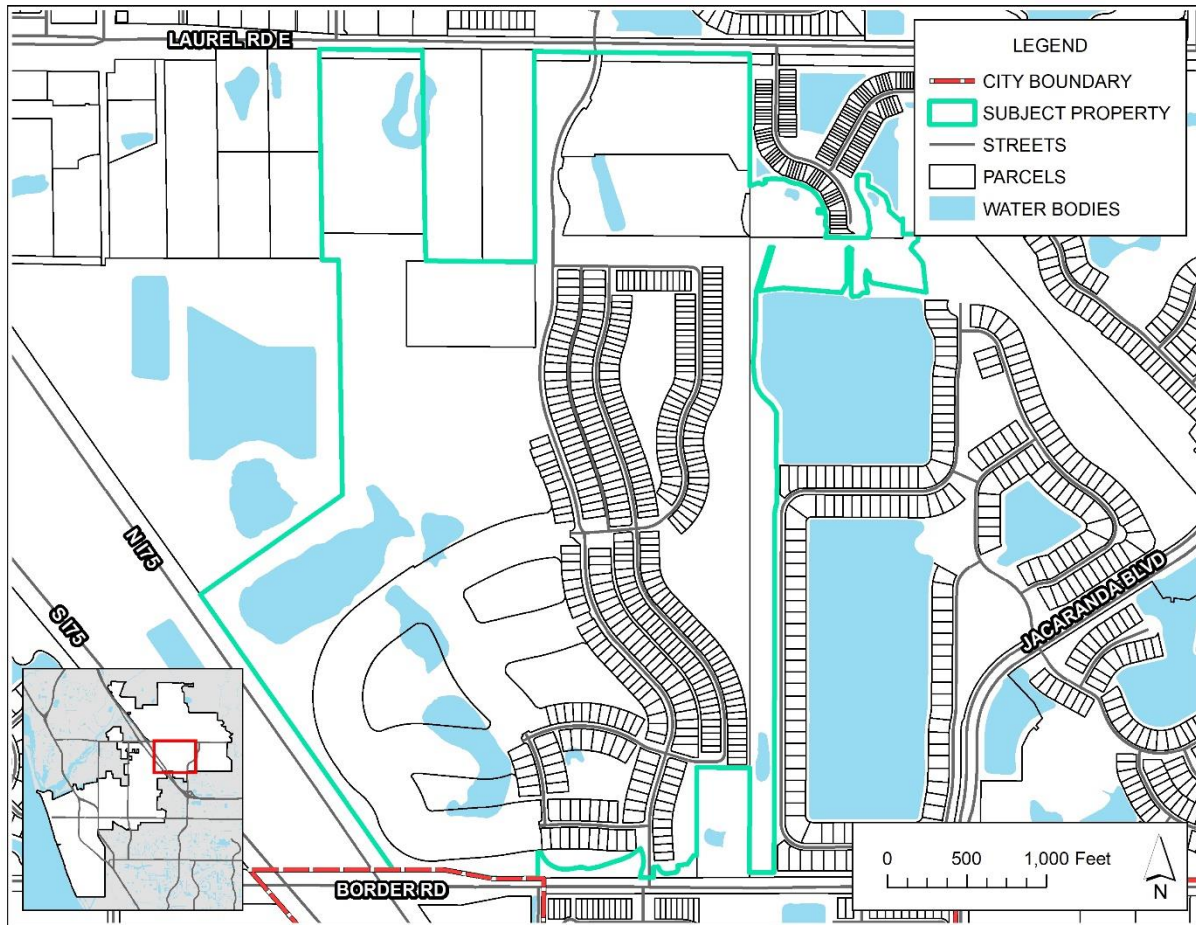


# 23-63RZ GCCF PUD AMENDMENT

## Staff Report



### GENERAL INFORMATION

<b>Address:</b>	South of Laurel Road East, North of Border Road, East of I-75
<b>Request:</b>	To amend the GCCF PUD to increase the density from 4.3 to 5.0 units per acre.
<b>Owner:</b>	Border Road Investments, LLC & Vistera Associates, LLC
<b>Agent:</b>	Jeffery A. Boone, ESQ, Boone Law Firm
<b>Parcel Size:</b>	323.56 ± acres
<b>Future Land Use:</b>	Mixed Use Residential (MUR)
<b>Current Zoning:</b>	Planned Unit Development (PUD)
<b>Comprehensive Plan Neighborhood:</b>	Northeast Neighborhood
<b>Application Date:</b>	September 19, 2023

## **I. BACKGROUND**

The GCCF (Gulf Coast Community Foundation) PUD is located south of Laurel Road East, north of Border Road and east of I-75. The PUD is currently under development as the Visterra of Venice residential development with single family attached, detached, and multi-family units.

The GCCF PUD was amended by Ordinance No. 2022-20 to add 24.1 acres of open space along the eastern boundary of the PUD relocated from the adjacent Milano PUD. The rezone petition increased the overall size of the PUD from 299.46 acres to 323.56 acres. With the addition of 24.1 acres, the overall density went from 4.3 units per acre to 4.0 units per acre. This amendment to the GCCF PUD proposes to increase the currently approved density from 1,300 dwelling units (4.0 units per acre) to 1,617 dwelling units (4.99 units per acre).

### **Unified Control**

During the development of the Land Development Regulations (LDRs), there was discussion of “unified control” as it relates to a proposed amendment to a Planned Unit Development (PUD). Multiple potential definitions and applications of the term were discussed. However no consensus was reached during the process, and it was deferred to a future time.

At the February 13, 2024, City Council Meeting, staff was given direction to host a workshop to discuss options for amendments to PUDs. The workshop is to be held on April 4<sup>th</sup>, 2024. At the time of the writing of this staff report, staff is to discuss the two options below at the upcoming workshop.

1. For major amendments, interpret the requirement to rezone the entire Planned District to mean that the full rezone process must be followed, including the demonstration of “unified control” through the written consent (supplied by the applicant) of the owners of all or some percentage of the property in the PUD. During the discussions indicated above, 100% consent of property owners was previously determined to be unacceptable by City Council.
2. Require “unified control” upon initial PUD application only. Clarify that a major amendment is not a rezone, but an amendment to the PUD binding master plan. What can be amended and who can seek the changes depends on how much of the PUD is built out.
  - a. Examples
    - i. Up to 50% build-out of the originally approved residential units (certificate of occupancy issued) of the portion of the PUD identified “to be developed”, the developer/owner may propose any amendment to the PUD.
    - ii. After 50% of the PUD is built-out, the developer/owner may propose amendments to only land that has already been identified as “to be developed” absent other criteria being met (e.g., consent, public health, safety and welfare).

The issue of unified control will not be finalized by the time the rezone petition is discussed with Planning Commission. Staff will work with the applicant based on the outcome of the April 4th workshop and City Council’s decision regarding this issue. This petition will not be considered by City Council until after the scheduled workshop.

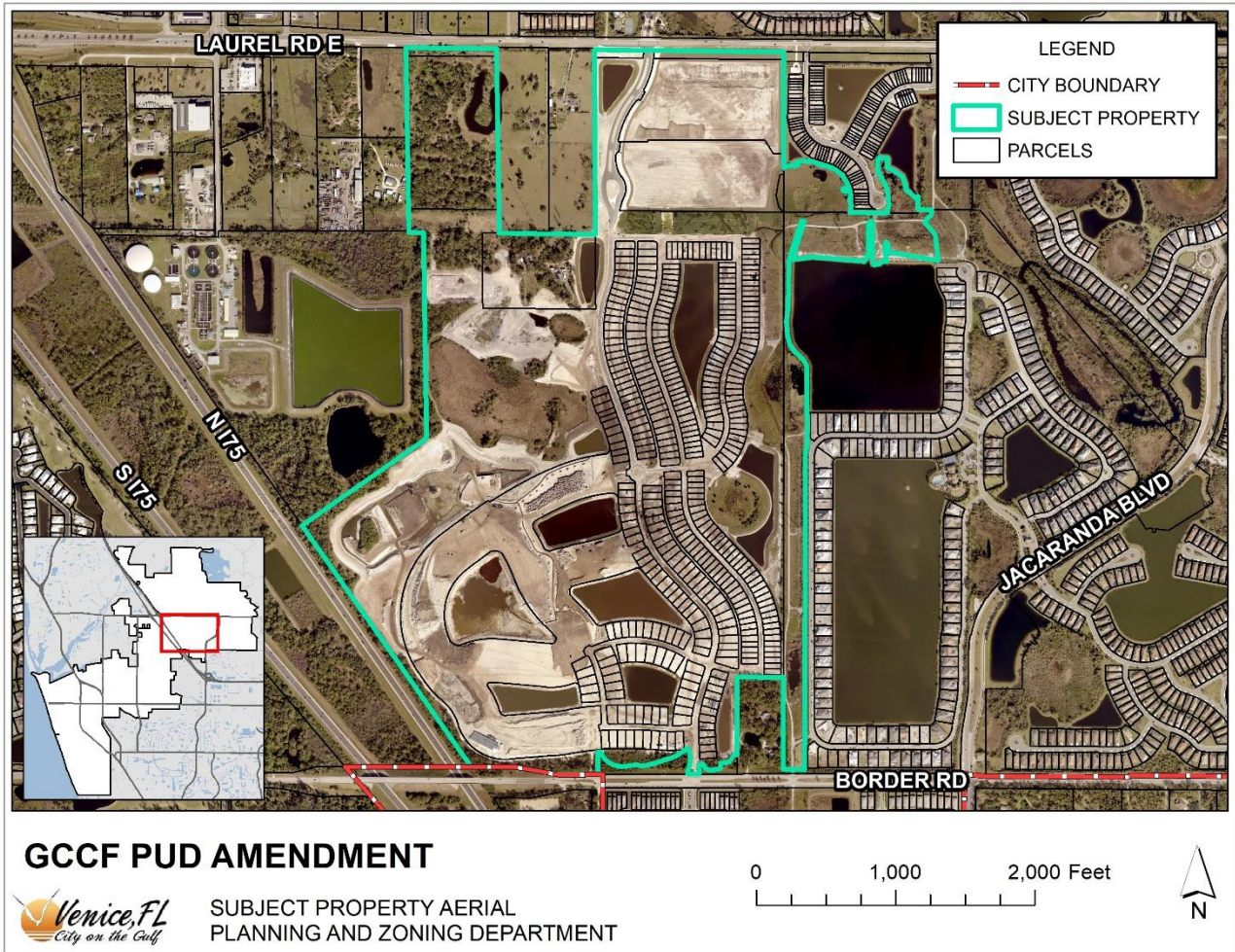
### **Previous Plats**

Within the GCCF PUD, both a Preliminary Plat for single family and a site plan for multifamily development have been approved. The Visterra of Venice multifamily development (21-47SP) is located on the northeast

side of the PUD with a total of 665 multifamily units (approximately outlined in blue). The southeastern part of the property was platted under 21-50PP for a total 391 units (approximately outlined in orange). The remaining area of the GCCF PUD Binding Master Plan is the western part of the property, which is the only available area to be rezoned and allotted additional density (approximately outlined in green). It is important to note, no changes are proposed to the land uses or locations there of in the Binding Master Plan. The applicant is only requesting an increase in density.



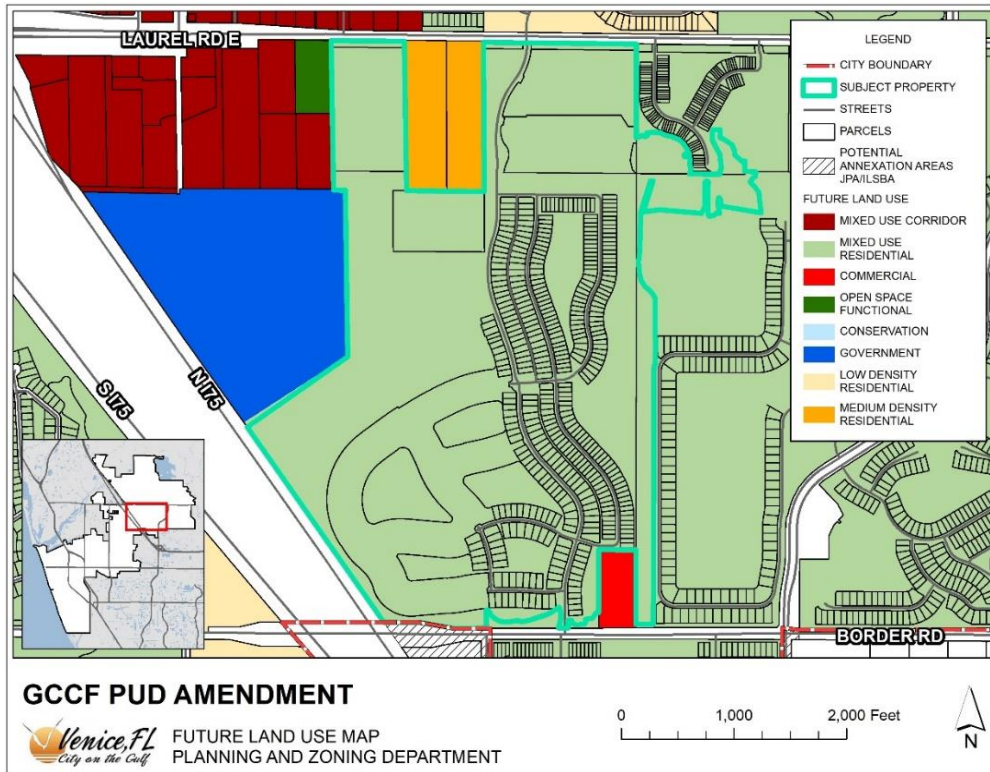
Location Area



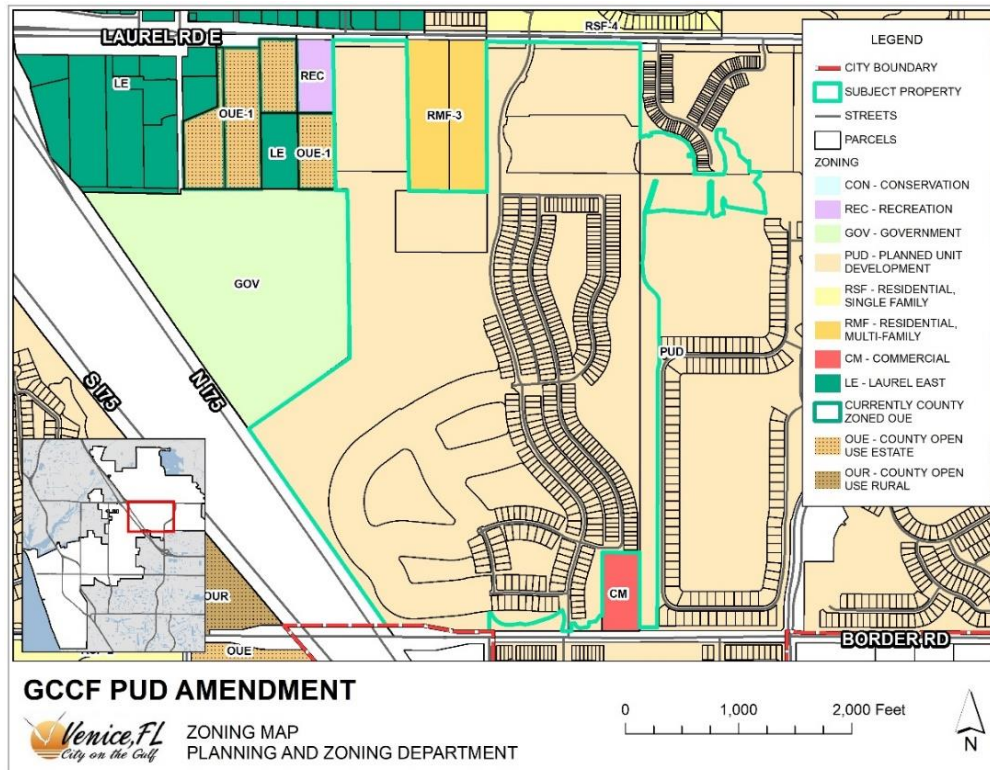
### Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Residential (MUR) The current zoning designation for the subject property is Planned Unit Development (PUD).

### Future Land Use



### Current Zoning



## Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential (Toscana Isles), Commercial (Mirasol), Willow Chase	Laurel East (LE), Planned Unit Development (PUD), Residential, Single Family (RSF-4)	Mixed Use Residential (MUR), Mixed Use Corridor (MUR), Low Density Residential (LDR)
South	Residential (Palencia)	PUD	MUR
East	Residential (Aria and Fiore)	PUD	MUR
West	Government (City of Venice Water Treatment Facility) Residential, Recreation	Government (GOV), Sarasota County OUE-1 (Open Use, Estate), Recreation (REC)	GOV, MUR, Open Space Functional

## II. PLANNING ANALYSIS

In this section of the report, analysis of the subject zoning map amendment petition evaluates 1) consistency with the Comprehensive Plan, and 2) compliance with the City's Land Development Code (LDC) and GCCF Binding Master Plan, and 3) compliance with requirements for Concurrency/Mobility.

### 1) Comprehensive Plan Analysis

#### Land Use Element

Strategies LU 1.2.16.2 and LU 1.2.16.6(c) in the Land Use element of the Comprehensive Plan require that Planned Unit Developments (implementing the MUR Future Land Use Designation) maintain at least 50% of their land area as open space. The previously approved Binding Master Plan included 50% open space, no changes to open space will result from this amendment.

Strategy OS 1.11.1 in the Open Space element repeats and expands on the requirement for 50% open space; this proposal is consistent with this requirement at 50% open space.

Strategy LU-1.2.16 describes the Mixed Use Residential (MUR) designation and allows for up to five (5) dwelling units per acre. The proposed rezone would increase the density of from 4.3 to 4.9 units per acre.

Strategy LU 1.2.16.4 a variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling units per gross acres for the subject project/property.

#### **Conclusions / Findings of Fact (Comprehensive Plan Analysis):**

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the MUR land use designation, strategies found in the Northeast Neighborhood, and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

### 2.) Compliance with the Land Development Code and Binding Master Plan

The subject petition has been processed with the procedural requirements contained in Ch. 87, Sec. 1.7 of the Land Development Code (LDC). In addition, the petition has been reviewed by the City's Technical Review Committee and no issues regarding compliance with the LDC were identified.

## Chapter 87, Section 1, Decision Criteria 1.7.4

A. Council and the Commission shall consider the following:

1. Whether the amendment is compatible with the existing development pattern and the zoning of nearby properties.

**Applicant Response: The proposed PUD Amendment is compatible with the existing development patterns and zoning of nearby properties.**

2. Changes in land use or conditions upon which the original zoning designation was based.

**Applicant Response: No changes are proposed to previously approved land uses.**

3. Consistency with all applicable elements of the Comprehensive Plan.

**Applicant Response: The proposed PUD Amendment to increase density to 5.0 de/ac is consistent with all applicable elements of the Comprehensive Plan.**

4. Conflicts with existing or planned public improvements.

**Applicant Response: Not applicable.**

5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:

- a. Impact on the traffic characteristics related to the site.

**Applicant Response: An analysis has been provided of potential impact on traffic characteristics.**

- b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.

**Applicant Response: Public facilities are available to serve the site.**

- c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.

**Applicant Response: Public facilities are available to serve the site and the developer will pay impact fees to offset the impacts to public facilities.**

6. Effect on health, safety and welfare of the neighborhood and City.

**Applicant Response: The proposed PUD amendment will not have any negative impact to the health, safety and welfare of the neighborhood and City.**

7. Conformance with all applicable requirements of this LDR.

**Applicant Response: The proposed PUD Amendment is consistent with all applicable elements of the LDR's.**

8. Potential expansion of adjacent zoning districts.

**Applicant Response: Not applicable.**

9. Findings of the Environmental Assessment Report, consistent with Chapter 89.

**Applicant Response: Not applicable. The proposed PUD Amendment does not alter the previously approved development plan.**

10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.

**Applicant Response: Not applicable**

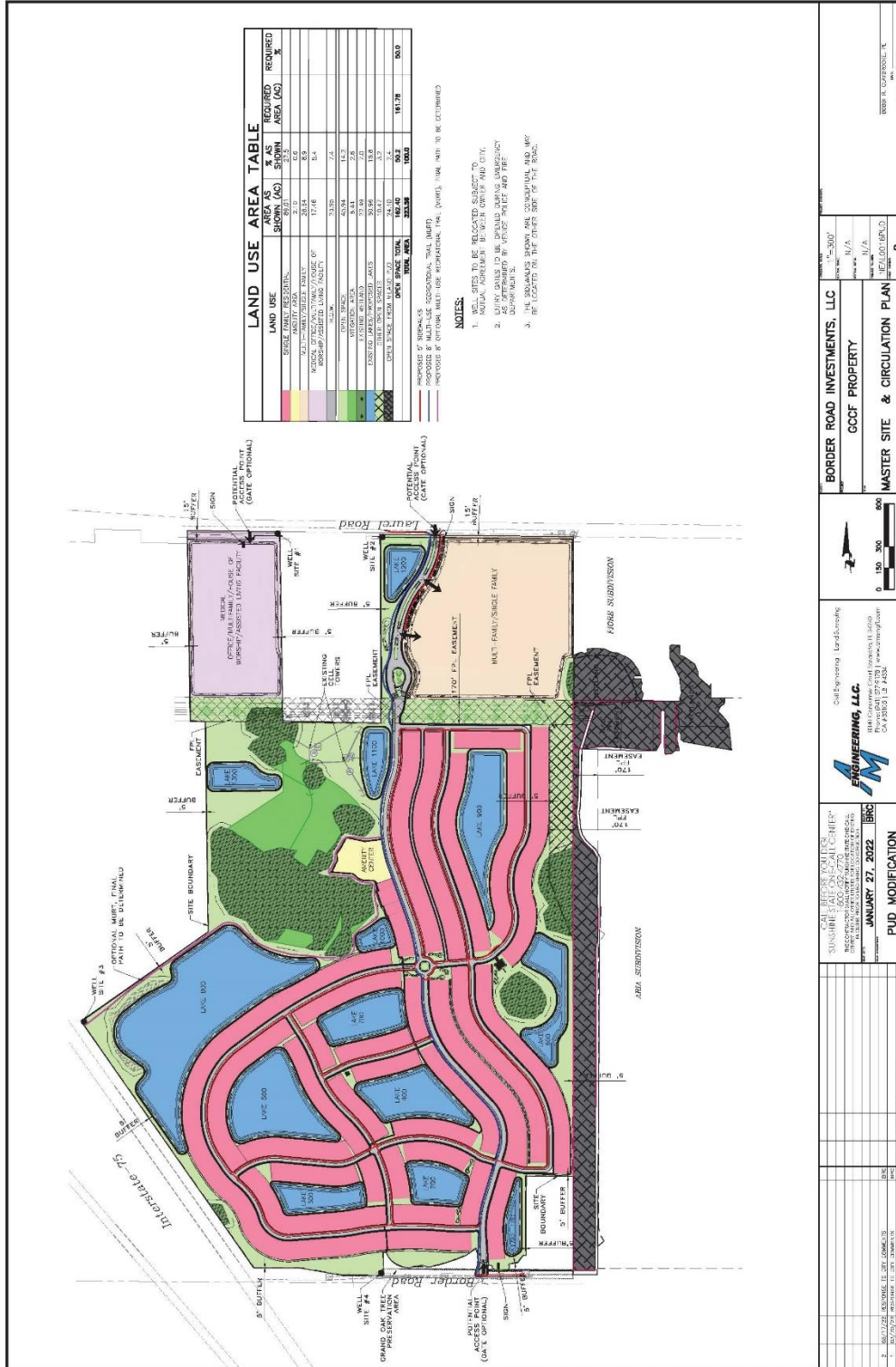
#### **Summary Staff Comment:**

The proposed amendment is to increase the density of the PUD from 4.3 to 4.99 units per acre would be consistent with the City's Future Land Use designation on the property. The increased density would be the western side of the property and would increase the overall density from 4.3 to 4.99 units per acre.

#### **Binding Master Plan**

Consistent with Code requirements in Ch. 87, Sec. 1.7.3, a revised Binding Master Plan has been submitted. This amendment to the GCCF PUD proposes to increase the currently approved density from 1,300 dwelling units (4.3 units per acre) to 1,617 dwelling units (5.0 units per acre) with no other changes in the Binding Master Plan below.

# GCCF Binding Master Plan



## Summary Staff Comment:

The proposed amendment is to increase the density of the PUD from 4.3 to 4.99 units per acre would be consistent with the City's Future Land Use designation on the property. The increased density would be the western side of the property and would increase the overall density from 4.3 to 4.99 units per acre.



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

Analysis has been provided by staff to determine compliance with the standards of the land development code. The subject petition complies with all applicable standards and there is sufficient information on the record to reach a finding for each of the rezoning considerations contained in Ch. 87, Sec. 1.7.4 of the Land Development Code.

**3) Concurrency/Transportation Mobility**

**Concurrency**

The Technical Review Committee has reviewed all relevant materials submitted for the site and development plan and no inconsistencies were identified.

**Transportation**

The GCCF PUD was previously approved for 1,300 dwelling units (550 single-family detached units and 750 multifamily units) and vested for 877 total PM peak hour trips. The proposed new plan for the GCCF PUD is to increase the density to 1,617 dwelling units (584 single-family detached units and 1,033 multifamily units) which results in an additional 93 PM peak hour trips, for a total of 970 PM peak hour trips.

Based on the comments from the City’s transportation consultant, compliance with the City’s requirements is confirmed. However, the following site access improvements are required in conjunction with this project and have been confirmed by the Applicant:

Laurel Road & Western Project Driveway

- Construct a 235’ westbound left turn lane
- Construct a 185’ eastbound right turn lane

Laurel Road & Eastern Project Driveway

- Construct a 235’ westbound left turn lane
- Construct a 185’ eastbound right turn lane

Border Road & Project Driveway

- Construct a 185’ westbound right turn lane

**Conclusions/Findings of Fact (Concurrency/Transportation Mobility):**

The subject petition has been processed with the procedural requirements to consider the Rezone Petition. In addition, the petition has been reviewed by the Technical Review Committee (TRC) and no issues regarding compliance with the Land Development Code or the GCCF Binding Master Plan were identified.

**CONCLUSION**

**Planning Commission Report and Action**

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 Planning Commission to make a recommendation on Zoning Map Amendment Petition No. 23-63RZ.