



Project: The Woods of Venice (Jackson Road)
Comprehensive Plan Amendment Petition No. 17-03CP
Staff Report

Applicant: Border Road Investments, LLC **Agent:** Jeffery Boone, Esq., Boone Law Firm

Existing Future Land Use Designations: Border Road to Myakka River Neighborhood (Joint Planning Area 3)

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and no issues have been identified that would prevent action being taken on the petition.

I. PROPOSAL AND SUMMARY FINDINGS OF FACT

The applicant is requesting approval of a text amendment to the City of Venice 2010 Comprehensive Plan to remove language that provides for the interconnection of N. Jackson Road from Border Road to Laurel Road. Currently, the northern half of N. Jackson Road is an unimproved dirt road. The applicant is the owner/developer of the project known as The Woods of Venice which is located immediately adjacent to the existing improved and unimproved portions of N. Jackson Road. The Border Road to Myakka River Neighborhood (JPA Area 3) identified in the Joint Planning and Interlocal Service Boundary Agreement (JP/ILSBA) includes language in Policy 18.8 that requires construction of the indicated interconnection. As the land being developed as The Woods of Venice includes the property from the northern end of the existing portion of N. Jackson Road that would be potentially included if the road was to be extended, the developer of The Woods of Venice project is requesting removal of the text in Policy 18.8 that requires this improvement.

Summary Findings of Fact: The proposed comprehensive plan amendment:

- 1) *can be found consistent with the requirements of the City's Land Development Code for amendments to the Comprehensive Plan,*
- 2) *can be found in compliance with the applicable requirements of F.S. ch. 163.*

II. BACKGROUND

- The property being developed as The Woods of Venice was annexed into the city on May 13, 2008 through the adoption of Ordinance No. 2008-10.
- Since the originally approved JP/ILSBA in 2007, the property has always been included in the Border Road to Myakka River Neighborhood (JPA Area 3) along with the text proposed for removal.
- The Woods of Venice was rezoned to Planned Unit Development (PUD) on June 23, 2015

through the adoption of Ordinance No. 2015-15. During the public hearing, there was much discussion about the extension of N. Jackson Road with very little support from the surrounding residents.

- Consistent with Stipulation No. 1 of Ordinance No. 2015-15 which requires the N. Jackson Road connection to be addressed prior to final plat, the applicant has successfully amended the applicable pre-annexation agreements to remove the language concerning the extension of N. Jackson Road through City Council adoption of Ordinance No. 2016-09 on June 28, 2016. The subject petition is the next step in the process of addressing this portion of N. Jackson Road.
- If the subject comprehensive plan amendment is adopted, the next step in the process as confirmed by Sarasota County will be to amend the JP/ILSBA between the city and county.

III. SURROUNDING AREA INFORMATION

Surrounding Property Information:

Jackson Road currently exists as an improved roadway from Center Road, which is the southernmost point, to north of Border Road where it continues as an unimproved right-of way at the intersection of Elliott Street. The portion of Jackson Road that lies north of East Venice Avenue is known as North Jackson Road. The subject petition is specific to the area north of the intersection of Elliott Street; the portion of N. Jackson Road that is unimproved and remains a dirt road. Residents that live along this portion of N. Jackson Road that continues to its northernmost terminus at East Laurel Road have access to secured gates at each end. During public hearings for the applicant's development adjacent to N. Jackson Road, area residents indicated opposition to the improvement of N. Jackson Road in this area.

IV. PLANNING ANALYSIS

During staff's review of the proposed amendment, the following factors have been identified to provide justification for the removal of the identified text as follows:

- The City is currently drafting our Comprehensive Plan Update and is in the transmittal hearing stage with the elected body. The indicated N. Jackson Road connection is not included in the plan update.
- The proposed road is not identified in the Sarasota County Comprehensive Plan which is significant as Jackson Road is currently a county roadway.
- The connection of N. Jackson Road also does not appear on the MPO's current Transportation Improvement Plan (TIP) or the Long Range Transportation Plan (LRTP).
- The close proximity to the Myakka River which is considered an environmentally sensitive area.
- Jacaranda Boulevard has now been completed between Border Road and Laurel Road as a two lane facility with the potential for expansion to four lanes. It is anticipated that other future roadway connections from Border Road to Laurel Road will occur with subsequent development of property west of Jacaranda Boulevard.
- The connector roadway has not been identified as a requirement to maintain the City's level of service for transportation and therefore is not identified in the City's Capital Improvement Plan (CIP) or Capital Improvement Schedule (CIS).
- As indicated above, during the rezoning of the adjacent Woods of Venice project, there was little to no support from the surrounding neighborhoods for connection of N. Jackson Road to Laurel Road.

- Actual developed density of the surrounding land versus potential density as provided for in the 2010 Comprehensive Plan has been greatly reduced. The approved number of dwelling units across approximately 680 acres to the west of the proposed connector between Border Road and Laurel Road have been reduced from 3,395 potential units to 1,613 approved units.

In addition to the identified factors above, the review of the proposed comprehensive plan amendment is guided by the City's Land Development Code (LDC) and Florida Statutes. City Code Section 86-33(5) 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 ordinance, 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.

Review for Compliance with Land Development Code.

Consistency with the Comprehensive Plan and Other Relevant City Ordinance, Resolutions or Agreements.

The removal of the identified text for the connection of N. Jackson Road does not appear to cause any negative impact regarding consistency with the Comprehensive Plan. In addition, the proposed plan amendment does not appear to necessitate any changes to the data, inventory and analysis. However, it is noted that this text amendment may warrant further revision to the referenced FLU map series. Staff confirms that the proposed amendment has been processed consistent with the requirements to amend the City's Comprehensive Plan found in the Introduction section of the plan that indicates the following:

From time to time it will be necessary to amend the Comprehensive Plan to keep up with changing conditions; to comply with State mandated updates and evaluations, to achieve implementation of the Plan and to provide citizens and affected parties a means of recourse to participate in the City's Comprehensive Plan Program. All amendments to the Comprehensive Plan shall, as a minimum, comply with the advertising requirements as prescribed by Part II, Chapter 163 F.S. and by City Ordinance, as amended. Any action which requires that a change be made to any of the maps, text, figures, tables or charts and any other change having the effect of altering the use of land as prescribed by the Plan shall be deemed to require a Comprehensive Plan amendment. Plan amendments may be initiated by elected bodies, public agencies, appointed officials, advisory boards, public, semi-public or private utilities, individuals and groups, or any other affected person or combinations thereof.

Regarding consistency with other relevant city ordinance, resolutions or agreements, it was indicated previously that a recent amendment to the pre-annexation agreement associated with the applicant's adjacent development known as The Woods of Venice to remove similar text was approved by City Council. It is also indicated above that, if the proposed Comprehensive Plan amendment is approved, the next step is to amend the JP/ILSBA. This requirement has also been acknowledged by Sarasota County. Beyond this, staff is not aware of any other city ordinance, resolution or agreement which is directly relevant to the proposed Comprehensive Plan amendment.

Effect of the Proposed Amendment Upon the Financial Feasibility of the Comprehensive Plan.

The proposed removal of the text requiring a connector roadway, which could ultimately become the responsibility of the city or county, will actually reduce potential fiscal impact to either jurisdiction and thereby have no negative impact on the financial feasibility of the Comprehensive Plan. Maintenance is always a factor in increasing any public facility and roadways require regular maintenance. In addition, with any roadway installation, stormwater impact must be considered and additional land may have to be acquired to provide for mitigation of the increased runoff.

As such, the proposed amendment can be expected to have no negative effect on the financial feasibility of the comprehensive plan.

***Finding of Fact (Land Development Code):** The proposed comprehensive plan amendment can be found in compliance with Section 86-33(5) which requires a determination of consistency with the comprehensive plan and other relevant city ordinances, resolutions or agreements and an assessment of the effect of the proposed amendment upon the financial feasibility of the comprehensive plan.*

Review for Compliance with Florida Statutes

Regarding Florida Statutes, due to the fact that the request does not qualify under F.S. Section 163.3187 as a small-scale amendment, the proposed comprehensive plan amendment will be reviewed under the Expedited State Review process. Regardless of the type of amendment or specified review process, comprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to Section 163.3177.

Two 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. Subsection 2 states the following:

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.*
 - b. *The projected permanent and seasonal population of the area.*
 - c. *The character of undeveloped land.*
 - d. *The availability of water supplies, public facilities, and services.*
 - 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.*
 - f. *The compatibility of uses on lands adjacent to or closely proximate to military installations.*
 - g. *The compatibility of uses on lands adjacent to an airport.*
 - h. *The discouragement of urban sprawl.*
 - i. *The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.*
 - j. *The need to modify land uses and development patterns within antiquated subdivisions.*

Since the proposed amendment does not involve the development of land or designation of use, the majority of the above review criteria are not applicable.

The second is subsection 9 which provides the following provision concerning urban sprawl:

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

However, the statute language refers to “development pattern or urban form” for review of potential urban sprawl. Since the subject Comprehensive Plan Amendment is simply for the removal of text to extend a roadway, the review for urban sprawl is not applicable in this case. It is also important to understand that, if N. Jackson Road was improved as indicated, the potential for development along the improved area may increase, which could lead to sprawl.

***Finding of Fact (Florida Statutes):** The proposed comprehensive plan amendment can be found to be in compliance with the applicable requirements of F.S. ch. 163.*

V. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL

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 finding of its analysis of the proposed comprehensive plan amendment. Section IV of this report includes an analysis of factors required by Section 86-33(5) of the Land Development Code and Florida Statutes Sections 163.3177(6)(a) 2 and 9 and provides the Planning Commission with competent and substantial evidence to support a recommendation to City Council. A summary of all staff findings is provided in Section I of this report.