

Preserves of Venice

Rezone Petition No. 16-03RZ

Preliminary Plat Petition No. 16-03PP

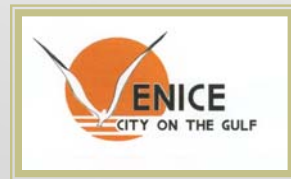
Conditional Use Petition No. 16-01CU

Project Owner and Agent:

Owners: SSD Land Holdings, LLC

Agent: Charles D. (Dan) Bailey, Jr., Esq.

Williams Parker Law Firm



We serve with PRIDE

Zoning Map Amendment

Preserves of Venice

Petition Summary Information

Owner: SSD Land Holdings, LLC Parcel ID #s: 0399-04-0001

Agent: Charles D. (Dan) Bailey, Jr., Esq., Williams Parker Law Firm

Location: SE Corner of N. Auburn Rd. and Border Rd. Parcel Size: 39.6± acres

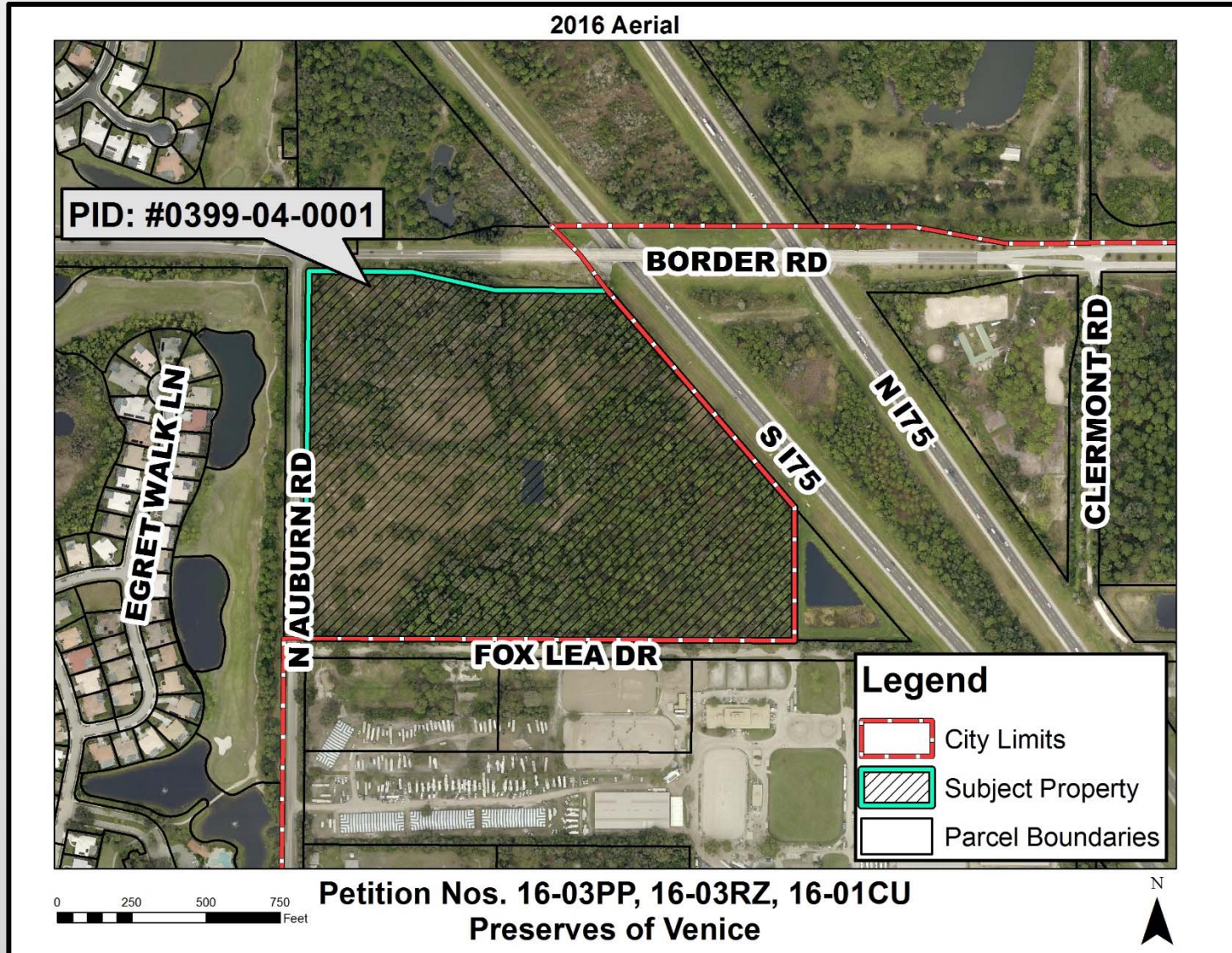
Existing Zoning Districts: Sarasota County Open Use Estate-1 (OUE-1)

Proposed Zoning District: City of Venice Residential, Single-Family-2 (RSF-2)

Future Land Use Designation: Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a)

**Concurrent Applications: Conditional Use Petition No. 16-01CU
Preliminary Plat Petition No. 16-03PP**

Aerial Photograph



Photographs of On-Site & Off-Site Conditions



Photographs of On-Site & Off-Site Conditions



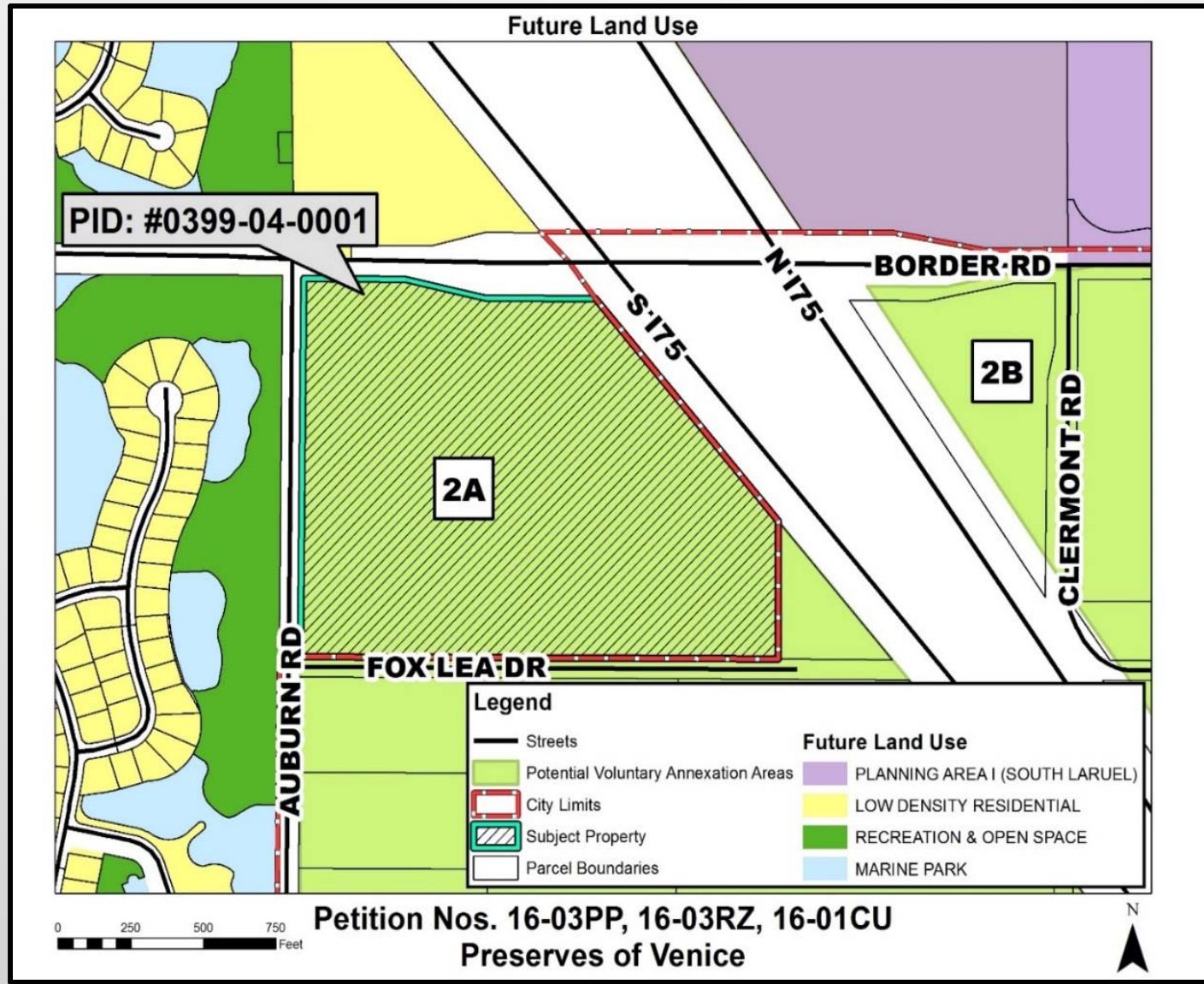
Photographs of On-Site & Off-Site Conditions



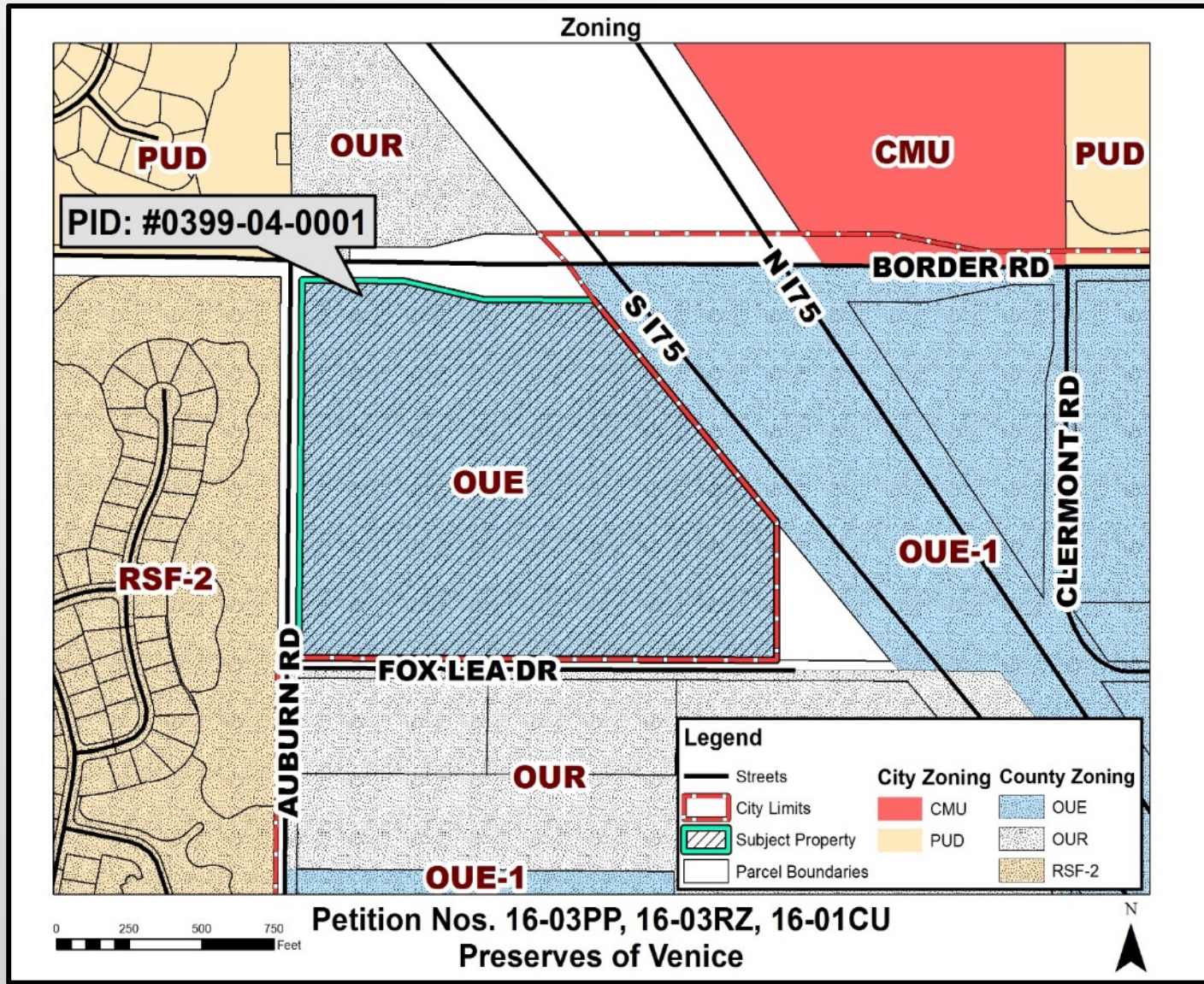
Surrounding Property Information

Direction	Existing Land Use(s)	Existing Zoning District(s)	Future Land Use Map Designation(s)
North	Vacant Land and Waterford Subdivision and Golf Course Maintenance Area	Sarasota County Open Use Rural (OUR) and City of Venice (PUD)	Low Density Residential and Recreation and Open Space
West	Sawgrass Subdivision	Sarasota County (RSF-2)	Low Density Residential and Recreation and Open Space
South	Single Family Home and the Fox Lea Farm Equestrian Facility	Sarasota County (OUR)	Auburn Road to I-75 Neighborhood (JPA Area No. 2a, Sub-Area 2) or Sarasota County Moderate Density Residential
East	Interstate 75	NA	NA

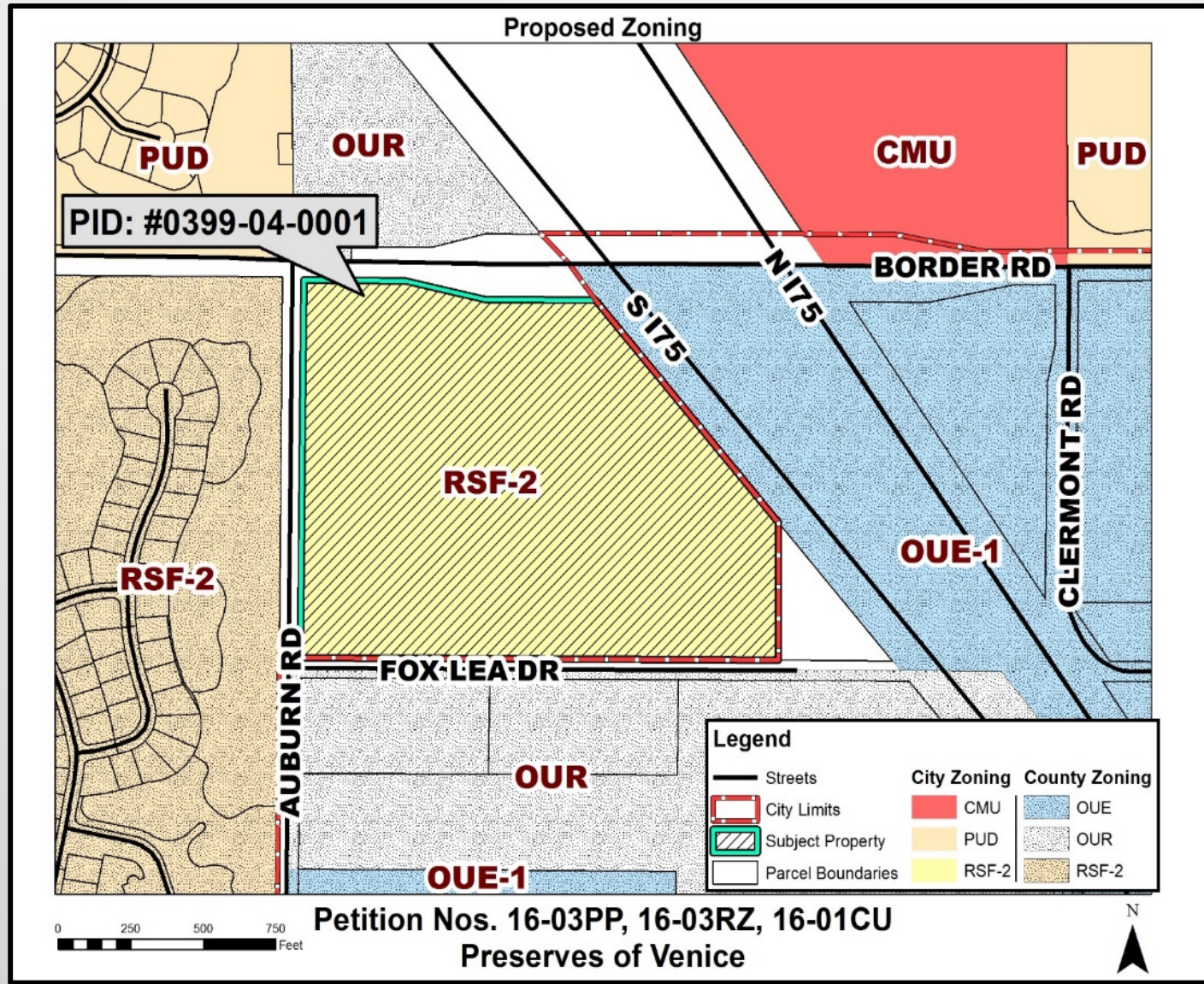
Future Land Use Map



Existing Zoning Map



Proposed Zoning Map



Planning Analysis

Evaluation of OUE-1 and RSF-2:

- Pre-annexation agreement requires the property to be rezoned to a City designation prior to development
- Density
 - OUE-1 permits up to 1 unit per 5 acres
 - RSF-2 permits up to 3.5 units per acre
- JPA Area limits density to 3 units per acre (*applicant proffered stipulation*)
- Proposed density is consistent with surrounding development and potential development

Planning Analysis

	Designation	Maximum Gross Intensity/Density	Total Dwelling Units / Acre (39.6 Acres)
Existing Zoning	OUE	1 dwelling unit per 5 acres	8 dwelling units
Proposed Zoning	RSF-2	3.5 dwelling units per acre	138 dwelling units
Comprehensive Plan	Joint Planning Area No. 2a	3 dwelling units per acre	119 dwelling units
Applicant Proposed Development	Residential Single Family	3 dwelling units per acre	118 dwelling units

Planning Analysis

Comprehensive Plan Consistency:

- **Policy 18.3 – “ensure timely development of urban services and facilities that are compatible with natural resources and community character”**
 - **Urban services are in place and available**
 - **Development design provides nearly 50% of open space preserving environmental features and vegetation including grand trees**

Planning Analysis

Comprehensive Plan Consistency:

- **Policy 18.4 – provides the development scenario for the JPA Area**
 - **Maximum 10% non-residential**
 - **Residential encouraged in Sub-Area 2**
 - **Equestrian uses permitted in Sub-Area 2**
 - **Maximum height 3 stories up to 42 feet in Sub-Area 1**
 - **7.4 acres conservation and open space over 176 acres**
 - **Conserve environmental features**
 - **Mitigation techniques of compatibility Policy 8.2**

Planning Analysis

Comprehensive Plan Consistency:

- **Policy 8.2 and JP/ILSBA Section 10(I) – 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**
- **Policy 13.1 must also be evaluated at the point of rezoning and a positive finding is required on the following for maximum allowable density to be permitted**

Planning Analysis

Policy 13.1 requires a positive finding for max density:

- **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**

Planning Analysis

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. (County mitigation includes “increasing lot sizes”)**

Staff Summary/Findings of Fact for Proposed Zoning and Comprehensive Plan

1. **Finding of Fact (Evaluation of Existing/Proposed Zoning)**: *The proposed rezoning is necessary due to the pre-annexation agreement requirement that the property be rezoned to a city designation prior to any development. With the proffered stipulation of a maximum of 3 units per acre, the proposed zoning designation is consistent with the future land use designation of JPA Area 2a. In addition, it provides a development intensity similar to the majority of the existing adjacent development and the development potential of the surrounding properties. As indicated, the existing county zoning designation cannot be developed under as the property is within the jurisdiction of the City and development under the OUE designation would be inconsistent with the development framework of a city. **Based on the staff evaluation, staff finds that an affirmative finding can be reached on the proposed zoning designation requested.***
2. **Finding of Fact (Comprehensive Plan)**: *Based on the staff analysis, the proposed rezoning is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2 and 13.1 of the City's Comprehensive Plan along with principles identified in Section 10(I) of the JP/ILSBA. Further review of existing and proposed zoning designations and uses of the subject and surrounding properties has been provided. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 will be employed by the applicant upon development of the property. **Based on the review criteria indicated above and provided in the Comprehensive Plan, there is evidence on which to base a finding of compliance with the City's Comprehensive Plan. Land use compatibility will be further confirmed as part of the review of the concurrently-processed preliminary plat.***

Planning Analysis

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.

Findings of Fact (Applicable Rezoning Considerations):** The applicant has provided a response to each of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered. **Sufficient information has been provided for the Planning Commission to evaluate each consideration.

Based upon the above analysis, there is sufficient basis for the Planning Commission to make recommendation to City Council regarding Zoning Petition No. 16-03RZ.

***Stipulation:** Residential density on the subject property is limited to a maximum of 3 units per acre.*

Preliminary Plat Petition No. 16-03PP

Preserves of Venice

Owner: SSD Land Holdings, LLC

Parcel ID #: 0399-04-0001

Agent: Charles D. (Dan) Bailey, Jr., Esq., Williams Parker Law Firm

Location: Southeast Corner of N. Auburn Rd. and Border Rd. **Parcel Size:** 39.6± acres

Existing Zoning: Sarasota County Open Use Estate-1 (OUE-1)

Proposed Zoning: City of Venice Residential, Single-Family-2 (RSF-2)

Existing Future Land Use Designation: Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a)

Summary of Proposed Preliminary Plat:

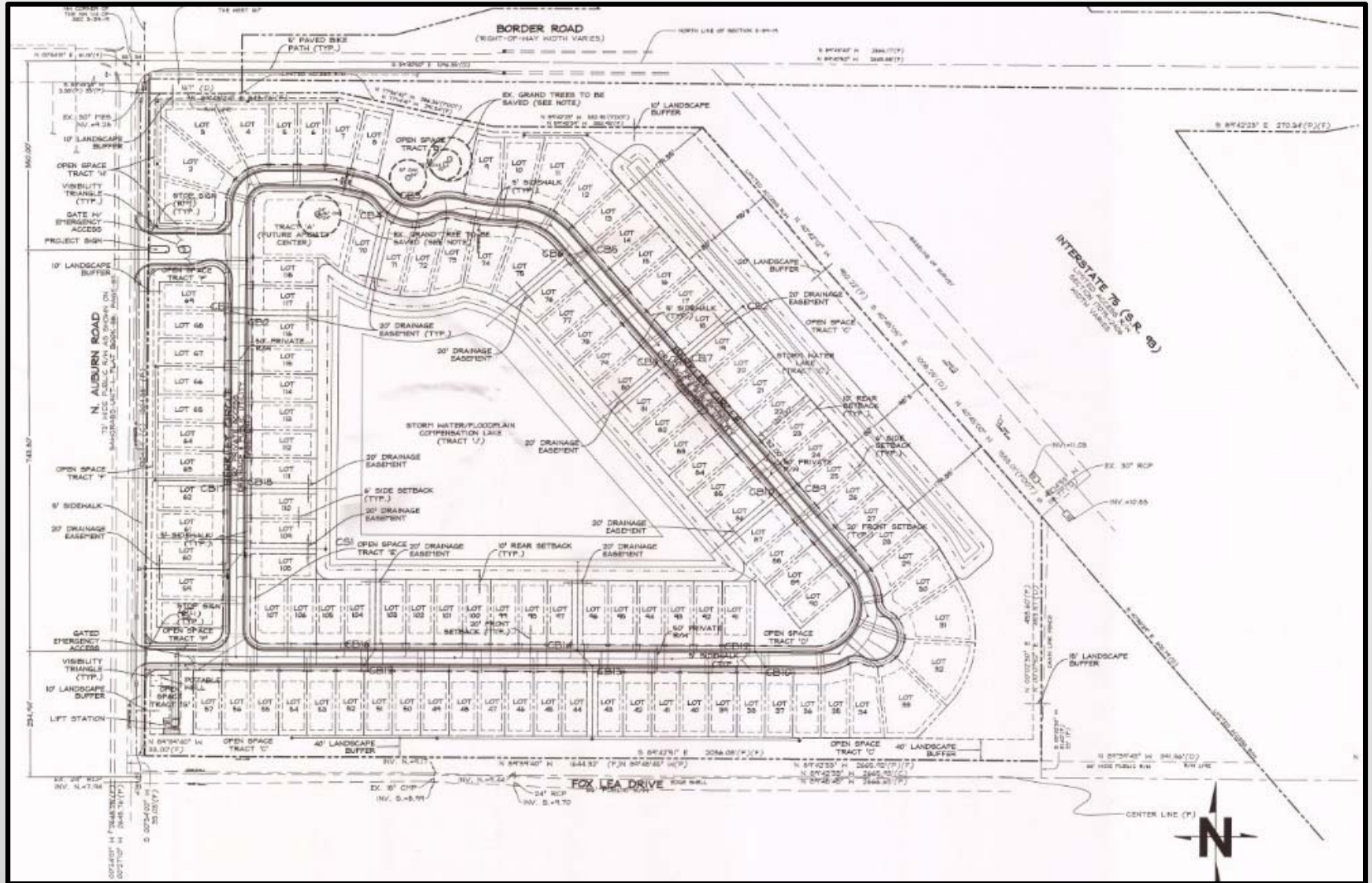
- 1) The subject preliminary plat proposes development of a 118 lot residential single family detached subdivision. A future amenity area is identified that will require separate site and development plan approval.
- 2) Other improvements include private streets, stormwater management system and water and sewer utilities.
- 3) Landscaping improvements include landscape buffers of ten feet along the perimeter of the site with the exception of the area adjacent to I-75 which is 20 feet and the area to the south along Fox Lea Drive which is 40 feet. Street trees and other trees to comply with Sarasota County tree replacement requirements are provided.

Stipulations:

- 1) Staff is recommending environmental stipulations that are identified later in this report.
- 2) All prospective buyers of property within the Preserves of Venice must be notified by the developer or his representative of the adjacent Fox Lea Farm equestrian facility to the south.
- 3) Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-03RZ.

Technical Review Committee (TRC): The subject petitions have been reviewed by the TRC, and except for requested code modifications permitted through the preliminary plat process, compliance with all regulatory standards applicable to the subject petitions has been confirmed.

Preliminary Plat



Preliminary Plat

- **Subdivision into 118 single-family lots**
- **Proposed amenity area that will require separate site and development plan**
- **Private streets, stormwater management system and water/sewer utilities**
- **Street trees along the road that are required to be maintained for the life of the community. 863 trees are required for the project which includes existing and proposed**
- **Although no buffers are required, perimeter buffers of 10 feet are provided to the west and north, to the east 20 feet and to the south 40 feet.**
- **Much of the existing vegetation is to remain and where invasive vegetation is removed, per stipulation, it is to be replaced with native species.**
- **Although no open space is required, the applicant is proposing open space of 19.75 acres, nearly 50% of the site.**

Preliminary Plat

Requested Code Modifications Per Code Section 86-230(d):

- A reduction of the minimum lot width requirement from 80 feet to 52 feet
- A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet
- An increase in the maximum lot coverage requirement from 30% to 58%
- A reduction of the minimum side setback requirement from 8 feet to 6 feet
- A reduction of the minimum side setback combination requirement from 18 feet to 12 feet

Based on the unusual condition of higher intensity adjacent uses, the applicant is requesting these modifications in order to provide increased buffering and open space to mitigate impacts. This mechanism is appropriate to allow the applicant to develop the property in a reasonable manner.

Comparison of Development Standards

Development	Lot Width (feet)	Lot Size (square feet)	Side Setback (feet)	Lot Coverage
Venetian Golf & River Club	55, 70 & 90	7,150 sq. ft.	7.5 feet	75%
Toscana Isles	50 & 60	5,650-6,900	5	none
Windwood	52	6,500	5	70%
Milano	40, 45 & 52	4,500-6,500	5-6	none
The Woods	52	6,500	5	none
Preserves	52	6,240	6	58%

Preliminary Plat

Sidewalk Waiver Request Per Code Section 86-520(c):

1. Along the north side of Fox Lea Drive

Considerations:

- Fox Lea Drive is currently an unimproved shell road.
- No access is proposed to Fox Lea Drive from the project.
- The removal of existing vegetation would be required for construction.
- The existing stormwater drainage would need to be altered.

2. Along the south side of Border Road

Considerations:

- The existing ground elevations relative to the overpass in this area.
- No access is proposed to Border Road from the proposed project.
- Potential conflict with the existing underground stormwater facilities.
- Applicant willingness to provide a 5 foot paved bike lane to transition into the existing bike lane over I-75.

Alternative: Code Section 86-520(b) provides for “Cash deposit in lieu of construction.

Preliminary Plat

Environmental Assessment:

- **Upland portions consist of improved pasture and pine flatwoods**
- **No jurisdictional wetlands onsite**
- **No listed wildlife species observed**
- **No gopher tortoise burrows observed**
- **No documented eagle nests on or within the vicinity of the site.**

Staff recommended stipulations:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.

Planning Analysis

Comprehensive Plan Consistency:

- **Policy 8.2 and ~~JP/ILSBA Section 10(I)~~ – 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**
- ~~Policy 13.1~~ **must also be evaluated at the point of rezoning and a positive finding is required on the following for maximum allowable density to be permitted**

Planning Analysis

Comprehensive Plan Consistency:

- **Policy 8.2– as it relates to building envelope:**
 - **Although the JPA Area 2a, Sub-Area 1 allows for building height of 3 stories up to 42 feet, the RSF-2 district limits maximum building height to 35 feet.**
- **The mitigation techniques as identified in Policy 8.2 are being confirmed through this proposed preliminary plat petition.**
 - **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. (County mitigation includes “increasing lot sizes”)**

Staff Summary/Findings of Fact for Comprehensive Plan and Subdivision Standards

Finding of Fact (Comprehensive Plan): Based on the above analysis, the proposed preliminary plat is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 are confirmed through this petition. ***Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to base a finding of compliance with the City's Comprehensive Plan.***

Confirmation has also been provided of compliance with Code Sections 86-231 and 86-233 regarding Planning Commission's role in taking action on a preliminary plat petition based on the following:

- ❖ Compliance with the City's code and applicable laws of the state.
- ❖ Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.
- ❖ Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.

Finding of Fact (compliance with subdivision standards and LDC):

The proposed Preserves of Venice preliminary plat is in compliance with the City's Land Development Code subdivision standards and, except for the modification of code standards being requested, is compliant with the City's LDC.

Concurrency

- City review agencies have reviewed the following public facilities: water, sewer, solid waste, parks and recreation, stormwater/drainage, and transportation.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	118 ERUs	Concurrency confirmed by Utility Department
Utilities	Sanitary Sewer	118 ERUs	Concurrency confirmed by Utility Department
Public Works	Solid Waste	1,223.66 pounds/day	Concurrency confirmed by Public Works Department
Public Works	Parks & Recreation	201 persons	Concurrency confirmed by Public Works Department
Engineering	Drainage	Meets 25 year/24 hour SWFWMD criteria	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	122 p.m. peak hour trips	Concurrency confirmed by Planning & Zoning Department
School Board	Public Schools	Under review awaiting Final Plat approval	No issue raised – approval upon Final Plat

Finding of Fact (concurrency):

No concurrency issues for public facilities have been identified. Issuance of a certificate of concurrency will be required in coordination with approval of the final plat.

Based upon the indicated findings, the Planning Commission can make a positive recommendation to City Council regarding Preliminary Plat Petition No. 16-03PP.

Planning Commission's Recommendation to City Council

If a recommendation of approval is provided for Preliminary Plat Petition No. 16-03PP, following is a complete list of additional actions (page 17 of the staff report) to be taken and included in the motion:

Stipulations:

- 1) An updated listed species survey must be conducted prior to any construction.
- 2) The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
- 3) The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
- 4) The applicant must obtain all applicable state and federal environmental permits prior to construction.
- 5) It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
- 6) The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.
- 7) All prospective buyers of property within the Preserves of Venice must be notified by the developer or his representative of the adjacent Fox Lea Farm equestrian facility to the south.
- 8) Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-3RZ by City Council.

Modification of Code Standards:

- 1) A reduction of the minimum lot width requirement from 80 feet to 52 feet;
- 2) A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
- 3) An increase in the maximum lot coverage requirement from 30% to 58%;
- 4) A reduction of the minimum side setback requirement from 8 feet to 6 feet.
- 5) A reduction of the minimum side setback combination requirement from 18 feet to 12 feet.

Waiver of Sidewalk Requirements:

- 1) Along the north side of Fox Lea Drive.
- 2) Along south side of Border Road.

Conditional Use Petition No. 16-01CU

Preserves of Venice

Consistent with Code Section 86-42, the applicant is requesting approval of a conditional use for development of a gated community, characterized by physical barriers to automotive and pedestrian circulation.

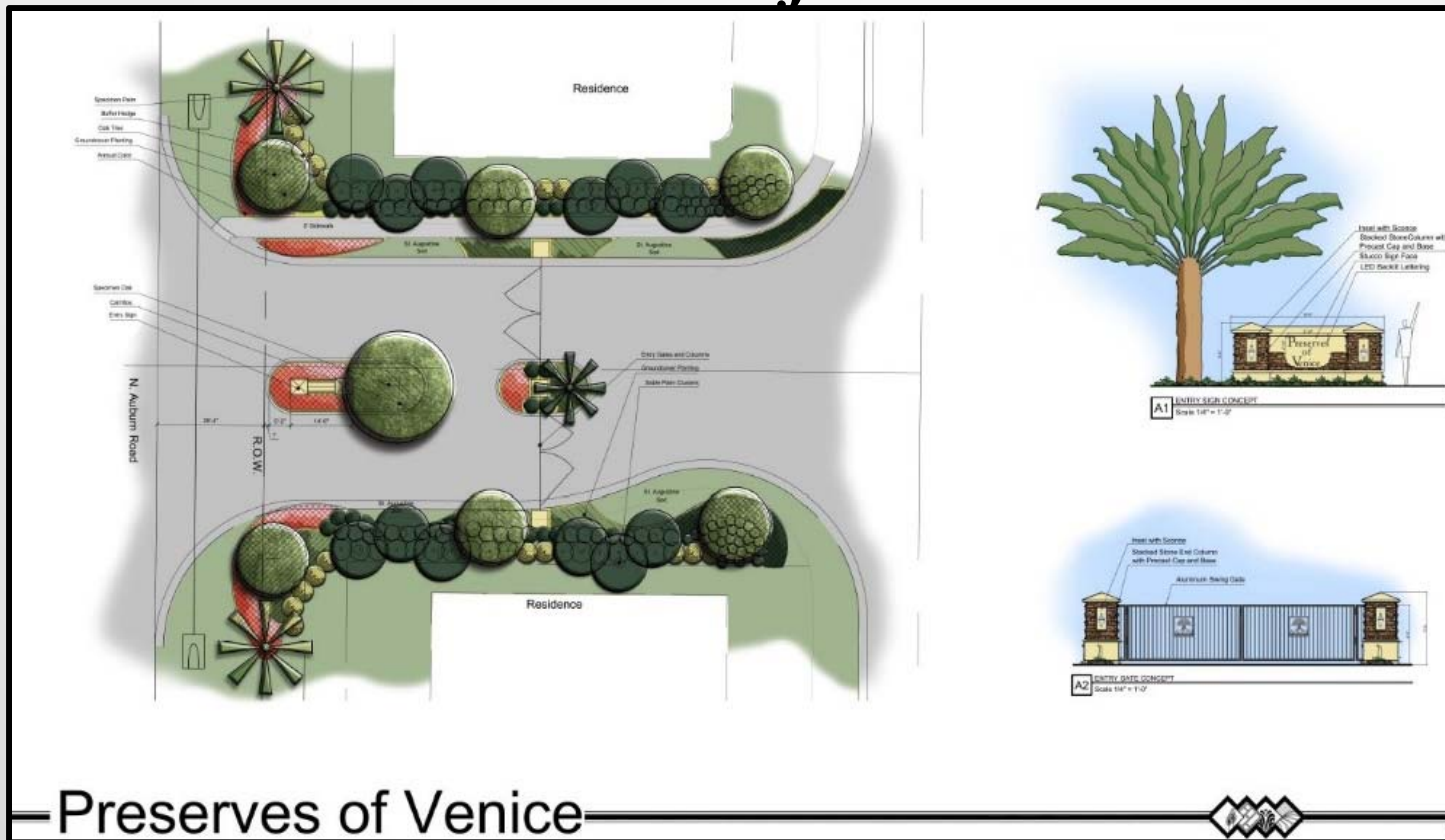
Staff Review:

- ❑ Request is consistent with Policy 2.6 of the Comprehensive Plan, Land Use & Development Chapter, Housing & Neighborhood Development Element
- ❑ Subdivisions referenced earlier as recent development are all gated communities. In addition, both subdivisions of Waterford and Sawgrass in close proximity are gated.
- ❑ Market driven development style.
- ❑ Proposed community gate is consistent with dimensional code standards for fencing.
- ❑ Vehicle stacking area appears adequate.

Planning Commissions standards of review from Code Sections 86-42(e) and (f) are provided in the staff report and have been addressed by the applicant with a staff comment where applicable.

Conditional Use Petition No. 16-01CU

Preserves of Venice



Preserves of Venice

Findings of Fact (Applicable Conditional Use Considerations): The applicant has provided a response to each of the applicable conditional use considerations contained in Section 86-42 (e) of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered. Sufficient information has been provided for the Planning Commission to evaluate each consideration.

Based upon this finding, the Planning Commission can make a positive recommendation to City Council regarding Conditional Use Petition No. 16-01CU.

Summary

Preserves of Venice

To Summarize;

- *Based upon the analysis, there is sufficient basis for the Planning Commission to make a positive recommendation to City Council regarding Zoning Petition No. 16-03RZ.*

Stipulation: *Residential density on the subject property is limited to a maximum of 3 units per acre.*

- *Based upon the indicated findings, the Planning Commission can make a positive recommendation to City Council regarding Preliminary Plat Petition No. 16-03PP.*

Stipulations: *Environmental, proximity notice requirement and contingent on the approval of Zoning Map Amendment 16-03RZ.*

Take Action: *On the sidewalk waiver request and the requested code modifications.*

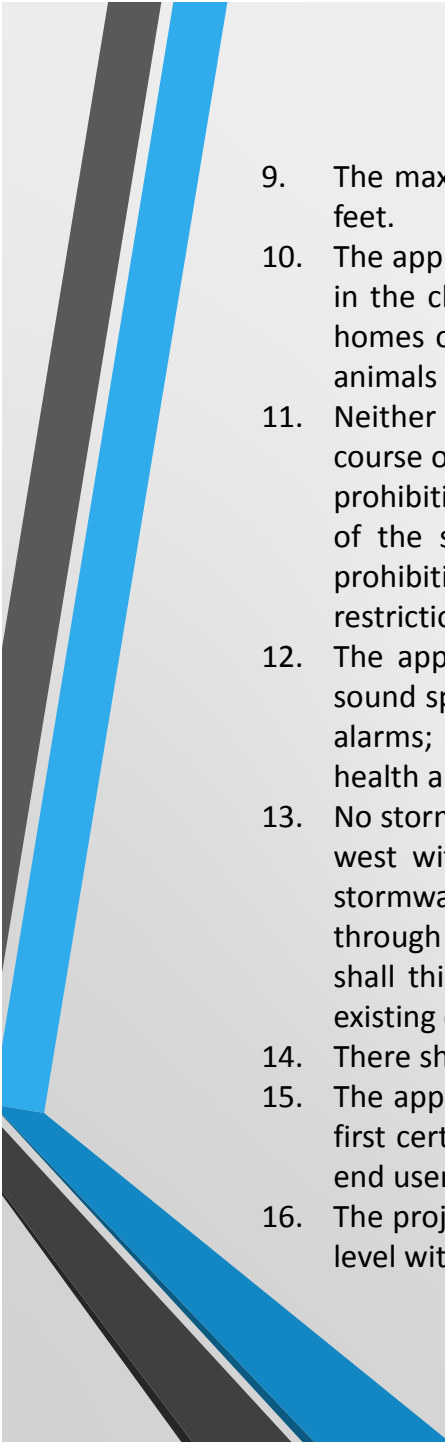
- *Based upon this finding, the Planning Commission can make a positive recommendation to City Council regarding Conditional Use Petition No. 16-01CU.*

Planning Commission's Recommendation to City Council

As a result of the Planning Commission public hearing on May 16, 2017, the recommendation of approval of Preliminary Plat Petition No. 16-03PP included the following stipulations along with additional actions regarding code modification and sidewalk waiver:

Stipulations:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.
7. Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-03RZ by City Council.
8. The applicant shall record a Notice of Proximity in the Official Records of Sarasota County in the chain of title prior to the Final Plat approval, notifying all future purchasers of lots or homes within the subdivision of the proximity of their property to Interstate I-75; and notifying them of the proximity of their property to the adjacent Fox Lea Farms as an equestrian stable and riding academy which conducts national horse show events. Said Notice of Proximity shall also be delivered to potential purchasers prior to their entering into a binding contract, as part of the presale written materials, and it shall be included in the homeowner association documents.

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9. The maximum height of structures on the southern boundary shall be limited to one (1) story or twenty five (25) feet.
 10. The applicants shall record an express prohibition on the use of fireworks in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger the noise of fireworks poses to the health and temperament of animals and humans and the risk of danger to nearby equestrians.
 11. Neither the applicant nor its contractors shall burn any trash or waste materials on the subject property in the course of construction; nor shall the City issue any permits authorizing same. The applicants shall record an express prohibition on the burning of trash or waste materials in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger that smoke poses to the health and temperament of animals and humans. This restriction shall not preclude homeowners from using outdoor barbeques for cooking.
 12. The applicant shall incorporate into the homeowner documents an express prohibition on the use of outdoor sound speakers applicable to the lots on the southern boundary. This prohibition shall not apply to fire and burglar alarms; however, the speakers for such alarms shall be oriented toward the north unless otherwise required for health and safety reasons.
 13. No stormwater or other drainage from the subdivision site shall be discharged into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way. This shall not preclude the discharge of stormwater from the development into a proposed east-west swale to be constructed along the rear of Lots 33 through 57, within the 40-foot buffer area, provided that the ditch and the swale shall not be interconnected. Nor shall this preclude areas of the 40-foot buffer lying to the south of the proposed swale from draining into the existing ditch.
 14. There shall be no vehicular or pedestrian access connecting the subdivision to Fox Lea Drive.
 15. The applicant shall commence construction of the amenity center within twelve (12) months after issuance of the first certificate of occupancy for the first residence, or upon the closing on twenty five (25) percent of lots to the end users, whichever shall first occur.
 16. The project will achieve 90% opacity when viewed from Auburn Road to a height to shield the view up to the soffit level within three years of the start of construction.



Modification of Code Standards:

- 1) A reduction of the minimum lot width requirement from 80 feet to 52 feet;
- 2) A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
- 3) An increase in the maximum lot coverage requirement from 30% to 58%;
- 4) A reduction of the minimum side setback requirement from 8 feet to 6 feet.
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Waiver of Sidewalk Requirements:

- 1) Along the north side of Fox Lea Drive.
- 2) Along south side of Border Road.