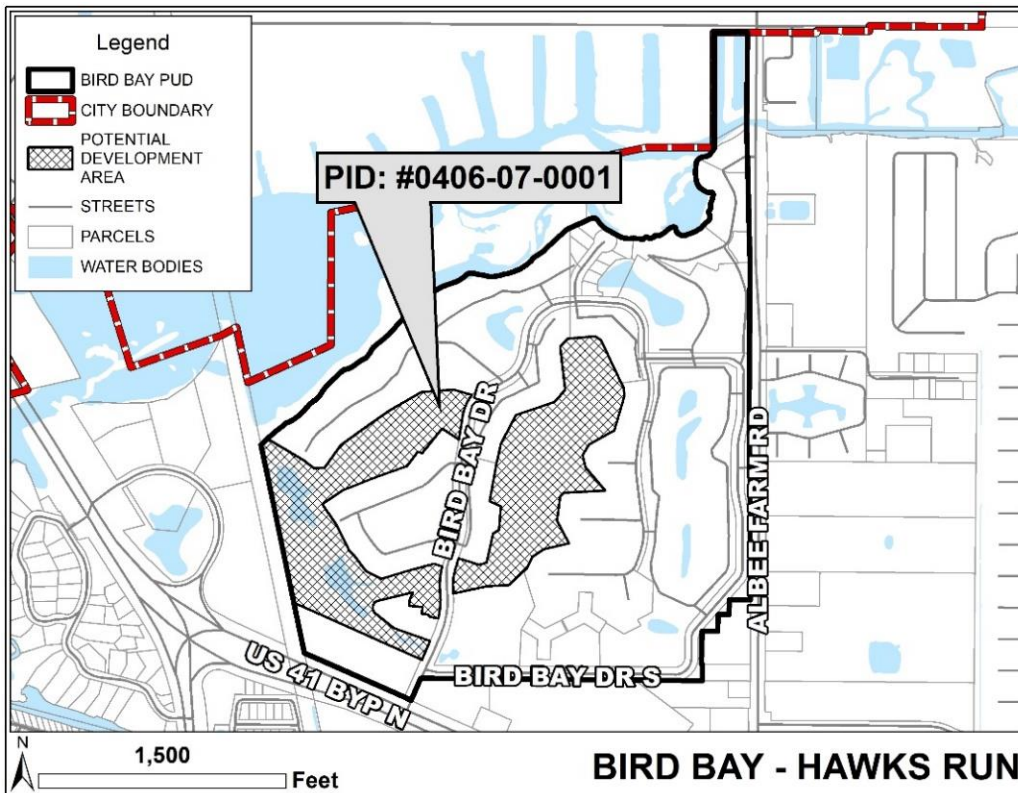


# 22-26RZ– Bird Bay PUD Amendment for Hawks Run Development Staff Report



**BIRD BAY - HAWKS RUN**

## GENERAL INFORMATION

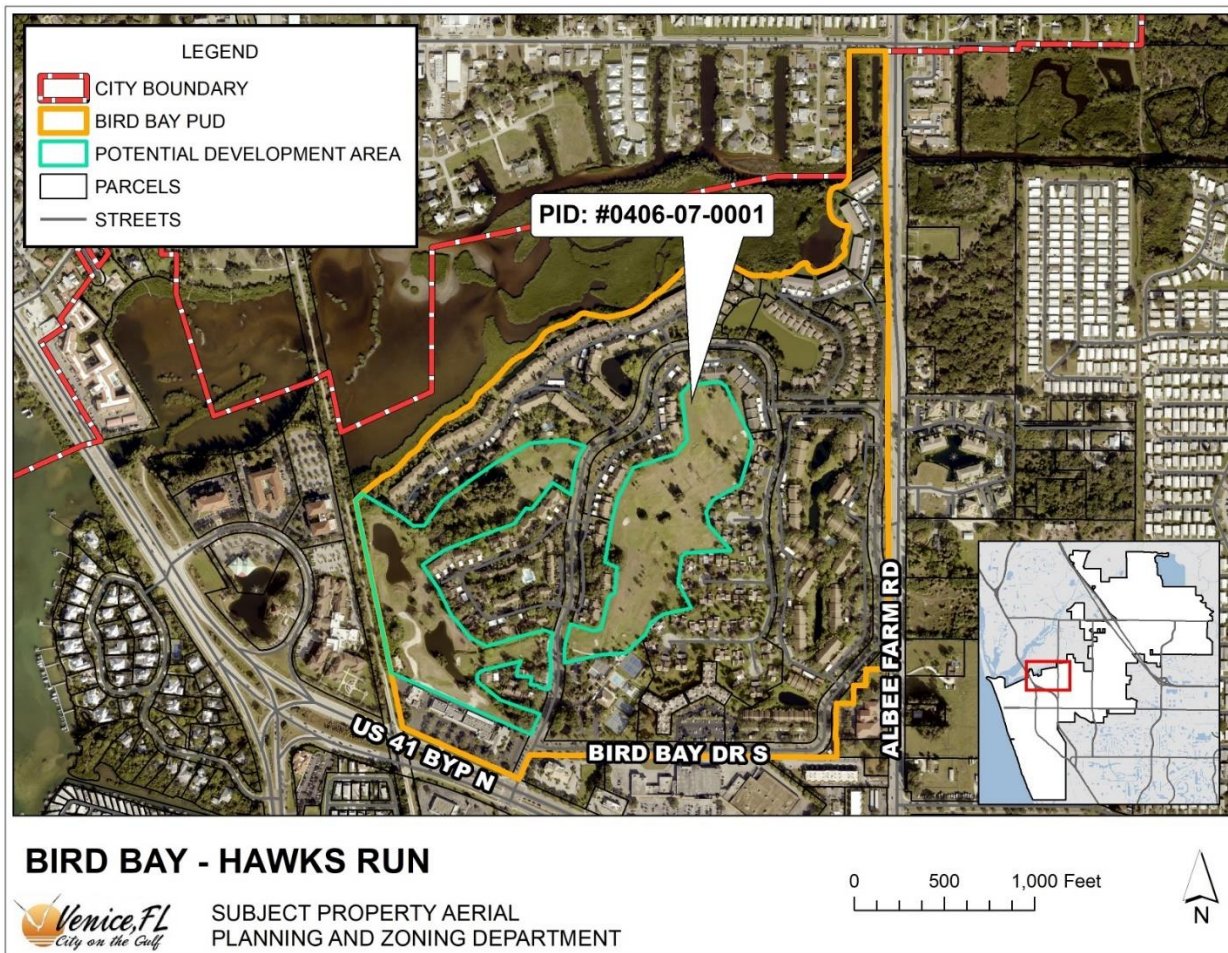
<b>Address:</b>	602 Bird Bay Drive
<b>Request:</b>	Amendment of the Bird Bay PUD Binding Master Plan to allow for the redevelopment of the golf course to include 45 residential dwellings, an amenity area, a redesigned 12-hole golf course along with renovation of the existing golf course, and updated golf course amenities of a clubhouse, pro shop and restaurant.
<b>Owner:</b>	Hawks Run Development, LLC
<b>Agent:</b>	Jeffery A. Boone, Esq. – Boone Law Firm
<b>Parcel ID:</b>	0406040001
<b>Parcel Size:</b>	198.6 ± acres (Bird Bay PUD) 33.3± acres (Potential Development Area)
<b>Future Land Use:</b>	Mixed Use Residential (MUR)
<b>Zoning:</b>	Planned Unit Development
<b>Comprehensive Plan Neighborhood:</b>	Pinebrook
<b>Application Date:</b>	April 25, 2022 – This application was submitted prior to the adoption of the new LDRs and is being reviewed under the previous code.

## I. PROJECT DESCRIPTION

The applicant is proposing an amendment to the binding master plan (BMP) for the Bird Bay Planned Unit Development (PUD). The amendment proposes to use a portion of area designated as golf course/open space to construct 45 residential dwellings. In addition, the applicant is proposing to redesign the existing 18-hole executive golf course into a 12-hole layout and provide updated amenities: a clubhouse, pro shop and restaurant. Through the amendment to the BMP, the area identified as clubhouse, for lack of other identified areas is where these amenities will occur. Details of these amenities will be provided through a subsequent process.

The residential units are proposed for the southwest corner of the PUD adjacent to the Legacy Trail and the commercial portion of the PUD. The layout includes access via Bird Bay Drive West and provides cul-de-sacs midway along the street and a terminal cul-de-sac at the street's end. Also included is an area identified for an amenity along with a relocated clubhouse. Due to the proximity of the residential units to the PUD boundary, the applicant is requesting a modification of the required PUD setback standard of two times the building height from the PUD perimeter.

It is important to note that this application, if approved, does not provide approval for any development. No development can occur until the processing, review, and consideration through a public hearing of an application for either Site and Development Plan or Preliminary Plat are completed. It is through these applications that all development details will be provided. This will be required for any residential development and any redesign of the existing golf course or addition of amenities. Notification through the mail and legal advertising is required for each application type.







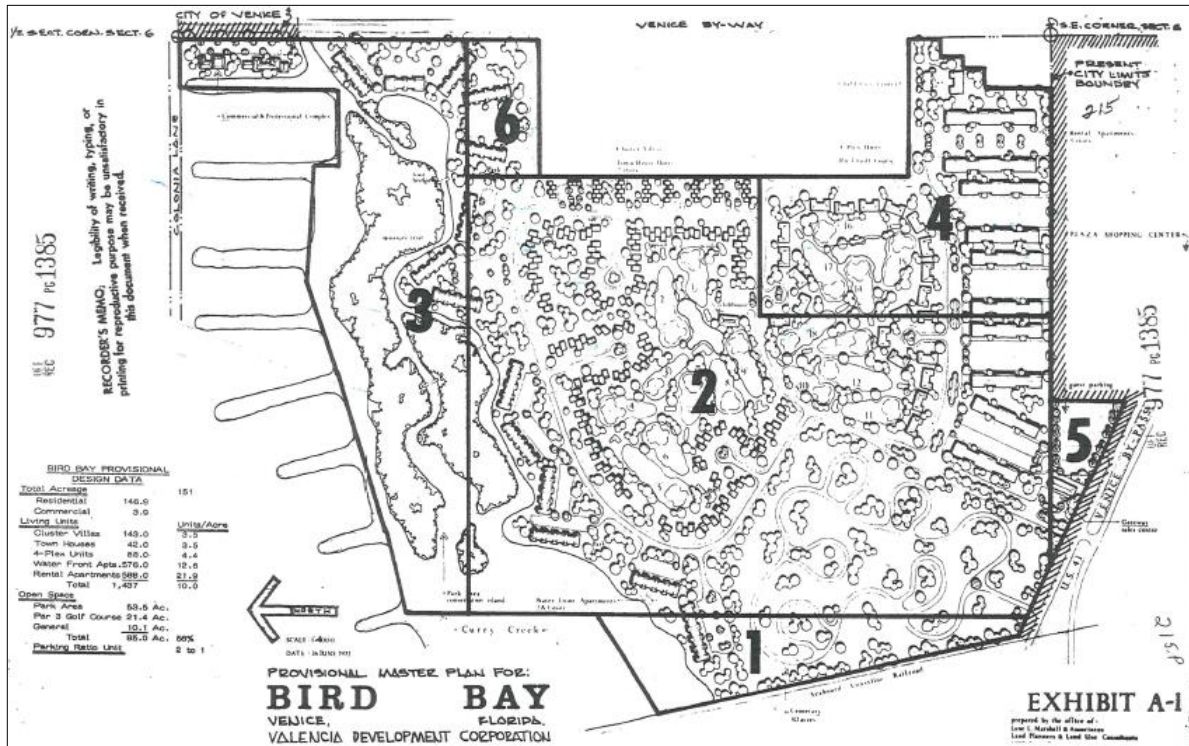
### Proposed Hawk's Run PUD Amendment Plan

## II. BACKGROUND OF THE BIRD BAY PUD

The Bird Bay PUD is the oldest PUD in the City of Venice and possibly the first in Sarasota County. It was proposed through annexation back in 1972. Since that time, there have been multiple development plans including both preliminary plats and site and development plans approved for buildout of the community, consistent with the binding master plan. As with any PUD, the plans have changed over the years, mainly due to the inclusion of a variety of housing types such as single-family homes, attached villas and multi-family buildings. A commercial area was established as part of the development. Even the conversion of a proposed cemetery to residential use has occurred during the history of the Bird Bay PUD. Following is a list of the multiple development steps that established the Bird Bay PUD:

### August 21, 1972

- Pre-Annexation Agreement (PAA) is approved between the City of Venice and the Valencia Development Company to annex the 150-acre property.
- The 30-acre cemetery property is not to be included in the area of the planned residential community.
- Density is limited to 10 units per acre and 56% open space is established.
- If the cemetery license is not obtained, it becomes part of the development.
- Community is to be developed according to a comprehensive master plan.





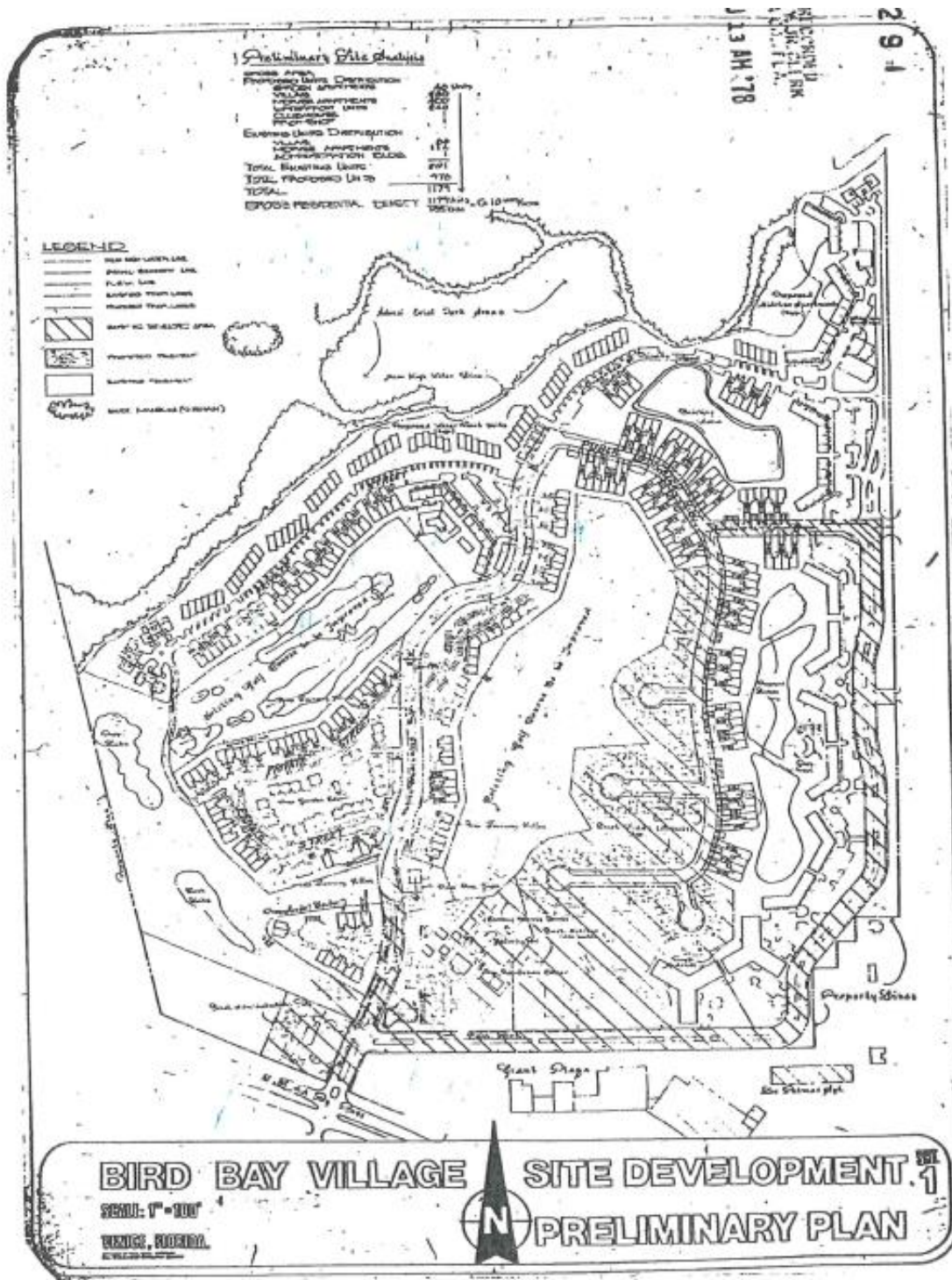
**April 24, 1973**

- Cemetery property becomes part of the Bird Bay planned residential community.
- Total acreage becomes 195.6 acres, of which 4 acres of the 30-acre cemetery property is to be used for commercial purposes. This is Bird Bay Plaza, created through a later petition in 1990.
- Density for the overall project is set at 8.4 units per acre for a total of 1,643 units and open space of 73% is established.



December 21, 1977

- Amendment to the PAA indicating a permitted number of residential units at 998 in addition to the 200 existing units in Bird Bay Village Unit One.
- Requires development under the City's PUD standards existing at that time.
- Confirms ability to "modify" the master plan.
- Sets maximum density at 1,198 dwelling units.
- BMP indicates a density of 1,179 units or 6.1 units per acre.





**December 21, 1977**

- Developer’s Agreement executed indicating the owner will not rezone the property to PUD, however, does agree to develop the property in accordance with the City’s PUD code.
- Dedication of open space indicated, but refused by the City based on inconsistent legal descriptions. Owner agreed to resubmit. No document can be located.

**ASSOCIATED LAND USE APPLICATIONS**

Master Plan Applications:

- 89-2MP - Indicates 4.87 units per acre and 55.3% open space.
- 90-1MP - Indicates 4.99 units per acre and 55.3% open space.
- 92-1MP - Indicates 5.17 units per acre and 55.3% open space. (CURRENT PLAN)

Preliminary Plat Applications:

- 85-2PP - Established the Bird Bay Golf Course.
- 90-3PP - Established 44 lots on 12.8 acres of the PUD.

Site and Development Plan Applications:

- 82-2SP - Established the development of Bird Bay Plaza.
- 83-9SP - Established over 400 units (Section V)
- 83-15SP - Established 36 units on 2.78 acres.
- 84-6SP - Established 222 units on .32 acres.
- 89-1SP - Established 35 units on 2.78 acres.
- 90-5SP - Established 36 units on 2.79 acres.
- 92-1SP - Established 60 units on 6.7 acres.

**Current Bird Bay Binding Master Plan (1992)**

It is obvious from the above that there has been significant activity associated with the Bird Bay PUD. The existing binding master plan for Bird Bay Village was approved by City Council on May 26, 1992. The master plan was modified to establish the 60 units of Waterside in the northeast corner of Bird Bay. The development data is provided below with the full approved master plan depicted on the following page.

D W E L L I N G      U N I T      S U M M A R Y						
PROPOSED UNITS						
BIRD BAY VILLAGES	I	II	III	IV	V	VI
Villas	80	78		9		44
Garden Apartments	48	110	36		268	60
Mid-Rise Units		85				
Single Family Lots						8
	128	273	84	9	268	112
TOTAL PROPOSED UNITS / RAMAR	826					
TOTAL APPROVED UNITS	998					
EXISTING UNITS / Prior to Bird Bay Villages						
Villas	86					
Mid-Rise Units	114					
	200					
OVERALL UNITS	1026	5.17 Du/Gross Ac/Avg				
OVERALL ACRES	198.6					

O P E N   S P A C E   D A T A	
GOLF CORSE (Including Lakes w/in Golf Corse)	34.0 Acres
OTHER LAKES	5.9 Acres
MISCELLANEOUS (Around Units, etc.)	25.4 Acres
CURRY CREEK, ROBERTS BAY & MANGROVE FLATS	44.6 Acres
TOTAL OPEN SPACE	109.9 Acres
TOTAL PROJECT AREA	198.6 Acres
OPEN SPACE PERCENTAGE	55.3%





Site Photographs



*Proposed Residential Area*



*Adjacent Commercial Use*



*View from 10<sup>th</sup> Tee (approximation based on BMP)*





*View from 18<sup>th</sup> Green (approximation based on BMP)*



*Practice Green (approximation based on BMP)*



*Hole #1 (approximation based on BMP)*



*View toward 9<sup>th</sup> Green (approximation based on BMP)*



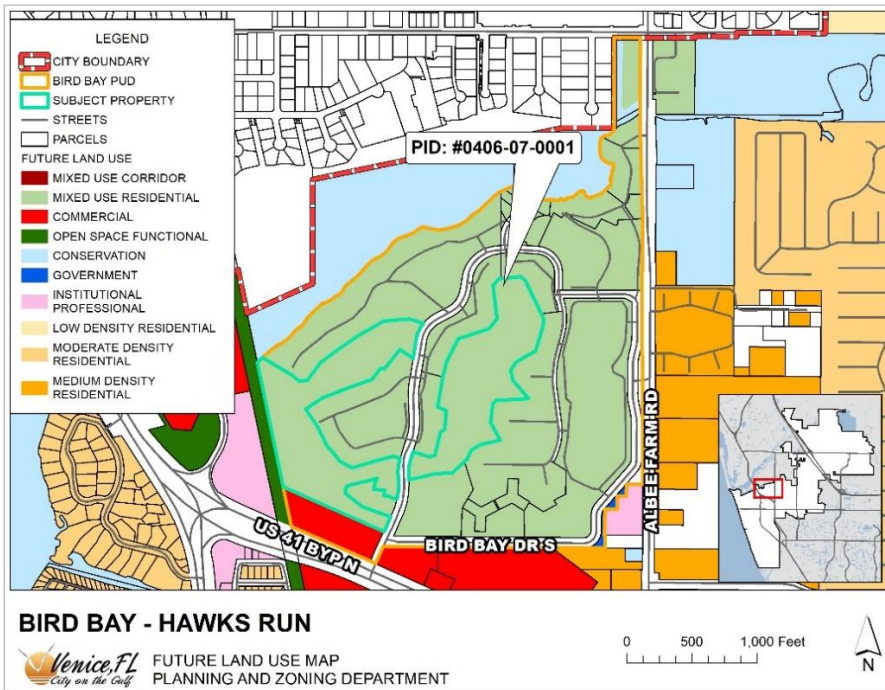
## Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Residential and the zoning is Planned Unit Development (PUD), as depicted on the maps below. It is noted that the area identified as the Bird Bay PUD on the maps is inconsistent with the area identified in the Bird Bay Binding Master Plan. Included in the master plan is the area of Roberts Bay, Curry Creek and multiple areas of mangrove flats. This area is depicted below as Conservation (CON), and before that, was designated as Marine Park (MP).

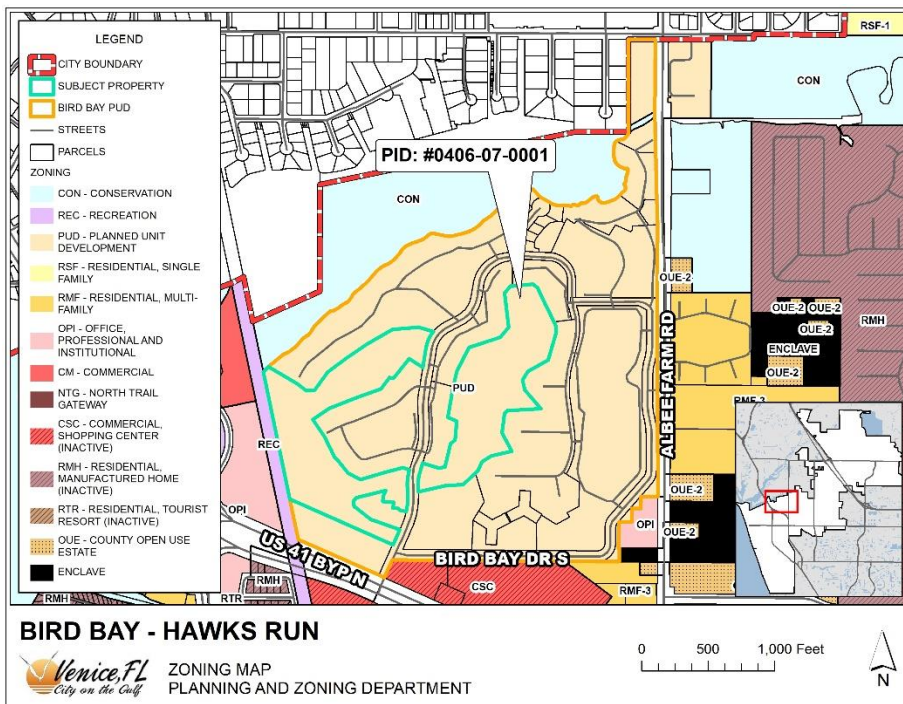
As stated earlier, it is difficult to trace development processes that occurred 50 years ago. The first zoning map the City adopted in 1978 showed this property as a combination of MP and County zoning of Open Use Estate (OUE). A year later, the City's zoning map identified this area as PUD. There appears to be a discrepancy between the two maps in the identification of the City boundary. The 1979 zoning map depicts the boundary farther to the north, consistent with the Bird Bay binding master plan and designates it as PUD.

This could be considered of minimal concern since the '92 master plan being amended includes the entire original area of the PUD. Also, the master plan has been modified consistent with this area more than once over the last 50 years. However, if determined to be a critical issue, the PUD density would be in excess of 6.5 units per acre or 1,291 units and open space would be 42% rather than the required 50%. It does not appear to have been a critical matter in previous approved amendments.

### Future Land Use



## Zoning



## Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Roberts Bay	Conservation (CON)	Conservation
South	Commercial and US 41 Bypass	CSC	Commercial
East	Civic Organization and Residential (Salvation Army and Magnolia Park)	OPI and RMF-3	Medium Density Residential and Institutional Professional
West	Legacy Trail	Recreation	Open Space Functional

## III. PLANNING ANALYSIS

In this section of the report, analysis of the proposed PUD amendment evaluates 1) consistency with the Comprehensive Plan, and 2) compliance with the City's Land Development Code (LDC) and the Bird Bay Binding Master Plan. Analysis involving proposed changes to developments that have been in place for many years can be difficult. Records of the many meetings, discussions and decisions that have taken place are sometimes hard to locate, and obviously, numerous changes have occurred to the City and its surroundings over the years. The Bird Bay PUD is no exception.

As indicated by the background information above, Bird Bay was first thought of in 1972 and has been identified as possibly the first PUD in Sarasota County. Staff has put in their best effort to trace the history of the development



and determine how it has evolved and been processed over the past 50 years. The following analysis is based on this effort.

## Consistency with the Comprehensive Plan

Consistency is not determined by planning staff. It is the responsibility of staff to provide analysis regarding consistency to the decision makers for their ultimate consideration and determination. Following are some, but not all, Strategies in the Comprehensive Plan that are applicable to the subject amendment.

### LU 1.2.16 – Mixed Use Residential (MUR)

1. Limited to existing and proposed properties zoned or proposed to be zoned PUD.

**Staff Comment:** The subject property contains consistent land use and zoning designations.

2. Consistent with the PUD Zoning, conservation and functional open spaces are required. See also Strategy OS 1.11.1-Mixed Use Residential District Requirements.

**Staff Comment:** Both Functional and Conservation open space are provided within the Bird Bay PUD.

3. Development standards including bulk development standards and housing types are designated at the PUD Zoning level.

**Staff Comment:** The applicant has not provided development standards for the proposed development and staff did not request provision of these standards. It is noted that the area for residential use has been provided and the applicant has limited the development to no more than 45 units indicated as “residential villas”. As indicated earlier in this report, it is important to note that this application, if approved, does not provide approval for any development. No development can occur until the processing, review, and consideration through a public hearing of an application for either Site and Development Plan or Preliminary Plat are completed.

4. A variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling units per gross acre for the subject project/property.

**Staff Comment:** Overall density of the Bird Bay PUD does exceed the maximum 5 units per acre permitted in the MUR land use designation. See no. 5 next.

5. Previously approved PUD developments exceeding the standards of this Strategy shall be permitted to retain their currently approved density and intensity, open space percentage provisions, and other previously approved development standards.

**Staff Comment:** The existing Bird Bay PUD is approved at 6.03 units per acre.

6. Min/Max Percentages as follows:

- a. Residential: 95% / 100%
- b. Non-Residential: 0% / 5%
- c. Open Space (including both Functional and Conservation): 50% (min). Open Space shall be comprised of a mix of Functional and Conservation Open Space to achieve 50%, with Functional being no less than 10% and Conservation being no less than 20%. For the purposes of this Strategy, Functional Open Space may include public and/or private open space.

**Staff Comment:** a) The additional units requested by the applicant are within the approved density for the PUD. b) There is no impact to the commercial use. c) The project is compliant with the requirement for a minimum 20% of the open space being conservation and a minimum 10% being functional.

7. Intensity/Density:

- a. Residential Density: 1.0-5.0
- b. Non-Residential intensity (FAR): 0.4 (average) Designation-Wide: 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-residential portion of the MUR. The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.

**Staff Comment:** a) See no. 5 above. b) The commercial use is not changing.

- 8. Figure LU-9 (below) establishes the Compatibility Review Matrix between the MUR and existing Future Land Use categories. See Strategy Lu 1.2.8.

*Figure LU-9: FLU Compatibility Review Matrix for MUR*

		Adjacent (Existing) FLU									
		LDR	MODR	MEDR	HDR	IP	COMM	GOVT	IND	OS-F	OS-C
MUR											

	Presumed Compatible
	Potentially Incompatible

**Staff Comment:** Not applicable since the FLU is not changing.

### LU 1.2.21 – Previously approved Planned Developments

Previously approved Planned Developments including PUD and CMU developments exceeding the standards of this Strategy shall be permitted to retain their currently approved land use(s), density and intensity, open space percentage provisions, and other previously approved development standards.

### Potential Inconsistencies with the Comprehensive Plan

The following Strategy in the Comprehensive Plan applicable to the Pinebrook neighborhood, which includes the Bird Bay PUD, should be considered:

#### LU PB 1.1.1 Neighborhood Open Space Protection

The City shall require that functional and conservation open spaces within existing residential developments including those zoned Planned Unit Development (PUD) be protected from redevelopment and infill development which may negatively affect their use. Reduction and/or elimination of open spaces developed consistent with the underlying PUD zoning shall not be supported by the City.

**Staff Comment:** A determination must be made by Planning Commission and City Council as to whether the proposed development has a negative effect on the use of the existing open space.

### LU 1.2.16 – Mixed Use Residential (MUR)

- 3. Development standards including bulk development standards and housing types are designated at the PUD Zoning level.

**Staff Comment:** The applicant has not provided development standards for the proposed development and staff did not request provision of these standards. It is noted that the area for residential use has been provided and the applicant has limited the development to no more than 45 units indicated as “residential villas”. As indicated earlier in this report, it is important to note that this application, if approved, does not provide approval for any development. No development can occur until the processing, review, and consideration through a public hearing of an application for either Site and Development Plan or Preliminary Plat are completed.



## Compatibility Review per Policy 8.2

Strategy LU 4.1.1 in the Comprehensive Plan includes Policy 8.2, Land Use Compatibility Review Procedures. For rezoning applications, evaluation of items A-N is required to ensure compatibility with adjacent uses.

### 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 the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

A. Land use density and intensity.

**Applicant Response:** *The proposed PUD Amendment does not seek to increase the density or intensity of development beyond current approvals. The previously approved residential units to be built will be single-family homes and therefore are compatible with the neighborhood.*

B. Building heights and setbacks.

**Applicant Response:** *No change to building heights or setbacks from existing neighborhoods are proposed.*

C. Character or type of use proposed.

**Applicant Response:** *No change in land use is proposed.*

D. Site and architectural mitigation design techniques.

**Applicant Response:** *Not applicable.*

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:** *Not applicable.*

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

**Applicant Response:** *Not applicable.*

**Staff Comment:** No commercial or industrial uses are proposed through this application.

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:** Staff is not aware of any nonconforming uses existing on the property.

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

**Applicant Response:** *No change in density and intensity of uses is proposed.*

**Staff Comment:** The density proposed is still within the approved density of the Bird Bay PUD. However, a portion of the open space is now proposed for residential use which would result in an intensification.

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

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

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

**Applicant Response:** *Open space, landscaping and buffering and berms are provided to ensure compatibility.*

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

**Applicant Response:** *Sources of light, noise mechanical equipment, refuse areas, delivery and storage will be adequately screened to ensure compatibility.*

K. Locating road access to minimize adverse impacts.

**Applicant Response:** *Road access has been located to minimize impacts.*

L. Adjusting building setbacks to transition between different uses.

**Applicant Response:** *No change in uses or building height setbacks from existing neighborhoods are proposed.*

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

**Applicant Response:** *No changes to building heights are proposed.*

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

**Applicant Response:** *No change in density or intensity of uses is proposed.*

**Summary Staff Comment:** The applicant has identified certain mitigation techniques for addressing any potential incompatibility with neighboring properties.

**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 Mixed Use Residential designation, Policy 8.2 regarding compatibility, and strategies found in the Pinebrook Neighborhood and other plan elements. Potential inconsistencies have been identified above. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

**Consistency with the Bird Bay Binding Master Plan and Land Development Code**

The applicant is requesting to amend the Bird Bay Binding Master Plan to allow for 45 additional residential dwellings on portions of the PUD designated as open space. This open space is currently identified as golf course and therefore will cause redesign of the existing layout. The applicant proposes to take this opportunity to redesign the entire course into a twelve-hole layout. Amenities of a new clubhouse, pro shop and restaurant are also being proposed in locations other than the current golf course facilities, thereby also amending the binding master plan. Although this results in a reduction of open space, the required minimum of 50% of the PUD is being complied with. The end result will be 52.32% compared to the existing 55.3%. This results in a reduction of approximately 3%. The City's code does currently, and has always, required a dedication of open space in a PUD for a duration of

not less than 99 years. City staff cannot locate any document in City records that confirms this dedication for the Bird Bay PUD. However, it was required at the time of approval of the Bird Bay PUD and may be taken into consideration by the decision makers as to its applicability.

Regarding the proposed increase of 45 units, this does exceed the maximum 4.5 units per acre indicated in the Land Development Code and the 5 unit per acre limit in the Comprehensive Plan. However, Strategy LU 1.2.16.5 and Strategy LU 1.2.21 allows for the previously approved density to be maintained. Although the built density of the PUD has changed over the years, the PUD was approved for a total of 1,198 units based on review of the City records. This calculates to a density of 6.03 units per acre. The applicant is proposing 5.39 units per acre or a total of 1,071 units.

Although some question has been raised as to the processing of this application, the City has historically allowed modifications through an amendment to a PUD. This has been accomplished not only for older PUDs, but also for more recently developed PUDs. The City's previous code refers to a process titled "changes in plans" contained in Section 86-130(v). It states that a finding is required that "any such changes are in accord with all regulations in effect when the changes are requested and the intent and purpose of the comprehensive plan in effect at the time of the proposed change." All other changes require a full rezoning of the PUD. The PUD amendment process that has been historically applied and is being used here may be held to this same finding. Analysis of the project related to the Comprehensive Plan has been provided above. It is noted that in the City's recently adopted Land Development Regulations, the language regarding potential changes to a PUD has been clarified to avoid any future ambiguity.

**Code Modification:** The applicant has requested consideration of a modification of the PUD standard for perimeter setback. The current requirement is a setback of two times the height of the adjacent structure found in code Section 86-130(p). The applicant has requested a hard setback of 10 feet to the PUD perimeter. This setback occurs adjacent to the Legacy Trail and the existing commercial portion of the Bird Bay PUD. This modification should be identified in any motion made by the decision makers.

The petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. 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. Staff comments have also been provided where applicable.

(a) Whether the proposed change is in conformity to the comprehensive plan.

**Applicant Response:** *The proposed change is in conformity to the Comprehensive Plan.*

**Staff Comment:** Staff indicated areas of concern regarding Comprehensive Plan consistency on page 12 of this report.

(b) The existing land use pattern.

**Applicant Response:** *The proposed change will modify the existing PUD plan. There are no changes to the current permitted uses or increase to the number of dwelling units previously approved. The proposed land use pattern is similar to and consistent with the existing land use pattern*

**Staff Comment:** Through this application, the existing land use pattern is proposed to change through the development of identified open space for residential use.



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

**Applicant Response:** *The proposed change will not change the current zoning designation or uses of the property and therefore, will not create an isolated district unrelated to adjacent and nearby districts.*

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

**Applicant Response:** *The proposed change will not increase density or otherwise increase impacts to any public facilities, the proposed amendment does not seek to increase the currently approved density for the property.*

(e) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**Applicant Response:** *The proposed change does not change the existing zoning, it is limited to a modification to the currently approved PUD master development plan.*

**Staff Comment:** The district boundaries are not changing.

(f) Whether changed or changing conditions make the passage of the proposed amendment necessary.

**Applicant Response:** *Existing development conditions in the Bird Bay PUD make the proposed change necessary.*

**Staff Comment:** Staff is aware of the deteriorating condition of the golf course which may be considered a changing condition.

(g) Whether the proposed change will adversely influence living conditions in the neighborhood.

**Applicant Response:** *The proposed change will not adversely influence living conditions in the neighborhood and will result in a redesigned golf course to the benefit of the neighborhood.*

(h) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

**Applicant Response:** *The proposed change will not have any impact traffic or public safety.*

(i) Whether the proposed change will create a drainage problem.

**Applicant Response:** *The proposed change will not create a drainage problem.*

**Staff Comment:** TRC has reviewed this project and has not identified any issues. Further review will occur with subsequent applications for development.

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

**Applicant Response:** *The proposed change will not reduce light and air to adjacent areas.*

(k) Whether the proposed change will adversely affect property values in the adjacent area.

**Applicant Response:** *The proposed change will not affect property values in the adjacent areas.*

**Staff Comment:** This is a difficult result to predict in any application. Any improvement to the existing golf course may be considered a positive.

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

**Applicant Response:** *The proposed change will not be a deterrent to the improvement or development of adjacent properties.*

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

**Applicant Response:** *The proposed change will not constitute a grant of special privilege to an individual as contrasted with the public welfare.*

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

**Applicant Response:** *The proposed change does not seek to change the existing PUD zoning, it is limited to a modification of the currently approved PUD master development plan.*

**Staff Comment:** The Bird Bay PUD is currently laid out consistent with the current binding master plan.

(o) Whether the change suggested is out of scale with the needs of the neighborhood or the city.

**Applicant Response:** *The proposed change is not out of scale with the needs of the neighborhood or 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 Response:** *Not applicable, the proposed change does not seek to change the current PUD zoning it is limited to a modification of the currently approved PUD master development plan.*

**Conclusions / Findings of Fact (Compliance with the Land Development Code and Bird Bay PUD Binding Master Plan):**

Staff has reviewed all applicable Land Development Code standards and the Binding Master Plan. Included in the analysis are identified considerations for the decision makers regarding consistency. 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.

**Concurrency / Mobility**

There are no requirements for concurrency or mobility analysis since the proposal is within the previously approved density of the PUD.

**IV. CONCLUSION**

**Planning Commission Report and Recommendation to City Council**

Upon review of the petition and associated documents, Comprehensive Plan, Bird Bay Binding Master Plan and 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 make a recommendation to City Council on PUD Amendment Petition No. 22-26RZ.