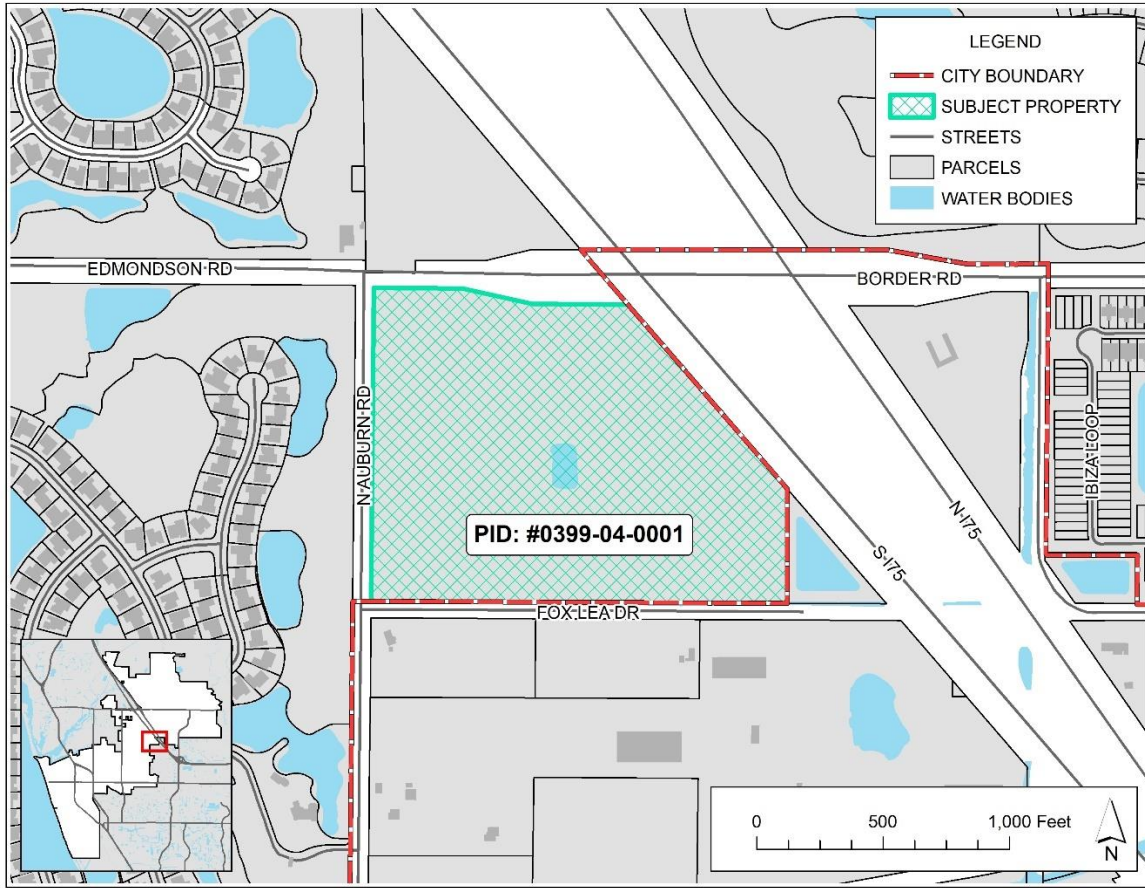


# 24-11RZ – Cassata Oaks Zoning Map Amendment Staff Report



## GENERAL INFORMATION

<b>Address:</b>	0 Border Road
<b>Request:</b>	Assigning a City of Venice Residential, Single Family 3 (RSF-3) zoning district to the subject property
<b>Applicant/Owner:</b>	Auburn Road FC, LLC
<b>Agent:</b>	Melissa Strassner, Esq. Berlin Patten Ebling, PLLC & Mariah Miller, Esq., M.L. Miller Law, PLLC
<b>Parcel ID:</b>	0399040001
<b>Parcel Size:</b>	39.62 ± acres
<b>Future Land Use:</b>	Low Density Residential
<b>Zoning:</b>	Sarasota County Open Use Estate
<b>Comprehensive Plan Neighborhood:</b>	Pinebrook Avenue
<b>Application Date:</b>	February 29, 2024

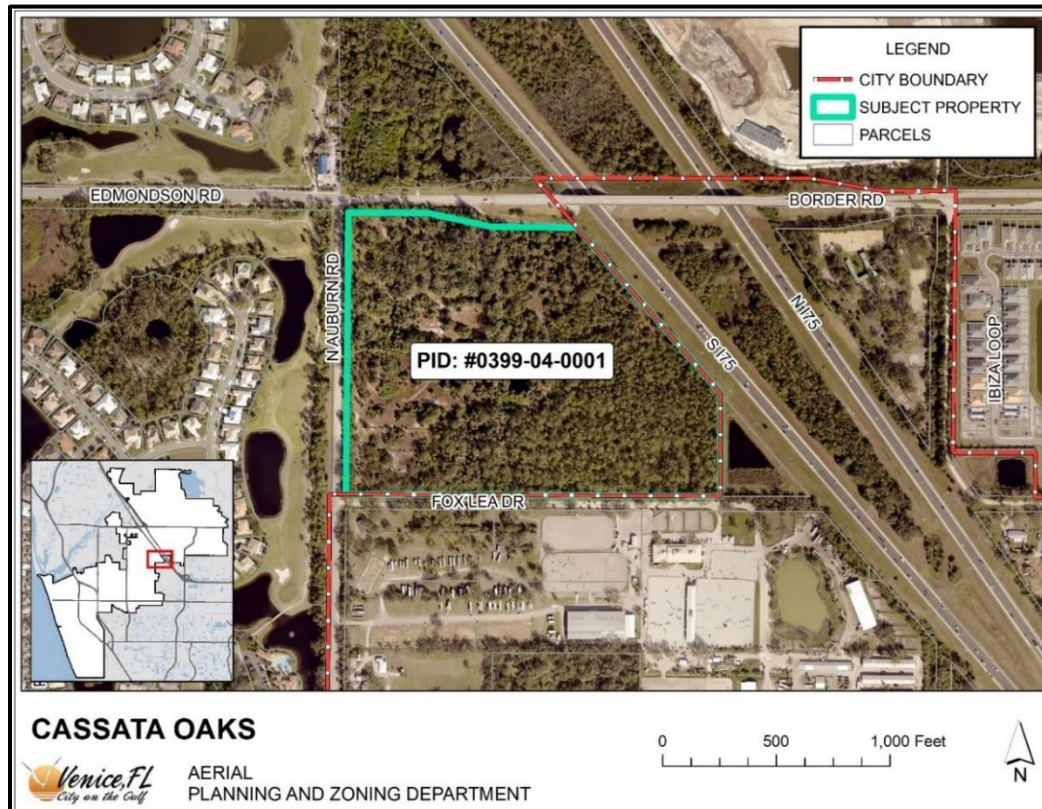
## I. PROJECT DESCRIPTION, BACKGROUND, AND EXISTING CONDITIONS

The subject proposal seeks to assign a City of Venice zoning district of Residential, Single Family 3 (RSF-3) to a parcel located at the southeast corner of the intersection of Auburn and Border Roads for development of a single-family residential project. The current zoning on the property is Sarasota County Open Use Estate, so it must receive a City designation before development can be pursued. This property is part of Joint Planning Agreement (JPA) Area 2a and is subject to the density restrictions specified for that area, which specifies a maximum of 3 units per acre.

The property was previously considered for a zoning map amendment in 2017, but disagreements regarding compatibility led to a denial of that application. The previous request was first denied by Council based on the extensive list of code modifications attached to the associated plat for 118 single-family lots, and that applicant then submitted a proposal to create a Planned Unit Development. The project included other petition types, including vested rights and conditional use requests, along with an eventual reduction of units to 85 single-family lots. City Council again denied the rezoning request on the basis that it was inconsistent with the decision criteria in former Chapter 86 and the land use compatibility analysis criteria in the Comprehensive Plan (former Policy 8.2, now Sec. 87-1.2.C.8). None of these previous applications and decisions have a bearing on the current proposal; this information is provided as background only.

As the property does require a zoning map amendment based on the City's requirements for annexation and the pre-annexation agreement for the property, the current owner is requesting a traditional zoning (RSF-3) consistent with the existing Future Land Use designation. This request is not accompanied by any waivers or modifications, and there are no associated petitions at this time. Future development of a single-family project on this property would be subject to the preliminary plat process, although the applicant has submitted a conceptual plat plan for consideration with this request, demonstrating intent to create 60 single-family lots. The applicant is willing to stipulate that this plan will be a binding concept plan for the project moving forward.

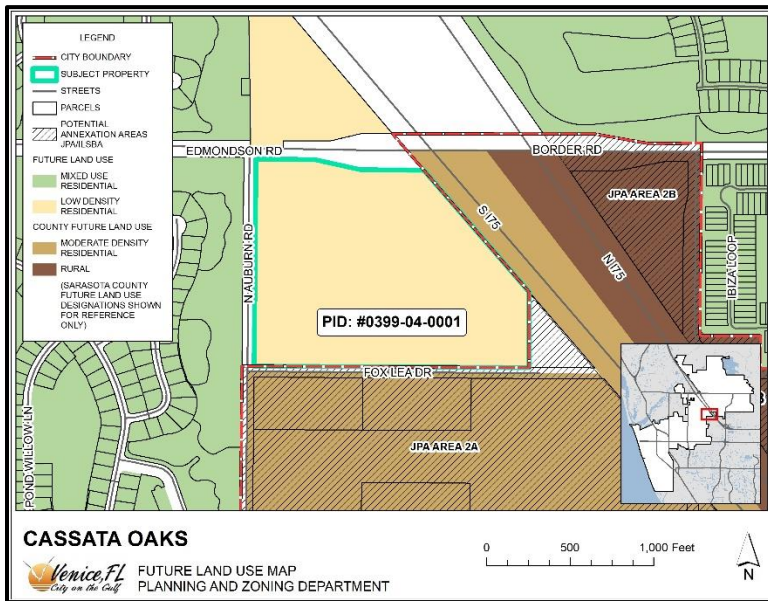
### Aerial Map



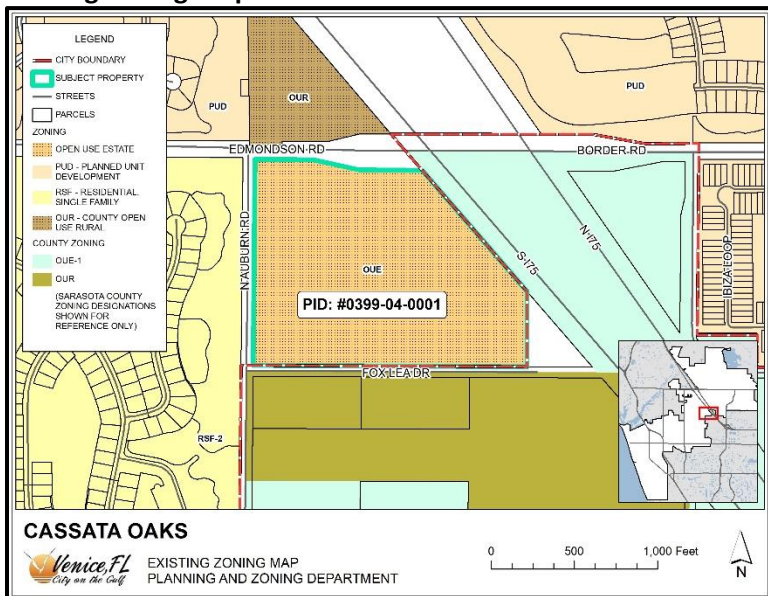
### Surrounding Property Information

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential (Vacant land and Waterford)	Sarasota County OUR, City of Venice PUD	Low Density Residential and Mixed Use Residential (MUR)
South	Agricultural (Fox Lea Farm)	County OUR	Sarasota County Moderate Density Residential
East	Interstate 75	None	None
West	Residential (Sawgrass)	County zoning	MUR

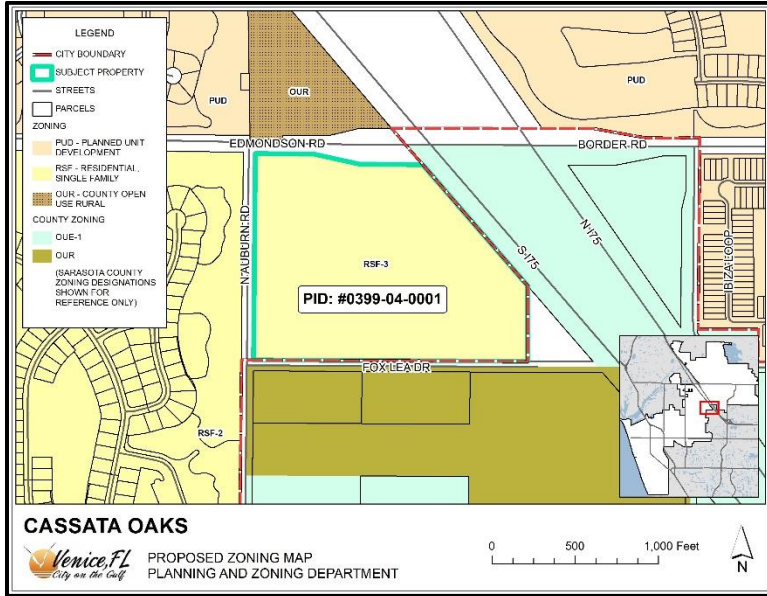
### Future Land Use Map (as proposed through 23-28CP)



### Existing Zoning Map



## Proposed Zoning Map



## Site Photographs



View to the south along Auburn Rd.



View to the north along Auburn Rd.



View from the west across Auburn Rd.



View of neighboring property to the west across Auburn Rd.



View from southwestern corner of property along Fox Lea Dr.



View from northwestern corner of property along Border Rd.

## II. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezoning petition evaluates A) how the existing County OUE zoning district compares to the proposed City RSF-3 zoning with regard to allowed uses and development standards, B) consistency with the Comprehensive Plan, C) compliance with the Land Development Code, and D) compliance with the City’s concurrency management and transportation mobility regulations and the project’s expected impacts on public facilities.

### Comparison of Existing County Zoning and Proposed City Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County Open Use Estate to City Residential, Single Family 3.

The table below provides a comparison of the districts’ development standards and permitted uses.

Standards	Existing Zoning – OUE-2	Proposed Zoning – RSF-3
Density Limit	1 du/5 ac	5.0 du/ac (limited to 3.0 du/ac by JPA)
Maximum Dwelling Units on 39.62 acres	7 units	198 units (limited to 118 units by JPA)

Standards	Existing Zoning – OUE-2	Proposed Zoning – RSF-3
Height	35 feet	35 feet
Lot Coverage	20%	35%
Principal Uses*	Residential, Agriculture, Animal Boarding, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium	Essential Services (Minor), Single Family Detached Dwellings, Manufactured Home Dwellings, Home Day Care, Group Living

\*Not an exhaustive list of district uses

**Consistency with the Comprehensive Plan**

The subject property has an existing Future Land Use designation of Low Density Residential (LDR). The property is located in the Pinebrook Avenue Neighborhood.

**Joint Planning Agreement**

The subject property is located within Joint Planning Agreement (JPA) Area 2a. This area is limited to a residential density of 3 dwelling units per acre, with up to 10% of the area available for accessory nonresidential uses. Development in this area is served by City water and sewer.

**Strategy LU 1.2.3.a - Low Density Residential:**

1. Supports single family detached residential and limited attached residential
2. Establishes and maintains single family areas within the neighborhoods.

This rezoning petition will not authorize development, but the Future Land Use (FLU) designation and RSF-3 zoning district will dictate the type of development that may occur. RSF-3 is an implementing zoning district of Low Density Residential, so the request is consistent with the Comprehensive Plan and FLU map, and no amendment to these will be necessary. The applicant’s stated intent for single-family detached residential is appropriate for this designation and will be limited to a density of 3.0 dwelling units per acre by the JPA. Although RSF-3 would allow for up to 118 units on this property, the applicant has indicated only 60 units in their concept plan, a density of 1.5 units per acre.

No other strategies in the Land Use Element, any other elements, or the Pinebrook neighborhood have been found to relate directly to the subject proposal.

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

Analysis has been provided to help Planning Commission determine consistency with the Land Use Element strategies applicable to the Low Density Residential future land use designation, strategies found in the Pinebrook Neighborhood element, and other plan elements.

**Land Development Code Compliance**

The subject petition has been processed with the procedural requirements contained in Section 87-1.7 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified.

The applicant has responded to the Land Use Compatibility Analysis considerations in Sec. 87-1.2.C.8; these responses are included in the agenda packet for the public hearing. Surrounding uses for this property include residential and a commercial equestrian operation, and the applicant has taken this into account when evaluating their potential compatibility based on density, buffering, location of potential development on the site, proposed

lot sizes for single-family development, and location of surrounding features. These are all key issues for the Planning Commission and City Council to evaluate.

Section 4 – Compatibility includes a section for “special considerations” (Sec. 87-4.4.B), which apply to this property based on two of the listed conditions: property subject to the JPA/ILSBA and property adjacent to properties having Sarasota County designations. When any of these conditions are met, the Planning Commission and City Council should consider additional mitigation techniques and may deem any of these techniques necessary for compatibility with surrounding properties (Sec. 87-4.4.B.1-7, see below). The current petition is a zoning map amendment application, so no development can be authorized through its approval, but the applicant has proffered a conceptual plat. Conditions may be placed on the rezoning ordinance, or there may be a discussion during the hearing about additional mitigation, which could be used to inform staff review and Planning Commission action on any future preliminary plat application.

The following are suggested techniques for mitigation in Sec. 87-4 of the code:

1. Lowering density and intensity;
2. Increasing building setbacks;
3. Adjusting building step-backs (see Section 4.4.B. below);
4. Requiring tiered buildings;
5. Adjusting onsite improvements to mitigate lighting, noise, mechanical equipment, refuse and delivery and storage areas;
6. Adjusting road and driveway locations; and
7. Increasing buffer types and/or elements of the buffer type.

Section 87-1.7.4 of the Land Development Code provides the following decision criteria for Planning Commission and City Council. The criteria and applicant responses are reproduced in this report.

*1. Whether the amendment is compatible with the existing development pattern and the zoning of nearby properties.*

**Applicant Response:** The proposed development is compatible with the existing development pattern and zoning of nearby properties because the surrounding area within City of Venice consists mainly of residential single-family home developments. The future land use for the Property and the immediate surrounding area is Low Density Residential (“LDR”). Under the Future Land Use (“FLU”) Strategy L.U. 1.2.3, low density residential supports single family detached homes and limited attached homes to establish and maintain single family areas within neighborhoods. RSF-3 is an implementing zoning district for this land use classification.

Additionally, the surrounding single-family neighborhood densities range from 1.8 dwelling units per acre to 3.67 dwelling units per acre. The proposed development will consist of single-family homes and will have a lower density than the surrounding developments with only 1.5 dwelling units per acre.

The zoning of the immediately adjacent properties is Planned Unit Development (“PUD”) to the west, Interstate 75 to the east, Venice City Open Use Rural (“OUR”) to the north, and Sarasota County OUR to the south. The property to the south is Fox Lea Farms, which is a property used for equestrian shows, RV rentals, and as an event venue. The property to the north is vacant. As shown in the concept plan attached at Section 5, the single-family homes on one and a half acre homesites bordering the Fox Lea property will consist of a one hundred (100) foot natural buffer, fifteen (15) foot landscaping, three (3) foot berm, and eight (8) foot wall. These described ten (10) estate sized lots ensure a smooth transition from the residential development to the OUR zoning and use of Fox Lea Farms to the South.

*2. Changes in land use or conditions upon which the original zoning designation was based.*

**Applicant Response:** The current zoning designation is a Sarasota County zoning district. The Property was annexed into the City of Venice in 2008 pursuant to Ordinance No. 2008-04. Under the Annexation Ordinance and Pre-Annexation Agreement, the Property is to be rezoned from Sarasota County OUE to a City of Venice zoning district.

**3. Consistency with all applicable elements of the Comprehensive Plan.**

**Applicant Response:** The proposed RSF-3 zoning designation is consistent with the Comprehensive Plan. The zoning district is an implementing zoning district of the Low-Density Residential FLU designation. The proposed development meets Strategy LU 1.2.3.a – Low Density Residential, because the development consists of detached single family homes and is an additional single family home development consistent with the other neighborhoods in the area.

Strategy LU 1.2.8 – Compatibility between uses. The FLU of the surrounding City of Venice properties are LDR and the FLU for the Sarasota County property is Moderate Density Residential, which allows two (2) to five (5) dwelling units acre. Per the FLU Compatibility Review Matrix, the properties are presumed compatible. Strategy LU 1.3.2 - Functional Neighborhoods. The City shall promote functional neighborhoods defined at the Planning Level which include neighborhood centers, a variety of housing types, public/civic space designed for the context of the Neighborhood and a variety of open space amenities. This development offers a variety of housing types, a perimeter buffer and wall, and estate lots that include personal lakes for those lot owners. Strategy LU 1.3.5 - Natural Features. The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole. The applicant requests to keep as much natural buffer as possible on the southern border to keep with the character of the area and provide a natural feature that is a one-hundred (100) foot natural buffer to Fox Lea Drive.

Under the Comprehensive Plan, the Property is part of the Joint Planning Area No. 2a. The Joint Planning Area No. 2a allows for residential development, up to 3 units per acre, which is one hundred and seventeen (117) units. This project proposes 1.5dwelling unit per acre, totaling sixty (60) units.

**4. Conflicts with existing or planned public improvements.**

**Applicant Response:** To the applicant’s knowledge, there are no conflicts with any existing or planned public improvements in this area.

**5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:**

**a. Impact on the traffic characteristics related to the site.**

**Applicant Response:** The traffic study titled “Traffic Impact Statement for Cassata Oaks” is incorporated and attached in Section 7, which concludes that the project will not have a significant impact on the traffic characteristics.

**b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.**

**Applicant Response:** The required capacity forms for schools and utilities have been included with the application. No impact created by the proposed RSF-3zoning designation for the Property based upon the above considerations will exceed the availability of public facilities necessary for service. However, in the event that the proposed zoning designation would create a demand for public facilities beyond what is currently available, the proper mitigation will be made. The City will thoroughly review all such considerations upon processing this application.



*c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.*

**Applicant Response:** No impact is created by the proposed RSF-3 zoning designation for the Property based upon the above considerations will exceed the availability of public facilities necessary for service. However, in the event that the proposed zoning designation would create a demand for public facilities beyond what is currently available, impact fees paid by the development would cover any such increased demands. The City will thoroughly review all such considerations upon processing this application.

*6. Effect on health, safety and welfare of the neighborhood and City.*

**Applicant Response:** The proposed RSF-3 zoning designation will not cause any negative effect on the health, safety and welfare of the neighborhood and City.

*7. Conformance with all applicable requirements of this LDR.*

**Applicant Response:** The proposed development will conform with the requirements in RSF-3 and the LDR. The applicant will not request any special exceptions or variances.

*8. Potential expansion of adjacent zoning districts.*

**Applicant Response:** The property located to the South has a Future Land Use designation of Moderate Density Residential and if rezoned could support a variety of housing types including single-family homes. The remaining zoning districts are PUDs with single family developments that are not likely to be rezoned.

*9. Findings of the Environmental Assessment Report, consistent with Chapter 89.*

**Applicant Response:** The applicant conducted an Environmental Assessment Report, Cassata Oaks – 39.82 acres tract, Wildlife Report (“Environmental Report”) attached and incorporated hereto at Section 8. The Environmental Report indicates that the pond currently on the Property is not subject to mitigation requirements. There were no threatened or endangered species found onsite.

*10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.*

**Applicant Response:** The proposed RSF-3 zoning designation is consistent with all applicable requirements of the City’s LDR, Comprehensive Plan, and other laws and regulations.

**Summary Staff Comment:** This proposal consists of a straightforward rezoning from a County designation to a traditional City zoning district. The requested district, RSF-3, is one of the least permissive regarding uses, and the applicant has provided a conceptual plan to demonstrate their intent for low density single-family residential. Other details regarding proposed buffering and natural features are included in the application as well, which are not required in order for Commission and Council to consider a zoning map amendment, but the applicant has provided these to support their claims regarding compatibility and site impacts.

**Conclusions/Findings of Fact (Compliance with the Land Development Code):**

The proposed zoning map amendment is compliant, and no inconsistencies have been identified with the LDC.

**Concurrency/ Mobility**

The applicant is not requesting confirmation of concurrency as part of the proposed zoning map amendment. Concurrency will be reviewed with a development proposal, and a full review will be provided at that time. However, the proposed zoning map amendment was reviewed by the City’s Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

A traffic impact statement was prepared for the project based on potential development of 60 single-family units. While the rezoning application would not permit development of these units, the study was completed according to the agreed-upon methodology and has been deemed compliant by the City's transportation consultant. Additional review of traffic impacts will occur when a preliminary plat proposal is filed for the property.

**Conclusions/Findings of Fact (Concurrency):** As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

**Conclusions/Findings of Fact (Mobility):**

Although no development has been proposed through this application, the submitted traffic study for 60 single-family units has been deemed compliant, and transportation impacts will be analyzed further with the submittal of a development proposal.

**Proposed Stipulation**

The applicant has offered a stipulation that the provided conceptual plan become a binding plan for the property with this zoning map amendment. Staff, along with the applicant and City Attorney, have drafted the following stipulations to be used by Planning Commission and City Council, if desired:

1. Density shall be limited to 60 single-family lots.
2. The conceptual plan shall be binding, and any subsequent plat will be substantially consistent with the conceptual plan. Minor deviations may be necessary to comply with other regulations.

**III. CONCLUSION**

**Planning Commission Report and Action**

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for Planning Commission to make a recommendation to City Council on Zoning Map Amendment Petition No. 24-11RZ.