



# CITY OF VENICE

## DEVELOPMENT SERVICES DEPARTMENT- PLANNING AND ZONING DIVISION

401 W. Venice Avenue, Venice, FL 34285

(941) 486-2626 ext. 7434

[www.venicegov.com](http://www.venicegov.com)

## SPECIAL EXCEPTION APPLICATION

Submit a complete application package to the Planning and Zoning Division. All information must be legible and will become a permanent part of the public record. Incomplete applications will not be reviewed and will be returned to the applicant/agent. Refer to the City of Venice Code of Ordinances Section 86-43 for special exception submittal requirements.

Project Name: 7-Eleven

Requested Use/or List All Code Modifications: Sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district. (propane gas)

Address: 116 N. Tamiami Trail

Parcel Identification No.(s): 0408-03-0016

Parcel Size: 0.71 acres

☒ Use Request ☐ Code Modifications

Zoning Designation(s): CG

FLUM Designation(s): Mixed Use Downtown - Island Neighborhood

Fee: ☒ \$400 A 35% reduction will be applied to concurrently filed land use petitions that qualify.

*Per Code Section 86-586, legal advertising and public notice fees in excess of \$50 will be billed after all public hearings, regardless of approval status. Other fees may include verification by a consultant of the accuracy of the legal description provided by the applicant/agent and City Attorney fees. These fees are billed separately and must be paid before the Planning Commission public hearing.*

**BILL TO:** ☒ APPLICANT ☐ AGENT (SELECT ONE)

Applicant/Property Owner Name: Venice Palm, Inc.

Address: 7916 Arcadia St., Morton Grove, IL 60053

Email:

Phone:

Design Professional or Attorney: Bowman Consulting

Address:

Email:

Phone: 321-255-5434

Authorized Agent (1 person to be the point of contact): Jeffery A. Boone, Esq.

Address: 1001 Avenida Del Circo, Venice, FL 34285

Email: [jboone@boone-law.com](mailto:jboone@boone-law.com)

Phone: 941-488-6716

Staff Use Only

Petition No. 18-075E

Fee: \$400.00

PZ 18-112

RECEIVED

JUL 20 2018

PLANNING & ZONING

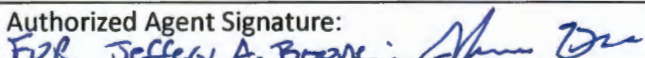
Oper: CASHIERJS Type: OC Drawer: 1  
Date: 7/23/18 00 Receipt no: 94508  
2018 112  
PZ PLANNING & ZONING  
CK CHECK 6425 \$400.00  
Total tendered \$400.00  
Total payment \$400.00

Application packages are reviewed by Planning Staff for completeness within 3 business days, as outlined in the Technical Review Committee (TRC) Calendar. Packages must be submitted via hard & electronic copies, and additional copies may be requested. Large plans should be collated and folded to allow the bottom right corner visible. Concurrently filed applications must be packaged separately. Please indicate N/A if the document is not being submitted.

<input checked="" type="checkbox"/> <b>Application:</b> (15 copies) attached
<input checked="" type="checkbox"/> <b>Project Narrative:</b> Provide A statement describing in detail the character and intended use of the development, in addition to the short description on page one of the application. For Code Modification requests, list each section of code and an explanation of the request. Confirm consistency with all applicable elements of the City's Comprehensive Plan. (15 copies). attached
<input checked="" type="checkbox"/> <b>CD with Electronic Files:</b> Provide PDF's of ALL documents, appropriately identified by name on one CD. All PDF's of special exception plans need to be signed and sealed. <i>The legal description for each parcel must be submitted in text format and will be verified by a consultant.</i>
<input checked="" type="checkbox"/> <b>Agent Authorization Letter:</b> A signed letter from the property owner, authorizing <u>one</u> individual to submit an application and represent the owner throughout the application process. This individual will be the single point of contact for staff (1 copy).
<input checked="" type="checkbox"/> <b>Statement of Ownership and Control:</b> Documentation of ownership and control of the subject property (deed). Sarasota County Property Appraiser or Tax Collector records will not suffice. Corporations or similar entities must provide documents recognizing a person authorized to act on behalf of the entity (1 copy). see attached deed
<input checked="" type="checkbox"/> <b>Survey of the Property:</b> Signed and sealed survey that accurately reflects the current state of the property. Each parcel must have its own legal description listed separately on the survey, correctly labeled by parcel id. (1 copy) <b>Date of Survey:</b> 4-27-18
<input checked="" type="checkbox"/> <b>Public Workshop Requirements:</b> (Section 86-41) <input checked="" type="checkbox"/> Newspaper advertisement <input checked="" type="checkbox"/> Notice to property owners <input checked="" type="checkbox"/> Sign-in sheet <input checked="" type="checkbox"/> Written summary of public workshop (1 copy)
<input checked="" type="checkbox"/> <b>Required Findings for Approval:</b> Respond to all findings for Code Section 86-43(e)(1)-(10) (1 copy). attached
<input checked="" type="checkbox"/> <b>Special Exception Plans(DO NOT SUBMIT FOR SPECIAL EXCEPTION USE REQUESTS, ONLY FOR CODE MODIFICATIONS):</b> <b>15 sets of the following collated, folded plans, 24x36, including 3 signed, sealed, and dated (rolled plans not accepted):</b> a. Site and development plans at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces; b. Plans showing proposed locations for utility hookups; c. Plans for screening and buffering with reference as to type, dimensions and character; d. Proposed landscaping and provisions for trees protected by city regulations; and e. Proposed signs and lighting, including type, dimensions and character. <i>*If this petition is concurrently processed with a site &amp; development plan petition, only the plan sheets pertaining to the special exception request need to be submitted, with a cover sheet titled "Special Exception Plans".</i>

**Technical compliance must be confirmed 30 days before a public hearing will be scheduled. The applicant or agent MUST be present at the public hearing and will be contacted by staff regarding availability.**

By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property for the duration of the petition.

Authorized Agent Name & Date: Jeffery A. Boone 7/20/18	Applicant Name & Date:
Authorized Agent Signature: 	Applicant Signature:

### **Special Exception Project Narrative**

The subject property is a 0.71 acre parcel located at 116 N. Tamiami Trail, and is the current location of an automotive convenience center. The property is presently designated Mixed Use Downtown (MUD)-Island Neighborhood. A concurrent Rezoning and Site & Development application have been filed with this Special Exception Application to allow for the redevelopment of the site with an improved and updated automotive convenience center.

The Special Exception use request, pursuant to Sec. 86-92(d)(5), is to allow for sale and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district.

“Convenience stores” are enumerated as a permitted use in the CG zoning district via Sec. 86-92(c)(1). Sec. 86-92(d)(5) allows for “outdoor display and sale of merchandise” within the CG district by Special Exception. Such display and sale is described to be of the nature otherwise permitted in the district when completely enclosed in a building.

Specifically, Applicant seeks this Special Exception for the outdoor display and sale of propane gas tanks, where such outdoor placement would promote public safety, order, and convenience. (See, Sec. 86-43(a) ). It should be noted that the outdoor display and sale of merchandise is standard for convenience stores generally, and more significantly, for various uses within the CG district. Furthermore, this use is a common practice of the convenience store currently located on the site and has been for many years.

Granting this Special Exception would conform to the general intent and purpose of the City Code and Comprehensive Plan. The CG zoning district requirements explicitly state this use as one permissible by Special Exception request and do not place additional requirements on this type of Special Exception (See, Sec. 86-43(b)(2) ); thus, the Applicant is not asking for anything otherwise not permitted or suggested under Sec. 86-92. Moreover, as noted above, the Special Exception would in fact promote the public welfare as it would enable customers to access and purchase merchandise in a safe, orderly and convenient manner.

### Comprehensive Plan Consistency Analysis

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

- A. Land use density and intensity.  
**The proposed outdoor display and sale of propane gas tanks is consistent and compatible with the existing and proposed uses on site and in the surrounding neighborhood.**
- B. Building heights and setbacks.  
**Not applicable.**
- B. Character or type of use proposed.  
**The proposed outdoor display and sale of propane gas tanks is consistent and compatible with the existing and proposed uses on site and in the surrounding neighborhood.**
- C. Site and architectural mitigation design techniques.  
**Not applicable.**

Considerations for determining compatibility shall include, but are not limited to, the following:

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses.  
**Not applicable.**
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.  
**Not applicable.**
- 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.  
**Not applicable.**
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.  
**The outdoor display and sale of propane gas tanks will not substantially alter the intensity of the uses already existing on site.**

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

- I. Providing open space, perimeter buffers, landscaping and berms.  
**Not applicable.**
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.  
**Not applicable.**
- K. Locating road access to minimize adverse impacts.  
**Not applicable.**
- L. Adjusting building setbacks to transition between different uses.  
**Not applicable.**
- M. Applying step-down or tiered building heights to transition between different uses.  
**Not applicable.**
- N. Lowering density or intensity of land uses to transition between different uses.  
**Not applicable.**

## Required Findings for Approval

Sec. 86-43. - Special exception uses.

- (e) *Required findings for approval.* Before any special exception shall be approved, the planning commission shall make a written finding that the granting of the special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:
- (1) Compliance with all applicable elements of the comprehensive plan.
    - **The 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.**
  - (2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
    - **The 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.**
  - (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.
    - **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.
    - **Outdoor display and sale of merchandise has no bearing on the matters above.**
  - (5) Utilities, with reference to location, availability and compatibility.
    - **Outdoor display and sale of merchandise has no bearing on the matters above.**
  - (6) Screening and buffering, with reference to type, dimensions and character.
    - **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.
    - **Outdoor display and sale of merchandise has no bearing on the matters above.**

- (8) Required yards and other open space.
- **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.
- **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.
- **There are no special requirements for outdoor display and sale of merchandise by special exception in the CG zoning district.**