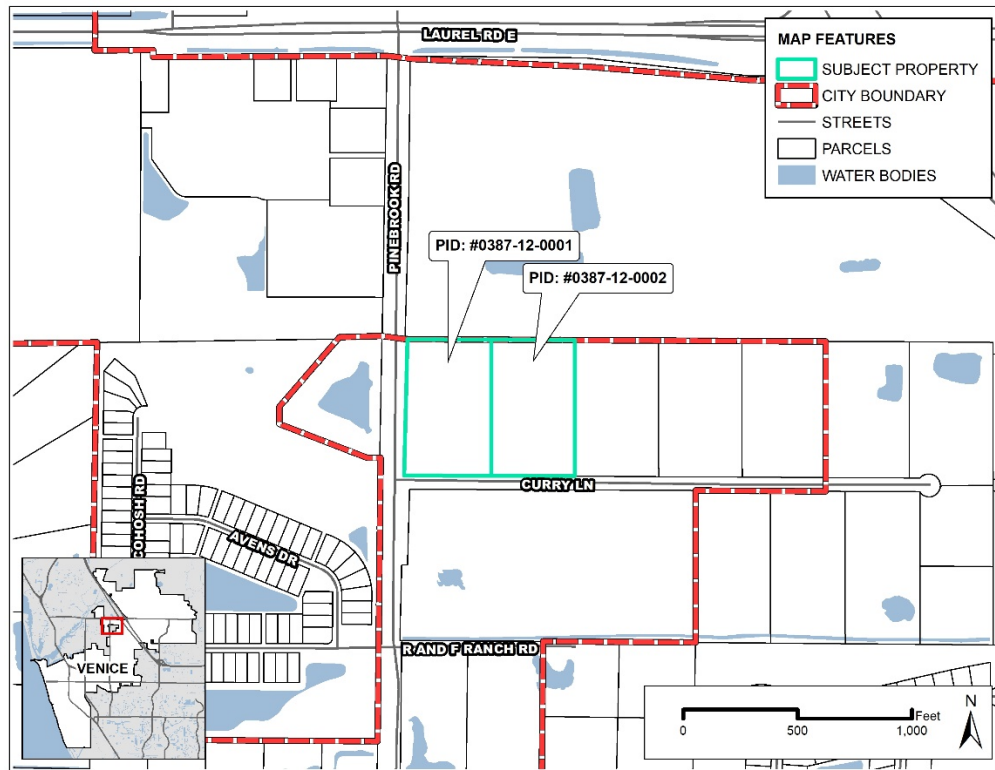




ZONING MAP AMENDMENT STAFF REPORT VENICE MEDICAL OFFICE BUILDINGS (CASTO PROPERTY)

August 18, 2020
20-06RZ



GENERAL INFORMATION	
Address:	2501 & 2601 Curry Lane
Request:	Zoning map amendment to change the existing Sarasota County Open Use Estate zoning designation of the property to City of Venice Office, Professional and Institutional (OPI).
Owner:	Marilyn Johnson & Brian McMurphy
Applicant:	Casto Southeast Realty, LLC
Agent:	Jeffery Boone, Esq., Boone Law Firm
Parcel IDs:	0387-12-0001 & 0387-12-0002
Property Size:	10.1 ± acres
Future Land Use:	Sarasota County MODR
Comprehensive Plan Neighborhood:	Pinebrook Neighborhood
Existing Zoning:	Sarasota County Open Use Estate 1 (OUE-1)

I. EXECUTIVE SUMMARY

The applicant has submitted a concurrent application for annexation of the subject property into the jurisdiction of the City of Venice based on its inclusion within Area 6 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County. The subject 10.1± acre property currently has a Sarasota County Open Use Estate zoning designation and the applicant is seeking a City of Venice Office, Professional and Institutional (OPI) zoning designation for the future development of medical offices. A concurrent Comprehensive Plan Amendment has also been submitted to change the future land use designation of the subject property from Sarasota County Moderate Density Residential to City of Venice Institutional Professional. Pursuant to Land Use Strategy LU 1.2.4, the proposed OPI zoning district is an implementing district for the IP designation. A proposed amendment to the JPA/ILSBA to allow for nonresidential uses on the subject property is also requested and will be accomplished separately. This JPA amendment has been approved by the City and forwarded to Sarasota County, where it is scheduled to be heard by the Board of County Commissioners on August 26, 2020.

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

- Annexation Petition No. 20-01AN (Recommended for approval by Planning Commission on June 30, 2020; on City Council agenda for August 25, 2020)
- Comprehensive Plan Amendment Petition No. 20-05CP

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

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Institutional Professional future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Pinebrook Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
The subject petition complies with all applicable Land Development Code 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.
- **Conclusions / Findings of Fact (Concurrency):**
As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

- **Conclusion / Findings of Fact (Mobility):**

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

II. ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Attached Exhibit A – Office, Professional and Institutional (OPI) district regulations

III. EXISTING CONDITIONS

The subject property is made up of two parcels. The western parcel has one existing home, and the eastern has two existing homes onsite. The surveys of these two parcels appear to show no significant environmental features to consider, such as wetlands or surface water. The subject property is bounded by Pinebrook Road to the west and Sarasota Memorial Hospital to the north. To the south and east of the property are more parcels within JPA/ILSBA Area 6. Vehicular access to both parcels is provided from Curry Lane.

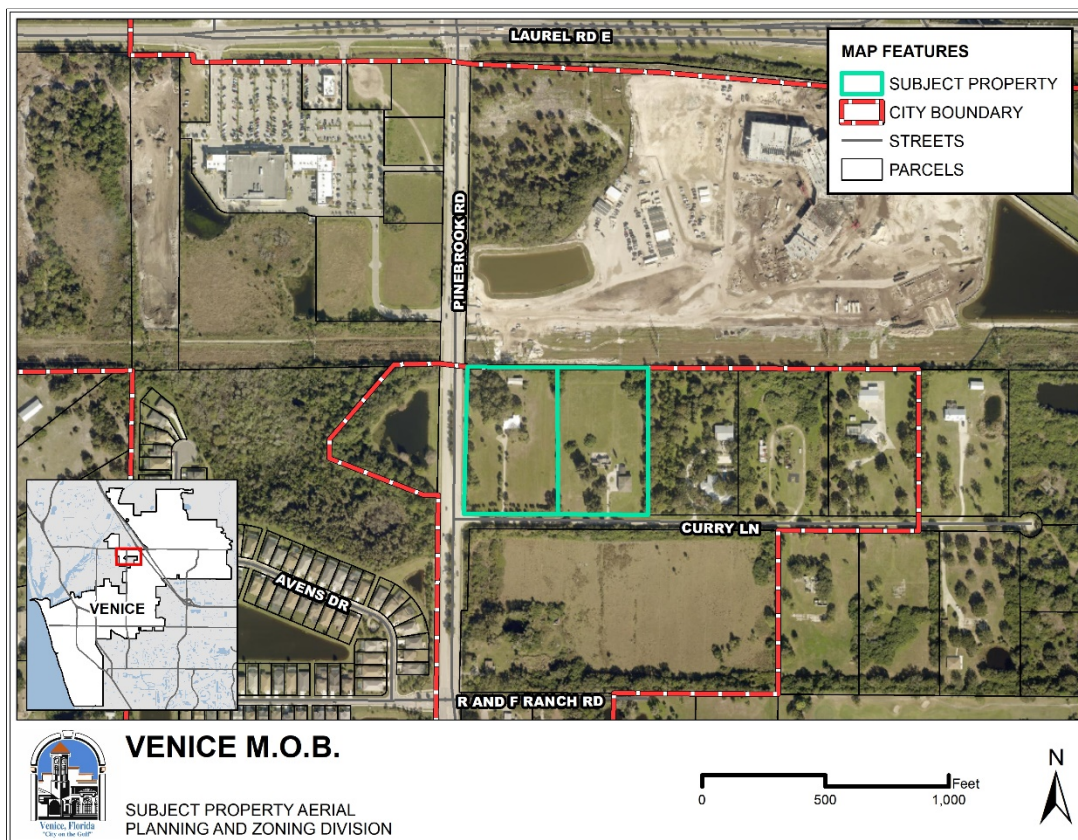


Figure 1. Aerial map of the subject property

Site Photographs



Future Land Use

The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use map and is proposed to be changed to City of Venice Institutional Professional through the concurrent comprehensive plan amendment application. The properties to the east, west, and south are in Sarasota County and also have designations of MODR. A City of Venice Mixed Use Residential designation lies to the west beyond the adjacent MODR property. The property to the north is in the City of Venice and has a designation of Mixed Use Corridor.

Zoning Designation

Figure 2 below shows the existing county and city zoning of the subject and adjacent properties. The subject property and the properties to the east, west, and south are zoned County Open Use Estate-1 (OUE-1). The property west of the immediately adjacent County OUE-1 zoning has a City Planned Unit Development (PUD) designation. The property to the north is zoned City Planned Commercial Development (PCD).

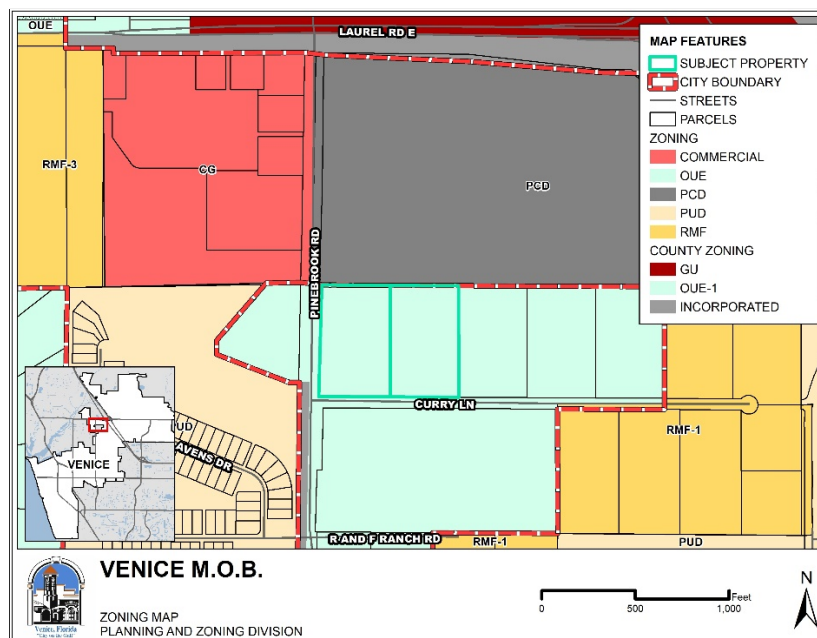


Figure 2. Existing zoning map

Table 1 summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

Table 1. Summary of existing conditions

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Medical (Sarasota Memorial Hospital – Under Construction)	Planned Commercial Development	Mixed Use Corridor
West	Drainage reservoir	Sarasota County OUE-1	Sarasota County Moderate Density Residential
South	Agricultural	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)
East	Residential	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)

IV. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates A) how the existing County Open Use Estate (OUE) zoning compares to the proposed City Office, Professional and Institutional (OPI) zoning with regard to allowed uses and development standards, B) consistency with the Comprehensive Plan, C) compliance with the Land Development Code, and D) compliance with the City’s concurrency management and transportation mobility regulations and the project’s expected impacts on public facilities.

Comparison of Existing County OUE Zoning and Proposed City OPI Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County OUE to City OPI. It is important to note the approved pre-annexation agreement requires the property to be

rezoned to a City designation concurrent with the recently approved annexation and prior to any development proposal for the property. The applicant has indicated that there is intent to develop the property for medical office use. The applicant has considered the surrounding properties in determining appropriate zoning districts for the subject property. The table below provides a comparison of the districts' development standards and permitted uses.

	Existing Zoning – OUE	Proposed Zoning – OPI
Density	1 du/5 acres	9 du/acre*
Intensity	N/A	0.5 FAR
Dwelling Units	2	90*
Height	35 feet	35 feet**
Principal Uses	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium***	Professional and business offices, hospitals, medical and dental clinics and laboratories, townhouses, libraries, art studios, funeral homes, private clubs, animal hospitals, financial institutions***

*Proposed Institutional Professional FLU designation will not allow for residential uses

**Conditional Use available for additional height

***Not an exhaustive list of district uses

Consistency with the Comprehensive Plan

As a result of the recently proposed annexation of the property and comprehensive plan amendment, the property will be included within the 2,366-acre Pinebrook Neighborhood. The property is also under the regulatory requirements of JPA Area 6. The applicant's proposed language for Area 6 is as follows:

1. Section 6. B. (7) of page A-10 shall be amended as follows:

Area 6 – Pinebrook Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for this Area is a maximum of 3 units per acre, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area, except for office, professional and institutional uses limited to Parcel Identification Numbers 0387-12-0001 and 0387-12-0002. The square footage of any such office, professional and institutional uses shall not exceed a FAR of 2.0. Development shall be served by City water and sewer. The Party with jurisdiction over the development application shall require dedication of right of way for future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.

For comparison, the language adopted by the City and transmitted to the County is reproduced below, showing the changes to existing text in strikethrough-underline format. This amendment would increase the allowed units per acre for properties east of Pinebrook Road and would allow IP uses on properties east of Pinebrook Road, with a maximum FAR of 0.5.

Section 6.B. (7) of page A-10 shall be amended as follows:

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

Per Strategy LU 1.2.4 – Non-Residential, the proposed zoning designation of OPI is identified as an implementing zoning district for the proposed Institutional Professional (IP) future land use designation.

Strategy LU 4.1.1, in the Comprehensive Plan, includes 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:

A. Land use density and intensity.

Applicant Response: The Property's FLU Institutional Professional designation further restricts its permitted intensity to 0.5 FAR. The permitted intensity for the Property is compatible with all immediately adjacent properties and neighborhoods. Substantial buffering between properties is naturally provided by the FPL right-of-way to the north, and Pinebrook Road to the west.

B. Building heights and setbacks.

Applicant Response: Building height and setback standards in the OPI district are compatible with those of the surrounding properties.

C. Character or type of use proposed.

Applicant Response: The proposed OPI land use is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA, **as amended**.

D. Site and architectural mitigation design techniques.

Applicant Response: Not applicable; the OPI zoning standards are designed to provide for compatibility with surrounding property uses and designs.

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 Response: Not applicable; OPI land use provides for compatibility with residential uses. Sec. 86-90. (a) Generally; intent specifically states, “The OPI district is designed to be compatible with residential uses.”

Staff Comment: Sec. 86-90(a) would apply here, and is the only reference to compatibility with residential uses in the OPI zoning district section of the Land Development Code. Regarding development, intensity and density are measurements for different uses, and it can be difficult to compare floor area ratio to dwelling units per acre. There are single-family uses existing to the north, south, and east of the property.

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

Applicant Response: Not applicable; OPI land use is compatible with the existing uses on surrounding properties, both commercial and residential.

Staff Comment: No commercial or industrial uses are proposed through this rezoning. The intent of the OPI zoning district explicitly states it is designed to be compatible with residential 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.

Applicant Response: Not applicable.

Staff Comment: Staff is not aware of any nonconforming uses existing on the property.

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

Applicant Response: The Institutional Professional FLU designation will limit intensity for OPI uses to 0.5 FAR, which is considered to be a lower level of intensity. The OPI standards, including but not limited to, setbacks, open space, and buffering, further constrict the permitted intensity of a development on the Property. Additionally, the Property is approximately 10 acres, which constricts the scale of a development thereon. With any permitted development on the property limited to a lower level of intensity, this poses no threat to nearby residential types of uses at various densities, or to uses of greater intensity, and as a result does not trigger potential for incompatibility.

Staff Comment: The Institutional Professional FLU indicates a FAR of 0.5 through the designation. Staff agrees that 0.5 FAR is generally a low level of intensity; however, there are no apparent further

restrictions on intensity or additional limitations as the applicant has indicated. The consideration of intensity will be further evaluated through review of any proposed development plans for the subject property.

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

At the point of a development application on the subject property, a full review of the project, including compatibility with adjacent properties will be performed. If, during that review, potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2-I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of an actual development proposal.

I. Providing open space, perimeter buffers, landscaping and berms.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

K. Locating road access to minimize adverse impacts.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

L. Adjusting building setbacks to transition between different uses.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

M. Applying step-down or tiered building heights to transition between different uses.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

N. Lowering density or intensity of land uses to transition between different uses.

Applicant Response: No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.

Summary Staff Comment: *Mitigating factors are difficult to evaluate until the time of site and development plan review, at which point these criteria will be more specifically addressed.*

- **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 Institutional Professional future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Pinebrook Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Compliance with the Land Development Code

The subject petition has been processed with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). In addition, the petition has 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 considerations listed below. The Planning Commission materials include the applicant's response to each of the considerations. Staff comments have also been provided where applicable.

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

Applicant's Response: The proposed zoning change conforms to the Property's concurrently proposed Comprehensive Plan Amendment for the FLU designation of Institutional Professional.

Staff Comment: *Office, Professional and Institutional is listed in the comprehensive plan as an implementing district of the Institutional Professional FLU designation.*

(b) The existing land use pattern.

Applicant's Response: The proposed OPI use on the Property is compatible with existing land uses in the area.

Staff Comment: *Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes planned development and residential uses, some of which may be found potentially compatible, while the land use (Mixed Use Corridor) and zoning (Planned Commercial Development) to the north is clearly compatible.*

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

Applicant's Response: The proposed zoning change will not create an isolated district, but rather works to transition between the mixture of uses in its area.

Staff Comment: *The proposed zoning will not be the same as adjacent or nearby districts, but may be considered related to nearby commercial and multifamily residential zoning districts.*

- (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: The proposed zoning change will not stress demands on public facilities and development will pay impact fees that may be used to support all public facilities.

Staff Comment: *The proposed change will increase the property's allowable intensity, and may indirectly increase population density in the area. However, the Technical Review Committee has reviewed the project and no issues with demand on public facilities has been identified.*

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

Applicant's Response: As an annexed JPA/ILSBA property, the Property requires a proper City zoning designation.

Staff Comment: *The district boundaries are drawn logically as relates to existing conditions on the subject property.*

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

Applicant's Response: Annexation of the Property requires the proposed amendment to provide a proper City zoning designation.

Staff Comment: *The City of Venice requires changing zoning from Sarasota County designation to a City designation after annexation. Changing conditions include the construction of a new hospital close to this property, which is expected to have a large impact and to change land use patterns in the vicinity.*

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

Applicant's Response: The proposed zoning will not adversely influence living conditions in the neighborhood as it is compatible with existing uses.

Staff Comment: *As stated in the intent section of the OPI zoning district (Sec. 86-90(a), OPI typically provides appropriate transition to residential uses.*

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

Applicant's Response: Traffic congestion will not be created or excessively increased, nor will and public safety be reduced by the proposed zoning.

Staff Comment: *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 zoning will not create a drainage problem and will be required to meet all City, State and Federal standards related to drainage at the time of development.

Staff Comment: *TRC has reviewed this project and has identified no issues. Further analysis will take place at the point of development.*

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

Applicant's Response: No serious reduction to light and air available to adjacent areas will be produced by the proposed zoning.

Staff Comment: *The building height and intensity will be regulated through zoning, a related petition for a comprehensive plan amendment, and subsequent development conditions.*

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

Applicant's Response: No adverse impact to property values will be created by the proposed zoning.

Staff Comment: *This application does not propose specific development of the property, nor does staff have access to recent market studies of the area, so it is difficult to determine the impact to surrounding property values. The intent of OPI zoning is to be compatibility with residential uses. Further, the construction of the nearby hospital is expected to have a far greater impact on the surrounding area.*

- (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 zoning will not deter improvement or development of adjacent property in accordance with existing regulations.

Staff Comment: *It is expected that this zoning change may encourage, rather than deter, nonresidential use in the area.*

- (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 zoning would not constitute a special privilege granted to the owner of the Property compared to the public welfare.

Staff Comment: *There is no evidence of special privilege being granted through this request.*

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

Applicant's Response: Annexation of the Property requires the proposed amendment to provide a proper City zoning designation.

Staff Comment: *The pre-annexation agreement requires that a zoning map amendment for this property must be adopted before development takes place.*

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

Applicant's Response: The proposed zoning works to meet the needs of the neighborhood and the City as a whole.

Staff Comment: *Generally, the need of the neighborhood and the City is development of the subject property consistent with the Comprehensive Plan and in compliance with the Land Development Code. Land use compatibility mitigation techniques will be evaluated to ensure future development of the subject property is not out of scale with the needs of the surrounding neighborhood.*

(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 property is one of few in the City well-suited for OPI zoning, and may arguably be the best site of all available for such use. Considering the Sarasota Memorial Hospital under construction to the Property's north, this zoning designation will provide harmony between uses and maximize the provision of such services to the public.

Staff Comment: *Given the changing nature of land use on adjacent properties from residential and agricultural to institutional, staff is in agreement that the property is well-suited to the proposed zoning district.*

- **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.

A. Concurrency

The applicant is not requesting confirmation of concurrency as part of the proposed zoning map amendment. Concurrency will be reviewed with a development proposal, and a full review will be provided at that time. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

- **Conclusion / Findings of Fact (Concurrency):**

As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

Transportation Mobility

At this time, a Traffic Impact Statement has been submitted, with no indicated access improvements. Offsite improvements are the result of existing vested projects and are not the responsibility of the applicant. Further review of transportation mobility will occur at the point of development.

- **Conclusion / Findings of Fact (Mobility):**

A preliminary review of transportation mobility has been performed. Further development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.

V. CONCLUSION

Planning Commission Report and 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 Zoning Amendment Petition No. 20-06RZ.

Stipulation

Staff proposes the following stipulation for this petition:

The comprehensive plan amendment is dependent on Sarasota County Commission approval of the proposed amendment to JPA/ILSBA Area 6.