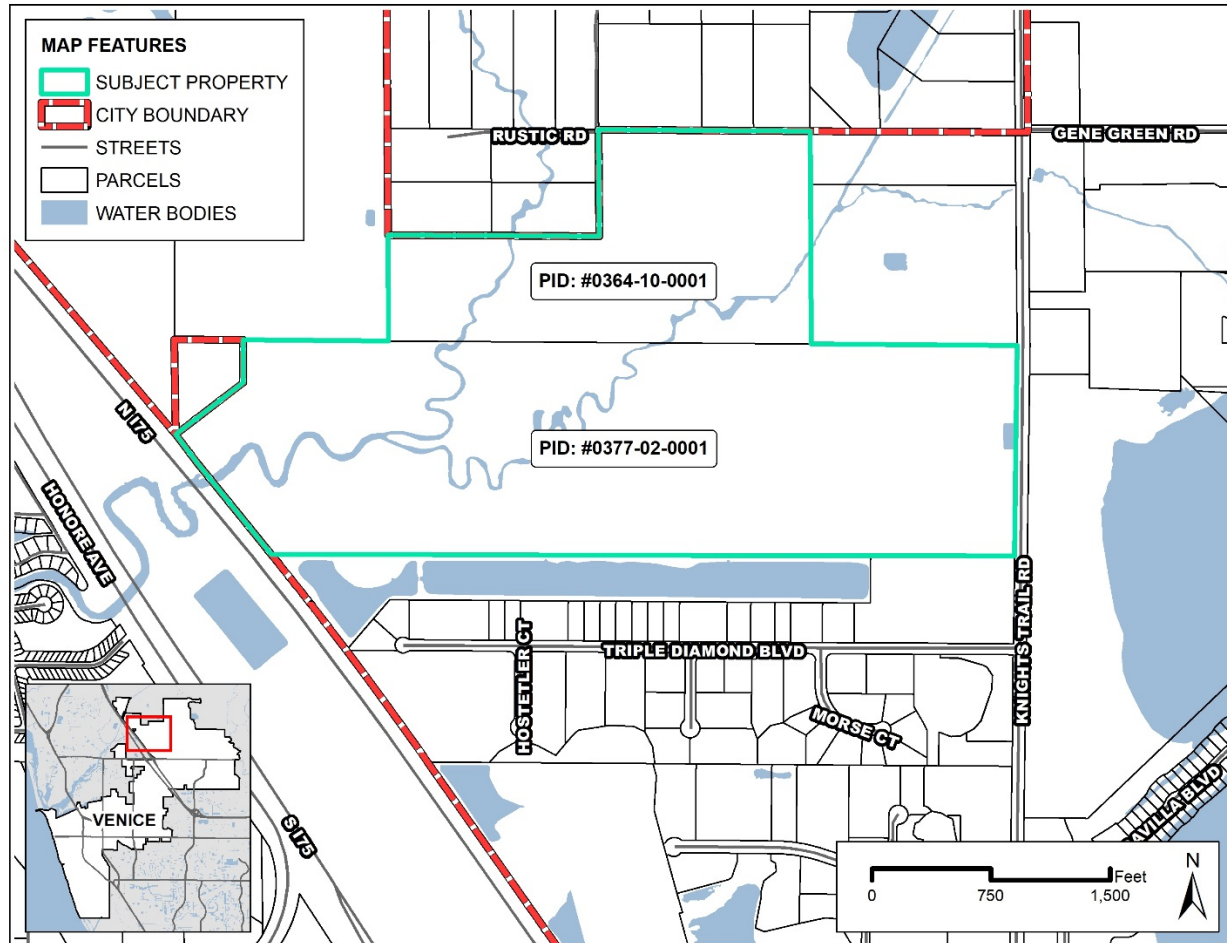




HURT PROPERTY ZONING MAP AMENDMENT STAFF REPORT

June 16, 2020

19-07RZ



PETITION NO.: 19-07RZ

REQUEST: Zoning map amendment to rezone the subject 214 acre \pm property from the Sarasota County Open Use Estate (OUE) district to City Commercial, General (CG) and Residential, Multi-Family 3 (RMF-3) districts.

GENERAL DATA

Owner: Mary H. McMullen, Joseph W. Hurt and Randall C. Hurt Trustees of the Shackett Creek Trust u/a/d November 25, 2002

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Location: East of I-75, South of Rustic Rd.

Parcel ID's: 0364100001 & 0377020001

Property Size: 214 acres \pm

Existing Future Land Use: Sarasota County Rural

Proposed Future Land Use: Mixed Use Transitional (MUT) (Petition No. 19-08CP)

Comp Plan Neighborhood: Knights Trail Neighborhood

Existing Zoning: Sarasota County Open Use Estate (OUE)

Proposed Zoning: City of Venice Commercial, General (CG) and Residential, Multi-Family 3 (RMF-3)

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Attached Exhibit A – Commercial, General (CG) and Residential, Multi-Family 3 (RMF-3) district regulations

I. EXECUTIVE SUMMARY

The subject, 214± acre property was approved for annexation into the City on August 27, 2019 and currently has the Sarasota County Open Use Estate (OUE) zoning designation. The applicant proposes to rezone the southern parcel (0377020001) to a City of Venice Commercial, General (CG) designation and the northern parcel (0364100001) to Residential, Multi-Family 3 (RMF-3).

Other land development applications associated with this project that are on file with the Planning and Zoning Division include the following:

- Comprehensive Plan Amendment Petition No. 19-08CP

The applicant, through Petition 19-08CP, a new future land use designation of Mixed Use Transitional (MUT) for the subject property. Proposed applicant modifications also include modification of the implementing zoning districts identified in Strategy 1.2.9 to include the proposed CG and RMF-3.

Applicant Proffered Stipulation: The applicant has proffered the following stipulation to maintain consistency with the requirements of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) Area 1. *Residential density is limited to a maximum of nine dwelling units per acre.*

Staff Stipulation: *The subject Zoning Map Amendment Petition No. 19-07RZ is contingent on Comprehensive Plan Amendment Petition No. 19-08CP being approved and adopted by City Council.*

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following summary findings on the subject petition:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the proposed Mixed Use Transitional future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Knights Trail Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

- **Conclusions / Findings of Fact (Concurrency):**

As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

- **Conclusion / Findings of Fact (Mobility):**

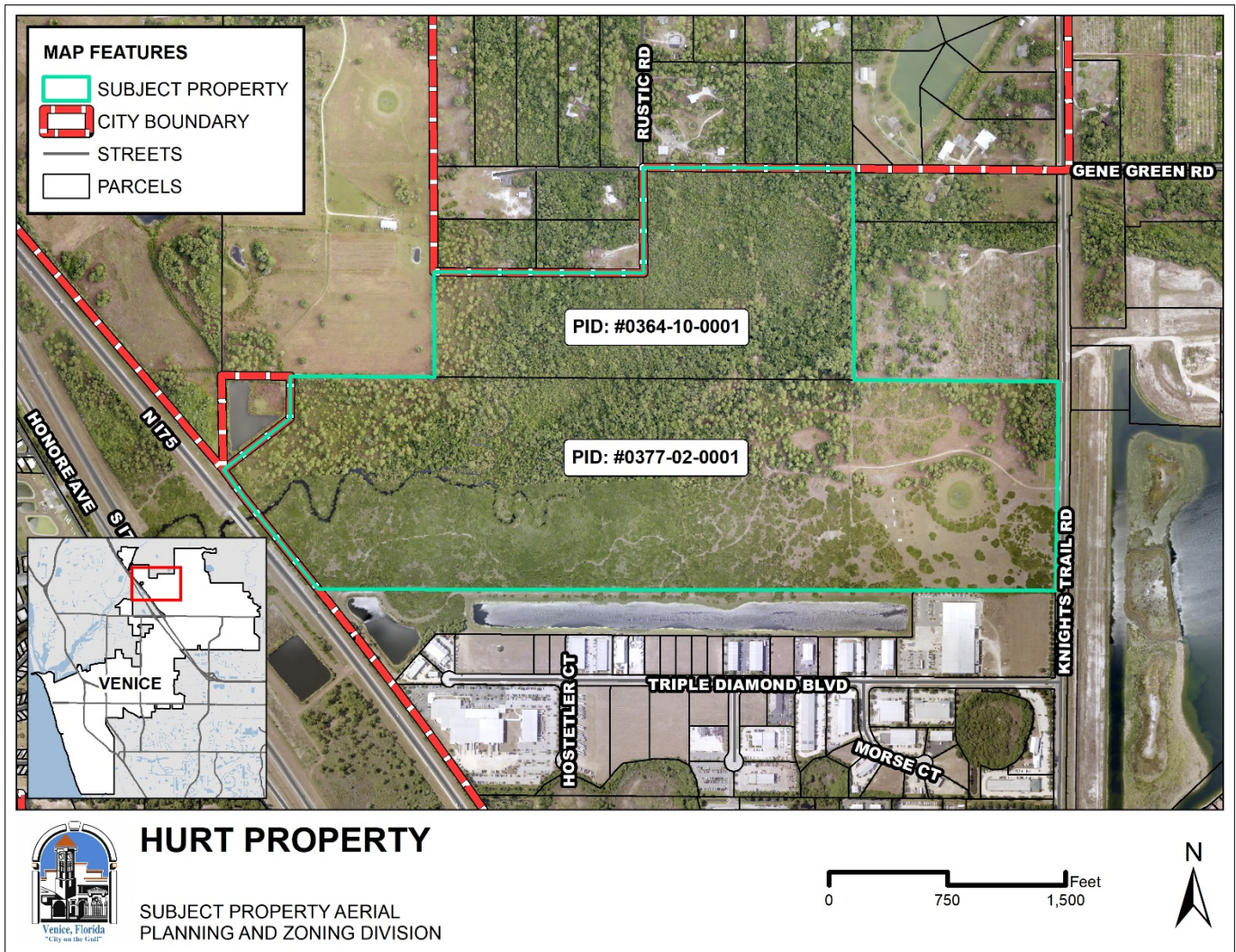
A preliminary review of transportation mobility has been performed and no issues have been identified. Further development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.

II. BACKGROUND INFORMATION

The subject property contains approximately 214± acres and was proposed to be annexed into the City in 2006. Since the property was in the process of being annexed, it was not included as part of the potential annexation area in the JPA/ILSBA that was in the process of being negotiated between the City and County. During the annexation process, the owners of the property decided not to annex and leave the property under County jurisdiction. By this time, it was too late in the process to amend the agreement and the JPA/ILSBA was fully executed by the City and County in 2007. Until recently, this property remained under County jurisdiction and not eligible for annexation due to it not being in a JPA Area. The approval of JPA Amendment No. 3 on August 27, 2019 enabled the annexation of the subject property and coincided with the approval of the annexation of the property on the same day.

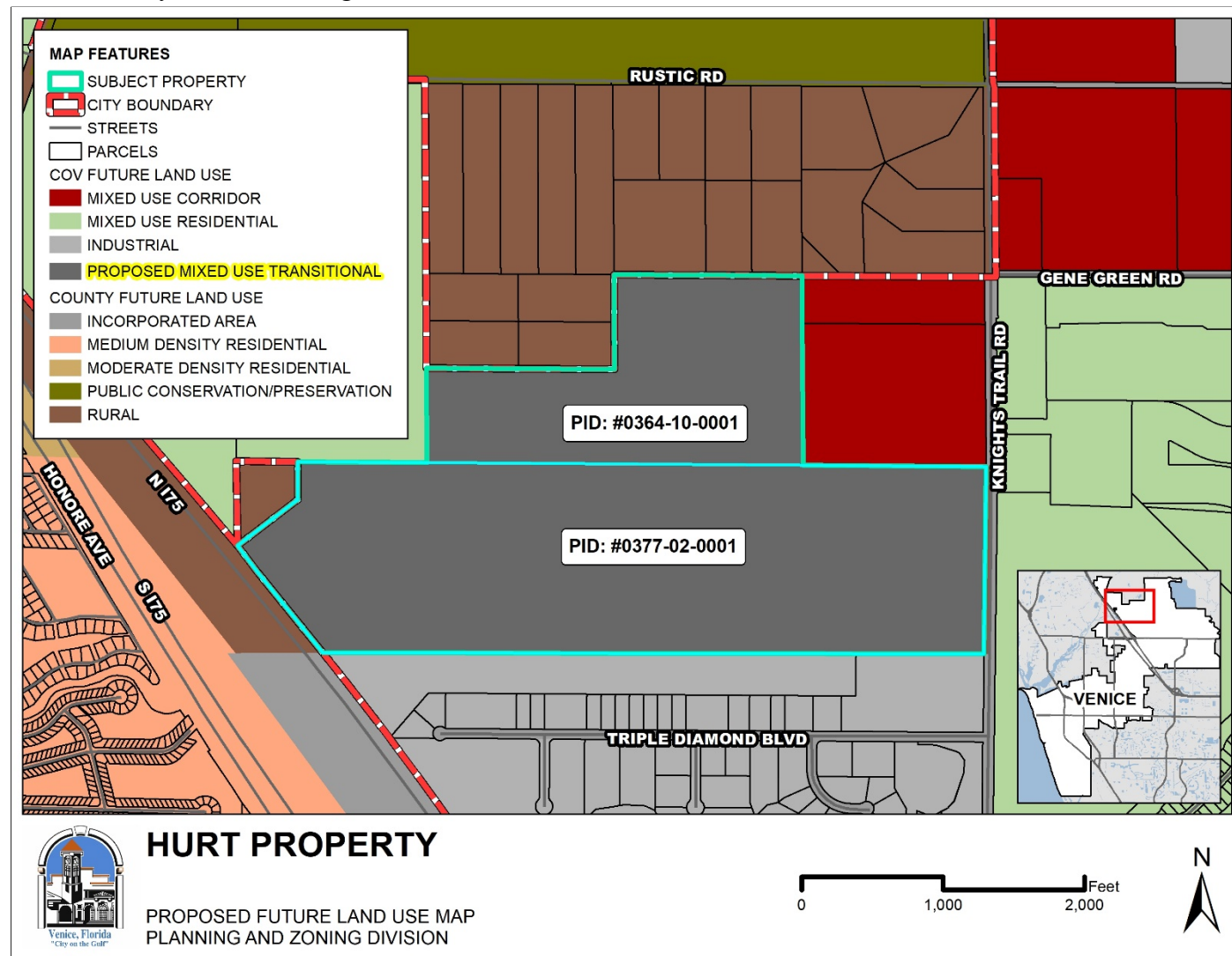
III. EXISTING CONDITIONS

The subject property is made up of two parcels. The northern parcel is vacant and undeveloped. The southern parcel contains one modular home and multiple horse stalls. Existing uses on the property and their consideration upon annexation into the City was addressed in the pre-annexation agreement and will remain until development is proposed. The property has multiple surface waters as well as Salt Creek which runs through the middle of the property. The subject property borders I-75 to the west and agricultural land and single family homes to the north. To the east, the property borders residential property, and industrial property is located to the south. Vehicular access to the southern parcel is provided off of Knights Trail Road. Vehicular access to the northern parcel is provided off Knights Trail Road via Rustic Road which is currently paved to an extent with the remainder being shell.



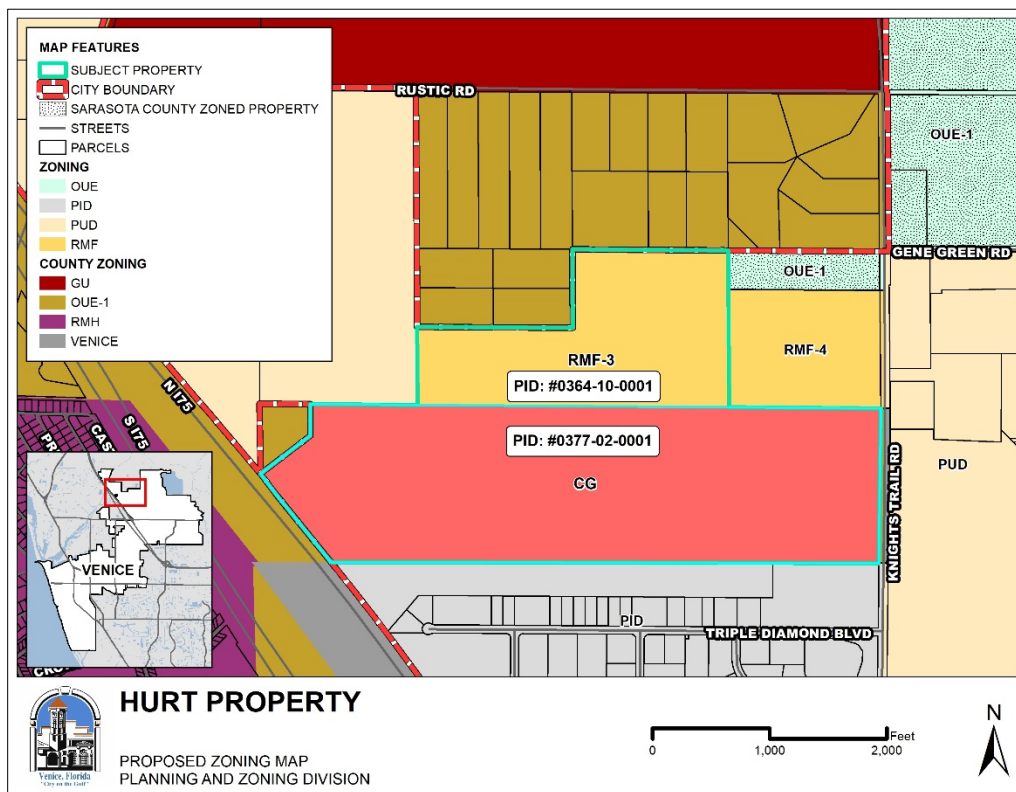
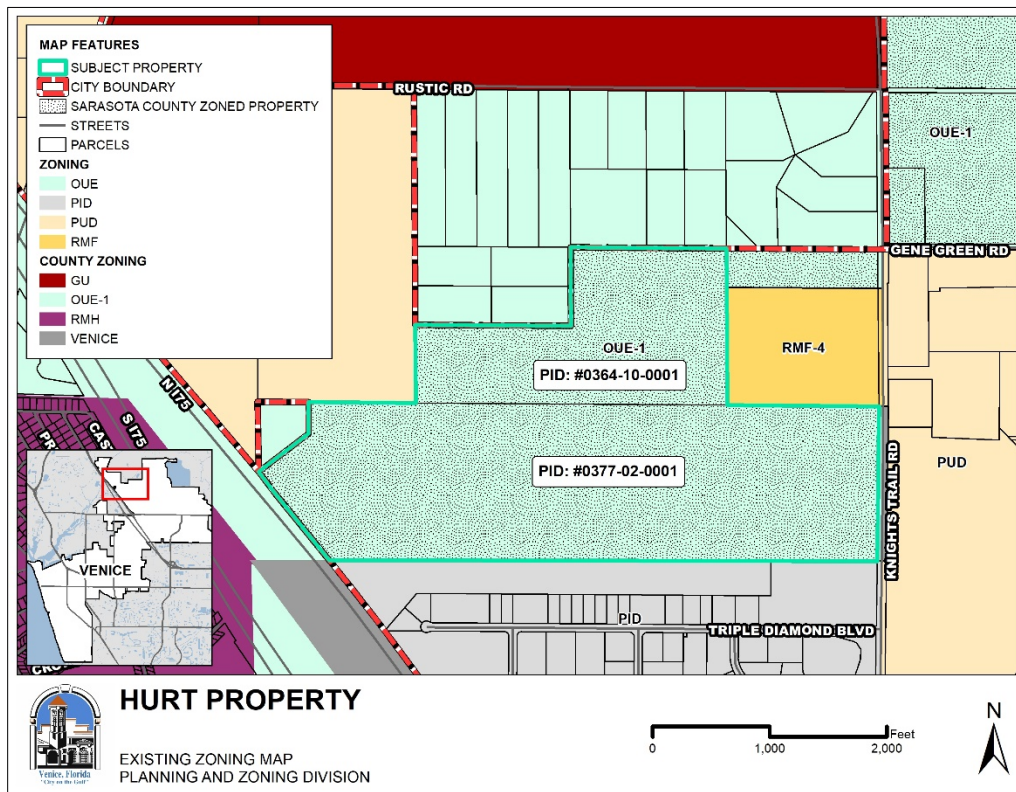
Future Land Use

The subject property is located in the 818 acre Knights Trail Neighborhood. The map below shows the proposed FLUM designation in *dark gray* proposed for the subject property of MUT through Comprehensive Plan Petition No. 19-08CP and is also included within JPA Area 1. The subject property is adjacent to County land use designations of Rural to the west and north. The City's Mixed Use Residential designation is adjacent to the northwest and east. Mixed Use Corridor abuts the property to the east and north and the entire southern property line abuts City Industrial designated land.



Zoning Designation

The maps below show both the existing and proposed zoning of the subject property. The subject property is zoned Sarasota County Open Use Estate (OUE) and is proposed to be rezoned to both CG (southern parcel) and RMF-3 (northern parcel). Adjacent zoning districts include Planned Industrial Development (PID) to the south, County OUE and City Planned Unit Development (PUD) to the west and north, and County OUE and City RMF-4 and PUD to the east.



The table below summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Agricultural	Sarasota County OUE-1 and City PUD	Sarasota County Rural and City MUR
West	I-75 and Residential	Sarasota County OUE-1 and City PUD	Sarasota County Rural and City MUR
South	Industrial (Triple Diamond Commerce Plaza)	PID	Industrial
East	Agricultural and Residential (Toscana Isles)	Sarasota County OUE-1, City RMF-4, and PUD	Mixed Use Residential and Mixed Use Corridor

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with multiple flood zone designations. The majority of the property is in Zones AE and X (shaded) and a small portion is in Zone X (unshaded). AE zones are the 1-percent annual chance flood and are also referred to as the base flood or 100-year flood. Moderate flood hazard areas designated as Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone X (unshaded). Development of the property will be subject to compliance with applicable FEMA requirements.

IV. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates A) how the existing County OUE zoning compares to the proposed City CG and RMF-3 zoning with regard to allowed uses and development standards, B) consistency with the comprehensive plan, C) compliance with the Land Development Code, and D) compliance with the city's concurrency management and transportation mobility regulations and the project's expected impacts on public facilities.

A. Comparison of Existing County OUE Zoning and Proposed City CG and RMF-3 Zoning

Proposed Zoning Map Amendment:

The applicant has submitted a zoning map amendment application to rezone the subject property from County OUE to City CG and RMF-3. The proposal is to apply the CG district to the southern parcel (0377020001) and RMF-3 to the northern parcel (0364100001). It is important to note the approved pre-annexation agreement requires the property to be rezoned to a City designation concurrent with the recently approved annexation and prior to any development proposal for the property. The applicant has indicated that there is no development proposal at this time. Obviously, the proposed City zoning districts differ from the existing County OUE designation, but this is expected when going from a County to a City designation. The applicant has considered the surrounding properties in determining appropriate zoning districts for the subject properties and has provided appropriate transition from industrial to single-family residential, consistent with standard planning practice. The

table below provides a comparison of the districts and their uses. Minimal development standards are analyzed since this information will be more relevant at the point of development of the properties.

	Existing Zoning OUE	Proposed Zoning RMF-3 (60 acres)	Proposed Zoning CG (154 acres)
Density	1 du/5 acres	13 du/acre, limited to 9 du/ac per the JPA/ILSBA	18 du/ac, limited to 9 du/ac per the JPA/ILSBA
Dwelling Units	43	540	1,386 per CG
Floor Area Ratio	NA	NA	1.0 per the MUC
Height	35 feet	45 feet*	35 feet*
Uses	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium**	Multiple-Family Dwellings, Patio Houses, Two-Family Houses, Townhouses, Cluster Houses, Single-Family Dwellings**	See Exhibit A

*Ten feet of parking not included if within building and Conditional Use available for additional height

**Not an exhaustive list of district uses

B. Consistency with the Comprehensive Plan

As a result of the proposed Comprehensive Plan Amendment, the property will be included within the 818-acre Knights Trail Neighborhood. The property is also under the regulatory requirements of JPA Area 1. The applicant has proffered an appropriate stipulation to limit any residential development to the JPA Area 1 maximum of 9 units per acre rather than the RMF-3 maximum of 13 units per acre. In addition, the proposed zoning designations of CG and RMF-3 are identified as implementing zoning districts for the proposed (MUT) future land use designation. Once again, the MUT is a proposed land use designation.

Strategy LU 4.1.1, in the Comprehensive Plan, includes Policy 8.2, Land Use Compatibility Review Procedures.

At the point of rezoning of property, evaluation is required to ensure compatibility with adjacent uses. Compatibility review requires evaluation of the following as listed in Policy 8.2:

A. Land use density and intensity.

Applicant Response: The proposed rezoning to RMF-3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG is consistent with the JPA/ILSBA and provides a compatible transition of uses between the existing land uses in the neighborhood.

B. Building heights and setbacks.

Applicant Response: Building heights and setbacks for the RMF3 and CG zoning districts are compatible with the permitted existing heights and setbacks in the neighborhood.

C. Character or type of use proposed.

Applicant Response: The proposed rezoning to RMF3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG is consistent with the JPA/ILSBA and provides a compatible transition of uses between the existing land uses in the neighborhood.

D. Site and architectural mitigation design techniques.

Applicant Response: Site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan or Preliminary Plat process at the time of a specific development plan for the property.

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 Response: The proposed rezoning to the RMF3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG zoning districts provides an appropriate transition of uses to protect single-family neighborhoods from the intrusion of incompatible uses.

Staff Comment: *Single-family neighborhoods abut the subject property to the northwest (Rustic Road PUD), to the north (County large lot single-family) and east (Toscana Isles PUD). Northeast of the site is a County, large lot of 10 acres and a 30 acre parcel that is zoned City RMF-4. The adjacent property to the south contains the Triple Diamond Commerce Plaza (TDCP) which is an industrial park and to the west is I-75. For the most part, the selected zoning districts provide appropriate transition from industrial to single-family.*

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

Applicant Response: The proposed rezoning to the RMF3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG zoning districts provides an appropriate transition of uses to prevent location of commercial uses in areas where such uses are incompatible with existing uses.

Staff Comment: *The portion of the subject property that is proposed to be zoned CG is adjacent to industrial uses all along the southern border. To the north, it will abut property that is mostly proposed or existing zoned multi-family. There is a small area to the northwest that will abut the Rustic Road PUD which is proposed for single-family use. At the time of development of this area, appropriate buffers may be necessary.*

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 Response: Not applicable.

Staff Comment: *Existing uses are addressed in the approved pre-annexation agreement which indicates that existing uses are permitted until the property is developed under the City zoning code.*

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

Applicant Response: The proposed rezoning to the RMF3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG zoning districts provides an appropriate transition of densities and intensities of uses compared to existing density and intensity of uses in the neighborhood.

Staff Comment: *As indicated above, for the most part, the proposed zoning districts provide appropriate transition from industrial to existing and proposed single-family uses to the north and northwest. This consideration will be further evaluated through review of a proposed development plan for the subject property.*

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

At the point of a development application on the subject property, a full review of the project, including compatibility with adjacent properties will be performed. If, during that review, potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2-I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of an actual development proposal.

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

Applicant Response: The proposed rezoning does not authorize development on the property. Open space, buffers, landscaping and berms will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development for the property.

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

Applicant Response: The proposed rezoning does not authorize development on the property. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

K. Locating road access to minimize adverse impacts.

Applicant Response: The proposed rezoning does not authorize development on the property. Road access will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

L. Adjusting building setbacks to transition between different uses.

Applicant Response: The proposed rezoning does not authorize development on the property. Building setbacks will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

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

Applicant Response: The proposed rezoning does not authorize development on the property. Building heights will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

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

Applicant Response: The proposed rezoning does not authorize development on the property. Density and intensity of land uses and transition between different uses will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the proposed Mixed Use Transitional future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Knights Trail Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

C. Compliance with the Land Development Code

The subject petition has been processed with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. Future development of the subject property will require confirmation of continued compliance with all applicable LDC standards.

Section 86-47(f) of the Land Development Code states that, 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 considerations listed below. The Planning Commission materials include the applicant's response to each of the considerations. To facilitate the Planning Commission's review of the subject rezone petition, staff has also provided commentary on selected considerations so that additional information is brought to the Planning Commission's attention.

(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 Corridor.

Staff Comment: *Analysis of Consistency with the Comprehensive Plan is provided in Section IV B. of this report.*

(b) The existing land use pattern.

Applicant's Response: The proposed rezoning to the RMF-3 with a stipulation limiting density to nine (9) dwelling units per acre, and Commercial General zoning districts is consistent and compatible with the land use pattern in the area which consists of a mix of industrial, low density residential and agricultural uses.

Staff Comment: *The proposed zoning is consistent with the existing land use and provides appropriate transition from higher intensity uses to lower intensity uses.*

- (c) Possible creation of an isolated district unrelated to adjacent and nearby districts.

Applicant's Response: The proposed RMF-3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG districts will not create unrelated isolated district as they are adjacent to nearby districts with wide mix of uses.

Staff Comment: *As indicated previously, the proposed zoning map amendment is consistent with the existing adjacent zoning.*

- (d) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

Applicant's Response: The proposed rezoning to the RMF-3 with a stipulation limiting density to nine (9) dwelling units per acre, and CG zoning districts will not overtax the load on public facilities such as schools, utilities and streets. Specific impacts to public facilities will be evaluated at the time of a development proposal for the property and impact fees will be paid at that time in order to support such public facilities

Staff Comment: *Based on a preliminary concurrency analysis, no issues were identified by staff regarding the availability of adequate public facilities to accommodate development in compliance with the proposed zoning districts.*

- (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 OUE zoning designation is illogical for a property annexed by the City of Venice and a City zoning designation(s) is needed prior to commencing development.

Staff Comment: *The proposed zoning is consistent with the existing land use and provides appropriate transition from higher intensity uses to lower intensity uses.*

- (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: *City process and procedure requires that properties be rezoned to a City designation upon annexation. The property was recently approved for annexation. Property also cannot be developed under a County zoning district and must first obtain a City designation.*

- (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 the uses. At the time of a proposed development for the property, potential adverse impacts to the neighborhood will be evaluated, and mitigated if necessary.

- (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. A transportation impact study will be required at the time of a development proposal for the property to analyze potential transportation impacts, and mobility fees will be paid at the time of development to support transportation improvements.

***Staff Comment:** Based on a preliminary analysis, no issues have been identified by staff regarding the creation of traffic congestion. Technical Review Committee review of the petition identified no public safety impacts generated by the subject petition. Transportation will be evaluated through any proposed development plan.*

- (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. A drainage plan will be required to be submitted at the time of a development proposal for the property to ensure no off-site drainage impacts.

- (j) Whether the proposed change will seriously reduce light and air to adjacent areas.

Applicant's Response: The proposed change will not seriously reduce light or air to adjacent areas. At the time of a proposed development for the property, potential reductions of light and air to adjacent areas will be evaluated, and mitigated if necessary.

***Staff Comment:** Maximum building heights in the proposed zoning districts is similar to the existing OUE district. Any potential increase in height will be evaluated at the time of development.*

- (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.

- (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.

- (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 concurrent with annexation and prior to any development of the site.*

- (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: *Generally, the need of the neighborhood and the city is development of the subject property, consistent with the comprehensive plan and in compliance with the Land Development Code. The property is proposed for a Mixed Use Transitional (MUT) future land use designation, and the proposed CG and RMF-3 districts are indicated as implementing zoning districts for this new designation. Land use compatibility mitigation techniques will be evaluated to ensure future development of the subject property is not out of scale with the needs of the abutting neighborhood.*

- (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: Not applicable, the annexation of the property by the City requires a rezoning from the current Sarasota County OUE zoning district.

Conclusions / Findings of Fact (Compliance with the Land Development Code):

The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

D. Concurrency

The applicant is not requesting confirmation of concurrency as part of the proposed zoning map amendment. Concurrency will be reviewed with a development proposal, and a full review will be provided at that time. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

Conclusion / Findings of Fact (Concurrency):

As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

E. Transportation Mobility

Regarding mobility and impacts to transportation, based on preliminary review, no issues have been identified regarding transportation. A full review will occur at the point of development.

Conclusion / Findings of Fact (Mobility):

A preliminary review of transportation mobility has been performed and no issues have been identified. Further development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.

V. CONCLUSION

Planning Commission Report and Recommendation to City Council

Upon review of the 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 for the Planning Commission to take action on Zoning Amendment Petition No. 19-07RZ.

Stipulations:

- *Residential density is limited to a maximum of nine dwelling units per acre.*
- *The subject Zoning Map Amendment Petition No. 19-07RZ is contingent on Comprehensive Plan Amendment Petition No. 19-08CP being approved and adopted by City Council.*