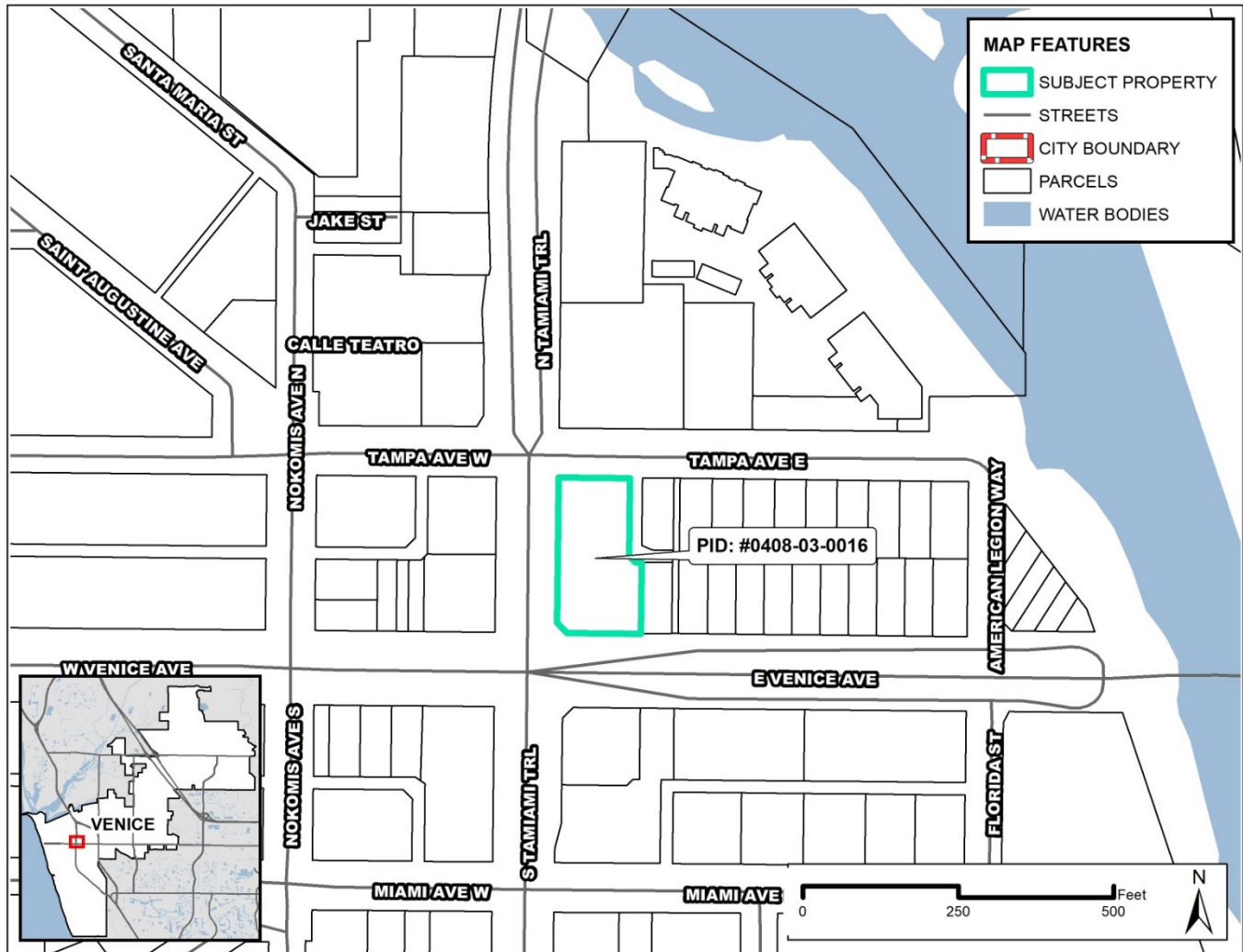




SITE AND DEVELOPMENT PLAN AND SPECIAL EXCEPTION STAFF REPORT 7-ELEVEN

February 19, 2019
18-07SP
18-07SE



PETITION NOS.: 18-07SP and 18-07SE

REQUEST: Site and Development Plan for the redevelopment of an automotive convenience center to include a 2,958 sq. ft. retail building and a canopy over 12 new re-fueling stations.

Special Exception for outdoor display and sale of retail merchandise (propane gas).

GENERAL DATA

| | | | |
|--------------------------------|---|---------------------|-------------------------------------|
| <i>Owner:</i> | Venice Palm, Inc. | <i>Agent:</i> | Jeffery Boone, Esq., Boone Law Firm |
| <i>Address:</i> | 116 N. Tamiami Trail | <i>Property ID:</i> | 0408030016 |
| <i>Property Size:</i> | 0.71+ acres | | |
| <i>Future Land Use:</i> | Mixed Use Downtown (MUD) | | |
| <i>Comp Plan Neighborhood:</i> | Island Neighborhood | | |
| <i>Existing Zoning:</i> | Commercial, Business District (CBD) and Venetian Theme (VT) | | |
| <i>Proposed Zoning:</i> | Commercial, General (CG) and Venetian Theme (VT) | | |

ASSOCIATED DOCUMENTS

A. Application Information (completed petition)

I. EXECUTIVE SUMMARY

The proposed site and development plan includes the redevelopment of the subject site to include a 2,958 sq. ft. automotive convenience center, a 3,342 sq. ft. canopy structure that will provide cover for 12 new re-fueling stations along with associated parking and landscaping. As a part of the site and development plan and consistent with Code Section 86-423(c), the applicant has requested Planning Commission authorization of two project driveways to exceed the code maximum width of 24 feet. In addition, a special exception petition has been submitted to allow for outdoor display and sale of retail merchandise, specifically for propane gas.

Stipulation: The Special Exception and Site and Development Plan will become effective upon approval of Zoning Map Amendment Petition No. 18-02RZ by City Council.

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 Findings:

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Downtown future land use designation, Policy 8.2 regarding compatibility, strategies found in the Island Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

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

The subject petition complies with all applicable Land Development Code standards with the exception of the special exception request for “outdoor display and sale of retail merchandise” and there is sufficient information to reach a finding for each of the site and development considerations contained in Section 86-23(m) of the Land Development Code.

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

No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations. Upon Planning Commission approval of the Site and Development Plan, staff will issue a Certificate of Concurrency for the services applicable to the project.

Special Exception Findings:

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

Consistency with the Comprehensive Plan: The requested special exception is not in conflict with and creates no inconsistencies with the Comprehensive Plan.

Required Planning Commission Findings for Special Exception Approval: The staff analysis and report has been prepared to provide the Planning Commission with competent and substantial evidence to support its decision as to whether the subject petition is:

- *In harmony with the general intent and purpose of the LDC; and*
- *Will not adversely affect the public interest; and*
- *Satisfactory provision and arrangement have been made concerning the matters listed in Section 86-43(e).*

II. PROJECT DESCRIPTION

Currently existing on the subject property is an active automotive convenience center that will be demolished to allow for redevelopment of the site for the same use, only larger. Proposed is a new 2,958 sq. ft. building (7-Eleven) that will provide retail convenience goods. In addition, a 3,342 sq. ft. canopy structure that will cover 12 new re-fueling stations in six fuel pumps will be constructed. There will be associated parking, landscaping and stormwater management facilities as well. The property is currently accessed by four access drives, two on Tamiami Trail and one each on E. Tampa and E. Venice Avenues. The access on Tampa will be modified to a shared access drive with the existing alley. The Venice Avenue drive will remain as right in/right out only and the two full access drives on Tamiami Trail will be eliminated and a right in only drive will be constructed. This reduction in access will decrease the number of conflict points regarding site access. Applicable permits for construction in the various right-of-ways will be required prior to construction. Regarding the two remaining access drives, consistent with Code Section 86-423(c), the applicant is requesting Planning Commissions consideration of driveways in excess of the code maximum of 24 feet to allow for large fuel trucks to access the site more efficiently. As indicated above, the property is governed by the Venetian Theme architectural control district that requires northern Italian design and the project was presented to the Architectural Review Board (ARB) on January 10, 2019 and received a Certificate of Compliance.

Design Alternative Requests

- Per Code Section 86-423(c), Planning Commission may consider an alternative driveway design. Driveways in the CG zoning district are restricted to a maximum width of 24 feet at the property line. Planning Commission may authorize driveways up to 40 feet in width after a finding that the specific use proposed requires large vehicles to use the driveways and that the increased width is necessary to accommodate such vehicles. The applicant has proposed two of the three driveways in excess of the 24 foot requirement. They have proposed the E. Tampa Avenue driveway at 27.3 feet and the E. Venice Avenue driveway at 40.09 feet. The applicant has indicated that the increased driveway width is necessary “to effectuate the fuel tanker truck movements on the property.”

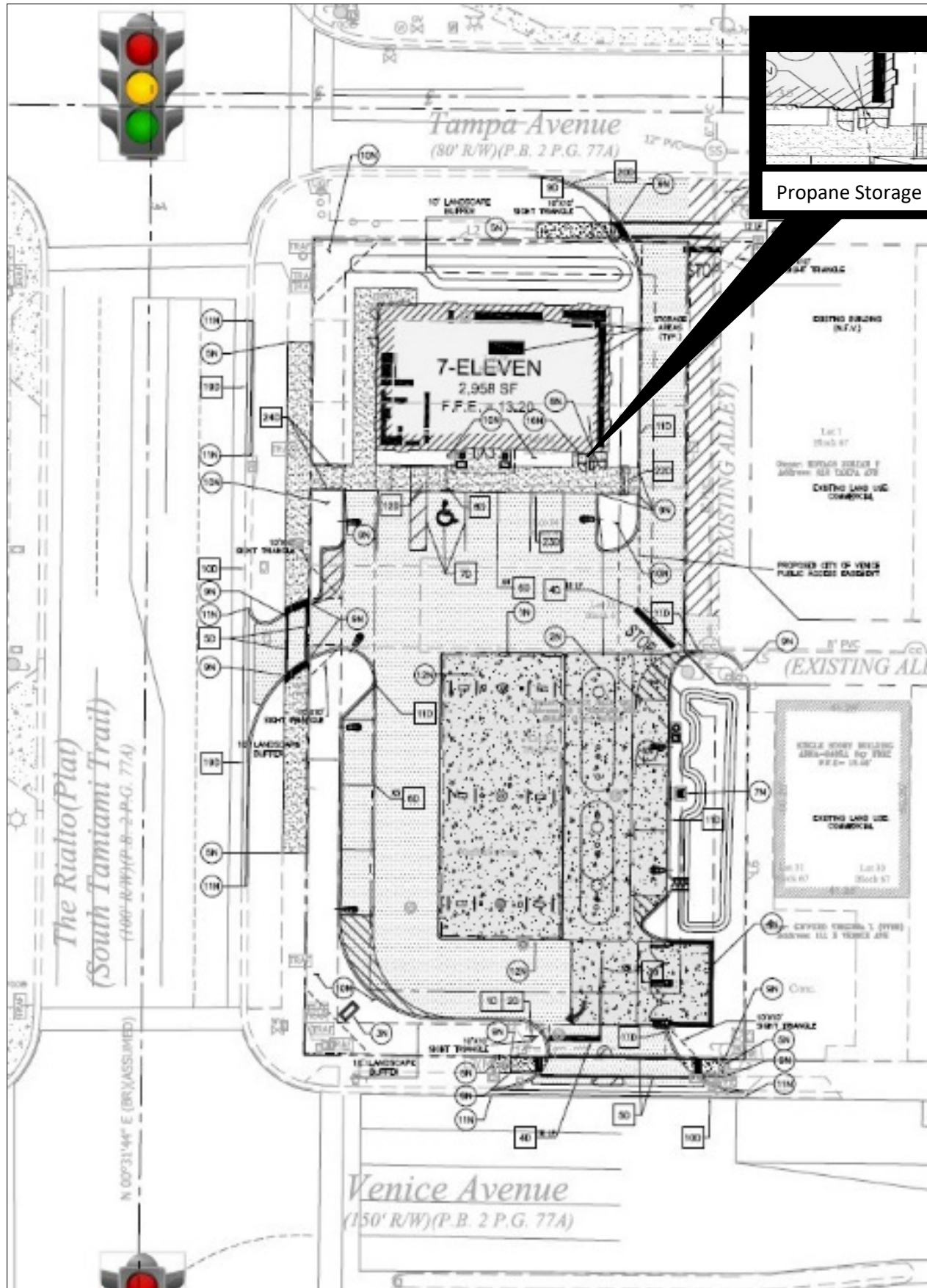
Staff Comment: *In addition to fuel tanker vehicles, there will also be regular delivery trucks accessing the property.*

Special Exception

The applicant has submitted a concurrent special exception petition to allow for outdoor display and sale of retail merchandise per Code Section 86-92(d)5. The code indicates that typical special exceptions within this category are for *sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district*. The applicant has indicated that the outdoor display will be limited to propane gas tanks. The tanks will be contained within what is identified on the site plan as a “propane storage cage” along the front of the building.

Staff Comment: *The proposed special exception is for outdoor display of propane gas tanks which has become a common product/service of convenience stores.*

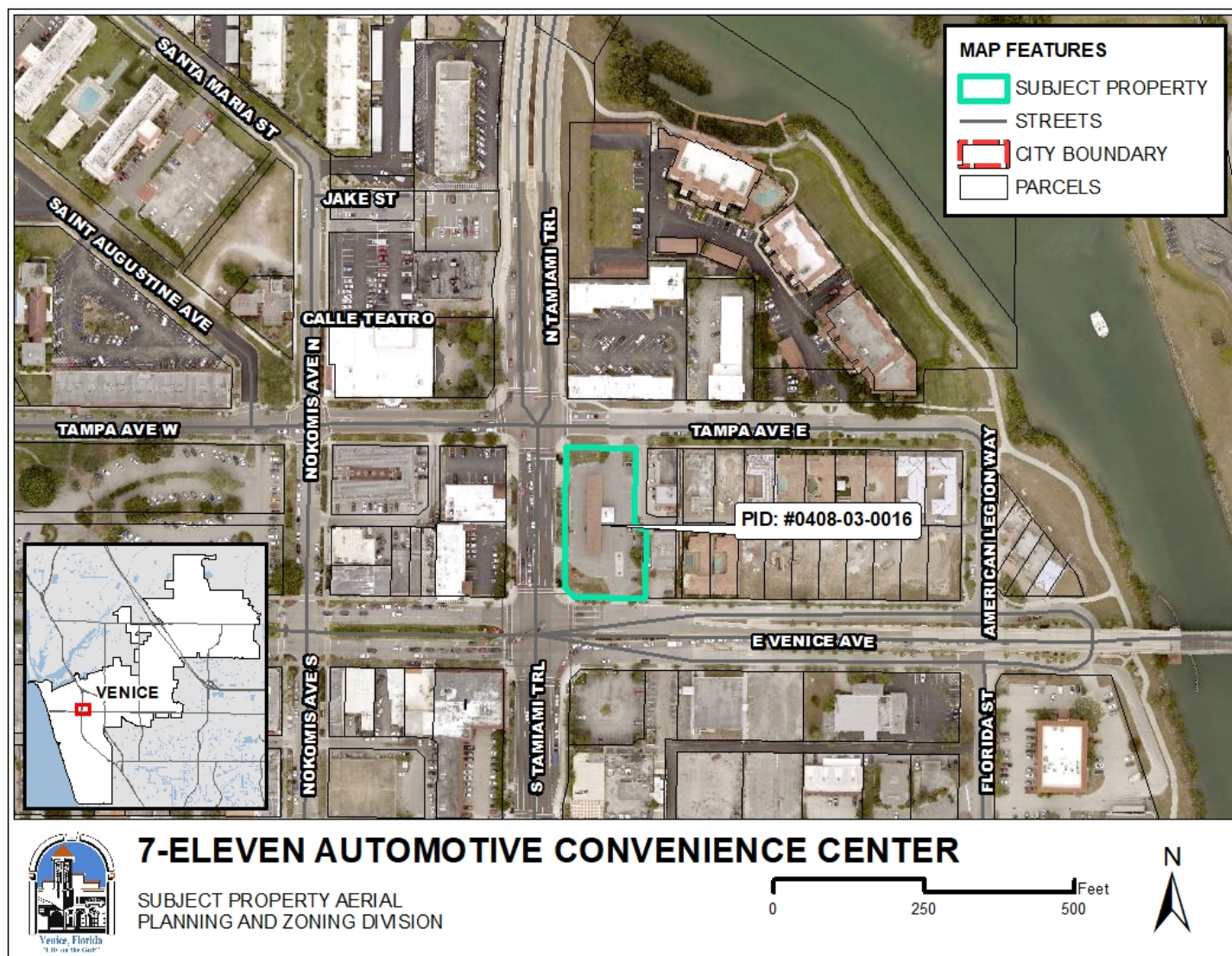
PROPOSED SITE PLAN



III. EXISTING CONDITIONS

The subject property is 0.71 ± acres in size. The aerial below shows the existing use of the subject property as well as adjacent properties. The subject property is located on the east side of Tamiami Trail between E. Tampa Avenue and E. Venice Ave. Vehicular access to the property is provided through two access drives on Tamiami Trail and one access drive on both E. Tampa and E. Venice Avenues.

Existing improvements on the site include an approximately 800 sq. ft. convenience store, an approximately 3,120 sq. ft. canopy over eight refueling stations provided by four fuel pumps, parking, and a small accessory building.





View looking east across Tamiami Trail



View looking southeast

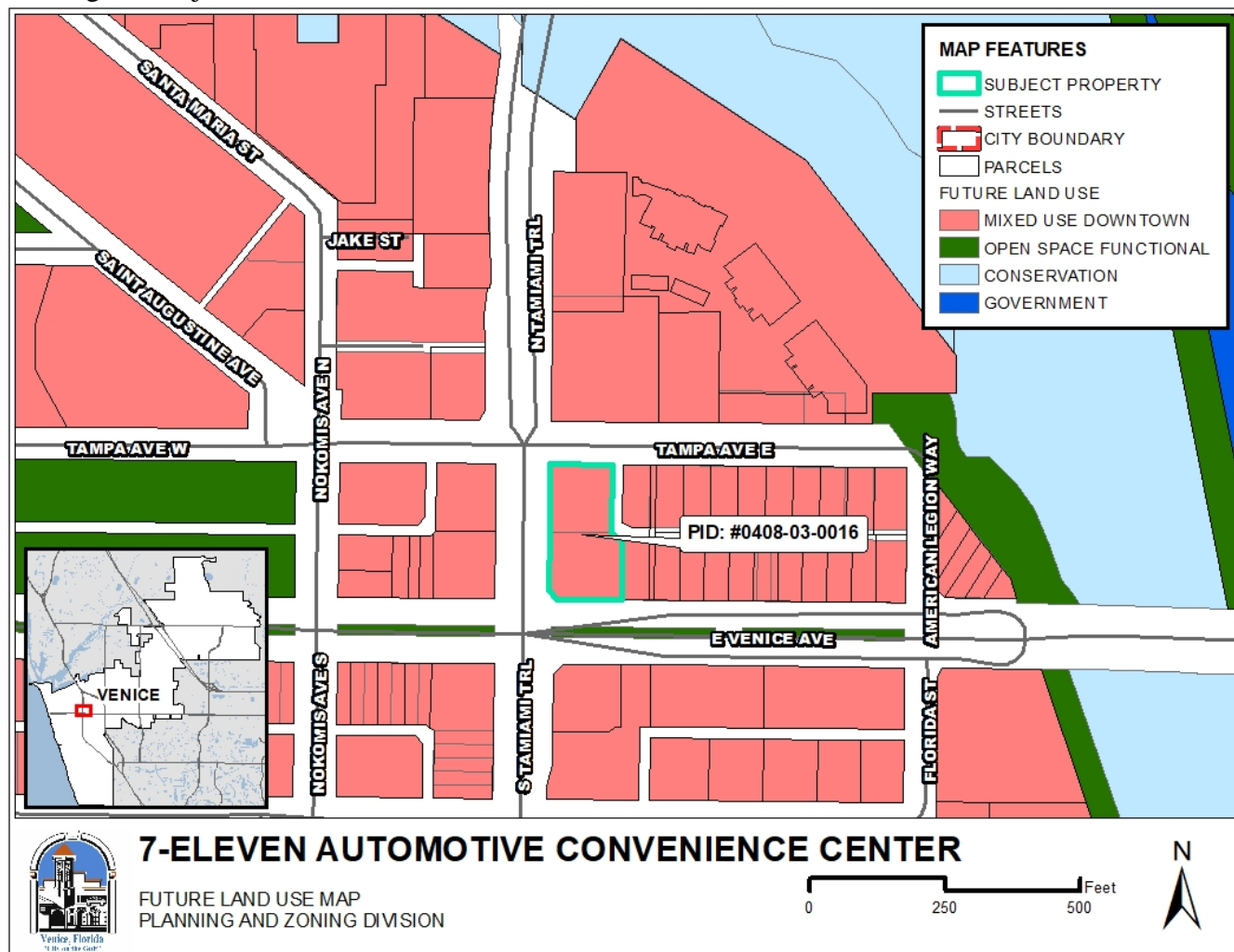


View looking northeast from Venice Avenue



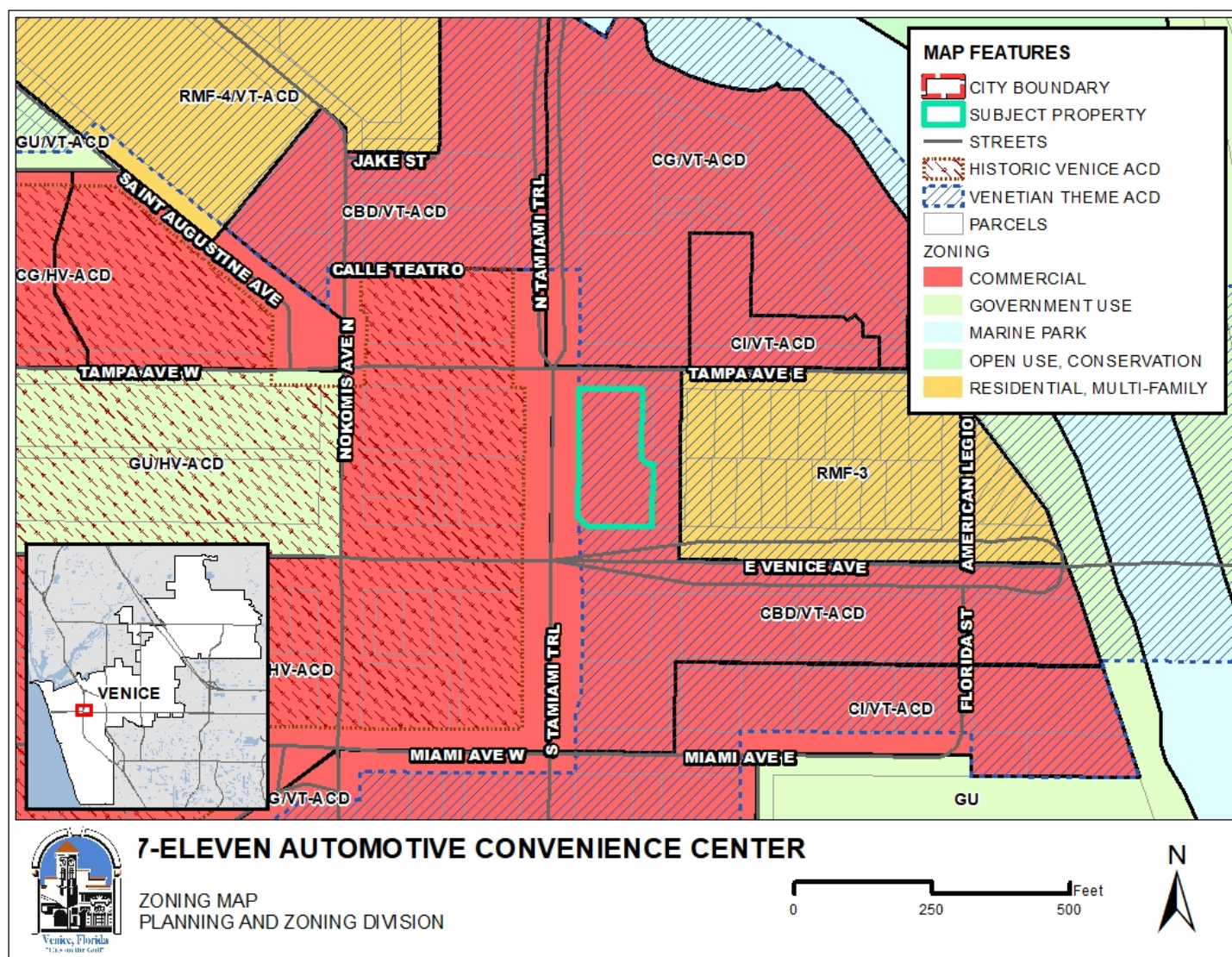
View looking southwest
from Tampa Avenue

Future Land Use The subject property is located in the 2,718 acre Island Neighborhood. The following map shows the future land use designation for the subject property and adjacent properties. The subject property has a Mixed Use Downtown (MUD) designation. This same designation is consistent for all adjacent properties surrounding the subject site.

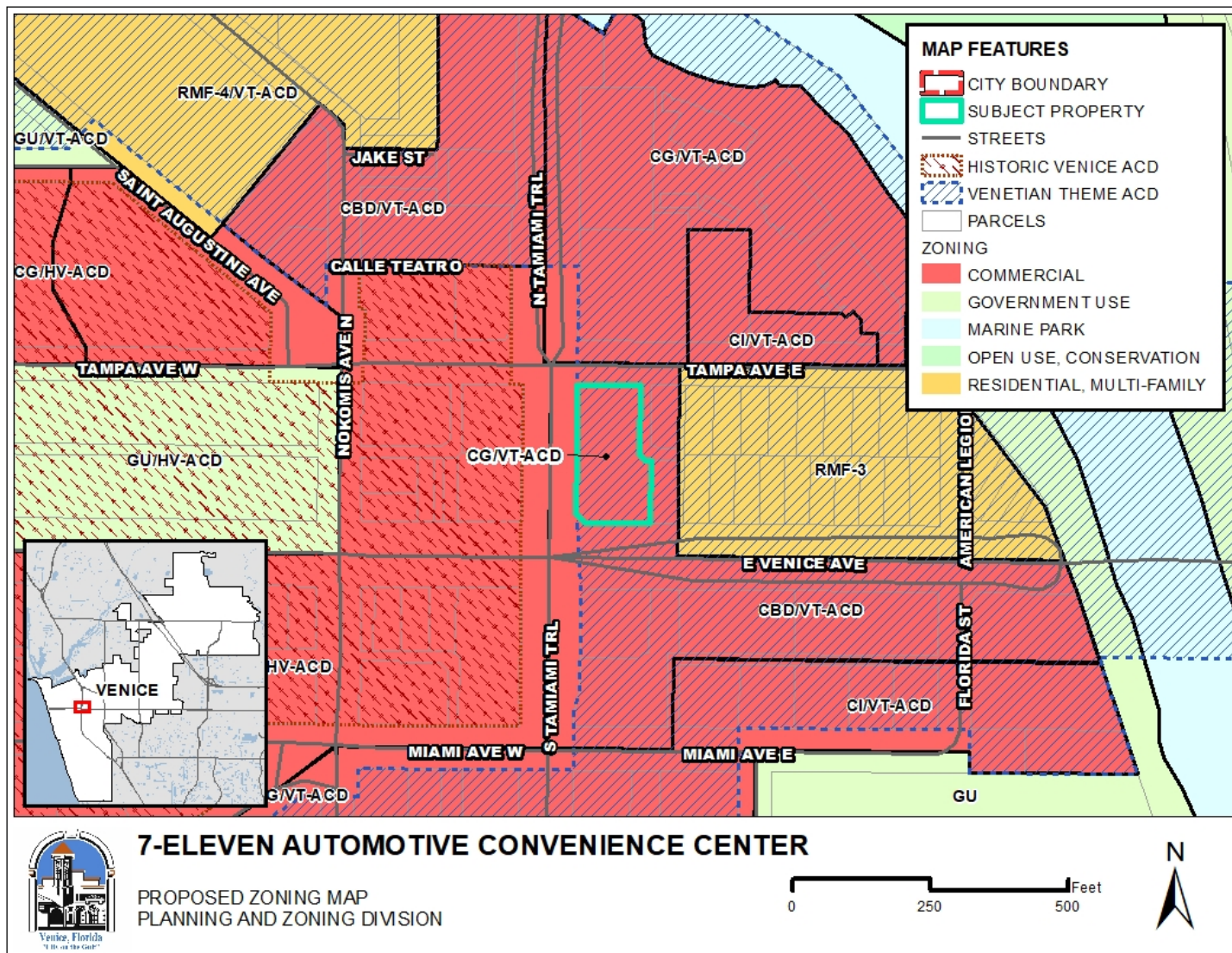


Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Commercial, Business District (CBD) and is also governed by the Venetian Theme (VT) architectural control district. The property to the east and the property to the south across Venice Avenue is also CBD/VT. The property to the west across Tamiami Trail is CBD as well but is governed by the Historic Venice (HV) architectural control district. The property to the north across Tampa Avenue is zoned CG/VT.



In a concurrently processed zoning map amendment (Rezone Petition No. 18-02RZ), the applicant proposes to change the zoning designation of the subject property from Commercial, Business District (CBD) to Commercial, General (CG). The VT architectural control district will remain in place and applicable to the property. The map on the following page shows the proposed zoning designation of the subject property pursuant to Rezone Petition No. 18-02RZ.



The following table 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 | Retail and service | CG/VT | MUD |
| West | Retail and service | CBD/HV | MUD |
| South | Vacant restaurant | CBD/VT | MUD |
| East | Auto repair and Insurance Agency | CBD/VT | MUD |

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with a Zone X designation with minimal to low flood risk. This flood zone designation is not in a Special Flood Hazard Area. Development of the property will be subject to compliance with applicable FEMA requirements.

IV. PLANNING ANALYSIS

Site and Development Plan

The planning analysis provided in this section of the report evaluates the site and development plan for 1) consistency with the comprehensive plan, 2) compliance with the Land Development Code, and 3) compliance with the city's concurrency/mobility management regulations and the project's expected impacts on public facilities.

A. Consistency with the Comprehensive Plan

The 2017 Comprehensive Plan identifies the subject property as being within the 2,718 acre Island Neighborhood. The subject property has a Mixed Use Downtown (MUD) future land use designation. The following analysis includes review of significant strategies found in the Land Use Element, Island Neighborhood and other Elements of the 2017 comprehensive plan.

Land Use Strategy LU 1.2.9.a includes the following MUD standards applicable to the project:

LU 1.2.9.c.4 indicates Commercial and Office uses as appropriate in this land use. It specifies these uses location on the ground floor in a mixed use project. The subject project proposes a single use. The comprehensive plan defines commercial uses as activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services. The proposed automotive convenience center is consistent with this strategy.

LU 1.2.9.c.6 indicates the MUD is typically walkable in nature. The project is in close proximity and is connected to the City's downtown corridor through sidewalks.

LU 1.2.9.c.7 provides that a minimum of the 50% and a maximum of 80% of the MUD be non-residential. The existing property is currently non-residential and this will not change if the subject project is approved.

LU 1.2.9.c.8 establishes a maximum non-residential intensity (FAR) per individual property of 3.0. The proposed FAR on the subject 0.71 acre property is 0.09. As such, the site and development plan is consistent with this strategy.

LU-IS 1.1.2 establishes the minimum and maximum residential and non-residential development in the MUD designated land in the Island Neighborhood. For non-residential development in the neighborhood, 903,950 square feet of non-residential development currently exists and a maximum of 1,902,701 is allowed. The proposed 2,958 square feet of non-residential space on the subject property is consistent with this policy.

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 and Policy 8.5, Site Plan Design and Architectural Review Procedures.

The land use compatibility review procedures contained in Policy 8.2 are intended to ensure that the character and design of infill and new development are compatible with existing neighborhoods. The review requires an evaluation of the following items listed in Policy 8.2 A through H. Staff provided the applicant's response to each item as well as staff's commentary on each item. It is important to note that the proposed use of the subject property is the same as the existing use onsite today.

A. Land use density and intensity.

Applicant's Response: The proposed Site & Development Plan Amendment will not increase the density or intensity of uses currently permitted and will remain compatible with the neighborhood.

Staff Comment: As indicated, the proposed use of the subject property is the same as the existing use onsite today. There will be an increase in the intensity onsite with the increased square footage of the retail building and the increase in re-fueling stations. However, it is also noted that the uses surrounding the subject property are all commercial or service oriented.

B. Building heights and setbacks.

Applicant's Response: The proposed Site & Development Plan Amendment will not increase allowable building height and will result in larger required setbacks.

Staff Comment: Analysis of building heights and setbacks has been provided in Section IV of this report.

C. Character or type of use proposed.

Applicant's Response: The proposed Site & Development Plan Amendment will not result in a change in the character or type of uses currently existing on the site.

Staff Comment: As indicated, the proposed use of the subject property is the same as the existing use onsite today, only larger.

D. Site and architectural mitigation design techniques.

Applicant's Response: The proposed Site & Development Plan Amendment will incorporate a Northern Italian design to enhance compatibility with the neighborhood.

Staff Comment: Proposed site and architectural mitigation design techniques are identified in staff's commentary on Policy 8.2 I through N.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided the applicant's response to each consideration as well as staff's commentary on each consideration.

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.

Applicant's Response: Not applicable.

Staff Comment: There are no single-family neighborhoods adjacent to the subject property.

F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

Applicant's Response: The use has been in place on the site for many years demonstrating its consistency and compatible with the surrounding uses.

Staff Comment: *The proposed use of the subject property is the same as the existing use onsite today and the uses surrounding the subject property are all commercial or service oriented. No industrial uses are proposed.*

- G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

Applicant's Response: The proposed Site & Development Plan Amendment in conjunction with the concurrent rezone petition will eliminate the non-conforming status of the existing use.

Staff Comment: *The current use of the site is non-conforming in the current CBD zoning district. The concurrently submitted zoning map amendment to rezone the property to CG will resolve this issue.*

- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

Applicant's Response: The proposed Site & Development Plan Amendment proposes an increase in the intensity of the use currently existing on site, but changes to the site design will improve compatibility with the existing nearby uses.

Staff Comment: *As indicated, the proposed use of the subject property is the same as the existing use onsite today. There will be an increase in the intensity onsite with the increased square footage of the retail building and the increase in re-fueling stations. However, it is also noted that the uses surrounding the subject property are all commercial or service oriented.*

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

Potential incompatibilities shall be mitigated through techniques including, but not limited to:

Applicant Comment: No incompatibility exists, nevertheless, the applicant offers the following responses.

- I. Providing open space, perimeter buffers, landscaping and berms.

Applicant's Response: The proposed Site & Development Plan Amendment meets or exceeds all City of Venice standards for open space, buffers and landscaping.

- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Applicant's Response: The proposed site & Development Plan has been designed to screen sources of light, noise, mechanical equipment, refuse areas and delivery and storage areas.

- K. Locating road access to minimize adverse impacts.

Applicant's Response: The proposed Site & Development Plan Amendment will improve access in order to minimize adverse impacts.

- L. Adjusting building setbacks to transition between different uses.

Applicant's Response: The proposed Site & Development Plan Amendment meets or exceeds all City

of Venice setback requirements and provides sufficient transition between different uses.

M. Applying step-down or tiered building heights to transition between different uses.

Applicant's Response: The Proposed Site & Development Plan provides a step down in building heights between different uses.

N. Lowering density or intensity of land uses to transition between different uses.

Applicant's Response: The Proposed Site & Development Plan Amendment provides for a transition in intensity of uses from the automotive repair facility to the east.

Staff Comment (I-N): *As indicated above, the proposed use of the subject property is the same as the existing use onsite today. There will be an increase in the intensity onsite with the increased square footage of the retail building and the increase in re-fueling stations. However, it is also noted that the uses surrounding the subject property are all commercial or service oriented. As a result, it would appear that minimal mitigation techniques are necessary to maintain compatibility. It is noted that as a result of the subject project, landscaping will be increased to enhance current screening and buffering, road access is minimized by the removal of the two full access drives on Tamiami Trail, and compliance with all other requirements of the CG zoning district is being maintained with the exception of the request for increased driveway width and the special exception for outdoor display and sale of retail merchandise.*

LU 4.1.1 also brought forward Policy 8.5 from the 2010 Comprehensive Plan into the 2017 Comprehensive Plan, on a transitional basis with the intent to “implement the City’s architectural and design standards by working with the applicant to ensure that community architectural standards have been addressed.” As noted in this report, the project has been presented to the City’s Architectural Review Board (ARB) on January 10, 2019 to confirm compliance with the City’s architectural requirements of the Venetian Theme (VT) architectural control district. A Certificate of Compliance was issued by the ARB as a result of the indicated meeting.

Transportation Element

Comprehensive Plan levels of service (LOS) for roadways and pedestrians are being maintained for the roadway segments adjacent to the project site. It is important to note that, as a result of the proposed project, two full access drives will be removed from Tamiami Trail and will be replaced with a right-in only drive thus reducing points of conflict in this typically congested area. Regarding bicycle facilities, the current LOS on the road segment of Venice Avenue between Tamiami Trail to Grove Street is “E”. There will be a mobility fee required of the proposed project and these funds may be directed to improve the operating conditions for bicycle facilities on this road segment. Regarding transit, the existing LOS is being maintained and is in compliance with the LOS indicated in the Comprehensive Plan.

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Downtown future land use designation, Policy 8.2 regarding compatibility, strategies found in the Island Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

B. Compliance with the Land Development Code

| <i>Land Development Code Compliance</i> | | |
|---|----------------------|----------------------|
| CG STANDARDS | REQUIRED | PROPOSED |
| Lot Coverage | Unrestricted | 20% |
| North Setback | 20 FT | 20 FT |
| South Setback | 20 FT | 36.87 FT |
| East Setback | 20 FT/0 | 37.71 FT |
| West Setback | 20 FT | 20 FT |
| Building Height | 35 FT | 19.5 FT (canopy) |
| OFF-STREET PARKING STANDARDS | REQUIRED | PROPOSED |
| Parking Spaces | 13 | 13 |
| LANDSCAPING STANDARDS | REQUIRED | PROPOSED |
| North | 5 FT | 10 FT |
| South | 5 FT | 10.5 FT |
| East | 0/5 FT | 0/10 FT |
| West | 5 FT | 10 FT |
| Interior Landscaping | 320 SQFT 16 Trees | 336 SQFT 17 Trees |

As indicated in the table above, the project has been designed consistent with the code requirements of the CG district along with other code standards. In addition, the subject petition has been processed consistent with the procedural requirements contained in Section 86-49 of the LDC and has been reviewed by the Technical Review Committee (TRC). No issues regarding compliance with the LDC were identified.

Section 86-23(m) 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: *The applicant has provided the appropriate deeds applicable to 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: *Intensity of the proposed project is covered in Section IV. of this report.*

- (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: *It is important to note that, as a result of the proposed project, two full access drives will be removed from Tamiami Trail and will be replaced with a right-in only drive thus reducing points of conflict in this typically congested area. Access to the site for provision of services along with emergency access has been confirmed through the review of the TRC.*

- (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 design of the off-street parking facility has been reviewed for compliance with applicable LDC standards. Once again, it is important to note, the reduction in driveways discussed in the previous staff comment that results in less conflict points between automobiles and pedestrians as they move though the site.*

- (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 applicant has provided landscaping and buffering to enhance the overall project. The landscaping and buffering were designed in compliance with all applicable LDC 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 Engineering Department has 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: *The project will be served by existing sanitary sewer infrastructure. The Utilities Department has confirmed compliance with applicable standards.*

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

Staff Comment: *The project will be served by existing infrastructure. The Utilities Department has confirmed compliance with applicable standards.*

- (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: *Not applicable as this is a non-residential project.*

- (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 in Section IV. of this report.*

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

Staff Comment: *No other standards proposed for the particular use of the development.*

- (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: *A special exception petition has been submitted for the outdoor display and sale of retail merchandise, specifically propane gas tanks. This petition has been addressed in this staff report.*

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

The subject petition complies with all applicable Land Development Code standards with the exception of the special exception request for "outdoor display and sale of retail merchandise" and there is sufficient information to reach a finding for each of the site and development considerations contained in Section 86-23(m) of the Land Development Code.

C. Concurrency and Mobility

The applicant has submitted a concurrency determination application and a concurrency review has been completed by staff. The table below shows the expected public facility impacts and the status of the departmental concurrency reviews. Although concurrency is still in the City's Code and applies to the items in the chart, in regards to Transportation, the City has entered into an Interlocal Agreement with Sarasota County to collect mobility fees for traffic impacts consistent with County Ordinance. Fees collected may be used to mitigate these impacts.

| Concurrency and Mobility | | | |
|---------------------------------|-------------------|-------------------------------------|---|
| FACILITY | DEPARTMENT | ESTIMATED IMPACT | STATUS |
| Transportation | Planning & Zoning | 24 New PM Peak Hour Trips | Concurrency Confirmed by Traffic Engineering Consultant |
| Potable Water | Utilities | 4.3 ERUs | Concurrency Confirmed by Utilities |
| Sanitary Sewer | Utilities | 5.3 ERUs | Concurrency Confirmed by Utilities |
| Solid Waste | Public Works | 400 Pounds Per Day | Concurrency Confirmed by Public Works |
| Parks and Rec | Public Works | N/A (Non-Residential) | N/A |
| Drainage | Engineering | Compliance Shown with SWFWMD permit | Concurrency Confirmed by Engineering |
| Public Schools | School Board | N/A (Non-Residential) | N/A |

Conclusion / Findings of Fact (Concurrency/Mobility):

No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations. Upon Planning Commission approval of the Site and Development Plan, staff will issue a Certificate of Concurrency for the services applicable to the project.

Special Exception

A. Consistency with the Comprehensive Plan:

There are no general or specific Strategies in the Comprehensive Plan that would apply to the requested special exception of “outdoor display and sale of retail merchandise”. Therefore the requested special exception is not in conflict with and creates no inconsistencies with the Comprehensive Plan.

Consistency with the Comprehensive Plan: The special exception is not in conflict with and creates no inconsistencies with the Comprehensive Plan.

A. Compliance with the Land Development Code

The applicant has submitted a concurrent special exception petition to allow for outdoor display and sale of retail merchandise per Code Section 86-92(d)5. The code indicates that typical special exceptions within this category are for *sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district*. The applicant has indicated that the outdoor display will be limited to propane gas tanks. The tanks will be contained within what is identified on the site plan as a “propane storage cage” along the front of the building. It is also noted that the storage area does not appear to impede any pedestrian way or negatively impact any accessibility to the store.

The subject petition has been processed consistent with the procedural requirements contained in Section 86-43 of the LDC. In addition, the petition has been reviewed by the TRC and no issues regarding compliance with the LDC were identified.

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.

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

Applicant’s Response: The Special Exception sought for “outdoor display and sale of merchandise” is expressly noted under Sec. 86-92(d) as a permissible use by special exception in the CG zoning district. Therefore, it not only complies with the comprehensive plan, but rather is suggested thereunder.

Staff Comment: *It has been indicated above in staff's analysis that the requested special exception is not in conflict with and creates no inconsistencies 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: The outdoor display and sale of merchandise will not interfere with any of the above concerns. It is not only against the public's interest, but also against the Applicant's interest to place its own merchandise in such an area where it could be harmed or destroyed.

Staff Comment: *It has been indicated above in staff's analysis that the proposed storage area is contained within what is identified on the site plan as a "propane storage cage" and does not appear to impede any pedestrian way or negatively impact any accessibility to the store.*

(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: Outdoor display and sale of merchandise has no bearing on the matters above.

(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: Outdoor display and sale of merchandise has no bearing on the matters above.

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

Applicant's Response: Outdoor display and sale of merchandise has no bearing on the matters above.

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

Applicant's Response: There are no such code requirements for the outdoor display and sale of merchandise.

(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: Outdoor display and sale of merchandise has no bearing on the matters above.

(8) Required yards and other open space.

Applicant's Response: Outdoor display and sale of merchandise has no bearing on the matters above.

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

Applicant's Response: Outdoor display and sale of merchandise is a standard use of many establishments in the CG district, and especially for convenience stores generally, and is a current activity on the site for the existing convenience store.

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

Applicant's Response: There are no special requirements for outdoor display and sale of merchandise by special exception in the CG zoning district.

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

Consistency with the Comprehensive Plan: The requested special exception is not in conflict with and creates no inconsistencies with the Comprehensive Plan.

Required Planning Commission Findings for Special Exception Approval: The staff analysis and report has been prepared to provide the Planning Commission with competent and substantial evidence to support its decision as to whether the subject petition is:

- *In harmony with the general intent and purpose of the LDC; and*
- *Will not adversely affect the public interest; and*
- *Satisfactory provision and arrangement have been made concerning the matters listed in Section 86-43(e).*

VI. CONCLUSION

Planning Commission Action

Site and Development Plan

The Planning Commission is guided in its decision on Site and Development Plan Petition No. 18-13SP on the findings contained in Section 86-23(m). To provide support for this decision, this staff analysis and report has been prepared to provide the Planning Commission with competent and substantial evidence to support its decision on the subject petition.

Design Alternatives:

- Driveway width in excess of code maximum.

Special Exception

The Planning Commission is guided in its decision on Special Exception Petition No. 18-07SE on the findings contained in Section 86-43(e). To provide support for this decision, this staff analysis and report has been prepared to provide the Planning Commission with competent and substantial evidence to support its decision on the subject petition.

Stipulation: The Special Exception and Site and Development Plan will become effective upon approval of Zoning Map Amendment Petition No. 18-02RZ by City Council.