

# **MILANO PUD AMENDMENT**

## **NORTH VENICE NEIGHBORHOOD ALLIANCE**

**This presentation and my written report submitted to the Commission are to be entered into the record and are prepared on-behalf of the North Venice Neighborhood Alliance (NVNA).**

**The NVNA is recommending the Planning Commission DENY the proposed Milano PUD amendment for development of a 10.42-acre isolated strip commercial tract (The Village at Laurel and Jacaranda- Case NO. 22-38RZ).**

# MILANO PUD AMENDMENT

## EXPERT WITNESS JAN A. NORSOPH, AICP

- Masters Degree Florida State U.
- AICP and APA member with over 45 yrs of extensive planning expertise.
- Over 21 yrs with the City of St. Petersburg responsible for:
  - Development of downtown redevelopment and neighborhood plans.
  - Development and administration of land development codes.
  - Responsible for review of site & landscape plans.
  - Development and administration of urban design guidelines in redevelopment and neighborhood plan areas, and the historic preservation code.
- Rec'd 16 professional awards for urban design, downtown redevelopment, historic preservation and neighborhood planning.
- Past 24 yrs as a consultant, representing public and private clients and providing expert witness services.
- Recognized as an expert witness in a number of trials on behalf of public and private clients.

# MILANO PUD AMENDMENT

## THIS PRESENTATION WILL

- Identify key Comprehensive Plan Land Use and Open Space Elements Visions, Intents and Strategies in support of a denial.
- Demonstrate that the proposed PUD amendment to develop the 10.42 ac. isolated strip commercial site with grocery store and other related retail uses at an FAR intensity of 0.5, which equates to a potential development of 227,000 square feet, is not consistent with the City of Venice Comprehensive Plan and does not meet PUD District requirements and amendment review criteria in the Land Development Code (LDC).
- Demonstrate that the open space and wetland to be eliminated have not been placed under restrictive covenants as required by the previous PUD approval and LDC Sec. 86-130.

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## LAND USE ELEMENT COMPATIBILITY AND CONSISTENCY

- The Comp Plan LUE has compatibility criteria to address a development's sensitivity to neighborhoods. The main emphasis throughout the Comp Plan LUE is compatibility with neighborhoods.
- **Compatibility is the higher criteria to be utilized in the consideration of approval of any proposed PUD amendment.**
- **Achieving compatibility and consistency with the Comp Plan is required and serves in the best interest of the City and its residents.**
- **Comprehensive Plan takes precedence over any LDC requirements or interpretations.**

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## KEY LAND USE ELEMENT VISION, INTENT AND STRATEGIES RELATED TO COMPATIBILITY

### Strategy LU 1.2.16 Mixed Use Residential

7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

LU-4. Policy 8.2 Land Use Compatibility Review Procedures, which states: *Ensure that the character and design of infill and new development are compatible with existing neighborhoods.*

*Compatibility review shall include the evaluation of the following items Land use density and intensity, Character or type of use proposed, Protection of single-family neighborhoods, Prevention of the location of commercial uses where incompatible, Densities and intensities proposed compared to existing uses.*

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## KEY PUD DISTRICT REQUIREMENTS

### ***86-130 PUD DISTRICT***

***(r) Commercial uses. Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.***

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## PROPOSED INTENSIVE ISOLATED STRIP COMMERCIAL CENTER NOT CONSISTENT WITH LUE VISION, INTENT AND STRATEGIES RELATED TO COMPATIBILITY

- Represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development along Laurel Road. There are no other adjacent commercial uses.
- Commercial uses were not included or anticipated in the approved in the 2017 PUD.
- They are requesting to have commercial uses such grocery and convenience stores and other retail uses at an FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet.
- Trip generation study based on 70,240 square feet. Traffic study included capture from neighborhoods beyond Milano.
- Trip generation study should be required to analyze a 227,000 sq. ft. strip commercial center.

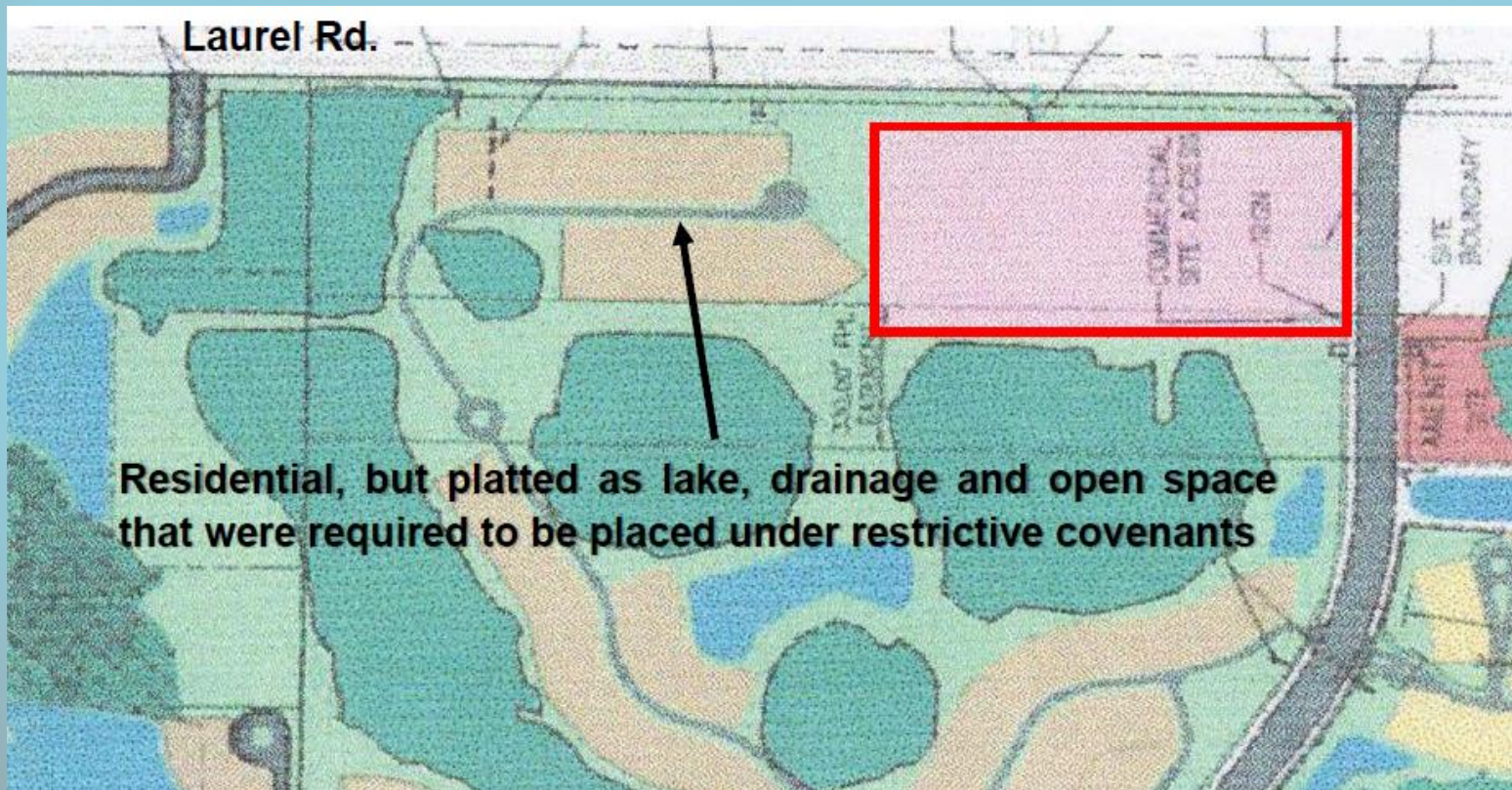
# MILANO PUD AMENDMENT

- **The Applicant states that neighborhood scale centers are 30,000-125,000 sq. ft. in size, this commercial center (227,000 sq. ft.) would be larger than a neighborhood scale commercial center.**
- **Given its location along Laurel Rd, range of retail uses and development intensity and scale, the intent clearly is to capture customers outside of Milano.**
- **Established commercial center 2.3 miles to the west on Laurel Road and another commercial center 2.9 miles to the south on Jacaranda Boulevard, both provide convenient access for the surrounding residential neighborhoods.**



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Set a precedent for strip commercial. Residential pod west of the commercial site that is not platted for residential that could be subject for future amendment for strip commercial.



# MILANO PUD AMENDMENT

## **LDC SEC. 86-40. AMENDMENTS TO THE LAND DEVELOPMENT CODE. (F) CONTENTS OF PLANNING COMMISSION REPORT.**

**Based on this presentation and my written report submitted to the PC demonstrates that the PC report can demonstrate the reasons for DENYING the amendment for the commercial center.**

### **(1) Rezoning amendments.**

- a. Not in conformity with the comp plan: LU1.2.16, 7. Intensity/Density and Policy 8.2.**
- b. Not appropriate change to existing land use pattern. Open space and wetland to intensive strip commercial.**
- c. Creation of an isolated district. Creates an isolated strip commercial district. No adjacent commercial.**
- h. Scale of development (227,000 sq. ft.) and range of uses would increase traffic. Traffic study only addressed a 70,240 sq. ft. center.**

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- i. Change will adversely affect property values.**

**Encourage and set precedent for future strip commercial along Laurel Rd. and increase traffic.**

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

**Approval would grant special privilege as this would create an intensive isolated strip commercial development that would set a precedent for encouraging future strip commercial along Laurel Rd.**

- o. Change is out of scale with the neighborhood.**

**Proposes potential 227,000 sq. ft. commercial center and clearly given the location, types of uses and intensity it is designed to capture customers beyond Milano.**

# **MILANO PUD AMENDMENT**

**NOTHING IN THE COMP PLAN OR LDC  
GRANTS A DEVELOPER MAXIMUM  
DEVELOPMENT POTENTIAL**

# MILANO PUD AMENDMENT

**KEY LAND USE AND OPEN SPACE ELEMENTS VISIONS, INTENTS AND STRATEGIES RELATED TO COMPATIBILITY, PRESERVATION AND PROTECTION OF OPEN SPACE AND WETLANDS**

**LU-4. Policy 8.2 Land Use Compatibility Review Procedures, which states: *Ensure that the character and design of infill and new development are compatible with existing neighborhoods.***

***Compatibility review shall include the evaluation of the following items: Providing open space, perimeter buffering, landscaping and berms.***

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**OSE Vision OS 1 - The City of Venice shall effectively preserve, protect, maintain, manage and use open space.**

## **Intent OS 1.3 - Wetlands**

**The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.**

### **Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection**

**The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:**

**Requiring development to first avoid impact to wetlands and aquifer recharge areas.**

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## KEY PUD DISTRICT REQUIREMENTS: PRESERVATION AND PROTECTION OF OPEN SPACE AND WETLANDS

*86-130(j) Land use intensity; open space; dedication of land for municipal uses.*

*(3) Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.*

# MILANO PUD AMENDMENT

## **PROPOSED AMENDMENT DOES NOT MEET USE OR PUD DISTRICT REQUIREMENTS FOR PRESERVATION AND PROTECTION OF OPEN SPACES AND WETLANDS**

- **Development is within the Cielo subdivision that received final plat approval on December 10, 2019.**
- **The amendment seeks to eliminate a platted freshwater marsh wetland and its related habitat and eliminate open space that were required to be placed under restrictive covenants pursuant to the previous PUD approval and LDC Sec. 86-130(j).**
- **To-date these restrictive covenants have not been recorded. Therefore, the current PUD approval is not in compliance with Sec 86-130(j).**
- **Wade Trim's environmental report determined that the proposed PUD amendment is not consistent or compliant with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.**



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- **Eliminating wetland and open spaces are not consistent with LUE or OSE Visions, Intents and Strategies.**
- **Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities.**
- **Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan LUE or OSE, or LDC Sec. 86-130(j).**

# MILANO PUD AMENDMENT

## LDC SEC. 86-40.(F) CONTENTS OF PLANNING COMMISSION REPORT.

Based on this presentation and my report submitted to the PC that demonstrates that the PC report show the reasons for DENYING the amendment for an isolated strip commercial center that eliminates platted wetland and open space that were required to be placed under restrictive covenants.

### (1) Rezoning amendments.

- a. Not in conformity with the comp plan: OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3. and Policy 8.2. Wetland and open space are being eliminated and were not placed under restrictive covenant.
- m. Proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Granting amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities.

# **MILANO PUD AMENDMENT**

**The Applicant has failed to meet its burden of proof to demonstrate that the proposed PUD amendment is consistent with the Comprehensive Plan and or complies with the standards for approval and requirements in the applicable provisions of the LDC.**

**BASED ON THIS PRESENTATION AND MY WRITTEN REPORT, THE NORTH VENICE NEIGHBORHOOD ALLIANCE URGES THE PLANNING COMMISSION TO DENY THE APPLICATION.**

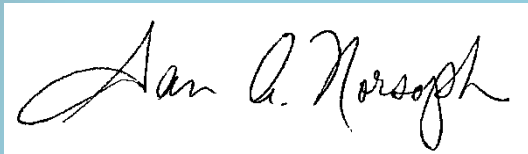
**In addition, we recommend that the Commission recommend to the City Council that the Applicant be required to meet the requirement of the LDC Sec. 86-130(j) to place the open space and wetland under restrictive covenants prior to consideration of any future PUD amendment.**

# **MILANO PUD AMENDMENT**

**The North Venice Neighborhood Alliance thanks you for your consideration of our concerns.**

# MILANO PUD AMENDMENT

**I submit for this presentation and my written report for the record.**

A handwritten signature in black ink on a white rectangular background. The signature reads "Jan A. Norsoph" in a cursive script.

**Jan A. Norsoph, AICP**

**Mr. Norsoph reserves the right to amend this powerpoint report based upon new information.**

**Mr. Norsoph's qualifications are contained within the written report submitted to the Commission.**