



MEMORANDUM

FROM: Roger Clark, AICP, Planning and Zoning Director
DEPT: Planning and Zoning
TO: Mayor and Council
DATE: 01/24/2023
RE: Revisions After City Council Special Meeting on January 6, 2023

SUBJECT: Proposed Referendum of the New Land Development Regulations

BACKGROUND: At the January 6th City Council special meeting, staff presented response to the four remaining issues provided in the final requests from the Venice Unites Petitioners on December 22nd. At the special meeting, three of the four items were resolved with one outstanding item regarding standards for Planned Unit Developments (PUDs). Council directed staff to continue to work with the petitioners to try and resolve this remaining issue and bring back to Council a potential resolution. Staff has reached out to Ron Smith, representing Venice Unites, and provides the following potential resolution for consideration at the regular meeting of City Council scheduled for January 24, 2023:

If City Council agrees, staff will initiate a land development regulation text amendment application to address Venice Unites' concerns 1 through 3 below regarding PUDs:

1. Sec. 2.2.4.5 (7): **Add to the LDR**, "The district is not intended for use by major or large scale commercial or service establishments." **Or add the text** that is referred to in Section 2.2.4.5.7. from Comprehensive Plan Strategy 1.2.16 as follows: "The intent of the nonresidential portion of the PUD is to provide for neighborhood scale and serving uses; not for regional purposes.

Staff Response

Section 2.2.4.5.7. Non-Residential Uses. Non-residential uses are limited to a maximum of five (5) percent of the total acreage and shall meet the requirement of Comprehensive Plan Strategy LU 1.2.16. Non-residential uses in a PUD shall be appropriately located so as to serve one or several neighborhoods within convenient traveling distance in order to reduce vehicle trips outside of the area. Such uses are not intended to be automotive-oriented; therefore, convenience store with fueling stations, car wash, vehicle sales and rentals, vehicle service, and similar automotive-oriented activities are prohibited. The district is not intended for use by major or large scale commercial or service establishments. The intent of the non-residential portion of the PUD is to provide for neighborhood scale and serving uses; not for regional purposes. Professional and business offices and other similar uses are encouraged. Orientation to and compatibility with the neighborhoods to be served are critical; non-residential uses are intended to be ancillary to the

areas they serve.

2. Section 2.2.7: Traditional District Use Table should indicate that any commercial development within a P.U.D. shall be neighborhood in scale. (DELETE any specific mention of commercial building size)

Staff Response

Remove the 65,000 square foot standard from Table 2.2.7. There has never been a size standard in the City's code and there is no reason to indicate one. Any non-residential development intensity is limited by the Comprehensive Plan.

3. Section 4.1 Compatibility – Include language from Strategy LU 4.1.1, Policy 8.2 Land Use Compatibility Review Procedures A through H in addition to the language from I through N currently in the LDR.

Staff Response

Insert language from the former Comprehensive Plan Policy 8.2 into Section 1.2. Common Review Procedures, subsection C.10 Application Requirements as follows:

Land Use Compatibility Analysis. Demonstrate 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.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

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.
- 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.

REQUESTED ACTION: Direct staff to initiate a land development regulation text amendment application to implement the indicated concepts.

Yes N/A

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | City Attorney Reviewed/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Risk Management Review |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Finance Department Review/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Funds Availability (account number): Click or tap here to enter text. |