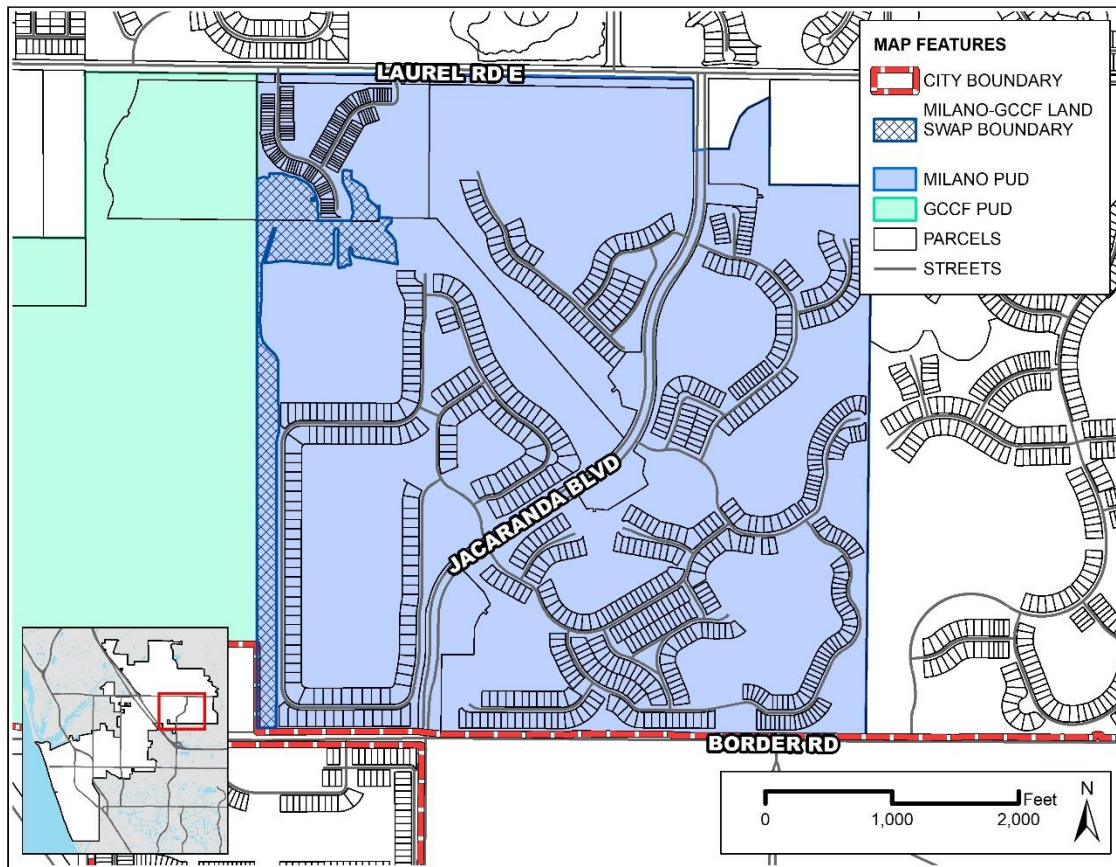


22-07RZ– Milano PUD Amendment Staff Report



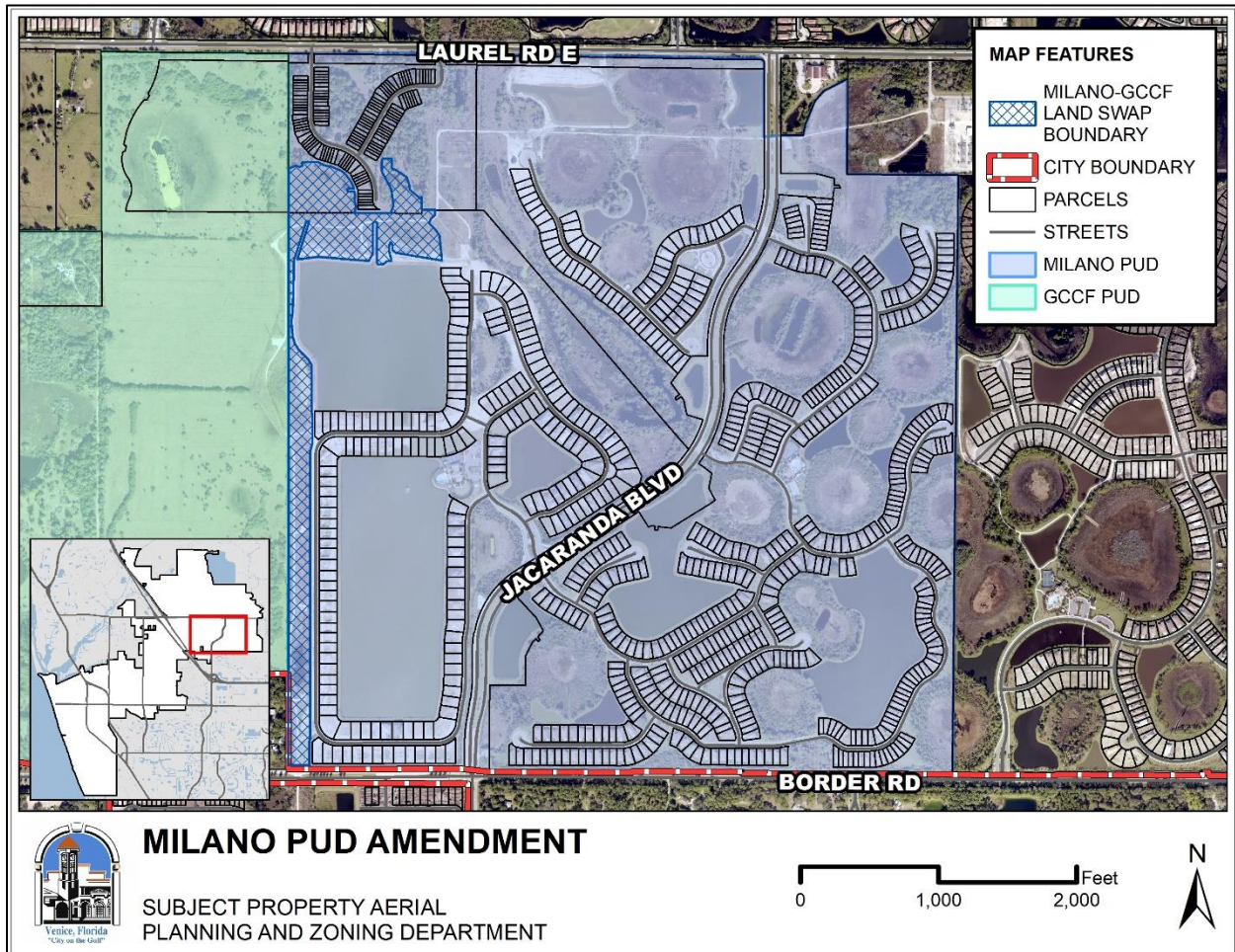
GENERAL INFORMATION

Address:	Laurel Rd and Border Rd between Jacaranda Blvd and I-75
Request:	Removing 24.1 acres of open space from the Milano Planned Unit Development (PUD) to be transferred to the neighboring GCCF PUD
Owner:	Neal Signature Homes, LLC and Neal Communities of Southwest Florida, LLC
Agent:	Jeffery A. Boone, Esq. – Boone Law Firm
Parcel ID:	0390051000 and 0389014000
Parcel Size:	24.1 ± acres
Future Land Use:	Mixed Use Residential (MUR)
Zoning:	Planned Unit Development
Comprehensive Plan Neighborhood:	Northeast
Application Date:	February 15, 2022
Related Application:	PUD Zoning Map Amendment 22-06RZ

I. PROJECT DESCRIPTION

The proposed project is a land swap between the Milano PUD and the neighboring GCCF PUD. The land is designated as open space on the Milano Binding Master Plan and will remain open space when the transfer to GCCF is completed.

As indicated by the applicant, this request comes as a result of a required relocation of the FPL easement to accommodate the development of a portion of the Milano PUD, some of the developable area of the GCCF PUD was impacted and rendered undevelopable. This created the need to allow the GCCF PUD to remain in compliance with open space requirements for their development. The area being transferred will remain as open space and is not proposed for development.



Site Photographs



FPL easement from Border Rd



West along FPL easement



South along FPL easement to Border Rd

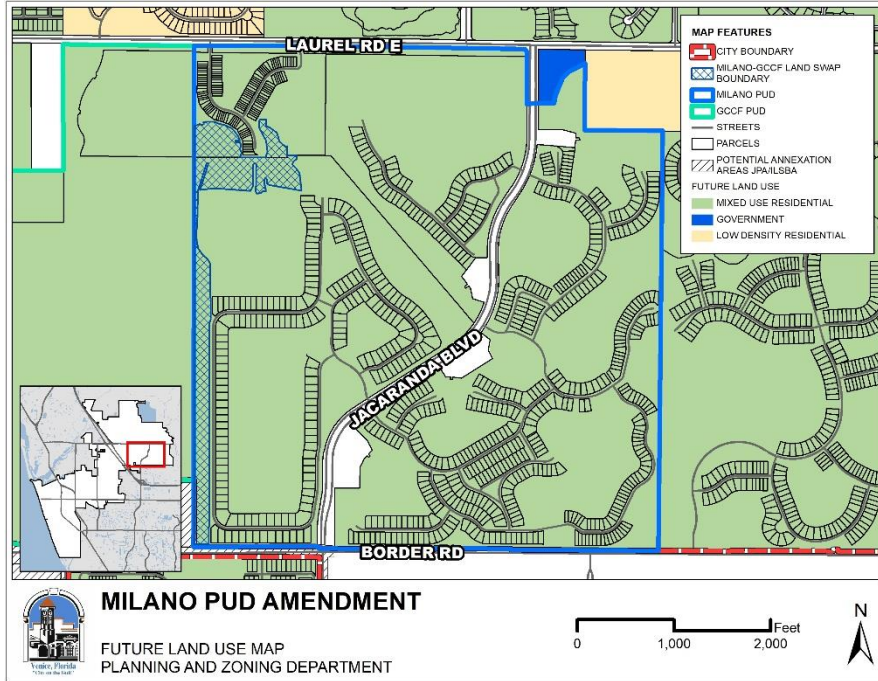


Easement north-south & east-west intersection

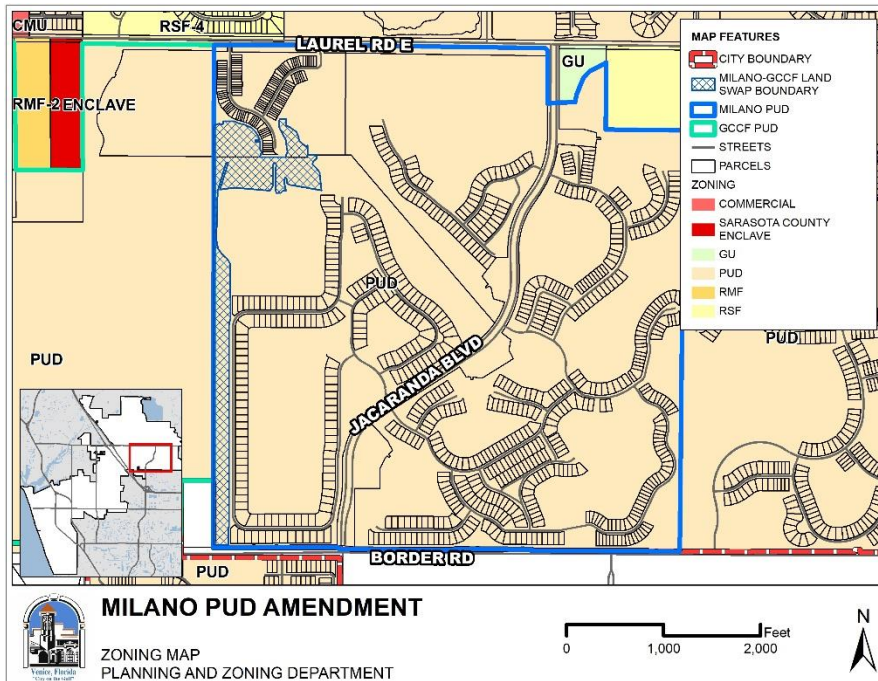
Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Residential and the zoning is Planned Unit Development (PUD), as depicted on the maps below.

Future Land Use



Zoning



Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential (Willow Chase; VGRC)	Residential, Single-Family 4 (RSF-4); Planned Unit Development (PUD)	Low Density Residential; Mixed Use Residential (MUR)
South	Residential (Palencia)	PUD	MUR
East	Milano	PUD	MUR
West	GCCF	PUD	MUR

II. PLANNING ANALYSIS

In this section of the report, analysis of the subject site and development plan and special exception petitions evaluates 1) consistency with the Comprehensive Plan, and 2) compliance with the City's Land Development Code (LDC) and Milano Binding Master Plan, and 3) compliance with requirements for Concurrency/Mobility.

Consistency with the Comprehensive Plan

Strategies LU 1.2.16.2 and LU 1.2.16.6(c) in the Land Use element of the Comprehensive Plan require that Planned Unit Developments (implementing the MUR Future Land Use Designation) maintain at least 50% of their land area as open space. The previously approved Binding Master Plan included 55.2% open space; with the subtraction of 24.1 acres of open space, there will be 53.0% open space remaining the Milano PUD.

Strategy OS 1.11.1 in the Open Space element repeats and expands on the requirement for 50% open space; this proposal is consistent with this requirement with 53.0% remaining open space.

Strategy LU 4.1.1 in the Comprehensive Plan includes Policy 8.2, Land Use Compatibility Review Procedures. For rezoning applications, evaluation of items A-N is required to ensure compatibility with adjacent uses.

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

A. Land use density and intensity.

Applicant Response: NO change in land use density and intensity is proposed.

B. Building heights and setbacks.

Applicant Response: No change to building heights or setbacks from existing neighborhood are proposed.

C. Character or type of use proposed.

Applicant Response: No change in land use is proposed.

D. Site and architectural mitigation design techniques.

Applicant Response: Not applicable.

Considerations for determining compatibility shall include, but are not limited to, the following:

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.

Applicant Response: Not applicable.

F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

Applicant Response: Not applicable.

Staff Comment: No industrial uses are proposed through this rezoning.

G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

Applicant Response: Not applicable.

Staff Comment: Staff is not aware of any nonconforming uses existing on the property.

H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

Applicant Response: No change in density and intensity of uses is proposed.

Staff Comment: No development is proposed for this property.

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

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

I. Providing open space, perimeter buffers, landscaping and berms.

Applicant Response: Open space, landscaping and buffering and berms are provided to ensure compatibility.

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Applicant Response: Sources of light, noise mechanical equipment, refuse areas, delivery and storage will be adequately screened to ensure compatibility.

K. Locating road access to minimize adverse impacts.

Applicant Response: No changes in road access are proposed.

L. Adjusting building setbacks to transition between different uses.

Applicant Response: No change in uses or building height setbacks from existing neighborhoods are proposed.

M. Applying step-down or tiered building heights to transition between different uses.

Applicant Response: No changes to building heights are proposed.

N. Lowering density or intensity of land uses to transition between different uses.

Applicant Response: No change in density or intensity of uses is proposed.

Summary Staff Comment: No incompatibilities are anticipated, as the land is proposed to remain open space; therefore, mitigation techniques may not be applicable to this land transfer proposal.

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Residential designation, Policy 8.2 regarding compatibility, and strategies found in the Northeast Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Consistency with the Milano Binding Master Plan and Land Development Code

Regarding the Milano Binding Master Plan, only the site data and map were changed to reflect this land transfer with GCCF. All text of the Plan remains the same.

The subject petition has been processed with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. This property is not proposed for development.

Section 86-47(f) of the Land Development Code states that, when pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the considerations listed below. The Planning Commission materials include the applicant's response to each of the considerations. Staff comments have also been provided where applicable.

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

Applicant Response: The proposed change is in conformity to the Comprehensive Plan.

Staff Comment: The petition allows Milano to maintain over 50% of open space in the development, consistent with strategies in the Land Use and Open Space elements.

(b) The existing land use pattern.

Applicant Response: The proposed change will relocate open space from the Milano PUD to the GCCF PUD, but there will no change to the land use pattern as the property will remain open space.

Staff Comment: Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes planned development (residential) uses, which may be found compatible according to Strategy LU 1.2.8 in the Land Use Element.

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

Applicant Response: The proposed change will not change the zoning designation or use of the property and therefore, will not create an isolated district unrelated to adjacent and nearby districts.

(d) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

Applicant Response: The proposed change will not increase density or otherwise increase impacts to any public facilities.

Staff Comment: No development is proposed for this property.

(e) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Applicant Response: The proposed change does not change the existing zoning, it is limited to a modification to the currently approved PUD master development plan.

Staff Comment: The district boundaries are drawn logically as relates to existing conditions on the subject property.

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

Applicant Response: Existing development conditions in the Milano PUD and GCCF PUD make the proposed change necessary.

Staff Comment: The applicant states that this change is necessary to accomplish the approved development for GCCF, as an FPL easement was relocated to allow development in Milano.

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

Applicant Response: The proposed change will not change the use of the property and therefore will not adversely influence living conditions in the neighborhood.

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

Applicant Response: The proposed change will not have any impact traffic or public safety.

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

Applicant Response: The proposed change will not create any drainage problem.

Staff Comment: TRC has reviewed this project and has identified no issues.

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

Applicant Response: The proposed change will not reduce light and air to adjacent areas.

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

Applicant Response: The proposed change will not affect property values in the adjacent areas.

Staff Comment: This application does not propose development of the property.

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

Applicant Response: The proposed change will not be a deterrent to the improvement of adjacent properties.

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

Applicant Response: The proposed change will not constitute a grant of special privilege to and individual as contrasted with the public welfare.

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

Applicant Response: The proposed change does not seek to change the existing PUD zoning it is limited to a modification of the currently approved PUD master development plan.

Staff Comment: Based on information from the applicant, this transfer is proposed in order to accomplish the development of GCCF at the approved density while maintaining 50% open space, as an FPL easement was relocated from Milano to accomplish the approved development in the Milano PUD.

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

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

Staff Comment: Generally, the need of the neighborhood and the City is development of the subject property consistent with the Comprehensive Plan and in compliance with the Land Development Code. The property is not proposed for development and will remain as open space.

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

Applicant Response: Not applicable, the proposed change does not seek to change the current PUD zoning it is limited to a modification of the currently approved PUD master development plan.

Conclusions / Findings of Fact (Compliance with the Land Development Code and Milano PUD Binding Master Plan):

The subject petition complies with all applicable Land Development Code standards and the Binding Master Plan and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

Concurrency / Mobility

There are no impacts to concurrency or mobility through this exchange of open space.

Conclusion / Findings of Fact (Concurrency / Mobility):

As indicated, there are no impacts to concurrency or mobility through this petition. The proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues have been identified concerning concurrency or mobility.

III. CONCLUSION

Planning Commission Report and Recommendation to City Council

Upon review of the petition and associated documents, Comprehensive Plan, Milano Binding Master Plan and 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 make a recommendation to City Council on Zoning Amendment Petition No. 22-07RZ.