

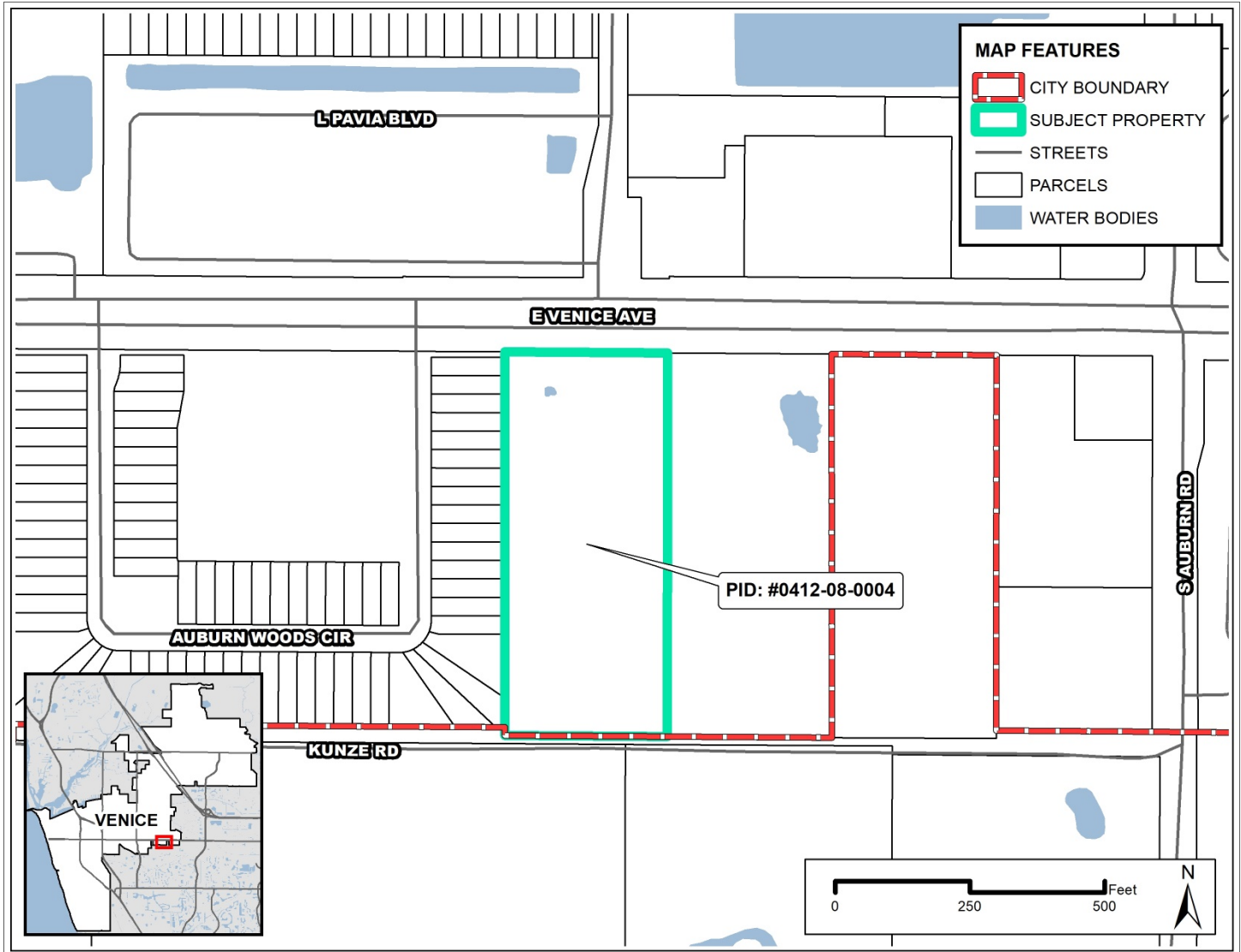


# PRELIMINARY PLAT: CASSATA PLACE

## STAFF REPORT

04/02/2019

18-06PP



**PETITION NO.:** 18-06PP

**REQUEST:** A Preliminary Plat for 28 attached single-family dwelling units on 5.07 ± acres. Per Land Development Regulations Section 86-230(d), the applicant is requesting variances to: reduce minimum lot requirements and side setbacks, and increase maximum lot coverage.

### GENERAL DATA

*Owner:* Aqueduct, LLC  
*Agent(s):* Jeffery A. Boone, Esq., Boone Law Firm  
*Location:* 1755 East Venice Avenue  
*Parcel ID:* 0412-08-0004  
*Property Size:* 5.07 +/- Acres  
*Comp Plan Neighborhood:* East Venice Avenue  
*Future Land Use:* Moderate Density Residential  
*Zoning:* Residential Multi-Family 2 (RMF-2) and Venetian Gateway (VG)

## ASSOCIATED DOCUMENTS

### A. Application Materials

## BACKGROUND INFORMATION

- January 13, 2004: Property annexed through City Council adoption of Ordinance 2004-04.
- March 14, 2006: Comprehensive Plan amendment approved through Ordinance 2006-20 designating the property as Moderate Density Residential.
- May 24, 2005: Property rezoned to RMF-2/VG with the following stipulations---
  1. Density will not exceed 7.6 units per acre.
  2. There will be no request for a special exception for building height.
  3. The developers agree not to propose a wall, or a fence, or gate along the west property line.
  4. The developers agree to implement the Venetian Gateway architectural standards.
  5. The developers agree to include landscape berms along the front and back one third of the west side of the property.

*The applicant's Preliminary Plat submittal is compliant with all but one of these stipulations. The applicant has stated that the Auburn Woods community has indicated their preference for a fence along the west property line instead of the landscaped berm. A 6' vinyl fence is depicted on the proposed plans along the entire western boundary. This proposed design does not comply with rezone stipulation 3. As of the writing of this staff report, the applicant can either choose to revise the drawings to comply with stipulation 3 or propose stipulations at the public hearing in an attempt to resolve the issue.*

## EXECUTIVE SUMMARY

The subject petition is a Preliminary Plat for 28 attached single-family dwelling units on 5.07 ± acres of land along East Venice Avenue. The proposed Preliminary Plat subdivides the property into 28 separate attached single-family lots. The applicant is requesting variances via Section 86-230(d) to: reduce minimum lot requirements, reduce side setbacks and increase maximum lot coverage.

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

### **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

*Analysis has been provided to determine consistency with the Land Use Elements strategies applicable to the Moderate Density Residential designation, strategies found in the East Venice Avenue Neighborhood element, and other plan elements. Staff has provided information and analysis of some of the most applicable comprehensive plan strategies and no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan Consistency.*

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

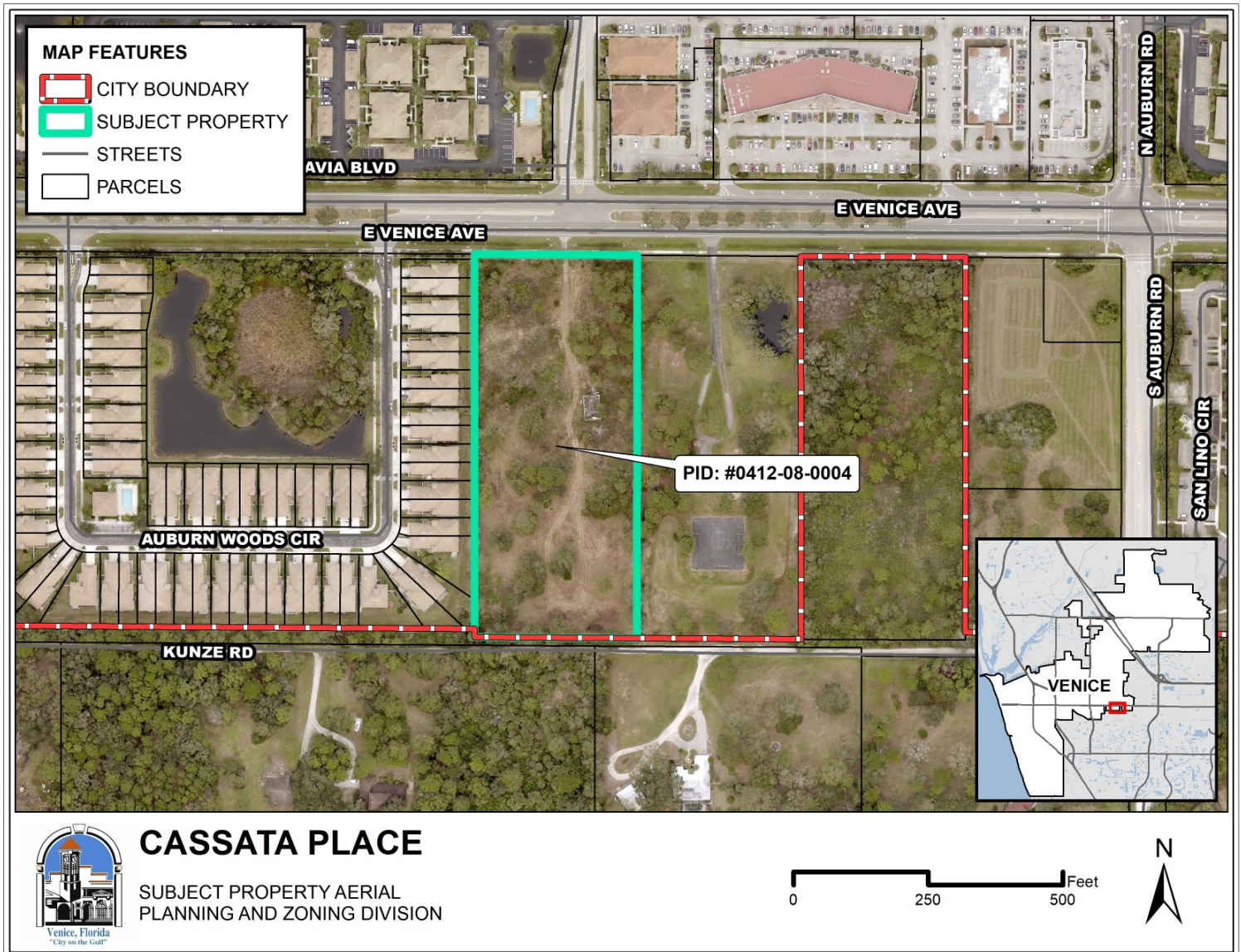
*The proposed preliminary plat complies with the City's Land Development Code, including the Venetian Gateway Overlay (Section 86-120), except in the areas in which the applicant has requested Variances.*

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

*No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.*

### EXISTING CONDITIONS

The aerial photograph below shows that the subject property is located on the south side of East Venice Avenue. Currently undeveloped, the subject property consists of one parcel totaling 5.07 + acres. The parcel is bordered by East Venice Avenue to the North, Auburn Woods abuts to the west, there is a single-family residence to the east, and Kunze Road to the south. There is a chain link fence running along the south property line and a one-story structure located on site.





*North entrance looking South*



*One-story structure*



*Centrally located looking towards Southern property line*

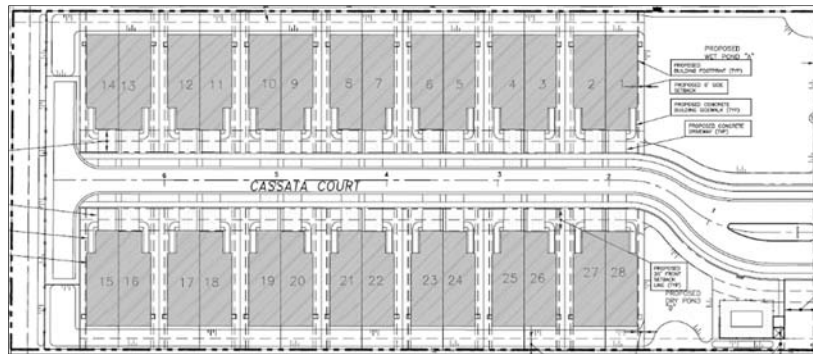
**PROJECT DESCRIPTION**

The subject petition is a Preliminary Plat for 28 attached single-family dwelling units on 5.07 ± acres of land along East Venice Avenue. The property lies directly south of Venice Avenue, making the development subject to the ‘Venetian Gateway’ architectural control district. Per Sec. 86-230(d), the applicant has requested 3 variances. The three variances are listed below:

TABLE: Variance Requests

Type	Code Section	Requirement	Variances	Type of change	
				Increase	Decrease
Minimum Lot Requirements	Section 86-82(h)(1)	Width 75ft, 7500 sqft	Width 35ft, 4434 sqft		✓
Maximum Lot Coverage	Section 86-82(i)	35%	53%	✓	
Side Setback	Section 86-82(j)(1)b	6 ft minimum, 15 ft combined	0 ft minimum, 15 ft combined		✓

The attached single-family homes will face towards the internal road with each home having its own access drive and two car garage. There are slight variations in the lot width, with lot length staying consistent at 127 feet. The proposed project includes landscaping consisting of: 111 trees of different varieties as well as assorted shrubs and ground cover. The tree removal plan indicates that 65 trees will remain on site with 46 trees to be planted.



The applicant has responded appropriately to Sec. 86-120; the architectural which are varied and consistent with The Northern Italian Renaissance style can be seen below. There is a proposed pool and cabana that are consistent with the architectural of the development.



Elevation A



Elevation C

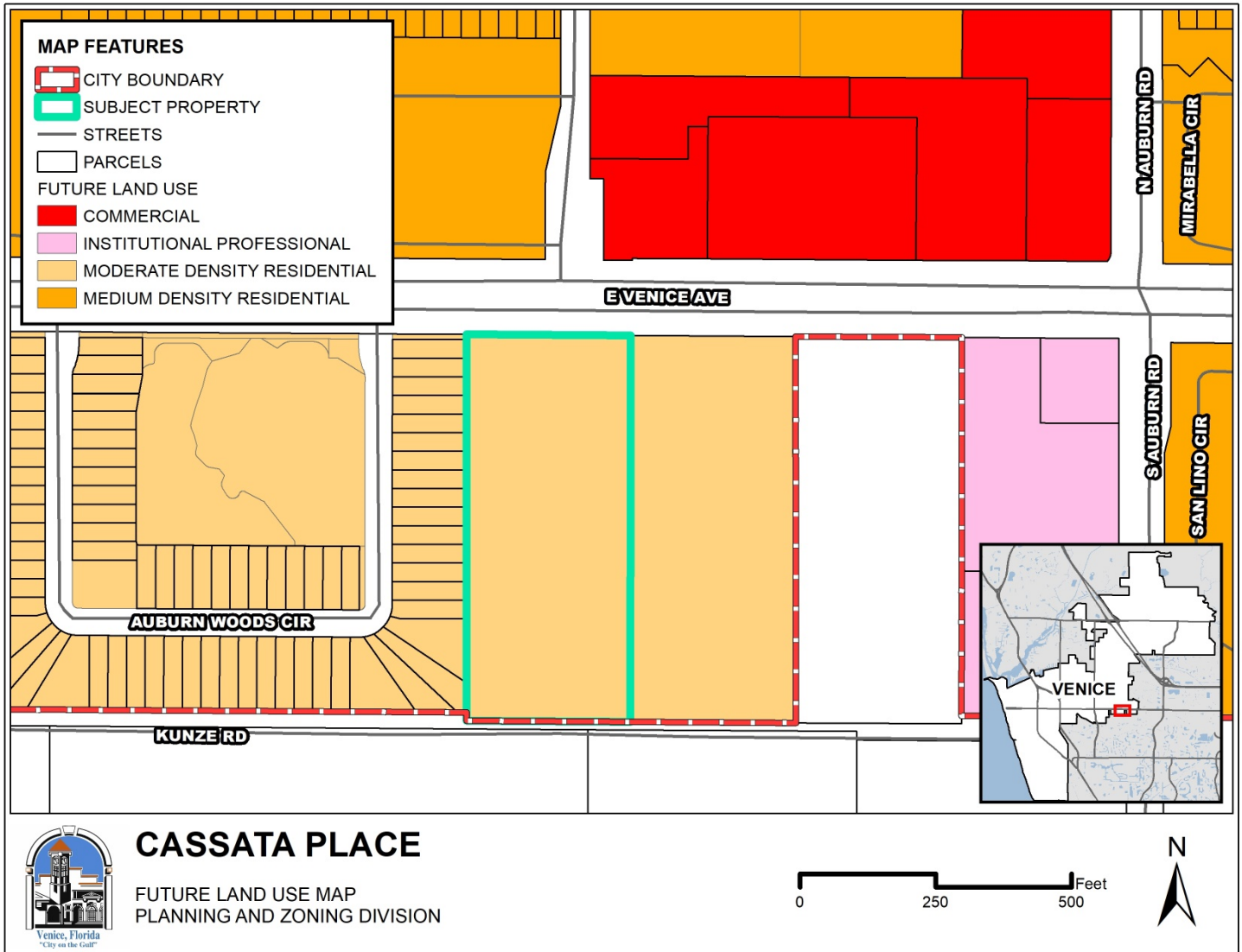


Elevation B

**Future Land Use**

The subject property has a Future Land Use of Moderate Density Residential. The Moderate Density Residential Future Land Use (FLU) designation and strategy LU 1.2.3.b support ‘single-family detached and attached residential, with a focus on attached residential; multifamily uses may also be supported.’

The subject property has two properties, to the east and west that have the same Moderate Density Residential designation. East Venice Avenue is the major right-of-way to the north, with Kunze Road to the south.



**Zoning Designation**

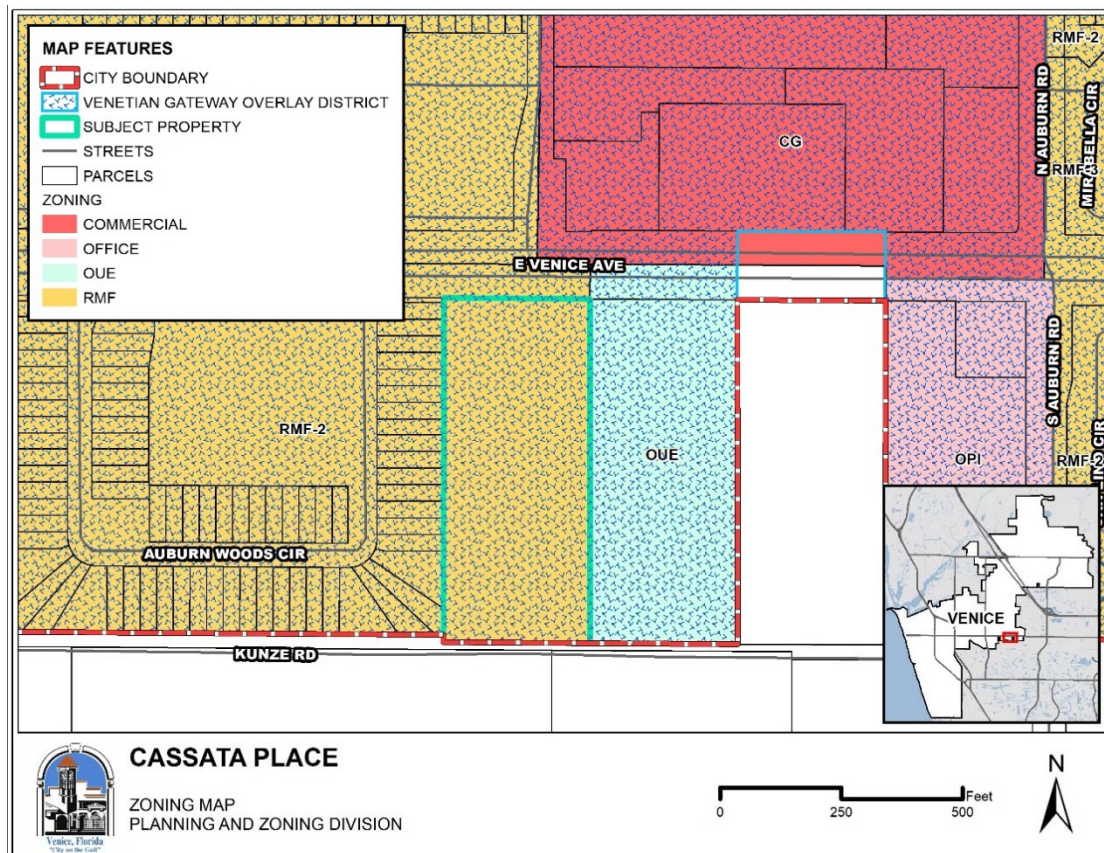
The subject property has a zoning designation of Residential Multiple-family. According to Section 86-82(a):

*“The RMF districts are intended to be moderate to medium density districts, with emphasis on multiple-family use. RMF districts are situated so that they are well served by public and commercial services and have convenient access to thoroughfares and collector streets. Permitted uses are the same in all districts, but uses permissible by special exception vary, with the more dense residential uses providing for more special exceptions.”*

The proposed attached single-family dwelling use is a permitted use in RMF districts.

The property is also located within the Venetian Gateway (VG) overlay district. Section 86-120(a) states:

*“The VG district is an overlay zone district which supplements or supersedes the provisions of any underlying district. The standards in this district are designed to protect the eastern entrance to the city. East Venice Avenue functions as the "front door" to the city and whatever occurs along this gateway will establish an initial and lasting impression of the city. The Venetian gateway standards are critical to ensure a favorable impression of the overall appearance of the corridor and the functional operation of the thoroughfare. In addition, the standards are designed to protect the adjacent properties from adverse impacts of intensive activities along a typical four-lane corridor. It is intended that implementing these standards will enhance and preserve the eastern gateway to the city for the benefit of all city residents.”*



The following table summarizes the existing uses and current zoning and future land use designations on properties adjacent to the subject property.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	East Venice Avenue and Commercial uses	RMF-3/VG CG/VG	Medium Density Residential and Commercial
East	Girl Scouts of America Property	Sarasota County OUE-1	Moderate Density Residential
South	Kunze Road and Large lot Residential	Sarasota County OUE-1	Sarasota County Medium Density Residential
West	Auburn Woods Residential Development	RMF-2/VG	Moderate Density Residential

***Flood Zone Information***

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with Zone X and Zone AE FIRM designations. The Zone X designation has a moderate to low flood risk and is not identified as a Special Flood Hazard Area, therefore it is not subject to base flood elevation requirements. The Zone AE has a low to high flood risk and is a Special Flood Hazard Area subject to base flood elevations of 12.6 to 12.9 feet. Any development of the property will be subject to compliance with FEMA requirements.

**PLANNING ANALYSIS**

Staff reviewed the proposed Preliminary Plat Application in relation to *City of Venice 2017-2027 Comprehensive Plan, Land Development Regulations*, and concurrency/mobility requirements.

***2017-2027 Comprehensive Plan***

***A. Transportation and Mobility***

Regarding this element, the road segment that corresponds with the proposed project is not identified in the City’s Comprehensive Plan and therefore no level of service (LOS) for roadway, bike, pedestrian or transit has been determined for this segment. This segment will need to be added through a scrivener’s error, Comprehensive Plan amendment at a future date. It is important to note that E. Venice Avenue adjacent to the subject property does include sidewalks on both sides, bicycle lanes and there is a transit route on this roadway. In addition, county traffic counts indicate this roadway segment is operating at LOS “C”.



*B. East Venice Avenue Neighborhood*

The subject property is one of few properties in the East Venice Avenue Neighborhood that remains undeveloped.

Strategy TR-EV 1.1.4 – Driveway Connection

Regarding driveway connections states that “*The City shall discourage the installation of additional driveway connections along East Venice Avenue, except where no other legal access may be provided, minimizing curb cuts.*” The proposed Preliminary Plat only contains one curb cut along East Venice Avenue.

**Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

*Analysis has been provided to determine consistency with the Land Use Elements strategies applicable to the Moderate Density Residential designation, strategies found in the East Venice Avenue Neighborhood element, and other plan elements. Staff has provided information and analysis of some of the most applicable comprehensive plan strategies and no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan Consistency.*

***Land Development Regulations***

*A. Land Development Code Section 86-570—Definitions*

The proposed project includes *one-family or single-family dwellings*, which is a permitted use in RMF-2 districts. Per Section 86-570 of the Code, a *one-family or single-family dwelling* is:

*“Dwelling, one-family or single-family means a building containing only one dwelling unit. For regulatory purposes, the term is not to be construed as including manufactured homes, travel trailers, housing mounted on motor vehicles, tents, houseboats, or other forms of temporary or portable housing.”*

The proposed project has conjoined single-family homes with each unit being located on its own lot. Each home is a single unit; none of the proposed units are two-story units.

*B. Land Development Code Section 86-82—Residential, Multiple-Family District*

The subject property is zoned Residential, Multiple-Family District (RMF). As previously stated, the proposed single-family dwellings are a permitted, principle use in the RMF district. The RMF code states that maximum density is nine units/acre. However, as indicated previously, the development is limited to a maximum density of 7.6 units/acre.

*C. Land Development Code Section 86-120 – Venetian Gateway Overlay District*

The subject property is part of the Venetian Gateway Overlay District (VG). As previously stated, the VG code supplements and supersedes the underlying zoning district. The VG code does not include any additional use allowances, but does prohibit pain management clinics. The proposed attached single-family dwellings use does not conflict with the VG code.

Per Section 86-120(e), the VG district includes numerous site design standards including: Northern Italian Renaissance style of architecture, landscaping points, and access management off East Venice Avenue. The applicant has responded appropriately to Section 86-130(e). No variances were requested from this section.

The proposed project includes landscape plan consisting of: 111 trees of different varieties and other shrubs and ground cover. The tree removal plan indicates that 65 trees will remain on site with 46 trees to be planted. The VG overlay includes a point system for required landscaping. The proposed landscape plan meets and exceeds the required landscaping.

*D. Land Development Code Section 86-231 – Plat Requirements*

Sections 86-231(b)(3) and 86-233(a) specify the Planning Commission's role in taking action on a Preliminary Plat petition.

1. *Compliance of the preliminary plat with the requirements of this chapter and the applicable laws of the state.*

*Staff Comment:* The Preliminary Plat drawings have been signed and sealed by a state licensed engineer. Design is compliant with all local regulatory standards and appears consistent with the requirements of Florida Statutes, Chapter 177, Part 1: Platting. Full compliance will be confirmed through the processing and recording of the final plat.

2. *Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.*

*Staff Comment:* The proposed attached single-family homes are consistent in design and layout with the Auburn Woods community to the west. The property to the east is still under county zoning, however it is also designated as Moderate Density Residential. Large lot single family homes are adjacent to the south.

3. *Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.*

*Staff Comment:* The City's Technical Review Committee has reviewed the subject petition for concurrency/mobility and found no issues for compliance with the city's minimum adopted levels of service for public facilities (See Concurrency/Mobility Section Below).

The application materials in the proposed Preliminary Plat are consistent with the application requirements set forth in Section 86-231(b)(2).

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

***The proposed preliminary plat complies with the City's Land Development Code, including the Venetian Gateway Overlay (Section 86-120), except in the areas in which the applicant has requested Variances.***

***Concurrency/Mobility***

The applicant has submitted a concurrency determination application and a concurrency review has been completed by staff. The table below shows the expected public facility impacts and the status of the applicable departmental concurrency reviews. Although concurrency is still in the City’s Code and applies to the items in the chart, in regards to Transportation, the City has entered into an Interlocal Agreement with Sarasota County to collect mobility fees for traffic impacts consistent with County Ordinance. Fees collected may be used to mitigate these impacts.

<i>Concurrency and Mobility</i>			
<b>FACILITY</b>	<b>DEPARTMENT</b>	<b>ESTIMATED IMPACT</b>	<b>STATUS</b>
Transportation	Planning and Zoning	26 PM Peak Hour Trips	Confirmed by Traffic Engineering Consultant
Potable Water	Utilities	28 ERUs (new)	Concurrency Confirmed by Utilities
Sanitary Sewer	Utilities	28 ERUs (new)	Concurrency Confirmed by Utilities
Solid Waste	Public Works	290.36 lbs per day (new)	Concurrency Confirmed by Public Works
Parks and Rec	Public Works	47.6	Concurrency Confirmed by Public Works
Drainage	Engineering	Compliance Shown with SWFWMD permit	Concurrency Confirmed by Engineering
Public Schools	School Board	Under review, awaiting Final Plat approval	No issue raised – approval upon Final Plat

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

***No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.***

**CONCLUSION**

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on the Preliminary Plat Petition No. 18-06PP.