

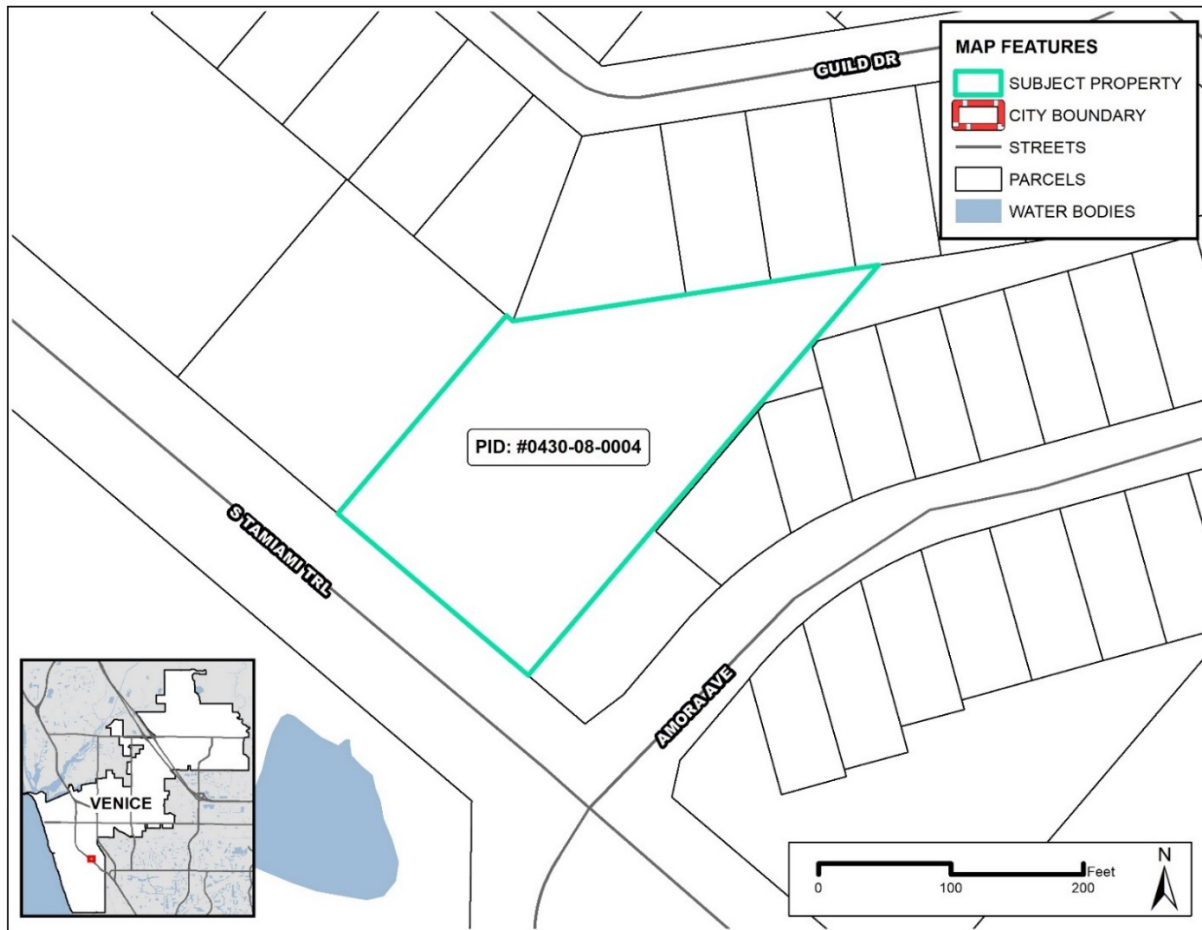
925 S. TAMIAMI TRAIL

VENETIAN URBAN DESIGN WAIVER

STAFF REPORT

October 15, 2019

18-02WV



PETITION NO.: 18-02WV

REQUEST: Request for a waiver of the standards of the Venetian Urban Design (VUD) overlay district regarding surface parking in front of a building and visibility of parking from the street and adjacent properties in order to allow for the construction of a parking lot.

GENERAL DATA

Owner:	Dunn Haven Holdings, LLC	Agent:	Timothy Roane, P.E., DMK Associates
Address:	925 S. Tamiami Trail	Property ID:	0430080004
Property Size:	1.3 acres \pm		
Future Land Use:	Mixed Use Corridor (MUC)		
Neighborhood:	Island Neighborhood		
Existing Zoning:	Sarasota County Commercial, Intensive (CI) and Residential, Single-Family 3 (RSF-3)* Districts and Venetian Urban Design (VUD) Overlay District		
Proposed Zoning:	City of Venice Commercial, Intensive (CI) District and Venetian Urban Design (VUD) Overlay District		

ASSOCIATED DOCUMENTS

A. Application Information (completed petition)

I. EXECUTIVE SUMMARY

The applicant has submitted a concurrent site and development plan amendment petition for the approximately 1.3-acre subject property for the construction of a surface parking lot to include 37 total parking spaces for an existing mixed use facility and has indicated the use as a commercial parking lot as well. The project is governed by the requirements of the Venetian Urban Design (VUD) overlay district that indicates "*Parking is prohibited in front of buildings and structures*", "*shall not be visible at street level*" and "*shall be screened from view, from adjacent properties, and from adjacent streets.*" Consistent with Code Section 86-122(f)(2), the applicant is requesting a waiver of this requirement. Currently on the site, is a temporary shell parking facility, that was approved through a temporary use permit and, it is the applicant's desire to convert this temporary improvement into a permanent facility. Appropriate lighting and landscaping is also included in the proposed plan.

**Regarding the indication in the table above that indicates the inclusion of the County Residential, Single-Family 3 zoning district on the subject property, based on staff research, this is an error on the City's zoning map. Staff has researched past documents and, based on some incorrect past legal descriptions, the property appears to have been depicted incorrectly on the City's current zoning map. This will be corrected at some point upon confirmation of process by the City Attorney. As a result of this information, the County RSF-3 zoning will not be addressed in the remainder of this report.*

Other land development applications associated with this project that are on file with the Planning and Zoning Division include the following:

- Zoning Map Amendment Petition No. 19-06RZ
- Site and Development Plan Amendment Petition No. 17-11SP.1

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 petition:

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

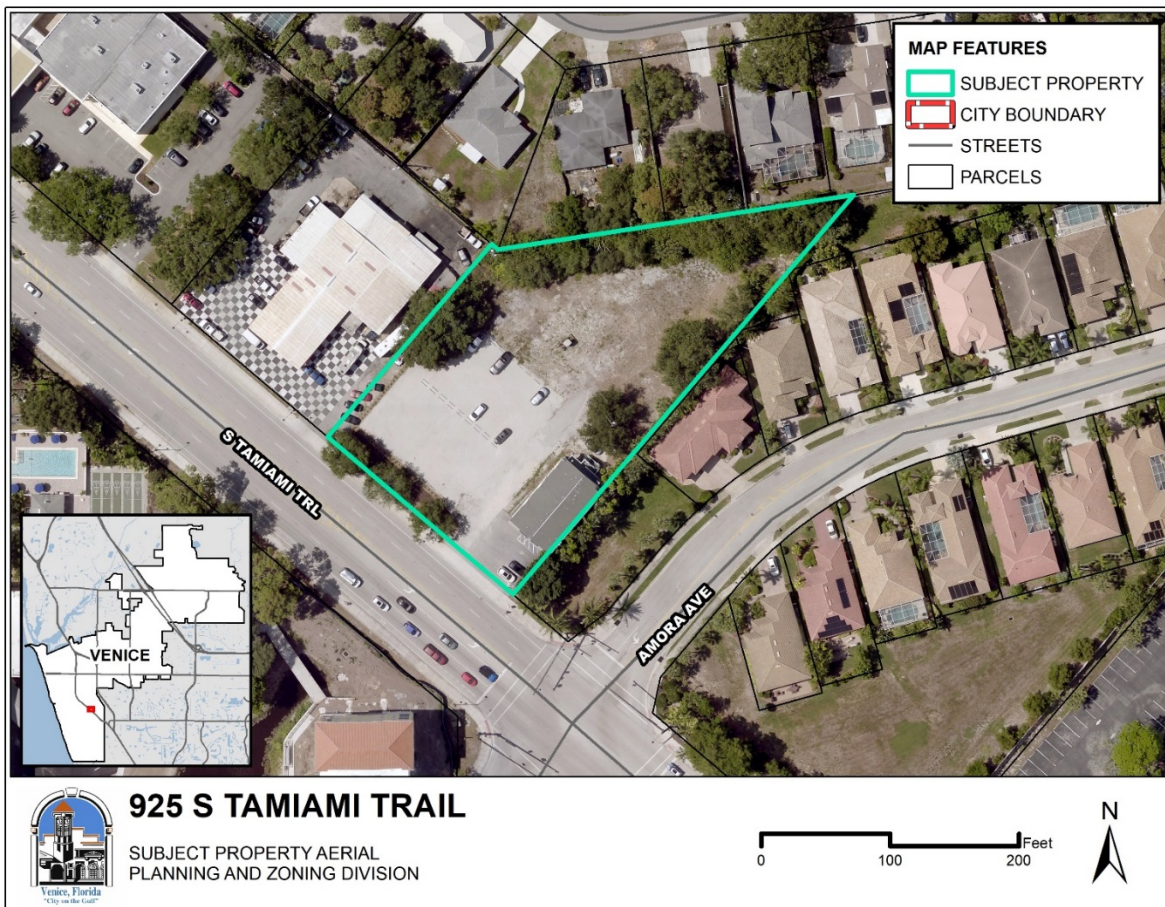
As indicated, there are no specific Strategies in the Comprehensive Plan regarding request for waiver from the requirements of the VUD district. This information should be taken into consideration upon determining Comprehensive Plan consistency.

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

The subject petition has been processed consistent with the Land Development Code requirements of Section 86-122 and the applicant has provided information required for the subject request.

II. EXISTING CONDITIONS

The aerial photograph below depicts the subject property on Business 41, just north of Amora Avenue. Currently onsite, there is a 5,280 square foot, two-story building that is comprised of office use on the ground floor and residential use above. The remainder of the property is mostly vacant except for a portion of the property along Business 41 that has been approved for a temporary gravel parking lot through approval of a temporary use permit. There is some existing landscape material onsite, including mature trees. In addition, as part of the temporary use permit, additional landscaping was installed that will remain as part of the proposed project. The northern and eastern boundaries of the subject property abuts single-family detached residential properties. To the west is an automotive repair facility and across Business 41 is the Village on the Isle assisted living facility.

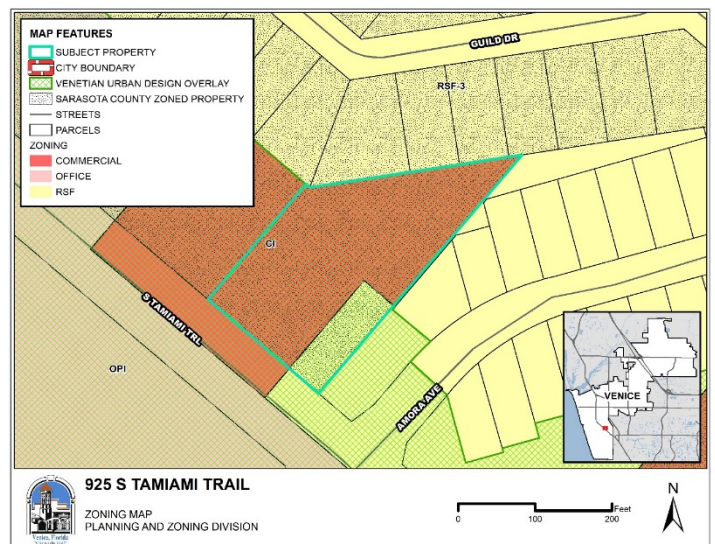
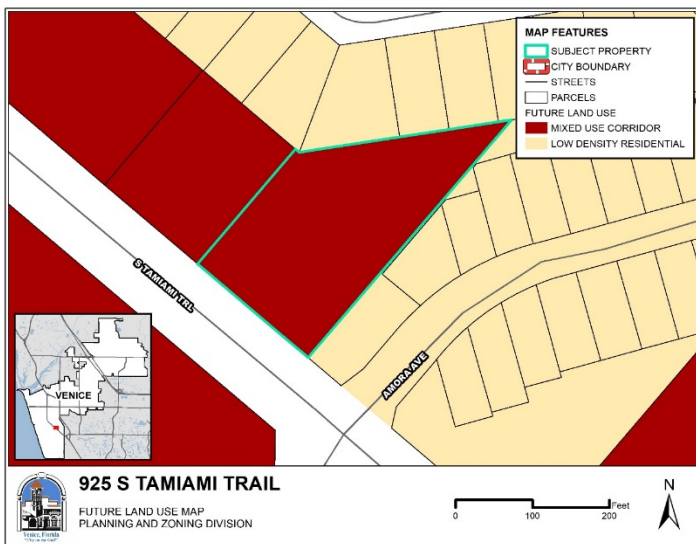


Future Land Use

The subject property is located in the 2,817-acre Island Neighborhood. The Future Land Use Map below shows the future land use map designation for the subject property and adjacent properties. The subject property has a Mixed Use Corridor (MUC) designation. Adjacent properties to the west and south of the subject property also have a MUC designation, while adjacent properties to the north and east have a Low Density Residential designation.

Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Sarasota County Commercial, Intensive (CI) and is in the Venetian Urban Design (VUD) overlay district. Adjacent zoning districts include OPI to the south, County CI to the west, and City and County RSF-3 to the north and east. All adjacent properties are also governed by the VUD overlay district, with the exception of the single-family homes to the north along Guild Drive.



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

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential	County RSF-3	Low Density Residential
West	Commercial (Pit Stop Auto Repair)	County CI and City VUD	MUC
South	Institutional (Village on the Isle)	OPI/VUD	MUC
East	Residential (Amora)	RSF-3/VUD	Low Density Residential

III. BACKGROUND AND PROJECT DESCRIPTION

The subject property contains approximately 1.3± acres. The existing improvements are located on the southern portion of the property. The 5,820-square foot building and associated improvements were constructed in 1963 when the city did not have site and development plan requirements. The building is designed with commercial space on the first floor and two residential dwelling units on the second floor.

The remainder of the parcel is currently vacant. However, pursuant to approval of Site and Development Plan Petition No. 89-14SP, it was developed as an automotive service establishment, providing a variety of services including tire service and oil changes, car wash, etc. The car wash buildings were demolished in 2005 and the main automotive service building was demolished in 2007. The parcel has remained vacant since that time. On January 16, 2018, Planning Commission approved Site and Development Plan Amendment Petition No. 17-11SP for the installation of a monument sign on the subject property. This installation was completed and remains onsite. A temporary use permit was recently approved for the property for the installation of a shell parking lot to service the existing uses in the mixed use building. The property currently has Sarasota County zoning and a concurrent zoning map amendment petition has been submitted to change the zoning to a City designation. In addition, a concurrent site and development petition has been submitted for consideration of improvements on the property.

The concurrently submitted site and development plan amendment proposes the installation of a permanent commercial parking lot in the area where the current temporary parking facility is located. The applicant has designed a hard-surfaced parking facility that will provide 37 parking spaces to be used by the current commercial tenants and the residents in the second floor apartments and could be used for additional parking that may be needed in the area. The applicant has indicated “commercial parking lot” as a potential use of the parking lot but has indicated that no facilities for administration of this facility are planned at this time. This is a permitted use in the CI zoning district.

Parking on this property has been somewhat disorganized in the past as only three paved spaces in front of the building have been available. Residents have mostly parked in the rear of the building and customers of the commercial businesses have parked in sporadic fashion on the grassed areas. The current temporary parking lot has provided organization to the parking and permanent hard-surfaced parking will further improve this situation.

The proposed new parking facility will also include required lighting, landscaping and stormwater improvements. Due to the location in the VUD overlay district, the landscaping required is more intense than a standard district would require and the applicant has provided a landscape plan consistent with these requirements. The landscaping proposed is a mix of existing mature trees and newly installed material. The three existing parking spaces in front of the building will be converted into two spaces and will now be screened visually from the street with a new landscaped area. In addition to these improvements, a concrete slab is proposed for a future solid waste collection area in the rear of the existing building.

REQUESTED VUD WAIVER

As provided above in Section I. of this report, the applicant is requesting waiver of specific standards required by the VUD overlay district. Per Code Section 86-122(f)(2), in order to seek a waiver, the applicant must provide the following:

- a. Identification of the ordinance provision for which the variance is requested;

- b. Description, photos, drawings or plan views which are representative of the peculiar physical conditions pertaining to the land in question, and which do not pertain to other lands in the general area;
- c. Description that the benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement;
- d. Description of the hardships, which will accrue to the detriment of the property owner, if the requested waiver is not granted;
- e. Description that the intent and purpose of the chapter and applicable articles are implemented and waiver from any requirement may be reasonably calculated to substantially secure the objectives of the ordinance and the comprehensive plan as well as the requirement so waived;
- f. City council shall approve or deny the waiver application upon a finding in the record that the issuance of the waiver will be in the interest of the public safety, health, or welfare.

Following, is a description of the proposed waiver request, the applicants response to the waiver criteria indicated above along with a graphic depiction of the affected area of the site:

Waiver Request

The applicant's request is only related to surface parking and vehicle use area and the applicable code sections are identified as follows:

- Section 86-122(l)(4)(b) that indicates "on-site parking shall not be visible at the street level."
- Section 86-122(m)(4)(c) that indicates "Surface parking spaces and vehicle use areas shall be screened from view, from adjacent properties, and from adjacent streets."
- Section 86-122(o)(1) that indicates "Parking is prohibited in front of buildings and structures."

The applicant's design of the project proposes new street level parking along the front portion of the property that is not immediately in front of the existing building but does exceed the front plane of the building. There is also existing parking that will remain in front of the mixed-use building. The existing three spaces will be reduced to two spaces and a landscaped area will be added to screen these spaces from view. The rest of the site provides screening and buffering along all property lines consistent with the requirements of the VUD overlay district. Although the landscape buffering proposed by the applicant does screen the parking, it will still be visible from some vantage points.

Following is the applicants justification for the request from the project narrative:

The ordinance provision for which the variance is requested is for Sec. 86-122. - VUD Venetian urban design district. Specifically, the waiver is requested for the parking lot location. Although parking lot buffering is proposed per code, the on-site parking may be visible at the street level depending on your vantage point. In addition, existing parking is in front of the existing building and proposed parking is located to the side of the existing building near the frontage of US 41. The benefit to the public in waiving the requirement outweighs the harm to the property owner in strictly enforcing the requirement. As discussed by several residents who own property abutting the rear property line, placing the parking behind the existing building is an undesirable location. Concerns raised were, noise, headlights and visual impacts. Therefore, placing the parking in the proposed location would minimize these concerns.

With regards to the property owner, placing the proposed parking behind the existing building would be a burden to the occupants of the existing building as well as the clientele of the businesses occupying the

building since the main entry to the building is located on the front of the building. With regards to ADA accessibility, placing the parking as proposed provides the shortest accessible route to the front door.

All other VUD architectural requirements pertain to building design and are not applicable to this parking lot project.

By approving this waiver, the project still meets the intent and purpose of the chapter and applicable articles implemented. A waiver from these requirements would not undermine the objectives of the City of Venice Code of Ordinances and the Comprehensive Plan. Therefore, we respectfully request that the Planning Commission and City Council approve the Waiver Application upon finding in the record that the issuance of the waiver will be in the interest of the public safety, health, or welfare.

Required Finding for the Waiver Request

Section 86-122(f)(2) has the following provision which addresses the review of waiver requests:

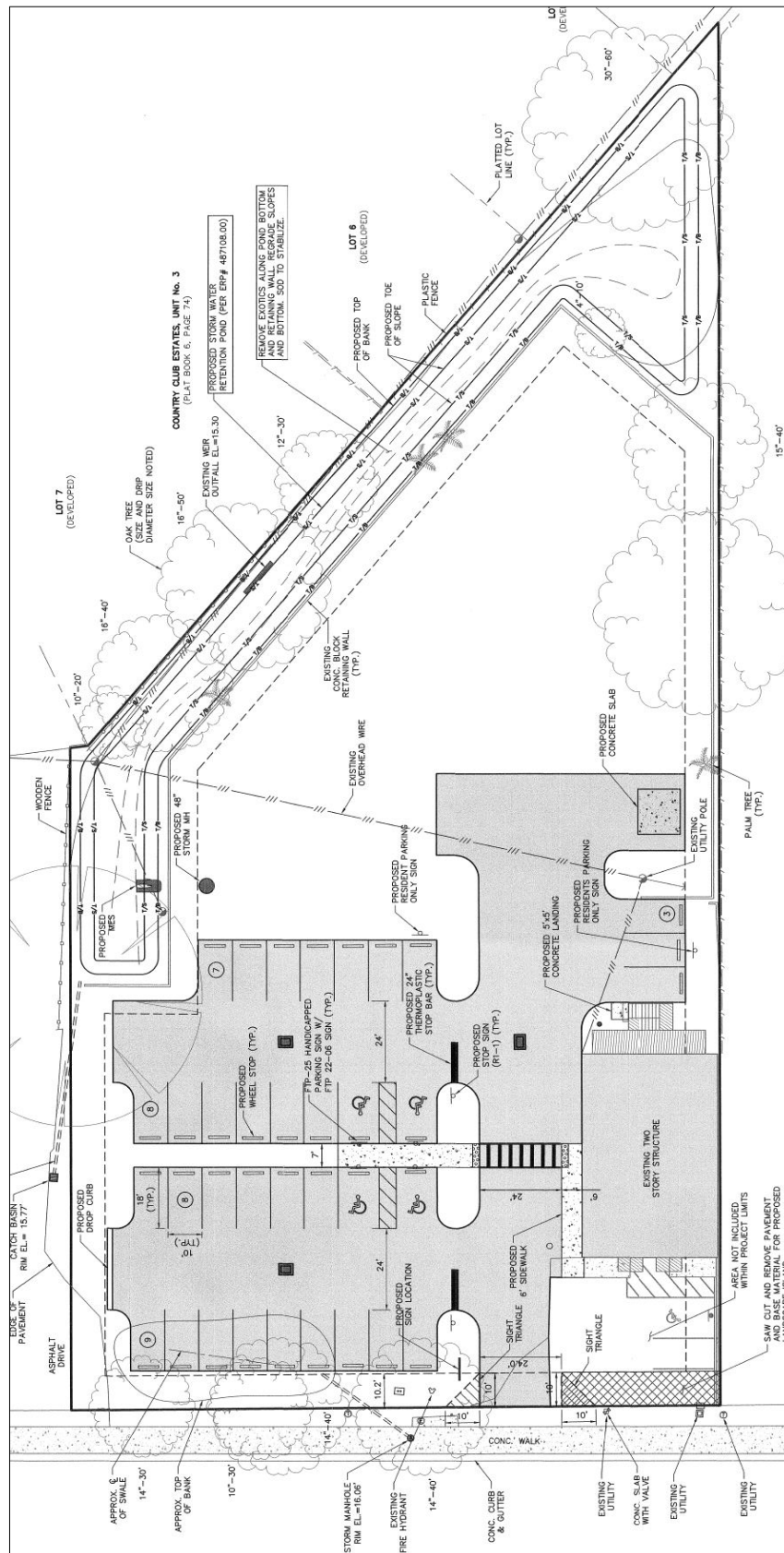
City Council may grant a waiver from the VUD standards based upon a recommendation from the planning commission. If specific application of the site or design requirements makes strict compliance an unreasonable burden upon the property and presents a difficulty unique to the development of that property, the property owner shall provide the city a waiver request which includes the following required information.

The above provision contains two findings which need to be evaluated and reached in taking action on a requested waiver. The two findings are as follows:

Specific application of the site or design requirement makes strict compliance:

1. An unreasonable burden upon the property, and
2. Presents a difficulty unique to the development of the property.

PROPOSED SITE PLAN



[illegible]

The planning analysis provided in this section of the report evaluates the VUD Waiver Petition for consistency with the comprehensive plan and compliance with the Land Development Code.

The Comprehensive Plan identifies the subject property as being within the 2,817-acre Island Neighborhood. The Island Neighborhood is the second largest neighborhood in the city. The subject property has a Mixed Use Corridor (MUC) future land use designation. The Comprehensive Plan does not provide any specific strategies relating to parking facilities or proposed VUD waiver requests and therefore, staff has not identified an inconsistencies with the Plan.

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

As indicated, there are no specific Strategies in the Comprehensive Plan regarding request for waiver from the requirements of the VUD district. This information should be taken into consideration upon determining Comprehensive Plan consistency.

B. Compliance with the Land Development Code

The subject petition has been processed consistent with the procedural requirements contained in Section 86-122 of the LDC and the applicant has provided response to criteria provided for the consideration of a VUD waiver request. The Technical Review Committee (TRC) has reviewed the petition and no issues regarding compliance with the LDC were identified.

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

The subject petition has been processed consistent with the Land Development Code requirements of Section 86-122 and the applicant has provided information required for the subject request.

VI. CONCLUSION

Planning Commission 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, there is sufficient information on the record for the Planning Commission to take action on the VUD Waiver Petition No. 18-02WV.