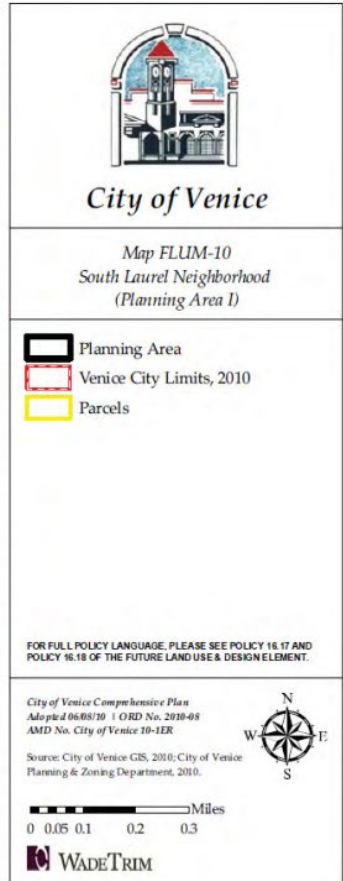
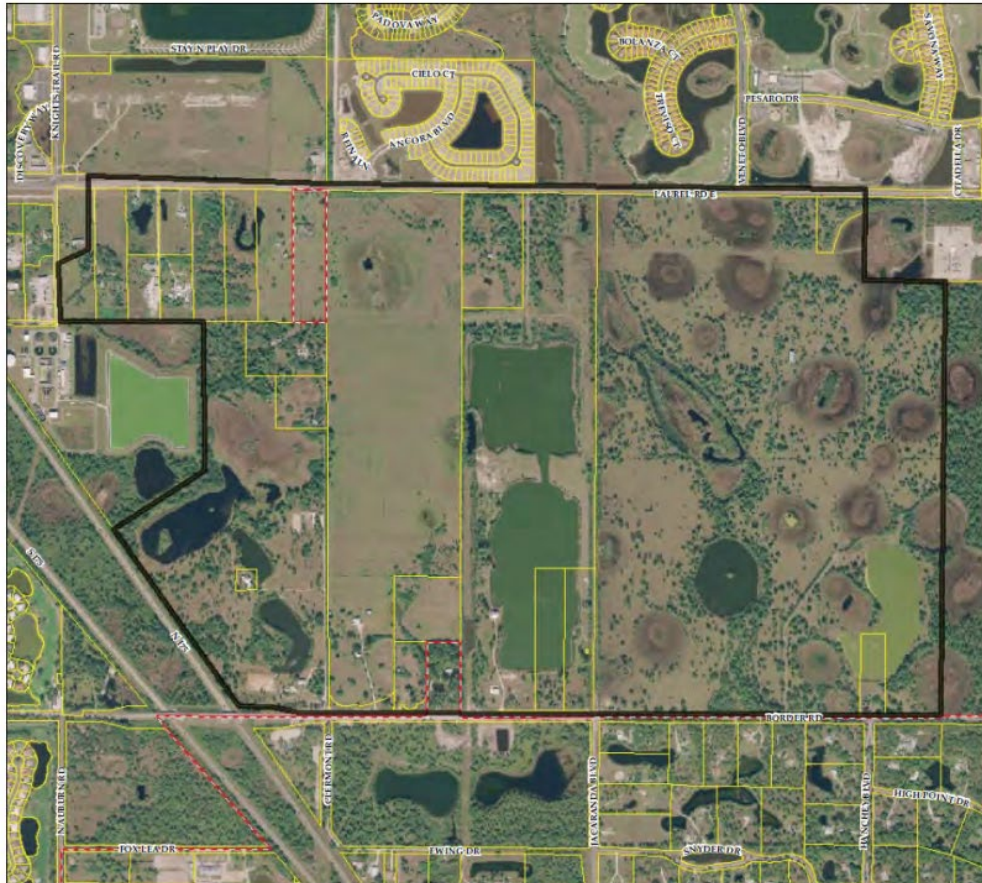




Comprehensive Plan Text Amendment Petition No. 21-64CP Staff Report

Planning Area I



GENERAL INFORMATION	
Location:	South of Laurel Road, East of I-75
Request:	Elimination of the 42' building height limitation from the former South Laurel Road Neighborhood Planning Area (Planning Area I of the Comprehensive Plan).
Owner/Applicant:	The NRP Group
Agent:	Jeffery Boone, Esq., Boone Law Firm
Comprehensive Plan Neighborhood:	Northeast Venice Neighborhood
Application Date:	December 27, 2021
Related Submissions:	Site & Development Plan, Conditional Use

I. BACKGROUND

The GCCF PUD zoning was approved by City Council on February 25, 2020 and is the result of the combination of the former “Bridges” Commercial, Mixed Use (CMU) project approved on December 10, 2008 and the former “Villa Paradiso” PUD approved on February 28, 2006. Maximum building heights within these former projects were approved by their associated binding master plans at 60 feet for the Bridges and 57 feet for Villa Paradiso. Both of these projects are located in what was former Planning Area I, South Laurel Neighborhood, which limited building heights in the 2010 Comprehensive Plan to a maximum of 3 stories, up to 42 feet including parking. All the former Planning Areas provided for a 42 to 45 foot maximum building height. As the already approved height in these two projects exceeded the height limitation in the 2010 Comprehensive Plan, the following language was included in the 2010 Comprehensive Plan:

For areas zoned to a City of Venice zoning designation prior to May 1, 2009, the maximum height will not exceed the maximum building height previously approved through such rezoning.

The 2017 Comprehensive Plan defers the regulation of building height to the Land Development Code. In order to maintain height regulations between the adoption of the 2017 Comprehensive Plan and its implementation through new land development regulations, Strategy LU 4.1.1 –Transitional Language specific to Comprehensive Plan Regulatory Language, was included in the 2017 Comprehensive Plan. Figure LU-13: Planning Area Summary, in a table format, identifies maximum building height and architectural style for each former Planning Area. Language identical to that in the 2010 Comprehensive Plan, as follows, was included for the former Planning Area I where the Bridges and Villa Paradiso projects were located:

For areas zoned to a City of Venice zoning designation prior to May 1, 2009, the maximum height will not exceed the maximum building height previously approved through such rezoning.

II. INTRODUCTION

The applicant has submitted a Conditional Use application for the GCCF PUD that requests approval of building heights up to 53 feet. This request is consistent with the approved GCCF PUD zoning and the binding master plan that provides the following text:

Maximum Height of Structures

- 1) Single-Family – 3 stories up to 35’ including parking.
- 2) Assisted Living, House of Worship, Medical Office – 5 stories up to 55’ including parking. (For heights above 3 stories and 35’, Conditional Use approval required).

The applicant’s position is that the transitional language provided in the 2017 Comprehensive Plan was meant to preserve the maximum building height granted in the Bridges and Villa Paradiso approvals, regardless of whether the properties were subsequently rezoned. The agent for the GCCF project was the representative for the Bridges project and has specified recollection of this action and that the GCCF project has relied on this standard. The applicant also points out the inclusion of a 55’ building height, with a Conditional Use approval, in the approved GCCF PUD.

III. APPLICANT’S PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

The proposed text amendment is to amend Strategy LU 4.1.1 – Transitional Language specific to Comprehensive Plan regulatory language, Planning Areas, to read as follows (strikethrough is text to be deleted):

Figure LU-1: Planning Areas Summary

Planning Area	Maximum Building Height (feet)	Required Architectural Type
Tarpon Center/Esplanade Neighborhood (Planning Area A)	SubArea 1: 45' SubArea 2: 42'	Northern Italian Renaissance and Mediterranean Revival
Heritage Park Neighborhood (Planning Area B)	42'	Northern Italian Renaissance
Southern Gateway Corridor (Planning Area C)	42'	Northern Italian Renaissance
Island Professional Neighborhood (Planning Area D)	42'	Northern Italian Renaissance
City Center Sector (Planning Area E)	CBD Zoning District: 35' All Others: 42'	Venetian Theme Historic buildings and their architectural styles should be preserved.
Northern Gateway Corridor (Planning Area F)	45'	Northern Italian Renaissance
Seaboard Sector (Planning Area G)	42'	Northern Italian Renaissance
Eastern Gateway Corridor (Planning Area H)	42'	Northern Italian Renaissance Historic buildings and their architectural styles should be preserved.
South Laurel Neighborhood (Planning Area I)	42' For areas zoned to a City of Venice zoning designation prior to May 1, 2009, the maximum height will not exceed the maximum building height previously approved through such rezoning.	Northern Italian Renaissance For areas zoned to a City of Venice zoning designation prior to May 1, 2009, the architectural design style will be consistent with designs previously approved through such rezoning.
Shakett Creek Neighborhood (Planning Area J)	42'	Northern Italian Renaissance or Northern Mediterranean
Knights Trail Neighborhood (Planning Area K)	SubAreas 1, 2, 3: 42' SubArea 4: 45'	Northern Italian Renaissance or Northern Mediterranean
Gene Green Neighborhood (Planning Area L)	N/A	N/A

IV. STAFF POSITION

Staff's interpretation of the language in the 2010 and 2017 Comprehensive Plans is that it preserves only the maximum building heights associated with the Bridges CMU and the Villa Paradiso PUD projects as they existed prior to May 1, 2009. Since no development occurred and the properties were rezoned into one unified PUD in 2020, all standards of the previous approvals are no longer valid. Therefore, the transitional language in the 2017 Comprehensive Plan limiting maximum building height in this area to 42 feet is the applicable standard. It is noted that the applicant was granted this maximum height for the GCCF PUD by City Council through the Conditional Use process on February 25, 2020.

V. CONSIDERATIONS

The language provided in both the 2010 and 2017 Comprehensive Plans is somewhat open to interpretation. Also, staff is of the opinion that the language in the approved GCCF PUD providing for buildings of 5 stories up to 55' was intended to allow the applicant the option of requesting increased building height through the extra review of a Conditional Use process. Approval of this language could be construed to create an expectation that the additional building height could at least be requested as it would be unusual to specify

a standard that cannot be achieved. Also, as indicated above, the previous approvals for both the Bridges and Villa Paradiso provided for building heights, by right, in excess of what the applicant is currently proposing.

Another factor to consider is that the current draft Land Development Regulations provide for a potential maximum building height in this area of up to 5 stories through the proposed “Height Exception” process, similar to the current Conditional Use process. In other words, if the current draft LDR’s were adopted and in existence, the applicant would have the ability to seek this additional building height regardless of the prior approvals and the language in the 2010 and 2017 Comprehensive Plans. It is important to note, this code is still in draft form and this standard may not be approved.

Staff has processed the Conditional Use application consistent with the City’s procedures and is presenting it to both Planning Commission and City Council for consideration given the issues that have been identified.

VI. CONCLUSION

Upon review of the petition and associated documents, Florida Statutes, the 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 Comprehensive Plan Amendment, Petition No. 21-64CP.