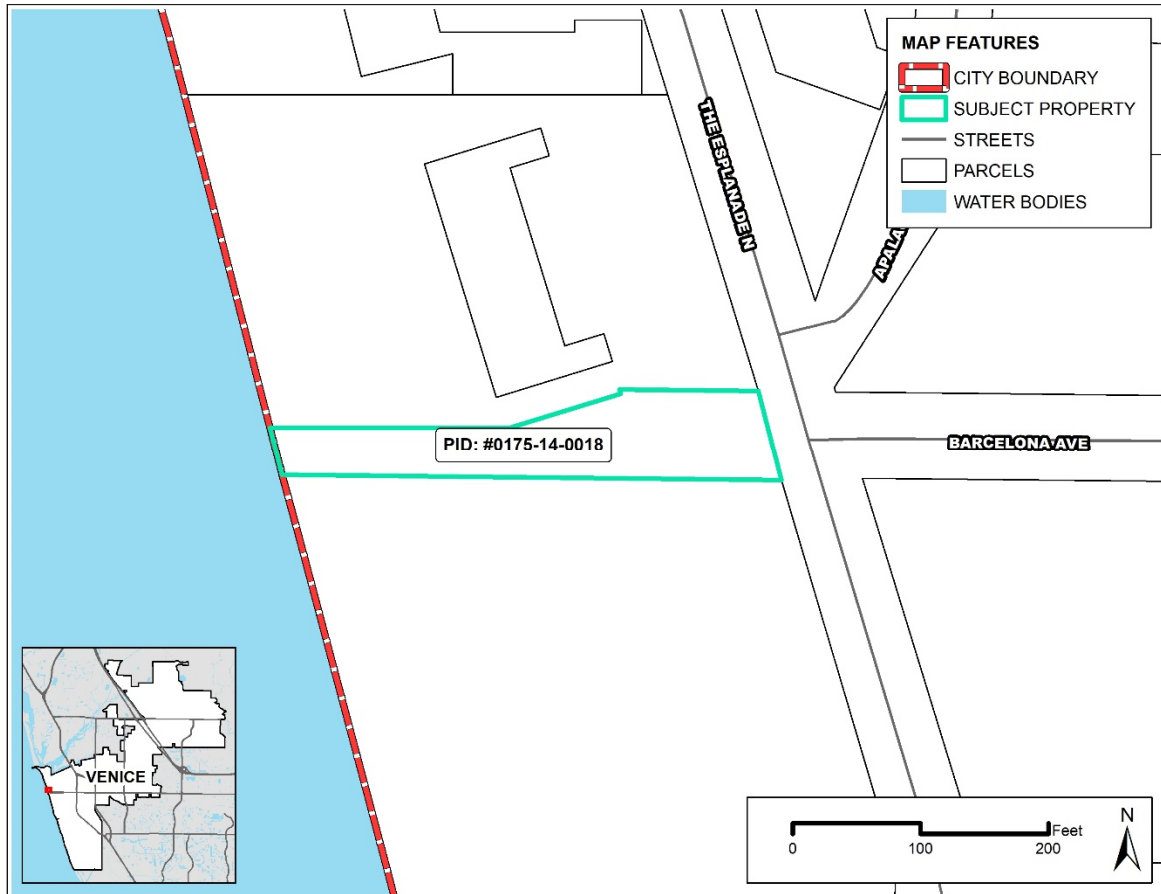




ZONING MAP AMENDMENT: CASSATA SHORES STAFF REPORT



ZONING MAP AMENDMENT	
Request:	To amend the existing zoning designation for the subject property from Commercial, Neighborhood (CN) to Residential, Multi-family (RMF-3)
Applicant:	MPS Development and Construction, LLC
Owner:	Thomas B. Salem
Agent:	Jeffery A. Boone, Esq.
Location:	225 The Esplanade N.
Parcel ID:	0175140018
Property Size:	0.37 +/- acres
Current Future Land Use:	Commercial
Proposed Future Land Use:	Medium Density Residential
Comprehensive Plan Neighborhood:	Island
Current Zoning:	Commercial, Neighborhood (CN)
Proposed Zoning:	Residential, Multi-family (RMF-3)
Related Submissions:	Comprehensive Plan Map Amendment, Site & Development Plan, Special Exception

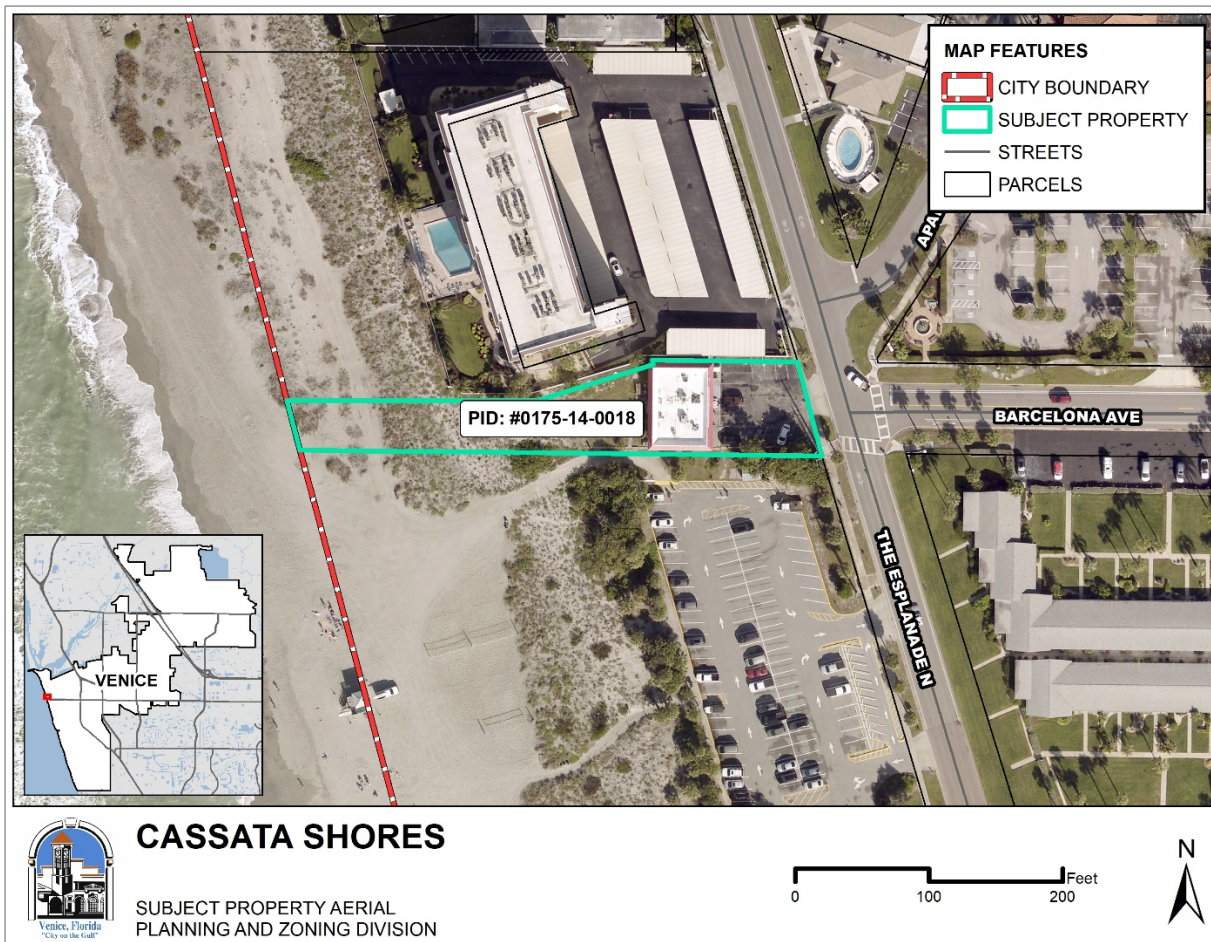
I. EXISTING CONDITIONS

The 0.37 ± acre subject property lies at the far western end of Barcelona Avenue at 225 The Esplanade N. The property is developed and has been used as a single story, 2,940 square foot (gross area) convenience store, without gasoline service. The front portion of the lot is paved and utilized for parking. The store was constructed in 1973. There are no surface waters or notable environmental features on the property, and few trees.

Adjacent to the property on the north is a multistory, high density residential condominium complex, while a public parking lot and public beach access lies to the south. The subject property is beachfront, with its west end fronting the Gulf of Mexico. Vehicular access to the property has been, and will continue to be, provided off The Esplanade N.

The applicant is requesting a Zoning map amendment to change the district from CN to RMF-3. Petitions for a Comprehensive Plan map amendment, a Site and Development Plan, and a Special Exception have also been submitted by the applicant for this project. The comprehensive plan map amendment request is to convert the future land use designation from Commercial to Medium Density Residential, implementing this land use by rezoning the property to RMF-3. The applicant proposes to develop the subject property into a three unit residential condominium, with a shared swimming pool.

Aerial View



Site Photographs



Southwest along The Esplanade N.



Looking west across The Esplanade N.



West toward Gulf of Mexico



View is northeast

Flood Zone Information

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) shows the subject property as being located within Zone AE (1% annual chance of flooding) and Zone VE (1% annual chance of coastal flooding with the additional hazard associated with storm-induced velocity wave action). The property is in a designated Special Flood Hazard Area. In addition, the entire property is located seaward of the Coastal Construction Control Line. Development of the property will be subject to compliance with applicable FEMA and Florida Department of Environmental Protection (FDEP) requirements.

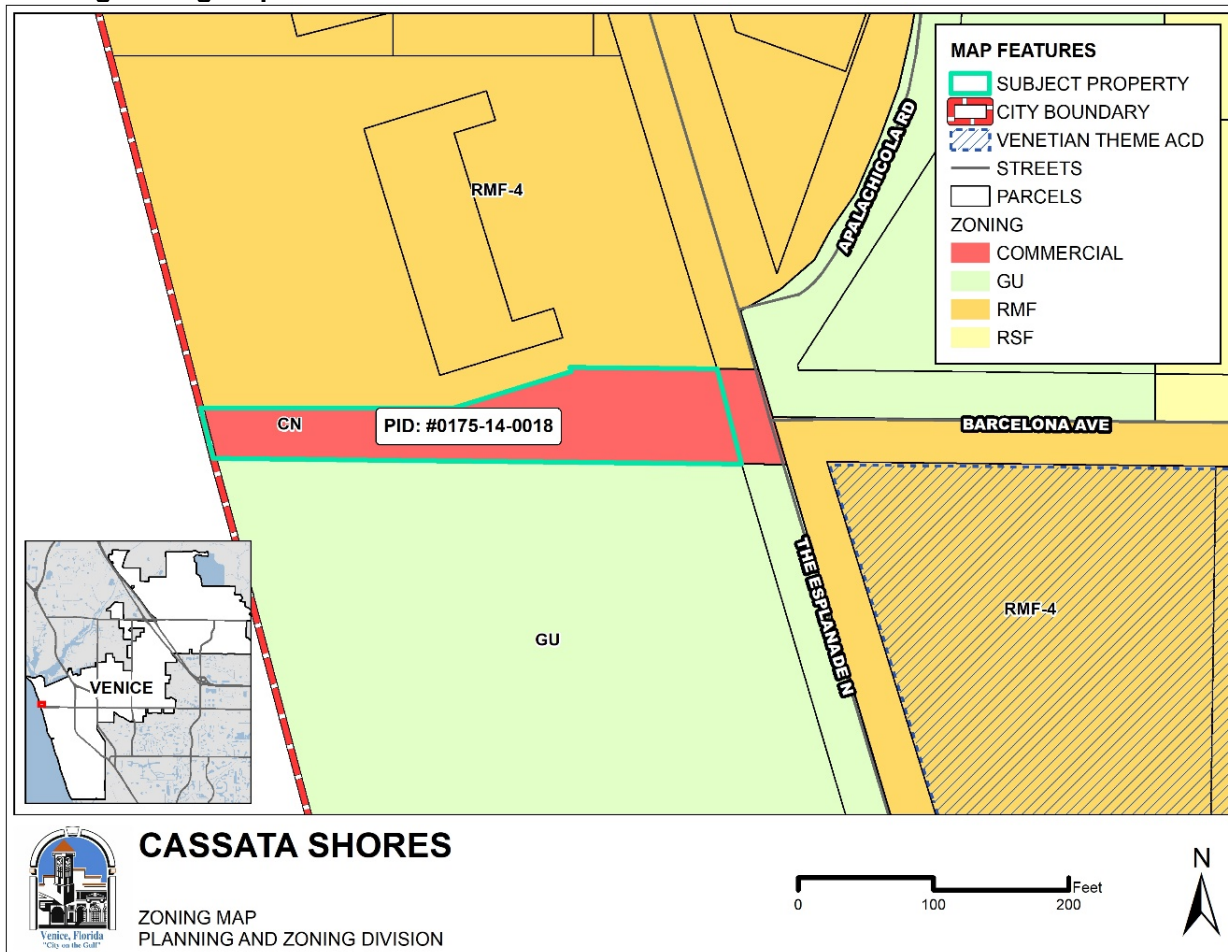
Surrounding Properties

Direction	Existing Land Use(s)	Current Zoning District(s)	Existing Future Land Use Map Designation(s)
North	Residential	Residential Multifamily (RMF-4)	High Density Residential
South	Venice Beach public parking	Government Use (GU)	Open Space Functional
East	Public parking, Residential	GU, RMF-4	Government, High Density Residential
West	Gulf of Mexico	N/A	N/A

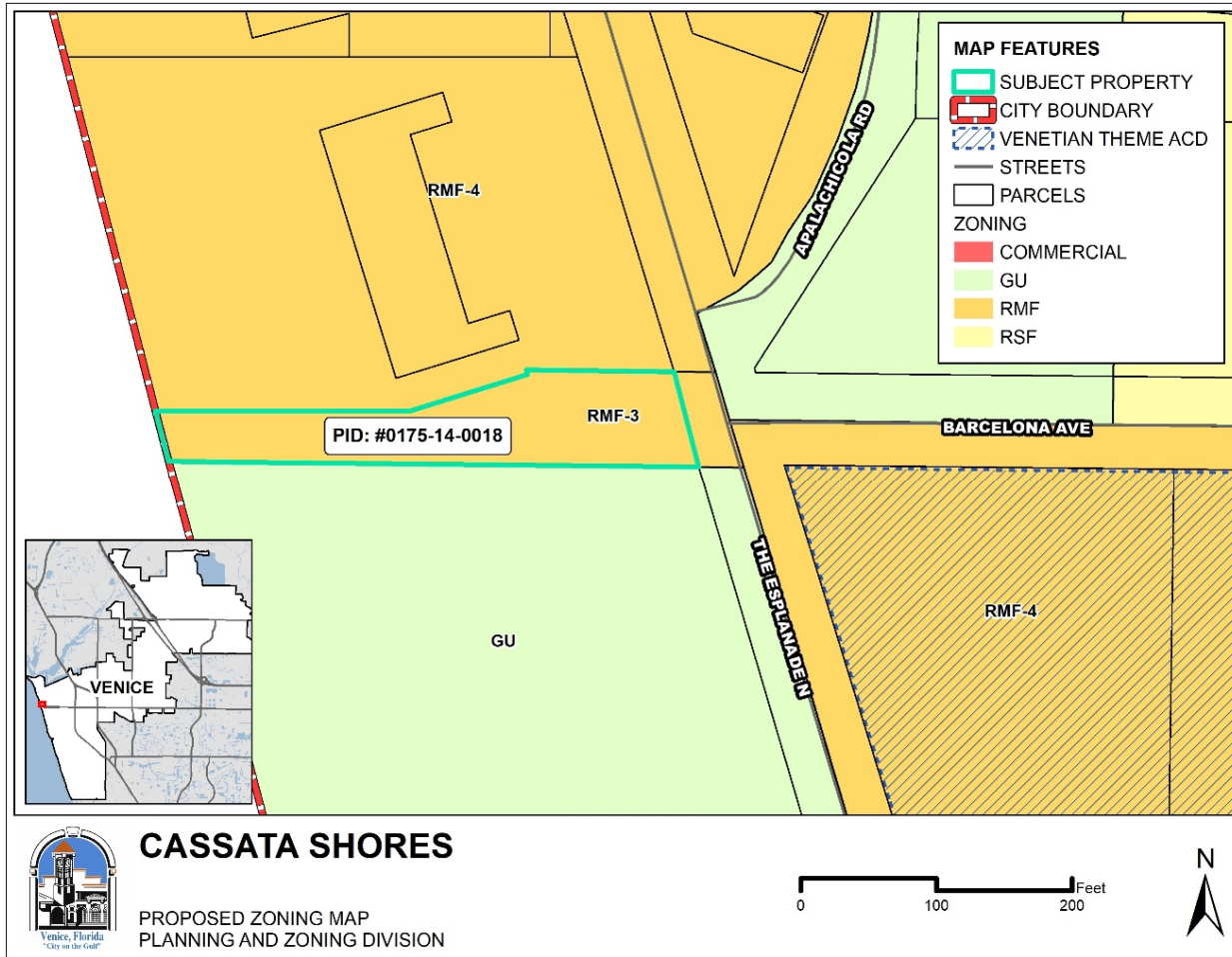
Zoning Designation

The subject property is currently zoned as Commercial Neighborhood. The property to the north is zoned Residential Multifamily (RMF-4), property to the south is zoned Government Use (GU), and to the east is RMF-4 and GU. To the west, the subject property fronts on the Gulf of Mexico. The applicant is requesting to have the zoning of the subject property changed to Residential Multifamily (RMF-3).

Existing Zoning Map



Proposed Zoning Map



II. PLANNING ANALYSIS

A planning analysis of the subject rezone 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 from Commercial, Neighborhood to Residential, Multi-family. The zoning map amendment provides for a change to allow different uses and standards to what exists today. The amendment of the zoning would abut a similar use to the north and across The Esplanade to the east. Two additional parcels, one to the south, the other to the east, are utilized as public parking for accessing Venice Beach. The table on the following page offers a look at the existing and proposed zoning districts and their uses.

Comparison of Uses		
Type	Existing CN	Proposed RMF-3
Permitted	Convenience stores and other retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshops), art, cameras or photographic supplies (including camera repair), sporting goods, musical instruments, televisions and radios (including repair incidental to sales), drugs and similar products, hobby shops, florist or gift shops, delicatessens and bake shops (but not wholesale bakeries)	Multiple-family dwellings
	Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), existing fast-food restaurants (but not new fast-food restaurants), photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities	Patio houses
	Small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments	Two-family dwellings
	Professional and business offices, and medical or dental clinics	Townhouses or cluster houses
	Private clubs and libraries	Houses of worship
	Railroad rights-of-way	Community residential homes
		Bed & breakfast inn
		One single-family dwelling per lot
		Public elementary & high schools
		Parks, playgrounds, playfields and city buildings in keeping with the character and requirements of the district, and public libraries
		Essential services
		Existing railroad rights-of-way
Special Exceptions	Essential services	Rooming houses and boardinghouses
	Restaurants with drive-through or pick-up facilities	Nurses' homes and similar housing for institutional employees
		Monasteries or convents
		Housing for the aged

Comparison of Development Standards

The table below provides a summary of development standards in the existing CN district, the RMF-3 district, and the proposed project.

Zoning Comparison			
Comparison Areas	CN	RMF-3	Proposed
Dwelling Units (DU)	0	4	3
Maximum Residential Density	Not allowed*	13 du/acre	N/A
Maximum Height**	25'	45'	44'6"
Maximum Lot Coverage	Unrestricted	28%	18.8%
Front Setback (tied to building height)	20'	22.25'	30.89'
Side Setback*** (tied to building height)	8'	18.16'	15.51' & 5.08'

Notes: *Residential is only permitted as an accessory use "for occupancy by owners or employees thereof"; **without conditional use in RMF-3 (not applied for in this instance); ***special exception has been requested

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 2,817 acre Island Neighborhood. This area is established and mostly developed, holds much of the City's historic structures, and was developed around a grid style street network.

Staff has based their analysis on approval of the concurrently submitted application for a Comprehensive Plan Map Amendment to designate the property as Medium Density Residential. The proposed amendment is required to provide a future land use designation for the property and allow the proposed zoning of the property to RMF-3, which is the implementing district identified in the Comprehensive Plan for Medium Density Residential property. A stipulation has been included to reflect this requirement.

Strategy LU 1.3.4 addresses interconnected circulation. The subject site lies near public transit, is served with sidewalks, and The Esplanade is marked with sharrows for use of both vehicular and bicycle traffic.

Strategy LU 1.3.5 regards natural features. The proposed new structure will be in compliance with the Gulf Beach Setback Line, as opposed to intruding beyond it.

Strategy LU 1.3.7 concerns the compatibility of infill development. The proposed building will relate to existing structures in the area, being designed with Northern Italian Renaissance architectural features.

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 zoning designation sought and development proposal contemplate land use of less density and intensity than the existing use. The proposed development creates a smoother transition between the adjacent and surrounding properties.

- B. Building heights and setbacks.

Applicant's Response: The proposed zoning amendment will provide building height and setback compatibility with surrounding the neighborhood.

- C. Character or type of use proposed.

Applicant's Response: The character and type of use proposed, multifamily residential, is compatible with adjacent and surrounding developments, as well as development patterns throughout the Island Neighborhood.

- D. Site and architectural mitigation design techniques.

Applicant's Response: Will be address through Site & Development review process.

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: Not applicable.
Staff Comment: The surrounding structures have multifamily uses, not single family.
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
Applicant's Response: Not applicable.
Staff Analysis: The proposed use removes commercial from this location.
- 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 Analysis: Staff is unaware of any nonconforming uses.
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
Applicant's Response: The proposed development is of less density and intensity than the existing use. It creates a smoother transition between the adjacent and surrounding properties.
Staff Comment: The development proposed will be a residential use, which generally has a lesser impact than commercial.

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

- I. Providing open space, perimeter buffers, landscaping and berms.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: The site will be landscaped and the new building will be further away from the side setbacks than is currently the case.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: Mechanicals will be on the roof and concealed by architectural design features.
- K. Locating road access to minimize adverse impacts.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: There will be no new road. The existing driveway will be utilized for access to The Esplanade.
- L. Adjusting building setbacks to transition between different uses.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: Building setbacks will be nearly the same as what currently exists on the site.
- M. Applying step-down or tiered building heights to transition between different uses.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: The new building will be lower in height than the adjacent property.
- N. Lowering density or intensity of land uses to transition between different uses.
Applicant's Response: Please see evaluation with concurrently filed Site & Development Plan application.
Staff Comment: The density of this building will be much lower than on the property to the north.

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 Medium Density Residential future land use designation, Policy 8.2 regarding compatibility, strategies found in the Island 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: Contingent upon approval of the concurrently filed Comprehensive Plan Amendment application, the proposed zoning designation sought provides for a consistent Implementing Zoning District.
Staff Comment: The change is in keeping with other residential development in the area and does not conflict with the Comprehensive Plan.
- b. The existing land use pattern.
Applicant's Response: Yes. The proposed development contemplates similar use, design and intensity to properties in its area.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
Applicant's Response: No, and in fact, the proposed comprehensive plan amendment and rezone would eliminate the existing isolated commercial designation and use of the property.
Staff Comment: No isolated district would be created. This proposal is in keeping with other developments in the area.
- 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: No. The proposed development will not affect the population density pattern, nor will it cause an increase or overtaxing on any public facilities.
Staff Comment: The proposal is for three dwelling units, which will cause no substantial alteration in the area's population density, nor will it overtax any 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 existing zoning designation is incongruent and incompatible for the best and highest use of the property for its owners, the neighborhood and the community as a whole.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Applicant's Response: Due to economic realities of this property, a comprehensive plan amendment and rezone is necessary for this property to be redeveloped in a manner to benefit the City and meet the objectives of its Comprehensive Plan.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Applicant's Response: No, to the contrary. The proposed change will increase harmony with surrounding properties, improve onsite conditions.
Staff Comment: The addition of three condominiums should have no adverse impact on the primarily residential character of the area.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Applicant's Response: No. The proposed change will reduce negative impacts to traffic and public safety.
Staff Comment: The applicant has provided the required traffic analysis, which has been reviewed by the City's transportation consultant. The trips generated by residential are less than the commercial use.
- i. Whether the proposed change will create a drainage problem.
Applicant's Response: No. Development of the property will require engineering and permitting that will confirm no adverse impacts.

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: No, the proposed change will not seriously reduce light and air to adjacent areas.

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

Applicant's Response: No. Property values will not be harmed and will likely be improved by the proposed change.

- 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: No. The proposed change will not be a deterrent to the improvement or development of adjacent properties in accord with the existing regulations.

Staff Comment: The development of this site should not impact the surrounding property, as it is already developed. Properties to the north and east have already been developed as multifamily residential.

- 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: No. The proposal provides no special privilege and instead serves the public welfare as envisioned by the City's Comprehensive Plan.

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

Applicant's Response: The small size of the property makes commercial development improbable. In fact, and as evidence of this assertion, the current site does not meet City standards for this type of development.

Staff Comment: Using the property as commercial would be difficult, considering the lack of space in which to accommodate sufficient parking.

- o. Whether the change suggested is out of scale with the needs of the neighborhood or the City.

Applicant's Response: No. The proposed development addresses the needs of the neighborhood and City as it corrects for the existing underutilized and declining commercial use, and the market supports the nature of such development.

Staff Comment: The additional housing 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: As noted in the Comprehensive Plan, there are few opportunities for redevelopment in the Island Neighborhood.

Staff Comment: The Island Neighborhood is a primarily developed area of the City with minimal opportunity for new development, leaving redevelopment as an alternative for improvement.

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

Concurrency was reviewed with the concurrently submitted site and development plan petition, and a full review is provided under that application. However, the proposed zoning amendment to the RMF-3 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 rezone 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:

CONCURRENCY			
Facility	Department	Estimated Impact	Status
Potable Water	Utilities	3 ERUs (new)	Concurrency Confirmed by Utilities
Sanitary Sewer	Utilities	3 ERUs (new)	Concurrency Confirmed by Utilities
Solid Waste	Public Works	31.11 lbs/day	Concurrency Confirmed by Public Works
Parks & Rec	Public Works	0.03	Concurrency Confirmed by Public Works
Drainage	Engineering	Compliance provided onsite	Concurrency Confirmed by Engineering
Public Schools	School Board	Est. impact <1 student	Exemption applied for

Conclusions / Findings of Fact (Concurrency):

The applicant is seeking confirmation of concurrency through the concurrently submitted site and development plan. However, the proposed zoning amendment to the RMF-3 district was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

5) MOBILITY

Based on preliminary review for mobility, no issues have been identified. The Cassata Shores condominiums connect via driveway to The Esplanade. The applicant provided a traffic analysis which revealed an anticipated total number of trips per day of sixteen (16). The existing convenience store was noted as being a heavier generator of traffic than the three multifamily residential units proposed. Below are some of the considerations that were taken into account in the project review.

Pedestrian / Sidewalks

According to the Comprehensive Plan, the City must maintain an LOS standard of D along its roads. Although sidewalk exists in this location, it is not specifically listed in the Comprehensive Plan.

Bicycle

The LOS standard to be maintained for bicycles along City roads is D. This section of roadway is not served with bike lanes, but the travel lanes are marked with sharrows.

Transit

The adopted LOS standard for transit is D along roads served by transit within the City. Transit LOS for this section of roadway is listed as n/a in the Comprehensive Plan.

Conclusions / Findings of Fact (Mobility):

A preliminary review of transportation mobility has been performed and, due to the similarity of uses permitted in the existing and proposed district, 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.

IV. STAFF STIPULATION

Staff has included the following stipulation for consideration:

Zoning Map Amendment Petition No. 20-10RZ will become effective upon adoption of Comprehensive Plan Map Amendment Petition No. 20-09CP by City Council.

V. 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 this matter.