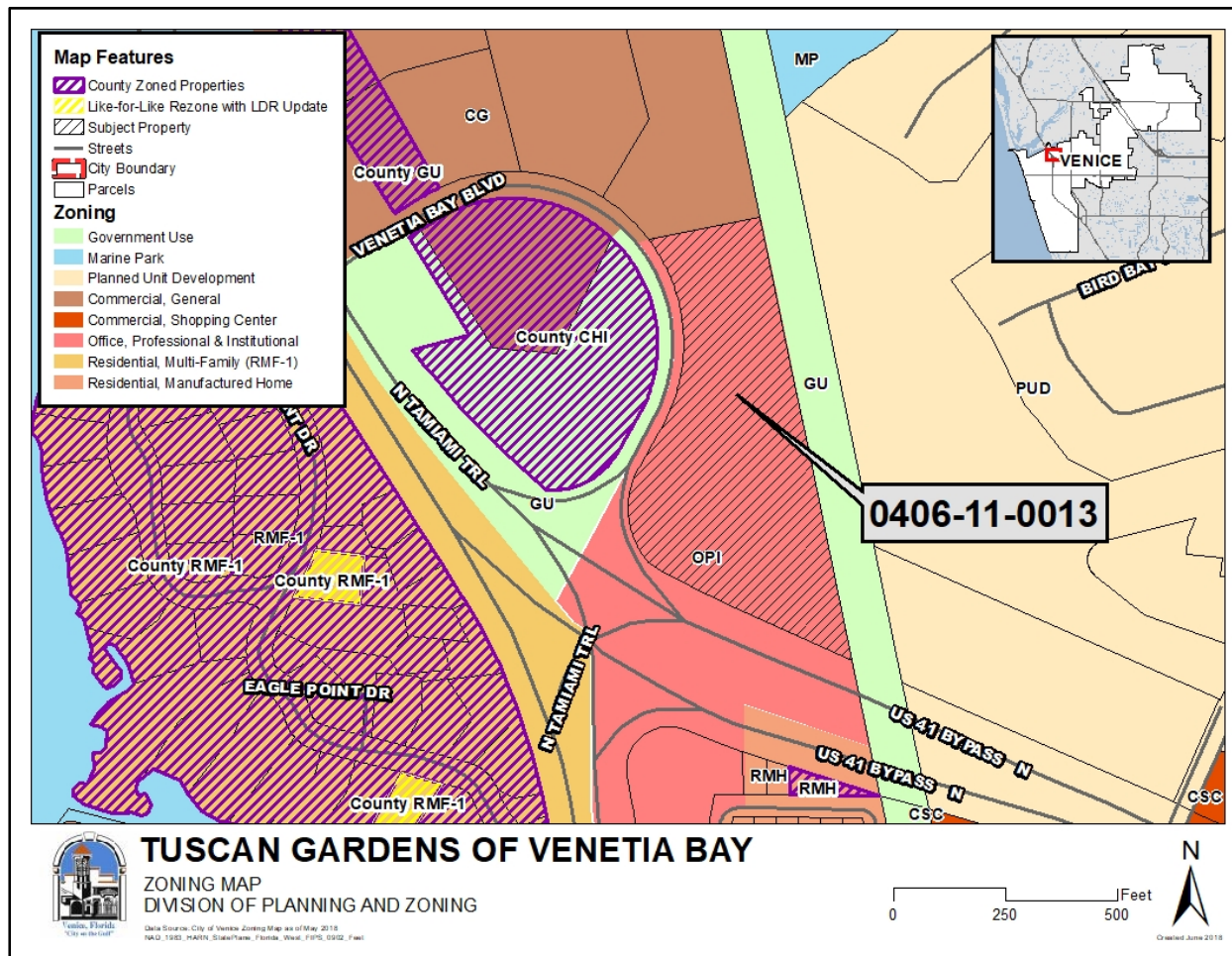
Future Land Use

The subject property is located in the Gateway Neighborhood. The Future Land Use Map on the following page shows the future land use map designation for the subject property and adjacent properties. The subject property has an Institutional Professional designation. The subject property abuts a Commercial designation to the north, an Open Space Functional designation to the east and west, and an Institutional-Professional designation to the south.



Zoning Designation

The map on the following page shows the existing zoning of the subject and adjacent properties. The subject property has City of Venice Office, Professional and Institutional (OPI) zoning. Abutting zoning districts include City of Venice Commercial, General (CG) to the north of the subject property, City of Venice Government Use (GU) to the east (Legacy Trail), City of Venice OPI and City of Venice and Sarasota County Residential, Manufactured Home (RMH) to the south, and Sarasota County Commercial, Highway Interchange (CHI) to the west.



The following table summarizes the existing uses, current zoning and future land use designations on properties adjacent to the subject property.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Professional office buildings	City of Venice Commercial, General (CG)	Commercial
East	Legacy Trail	City of Venice Government Use (GU)	Open Space, Functional
South	U.S. 41 Bypass and urgent care facility	City of Venice OPI & City of Venice & Sarasota County Residential, Manufactured Home (RMH)	Institutional-Professional
West	Patriots park and restaurant	Sarasota County Commercial, Highway Interchange (CHI)	Open Space, Functional

IV. PLANNING ANALYSIS FOR SITE AND DEVELOPMENT PLAN AMENDMENT 14-04SP.1

This section of the report begins with a discussion about how the proposed bed-count increase at the existing assisted living facility effects the previously approved site and development plan. Also, provided is a brief description of minor hardscape and landscape changes to the project approved administratively during the construction of the project. Approval of the subject petition will memorialize these changes.

The planning analysis provided in this section of the report will evaluate the site and development plan amendment 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.

A. Proposed and Previously Approved Changes to the Existing Assisted Living Facility

The requested site and development plan amendment is limited only to increasing the number of beds from 150 to 198. No physical changes to the site or facility are proposed, and no change to the number of assisted living facility units is proposed.

The requested increase in bed count requires the following revisions to the "Land Use Development Data" provided on Sheet 2 of 13 prepared by GAP Engineering and Planning:

- Proposed Density (ALF) – the number of beds at the existing assisted living facility was increased from 150 to 198 beds. This in turn required an update in the project density calculation resulting in an increase in converted residential density from four to five units per acre, significantly below the maximum residential density of 55 units per acre for assisted living facilities.
- Setbacks – The minimum yard setbacks for the original site and development plan were based on Section 86-90(j)(2) which adjusts the minimum yards for buildings in excess of 35 feet in height. The minimum front yard setback was 30 feet and the minimum side yard setback was 12.13 feet. With the proposed bed-count exceeding 150 beds, pursuant to Section 86-90(e)(9), the minimum yard setback for all yards is increased to 50 feet. The Setbacks section of the "Land Use Development Data" has been updated to account for the new minimum 50-foot setback for all yards.

During the construction of the existing assisted living facility, the following hardscape and landscape revisions to the project were approved administratively. The subject site and development plan amendment provides an opportunity to memorialize these revisions.

- Elimination of a sidewalk connection to the future Legacy Trail connection from the north parking area.
- A concrete masonry wall with a gate at the back of the building was change to an aluminum picket fence.
- Elimination of an arbor in a courtyard not visible from a public street.
- A gazebo located in the southeast corner of the property was replaced with an arbor.
- A section of concrete masonry wall at the southeast corner of the property was replaced with a chain link fence to provide access to a FPL switch cabinet and shrubs were added around the perimeter of the cabinet.
- The quantity of trees in some areas of the interior of the site were reduced to increase sunlight in these areas.
- Removal of some non-required trees along Venetia Bay Boulevard to provide a better view of building.

- A vegetable garden area in the southeast corner of the property was replace with sod.
- Variations in the specifications and locations of sod were delineated.
- Small ornamental trees, shrubs and ground covers were modified in quantity and/or specification in buffer and interior landscape areas.

It is important to note that, with the above changes, the project remained in compliance with all applicable Land Development Code standards. All of the above changes are reflected in the engineering site plan and landscape plan drawings included in the Planning Commission's packet, which, in effect, represent as-built drawings for the project.

B. Consistency with the Comprehensive Plan

The 2017 Comprehensive Plan identifies the subject property as being within the 436-acre Gateway Neighborhood. The subject property has an Institutional Professional future land use designation. The following analysis includes review of significant strategies found in the Gateway Neighborhood and the Land Use Element of the 2017 comprehensive plan.

In the comprehensive plan consistency analysis prepared by the applicant, the following three Gateway Neighborhood strategies were discussed:

- Strategy TR-GW 1.1.8 Pedestrian and Bicycle Connectivity
- Strategy OS-GW 1.1.9 Functional Open Space
- Strategy OS-GW 1.1.10 Open Space Enhancement

Each of these strategies reference City actions related to connection to the Legacy Trail or promotion and enhancement of the Legacy Trail. The approved site and development plan for the existing assisted living facility included a 10-foot easement for future connection to the Legacy Trail subject to Sarasota County approval. The applicant's project narrative provides an update on the applicant's coordination on this matter. Approval of the subject site and development plan amendment will give the applicant an additional two years to implement the above strategies as they relate to connectivity to the Legacy Trail.

Strategy LU 1.2.4 identifies the subject property's existing OPI district as an implementing zoning district in the Institutional-Professional designation and specifies a maximum floor area ratio of 0.5. Based on the data contained on Sheet 2 of 13 prepared by GAP Engineering & Planning, the intensity of the existing assisted living facility is 0.30.

Strategy LU 1.2.4.b specifies the Institutional-Professional designation provides areas within the City for professional office, educational, healthcare, religious or similar uses. The existing assisted living facility can be found similar to the uses identified in this strategy.

Strategy LU 4.1.1 brought forward from the 2010 Comprehensive Plan into the 2017 Comprehensive Plan, on a transitional basis, includes Policy 8.2, Land Use Compatibility Review Procedures. In the approval of the original site and development plan for the existing assisted living facility, the Planning Commission found the project compatible with adjacent uses. The project was developed consistent with the approved site and development plan and the proposed increase in bed-count in the existing assisted living facility is not expected to create potential incompatibilities with adjacent uses.

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):

The subject petition may be found consistent with the strategies contained in the Gateway Neighborhood and Land Use Element strategies applicable to the Institutional-Professional future land use designation and Policy 8.2 regarding compatibility. The subject petition may be found consistent with the Comprehensive Plan.

C. Compliance with the Land Development Code

The subject petition has been processed with the procedural requirements contained in Section 86-49 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and except for the requested code modification from Section 86-90(e)(9), no issues regarding compliance with the Land Development Code were identified.

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: *With the requested bed-count increase, the converted gross residential density of the project increases from four to five units per acre which is still less than the maximum residential density of 55 units per acre for assisted living facilities.*

- (3) Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing utilities and refuse collection, and access in case of fire, catastrophe or emergency.

Staff Comment: *The existing ingress and egress to the facility is not changing.*

- (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: *The existing off-street parking and off-street loading facilities are not changing.*

- (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

Staff Comment: *The existing facility remains in compliance with all applicable LDC landscaping standards.*

- (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 existing drainage facilities are not changing.*

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

Staff Comment on Sanitary Sewer: *The existing sanitary sewer service to the facility is not changing and the overall city sanitary sewer availability and capacities will be maintained with the requested bed-count increase.*

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

Staff Comment on Potable Water: *The existing water service to the facility is not changing and the overall city potable water availability and capacities will be maintained with the requested bed-count increase.*

- (9) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community or citywide open spaces and recreational facilities.

Staff Comment: *The project was not and continues to not be subject to specific LDC standards for recreational facilities and open space. The applicant is continuing to work with Sarasota County to establish an easement for a connection to the Legacy Trail.*

- (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 existing site arrangement/layout and site amenities are not changing.*

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

Staff Comment: *Section 86-90(e)(9) establishes a minimum 50-foot setback for all yards for assisted living facilities in excess of 150 beds. The applicant has submitted a concurrently processed special exception petition for a code modification from this code section.*

- (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 modification from Section 86-90(e)(9) to reduce the minimum 50-foot front yard along Venetia Bay Boulevard to 21.1 feet and reduce the minimum 50-foot side yard along the east property line to 25.3 feet.*

Conclusions / Findings of Fact (Compliance with the Land Development Code):

Except for the requested code modification from Section 86-90(e)(9), the subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the considerations contained in Section 86-23(n) of the Land Development Code.

D. Concurrency/Adequate Public Facilities

A concurrency was approved with the original site and development plan. The applicant has submitted a concurrency application to account for the public facility impact associated with the requested bed-count increase. Staff conducted a review of the concurrency application and the table on the following page shows the expected public facility impacts and the status of the departmental concurrency reviews.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	59.4 Equivalent Residential Units (ERUs)	Concurrency confirmed
Utilities	Sanitary Sewer	59.4 ERUs	Concurrency confirmed
Public Works	Solid Waste	1,208 lbs./day	Concurrency confirmed
Public Works	Parks and Recreation	1.39 acres	Concurrency confirmed
Engineering	Drainage	25-year, 24-hour storm event	Concurrency confirmed
Planning and Zoning	Transportation	23 p.m. peak hour trips	Concurrency confirmed by City's traffic engineering consultant
School Board	Public Schools	Assisted living facilities are exempt from school concurrency	N/A

Conclusions / Findings of Fact (Concurrency):

The subject petition complies with the city's concurrency management regulations. If approved, staff will issue the project an updated concurrency certificate.

V. PLANNING ANALYSIS FOR SPECIAL EXCEPTION 18-01SE

This section of the report includes information and planning analysis on the following topics:

- A summary of the requested code modification,
- Review of the petition for consistency with the comprehensive plan, and
- Review of the required findings for special exception approval contained in Section 86-43(e).

A. Summary of Requested Code Modification

The applicant has requested a code modification from Section 86-90(e)(9) which establishes standards for the assisted living facility special exception use, and reads as follows:

- (9) *Assisted living facilities. Minimum lot area and setback for buildings in connection with such facilities shall be 2.5 acres with a minimum setback of 50 feet for assisted living facilities exceeding 150 beds.*

The originally approved site and development plan was for 150 beds. As such, the project was not subject to the minimum 50-foot setback requirement. However, as a result of the request to increase the number of beds to 198, the minimum 50-foot setback does now apply.

The minimum 50-foot setback applies to all yards, including the front yard along U.S. 41 Bypass, the front yard along Venetia Bay Boulevard and the two side yards along the east and north property lines. The front yard along Venetia Bay Boulevard and the side yard along the east property line (adjacent to the Legacy Trail) are less than the minimum 50 feet in width. Specifically, the applicant requests to modify the minimum front yard along Venetia Bay Boulevard from 50 feet to 21.1 feet and the minimum side yard along the east property line from 50 feet to 25.3 feet.

B. Consistency with the Comprehensive Plan

For the special exception petition, the evaluation of consistency with the comprehensive plan is limited to the requested code modification summarized above.

Strategies for the Institutional-Professional future land use map designation and the Gateway Neighborhood do not address minimum yards or setbacks, nor does any strategy in the Land Use Element of the comprehensive plan specifically address the subject of minimum yards or setbacks.

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):

The subject petition is not in conflict with any strategies related to the Gateway Neighborhood and Institutional-Professional designation. The subject petition may be found consistent with the Comprehensive Plan.

C. 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.

Each of the required findings are provided below along with the applicant's response to each finding. Due to the limited nature of the requested code modification, several of the findings are not applicable. Staff has provided commentary on findings that are applicable to the requested code modification.

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

Applicant's Response: Based on the above criteria (see project narrative responses to applicable comprehensive plan strategies) this project is consistent with the City of Venice Comprehensive Plan.

Staff Comment: Based on the planning analysis provided on the previous page, the subject 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.

Applicant's Response: There will not be any new structures on the site and the automotive and pedestrian ingress and egress, traffic flow and control and access in case of fire or catastrophe will remain unchanged.

- (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.

Applicant's Response: There will be no change to off-street parking and loading areas. The grant of the special exception will not affect the adjoining properties.

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

Applicant's Response: The refuse and service areas will remain unchanged and the adjoining properties will not be affected by the grant of this special exception.

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

Applicant's Response: Utilities are available and compatible with adjacent properties.

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

Applicant's Response: Screening and buffering are shown on the site and development plans but will remain unchanged.

- (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.

Applicant's Response: The sign and exterior lighting will remain unchanged and the grant of this special exception will have no effect on the occupants of the buildings and properties in the district.

- (8) Required yards and other open space.

Applicant's Response: There is sufficient open space on the property and all other setbacks and required yards will be in compliance with the Land Development Code.

Staff Comment: *The project was not and continues to not be subject to specific LDC standards for open space. The subject of the special exception petition is a request to modify the minimum front yard along Venetia Bay Blvd. from 50 feet to 21.1 feet and to modify the minimum side yard along the eastern property line from 50 feet to 25.3 feet.*

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

Applicant's Response: Two of the other buildings in the Northern Gateway Corridor are leased to financial and medical professionals with the remaining building used as a hotel. The current facility is compatible with the other uses.

Staff Comment: *In the approval of the original site and development plan (14-04SP) for the existing assisted living facility, the Planning Commission found the project compatible with adjacent uses. The project was developed consistent with the approved site and development plan and the proposed increase in bed-count in the existing assisted living facility is not expected to create potential incompatibilities with adjacent uses.*

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

Applicant's Response: N/A.

Staff Comment: *The concurrently processed site and development plan amendment petition is for an increase in the number of beds at the existing assisted living facility from 150 to 198 beds. Section 86-90(e)(9) establishes minimum yards of 50 feet for assisted living facilities with more than 150 beds.*

Conclusions / Findings of Fact (Required Planning Commission Findings for Special Exception Approval)

The following may be found regarding the subject 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).*

VI. CONCLUSION

Planning Commission Action

The Planning Commission is guided in its action on Site and Development Plan Amendment 14-04SP.1 on the findings contained in Section 86-23(n); and the Planning Commission is guided in its action on Special Exception 18-01SE on the findings contained in Section 86-43(e). This staff analysis and report has been prepared to provide the Planning Commission with competent and substantial evidence to support its actions on the subject petitions. The application and supporting documentation, factors and/or considerations included in the staff report are provided to render a decision regarding the petitions. A summary of all staff findings of fact is included in the Executive Summary providing a basis for Planning Commission action.