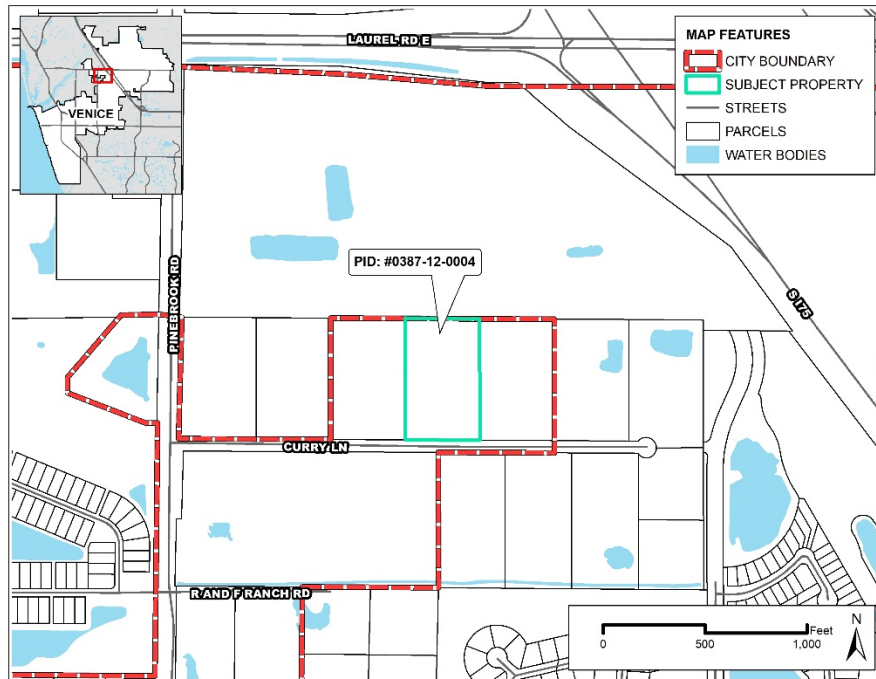




ANNEXATION STAFF REPORT CATALYST HRE

March 2, 2021
20-52AN



GENERAL INFORMATION

Address:	0 Curry Lane
Request:	The annexation of approximately 5 ± acres located within Area 6 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and the County as depicted on the City's future land use map.
Owner:	Peter Tomich
Applicant:	Catalyst Healthcare Real Estate
Agent:	Jeffery Boone, Esq., Boone Law Firm
Parcel ID:	0387-12-0004
Property Size:	5 ± acres
Future Land Use:	Sarasota County Moderate Density Residential (MODR)
Existing Zoning:	Sarasota County Open Use Estate 1 (OUE-1)
Comprehensive Plan Neighborhood:	Pinebrook Neighborhood
Application Received:	October 14, 2020

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Pre-Annexation Agreement approved by City Council on January 12, 2021
- C. Associated Petition Nos. 20-53CP and 20-54RZ

I. EXECUTIVE SUMMARY

The subject 5 ± acre property lies north of Curry Lane and east of Pinebrook Road, in Joint Planning Area/Interlocal Service Boundary Agreement (JPA/ILSBA) Area 6. The applicant, Catalyst Healthcare Real Estate, is requesting annexation of the property from the jurisdiction of Sarasota County into the City of Venice and proposes future development of the property. The JPA/ILSBA is an interlocal service boundary agreement that guides land use and development within certain areas adjacent to the City of Venice. This agreement grants the subject property eligibility for annexation into the City. It is important to note that this is only a change in jurisdiction and is not an approval of any specific use.

Concurrent petitions for a Comprehensive Plan Amendment and a Zoning Map Amendment have been submitted by the applicant to change the future land use designation of the property from Sarasota County Moderate Density Residential to City of Venice Institutional Professional (IP) and implement this land use through the rezoning of the property to Office, Professional and Institutional (OPI). The applicant has indicated development of the property for medical/hospital use.

Other land development applications associated with the development project are on file with the Planning and Zoning Division include the following:

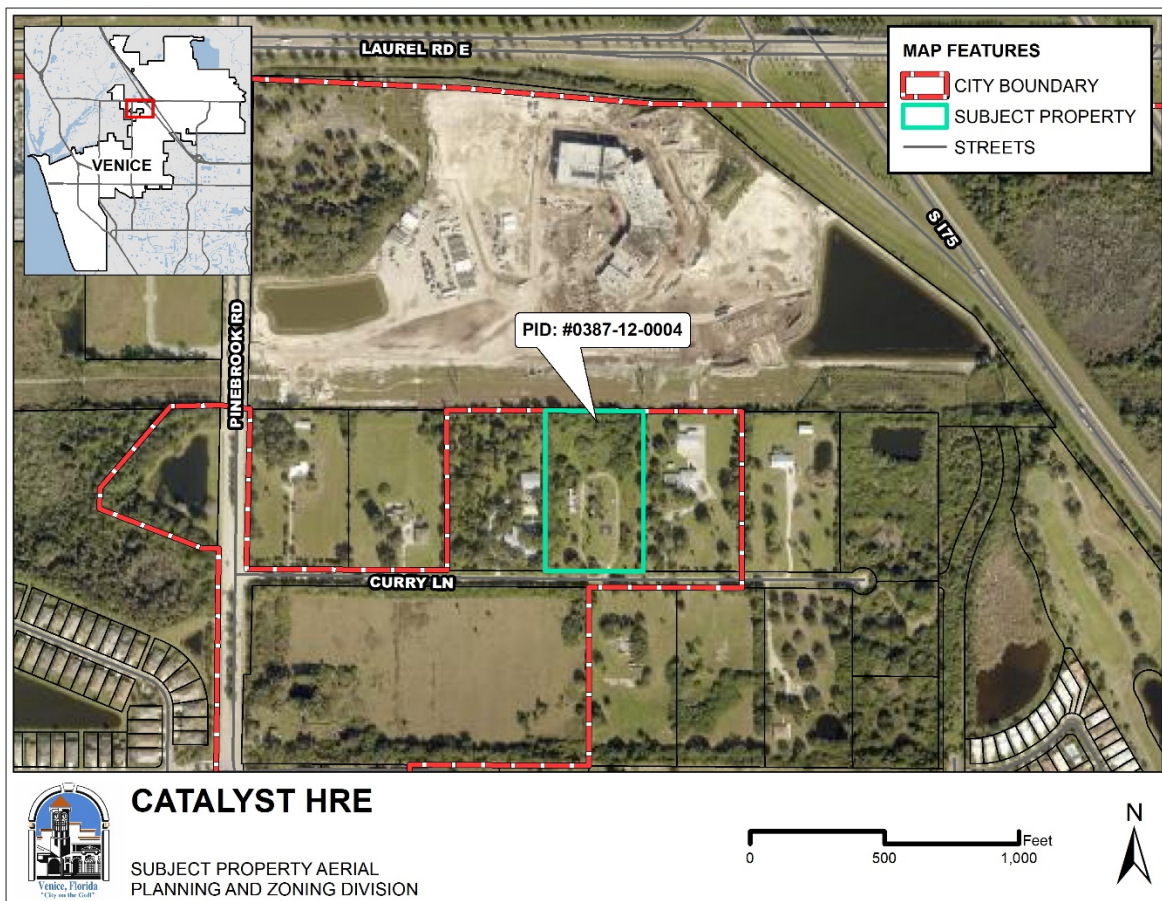
- Comprehensive Plan Amendment Petition No. 20-53CP
- Zoning Map Amendment Petition No. 20-54RZ

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following summary findings on the subject petition:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Chapters 163 and 171 Florida Statutes, the proposed amendment to the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
The subject petition complies with all applicable Land Development Code requirements.
- **Conclusions / Findings of Fact (Provision of Services):**
Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained. No issues have been identified at this time.

II. EXISTING CONDITIONS

The subject property is made up of one parcel with minimal development (unroofed wood frame structure, an aluminum shed, a second small wood frame structure, and a shell drive). The survey of this parcel appears to show no significant environmental features to consider, such as wetlands or surface water. The subject property is bounded by Pinebrook Road to the west and Curry Lane to the south. To the north of the property lies the Sarasota Memorial Hospital site, still under construction. To the east is another parcel that is part of JPA Area 6. Vehicular access is provided from Curry Lane.

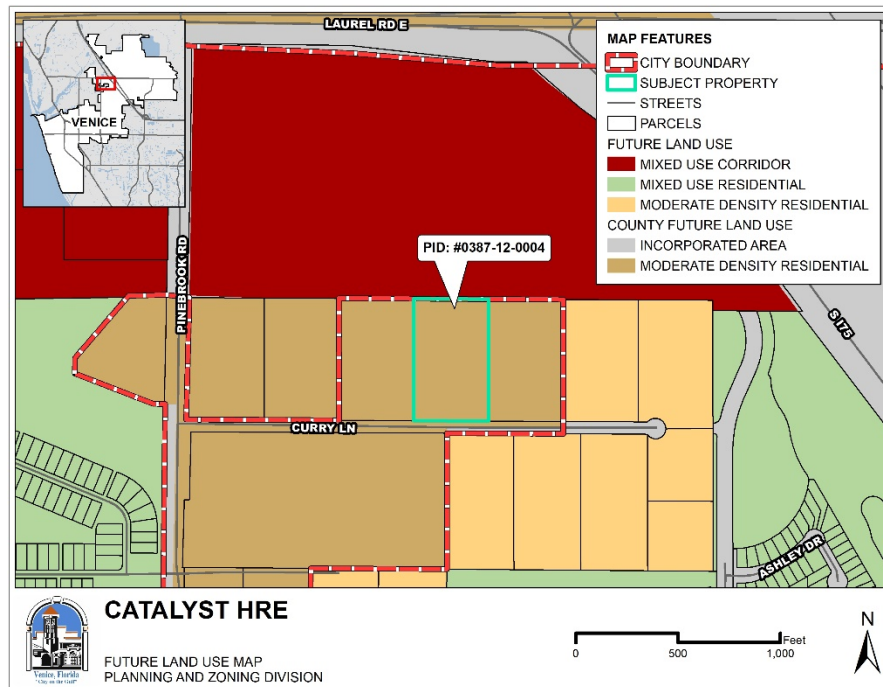


Site Photographs



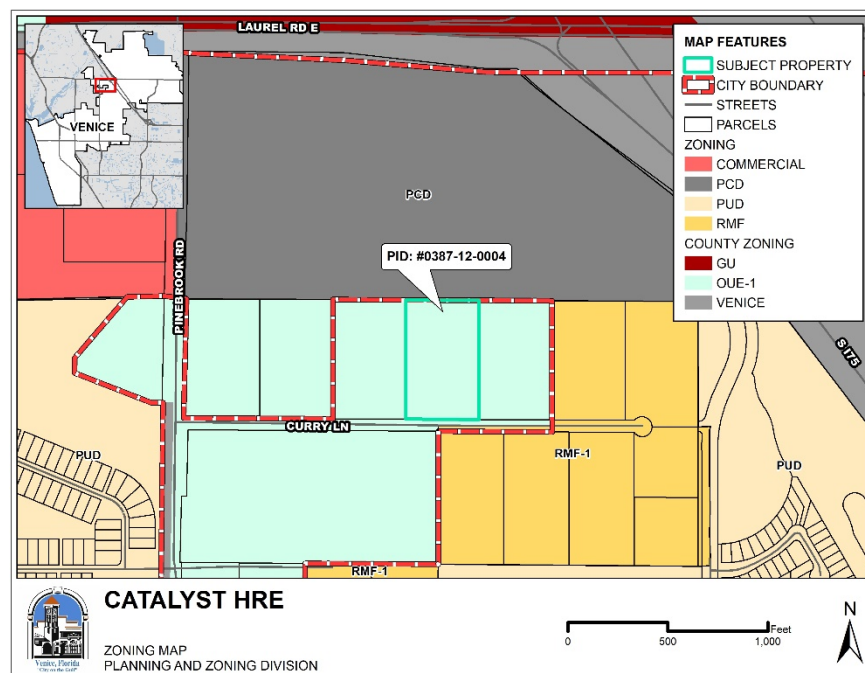
Future Land Use

The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use (FLU) map. Adjacent properties to the east and west are in Sarasota County and also have designations of MODR. A City of Venice Institutional Professional designation lies to the west beyond the neighboring County property, and property to the south is in process of annexation and the applicant has requested a designation of Medium Density Residential (MEDR). Properties to the south and east that are within the City of Venice have City Moderate Density Residential designations. The parcel to the north has an FLU designation of Mixed Use Corridor.



Zoning Designation

The zoning map below shows the existing county and city zoning of the subject and adjacent properties. The subject property and adjacent properties to the east and west are zoned County Open Use Estate-1 (OUE-1). The property west of the subject property beyond the neighboring parcel has a City Office, Professional and Institutional (OPI) zoning designation. The property to the south is in process of annexation and the applicant has requested a zoning designation of City Residential, Multi-family 3 (RMF-3). The property to the north is zoned Planned Commercial District (PCD).



The table below summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Sarasota Memorial Hospital	PCD	MUC
West	Residential	Sarasota County OUE-1	Sarasota County MODR (JPA Area 6)
South	Residential	Sarasota County OUE-1 (pending City RMF-3), City RMF-1	Sarasota County MODR (JPA Area 6) – (pending City MEDR), City MODR
East	Residential	Sarasota County OUE-1	Sarasota County MODR (JPA Area 6)

Notification of Potential Annexation to Sarasota County

The JPA/ILSBA provides that the City will not annex any lands other than those designated as Potential Annexation Areas identified in the agreement and that these areas consist of land likely to be developed for urban purposes. It also indicates that the City Shall provide notice to the County within twenty days of receipt of any petition to annex properties within the JPA and include a report confirming consistency of the City’s planned service delivery with the terms of the agreement.

The subject annexation application was deemed complete on October 14, 2020 by the City’s Planning and Zoning Division and was forwarded to Sarasota County staff on October 28, 2020. The subject property lies within Area 6 of the JPA/ILSBA and provision of water and sewer service by the City is indicated for this area. The JPA/ILSBA indicates that the “*County will not challenge, administratively, judicially, or otherwise, any annexations by the City that annex lands within the Potential Annexation Areas unless the annexed property is not contiguous, as defined in Chapter 171, Florida Statutes, to a City boundary, not compact, or cannot be adequately and reasonably served by police and fire services, or is inconsistent with this Agreement.*”

Financial Feasibility Analysis

Consistent with the City’s annexation process, the applicant has provided the financial feasibility analysis shown below for the potential annexation of the subject property, based on one building totaling 51,500 square feet.

FINANCIAL FEASIBILITY

Units/ Square Footage	Average Taxable Amt.	Ad Valorem Tax Revenue	Utility Capacity Fee Per	Impact Fees
1 bldg. @ 51,500 sq.ft.	\$ 10,000,000.00	\$ 48,000.000	\$ 69,500.00	\$ 2,316,841.57

III. PLANNING ANALYSIS

This section of the report provides planning analysis on 1) consistency with Chapters 163 and 171 Florida Statute and the City's Comprehensive Plan, 2) consistency with the land development code, and 3) provision of services.

A. Consistency with Chapters 163 and 171 Florida Statutes and the City's Comprehensive Plan

Chapters 163 and 171 Florida Statutes

The applicant has submitted a petition for annexation of the subject property from the jurisdiction of Sarasota County into the jurisdiction of the City of Venice. The property is eligible for annexation into the City due to its inclusion in the JPA/ILSBA. Chapters 163 and 171 of the Florida Statutes provide for the adoption of joint planning agreements and interlocal service boundaries.

The City and County executed the JPA/ILSBA originally in 2007 and have agreed to amendments of the document multiple times with the most recent amendment at the end of 2018. The agreement was executed in order to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands, ensure protection of natural resources and to agree on certain procedures for the timely review and processing of development proposals within those areas. Consistent with the identified statutes, the JPA/ILSBA provides the procedure for coordination of the annexation of land into the City.

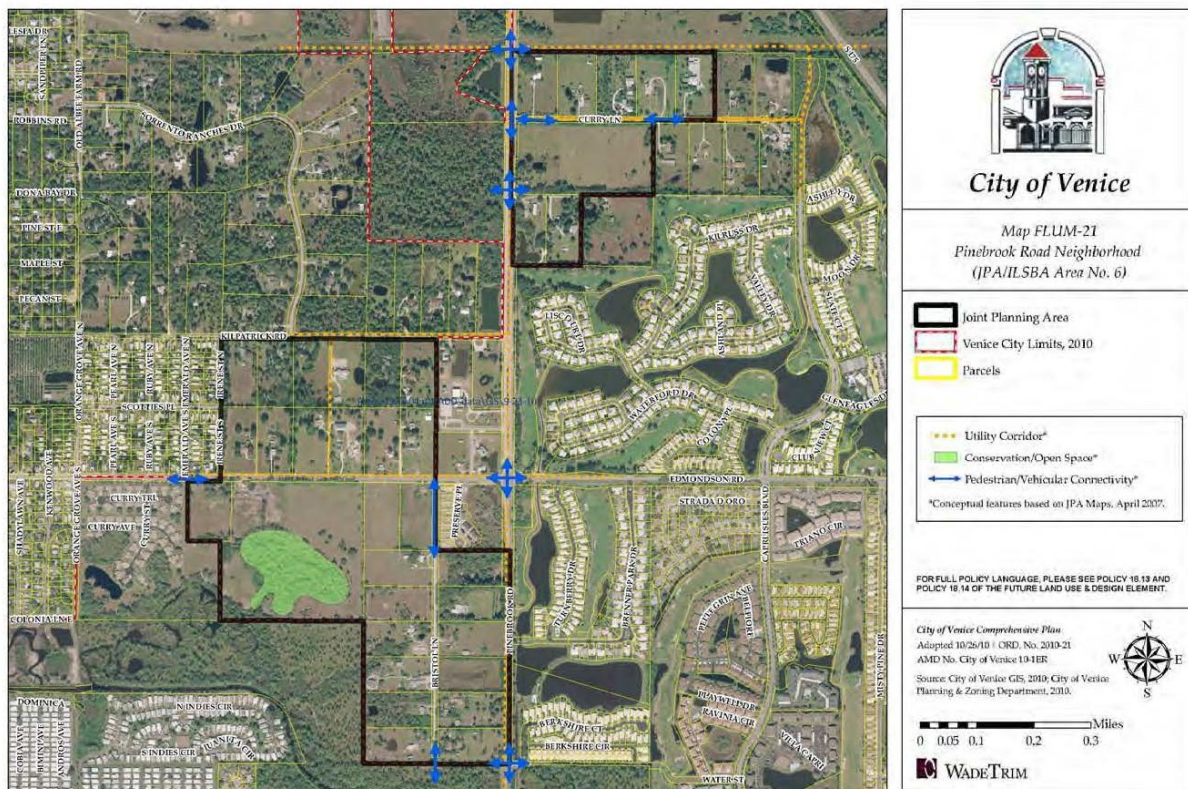
Consistency with the Comprehensive Plan

The Comprehensive Plan includes the JPA/ILSBA as a part of the appendix; therefore, the majority of the analysis for Comprehensive Plan consistency is related to this agreement. The subject petition has been processed consistent with the procedures identified in the JPA/ILSBA including notification of the potential annexation to Sarasota County. As indicated, the applicant is proposing a residential use for the subject property; JPA Area 6 permits Institutional Professional uses with an intensity up to 0.5 FAR, per the latest amendment to the JPA. Approval of the annexation does not extend to any proposed uses. Uses will be determined based on the subsequent consideration of future land use and zoning.

The JPA/ILSBA indicates that the City may annex lands as long as the land is contiguous, as defined in Chapter 171, Florida Statutes, to the municipal boundaries of the City and the area to be annexed is compact.

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The subject property is contiguous to the City boundary along parts of its southern border and the entirety of its northern border.

“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact. The subject property is reasonably compact and rectangular-shaped.



Following is the full text provided in the JPA/ILSBA for Area 6:

Area 6 – Pinebrook Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for this Area is a maximum of 3 units per acre for all properties West of Pinebrook Road and 13 units per acre for all properties East of Pinebrook Road, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area, except Institutional-Professional uses are permitted for all properties East of Pinebrook Road. The square footage of any such Institutional-Professional uses shall not exceed a FAR of 0.5. Development shall be served by City water and sewer. The Party having jurisdiction over the development application shall require dedication of right of way for the future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.

It is noted that the applicant has submitted concurrent applications for a Comprehensive Plan Amendment to designate the subject property as City of Venice Institutional Professional and a Zoning Map Amendment Petition to provide for an Office, Professional and Institutional designation. Both petitions are consistent with the provisions in Area 6 of the JPA/ILSBA.

Strategy LU 4.1.1 of the Comprehensive Plan includes Policy 8.2, Land Use Compatibility Review Procedures.

At the point of the annexation of property, evaluation of compatibility is required to ensure compatibility with adjacent uses. Compatibility review requires evaluation of the following as listed in Policy 8.2:

A. Land use density and intensity.

Applicant Response: The proposed annexation does not establish a land use density or intensity; however, the proposed annexation complies with the criteria and process set forth under to the JPA/ILSBA and Comprehensive Plan, both of which seek to facilitate compatibility of land use density and intensity.

B. Building heights and setbacks.

Applicant Response: The proposed annexation does not establish building heights or setbacks; this criteria will be established through the Property's zoning designation, which will be compatible with the existing neighborhood.

C. Character or type of use proposed.

Applicant Response: The proposed annexation does not establish a land use; however, the proposed annexation complies with the criteria and process set forth under to the JPA/ILSBA and Comprehensive Plan, both of which seek to facilitate compatibility between land uses.

D. Site and architectural mitigation design techniques.

Applicant Response: The annexation process does not encompass site and architectural design; therefore, Site and architectural mitigation design techniques, if necessary, will be established through the Rezoning and/or Site & Development Plan review and approval processes.

The above development characteristics (Policy 8.2 A through D) will be evaluated with the review of the concurrently processed land development application for zoning and subsequent preliminary plat and/or site and development plan petitions.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided the applicant's response to each consideration as well as staff's commentary on each consideration.

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

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

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.

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

Summary Applicant Response: The proposed annexation does not establish a land use, and therefore compatibility will be properly evaluated at the time of Rezoning and/or Site & Development Plan review. However, the proposed annexation complies with the criteria and process set forth under the JPA/ILSBA

and Comprehensive Plan, both of which seek to facilitate compatibility.

Summary Staff Comment: *This is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding this consideration.*

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 review of the concurrently processed zoning application along with review of subsequent development petitions will identify all elements of the proposed project on the subject property and allow a full review of the project, including the project's 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 an actual development proposal.

- 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 proposed annexation does not create any potential incompatibility; however, potential incompatibility that could arise through development of the Property, if any, shall appropriately be addressed at the time of Rezoning and/or Site & Development Plan review.

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

Analysis has been provided to determine consistency with the Chapters 163 and 171 Florida Statutes, the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

B. Compliance with the Land Development Code (LDC)

The City's LDC in Code Section 86-23(k) provides minimal instruction regarding annexation of land, but it does indicate that the City Council shall certify the proposal for annexation (including any proposed collateral agreement in that regard) to the Planning Commission. The Commission shall consider the proposal as follows:

- In relation to its established comprehensive plan for city-wide development and control or by applying such other criteria as may have been established under its own rules and procedures. *(There are no criteria specific to annexation petitions in Planning Commission's rules and procedures.)*
- Shall recertify the proposal to the City Council with its recommendation for approval, rejection or modification in whole or in part.

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

The subject petition complies with all applicable Land Development Code requirements.

C. Provision of Services

In response to request from the Planning and Zoning Division, the City's Technical Review Committee (TRC) reviewed the proposed annexation for potential impacts on City services and facilities. The TRC has provided comments regarding provision of services to the subject property and the ability to maintain adopted levels of service for public facilities that will need to be addressed with each subsequent petition for development of the property if the annexation is approved.

Conclusion / Findings of Fact (Provision of Services):

Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained. No issues have been identified at this time.

V. CONCLUSION

Planning Commission Report and Recommendation to City Council

Upon review of the petition and associated documents, State Statutes, the Comprehensive Plan, the Land Development Code, this 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 the Annexation Petition No. 20-52AN.