

# ***Fisherman's Wharf***

## **Project Owner and Agent:**

**Owner:** Venice Marine Park, LLC

**Agent:** Jeffery Boone, Esq., Boone Law Firm



*We serve with PRIDE*

# Presentation Contents

## I. Introduction and General Information

- Project Background
- Property Location and Surrounding Property Information
- Site Photos
- Future Land Use
- Existing Zoning

## II. Land Use Petitions

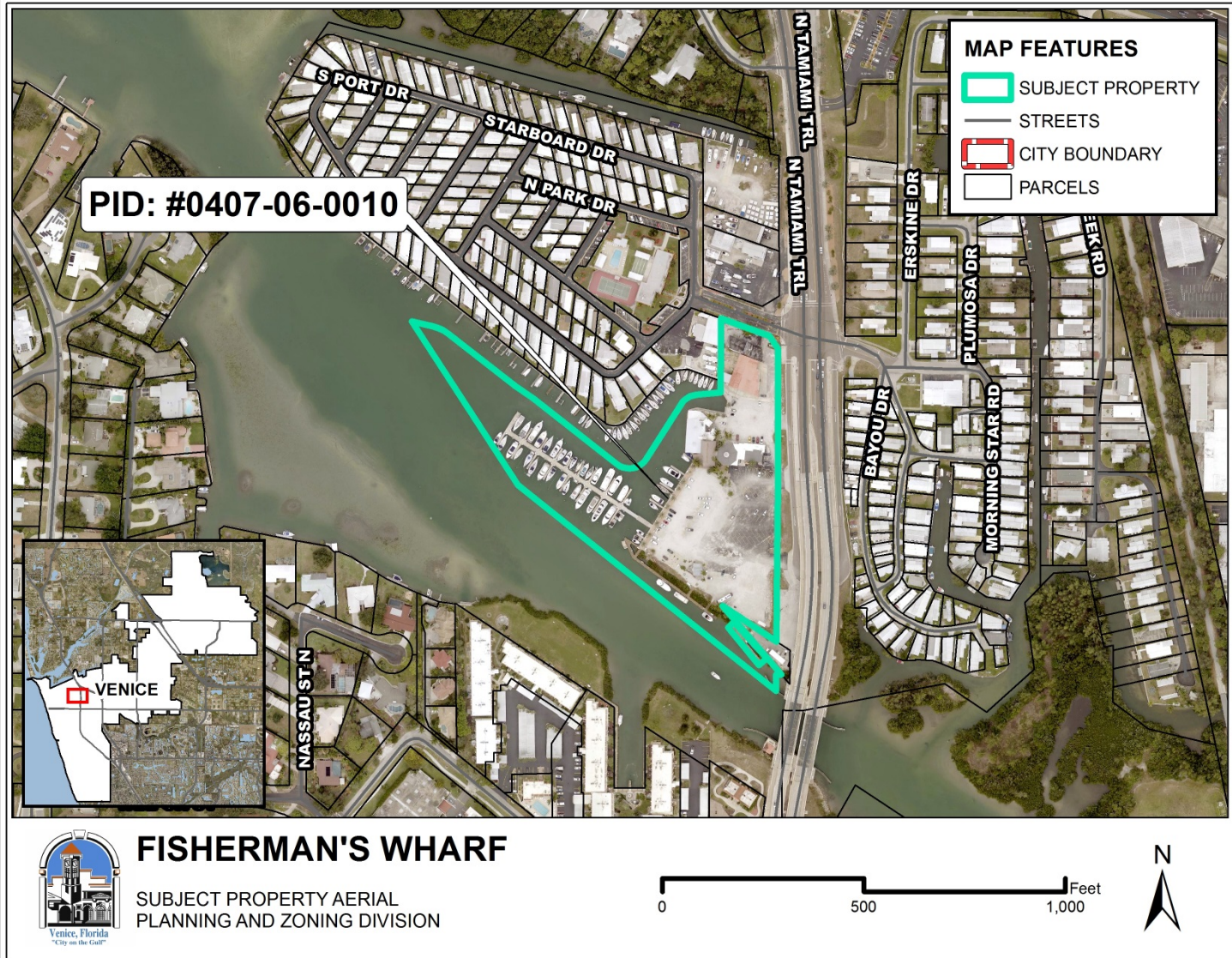
- Zoning Map Amendment Petition No. 17-11RZ
- Conditional Use Petition No. 17-02CU

## III. Summary of Petitions

# Background

- **Between 1953 and 1980 existing improvements:** two marine sales/service/repair buildings on the north side of the site, a water-front restaurant, a commercial/office/storage building, the dock master office/marine service building.
- **November 6, 2013:** Petition No. 13-03MI, City Council approved an existing 57 slip marina subject to 44 stipulations.
- **September 2, 2014:** Site and Development Plan Petition No. 14-03SP, approved an existing 2,600 square foot tiki hut with a maximum capacity of 72 restaurant seats.
- **December 3, 2014:** Site and Development Plan Amendment No. 14-03SP.1 was administratively approved to include a 40' x 40' tract previously excluded from Site and Development Plan 14-03SP.
- **January 6, 2015:** Special Exception Petition No. 14-01SE approved 15 live-aboard slips at the marina subject to five stipulations.
- **September 26, 2017:** Comprehensive Plan Amendment Petition No. 17-02CP, approved a future land use map amendment to change the future land use map designation of the subject property from Northern Gateway Corridor (Planning Area F) and Waterway to Commercial.
- **January 12, 2018:** 2017-2027 City of Venice Comprehensive Plan became effective and the future land use map designation for the subject property became Mixed Use Corridor (MUC).

# Aerial Photograph

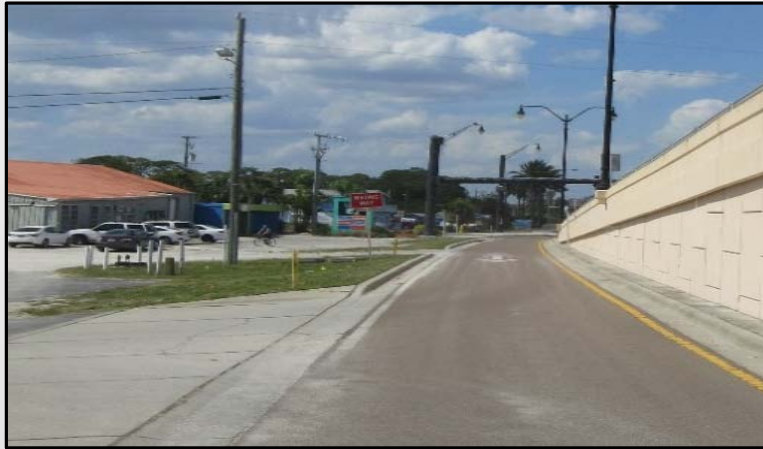




# Photographs of the Site



# Photographs of the Site

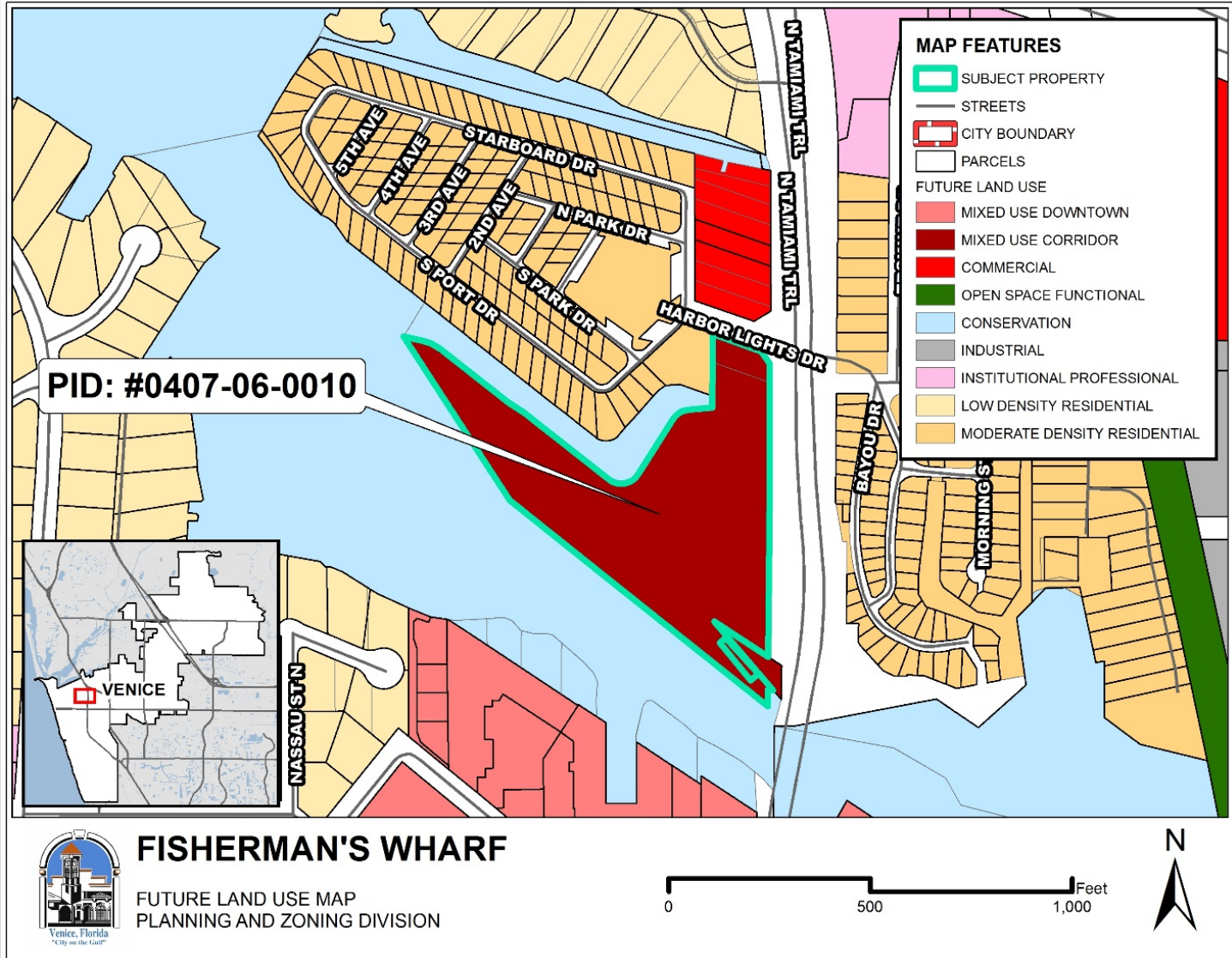


# Surrounding Property Information

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Mobile home subdivision and commercial buildings	Residential, Mobile Home (RMH) & Commercial, Intensive (CI)	Mixed Use Corridor (MUC), Conservation, and Moderate Density Residential
West	Intracoastal waterway and mobile home subdivision	Marine Park (MP) & RMH	Moderate Density Residential and Conservation
South	Intracoastal waterway and police substation and boat dock	Government Use (GU) and MP	Conservation and Mixed Use Downtown (MUD)
East	US 41 Business and mobile home subdivision	RMH	U.S. 41 Business and Moderate Density Residential

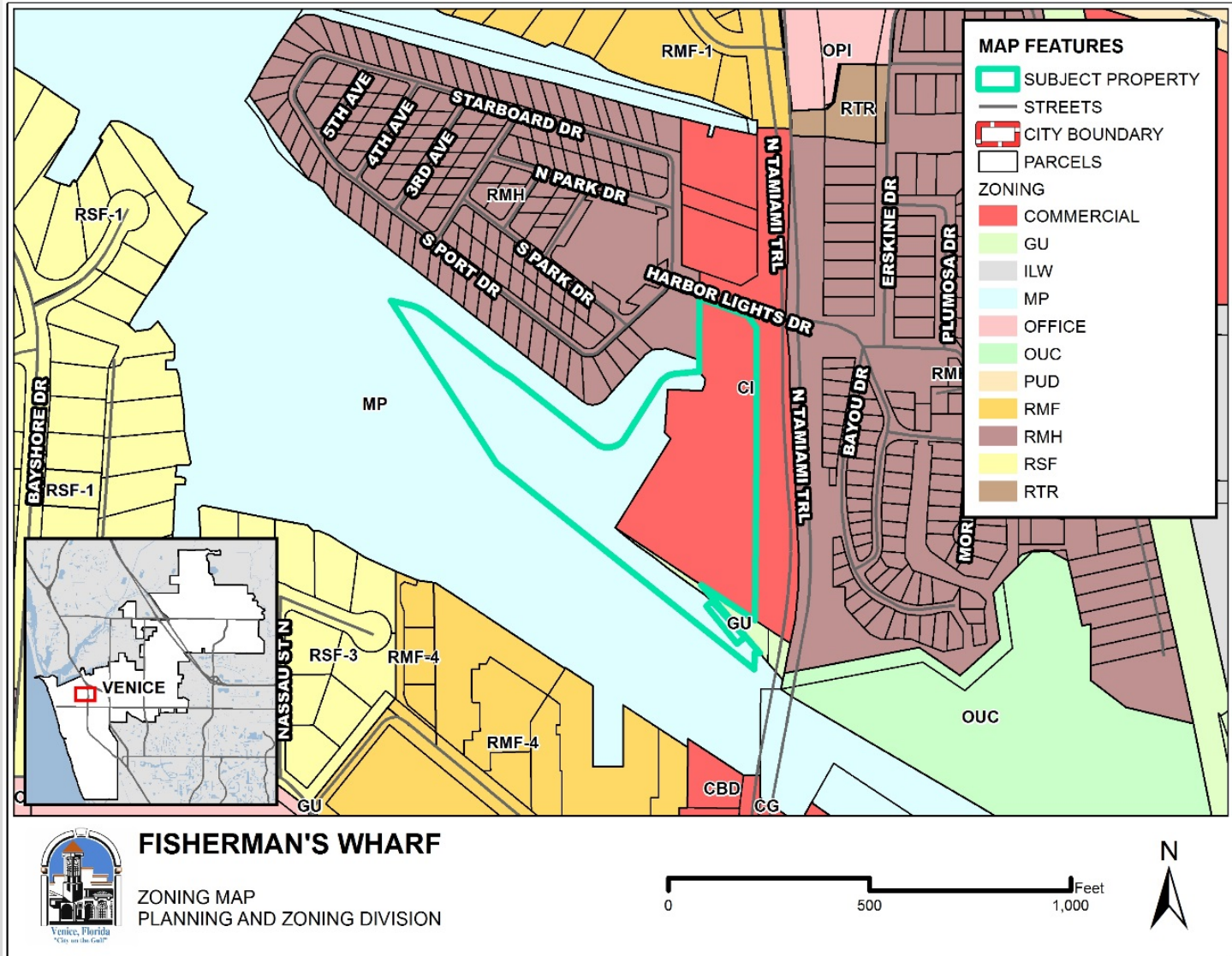


# Future Land Use Map





# Existing Zoning Map



# **ZONING MAP AMENDMENT**

## **PETITON NO. 17-11RZ**

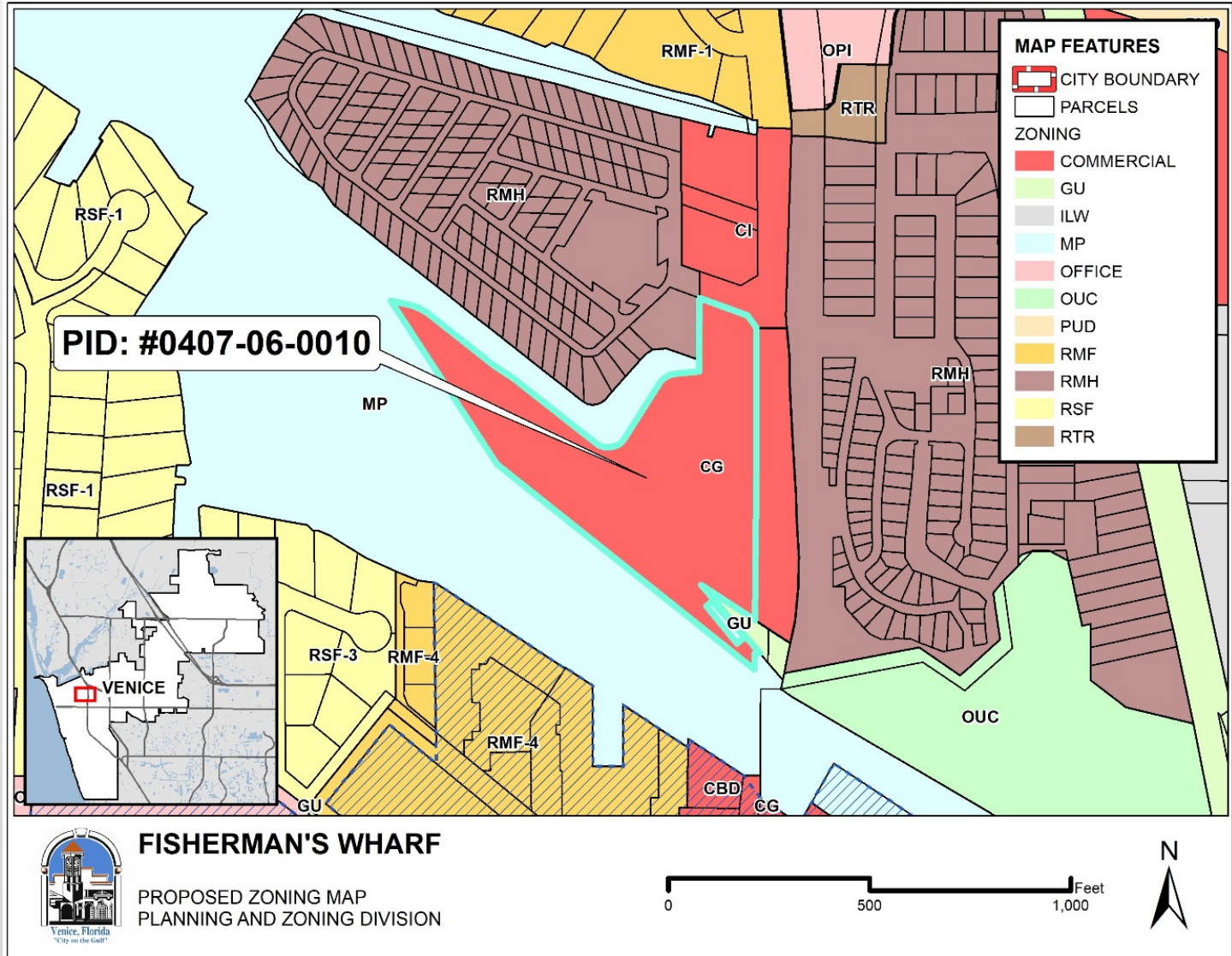
# Zoning Map Amendment

## *Fisherman's Wharf*

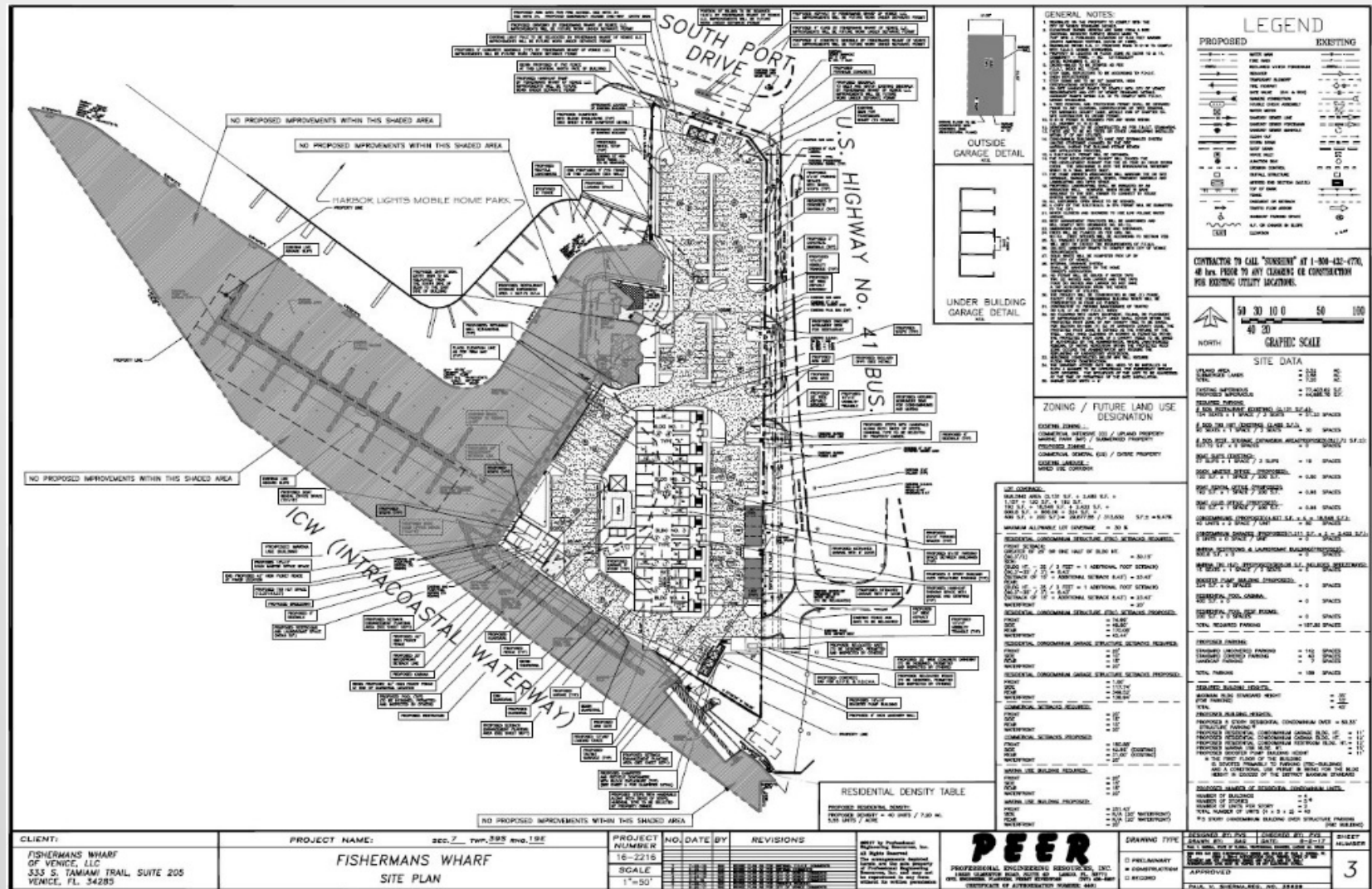
PETITION NO.:	17-11RZ	
REQUEST:	Zoning map amendment to rezone the subject 7.18± acre property from the Commercial, Intensive (CI) district and Marine Park (MP) district to Commercial, General (CG) district.	
GENERAL DATA		
Owner:	Venice Marine Park, LLC	Agent: Jeffery Boone, Esq., Boone Law Firm
Address:	509 N. Tamiami Trail	Property ID: 0407-06-0010
Property Size:	7.18± acres	
Future Land Use:	Mixed Use Corridor (MUC)	
Neighborhood:	Gateway Neighborhood	
Existing Zoning:	Commercial, Intensive (CI) and Marine Park (MP)	
Proposed Zoning:	Commercial, General (CG)	



# Proposed Zoning Map



# Proposed Site Plan



# Planning Analysis

## Comparison of MP and CI to CG

Permitted Structures in the MP District	Structures Allowed by Special Exception in the MP District
<p>Piers and docks, accessory to residential uses</p> <p>Piers and dock accessory to marinas, boatyards or boat liveries where such activities are permitted uses on upland properties abutting a MP district, and subject to the regulations of this chapter relating to extensions of such structures below the mean high-water line</p>	<p>Structures &amp; uses which relate directly &amp; immediately to permitted uses in upland zoning classifications abutting an MP district</p> <p>Covered boat slips and wet storage of boats</p> <p>Marinas, boat liveries and boatyards where boats or other floating structures are used as dwelling units. Such marinas, boat liveries &amp; boatyards shall provide minimum sanitary facilities on-shore to ensure compliance with all city, county and state requirements</p>



# Planning Analysis

Zoning District	Existing CI District	Proposed CG District
Permitted Uses	Certain permitted uses in the CG district (47 typical uses listed) Automobile, vehicular, marine and manufactured home sales, service & rental Machinery and equipment sales, rental and service Building & landscaping supplies & equipment sales Automotive service stations Automotive repair and cleaning services Eating and drinking establishments Building trades contractors (w/o outside storage of materials and equipment) Motorbus terminals Boat liveries Palmists, astrologists, psychics, clairvoyants and phrenologists Auditoriums and convention centers Wholesaling from sample stocks only Revival and gospel establishments under temporary use permits Animal boarding in soundproof buildings Job printing or newspaper establishments Upholstery and furniture repair Retail sale of secondhand merchandise in completely enclosed buildings Auction houses and pawnshops Retail sales of package liquors Outdoor recreation Brewpubs	Retail commercial Personal and business services Commercial recreation, entertainment (completely indoors) Professional, medical and business offices Bank, financial institutions Eating establishments Vocational, trade & business schools Marinas, docks & piers Institutional Civic, service organizations Commercial parking lots, garages Existing single- and two-family dwellings

# Planning Analysis

Zoning District	Existing CI District	Proposed CG District
<b>Special Exception Uses</b>	Wholesale, warehouse and storage Building trades contractors (with outside storage of materials and equipment) Outdoor display and sale of retail merchandise Truck stops Television or radio transmitter towers Agricultural fairs and fairground activities, sports fields and sports arenas, and similar uses offering events open to the public and with temporary or permanent structures Carnivals or circuses, archery ranges, miniature golf courses, pony rides & skating rinks, and indoor pistol or rifle ranges Commercial tourist attractions Welding and machine shops Essential services Multi-family dwellings Adult entertainment establishments	Automotive service stations Multi-family dwellings Motorbus terminals Essential services Outdoor display & sale of retail merchandise Temporary lodging, including hotels Outdoor recreation Pain management clinic Plant nurseries Boat liveryes Drive-in restaurants Brewpubs

# Planning Analysis

## MP Standards

- Maximum Residential Density – None
- Maximum Lot Coverage by all Buildings – None
- Minimum Yard Requirements (Setbacks) – None
- Maximum Height of Structures – 35 feet (the district has no conditional use provision for structures in excess of 35 feet)

Development Standard	Existing CI District	Proposed CG District
<b>Max. Residential Density</b>	18 units per acre	18 units per acre
<b>Max. Lot Coverage</b>	Unrestricted, except 30% for multiple-family dwellings	Unrestricted, except 30% for multiple-family dwellings
<b>Max. Building Height</b>	35 feet	35 feet and an additional 10 feet for one story devoted primarily to parking within the structure
<b>Conditional Use (Height)</b>	No conditional use	Structures in excess of 35 feet but no more than 85 feet in height
<b>Min. Yards (Setbacks)*</b>	Front yards: 20 feet Side yards: 0-15 feet 20 feet when abutting a residential district Buildings above 35 feet shall provide an additional side yard at a ratio of one foot for each three feet of building, and a front yard of 25 feet or ½ of the building height, whichever is greater	Front yards: 20 feet Side yards: 0-15 feet 20 feet when abutting a residential district Buildings above 35 feet shall provide an additional side yard at a ratio of one foot for each three feet of building, and a front yard of 25 feet or ½ of the building height, whichever is greater
<b>Landscaping</b>	Landscape buffer required in minimum 20-foot wide side yards that abut residentially zoned property	Landscape buffer required in minimum 20-foot wide side yards that abut residentially zoned property



# Zoning map Amendment

## Comprehensive Plan Consistency

- East Venice Avenue Neighborhood
  - **LU-1.2.9 Mixed Use Category:** Identifies the CG zoning district as an implementing district for the Mixed Use Corridor future land use designation.
  - **LU-4.1.1 Transitional Language:** Policy 8.2 Land Use Compatibility
    - Land use density and intensity
    - Building heights and setbacks
    - Character or type of use proposed
    - Site and architectural mitigation design techniques
  - Considerations to determine compatibility
    - Protection of single-family neighborhoods from the intrusion of incompatible uses.
    - Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
    - The degree to which the development phases out non-conforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
    - Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

# Zoning map Amendment

## Comprehensive Plan Consistency

### **Mitigation techniques of Policy 8.2:**

- Providing open space, perimeter buffers, landscaping and berms
- Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas
- Locating road access to minimize adverse impacts
- Adjusting building setbacks to transition between different uses
- Applying step-down or tiered building heights to transition between different uses
- Lowering density or intensity of land uses to transition between different uses.

# Zoning Map Amendment Land Development Code Consistency

## **Applicable Rezone Considerations Provided in Code Section 86-47(f):**

**The applicant addressed each consideration in their submittal and a staff comment was provided for each consideration when appropriate in the staff report.**



# Section 86-47(f)(1): Findings for Rezoning Amendments

**Consistency**  
(Applicants Response)

Requirement		Yes	No	N/A
1.	Whether the proposed change is in conformity to the Comprehensive Plan	✓		
2.	The existing land use pattern	✓		
3.	Possible creation of an isolated district unrelated to adjacent and nearby districts	✓		
4.	The population density pattern and possible increase or overtaxing of the loan on public facilities such as schools, utilities, streets, etc.	✓		
5.	Whether the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.	✓		
6.	Whether changed or changing conditions make the passage of the proposed amendment necessary.	✓		
7.	Whether the proposed change will adversely influence living conditions in the neighborhood.	✓		
8.	Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.	✓		
9.	Whether the proposed change will create a drainage problem.	✓		
10.	Whether the proposed change will seriously reduced light and air to the adjacent area.	✓		
11.	Whether the proposed change will adversely affect property values in the adjacent area.	✓		
12.	Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.	✓		
13.	Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.	✓		
14.	Whether there is substantial reasons why the property cannot be used in accord with existing zoning.	✓		
15.	Whether the change suggested is out of scale with the needs of the neighborhood or city.	✓		
16.	Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitted such use.	✓		

# Concurrency/Mobility

At the point of rezoning , staff conducts a **preliminary** review for concurrency. The following review agencies have reviewed the following public facilities: water, sewer, solid waste, stormwater/drainage and transportation.

No issues have been identified regarding facilities capacity regarding the proposed petition. A concurrency/mobility certificate will be issued at the point of site and development plan.

# Findings of Fact

## **Based on analysis in the staff report:**

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

*The subject petition may be found consistent with the Land Use Element strategies applicable to the Mixed Use Corridor (MUC) future land use designation and Policy 8.2 regarding compatibility. In summary, the subject petition may be found consistent with the Comprehensive Plan.*

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

*The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.*

### **Conclusions / Findings of Fact (Concurrency/Mobility):**

*Based on the preliminary concurrency analysis, no issues have been identified regarding current adequate public facilities capacity to accommodate the expected development of the subject property. Further concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with site and development plan amendment.*

## **City Council Action:**

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, along with Planning Commission's recommendation of approval, there is sufficient information on the record for the City Council to take action on Zoning Map Amendment Petition No. 17-11RZ.

# **CONDITIONAL USE PETITION NO. 17-02CU**

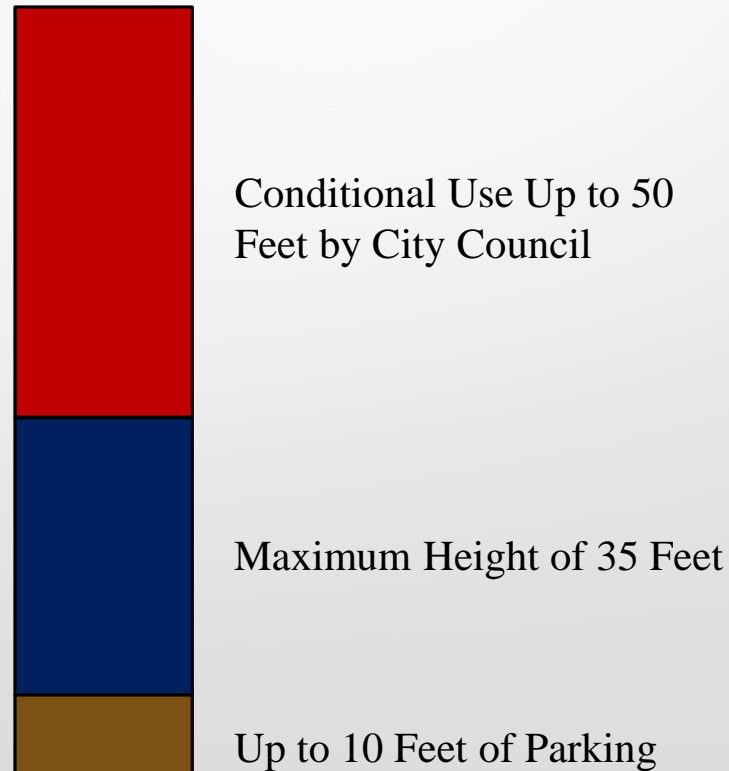


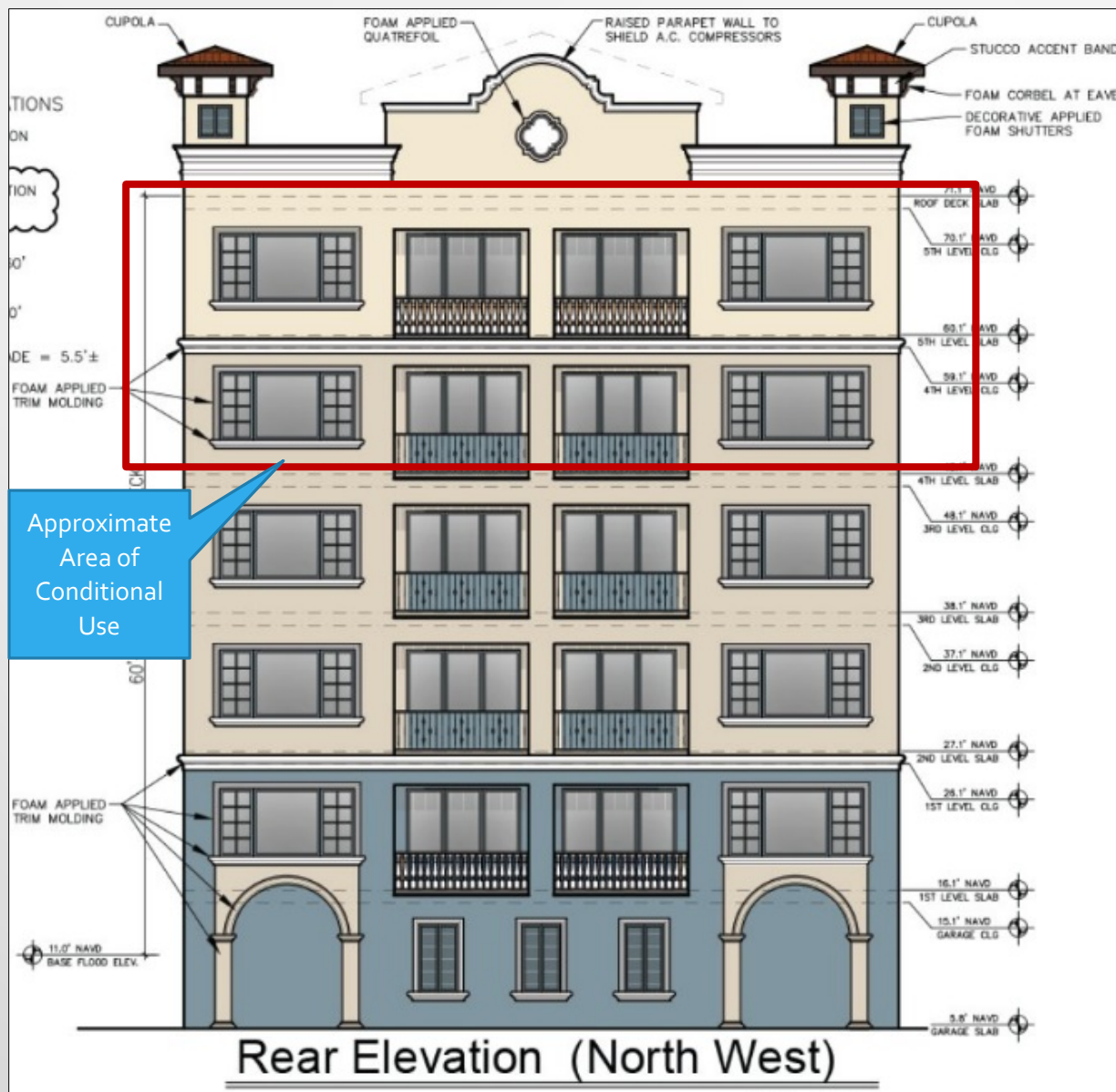
# Conditional Use

PETITION NO.:	17-02CU		
REQUEST:	Conditional use petition to allow four multi-family residential buildings to exceed the maximum building height of 35 feet in the proposed Commercial, General (CG) zoning district by 20± feet.		
GENERAL DATA			
Owner:	Venice Marine Park, LLC	Agent: Jeffery Boone, Esq., Boone Law Firm	
Address:	509 N. Tamiami Trail	Property ID: 0407-06-0010	
Property Size:	7.18± acres		
Future Land Use:	Mixed Use Corridor (MUC)		
Neighborhood:	Gateway Neighborhood		
Existing Zoning:	Commercial, Intensive (CI) and Marine Park (MP)		
Proposed Zoning:	Commercial, General (CG)		

# Conditional Use

- Request for additional building height of 20.3 feet in excess of the code requirement for 4 multi-family residential buildings.
  - CG district provides a maximum building height of 35 feet over 10 feet devoted primarily to parking.
  - Conditional use up to 50 feet may be approved by City Council.



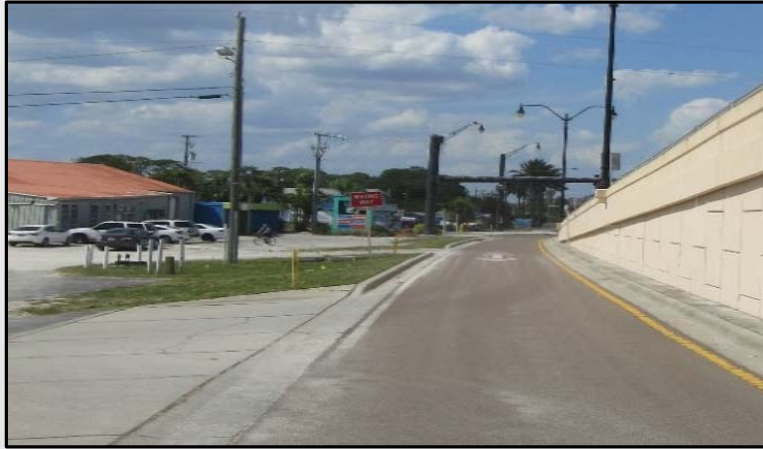


MEASUREMENT	RESULTING BUILDING HEIGHT
10 feet not included (garage slab of 5.8+10)	15.8 Start of building height measurement
35 foot height permitted in the CG district added	50.8 Max height per the CG district (15.8+35)
20.3 conditional use request	71.1 Roof height (50.8+20.3)





# Photographs of the Site



Building Location



# Conditional Use Comprehensive Plan Consistency

*Strategy LU 1.3.7 – Promotes infill development that relates to the context of the neighborhood regarding building placement, height and design.*

*Strategy LU GW 1.1.1 – Supports redevelopment in the Gateway Neighborhood.*

## Transitional Strategies

- Policy 8.2 – require compatibility evaluation based on the following:
  - Land use density and intensity
  - Building heights and setbacks
  - Character or type of use proposed
  - Site and architectural mitigation design techniques
- Protection of single-family neighborhoods from the intrusion of incompatible uses.
- Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
- The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
- Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.



# Conditional Use Comprehensive Plan Consistency

## Height of Proposed Buildings on Subject Property

<b>Residential Multi-Family</b>	60 feet, 2 inches; 5 stories over 1 story of parking
<b>Restaurant Expansion</b>	20 feet, one story
<b>Marina Use Building</b>	15 feet; one story

## Height of Existing Buildings on Adjacent and Area Properties

<b>Bella Costa Multi-Family</b>	3 and 4 story buildings
<b>Harbor Lights Manufactured Home Park</b>	1 story manufactured homes
<b>621 N. Tamiami Trail (commercial building)</b>	1 story commercial building
<b>Costa Brava (2 towers)</b>	9 story buildings
<b>Waterfront (3 towers)</b>	9 story buildings; 8 stories over 1 story of parking



# Conditional Use Comprehensive Plan Consistency

## Mitigation techniques of Policy 8.2:

- Providing open space, perimeter buffers, landscaping and berms
- Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas
- Locating road access to minimize adverse impacts
- Adjusting building setbacks to transition between different uses
- Applying step-down or tiered building heights to transition between different uses
- Lowering density or intensity of land uses to transition between different uses.

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

***The subject petition may be found consistent with the Land Use Element strategies applicable to the Mixed Use Corridor (MUC) future land use designation and Policy 8.2 regarding compatibility. In summary, the subject petition may be found consistent with the Comprehensive Plan.***

Code Section 86-42(f) provides for the following “Conditions of Approval” for any request for conditional use that may be considered by the City:

(f) *Conditions of approval.* The city may impose conditions that are found necessary to ensure that the conditional use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to, the following:

- (1) Requiring site or architectural design features which substantially advance Venetian Mediterranean design standards or other appropriate architectural design compatible with the surrounding area;
- (2) Requiring larger setback areas, lot area, and/or lot depth or width;
- (3) Limiting the building structure height, size or lot coverage, and/or location on the site;
- (4) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
- (5) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
- (6) Requiring and designating the size, height, location and/or materials for fences;
- (7) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and signage;
- (8) Designating the size, number, location and/or design of vehicle access points or parking areas;
- (9) Requiring street right-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways, or trails to be improved;
- (10) Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources and/or sensitive lands; and
- (11) Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle facilities including, but not limited to, pathways, gazebos, public art displays and other such pedestrian amenities.

# Conditional Use Land Development Code

## Consistency

### Applicable Conditional Use Considerations Provided in Code Section 86-42(e):

The applicant addressed each consideration in their submittal and a staff comment was provided for each consideration when appropriate in the staff report.

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

*Required Findings for Conditional Use Approval: The following may be found regarding the conditional use petition*

- *Will not adversely affect the public interest,*
- *Any specific requirements governing the individual conditional use, if any, have been met by the petitioner,*
- *Satisfactory provision and arrangement have been made concerning the matters listed in Section 86-42(e).*

# City Council Action

## *Conditional Use*

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, along with Planning Commission's recommendation of approval, there is sufficient information on the record for the City Council to take action on Conditional Use Petition No. 17-02CU.

**Stipulation:** The Conditional Use will become effective upon approval of Zoning Map Amendment Petition No. 17-11RZ by City Council.

# Summary of Petitions:

- Zoning Map Amendment Petition No. 17-11RZ
- Conditional Use Petition No. 17-02CU
  - Stipulation