



***Preserves of Venice***  
**Preliminary Plat Petition Number: 16-03PP**  
**Conditional Use Petition No. 16-01CU**

**Staff Report**

**Owner:** SSD Land Holdings, LLC

**Parcel ID #:** 0399-04-0001

**Agent:** Charles D. (Dan) Bailey, Jr., Esq., Williams Parker Law Firm

**Location:** Southeast Corner of N. Auburn Rd. and Border Rd.      **Parcel Size:** 39.6± acres

**Existing Zoning:** Sarasota County Open Use Estate-1 (OUE-1)

**Proposed Zoning:** City of Venice Residential, Single-Family-2 (RSF-2)

**Existing Future Land Use Designation:** Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a)

**Summary of Proposed Preliminary Plat:**

- 1) The subject preliminary plat proposes development of a 118 lot residential single family detached subdivision. A future amenity area is identified that will require separate site and development plan approval.
- 2) Other improvements include private streets, stormwater management system and water and sewer utilities.
- 3) Landscaping improvements include landscape buffers of ten feet along the perimeter of the site with the exception of the area adjacent to I-75 which is 20 feet and the area to the south along Fox Lea Drive which is 40 feet. Street trees and other trees to comply with Sarasota County tree replacement requirements are provided.

**Stipulations:**

- 1) Staff is recommending environmental stipulations that are identified later in this report.
- 2) All prospective buyers of property within the Preserves of Venice must be notified by the developer or his representative of the adjacent Fox Lea Farm equestrian facility to the south.
- 3) Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-03RZ.

**Technical Review Committee (TRC):** The subject petitions have been reviewed by the TRC, and except for requested code modifications permitted through the preliminary plat process, compliance with all regulatory standards applicable to the subject petitions has been confirmed.

**I. INTRODUCTION/SUMMARY FINDINGS OF FACT**

The subject property was annexed into the city on February 26, 2008 through City Council adoption of Ordinance No. 2008-04. The property was eligible for annexation through its inclusion within the Joint Planning and Interlocal Service Boundary Agreement (JP/ILSBA) between the City and the County and is identified as JPA Area 2a, the Auburn Road to I-75 Neighborhood.

The property is comprised of approximately 39.6± acres and is located at the southeast corner of the intersection of N. Auburn Road and Border Road. The applicant has submitted an application for preliminary plat to subdivide the property into 118 single-family residential lots along with associated infrastructure. In addition, the applicant has submitted an application for a conditional use to allow for the proposed residential community to be gated.

Based on the planning analysis provided in Section III of this report, staff has made the following findings regarding the preliminary plat petition.

- 1) **Findings of Fact (Comprehensive Plan):** *Based on the above analysis, the proposed preliminary plat is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 are confirmed through this petition. Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to base a finding of compliance with the City's Comprehensive Plan.*
- 2) **Findings of Fact (Land Development Code Subdivision Standards and LDC):** *The proposed Preserves of Venice preliminary plat is in compliance with the City's Land Development Code subdivision standards and, except for the modification of code standards being requested, is compliant with the City's LDC.*
- 3) **Findings of Fact (Concurrency):** *No concurrency issues for public facilities have been identified. Issuance of a certificate of concurrency will be required in coordination with approval of the final plat.*

## II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

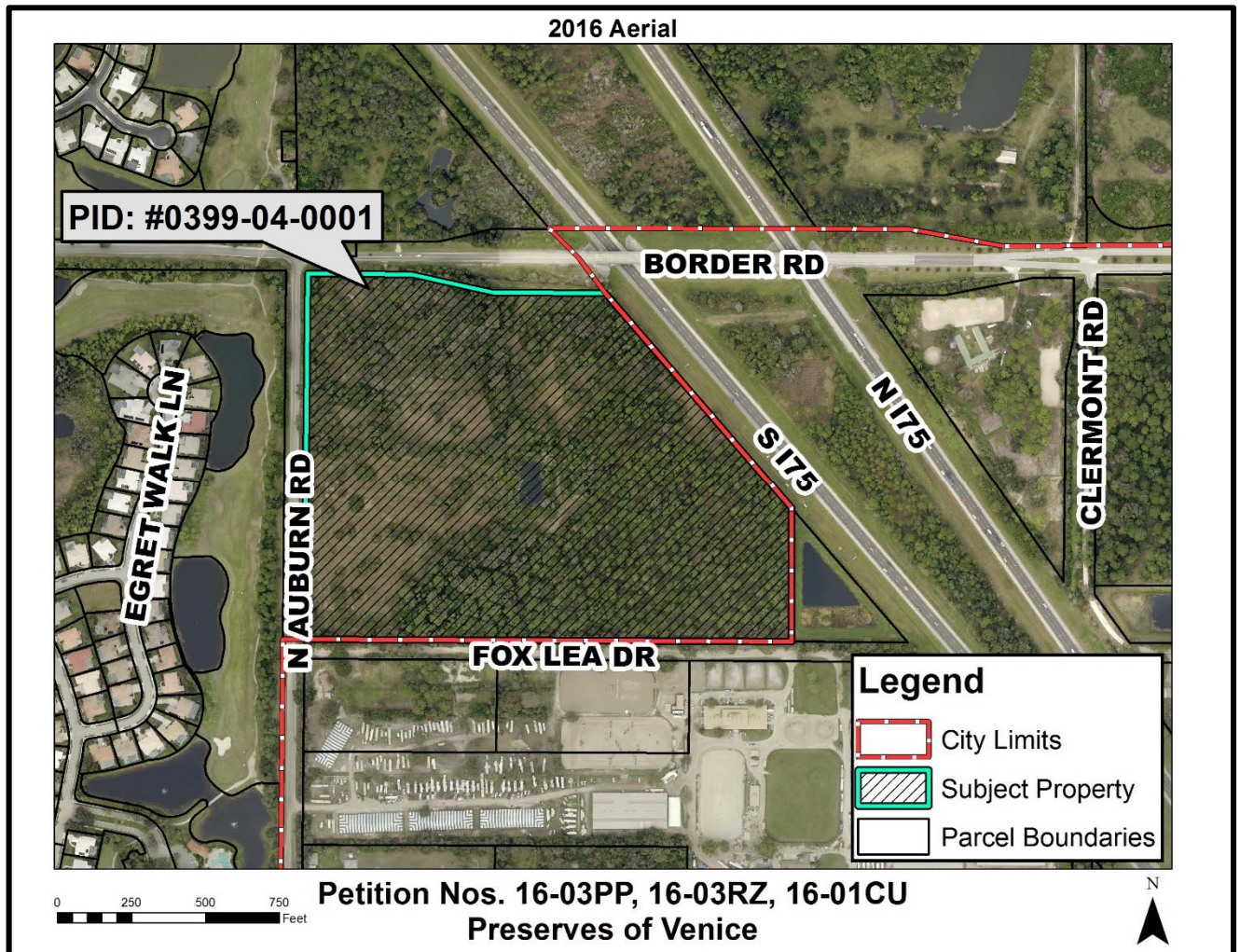
The subject property is comprised of approximately 39.6± acres as depicted on Map 1. The property is currently vacant and has mostly been used for agricultural purposes. The survey does indicate three, one-story wood structures on the property that will require demolition prior to development. The property is bordered to the west by N. Auburn Road, to the north by Border Road, to the east by I-75 and to the south by Fox Lea Drive, a two lane, shell road that provides access to the adjacent properties to the south. To the west of the site is the Sawgrass residential subdivision consisting of single-family homes and nine holes of the Waterford Golf Club. To the north and northwest of the site is vacant land and the Waterford subdivision consisting of single-family homes and villas along with 18 holes of golf and the golf course maintenance area. To the east is Interstate 75 and a Florida Department of Transportation (FDOT) stormwater facility. To the south are multiple parcels that contain a single-family home and the Fox Lea Farm equestrian facility, all appearing to be under unified ownership.

### 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	Vacant Land and Waterford Subdivision and Golf Course Maintenance Area	Sarasota County Open Use Rural (OUR) and City of Venice (PUD)	Low Density Residential and Recreation and Open Space
West	Sawgrass Subdivision	Sarasota County (RSF-2)	Low Density Residential and Recreation and Open Space
South	Single Family Home and the Fox Lea Farm Equestrian Facility	Sarasota County (OUR)	Auburn Road to I-75 Neighborhood (JPA Area No. 2a, Sub-Area 2) or Sarasota County Moderate Density Residential
East	Interstate 75	NA	NA

**MAP 1: Aerial Photograph/Existing Land Use**



Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.



East property border along I-75



Property to the Northwest



Sawgrass to the West



Subject property on left, Sawgrass on right



Vacant property to the North





Entrance to Fox Lea Farm



Fox Lea Dr. – Subject property on left



Fox Lea Farm Equestrian Facility



Fox Lea Dr. looking west-subject site on right

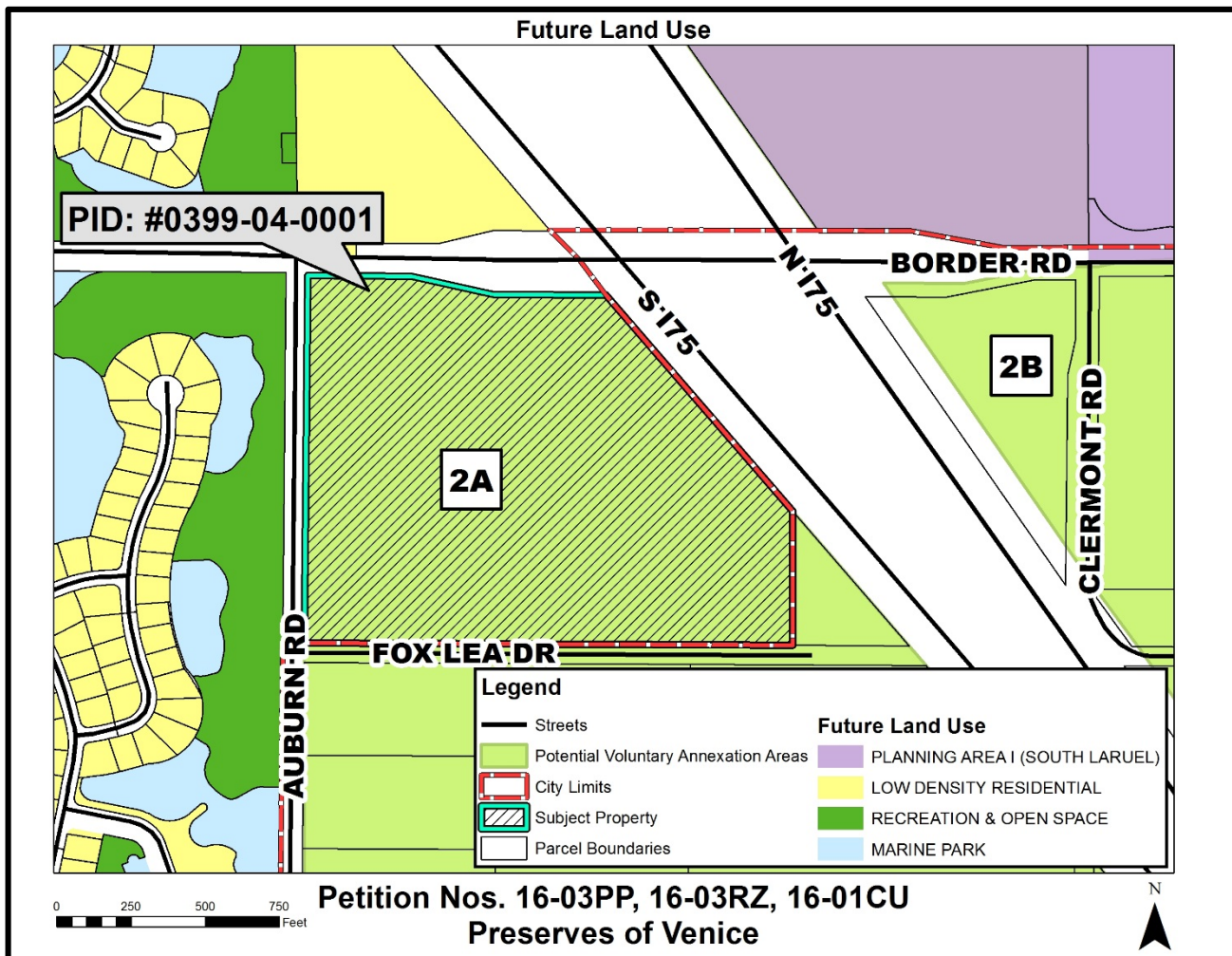
**Flood Zone Information:**

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 12.7 feet. The Zone X designation is not identified as a Special Flood Hazard Area, however, due to the majority of the property being designated as “AE”, the property is identified as a Special Flood Hazard Area (SFHA) and is therefore a high risk flood zone. 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.

**Future Land Use:**

Map 2 depicts the subject property having a City of Venice future land use map designation of Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a). The subject property is within Sub-Area 1 of the JPA area. The Development Policy of this area is to ensure the timely development of urban services and facilities that are compatible with natural resources and community character. This area may include both residential and non-residential Development. However, non-residential uses are limited to 10% of the acreage in this neighborhood. Equestrian uses are allowed in Sub-Area 2 so long as such uses are deemed compatible with adjacent uses. Building height is limited to 3 stories, up to 42 feet and mitigation techniques of Objective 8, Policy 8.2 are required to ensure compatibility with adjacent uses. A total of at least 7.4 acres of conservation and open space is required across the entire JPA Area. Every effort is to be made to conserve existing environmental features including functioning wetlands or upland habitat. Appropriate measures are to be taken to buffer the Curry Creek watershed from adjacent uses. The development shall be served by City water and sewer.

**MAP 2: Future Land Use Map**



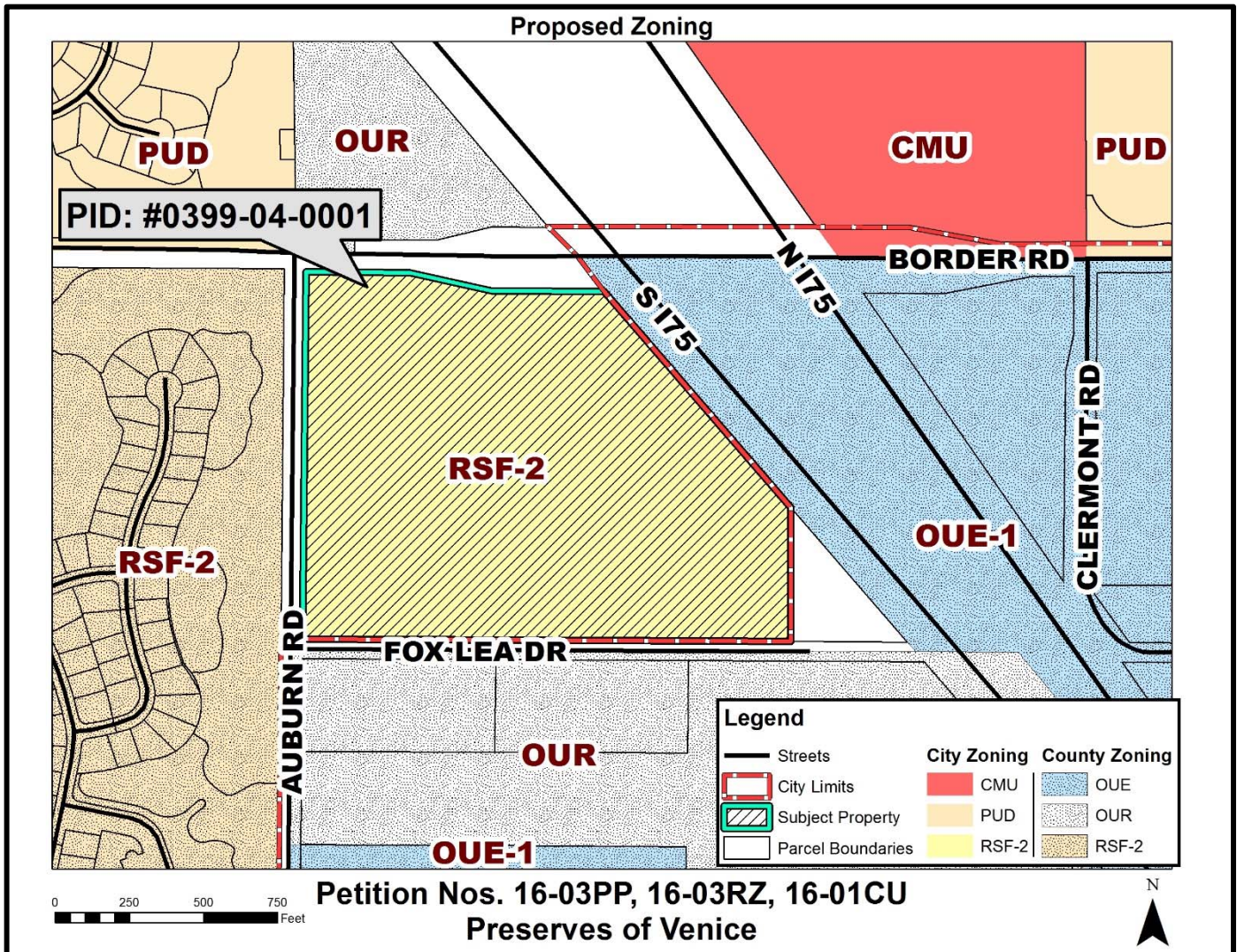
**Proposed Zoning:**

Map 3 depicts the City’s zoning map if concurrently processed Rezone Petition 16-03RZ is approved by City Council. In addition, staff has included a stipulation that any approval of the subject preliminary plat is contingent on Rezone Petition 16-03RZ being approved. And, it should be understood that the staff review of the subject preliminary plat petition is based on the application of RSF-2 zoning standards. The applicant is proposing modifications of the RSF-2 standards through the preliminary plat process that are addressed later in this report.

The proposed RSF-2 zoning district allows for the development of single-family homes up to a density range of 3.5 units per acre which would allow for 138 dwelling units. However, the JPA designation limits the property to a maximum density of three units per acre. The applicant is proposing 118 single-family units which results in a project density of 2.98 units per acre. In addition, the applicant has proffered a stipulation in the concurrently processed rezone petition that restricts the property to no greater than 3 units per acre.

Based on review of the regulatory standards of the RSF-2 zoning district along with the general standards found in the code, except for the modifications of code standards being requested, the preliminary plat is in compliance with the land development code.

**MAP 3: Zoning Map Proposed by Petition 16-03RZ**



### III. PRELIMINARY PLAT REVIEW

#### a) Review of Proposed Preserves of Venice Preliminary Plat:

The following plans have been submitted with the petition: one set of engineering plans from Cavoli Engineering, Inc., a survey prepared by Gerald D. Stroop of Schappacher Surveying, LLC, and one set of landscape plans from Kurt R. Crist – Landscape Architect, Inc.. This staff report is based upon the review of these plans as well as other documents submitted as part of the application for the proposed project. The plans were reviewed for compliance with the Comprehensive Plan, the subdivision design standards, standards of the RSF-2 zoning district and the general code standards contained in the Land Development Code, and the code requirements for Concurrency.

The applicant is requesting Planning Commission recommendation for approval of a preliminary plat for the Preserves of Venice. The applicant proposes to subdivide the approximately 39.6± acre subject property into 118 single family residential lots. Other proposed improvements include private streets, stormwater management system and water and sewer utilities along with a future amenity area that will require separate site and development plan approval prior to construction. Access to the site is provided from N. Auburn Road through a gated entrance that requires approval of a conditional use petition that will be addressed later in this report. Map 4 shows the proposed preliminary plat.

In addition to the preliminary plat documents, the applicant has provided a proposed landscape plan for the project that provides for both street trees and perimeter buffering. Street trees will consist mainly of canopy trees and will be located on private lots and will be of a species type selected to limit impact to infrastructure. Per notes on the landscape plan, these trees may not be removed without replacement in order to maintain street canopy.

Although there is no code requirement for perimeter buffering, the applicant is providing landscaped buffers along the entire perimeter of the subject property. Buffers to both the west and north are proposed at 10 feet. The buffer proposed to the east along I-75 is a 20 foot buffer and the perimeter of the subject property to the south along Fox Lea Drive provides for a larger 40 foot buffer in order to minimize impacts of the existing Fox Lea Farm equestrian facility. Each of the buffers will include a variety of canopy trees along with understory material. A total of 863 trees is required for the site and the applicant has indicated that native species that are in healthy condition will remain and will count toward the required number of trees. The bulk of the material proposed to remain is located along the eastern and southern boundaries to maintain maximum buffering from the Interstate and the very active equestrian facility. Additional trees are proposed to supplement existing material that will remain, especially along the eastern and southern boundary. In addition, as much as possible of the understory material will remain except for that which is considered invasive and required to be removed. Map 5 shows the proposed landscape plan.

It is important to recognize the open space that is being proposed for the project. The applicant has concurrently submitted an application to rezone the property to a standard zoning designation of Residential, Single Family-2 (RSF-2) which has no requirement for open space as would be the case in a rezoning to planned unit development (PUD). In addition, although a conceptual plan is not required for a standard rezone, the applicant has submitted the subject preliminary plat petition to confirm the plan for development of the site. Similar to the requirement for 50% open space in a PUD, the applicant is providing a significant amount of open space in the amount of 19.75 acres



or 49.82% of the site. It is also noteworthy that the JPA Area requires that a total of 7.4 acres of the entire 176 acre JPA Area be identified as conservation and open space. The proposed project design has allowed the developer to increase buffering where desired, cause less impact to the site and provide more open space that results in a more compact development form.

**Requested Code Modifications:**

Code Section 86-230(d) – This section provides for allowances of modifications of LDC requirements associated with a preliminary plat submittal under certain circumstances, and reads as follows: *“Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained in this chapter would result in unusual difficulties or substantial hardship or injustice, city council, after report by the planning commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that , at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this chapter preserved.”* In practice, this provision is similar to the approach to site and development plans with modification of zoning code standards that are processed as a special exception or a rezone to a PUD designation that allows modification of typical code standards through the zoning process.

The applicant has indicated that “in order to achieve enhanced compatibility with adjacent uses, greater compactness, more open space, and preservation of more trees”, the following code modifications are requested:

- 1) A reduction of the minimum lot width requirement from 80 feet to 52 feet;
- 2) A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
- 3) An increase in the maximum lot coverage requirement from 30% to 58%;
- 4) A reduction of the minimum side setback requirement from 8 feet to 6 feet.
- 5) A reduction of the minimum side setback combination requirement from 18 feet to 12 feet.

The following table is provided in order to give a comparison of development standards requested and approved for many of the most recently approved projects.

Development	Lot Width (feet)	Lot Size (square feet)	Side Setback (feet)	Lot Coverage
Venetian Golf & River Club	55, 70 & 90	7,150 sq. ft.	7.5 feet	75%
Toscana Isles	50 & 60	5,650-6,900	5	none
Windwood	52	6,500	5	70%
Milano	40, 45 & 52	4,500-6,500	5-6	none
The Woods	52	6,500	5	none
Preserves	52	6,240	6	58%

Based on the unusual conditions surrounding the project of the existing higher intensity uses of Interstate 75 and the Fox Lea Farm and their the potential impacts of on the proposed project, the applicant is requesting the indicated modifications. The proposed modifications will enable the developer to provide for a greater level of mitigation of these uses through increased buffering and open space. The available mechanism in the city’s land development code that allows for modification of standards is the appropriate process to be followed to achieve the desired results

of increased compatibility. The applicant will be able to develop the property in a reasonable manner to protect the public welfare and interests of the city and surrounding area.

### **Sidewalk Waiver Request:**

In addition to the indicated modification of bulk standards of the RSF-2 zoning district, the applicant is also requesting relief from the City's code requirements for sidewalks. Code Section 86-520(c) states *"The planning commission may recommend to the city council waiver of the sidewalk requirement when the property owner can demonstrate that the required sidewalk will not be reasonably beneficial or useful because of the location of the subject property and the characteristics of the immediate neighborhood."* Based on this code section, the applicant is requesting that the requirement for sidewalks in two locations be waived and that a "cash deposit in lieu of construction" not be required. The subject sidewalk locations are as follows:

1) Along the north side of Fox Lea Drive.

- Applicant Justification: *Fox Lea Drive is a County road that is not constructed to current standards, and the applicant proposes no access to Fox Lea Drive. Moreover, the topography (a deep ditch) and heavy tree line, make construction of a sidewalk impractical at that location. Additionally, if a sidewalk were constructed at this location, it would lead to nowhere.*

Factors for consideration of this request include the following:

- 1) Fox Lea Drive is currently an unimproved shell road.
- 2) No access is proposed to Fox Lea Drive from the proposed project.
- 3) The removal of existing vegetation would be required for construction.
- 4) The existing stormwater drainage would need to be altered.

2) Along the south side of Border Road.

- Applicant Justification: *This segment of roadway is a limited access facility, meaning that it falls into the same category as I-75 insofar as not permitting direct pedestrian access to it from the proposed subdivision. Moreover, there is no shoulder to support a sidewalk on the approach to I-75. If a sidewalk were constructed at this location, it would lead to nowhere. However, in lieu of a sidewalk, the construction of a 5 foot bicycle path along the roadway is proposed.*

Factors for consideration of this request include the following:

- The existing ground elevations relative to the overpass in this area.
- No access is proposed to Border Road from the proposed project.
- Potential conflict with the existing underground stormwater facilities.
- The applicant has worked with the City's Engineering Department and has agreed to provide a 5 foot paved bike lane to transition into the existing bike lane over I-75.

Aside from the waiver, there is an additional alternative to be considered, also from Code Section 86-520(b) as follows: *"Cash deposit in lieu of construction. Where the planning commission determines that circumstances exist, such as the planned future reconstruction of a street or the existence of a major surface drainage system, which make the immediate construction of an otherwise beneficial or useful sidewalk or portion thereof impractical within a reasonable time after completion of the project, the owner or developer may, in lieu of construction of such sidewalk or portion thereof, deposit with the city a sum of money established by the city council to represent the cost of construction such sidewalk or portion thereof."*

## **Environmental Assessment:**

Upon submittal of the application for the rezoning of the property, an environmental report was provided by ECo Consultants, Inc. The report contains a description of the subject parcel, any environmental constraints observed, and a map depicting the approximate location and jurisdictional status of onsite surface waters. The findings of the report are based on review of available information such as wildlife databases, soil surveys and aerial photography, as well as a site visit conducted on March 31, 2015.

The report indicated that the upland portions of the project area were comprised of a mixture of improved pasture and pine flatwoods. It indicated that there were no areas of jurisdictional wetlands observed onsite and that the only surface waters observed consisted of an excavated pond in the center of the parcel and a series of shallow ditches.

Potential environmental constraints to development were limited to the excavated pond which, due to water quantity and quality, would be required to be replaced with the proposed stormwater management system based on review by the Southwest Florida Water Management District (SWFWMD) and Sarasota County. In addition, the report indicated that there were no listed wildlife species observed and, although habitat exists which could support gopher tortoises, no burrows were observed. Also, based on Florida Fish and Wildlife Conservation Commission's (FWC) Eagle Nest Database, no documented eagle nests are located within or in the vicinity of the subject parcel. An updated report (April 10, 2017) and site visits conducted on March 10, 2017 and April 10, 2017 indicate little, to no change to onsite conditions provided in the initial report.

Based on the size of the subject property and the substantial open space being provided, no third party environmental review was required. However, staff is providing the following stipulations for consideration to be included in any approval for development of the property:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.

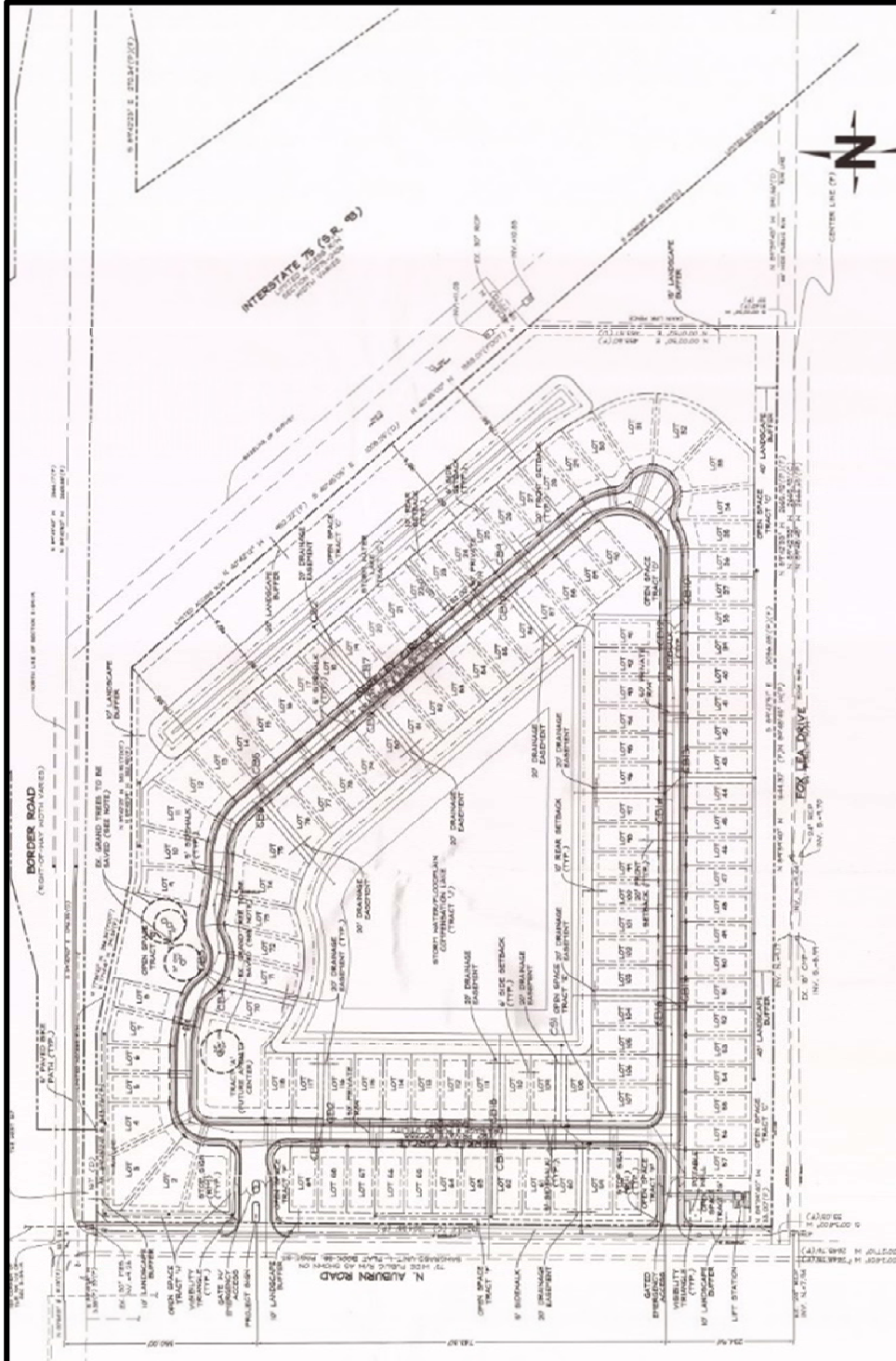
The proposed development form, results of the environmental assessment, and the offered stipulations provide the ability to make a finding of consistency with the policies in the environmental chapter of the City's comprehensive plan. Specifically, the following policies are cited for consideration:

- Policy 1.1 in the Conservation & Open Space Element regarding open space and the removal of invasive plant species and replacing with native species.
- Policies 1.5 and 1.8 that encourage compact development forms that provide enhanced

open space preservation.

- Policy 1.9 and 3.1 that promote habitat connectivity and minimization of barriers to wildlife movement.
- Although no listed species have been observed during site visits, proposed stipulations requiring wildlife surveys to be completed prior to construction are consistent with Policies 3.1, 3.3 and 3.12 that address this type of monitoring.

### MAP 4: Proposed Preserves of Venice Preliminary Plat





b) Consistency with the Comprehensive Plan:

The subject property has a future land use map designation of Auburn Road to I-75 Neighborhood (JPA Area 2a, Sub-Area 1). Policy 18.3 of this JPA area provides development policy which is to “ensure the timely development of urban services and facilities that are compatible with natural resources and community character”. Urban services for this location are in place and available. The applicant’s development design is also consistent with this policy as nearly 50% of the site is designated as open space in the applicant’s attempt to conserve environmental features including multiple grand trees and upland habitat. There are no jurisdictional wetlands on the site per the environmental survey submitted by the applicant.

Sub-Area 1 of JPA Area 2a is located north of Fox Lea Drive and includes the entirety of the subject property. Policy 18.4 provides the development scenario that is to be applied across the entire JPA area. The area may include both residential and non-residential development. Non-residential uses are limited to 10% of the acreage in this neighborhood. The applicant is not proposing any non-residential uses as a part of their development plan other than a proposed amenity center as an accessory to the principal use of residential. Although residential uses are encouraged in Sub-Area 2 south of the subject property, there is no prohibition to residential uses in Sub-Area 1. Equestrian uses are permitted in Sub-Area 2 as long as they are compatible with adjacent uses. Compatibility is addressed later in this report. Building height is limited to 3 stories, up to 42 feet and the requested zoning designation of RSF-2 will limit building height to 35 feet. A total of at least 7.4 acres of conservation and open space is required across the entire 176 acre JPA Area and, as indicated above, the applicant is proposing open space of 19.75 acres. Every effort is to be made to conserve existing environmental features including functioning wetlands or upland habitat. As indicated above and confirmed by the applicant’s environmental survey, there are no jurisdictional wetlands onsite and environmental constraints to development are limited to an excavated pond. Due to water quantity and quality, the existing pond will be replaced within the proposed stormwater management system based on review by the Southwest Florida Water Management District (SWFWMD) and Sarasota County. Pine flatwoods occur along the eastern and central portion of the property. The eastern area of the property provides much of the open space. Regarding protection and buffering of Curry Creek from adjacent uses, the subject site is not adjacent to the creek.

Policy 18.4 of JPA Area 2a, as in all JPA areas, also specifically indicates that “Mitigating techniques as described in Objective 8, Policy 8.2 of this Element” shall be required to ensure compatibility with adjacent uses” with relation to building envelope. 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.

It is important to note that the RSF-2 zoning designation of the property will limit the maximum building height to 35 feet although JPA Area 2a, Sub-Area 1 permits building heights up to 3 stories or 42 feet. Therefore the zoning district of 35 feet is providing an amount of mitigation regarding building envelope. When considering the existing Fox Lea Farm equestrian facility to the south, a determination of whether other mitigation techniques, as identified in Policy 8.2, may be necessary to buffer both properties with respect to building envelope. 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.

It would appear that techniques of I, L and M may apply. However, the mitigation technique provided in I. of “Providing open space, perimeter buffers, landscaping and berms” appears to be the most complete when related to building envelope. The applicant is providing nearly 50% of open space along with increased buffering. A 40 foot landscaped buffer is proposed along the entire southern boundary of the property adjacent to the 66 foot wide public right-of-way of Fox Lea Drive to buffer the adjacent equestrian facility. This will provide an overall structural separation distance in excess of 100 feet from the property to the south. Where possible, the existing vegetation in this area is proposed to remain and will be supplemented by additional trees and shrubbery providing further screening and buffering. Based on mitigation technique indicated in “I” above of Policy 8.2 being employed by this project to address impacts to adjacent properties regarding building envelope, Planning Commission has adequate evidence on which to determine confirmation of compatibility with the adjacent property to the south.

***Finding of Fact (Comprehensive Plan):*** *Based on the above analysis, the proposed preliminary plat is consistent with the policies identified in the Auburn Road to I-75 Neighborhood (JPA Area 2a). The subject petition has been reviewed for compatibility consistent with Policies 8.2. To further eliminate any perception of incompatibility, mitigation techniques as provided in Policy 8.2 are confirmed through this petition. Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to base a finding of compliance with the City’s Comprehensive Plan.*

c) Compliance with Subdivision Standards and the LDC:

Sections 86-231(b)(3) and 86-233(a) specifies the Planning Commission’s role in taking action on a preliminary plat petition. This section of the staff report provides a staff finding for each topic in which the Planning Commission is required to make a determination.

- Compliance of the preliminary plat with the requirements of this chapter and the applicable laws of the state.

**Staff Comment:** The preliminary plat drawings have been signed and sealed by a state licensed engineer. Design is compliant with all local regulatory standards and appears consistent with state requirements of F.S. Chapter 177, Part 1: Platting. Full compliance will be confirmed through the processing and recording of the final plat.

- Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.

**Staff Comment:** Based on the analysis provided in section (b) above, the Planning Commission has substantial evidence on which to determine confirmation of compatibility with the adjacent properties.

- Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.

**Staff Comment:** The city’s technical review staff has reviewed the petition for concurrency and found no issues for compliance with the city’s required level of service (LOS) standards (also see concurrency section below).

**Finding of Fact (compliance with subdivision standards and LDC):**

*The proposed Preserves of Venice preliminary plat is in compliance with the City’s Land Development Code subdivision standards and, except for the modification of code standards being requested, is compliant with the City’s LDC.*

d) Concurrency:

Concurrency has been reviewed by staff for the proposed preliminary plat. While the following information provides clarification as to the status of the concurrency for the proposed project, a concurrency certificate is required prior to approval for the subdivision (**Final Plat**). As required by the City’s concurrency ordinance, the following reviewing agencies provide input on the applicable public facilities. The current status for concurrency for each of these reviewing agencies is depicted on the following table.

Department	Facility	Project’s Estimated Impact	Status
Utilities	Potable Water	118 ERUs	Concurrency confirmed by Utility Department
Utilities	Sanitary Sewer	118 ERUs	Concurrency confirmed by Utility Department
Public Works	Solid Waste	1,223.66 pounds/day	Concurrency confirmed by Public Works Department
Public Works	Parks & Recreation	201 persons	Concurrency confirmed by Public Works Department
Engineering	Drainage	Meets 25 year/24 hour SWFWMD criteria	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	122 p.m. peak hour trips	Concurrency confirmed by Planning & Zoning Department
School Board	Public Schools	Under review awaiting Final Plat approval	No issue raised – approval upon Final Plat

**Finding of Fact (concurrency):** *No concurrency issues for public facilities have been identified. Issuance of a certificate of concurrency will be required in coordination with approval of the final plat.*



#### **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 Preliminary Plat Petition No. 16-03PP. If a recommendation of approval is provided, following is a complete list additional actions to be taken and included in the motion:

##### Stipulations:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.
7. All prospective buyers of property within the Preserves of Venice must be notified by the developer or his representative of the adjacent Fox Lea Farm equestrian facility to the south.
8. Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-3RZ by City Council.

##### Modification of Code Standards:

- 1) A reduction of the minimum lot width requirement from 80 feet to 52 feet;
- 2) A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
- 3) An increase in the maximum lot coverage requirement from 30% to 58%;
- 4) A reduction of the minimum side setback requirement from 8 feet to 6 feet.
- 5) A reduction of the minimum side setback combination requirement from 18 feet to 12 feet.

##### Waiver of Sidewalk Requirements:

- 1) Along the north side of Fox Lea Drive.
- 2) Along south side of Border Road.

## **V. CONDITIONAL USE REQUEST AND STAFF ANALYSIS**

### **Request Overview:**

Consistent with the City's Land Development Code Section 86-42, the City Council upon recommendation from Planning Commission may authorize a conditional use that permits the development of a gated community, characterized by physical barriers to automotive and pedestrian circulation. Typically these requests are processed as a requested development standard in a rezoning to Planned Unit Development and a separate conditional use petition is not required. However, when the request is made concurrently with a request for a rezoning to a standard zoning district and not a planned development district, a separate petition is required. In the case of the Preserves of Venice, the City has received concurrent applications for rezoning, preliminary plat and conditional use. The evaluation of the requested conditional use is being included within the staff report for the preliminary plat due to the physical nature of the request.

As indicated above, the Preserves of Venice is a proposed 118 single family residential development proposed at the southeast corner of the intersection of N. Auburn Road and Border Road. There are two access points proposed for the subdivision along N. Auburn Road. The north access drive, closest to Border Road, will be the main access to the subdivision with the southern access drive being identified as "emergency only." Both access points will be gated with the emergency access being controlled by means of siren activation. The northern access drive will provide main access to the property and is proposed to be an unmanned gate actuated by a card reader/telephone station system. The applicant has provided entry details and a conceptual color elevation that depicts the gated entrance and other ancillary entry features.

### **Staff Evaluation:**

The proposed conditional use petition is consistent with Policy 2.6 of the Comprehensive Plan, Land Use & Development Chapter, Housing & Neighborhood Development Element that indicates "The city shall only permit gated communities, characterized by physical barriers to automotive and pedestrian circulation, by conditional use or through the zoning process." Consistent with the analysis of the applicant's requested code modifications addressed in the preliminary plat staff report, the conditional use request for a gated community can be compared to the same recent development. All the residential subdivisions referenced in the table are gated communities. In addition, and within the closest proximity to the subject property, both Waterford and Sawgrass are gated communities. This appears to be a market driven pattern that is desired by most buyers in the current market that will probably endure into the future.

Based on review of the submitted plans for the gate structure, the design is consistent with the dimensional standards of the land development code and will be further confirmed at the building permit phase. The proposed gate structure is setback far enough to allow adequate stacking of vehicles in order to not hinder traffic flow. Based on the applicant's submittal and staff analysis, Planning Commission has adequate information on which to base a determination on the requested conditional use.

## **VI. PLANNING COMMISSION EVALUATION OF THE CONDITIONAL USE**

Section 86-42(e) of the Land Development Code states "The Planning Commission shall make a recommendation to the city council as the 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.

***Applicant’s Response:*** *Future Land Use Objective 7, Policy 7.2.E. calls for incorporation of Crime Prevention through Environmental Design (CPTED) features to promote safety within development projects. Access control is one of the six CPTED principles.*

***Staff Comment:*** *The proposed conditional use petition is consistent with Policy 2.6 of the Comprehensive Plan, Land Use & Development Chapter, Housing & Neighborhood Development Element that indicates “The city shall only permit gated communities, characterized by physical barriers to auto motive and pedestrian circulation, by conditional use or through the zoning process.”*

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

***Applicant’s Response:*** *A gated community at this location would be compatible with other nearby gated residential communities such as the Venetian Golf & River Club, Villages of Milano, Windward, Sawgrass, etc.*

***Staff Comment:*** *The proposal for a gated community is consistent with adjacent residential subdivisions such as Waterford and Sawgrass. In addition, the majority of residential subdivisions approved by the City within the last 10-15 years are gated communities such as Venetian Golf & River Club, Willow Chase, Windwood, Toscana Isles and Villages of Milano.*

- (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.

***Applicant’s Response:*** *The proposed gates will have no effect on the scale of the project.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (4) Required yards and other open space.

***Applicant’s Response:*** *The ten-foot buffer, depicted on the Landscape Plan.*

***Staff Comment:*** *The proposed entry gates are setback from the road to allow for sufficient stacking.*

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

***Applicant’s Response:*** *The proposed gates will not require special screening or buffering features.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to*

*other conditional use types.*

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

***Applicant's Response:*** *The proposed gates provide 78 feet of queuing space; and will include pedestrian access gates as well.*

***Staff Comment:*** *As indicated above, the proposed gates will be setback from the road to allow for sufficient stacking to avoid hindering traffic flow. In addition, although there are two entrances to the subdivision, the south entrance will be limited to emergency only.*

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

***Applicant's Response:*** *The proposed gate will be unmanned, and will therefore generate no requirements for additional off-street parking or loading areas.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

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

***Applicant's Response:*** *The proposed gates, which will be unmanned, will have no effect on tax base diversification, employment, or affordable housing unit expansion.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

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

***Applicant's Response:*** *This criteria would not appear to be applicable to community gates.*

***Staff Comment:*** *There are no standards in the land development code that specifically apply to gated entries except for fencing. Based on review of the submitted details and conceptual plan for the gated entrance, the proposal is consistent with code requirements for fencing. Final review will occur upon building permit submittal*

**Findings of Fact (Applicable Conditional Use Considerations):** *The applicant has provided a response to each of the applicable conditional use considerations contained in Section 86-42 (e) 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 positive recommendation to City Council regarding Conditional Use Petition No. 16-01CU.*

In addition to the above considerations, Section 86-42(f) of the Land Development Code states “The City may impose conditions that are found necessary to ensure that the conditional use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to, the following:”

- (1) Requiring site or architectural design features which substantially advance Venetian Mediterranean design standards or other appropriate architectural design compatible with the surrounding area.

***Applicant’s Response:*** *To the extent the Venetian Mediterranean design standards have application to the community gates, the Applicant is prepared to comply with such standards.*

***Staff Comment:*** *There are no architectural standards applicable to this property.*

- (2) Requiring larger setback areas, lot area, and/or lot depth or width.

***Applicant’s Response:*** *This condition would not appear to be applicable to community gates. However, it should be noted that the community gates will be set back 78 feet from Auburn Road.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (3) Limiting the building structure height, size or lot coverage, and/or location on the site.

***Applicant’s Response:*** *This condition would not appear to be applicable.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (4) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.

***Applicant’s Response:*** *This condition would not appear to be applicable to community gates.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (5) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance.

***Applicant’s Response:*** *This condition would not appear to be applicable to community gates.*

***Staff Comment:*** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (6) Requiring and designating the size, height, location and/or materials for fences.

**Applicant's Response:** *The proposed gate, and attached fence, will be approximately 6 feet in height.*

**Staff Comment:** *Based on review of the submitted conceptual plan for the gated entrance, the proposal is consistent with code requirements for fencing. Final review will occur upon building permit submittal.*

- (7) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and signage.

**Applicant's Response:** *This condition would not appear to be applicable to community gates.*

**Staff Comment:** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (8) Designating the size, number, location and/or design of vehicle access points or parking areas.

**Applicant's Response:** *Two access points are proposed (the southern point will be for emergency purposes only) and they are located so as to meet Sarasota County standards for intersection spacing.*

**Staff Comment:** *Staff agrees with the applicant.*

- (9) Requiring street right-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways, or trails to be improved.

**Applicant's Response:** *This condition would not appear to be applicable to community gates.*

**Staff Comment:** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (10) Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources and/or sensitive lands; and

**Applicant's Response:** *This condition would not appear to be applicable to community gates.*

**Staff Comment:** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

- (11) Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle facilities including, but not limited to, pathways, gazebos, public art displays and other such pedestrian amenities.

**Applicant's Response:** *This condition would not appear to be applicable to community gates.*

**Staff Comment:** *Staff agrees with the applicant. This consideration is more applicable to other conditional use types.*

**Findings of Fact (Potential Conditions of Approval):** *The applicant has provided a response to each of the applicable potential conditions of approval considerations contained in Section 86-42 (f), 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 positive recommendation to City Council regarding Conditional Use Petition No. 16-01CU.*