



***CITY OF VENICE***  
**Zoning Amendment**  
**Petition Number: 14-1RZ**  
**Staff Report**

<b><u>Zoning Amendment No: 14-1RZ</u></b>	<b><u>Applicant:</u> Neal Communities of SW FL, LLC.</b>
	<b><u>Agent:</u> Jeffrey A. Boone, Esq.</b>
<b><u>Parcel ID #:</u> 0391-00-1000 and 0392-00-4000</b>	<b><u>Total Acreage:</u> 368 +/- acres</b>
<b><u>Existing Zoning:</u> Residential Multi-Family -1 (RMF-1)</b>	<b><u>Proposed Zoning:</u> Planned Unit Development (PUD)</b>

**STAFF REPORT FORMAT:**

Section:

- I. Executive Summary
- II. Subject Property / Surrounding Area Information
- III. Proposed Zoning (proposed amendment information)
- IV. Planning Analysis
- V. Legal Description
- VI. Attachments – Maps and Site Pictures
- VII. Exhibits -while all documents submitted as part of the petition are included as part of the public record, several of those documents are to be directly considered and referenced as part of this staff report as follows:
  - A. Binding Master Pan (dated April 4, 2014)
  - B. Applicants Response to Planning Commission Pre-Hearing Conference
  - C. Environmental Narrative “VICA
  - D. Pre-Annexation Agreement
  - E. Evidence of Unified Control (Deed)
  - F. Ordinance No. 2008-23 (Restrictions and Stipulations)
  - G. Application Information (completed petition)

**I. EXECUTIVE SUMMARY**

Pursuant to Rezoning Petition 14-1RZ, by Jeffrey Boone, agent for Neal Communities of SW FL, LLC., the proposed petition (if approved) will change the current zoning for the subject property from Residential, Multi-Family -1 (RMF-1) to Planned Unit Development (PUD). The overall change as a result of the proposed zoning amendment is described below in Table 1 and in Section III. (Proposed Zoning) of this staff report. Based upon the submittal documentation including the Binding Master Plan dated April 4, 2014, staff data, analysis, and conclusions of this staff report, the following summary and staff findings of fact are provided:

**Table 1: Summary of Existing and Proposed Comprehensive Plan and Zoning Designations**

	<b>Existing</b>	<b>Proposed</b>	<b>Density (dwelling units)</b>
<b>Comprehensive Plan</b>	Planning Area I	Planning Area I (no change as part of this application).	6 dwelling units per acre maximum(2,208 total units allowable)
<b>Zoning</b>	Residential Multi-Family -1 (RMF-1). <i>Note: current zoning RMF-1 stipulation limiting density to a maximum 5 units per acre (1,840 units).</i>	<b>Planned Unit Development (PUD)</b>	<b>1.91 (2) units per acre (700 Residential Units proposed).</b> Maximum for PUD zoning is 4.5 units per acre.

\*Units = residential dwelling units

### **Staff Review and Findings of Fact:**

Based upon staff analysis of the proposed petition, the following findings of fact are provided:

1. **Conclusions / Findings of Facts – General Comments:** The proposed VICA PUD includes a proposed site plan and zoning standards (binding master plan) that provides sufficient detail and limitation in terms of allowable uses and has presented a development pattern that provides for a compact design approach which provides for minimized impact to environmental resources protecting wetlands and preserving the natural layout of habitat. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.
2. **Conclusions / Findings of Facts - Concurrency:** As indicated in section IV of this report, concurrency is not required for this zoning phase of the VICA project. Further, as indicated in the analysis above, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project. Although, it should be noted that there are identified improvements (Transportation) that will need to be addressed as the project moves forward to ensure adequate public facility concurrency.
3. **Conclusions / Findings of Fact - Consistency with the Comprehensive Plan:** Based upon the zoning standards and design element as indicated in the Binding Master Plan, the resulting built community representing the VICA PUD promotes an integrated residential neighborhood consistent with the general goal of Planning Area I of the comprehensive plan. Additionally, the layout of the proposed Site Plan also provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources.
4. **Conclusions / Findings of Facts - Consistency with the Land Development Code:** The VICA PUD rezoning complies with required Land Development Code regulations as stipulated in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.

### **Items for Consideration:**

#### **Staff (summary of items identified in the staff report):**

Use – the applicant should be commended for providing some additional detail as to the location of uses by type. Further clarification west of Jacaranda Blvd. would be beneficial.

Offsite Sign – approval of an offsite sign would be inappropriate (see discussion in Modifications Section III below)

Sidewalks – the petitioners arguments of environmental and drainage impacts (for not including them on both sides) are commendable arguments. However, unless significant cost/benefit information is provided to substantiate this stance, there should be consideration of alternatives such as a wider multi-use facility (consistent with the existing Jacaranda Blvd. facility) on one side or only allowing sidewalks on one side where there is no housing on both sides of the roadway.

Well Site – based upon the last comments from the Utilities Department a well site is still desired. This issue should be resolved prior to platting/improvement plans. If required, the well site should be reflected on a revised Site Plan for the Binding Master Plan.

**Planning Commission Pre-Conference Hearing (see Exhibit B):**

#1 Buffer Opacity – 60% proposed (see discussion in Section IV, Site Plan and Circulation Plan)

#3 Well Site – issue that will need addressed prior to platting (see Staff comment above).

#6 Sidewalks – (see Staff item of note above)

#7 Street Lighting – Not included in conceptual site plan.

**Planning Commission Determination:**

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and public input, the following determination alternatives are available for Planning Commission recommendation to City Council:

1. **Petition approval.**
2. **Petition approval with restrictions, stipulations and safeguards.**
3. **Petition denial.**

**II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION**

**Subject Properties:**

The subject properties (368 +/- acres) comprised of two parcels of land are currently undeveloped having road frontage on Laurel Road to the north, Jacaranda (which bisects the property) east and west, and Border Road on the South (see location aerial in this section below and additional maps in Section VII: Exhibits). The summary of the surrounding properties future land use, zoning, and existing use is as follows:

**Existing - Future Land Use:** Planning Area I (maximum 6 dwelling units per acre)

**Existing - Zoning:** Residential Multi-Family-1 (RMF-1) *includes a stipulation: maximum 5 dwelling units per acre.*

**Proposed - Zoning:** Planned Unit Development (PUD) 700 residential units at less than 2 units per acre (allowable uses - single family and multi-family dwelling units) maximum 4.5 units per acre.

**Existing - Use:** Vacant / agricultural.

**Proposed - Use:** Single Family and Multi-Family Residential (possible gated) development.

**Surrounding Area/Properties (also see Maps in Section VI below):**

**South (Border Road Unincorporated Sarasota County):**

- ***Future Land Use*** – Rural (Sarasota County) 1 dwelling unit per 5 acres.
- ***Existing Zoning*** – Open Use Estate (OUE Sarasota County designation).
- ***Existing Use*** – Mixture of vacant and larger tract single family residential development.

- ***Future Land Use*** – Low Density Residential.
- ***Existing Zoning*** – PUD and GU / OUE (northeast)
- ***Existing Use*** – Venetian Golf and River Club, Utility substation and Fire Station (northeast).

- ***Future Land Use*** – Joint Planning Area J (Maximum 5 units per acre).
- ***Existing Zoning*** – OUE (Sarasota County Designation)
- ***Existing Use*** – Vacant / Possible agricultural.

- ***Future Land Use*** – Planning Area I (maximum 6 dwelling units per acre).
- ***Existing Zoning*** – PUD (Laurel Lakes)
- ***Existing Use*** – Vacant / Agricultural.

**CITY OF VENICE**  
**Petition 14-1RZ**  
**Location Aerial**

Parcel ID # 0391-00-1000

Parcel ID # 0392-00-4000

**Legend**

- Parcel
- Major-Secondary Roads
- City Limits

Map created by City of Venice Planning and Zoning April 4, 2014

This map is for informational purposes only and may not reflect the most current conditions.

### **III. PROPOSED ZONING**

On January 17, 2014, the proposed VICA rezoning petition was submitted to the City for consideration. In accordance with the proposed PUD zoning petition requirements and for the public record, the applicant has included in the submittal package a binding master plan document titled “VICA Planned Unit Development (PUD) Binding Master Plan” dated April 4, 2014. The proposed PUD zoning provides use and design standards to guide the development of the subject property. It is noted that the general purpose and intent of the PUD zoning district standards outlined in Section 86-130 of the City Land Development Code generally provides for this zoning district to afford flexibility in design / zoning standards on a unified development plan basis rather than lot by lot. **For this purpose, it is important to clarify and understand that the PUD zoning through the Binding Master Plan document establishes specific zoning standards to guide the use and development of the subject property.** The Binding Master Plan “Site Plan” submitted for the VICA development is shown below which depicts the general lot and street layout, including uses by type, amenities and other features (see Map A: Proposed Site Plan). The following summary provides an overview of the major sections of the Binding Master Plan as well as staff comments on each section.

*Staff comment: Generally (upon review of the VICA site plan – see Map A and Exhibit A), the proposed PUD should be commended for proposing a compact design for building lots. Compact design promotes the preservation of open space and protection of the natural environment and environmental resources including wetlands and habitat. Further, the site plan layout strives to work with the existing natural features of the land with minimal impact to wetlands (98% preservation - page 2 of the “Environmental Narrative” Exhibit C).*

#### **Uses:**

The proposed Planned Unit Development (PUD) zoning establishes a unified development plan for up to 700 residential dwelling units (single and multi-family) specific unit types to include: detached single family homes, paired villas, and multi-family homes (page 2 of the Binding Master Plan) including an amenity site. The site plan submitted with the binding master plan provides some further clarity detailing the location of use types. The site plan shows the area east of Jacaranda Blvd. restricted to single family detached homes and paired villas only (including an amenity site) while the west side of Jacaranda Blvd. and contemplates single family and/or multi-family uses. Upon review of the list of allowable uses (page 3 of the binding master plan), it is clear that the proposed VICA development is more stringent in terms of the number of allowable uses in comparison to the standards established for permissible uses in Section 86-130 (b-e) – PUD standards. For example, the PUD zoning Code standards allow for various types of uses such as neighborhood commercial, schools, and houses of worship to include a few. In this regard, the proposed VICA PUD has provided a more restricted list of allowable uses.

It should also be noted that the proposed zoning standards include administrative relief in consideration of potential changes to the PUD (See paragraph 1 under Land use and Development Standards, Page 3 of the binding master plan. The language is “...,the Zoning Administrator shall have authority to administratively approve minor modifications of standards contained with the VICA Planned Unit Development, excluding standards related to density, building height, buffer widths, and the addition of permitted uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards. Upon request, the Zoning Administrator shall have additional authority to administratively approve modifications to standards that provide a benefit to the general public or surrounding community”.

*Staff Comment: The proposed list of uses provides some better detail as to the location of such uses. While more detail would be encouraged, recognition of flexibility in this regard should be considered when the uses are limited to single family and multi-family as proposed in this rezoning. Staff also concurs that minor changes to the Binding Master Plan should be accommodated administratively as the project moves forward to streamline procedural review. The proposed language clarifies the types of administrative changes that may be allowed. However, there should be thorough consideration by the*



*decision makers in determining the appropriateness of this proposed administrative process.*

#### Development Details:

Pages 4, 5, 6, and 7 of the Binding Master Plan provides typical cross section / details regarding: lot standards (page 4), lot detail by housing type (page 5), landscaped buffer typical cross section (page 6), and roadway design with cross section (page 7). Page 8 of the Binding Master Plan establishes the permitted signs for the PUD. Of note (further discussed in the “requested modifications” section below), is the request to allow for a monument sign in the median of Jacaranda Blvd. at the intersection of Laurel Road. The associated maps in the Binding Master Plan include an aerial location map, Site Plan, and Circulation Map as well.

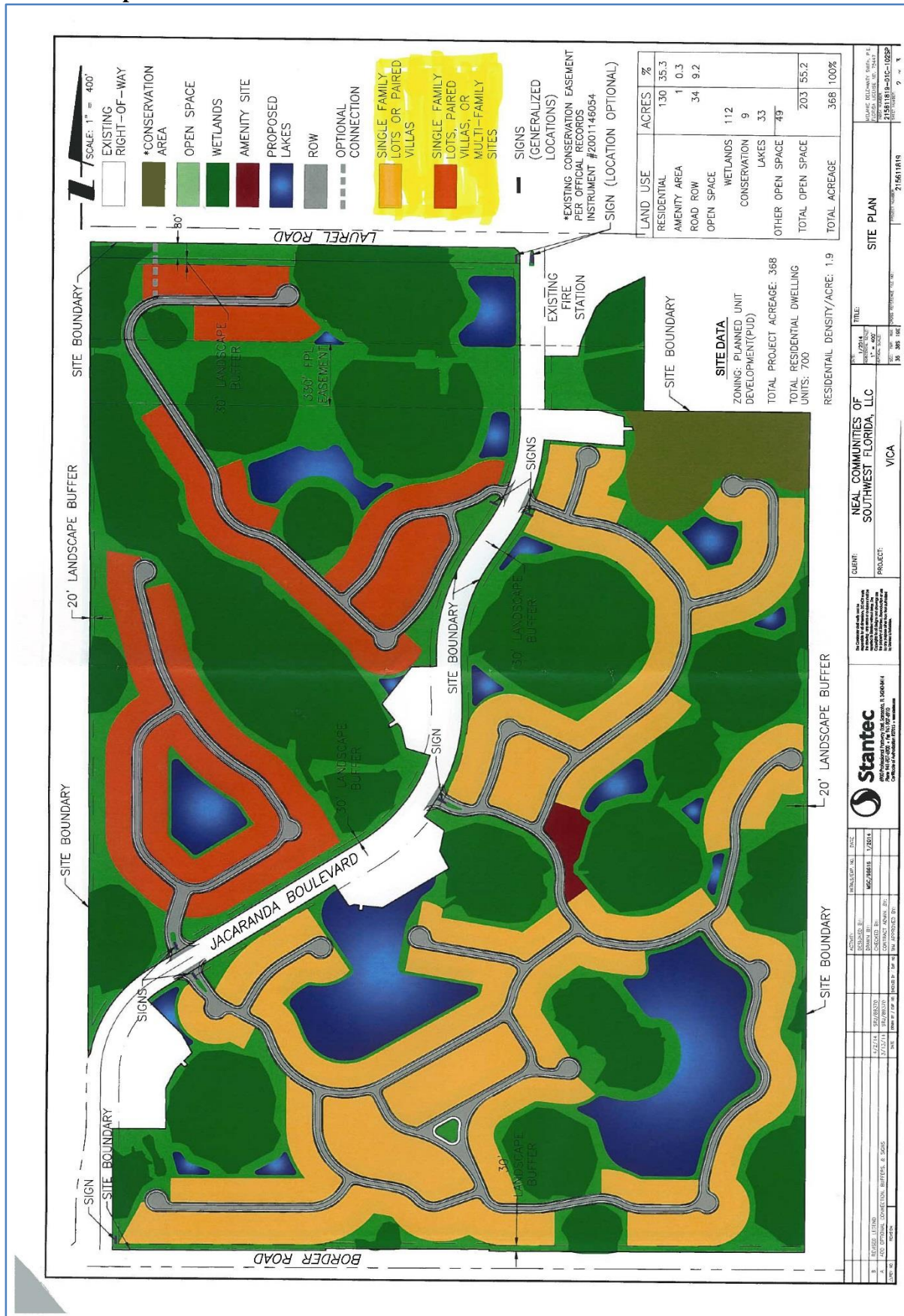
*Staff Comment: The submitted circulation map provides for a connected pedestrian sidewalk system including connection to Jacaranda Blvd. and construction of sidewalks along Laurel and Border Roads. However, mobility connections to properties to the east and west are not included in the circulation plan conception. While future connection to these east/west properties should be encouraged for future mobility, there appear to be sufficient collector east/west (Laurel and Border Road) and north/south (Jacaranda Blvd.) roadways serving this area of the City. .*

#### Proposed Zoning Modifications:

Anticipation of the need to vary zoning standards is one of the primary benefits of the PUD zoning district. Specific needs for a proposed development may be addressed through this process. As such, Page 9 of the Binding Master Plan document provides for a listing of requested modifications to standard PUD regulations. The requested modifications are summarized as follows along with staff comments regarding these request (in italics):

1. Setbacks (Section 86-130(q)) – reduction in setbacks to one times the building height instead of two times as currently required.  
*Staff Comment: staff concurs with the request and restrictions similar to this were incorporated into the recently approved Windwood PUD.*
2. Roadway Design (Section 86-232(5)) – modifying the typical cross section of internal roadways to reduce the right-of-way width from 52’ to 43’ and to reduce sidewalk requirements to one side of the street only.  
*Staff Comment: staff continues to support sidewalks on both sides of residential streets especially at lot sizes approaching ¼ acre in size. Options to provide for a wider multi-use sidewalk on one side (consistent with the existing Jacaranda Blvd. facility), or allowing sidewalks on one side only in instances where there is no housing on both sides of the road should be considered as alternatives.*
3. Building Height (Section 86-130 (h)) – establishing building height based upon the comprehensive plan (3 stories up to 42’ in height including parking) instead of the zoning code (35’ over 10’ of parking).  
*Staff Comment: staff concurs with this request to establish height standards based upon the Comprehensive Plan.*
4. Signage (Section 86-130 (d)(1)) – allowing for an offsite sign located within the median of Jacaranda Blvd.  
*Staff Comment: Staff does not support this request as Jacaranda Blvd. is a major through collector roadway and the proposed sign is also not in accordance with the recently adopted sign code. Jacaranda Blvd. does in fact divide the VICA property, however there should not be the potential for confusion over the purpose of this public roadway (whether it is a subdivision entrance or through road) which placing a subdivision identification sign in the median at this intersection could easily provide confusion to drivers. Further there appears to be ample room on the adjoining corner (southwest corner of Jacaranda and Laurel Road) of the subject property to accommodate a subdivision identification sign. Note: if the sign is to be allowed, permitting from Sarasota County (as Jacaranda Blvd. is a County facility) would be require.*

# MAP A: Proposed Site Plan



## **IV. PLANNING ANALYSIS**

### **GENERAL COMMENTS:**

In review of the proposed VICA PUD, it is important to consider the Comprehensive Plan and the Land Development Code (*see comments regarding consistency with these two documents at this end of this section*). However other documents should be addressed as part of this staff report and it should be clarified that the proposed VICA PUD addresses almost all of those concerns as discussed below:

Pre-Annexation Agreement - It should also be acknowledged that there is a pre-annexation agreement for the subject property (dated September 13, 2005 part of the file of record). Unlike other properties recently considered for development, the subject property for the proposed VICA PUD has already received a City zoning designation (RMF-1 as part of Ordinance 2008-13). However, the petitioner has elected to reserve additional right-of-way for Laurel road, consistent with language from the pre-annexation agreement. A further comment for a requested well site (25' x 25') from the utilities department will need to be resolved as the project moves forward toward plat and improvement plans.

Existing Zoning Ordinance No. 2008-13 (Exhibit F) – It should be understood that the rezoning of a property provides all rights and allowances in accordance with the approved zoning designation, effectively eliminating the existing designation and any zoning specific stipulations. While the validity of stipulations included as part of the RMF-1 rezoning raises concern, the proposed VICA PUD and binding master plan essentially continues to address those prior stipulations (maintaining the 30 foot buffer width's along Laurel and Border Road as an example). The applicant should be commended on continuing to provide these additional measures as they were obviously concerns by the City as part of Ordinance No. 2008-13. This ordinance also provided for different height regulations as compared to the comprehensive plan. Staff has also requested: where there is difference in the standards from the comprehensive plan and zoning (building height for example), that the comprehensive plan standard should be used in the Binding Master Plan for comprehensive plan and zoning consistency (basis for modification request # 3 in Section III of this report).

### **Site Plan and Circulation Plan:**

As indicated in Section III of this report, the overall layout and design of the proposed VICA PUD provides for compact development to minimize impact to wetland and environmental resources as well as keeping 55% of the property as open space and undeveloped (see 'Site Plan' as submitted in the Binding Master Plan – Exhibit A). The Circulation Plan provides for a connected street and sidewalk system (see Exhibit A - Circulation Plan) that includes construction of sidewalks within the rights-of-way for Border Road and Laurel Road (Jacaranda sidewalks currently exist). Desirable development patterns typically include a grid network to maximize opportunities for mobility. An important factor for consideration in this regard is the scale at which this connectivity happens. The level of detail where such connectivity should be required is at the section level for collector and major roadways. For the proposed development, Jacaranda Blvd., Border Road, and Laurel road provides this scale of a grid network. More detailed connectivity at the block level is more difficult to achieve although also desirable. Considerations for this level of detail include: market/product conditions, environmental conditions, and costs are significant factors for any large development. For the proposed VICA PUD: the environmental constraints (layout of existing wetlands and habitat), the desire (market) for gated subdivisions, unknown factors related to use/development of adjacent properties (east and west), and the lack of specific design requirements necessitating such connections, do not promote a need for internal connectivity to the east and west.

The layout plan also provides for substantial landscaped buffering along adjacent roadways and a 10' buffer to adjacent properties (east and west) that provide screening beyond current land development code requirements. These additional buffer width should be noted to compensate for the requested to be 60% opacity which is different than the 80% for "required" buffers. The increased buffer width will help to compensate and provide a greater transition area between the roadways and adjacent properties.



### Environmental:

The Environmental Narrative (see Exhibit D) provides for much needed clarification regarding impact to the environment to address general environmental concerns from the comprehensive plan (see Conservation and Open Space Element). The narrative provides several key points that should be highlighted as positive contributions of the proposed development. These include: 98% preservation of existing wetlands and 100% preservation of the only existing 'native' mixed hardwood habitat that is further protected through an existing conservation easement that protects and preserves 9 acres. Further, an existing eagle nest was located and is also being preserved and protected from development. It should also be pointed out that the proposed project will also be required to perform updated environmental analysis and obtain necessary state agency permits prior to development. And while the property has numerous flood zone designations, design of the stormwater system and flood elevation building levels will need to be met prior to any development of the subject property.

***Conclusions / Findings of Facts – General Comments: The proposed VICA PUD includes a proposed site plan and zoning standards (binding master plan) that provides sufficient detail and limitation in terms of allowable uses and has presented a development pattern that provides for a compact design approach which provides for minimized impact to environmental resources protecting wetlands and preserving the natural layout of habitat. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.***

### CONCURRENCY INFORMATION:

In review of concurrency for the proposed VICA project it is important to acknowledge that while the applicant has through a concurrency application, requested concurrency for the proposed VICA development, concurrency is not required to be in place at the time of zoning but rather prior to impact of the proposed development on public facilities. However, it is still important for decision makers to consider the impact of the proposed development on public facilities to identify any areas of concern for public infrastructure, to afford sufficient time and resources that may be needed to be addressed potential deficiencies. Further, it should also be recognized that the proposed development (700 residential units) is significantly less than the maximum allowable per the comprehensive plan (2,208) and current zoning (1,840 units) thereby providing a significant reduction to the potential impact to all public facilities.

For the purpose of this section, the 2010 Census indicated an average person per household of 1.81. The University of Florida Bureau of Economic Business and Research (BEBR) estimates that the City of Venice population in 2013 was 21,117. These figures may be used for the following Level of Service (LOS) analysis of impact to public facilities where appropriate.

### Transportation:

To help in understanding the potential impacts to the transportation (road) network, a traffic study was conducted by Stantec and submitted with the proposed VICA project. This study was reviewed by the City's traffic consultant (Wade Trim) and has been found to be compliant with professional standards for conducting this analysis. The traffic study generally considered the area of Laurel road from I-75 (to the west) and Jacaranda Blvd. to I-75 (to the south). Based upon the results of the analysis (as found in the Executive Summary provided to the City by Stantec, Inc. (dated April 3, 2014), the following impacts and improvements were identified:

#### 1. I-75 SB Ramps/Laurel Road Intersection

Add a second westbound left turn lane and second southbound left turn lane. Increase the cycle length to 100 seconds.

2. I-75 NB Ramps/Laurel Road Intersection  
Increase the cycle length to 100 seconds.
3. Knights Trail Road/Laurel Road Intersection  
Increase the cycle length to 100 seconds.
4. Jacaranda Boulevard/Laurel Road Intersection  
Add an eastbound right turn lane.
5. Jacaranda Blvd./Border Road  
Re-stripe intersection

As indicated by Stantec in the report, Florida Law does not allow a development to be held accountable for any existing failures of the transportation system. All of the above identified improvements were identified as existing conditions and therefore not required to be addressed by the VICA development with the exception of project #5. There will need to be commitment by the VICA development to have this improvement in place at the time of impact of the development (included in the developer's agreement). It should also be noted that the traffic analysis utilized trip generation rates for single family detached housing from the Institute of Traffic Engineers Trip Generation manual 9<sup>th</sup> Edition, should different housing types be constructed, the overall trip generation may need to be reviewed to ensure the total trip generation 605 PM Peak Hour trips is not exceeded without additional traffic analysis. Further, a possible road connection to Laurel road was analyzed and determined to not alter the findings of the traffic analysis.

**Solid Waste:**

At the time of writing of this report, the Public Works Department had not responded to the requested concurrency for the project. Prior to proceeding with any development concurrency approval must be obtained from Public Works.

**Potable Water:**

The adopted LOS standard for water as indicated in Policy 3.3 of the Utilities Element of the comprehensive plan is 152 gallons per day (annual daily flow) equating to one (1) ERU which equates to one dwelling unit or commercial unit. At 700 units the proposed VICA PUD represents a potential impact of  $700 \times 152$  gallons per unit = 106,400 gallons per day potential impact to the water system. Based upon information from the Utility Department the current system utilization is 3.982 million gallons per day with a capacity of 4.490 million gallons per day providing a remaining capacity of 1.519 million gallons per day more than sufficient to accommodate the anticipated VICA development.

**Sanitary Sewer:**

The adopted LOS standard for sanitary sewer as indicated in Policy 3.3 of the Utilities Element of the comprehensive plan is 123 gallons per day (annual daily flow) equating to one (1) ERU which equates to one dwelling unit or commercial unit. At 700 units the proposed VICA PUD represents a potential impact of  $700 \times 123$  gallons per unit = 86,100 gallons per day potential impact to the water system. Based upon information from the Utility Department the current system utilization is 2.971 million gallons per day with a capacity of 6.0 million gallons per day providing a remaining capacity of 3.029 million gallons per day more than sufficient to accommodate the anticipated VICA development.

**Storm Water Management:**

The subject property must comply with City Stormwater management requirements of post development runoff not exceeding predevelopment runoff for a 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFMD) prior to construction.

**Parks and Public Spaces:**

The adopted LOS standard for Parks and Public Spaces is 7 acres per 1,000 populations. The proposed VICA PUD is for the development of 700 residential units. The 2010 census population per household figures for the City is 1.81. At his population rate the VICA development would have an estimated

population of 1,267. The current City of Venice Population (2013 estimate) is 21,117. With the addition of the VICA estimated population the resulting estimated City population would be 22,384 generating a park and public space need of  $(22,384/1,000 * 7) = 157$  acres. According to information from the City Public Works Department, the current allocation of parks within the City totals approximately 558.4 acres. As this figure indicates, there is more than sufficient park acreage to accommodate proposed VICA development.

As these figures indicate there is more than sufficient park acreage to accommodate the additional projected population for the proposed VICA development. Further, the proposed development includes acreage for an amenity area, an internal sidewalk system, and 203 acres of open space providing potential opportunities for access to active and passive recreation.

#### **Public Schools:**

The proposed amendments were reviewed by the Sarasota County School Board staff and there were no indications of capacity issues as a result of the proposed VICA rezoning.

**Conclusions / Findings of Facts - Concurrency:** *As indicated in section IV of this report, concurrency is not required for this zoning phase of the VICA project. Further, as indicated in the analysis above, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project. Although, it should be noted that there are identified improvements (Transportation) that will need to be addressed as the project moves forward to ensure adequate public facility concurrency.*

#### **Consistency with the Comprehensive Plan:**

##### Future Land Use and Design Element - Planning Area I:

Policy 16.17 - The adopted 2010 comprehensive plan is very regulatory and broad in its scope to the point that one can easily get lost and distracted from the most important aspect which is: what is the desired built community as it relates to the proposed VICA PUD zoning and ultimate development/use of the subject properties? Keeping this overall goal in mind and upon review of Planning Area I (as explained in Policy 16.17 of the City's Comprehensive Plan), the desired built community for this particular part of the City is also broad in nature. This policy describes the desire to have an "integrated mixed use neighborhood of single family and multi-family homes" that also provides a diverse and connected transportation system. As discussed in detail in review of the site plan and circulation plan in Section IV of this report, the scale of the proposed transportation system for the VICA PUD sufficiently provides for interconnected sidewalk and roadway transportation facilities.

Policy 16.18 - Additionally, the VICA PUD is also subject to architectural styles as indicated in Policy 16.18 (G) which provide for the typical Northern Italian Lacking further specific direction from the Comprehensive plan to substantiate (a diverse and connected transportation system in the Land Development Code), the proposed PUD appears satisfy this broad direction. Policy 16.18 also prescribes 25% of the acreage of this planning area to be Parks and Public Spaces. These areas are to include a variety of public spaces including urban trails and sidewalks. Although, the 'public' aspect could be argued, the proposed VICA development would implement a significant interconnected sidewalk system and over 55% of the acreage (202 acres) is dedicated to open spaces and wetlands providing opportunity for passive recreation. The 25% requirement from the comprehensive plan has historically presented difficulties in implementation, as the definition of the type of land / use to satisfy these requirements is not defined. Additionally, as indicated in the concurrency analysis of this report, the current acreage for City wide Park and Public Space acreage well exceeds the adopted LOS.

##### Future Land Use and Design Element - Land Use Compatibility Review Procedures (Policy 8.2):

Further compatibility review procedures are established in Policy 8.2 of the comprehensive plan.

Land Use Compatibility:

- a. Land use density and intensity – a realistic look and proposed site plan indicates that one of the predominant factors driving the proposed development layout was the physical layout of the subject property. With that being said, the proposed density and compact design of the development is appropriate to the subject property.
- b. Building height and setbacks – modifications (see Section III) requests include both height and setbacks, but are not inappropriate request and have been made for the purpose of consistency with the comprehensive plan (height) and consistency with other recently approved developments (setbacks).
- c. Character and type of use – the comprehensive plan contemplated a mixture of residential development for the planning area, consistent with the proposed VICA PUD.
- d. Site and Architectural mitigation – the property is subject to the architectural styles as indicated in Policy 16.18.

Considerations for Compatibility:

- e. Protection of Single-Family Neighborhoods from incompatible uses – while the proposed development is much higher density by lot size than the surrounding properties to the south of border road, residential uses are compatible uses.
- f. Prevention of commercial and industrial uses – not applicable.
- g. Degree of elimination of non-conforming uses – the proposed VICA project would eliminate current agricultural uses which are existing non-conforming uses of the property.
- h. Density as compared to surrounding areas – considering preservation of wetlands and habitat, the proposed density is appropriate for the property and while density is greater (than properties to the south), the proposed development is consistent with properties to the north (Venetian Golf and River Club).

Incompatibility Mitigation Techniques:

- i. Open space and buffers – buffers (30') are provided along all roadway borders (Jacaranda Blvd., Laurel Road, and Border Road) while a 20' buffer is provided along the east and west property lines.
- j. Screening (light, noise, visual) – uses do not warrant extraordinary mitigation on these factors.
- k. Appropriate access points – all access points have been reviewed for safety (see transportation analysis in the Concurrency Information of this report (section IV above).
- l. Adjusting building setbacks between different uses – not applicable as residential uses (single and multi-family) are the only uses permitted (with exception to the one amenity site).
- m. Step down tiered building heights – not relevant as residential uses are the only permitted uses and height limitations do not create the potential for significant variations (max height 42' feet for all uses).
- n. Lower density/intensity in use transition areas – not applicable. Again, the allowable uses only include single family and multi-family which do not create a need to transitional density patterns.

**Conclusions / Findings of Fact - Consistency with the Comprehensive Plan:** *Based upon the zoning standards and design element as indicated in the Binding Master Plan, the resulting built community representing the VICA PUD promotes an integrated residential neighborhood consistent with the general goal of Planning Area I of the comprehensive plan. Additionally, the layout of the proposed Site Plan also provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources.*

**Consistency with the Land Development Code:**

As previously indicated, the general intent and purpose of the PUD zoning district is to allow flexibility for the development of a project through construction of specific zoning standards for the proposed development. In Section III above, the petitioner has requested modifications to four (4) specific PUD zoning standards. Section



86-130 (u) provides for the procedures for a PUD rezoning.

Procedural Criteria:

- a. The first step in consideration of a PUD zoning petition is a pre-application hearing with the Zoning Administrator. This meeting was held on September 23, 2013 with Planning and Engineering staff prior to application.
- b. The second step includes a pre-hearing conference with the Planning Commission which was conducted on February 18, 2014. The results of that conference and applicants written response are provided as Exhibit C of this report and those comments not addressed are included in the Section I, Executive Summary of this report.
- c. The third and final step is the submission of the PUD including the Binding Master Plan documentation submitted as part of file of record for the VICA PUD which was completed on January 17, 2014 and revised on April 4, 2014.
  - a. Evidence of Unified Control; Development Agreements - was reviewed by the City attorney and deemed to be sufficient (see Exhibit E – Evidence of Unified Control). It is noted that a developer's agreement will be required as the project moves toward final approval by City Council.

It should be noted that the neighborhood workshop as required of all rezoning petitions was held on December 11, 2013 and is included as part of the petition file of record.

Rezoning Considerations:

Additional zoning review standards found in Section 86-47(f) Contents of Planning Commission Report, are also important for consideration of all rezoning petitions. The petitioners response to the following can be found in the petition application (see Exhibit G). Staff has included these standards below including staff comment as to the applicability to the proposed VICA PUD rezoning:

- (1) Rezoning amendments. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:
  - (a) Whether the proposed change is in conformity to the comprehensive plan.  
*Staff Comment: Section IV above provides affirmation of the consistency with the comprehensive plan.*
  - (b) The existing land use pattern.  
*Staff Comment: See Section IV General Comments*
  - (c) Possible creation of an isolated district unrelated to adjacent and nearby districts.  
*Staff Comment: residential uses are predominate in the surrounding area north and south with vacant properties to the east and west. The landscaped buffering promotes compatibility with nearby districts.*
  - (d) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.  
*Staff Comment: section IV above provides a discussion of impact to public facilities (concurrency) with no significant issues identified.*
  - (e) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.  
*Staff Comment: not applicable or an issue with the proposed rezone.*
  - (f) Whether changed or changing conditions make the passage of the proposed amendment necessary.  
*Staff Comment: the petition represents development of infill vacant property promoting development of City*
  - (g) Whether the proposed change will adversely influence living conditions in the neighborhood.

*Staff Comment: not applicable, uses in the area are all residential in nature although lower in density.*

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

*Staff Comment: see transportation review in Section IV above (concurrency Information).*

(i) Whether the proposed change will create a drainage problem.

*Staff Comment: applicable drainage design and permits will need to be obtained prior to development.*

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

*Staff Comment: the proposed development is residential in nature limiting any impact to light and air to adjacent areas.*

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

*Staff Comment: should have a positive impact to adjacent property values.*

(l) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

*Staff Comment: the proposed development should promote improvement to surrounding properties.*

(m) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

*Staff Comment: nothing in the proposed PUD zoning would grant a special privilege.*

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

*Staff Comment: the proposed zoning would significant reduce the possible density of development which is more appropriate to the area.*

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

*Staff Comment: Planning Area I is predominately residential in nature consistent with the proposed PUD zoning request.*

(p) Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

*Staff Comment: the subject property is vacant and the proposed project will provide needed infill development of the site.*

Section III (Proposed Zoning Modifications) above included a discussion with staff comment regarding the modification requests. Staff did not concur with two of the request pertaining to street design (#2) to allow for constructions of sidewalks on one side of the road only and (#4) regarding allowance of an offsite sign.

**Conclusions / Findings of Facts - Consistency with the Land Development Code:** *The VICA PUD rezoning complies with required Land Development Code regulations as stipulated in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.*

## **V. LEGAL DESCRIPTION**

### **Exhibit "A" Legal Description**

ALL OF THE WEST ONE-HALF OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST; AND

ALSO: THE WEST 807 FEET OF THE EAST ONE-HALF OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, LESS THE NORTH 830 FEET THEREOF;

LESS, HOWEVER, FROM EACH PARCEL ANY ROAD RIGHT-OF-WAY FOR BORDER ROAD (INCLUDING THOSE LANDS CONVEYED TO SARASOTA COUNTY IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2404, PAGE 2678, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA) AND FOR LAUREL ROAD.

ALSO LESS THE FOLLOWING DESCRIBED LANDS:

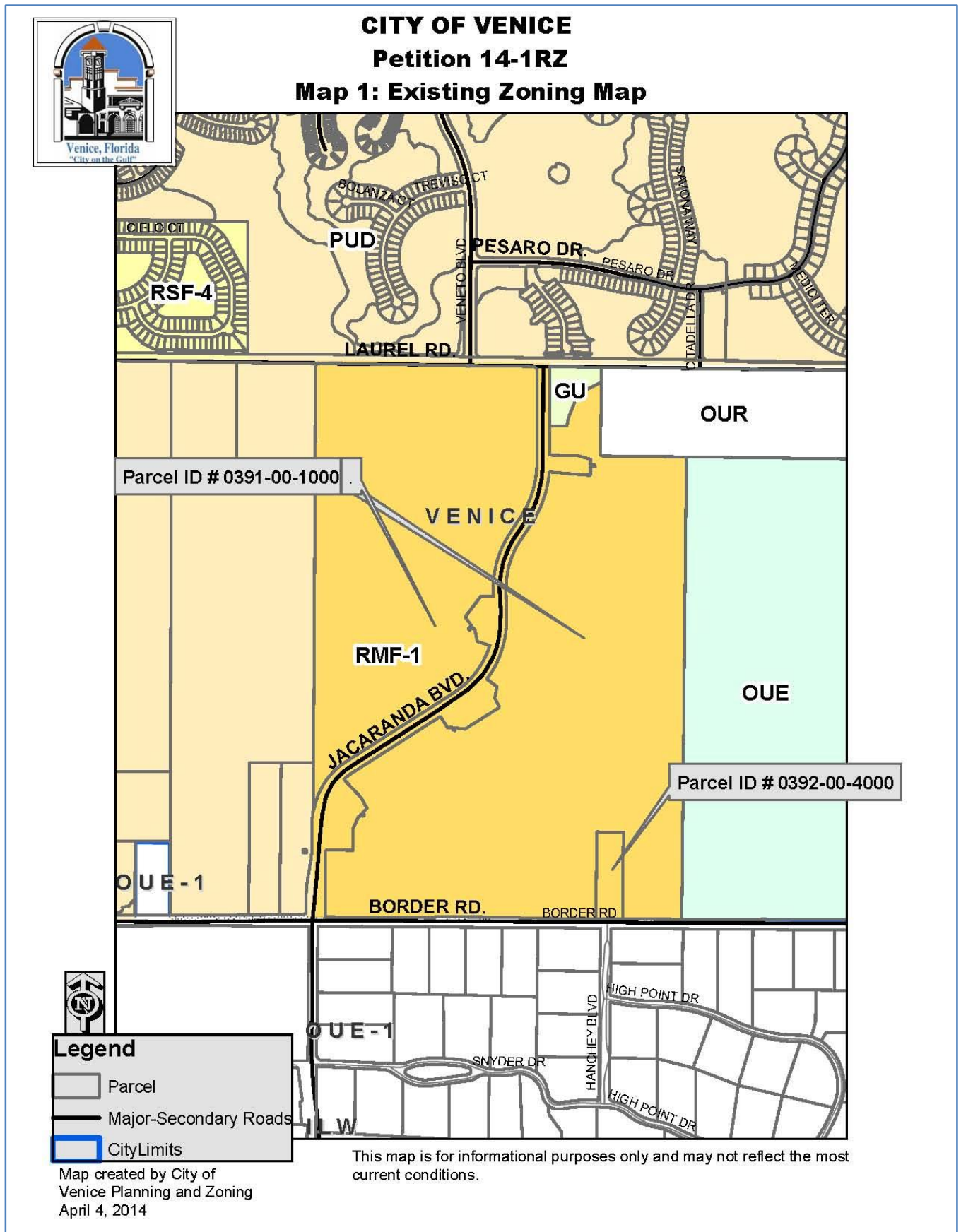
A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST; THENCE N. 89° 17' 54" W ALONG THE NORTH LINE OF SECTION 35, A DISTANCE OF 2663.59 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 35 FOR A POINT OF BEGINNING; THENCE S 00° 33' 56" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 139.90 FEET; THENCE LEAVING SAID WEST LINE OF SECTION 35 S 62° 52' 34" W, A DISTANCE OF 100.94 FEET; THENCE S 42° 00' 05" W, A DISTANCE OF 94.62 FEET; THENCE S 22° 15' 48" W, A DISTANCE OF 183.78 FEET; THENCE S 11° 10' 11" W, A DISTANCE OF 81.98 FEET; THENCE WEST, A DISTANCE OF 162.42 FEET; THENCE NORTH, A DISTANCE OF 555.56 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE S 89° 10' 16" E, ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 486.26 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT PORTION OF THE ABOVE DESCRIBED LANDS CONVEYED TO THE CITY OF VENICE IN THAT CERTAIN WARRANTY DEED RECORDED JANUARY 17, 2013, IN OFFICIAL RECORDS INSTRUMENT 2013007710, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

## **VI. ATTACHMENTS – MAPS AND SITE PICTURES:**

# Map 1: Existing Zoning

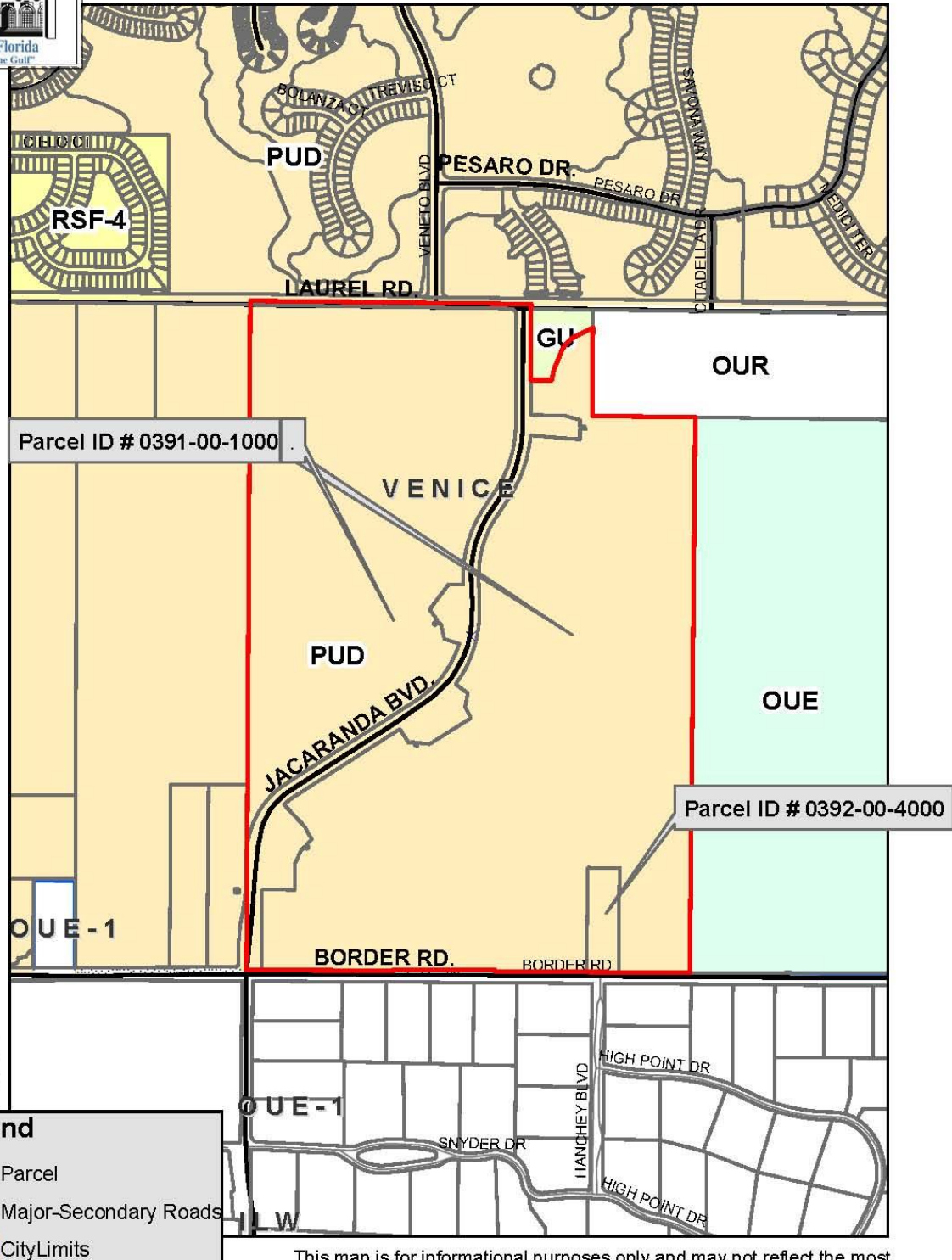




## Map 2: Proposed Zoning



### CITY OF VENICE Petition 14-1RZ Map 2: Proposed Zoning Map



This map is for informational purposes only and may not reflect the most current conditions.

Map created by City of  
Venice Planning and Zoning  
April 4, 2014

**SUBJECT PROPERTY /AREA PICTURES:**

Looking west (toward subject property) along Laurel Road at the intersection of Laurel Road and Jacaranda Blvd.



Looking south along Jacaranda Blvd. near Laurel Road (subject property to the right)





Looking west from Jacaranda Blvd. (subject property on all sides)



Looking east from Jacaranda Blvd. (subject property on all sides)



Looking west from Jacaranda Blvd. (subject property on all sides)



Looking east along Border Road at the intersection of Jacaranda Blvd. (subject property to the left)

