

Fisherman's Wharf

Comprehensive Plan Amendment Pet. No. 17-02CP

Owners: Venice Marine Park, LLC

Agent: Jeffery Boone, Boone Law Firm



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Comprehensive Plan Amendment

Fisherman's Wharf

Petition Summary Information (Staff Report Page 1):

Owner: Venice Marine Park, LLC

Agent: Jeffery Boone, Boone Law Firm

Address: 509 Tamiami Trail North

Property ID #: 0407-06-0010

Parcel Size: 7.2 +acres

Existing Future Land Use Designations: Northern Gateway Corridor (Planning Area F) and Waterway

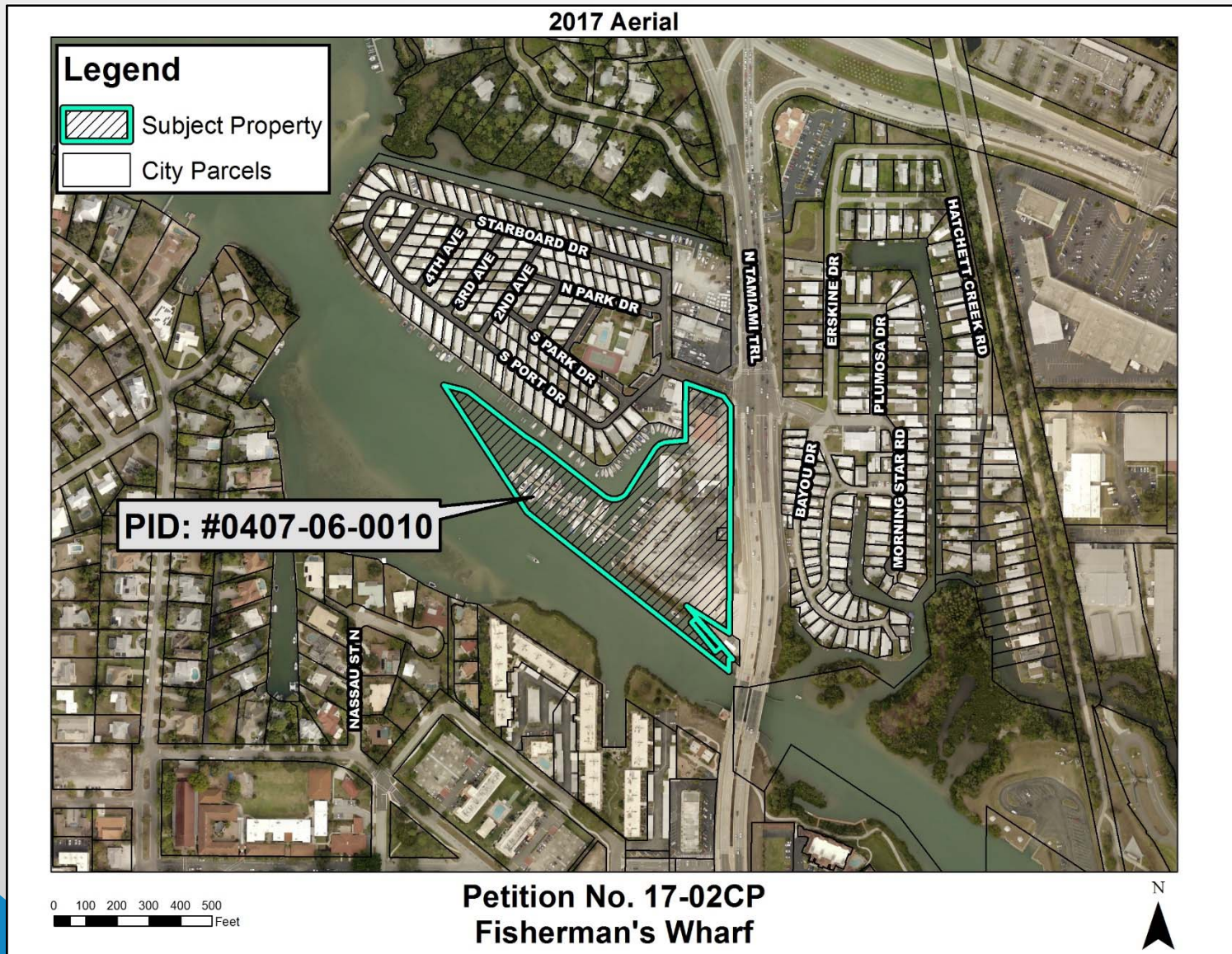
Proposed Future Land Use Designation: Commercial

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and has been found in compliance with the regulatory standards of the City Code of Ordinances.

Concurrently Processed Land Development Petitions:

- Rezone Petition No. 17-11RZ
- Conditional Use Petition No. 17-02CU
- Site and Development Plan Petition No. 14-03SP.2
- Special Exception Petition No. 17-03SE

Aerial Photograph (Staff Report Map 2)

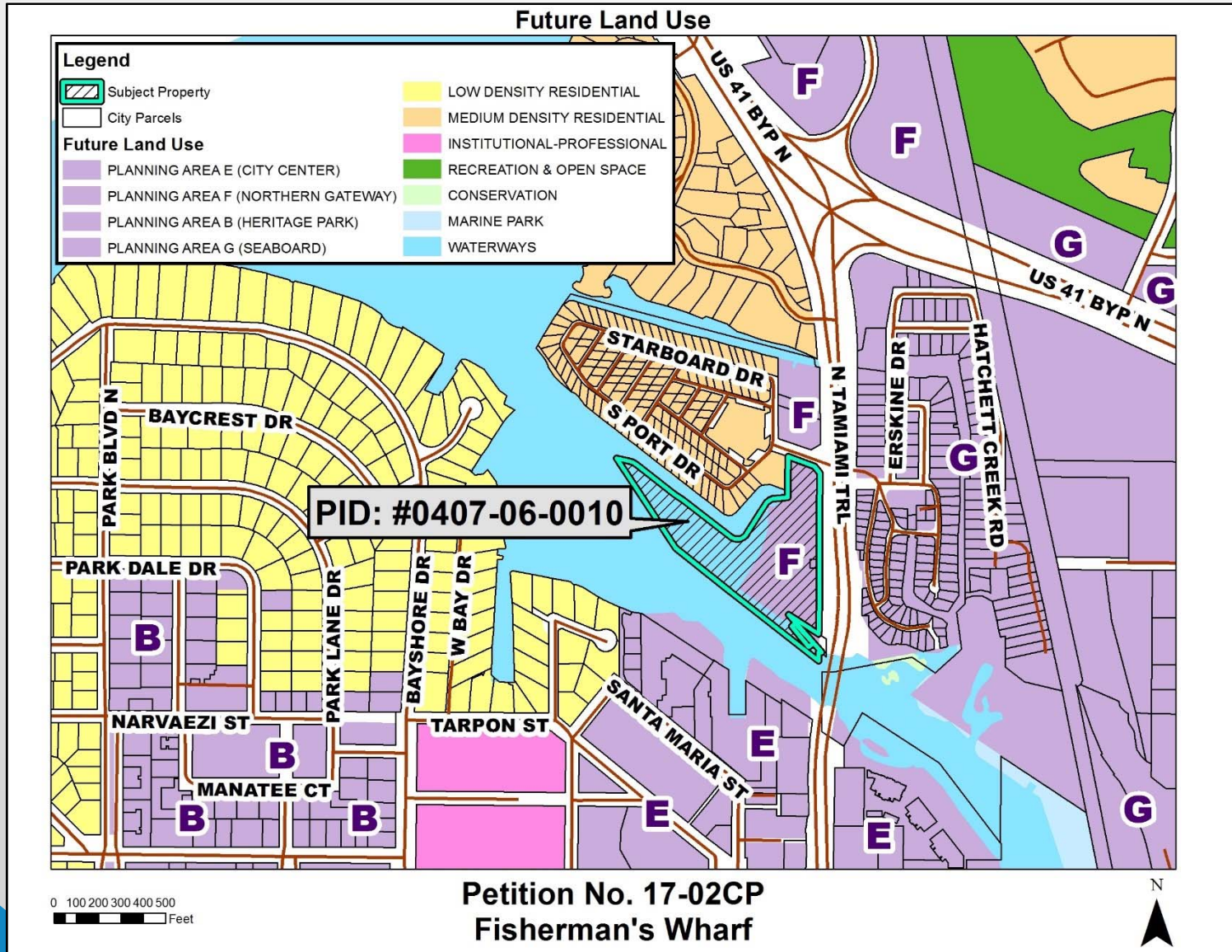


Summary of Proposed Comprehensive Plan Amendment

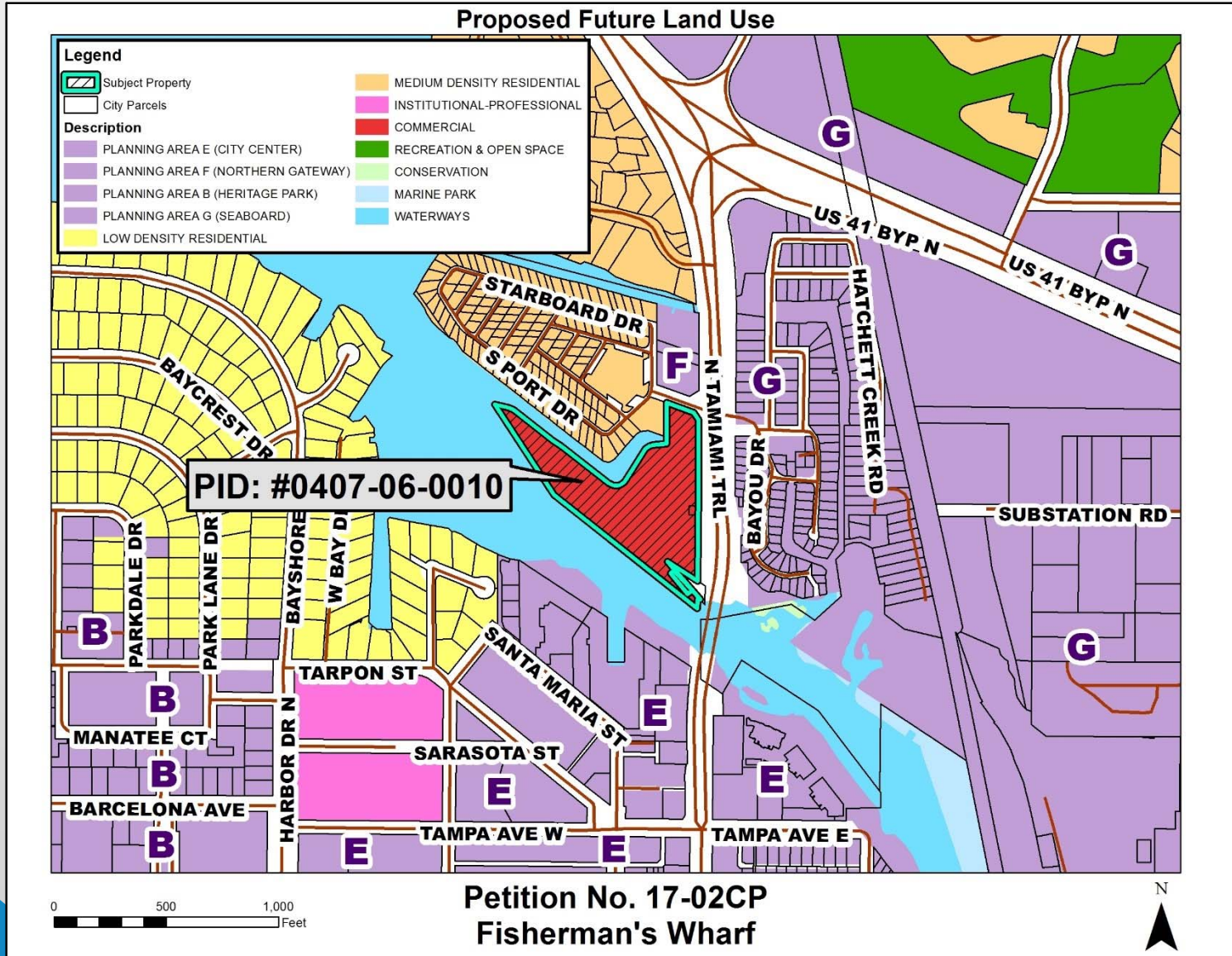
The applicant has requested two Future Land Use Map Amendments:

- **Amendment of the city-wide Future Land Use Map (Map FLUM-1) to change the designation of the subject property from Northern Gateway Corridor (Planning Area F) and Waterway to Commercial**
- **Amendment of the Northern Gateway Corridor Future Land Use Map (Map FLUM-7) to remove the upland portion of the subject property from the planning area**

Existing Future Land Use Map (Map FLUM-1)



Proposed Future Land Use Map (Map FLUM-1)



Existing Northern Gateway Corridor (Map FLUM-7)



Planning Analysis (Staff Report Pages 4-16)

- **Comparison of existing and proposed future land use map designations**
- **Assessment of the proposed amendment's effect on the comprehensive plan and the Northern Gateway Corridor (Planning Area F)**
- **Compliance with Land Development Code (Section 86-33) for procedural requirements and formal review of the proposed comprehensive plan amendment**
- **Compliance with Section 163-3177 Florida Statutes**

Comparison of Existing & Proposed Designations

Northern Gateway Corridor Planning Intent: Redevelop the corridor into an integrated neo-traditional mixed use corridor. The concept is to integrate single and multi-family residential dwelling units with restaurants, shops, professional offices, schools, parks, and civic spaces. This mixed use planning strategy supports the City's efforts to redevelop areas located along the Intracoastal Waterway and provide a better linkage to the residential uses surrounding the area.

Waterway Policy (Policy 13.5): Submerged lands comprising the City's marine waterways including the Intracoastal Waterway, Roberts Bay, and Dona Bay. Passive or active uses in such areas are discouraged and may only proceed after the environmental impacts are carefully evaluated. Any use that would negatively impact the area's natural ecosystems shall be prohibited.

Comparison of Existing & Proposed Designations

Commercial Future Land Uses (Policy 13.2): Commercial Future Land Uses. Commercial land uses are intended to support existing and future commercial activity centers. The City's commercial activity centers are designed to provide the community vibrant places to work, shop, receive services, and conduct business. These areas are intended to be accessible via a variety of transportation alternatives and should not be isolated from surrounding residential uses.

Where a mix of residential and non-residential uses is allowed, such mix is denoted as an allocation ratio based on gross acreage. This allocation ratio is to be applied using the maximum allowable density for the designation and a conversion factor for determination of maximum allowable non-residential square footage. Residential units and non-residential square footage may be mixed within the same structure so long as the allowable number of residential units and non-residential square footage is not exceeded.

Comparison of Existing & Proposed Designations

Commercial [Designation]: Multi-purpose activity centers, such as downtowns or central business districts, commercial corridors, and shopping centers that include commercial uses such as retail, office, professional, service, and hotel/motel lodging activities. Total square footage of commercial uses shall not exceed a floor area ratio (FAR) of 1.0. As residential and civic/public uses increase the viability of commercial activity centers, such uses are permitted in commercial designations if protective strategies, such as those described in Objective 8, Policy 8.2 of this Element, are utilized to ensure the compatibility of such uses.

Maximum residential density shall not exceed 13 dwelling units per acre by right or 18 dwelling units per acre by conditional use. The ratio of residential to non-residential uses shall be a minimum of seventy-five (75) percent non-residential and up to twenty-five (25) percent residential. Conversion between residential and non-residential land uses may be made on an equivalent dwelling unit basis of 1 dwelling unit per 2,000 square feet non-residential space, gross acreage.

Comparison of Existing & Proposed Designations

Future Land Use Map Designation	Existing Northern Gateway Corridor	Existing Waterway	Proposed Commercial
Allowed Uses	Single family & multi-family dwellings, restaurants, shops, professional offices, schools, parks, and civic spaces	Passive or active uses	Residential, retail, office, professional, service, and hotel/motel lodging activities
Maximum Density (By Right)	18 units per acre	No maximum density standard	13 units per acre
Maximum Floor Area Ratio (FAR)	2.0	No maximum FAR standard	1.0
Maximum Building Height	4 stories, up to 45 feet including parking	No maximum building height standard	No maximum building height standard

Comparison of Existing & Proposed Designations

Under the proposed Commercial designation the subject property will no longer be subject to the Northern Gateway Corridor Standards contained in Policy 16.12 (see staff report Exhibit A).

Policy 16.12.A – Density range

Policy 16.12.B – Maximum residential density average

Policy 16.12.C – Non-residential intensity standards

Policy 16.12.D – Integrated transportation network standards

Policy 16.12.E – Building envelope (max. height & compatibility)

Policy 16.12.F – Parking standards

Policy 16.12.G – Parks and public spaces

Policy 16.12.H – Architectural design style

Comparison of Existing & Proposed Designations

Table 3: Development Scenarios of the Subject Property with the Existing and Proposed Future Land Use Map Designations

Future Land Use Designation	Residential Development	Commercial Development
Existing Northern Gateway Corridor	63 units	306,662 sq. ft.
Proposed Commercial	46 units	153,331 sq. ft.

Evaluation of the Proposed Amendment Impact on the Comprehensive Plan

- The reduced development potential of the subject property has a positive effect on the city's ability to maintain its adopted levels of service for public facilities
- A sufficient amount of undeveloped land remains in the city to accommodate anticipated growth
- The proposed amendment facilitates a mixed use redevelopment project which implements a goal common to many of the planning areas
- Overall, the proposed future land use map will have a negligible impact on the comprehensive plan.

Evaluation of the Proposed Amendment Impact on the Northern Gateway Corridor

- The subject property is the southernmost parcel in the planning area; its removal will not impact the contiguity of the corridor
- The proposed amendment will facilitate redevelopment of the subject property which implements the planning intent of the corridor (mixed use redevelopment along the Intracoastal Waterway that integrates a multi-family residential use with existing restaurant and shops)
- Development of the subject property will still be subject to land use compatibility review pursuant to Policy 8.2
- Overall, the proposed future land use map will have very little impact on the city's ability to implement the goals of the planning area

Compliance with the Land Development Code

Section 86-33(5) of the Land Development Code directs planning and zoning staff in its review of a comprehensive plan amendment application. The code provision specifies that the review be done to determine:

- *Consistency with the comprehensive plan and other relevant city ordinances, resolutions or agreements,*
- *The effect of the proposed amendment upon the financial feasibility of the comprehensive plan, and*
- *Consistency with the applicable requirements of F.S. ch.163.*

Consistency with the comprehensive plan and other relevant city ordinances, resolutions or agreements

- The proposed comprehensive plan amendment has been processed consistent with the comprehensive plan and the Land Development Code
- The proposed future land use map designation is consistent with Policy 13.2 regarding commercial future land uses and the proposed Commercial designation
- Staff is not aware of any city ordinance, resolution or agreement directly relevant to the proposed amendment; as such the proposed amendment is not in conflict with or inconsistent with any city ordinance, resolution or agreement

Effect of the Proposed Amendment upon the Financial Feasibility of the Comprehensive Plan

- Adequate public facilities are in place to serve the subject property
- The reduced development potential under the proposed future land use designation is not expected to increase the demand for public facilities and services which would require the expenditure of public funds
- The proposed redevelopment project is expected to increase the level of property tax revenue generated from the subject property
- Overall, the proposed amendment can be expected to have a positive effect on the financial feasibility of the comprehensive plan

Consistency with the Applicable Requirements of Florida Statutes Chapter 163

- Due to the size of the subject property (< 10 acres) and the nature of the amendment (future land use map amendment), Sect. 163.3187 F.S. considers the proposed comprehensive plan amendment a “small-scale comprehensive plan amendment”
- During a calendar year, local government can not exceed a 120-acre limit for small-scale comprehensive plan amendments approved in a given calendar year
- The subject amendment is the first small-scale comprehensive plan amendment during 2017

Consistency with the Applicable Requirements of Florida Statutes Chapter 163

- Three provisions in Section 163.3177(6)(a) specify how amendments to the future land use element and future land use map are to be evaluated
- Staff's review for compliance with the three statutory provisions is provided on pages 11-16 of the staff report
- Based on staff's planning analysis, the proposed comprehensive plan can be found in compliance with each of the three statutory provisions

Staff Summary Findings of Fact

Summary Findings of Fact: The proposed comprehensive plan amendment:

- 1) can be found consistent with the comprehensive plan and other relevant city ordinances, resolutions or agreements,*
- 2) does not have a negative impact on the financial feasibility of the comprehensive plan, and*
- 3) can be found in compliance with the applicable requirements of F.S. ch. 163.*



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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 to take action on Comprehensive Plan Amendment Petition No. 17-02CP.

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