



***Project: Preserves of Venice***  
**Zoning Map Amendment Petition No. 16-03RZ**

**Staff Report**

**Owner:** SSD Land Holdings, LLC

**Parcel ID #s:** 0399-04-0001

**Agent:** Charles D. (Dan) Bailey, Jr., Esq., Williams Parker Law Firm

**Location:** Southeast Corner of N. Auburn Road and Border Road      **Parcel Size:** 39.6± acres

**Existing Zoning Districts:** Sarasota County Open Use Estate-1 (OUE-1)

**Proposed Zoning District:** City of Venice Residential, Single Family-2 (RSF-2)

**Future Land Use Designation:** Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a)

**Concurrent Applications:** Preliminary Plat Petition No. 16-03PP  
Conditional Use Petition No. 16-01CU

**Proposed Stipulation:**

Residential density on the subject property is limited to a maximum of 3 units per acre.

**Technical Review Committee (TRC):** The subject petition has been reviewed by the TRC and has been found in compliance with all regulatory standards applicable to the rezoning of property in the City of Venice.

**I. INTRODUCTION / SUMMARY FINDINGS OF FACT**

The subject property was annexed into the city 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 (JP/ILSBA) between the City and the County and is identified as JPA Area 2a, the Auburn Road to I-75 Neighborhood.

The property is comprised of 39.6± acres and is located at the southeast corner of the intersection of N. Auburn Road and Border Road. The applicant is proposing to rezone the subject property from the current Sarasota County designation of Open Use Estate-1 (OUE-1) to the City of Venice designation of Residential, Single Family-2 (RSF-2) for the development of a residential subdivision.

The following summary findings of fact provide an overview of the staff analysis included in this report:

## **Staff Summary / Findings of Fact**

- 1) **Finding of Fact (Evaluation of Existing/Proposed Zoning):** *The proposed rezoning is necessary due to the pre-annexation agreement requirement that the property be rezoned to a city designation prior to any development. With the proffered stipulation of a maximum of 3 units per acre, the proposed zoning designation is consistent with the future land use designation of JPA Area 2a. In addition, it provides a development intensity similar to the majority of the existing adjacent development and the development potential of the surrounding properties. As indicated, the existing county zoning designation cannot be developed under as the property is within the jurisdiction of the City and development under the OUE designation would be inconsistent with the development framework of a city. Based on the staff evaluation, staff finds that an affirmative finding can be reached on the proposed zoning designation requested.*
- 2) **Finding of Fact (Comprehensive Plan):** *Based on the staff analysis, the proposed rezoning is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2 and 13.1 of the City's Comprehensive Plan along with principles identified in Section 10(I) of the JP/ILSBA. Further review of existing and proposed zoning designations and uses of the subject and surrounding properties has been provided. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 will be employed by the applicant upon development of the property. Based on the review criteria indicated above and provided in the Comprehensive Plan, there is evidence on which to base a finding of compliance with the City's Comprehensive Plan. Land use compatibility will be further confirmed as part of the review of the concurrently-processed preliminary plat.*
- 3) **Finding of Fact (Concurrency):** *A concurrency analysis has been performed as part of the concurrently submitted preliminary plat petition for the project and the availability of adequate public facilities are being confirmed through that petition. The issuance of a certificate of concurrency will be required in conjunction with preliminary plat approval on the subject property.*
- 4) **Findings of Fact (Applicable Rezoning Considerations):** *The applicant has provided a response to each of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered. Sufficient information has been provided for the Planning Commission to evaluate each consideration.*

*Based upon the above findings, there is sufficient basis for the Planning Commission to make recommendation to City Council regarding Zoning Petition No. 16-03RZ.*

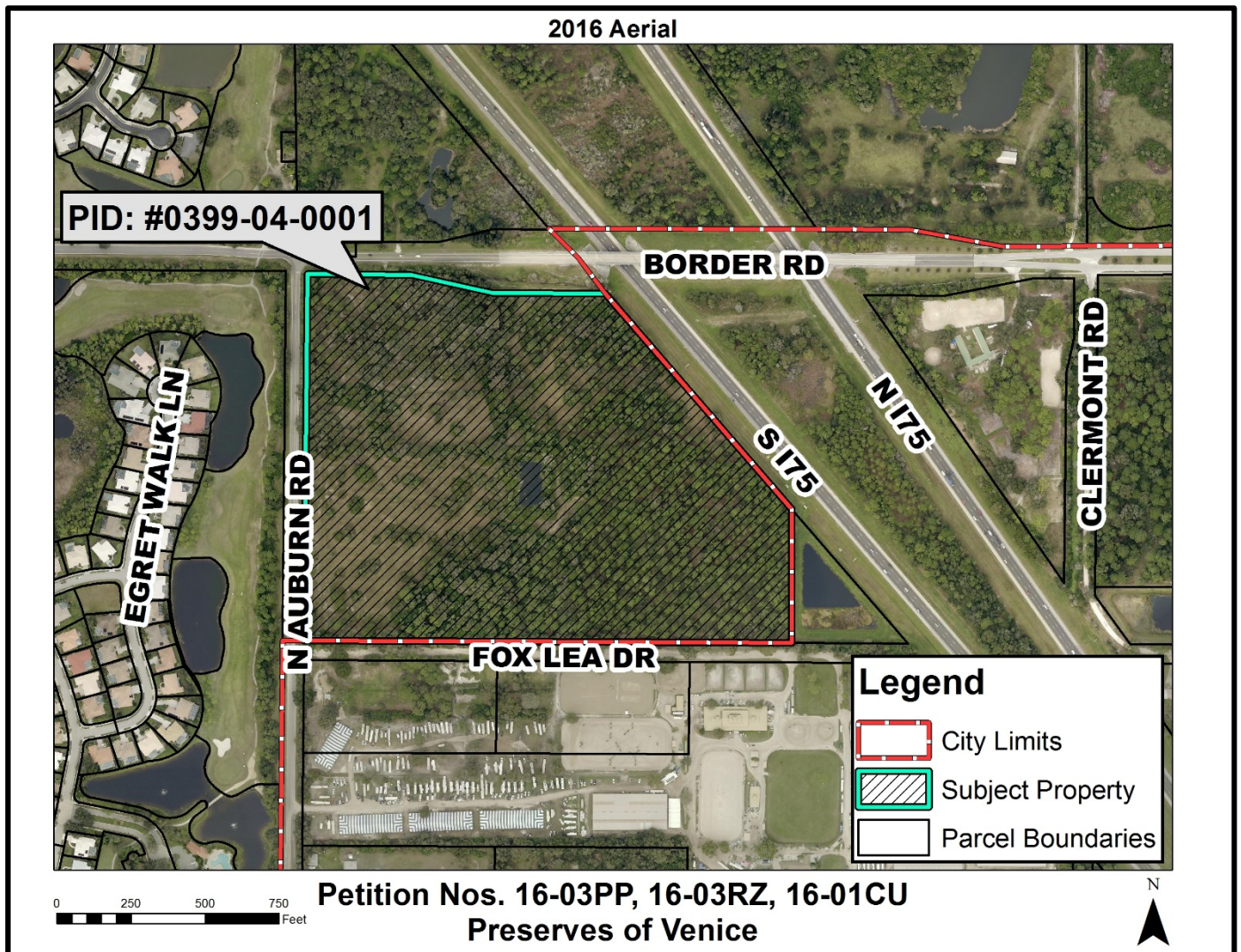
## **II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION**

### **Subject Property Information:**

The subject property is comprised of 39.6± acres as depicted on Map 1. 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.

### MAP 1: Aerial Photograph



Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.



East property border along I-75



Vacant property to the North



Subject property on left, Sawgrass on right



Property to the Northwest



Sawgrass to the West



Entrance to Fox Lea Farm



Fox Lea Dr. – Subject property on left



Looking North on Auburn at Fox Lea Drive



Fox Lea Dr. looking west-subject site on right



Fox Lea Farm Equestrian Facility

**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.

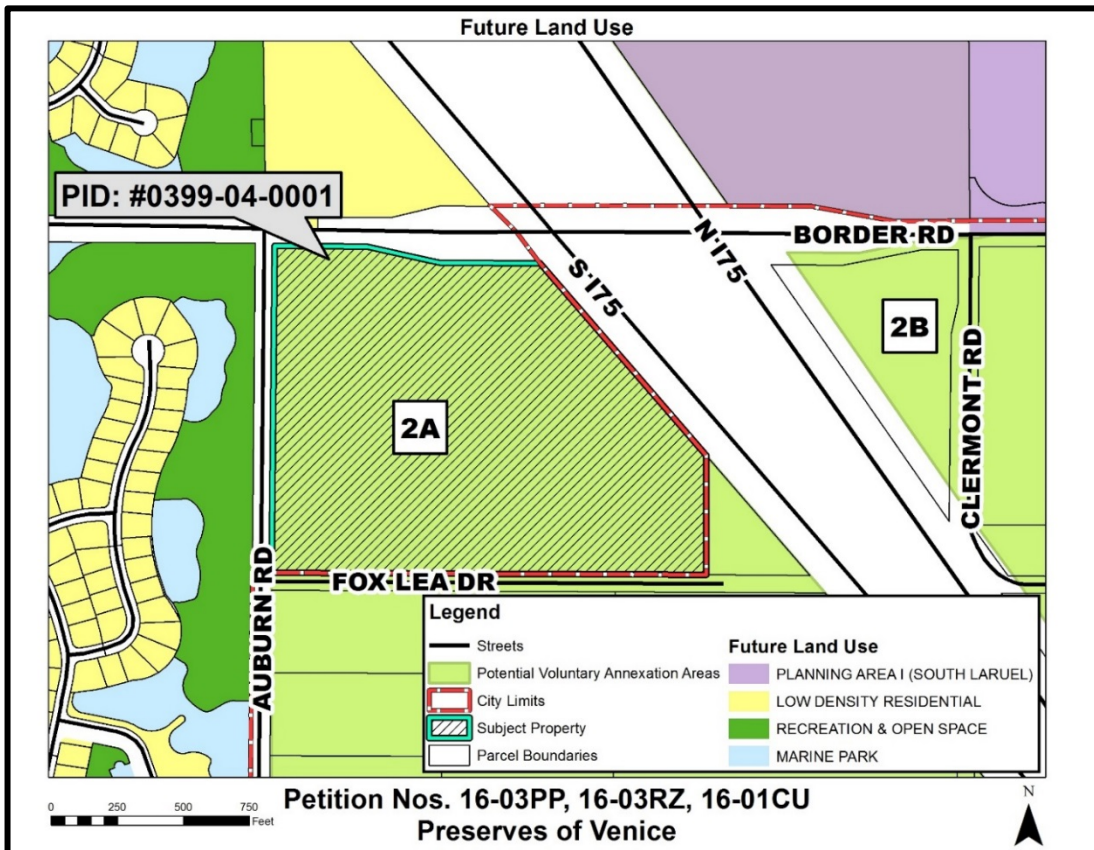
**Environmental Assessment:**

Upon submittal of the application for the rezoning of the property, an environmental report was provided by ECo Consultants, Inc. dated March 31, 2015. It indicated that there were no areas of jurisdictional wetlands observed onsite and no listed wildlife species observed. An updated report (April 10, 2017) and site visits conducted on March 10, 2017 and April 10, 2017 indicate little, to no change to onsite conditions provided in the initial report. No issues were identified that cannot be addressed through state environmental permitting and the report will be further addressed at the development phase.

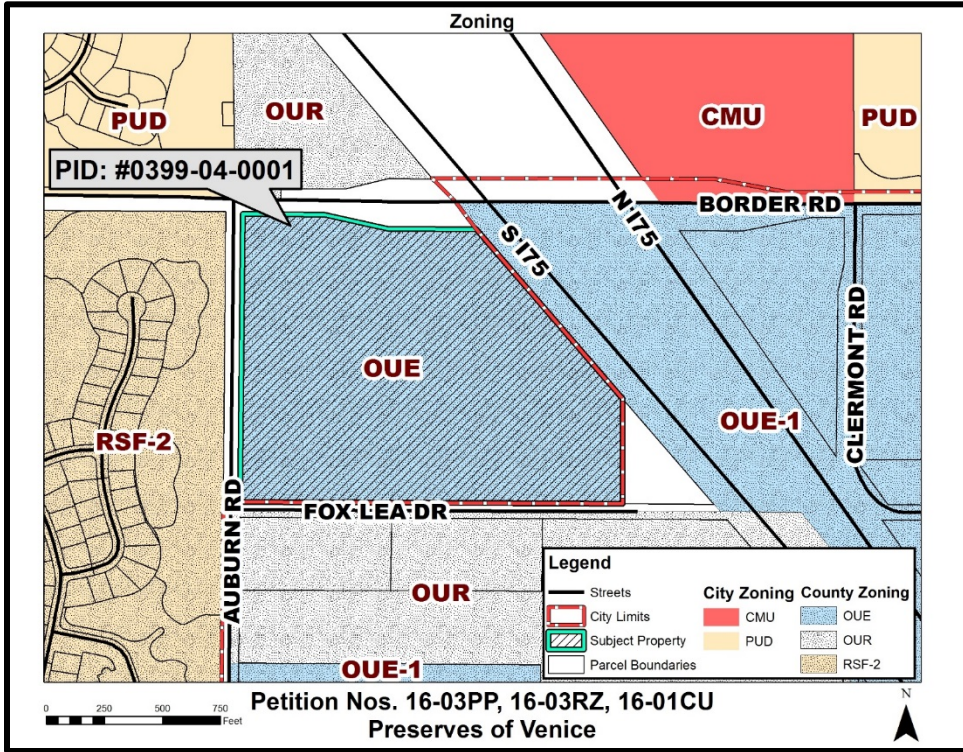
**Future Land Use:**

Map 2 depicts the subject property having a City of Venice future land use map designation of Auburn Road to I-75 Neighborhood (JPA Area No. 2a). The subject property is within Sub-Area 1 of this JPA area. The Development Policy of this area is to ensure the timely development of urban services and facilities that are compatible with natural resources and community character. This area may include both residential and non-residential Development. However, non-residential uses are limited to 10% of the acreage in this neighborhood. Equestrian uses are allowed in Sub-Area 2 so long as such uses are deemed compatible with adjacent uses. Building height is limited to 3 stories, up to 42 feet and mitigation techniques of Objective 8, Policy 8.2 are required to ensure compatibility with adjacent uses. A total of at least 7.4 acres of conservation and open space is required across the entire JPA Area. Every effort is to be made to conserve existing environmental features including functioning wetlands or upland habitat. Appropriate measures are to be taken to buffer the Curry Creek watershed from adjacent uses. The development shall be served by City water and sewer.

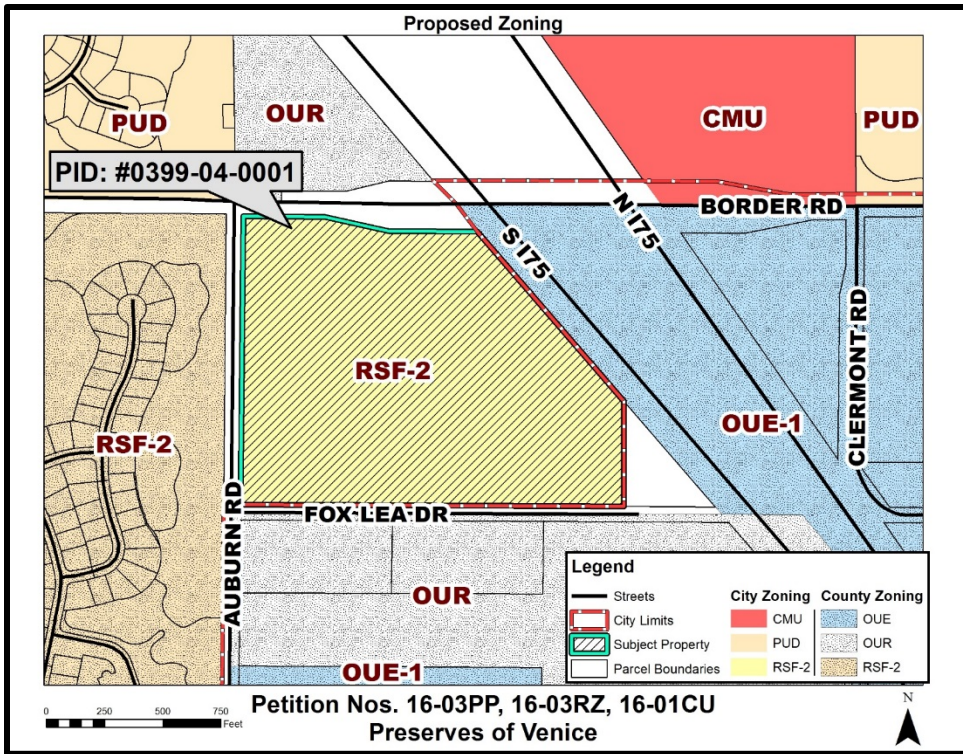
**MAP 2: Future Land Use Map**



### MAP 3: Existing Zoning Map



### MAP 4: Proposed Zoning Map



**Surrounding Property Information:**

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

| <b>Direction</b> | <b>Existing Land Use(s)</b>  | <b>Existing Zoning District(s)</b>                            | <b>Future Land Use Map Designation(s)</b>  |
|------------------|--|---|--|
| <b>North</b>     | 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 Recreation and Open Space  |
| <b>West</b>      | Sawgrass Subdivision   | Sarasota County (RSF-2)                                       | Low Density Residential and Recreation and Open Space  |
| <b>South</b>     | 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 |
| <b>East</b>      | Interstate 75  | NA  | N  |

**III. PLANNING ANALYSIS**

**A. Evaluation of Proposed RSF-2 Zoning and Existing OUE-1 Zoning:**

Consistent with the requirements of the pre-annexation agreement applicable to the subject property, the property is required to be rezoned to a city designation prior to any development. The applicant has petitioned the city to rezone the property to the city designation of RSF-2. Currently, the property is under the zoning designation of Sarasota County OUE-1 which allows one single family home per five acres. This would allow development of a total of 8 single family homes on the subject property.

The RSF-2 designation will permit up to 3.5 units per acre. However, the standards of the JPA prevail in this case which limit development of the site to a maximum of 3 units per acre. To ensure compliance with the JPA standard, the applicant has proffered a stipulation that the property be limited to development at no more than 3 units per acre. As a result, the applicant proposes to develop 118 single-family homes across the 39.6 acre site which results in a density of 2.98 units per acre. The RSF-2 designation allows the property to be developed at a more appropriate density that is typical of the development framework of a city which allows for more efficient and economical use of the city’s infrastructure. These details are illustrated in the table on the following page.

The RSF-2 district 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 2 units per acre and Waterford to the northwest provides a developed density at approximately 4.5 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  $\geq 2$  and  $< 5$  units per acre. Based on the above analysis, the RSF-2 zoning district is an appropriate designation for the subject property.

|                                       | <b>Designation</b>         | <b>Maximum Gross Intensity/Density</b> | <b>Total Dwelling Units / Acre (39.5 Acres)</b> |
|---------------------------------------|----------------------------|--|---|
| <b>Existing Zoning</b>                | OUE                        | 1 dwelling unit per 5 acres            | 8 dwelling units                                |
| <b>Proposed Zoning</b>                | RSF-2                      | 3.5 dwelling units per acre            | 138 dwelling units                              |
| <b>Comprehensive Plan</b>             | Joint Planning Area No. 2a | 3 dwelling units per acre              | 119 dwelling units                              |
| <b>Applicant Proposed Development</b> | Residential Single Family  | 3 dwelling units per acre              | 118 dwelling units                              |

***Finding of Fact (Evaluation of Existing/Proposed Zoning):*** *The proposed rezoning is necessary due to the pre-annexation agreement requirement that the property be rezoned to a city designation prior to any development. With the proffered stipulation of a maximum of 3 units per acre, the proposed zoning designation is consistent with the future land use designation of JPA Area 2a. In addition, it provides a development intensity similar to the majority of the existing adjacent development and the development potential of the surrounding properties. As indicated, the existing county zoning designation cannot be developed under as the property is within the jurisdiction of the City and development under the OUE designation would be inconsistent with the development framework of a city. Based on the above evaluation, staff finds that an affirmative finding can be reached on the proposed zoning designation requested.*

**B. Consistency with the Comprehensive Plan:**

The subject property has a future land use map designation of Auburn Road to I-75 Neighborhood (JPA Area 2a, Sub-Area 1). Policy 18.3 of this JPA area provides 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. The applicant’s development design is also consistent with this policy as nearly 50% of the site is designated as open space in the applicant’s attempt to conserve environmental features including multiple grand 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. Policy 18.4 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 other than a proposed amenity center as an accessory to the principal use of residential. 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. Building height is limited to 3 stories, up to 42 feet and the requested zoning designation of RSF-2 will limit building height to 35 feet. 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 19.75 acres. 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.

Policy 18.4 of JPA Area 2a also specifically indicates 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 JP/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. Compatibility review requires evaluation of the following as listed in Policy 8.2:

- A. Land use density and intensity.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

At the rezone stage of a project, Policy 13.1 of the City's Comprehensive Plan regarding residential uses indicates that a positive finding must be made by City Council on the following considerations, E thru H, from Policy 8.2, Land Use Compatibility Review Procedures, in order for a project to obtain approval at the maximum allowable density:

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses. (*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 use uses are incompatible with existing uses. (*No commercial or industrial uses are proposed in the subject petition.*)
- 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. (*The proposed residential subdivision will phase out the nonconforming agricultural use of the property which is not provided for in the City's Comprehensive Plan.*)
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing

uses. *(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. Through the concurrently submitted preliminary plat, confirmation of mitigation techniques of increased buffering and landscaping will be confirmed to address the impacts of this facility to the south.)*

Based on the above evaluation of Policy 8.2, Land Use Compatibility Review Procedures and Policy 13.1, Residential Future Land Uses, there is adequate evidence on which to determine confirmation of compatibility with the surrounding properties and to make a positive finding on considerations E. thru H. However, the existing equestrian facility to the south does warrant consideration. A determination of whether mitigation techniques, as identified in Policy 8.2 and 10(I) of the JP/ILSBA which are similar, may be necessary to buffer both properties. They are as follows:

- I. Providing open space, perimeter buffers, landscaping and berms.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
- K. Locating road access to minimize adverse impacts.
- L. Adjusting building setbacks to transition between different uses.
- M. Applying step-down or tiered building heights to transition between different uses.
- N. Lowering density or intensity of land uses to transition between different uses.\*  
\*County mitigation techniques include "increasing lot sizes".

To address any perceived incompatibility, the applicant is proposing increased buffering in this area. A 40 foot landscaped buffer 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. This will provide an overall structural separation distance in excess of 100 feet from the property to the south. 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. In addition, during the county's review of the project consistent with the requirements of the JP/ILSBA, the county suggested, and planning staff is proposing, a stipulation that all potential purchasers of property within the Preserves of Venice be notified of the adjacent equestrian facility. This requirement will be confirmed during the review of the preliminary plat petition. With the majority of the mitigation techniques of Policy 8.2 being employed by this project and the additional proximity notice requirement, Planning Commission has adequate evidence on which to determine confirmation of compatibility with the adjacent property to the south.

**Finding of Fact (Comprehensive Plan):** *Based on the above analysis, the proposed rezoning is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2 and 13.1 of the City's Comprehensive Plan along with principles identified in Section 10(I) of the JP/ILSBA. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 and Section 10(I) of the JP/ILSBA will be employed by the applicant upon development of the property. Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to base a finding of compliance with the City's Comprehensive Plan. Land use compatibility will be further confirmed as part of the review of the concurrently-processed preliminary plat.*

**C. Concurrency/Adequate Public Facilities:**

Staff conducted a concurrency analysis based on the type and intensity of development proposed with the concurrently processed preliminary plat and compliance with all regulatory requirements for concurrency are being confirmed through that petition. The issuance of a certificate of concurrency will be required in conjunction with preliminary plat approval on the subject property.

***Finding of Fact (Concurrency):*** *A concurrency analysis has been performed as part of the concurrently submitted preliminary plat petition for the project and the availability of adequate public facilities are being confirmed through that petition. The issuance of a certificate of concurrency will be required in conjunction with preliminary plat approval on the subject property.*

#### D. 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:”

- (a) Whether the proposed change is in conformity to the comprehensive plan.

***Applicant’s Response:*** *See applicant’s narrative.*

***Staff Comment:*** *Based on the Planning Analysis provided in Section III, Consistency with the Comprehensive Plan subsection, of this report, the proposed zoning map amendment can be found consistent with the comprehensive plan.*

- (b) The existing land use pattern.

***Applicant’s Response:*** *See applicant’s narrative.*

***Staff Comment:*** *The subject property is adjacent to residential uses to the west and northwest and property to the north that is designated as Low Density Residential. The Interstate and associated facilities are adjacent to the east and to the south is a single family home and the Fox Lea equestrian facility. The property to the south is also designated by the JPA as future residential development. The proposed rezoning to RSF-2 is consistent with the existing land use pattern.*

- (c) Possible creation of an isolated district unrelated to adjacent and nearby districts.

***Applicant’s Response:*** *See applicant’s narrative.*

***Staff Comment:*** *As indicated in the previous comment, if approved, this rezoning will not result in an isolated district.*

- (d) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

***Applicant's Response:*** See applicant's narrative.

***Staff Comment:*** Staff conducted a concurrency analysis based on the type and intensity of development proposed with the concurrently processed preliminary plat and adequate public facilities are being confirmed through that petition. The issuance of a certificate of concurrency will be required in conjunction with preliminary plat approval on the subject property.

- (e) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

***Applicant's Response:*** See applicant's narrative.

***Staff Comment:*** The existing district boundaries are not illogically drawn in relation to the existing conditions and provides a continuation of residential zoning from the north and west adjacent city zoned properties.

- (f) Whether changed or changing conditions make the passage of the proposed amendment necessary.

***Applicant's Response:*** See applicant's narrative.

***Staff Comment:*** The property has been annexed into the city and is located within the JPA that allows for residential use. The applicable pre-annexation agreement requires the property to be rezoned prior to any development order approval.

- (g) Whether the proposed change will adversely influence living conditions in the neighborhood.

***Applicant's Response:*** See applicant's narrative.

***Staff Comment:*** The proposed development is consistent with the surrounding properties that are also residential in nature and to the south, adjacent to the county OUR designated property and the existing equestrian facility, a 40 foot buffer with substantial landscape material is proposed to address any potential impact.

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

***Applicant's Response:*** See applicant's narrative.

***Staff Comment:*** The applicant has submitted a concurrency application along with their concurrently submitted application for preliminary plat. The impact to public safety and transportation facilities has been evaluated by the City's traffic consultant and compliance with the City's concurrency requirements for transportation has been confirmed.

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

***Applicant's Response:*** See applicant's narrative.

**Staff Comment:** Through the concurrently submitted application for preliminary plat, site drainage has been reviewed by the City's Engineering Department and compliance with both SWFWMD and the City's regulations has been confirmed.

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

**Applicant's Response:** See applicant's narrative.

**Staff Comment:** Staff concurs with the applicant's response.

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

**Applicant's Response:** See applicant's narrative.

**Staff Comment:** The proposed residential subdivision is consistent with adjacent development and more intense adjacent uses are being buffered to minimize any impacts in both directions.

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

**Applicant's Response:** See applicant's narrative.

**Staff Comment:** The proposed zoning change is in compliance with the standards and indications in JPA Area 2a and causes no deterrent to improvement or development of adjacent properties under these regulations.

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

**Applicant's Response:** See applicant's narrative.

**Staff Comment:** The proposed change will not grant or result in a special privilege as determined by the finding of consistency with the Comprehensive Plan cited above in this report. In addition, the property is required to be rezoned to a city zoning designation prior to development.

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

**Applicant's Response:** See applicant's narrative.

**Staff Comment:** The property has been annexed into the City and the approved pre-annexation agreement requires the property to be rezoned to a City designation prior to the issuance of any development order.

- (o) Whether the change suggested is out of scale with the needs of the neighborhood or the city.

**Applicant's Response:** See applicant's narrative.

*Staff Comment: The proposed zoning map amendment is consistent with and implements the City's Comprehensive Plan. In addition, the scale of development is consistent with the adjacent city developed properties.*

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

*Applicant's Response: See applicant's narrative.*

*Staff Comment: Staff concurs with the applicant's response.*

**Findings of Fact (Applicable Rezoning Considerations):** *The applicant has provided a response to each of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered. Sufficient information has been provided for the Planning Commission to evaluate each consideration.*

*Based upon this finding, the Planning Commission can make a positive recommendation to City Council regarding Zoning Petition No. 16-05RZ.*

#### **IV. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL**

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 the Planning Commission to take action on Rezone Petition No. 16-03RZ. If a recommendation of approval is provided, the following stipulation is proffered by the applicant and should be included with any recommendation of approval:

Residential density on the subject property is limited to a maximum of 3 units per acre.