



Project: John Nolen Gardens
Zoning Map Amendment Petition No. 17-08RZ

Staff Report

Owner: ROWCO, LLC

Parcel ID #s: 0364-09-0002

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Address: 2201 Knights Trail Road

Parcel Size: 29.89± acres

Existing Zoning Districts: Residential, Multi-Family-2 (RMF-2) with stipulations

Proposed Zoning District: Residential, Multi Family-4 (RMF-4)

Future Land Use Designation: Shakett Creek Neighborhood (Planning Area J)

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and has been found in compliance with all regulatory standards applicable to the rezoning of property in the City of Venice.

I. INTRODUCTION AND BACKGROUND

The subject property was annexed into the city on September 9, 2003 through City Council adoption of Ordinance No. 2003-23. The property was subsequently rezoned from Sarasota County Open Use Estate-1 (OUE-1) to City of Venice Residential, Multi-Family-2 (RMF-2) on April 11, 2006 through City Council adoption of Ordinance No. 2006-25 which did include stipulations (proffered by the applicant) as follows:

1. “Density shall be limited to no more than 240 dwelling units, along with a community club.”
2. “Height of all structures shall not exceed 35 feet.”
3. “Compliance with design standards consistent with the “Venetian Gateway” district.”

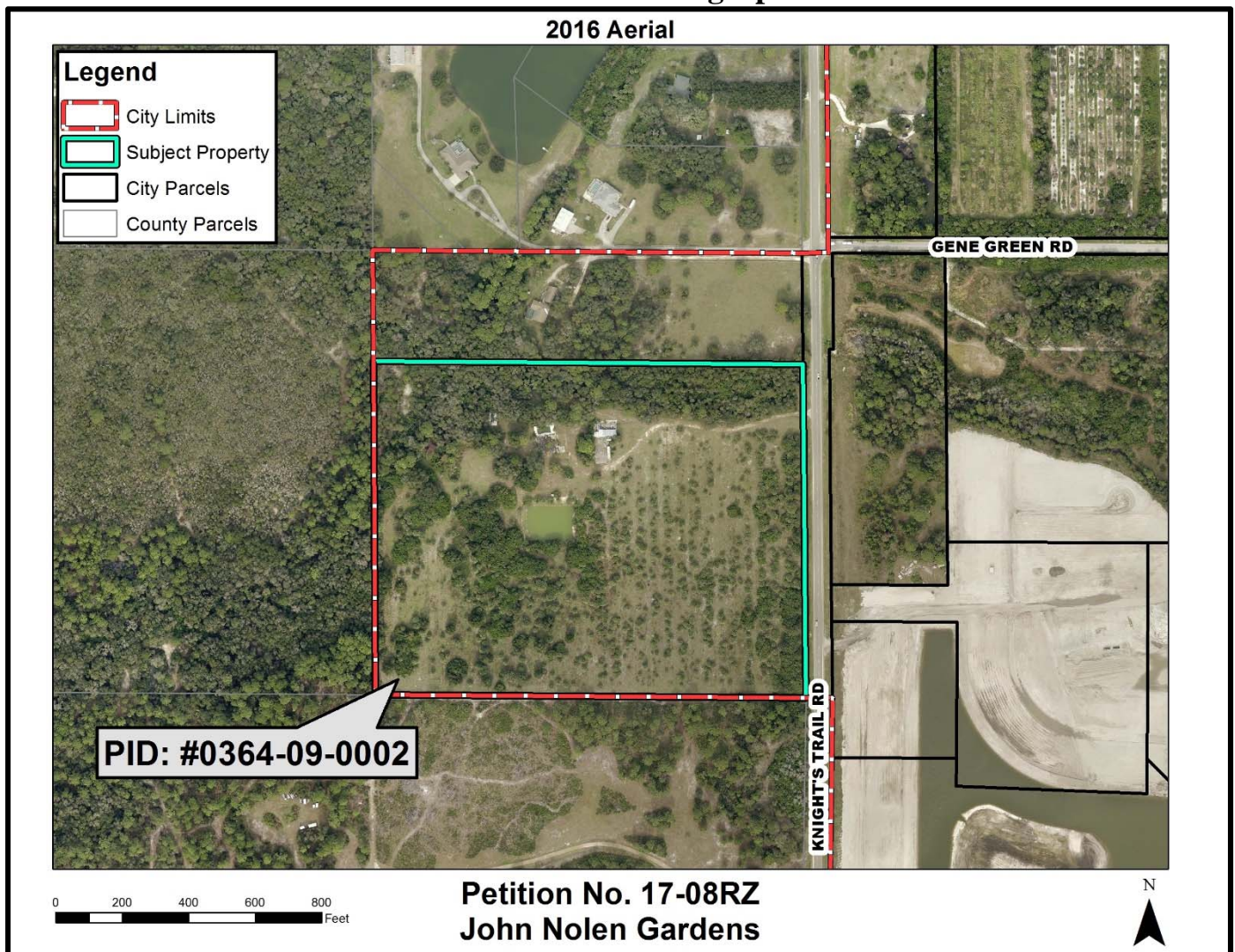
The property is comprised of 29.89± acres and is located on the west side of Knights Trail Road, just south of Gene Green Road. The applicant is proposing to rezone the subject property from the current RMF-2 zoning designation with stipulations to RMF-4 with no stipulations. While this request is for a zoning change, the applicant has indicated a desire to construct a residential multi-family project.

II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Subject Property Information:

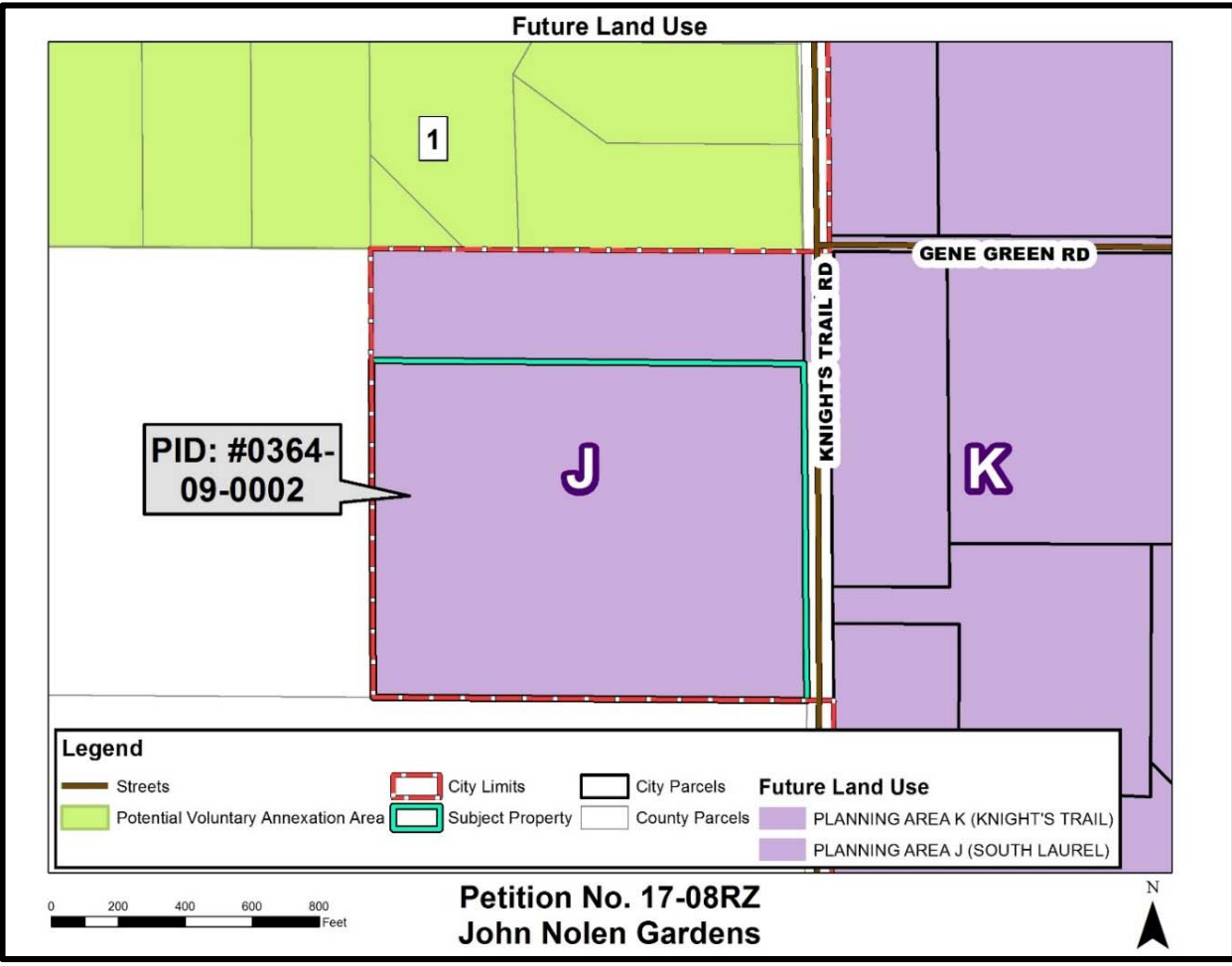
The subject property is comprised of 29.89± acres as depicted on Map 1. The property is mostly vacant and has been used for agricultural purposes. There appears to be the remains of a demolished single-family home, a pool and associated out-buildings on the site. The property is bordered to the north by a 10 acre parcel containing a single-family home with the remainder of the property apparently vacant or being used for agricultural purposes. To the west and south of the site is vacant agricultural land with some indication of small out-buildings on the southern property. To the east of the site, across Knights Trail Road, is the residential subdivision of Toscana Isles currently under development. The majority of the property located directly across from the subject site is identified as the proposed commercial portion of the Toscana Isles Planned Unit Development (PUD)

MAP 1: Aerial Photograph





MAP 2: Future Land Use Map



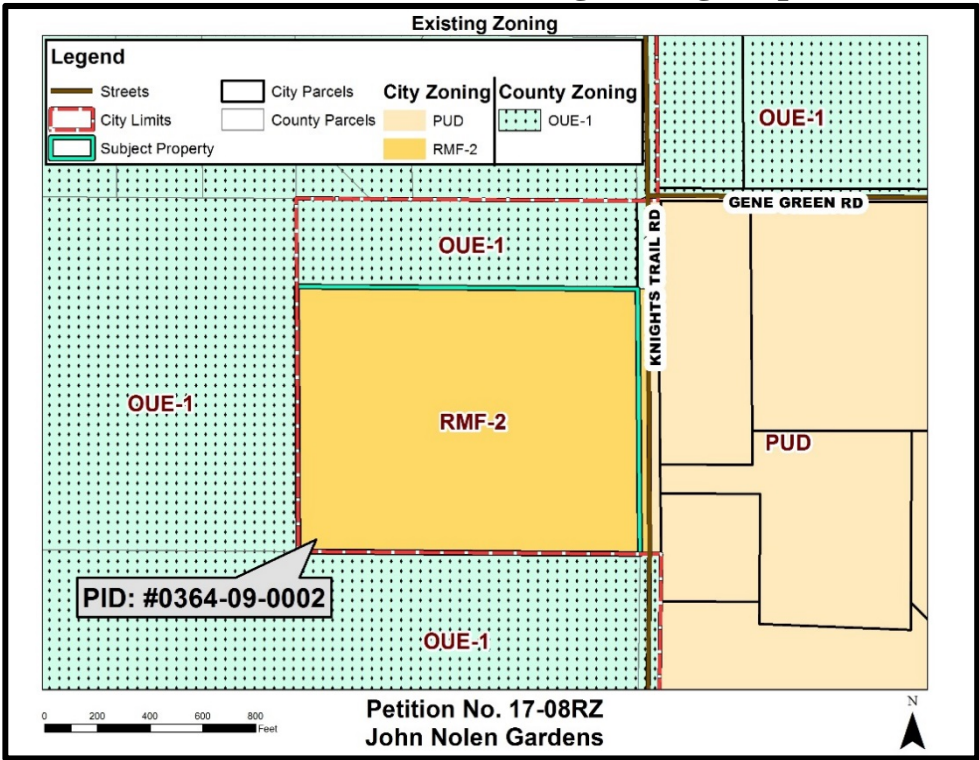
Future Land Use:

Map 2 depicts the subject property having a City of Venice future land use map designation of the Shakett Creek Neighborhood (Planning Area J). The planning intent for this planning area indicates that it is *“designed to accommodate industrial-commercial; office and low intensity retail space; multi-family residential properties; and conservation/open space. The Neighborhood will be connected via a diverse transportation system that connects existing and new roadways, bikeways, sidewalks, and urban trails. The result is an industrial/commercial based, mixed use neighborhood that interconnects with the surrounding Venice community.”*

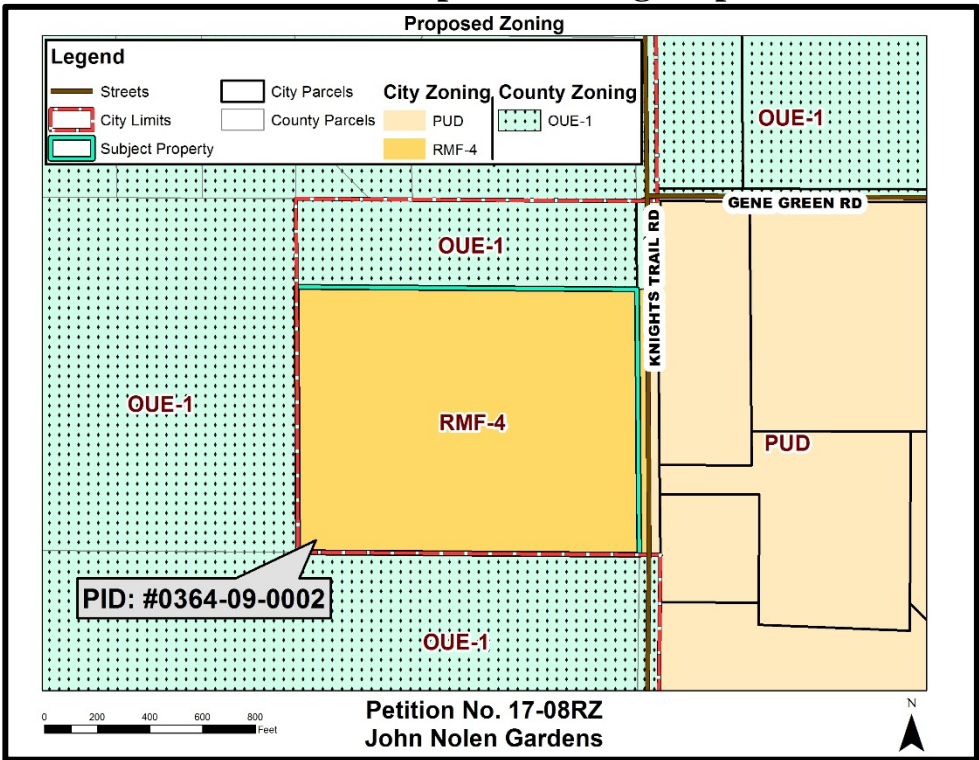
Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with two flood zone designations, zones “X” and “AE”. Base Flood Elevation (BFE) varies from 10 feet to 11.08 feet. The Zone X designation is not identified as a Special Flood Hazard Area and is considered low risk. The portion of the property designated as “AE”, is identified as a Special Flood Hazard Area (SFHA) and is considered high risk. Flood insurance is mandatory in high risk areas for most mortgages that are secured by loans from federally regulated or insured lenders. City of Venice regulations require that the minimum finished floor elevation must be the higher of base flood elevation or 15 inches above the adjacent grade. A survey is required to establish the finished floor elevation and crown of road and an elevation certificate will be required for new construction. Development of the property will be subject to compliance with FEMA requirements.

MAP 3: Existing Zoning Map



MAP 4: Proposed Zoning Map



Surrounding Property Information:

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

Direction	Existing Land Use(s)	Existing Zoning District(s)	Future Land Use Map Designation(s)
North	Residential	Sarasota County Open Use Estate-1 (OUE-1)	Shakett Creek Neighborhood (Planning Area J)
West	Vacant Land	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Rural
South	Vacant Land	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Rural
East	Planned Development (Toscana Isles)	Planned Unit Development (PUD)	Knights Trail Neighborhood (Planning Area K)

III. PLANNING ANALYSIS

A. Evaluation of Proposed RMF-4 Zoning and Existing RMF-2 Zoning:

	RMF-2 (with stipulations)	RMF-4	Comp Plan	Applicant Proposed Development
Density	8 du/acre (per stipulation)	18 du/acre	18 du/acre	17.86 du/acre
Dwelling Units	240 (per stipulation)	538	538	534
Setbacks	12' side	15' side	NA	Unknown
Height	35' (per stipulation)	45' + 10' of parking	42'	Unknown
Uses	Existing uses and special exceptions provided in the LDC	Additional SE uses: Rooming Houses, Nurses' Homes, Monastery, Housing for the aged	No change	Unknown

The applicant has petitioned the city to rezone the property from RMF-2 to RMF-4 for the future consideration of a multi-family residential project. The permitted principal uses and accessory uses within the RMF zoning district are consistent across the board for all RMF-1 thru RMF-4 designations. Differences occur in the special exception uses that are provided, and require approval by Planning Commission. In addition to the special exception uses available under the current RMF-2 designation, a rezoning of the property to RMF-4 will allow consideration of the following additional special exception uses:

- Rooming houses and boarding houses
- Nurses' homes and similar housing for institutional employees.
- Monasteries or convents.
- Housing for the aged.

Other differences between RMF-2 and the RMF-4 zoning obviously include the difference in density from the current approval of 8 units per acre to the proposed 18. Regarding other differing standards, there are only two including side setbacks and building height.

As you can see from the table, the new zoning designation will require an additional side setback of three feet. In addition, the maximum allowable building height by right will increase from 35 feet to 45 feet. Both of these standards within the RMF designation provide for an additional 10 feet of building height devoted to parking. Although this would technically allow overall building height of up to 45 feet under the RMF-2 designation, the stipulation attached to the current RMF-2 designation limits overall building height to 35 feet. The Planning Area limitation of 42 feet is the governing standard for this site. The proposed RMF-4 district could technically accomplish an overall building height of 55 feet, however, will also be limited to the 42 foot standard. With the governing standard of 42 feet provided in the Comprehensive Plan, if approved, the proposed rezoning will result in an increase in building height of seven feet. There is an additional standard in the RMF district that requires buildings above 35 feet to provide additional setback at a ratio of one foot additional setback for each three feet of height above 35 feet and this standard is equally impactful in both districts.

Finding of Fact (Evaluation of Existing/Proposed Zoning): *Considering the indicated differences in use and locational standards and proposed density consistent with that allowed by the Comprehensive Plan, staff finds that a finding can be reached on the proposed zoning designation requested.*

B. Consistency with the Comprehensive Plan:

The subject property has a future land use map designation of Shakett Creek Neighborhood (Planning Area J). Policy 16.19 provides the planning intent of Planning Area J. The planning intent for this planning area indicates that it is “*designed to accommodate industrial-commercial; office and low intensity retail space; multi-family residential properties; and conservation/open space. The Neighborhood will be connected via a diverse transportation system that connects existing and new roadways, bikeways, sidewalks, and urban trails. The result is an industrial/commercial based, mixed use neighborhood that interconnects with the surrounding Venice community.*” Based on this planning intent, the proposed rezoning of the property to RMF-4 is consistent with the identified use of multi-family residential provided in this policy. In addition, Policy 16.19 indicates that the “*Neighborhood will be connected via a diverse transportation system that connects existing and new roadways, bikeways, sidewalks, and urban trails.*” Although the applicant has included a conceptual plan with their submittal, any site improvements that may be indicated are not confirmed at the point of rezoning but will be confirmed through subsequent land use petitions.

In addition, Policy 16.20 provides the development scenario for Planning Area J. Regarding the proposal to

rezone the property, some of the general standards provided in this policy can be evaluated and confirmed as consistent with the application. Other standards may not be applicable or, are locational, and will be confirmed with subsequent land use petitions. The applicant has provided a detailed narrative indicating their proposed plan for the property, however, evaluation provided in this report is based on the rezoning of the property from RMF-2 to RMF-4. Those standards that can be confirmed consistent at this point are as follows:

- Maximum residential density in this district will not exceed 18 units per acre. *The RMF-4 zoning district provides for a maximum of 18 units per acre.*
- Maximum height shall be limited to 3 stories, up to 42 feet including parking. *Although the RMF-4 zoning district will permit building height up to 45 feet with 10 feet additional devoted to parking, the Comprehensive Plan is the governing document and will limit the height to 42 feet including parking. Although potential height will increase by seven feet from the current stipulated 35 feet, the height limit provided in the Comprehensive Plan addresses this policy's requirement for consideration of compatibility mitigation techniques per Policy 8.2 for "building envelope" and will prevent the allowance of height up to 55 feet.*

At the point of rezoning of property, evaluation of compatibility principles as described in Objective 8, Policy 8.2 of this Element" shall be 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.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

At the rezone stage of a project, Policy 13.1 of the City's Comprehensive Plan regarding residential uses indicates that a positive finding must be made by City Council on the following considerations, E thru H, from Policy 8.2, Land Use Compatibility Review Procedures, in order for a project to obtain approval at the maximum allowable density:

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses. *There is a residential subdivision across Knights Trail Road from the project that includes both single-family and multi-family residential uses along with commercial uses. Adjacent to the remaining perimeter is vacant agricultural land and a single-family residence located on ten acres. In addition, multi-family residential use is typically considered compatible with single-family residential use.*
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses. *The same permitted principal uses and structures are identified for both the RMF-2 and the RMF-4 zoning district. In addition, the applicant is not proposing any commercial or industrial 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. *The proposed rezoning, similar to the existing zoning phases out the nonconforming agricultural use of the property which is not provided for in the City's Comprehensive Plan.*
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses. *(The proposed rezoning of the property will increase the density from the existing approved 8 units per acre to 18 units per acre for the applicant's proposed multi-family project. The majority of the surrounding property is zoned Sarasota County Open Use Estate and*

permits one unit per 5 acres, however, other than the existing use of a single-family home north of the site, there are no existing uses to the west and south. Across Knights Trail Road, the Toscana Isles PUD permits up to 4.5 units per acre in a mix of single and multi-family dwellings. As indicated earlier, residential uses are typically considered compatible. In addition, much of the area of the Toscana Isles PUD across from the subject property is identified as the commercial area of the PUD.)

Based on the above evaluation of Policy 8.2, Land Use Compatibility Review Procedures, Residential Future Land Uses, there is adequate evidence on which to determine confirmation of compatibility with the surrounding properties and to make a finding on considerations E. thru H.

A determination of whether the proposed difference in density of 10 additional units per acre may warrant consideration of mitigation techniques, as identified in Policy 8.2, may be necessary. They are as follows:

- 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.

There is no requirement for an applicant to submit a site plan for a rezoning other than for various planned districts. Although the applicant has submitted a conceptual plan with their application materials, staff has indicated that no review of this plan has been provided. The development of a multi-family residential project requires review and consideration of a site and development plan for ultimate approval by Planning Commission. It is during this process that full review of the project will occur and mitigation techniques may be considered. While the change in zoning on face value (8du/acre to 18 du/acre) may appear to necessitate mitigation techniques, as there is no concurrent development proposal with the rezone, addressing this would be more appropriate at the time of site development to ensure appropriate mitigation for the specific development proposal.

Applicant's Intent:

The applicant's indicated goal is to develop a model for economical rental housing alternatives for the workforce that may be applied in several locations and jurisdictions, and maybe even on a national level. In working with stakeholders from the major employers, local government, and private social service agencies, the developer hopes to invoke certain economies that will allow the development to be maintained at an affordable level for the workforce. The desire is to take advantage of locations that are in close proximity to major employers to reduce the need for personal vehicles and encourage multi-modal transportation options. In addition, possible reduction in long commuter distances can translate into a reduction in associated expenses that may allow the worker to establish entry level housing that eventually leads to future housing options.

It is for these reasons, the applicant has selected the subject site due to its close proximity to some of the areas larger employers such as PGT and Tervis Tumbler. The development is anticipated to occur in phases with 534 multi-family residential apartments contained in six, 3-story buildings. Units will consist of studio efficiency apartments along with one and two bedroom units planned to rent within a

range of \$750.00 to \$1,040.00 per month. It is indicated in the narrative that “*none of the units or tenants will be subsidized under any federal, state, or local housing subsidy program.*” The applicant states that the “*rezoning of the property from RMF-2 to RMF-4 is necessary to achieve the unit types and allowable density of 534 units to support the demand created*” by the indicated existing and potential future major employers.

In review of the City’s Comprehensive Plan, Land Use & Development Chapter, Housing & Neighborhood Development Element, it appears that multiple objectives and policies are proposed to be implemented by this project. Objectives 1 thru 3, including policies 1.2, 2.2, 3.1, and especially Policy 3.7 for Live-Near-Work Housing that states “*Collaborate with major employers and developers to identify and implement live-near-work housing strategies that enable the city’s workforce to walk to work.*” are identified. The applicant has requested consideration of Policies 3.8 and 3.9 that provide for streamlined review of the project along with reduced processing fees that will need to be determined by City Council. Regarding streamlined processing, there is no guiding ordinance language that provides procedural direction. Finally Policies such as 3.11 and 3.12 that recognize the need for rental housing options and targeted areas such as those near major employment centers is identified. The proposed implementation of the identified policies provide the ability to make a finding of consistency with the policies in the housing element of the City’s comprehensive plan

Finding of Fact (Comprehensive Plan): *Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to base a finding of consistency with the City’s Comprehensive Plan. Land use compatibility will be further confirmed at the point of site development.*

C. Concurrency/Adequate Public Facilities:

Staff has conducted a preliminary review of concurrency based on the zoning change from RMF-2 to RMF-4. All applicable departments including Public Works (parks and solid waste), Utilities (water and sewer), Engineering (drainage), Sarasota County School District, and Planning & Zoning (transportation) have reviewed the proposal and no issues regarding capacity of public facilities have been identified. Regarding transportation, there are current uses permitted in both the RMF-2 and RMF-4 zoning district such as a private K-12 school that are more intense than the applicant’s proposal. Concurrency is more appropriately addressed, and will be, at the time of development of the site. As such, this proposed rezoning (if approved) does not confer approval for concurrency. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

Finding of Fact (Concurrency): *Concurrency analysis and a certificate of concurrency will need to be obtained prior to further development of the subject property.*

D. Applicable Zoning Map Amendment Considerations

Section 86-47(f) of the Land Development Code states “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 following, where applicable:” To facilitate the Planning Commission’s review of the subject petition staff has provided the applicant’s response to each of the following considerations and when appropriate staff has provided comments with additional information:”

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

Applicant's Response: See applicant's narrative.

Staff Comment: Based on the Planning Analysis provided in Section III, Consistency with the Comprehensive Plan subsection, of this report, the proposed zoning map amendment can be found consistent with the comprehensive plan.

- (b) The existing land use pattern.

Applicant's Response: See applicant's narrative.

Staff Comment: The land use identified around the site is Rural and is mostly vacant land with the exception of one single-family home to the north. A residential subdivision exists in Planning Area K across Knights Trail Road from the site which is proposed to contain a mix of single and multi-family residential uses along with some commercial use. The proposed use of the property is consistent with the planning intent of Planning Area J as well and implements the Comprehensive Plan.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The existing designation of the site is Residential, Multi-Family and the resulting designation will be also be Residential, Multi-Family.

- (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: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency based on the zoning change and no issues have been identified. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The existing designation of the site is Residential, Multi-Family and the resulting designation will be also be Residential, Multi-Family.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff concurs with the applicant's response.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Planning area J is designated for up to 18 units per acre. As indicated earlier, the property is currently zoned for multi-family use at a density of 8 units per acre. The proposed increase is consistent with the density standard of the Comprehensive Plan.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency, including transportation, based on the zoning change and no issues have been identified. Regarding transportation, there are current uses permitted in both the RMF-2 and RMF-4 zoning district such as a private K-12 school that are more intense than the applicant's proposal and generate more traffic. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency, including drainage, based on the zoning change and no issues have been identified. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: As indicated in this report, the changes in building envelope are minimal from RMF-2 to RMF-4.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The existing designation of the site is Residential, Multi-Family and the resulting designation will be also be Residential, Multi-Family.

- (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: See applicant's narrative.

Staff Comment: The existing designation of the site is Residential, Multi-Family and the resulting designation will be also be Residential, Multi-Family.

- (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: See applicant's narrative.

Staff Comment: The applicant's request is consistent with the Comprehensive plan.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The property can be developed under the existing zoning of RMF-2, however, for the applicant to achieve the desired development form, a rezoning to RMF-4 is being requested.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff concurs with the applicant's response.

- (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: See applicant's narrative.

Staff Comment: The subject property on Knights Trail Road has been identified by the applicant as the desired site for development of their project due to the close proximity with the areas major employers.

Findings of Fact (Applicable Rezoning Considerations): *The applicant has provided a response to each of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered. Sufficient information has been provided for the Planning Commission to evaluate each consideration.*

Based upon this finding, the Planning Commission can make a recommendation to City Council regarding Zoning Petition No. 17-08RZ.

IV. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

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 take action on Rezone Petition No. 17-08RZ.