

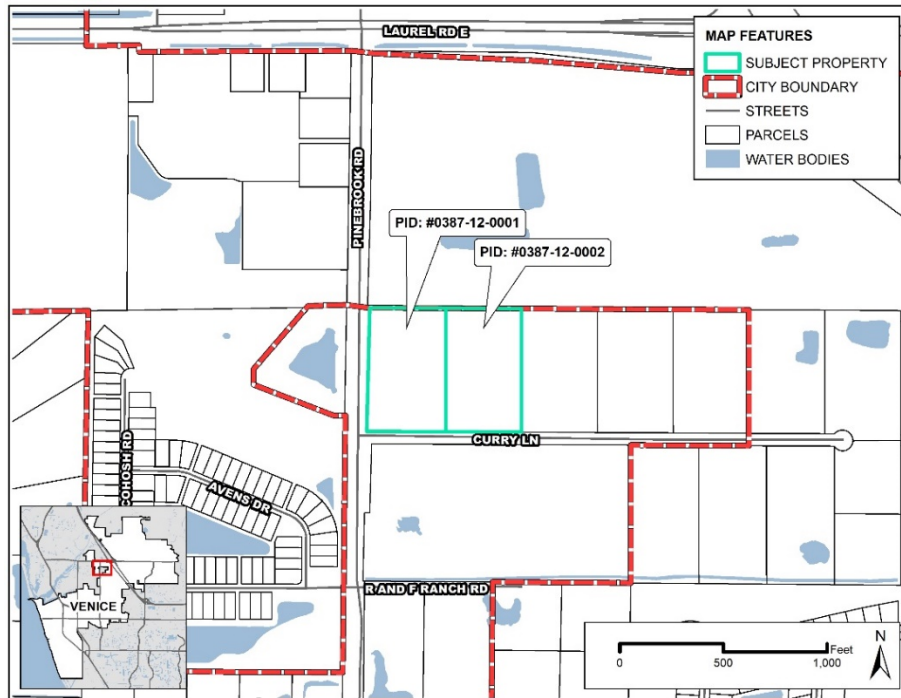


# COMPREHENSIVE PLAN AMENDMENT

## STAFF REPORT

### VENICE MEDICAL OFFICE BUILDINGS (CASTO PROPERTY)

August 18, 2020  
20-05CP



#### GENERAL INFORMATION

<b>Address:</b>	2501 & 2601 Curry Lane
<b>Request:</b>	Comprehensive Plan Amendment to change the existing Sarasota County Moderate Density Residential (MODR) future land use designation of the property to City of Venice Institutional Professional (IP), to include applicable text in the Pinebrook Neighborhood section of the Plan, and to revise all affected maps and graphics in the Plan. Associated with the request is a proposed JPA/ILSBA amendment to the Comprehensive Plan to allow for non-residential uses in JPA Area 6.
<b>Owner:</b>	Marilyn Johnson & Brian McMurphy
<b>Applicant:</b>	Casto Southeast Realty, LLC
<b>Agent:</b>	Jeffery Boone, Esq., Boone Law Firm
<b>Parcel IDs:</b>	0387-12-0001 & 0387-12-0002
<b>Property Size:</b>	10.1 ± acres
<b>Future Land Use:</b>	Sarasota County MODR
<b>Comprehensive Plan Neighborhood:</b>	Pinebrook Neighborhood
<b>Existing Zoning:</b>	Sarasota County Open Use Estate 1 (OUE-1)

## I. EXECUTIVE SUMMARY

The subject 10.1± acre property currently has a Sarasota County Moderate Density Residential future land use designation and the applicant is requesting the City's future land use designation of Institutional Professional for the future development of medical offices. This is necessitated by the concurrent application for annexation of the subject property into the jurisdiction of the City of Venice based on its inclusion within Area 6 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County. The City's policy is that upon annexation, a property must obtain a City of Venice FLU designation and be rezoned to a City of Venice zoning designation. A concurrent Zoning Map Amendment to provide Office, Professional and Institutional zoning for the property has also been submitted. All other impacted text, maps and graphics will also be revised through the subject amendment. A proposed amendment to the JPA/ILSBA to allow for nonresidential uses on the subject property is also requested and will be accomplished separately. This JPA amendment has been approved by the City and forwarded to Sarasota County, where it is scheduled to be heard by the Board of County Commissioners on August 26, 2020.

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

- Annexation Petition No. 20-01AN (Recommended for approval by Planning Commission on June 30, 2020; on City Council agenda for August 25, 2020)
- Zoning Map Amendment Petition No. 20-06RZ

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

***Finding of Fact:*** Staff has provided analysis of the proposed Comprehensive Plan Amendment regarding consistency with the Comprehensive Plan, the Land Development Code (LDC), and other relevant city ordinances, resolutions or agreements. In addition, analysis has been provided by the applicant regarding impact on the financial feasibility of the Comprehensive Plan, and by staff regarding compliance with the applicable requirements of Chapter 163 Florida Statutes. The analysis provided should be taken into consideration regarding determination on the proposed Comprehensive Plan Amendment.

## II. ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Joint Planning Area/Interlocal Service Boundary Agreement (JPA/ILSBA)
- C. Pre-annexation Agreement

## III. NOTIFICATION OF PROPOSED COMPREHENSIVE PLAN AMENDMENT TO SARASOTA COUNTY

The JPA/ILSBA provides that the City will forward submittals for Comprehensive Plan Amendments for property located within the JPA within thirty days of receipt to Sarasota County for review. The subject application was deemed complete on February 11, 2020 by the City's Planning and Zoning Division and was forwarded to Sarasota County staff on February 13, 2020. The agreement indicates that the County will provide comments within 20 working days of receipt. The County provided transportation comments and application review comments on April 22, 2020. Staff has forwarded all County comments to the applicant. The County also provided

comments related to the associated JPA amendment, the associated zoning map amendment petition, and this comprehensive plan amendment petition on April 22, 2020. The JPA/ILSBA indicates that the “*The City’s recommendation to the City Planning commission and City Council to approve, approve with conditions, or deny a proposed Development of Extrajurisdictional Impact will set forth all County-proposed stipulations that are based on adopted County standards, neighborhood and community plans, industry standards, or common agreement between the City and County.*” City staff has maintained the position that County stipulations will be forwarded to Planning Commission and City Council. However, no stipulations or conditions have been provided as of the writing of this report. If they are received prior to the scheduled public hearing, staff will provided them at the hearing.

#### IV. EXISTING CONDITIONS

The subject property is made up of two parcels. The western parcel has one existing home, and the eastern has two existing homes onsite. The surveys of these two parcels appear to show no significant environmental features to consider, such as wetlands or surface water. The subject property is bounded by Pinebrook Road to the west and Sarasota Memorial Hospital, currently under construction, to the north. To the south and east of the property are more parcels within JPA/ILSBA Area 6. Vehicular access to both parcels is provided from Curry Lane.

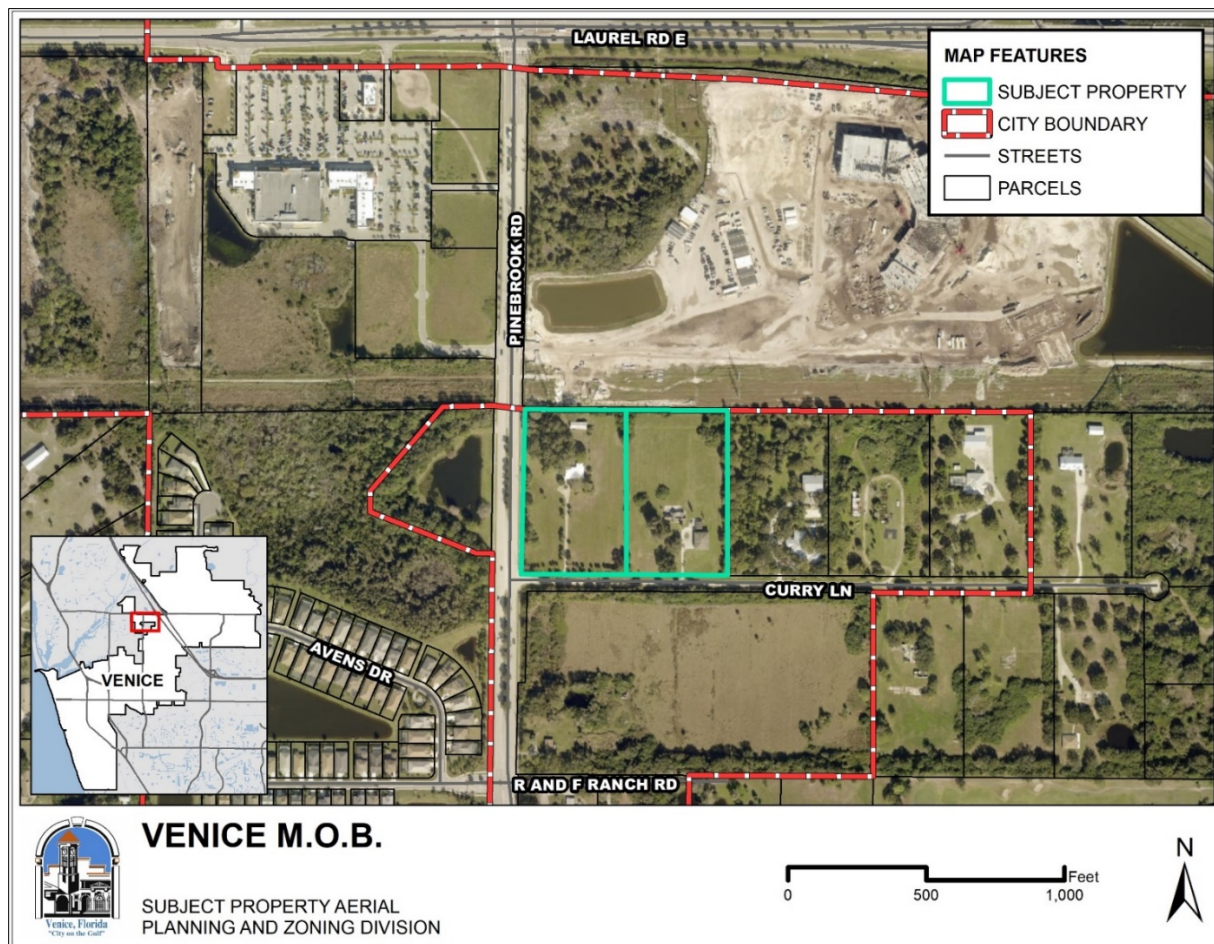


Figure 1. Aerial map of the subject property

#### Site Photographs





### **Future Land Use**

The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use map, as depicted in Figure 2. The properties to the east, west, and south are in Sarasota County and also have designations of MODR. A City of Venice Mixed Use Residential designation lies to the west beyond the adjacent MODR property. The property to the north is in the City of Venice and has a designation of Mixed Use Corridor.

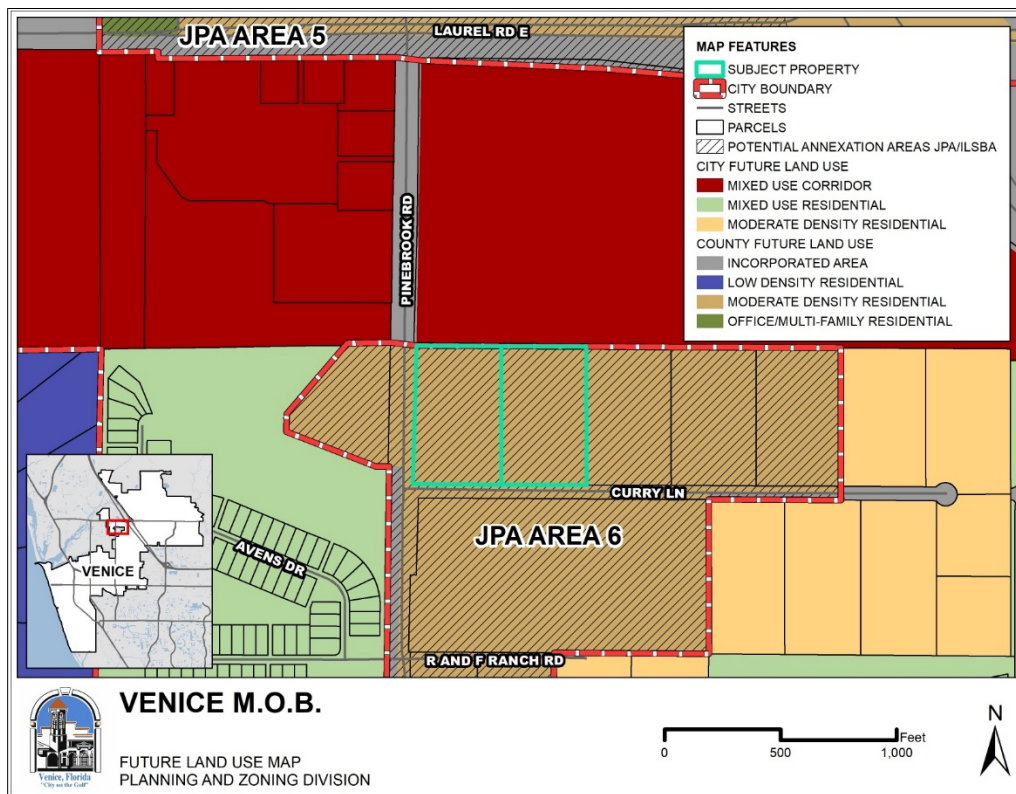


Figure 2. Existing Future Land Use Map

Table 1 summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

Table 1. Summary of existing conditions

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Medical (Sarasota Memorial Hospital – Under Construction)	Planned Commercial Development	Mixed Use Corridor
West	Drainage reservoir	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)
South	Agricultural	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)
East	Residential	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)

## V. COMPREHENSIVE PLAN AMENDMENT REQUEST

The proposed Comprehensive Plan Map Amendment is being requested as a result of annexation to accomplish the following:



1. Add the subject properties to the Comprehensive Plan's Pinebrook Neighborhood, which requires adjustments to be made to the neighborhood tables throughout the document (shown in strikethrough/underline format in **Error! Reference source not found.**, taken verbatim from the applicant's submittal).
2. Assign a City of Venice future land use of Institutional Professional to the subject property.
3. Revise all impacted maps, graphics, text, and data throughout the Comprehensive Plan.

The chart below, provided by the applicant, shows changes to data in the Pinebrook Neighborhood Element of the Comprehensive Plan.

5. Section IV- Elements – Pinebrook Neighborhood – Future Land Use Table (page 148)

*Future Land Use*

Pinebrook				City-Wide		
FLU	Acreages	Intensity	Density	Acreages	Intensity	Density
COMMERCIAL	11	479,160	0	184	8,015,040	0
CONSERVATION	224	0	0	608	0	0
GOVERNMENT	2	0	0	634	0	0
HIGH DENSITY RESIDENTIAL	4	0	72	134	0	2,412
INDUSTRIAL	0	0	0	523	45,563,760	0
INSTITUTIONAL PROFESSIONAL	42	32	696,960	106	36	2,000,880
LOW DENSITY RESIDENTIAL	119	0	595	1,021	0	5,105
MEDIUM DENSITY RESIDENTIAL	67	0	871	244	0	3,172
MIXED USE CORRIDOR	0	0	0	617	11,116,512	3,436
Areas of Unique Concern				49		0
MIXED USE DOWNTOWN	0	0	0	84	1,902,701	756
MIXED USE SEABOARD	0	0	0	67	1,970,001	422
MIXED USE AIRPORT	0	0	0	127	1,936,242	0
MIXED USE RESIDENTIAL	1,267	1,103,810	6,335	3,909	3,405,521	19,545
MODERATE DENSITY RESIDENTIAL	334	0	3,006	543	0	4,887
OPEN SPACE FUNCTIONAL	79	0	0	568	0	0
	2,149	2,139	2,279,930	9,418	9,400	70,000,057
ROW	227			887		
Total City Boundary	2,376	2,369	10,305	10,295		76,220,635

## VI. PLANNING ANALYSIS

### Land Development Code

Section 86-33(5) of the Land Development Code directs Planning and Zoning staff in its review of a comprehensive plan amendment application. The code provision specifies that:

*This review will be done to determine consistency with the comprehensive plan and other relevant city ordinances, resolutions or agreements, and assess the effect of the proposed amendment upon the financial feasibility of the comprehensive plan. This analysis shall also address the proposed amendment's consistency with the applicable requirements of F.S.*

*ch.163.*

## **Comprehensive Plan**

### **Compatibility**

Strategy 1.2.8 relates to compatibility between land uses and includes a review matrix to determine compatibility between adjacent future land use (FLU) designations. The proposed Institutional Professional FLU designation is shown in the matrix as “potentially incompatible” with City of Venice Moderate Density Residential (MODR) FLU designations. However, the adjacent MODR designations are Sarasota County, which is less intense than City of Venice MODR (2.0-4.9 du/acre compared to 5.1-9.0 du/acre). This reinforces the potential for incompatibility. This could be addressed through mitigation techniques in subsequent development applications.

Strategy 1.2.8 also requires the applicant to address potential incompatibilities and provides a brief list of possible options. Policy 8.2 provides a more complete list of mitigation techniques, which will be considered with the concurrent rezoning application and any future site and development plan applications. The applicant has provided the following response regarding Strategy 1.2.8, which considers the inclusion of adjacent properties in the same JPA area, but does not address the potential incompatibility with surrounding MODR land use designations:

Amendments proposing to change property’s FLU designation require review in relation to adjacent properties’ existing FLU designations to evaluate compatibility between use categories. Mitigating techniques may be implemented to establish compatibility between potentially incompatible uses. The Property is surrounded on its east, south, and west by properties within future land use JPA/ISLBA Area No. 6. To the north of the Property is the SMH hospital site, which has an existing FLU designation of Mixed Use Corridor and zoning designation of Planned Community Development (PCD), a sub-category of Commercial use. The City’s comprehensive plan considers Institutional Professional and Commercial uses to be compatible. Therefore, the Property’s FLU designation will provide compatibility with adjacent properties.

Strategy LU 1.2.13 states that mixed use designations are deemed compatible with adjacent land use designations, so the property to the north of the subject property can be considered compatible based on its designation of Mixed Use Corridor.

### **JPA/ILSBA**

As indicated above, the applicant is requesting the City’s future land use designation of IP for the subject property. The subject property is included within Joint Planning Area 6. Figure 5 from the Comprehensive Plan (Appendix) depicts JPA Area 6.

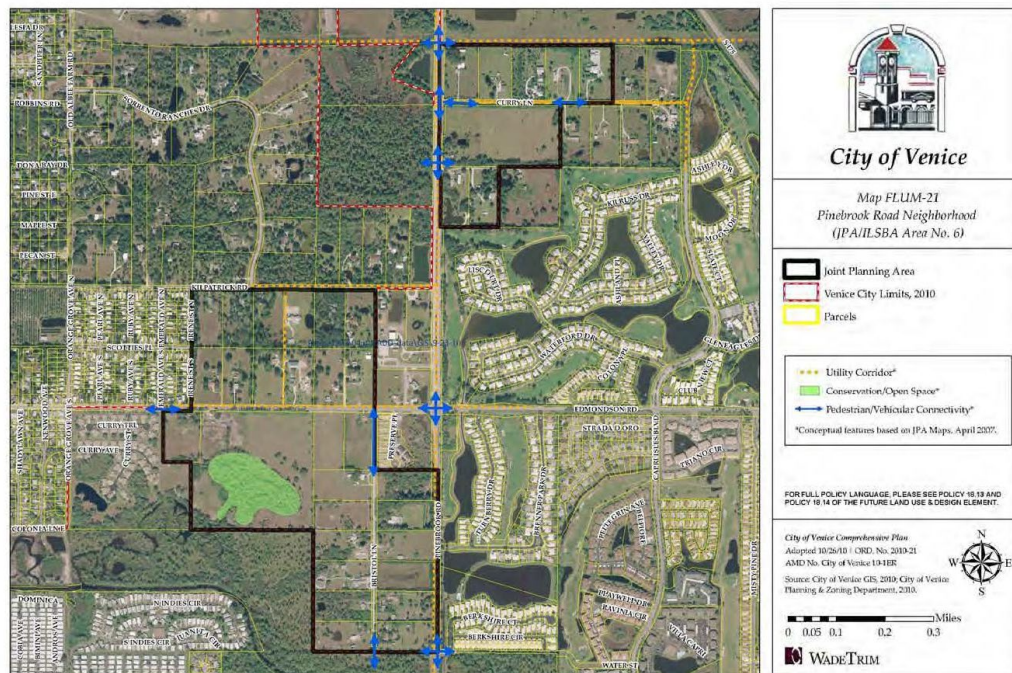


Figure 3. Aerial map of JPA Area 6

In order for the applicant's request for the IP designation to be approved, a JPA/ILSBA amendment is required to allow non-residential uses in JPA Area 6. The applicant has submitted a proposed amendment that calls for the revisions indicated in red below in **Error! Reference source not found..**

1. Section 6. B. (7) of page A-10 shall be amended as follows:

Area 6 – Pinebrook Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for this Area is a maximum of 3 units per acre, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area, except for office, professional and institutional uses limited to Parcel Identification Numbers 0387-12-0001 and 0387-12-0002. The square footage of any such office, professional and institutional uses shall not exceed a FAR of 2.0. Development shall be served by City water and sewer. The Party with jurisdiction over the development application shall require dedication of right of way for future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.

As a result of the City and County staff review, this request was modified. For comparison, the language adopted by the City and transmitted to the County is reproduced below, showing the changes to existing text in strikethrough-underline format. This amendment would increase the allowed units per acre for properties east of Pinebrook Road and would allow IP uses on properties east of Pinebrook Road, with a maximum FAR of 0.5.

*Section 6.B. (7) of page A-10 shall be amended as follows:*

Area 6 – Pinebrook Road Neighborhood: The land use ~~adopted in the Venice Comprehensive Plan~~ for this Area is a maximum of 3 units per acre for all properties West of Pinebrook Road and 13 units per acre for all properties East of Pinebrook Road, calculated on a gross acreage basis. Nonresidential uses shall not



*be permitted in this Area, except Institutional-Professional uses are permitted for all properties East of Pinebrook Road. The square footage of any such Institutional-Professional uses shall not exceed a FAR of 0.5. Development shall be served by City water and sewer. The Party having jurisdiction over the development application shall require dedication of right of way for the future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.*

### **Other Relevant City ordinances, resolutions or agreements**

Other ordinances and agreements relevant to the application are the annexation ordinance and the concurrently submitted and negotiated Pre-Annexation Agreement (PAA). The PAA was included on City Council's agenda on June 9, 2020 and was approved. The PAA indicates that the Owners will provide at their cost, all access to the site including roadways, utilities and common area improvements, internal roadways, and stormwater facilities. Consistency with this document will be confirmed as the property develops. Staff is not aware of any other city ordinance, resolution or agreement that is directly relevant to the proposed comprehensive plan amendment.

### **Florida Statutes**

Due to the size of the subject property and the scope of the amendment request, the Florida Statutes section 163.3187 indicates that the proposed comprehensive plan amendment will be processed through the State's expedited review process. This will require a recommendation from Planning Commission to City Council. Upon initial approval by City Council, the amendment will be transmitted to the State Department of Economic Opportunity (DEO) for review prior to final adoption by City Council.

Three provisions in Section 163.3177(6)(a) specify how amendments to the future land use element and future land use map are to be evaluated.

The applicant responded to these three provisions as follows:

*It is our understanding that, as this statute intends and directs, the City analyzed and considered all such criteria when amending its Comprehensive Plan and Land Development Code, and therefore, all such statutory requirements are contemplated and met within the City's code and application process. In this instance, the JPA/ILSBA and its incorporation into the City's Comprehensive Plan, serves as data, analysis and studies supporting the proposed Comprehensive Plan Amendment.*

### **Section 163.3177(6)(a)2**

Fla. Stat. § 163.3177(6)(a)2 contains ten criteria for evaluating future land use plan amendments, and this section of the report will respond to each with staff comments.

*2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:*

*a. The amount of land required to accommodate anticipated growth.*

**Staff Response:** The subject property, through its inclusion in the JPA/ILSBA, was identified as early as 2007 for potential annexation and development. According to maps in the Comprehensive Plan, the subject property is identified as being within Area 6, which did not allow nonresidential uses. However, recent development on adjacent properties may have altered the type of growth anticipated in this area, and the JPA/ILSBA amendment

to this area, which reflects such a change, has been accepted by the City and will be heard by County Commission on August 26, 2020. Therefore, pending County acceptance of the amendment, this property may be considered to accommodate anticipated growth of the City if annexed.

*b. The projected permanent and seasonal population of the area.*

**Staff Response:** Due to the applicant's request for non-residential uses, this amendment will not have a direct impact on permanent or seasonal population, but could indirectly impact the demand for permanent residents as employees of any businesses or institutions on the subject property.

*c. The character of undeveloped land.*

**Staff Response:** No information has been provided regarding this criterion.

*d. The availability of water supplies, public facilities, and services.*

**Staff Response:** The project has been reviewed by the City's Technical Review Committee and no issues have been raised regarding the ability to provide services to the site. The developer will be responsible for the cost and construction of necessary facilities to bring services to the site and provide all infrastructure regarding roadway, utility and stormwater improvements to serve the entire development.

*e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.*

**Staff Response:** Not applicable, as staff is not aware of any nonconforming uses or determinations of blight on the subject property.

*f. The compatibility of uses on lands adjacent to or closely proximate to military installations.*

**Staff Response:** Not applicable, as there are no military installations near the subject property.

*g. The compatibility of uses on lands adjacent to an airport.*

**Staff Response:** Not applicable, as the subject property is not adjacent to an airport.

*h. The discouragement of urban sprawl.*

**Staff Response:** See pages 11-12 for staff's determination, required by Fla. Stat. § 163.3177(6)(a)9.b, that the proposed amendment discourages the proliferation of urban sprawl.

*i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.*

**Staff Response:** The land use sought here should encourage job creation and economic development. Development of a hospital adjacent to the subject property is expected to drive economic development and demand for related services in this area, and the proposed use would be complementary to these anticipated economic and community needs.

*j. The need to modify land uses and development patterns within antiquated subdivisions.*

**Staff Response:** The subject property is not part of an antiquated subdivision.

### **Section 163.3177(6)(a)8**

The second of the three statutory provisions that provide direction on how plan amendments should be reviewed is contained in Fla. Stat. § 163.3177(6)(a)2, provided in this section. A staff response is provided for each of the three considerations.

8. *Future land use map amendments shall be based upon the following analyses:*

- a. *An analysis of the availability of facilities and services (Level of Service Analysis for Public Facilities).*

**Staff Response:** The City of Venice Comprehensive Plan establishes Level of Service standards for the following public facilities:

- Potable water
- Wastewater
- Parks and public spaces
- Stormwater
- Solid Waste
- Transportation/Roadways
- Schools

See answer to “d” above. Availability of public facilities and services will be accomplished and the adopted level of service standards for each of the above public facilities is required to be maintained.

- b. *An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Response:** There are no structures on the property listed on either the City of Venice Local Register of Historical Resources or the National Register of Historic Places.

- c. *An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.*

**Staff Response:** As indicated above, through the City and County approval of JPA/ILSBA, the subject property is included in the JPA/ILSBA for potential development in a manner consistent with the agreement. The proposed land use designation of Institutional Professional, along with an appropriate rezoning of the property, will allow development of this property.

**Section 163.3177(6)(a)9**

The third statutory provision that provides direction for reviewing plan amendments is contained in Fla. Stat. § 163.3177(6)(a)9:

9. *The future land use element and any amendments to the future land use element shall discourage the proliferation of urban sprawl.*

Subsection (a) provides nine indicators related to discouraging the proliferation of urban sprawl, and subsection (b) states that if four or more indicators are achieved, the plan amendment is confirmed to discourage urban sprawl. The applicant was asked to determine four indicators that relate to their project, but has not responded to the request. Staff has identified the following four indicators that could apply to the subject petition, along with responses:

- I. *Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

**Staff Response:** As indicated above, through the City and County approval of JPA/ILSBA, the subject



property is included in the JPA Area 6 for potential development in a manner consistent with the agreement. The proposed land use designation of Institutional Professional, along with an appropriate rezoning of the property, will allow development of the property. The subject property has already been impacted by agricultural uses and some structural additions. It appears from aerial photos that the majority of the property remains natural. The applicant will be required to submit an environmental assessment at the point of development, so it is unclear how this indicator may apply.

*II. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

**Staff Response:** The JPA/ILSBA established service providers and this area is identified to be served by the City. The project has been reviewed by the City's Technical Review Committee and no issues have been raised regarding the ability to provide services to the site. The developer will be responsible for the cost and construction of necessary facilities to bring services to the site and provide all infrastructure regarding roadway, utility and stormwater improvements to serve the entire development.

*III. Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.*

**Staff Response:** The land use being requested for the property can provide both employment and human services to serve the nonresidential needs of an area with a mixture of residential and institutional uses. At the point of development of the site, review regarding other aspects of this criteria such as connectivity and compatibility may be accomplished to confirm consistency with the requirements of the City's Comprehensive Plan.

*IV. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

**Staff Response:** The future land use requested for the property would alter a pattern of single-family estate development, with low density and high automobile dependence, by perpetuating more intense institutional and professional uses associated with the new hospital under construction nearby.

**Finding of Fact:** Staff has provided analysis of the proposed Comprehensive Plan Amendment regarding consistency with the Comprehensive Plan, the Land Development Code (LDC), and other relevant city ordinances, resolutions or agreements. In addition, analysis has been provided by the applicant regarding impact on the financial feasibility of the Comprehensive Plan, and by staff regarding compliance with the applicable requirements of Chapter 163 Florida Statutes. The analysis provided should be taken into consideration regarding determination on the proposed Comprehensive Plan Amendment.

## VII. CONCLUSION

### **Planning Commission Recommendation**

Pursuant to Section 86-33(7), the Planning Commission, sitting as the local planning agency, shall hold an advertised public hearing on a proposed comprehensive plan amendment to review the amendment and provide recommendations to city council. The Planning Commission's recommendation shall be based, in part, on staff's planning analysis and findings related to the proposed comprehensive plan amendment. Section VI of this report includes a review of factors required by Section 86-33(5) of the Land Development Code and Florida Statutes Section 163.3177(6)(a) and provides the Planning Commission with competent and substantial evidence to support a recommendation to City Council.