

# PRESENTATION CONTENTS

## MURPHY OAKS REZONING

- Project Introduction
- Murphy Oaks Property and Surrounding Area
- PUD Rezoning Request
- The Comprehensive Plan
- Land Development Regulations
- Findings of Fact



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**Planning and Zoning Division**

**401 W. Venice Avenue Venice, FL. 34285-2006**

**Phone: (941) 486-2626 Fax: (941) 480-3031**

# INTRODUCTION: ZONING MAP AMENDMENT

## APPLICATION INFORMATION:

**Application Date:** November 28, 2017 & July 31, 2018

**Project Name:** Murphy Oaks (PUD)

**Petition Number:** 17-16RZ

**Property Owner:** SSD Land Holdings, LLC

**Agent:** Clint R. Cuffle, P.E. WRA Engineering

## PROJECT INFORMATION:

**Parcel ID #:** 0399-04-0001

**Total Acreage:** 39.6 +/- acres

**Comprehensive Plan Neighborhood:** Pinebrook Neighborhood

**Comprehensive Plan Designation:** Low Density Residential

**Existing Zoning:** Open Use Estate (OUE) Sarasota County

**Proposed Zoning:** Planned Unit Development (PUD)



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# Background:

- February 26, 2008: Property is annexed through adoption of Ordinance No. 2008-04 based on inclusion in the JP/ILSBA.
- March 18, 2016: Applicant submitted application for rezoning to RSF-2 and a concurrent preliminary plat.
- September 12, 2016: Applicant submitted a Conditional Use application for a gated community.
- May 16, 2017: Planning Commission recommended approval of the zoning with one stipulation as to density and the preliminary plat with 16 stipulations, 5 code modifications and 2 sidewalk waivers.
- October 10, 2017: Based on the number of stipulations and modifications, it was indicated by City Council, consistent with Planning Commission, that RSF-2 may not be the appropriate designation and identified PUD as more appropriate. Public hearing was continued to November 28, 2017.
- October 25, 2017: Applicant withdraws all three petitions to seek rezoning to PUD.
- November 28, 2017: Applicant submits an application for rezoning to PUD.
- January 16, 2018: Pre-Hearing Conference held with Planning Commission. During the pre-hearing conference, Planning Commission confirmed staff's determination that a public workshop was not necessary due to the scope and nature of the project remaining unchanged along with the reduction in density from the previous proposal for The Preserves project.
- April 10, 2018: A vested rights petition is approved by City Council allowing the applicant to submit an application for rezoning to PUD for the property designated as LDR in the newly adopted 2017 Comprehensive Plan.
- August 6, 2018: Applicant held a public workshop.



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# Murphy Oaks PUD REZONING:

Concern	Resolution
<b>Lot Size (width &amp; area), Lot Coverage &amp; Setbacks</b>	PUD allows the proposal of alternative standards through a binding master plan that is included in any approval and is binding to the property.
<b>Building Height</b>	Perimeter homes limited to 25 feet or one story
<b>118 homes</b>	Reduced to 105 homes.
<b>10 foot perimeter buffers west and north</b>	50 and 46.9 foot buffers west and north respectively with a 6 foot fence
<b>40 foot perimeter buffer to the south</b>	40 foot buffer with a 6 foot fence and an adjacent 129 foot wide pond
<b>20 foot perimeter buffer to the east</b>	72.9 foot undisturbed buffer adjacent to a 6 foot solid wall atop a 7 foot berm
<b>Regarding potential activities</b>	Development standards in the Binding Master Plan prohibiting the following: <ul style="list-style-type: none"><li>• Fireworks</li><li>• Burning of trash or waste</li><li>• Outdoor speakers</li><li>• Vehicular or pedestrian access to Fox Lea Drive</li><li>• Stormwater discharge to the Fox Lea Ditch</li></ul>
<b>Adjacent equestrian facility and Interstate</b>	Notice of Proximity required to inform all potential owners of the adjacent equestrian facility and I-75. Such notice to be included in HOA documents.



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# Murphy Oaks PUD REZONING:

## **Associated Record Documents:**

Binding Master Plan (date stamped August 23, 2018)

- Landscape Plans LA-01 thru LA-08
- Binding Master Plan Layout (date stamped September 4, 2018)
- Pre-Hearing Conference Information (January 16, 2018)
- Environmental Report, (ECO Consultants Inc. dated April 10, 2017)
- Transportation Impact Analysis (Transportation Consultants: dated August 31, 2018)
- Annexation (Ordinance 2008-04)
- Pre-Annexation Agreement (dated February 12, 2008)
- Public Workshop (August 6, 2018)
- Application Information (completed petition)



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# The Murphy Oaks Property and Surrounding Area



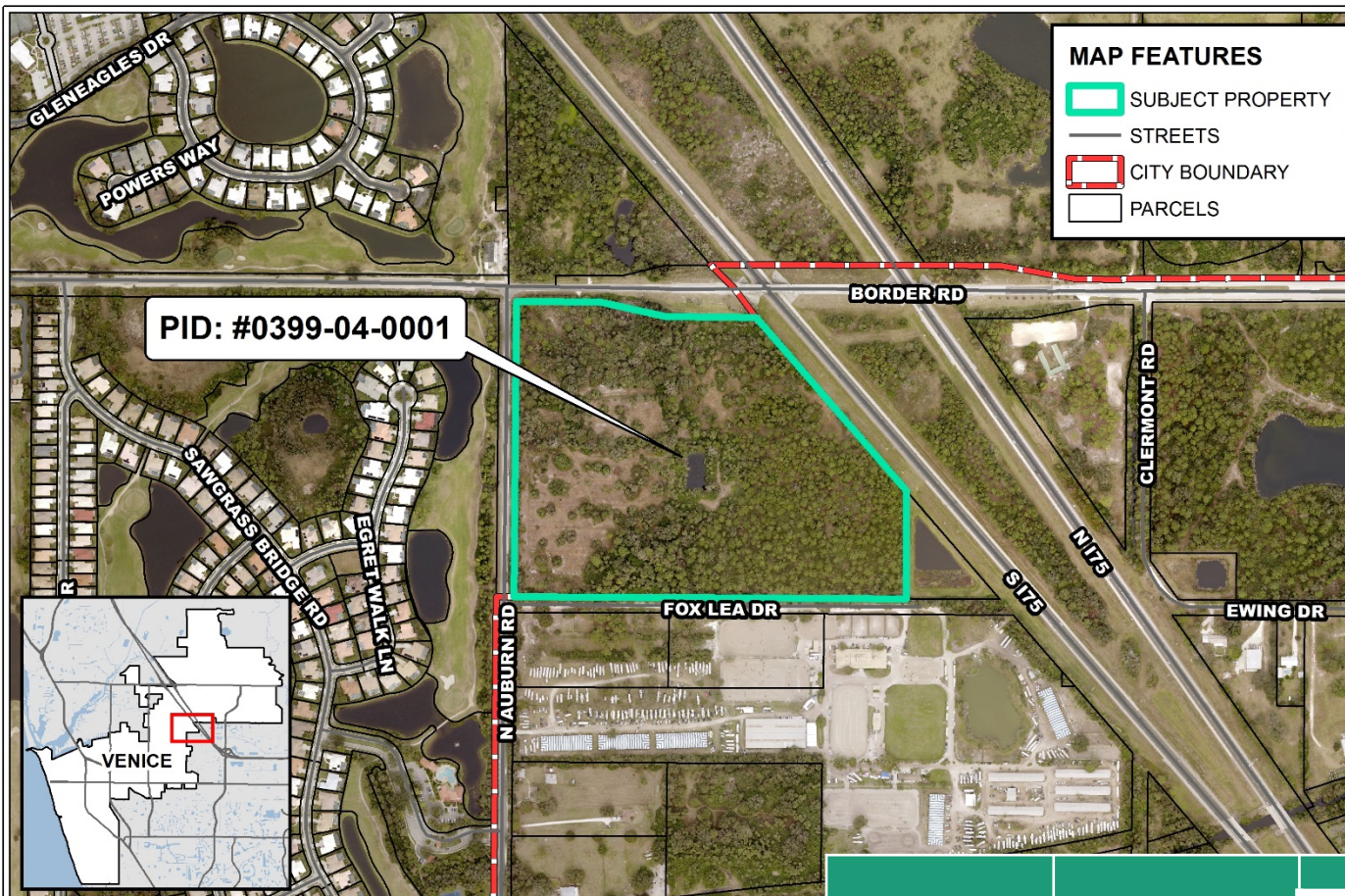
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## MURPHY OAKS

SUBJECT PROPERTY AERIAL  
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Subject Property	Existing Use(s)	Zoning		Comprehensive Plan Future Land Use Designation
		Current Zoning	Proposed Zoning	
Murphy Oaks Property	Vacant / undeveloped, agricultural uses (indicated by environmental report)	Open Use Estate (OUE) Sarasota County	PUD, maximum 4.5 units per acre (proposed Murphy Oaks- 2.65 units per acre)	Pinebrook Neighborhood – Low Density Residential, maximum 5 dwelling units per acre



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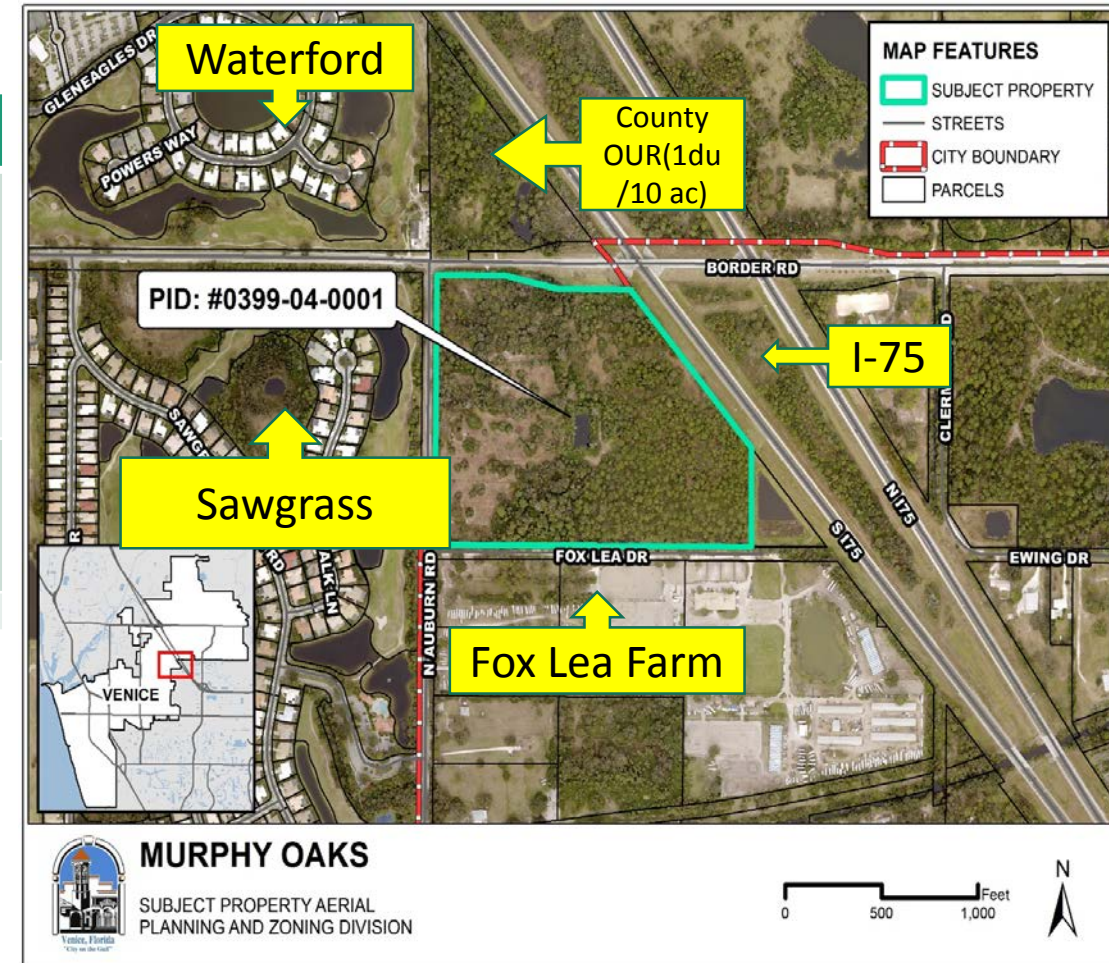
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# Surrounding Properties:

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
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 Mixed Use Residential
West	Sawgrass Subdivision	Sarasota County (RSF-2)	Mixed Use Residential
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



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# PHOTOS



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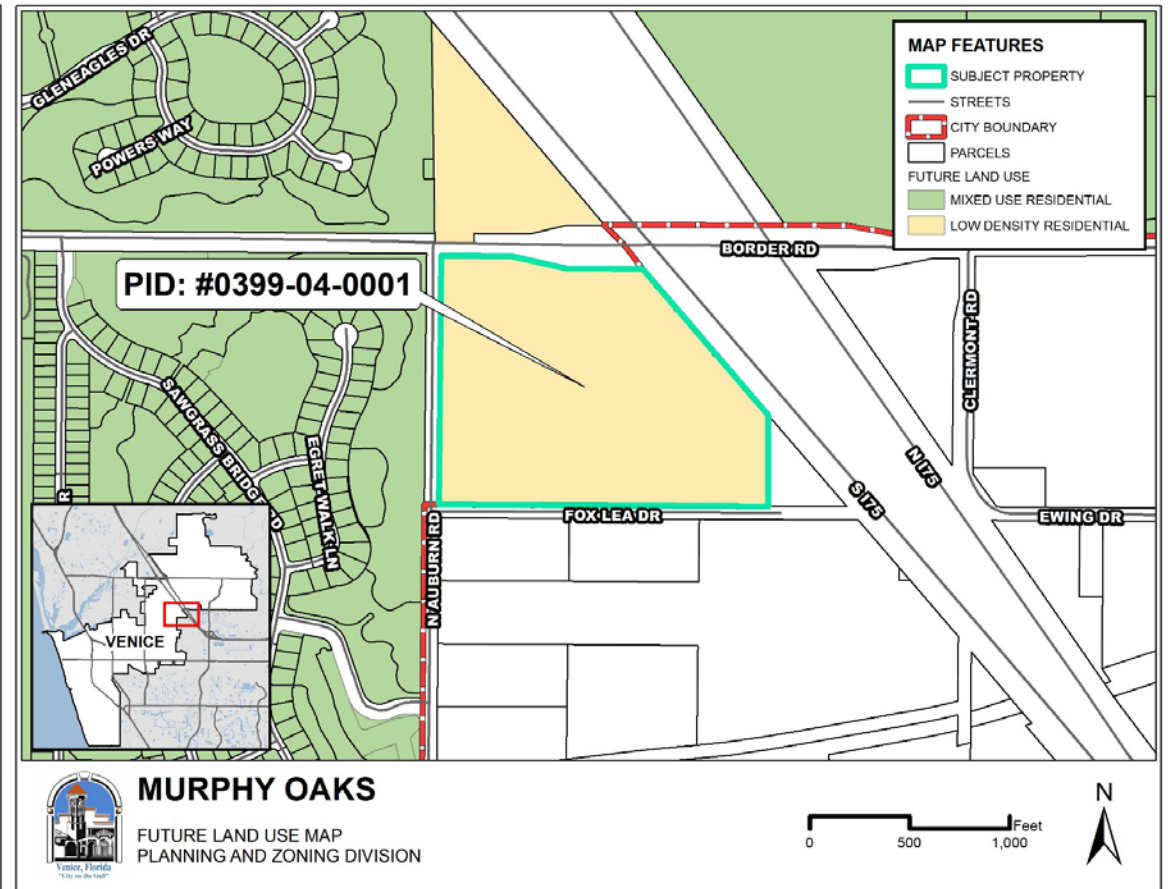
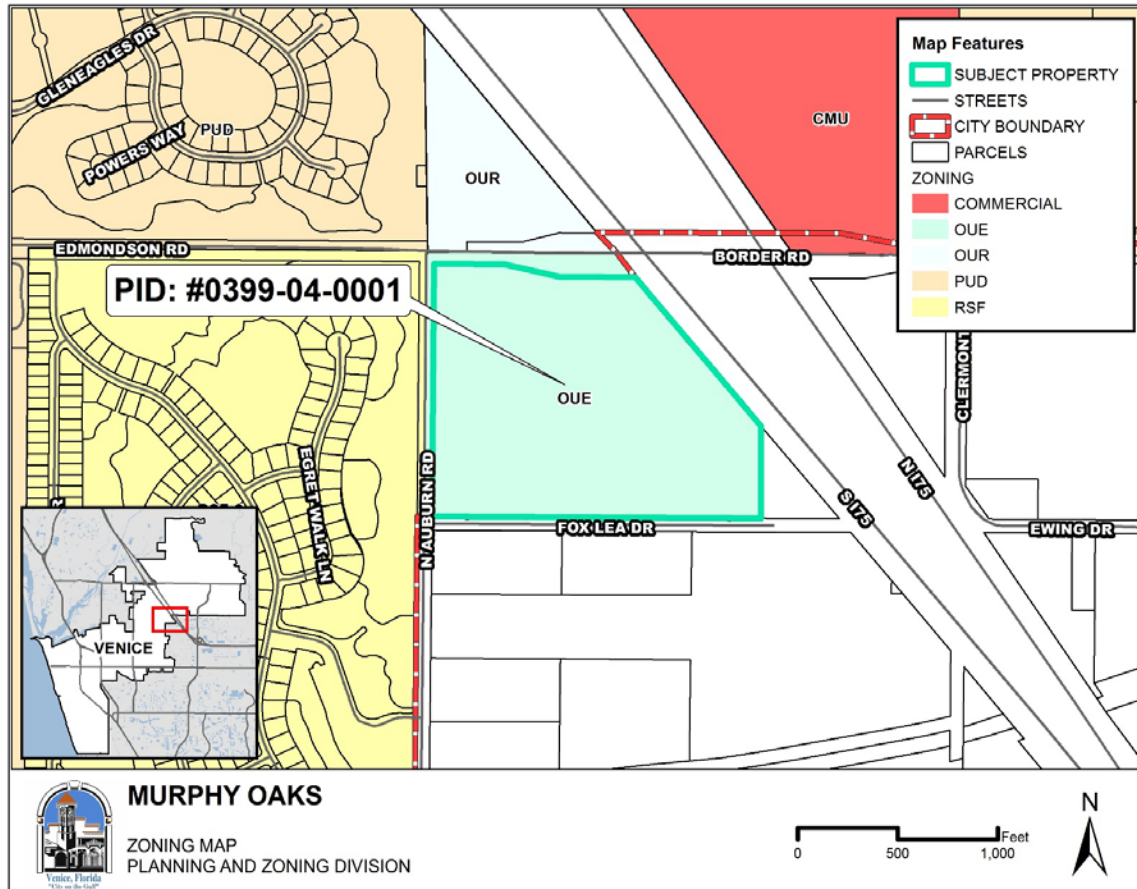
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# ZONING

# COMPREHENSIVE PLAN



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# The Murphy Oaks PUD



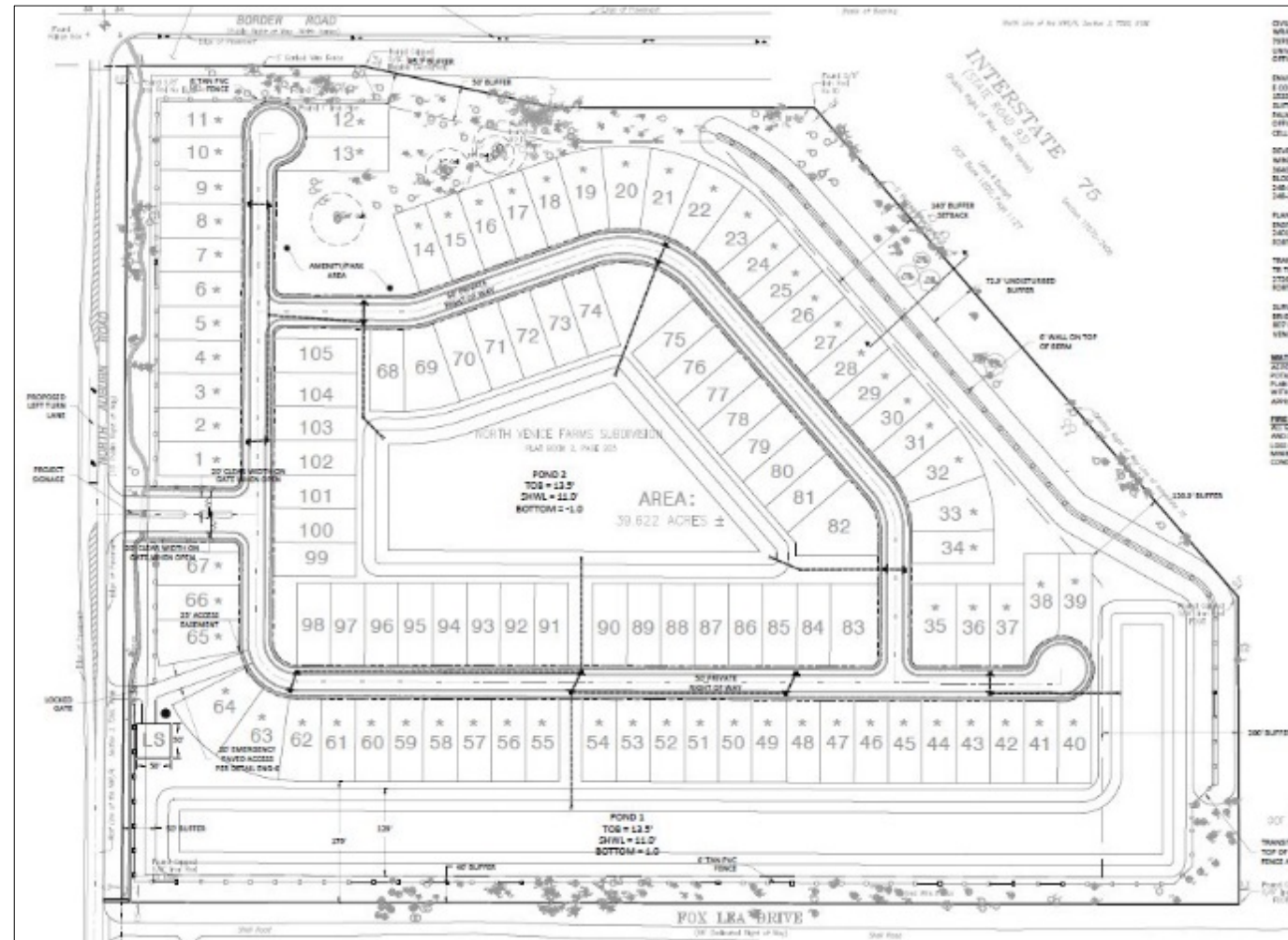
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	Existing	Proposed	Density (dwelling units)
<b>Comprehensive Plan</b>	Low Density Residential /JPA Area 2A (Vested Rights Petition approved on April 10, 2018 to seek PUD zoning)	NO CHANGE	Limited to 3 dwelling units per acre maximum per the JPA (119 total units allowable).
<b>Zoning</b>	Open Use Estate (OUE) Sarasota County: Maximum 1 unit per 5 acres (8 units).	Planned Unit Development (PUD) 4.5 units per acre = 178 allowable units	Proposed: 105 total units (approximately 2.65 units per acre).





# Murphy Oaks – PUD Request:

- **Uses:** 105 single-family detached / attached single family homes, amenity/park area and open space.
- **Max. Residential Density:** Maximum – 4.5 units per acre (PUD: 178 units); JP/ILSBA 3 units per acre (119 units); Proposed is 2.65 units per acre (105 units).
- **Lot Sizes:** 6,050 SF
- **Max. Building Height:** 35' with perimeter lots limited to one-story up to 25 feet.
- **Parks and Public Space:** Min. 50%, with minimum 10% Functional / Conservation – Proposed 50.7%.
- **Previous Stipulations** have now become development standards of the Murphy Oaks PUD.



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# Murphy Oaks – Modifications, Waiver, Other Request

- Modifications:

- Request a modification to Sec. 86-423(b), to reduce the required driveway setback for corner lots.
- Request a modification to the requirements of Sec 86-232(5) concerning the roadway design standards to provide for an alternative neighborhood roadway design providing for a right-of way width of 50' instead of 52' to include sidewalks on both sides.

- Waiver:

- Request for a waiver of the sidewalk requirement for sidewalks Border Road and Fox Lea Drive. Pursuant to Sec. 86- 520 (a)(c)

- Other:

- Conditional Use for a gated community (18-02CU).



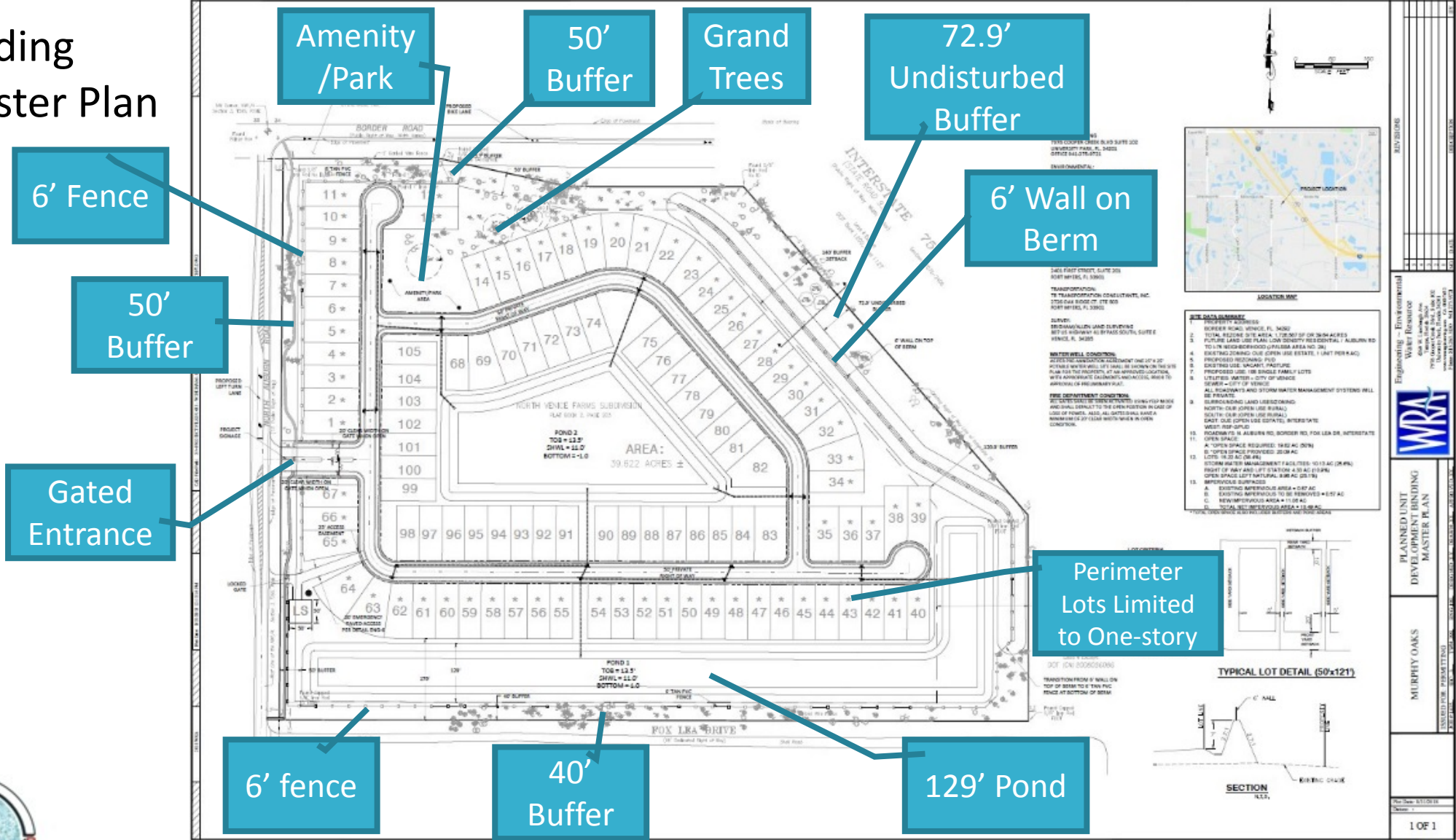
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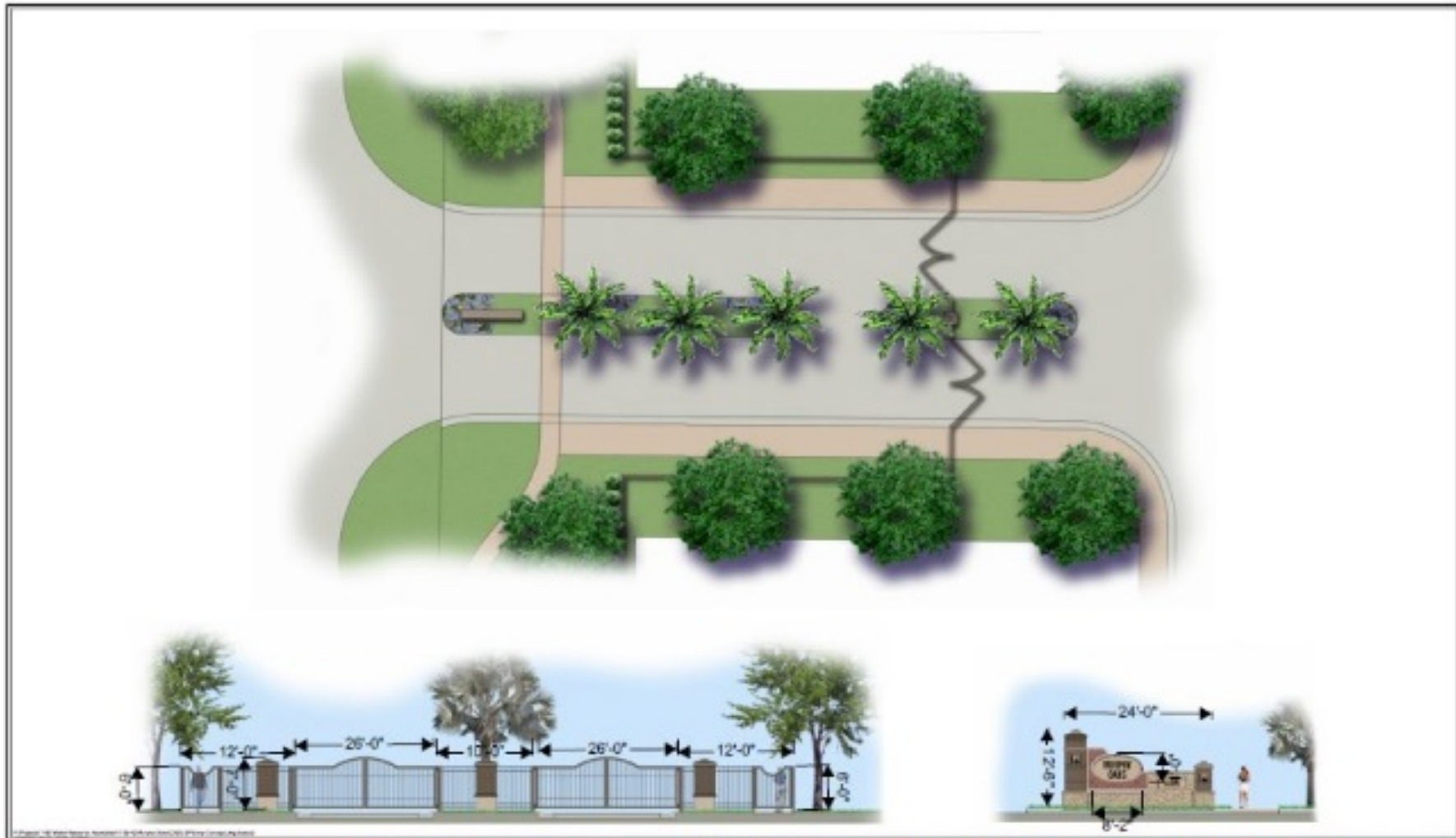
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# Binding Master Plan





MURPHY OAKS



CONCEPTUAL ENTRY/SIGNAGE

WATER RESOURCE ASSOCIATES

01-15-2018 - Project 1182-42



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# Murphy Oaks and the Comprehensive Plan



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# Murphy Oaks and the Comprehensive Plan

Section IV of the staff report provides analysis of Comprehensive Plan consistency. The Policies and Strategies to the right have been cited as some of the more applicable related to the Murphy Oaks PUD.

## Environmental:

### 2010 Comprehensive Plan

- Policy 1.1- Open space and replacement of invasive plants.
- Policy 1.5 & 1.8- Compact development and open space.
- Policy 1.9 & 3.1- Habitat connectivity and minimized barriers.

### 2017 Comprehensive Plan

- Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources
- Strategy OS 1.4.4 - Non-Native Invasive Species
- Strategy OS 1.4.5 – Floodplain and Flood prone areas
- Strategy OS 1.6.2 - Open Space Corridor System
- Strategy OS 1.11.1 - Mixed Use Residential District Requirements

## Land Use:

- Strategy LU-PB 1.1.2 - Mixed Use Residential
- Strategy LU 1.2.3 - Residential
- Strategy LU 1.2.16 - Mixed Use Residential (MUR)
- Strategy LU 1.2.17 - Mixed Use Residential Open Space Connectivity

## Transportation:

- Strategy TR-PB 1.1.3 - Complete Street Elements
- Strategy TR 1.3.2 - Planned Developments
- Strategy TR 1.3.4 - Complete Street Segments by Neighborhood



**Strategy LU 4.1.1.** Transitional Language Specific to Comprehensive Plan regulatory language: Strategies - Land Use Compatibility Review Procedures (Policy 8.2):

Page 19 and 20 of the Staff Report provide the analysis of compatibility. The following table provides a good picture of the approved density of the surrounding area:

Residential Development	Residential Density (units/acre)
Milano PUD	2.56±
SJMR PUD	1.8±
Waterford PUD	3.67±
Sawgrass	1.8±
Proposed Murphy Oaks	2.65±



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# Planning Analysis

## 2010 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



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# 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



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# Planning Analysis

## Considerations for determining compatibility shall include:

- 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



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# 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”)



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# Murphy Oaks and the Land Development Code



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# LAND DEVELOPMENT CODE

## Technical Review Committee (TRC) Compliance

Department	Compliant	Non-compliant
Engineering	✓	
Public Works	✓	
Utilities	✓	
Fire Department	✓	
Police Department	✓	
Building Department	✓	
Trees	✓	
Historic Preservation	✓	
Planning and Zoning	✓(Stipulation)	

FACILITY	YES	NO
<b><u>CONCURRENCY</u></b> Stormwater (Engineering)		✓ (Development Phase)
Solid Waste (Public Works)	✓	
Water / Sewer (Utilities)	✓	
Functional Open Space (Public Works)	✓	
Hurricane Shelter Space (Planning)	✓	
Public Schools (Sarasota County)		✓ (Development Phase)
<b><u>MOBILITY</u></b> Transportation -Roads, Bicycle/Pedestrian, Transit (Consultant/Planning)	✓ deficiency identified	

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# LAND DEVELOPMENT CODE

## Section 86-47(f)(1): Procedures for Rezoning Amendments

**Consistency**  
(Applicants Response)

Requirement		Yes	No	N/A
1.	Whether the proposed change is in conformity to the Comprehensive Plan	✓		
2.	The existing land use pattern	✓		
3.	Possible creation of an isolated district unrelated to adjacent and nearby districts	✓		
4.	The population density pattern and possible increase or overtaxing of the loan on public facilities such as schools, utilities, streets, etc.	✓		
5.	Whether the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.	✓		
6.	Whether changed or changing conditions make the passage of the proposed amendment necessary.	✓		
7.	Whether the proposed change will adversely influence living conditions in the neighborhood.	✓		
8.	Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.	✓		
9.	Whether the proposed change will create a drainage problem.	✓		
10.	Whether the proposed change will seriously reduced light and air to the adjacent area.	✓		
11.	Whether the proposed change will adversely affect property values in the adjacent area.	✓		
12.	Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.	✓		
13.	Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.	✓		
14.	Whether there is substantial reasons why the property cannot be used in accord with existing zoning.	✓		
15.	Whether the change suggested is out of scale with the needs of the neighborhood or city.	✓		
16.	Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitted such use.	✓		

## Staff Proposed Stipulation

- For any standard not addressed in the Murphy Oaks PUD, the appropriate standard found in the City's Lan Development Code Chapter 86 will be applied.



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# Murphy Oaks Findings of Fact



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# Summary - Findings of Fact:

## **Conclusions / Findings of Facts (General Comments): Page 15, Staff Report**

**General Findings:** The proposed Murphy Oaks PUD includes a layout plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Further, the binding master plan proposes a development pattern that provides for a compact design approach which provides for minimized impact to environmental resources. The provided environmental report indicates consistency with the 2010 Comprehensive Plan (in place at application). In addition, the proposed development is not inconsistent with the environmental strategies of the 2017 Comprehensive Plan. A number of environmental development standards have also been included on pages 9 and 10 of the Binding Master Plan and will require compliance. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject property.

## **Conclusions / Findings of Facts (Concurrency/Mobility): Page 17, Staff Report**

**Concurrency/Mobility:** concurrency is required no later than the final platting 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 as a result of providing public facilities to the subject property to meet the needs of the proposed project. Although, it should be noted that there is an identified deficiency (Transportation) that will need to be mitigated through the payment of mobility fees that can be used to address the identified deficiency.

## **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan): Page 21, Staff Report**

**Consistency with the Comprehensive Plan:** Based upon the approved Vested Rights Petition No. 18-01VR, the fact that no inconsistencies are being created with the LDR or the MUR future land use designations, review of the application for consistency with both the 2010 and 2017 Comprehensive Plans, along with the fact that compliance is being maintained with the standards or the JP/ILSBA Joint Planning agreement with Sarasota County, the project may be found consistent with the City's Comprehensive Plan.

## **Findings of Fact (Land Development Code): Page 23, Staff Report**

**Compliance with the Land Development Code:** The Murphy Oaks PUD rezoning may be found 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.



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# **PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL**

Upon review of the Murphy Oaks PUD rezoning petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record to take action on Rezone Petition No. 17-16RZ.

A motion should include reference to the stipulation contained in the Staff Report.



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