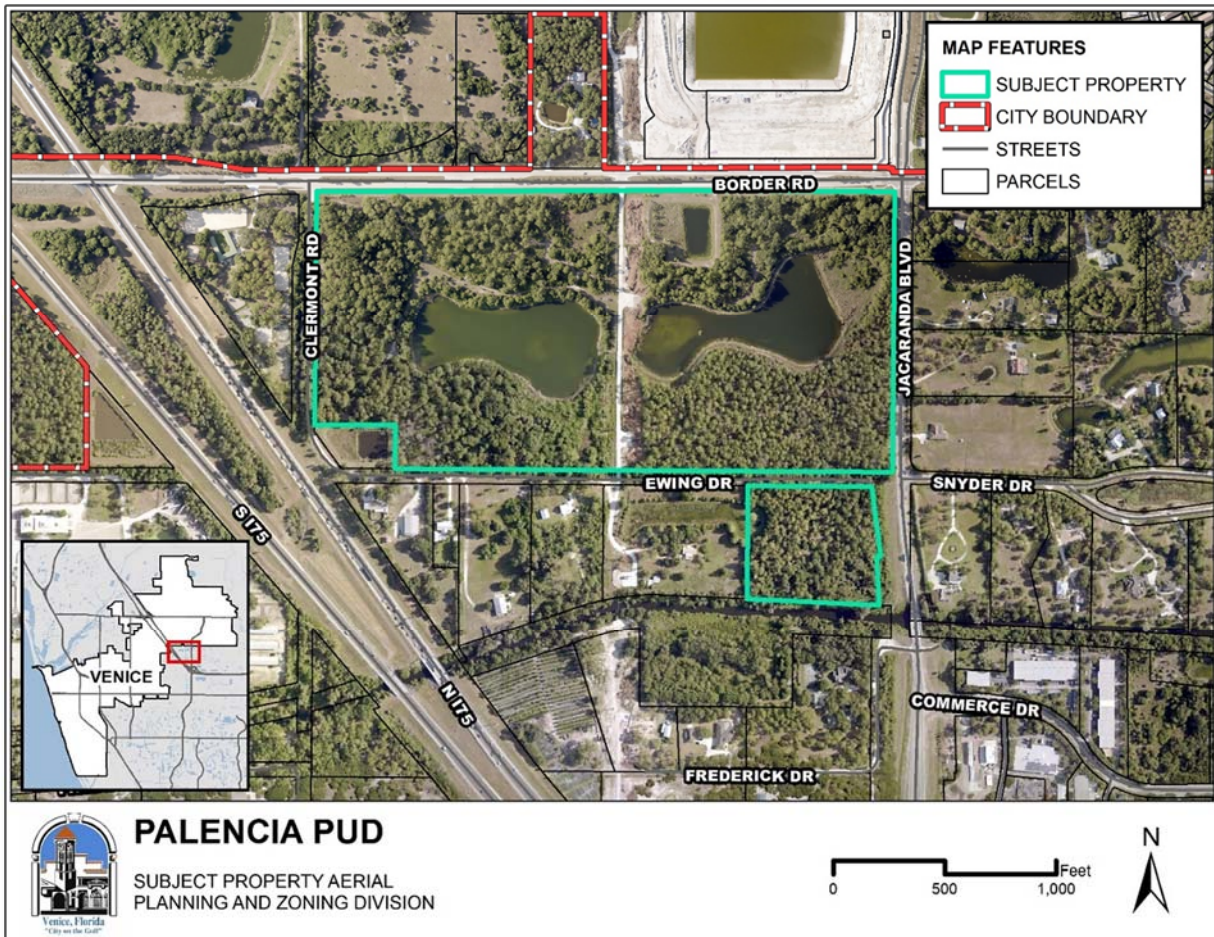




ZONING MAP AMENDMENT & CONDITIONAL USE: PALENCIA, STAFF REPORT



ZONING MAP AMENDMENT & CONDITIONAL USE	
Request:	Rezoning of approximately 80+ acres from Sarasota County Open Use Estate (OUE-1) to Venice Planned Unit Development (PUD), for 203 residential units, with amenity areas and open space, and for a gated community
Owners:	SSD Land Holdings, LLC, Russell W. and Iralyn M. Snyder, Jason Milton Kramer, and Jonathan Sol Kramer
Agent:	Jeffrey A. Boone, Esq.
Location:	Bordered by Jacaranda Boulevard, Border Road, N. Clermont Road and Curry Creek/Blackburn Canal
Parcel ID:	0399010001 and 0399090001
Property Size:	73+ acres and 6.7+ acres
Current Future Land Use:	Sarasota County Rural
Proposed Future Land Use:	Mixed Use Residential (MUR)
Neighborhood:	Northeast – Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) 2b, Subareas 1 and 2
Existing Zoning:	County OUE-1
Proposed Zoning:	PUD

I. INTRODUCTION

This report covers two separate applications, one for a rezoning and the other for a conditional use for a gated community. Both requests are for the proposed Palencia residential development and combined as the majority of the information is identical. Separate decisions will need to be made for each.

II. EXISTING CONDITIONS

The subject 80± acre property consists of two vacant parcels, 73± acres and 6.7± acres, with multiple owners. There are wetlands and other surface waters on the property, along with wooded areas and a Florida Power and Light easement that bisects the property. The larger parcel is bounded by N. Clermont Road, Border Road, Jacaranda Boulevard, and Ewing Drive, with the smaller parcel bounded by Ewing Drive, Jacaranda Boulevard, Curry Creek, and large lot residential in Sarasota County. The parcels have no current active uses, while adjacent parcels are used as residential, agricultural, and vacant land. Vehicular access to the property will be provided off of Border Road, which is paved.

Site Photos



West along Border Rd., stormwater pond on left



East along Border Rd. looking toward N. Clermont Rd.



N. Clermont Rd. from Border Rd., looking south



View is north along FPL easement bisecting property

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the majority of the subject property with designations of Zone X: outside the 500 year floodplain; X500: 0.2% annual chance of flooding; and AE: 1% annual chance of flooding. The AE portions of the subject properties are in a Special Flood Hazard Area. Development of the property will be subject to compliance with applicable FEMA requirements.

Surrounding Properties

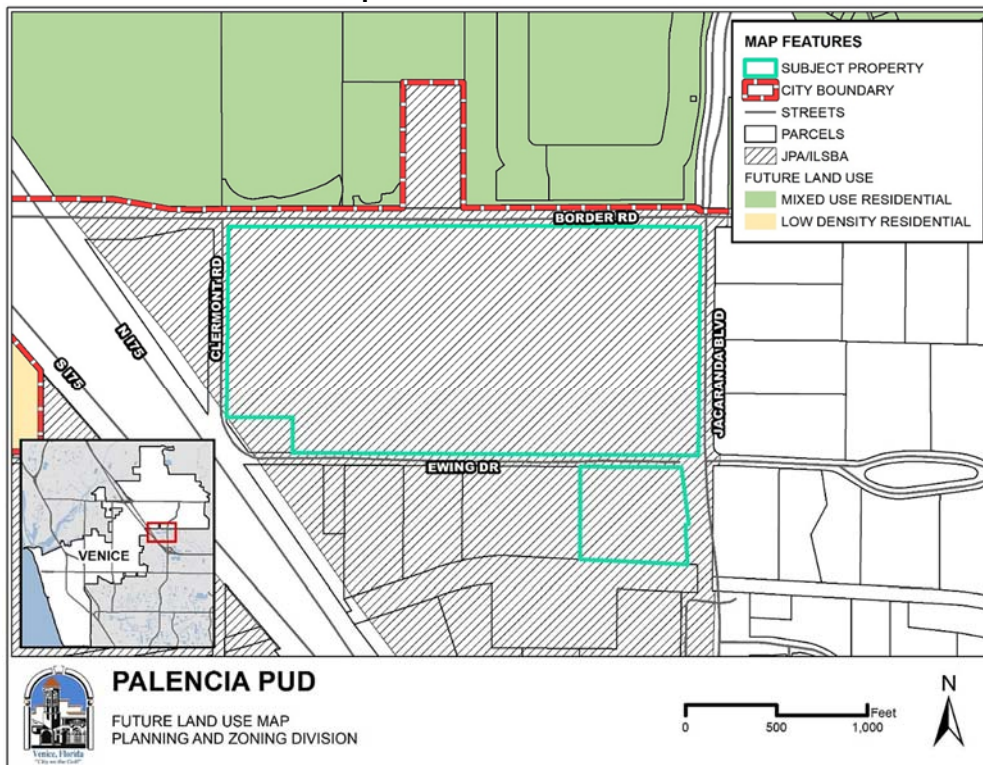
Direction	Existing Land Use(s)	Current Zoning District(s)	Existing Future Land Use Map Designation(s)
North	Residential; vacant	Venice Planned Unit Development (PUD); Sarasota County Open Use Estate (OUE-1)	Venice Mixed Use Residential (MUR); Sarasota County Major Employment Center (MEC)
South	Large lot residential	Sarasota County OUE-1	Sarasota County Rural
East	Large lot residential	Sarasota County OUE-1	Sarasota County Rural
West	Agricultural	Sarasota County OUE-1	Sarasota County Rural

Future Land Use

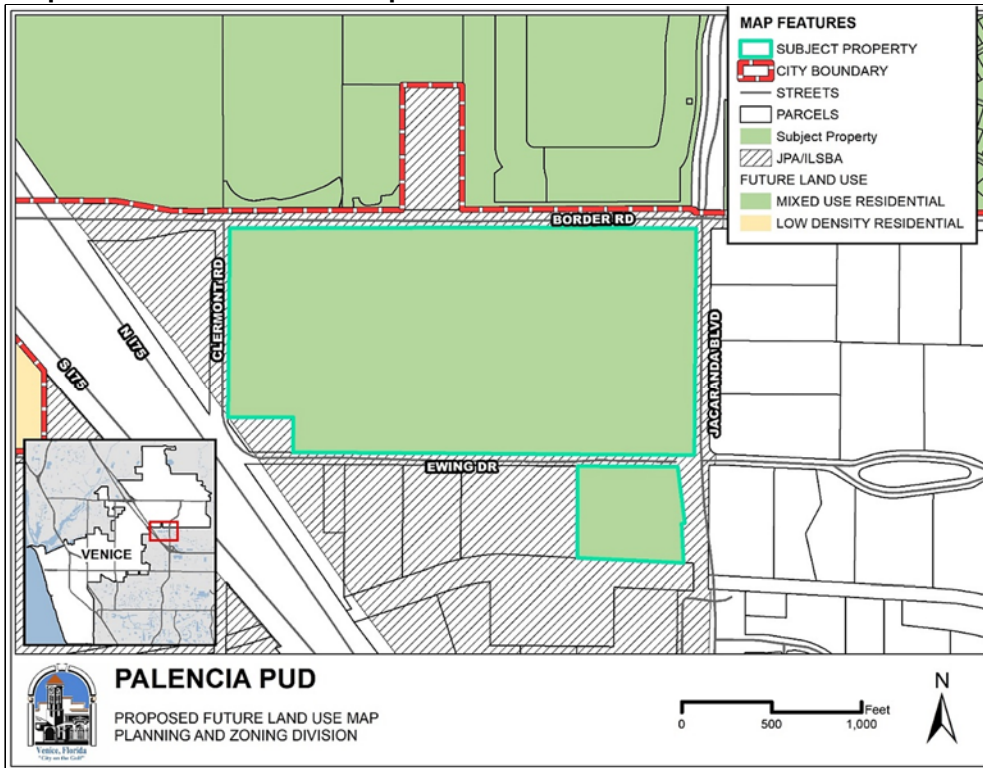
The application for the Palencia PUD project was submitted on July 3, 2019 and includes two parcels of land totaling 80+ acres and located east of I-75 and on the southwest quadrant of the intersection of Border Road and Jacaranda Boulevard. The subject property is located in the Comprehensive Plan's Northeast Neighborhood and is surrounded to the south, east, and west by the County land use designation of Rural. To the north is the City designation of Mixed Use Residential (MUR) and a single parcel with the County designation of Major Employment Center (MEC).

The following maps show both the current and proposed Future Land Use Maps (FLUM) of the subject properties and the surrounding area.

Current Future Land Use Map



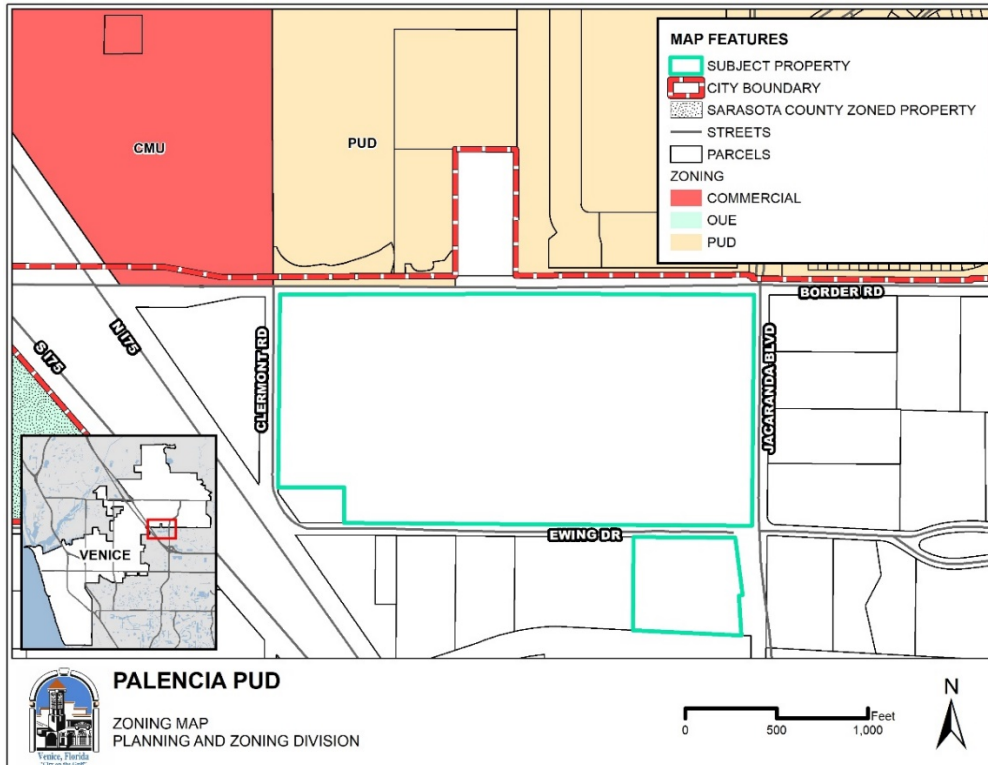
Proposed Future Land Use Map



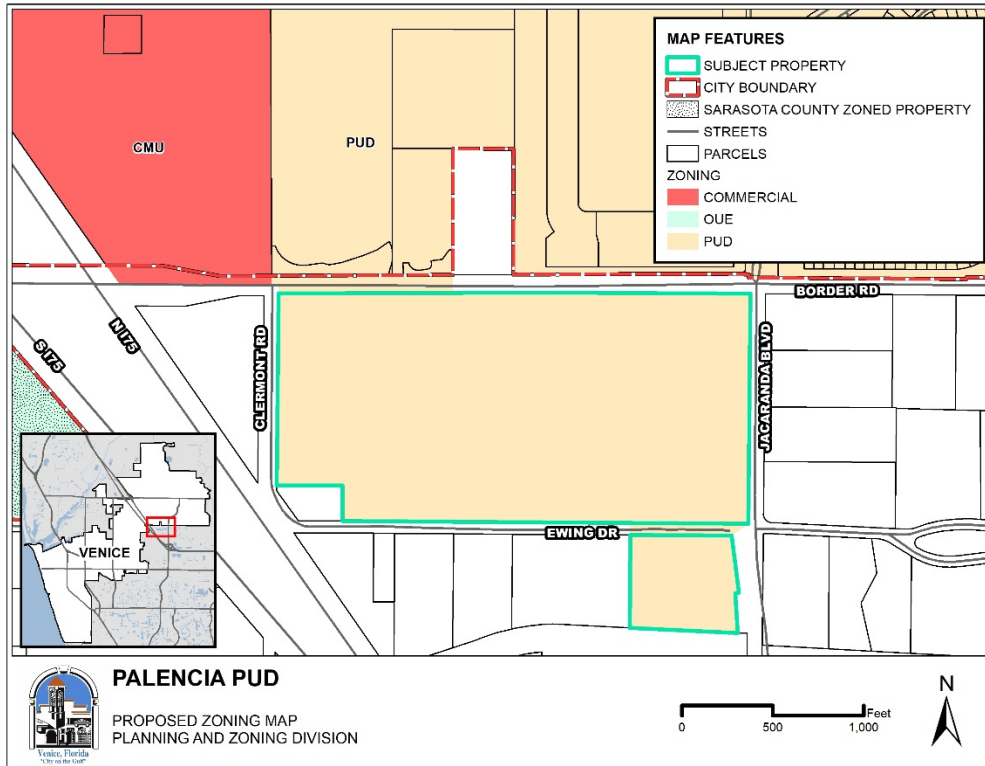
Zoning Designation

The subject property is currently zoned Sarasota County Open Use Estate-1 (OUE-1). The properties to the south, east, and west are also zoned County OUE-1. Properties to the north are zoned as City of Venice Planned Unit Development (PUD) and County OUE-1.

Current Zoning Map



Proposed Zoning Map



III. PLANNING ANALYSIS

A. GENERAL COMMENTS

Binding Master Plan

In accordance with the proposed PUD zoning petition requirements, the applicant has submitted a Binding Master Plan that provides specific development standards and illustrates the development proposed to guide the use and development of the subject property.

Palencia's Binding Master Plan provides for permitted uses as follows (quoted from the Plan): "The proposed density is for up to 203 residential units (approximately 2.5 dwelling units per acre), at the midpoint of the range for PUD's and significantly lower than the density range established through the JPA/ILSBA." There are no commercial uses proposed. Permitted uses, wetlands, lakes, and landscaped buffers are depicted on the Binding Master Plan Map.

(Draft Binding Master Plan is attached)

Binding Master Plan Map

Developing the proposed site as a PUD and the requirement for 50% open space affords the opportunity for a compact development pattern. This allows for preservation of the open space and protection of environmental resources. The plan provided depicts locations of the various uses permitted in the PUD, detailing the location of use types such as residential areas, an amenity site, wetlands, lakes, buffers, signage, and open space. Landscape buffering along the site perimeter, while not required by City Code, is a mitigation technique for compatibility in accordance with Policy 8.2 in the Comprehensive Plan, and is above what we require. The applicant provided a typical section in the Binding Master Plan, as follows.

[illegible]

[illegible]

Palencia Proposal

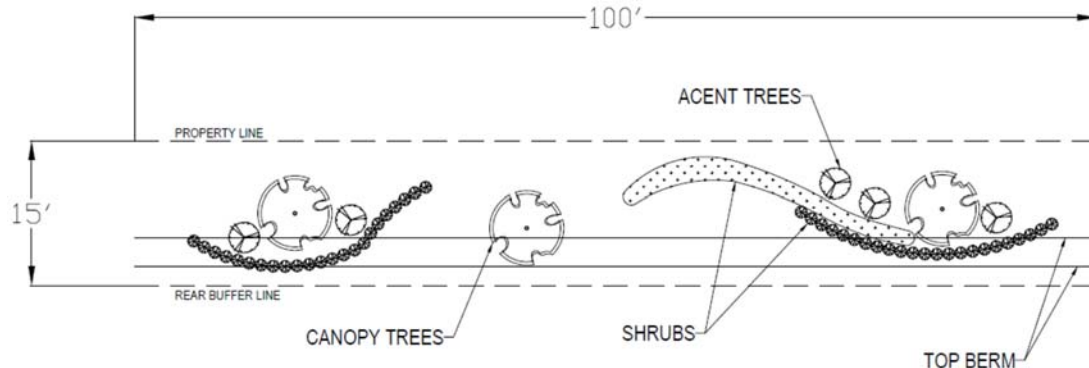
The rezoning request is to convert the current zoning from Sarasota County Open Use Estate (OUE-1) to City of Venice Planned Unit Development (PUD). This will implement the requested comprehensive plan designation of Mixed Use Residential (MUR). The other request is to allow a gated community. The subject property is eligible for annexation due to its inclusion within the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City of Venice and Sarasota County. The applicant proposes to develop the subject property into a residential community consisting of single-family homes and paired villas, an amenity center, and open space.

Buffers

The northernmost wetland buffer is proposed at 30', while the southernmost has none, as the entire parcel is proposed to remain wooded. The other buffers are for landscaping and the provisions for them are as follows:

Proposed Buffers	
Street	Buffer Width
Border Road	15'
Jacaranda Boulevard	15'
N. Clermont Road	15'
Ewing Drive	15'
FDOT stormwater pond, southwest corner	10'

Sample buffer, from Border Road and Jacaranda Boulevard:



B. PROJECT REVIEW

Environmental Assessment

The ecological report was prepared by DexBender, Inc., and contains information on existing vegetation, wetlands, surface waters, uplands, and listed species. The findings are based on available information such as wildlife databases, application of the Florida Land Use and Cover Classification System (FLUCCS), aerial photography, and multiple site visits conducted in November of 2018 and February and March of 2019. The report addressed and analyzed the project based on the Open Space Element of the Comprehensive Plan. This report, along with the proposed development information, was forwarded to Jones Edmunds, the City's environmental consultant firm, for review and verification of consistency with environmental strategies of the Comprehensive Plan. The result of their analysis was that the proposed development is in compliance with environmental strategies of the Open Space Element of the Comprehensive Plan (ecological narrative attached; stipulations are at end of document).

Mobility/Transportation

Roadways

To determine potential impacts to the transportation network, a traffic study was conducted by Transportation Consultants, Inc. in April 2019, revised in August 2019, and again in November 2019, for the Palencia project, submitted with the Comprehensive Plan Map Amendment petition. This study was reviewed by the City's traffic consultant (Wade Trim) and was found to be compliant with professional standards. Since Border Road and Jacaranda Boulevard are County roads, Sarasota County also reviewed for transportation.

Traffic studies project a build out year and include proposed (background) traffic from other approved developments impacting the same roadways that have been approved but not built yet. This background traffic, along with an annual growth rate, provides the best estimate for future conditions/impact. The traffic study area is established by identifying roadway segments where project traffic consumes a minimum of 5% of roadway capacity. The report indicates the study area roadway segments and intersections currently operate at acceptable level-of-service standards. Also, both the existing and future roadway networks and intersections are capable of accommodating trips from the proposed development. Site access will be served by the existing left turn lanes along Border Road. Through their study, the firm found no justification for construction of right turn lanes.

Staff/Consultant Comments on Traffic

The following has been recommended for note by the City's traffic consultant, Wade Trim: "It should be noted for City reference that improvements at the intersection of Jacaranda Boulevard and Border Road will be needed in

the future regardless of this project. The intersection will need to be signalized and the southbound approach should be restriped to an exclusive left-turn lane and a shared through/right turn lane.”

Based on the interlocal agreement with Sarasota County, the City will collect mobility fees for this project. Collection will take place with the issuance of each Certificate of Occupancy for a residence in the Palencia subdivision.

Pedestrian/Sidewalks

According to the Comprehensive Plan, the City must maintain an LOS standard of D along its roads. Border Road is currently designated as a minor collector and is currently at LOS D, with sidewalks present on 50-84% of these roadways. Jacaranda Boulevard is designated as a local roadway and is at LOS C, with sidewalks present on 50-100% of roads. As such, their overall level of service is being met with or without sidewalks. The Palencia PUD development includes provision of sidewalks on one side of the internal (private) road network.

Bicycle

The LOS standard to be maintained for bicycles along City roads is D. Border Road is currently designated as a minor collector and is currently at LOS D, with bike lanes present on 50-84% of these roadways. Jacaranda Boulevard is designated as a local roadway and is at LOS C, with bike lanes present on 50-100% of roads. As such, their overall level of service is being met with or without bike lanes. The proposed cross section provided in the Palencia PUD Binding Master Plan for internal private streets does not provide bike lanes.

Transit

The adopted LOS standard for transit is D along roads served by transit within the City. Palencia is not located along sections of roadway frontage served by transit. As a result, transit LOS is not applicable for this project.

Concurrency

The intent of concurrency is for levels of service for public facilities to be in place at the time of project impact. While zoning does not result in an approved development permit, it is important for decision makers to consider the impact of the proposed development on public facilities to identify potential areas of concern for public infrastructure as early as possible. This allows sufficient time to address potential deficiencies while ensuring concurrency is in place no later than the final platting of the project. The proposed development is less than what was anticipated by the Comprehensive Plan and the JPA/ILSBA (203 units proposed, 532 units less than the maximum of 735 allowed by JPA Area 2 and 197 units less than the 400 allowed by PUD zoning).

At the zoning level, concurrency is typically conducted on a preliminary basis, as a detailed review of concurrency is not conducted nor is it granted at this stage of a project. However, for PUD zoning projects, applicants often request concurrency for all public facility types that may grant concurrency at this stage of development. School and stormwater concurrency are examples where concurrency will typically not be granted at the zoning stage of a project. The applicant has applied for concurrency through the subject application.

The concurrency evaluation was conducted utilizing 1.7 persons per household, as applied by the Comprehensive Plan. Population figures are used in Level of Service (LOS) analysis of impact to public facilities (where appropriate).

Solid Waste

The Public Works Department has not identified any solid waste concurrency issues for the project.

Potable Water

The Comprehensive Plan adopted LOS standard for water is 90 gallons, which works out to 18,270 gallons per day. The City Utilities Department has not identified any issues regarding water concurrency for the project.

Sanitary Sewer

Sanitary sewer services will be provided by Sarasota County and connection to that system is required. The County Utilities Department had no comments for the project.

Storm Water Management

The subject property must comply with City Stormwater management requirements of post development runoff not exceeding predevelopment runoff for a 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFMD) prior to construction. Compliance will be confirmed through the platting process.

Functional Open Space (conservation)

The adopted LOS standard for Functional Open Space is 7 acres per 1,000 population. Using the Comprehensive Plan persons per household of 1.7, Palencia would have an estimated population of 345, generating the need for 2.4 acres of functional open space. The 2018 population estimate of Venice is 23,376, according to estimates from the U.S. Census Bureau. With the addition of the Palencia PUD, the estimated City population would be 23,721,

generating a total citywide open space need of $(23,660/1,000 \times 7)$ 165.6 acres. According to information from the City Public Works Department, Venice's current level of functional open space totals approximately 558.4 acres, a substantial surplus of functional open space acreage, easily accommodating the proposed Palencia project. Jones Edmunds states that the "proposed development is in accordance with Intent OS 1.1 of the Comprehensive Plan".

Open Space Corridors

OS 1.6 of the Comprehensive Plan discusses the establishment of open space within developed areas to function as wildlife corridors. The project's ecological narrative proposes open space surrounding all wetlands and lakes, provides green space around the development's perimeter, particularly in the southern parcel, along with the Florida Power and Light easement that will allow wildlife movement. The southern parcel lies adjacent to Curry Creek and is to remain undeveloped. Jones Edmunds states that the "proposed development is in accordance with Intent OS 1.6 of the Comprehensive Plan."

Hurricane Shelter Space

Strategy OS 1.9.10 states that the LOS standard for shelter space is 20 square feet per person. Palencia is not within the Coastal High Hazard Area, thus Hurricane Shelter Space LOS is not applicable to this project.

Public Schools

The proposed amendment has been submitted to the Sarasota County School Board staff for concurrency. While no issues have been identified at this point, school concurrency is not granted until final plat approval.

C. CONSISTENCY WITH THE COMPREHENSIVE PLAN

JPA/ILSBA Notification of Proposed Comprehensive Plan Amendments to Sarasota County

The JPA/ILSBA provides that the City will forward submittals for Comprehensive Plan Amendments for property located in the joint planning area to the County within thirty days of receipt for the county to review and provide comments. The subject Comprehensive Plan Map Amendment application was deemed complete on June 18, 2019 by the City's Planning and Zoning Division and was forwarded to Sarasota County staff on June 21, 2019. The County has provided comments and those comments have been forwarded to the applicant for their consideration and response. The JPA/ILSBA further provides that the City "will set forth all County-proposed stipulations that are based on adopted County standards, neighborhood and community plans, industry standards, or common agreement between the City and County." As of the writing of this report, the County has not provided any conditions or stipulations regarding the proposed application. If provided by the County, they will be brought forward at the hearing.

JPA/ILSBA Analysis

Vision LU 5 of the 2017 Comprehensive Plan, which is included in the "Transitional Strategies" of the plan, carried forward the requirements established in the JPA/ILSBA. Therefore, following is an analysis of the Palencia project as it relates to the JPA/ILSBA and consistency with the 2017 Comprehensive Plan.

The proposal is located within JPA Area 2B, Sub-Areas 1 and 2

"Area 2b – I-75 to Jacaranda Boulevard: The land use adopted in the Venice Comprehensive Plan for Subarea 1 (north of Ewing Drive) is a maximum of 9 units per acre, calculated on a gross acreage basis. The land use adopted for Subarea 2 (south of Ewing Drive and north of Curry Creek) is 13 units per acre, calculated on a gross acreage basis. The land use adopted for Subarea 3 (south of Curry Creek) is 18 units per acre, calculated on a gross acreage basis. Up to 50% of the acreage in this sector will be allowable for nonresidential (retail, office space, industrial and manufacturing) uses. The total square footage of nonresidential uses allowed in the Area shall not exceed a 2.0 FAR. Development shall be served by City water and County sewer. The Party with jurisdiction over the development application shall require that right of way be dedicated by the developer for improvements to Jacaranda Boulevard and be completed with appropriate contributions from the developer consistent with the standards in the County's land development regulations." (quoted from JPA/ILSBA)

Based on the planning analysis, consistency with the JPA/ILSBA is confirmed. The only other relevant ordinance applicable to the application is the annexation ordinance and the concurrently submitted and negotiated Pre-Annexation Agreement (PAA). This was included on City Council's agenda on December 10, 2019 and was approved. The developer is bound by the language in the PAA: "At the time of development of the subject property, the Owners, or their successors and assigns, shall design, construct, and pay for installing, extending, sizing, and upsizing all offsite and onsite potable water utility pipeline necessary to serve the full buildout of the project."

Consistency with this document will be confirmed as the property develops. To staff's knowledge, there is no other city ordinance, resolution or agreement directly relevant to the proposed future land use map amendment with which there would be a conflict or an inconsistency.

Consistent with the requirements of JPA Area 2b, the applicant has indicated that they will provide environmental/habitat assessment at the development approval stage. The language of Area 2b indicates that this can be provided at the time of rezoning or at the development approval stage to identify appropriate habitat protection. Approval of the PUD does not grant development approval. That approval comes with subsequent applications for Preliminary Plat or Site and Development Plan, along with subsequent permitting.

The Comprehensive Plan identifies the potential need in the future for the Northeast Neighborhood to have transportation capacity improvements to Jacaranda Boulevard for additional lanes and Complete Streets components. This need was not called out in the current planning horizon, but is to be monitored.

The identified roadways are controlled by Sarasota County and as of the writing of this report, there have been no conditions or stipulations provided by the County related to this project. If any are provided by the County, they will be brought forward at the hearing. The traffic analysis provided for the Palencia proposal does not indicate any necessary transportation improvements.

Northeast Neighborhood

The Comprehensive Plan identifies the subject property as being within the 2,827 acre Northeast Neighborhood. This neighborhood is the largest by area in Venice and currently has the majority of the City's residential growth.

Staff has based their analysis on approval of the concurrently submitted application for a Comprehensive Plan Map Amendment to designate the property as MUR. The proposed amendment would provide a future land use designation for the property and allow the proposed zoning of the property to PUD, the only implementing district identified in the Comprehensive Plan for MUR property.

Land Use Element

Land Use Strategy LU 1.2.9 provides that the PUD zoning district is the sole implementing district for the Mixed Use Residential designation. Strategy LU 1.2.16 provides the overall parameters, which the proposed PUD is in compliance with, for MUR designated property as follows:

- LU 1.2.16-1 Implemented by PUD zoning
- LU 1.2.16-2 Requires conservation and functional open spaces
- LU 1.2.16-3 Development standards and housing types designated at the PUD zoning level
- LU 1.2.16-4 Density limited to a maximum of 5 units per acre
- LU 1.2.16-6a Minimum 95% residential
- LU 1.2.16-6c Minimum 50% open space

Additional Strategies the Proposed Development is Consistent with:

- LU 1.2.17 Mixed Use Residential Open Space Connectivity
- LU 1.3.2 Functional Neighborhoods
- LU 1.3.3 Walkable Streets
- LU 1.3.4 Interconnected Circulation
- LU 1.3.5 Natural Features

Strategy LU 4.1.1. Transitional Language Specific to Comprehensive Plan regulatory language

The "Transitional Strategies" of the Comprehensive Plan carried forward the compatibility review of Policy 8.2. The compatibility principles of Section 10(I) of the JP/ILSBA are consistent with those found in Policy 8.2 and also include evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. The following is a review of compatibility of the Palencia PUD based on Policy 8.2 (with applicant material taken verbatim from submittal).

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:

- A. Land use density and intensity.

Applicant's Response: The proposed residential land use at a maximum density of approximately 2.5 du/ac is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA which allow for up to 9 du/ac for the subject property.

- B. Building heights and setbacks.

Applicant's Response: Building heights will be limited to a maximum of 35'. Setbacks from adjacent properties will be a minimum of one times the building heights and will be comparable and compatible with permitted building heights in the existing neighborhood.

- C. Character or type of use proposed.

Applicant's Response: The proposed residential land use is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

- D. Site and architectural mitigation design techniques.

Applicant's Response: The proposed PUD will require a minimum of 50% open space, and substantial setbacks and buffering from existing neighborhoods to ensure compatibility.

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.

Applicant's Response: Not applicable.

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

Applicant's Response: 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.

Applicant's Response: Not applicable.

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

Applicant's Response: The proposed PUD rezoning will limit density to approximately 2.5 du/ac., is compatible with the existing neighborhood, and consistent with the requirements of the JPA/ILSBA which allow up to 9 du/ac. for the property.

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

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

Applicant's Response: The proposed PUD will require a minimum of 50% open space and substantial setbacks and buffering from existing neighborhoods to ensure compatibility.

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

Applicant's Response: The PUD plan will not result in impacts to the existing neighborhood as a result of light, noise, mechanical equipment, refuse areas, or delivery and storage areas.

- K. Locating road access to minimize adverse impacts.

Applicant's Response: Road access to the property has been designed to minimize impacts.

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

Applicant's Response: Building setbacks will be a minimum of one time the building height from the perimeter of the PUD.

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

Applicant's Response: Building heights will be limited to 35' and will be comparable and compatible with permitted building heights in the existing neighborhood.

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

Applicant's Response: The maximum density established by the PUD (approximately 2.5 du/ac) is a reduction from the JPA permitted density of 9 du/ac. to ensure compatibility with the existing neighborhood.

Transportation Element

Strategy TR-NE 1.1.3 and strategies TR 1.3.2 and TR 1.3.4 from the Transportation Element are being incorporated into the design of the project through the inclusion of internal sidewalks and required improvements to Palencia. These facilities will ultimately connect with other existing and proposed developments, and further implements the Comprehensive Plan's vision of Complete Streets cited in Vision TR 1 and Intent TR1.3.

Open Space Element

This report provides information on the applicant's ecological narrative along with the City consultant's analysis of environmental strategies in the Comprehensive Plan. The consultant's conclusion is that the application is in compliance with the Open Space Element of the Plan. Open Space Strategy OS 1.11.1 requires a minimum of 50% of the gross land area within MUR designated areas, on a per property (development) basis, be provided as open space. Open spaces shall not be less than a minimum 10% conservation or a minimum 10% functional.

D. LAND DEVELOPMENT CODE

Section 86-130(u) provides the procedures for a PUD rezoning.

- A pre-hearing conference with the Planning Commission was conducted on September 3, 2019. The results of that conference and the applicant's written response are provided as part of the record.
- The PUD Binding Master Plan documentation was submitted as part of the record for the Palencia PUD on July 3, 2019 and subsequently revised and updated.
- Evidence of Unified Control, Development Agreements – The City Attorney reviews evidence of unified control and confirms this through the associated Development Agreement required prior to final zoning approval by

Applicable Zoning Map Amendment Considerations

Section 86-47(f)(1) of the Land Development Code states “When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable.” The applicant’s responses to each consideration are provided verbatim as submitted, and where appropriate staff has given additional information.

- a. Whether the proposed change is in conformity to the comprehensive plan.
Applicant’s Response: The proposed change is in conformity with the proposed concurrent Comprehensive Plan Amendment designating the property Mixed Use Residential.
- b. The existing land use pattern.
Applicant’s Response: The proposed residential PUD is consistent with the land use pattern in the area which consists of similar PUD developments to the north and low density residential uses to the south, east and west.
Staff Comment: The subject property is in an area already seeing residential development. The proposed density of the proposed PUD is lower than allowed through the JPA/ILSBA.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
Applicant’s Response: The proposed residential PUD will not create an unrelated isolated district as it is adjacent to nearby districts with similar uses.
Staff Comment: The proposed PUD is surrounded primarily by large lot residential, but properties to the north and northwest are currently undergoing a higher density of residential development. The proposed development of the subject property is consistent with the JPA/ILSBA.
- d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.
Applicant’s Response: The proposed residential PUD will not overtax the load on public facilities such as schools, utilities and streets, and will pay impact fees in order to support such public facilities.
Staff Comment: The applicant will be required to bring required utilities to the site and is proposing to provide a fee in lieu for sidewalks along Jacaranda Boulevard.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Applicant’s Response: The current County zoning designation is illogical for a property annexed by the City of Venice and a City zoning designation is needed prior to commencing development.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Applicant’s Response: Annexation of the property by the City of Venice consistent with the JPA/ILSBA makes the proposed amendment necessary.
Staff Comment: The property is required to obtain a City zoning designation upon annexation.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Applicant’s Response: The proposed change will not adversely affect living conditions in the neighborhood as appropriate buffering is proposed from adjacent properties.
Staff Comment: The proposed density is less than the 4.5 units allowed under the PUD district in the City Code and buffering for a mitigation technique will be implemented to address any potential incompatibilities.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Applicant’s Response: The proposed change will not excessively increase traffic congestion or otherwise affect public safety.
Staff Comment: The applicant has provided the required traffic analysis, which has been reviewed and approved by the City’s transportation consultant.
- i. Whether the proposed change will create a drainage problem.
Applicant’s Response: The proposed change will not create a drainage problem and will be required to meet all City of Venice standards related to drainage.
Staff Comment: Stormwater concurrency will be confirmed upon review of a preliminary plat.
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Applicant’s Response: The proposed development includes substantial setbacks and open space so as to ensure preservation of light and air to adjacent areas.
- k. Whether the proposed change will adversely affect property values in the adjacent area.
Applicant’s Response: The proposed change will not adversely affect property values in the area.

Staff Comment: Development of the subject property may stimulate interest in other surrounding properties and should not have an adverse impact. Properties to the north and northeast are currently under construction with new residential developments.

- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Applicant's Response: The proposed change will not be a deterrent to the improvement or development of adjacent property.

Staff Comment: The development of this site should not impact the surrounding property, as much of it is low density residential. Properties to the north and northeast are currently undergoing residential construction.

- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant's Response: The proposed change will not constitute a grant of special privilege and is consistent with the long term plan for the property as determined by the JPA/ILSBA between the City and Sarasota County.

- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Applicant's Response: Annexation of the property by the City of Venice requires a rezoning to a City zoning designation.

Staff Comment: The property is required to be rezoned to a City designation prior to any development.

- o. Whether the change suggested is out of scale with the needs of the neighborhood or the City.

Applicant's Response: The change is not out of scale with the needs of the neighborhood or the City.

Staff Comment: There are opportunities for employment in the vicinity and additional housing could be a positive addition to the area and the City.

- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Applicant's Response: There are limited adequate areas within the City which are currently zoned for the proposed use.

Staff Comment: This area was identified as early as 2007 in the JPA/ILSBA to be a future area of growth for the City and the applicant is proposing development consistent with this agreement.

IV. CONDITIONAL USE PETITION

Proposed Conditional Use for Gated Community

Applicant has proposed gates on both community entrances through a concurrently submitted Conditional Use petition. The Binding Master Plan shows only one entrance as gated, but since this submission the location has been shifted and the second entrance shows gates. This has not been submitted as an amendment to the Binding Master Plan.

Guidance for Conditional Use for the Planning Commission is in Sec. 86-42. of the City Code as follows:

(e) Contents of planning commission recommendation. The planning commission shall make a recommendation to the city council as to whether or not the granting of the conditional use will adversely affect the public interest; as to whether or not the specific requirements governing the individual conditional use, if any, have been met by the petitioner; and as to whether or not satisfactory provision and arrangement has been made concerning the following matters, where applicable (applicant's responses are taken verbatim from submittal):

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

Applicant's Response: The proposed gated community is consistent with all applicable elements of the comprehensive plan.

- (2) General compatibility with adjacent properties and other properties in the district;

Applicant's Response: The proposed gated community is compatible with adjacent properties and other properties in the district, in fact, gated communities are the common form of development in the nearby neighborhoods in the City.

- (3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;

Applicant's Response: Not applicable.

- (4) Required yards and other open space;

Applicant's Response: Not applicable.

- (5) Screening and buffering, with reference to type, dimensions and character;

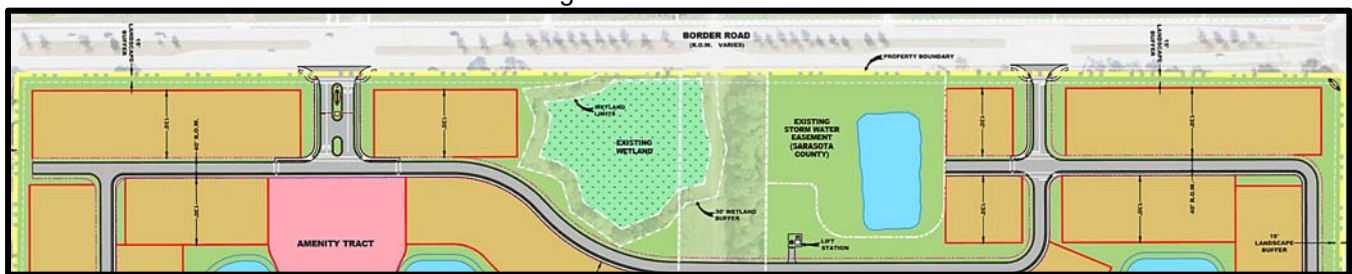
Applicant's Response: Not applicable.

- (6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
Applicant's Response: The proposed gated community will control traffic flow through the development thereby enhancing pedestrian safety and convenience.
- (7) Off-street parking and loading areas, where required;
Applicant's Response: Not applicable.
- (8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion;
Applicant's Response: Not applicable.
- (9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.
Applicant's Response: Not applicable.

Conditional Use Gated Community Illustrated with the Two Maps Received

The images below indicate the confusion that could easily result in the future, related to gate placement.

Binding Master Plan submission



Conditional Use submission



Comment for Clarification (Zoning Map Amendment Petition)

Staff has noted the following issues that may need to be addressed or clarified for consideration and approval:

The future surface of the pedestrian trails, including the one crossing over Ewing Drive to connect with the walking trail on the southern parcel, has not been indicated.

V. CONCLUSION/FINDINGS OF FACT

A. Consistency with the Land Development Code

The Palencia PUD rezoning is consistent with the required Land Development Code Chapter 86, including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments. The applicant's proposed request for entry gates have been requested through submittal of a Conditional Use petition.

B. Consistency with Florida Statutes and JPA/ILSBA

Analysis has been provided to determine consistency with Chapters 163 and 171 of the Florida Statutes and the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County. Based on the planning analysis, consistency with the JPA/ILSBA is confirmed. This analysis should be taken into consideration.

C. Consistency with the Comprehensive Plan

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Residential future land use designation, the Open Space Element of the Plan as confirmed by the City's consultant, the standards of the JP/ILSBA Joint Planning Agreement with Sarasota County, Policy 8.2 regarding compatibility, strategies found in the Northeast Neighborhood, and other plan elements.

D. Provision of City Services

Based on TRC review and analysis, no issues have been identified regarding service provision. Evaluation will take place with any development petitions to ensure the adopted levels of service are maintained.

E. Concurrency

Concurrency is required no later than the final plat phase of the project. Concurrency has been requested for public facilities, with the exception of stormwater and public schools. As indicated in the analysis of this report, there do not appear to be any significant capacity issues resulting from provision of public facilities to the subject property.

F. General Comments

The Binding Master Plan of the proposed Palencia PUD includes a layout plan and zoning standards that provide sufficient detail and limitation in terms of allowable uses. Further, the proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources. The City consultant review indicates consistency with the Comprehensive Plan requirements of the Open Space Element. Further compliance with flood zone and stormwater permitting will be required prior to development.

G. Mobility

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant along with County transportation staff. The study was found to be in compliance with applicable traffic standards.

STAFF/CONSULTANT STIPULATIONS

1. For any standard not addressed in the Palencia PUD, the appropriate standard found in the City's Land Development Code will be applied.
2. Zoning Map Amendment No. 19-37RZ is contingent on approval of Annexation Petition No. 19-28AN.
3. Zoning Map Amendment Petition No. 19-37RZ will become effective upon the adoption of Comprehensive Plan Map Amendment Petition No. 19-29CP by City Council.
4. At the time of final plat (final phase), open space and wetlands shall be protected in perpetuity by a recorded document approved by the City.
5. The Palencia PUD is limited to 203 residential units.
6. The Binding Master Plan Map for the Palencia PUD depicts gated access to the subdivision, which will require approval of a Conditional Use for a gated community prior to any gates being installed. Gates shall be shown on the Binding Master Plan Map, labeled as such, and submitted as a part of the official Binding Master Plan on file.
7. Applicant shall conduct a survey for endangered and threatened species prior to site development in accordance with both state and federal regulations.

PROPOSED PUD ZONING MODIFICATIONS

A significant advantage of the PUD zoning district is providing the City with predictability in regards to uniform development, along with the ability to include conditions, safeguards and stipulations if necessary. In exchange for the predictability, flexibility is afforded to vary zoning standards for that development. Modification of specific standards for the proposed development may be addressed through this process. Following are the modifications the applicant is proposing for the PUD (applicant material is taken verbatim from submittal):

1. "A modification to the requirements of Sec. 86-130(q), concerning the requirement that no structure shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height for all structures including screened enclosures.

Applicant's Justification: The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided."

2. "A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way

width from 52 feet to 40 feet, provides for sidewalks on one side of the neighborhood roadway, and eliminates bike lanes for the neighborhood roadways.

Applicant's Justification: The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, the low intensity of the development plan, and the circulation plan which demonstrate excellent internal pedestrian connectivity from each of the development pods to the amenity areas."

Staff Comment: The applicant is providing sidewalks on one side of the roadway for this project, rather than both sides. No bike lanes are included.

WAIVERS REQUESTED BY APPLICANT

1. "Pursuant to Sec. 86-520 (b) the applicant will request a cash deposit in lieu of sidewalk construction for the sidewalk along Jacaranda Boulevard. The cash deposit in lieu of construction is justified due to the potential widening of Jacaranda Boulevard."
2. "Pursuant to Sec. 86-520(c) the applicant requests a waiver of the sidewalk requirements for North Clermont Road and Ewing Drive. The waiver is justified due to the internal sidewalk circulation system of the proposed development, the fact that none of the residential lots within the proposed development front on North Clermont Road or Ewing Drive, and the limited number of properties outside the proposed development (six large lot residential dwelling units) that would otherwise be served by extending the sidewalks approximately 3,700 feet."

VI. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL

Based on the staff report, staff presentation, and public testimony, there is sufficient information for the Planning Commission to make a decision on the Zoning Map Amendment and on the Conditional Use.

ATTACHMENTS:

Draft Binding Master Plan, including maps
Ecological Narrative
Conditional Use Plan