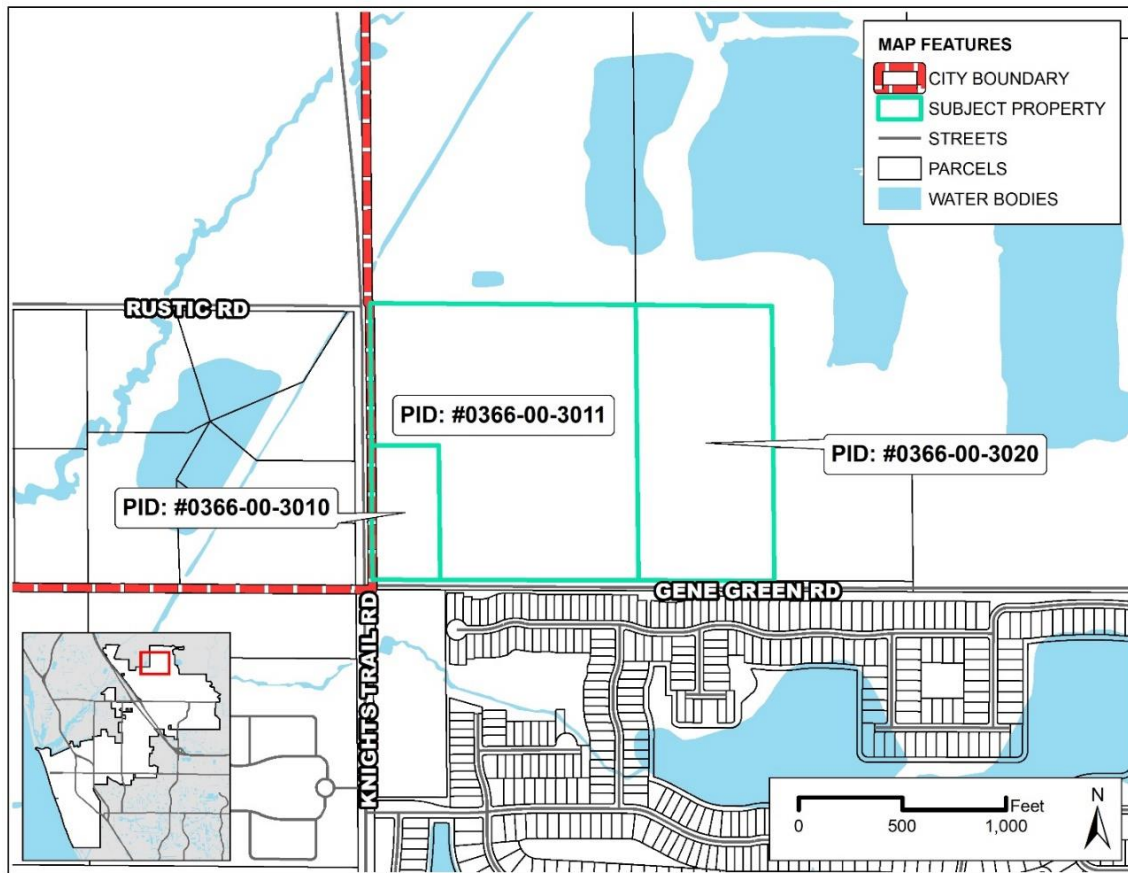


22-32CU– Nokomis Groves

Staff Report

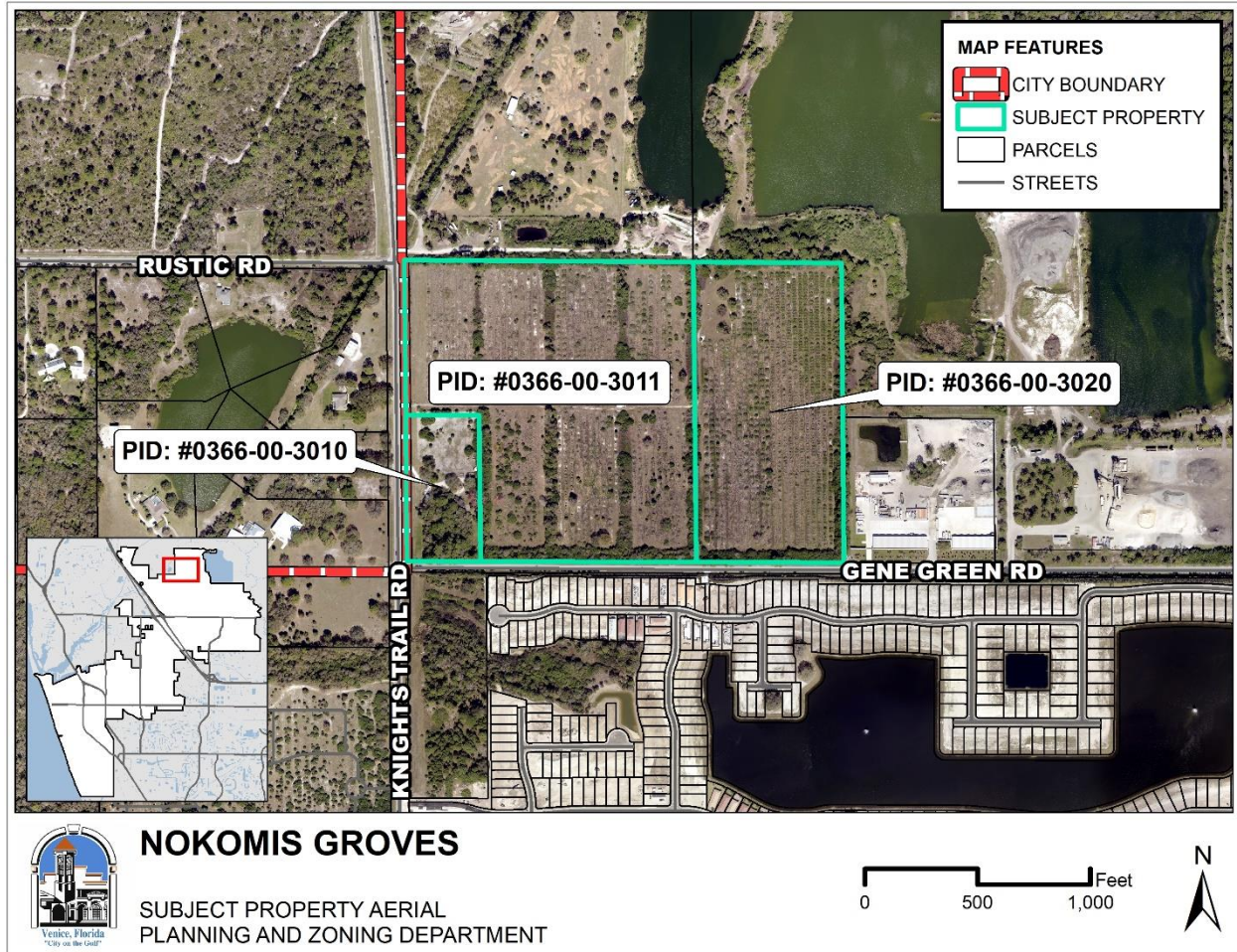


GENERAL INFORMATION

Address:	Northeast quadrant of Knights Trail Rd and Gene Green Rd
Request:	Additional building height of 7' above the 35' maximum allowed for multi-family development in the Commercial, General (CG) District
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:	53.27 ± acres
Future Land Use:	Mixed Use Corridor
Zoning:	Sarasota County Open Use Estate (OUE-1), requested CG
Comprehensive Plan Neighborhood:	Knights Trail
Application Date:	May 4, 2022
Related Applications:	Special Exception Petition No. 22-14SE, Site & Development Plan Petition No. 22-30SP, and Zoning Petition No. 22-32RZ

I. PROJECT DESCRIPTION

The request is for additional building height of 7' above the 35' maximum allowed in the district for a multi-family development in the Commercial, General (CG) District. The multi-family buildings will be set back from the property lines, with parking, garages, and landscaping in between the 42' buildings and the property lines.



Site Photographs



Intersection of Knights Trail Rd and Gene Green Rd



South along Knights Trail Rd

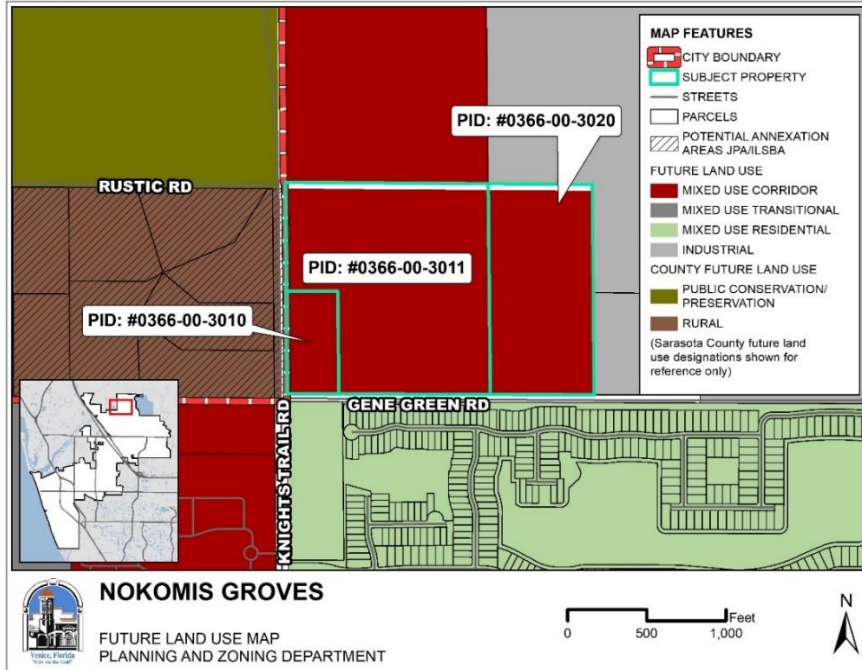


North along Knights Trail Rd

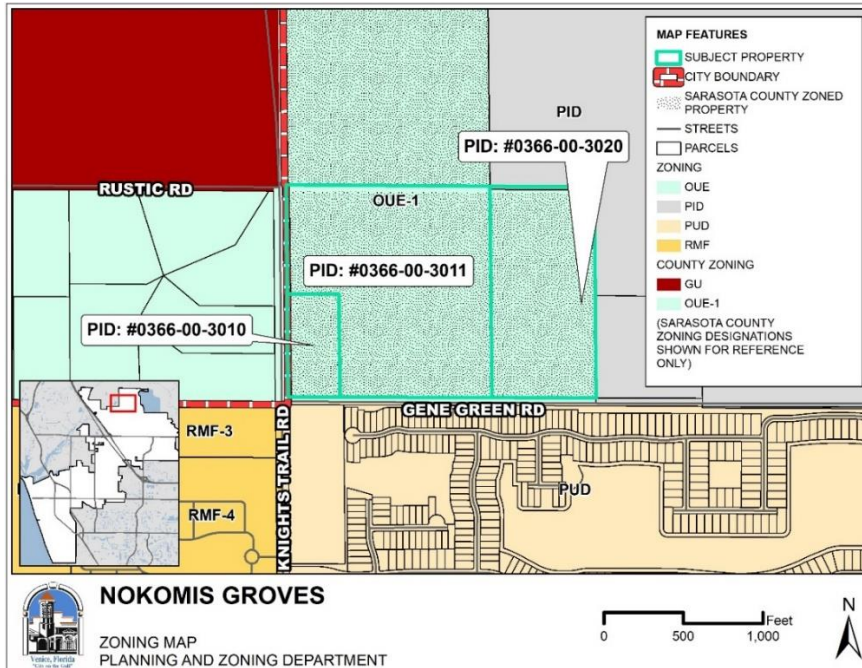
Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Corridor. At the time of this writing, the existing Zoning district is Sarasota County Open Use Estate (OUE-1) with a petition requesting City Commercial, General (CG) and Commercial Intensive (CI) having been recommended by the Planning Commission and approved on first reading by City Council.

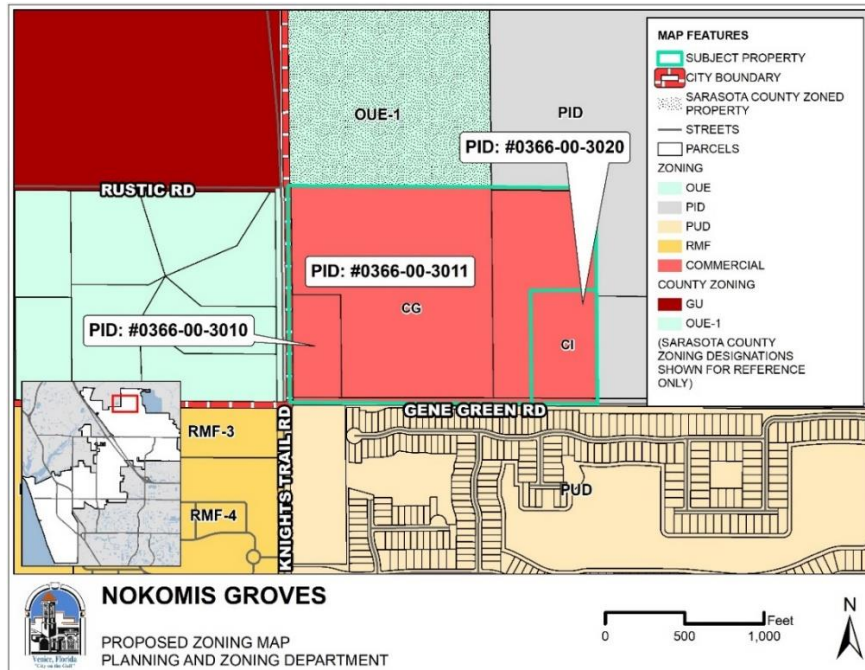
Existing Future Land Use



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 conditional use petition evaluates consistency with the Comprehensive Plan, and compliance with the City's Land Development Code (LDC), and compliance with requirements for Concurrency/Mobility.

Consistency with the Comprehensive Plan

A review of elements and strategies did not produce any relevant considerations for the conditional use request, and no inconsistencies have been identified with this proposal.

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

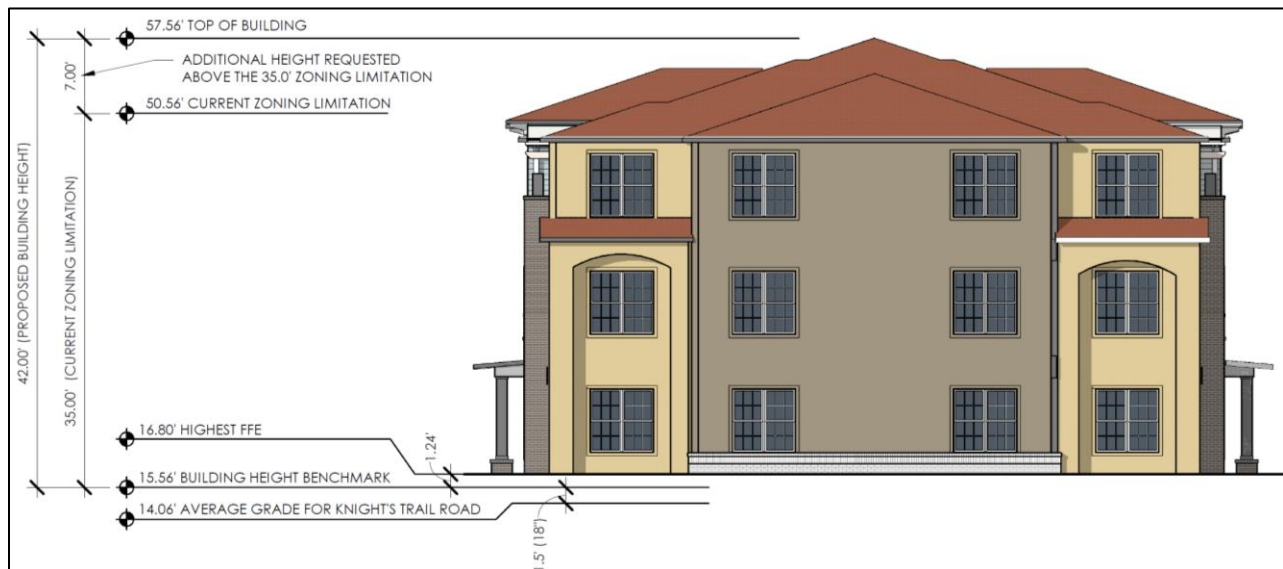
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Corridor designation, strategies found in the Knights Trail Neighborhood, and other plan

elements. As indicated above, no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Compliance with the Land Development Code

The Commercial, General zoning district limits buildings to 35' in height, but allows for a Conditional Use request for additional height up to 50'. The applicant is requesting 7' and is proposing to provide a greater setback than what is required.

The approximate area of the conditional use request is identified on the elevation below.



The petition has been processed according to the procedures for a conditional use in Sec. 86-42 of the Land Development Code. The applicant has provided responses to each of the criteria for the Planning Commission recommendation contained in Sec. 86-42(e)(1-9), which are reproduced below with a summary staff comment.

Sec. 86-42. Conditional use.

(e) Contents of Planning Commission recommendation. The Planning Commission shall make a recommendation to the city council as to whether or not the granting of the conditional use will adversely affect the public interest; as to whether or not the specific requirements governing the individual conditional use, if any, have been met by the petitioner; and as to whether or not satisfactory provision and arrangement has been made concerning the following matters, where applicable:

(1) Compliance with all applicable elements of the comprehensive plan;

The proposed conditional use is in compliance with all applicable elements of the Comprehensive Plan.

(2) General compatibility with adjacent properties and other properties in the district;

The proposed conditional use will allow for tiered building heights, with building heights below permitted heights along the perimeter of the property, thereby ensuring compatibility with adjacent property in the district.

(3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;

The increased building height internal to the project allows for the reduction in building heights along the perimeter. Combined with substantial setbacks and buffering, the proposed development is appropriately scaled for its surroundings.

(4) Required yards and other open space;

The proposed development meets or exceeds the requirement for yards and open space.

(5) Screening and buffering, with reference to type, dimensions and character;

The proposed development will have substantial landscape buffers along Knights Trail Road, Rustic Road and Gene Green Road to buffer the potential impacts, and the setbacks for the proposed 42 foot buildings will substantially exceed the code required setbacks.

(6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;

Access to the site will meet City of Venice and Sarasota County requirements.

(7) Off-street parking and loading areas, where required;

Off street parking and loading areas will be provide by a combination of garage and surface parking. The proposed conditional use will allow for a project layout which screens the surface parking from nearby roadways.

(8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion;

The proposed conditional use will allow for a development which provides for a variety of market rate housing types which will increase housing affordability.

(9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Not applicable.

Summary Staff Comment: The applicant has provided buffers and has placed the buildings at 42' to the inside of garages, parking, and landscaping. This proposed development is adjacent to the single-family Toscana Isles neighborhood but there is at least 120' from the property line to the multi-family units in addition to Gene Green Road which lies between the developments. These units are not proposed to be affordable housing but will add to the existing housing stock in the city.

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

The proposed conditional use has been deemed compliant, and no inconsistencies have been identified with the LDC.

Concurrency/Mobility

Regarding public facilities concurrency, no issues were identified by the Technical Review Committee regarding the Conditional Use request. Concurrency is sought through the associated Site and Development Plan Petition no. 22-30SP.

An analysis of transportation mobility for the subject petition is under final review by the City's traffic consultant and compliance will be confirmed through the site and development process.

Conclusions/Findings of Fact (Concurrency):

No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

Conclusions/Findings of Fact (Mobility):

The applicant has provided traffic analysis through an associated petition for this property (Site and Development Plan Petition No. 22-30SP) which is under final review by the City's transportation consultant and Sarasota County. No additional issues have been identified.

III. PROCEDURAL REQUIREMENTS FOR VARIANCE REVIEW

Section 86-46(a)(4) specifies that the Planning Commission shall, based on substantial and competent evidence, make an affirmative finding on each consideration in granting a variance. The applicant has provided a written response to each consideration as part of the submitted application material.

a. Special circumstances exist in relation to the land, structures or buildings as compared to other land, structures or buildings in the same zoning district and the special circumstances are not the fault of the applicant;

Delays in implementation of updates to the Land Development Regulations following the 2010 Comprehensive Plan update and the ongoing efforts to update the Land Development Regulations following 2017 Comprehensive Plan update, special circumstances which are not the fault of the applicant, have resulted in a partially updated Land Development Code which changed the point to where height is measured (peak of roof) without completing the update to the Land Development Code to adjust allowable building heights accordingly to 42'.

Note: The Land Development Regulations update has recently been completed, but this application was in process prior to completion of the Land Development Regulation update and, therefore, is being processed under the prior code requirements.

b. The literal interpretation of the provisions of this chapter would result in unnecessary and undue hardship to the property;

The literal interpretations of this chapter would result in unnecessary and undue hardship to the property by limiting the applicant's ability to construct buildings in excess of two stories.

c. The variance, if granted, is the minimum variance necessary to meet the requested use of the land, building or structure; and

The variance request for 42', including parking, is the minimum variance necessary to allow for the construction of three-story buildings and would result in an overall reduction in height from the currently permitted height of 35' over 10' of understructure parking (total of 45').

d. The grant of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The grant of the variance will be in harmony with the general intent and purpose of this chapter which is to allow for construction of three-story buildings. Three story buildings will not be injurious to the neighbors or otherwise detrimental to the public welfare.

Summary Staff Comment: The responses provided above are the basis to allow the Planning Commission to take action on the subject petition.

IV. 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 to make a decision on Conditional Use Petition No. 22-32CU.