



MURPHY OAKS

Zoning Map Amendment and Conditional Use

CITY OF VENICE
Planning and Zoning Division
Staff Report

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

Attorney: Robert Lincoln, Law Office of Robert K. Lincoln

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

PROJECT INFORMATION:

Parcel ID #: 0399-04-0001

Total Acreage: 39.63 +/- 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)

Associated Record Documents:

- A. Binding Master Plan (dated October 20, 2020 consisting of 13 sheets)
- B. Developer's Agreement with Notice of Proximity and Notice to Buyers/Renters (dated November 25, 2020 consisting of 12 pages)
- C. Pre-Hearing Conference Information (January 16, 2018)
- D. Environmental Report, for "Murphy Oaks Property" (ECO Consultants Incorporated, dated April 10, 2017)
- E. Transportation Impact Analysis (Transportation Consultants, Inc.: dated August 31, 2018)
- F. Annexation (Ordinance 2008-04)
- G. Pre-Annexation Agreement (dated February 12, 2008)
- H. Public Workshop (August 6, 2018)
- I. Application Information (completed petition)

BACKGROUND

The subject property was annexed into the City of Venice on February 26, 2008 through City Council adoption of Ordinance No. 2008-04. The property was eligible for annexation through its inclusion within the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and the County and is identified as JPA Area 2a, the Auburn Road to I-75 Neighborhood.

On March 18, 2016, Windham Development, Inc., contract purchaser of the subject property owned by SSD Land Holdings, LLC, submitted concurrent land use applications for a zoning map amendment to change the zoning designation from Sarasota County Open Use Estate-1 (OUE-1) to City of Venice Residential, Single-Family-2 (RSF-2) and a preliminary plat to subdivide the approximately 39.63 acre property into 118 residential lots. A subsequent application for a conditional use for consideration of a gated community was submitted on September 12, 2016.

The subject applications were processed and reviewed by the City's Technical Review Committee (TRC) and were deemed technically compliant and subsequently scheduled for a public hearing on May 16, 2017 before the Planning Commission. The zoning map amendment was recommended for approval by a vote of 4-1 and included one stipulation regarding maximum density. The preliminary plat was recommended for approval by a vote of 4-1 and included 16 stipulations regarding multiple items, five code modifications and a request for two sidewalk waivers. The conditional use was approved 5-0.

All three applications were transmitted for City Council consideration. A public hearing was held on October 10, 2017, during which many concerns were raised regarding the zoning map amendment application. Especially related to the extensive list of stipulations and code modifications that were being requested. It was indicated by City Council, consistent with comments previously made by Planning Commission, that the requested RSF-2 zoning designation was not appropriate based on the extensive number of stipulations along with the requested code modifications and that the applicant should consider requesting a Planned Unit Development (PUD). The public hearing was continued to November 28, 2017. However, on October 25th, the applicant requested to withdraw all three petitions and indicated their plan to heed the advice of City Council and seek the zoning designation of PUD.

On November 28, 2017, the applicant submitted a zoning map amendment proposing to rezone the subject property to PUD. On January 16, 2018, consistent with code requirements, a Pre-Hearing Conference was held with the Planning Commission providing opportunity for the applicant to present their PUD. In addition to presentation of the proposed project, discussion was had regarding the necessity of a public workshop prior to application submittal. Planning Commission confirmed the staff determination that it was not necessary due to the scope and nature remaining unchanged from the previous proposal for The Preserves project along with the proposed reduction of residential units. However, it is important to note that the applicant did conduct a public workshop on August 6, 2018.

Upon application, it was communicated to the applicant that, based on the adoption of the 2017 Comprehensive Plan, the property's future land use designation of Low Density Residential (LDR) no longer could be implemented by the PUD district. On April 10, 2018, the applicant submitted a petition for Vested Rights requesting approval to submit an application for PUD zoning for the subject property designated as LDR. The petition was approved by City Council.

On October 16, 2018, Planning Commission recommended approval of Zoning Map Amendment Petition No. 17-16RZ and Conditional Use Petition No. 18-02CU. Both petitions moved forward for City Council decision and on November 28, 2018, City council voted to deny Zoning Map Amendment Petition No. 17-16RZ based on the following findings:

1. The Petition is inconsistent with Land Use Strategy 4.1.1 of the City of Venice 2017 Comprehensive Plan, which contains Transitional Policy 8.2, as it is incompatible with existing neighborhoods, including Fox Lea Farm, Inc., a nationally recognized horse show facility.
2. The Petition does not meet the considerations of Section 86-47(f)(1) of the Land Development Code.

As a result of the denial, the applicant filed for relief through the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) per F.S.70.51. A revised Petition was brought before City Council, but denied again on October 22, 2019. The applicant sought relief again through the FLUEDRA, which has culminated in a recommendation from the selected Special Magistrate that is now being submitted to the City for consideration by City Council.

I. EXECUTIVE SUMMARY

Rezoning Petition 17-16RZ submitted by Clint Cuffle, agent and attorney Robert Lincoln for SSD Land Holdings LLC, and as recommended for approval by the Special Magistrate, if approved, will change the current zoning for the subject property from Open Use Estate (OUE) Sarasota County designation to Planned Unit Development (PUD) City of Venice designation. The overall change as a result of the proposed zoning amendment is described in the Table below and in Section III., (Proposed Zoning) of this staff report. Based upon the submitted documentation including the Binding Master Plan dated October 20, 2020, and the staff data, analysis, and conclusions of this staff report, the following summary and staff findings of fact are provided.

Summary of Existing and Proposed Comprehensive Plan and Zoning Designations

	Existing	Proposed	Density (dwelling units)
Comprehensive Plan	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).
Zoning	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: 85 units at 2.15 units per acre

Units = residential dwelling units

Note: Project Acreage = 39.63+/- Acres

Staff Review and Findings of Fact:

Based upon staff analysis of the proposed petition, the following Conclusions and Findings of Fact are provided:

Project Overview: The proposed Murphy Oaks PUD rezoning request is to allow for a single family development for 85 residential units. The rezoning includes a binding master plan that provides sufficient detail and information. This document, along with the Developer's Agreement, will become the guiding document and applicable regulatory standards for the proposed project. Subsequent compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.

Gated Community Request: The Murphy Oaks PUD has requested approval for a gated community through the concurrent submittal of Conditional Use Petition No. 18-02CU with gates to be constructed at the project entrance on N. Auburn Road.

Code Modification Request:

1. A modification to the requirements of Sec 86-423(b), to request that driveways be constructed no closer than five feet from the edge of the property line with the center of the driveway located no closer than 13 feet from the edge of the property line. This request is consistent with the City's code regarding the five foot setback, however, there is no current driveway center line setback for single family homes. In addition, on corner lots, the proposed PUD will reduce the code required 40 foot setback from the edge of pavement of intersecting streets to 35 feet, but will maintain the five foot setback requirement.
2. A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 50', allows for sidewalks on both sides of the roadway and provides an eight foot planting area for street trees. Bike lanes are not provided. See roadway cross section provided sheet 2 of 13 of the Binding Master Plan.
3. Per Code Section 86-496, the 4:1 limit on slope for berms and other grades in residential zoning districts shall be modified to permit the berm slopes depicted. Berm grading of up to 3:1 is requested for the berm along Fox Lea Drive. Berm grading of up to 2.17:1 is requested for the berm along I-75.

Waiver Request (applicant indicated as modification): A modification to the requirements of Sec. 86-520(c), to request that sidewalks along Fox Lea Drive and Border Road be removed from the

project requirements. In lieu of the sidewalk on Border Road, the applicant proposes to install on-road bicycle lane(s) on the east side of North Auburn Road from the project's south boundary to Border Road.

Concurrency/Mobility: As indicated in section IV of this report, concurrency is being requested through the subject petition, however, is not being provided for stormwater or schools at this point. Stormwater concurrency will be confirmed through the subsequent preliminary plat process and school concurrency will not be granted until final plat. 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. **Mobility:** Transportation is discussed later in this report and is reviewed based on mobility.

Consistency with the Comprehensive Plan: The subject property is designated as Low Density Residential (LDR) on the City's future land use map. The City's 2017 Comprehensive Plan indicates that PUD zoning may only be requested in the Mixed Use Residential (MUR) designation. The PUD application was submitted prior to the adoption of the 2017 plan. At the direction of staff, the applicant submitted a petition for vested rights. On April 10, 2018, Vested Rights Petition No. 18-01VR was approved to allow the applicant to seek PUD rezoning for the subject property despite the designation of LDR. Prior to any platting of the property, a comprehensive plan amendment will need to be accomplished changing the future land use designation of the property to MUR. It is important to note that no inconsistencies are being created by the subject project that would conflict with the requirements of the LDR or the MUR designation.

The project is consistent with the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) commonly referred to as the "Joint Planning Agreement" with Sarasota County. Additionally, the layout of the project provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources. Based on the standards provided in the binding master plan and the proposed design of the project, and the compatibility analysis based on Policy 8.2, the proposed Murphy Oaks PUD may be found consistent with the comprehensive plan.

Compliance with the Land Development Code: The Murphy Oaks PUD rezoning, as proposed, may also 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.

Staff Stipulations/Conditions:

One stipulation is being requested by staff as follows:

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

Conclusions / Findings of Facts (Basis for Action):

Conclusions / Findings of Facts (General Comments):

General Findings: The proposed Murphy Oaks PUD includes a site 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 sheet 2 of 13 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):

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. It should be noted that there is an

identified deficiency regarding Transportation. However, the applicant has indicated that they will construct the identified improvement.

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

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 JPA/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):

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.

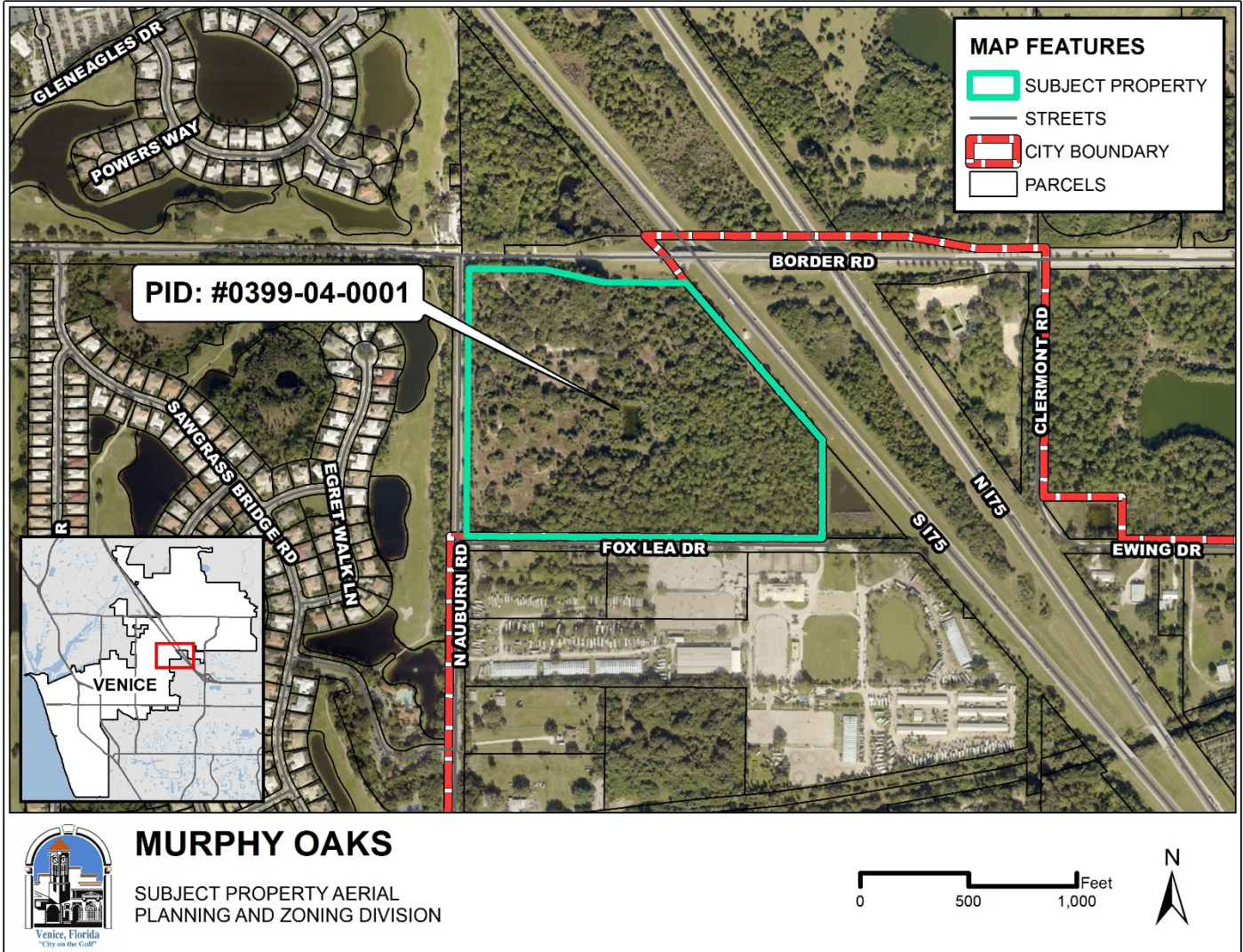
II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject Property:

The subject property is comprised of 39.63± acres as depicted on the aerial on page 6 of this report. The property is mostly vacant and has been used for agricultural purposes. The survey does indicate three, one-story wood structures on the property. The property is bordered to the west by N. Auburn Road, to the north by Border Road, to the east by I-75 and to the south by Fox Lea Drive, a two lane, shell road that provides access to the adjacent properties to the south. To the west of the site is the Sawgrass residential subdivision consisting of single-family homes and the Sawgrass nine holes of the Waterford Golf Club. To the north and northwest of the site is vacant land and the Waterford subdivision consisting of single-family homes and villas along with 18 holes of golf and the golf course maintenance area. To the east is Interstate 75 and a Florida Department of Transportation (FDOT) stormwater facility. To the south are multiple parcels that contain a single-family home along with the Fox Lea Farm equestrian facility all appearing to be under unified ownership.

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- 2.15 units per acre)	Pinebrook Neighborhood – Low Density Residential, maximum 5 dwelling units per acre

Location Map:



Photos:



View looking north along N. Auburn Rd. –
Subject property on right



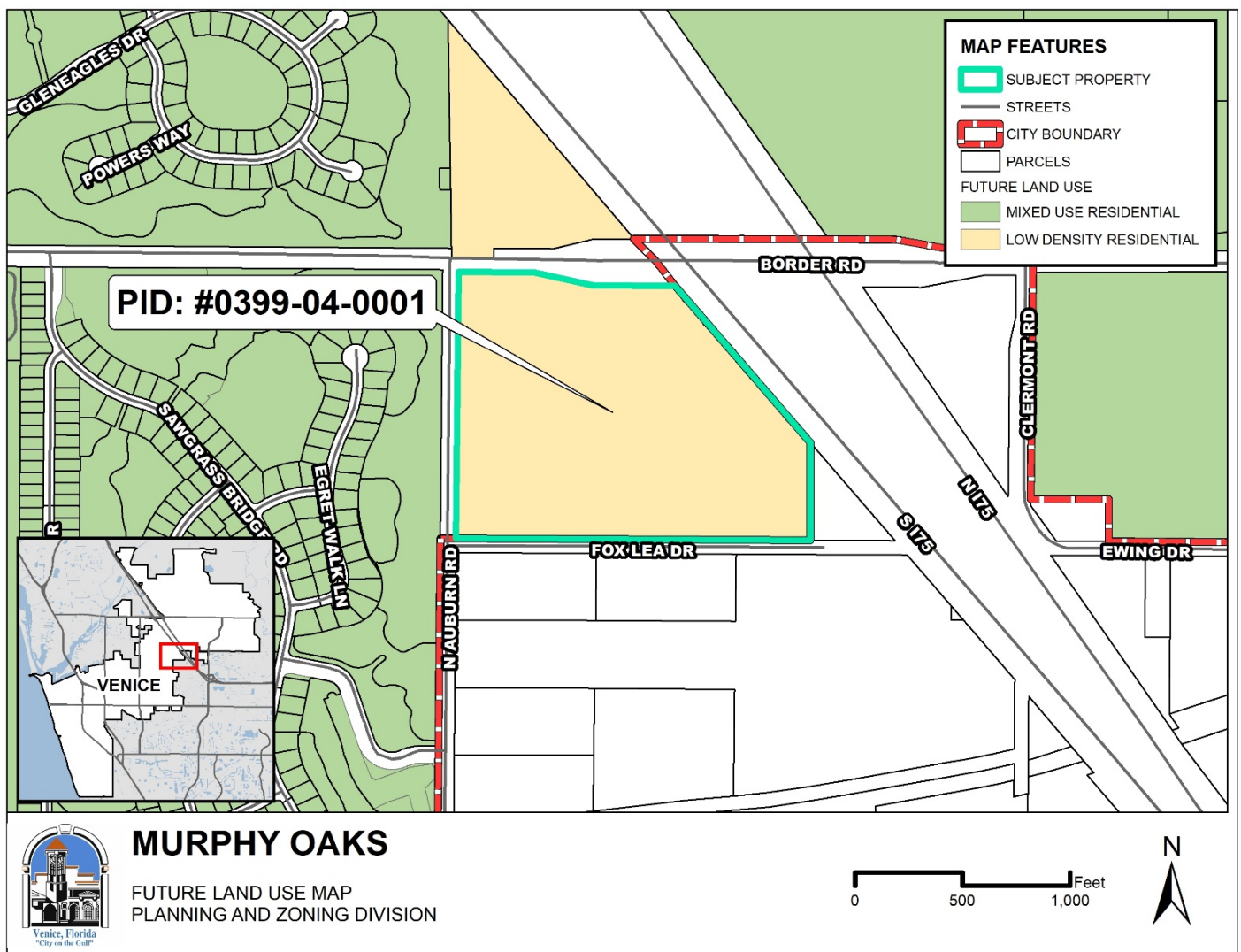
View looking east along Fox Lea Dr. –
Subject property on left



View looking south along I-75 – Subject property on right



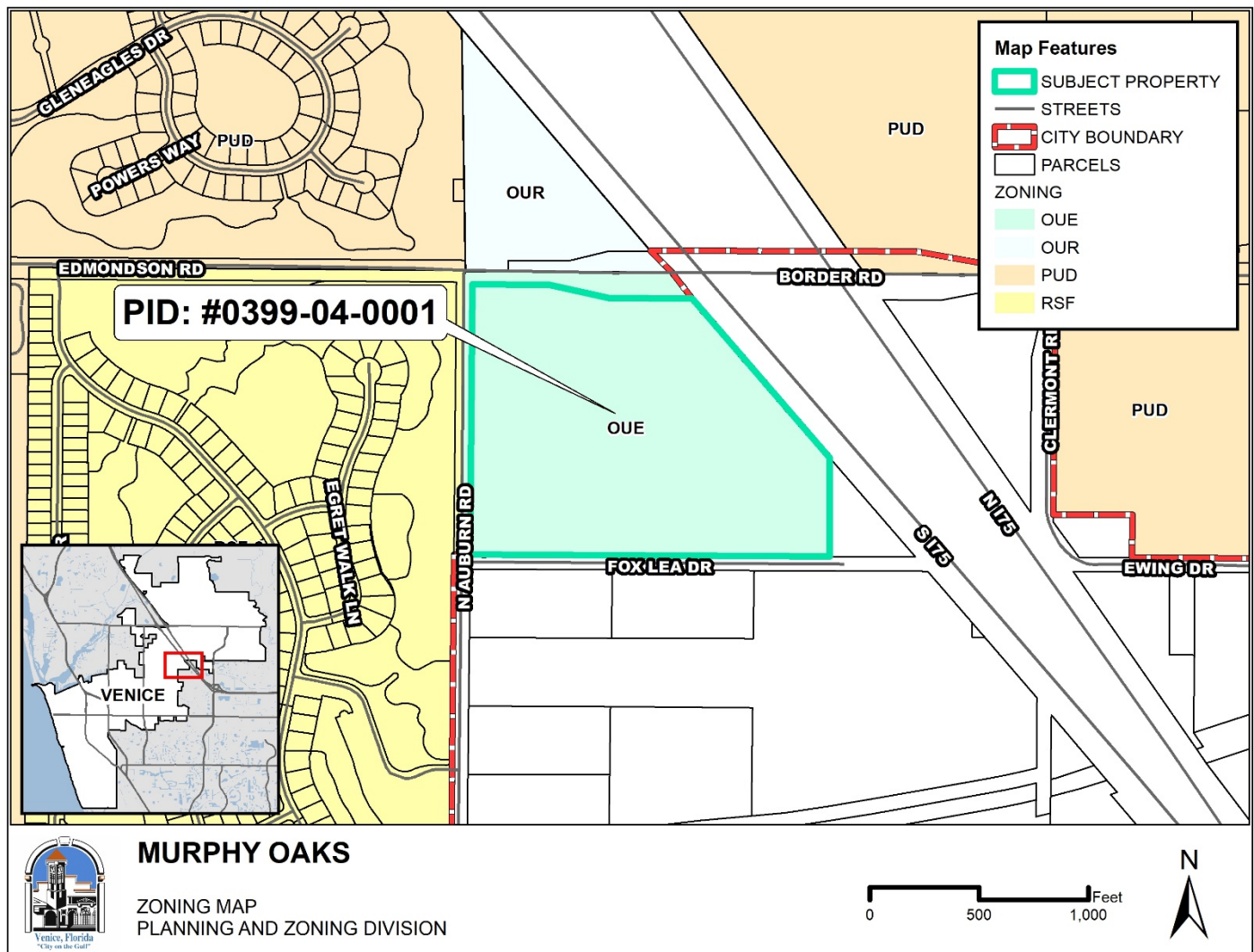
View looking east along Border Rd. – Subject property on right



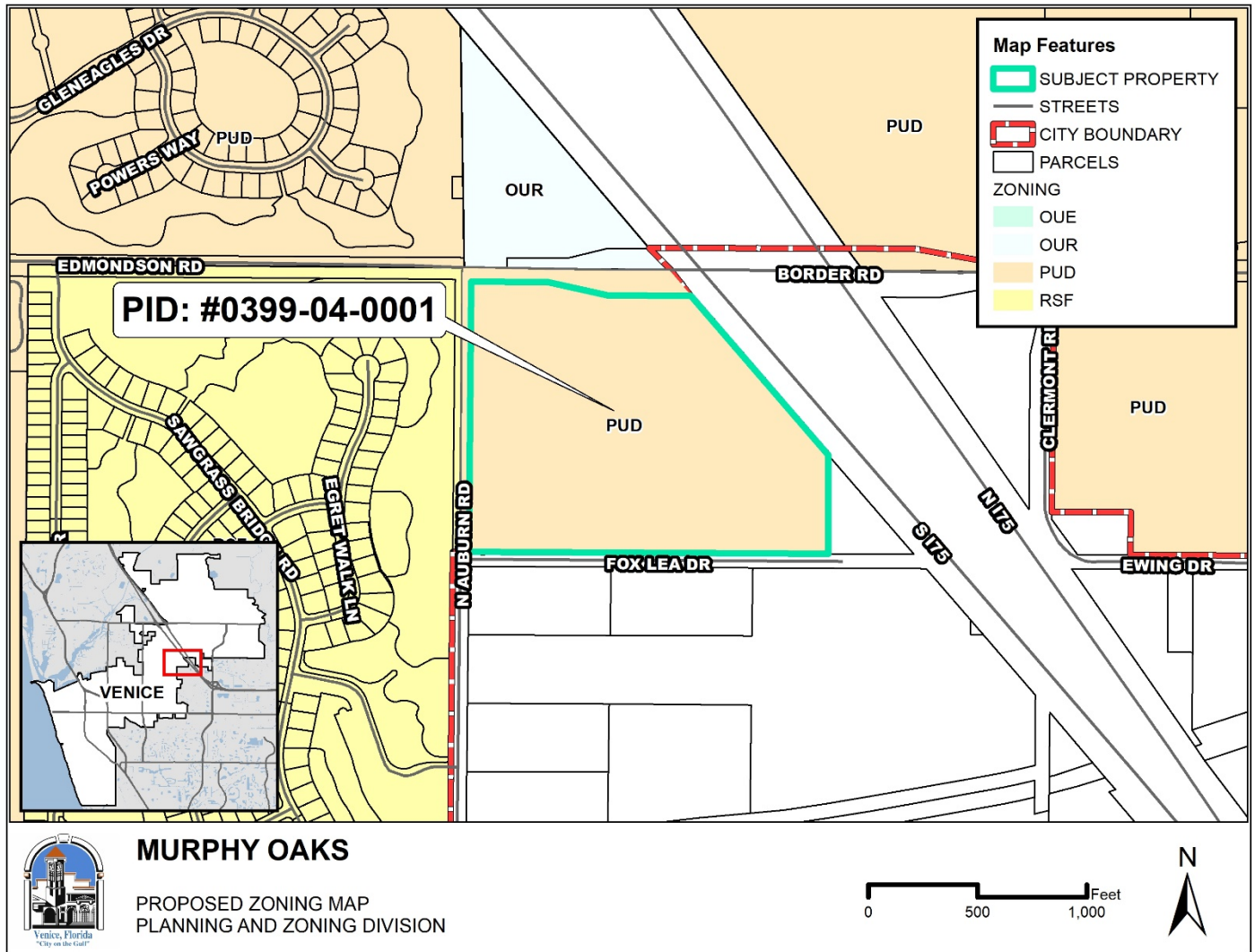
Surrounding Area/Properties (also see Future Land Use and Existing & Proposed Zoning maps):

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/PUD)	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

Current Zoning Map



Proposed Zoning Map



Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with two flood zone designations, zones “X” and “AE”. Base Flood Elevation (BFE) varies from 10 feet to 12.7 feet. The Zone X designation is not identified as a Special Flood Hazard Area, however, due to the majority of the property being designated as “AE”, the property is identified as a Special Flood Hazard Area (SFHA) and is therefore a high risk flood zone. Flood insurance is mandatory in high risk areas for most mortgages that are secured by loans from federally regulated or insured lenders. City of Venice regulations require that the minimum finished floor elevation must be the higher of base flood elevation or 15 inches above the adjacent grade. A survey is required to establish the finished floor elevation and crown of road and an elevation certificate will be required for new construction. Development of the property will be subject to compliance with FEMA requirements.

III. PROPOSED ZONING

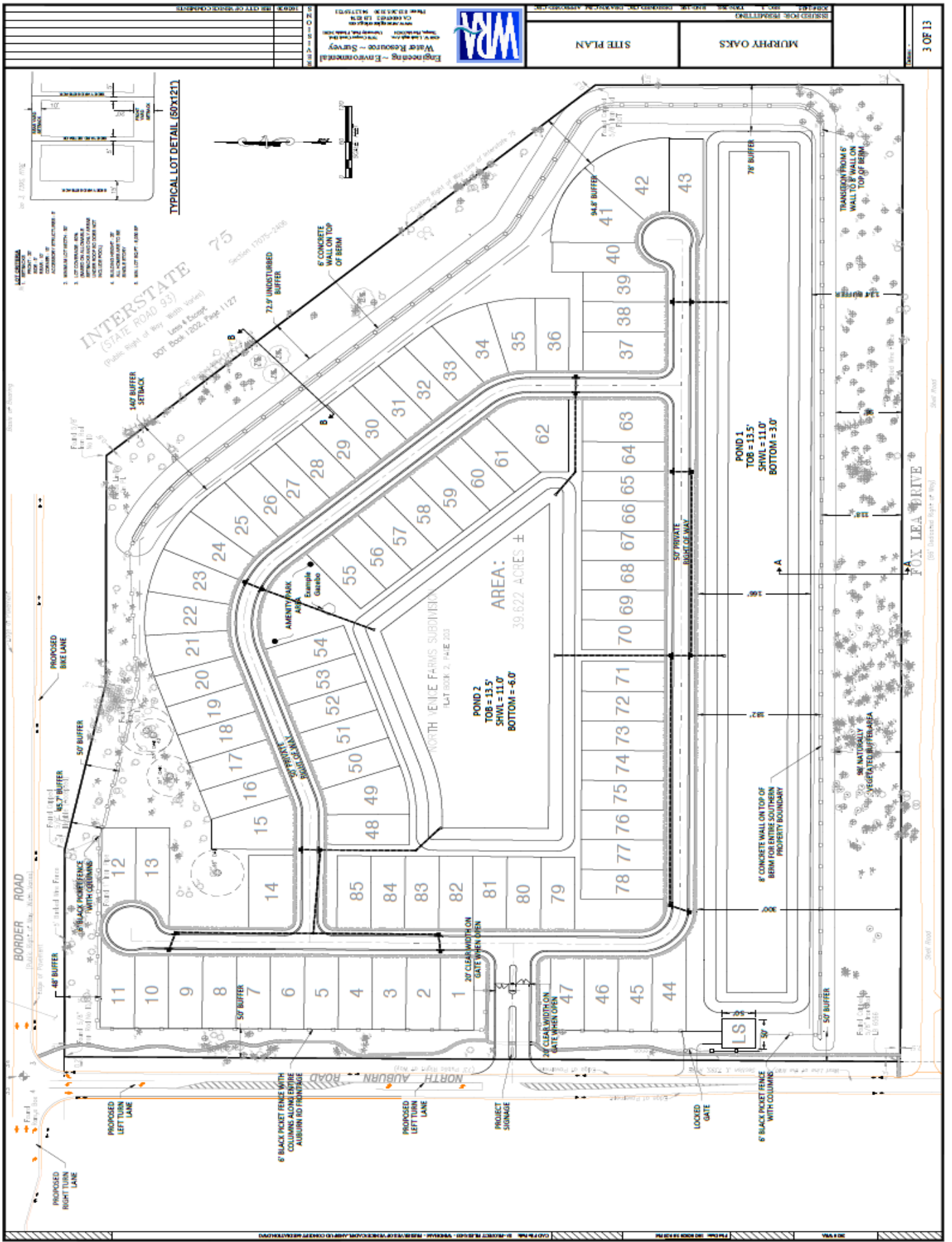
The application for the “Murphy Oaks” project was submitted on November 28, 2017 and includes a parcel of land located at the southeast corner of the intersection of Border and N. Auburn Roads and is comprised of land totaling approximately 39.63+/- acres in size. In accordance with the proposed PUD zoning petition requirements and for the public record, the applicant has included in the submittal package, a Binding Master Plan dated October 20, 2020. The proposed PUD zoning provides use and design standards to guide the development of the subject property. It is noted that the general purpose and intent of the PUD zoning district standards outlined in Section 86-130 of the City Land Development Code generally provides for this zoning district to afford flexibility in design / zoning standards on a

unified development plan basis rather than lot by lot. **For this purpose, it is important to clarify and understand that the PUD zoning, through the Binding Master Plan document, establishes specific zoning standards to guide the use and development of the subject property.**

The Murphy Oaks PUD also provides for a development pattern consistent with the majority of the surrounding property. Sawgrass to the west is developed at a density of approximately 1.8 units per acre and Waterford to the northwest provides an approved density of 3.67 units per acre. To the north of the subject property, the current zoning designation of OUR permits development at a density of one unit per 10 acres. However, this property is currently in the jurisdiction of the city and is planned for a zoning district that would limit the property to development at no more than 5 units per acre. Similarly, the OUR zoned property to the south, although identified for potential annexation, is not in the city at this point, but would be limited to the same 3 units per acre as the subject property if developed in the City. If developed under county standards, it would be limited to a density consistent with county moderate density residential at ≥ 2 and < 5 units per acre.

The PUD Binding Master Plan site plan, submitted for the Murphy Oaks development, is shown below which depicts the lot and street layout, including open spaces and other features (see Map A). The summary following provides an overview of the major sections of the Binding Master Plan as well as staff comments on each section.

MAP A: Planned Unit Development Binding Master Plan (Site Plan Sheet)



Staff comment: Generally (upon review of the PUD Binding Master Plan – see Map A), it is noted that the proposed PUD provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources. The Murphy Oaks PUD is consistent and compatible with the residential single family developments adjacent to the west and north. The PUD zoning district is an appropriate designation for the subject property.

Uses:

Sheet 1 of 13 of the Binding Master Plan, provides for permitted uses as follows: 2.15 dwelling units per acre (attached or detached), parks and playgrounds, essential services, community spaces/areas and club houses as allowable uses. It is important to note that the plan shown in Map A, included in the binding master plan, provides a great level of detail including the location of use types such as residential lots, ponds, buffers, fences, signage, and the location of preserved grand trees, now known as heritage trees. In addition, upon review of the list of allowable uses (sheet 1 of 13 of the binding master plan), it is clear that the proposed Murphy Oaks PUD development is more stringent in terms of the number of allowable uses in comparison to the standards established for permissible uses in Section 86-130 (b-e) – PUD standards. For example, the City Land Development Code for PUD standards allow for various types of uses such as neighborhood commercial, schools, and houses of worship to include a few. In this regard, the proposed PUD has provided a more restricted list of allowable uses as indicated.

Staff Comment: The binding master plan provides a great level of detail regarding the proposed uses and location thereof. In addition, the proposed uses clearly do not include PUD permitted uses of a more intense nature.

Development Details:

Sheet 2 of 13 of the Binding Master Plan provides a typical street cross section that depicts sidewalks on both sides of the road along with a wider than typical planting area for street trees of eight feet. This will provide for decreased possibility of tree root issues. Sheet 4 of 13 provides details on proposed entry gates for the subdivision along with proposed identification signage. Sheets 2 of 13 and 6-13 of 13 provides details on buffering and landscaping. Buffers along Border and N. Auburn roads are provided at a minimum 45.7 and 50 feet respectively with buffers of 134 feet with a 8 foot concrete wall on top of a 5 foot berm and an adjacent 166 foot wide area that will include a pond along Fox Lea Drive. A 72.9 foot undisturbed buffer and a minimum 78 foot landscaped buffer to include a 6 foot concrete wall atop a 7 foot berm is provided adjacent to I-75. Buffers along Border and N. Auburn includes a six foot black picket fence with columns. It should be noted that there are no buffer requirements in the land development code. It is important to note that the applicant has also provided a detailed landscape plan as part of the Binding Master Plan that is also being proposed for the Murphy Oaks PUD. The plan provides a great level of detail regarding the landscaping for the PUD. Sheet 3 of 13 provides typical yard/bulk standards along with typical lot standards. This sheet establishes a minimum lot size of 6,050 square feet with a minimum 50 foot lot width for all lots within the development. Sheet 2 of 13 provides development standards relating to environmental development standards, stormwater design, and finally a list of development standards to ensure compatibility with neighboring properties. It is noted the applicant is requesting the option for a gated community through conditional use petition no. 18-02CU.

Staff Comment: The Binding Master Plan provides zoning standards for the development. In addition, the applicant has provided a landscape plan for the development as part of the Binding Master Plan that includes specific details for all areas of the project and material proposed. Large perimeter buffers are being provided, although not required, along with a limitation on homes to one-story and multiple additional restrictions all to provide for increased compatibility with surrounding properties.

Proposed Zoning Modifications:

A significant advantage of the PUD zoning district is to provide the City with predictability in regards to uniform development. In exchange for the predictability, flexibility is afforded to vary zoning standards for the specific development. Modification of specific standards for the proposed development may be addressed through this process.

1. A modification to the requirements of Sec 86-423(b), to request that driveways be constructed no closer than five feet from the edge of the property line with the center of the driveway located no

closer than 13 feet from the edge of the property line. This request is consistent with the City's code regarding the five foot setback, however, there is no current driveway center line setback for single family homes. In addition, on corner lots, the proposed PUD will reduce the code required 40 foot setback from the edge of pavement of intersecting streets to 35 feet, but will maintain the five foot setback requirement.

Staff Comment: The applicant has taken into consideration the City code requirement regarding a 40 foot separation of driveways from intersecting streets and has proposed a reduction to 35 feet. In subdivisions with reduced lot width, the 40 foot standard can sometimes cause design issues for corner lots.

2. A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 50', allows for sidewalks on both sides of the roadway and provides an eight foot planting area for street trees. Bike lanes are not provided. See roadway cross section provided on sheet 2 of 13 of the Binding Master Plan.

Staff Comment: The applicant is providing sidewalks on both sides of the roadway and is also providing an eight foot planting area between the sidewalk and the street for canopy trees. This will help reduce the possibility of any damage to the adjacent roadway or sidewalk.

3. Per Code Section 86-496, the 4:1 limit on slope for berms and other grades in residential zoning districts shall be modified to permit the berm slopes depicted. Berm grading of up to 3:1 is requested for the berm along Fox Lea Drive. Berm grading of up to 2.17:1 is requested for the berm along I-75.

Staff Comment: Proposed slopes will be reviewed and confirmed for compliance at the point of Construction Plan review.

Applicant Sidewalk Waiver Request:

Pursuant to Sec. 86- 520 (a)(c) *The planning commission may recommend to the city council waiver of the sidewalk requirement when the property owner can demonstrate that the required sidewalk will not be reasonably beneficial or useful because of the location of the subject property and the characteristics of the immediate neighborhood.* The applicant is requesting a waiver from the sidewalk requirements along Fox Lea Drive and Border Road. In lieu of the sidewalk on Border Road, the applicant proposes to install on-road bicycle lane(s) on the east side of North Auburn Road from the project's south boundary to Border Road.

Staff Comment: *For consideration of the requested waiver, the following factors are noted:*

Fox Lea Drive Sidewalk Waiver:

- 1) *Fox Lea Drive is currently an unimproved shell road.*
- 2) *No access is proposed to Fox Lea Drive from the proposed project.*
- 3) *The removal of existing vegetation would be required for construction.*
- 4) *The existing stormwater drainage would need to be altered.*

Border Road Sidewalk Waiver:

- 1) *The existing ground elevations relative to the overpass in this area.*
- 2) *No access is proposed to Border Road from the proposed project.*
- 3) *Potential conflict with the existing underground stormwater facilities.*

Gated Community Request (Petition No. 18-02CU):

The applicant has submitted a concurrent application for Conditional Use to allow for a gated community. It is noted that the majority of the new subdivisions that have been approved in the City in recent years are gated communities as are the adjacent communities of Sawgrass and Waterford. The criteria provided in the City's code for consideration

of a conditional use are not geared towards the review of a gated community. However, the applicant has addressed each of the criteria.

IV. PLANNING ANALYSIS

a. GENERAL COMMENTS:

Binding Master Plan:

As indicated in Section III of this report, the overall layout and design of the proposed Murphy Oaks PUD provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources as well as keeping 59.4% of the property as open space and undeveloped (see Map A on page 12 as submitted in the-Binding Master Plan). As indicated earlier, the Binding Master Plan provides specificity and goes beyond the typical “conceptual” plan provided with a PUD. It provides specific details and clarity detailing the location of use types such as residential lots, amenity area, ponds, buffers, fences, signage, and the location of preserved grand trees, now known as heritage trees. Larger landscape buffering along all perimeters, while not required by City Code, are an identified mitigation technique for compatibility.

Environmental Assessment:

The applicant provided an environmental constraints due diligence report for the Murphy Oaks PUD prepared by Eco Consultants Incorporated. The report contains a description of the subject parcel, any environmental constraints observed, and a map depicting the approximate location and jurisdictional status of onsite surface waters. The findings of the report are based on review of available information such as wildlife databases, soil surveys and aerial photography, as well as a site visit conducted on March 10, 2017 and April 10, 2017.

The report indicated that the upland portions of the project area were comprised of a mixture of improved pasture and pine flatwoods. It indicated that there were no areas of jurisdictional wetlands observed onsite and that the only surface waters observed consisted of an excavated pond in the center of the parcel and a series of shallow ditches.

Potential environmental constraints to development were limited to the excavated pond which, due to water quantity and quality, would be required to be replaced with the proposed stormwater management system based on review by the Southwest Florida Water Management District (SWFWMD) and Sarasota County. In addition, the report indicated that there were no listed wildlife species observed and, although habitat exists which could support gopher tortoises, no burrows were observed. Also, based on Florida Fish and Wildlife Conservation Commission’s (FWC) Eagle Nest Database, no documented eagle nests are located within or in the vicinity of the subject parcel.

This environmental report was conducted for consistency with the City of Venice **2010 Comprehensive Plan** (effective at the time of application). Consistency with the policies in the environmental chapter of the 2010 Plan are cited for consideration:

- Policy 1.1 in the Conservation & Open Space Element regarding open space and the removal of invasive plant species and replacing with native species.
- Policies 1.5 and 1.8 that encourage compact development forms that provide enhanced open space preservation.
- Policy 1.9 and 3.1 that promote habitat connectivity and minimization of barriers to wildlife movement.

With the subsequent adoption of the **2017 Comprehensive Plan**, there are new Strategies addressing environmental impact (it should be noted that much of the strategies still lack clear implementation through the land development code which is currently in the update process). Staff has reviewed the environmental narrative in conjunction with the following applicable Strategies from the 2017 Plan:

Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

Environmental Report: will conduct/update species surveys prior to development to address movement / location of new species.

Strategy OS 1.4.4 - Non-Native Invasive Species

Landscape Plans: indicates removal of nuisance species of both trees and shrubs from the

project site and provides specifics on types.

Strategy OS 1.4.5 – Floodplain and Flood prone areas

Environmental Report: this item is not specifically addressed in the environmental narrative, however, any development will need to meet applicable FEMA and SWFWMD standards for any proposed development within floodplain.

Strategy OS 1.6.2 - Open Space Corridor System

Binding Master Plan: the Murphy Oaks development proposes significant perimeter buffers and open space areas to support wildlife movement.

Strategy OS 1.11.1 - Mixed Use Residential District Requirements

Environmental Report: While not specifically addressed in the environmental report, the Murphy Oaks PUD is consistent with open space (functional and conservation) as indicated in the 'Consistency with the Comprehensive Plan' section of this report.

Staff Comment: *It is important to note that the Murphy Oaks Binding Master Plan (sheet 2 of 13) provides development standards and requirements to address environmental protection and monitoring.*

Conclusions / Findings of Facts (General Comments):

General Findings: The proposed Murphy Oaks PUD includes a site 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 sheet 2 of 13 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.

b. CONCURRENCY/MOBILITY INFORMATION:

Mobility regarding transportation will be addressed in detail below. In review of concurrency for the proposed Murphy Oaks project, it is important to acknowledge that the intent of concurrency is that public facilities levels of service be in place concurrent of the time of project impact. While zoning does not result in an approved development permit, it is still important for decision makers to consider the impact of the proposed development on public facilities at each stage of a project to identify potential areas of concern for public infrastructure as early as possible. This affords sufficient time to address potential deficiencies at each phase while ensuring concurrency is in place no later than the final platting of the project. It is also important to note that the proposed development is less than the development anticipated by the Comprehensive Plan and the JPA/ILSBA (85 units proposed, 34 units less than the maximum allowed).

At the zoning level, typically concurrency is conducted on a 'preliminary' basis, as a detailed review of concurrency is not conducted nor is concurrency granted at this stage of a project. However, for PUD zoning projects, applicants often request concurrency for all public facility types that may grant concurrency at this stage of development. School and stormwater concurrency, are examples where concurrency will typically not be granted at the zoning stage of a project. The applicant has applied for concurrency through the subject application.

For the purpose of this section, the concurrency evaluation is being conducted utilizing an estimated average person per household of 1.7. The University of Florida Bureau of Economic Business and Research (BEBR) estimates that the City of Venice population in April of 2020 was 24,016. These figures may be helpful for the following Level of Service (LOS) analysis of impact to public facilities (where appropriate).

Mobility/Transportation:

Roadways:

Although concurrency is maintained in the City's ordinances for the majority of services provided, an interlocal agreement was entered into with Sarasota County for transportation that requires the City to

collect mobility fees per the County fee schedule. In addition, the 2017 Comprehensive Plan also indicates the movement of the City in the direction of assessing mobility fees for transportation impacts. The purpose of the mobility fee is to mitigate and offset costs associated with the impacts of development on the transportation system. Transportation analysis is required for all proposed development in order to identify potential impacts to the system that need to be addressed by mobility fees. As a result, deficiencies that require mitigation are included in the City's Capital Improvement Schedule (CIS) and ultimately included in the City's Capital Improvement Program (CIP) to ensure funding and timing for necessary improvements to be completed in order to maintain required level of service (LOS). The indicated mobility fees will be collected with the issuance of each Certificate of Occupancy for a single-family residence in the Murphy Oaks subdivision.

To help in understanding the potential impacts to the transportation (road) network, a traffic study was conducted by Transportation Consultants, Inc. and submitted with the Murphy Oaks project. This study was reviewed by the City's traffic consultant (Jones Edmunds) and has been found to be compliant with professional standards for conducting this analysis. It is important to note that, due to Border and Auburn Roads being County roads, Sarasota County transportation review was also provided and no further comments were provided beyond the City's transportation consultant confirming compliance. It should be noted that all traffic studies project a build out year and include the proposed traffic (background traffic) from other approved developments impacting the same roadways that have been approved but not built yet. This background traffic along with an annual growth rate provide the best estimate for future conditions/impact. The traffic study area is established by identifying roadway segments where project traffic consumes a minimum of 5% of the roadway capacity. Based upon the results of the analysis (as found in the Transportation Impact Analysis, dated August 31, 2018 by Transportation Consultants, Inc.), a deficiency was identified as a result of the Murphy Oaks PUD. The analysis indicates that an eastbound right turn lane at the intersection of Border and N. Auburn Roads is warranted. It is not the responsibility of the Murphy Oaks development to provide the indicated improvement. However, the applicant has indicated that they will construct the identified improvement. In addition, a southbound left turn lane into the development from N. Auburn Road to address concerns raised by the surrounding residents is proposed along with right and left turn lanes from N. Auburn Road to Edmondson/Border Roads.

Pedestrian/Sidewalks:

The Level of service for sidewalks is D, which indicates level of service is maintained if sidewalks are present on 0-49% of the local roadways. The Murphy Oaks development includes a network of internal (private) roadways and has frontage on local roadways only (N. Auburn and Border Roads). As such, the level of service is being met with or without sidewalks. It is noted that the Murphy Oaks project includes sidewalks on both sides of the street for all internal roadways and is installing a sidewalk along N. Auburn Road. A waiver of the sidewalk requirement for Border Road and Fox Lea Drive is being requested. However, in lieu of the sidewalk on Border Road, the applicant proposes to install on-road bicycle lane(s) on the east side of North Auburn Road from the project's south boundary to Border Road.

Bicycle:

Similar to the Level of Service for sidewalks, bicycle LOS is D. Again the Murphy Oaks development only has impact to local facilities where the LOS D indicates that facilities are present on 0-49% of the roadways. As such, the level of service is being met with or without bike lanes. It is noted that, in lieu of the sidewalk on Border Road, the applicant proposes to install on-road bicycle lane(s) on the east side of North Auburn Road from the project's south boundary to Border Road.

Transit:

The adopted LOS standard for transit is D along all roadways served by transit within the City. The Murphy Oaks development is not located along sections of roadway frontage (N. Auburn and Border Roads) that is served by Transit. As a result, Transit LOS is not applicable for this project.

Concurrency

Solid Waste:

The Public Works Department has not identified any solid waste concurrency issues for the project.

Potable Water:

The Comprehensive Plan adopted LOS standard for water as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
90 gallons per day (annual daily flow)	85	85 (units) x 90 (gallons per day) = 7,650

The City utilities department has not identified any issues regarding water concurrency for the project.

Sanitary Sewer:

The adopted LOS standard for sanitary sewer as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
162 gallons per day (annual daily flow)	85	85 (units) x 162 (gallons per day) = 13,770

The City utilities department has not identified any issues regarding sanitary sewer concurrency for the project.

Storm Water Management:

The subject property must comply with City Stormwater management requirements of post development runoff not exceeding predevelopment runoff for a 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFMD) prior to construction. Compliance will be confirmed through the platting process.

Functional Open Space (conservation):

The adopted LOS standard for Functional Open Space is 7 acres per 1,000 population. The proposed Murphy Oaks PUD proposes development of 85 residential units. Using population per household of 1.7 units per acre, the Murphy Oaks project would generate a need for an additional 1.25 acres of functional open space. The population per household figures for the City is 1.7. At this population rate, the Murphy Oaks development would have an estimated population of 144. The current City of Venice Population (2020 estimate) is 24,016. With the addition of the Murphy Oaks PUD, the estimated population the resulting estimated City population would be 24,160 generating an open space need of $(24,160/1,000 * 7) = 169.12$ acres. According to information from the City Public Works Department, the current allocation of functional open space within the City totals approximately 558.4 acres. As this figure indicates, there is a substantial surplus of functional open space acreage sufficient to accommodate proposed Murphy Oaks project.

Hurricane Shelter Space: Consistent with Strategy OS 1.9.10, the LOS standard for shelter space shall be 20 square feet per person seeking shelter. Strategy OS 1.9.10 provides criteria on the application and calculation of this LOS standard.

Staff Comment - Strategy OS 1.9.10 - Hurricane Shelter Space provides that mitigation for shelter space is required for development and redevelopment for properties within the Coastal High Hazard Area (CHHA). CHHA properties identified properties are indicated on Figure (Map) OS-1: Coastal High Hazard Area (CHHA) within the Open Space Element of the Comprehensive Plan. The subject Murphy Oaks project is not identified as CHHA properties on this map. As a result, the Hurricane Shelter Space LOS is not applicable to the Murphy Oaks PUD project.

Public Schools:

The proposed amendment has been submitted to the Sarasota County School Board staff for concurrency. While no issues have been identified at this point, school concurrency is not granted until final plat approval.

Conclusions / Findings of Facts (Concurrency/Mobility):

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. It should be noted that there is an identified deficiency regarding Transportation. However, the applicant has indicated that they will construct the identified improvement.

c. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

While the applicant requested that the Murphy Oaks PUD be reviewed for consistency with the 2010 Comprehensive Plan, staff has reviewed the project for consistency with both the 2010 and the 2017 Comprehensive Plan. This report has already, under “environmental assessment” in Section IV, provided policies of the 2010 Plan that the Murphy Oaks project implements. The bulk of any review for consistency with the 2010 Comprehensive Plan would be focused on the implications of the JPA/ILSBA and the projects location in JPA Area 2a.

Vision LU 5 of the 2017 Comprehensive Plan, which is included in the “Transitional Strategies” of the plan, carried forward the requirements established in the JPA/ILSBA. Therefore, following is an analysis of the Murphy Oaks project as it relates to the JPA/ILSBA and consistency with both the 2010 and the 2017 Comprehensive Plans.

The Murphy Oaks project is located within JPA Area 2a, Sub-Area 1. In the 2010 Comprehensive Plan, this JPA area included development policy which is to “ensure the timely development of urban services and facilities that are compatible with natural resources and community character”. Urban services for this location are in place and available. Building height is limited to 3 stories, up to 42 feet and the requested zoning designation of PUD will limit building height to 25 feet (one-story). The applicant’s development design is also consistent with this policy as more than 50% of the site is designated as open space in the applicant’s attempt to conserve environmental features including multiple grand trees, now known as heritage trees and upland habitat. There are no jurisdictional wetlands on the site per the environmental survey submitted by the applicant.

Sub-Area 1 of JPA Area 2a is located north of Fox Lea Drive and includes the entirety of the subject property. This JPA Area, in both the 2010 and 2017 Plans provides the development scenario that is to be applied across the entire JPA area. The area may include both residential and non-residential development. Non-residential uses are limited to 10% of the acreage in this neighborhood. The applicant is not proposing any non-residential uses as a part of their development plan. Although residential uses are encouraged in Sub-Area 2 south of the subject property, there is no prohibition to residential uses in Sub-Area 1. Equestrian uses are permitted in Sub-Area 2 as long as they are compatible with adjacent uses. Compatibility is addressed later in this report. A total of at least 7.4 acres of conservation and open space is required across the entire 176 acre JPA Area and, as indicated above, the applicant is proposing open space of 23.56 acres for the Murphy Oaks project.

Consistent with the 2010 Comprehensive Plan, every effort is to be made to conserve existing environmental features including functioning wetlands or upland habitat. As indicated above and confirmed by the applicant’s environmental survey, there are no jurisdictional wetlands onsite and environmental constraints to development are limited to an excavated pond. Due to water quantity and quality, the existing pond will be replaced within the proposed stormwater management system based on review by the Southwest Florida Water Management District (SWFWMD) and Sarasota County. Pine flatwoods occur along the eastern and central portion of the property. The eastern area of the property provides much of the open space. Regarding protection and buffering of Curry Creek from adjacent uses, the subject site is not adjacent to the creek.

The 2010 Plan also indicated that in JPA Area 2a, as in all JPA areas, that “Mitigating techniques as described in Objective 8, Policy 8.2 of this Element” shall be required to ensure compatibility with adjacent uses.” Although this requirement is specifically related to building envelope, application of Policy 8.2 for compatibility is required at the rezone stage. Section 10(I) of the JPA/ILSBA similarly requires that compatibility be evaluated by using the county’s compatibility principles for the rezoning of properties located within the city adjacent to JPA areas. The county’s compatibility principles are consistent with those found in Policy 8.2 and include evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. Once again, the “Transitional Strategies” of the 2017 Comprehensive Plan carried forward the compatibility review of Policy 8.2. Compatibility review will be provided later in this report.

The 2017 Comprehensive Plan identifies the subject property as being within the 2,366 acre Pinebrook Neighborhood. A key feature of this neighborhood are the City parks including Wellfield, Pinebrook Park, and the Curry Creek Preserve.

The following analysis includes review of the significant strategies found in the Pinebrook Neighborhood, Land Use Element and the Open Space Element provided in the 2017 plan. The City is in the process of implementation of the City's 2017 Comprehensive Plan through the complete rewrite of the Land Development Code (LDC).

Pinebrook Neighborhood

Land Use Strategy LU-PB 1.1.2 provides development scenarios that are to be applied across the Mixed Use Residential (MUR) land use designated property. The MUR may include both residential and non-residential development; however, non-residential uses are limited to a maximum of 5% of the total acreage of the MUR. The applicant is proposing 85 single-family residential units. The MUR designated property in the pinebrook neighborhood currently contains 4,424 residential dwelling units. Including the proposed 85 units, the neighborhood will contain a total of 4,509 residential units, well below the 6,335 units allowed in the neighborhood and therefore consistent with the 2017 Comprehensive Plan. Due to the applicant obtaining vested rights to seek PUD zoning on property designated as Low Density Residential, these numbers are not applicable. However, it is important to note that no inconsistencies are being created that would conflict with the MUR designation.

Regarding transportation, strategy TR-PB 1.1.3 and strategies TR 1.3.2 and TR 1.3.4 from the Transportation Element are being incorporated into the design of the project through the inclusion of internal sidewalks, sidewalks along N. Auburn Road and the connection of the bike lane along Border Road. These facilities will ultimately connect with other existing and proposed developments and further implements the 2017 Comprehensive Plan's vision of Complete Streets cited in Vision TR 1 and Intent TR1.3.

Land Use Element

Land Use Strategy LU 1.2.3 provides the density permitted in the Low Density Residential future land use designation of 1.0 to 5.0 units per acre. The proposed Murphy Oaks PUD provides for a density of 2.15 units per acre. Land Use Strategy LU 1.2.16 provides the guiding language for development under the Future Land Use designation of Mixed Use Residential (MUR) which, as indicated earlier, will be required to be addressed at the point of platting of the property. The proposed Murphy Oaks PUD will be consistent with the identified strategy as the PUD district is the only implementing zoning district for the MUR designation. In addition, the plan provided for both functional and conservation open space consistent with this strategy. In addition, Strategy LU 1.2.17 that provides for open space connectivity is also addressed through the project design. Review of the PUD Site Plan provides an overhead view showing connectivity via the large perimeter buffers and connected stormwater areas.

Strategy LU 4.1.1. Transitional Language Specific to Comprehensive Plan regulatory language

As indicated above, the "Transitional Strategies" of the 2017 Comprehensive Plan carried forward the compatibility review of Policy 8.2. Following is a review of compatibility of the Murphy Oaks PUD based on this Policy:

The following are the applicant's responses submitted with the original application. No updated information has been provided. However, the intensity of the current proposal is less than that of the original application.

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:

A. Land use density and intensity.

Applicants Response: The project proposes 105 single family lots on 39.6 acres which results in a density of 2.66 units per acre. The surrounding developments to west and northwest (Waterford and Sawgrass) are PUD and RSF-2 respectively which allow up to 3 to 3.5 units per acre. Therefore, our proposal not only stays under the 2010 comprehensive plan maximum of 3 units per acre but is compatible with adjacent existing developments.

B. Building heights and setbacks.

Applicants Response: The proposed building heights will be a maximum of one-story. Setbacks are proposed as typical for single family residential development in this part of Florida, with 20' Front, 10' Rear, 15' Corner, and 5' Side yard setbacks.

C. Character or type of use proposed.

Applicants Response: Single Family residential is proposed use which matches the existing developments to the west and northwest.

D. Site and architectural mitigation design techniques.

Applicants Response: The site is proposed to be a similar architectural style to typical 40' wide products that are currently being constructed within the Venice area. The mitigation design for the

projects consists of extensive buffers on all four sides with screening to help aid with its presence from any public ROWs.

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.

Applicants Response: There are two adjacent uses that are not currently single-family neighborhoods and that is I-75 to the east and Fox Lea Farms to the south. We have protected our proposed neighborhood from those uses with an enhanced minimum 120' buffer to I-75 and a 40' buffer with a 129' wide pond to the south.

Staff Comment: *The proposed use of a residential subdivision is compatible with the existing single family neighborhoods in the area.*

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

Applicants Response: **There are no commercial or industrial uses proposed on this development.**

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.

Applicants Response: The proposed development is consistent with the 2010 and 2017 Venice Comp Plan and therefore there are no nonconforming issues.

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

Applicants Response: The existing use of the property is for agricultural so the proposed project increases the density of the site by adding 105 single family lots which is consistent with what has been planned for this property in the 2010 Venice Comp Plan.

Staff Comment: *Densities are very similar to the densities of adjacent residential uses. The adjacent non-residential Fox Lea Farm equestrian facility is more intense than the proposed residential use. This is a very active facility that causes noise, odor and dust. It is noted below that the applicant has employed mitigation techniques in the design of their project to buffer both I-75 and the adjacent equestrian facility.*

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

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

Applicants Response: Long answer including graphic. See applicant materials.

Staff Comment: *It is noted that the applicant, although not required, is providing significant buffering of I-75 through the use of a berm and solid wall, along with large setbacks and landscaping.*

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

Applicants Response: The buffers proposed above will provide adequate screening for both light and noise that may come from a single family residential subdivision.

K. Locating road access to minimize adverse impacts.

Applicants Response: Per the provided transportation study, the proposed access is not going to adversely affect the existing road network and specifically the intersection of N. Auburn Rd and Border Rd. Furthermore, we are proposing a left turn lane into our project to further even though it is technically not needed.

Staff Comment: *It should be noted that a deficiency is indicated in the traffic study provided by the applicant. The applicant has indicated that they will construct the identified improvement. It should also be noted that the applicant, although not warranted by the traffic study, is providing a southbound left turn lane into the development from N. Auburn Road to address concerns raised by the surrounding residents. Right and left turn lanes from N. Auburn Road to Edmondson/Border Roads are also proposed.*

L. Adjusting building setbacks to transition between different uses.

Applicants Response: Not applicable as we are not proposing any different uses on the project.

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

Applicants Response: Not applicable as we are not proposing any different uses on the project.

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

Applicants Response: Not applicable as we are not proposing any different uses on the project.

Staff Comment: *The existing equestrian facility to the south does warrant consideration. As a result, the applicant has employed the majority of the mitigation techniques indicated above. The mitigation techniques, as identified in Policy 8.2 and 10(I) of the JPA/ILSBA which are similar, are provided to*

buffer both the Murphy Oaks PUD and the equestrian facility to the south. To address any perceived incompatibility and in addition to other PUD development standards such as limited building heights, large setbacks, access restrictions, etc. that limit potential incompatible activities in the Murphy Oaks subdivision, the applicant is proposing increased buffering in this area. A 134 foot landscaped buffer including an eight foot concrete wall on top of a 5 foot berm is proposed along the entire southern boundary of the property adjacent to the 66 foot wide public right-of-way of Fox Lea Drive to buffer the adjacent equestrian facility. In addition, an approximately 166 foot wide pond is proposed immediately adjacent to the 134 foot buffer on the north side. This will provide an overall structural separation distance in excess of 300 feet from the property to the south. The applicant has also provided a binding landscape plan that will confirm plantings in this buffer area. Where possible, the existing vegetation in this area is proposed to remain and will be supplemented by additional trees and shrubbery providing further screening and buffering. No direct access from the proposed development to Fox Lea Drive is proposed. With the majority of the mitigation techniques of Policy 8.2 being employed by this project and the additional proximity notice requirement along with additional PUD restrictions, City Council has adequate evidence on which to determine confirmation of compatibility with the adjacent property to the south.

Comparison of Similar Project Density

Residential Development	Residential Density (units/acre)
Milano PUD	2.56±
SJMR PUD	1.8±
Waterford PUD	3.67±
Sawgrass	1.8±
Proposed Murphy Oaks	2.15

All projects listed as approved density with the exception of Sawgrass.

Open Space Element

Open Space Strategy OS 1.11.1 requires a minimum of 50% of the gross land area within MUR designated areas, on a per property (development) basis, be provided as open space. As indicated earlier, the MUR designation will be required for the subject property at the point of platting. Open spaces shall not be less than a minimum 10% conservation or a minimum 10% functional. The subject property contains approximately 39.63 acres and, as indicated in the Binding Master Plan, the applicant is proposing approximately 23.56 acres of open space, or 59.4% of the site. Of the total 23.56 acres, 34.4% or 8.12 acres represent conservation and 8.7 acres provide the remaining functional open space of 36.9%.

The majority of the strategies indicated in the Open Space Element of the 2017 Comprehensive Plan identify areas of concern relating to wetlands and habitat. The environmental assessment provided that there are no indicated wetlands or listed species observed on the subject property. Although the strategies provided in the Open Space Element have not been implemented through the LDC, the developer has provided a project design with these strategies in mind. As illustrated on the Binding Master Plan, increased perimeter buffers are provided to facilitate wildlife movement around the property. These buffers provide consistency with Strategy OS 1.6.2 Open Space Corridor System which indicates such corridors be provided generally at a minimum of 25' in width. To provide further consistency with environmental strategies of the comprehensive plan and permitting requirements, environmental development standards have been included in the Murphy Oaks PUD Binding Master Plan.

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

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 JPA/ILSBA Joint Planning agreement with Sarasota County, the project may be found consistent with the City's Comprehensive Plan.

d. Land Development Code:

Section 86-130 (u) provides for the procedures for a PUD rezoning.

Procedural Criteria:

- a. A pre-hearing conference with the Planning Commission was conducted on January 16, 2018. The results of that conference and applicants written response are provided as part of the record.
- b. The PUD Binding Master Plan documentation was submitted as part of file of record for the Murphy Oaks PUD on November 28, 2017 and subsequently revised and updated with the most recent proposal dated October 20, 2020.
- c. Evidence of Unified Control; Development Agreements – The City Attorney reviews evidence of unified control and confirms this through the associated Development Agreement required prior to final zoning approval by City Council.

Applicable Zoning Map Amendment Considerations

Section 86-47(f) of the Land Development Code states “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 following, where applicable:” To facilitate the Planning Commission’s review of the subject petition staff has provided the applicant’s response to each of the following considerations and when appropriate staff has provided comments with additional information.

The following are the applicant’s responses submitted with the original application. No updated information has been provided. However, the intensity of the current proposal is less than that of the original application.

- a. Whether the proposed change is in conformity to the comprehensive plan.
Applicants Response: Long response, see applicant materials.
Staff Comment: *also see Consistency with the Comprehensive Plan in Section IV(c) above.*
- b. The existing land use pattern.
Applicants Response: Long response, see applicant materials.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
Applicants Response: The PUD proposes single family residential development which is a common use of the surrounding area. The PUD does not create an isolated district and ensures the development of like uses of the surrounding area.
- d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
Applicants Response: The proposed PUD density is to be less than the approved maximum density of 3 un/ac per the JPA/ILSBA Area No. 2a and therefore has been planned through the City at the maximum density for public facilities. Concurrency has been reviewed by staff and adequate services are available to service the development.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Applicants Response: There are no illogical boundaries in relation to existing conditions. The applicant is requesting a rezone to allow for residential development which is a common use of the surrounding area.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Applicants Response: The current conditions of the residential market within the Sarasota/Venice area show the need for additional single family residential units.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Applicants Response: Residential single family development is a logical use for the subject property. Properties to the west and south are developed as single family residential subdivisions, the property immediately north is currently vacant and the subject property abuts the I-75 corridor to the east. While limited distance buffers of 10’ to 20’ are required, the applicant is proposing perimeter buffers of 50 feet

along the west and north property lines, forty feet along the south property line, and 100+ feet along the east property line. Additionally, the applicant is proposing 20.09 acres of open space, representing approximately 50.7% of the site area.

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

Applicants Response: The Traffic Impact Study indicates no adverse impacts with regard to traffic congestion or public safety. While not required, a left turn lane on North Auburn Road is proposed by the applicant. A second emergency access is also proposed as an additional safety measures.

The applicant is requesting elimination of the Fox Lea Drive sidewalk requirement and replacing the Border Road sidewalk with an extension of the existing bicycle lane. Additionally, the applicant is proposing to relocate the North Auburn Road sidewalk from the right of way to an easement within the property in order to save existing trees. These efforts further reduce potential conflicts between pedestrian and vehicular movements, thereby increasing public safety.

Staff Comment: *It should be noted that a deficiency is indicated in the traffic study provided by the applicant. The applicant has indicated that they will construct the identified improvement. It should also be noted that the applicant, although not warranted by the traffic study, is providing a southbound left turn lane into the development from N. Auburn Road to address concerns raised by the surrounding residents. Right and left turn lanes from N. Auburn Road to Edmondson/Border Roads are also proposed.*

- i. Whether the proposed change will create a drainage problem.

Applicants Response: The site design will include a master storm water management system to provide treatment and attenuation of generated storm water runoff. The proposed lakes will be constructed in phases, to ensure minimal disturbance to the surrounding area. The phases will consist of constructing the southern pond along the Fox Lea Drive boundary first and then dewatering the large middle pond into the southern pond to effectively balance the groundwater levels of the nearby adjacent land. The proposed development will not create a drainage problem as it the responsibility of the engineer of record to ensure that this project will not negatively affect offsite properties to both the City of Venice and the Southwest Florida Water Management District.

Staff Comment: *Stormwater concurrency will be confirmed upon review of a preliminary plat.*

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

Applicants Response: The proposed development will not reduce light and air to adjacent areas. Through the preservation of approximately 50% of the site as open space and substantial buffers proposed along the property perimeters, there will be no adverse impacts to the surrounding area.

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

Applicants Response: The proposed development is proposed to be a self-contained, private, master planned community with large buffers controlling its presence from external public ROW's. Therefore, this project will be considered a standalone community.

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

Applicants Response: The proposed development will be a standalone, self-contained community. The adjacent properties are already developed.

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

Applicants Response: The proposed development does not constitute a grant of special privilege. It benefits the public by offering additional housing options.

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

Applicants Response: The applicant is seeking development of a residential community that incorporates large spans of open space, preservation of significant trees and substantial buffers. To accommodate these amenities, several exceptions to regulation are needed and are part of this application. The PUD process enables the applicant to demonstrate creativity and innovation in site design that ensures consistency in meeting regulatory intent while allowing for exceptions to the Code that will not create public safety or welfare concerns. The proposed exceptions will provide public benefit through extension of pedestrian walkways and tree preservation.

Staff Comment: *The pre-annexation agreement requires the property be zoned to a City designation 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.

Applicants Response: The proposed project is under the allowed units of 3 per acre per the City's comprehensive plan and hence is within scale of the needs that are prescribed by the City and neighborhood.

- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Applicants Response: The proposed development is in keeping with the use, form and placement of the residential developments of the area. Through exceptional preservation of open space and trees, and through the provision of more than adequate buffers, the proposed development creates a unique community that is appropriately placed.

Conclusions / Findings of Fact (Land Development Code):

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.

V. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL

The Planning Commission provided a recommendation of approval of both the proposed Zoning Map Amendment and the Conditional Use on October 16, 2018.

CITY COUNCIL DETERMINATION:

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, Planning Commission's recommendation, the Special Magistrate's recommendation, and testimony provided during the public hearing, there is sufficient information on the record for City Council to take action on Zoning Map Amendment Petition No. 17-16RZ and Conditional Use Petition No. 18-02CU.

One stipulation is being requested by staff as follows:

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