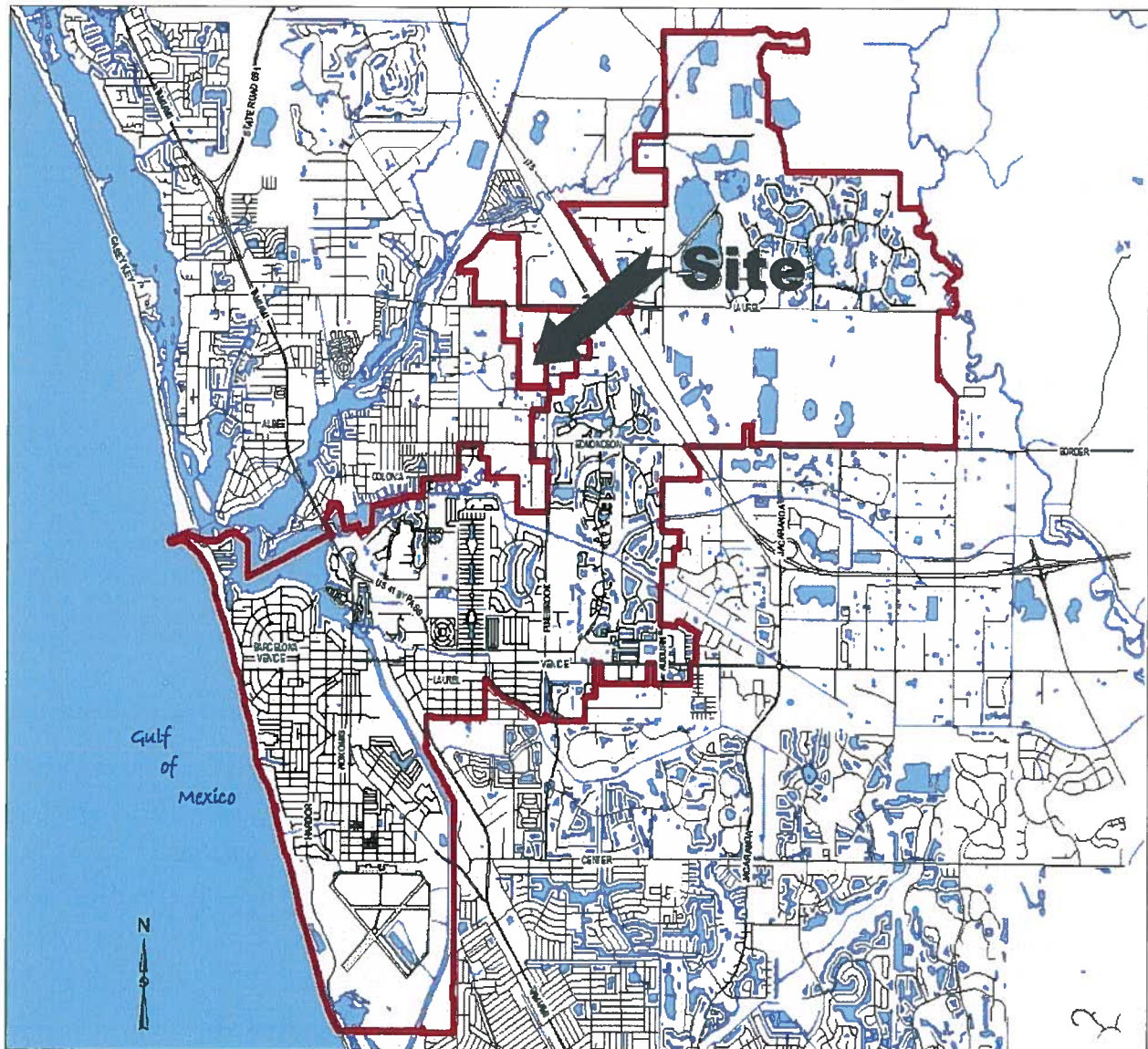

City of Venice
Planning Commission Information Packet

**ZONING MAP AMENDMENT
(No. 13-3RZ)
Windwood**



**Prepared by the Planning and Zoning Department
City of Venice, Florida**

I. GENERAL INFORMATION

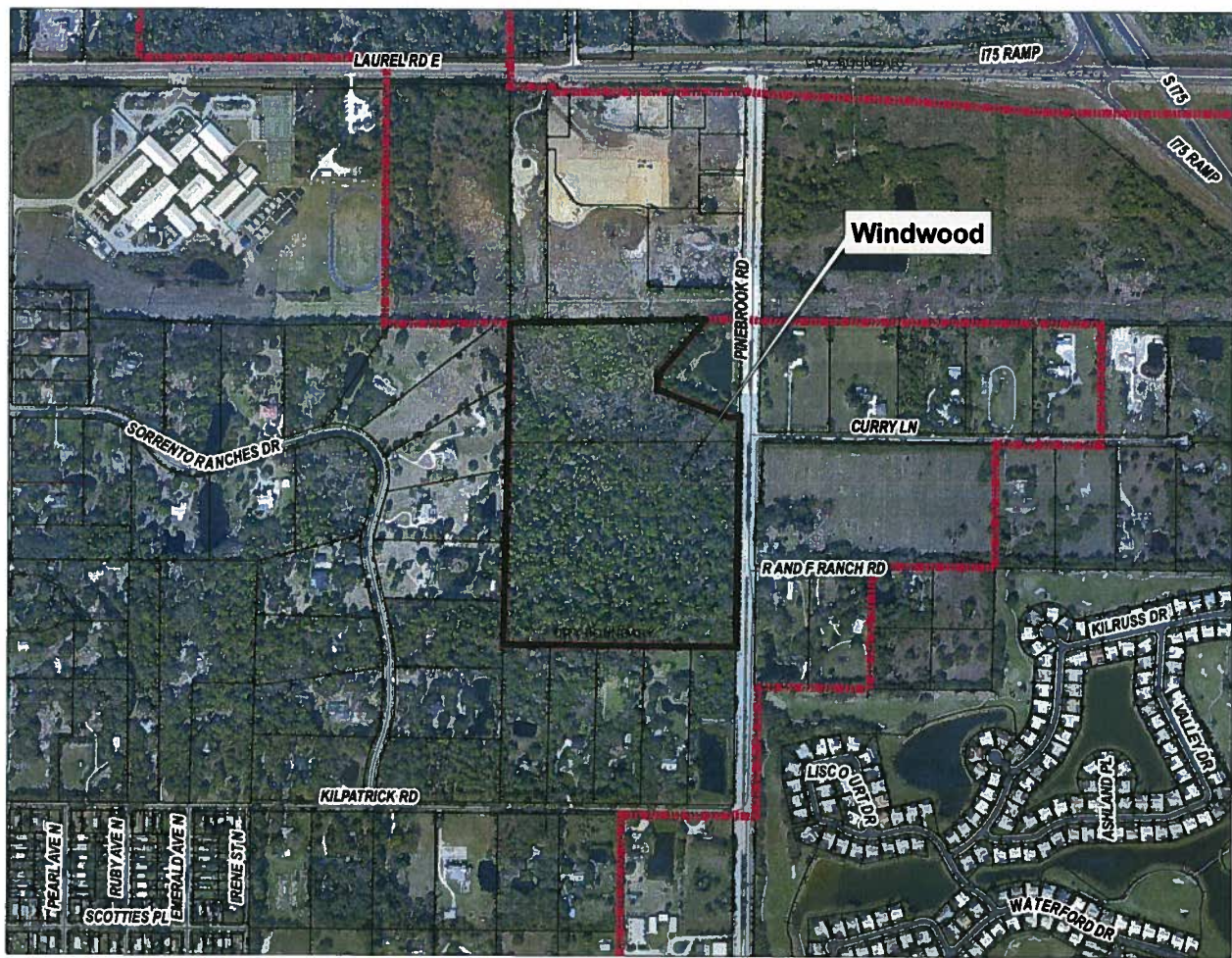
Request: The applicant is requesting a Zoning Map Amendment from Sarasota County's "Open Use Estate (OUE)" zoning district to City of Venice "Planned Unit Development (PUD)" for the Windwood project, a residential subdivision.

Owner: Neal Communities of SW Florida, LLC.

Agent: Jeffery A. Boone, Esquire, Boone Law Firm.
Kelley Klepper, AICP, Kimley-Horn & Associates, Inc.

General Location: The property is located on west side of Pinebrook Road, south of East Laurel Road.

Property Size: 46.3 ± acres.



II. LAND USE

- A. Existing Land Use:** Vacant.
- B. Future Land Use Map Designation:** Low Density Residential.
- C. Zoning Atlas Map Designation:** Sarasota County Open Use Estate (OUE).
- D. Adjacent Land Uses**

Regulatory Standards	North	West	South	East
Existing Land Uses	Commercial (Plaza Venezia)	Residential (Sorrento Woods)	Residential	Residential
Future Land Use Map Designation	Laurel Road Mixed Use	Low Density Residential	Moderate Density Residential	JPA Area 6
Zoning Map Designation	“CG”	“OUE”	“OUE”	“OUE”
JPA Land Use Designation	NA	Coordination Area 14	Coordination Area 14	Potential Annexation Area 6

E. Joint Planning Agreement / Interlocal Service Boundary Agreement:

The subject property is not within the joint planning area.

III. STAFF ANALYSIS**A. Background:**

- The subject property was approved for annexation on December 9, 2003.
- On January 8, 2008, City Council approved Ordinance No. 2007-31 rezoning the subject property to PUD from Sarasota County OUE with the intention of developing the multi-family residential Bella Citta project. The project proposed a 3.89 du/acre density.

- Due to a legal challenge by owners of adjacent property, the rezoning was quashed by the circuit court of the twelfth judicial circuit on June 4, 2008. The basis being lack of due process.
- As a result, the property retained its county OUE designation.
- On September 16, 2013, application was made by Neal Properties of SW Florida, LLC to rezone the property to PUD. The pre-hearing conference, required by the PUD rezoning process, was held on October 15, 2013. The applicant provided responses, in writing, to Planning Commission's concerns. These responses are included later in this staff report and are thereby made a part of the public record.
- The City Attorney has reviewed the evidence of unified control and the development agreement submitted by the applicant and has certified that they meet the requirements of Chapter 86 of the City's Land Development Code.
- There are no outstanding technical issues that would prevent the Planning Commission from taking action on the petition.

B. Policy Considerations and Project Detail:

The applicant is requesting a Zoning Map Amendment from Sarasota County "Open Use Estate (OUE)" to City of Venice "Planned Unit Development (PUD)" for the property located on the west side of Pinebrook Road just south of East Laurel Road. The property contains approximately 46.3 acres and is currently vacant. The applicant is requesting approval of the rezone petition to PUD for the future development of the Windwood project. Planned for the Windwood subdivision are 90 single-family residential units calculating to a project density of approximately two units per acre.

Prior to any development, the property is required, through the pre-annexation agreement, to be rezoned to a zoning district consistent with the future land use of the property. The future land use designation of the property is low density residential and the PUD zoning district is an appropriate district to implement this land use. The proposed density of two units per acre is consistent with both the future land use that allows up to five units per acre and the PUD standard of up to 4.5 units per acre.

The PUD rezoning process requires significant development details be provided with the request. As a result of this requirement, the applicant has submitted a substantial amount of information through maps, illustrations, and text that, if approved, will be referenced in the adoption ordinance and will become the standards of development for the subject property. The resulting PUD becomes the zoning code for the development. This process is encouraged by the city and provides a considerable level of predictability in the consideration of the development regarding expectations of both the developer and the city. Subsequent to the rezoning of the property, the project will be reviewed through the subdivision platting process and will require recommendation from Planning Commission and ultimate approval by City Council.

During the required pre-hearing conference, Planning Commission provided a number of comments mainly centered on the need for additional information. Following are the topics raised along with the applicant's response in ***bold italics***:

- Traffic with regards mainly to left hand turns onto Pinebrook Road when leaving the development. ***“A traffic study was previously submitted to the City and their consultant for review. Though concerns were raised regarding a left-hand turn onto Pinebrook Road leaving the development, based on the limited number of lots, impacts are minimal”.***
- Confirmation of any proposed amenities. ***“Windwood has provided a minimum 50% open space per the PUD standards. In addition, Wellfield Park and Curry Creek Preserve are located in close proximity to Windwood and has a mix of uses, both active and passive, to serve the residents' needs. The applicant will assess and provide information regarding community amenities as part of the plat”.***
- Confirmation of the project being a gated community or not. ***“As provided in Policy 2.6 of the Housing and Neighborhood Development Element of the 2010 Comprehensive Plan, Windwood is proposed to be a limited access community with the option for a manned or un-manned gate at the primary entrances off Pinebrook Road and secondary gated entry points and access controls within the development that meet the emergency access requirements of the City of Venice”.***

“The limited access/gated entries are planned to maintain consistency with the other nearby residential communities and to improve the sense of internal security for future residents of Windwood”.
- Provision of representative architectural elevations of proposed residential product. ***“Architectural themes are currently being developed and will be provided at the time of the plat”.***
- Perimeter buffering. Mainly with emphasis on the buffer material rather than the size of the buffer. ***“Perimeter buffering is addressed with the conceptual site plan and corresponding buffer graphic”.***

Code compliant buffering standards will be provided along the perimeter of the project with increased buffering provided along the western boundary adjacent to the Sorrento Ranches subdivision. As indicated above, the applicant has provided detailed cross-sections of each buffer area depicting types and sizes of proposed materials. Buffering along Pinebrook Road will include a three to six foot opaque durable barrier, set within a five foot landscaped area, that will include plantings consistent with standards for required buffers in the city's land development code. In addition, each buffer will contain one canopy tree for each 25 linear feet of buffer; a standard that exceeds the city's requirement for buffer areas.

In addition to the regulatory standards discussed above, the applicant has proposed standards for signage and residential street and connectivity. These standards are presented in great detail in the Windwood PUD and provide the development pattern for the project. As indicated above, once the PUD is approved, these standards become the zoning code for development of the property.

In addition, the applicant has provided an environmental narrative prepared by ECo Consultants of Sarasota, LLC. Information from the report has been provided below in Section V. of this report. The Conservation & Open Space Element of the Environment Chapter of the City's Comprehensive Plan contains two policies regarding the issues identified. Policies 3.6 Non-Native Invasive Species and 3.13 Wetland Protection indicate mitigation of specific concerns "where feasible". The applicant has indicated that further review of these issues will be provided with the preliminary plat petition.

The subject property is designated as Low Density Residential on the city's proposed Future Land Use Map. The applicant has addressed pertinent and required policies of the proposed comprehensive plan in their submittal and they have provided supporting analysis for their proposed rezoning. This information has been included within your packet and is the applicant's justification of compliance with the requirements of the city's process.

The order and action of required public hearings will first be review and recommendation by the Planning Commission. Planning Commission's recommendation, including findings of fact, will be forwarded to City Council for final action. The rezoning shall be approved by ordinance and requires two City Council public hearings for adoption.

IV. ACTION REQUIRED BY THE PLANNING COMMISSION

A. Planning Commission Determination:

The Zoning Ordinance, Chapter 86, provides the Planning Commission with zoning map amendment review criteria for determining the appropriateness for Zoning Map Amendment approval. The considerations that guide the Planning Commission in making a determination are included in the Zoning Code. Upon review of the petition and associated documents, staff analysis, and public input, the following determination alternatives are available for Planning Commission recommendation to City Council:

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.

The Planning Commission recommendation shall contain competent and substantial evidence based upon the review and application of criteria found in the following section of the City of Venice Land

Development Regulations.

B. Zoning Code:

Sec. 86-47(f). Contents of Planning Commission Report.

(1) *Rezoning amendments. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:*

- (a) *Whether the proposed change is in conformity to the comprehensive plan.*
- (b) *The existing land use pattern.*
- (c) *Possible creation of 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.*
- (e) *Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
- (f) *Whether changed or changing conditions make the passage of the proposed amendment necessary.*
- (g) *Whether the proposed change will adversely influence living conditions in the neighborhood.*
- (h) *Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*
- (i) *Whether the proposed change will create a drainage problem.*
- (j) *Whether the proposed change will seriously reduce light and air to adjacent areas.*
- (k) *Whether the proposed change will adversely affect property values in the adjacent area.*
- (l) *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
- (m) *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
- (n) *Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
- (o) *Whether the change suggested is 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.*

V. ENVIRONMENTAL

- A. Conservation:** The site is not located within any recognized conservation area as determined by the Biodiversity Hotspots Map which identifies occurrences of endangered or listed species (“Closing the Gaps in Florida’s Wildlife Habitat Conservation System,” Florida Game and Fresh Water Fish Commission).

- B. Flora and Fauna:** The applicant has provided, within their submittal, an environmental narrative performed by ECo Consultants of Sarasota, LLC. The narrative indicates that *“due to the altered nature of both the upland and the wetland habitats, utilization of the site by listed species for nesting or for breeding purposes was found to a low probability”*. A few gopher tortoise burrows were noted. The contractor will be required to comply with all county, state and federal regulations for protected species.
- C. Flood Zone:** The property lies within multiple FEMA Flood Zones and base flood elevation must be determined by the city’s floodplain manager.
- D. Wetlands:** The applicant has provided, within their submittal, an environmental narrative performed by ECo Consultants of Sarasota, LLC. The narrative indicates that the wetlands *“exhibit a significant cover of nuisance and exotic vegetative species”*. In addition, the narrative indicates that *“both wetlands should be classified as severely degraded shrub/herbaceous wetland systems”*. The applicant has indicated that further review of these areas will be conducted during the preliminary plat process. In addition, these areas will be reviewed and monitored upon application for permitting by the Southwest Florida Water Management District.

VI. SERVICES AND FACILITIES

- A. Potable Water:** The development will be served by City of Venice Utilities.
- B. Sanitary Sewer:** The development will be served by City of Venice Utilities.
- C. Stormwater:** The developer is required to control and treat post runoff stormwater (24 hour / 25 year storm event). The City’s Engineering Department and Southwest Florida Water Management District will review any potential development to ensure drainage issues are mitigated.
- D. Transportation:** The project is being reviewed by the city’s traffic consultant to confirm that concurrency management and access management requirements will be satisfied. The applicant is not seeking concurrency at this time, but will be required to satisfy concurrency requirements through the preliminary plat process.

VII. LAND DEVELOPMENT REGULATIONS

- A. Zoning District Standards:**

Sec. 86-130. PUD planned unit development district.

(a) *Generally.*

(1) *The PUD district shall be utilized to promote efficient and economical land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the city, and the protection of adjacent and nearby existing and future city development.*

(2) *Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision design standard regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. In view of the substantial public advantages of planned unit development, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated units.*

VIII. CONSISTENCY WITH COMPREHENSIVE PLAN

A. Future Land Use Map:

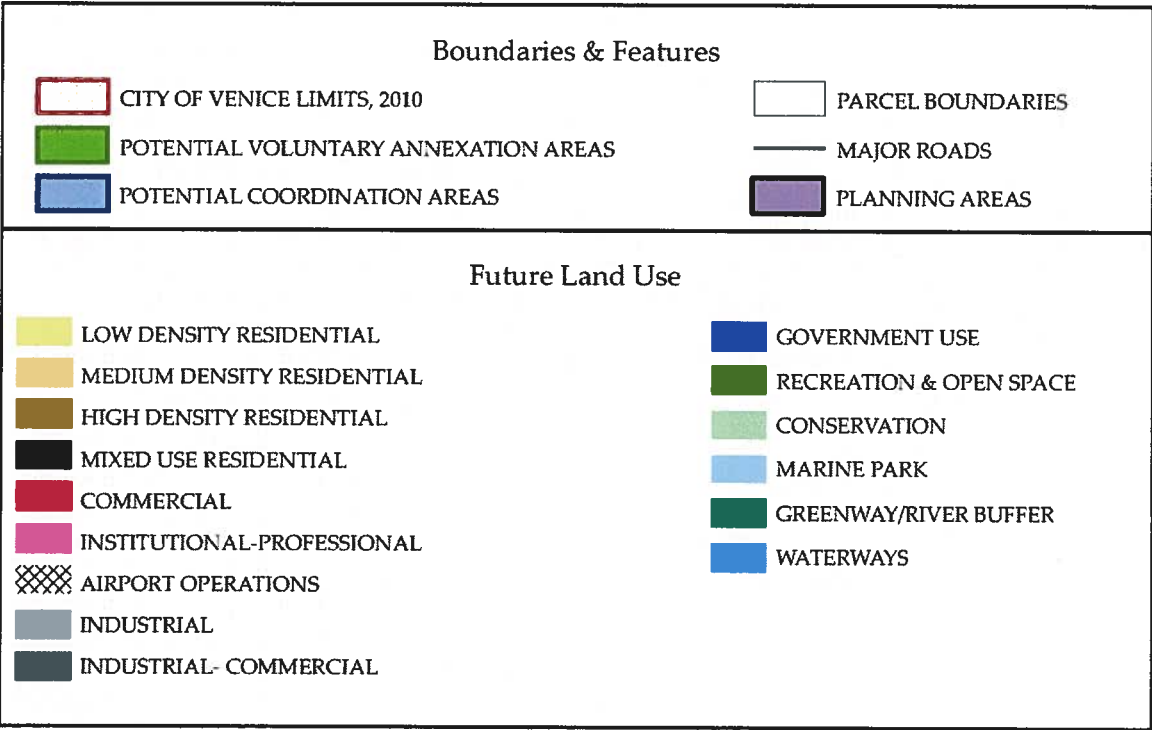
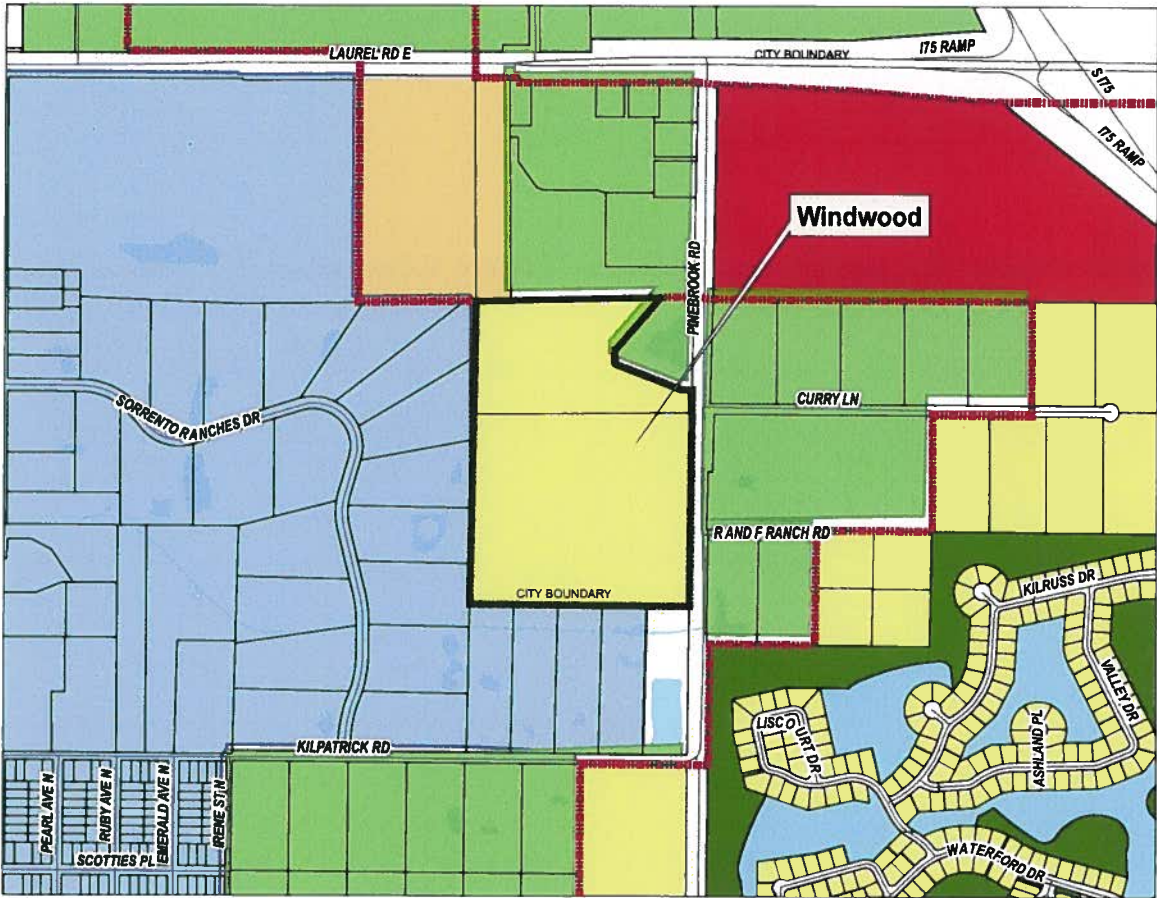
The property is included within the “Low Density Residential” on the proposed Future Land Use Map. The intent statement and development standards for this designation are found below.

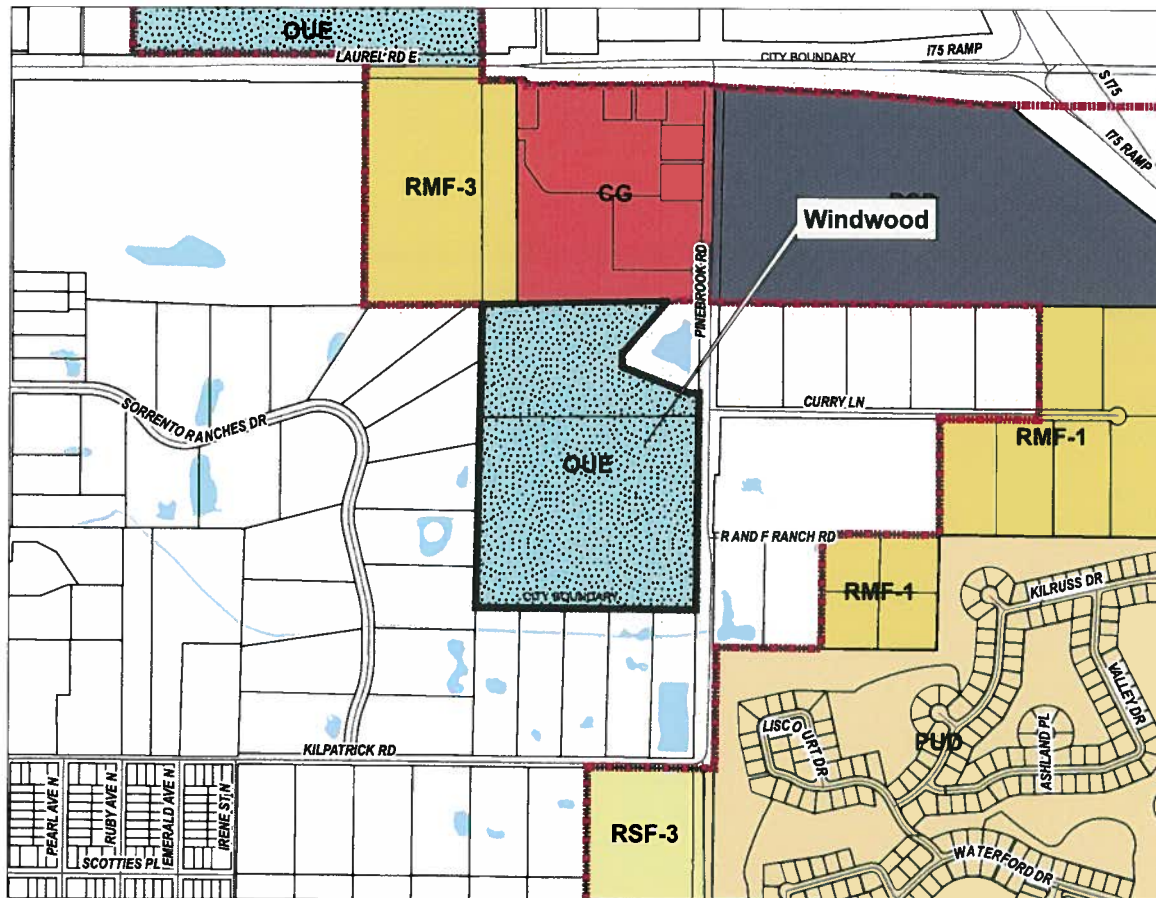
Low Density. Residential areas consisting of up to five (5) dwelling units per acre or less. These areas are intended to accommodate single-family and other similar residential uses. High intensity and auto-centric uses are prohibited in areas designated for low-density residential land uses. This land use type is sensitive to the encroachment of incompatible uses and protective strategies, such as those described in Objective 8, Policy 8.2 of this Element, may be required to ensure the compatibility of adjacent uses.

SITE PHOTOS



FUTURE LAND USE MAP



ZONING MAP**Legend**

	OUC - Open Use, Conservation		PCD - Planned Commercial Development
	MP - Marine Park		PID - Planned Industrial Development
	GU - Government Use		ILW - Industrial, Light & Warehousing
	PUD - Planned Unit Development		CN - Commercial, Neighborhood
	RE - Residential, Estate		CG - Commercial, General
	RSF - Residential, Single Family		CI - Commercial, Intensive
	RMF - Residential, Multi-Family		CBD - Commercial, Business District
	RMH - Residential, Manufactured Home		CSC - Commercial, Shopping Center
	RTR - Residential, Tourist Resort		CHI - Commercial, Highway Interchange
	OPI - Office, Professional & Institutional		Venetian Gateway Overlay District
	OMI - Office, Medical & Institutional		Neighborhood Height Overlay
	Venice City Boundary		Venetian Urban Design Overlay