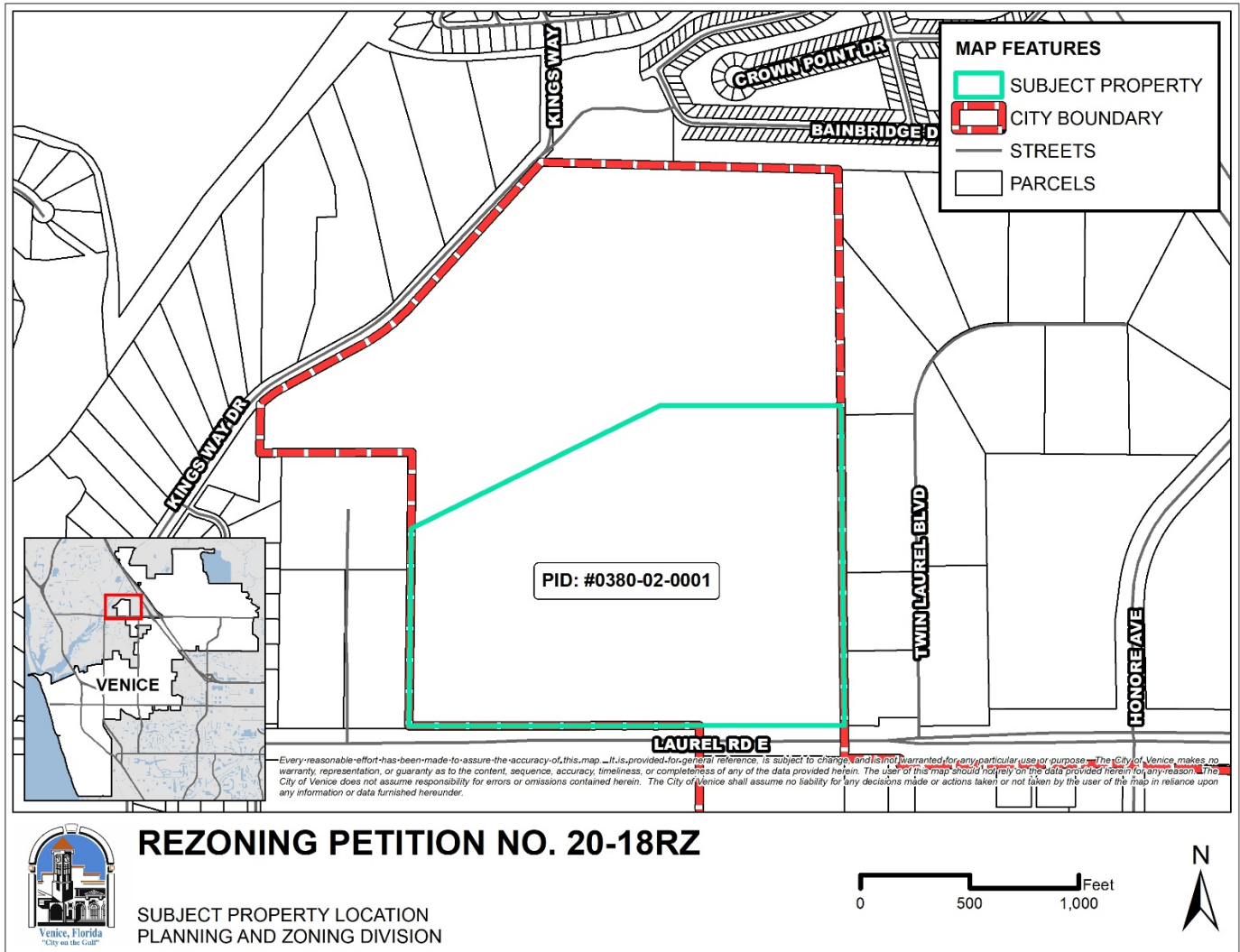




20-18 RZ, ZONING MAP AMENDMENT: HURT - LAUREL ROAD STAFF REPORT



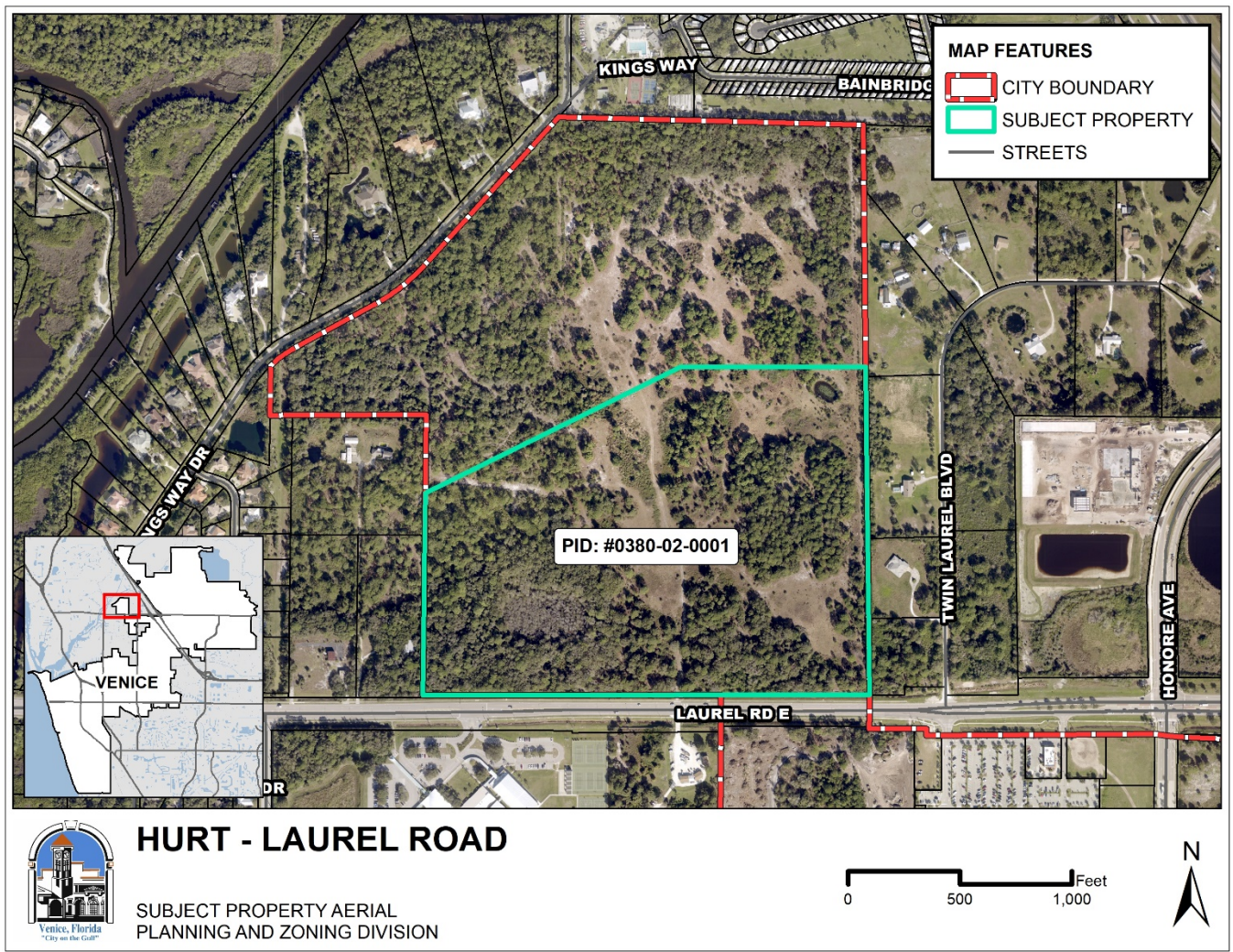
ZONING MAP AMENDMENT	
Request:	To amend the existing zoning designation for the subject property from County Open Use Estate (OUE) to City Commercial, General (CG)
Applicant/Owner:	Randall C. Hurt, Joseph W. Hurt, Mary McMullen, & Carlton J. Hurt Trust
Agent:	Jeffery A. Boone, Esq., Boone Law Firm
Location:	2001 Laurel Road
Parcel ID:	0380020001
Property Size:	60 +/- acres
Current Future Land Use:	Mixed Use Corridor (MUC)
Proposed Future Land Use:	No change
Comprehensive Plan Neighborhood:	Laurel Road
Current Zoning:	Sarasota County Open Use Estate 1 (OUE-1)
Proposed Zoning:	City of Venice Commercial, General (CG)

I. EXISTING CONDITIONS

The 60 ± acre subject parcel is located at 2001 Laurel Road. The property is undeveloped and mostly wooded, with a small pond and wetlands. The site has most recently been used for agricultural grazing land. Vehicular access to the property will be off of Laurel Road.

The parcel is in the City of Venice, with Sarasota County to the west and east. To the north is a 59.53+/- acre tract of undeveloped land in the City of Venice, proposed to be Cassata Lakes, a 151 unit residential subdivision. On the southern side of Laurel Road from the subject parcel is Sarasota County, where the Laurel Nokomis School is located, along with the City of Venice, where multifamily housing (Reserves of Venice) is under construction.

Aerial View



Site Photographs



West along Laurel Road



North from Laurel Road

Flood Zone Information

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows the subject parcel as located in a Special Flood Hazard Area (SFHA), which is the following: Zone AE – Areas subject to inundation by the 1-percent annual chance of flooding, for which Base Flood Elevations (BFEs) have been determined. Other zones include: Unshaded Zone X, an area of minimal flood risk; Shaded Zone X500, an area of moderate flood risk due to a storm having a 0.2 percent chance of occurring in any given year. Development of the property will be subject to compliance with applicable FEMA and Florida Department of Environmental Protection (FDEP) requirements.

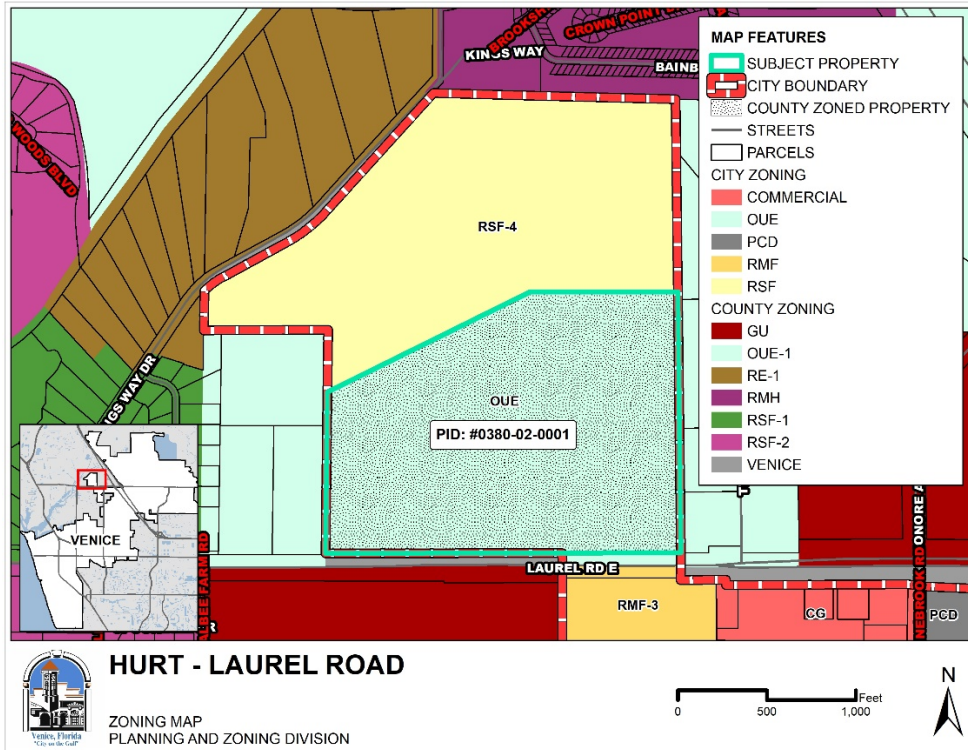
Surrounding Properties

Direction	Existing Land Use(s)	Current Zoning District(s)	Existing Future Land Use Map Designation(s)
North	Agricultural grazing land (proposed Cassata Lakes)	City Residential Single Family (RSF-4)	City Moderate Density Residential
South	Laurel Nokomis school; Multifamily housing (Reserves of Venice)	City Residential Multi-family (RMF-3); Sarasota County Government	City Mixed Use Corridor (MUC); Sarasota County Moderate Density Residential
East	Vacant commercial; Single family	Sarasota County Open Use Estate (OUE-1) and Office, Professional & Institutional	Sarasota County Moderate Density Residential and Office/Multifamily Residential
West	Single family	Sarasota County OUE-1	Sarasota County Medium Density Residential

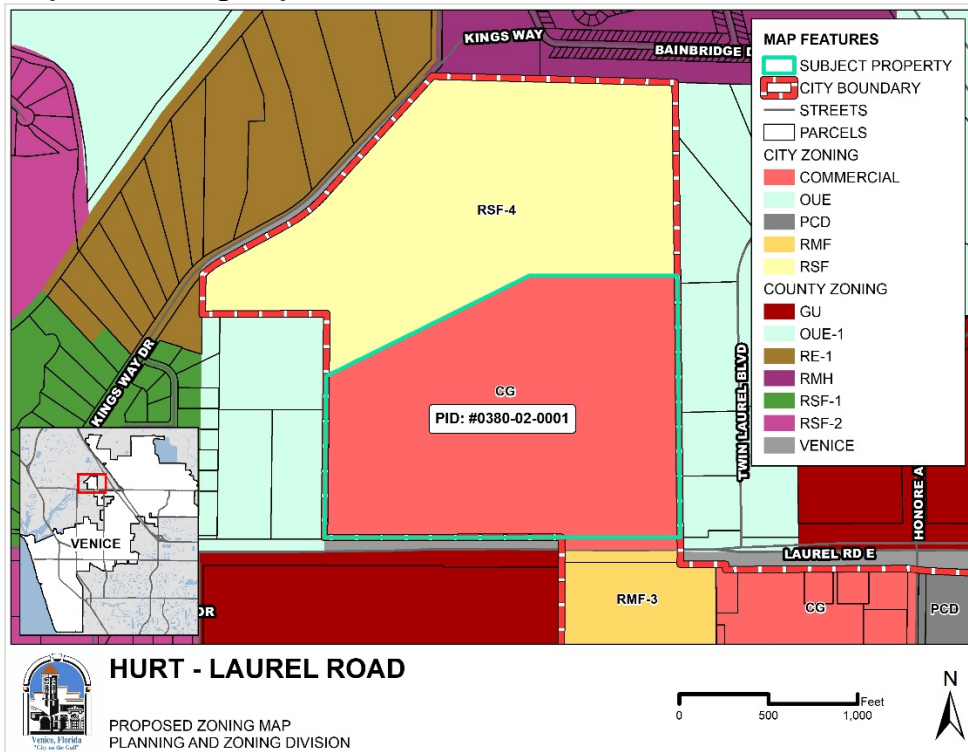
Zoning Designation

The subject parcel is in the City of Venice, yet it retains a Sarasota County zoning designation of Open Use Estate (OUE-1). To the north of the parcel is Residential Single Family (RSF-4) on an undeveloped parcel which is currently under review for a 151 unit residential single family subdivision. To the south is Sarasota County zoning of Government, currently used for a public school, and City of Venice Residential Multi-family (RMF-3), which will be used for apartments that are currently under construction. To the east of the subject parcel is County OUE-1 and County Office, Professional and Institutional. These areas are currently vacant or used for single family housing. West of the subject parcel is County OUE-1, currently used for single family housing.

Existing Zoning Map



Proposed Zoning Map



II. PLANNING ANALYSIS

A planning analysis of the subject rezoning petition evaluates the following: 1) comparison of the existing and proposed zoning and of the existing and proposed development standards, 2) Comprehensive Plan

consistency, 3) compliance with the Land Development Code, and 4) compliance with the city's concurrency management and transportation mobility regulations along with the expected impacts of the project on public facilities.

1) COMPARISON OF ZONING AND STANDARDS

The request is to rezone the parcel, already annexed into the City, from Sarasota County OUE-1 to City Commercial, General. The zoning map amendment provides for a change to allow different uses and standards to what exists today, assigning the parcel to a City of Venice designation. The parcel is Mixed Use Corridor (MUC) on the Future Land Use Map, and the requested zoning designation of CG is an implementing zoning district for the MUC designation. Other commercial zoning and uses are found along this corridor. The table below offers a look at the existing and proposed zoning districts and some of their uses.

Comparison of Uses		
Type	Existing County OUE	City CG
Permitted	Single-family detached	Retail commercial: uses providing primarily for the display and sale of new and used merchandise at retail within an enclosed building
	Day care	Personal and business services: uses providing for one's personal care and for rendering professional services to individuals and businesses
	Parks and open areas	Commercial recreation, entertainment (completely indoors): uses providing primarily for private, indoor commercial recreation and entertainment
	Minor utilities	Professional, medical, and business offices: uses providing primarily for professional, medical, administrative or clerical occupations or services
	Limited agriculture	Bank, financial institutions: uses providing primarily for financial services
	Limited resource extraction	Eating establishments: uses providing primarily for the sale of food for consumption on the premises
	Limited guest house	Vocational, trade, and business schools: uses providing primarily for private education and training for professional, technical, and business occupations including those providing career employment skills
	Limited major utilities	Marinas, docks and piers
	Limited crematorium	Institutional: uses of public, private, or quasi-public nature providing primarily educational, religious, and civic facilities and services
		Civic, service organizations: uses providing primarily private, non-profit club functions
		Commercial parking lots, garages: uses providing primarily for the parking of automobiles on an hourly, daily, or monthly basis, including an improved surface lot or in a structure designed for such purpose
		Existing single-family and two-family dwellings
Special Exceptions	Group living	Automotive service stations
	Community service	Multi-family dwellings
	Day care facility	Motorbus terminals
	Adult day care home	Essential services

Not an exhaustive list of uses, see attached Exhibit A.

Comparison of Development Standards

The table below provides a summary of development standards in the existing County OUE-1 and the proposed City CG district.

Zoning Comparison		
Comparison Areas	Existing Sarasota County OUE	City CG
Density	1 du/5 acres	18 du/acre (MUC limits to 13 du/acre)
Intensity (Floor Area Ratio)	N/A	1.0
Maximum Dwelling Units	12	780
Maximum Height*	35'	35'

Notes: *No portion of a structure shall exceed 35 feet in the CG district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

2) CONSISTENCY WITH THE COMPREHENSIVE PLAN

The applicant has provided information within their submittal to assist in analyzing the proposal for Comprehensive Plan consistency. The Comprehensive Plan identifies the subject property as being within the 473 acre Laurel Road Neighborhood. This area serves as a gateway from Interstate 75 to Comprehensive Plan neighborhoods that include Knights Trail, Northeast Venice, and Pinebrook. Staff has based their analysis on the Comprehensive Plan Future Land Use Map designation of MUC.

Strategy LU 1.2.4 identifies the proposed CG District as an implementing zoning district of the mixed use corridor land use designation, which the subject site already has.

Strategy LU 1.2.9.c addresses mixed use corridors. The subject site is located in and has the potential to support the Laurel Road Corridor and other areas of the City. No specific development has been proposed with this rezoning request, but a mix of uses, both horizontal and vertical, are allowed. Since industrial uses are only permitted as grandfathered, they would not be allowed, as the subject site is vacant. Typical developments in this area should utilize form-based code concepts and standards, or a “campus-style” design, encouraging walkability within the site.

Strategy LU 4.1.1 includes transitional language in Policy 8.2, Land Use Compatibility Review Procedures. At the point of rezoning of property, evaluation is required to ensure compatibility with adjacent uses. Compatibility review requires evaluation of the following as listed in Policy 8.2:

Ensure that the character and design of infill and new development are compatible with existing neighborhoods. Compatibility review shall include the evaluation of:

- A. Land use density and intensity.

Applicant's Response: The proposed rezoning to Commercial General (CG) is consistent with the Comprehensive Plan and provides for a compatible transition of uses between the existing land uses in the neighborhood.

- B. Building heights and setbacks.

Applicant's Response: Building heights and setbacks for the proposed Commercial General (CG) zoning district are compatible with the permitted existing heights and setbacks in the neighborhood.

- C. Character or type of use proposed.

Applicant's Response: The proposed rezoning to the Commercial General (CG) zoning district provides for a compatible transition of uses between the existing land uses in the neighborhood.

- D. Site and architectural mitigation design techniques.

Applicant's Response: Site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan or Preliminary Plat process at the time of a specific development plan for the property.

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.
Applicant's Response: The proposed Commercial General (CG) zoning district provides for sufficient setbacks, buffering, and limitations on building heights to protect single-family neighborhood from the intrusion of incompatible uses.
Staff Comment: There are currently large lot single-family neighborhoods to the east and west and single-family use is proposed to the north. Setbacks and other requirements for development in Commercial, General offer protection to area residential uses. Mitigation techniques listed below may be considered by the Planning Commission at the point of rezoning.N
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
Applicant's Response: The proposed Commercial General (CG) zoning district provides for sufficient setbacks, buffering, and limitations on building heights to protect single-family neighborhood from the intrusion of incompatible commercial uses. Industrial uses are not proposed.
Staff Comment: The proposed zoning district implements the MUC land use designation given to this area from the Comprehensive Plan. While no development is proposed at this time, mitigation techniques may be considered by the Planning Commission at the point of rezoning.
- 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.
Applicant's Response: Not applicable.
Staff Comment: Staff is unaware of any nonconforming uses on the property.
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
Applicant's Response: The proposed Commercial General (CG) zoning district provides for an appropriate transition of densities and intensities of uses compared to existing density and intensity of uses in the neighborhood.
Staff Comment: There is no development proposed through the rezoning process, but commercial zoning is found along Laurel Road.

Potential incompatibility shall be mitigated through techniques including, but not limited to:

- I. Providing open space, perimeter buffers, landscaping and berms.
Applicant's Response: The proposed rezoning does not authorize development on the property. Open space, buffers, landscaping and berms will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development for the property.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
Applicant's Response: The proposed rezoning does not authorize development on the property. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.
- K. Locating road access to minimize adverse impacts.
Applicant's Response: The proposed rezoning does not authorize development on the property. Access will be evaluated at the time of a Site & Development Plan or Preliminary Plat for a specific proposed development.
- L. Adjusting building setbacks to transition between different uses.
Applicant's Response: The proposed rezoning does not authorize development on the property. Building setbacks will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.
- M. Applying step-down or tiered building heights to transition between different uses.
Applicant's Response: The proposed rezoning does not authorize development on the property. Building heights will be evaluated at the time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.
- N. Lowering density or intensity of land uses to transition between different uses.
Applicant's Response: The proposed rezoning does not authorize development on the property. Density and intensity of land uses and transition between different uses will be evaluated at the

time of a Site & Development Plan or Preliminary Plat application for a specific proposed development for the property.

Mitigation Summary Staff Comment: Mitigating factors are difficult to evaluate until the time of site and development plan review. During that process, those criteria will be more specifically addressed. However, Planning Commission can consider these techniques and may recommend stipulations and safeguards.

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Corridor future land use designation, Policy 8.2 regarding compatibility, strategies found in the Laurel Road Neighborhood, and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

3) LAND DEVELOPMENT CODE

The subject petition has been processed with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). It has also been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. Future development of the subject property will require confirmation of continued compliance with all applicable LDC standards.

Section 86-47(f) of the Land Development Code states that, 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 considerations. The Planning Commission materials include the applicant's response to each of the considerations. Staff has also provided commentary on selected considerations for additional information.

- a. Whether the proposed change is in conformity to the comprehensive plan.
Applicant's Response: The proposed change is in conformity with the Comprehensive Plan and implements the strategies of the Mixed Use Corridor land use designation.
Staff Comment: Commercial General is an implementing zoning district listed in the Comprehensive Plan for Mixed Use Commercial.
- b. The existing land use pattern.
Applicant's Response: The subject property is located in the area of the City with a broad mix of uses. The proposed CG zoning will allow for integration of the property with the surrounding land uses.
Staff Comment: The proposed zoning is compatible with the Mixed Use Corridor land use designation and properties to the south and along Laurel Road that share the same designation.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
Applicant's Response: The proposed CG rezoning will not create an isolated district unrelated to nearby districts.
Staff Comment: This proposal is in keeping with other developments along Laurel Road sharing the same or similar zoning districts.
- d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.
Applicant's Response: The proposed rezoning will not result in the overtaking of the load on public facilities such as schools, utilities and streets.
Staff Comment: The proposal is for commercial, to help serve the growing residential properties in the area and beyond. It should not overtax public facilities.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Applicant's Response: The property has a Sarasota County zoning designation and requires rezoning to a City of Venice Zoning designation.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Applicant's Response: The property has a Sarasota County zoning designation and requires rezoning to a City of Venice Zoning designation.
Staff Comment: The parcel must be rezoned to a City district prior to consideration of any development of the site.

- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Applicant's Response: The proposed change will not adversely influence living conditions in the neighborhood.
Staff Comment: The addition of commercial uses will serve area residents and travelers through the area.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Applicant's Response: The proposed change will not excessively increase traffic congestion or otherwise affect public safety.
Staff Comment: Based on a preliminary analysis, no issues have been identified by staff regarding the creation of excessive traffic congestion. Technical Review Committee review of the petition identified no public safety impacts generated by the subject petition. Transportation will be evaluated through any proposed development plan.
- i. Whether the proposed change will create a drainage problem.
Applicant's Response: The proposed change will not create a drainage problem.
Staff Comment: Stormwater concurrency will be confirmed upon review of the Site & Development Plan.
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Applicant's Response: The proposed change will not seriously reduce light and air to adjacent areas.
Staff Comment: Building height is the same under both County and City designations.
- k. Whether the proposed change will adversely affect property values in the adjacent area.
Applicant's Response: The proposed change will not adversely affect property values in the area.
Staff Comment: Development is not being proposed through this petition, making any financial impact to adjacent properties difficult to determine. There are other commercial developments in the area, however.
- 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: The proposed change will not be a deterrent to the improvement or development of adjacent properties.
Staff Comment: The proposed zoning change may serve to encourage development of adjacent properties.
- 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: The proposed change will not constitute a grant of special privilege.
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
Applicant's Response: The property has a Sarasota County zoning designation and requires rezoning to a City of Venice Zoning designation.
Staff Comment: Since the parcel is in the City of Venice, the zoning designation needs to be removed from the County.
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the City.
Applicant's Response: The change is not out of scale with the needs of the neighborhood and rezoning of the property will allow for development to provide for the needs of the neighborhood.
Staff Comment: The additional commercial to be provided could be a positive addition to the area and the City.
- 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: The City lacks adequate sites to provide for the proposed uses in the neighborhood.
Staff Comment: Land uses in the area are changing, with numerous residential neighborhoods under construction. Commercial in this area would allow for convenience to area residents and less driving to reach needed goods and services.

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

The subject petition complies with all applicable Land Development Code standards and there is sufficient

information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

4) CONCURRENCY AND MOBILITY

Concurrency

The proposed zoning amendment to the CG district was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity. School concurrency is not required for the proposed rezoning to a non-residential district. The intent of concurrency is for levels of service for public facilities to be in place at the time of project impact. A full review of concurrency will be undertaken at the time of development proposal.

Conclusions / Findings of Fact (Concurrency):

The applicant is not seeking confirmation of concurrency through this rezoning process. However, the proposed zoning amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

Mobility

The request received a preliminary review for mobility and transportation impacts, and as a result, no issues have been identified. At the point of consideration of a Site & Development Plan, transportation will be examined in detail.

Conclusions / Findings of Fact (Mobility):

A preliminary review of transportation mobility has been performed and no issues have been identified at this time. Development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.

III. PLANNING COMMISSION RECOMMENDATION

Based on the staff report, staff presentation, and public testimony, there is sufficient information for the Planning Commission to make a recommendation to City Council on Zoning Map Amendment 20-18RZ.

Attachment: Exhibit A, Commercial, General standards