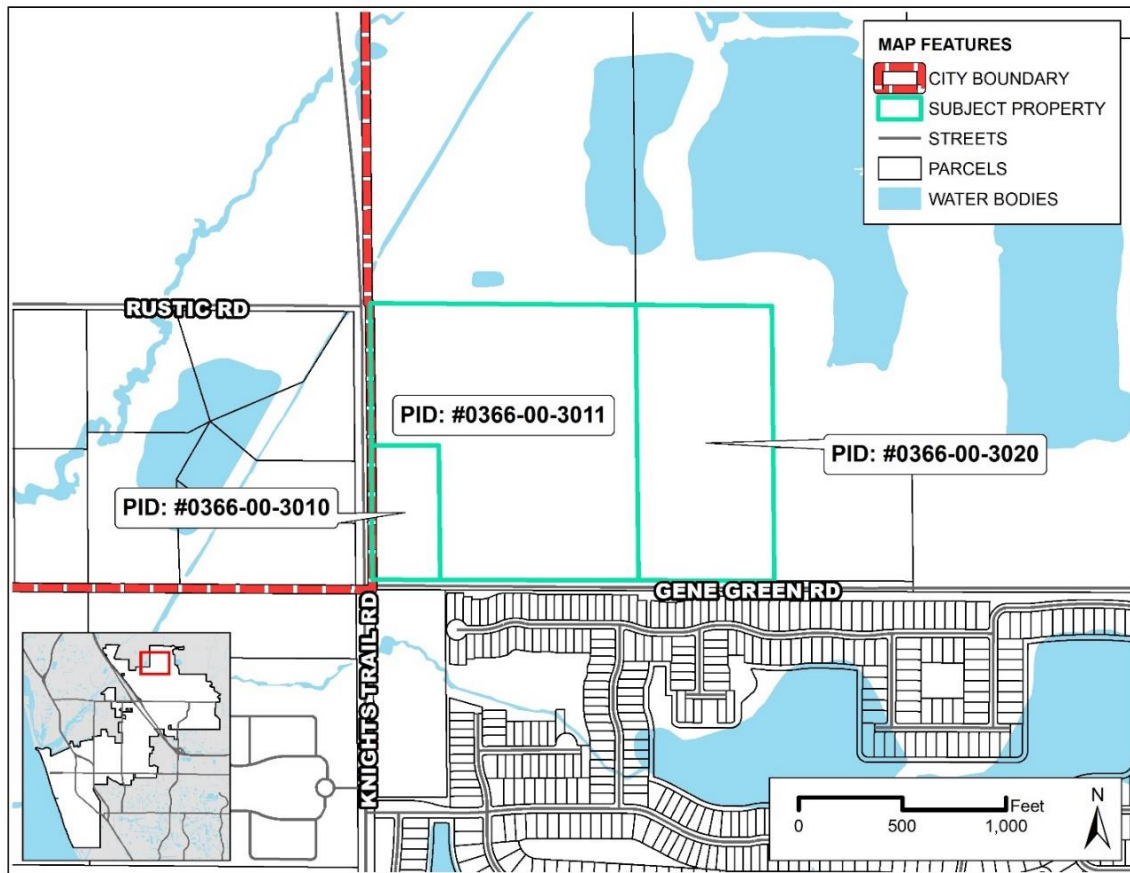


22-13RZ– Nokomis Groves

Staff Report

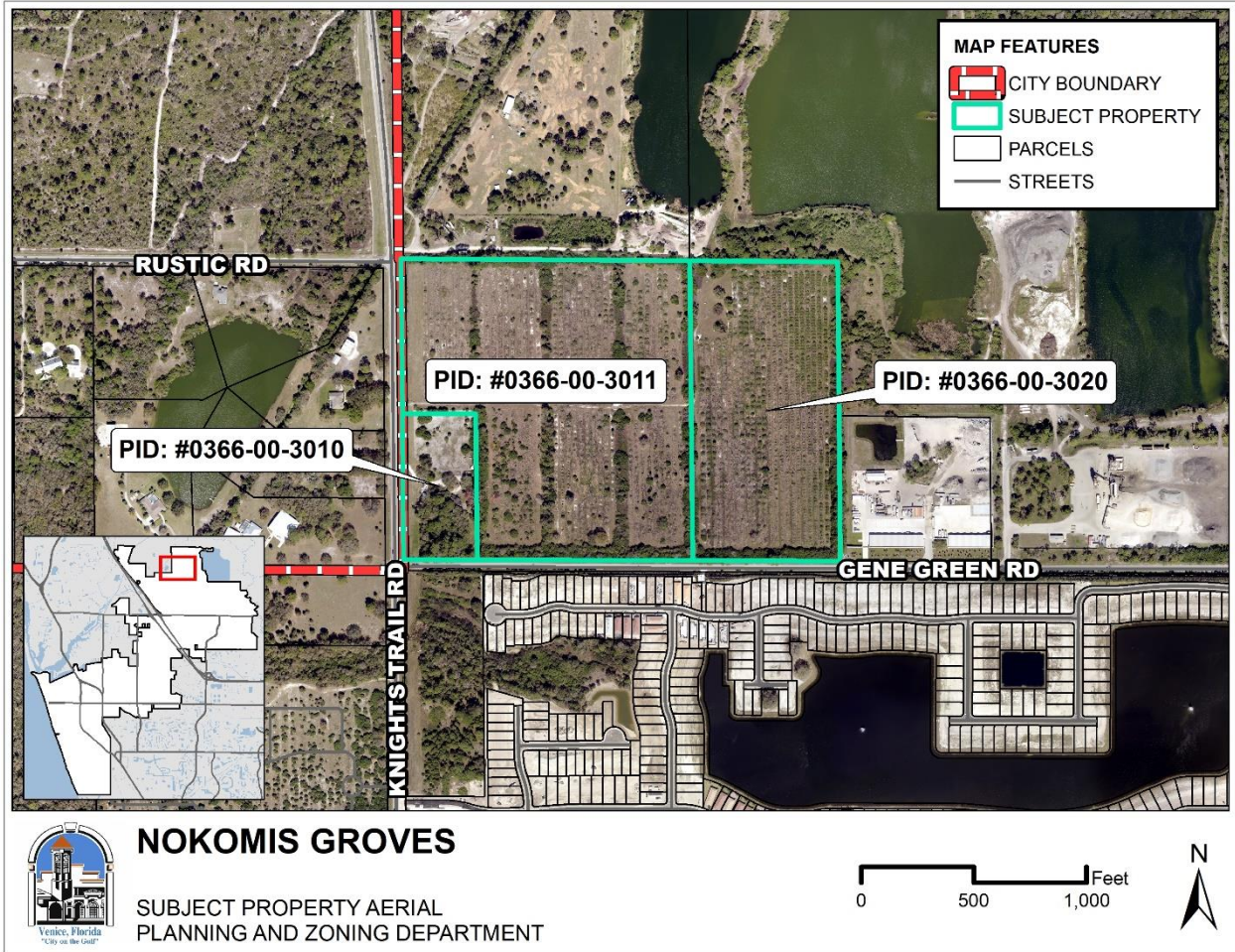


GENERAL INFORMATION

Address:	Northeast quadrant of Knights Trail Rd and Gene Green Rd
Request:	To rezone the subject parcels from Sarasota County Open Use Estate (OUE-1) to City of Venice Commercial, General (CG) and Commercial, Intensive (CI)
Owner/Applicant:	CSP-Grand Oaks Venice Land I, LLC, & the Edwards Family Partnership
Agent:	Jackson R. Boone, Esq., Boone Law Firm
Parcel ID:	0366003010, 0366003011, 0366003020
Parcel Size:	60.44 ± acres
Future Land Use:	Mixed Use Corridor
Zoning:	Sarasota County Open Use Estate (OUE-1)
Comprehensive Plan Neighborhood:	Knights Trail
Application Date:	March 8, 2022
Related Applications:	Special Exception Petition No. 22-14SE, Site & Development Plan Petition No. 22-30SP, and Conditional Use Petition No. 22-32CU

I. PROJECT DESCRIPTION

The request is for a change in Zoning from Sarasota County Open Use Estate (OUE-1) to City of Venice Commercial, General (CG) and Commercial, Intensive (CI).



Site Photographs



Intersection of Knights Trail Rd and Gene Green Rd



South along Knights Trail Rd

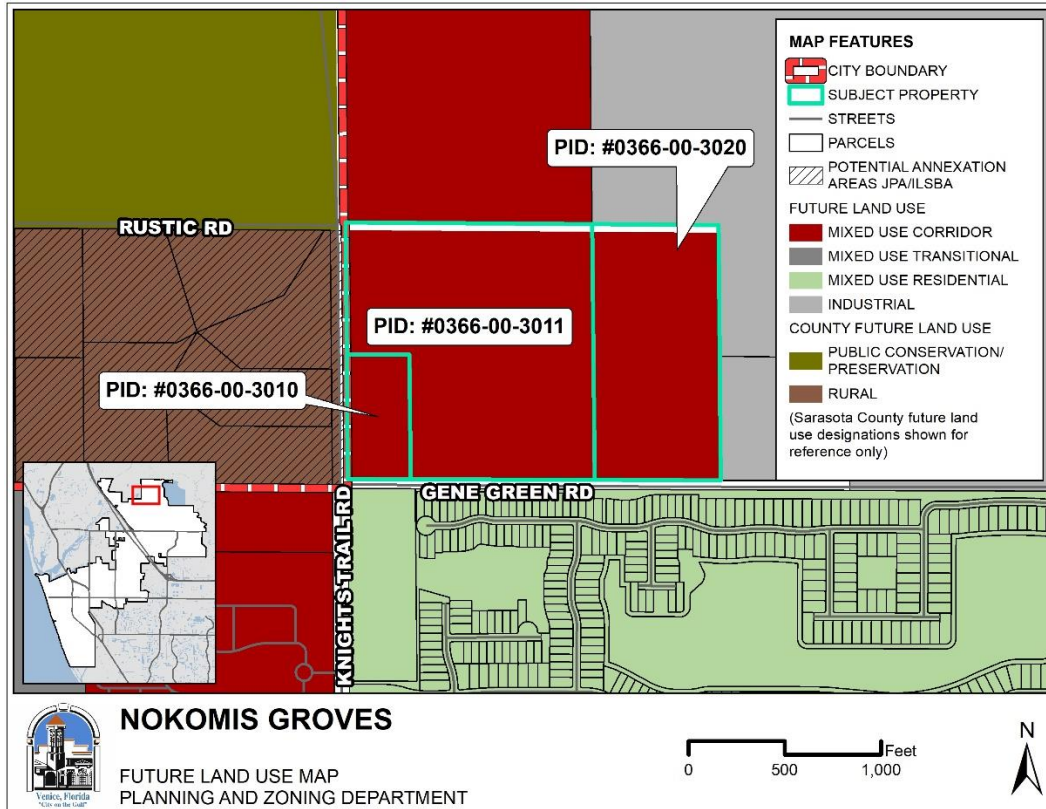


North along Knights Trail Rd

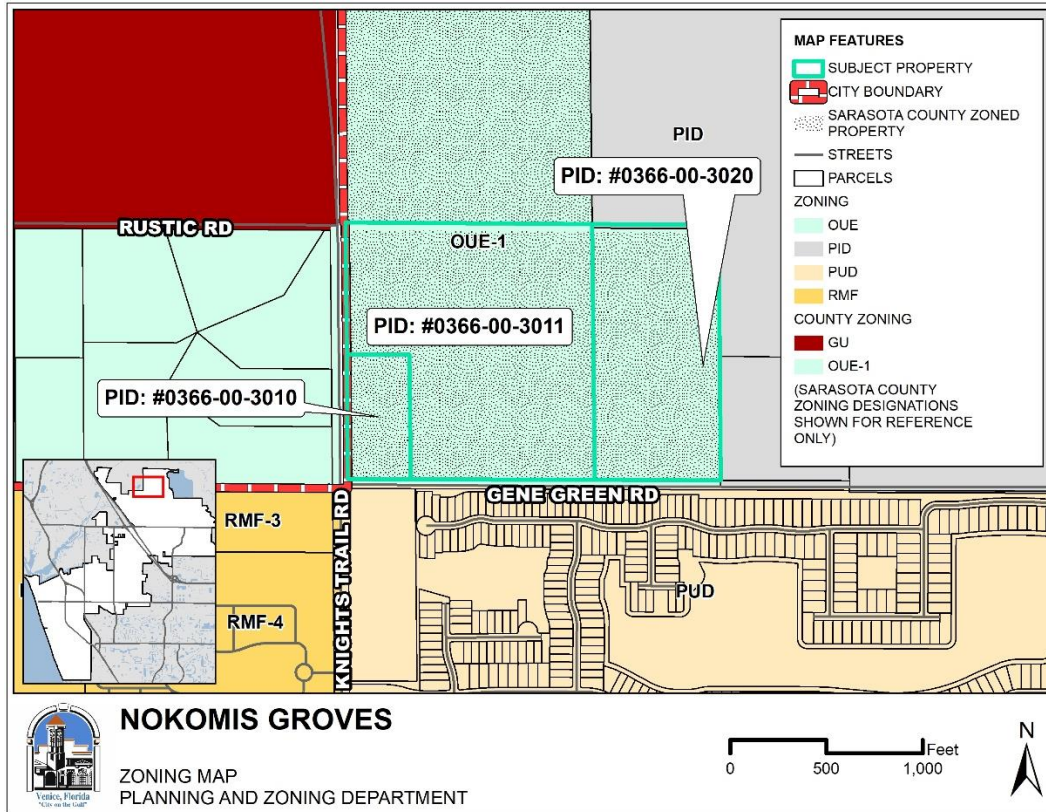
Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Corridor. The proposal is to change the Zoning district from Sarasota County Open Use Estate (OUE-1) to City Commercial, General (CG) and Commercial Intensive (CI), as shown on the maps below.

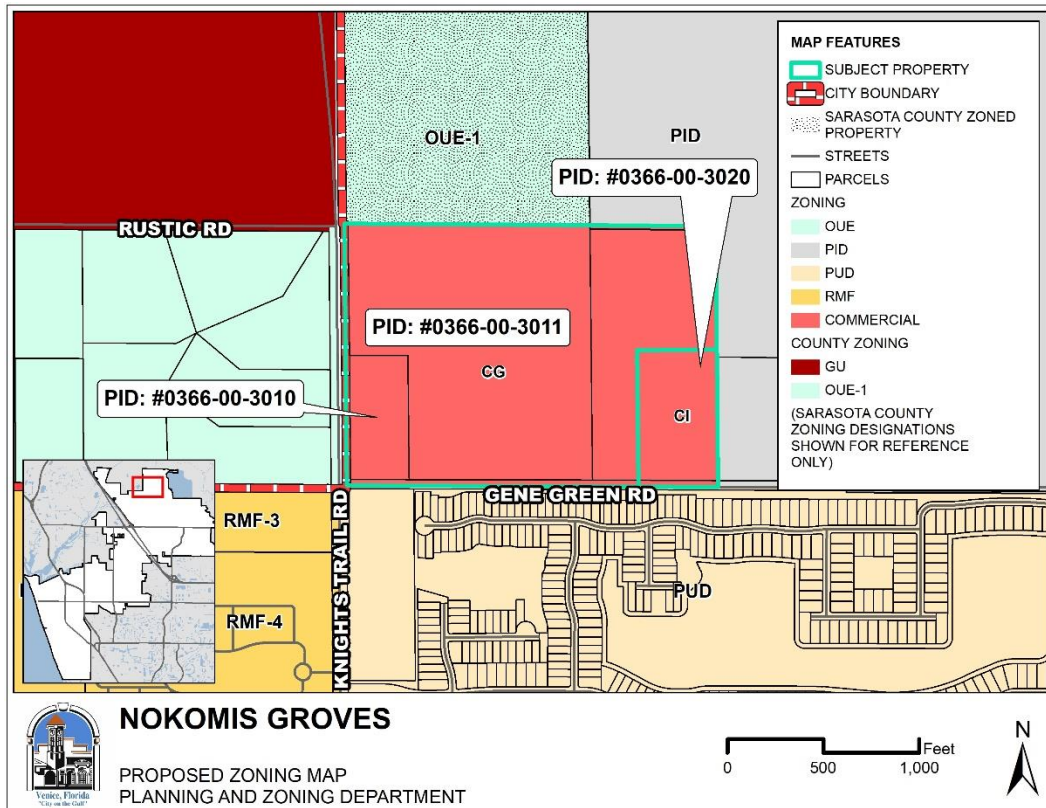
Existing Future Land Use



Existing Zoning



Proposed Zoning



Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Agricultural grazing land, cement plant	Open Use Estate (OUE-1), Planned Industrial Development (PID)	Mixed Use Corridor (MUC), Industrial
South	Single family detached (Toscana Isles)	PUD	MUR
East	Cement plant	PID	Industrial
West	Single family detached	County OUE-1	County Rural

II. PLANNING ANALYSIS

In this section of the report, analysis of the subject zoning map amendment petition evaluates 1) how the existing County Open Use Estate (OUE-1) zoning compares to the proposed Commercial, General (CG) and Commercial, Intensive (CI) zoning with regard to allowed uses and development standards, 2) consistency with the Comprehensive Plan, 3) compliance with the City's Land Development Code (LDC), and 4) compliance with requirements for Concurrency/Mobility.

1) Comparison of Existing OUE-1 Zoning and Proposed CG and CI Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County OUE-1 to City CG and CI, and has indicated an intent to develop the property for commercial uses. The table below provides a comparison of the districts' development standards and permitted uses.

Zoning Standard	Existing Zoning – OUE-1	Proposed Zoning – CG	Proposed Zoning – CI
Density Limit	1 du/5 ac	18 du/ac* Limited by MUC to 13 du/ac	18 du/ac Limited by MUC to 13 du/ac
Intensity Limit	1	1.0 FAR	1.0 FAR
Height	35'	35' + 10' for parking, additional height with conditional use	35'
Principal Uses**	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium	Retail commercial; personal and business services; indoor commercial recreation and entertainment; professional, medical, and business offices; banks; restaurants; vocational, trade, and business schools; marinas, docks, and piers; institutional; civic service	Retail commercial; automobile, vehicular, marine & manufactured home, sales, service & rental; machinery & equipment sales, rental & service; building & landscaping supplies & equipment sales; automotive service stations; automotive repair & cleaning services; restaurants; building contractors w/o outside storage;

Zoning Standard	Existing Zoning – OUE-1	Proposed Zoning – CG	Proposed Zoning – CI
		organizations; commercial parking; and existing single- and two- family dwellings	motorbus terminals; boat liveries; palmists; auditoriums; wholesaling; worship establishments; animal boarding; printing; upholstery; pawnshops; outdoor recreation; and brewpubs

*Multifamily allowed through special exception

**Not an exhaustive list, see Exhibits A and B in the agenda packet

2) Consistency with the Comprehensive Plan

The subject property has the existing Comprehensive Plan Future Land Use designation of Mixed Use Corridor (MUC) and lies within the Knights Trail neighborhood. The following is an analysis of the subject property related to the Comprehensive Plan.

Per Strategy LU 1.2.4. – Non-Residential, the proposed zoning designation of CG is identified as an implementing zoning district for the MUC land use designation.

Strategy LU 4.1.1 includes Policy 8.2, Land Use Compatibility Review Procedures. At the point of rezoning of property, evaluation is required to ensure compatibility with adjacent uses.

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods. Applicant responses are provided verbatim in italics with staff comments where applicable.

A. Land use density and intensity.

Applicant Response: *The proposed rezoning to Commercial General (CG) and Commercial Intensive (CI) is consistent with the Comprehensive Plan and provides for a compatible transition of uses between the existing land uses in the neighborhood.*

B. Building heights and setbacks.

Applicant Response: *Building heights and setbacks for the proposed Commercial General (CG) and Commercial Intensive (CI) zoning districts are compatible with the permitted existing heights and setbacks in the neighborhood.*

C. Character or type of use proposed.

Applicant Response: *The proposed rezoning to the Commercial General (CG) and Commercial Intensive (CI) zoning district provides for a compatible transition of uses between the existing land uses in the neighborhood.*

D. Site and architectural mitigation design techniques.

Applicant Response: *Site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan or Preliminary Plat process at the time of a specific development plan for the property.*

Considerations for determining compatibility shall include, but are not limited to, the following:

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.

Applicant Response: *The proposed Commercial General (CG) and Commercial Intensive (CI) zoning district and Commercial Intensive (CI) provides for sufficient setbacks, buffering, and limitations on building heights to protect single-family neighborhoods from the intrusion of incompatible uses.*

Staff Comment: Significant development activity has occurred in the vicinity. The future connection of Knights Trail Road to Lorraine Road will give the neighborhood direct access to south Sarasota. This may increase the desire for residential uses and additional commercial in the area.

F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

Applicant Response: *The proposed Commercial General (CG) zoning district provides for sufficient setbacks, buffering, and limitations on building heights to protect single-family neighborhood from the intrusion of incompatible commercial uses. Industrial uses are not proposed.*

Staff Comment: No industrial uses are proposed through this rezoning, though commercial is proposed. Properties in the area have a mixture of zoning designations, including multifamily, office, commercial, and County open use.

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.

Applicant Response: *Not applicable.*

Staff Comment: Staff is not aware of any nonconforming uses existing on the property.

H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

Applicant Response: *The proposed Commercial General (CG) and Commercial Intensive (CI) zoning district provides for an appropriate transition of densities and intensities of uses compared to existing density and intensity of uses in the neighborhood.*

Staff Comment: The FAR for this property will be examined through future development review processes.

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

The site and development plan process for the submitted petition (22-30SP) for the subject property initiates a full review of the project, including compatibility with adjacent properties. If, during that review, potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2 I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of the development proposal.

I. Providing open space, perimeter buffers, landscaping and berms.

Applicant Response: *The proposed rezoning does not authorize development on the property. Open space, buffers, landscaping and berms will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development for the property.*

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Applicant Response: *The proposed rezoning does not authorize development on the property. Open space, buffers, landscaping and berms will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development for the property.*

K. Locating road access to minimize adverse impacts.

Applicant Response: *The proposed rezoning does not authorize development on the property. Access will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development.*

L. Adjusting building setbacks to transition between different uses.

Applicant Response: *The proposed rezoning does not authorize development on the property. Building setbacks will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.*

M. Applying step-down or tiered building heights to transition between different uses.

Applicant Response: *The proposed rezoning does not authorize development on the property. Building heights will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.*

N. Lowering density or intensity of land uses to transition between different uses.

Applicant Response: *The proposed rezoning does not authorize development on the property. Density and intensity of land uses and transition between different uses will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.*

Summary Staff Comment: Mitigating factors should be more specifically addressed at the time of site and development plan review. However, the Planning Commission may use its discretion to require mitigation during the zoning map amendment process as well.

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Corridor designation, Policy 8.2 regarding compatibility, and strategies found in the Knights Trail Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

3) Compliance with the Land Development Code

The subject petition has been processed with the procedural requirements contained in Section 86-47 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. Future development of the subject property will require confirmation of continued compliance with all applicable LDC standards.

Section 86-47(f) of the Land Development Code states that, 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 considerations listed below. The Planning Commission materials include the applicant's response to each of the considerations in italics. Staff comments have also been provided where applicable.

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

Applicant's Response: *The proposed change is in conformity with the Comprehensive Plan and implements the strategies of the Mixed Use Corridor land use designation.*

Staff Comment: CG and CI are listed in the comprehensive plan as implementing districts of the MUC Future Land Use designation.

(b) The existing land use pattern.

Applicant's Response: *The subject property is located in the area of the City with a broad mix of uses. The proposed CG and CI zoning will allow for integration of the property with the surrounding land uses.*

Staff Comment: Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes industrial, commercial, and residential uses, which may be found incompatible with industrial uses according to Strategy LU 1.2.8 in the Land Use Element. We have no County information on compatibility.

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

Applicant's Response: *The proposed CG and CI rezoning will not create an isolated district unrelated to nearby districts.*

Staff Comment: The proposed zoning will not be the same as adjacent or nearby districts, but may be considered related to area commercial zoning districts and to the proposed Commercial Mixed Use adjacent to the north.

(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: *The proposed rezoning will not result in the overtaxing of the load on public facilities such as schools, utilities and streets.*

Staff Comment: The proposed change will increase the property's allowable density. However, the Technical Review Committee has reviewed the project and no issues with demand on public facilities has been identified.

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

Applicant's Response: *The property has a Sarasota County zoning designation and requires rezoning to a City of Venice Zoning designation.*

Staff Comment: The district boundaries are drawn logically as relates to existing conditions on the subject property.

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

Applicant's Response: *The property has a Sarasota County zoning designation and requires rezoning to a City of Venice Zoning designation.*

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

Applicant's Response: *The proposed change will not adversely influence living conditions in the neighborhood.*

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

Applicant's Response: *The proposed change will not excessively increase traffic congestion or otherwise affect public safety.*

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

Applicant's Response: *The proposed change will not create a drainage problem.*

Staff Comment: TRC has reviewed this project and has identified no issues. Further analysis will take place at the point of development.

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

Applicant's Response: *The proposed change will not seriously reduce light and air to adjacent areas.*

Staff Comment: The building height and density will be regulated through zoning, and related petitions for special exception, site and development, conditional use, and subsequent development conditions.

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

Applicant's Response: *The proposed change will not adversely affect property values in the adjacent area.*

Staff Comment: This application does not propose specific development of the property, nor does staff have access to recent market studies of the area, so it is difficult to determine the impact to surrounding property values.

(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: *The proposed change will not be a deterrent to the improvement or development of adjacent property.*

Staff Comment: No deterring effects are expected from this proposal.

(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: *The proposed change will not constitute a grant of special privilege.*

Staff Comment: There is no evidence of special privilege being granted through this request.

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

Applicant's Response: *The property currently maintains a Sarasota County zoning designation, and requires zoning to a City of Venice zoning designation.*

Staff Comment: In order for development to occur, a zoning map amendment for this property must occur.

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

Applicant's Response: *The change is not out of scale with the needs of the neighborhood and rezoning of the property will allow for development to provide for the needs of the neighborhood.*

Staff Comment: Generally, the need of the neighborhood and the City is development of the subject property consistent with the Comprehensive Plan and in compliance with the Land Development Code. Land use compatibility mitigation techniques will be evaluated at the point of site and development to ensure future development of the subject property is not out of scale with the needs of the surrounding neighborhood.

(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: *The City lacks adequate sites to provide for the proposed uses in the neighborhood.*

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

The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

4) Concurrency/Mobility Compliance

Concurrency

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.

Conclusion / 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.

Transportation Mobility

The applicant is not seeking confirmation of concurrency through this 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.

Conclusion / Findings of Fact (Mobility):

No development has been proposed through this application. However, a Traffic Impact Analysis will be required with submittal of a development proposal.

III. CONCLUSION

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 make a recommendation to City Council on Zoning Map Amendment Petition No. 22-13RZ.