



**Project: Che Vista**  
**ZONING MAP AMENDMENT**  
**Rezone Petition Number: 15-1RZ**

**Staff Report**

<b><u>Owner:</u></b> VENICE BEACH CONDOS, LLC	<b><u>Parcel ID #s:</u></b> 0175-11-0022 & 0175-11-0023
<b>Addresses:</b> 820 Ormond Street and 833 Madrid Avenue	
<b><u>Agent:</u></b> Jeffrey Boone, Boone Law Firm	<b><u>Parcel Size:</u></b> 48,324 square feet/1.109 acres
<b><u>Existing Zoning District:</u></b> Residential, Multiple-Family 3 (RMF-3)	
<b><u>Proposed Zoning District:</u></b> Residential, Multiple-Family 4 (RMF-4)	
<b><u>Future Land Use Designation:</u></b> Tarpon Center/Esplanade Neighborhood (Planning Area A) Subarea No. 2	

**I. INTRODUCTION / SUMMARY FINDINGS OF FACT**

Based on its current RMF-3 zoning and size of the parcel, the subject property is entitled to develop a maximum of fourteen dwelling units. The purpose of the proposed rezone petition is to allow one additional dwelling unit, for a maximum total of 15 dwelling units. The proposed RMF-4 zoning permits a maximum of 18 units per acre; based on the size of the parcel, a maximum of 20 dwelling units could be developed under the proposed RMF-4 zoning. The applicant proposes a stipulation to limit residential density to 15 dwelling units.

The subject property has a City of Venice future land use designation of Tarpon Center/Esplanade Neighborhood (Planning Area A). The density range for the planning area shall be up to 18 units per acre. The proposed rezone to RMF-4 with a stipulated limit of 15 dwelling units, results in an effective density of 13.5 units per acre, less than the maximum allowed by the comprehensive plan.

The following summary findings of fact provide an overview of the staff analysis included in this report:

**Staff Summary / Findings of Fact**

- 1) Finding of Fact (Evaluation of Existing/Proposed Zoning):** *The existing RMF-3 zoning permits a maximum residential density of 13 units per acre. The proposed RMF-4 zoning, with the applicant’s proffered stipulation of limiting the residential density to 15 dwelling units, will result in a project*

density of 13.5 dwelling units per acre. The net effect of the proposed rezone is to increase the maximum residential density on the subject property from 13 dwelling units per acre to 13.5 dwelling units per acre; and to increase the maximum number of allowed dwelling units from 14 to 15 dwelling units. The proposed RMF-4 zoning district is consistent with the comprehensive plan and development of the subject property will be required to be in compliance with all Tarpon Center/Esplanade Neighborhood development standards.

- 2) **Finding of Fact (Comprehensive Plan)**: The proposed rezone is consistent with the planning intent of providing multi-family residential as a transition between the existing mid-rise condominium structures and the lower density residential housing area adjacent to the planning area. The proposed density of 13.5 dwelling units per acre is less than the maximum 18 units per acre allowed in the planning area. Land use compatibility will be evaluated as part of a concurrently-processed site and development plan.
- 3) **Finding of Fact (Concurrency)**: Concurrency analysis and a certificate of concurrency will need to be obtained prior to further development of the subject property.
- 4) **Findings of Fact (Applicable Rezoning Considerations)**: Staff has provided the applicant's evaluation of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered.

Based upon the above analysis, there is sufficient basis for the Planning Commission to make recommendation to City Council regarding Zoning Petition No. 15-1RZ.

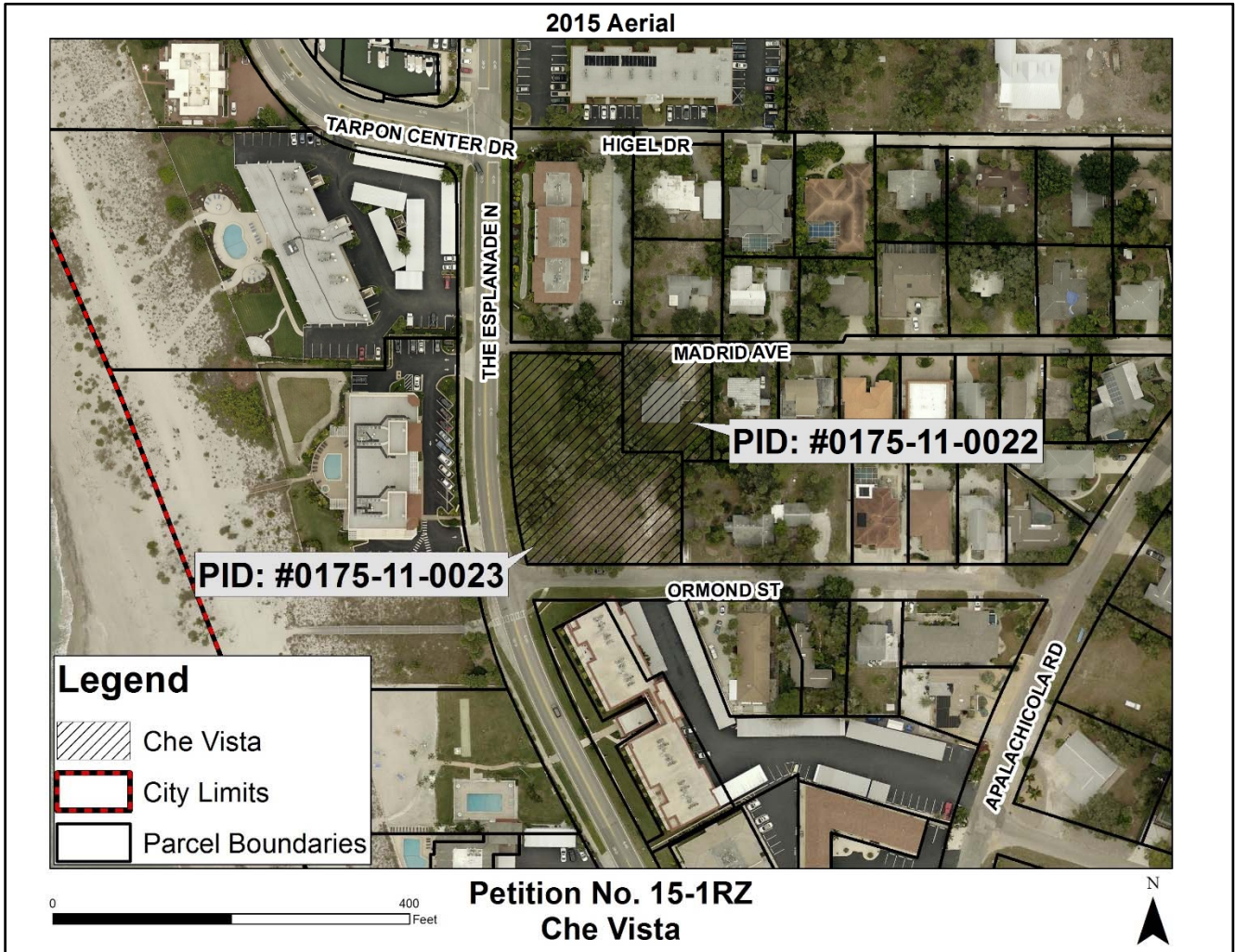
## **II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION**

### **Subject Property Information:**

The subject property is comprised of two parcels of land totaling 1.1 acres as shown on Map 1 (see following page). Currently, the subject property is partially developed with a single family detached structure located on the smaller 0.52 acre parcel fronting on Madrid Avenue. The subject property fronts on three streets, The Esplanade to the west, Madrid Avenue to the north and Ormond Street to the east.

Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.

# MAP 1: Aerial Photograph



View of the site from  
The Esplanade



View of the site  
Ormond Street



The adjacent San Sovino  
Condominium located northwest  
of the subject property



The adjacent Gulf Twin Towers  
Condominium (the back or east side  
of the property) located southwest of  
the subject property



The adjacent Casa Madrid  
Condominium located north of  
the subject property across  
Madrid Avenue



The adjacent Beleza Condominium located west of the subject property across The Esplanade

### **Flood Zone Information:**

While flooding or the potential for flooding is typically relevant at the time of development, it is also important information for consideration for any changes to/development of the property. For the subject properties, a survey was submitted with the application for rezoning indicating the subject properties lie within two flood zone designations in accordance with FEMA maps (FIRM panels #1251440327E and #1251540005D). The majority of the western property (0175-11-0023), except for the southeastern corner, as well as the northern half of the eastern property (0175-11-0022) have a flood zone AE E1 11 designation. The remainder of the properties have a flood zone B designation. FEMA defines the two areas as follows:

***Zone AE E1 11:** This is a Special Flood Hazard Area (SFHA - high flood risk) “Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. This is a numbered A Zone, showing a base flood elevation (BFE) of 11ft NGVD. The BFE is the water surface elevation of the 1% annual chance flood.”*

***Zone B:** “Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. B Zones are also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.”*

In summary, both subject properties currently lie within moderate to high risk flood zones. However, the draft DFIRMs place them entirely within a high risk flood zone (flood zone AE with a BFE of 10ft NAVD / 11.13ft NVGD).

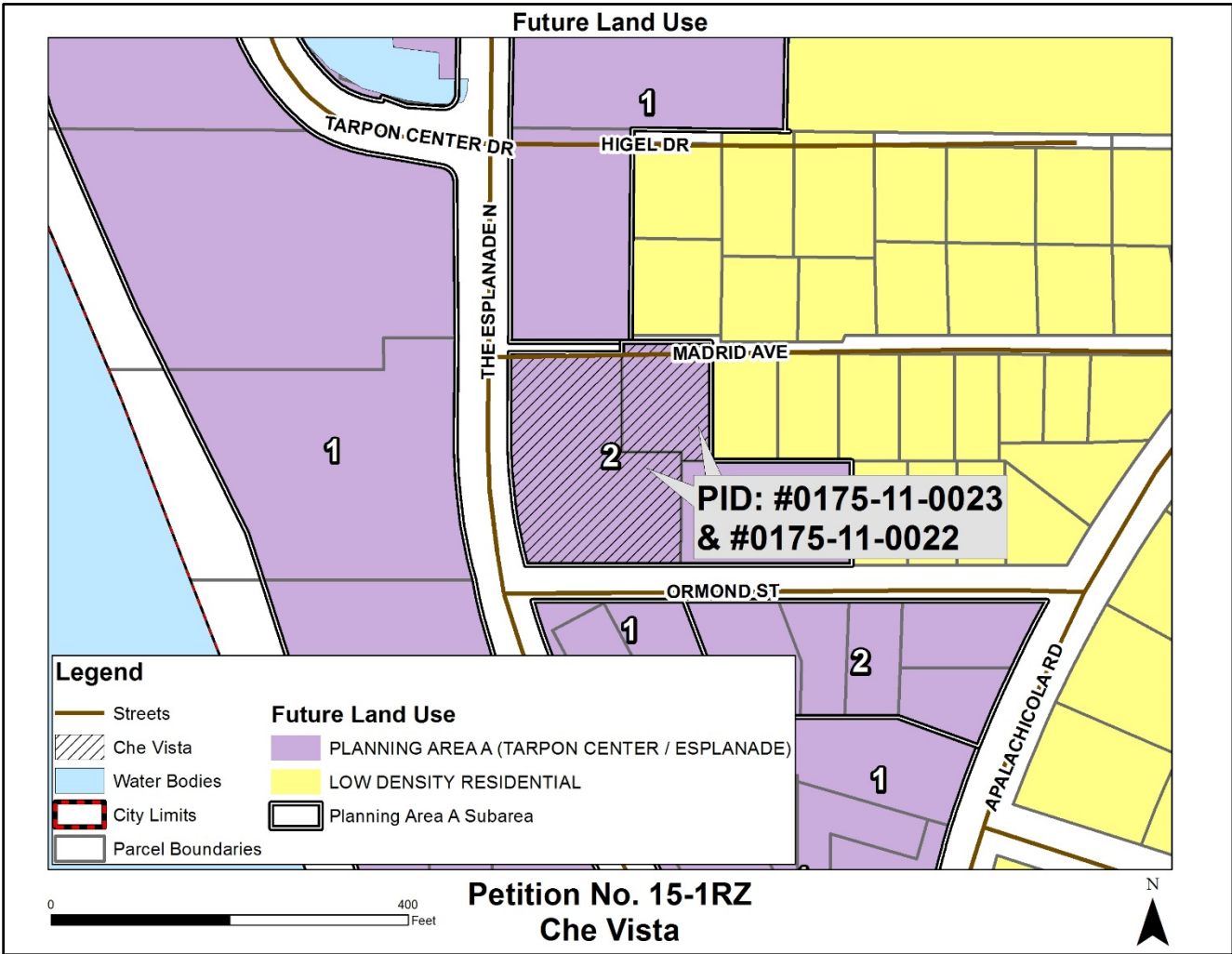
### **Future Land Use:**

Map 2 (see following page) shows the subject property having a Future Land Use designation of Tarpon Center/Esplanade Neighborhood (Planning Area A). The planning intent of the planning area is “to provide multi-family residential as a transition between the existing mid-rise condominium structures and the lower density residential housing areas adjacent to the planning area.” In addition, “new low intensity mixed-uses are encouraged which are supportive of the residential district and compatible with adjacent lower density residential neighborhoods.”

The planning area has two subarea designations; the subject property is in Subarea No. 2, that portion of the planning area generally located east of Tarpon Center Drive and The Esplanade.

The planning area has two sub-policies which address maximum residential density. Policy 16.2.A states “the density range for the planning area shall be up to 18 units per acre. Policy 16.2.B states “the maximum residential density average in this district shall not exceed 18 units per acre or the lawful density of existing legal non-conforming building sites, calculated on a gross acreage basis.”

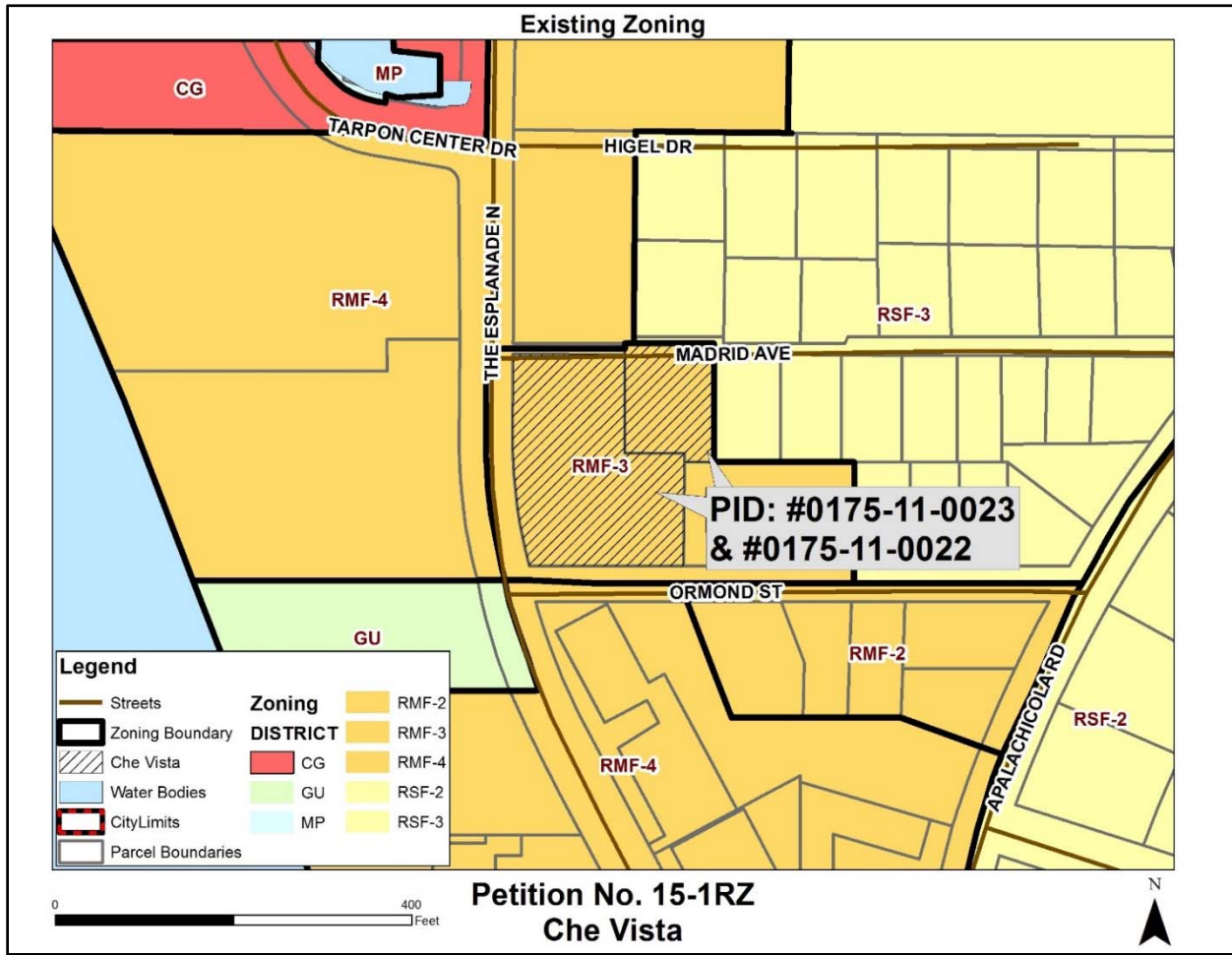
**MAP 2: Future Land Use Map**



**Existing Zoning:**

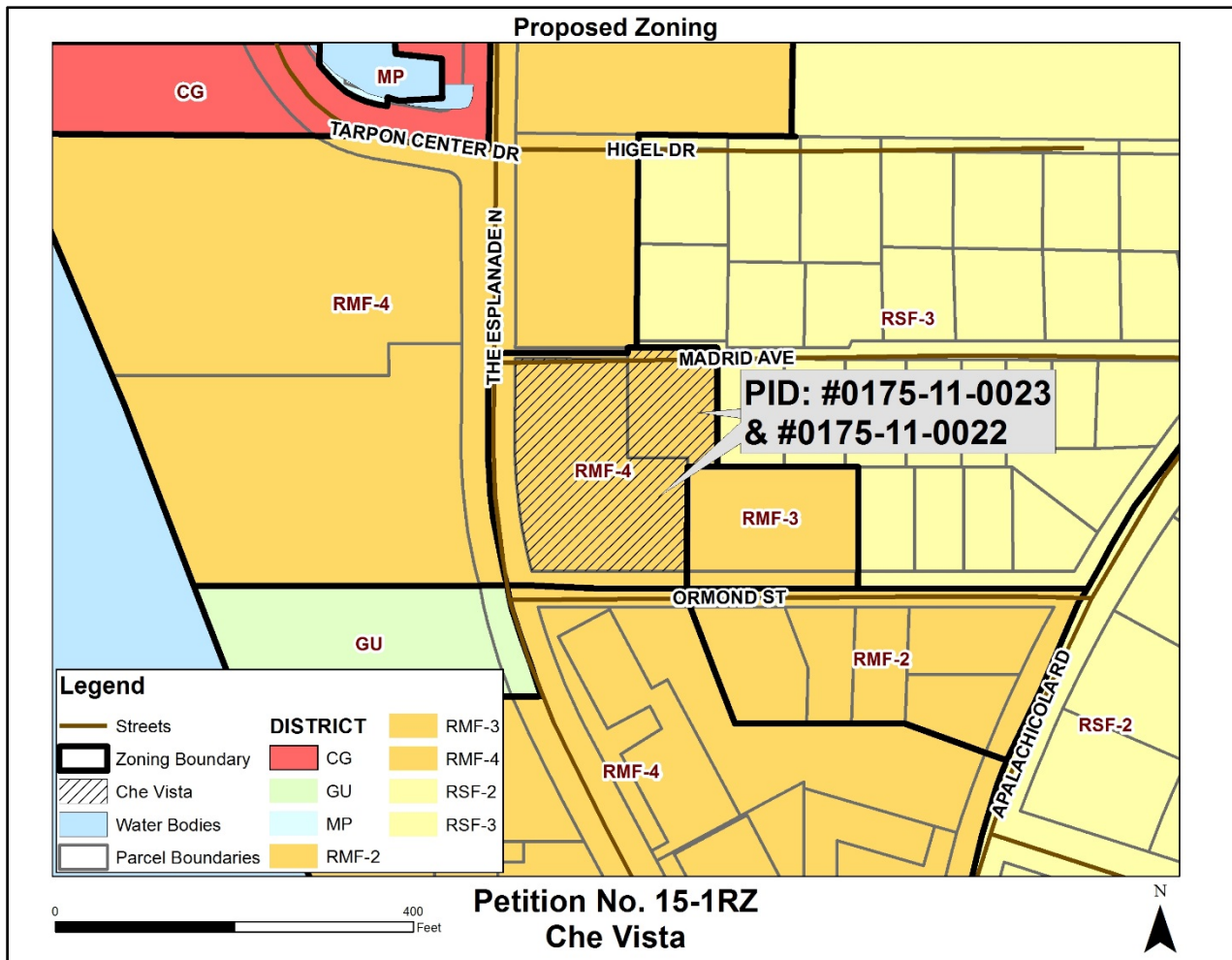
Map 3 (see following page) shows the existing zoning of the subject and surrounding properties. The subject property is zoned Residential, Multiple-Family 3 (RMF-3). Per Section 86-82(a) the RMF districts are intended to be moderate to medium density districts, with emphasis on multiple-family use. RMF districts are situated so that they serve and have convenient access to thoroughfares and collector streets. Permitted uses are the same in all districts (RMF-1, RMF-2, RMF-3 and RMF-4). The RMF-3 district has a maximum residential density of 13 units per acre.

### MAP 3: Existing Zoning Map



Map 4 (see following page) shows the proposed zoning of RMF-4. The maximum residential density in the RMF-4 district is 18 units per acre. The maximum building height is controlled by the comprehensive plan which limits height in Sub-area No. 2 of the Tarpon Center/Esplanade Neighborhood to four stories, three stories, up to 42 feet over one story of parking, not to exceed four stories. This height standard will apply under both the existing and proposed zoning. In addition, the existing RMF-3 and proposed RMF-4 zoning has the same maximum lot coverage and minimum yard setback standards.

## MAP 4: Proposed Zoning Map (Proposed RMF-4 Zoning)



### Surrounding Property Information:

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Multi-family and single-family detached	Residential, Multiple-Family 4 (RMF-4) and Residential, Single-Family 3 (RSF-3)	Tarpon Center/Esplanade Neighborhood (Planning Area A) and Low Density Residential
West	Multi-family and city park	RMF-4 and Government Use (GU)	Tarpon Center/Esplanade Neighborhood (Planning Area A)
South	Multi-family	RMF-2 and RMF-4	Tarpon Center/Esplanade Neighborhood (Planning Area A)
East	Single-family detached	RMF-3 and RSF-3	Tarpon Center/Esplanade Neighborhood (Planning Area A) and Low Density Residential

### III. PLANNING ANALYSIS

a) Evaluation of Proposed RMF-4 Zoning:

The following table provides an overview of the maximum residential density allowed by the comprehensive plan and existing and proposed zoning, and the maximum number of dwelling units allowed based on the size of the subject property.

	<b>Maximum Residential Density</b>	<b>Total Dwelling Units / Acre (1.109 Acres)</b>
<b>Tarpon Center/Esplanade Neighborhood Future Land Use Designation</b>	18 units per acre	20 dwelling units
<b>Existing RMF-3 Zoning</b>	13 units per acre	14 dwelling units
<b>Proposed RMF-4 with Applicant's Pro-offered Stipulation to Max. Density of 15 Dwelling Units</b>	13.5 units per acre	15 dwelling units

As indicated in the table above, the resulting zoning amendment will increase the development potential of the subject property. With the existing RMF-3 zoning the subject property is entitled to a maximum density of 13 units per acre. Applying that density to the land area of the property yields a maximum of 14 units that can currently be built. The proposed RMF-4 zoning allows a maximum density of 18 units per acre or a maximum of 20 units. However, the applicant has pro-offered a stipulation to limit the density on the property to 15 dwelling units, an increase of one dwelling unit above what is allowed under existing RMF-3 zoning. With the pro-offered stipulation the maximum density on the subject property is limited to 13.5 units per acre. With or without the pro-offered stipulation the proposed RMF-4 zoning is consistent with the Tarpon Center/Esplanade Neighborhood development standards that allows up to 18 units per acre. At 13.5 units per acre the applicant is requesting less than the maximum allowed by the planning area development standards.

***Finding of Fact (Evaluation of Existing/Proposed Zoning):*** *The proposed RMF-4 zoning district is consistent with the comprehensive plan; with the pro-offered stipulation the requested density is less than the maximum allowed by the Tarpon Center/Esplanade Neighborhood.*

b) Consistency with the Comprehensive Plan:

The subject property is located in the Tarpon Center/Esplanade Neighborhood (Planning Area A). The intent of the planning area is “to provide multi-family residential as a transition between the existing mid-rise condominium structures and the lower density residential housing areas adjacent to the planning area.” In addition, “new low intensity mixed-uses are encouraged which are supportive of the residential district and compatible with adjacent lower density residential neighborhoods.” The planning area policies do not specify what is meant by “lower intensity”, nor is “mixed-uses” defined. Policy 16.2.C does make reference to commercial (retail, hotel and office space) uses. Presumably, mixed-uses would include in addition to residential use commercial uses such as retail, hotel and office.

The planning area has two sub-policies which address maximum residential density. Policy 16.2.A states “the density range for the planning area shall be up to 18 units per acre. This sub-policy establishes the maximum density for a new residential project of 18 units per acre.” The proposed rezone to RMF-4 with a stipulated limit of 15 dwelling units, results in an effective density of 13.5 units per acre, less than the maximum allowed by the comprehensive plan.

Policy 16.2.B states “the maximum residential density average in this district shall not exceed 18 units per acre or the lawful density of existing legal non-conforming building sites, calculated on a gross acreage basis.” This sub-policy sets two standards. The first is to set a limit on the residential density average in

the planning area. The average density of the planning area cannot exceed 18 units per acre. The average density of the planning area is calculated by dividing the total number of dwelling units in the planning area by the total land area of the planning area. The planning area currently has a total of 1,139 dwelling units and has a land area of 77.13 acres. The land area of the planning area was derived from the city future land use map and the number of dwelling units was derived from a city GIS address shape file. Based on the above data, the planning area has an average residential density of 14.77 units per acre, less than the maximum residential density average of 18 units per acre. The proposed rezone which will add 15 dwelling units to the planning area increases the average residential density of the planning area to 14.96 units per acre, still less than the maximum residential density average of 18 units per acre.

The second provision of Policy 16.2.B regarding existing legal non-conforming building sites does not apply in this case because the subject property is not non-conforming with regard to density (only one dwelling unit is on the 1.1 acre tract).

Staff evaluated whether and the extent to which the proposed rezone will provide for multi-family residential as a transition between the existing mid-rise condominium structures and the lower density residential housing areas adjacent to the planning area. First, the proposed RMF-4 district will allow multi-family residential.

Second, regarding the transition referenced in the planning intent, staff evaluated density and building height of existing mid-rise condominium structures, the subject property and adjacent residential areas outside the planning area.

Regarding residential density, the table on the following page shows that adjacent mid-rise condominiums ranges in existing density between 13.4 and 37.2 dwelling units per acre. With the applicant’s pro-offered stipulation the proposed residential density on the subject property will be 13.5 dwelling units per acre. Finally, adjacent RSF-3 zoned adjacent residential area has a maximum density of 4.5 dwelling units per acre and a calculated existing density of 4.9 units per acre. Based on this analysis, the proposed RMF-4 zoning with the applicant’s pro-offered stipulation provides a transitional density between the higher density development to the west, north and south and the adjacent single-family residential area to the east outside the planning area.

<b>Properties Studied</b>	<b>Existing Residential Density</b>	<b>Proposed Residential Density</b>	<b>Existing Building Height</b>	<b>Proposed Building Height</b>
<b>Mid-Rise Condominiums</b>				
Beleza	13.4 dus/acre	N/A	78 feet, 7 stories over parking	N/A
San Sovino	23.6 dus/acre	N/A	9 stories over parking	N/A
Casa Madrid	17.4 dus/acre	N/A	3 stories	N/A
Gulf Twin Towers	37.2 dus/acre	N/A	7 stories	N/A
<b>Subject Property</b>	RMF-3 Zoning: 13 dus/acre	RMF-4 Zoning w/ applicant’s stipulation: 13.5 dus/acre	Comp Plan Limitation: 3 stories, up to 42’ over one story of parking	Comp Plan Limitation: 3 stories, up to 42’ over one story of parking
<b>Adjacent Residential Area</b>	RSF-3 Zoning 4.5 dus/acre Calculated	N/A	RSF-3 Zoning: 35 feet Field Observation:	N/A

	existing density: 4.9 dus/acre		Generally 1 story	
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**Sources of Information:**

1. Information on the Beleza was obtained from a Planning & Zoning Division Site and Development Plan project file.
2. Existing density of the three other condominiums was obtained from the Sarasota County Property Appraiser.
3. The existing height of the three other condominiums was obtained from a field observation.
4. The existing density of the adjacent residential area was obtained from the future land use map and city GIS address shape file.
5. The building heights in the adjacent residential area was obtained from a field observation.

Regarding building height, the above table shows that the adjacent mid-rise condominiums range in building height between 3 and 9 stories over parking. The building height of the subject property is limited by the comprehensive plan to 3 stories, up to 42 feet over one story of parking, not to exceed 4 stories. Finally, the adjacent residential area has a maximum allowed building of 35 feet per the RSF-3 district regulations and are predominantly built to one story (25 of the 30 properties studied had one-story houses; five had two-story houses). Based on this analysis, the comprehensive plan requires the subject property to provide a transitional building height between the taller development to the west, north and south and the adjacent single-family residential area to the east outside the planning area.

***Finding of Fact (Comprehensive Plan):*** *The proposed zoning change is consistent with the intended uses in the Tarpon Center/Esplanade Neighborhood, provides a transition between the mid-rise condominium structures and the adjacent residential areas outside the planning area, and is consistent with the maximum residential density for the planning area. Land use compatibility will be evaluated as part of a concurrently-processed site and development plan.*

c) Concurrency/Adequate Public Facilities:

Public facility level of service ensuring adequate service capacity is more appropriately addressed at the time of development or platting of properties. As such, this proposed rezoning (if approved) does not confer approval for concurrency as well. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

***Finding of Fact (Concurrency):*** *Concurrency analysis and a certificate of concurrency will need to be obtained prior to further development of the subject property.*

d) Applicable Zoning Map Amendment Considerations

Section 86-47(f) of the Land Development Code states “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, where applicable:” To facilitate the Planning Commission’s review of the subject petition staff has provided the applicant’s response to each of the following considerations and when appropriate staff has provided comments with additional information.

- (a) Whether the proposed change is in conformity to the comprehensive plan.

***Applicant's Response:*** The proposed change is consistent with all applicable elements of the Comprehensive Plan.

***Staff Comment:*** Based on the Planning Analysis provided in Section III of this report, staff finds the proposed rezone consistent with the comprehensive plan.

- (b) The existing land use pattern.

***Applicant's Response:*** The proposal is consistent and compatible with the existing land use pattern and will allow for just one additional dwelling unit on the 1.12 acre property.

***Staff Comment:*** RMF-4 zoning is located to the north, west and south of the subject property. The Tarpon Center/Esplanade Neighborhood planned for a transition between the existing mid-rise condominium structures and the adjacent residential areas outside the planning area. The proposed RMF-4 zoning with the applicant's pro-offered stipulation limiting the density to 15 dwelling units provides the planned transition in regard to residential density and building height.

- (c) Possible creation of an isolated district unrelated to adjacent and nearby districts.

***Applicant's Response:*** The proposed rezoning will not create an isolated district unrelated to nearby districts, and will allow for just one additional dwelling unit on the 1.12 acre property.

***Staff Comment:*** The proposed RMF-4 district will not be unrelated to nearby districts; RMF-4 zoning is located to the north, west and south of the subject property.

- (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:*** The one additional dwelling unit allowed by the proposed rezoning will not overtax public facilities.

***Staff Comment:*** The availability of public facilities will be evaluated in the concurrency application submitted as part of the site and development plan. The one additional dwelling unit is not expected to overtax 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 subject property is surrounded on three sides by RMF-4 zoned property and rezoning of the property to RMF-4 with a stipulation limiting density to 15 total units will provide a logical transition between the higher density development to the north, south and west, and the lower density development to the east.

***Staff Comment:*** No additional comment.

- (f) Whether changed or changing conditions make the passage of the proposed amendment necessary.

***Applicant's Response:*** Efficient use of available properties for infill redevelopment makes the amendment necessary.

**Staff Comment:** *The applicant desires to develop the property consistent with the comprehensive plan.*

- (g) Whether the proposed change will adversely influence living conditions in the neighborhood.

**Applicant's Response:** *The proposed change will not adversely influence living conditions in the neighborhood.*

**Staff Comment:** *Adequate safeguards are in place in the comprehensive plan and the Land Development Code to minimize any adverse impacts to living conditions in the neighborhood.*

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

**Applicant's Response:** *The proposed change will allow for just one additional dwelling unit and therefore will not excessively increase traffic congestion.*

**Staff Comment:** *The impact on transportation facilities will be evaluated in the concurrency application submitted as part of the site and development plan. The one additional dwelling unit is not expected to excessively increase traffic congestion. Potential public safety impacts will be evaluated in the review of the site and development plan.*

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

**Applicant's Response:** *The proposed change will not create a drainage problem as the same proposed structure could be built under the existing zoning.*

**Staff Comment:** *A zoning change does not create a drainage problem and any development of the site must comply with City stormwater regulations.*

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

**Applicant's Response:** *The proposed change will not seriously reduce light and air to adjacent areas as the same proposed structure could be built under the existing zoning.*

**Staff Comment:** *The zoning change will have no impact on light or air to surrounding properties.*

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

**Applicant's Response:** *The proposed change will not adversely affect property values in the area.*

**Staff Comment:** *The zoning change is not expected to adversely affect property values in the surrounding area; the zoning change is consistent with the comprehensive plan and development of the property is required by the comprehensive plan to be compatible with surrounding properties.*

- (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:** *The proposed change will not be a deterrent to the improvement or development of adjacent properties.*

**Staff Comment:** *The proposed zoning change may stimulate redevelopment of adjacent residential properties.*

- (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:** *The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** *The proposed change will not grant or result in a special privilege as determined by the finding of consistency with the Comprehensive Plan cited above in this report.*

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

**Applicant's Response:** *The existing zoning would result in an inefficient use of the property.*

**Staff Comment:** *The subject property can be used in accord with existing zoning. The owner has requested the zoning map amendment to allow the development of one additional dwelling unit on the property.*

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

**Applicant's Response:** *The proposed change is not out of scale with the needs of the neighborhood or the City.*

**Staff Comment:** *The proposed zoning change provides the planned transition between existing mid-rise condominium structures and adjacent residential areas outside the Tarpon Center/Esplanade Neighborhood.*

- (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:** *Not applicable, the proposed change does not expand the proposed uses, it will simply allow for one additional dwelling unit on site.*

**Staff Comment:** *Staff concurs, the subject property is currently zoned Residential, Multiple-Family (RMF).*

**Findings of Fact (Applicable Rezoning Considerations):** *Based on the above evaluation, staff finds that an affirmative finding can be reached for each of the rezoning considerations contained in Section 86-47 (f) a-p, of the Land Development Code.*

*Based upon this finding, the Planning Commission can make a positive recommendation to City Council regarding Zoning Petition No. 15-1RZ.*

#### **IV. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL**

The Planning Commission is required to study and consider the factors contained in Section 86-47(f) and make a report and recommendation regarding rezone petitions to City Council. This staff analysis and report has been conducted to provide the Planning Commission with competent and substantial evidence to support a recommendation to City Council. The factors and/or considerations, along with staff comments, is provided in the planning analysis, Section III of this report. A further summary of all staff findings of fact is included in Section I providing a summary basis for recommendation.