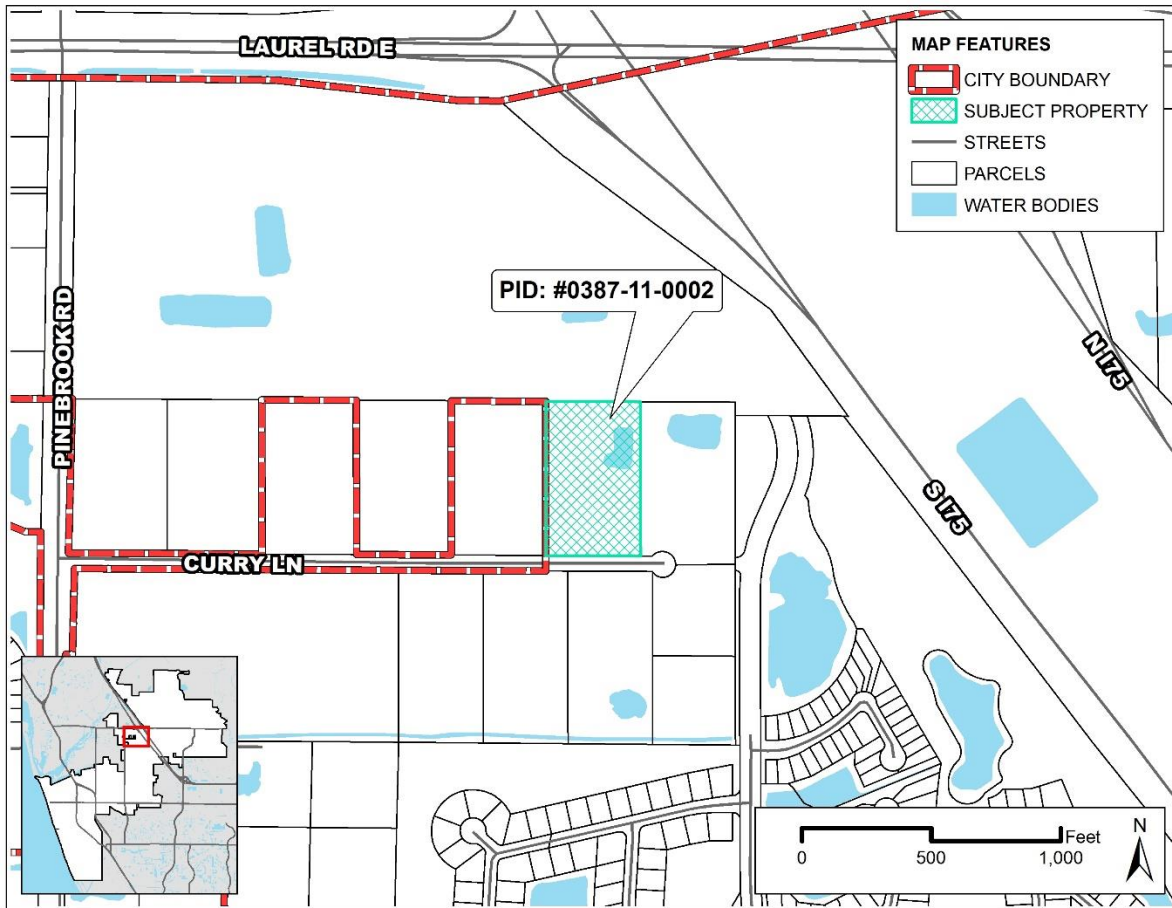


# 22-03RZ–2901 Curry Lane

## Staff Report



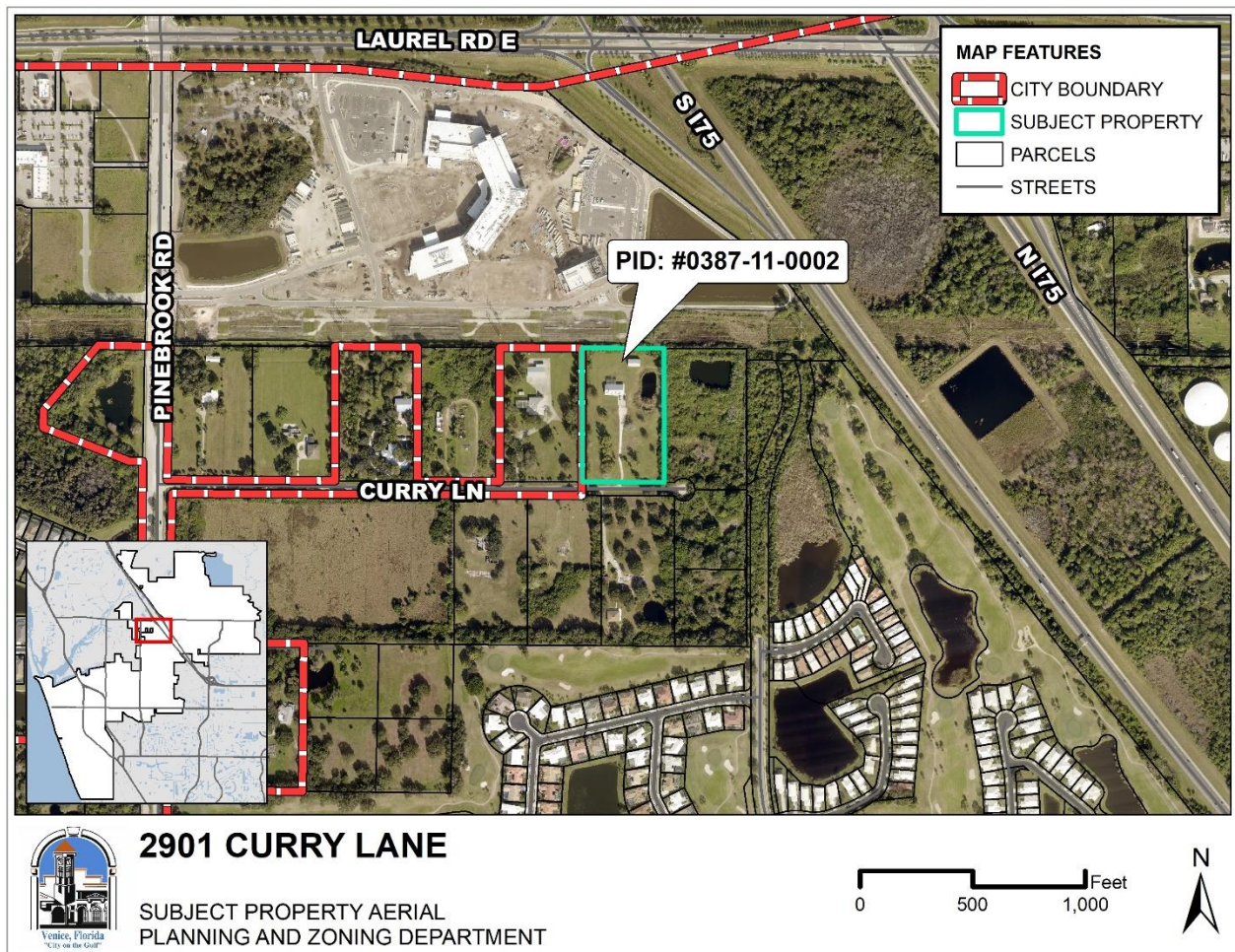
### GENERAL INFORMATION

<b>Address:</b>	2901 Curry Lane
<b>Request:</b>	To rezone the subject parcel from Residential, Multifamily 1 (RMF-1) to Commercial, General (CG)
<b>Owner:</b>	Amber Morse
<b>Agent:</b>	Jeffrey A. Boone, Esq. – Boone Law Firm
<b>Parcel ID:</b>	0387110002
<b>Parcel Size:</b>	5± acres
<b>Future Land Use:</b>	Moderate Density Residential
<b>Existing Zoning:</b>	RMF-1
<b>Proposed Zoning:</b>	CG
<b>Comprehensive Plan Neighborhood:</b>	Pinebrook
<b>Application Date:</b>	January 13, 2022

## I. BACKGROUND & PROJECT DESCRIPTION

The subject property is approximately 5 acres and is included in the Pinebrook neighborhood of the Comprehensive Plan. This project was applied for under the previous Land Development Regulations, Chapter 86, with the intent to rezone the property to Commercial, General (CG). The applicant's desired uses as stated in the public workshop and preliminary plans include keeping the existing single family residential and adding commercial uses such as salon, medical office, and retail.

In the new code, adopted through Ordinance No. 2022-15, CG is no longer a zoning district in the City. However, at the time of application in January 2022, the new districts were not available. The adjacent mixed use district is Laurel West, and the new commercial district is Commercial (CM), which would be implementing districts of the Mixed Use Corridor and Commercial Future Land Use designations, respectively. The applicant is requesting a Commercial Future Land Use through concurrent Comprehensive Plan Petition No. 22-04CP.





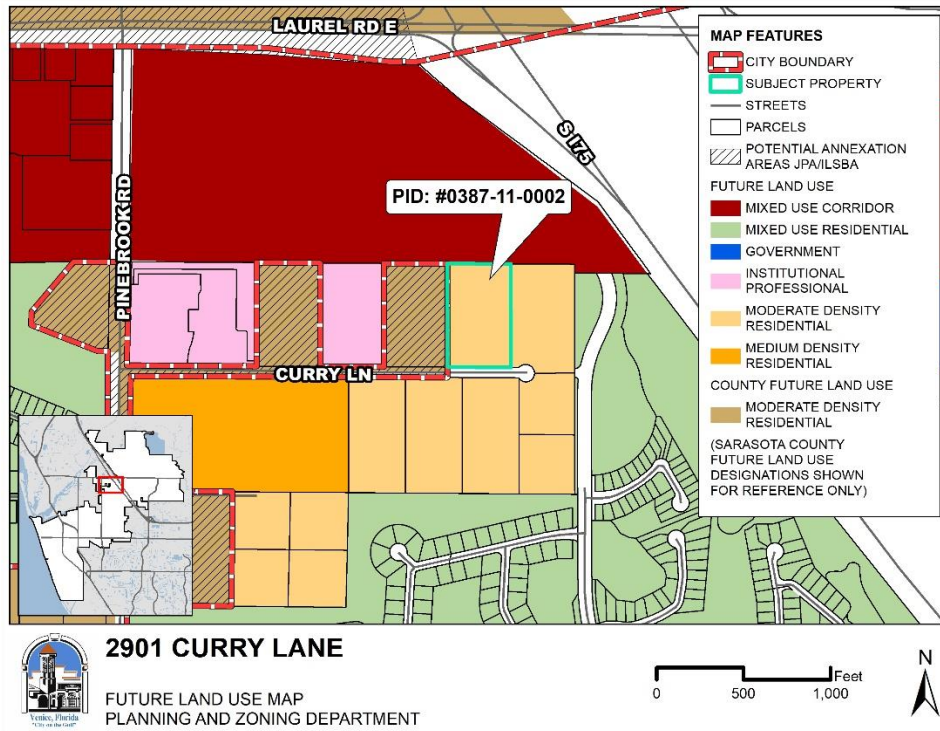
**Site Photograph**



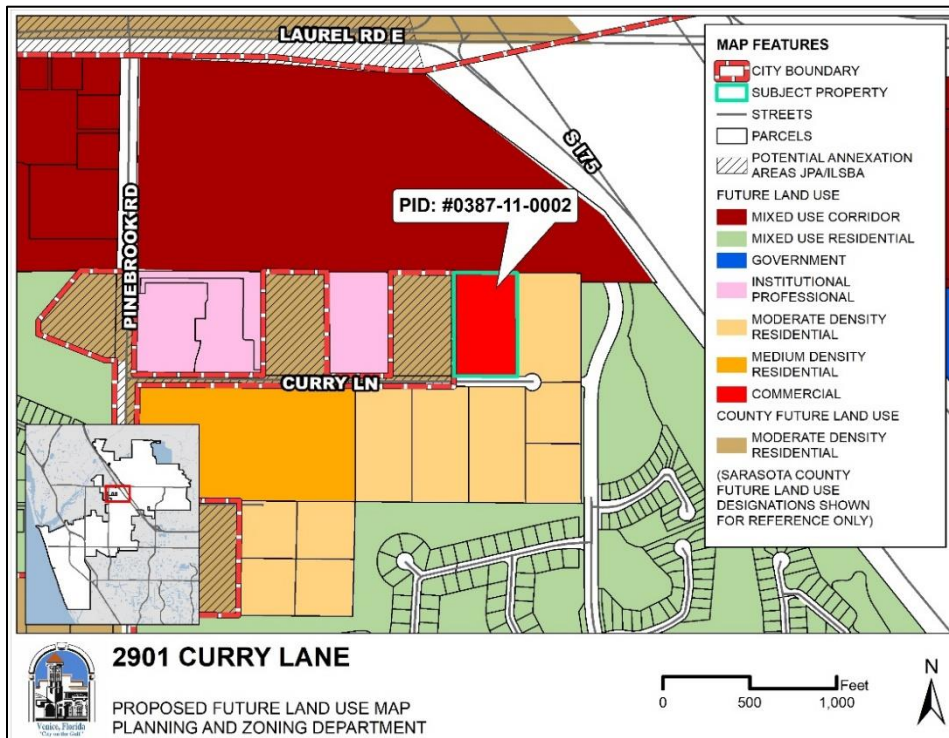
### Future Land Use and Zoning

The Future Land Use designation for the subject property is Moderate Density Residential. The proposal in this petition is to change the Zoning district from Residential, Multifamily 1 (RMF-1), as shown on the maps below.

#### Existing Future Land Use

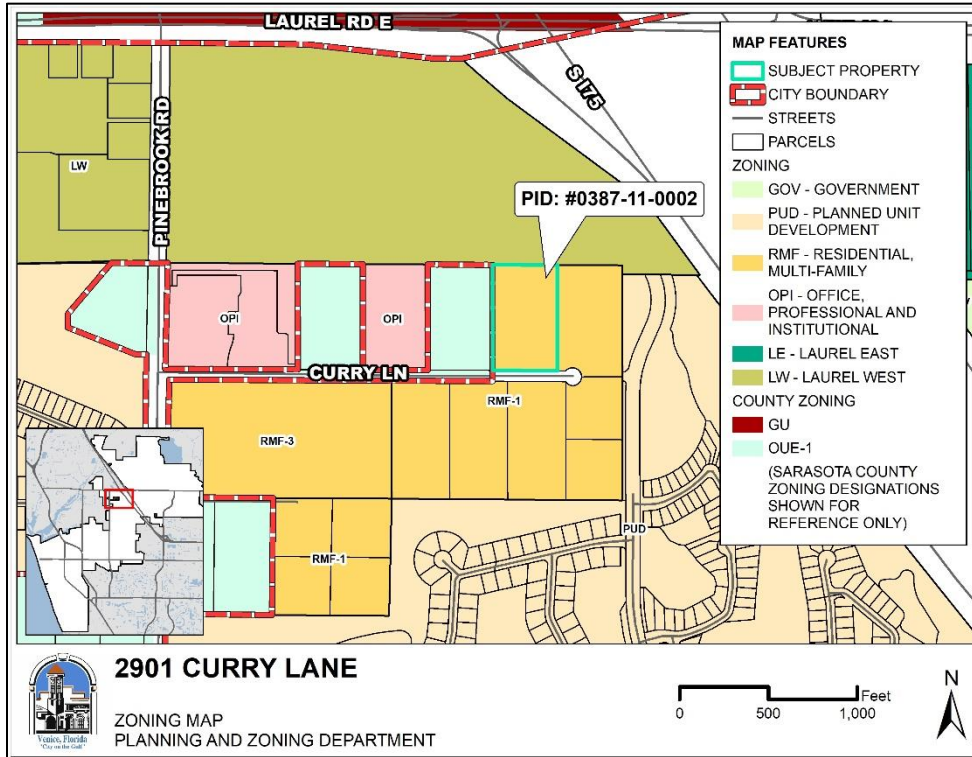


#### Proposed Future Land Use

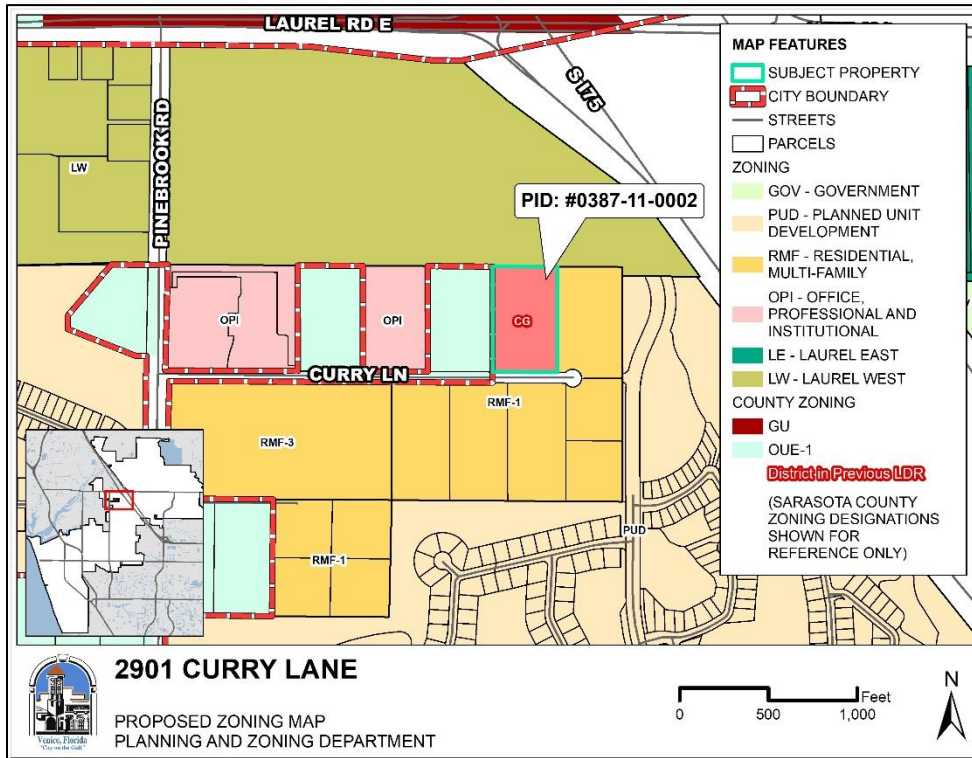




Existing Zoning



Proposed Zoning



### Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Sarasota Memorial Hospital	Laurel West (previously PCD at the time of application)	Mixed Use Corridor (MUC)
South	Residential	RMF-1	Moderate Density Residential (MODR)
East	Residential	RMF-1	MODR
West	Residential	County Open Use Estate (OUE-1)	County MODR

## II. PLANNING ANALYSIS

In this section of the report, analysis of the subject zoning map amendment petition evaluates 1) how the existing RMF-1 zoning compares to the proposed CG 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 RMF-1 Zoning and Proposed CG Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from RMF-1 to CG and has stated an intent to develop commercial and leave existing single family on the site. The table below provides a comparison of the districts’ development standards and permitted uses.

Zoning Standard	Existing Zoning – (Previous) RMF-1	Proposed Zoning – CG
Density Limit	6 dwelling units per acre (du/ac)	18 du/ac
Intensity Limit	None listed	None Listed; Regulated by Comp Plan
Height	35’ + 10’ devoted to parking Additional height up to 65’ with height exception	35’ + 10’ devoted to parking Additional height up to 85’ with height exception
Lot Dimensions (min)	7,500 square feet	2,420 square feet
Lot Coverage (max)	35% for single and two family, 30% for multifamily up to 35’ in height	Unrestricted, except for multifamily (30%)
Principal Uses*	Multiple-family dwellings, patio houses, two-family dwellings, townhouses or cluster houses, houses of worship, community residential homes, bed and breakfast inn, one single-family dwelling per lot, public elementary and high schools, parks, playgrounds, playfields and city buildings, essential services, existing railroad rights-of-way	Retail; automotive convenience centers; personal and business services; commercial recreation and entertainment (indoor); professional, medical, and business offices; bank and financial institutions; eating establishments; vocational, trade, business schools; marinas, dock, and piers; institutions; civic, service organizations; commercial parking; existing single and two family dwellings

\*Not an exhaustive list

## 2) Consistency with the Comprehensive Plan

The subject property has an existing Comprehensive Plan Future Land Use designation of MODR, with a concurrent request to change this designation to Commercial filed through Petition No. 22-04CP, and lies within the Pinebrook neighborhood. The following is an analysis of the subject property related to the Comprehensive Plan.

**Strategy LU 1.2.4 – Non-Residential** sets an intensity limit of 1.0 Floor Area Ratio for the Commercial Future Land Use designation and provides implementing districts. As noted above, the implementing districts for Commercial do not include CG; although it was an option at the time of filing; it may create an inconsistency at this time.

No elements or strategies in the Pinebrook Neighborhood Element were identified as relevant to the subject proposal.

Former **Transitional Strategy LU 4.1.1 – Land Use Compatibility Review Procedures** required a review of Policy 8.2 regarding compatibility. The items from this policy are listed below, with applicant responses reproduced verbatim and staff comments included where applicable.

**Policy 8.2 Land Use Compatibility Review Procedures. 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 with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:**

A. Land use density and intensity.

**Applicant Response:** *The proposed CG zoning designation permits a development within range of intensity that is compatible with the existing neighborhood.*

B. Building heights and setbacks.

**Applicant Response:** *The proposed CG zoning designation permits development with building heights and setbacks that are compatible with the existing neighborhood.*

C. Character or type of use proposed

**Applicant Response:** *The proposed CG zoning designation permits development of uses and character that is compatible with the existing neighborhood.*

D. Site and architectural mitigation design techniques.

**Applicant Response:** *No site and architectural mitigation design techniques are proposed via this Zoning Map Amendment application; however, such considerations, if necessary, will be addressed upon submittal of a site and development plan.*

**Summary Staff Comment:** *The proposed zoning map amendment would increase the allowed density on this property from 6 du/ac to 18 du/ac, and the maximum available height through height exception would increase by ten feet. The list of uses available will also be greatly expanded with a change from RMF-1 to CG. Neither zoning district was subject to architectural standards. Regardless, no development is proposed through this application and each of these considerations will be reviewed at the time of site and development plan application.*

**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 CG zoning designation is not incompatible with single-family residences in the neighborhood and rather allows for such development in a manner to ensure compatibility between uses.*

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

**Applicant Response:** *No commercial or industrial uses that are incompatible with existing uses in the area are permitted under the proposed CG zoning designation.*

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:** *No existing or proposed development in the area is inconsistent with the current Comprehensive Plan; however, as many properties in the area have been annexed and/or developed/redeveloped in compliance with the Comprehensive Plan and JPA/ILSBA, the proposed CG zoning designation for this property will allow for development of a more compatible nature with the evolving development trend in the neighborhood.*

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

**Applicant Response:** *The densities and intensities of uses permitted under the proposed CG zoning designation allow for development that is compatible with the existing uses neighborhood.*

**Summary Staff Comment:** The surrounding properties are generally changing from single family residential to office and professional, particularly medical, uses. Some residential does remain in the neighborhood. Again, density and intensity will be reviewed when development is proposed.

***Potential incompatibility shall be mitigated through techniques including, but not limited to:***

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.

**Summary Applicant Response:** *The mitigation techniques listed in Sections I.-M. may be more appropriately addressed, as necessary, upon submittal of a site and development plan. Section N. is not necessary as the permitted range of density and intensity under the proposed CG zoning designation would not create an incompatible transition between different uses existing or permitted in the neighborhood.*

**Summary Staff Comment:** Mitigation techniques will be considered at the time of site and development plan application. However, Planning Commission may use its discretion to address potential incompatibility using these techniques at this time.

***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 land use designation, strategies found in the Pinebrook Neighborhood, and other plan elements. 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. To facilitate the Planning Commission's review of the subject rezone petition, staff has also provided commentary on selected considerations so that additional information is brought to the Planning Commission's attention.

#### a. Whether the proposed change is in conformity to the comprehensive plan.

**Applicant Response:** *The proposed Zoning Map Amendment to CG for the Property conforms to the Comprehensive Plan and the JPA/ILSBA, as incorporated therein. Further, the concurrently proposed Comprehensive Plan Amendment to the Commercial FLU designation permits CG as an implementing zoning district.*

#### b. The existing land use pattern.

**Applicant Response:** *The proposed CG zoning for the Property is compatible with existing land uses in the area.*

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

**Applicant Response:** *The proposed CG zoning will not create an isolated district, and rather complements the uses in its area.*

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

**Applicant Response:** *The proposed zoning change will not stress demands on public facilities, and development will pay impact fees that may be used to support all public facilities.*

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

**Applicant Response:** *The Property is currently zoned RMF-1 and has an existing single-family home onsite. Due to the increased development activity in the area with the new Sarasota Memorial Hospital, the existing district boundaries have become outdated and illogically drawn in relation to existing conditions on the property.*

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

**Applicant Response:** *Increased development and intensification of the surrounding neighborhood suggests that this proposed zoning amendment would provide for a more complimentary land use pattern.*

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

**Applicant Response:** *The proposed zoning 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 Response:** *The proposed zoning change will not create or excessively increase traffic congestion, nor will it affect public safety.*

**i. Whether the proposed change will create a drainage problem.**

**Applicant Response:** *The proposed zoning will not create a drainage problem and will be required to meet all City, State, and Federal standards related to drainage at the time of development.*

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

**Applicant Response:** *No serious reduction to light and air available to adjacent areas would be produced by the proposed zoning.*

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

**Applicant Response:** *No adverse impact to property values will be created by the proposed zoning.*

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

**Applicant Response:** *The proposed zoning will not deter improvement or development of adjacent property in accordance with existing regulations.*

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

**Applicant Response:** *The proposed zoning would not constitute a special privilege granted to the owner of the Property compared to the public welfare.*

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

**Applicant Response:** *The best use of the Property would require a zoning map amendment from the present RMF-1 zoning designation to allow for a more intense use of the Property so to support and compliment the surrounding neighborhood.*

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

**Applicant Response:** *The proposed zoning works to meet the needs of the neighborhood and the City as a whole.*

**p. Whether it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use.**

**Applicant Response:** *In light of the development changes in the immediate area surrounding the Property, this site is appropriately suited for the proposed zoning map amendment more so than other areas in the City.*

**Summary Staff Comment:** The subject property is surrounded on three sides by low to moderate density residential, though the property to the north is Sarasota Memorial Hospital. To the west beyond the neighboring property are parcels zoned Office, Professional, and Institutional, and to the southwest is a new medium density residential development. Conditions along Curry Lane have undoubtedly changed in recent years, with a greater mix of uses and more density and intensity than was previously built on the properties along this road. There is no substantial reason why the property cannot be used with the current zoning district, but the existing zoning is also not the only potential zoning district that could be used to meet the needs of the neighborhood or to keep pace with changing conditions in the area.

Regarding district boundaries, this would be the only CG property in the area. It is adjacent to like zoning, RMF-1, and mixed use zoning, Laurel West, which was previously Planned Commercial Development. The property is also adjacent to a County-zoned residential property. Finally, in reference to provision of public services, light and air, and drainage, these technical aspects will be reviewed during the site and development plan process.

***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**

**Concurrency**

The applicant is not requesting confirmation of concurrency as part of the proposed zoning map amendment. Concurrency will be reviewed with any development proposal submitted in the future, 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 has submitted a traffic impact analysis, which has been reviewed by the City's transportation consultant and has been deemed compliant.

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

The applicant has provided traffic analysis that has been reviewed by the City's transportation consultant. No additional issues have been identified.

**III. CONCLUSION**

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Regulations, 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. 22-03RZ.