

Our Lady of Mercy
Special Exception
Request Statement

The requested special exception is for a 1.22-acre parcel fronting West Railroad Avenue between Banyan Street and 3rd Street West. The addresses of the properties are 221 West Railroad Avenue, STRAP#'s 14-43-20-01-00006.0110 and 240-250 Park Ave., STRAP 14-43-20-01-00006-0060. The properties are within the Urban Community Future Land Use category and zoned CS-1 and RS-1. The southern portion of the property was acquired by the Diocese of Venice in December 2017 and is the sole owner of the property. The northern portion of the property has been operating as the Our Lady of Mercy Church since the 1950's. An ancillary Rectory and existing Parish Meeting Hall are also located on the Northern property. Utility providers for the subject property are Gasparilla Island Water Association. The application request is for a Special Exception to permit a Place of Worship.

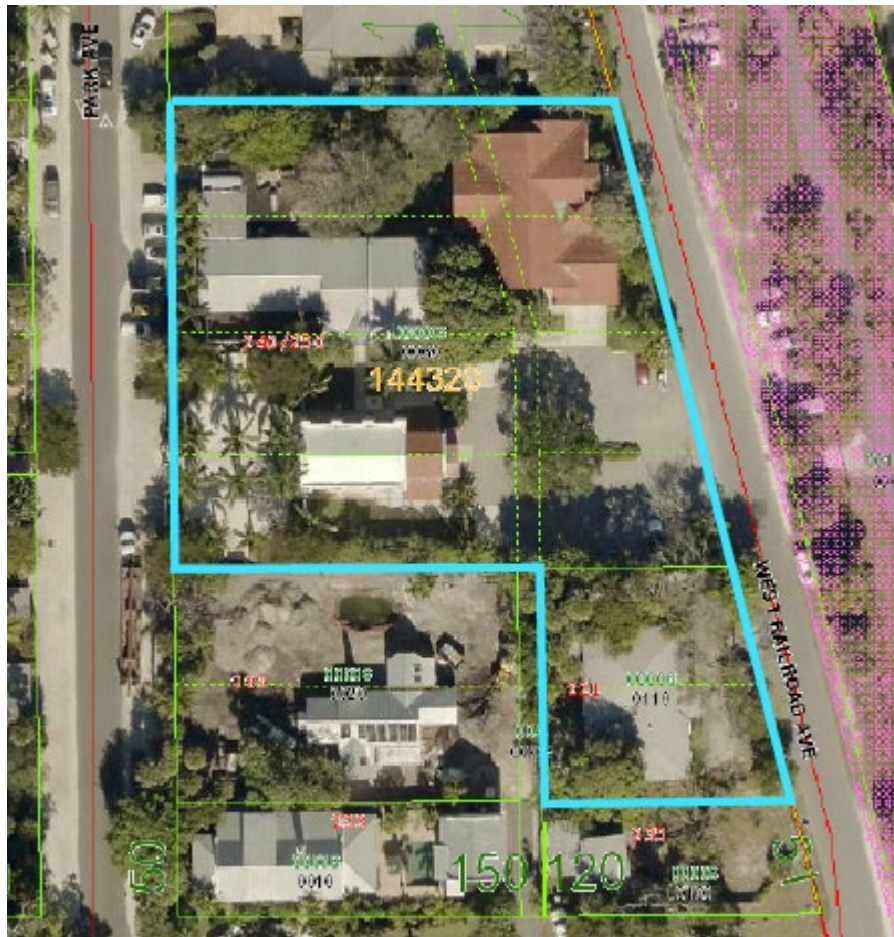


Figure 1. Aerial of Subject Properties

BACKGROUND:

The land use of subject property has traditionally been the church and supporting facilities to the north and single-family residential to the south. The southern property was purchased by the Diocese of Venice in December of 2017, to establish a Parish Hall in support the existing Church, Rectory and Parish Meeting Building located on the to the northern portion of the site.

LEE PLAN CONSISTENCY:

The following portion of the request statement narrative outlines how the Special Exception is consistent with the goals, objectives, policies, and intent of the Lee Plan.

Planning Community – Boca Grande:

The subject property is located within the designated Planning Community of Boca Grande. Boca Grande is described in the Vision Statement of the Lee Plan as an area of particular natural beauty containing abundant plant and wildlife. As a result, the State of Florida recognized the need to preserve the island which resulted in the Gasparilla Island Conservation District Act of 1980 (GICDA). Land vacancy on the island is less than 15%, therefore there is virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially as it does today through 2030, including its unique mix of vital small businesses and tourism-oriented destinations.

Additionally, Goal 19 and the supporting objectives and policies of the Lee Plan outlines the future growth management of Boca Grande by identifying the need to preserve and conserve the environment, recreation, open spaces and historic resources of the community.

Objective 19.1 describes the future land use designations as a means by which to limit densities and intensities in the community to maintain the current scale and development pattern of the community. Furthermore, **Policy 19.1.5** specifies the importance of adhering to traditional setbacks in cases of new development and redevelopment citing the front and side yards as being of particular significance to the subject of traditional setbacks. The site plan demonstrates that the proposed Parish Hall will mimic the orientation of the existing Rectory Building in the northeast corner of the site, however, due to the site's unique geometry, exact setbacks cannot be accomplished and can only be closely reproduced. Multiple companion applications have been submitted to memorialize the existing conditions of the northern parcel and address the proposed placement of the Parish Hall on the southern parcel. It is expected that this Special

Exception request will be reviewed concurrent to the companion Special Certificate of Appropriateness, Historic Relief, Administrative Variance and Public Hearing Variance.

Policy 19.1.3 requires the applicant/agent of a special exception or rezoning to conduct a public information session prior to being found sufficient. The applicant will comply with this requirement by presenting before the Boca Grande Historic Preservation Board prior to presenting before the Hearing Examiner. The Boca Grande Historic Preservation Board has advertising requirements and its activities are public record therefore satisfying **Policy 17.3.3** and **Policy 17.3.4**. However, the applicant agrees to implement a separate advertisement specifically addressing this special exemption request. It is expected that the same process will be implemented to support the concurrent public hearing variance request.

Objective 19.2 delves into transportation and circulation by which the proposed project is adhering. More specifically, **Policy 19.2.1** which enforces limited growth, building height, and advertising and **Policy 19.2.6** which supports improved pedestrian safety and circulation in the Historic District. The proposed plan is to memorialize the existing conditions of the northern parcel with the existing church and for a modest building to be added to the southern parcel to support the church. The existing and proposed buildings are compliant with building development regulations such as height. Additionally, the compact campus-like site plan implemented by both parcels together promotes the internal movement of pedestrians through the use of interconnected sidewalks. These design features further promote the scale and character of the Boca Grande Historic District.

Parking in the Boca Grande community is addressed in **Objective 19.3** and **Policy 19.3.1** confirms the need for a long-term strategy to address the increasing parking demand on the island. Some proposed strategies include revising traffic count thresholds, revised minimum parking requirements, and shared parking agreements. In support of these strategies is LDC Section 34-2052(b) which requires parking for ancillary of a Place of Worship to be calculated per the requirements of Division 26, however, “where the ancillary facilities will not be used at the same time, parking will be based upon the peak anticipated attendance at one time, for all facilities.” Because the members of the congregation will not utilize the Parish Hall and the Church at the same time, the peak use has been used to satisfy parking requirements in compliance with the strategies outlined in **Policy 19.3.1**. The proposed Parish Hall generates more spaces than the existing church and the proposed shell parking included on the site plan accommodates the required number of spaces for the Parish Hall. A letter confirming the operational strategy of only have one use active at a time has been provided from Father Carosella of the Our Lady of Mercy Church as well as the Diocese of Venice.

Open space, recreation, and beautification are described in **Objective 19.7** as elements which enhance the aesthetic qualities of the Boca Grande community. **Policy 19.7.1** supports the protection and enhancement of the Boca Grande Bike Path which lies east of West Railroad Ave. The concurrent applications for Historic Relief and Public Hearing Variances work together with this Special Exception to memorialize the existing conditions of the on-site landscaping, to maintain the area's aesthetics and views for users of both West Railroad Ave and the Boca Grande Bike Path from which the subject property is visible. Furthermore, **Policy 19.7.8** supports the addition of native plantings within the Historic District citing greater community aesthetics, safer pedestrian movement, and more efficient traffic flow. The existing buffers include native plantings consistent with this policy.

Objective 19.8 addresses historic preservation within the Boca Grande community. More specifically, **Policy 19.8.3** and **Policy 19.8.5** refer to Lee County's support in review of permit application materials to adhere to the design parameters of the Historic District of Boca Grande. **Policy 19.8.5** specifies Lee County's support of modification to design components that propose features that are inconsistent with the historic character of the community. The companion Certificate of Appropriateness further details the design efforts by which the historic character of the area is maintained through the proposed site plan and the proposed new Parish Hall.

Each Planning Community is to "maintain a parcel based database of existing land uses" which is incorporated into the Lee Plan as Map 16 and Table 1(b) per Lee Plan **Policy 1.7.6**. Together Map 16 and Table 1(b) establish the distribution, extent and location of generalized land uses. Map 16 establishes that the subject property is within the Boca Grande Planning Community and Table 1(b) establishes that 421 acres within the Boca Grande Planning Community are allocated to public uses. The subject property within Boca Grande is approximately 1.22 acres, well within the allowable acreage allocation for public land uses and therefore consistent with Table 1(b).

Future Land Use:

As stated previously, the subject property is within and surrounded by the Urban Community Future Land Use category (See Figure 2.).

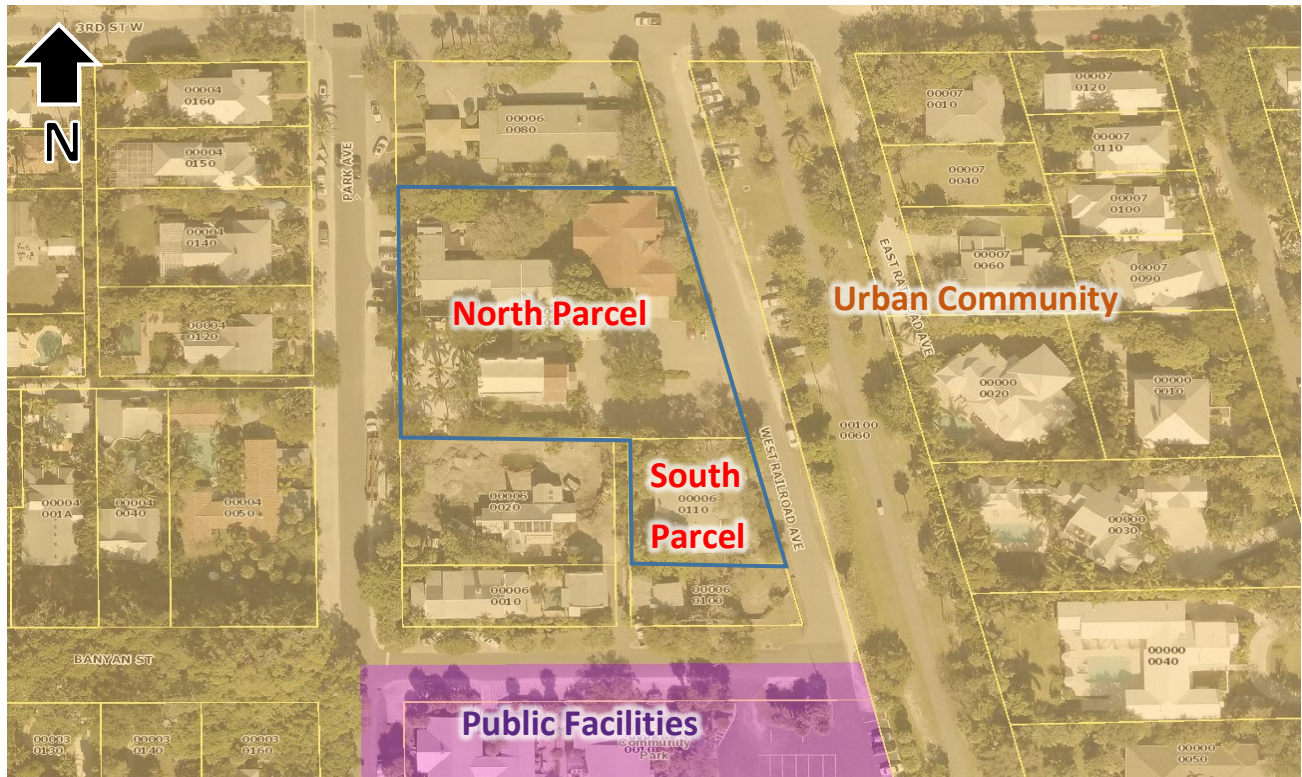


Figure 2. Future Land Use Map Categories

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

Policy 1.1.4 describes the Urban Community future land use category in which the subject property is designated. The category is described as having a distinct urban character but should be developed at lower densities than typical urban areas. The compact development footprint of

the property, along with numerous architectural and site design features, allow the site to maintain its historically pedestrian-oriented urban character. The policy affirms the importance of maintaining and strengthening urban services as vacancies in these communities are reduced. As previously stated, Boca Grande is described in the Vision Statement of the Lee Plan as having less than 15% land vacancy. The logical expansion of the church's facilities represents the growing need for this service in a community with limited available lands. Among the predominant land uses listed in the Urban Community category per **Policy 1.1.4** are public and quasi-public uses further indicating the uses suitability at the proposed location. It should be noted, per **Policy 2.1.3**, that churches, among other public and quasi-public uses listed, are permitted in all land use categories.

Based on the analysis of the subject property and surrounding area, there are no documented or indications of any environmentally critical and sensitive areas and natural resources. As a result, the requested Special Exception to allow for a Place of Worship will not negatively impact environmentally critical and sensitive areas and natural resources and is consistent with **Standard 4** within the Lee Plan as well as **Objective 19.4** and **Objective 19.5**.

ZONING – SPECIAL EXCEPTION REQUEST

The subject property is currently within the RS-1 and CS-1 zoning district (See Figure 3) within the Boca Grande Planning Community. A Place of Worship is permitted by Special Exception within the RS-1 and CS-1 zoning district.

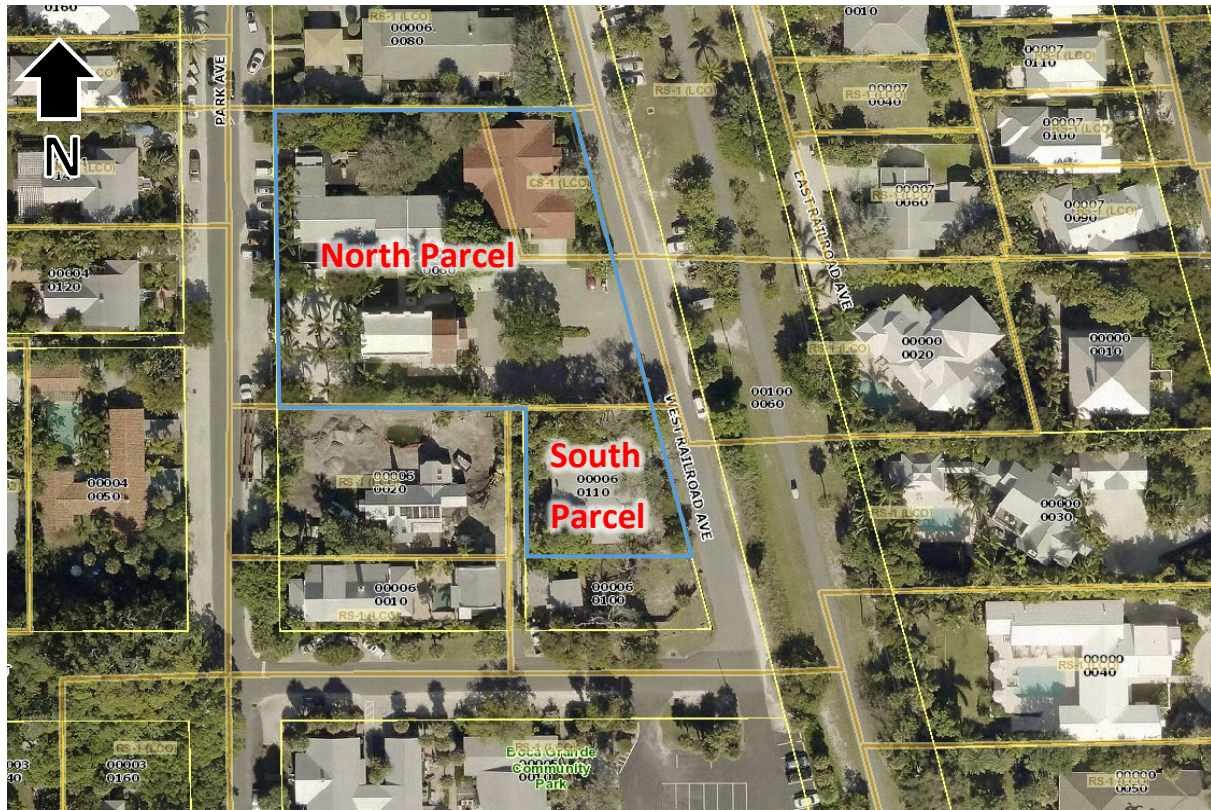


Figure 3. Existing and Surrounding Zoning

Surrounding Uses

The subject property is located within an area of Boca Grande consisting of a mixture of existing improved commercial and residential development. Immediately north of the subject property is a health clinic. To the west/southwest of the subject property is an existing single-family residence under construction. To the south/southeast is an existing single-family residence. Directly to the east is West Railroad Ave. With the purchase and development of the Parish Hall on the subject property, the Our Lady of Mercy Campus will take a majority of frontage along West Railroad Avenue from 3rd Street to Banyan.

| | Future Land Use | Zoning | Existing Use | Notes |
|-------|-----------------|--------|-------------------------|--|
| North | Urban Community | RS-1 | Health Clinic | Our Lady of Mercy |
| East | Urban Community | RS-1 | Right of Way | West Railroad Ave, Boca Grande Bike Path |
| South | Urban Community | RS-1 | Single-family residence | |
| West | Urban Community | RS-1 | Single-family residence | |

Table 1. Uses surrounding Subject Property

LDC Consistency

Based on the Site Plan (See Attached), the existing structures of the north parcel will remain and the various existing site improvements (concrete pads, decking, etc.) of the south parcel will be demolished and removed from the property to provide additional and more effective use of the property for a Place of Worship. The companion Special Certificate of Appropriateness, Administrative Relief, and Variance applications further address design parameters for the subject property.

The principal use; Our Lady of Mercy church, is located on STRAP #14-43-20-01-00006.0060 which has two (2) zoning districts; RS-1 and CS-1. Places of worship are permitted in the RS-1 district as existing only (EO) or via special exception (SE) per Table 34-694. LDC Section 34-2053 is specific to the expansion of existing places of worship as is the case with the current project. The code section affirms that that places of worship which lawfully existed as of August 1, 1986 are a legal use. Lee County Property Appraiser data dates the principal church building back to 1950 with an effective year built of 1978, both preceding the 1986 limitation and satisfying the EO criteria for the principal structure in the RS-1 zoning district. The CS-1 zoning district permits the use by right without need for a special exception.

The inclusion of the south property as part of the church campus prompts the need for the special exception on the entire parcel.

The attached site plan specifically identifies and notes the location of the existing church and ancillary buildings and the proposed Parish Hall with proposed buffering/screening/landscaping to the maximum extent possible. Companion applications are submitted to address any deficiencies.

Urban Services

The subject property is in the Boca Grande Planning Community with a Future Land Use category of Urban Community, which as stated previously is an urban category that promotes a mixture of relatively intense commercial and residential uses.

Public Utilities – The subject property is served by Gasparilla Island Water Associations. Currently there is both potable water and sanitary sewer service to the subject property.

Solid Waste – Solid waste: according to Lee County's District Query, this property falls under District Area 6 (see Below), and according to Lee County, area 6 is managed by Waste Management out of Charlotte County via an interlocal agreement.

Emergency Services -The subject property is serviced by Boca Grande Fire, and the Lee county Sheriff. The property will likely be served by Boca Grande Fire Department, approximately 0.1 miles from subject property located at 360 East Railroad Ave, Boca Grande, FL 33921. The sheriff's Gulf District (Boca Grande) Patrol Unit is located at 131 1st Street West, Boca Grande, FL 33921 approximately .3 miles from the subject property.

Public Transit (Lee Tran) – There is no Lee Tran service to Boca Grande.

Transportation/Traffic - The subject property fronts on W. Railroad Avenue which is an arterial road in Boca Grande Approval of the request will allow for a Place of Worship to be established on the property as an accessory to the existing church on the abutting property to the north. Based on the Traffic Impact Statement (TIS) included with the application submittal and prepared in accordance with Sec. 34-203(e)(2), granting the request to allow for a Place of Worship will not negatively impact the level of service on all affected roadway links.

CONCLUSIONS AND FINDINGS

The Special Exception request is to allow for a Place of Worship on the subject property located within the Urban Community future land use category and the RS-1 and CS-1 Zoning District. Based on the consistency findings of the goals, objectives, policies, and intent of the Lee Plan, the confirmation of no environmentally critical and sensitive areas and natural resources applicable to the subject property and use, compliance with all applicable zoning regulations pertaining to the proposed facility as depicted on the submitted site plan ensures compatibility to the adjacent residential land use, consistency with future planned uses per the future land use category, and overall results of not generating any adverse, injurious, or detrimental impacts to the neighborhood or overall public welfare.