

**NORTH VENICE NEIGHBORHOOD ALLIANCE, INC. AND VENETIAN  
GOLF & RIVER CLUB PROPERTY OWNERS ASSOCIATION, INC.  
RESPONSES TO THE PROPOSED MILANO PUD AMENDMENT FOR A  
COMMERCIAL DEVELOPMENT APPLICATION (NO. 22-38 RZ)**

**Submitted for the City of Venice City Council  
Public Hearing June 15, 2023**

**Prepared by  
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**For The  
North Venice Neighborhood Alliance, Inc.  
And  
Venetian Golf & River Club Property Owners Association, Inc.**

*Jan A. Norsoph, AICP reserves the right to update this report upon becoming cognizant of new or updated information. Mr. Norsoph's qualifications are contained in Appendix A.*

## TABLE OF CONTENTS

- Introduction and Summary of Findings ..... 3
- Relevant Comprehensive Plan and Land Use and Open Space Elements Visions, Intents and Strategies..... 11
  - Comprehensive Plan Compatibility Intent and Strategies..... 11
  - Relevant LUE Visions, Intents and Strategies..... 11
  - Relevant Open Space Element Visions, Intents and Strategies..... 15
- Relevant Chapter 86 Land Development Code (LDC) PUD Review Criteria..... 18
- Responses Demonstrating the Inconsistency of the Proposed PUD Amendment with Comprehensive Plan LUE Policy 8.2..... 19
- Responses Demonstrating Noncompliance of the Proposed PUD Amendment with LDC Sec. 86-47 Review Criteria..... 29
- Summary Findings and Conclusions..... 46
- Appendix A: Mr. Norsoph’s Qualifications

## INTRODUCTION AND SUMMARY OF FINDINGS

This report is prepared on-behalf of the North Venice Neighborhood Alliance, Inc. and Venetian Golf & River Club Property Owners Association, Inc., and they are referred in this report, as NVNA & VGRC, related to the proposed Milano PUD amendment for development of a 10.42-acre commercial tract, also referred to as The Village at Laurel and Jacaranda.

The applicant is Border and Jacaranda Holdings, LLC, and proposes to amend the PUD to construct a 70,240 square foot strip commercial center at the intersection of Laurel Road and Jacaranda Boulevard with grocery store, fast-food restaurant with drive-thru window and other support retail uses.

It is important to note that the previous PUD approval did not include or anticipate commercial development as stated on the Binding Master Plan “Commercial none”. The applicant has also filed a proposed Site Plan for the proposed commercial development, which is apparently on hold.

Milano history as stated by the Applicant:

*“The Milano PUD is 503.9 +/- acre property located south of Laurel Road, north of Border Road, and bisected by the Jacaranda Boulevard Extension. The property is located within the Northeast Neighborhood of the Comprehensive Plan and has a Future Land Use Designation of Mixed Use Residential (MUR). The Milano PUD approved by Ordinance No. 2017-25 is a residential community consisting of detached single-family homes, paired villas, multi-family homes, amenity centers and open space. The density approved for the Milano PUD is up to 1,350 dwelling units.”*

The proposed PUD amendment, as stated by the Applicant, and its location as shown in the PUD application (Exhibit A, area outlined in orange) is as follows:

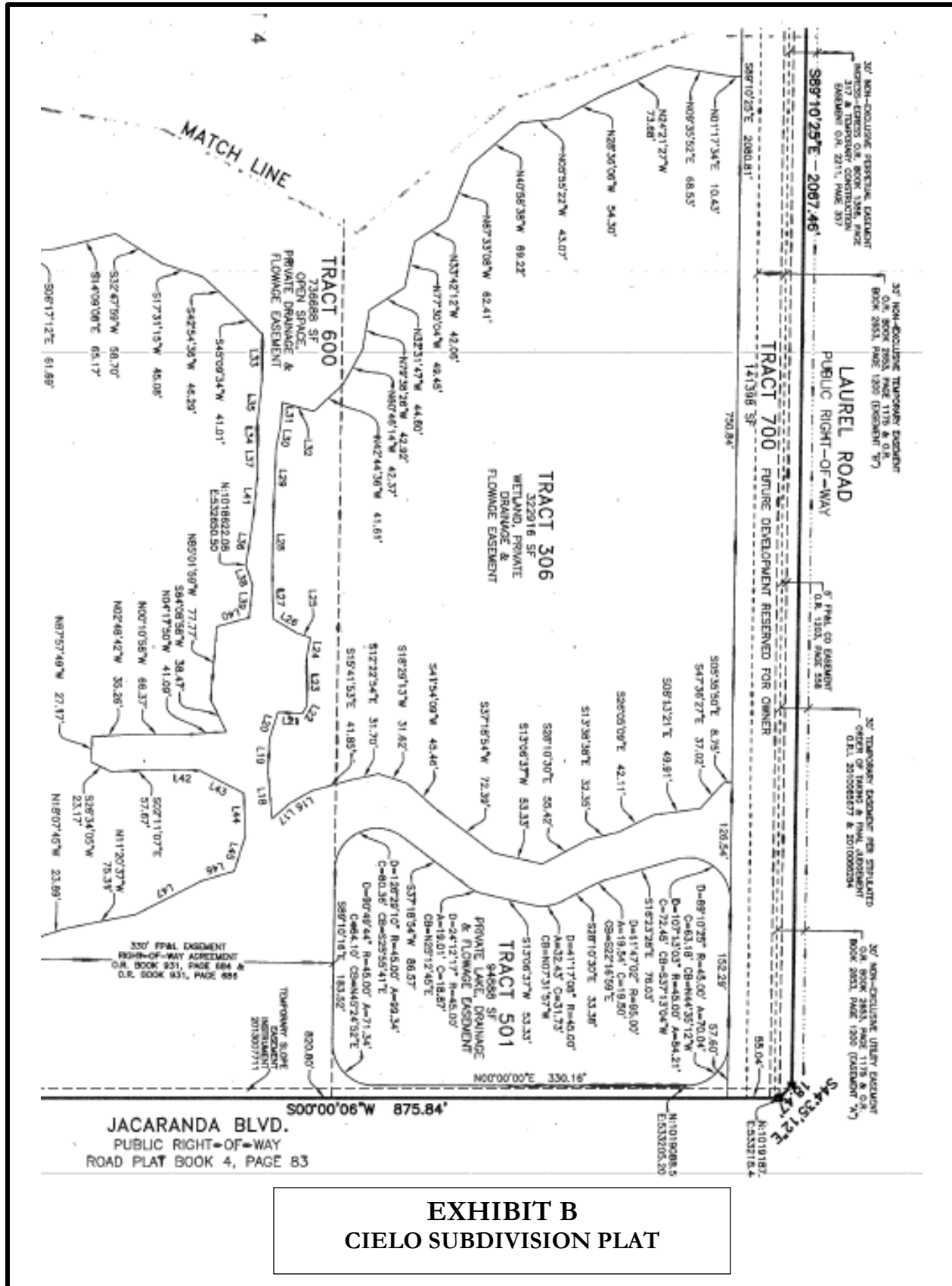
*“This amendment to the Milano PUD proposes to re-designate a 10.42 acre parcel at the southwest corner of the Jacaranda Boulevard and Laurel Road, within the Milano PUD, from Open Space to Commercial, to add access points for the Commercial parcel and establish development standards for the Commercial parcel. The proposed Commercial designated parcel will allow for the provision of various retail and service uses to meet the needs of the neighborhood while reducing trip lengths and increasing multi-modal accessibility to such services for the neighbors. The PUD requirement for a minimum of 50% Open Space will continue to be maintained.”*

The Milano PUD is made up of the Milano, Cielo, Aria and Fiore subdivisions. The last to have its final approval was Fiore. The PUD Amendment site is located within a portion of the Cielo subdivision plat as shown on Exhibit B. The subdivision tracts and platted uses related to the proposed commercial development site are as follows:

- Tract 600: Open space, Private Drainage & Flowage Easement.
- Tract 501: Private Lake, Drainage & Flowage Easement.
- Tract 306: Wetland, Private Drainage & Flowage Easement



**EXHIBIT A  
 PROPOSED PUD AMENDMENT AREA**



**EXHIBIT B**  
**CIELO SUBDIVISION PLAT**

## SUMMARY OF FINDINGS

The Applicant has claimed that the proposed PUD amendment is consistent with the 2017 Comprehensive Plan; however, this report will, as well as the Planning Commission recommendations for denial, demonstrates that the proposed amendment is not consistent with *Land Use Element LU 1.2.16 and LU 1.2.17* in respect to density and open space; *LUE Northeast Neighborhood Element LUNE 1.1.1 C*, with respect to open space; *Land Use Element Intent LU 4.1*, with respect to transitional strategies related to Policy 8.2 compatibility and compatibility review criteria; and with *Open Space Element OS 1, OS 1.2, OS 1.3, OS 1.4, OS 1.5 and OS 1.6* with respect to open space uses, wetlands, native habitats, open space corridors and preservation of open spaces.

This report and the Planning Commission recommendations for denial also demonstrate that the proposed PUD amendment does not meet a number of Planned Unit Development (PUD) review criteria in the Land Development Code (LDC).

Key points and findings for denial are summarized below and are further supported by relevant findings of facts by the Planning Commission recommendation for denial that are highlighted in bold.

The amendment is inconsistent with the Comprehensive Plan as noted below:

- That the Visions, Intents and Strategies in the Comprehensive Plan take precedence over any Land Development Code requirements, interpretations or past practices. Further, pursuant to LDC Sec. 86-32. Legal significance of the comprehensive plan. *No development order shall be issued under the provisions of the LDC unless determined to be consistent with the comprehensive plan.*

### **PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- That as noted by the Planning Commission recommendation for denial, the proposed amendment inconsistent with Policy 8.2 “*Ensure that the character and design of infill and new development are compatible with existing neighborhoods.*” Policy 8.2 contains compatibility criteria that include land use and density and intensity, character or type of use proposed, protection of single-family neighborhoods from intrusion of incompatible uses, prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses, densities and intensities of proposed uses as compared to the densities and intensities of existing uses and lowering density or intensity of land uses to transition between different uses.. The PUD amendment fails to meet these Policy 8.2 compatibility review criteria.

### **PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2. and its related compatibility review criteria**
- That given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard), and intensity of development and range of retail uses the PUD amendment is not consistent with the Comprehensive Plan pursuant to Strategy LU 1.2.16

Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

- That pursuant to the City’s consultant Wade Trim the proposed PUD amendment is not consistent or compliant with OS 1.3.1, OS 1.4.2, and OS 1.4.3.

Earth Resources (Wade Trim’s subconsultant), pursuant to OS 3.1.1, stated in a March 16 memo that *“The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/ or alternative site analysis.”*

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**

- That the proposed amendment is not consistent with OS 1.3.2, as avoidance of wetland impacts is the primary goal. Neither the Applicant’s consultant or Wade Trim identified measures that would enhance the quality of the wetland, as opposed to its elimination.

As noted previously, Earth Resources (Wade Trim’s subconsultant), pursuant to OS 3.1.1, stated in a March 16 memo that *“The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/ or alternative site analysis.”*

The amendment does not comply with a number of PUD rezoning review criteria as described below:

- That the PUD amendment seeks to eliminate a freshwater marsh wetland and its related habitat and eliminate open space that were required to be placed under restrictive covenants pursuant to LDC Sec. 86-130(j). To-date these restrictive covenants have not been recorded. Further, portions of these areas are also shown as open space on the PUD Master Plan. The Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted.

The restrictive covenants on the wetland and open space should have been placed at that time; hence the current PUD approval is not in compliance with Sec. 86-130(j). Clearly, the purpose and effect of the LDC requirements was to protect the wetlands and open spaces. It is important to note that the current LDR reinforces this clear intent as to the covenant requirement as stated below:

*2.2.4.4. Planned Districts Open Space/ Common Area Standards*

***D. Open Space General Requirements.*** *All land in a PUD designated as open space at the time of PUD approval will be restricted at the time of the recording of each final plat by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.*

- That granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on lake area, open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan or LDC Sec. 86-130(j).
- That the proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development as there is no other adjacent commercial development. No commercial development was approved for or anticipated in the 2017 Binding Master Plan. The Binding Master Plan states “Commercial none”. Commercial uses were to be defined at the time of the PUD approval not later as much of Milano is already developed and platted.

Further, the Master Plan states “where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space.” There was no mention of an option to convert any open space to additional residential uses or any commercial use.

Approval of this amendment would set a precedent for encouraging expansion of strip commercial along Laurel Road.

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
  - **Commercial activity will not be limited to the Milano PUD.**
  - **Compelling evidence for changing conditions was not presented.**
  - **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**
- The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated in this report.

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- That given its location at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard, and intensity of development and range of retail uses the PUD amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* and LDC Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*



**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
  - **Commercial activity will not be limited to the Milano PUD.**
  - **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**
- That based on the intensity and uses analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), such development would capture customers from outside of Milano. In fact, the traffic study included capture from adjacent neighborhoods beyond Milano. Therefore, it is not compliant with Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
  - **Congestion may be increased excessively by this proposal.**
- That there are conveniently located commercial centers in the area within 2.3-2.9 miles of this proposed development.

**PC findings for recommending denial:**

- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**
- **Compelling evidence for changing conditions was not presented.**

The Applicant has failed to meet its burden of proof to demonstrate that the proposed PUD amendment is consistent with the Comprehensive Plan or complies with the standards for approval in the applicable provisions of the LDC.

Therefore, the North Venice Neighborhood Alliance, Inc. and Venetian Golf & River Club Property Owners Association, Inc. recommend that the City Council uphold the Planning Commission recommendations for Denial of the proposed PUD amendment based on the analysis presented in this report and the Planning Commission’s findings for recommending Denial as stated below:

- i. 86-130(r) – commercial activity will not be limited to the Milano PUD;
- ii. 86-130(t)(3)(a) – evidence of unified control was not clearly provided;
- iii. 86-47(f)(1)(a) – the application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2;
- iv. 86-47(f)(1)(f) – compelling evidence for changing conditions was not presented;
- v. 86-47(f)(1)(h) – congestion may be increased excessively by this proposal;
- vi. 86-47(f)(1)(n) – no substantial reasons why the property cannot be used with the existing zoning were presented; and

vii. 86-47(f)(1)(p) – compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.

Further, we recommend that prior to any consideration by the Planning Commission or City Council of any future Milano PUD amendment that the Applicant be required to meet the requirements of Sec. 86-130(j) to protect the current Cielo Subdivision platted lake and wetland via restrictive covenants.

## **RELEVANT COMPREHENSIVE PLAN AND LAND USE AND OPEN SPACE ELEMENTS VISIONS, INTENTS AND STRATEGIES**

This section focuses on identifying key Venice Strategic Plan goal, and the Comprehensive Plan Land Use (LUE) and Open Space (OSE) Elements Visions, Intents and Strategies, and definitions that will be utilized in this report in supporting denial of the proposed PUD amendment. All italicized text are direct quotes from the Comp Plan LUE and OSE. Some Comp Plan LUE and OSE Visions, Intents and Strategies, and definitions are highlighted for emphasis.

### **VENICE STRATEGIC PLAN FOR FISCAL YEAR ENDING SEPTEMBER 30, 2023.**

*Goal Six: Preserve the Venice Quality of Life through Proper Planning*

*Policy 1: Ensure adherence to the comprehensive plan when reviewing land development applications.*

### **COMPREHENSIVE PLAN**

#### **Compatibility Intent and Strategies**

The Comp Plan Land Use Element (LUE) has compatibility and other criteria to address a development's sensitivity to neighborhoods. The main emphasis throughout the Comp Plan LUE Visions, Intents and Strategies is compatibility with neighborhoods. These visions, intents and strategies place compatibility and environmental sensitivity as the higher criteria to be utilized in the consideration of approval of any proposed PUD amendment review. Achieving compatibility and consistency with the Comp Plan LUE is required and serves in the best interest of the City. The Comp Plan defines compatibility as follows:

#### **Definition of Compatible**

*“Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.”*

#### **Relevant LUE Visions, Intents and Strategies**

In addition to the various compatibility intents and strategies previously enumerated, the following relevant Comp Plan LUE and OSE Visions, Intents and Strategies are key considerations in the review of this PUD rezoning. The LUE and OSE are located in Section III of the Comp Plan.

From the development of the Comp Plan community outreach. “What We Heard... Summary Public Comments” is the following goal:

- *Protect the City's environmental and natural resources, and encourage retention of open space for functional and conservation purposes.*

### **SECTION III- ELEMENT-LAND USE**

*Neighborhoods are an integral part of the City and as such, the City has created Neighborhood Planning Strategies. Neighborhoods form the backbone of the community. Quality neighborhood planning and development identifies and capitalizes on the assets of the neighborhood and the City of Venice as a whole.*

***Vision LU 1- The City of Venice envisions a development pattern that balances the economic, social, historical and environmental needs of the community and that preserves the high quality-of-life for all residents.***

#### ***Neighborhoods***

##### ***Intent LU 1.1 - Neighborhoods.***

*The intent of the neighborhood planning approach is to link a variety of efforts to improve the City's neighborhoods in a broad-based way respecting and incorporating the different aspects of community life (residential, commercial, public, recreational) and to provide a method for addressing development issues within the City.*

##### ***Strategy LU 1.1.1 - Neighborhoods Established.***

*The City shall create seven (7) separate and distinct "Neighborhoods" which facilitate area specific development and redevelopment strategies. Neighborhoods are identified for reference purposes on Map LU-1. Seven (7) Neighborhoods have been identified, each including certain unique Strategies that shall apply in addition to those included in this Element. The Neighborhoods are:*

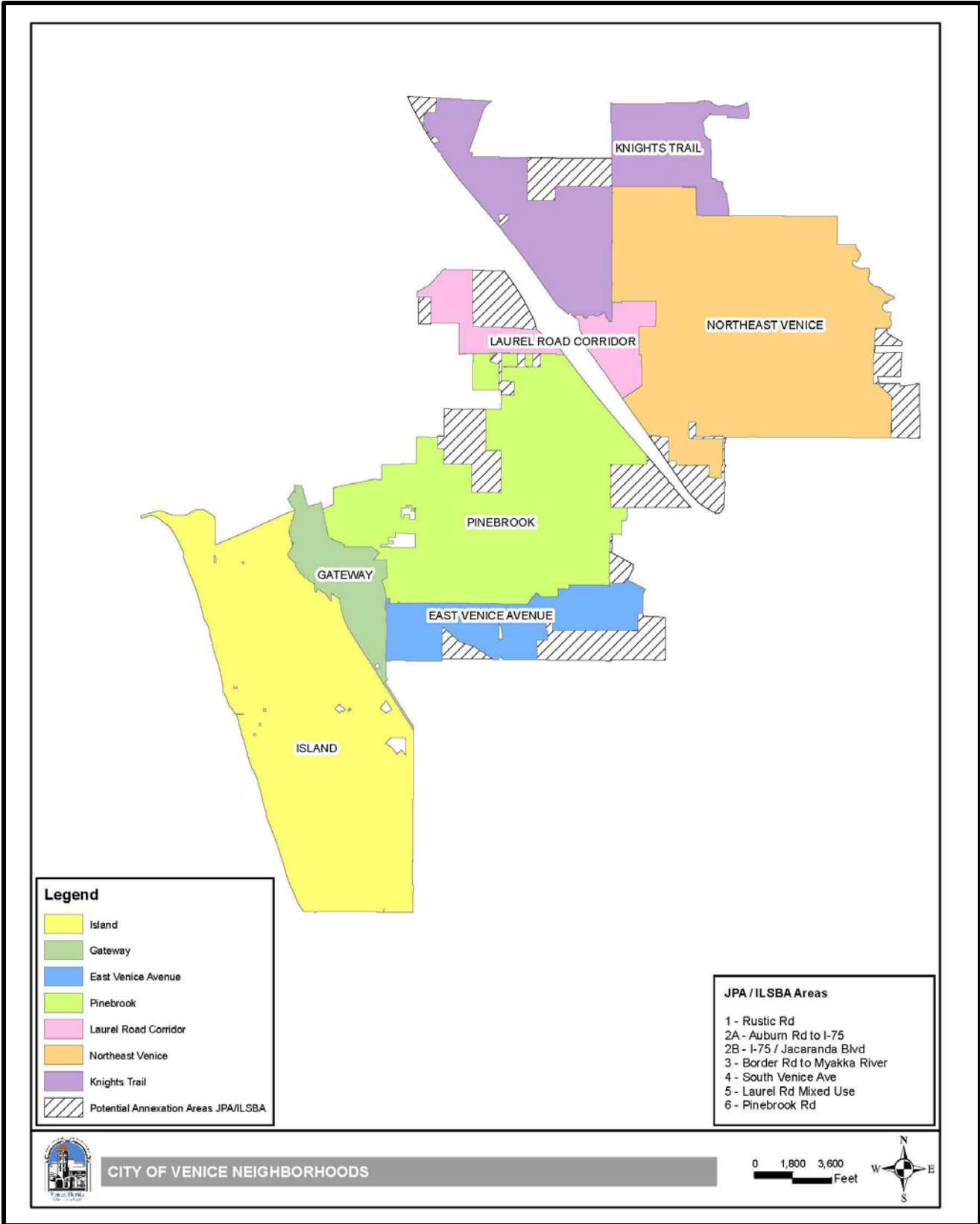
1. *The Island*
2. *Gateway*
3. *East Venice*
4. *Pinebrook*
5. *Laurel Road Corridor*
6. *Northeast Venice*
7. *Knights Trail*

The Comp Plan LUE map on the following page illustrates the location of the various Neighborhoods. The location of the Milano PUD encompasses or impacts the Laurel Road Corridor and Northeast Venice Neighborhoods.

##### ***Strategy LU 1.2.9 - Mixed Use Category.***

##### ***Strategy LU 1.2.16 - Mixed Use Residential (MUR)***

6. *Min/Max Percentages as follows:*
  - a. *Residential: 95% / 100%*
  - b. *Non-Residential: 0% / 5%*
  - c. *Open Space (including both Functional and Conservation): 50% (min). Open Space shall be comprised of a mix of Functional and Conservation Open Space to achieve 50%, with either type being no less than 10%. For the purposes of this Strategy, Functional Open Space may include public and or private open space.*



### **Strategy LU 1.2.16 - Mixed Use Residential (MUR)**

#### **7. Intensity/Density:**

- i. Residential Density: 1.0 – 5.0*
- ii. Non-Residential Intensity (FAR): 0.4 (average) Designation-Wide; 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-residential portion of the MUR. The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.*

### **Planning and Design Principles**

#### **Intent LU 1.3 - Planning and Design Principles.**

*The City intends to guide future development and redevelopment through planning and design principles that foster successful urban communities. The City's Future Land Use designations are intended to establish the following planning and design principles to guide the growth, development and redevelopment efforts within the City. The following Strategies are designed to help guide the City's Land Development Code and review processes.*

#### **Strategy LU 1.3.2 - Functional Neighborhoods**

*The City shall promote functional neighborhoods defined at the Planning Level which include neighborhood centers, a variety of housing types, public/civic space designed for the context of the Neighborhood and a variety of open space amenities.*

#### **Strategy LU 1.3.5 - Natural Features**

*The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole.*

### **Vision LU 4 - Land Development Code and Transition Issues**

#### **Strategy LU 4.1.1 - Transitional Language specific to Comprehensive Plan regulatory language**

*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.*
- B. Building heights and setbacks.*
- C. Character or type of use proposed.*
- D. Site and architectural mitigation design techniques.*

*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.*
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.*
- 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.*
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.*

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

- I. Providing open space, perimeter buffers, landscaping and berms.*
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.*
- K. Locating road access to minimize adverse impacts.*
- L. Adjusting building setbacks to transition between different uses.*
- M. Applying step-down or tiered building heights to transition between different uses.*
- N. Lowering density or intensity of land uses to transition between different uses.*

## **Relevant Open Space Element Visions, Intentions and Strategies**

***Vision OS 1 - The City of Venice shall effectively preserve, protect, maintain, manage and use open space.***

### ***Conservation Open Spaces***

#### ***Intent OS 1.2 - Conservation Open Spaces***

*The City shall use its Conservation Open Space to provide conserved open space for its residents and visitors.*

#### ***Strategy OS 1.2.1 - Conservation Open Space -Defined***

*Conservation Open Space includes: protected open spaces (wetland, wetland buffers, coastal and riverine habitats), preserves, native habitats including those of endangered or threatened species or species of special concern, wildlife corridors, natural lands owned and managed by the City, Sarasota County, State (i.e. FDEP, SWFWMD) or a Federal Agency that do not qualify as Functional Open Space; rivers, lakes, and other surface waters, and aquifer recharge areas. Conservation Open Spaces are envisioned to enhance the quality of the environment by preserving native vegetation that helps to reduce greenhouse gas/ carbon emissions, positively impacting climate change. It is important to acknowledge there may be open spaces that provide both functional and conservation activities e.g. walking trails around water retention facilities.*

#### ***Strategy OS 1.2.2 - Environmental Impact Mitigation***

*The City shall utilize the Land Development Code and review processes to ensure that development projects evaluate potential environmental impacts and provide mitigation for negative impacts. Development shall not adversely impact any threatened or endangered species or species of special concern without appropriate permitting and/ or mitigation.*

## **Wetlands**

### **Intent OS 1.3 - Wetlands**

*The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.*

#### **Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection**

*The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:*

- 1. Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.*
- 2. Requiring development to first avoid impact to wetlands and aquifer recharge areas.*
- 3. Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.*
- 4. Limiting activities / uses that are known to adversely impact such areas.*
- 5. Restoring / mitigating wetlands in connection with new development.*
- 6. Maintaining the natural flow of water within and through contiguous wetlands and water bodies.*
- 7. Maintaining existing vegetation to serve as buffers to protect the function and values of the wetlands from the adverse impacts of adjacent development.*
- 8. Requiring any wetland mitigation be based upon the most current state-approved methodology.*
- 9. Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies.*
- 10. Coordinating with Sarasota County, Federal, and State review agencies on wetland designation, mitigation policies, and regulations.*

#### **Strategy OS 1.3.2 - Wetland Encroachments**

*The City shall require development to identify and delineate wetland boundaries with final wetland delineations to be reviewed and approved by the applicable federal and state review agencies.*

### **Native Habitats, Conservation Lands, and Natural Resources**

#### **Intent OS 1.4 - Native Habitats, Conservation Lands, and Natural Resources**

*The City recognizes the importance of its native lands and habitats and shall implement preservation strategies that protect native habitats, conserve environmental lands and natural resources, minimize environmental pollution, and increase public awareness of the harmful effects of non-native species.*

#### **Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources**

*The City shall protect significant native habitats through its Land Development Code and review process including the following:*

- 1. Preserve existing native vegetation and natural areas including threatened native habitats.*
- 2. Encourage development forms that provide protection of significant native habitats such as clustered development and alternative roadway designs (i.e., reduced rights-of-way).*



3. *Development shall first avoid impact to significant native habitats.*
4. *Mitigate adverse impacts whenever areas of native habitats are involved in the development of property.*
5. *Require development to first impact lower quality habitats and resources before impacts to higher quality habitats and resources are considered and used.*
6. *Native habitat shall be used whenever possible to fulfill open space requirements.*
7. *Protect environmentally sensitive/ significant areas (i.e., floodplain, watersheds, water recharge areas, etc).*

**Strategy OS 1.4.3 - Endangered or Threatened Species**

*The City shall protect threatened or endangered native species by requiring that proposed new development and redevelopment (where applicable) be examined for location of Listed Species. The City through its Land Development Code and review processes, will:*

1. *Coordinate with Sarasota County, Federal, and State agencies for the identification and protection of endangered and threatened species.*
2. *Require applicants to consult with the appropriate agencies, to use recognized sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or their habitat.*
  - a. *If endangered or threatened species, or species of special concern are found, such species' habitat shall be identified on the proposed site plan and a plan for mitigation shall be discussed in the site plan narrative.*
  - b. *Such information shall be addressed through the project staff report.*
3. *Coordinate with Sarasota County Environmental Protection Programs including, but not limited to, those regarding preservation and or permitting requirements.*
4. *Promote connectivity and minimize habitat fragmentation.*

**Unique Habitats**

**Intent OS 1.5 - Unique Habitats**

*The City recognizes the importance of its unique habitats and shall implement preservation strategies that protect and conserve their environments consistent with applicable laws and regulations.*

**NORTHEAST NEIGHBORHOOD**

**Strategy OS-NE 1.1.5 - Wildlife Corridors**

*The City shall minimize habitat fragmentation within and between developments by establishing standards in the Planning and Development review process including the Land Development Code, including the following:*

- A. *Restricting fragmentation of large natural plant communities which provide significant wildlife habitat and habitat connectivity.*
- B. *Use of development techniques such as clustering to protect environmentally sensitive areas.*

## RELEVANT CHAPTER 86 LAND DEVELOPMENT CODE (LDC) PUD REVIEW CRITERIA

This section will identify relevant LDC criteria and requirements contained in Article IV Development Review, Article V Use Regulations.

### ***Sec. 86-130. PUD planned unit development district.***

(b) *Permitted principal uses and structures.* Permitted principal uses and structures in PUD districts are:

(8) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.*

(j) *Land use intensity; open space; dedication of land for municipal uses.*

(3) *Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.*

(r) *Commercial uses. Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.*

### ***Sec. 86-231. Plat requirements.***

(c) *Format; required information.*

(2) *Final plat*

*n. Signature and acknowledgement of the owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon. (See exhibit 1 to Ordinance No. 2018-28.)*

## RESPONSES DEMONSTRATING THE INCONSISTENCY OF THE PROPOSED PUD AMENDMENT WITH COMPREHENSIVE PLAN LUE POLICY 8.2

The following analysis provides rebuttal to the Applicant's responses to LUE-LU-4 Policy 8.2 Land Use Compatibility Review Procedures, which states: *Ensure that the character and design of infill and new development are compatible with existing neighborhoods.* This analysis and rebuttal are further supported by the Planning Commission's findings in their recommendations for denial, that ***"The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2."***

Therefore, the PUD amendment does not meet Policy 8.2 compatibility criteria **A, C, E, F, H, I and N** as highlighted below. It is important to note that the Policy 8.2 review criteria are also interrelated with LDC Sec. 86-47 PUD review criteria. Therefore, additional relevant Planning Commission findings for recommending denial related to Sec 86-47 are highlighted in bold.

### Policy 8.2

*"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's Response:

The proposed 10.42 acre commercial designated parcel is limited to 2% of the 503.9 acre PUD, or 40% of the maximum commercial permitted in the PUD. The provision of commercial services in the area will limit trip lengths and allow for multimodal connection to those services by the neighborhood and other nearby properties. The commercial parcel is located so as to mitigate impacts to adjacent and nearby properties with separation from surrounding properties by an FPL easement (south), open space (west), Laurel Road (north) and Jacaranda Boulevard (east).

##### NVNA & VGRC Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such as commercial, and therefore, was deemed consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development, as there are no other adjacent commercial developments. The commercial center is located at the intersection of Laurel Road and Jacaranda Boulevard and is clearly designed to attract customers from adjacent neighborhoods beyond Milano.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated in this report.

The intensity and uses analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), demonstrate such uses would capture customers outside of Milano. The Applicant's traffic study included capture from neighborhoods beyond Milano.

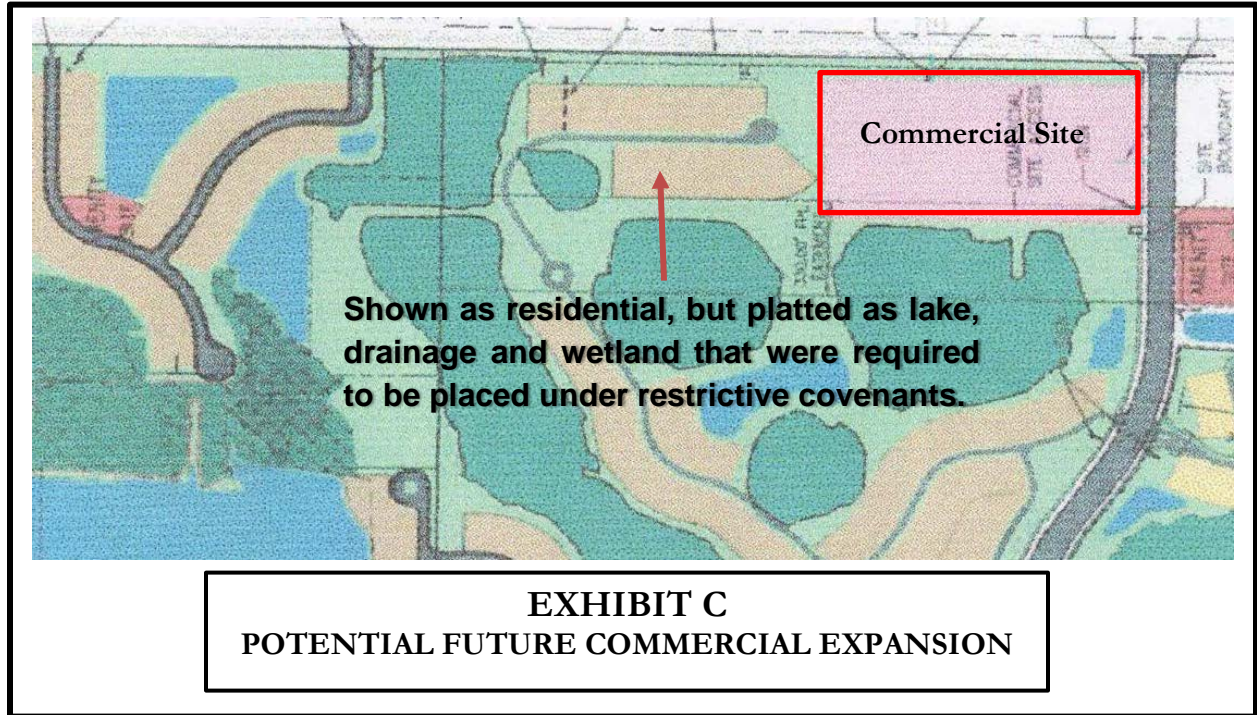
Clearly such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

Given its location at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard, and development intensity and range of retail uses it is not consistent with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* or complies with LDC Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Approval of this isolated strip commercial center would set a precedent for future strip commercial development along Laurel Road. Exhibit C illustrates that an existing unplatted residential pod, which is actually located on a platted tract designated as lake and wetland within the PUD, which could be converted to commercial use.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **Congestion may be increased excessively by this proposal.**
- **Compelling evidence for changing conditions was not presented.**



C. *Character or type of use proposed.*

**Applicant's Initial Response:**

The proposed commercial use is compatible with the surrounding neighborhood, consistent with development patterns in the area, and will provide convenient access to commercial services for the neighborhood.

**Applicant's Response Staff Comments Re: Sec. 86-130(b)(8):**

The proposed uses are clearly neighborhood commercial uses. Regional commercial uses would be similar to those found at or near the Jacaranda Boulevard and US 41 intersection south of the City of Venice, the scale of which serve a large portion of the greater Venice area, including areas within the City of Venice and within unincorporated Sarasota County. Several factors support this, including, but not limited to the fact that the International Council of Shopping Centers (ICSC) generally classifies a neighborhood center as ranging from 30,000 to 125,000 square feet typically anchored by a supermarket and serving a trade area of 3 miles. While a regional center is classified as ranging from 400,000 to 800,000 square feet typically anchored by department stores, mass merchant or fashion apparel stores with a trade area of 15 miles. As proposed the commercial center is clearly neighborhood scaled and does not approach the definition of a regional center.

### NVNA & VGRC Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to creating an isolated strip commercial development as there is no other adjacent commercial development. No commercial development was approved for or anticipated in the 2017 Binding Master Plan. The Binding Master Plan states “Commercial none”. Further, LDC Sec. 86-130(b)(8) states “*Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.*” Commercial uses were to be defined at the time of the PUD approval not later as much of Milano is already developed and platted.

Further, the Master Plan states “where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space.” There was no mention of an option to convert any open space to additional residential uses or any commercial use.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as described below.

The commercial center is located at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard. Access to the center is clearly designed from these two roads and not for internal access from the Milano development. The proposed development intensity and types of uses being requested, including but not limited to a grocery store, retail and fast-food restaurant with drive-thru window are designed to capture customers from outside Milano. Therefore, the proposed amendment is not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The proposed amendment is also not consistent with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* or complies LDC Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Based on the Applicant’s traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window: a total of 70,240 square feet), such uses would capture customers outside of Milano. The traffic study included capture from neighborhoods beyond Milano.

The proposed commercial center is a duplication of existing commercial centers. There is a center that is only 2.3 miles to the west from Jacaranda Boulevard that provides easy access for the surrounding residential areas. In addition, there is another commercial center 2.9 miles to the south

on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

Approval of this development could set a precedent to encourage future strip commercial development along Laurel Road as was illustrated in Exhibit C.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **Compelling evidence for changing conditions was not presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

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

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

**Applicant's Response:**

The proposed commercial use with its extensive separation from nearby single-family homes is compatible. Moreover, single-family neighborhoods will benefit from the provision of such services.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. There are no other adjacent commercial uses.

Based on the Applicant's traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), such uses would capture customers outside of Milano. This traffic study included capture from neighborhoods beyond Milano. Further, the Applicants' response to this criteria states *"Moreover, single-family neighborhoods will benefit from the provision of such services."*

Clearly the range of retail uses and development intensity is designed to capture customers from outside Milano, and is therefore, not compatible with the surrounding residential neighborhoods or consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard), development intensity and range of retail uses it does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible*

*with the existing and future development of adjacent and nearby lands outside the PUD or complies with LDC Sec. 86-130(r) “Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Approval of the PUD amendment would set a precedent to encourage future extension of incompatible strip commercial uses along Laurel Road and impact the adjacent residential to the west and could have negative impacts on near-by neighborhoods.

The proposed commercial center is a duplication of a commercial center use already established 2.3 miles to the west that provides convenient access for the surrounding residential areas. In addition, there is another commercial center with a commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **No substantial reasons why the property cannot be used with the existing zoning were presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

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

**Applicant’s Response:**

The proposed commercial use with its extensive separation from nearby single-family homes is compatible. Moreover, single-family neighborhoods will benefit from the provision of such services.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. There are no other adjacent commercial uses.

Based on the Applicant’s traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), such uses would capture customers outside of Milano. This traffic study included capture from neighborhoods beyond Milano.



Clearly given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard) such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* or complies with LDC Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Approval of the PUD amendment would set a precedent to encourage future extension of incompatible strip commercial uses along Laurel Road and impact the adjacent residential to the west and could have negative impacts on near-by neighborhoods.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **No substantial reasons why the property cannot be used with the existing zoning were presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

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

**Applicant’s Response:**

The intensity of the proposed use is significantly below the below the maximum intensity of commercial use which could be proposed within the PUD and due to the extensive separation from the existing residential uses, is compatible.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. There are no other adjacent commercial uses. Adjacent uses are open space, wetlands and residential.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as described herein.

Based on the Applicant's traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), such uses would capture customers outside of Milano. This traffic study included capture from neighborhoods beyond Milano.

Given its location (at the corner of two major exterior perimeter roads), development intensity and range of retail uses it does not comply with Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

The amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD or LDC Sec. 86-130(r) "Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD."*

In addition, there is an existing commercial center located 2.3 miles to the west from Jacaranda Boulevard that provides convenient access for the surrounding residential areas. There is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial needs.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **No substantial reasons why the property cannot be used with the existing zoning were presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

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

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

**Applicant's Response:**

Open Space, perimeter buffering, landscaping and berms will be provided to ensure compatibility.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. The wetland and open spaces provided buffers for the adjacent residential. The elimination of the wetland may have negative impacts on the adjacent wetlands to the south.

It is important to note that the 2016 Staff report (Rezone Petition No. 16-07RZ) stated that *“The proposed site plan preserves more than 98% of wetland systems and associated upland buffers creating a significant wildlife corridor systems throughout the project area.”* Pursuant to the report prepared by Wade Trim for the City, their report states that the Kimley Horn (KHA) report *“does not consider all wetland impacts and is not first avoiding, minimizing, or mitigating for all impacts or otherwise limiting activities of adverse impact or restoring wetlands in connection with the new development. Moreover, the KHA report does not document maintenance of natural flow to contiguous wetlands or water bodies, or maintenance of existing vegetation as buffers (6 and 7).”*

Further, pursuant to OS 3.1.1, Earth Resources (Wade Trim’s subconsultant) stated in a March 16 memo that *“The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/or alternative site analysis.”*

The elimination of the wetland and open space is not consistent with the City’s community outreach comments to *“Protect the City’s environmental and natural resources, and encourage retention of open space for functional and conservation purposes.”*, and is not consistent with a number of Comp Plan Visions, Intents and Strategies such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources.

Further, the previous PUD approval was subject to the requirements of Sec. 86-130(j) *Land use intensity; open space; dedication of land for municipal uses.*

- (3) *Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.*

To-date no restrictive covenants have been recorded. The final plat for the Cielo Subdivision was approved on December 10, 2019, and the final plats for all other portions of the PUD have been platted as well. It was clearly the intent of Sec. 86-130(j) to require such restrictive covenants be recorded at that time and not summarily ignored until this current amendment request. Therefore, the current PUD is not in compliance with the requirement of Sec. 86-130(j) or Sec. 86-231(c)(2)(n).

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1.**

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

**Applicant’s Response:**

The proposed intensity of the commercial parcel combined with the setback and buffering requirements will ensure an appropriate transition between land uses.

### NVNA & VGRC Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in the intensity of land use from passive open space and wetlands to an isolated intensive strip commercial, as there are no other adjacent commercial uses. Adjacent uses are open space, wetlands and residential. The Milano residential pod to the west is currently adjacent to open space; but now will be negatively impacted by the extension of incompatible strip commercial development along Laurel Road. This is not an appropriate transition to the adjacent residential.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as described herein.

The commercial center is located at the corner of two major exterior perimeter roads (Laurel Road and Jacaranda Boulevard) and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. Further, access to the development would be either from Laurel Road or Jacaranda Boulevard with no access internal to Milano.

The intensity and uses proposed would clearly capture customers outside of Milano as verified by the traffic study that included capture from neighborhoods beyond Milano.

Given its location, range of retail uses and scale of development it is not consistent with Comprehensive Plan Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The PUD amendment does comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* or complies with LDC Sec. 86-130(r) *“Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

### **PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **Congestion may be increased excessively by this proposal.**
- **Compelling evidence for changing conditions was not presented.**

**RESPONSES DEMONSTRATING NONCOMPLIANCE**  
**OF THE PROPOSED PUD AMENDMENT**  
**WITH LDC SEC. 86-47 REVIEW CRITERIA**

The following analysis provides rebuttal to the Applicant’s responses to Sec. 86-47 and demonstrates that the proposed amendment is not consistent with Comprehensive Plan or LDC review criteria. This analysis and rebuttal are also supported by the Planning Commission’s recommendations for denial. Relevant Planning Commission findings related to the criteria are highlighted in bold.

It is important to note that the Planning Commission found that the proposed amendment is **inconsistent with the intent of Comprehensive Plan Strategy LU 4.1.1, specifically Policy 8.2 and therefore, inconsistent with Policy 8.2 compatibility review criteria.** The relevant Policy 8.2 compatibility criteria are as follows:

- A. Land use and density and intensity.
- C. Character or type of use proposed.
- E. Protection of single-family neighborhoods from intrusion of incompatible uses.
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
- I. Providing open space, perimeter buffers, landscaping and berms.
- N. Lowering density or intensity of land uses to transition between different uses.

These compatibility review criteria are interrelated with the LDC Sec. 86-47 PUD review criteria. The related Policy 8.2 criteria are highlighted in brackets

**Sec. 86-47. Amendments to the land development code.**

(f) *Contents of planning commission report.*

- (1) *Rezoning amendments.* 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:
  - a. Whether the proposed change is in conformity to the comprehensive plan.

**Applicant’s Response:**

The proposed PUD amendment is consistent with all applicable elements of the Comprehensive Plan.

**NVNA & VGRC Response:**

The proposed amendment is not consistent with Policy 8.2 as previously demonstrated and is not consistent with the Comprehensive Plan. It significantly changes the intensity of land uses by eliminating open space and wetland and developing intensive isolated strip commercial development along Laurel Road and adjacent to single-family residential.

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies, and Comp Plan OSE Vision, Intent and Strategies. The following are key, but not all relevant Vision, Intent and Strategies, all of which are described in the Relevant Land Use and Open Space Elements section of this report.

### **LUE Vision, Intent and Strategies**

“What We Heard... Summary Public Comments”

- *Protect the City’s environmental and natural resources, and encourage retention of open space for functional and conservation purposes.*

### **Strategy LU 1.2.16 - Mixed Use Residential (MUR)**

#### **7. Intensity/Density:**

- a. *Residential Density: 1.0 – 5.0*
- b. *Non-Residential Intensity (FAR): 0.4 (average) Designation-Wide; 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-residential portion of the MUR. The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.*

### **Planning and Design Principles**

#### **Strategy LU 1.3.5 - Natural Features**

*The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole.*

#### **Vision LU 4 - Land Development Code and Transition Issues**

*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.*
- B. *Building heights and setbacks.*
- C. *Character or type of use proposed.*
- D. *Site and architectural mitigation design techniques.*

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

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

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

- I. *Providing open space, perimeter buffers, landscaping and berms.*
- J. *Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.*
- K. *Locating road access to minimize adverse impacts.*
- L. *Adjusting building setbacks to transition between different uses.*
- M. *Applying step-down or tiered building heights to transition between different uses.*
- N. *Lowering density or intensity of land uses to transition between different uses.*

***Vision OS 1 - The City of Venice shall effectively preserve, protect, maintain, manage and use open space.***

### ***Conservation Open Spaces***

#### ***Strategy OS 1.2.2 - Environmental Impact Mitigation***

*The City shall utilize the Land Development Code and review processes to ensure that development projects evaluate potential environmental impacts and provide mitigation for negative impacts. Development shall not adversely impact any threatened or endangered species or species of special concern without appropriate permitting and/or mitigation.*

### ***Wetlands***

#### ***Intent OS 1.3 - Wetlands***

***The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.***

#### ***Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection***

*The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:*

1. *Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.*
2. *Requiring development to first avoid impact to wetlands and aquifer recharge areas.*
3. *Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.*
9. *Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies*

#### ***Strategy OS 1.3.2 - Wetland Encroachments***

*The City shall require development to identify and delineate wetland boundaries with final wetland delineations to be reviewed and approved by the applicable federal and state review agencies.*

### ***Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources***

*The City shall protect significant native habitats through its Land Development Code and review process including the following:*

1. *Preserve existing native vegetation and natural areas including threatened native habitats.*
2. *Encourage development forms that provide protection of significant native habitats such as clustered development and alternative roadway designs (i.e., reduced rights-of-way).*
3. *Development shall first avoid impact to significant native habitats.*
4. *Mitigate adverse impacts whenever areas of native habitats are involved in the development of property.*
5. *Require development to first impact lower quality habitats and resources before impacts to higher quality habitats and resources are considered and used.*
6. *Native habitat shall be used whenever possible to fulfill open space requirements.*
7. *Protect environmentally sensitive/significant areas (i.e., floodplain, watersheds, water recharge areas, etc).*

#### **Additional NVNA & VGRC Responses:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The Binding Master Plan states “Commercial none”. LDC Sec. 86-130(b)(8) states “*Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.*” Commercial uses were to be defined at the time of the PUD approval and not later as much of Milano is already developed and platted.

Further, the Master Plan states “*where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space.*” There was no mention of an option to convert any open space to additional residential uses or any commercial use.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as presented below.

The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located at the intersection of Laurel Road and Jacaranda Boulevard and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. Access is not internal to Milano, but via Laurel Road or Jacaranda Boulevard.



Based on the Applicant's traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window: a total of 70,240 square feet), such uses would capture customers outside of Milano. The traffic study included capture from neighborhoods beyond Milano. Further, the Applicants' response to Policy 8.2 criteria E., states *"Moreover, single-family neighborhoods will benefit from the provision of such services."*

Given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard), intensity and range of retail uses the PUD amendment is not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

The amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD or complies with LDC Sec. 86-130(r) "Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD."*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. There is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

The proposed amendment requires the elimination open space and wetlands which are required to be protected via restrictive covenants and does not meet the requirements of the LDC. These wetlands and open spaces provide buffers for the adjacent residential.

Peer review conducted by the City's consultant Wade Trim of the Applicant's environmental report determined that the proposed PUD amendment is not consistent or complaint with OS 1.3.1, OS 1.4.2, and OS 1.4.3. Further, pursuant to the report prepared by Wade Trim for the City, their report states that the Kimley Horn (KHA) report *"does not consider all wetland impacts and is not first avoiding, minimizing, or mitigating for all impacts or otherwise limiting activities of adverse impact or restoring wetlands in connection with the new development. Moreover, the KHA report does not document maintenance of natural flow to contiguous wetlands or water bodies, or maintenance of existing vegetation as buffers (6 and 7)."*

Further, pursuant to OS 1.3.1, Earth Resources (Wade Trim's subconsultant) stated in a March 16 memo that *"The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/or alternative site analysis."*

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**

b. The existing land use pattern. [Related Policy 8.2 criteria: A, C and E]

**Applicant's Initial Response:**

The proposed change will provide a convenient location for commercial services to the neighborhood while providing extensive separation from the surrounding neighbors to ensure compatibility with the neighborhood.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

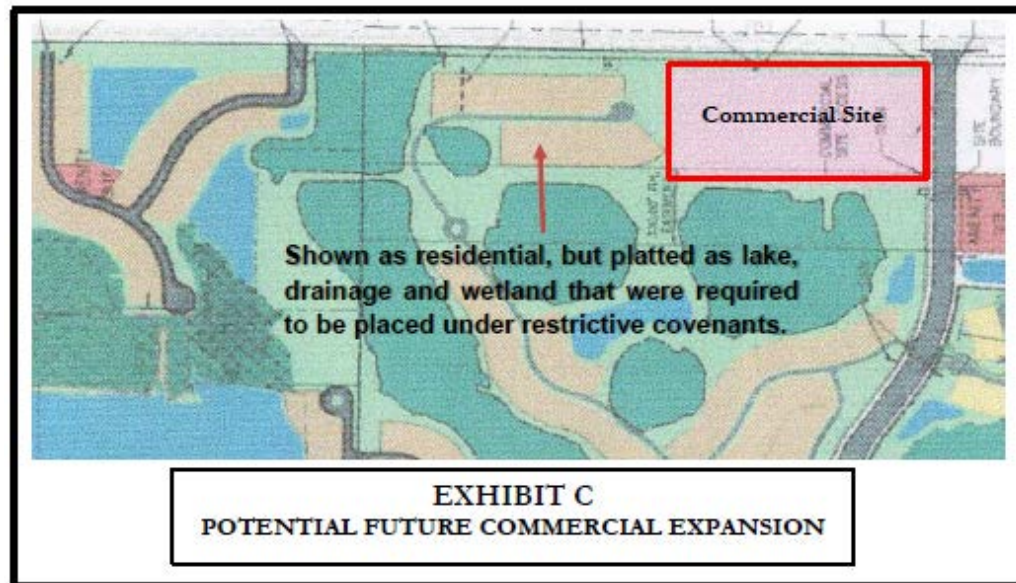
The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located at the intersection of Laurel Road and Jacaranda Boulevard and is clearly designed to attract customers from adjacent neighborhoods beyond Milano.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as presented below.

The intensity of development and range of retail uses being requested include grocery and fast-food restaurant with drive-thru window both of which would capture customers outside of Milano, therefore, the amendment is not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Based on the Applicant's traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window: totaling 70,240 square feet). Such uses would capture customers outside of Milano. The Applicant's traffic study included capture from neighborhoods beyond Milano.

Given its location, intensity and range of retail uses the PUD amendment is not consistent with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* or complies with LDC Sec. 86-130(r) “*Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.*”



Approval of this isolated commercial development could set a precedent for future commercial expansion along Laurel Road. Exhibit C illustrates a potential site for commercial expansion.

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

As noted in previous NVNA & VGRC Responses, the platted open spaces and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval and Sec. 86-130 (j). To-date, this requirement has not been met.

- c. Possible creation of an isolated district unrelated to adjacent and nearby districts. [Related Policy 8.2 criteria: A, C, E and F]

**Applicant’s Response:**

The proposed change will not change the zoning designation and therefore, will

not create an isolated district unrelated to adjacent and nearby district.

**NVNA & VGRC Response:**

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to an isolated intensive strip commercial development along Laurel Road. This commercial center is not located adjacent to any other commercial development. Approval of the amendment would set a precedent for encouraging future expansion of strip commercial development along Laurel Road.

**PC findings for recommending denial:**

- **Compelling evidence for changing conditions was not presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

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

**Applicant's Response:**

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

**NVNA & VGRC Response:**

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. This amendment creates an isolated commercial center located. This site is not located adjacent to any other commercial development.

- f. Whether changed or changing conditions make the passage of the proposed amendment necessary. [Related Policy 8.2 criteria: C, E and F]

**Applicant's Response:**

The need for commercial services in close proximity to the neighborhood in order to limit required vehicle trip lengths currently required to obtain such services makes the proposed change necessary.

**NVNA & VGRC Response:**

The Applicant's response to the above is a clear intent to service surrounding neighborhoods and not just Milano. Therefore, given the location and scale of potential development and range of retail uses proposed commercial development is designed to capture customers beyond the limits of Milano neighborhood as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes."*

The proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses and another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods.

**PC findings for recommending denial:**

- **Compelling evidence for changing conditions was not presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

- g. Whether the proposed change will adversely influence living conditions in the neighborhood. [Related Policy 8.2 criteria: A, C, E, F, H and I]

**Applicant's Response:**

The proposed change will not adversely influence living conditions in the neighborhood, in fact, the change will provide a positive benefit to neighbors.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The amendment significantly changes the intensity of land uses by eliminating open space and wetland and developing an isolated intensive strip commercial development along Laurel Road and Jacaranda Boulevard. Such significant change could have compatibility impacts on adjacent and near-by neighborhoods.

LDC Sec. 86-130(r) states *Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.* The proposed amendment does not comply with the above requirements, as it locates the commercial center at the corner of Laurel Road and Jacaranda Boulevard that creates an isolated strip commercial development.

Approval of this amendment would set a precedent to encourage future strip commercial uses along Laurel Road. Such significant change could have compatibility impacts on adjacent and near-by neighborhoods.

Given the location (at the corner of two major exterior perimeter roads), range of retail uses and scale of development the proposed commercial development is clearly design and intended to capture customers from outside Milano as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for*

*neighborhood scale and serving uses; not for regional purposes.”* Even the Applicant’s traffic study references capture from neighborhoods outside of Milano.

**PC findings for recommending denial:**

- **Commercial activity will not be limited to the Milano PUD.**
- **Congestion may be increased excessively by this proposal.**

- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety. [Related Policy 8.2 criteria: A and C]

**Applicant’s Response:**

Applicant references the Stantec Trip Generation report.

**NVNA & VGRC Response:**

The Stantec Trip Generation study is based on a development scenario of a 47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window with driveway access to Laurel Road. This report also includes in the analysis trip capture from surrounding neighborhoods.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria.

**PC findings for recommending denial:**

- **Congestion may be increased excessively by this proposal.**

- k. Whether the proposed change will adversely affect property values in the adjacent area. [Related Policy 8.2 criteria: C, E and F]

**Applicant’s Response:**

The proposed change will not adversely affect property values in the adjacent areas and will likely increase property values due to the proximity to needed services.

**NVNA & VGRC Response:**

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to encouraging intensive strip commercial along Laurel Road. The residential lots to the west will now be adjacent to intensive commercial uses, which could impact property values. Such significant change could have compatibility impacts on near-by neighborhoods as well; and set a precedent for encouraging future expansion of strip commercial along Laurel Road.

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, the adjacent properties are currently developed or in the process of developing.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. Creating intensive strip commercial development adjacent to the residential lots to the west could impact property values. Approval of the amendment would set a precedent for encouraging future expansion of strip commercial along Laurel Road.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare. [Related Policy 8.2 criteria: A, C, F, H, I and N]

**Applicant's Response:**

The proposed change will not constitute a grant of special privilege to an individual as contrasted with the public welfare, but instead will provide a benefit to the public welfare.

**NVNA & VGRC Response:**

No commercial development was approved for or anticipated in the 2017 Binding Master Plan. The Binding Master Plan states "Commercial none". Further, the Master Plan states "where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space." There was no mention of an option to convert any open space to additional residential uses or any commercial use.

Further, LDC Sec. 86-130(b)(8) states "*Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.*" Commercial uses were to be defined at the time of the PUD approval not later as much of Milano is already developed and platted.

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive isolated strip commercial. This development would be an isolated commercial site not related to any adjacent commercial uses. Granting approval could encourage future development of strip commercial along Laurel Road.

The proposed PUD amendment seeks to eliminate a platted 6.6-acre freshwater marsh and its environmental habitat, and areas designated as wetland, pond and open space in the approved 2017 Milano PUD Binding Conceptual Site Plan. These areas were required to be protected by restrictive covenants pursuant to Sec. 86-130(j).

Clearly, the intent of the Covenant was to protect the wetlands and open spaces from development. To-date, the above referenced covenants have not been recorded as required by the Land Development Code (LDC) Sec. 86-130(j) and Sec. 86-231 (c)(2)(n). As noted, the Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted as well. Therefore, the current PUD approval is not in compliance with those requirements.

Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan, or LDC Sec. 2.2.4.4.

**PC findings for recommending denial:**

- **Compelling evidence for changing conditions was not presented.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning. [Related Policy 8.2 criteria: A, C, E and F]

**Applicant's 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.

**NVNA & VGRC Response:**

The proposed amendment creates an isolated strip commercial development with an intensity and range of uses that would capture customers beyond the Milano neighborhood as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*



The proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west and another commercial center 2.9 miles to the south on Jacaranda Boulevard both of which provide convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

Further, the proposed development requires the elimination of platted lake and wetland. The platted lake and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval and Sec. 86-130(j). Yet, to-date this requirement has not been met.

**PC findings for recommending denial:**

- **No substantial reasons why the property cannot be used with the existing zoning were presented.**
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city. [Related Policy 8.2 criteria: A, C, E, F, H and N]

**Applicant's Initial Response:**

The proposed change is not out of scale with the needs of the neighborhood or the City. In fact, the proposed 10.42-acre commercial parcel is well below the allowable 252 commercial acreage contemplated for a PUD the size of the Milano PUD.

**Applicant's Response to Staff re: Sec 130(r)**

The proposed commercial uses which are limited in type and scale are intended to serve the needs of the PUD and not the surrounding area. While areas designated for commercial activities normally shall not front on exterior or perimeter streets, in this instance, and similar to several other PUD's in the City of Venice, the location is the best for the residents of the PUD, for a number of reasons.

**NVNA & VGRC Response:**

The amendment significantly changes the intensity of land uses by eliminating open space and wetland and developing an intensive isolated strip commercial development along Laurel Road and adjacent to single-family residential to the west. Such significant change could have compatibility impacts on near-by neighborhoods as well.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated below.

Based on the Applicant's traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window: a total of 70,240 square feet), such uses would capture customers outside of Milano. The traffic study included capture from neighborhoods beyond Milano.

Clearly given its location such development intensity and range of retail uses is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The amendment also does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD or complies with LDC Sec. 86-130(r) “Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use. [Related Policy 8.2 criteria: E and F]

**Applicant’s 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.

**NVNA & VGRC Response:**

The proposed amendment changes the intensity of land use from open space and wetland to an intensive isolated strip commercial development. The Applicant claims that this is merely a PUD modification; however, no analysis has been provided to justify this change or demand for additional commercial. As noted previously there are other developed commercial sites nearby that provide commercial services.

**PC findings for recommending denial:**

- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**

- (2) *Other amendments.* When pertaining to other proposed amendments of this chapter, the planning commission shall consider and study: [It is noted that the Applicant or staff did not respond to these criteria.]
- a. The need and justification for the change.

**NVNA & VGRC Response:**

The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located at the intersection of Laurel Road and Jacaranda Boulevard and is clearly designed to attract customers from adjacent neighborhoods beyond Milano.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated below.

Clearly given its location, development intensity and range of retail uses is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD or complies with LDC Sec. 86-130(r) “Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential neighborhoods. In addition, there is another commercial center and commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies and Comp Plan OSE Vision, Intent and Strategies. such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources; and “What We Heard... Summary Public Comments” *“Protect the City’s environmental and natural resources, and encourage retention of open space for functional and conservation purposes.”* In addition, a peer review conducted by Wade Trim of the Applicant’s environmental report determined that the proposed PUD amendment is not consistent or complaint with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.

As stated, numerous times, the platted open spaces and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval. Yet this requirement has not been met.

Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities.

**PC findings for recommending denial:**

- **No substantial reasons why the property cannot be used with the existing zoning were presented.**
  - **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**
  - **Compelling evidence for changing conditions was not presented.**
- b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**NVNA & VGRC Response:**

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated below.

The amendment represents a significant change in land uses from wetland and open space to creating an isolated strip commercial development. This development is not located adjacent to other commercial uses. The commercial center is located at the intersection of Laurel Road and Jacaranda Boulevard and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The Applicant's traffic study even references capture from neighborhoods outside of Milano.

Clearly such potential range of retail uses and development intensity is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and capture of customers beyond Milano, the PUD amendment is not consistent with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD or complies LDC Sec. 86-130(r) "Commercial uses*

*located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”*

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies and Comp Plan OSE Vision, Intent and Strategies, such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources; and “What We Heard... Summary Public Comments” “*Protect the City’s environmental and natural resources and encourage retention of open space for functional and conservation purposes.*” In addition, a peer review conducted by Wade Trim of the Applicant’s environmental report determined that the proposed PUD amendment is not consistent or compliant with OS 1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.

Further, Earth Resources (Wade Trim’s subconsultant), pursuant to OS 3.1.1, stated in a March 16 memo that “The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/or alternative site analysis.”

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**

## SUMMARY FINDINGS AND CONCLUSIONS

The analysis contained in this report supports the following findings for denial and is supported by the relevant findings of facts by the Planning Commission's recommendations for denial that are highlighted in bold.

The amendment is inconsistent with the Comprehensive Plan as noted below:

- That the Visions, Intents and Strategies in the Comprehensive Plan take precedence over any Land Development Code requirements, interpretations or past practices. Further, pursuant to LDC Sec. 86-32. Legal significance of the comprehensive plan. *No development order shall be issued under the provisions of the LDC unless determined to be consistent with the comprehensive plan.*

### **PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- The amendment justifies commercial pursuant to the Comp Plan and PUD limit of 5 percent. However, such a limit is not an outright grant of development rights. Commercial must meet compatibility criteria. This amendment does not meet Comp Plan or LDC compatibility criteria as demonstrated by this report.

### **PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- That as noted by the Planning Commission recommendation for denial, the proposed amendment does not meet Policy 8.2 "*Ensure that the character and design of infill and new development are compatible with existing neighborhoods.*" Policy 8.2 compatibility criteria include land use and density and intensity, character or type of use proposed, protection of single-family neighborhoods from intrusion of incompatible uses, prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses, and densities and intensities of proposed uses as compared to the densities and intensities of existing uses. The proposed amendment does not meet these compatibility review criteria.

### **PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2. and therefore, its compatibility review criteria.**
- That given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard), and intensity of development and range of retail uses the PUD amendment is not consistent with the Comprehensive Plan pursuant to Strategy LU 1.2.16

Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

- That pursuant to the City’s consultant Wade Trim the proposed PUD amendment is not consistent or compliant with OS 1.3.1, OS 1.4.2, and OS 1.4.3.

Earth Resources (Wade Trim’s subconsultant), pursuant to OS 3.1.1, stated in a March 16 memo that *“The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/ or alternative site analysis.”*

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- That the proposed amendment is not consistent with OS 1.3.2, as avoidance of wetland impacts is the primary goal. Neither the Applicant’s consultant or Wade Trim identified measures that would enhance the quality of the wetland, as opposed to its elimination. As noted previously, Earth Resources (Wade Trim’s subconsultant), pursuant to OS 3.1.1, stated in a March 16 memo that *“The quality of the wetland is not appropriate justification for wetland impacts nor does it alleviate the need for demonstrating avoidance and minimization of wetland impacts through design modifications and/ or alternative site analysis.”*

The amendment does not comply with a number of PUD rezoning review criteria as described below:

- That the PUD amendment seeks to eliminate a freshwater marsh wetland and its related habitat and eliminate open space that were required to be placed under restrictive covenants pursuant to LDC Sec. 86-130(j). To-date these restrictive covenants have not been recorded. Further, portions of these areas are also shown as open space on the PUD Master Plan. The Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted.

The restrictive covenants on the wetland and open space should have been placed at that time; hence the current PUD approval is not in compliance with Sec. 86-130(j). Clearly, the purpose and effect of the LDC requirements was to protect the wetlands and open spaces. It is important to note that the current LDR reinforces this clear intent as to the covenant requirement as stated below:

*2.2.4.4. Planned Districts Open Space/Common Area Standards*

***D. Open Space General Requirements.*** *All land in a PUD designated as open space at the time of PUD approval will be restricted at the time of the recording of each final plat by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.*

- That granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on lake area, open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan or LDC Sec. 86-130(j).
- That the proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development as there is no other adjacent commercial development. No commercial development was approved for or anticipated in the 2017 Binding Master Plan. The Binding Master Plan states “Commercial none”. Commercial uses were to be defined at the time of the PUD approval not later as much of Milano is already developed and platted. Approval of this amendment would set a precedent for encouraging expansion of strip commercial along Laurel Road.

Further, the Master Plan states “where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space.” There was no mention of an option to convert any open space to additional residential uses or any commercial use.

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
  - **Commercial activity will not be limited to the Milano PUD.**
  - **Compelling evidence for changing conditions was not presented.**
  - **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**
- That given its location (at the corner of two major exterior perimeter roads: Laurel Road and Jacaranda Boulevard), and intensity of development and range of retail uses the PUD amendment does not comply with LDC Sec. 86-130(b) *Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD* and LDC Sec. 86-130(r) “*Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.*”

**PC findings for recommending denial:**

- **The application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2.**
- **Commercial activity will not be limited to the Milano PUD.**
- **Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.**



- That based on the intensity and uses analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot fast-food restaurant with drive-thru window totaling 70,240 square feet), such development would capture customers from outside of Milano. In fact, the traffic study included capture from adjacent neighborhoods beyond Milano.

**PC findings for recommending denial:**

- Commercial activity will not be limited to the Milano PUD.
- Congestion may be increased excessively by this proposal.
- That there are conveniently located commercial centers in the area within 2.3-2.9 miles of this proposed development.

**PC findings for recommending denial:**

- Compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.
- Compelling evidence for changing conditions was not presented.

The Applicant has failed to meet its burden of proof to demonstrate that the proposed PUD amendment is consistent with the Comprehensive Plan or complies with the standards for approval in the applicable provisions of the LDC.

Therefore, the North Venice Neighborhood Alliance, Inc. and Venetian Golf & River Club Property Owners Association, Inc. recommend that the City Council uphold the Planning Commission recommendations for Denial of the proposed PUD amendment based on the analysis presented in this report and the Planning Commission’s findings for recommending Denial as stated below:

- i. 86-130(r) – commercial activity will not be limited to the Milano PUD;
- ii. 86-130(t)(3)(a) – evidence of unified control was not clearly provided;
- iii. 86-47(f)(1)(a) – the application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2;
- iv. 86-47(f)(1)(f) – compelling evidence for changing conditions was not presented;
- v. 86-47(f)(1)(h) – congestion may be increased excessively by this proposal;
- vi. 86-47(f)(1)(n) – no substantial reasons why the property cannot be used with the existing zoning were presented; and
- vii. 86-47(f)(1)(p) – compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.

Further, we recommend that prior to any consideration by the Planning Commission or City Council of any future Milano PUD amendment that the Applicant be required to meet the requirements of Sec. 86-130(j) to protect the current Cielo Subdivision platted lake and wetland via restrictive covenants.



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Jan A. Norsoph, AICP

Mr. Norsoph reserves the right to amend this report based upon new information.  
Attached as Appendix A are Mr. Norsoph's qualifications.

**APPENDIX A**  
**MR. NORSOPH'S QUALIFICATIONS**

## JAN ALAN NORSOPH, AICP

(727) 867-0556

[jnorsoph2@gmail.com](mailto:jnorsoph2@gmail.com)

### SUMMARY OF QUALIFICATIONS

Award winning professional with 46 years of extensive and diverse planning expertise, including 24+ years of management experience; development and administration of land development regulations, historic preservation, urban design, community redevelopment, and neighborhood planning; administration of site plan/subdivision development reviews; preparation of comprehensive plans, and skills in building public participation and consensus. This includes local government experience with many different public entities, both as a planning consultant, a City of St. Petersburg Manager, and previously as a part-time city planner for the City of Seminole.

### ACCOMPLISHMENTS

Awards of Excellence (\*) or Merit received by the Florida Chapter American Planning Association (FCAPA) and/or the Suncoast Section (SS) and other professional associations in recognition of professional and innovative achievements:

- MacDill AFB General Plan, Honorable Mention Future of the Region Award, Tampa Bay Regional Planning Council, and Award of Distinction, Florida Planning & Zoning Association.
- Design Guidelines Manual for the National Register/Local Historic District, City of Tarpon Springs, Florida (SS/FCAPA).
- St. Petersburg's Guidelines for Historic Properties (SS/FCAPA).
- St. Petersburg Round Lake Neighborhood Plan (SS\*/FCAPA).
- St. Petersburg North Shore Neighborhood Plan (SS\*/FCAPA\*).
- St. Petersburg Neighborhood Design Review Ordinance and Manual (SS).
- Recognition by the Governor for the Best Large City Comprehensive Plan in Florida.
- St. Petersburg Core Area Parking Study (SS).
- St. Petersburg Bayboro Harbor Redevelopment Plan (SS\*/FCAPA\*).
- St. Petersburg Historic Preservation Program (SS/FCAPA).
- St. Petersburg Downtown Urban Design Plan and Intown Market Strategy (SS\*).
- St. Petersburg Intown Redevelopment Plan (FCAPA).

### PROFESSIONAL EXPERIENCE

Planning Consultant, St. Petersburg, Florida (January 2011 - Present) providing planning services related to:

- Comprehensive planning, land development codes, urban design, zoning, and other land development related services.
- Rezoning and Special Exception Use applications.
- Eminent domain.
- Expert witness testimony.

Part-Time City Planner, City of Seminole (July 2012-December 31, 2022)

- Update of the City of Seminole comprehensive plan, land development code (zoning, landscape buffer and tree protection) and Commercial Corridor Design Guidelines and Sign Code, and
- Conduct site, landscape and commercial corridor and large residential subdivision design reviews.

Vice President, Community Planning & Urban Design, Engelhardt, Hammer & Associates, Inc. (EHA), Tampa, Florida (August 1998 - January 2011) - EHA is a land planning firm and my responsibilities included project development and management for public and private clients related to:

- Master planning, urban design and historic preservation.
- Neighborhood planning and community redevelopment.
- Eminent domain.
- Comprehensive planning, land development regulations, zoning and other land development related services.
- Expert witness testimony.

Planning Consultant, St. Petersburg, Florida (July 1997 - August 1998) - Provided consultant services related to:

- Rezoning and Special Exception Use applications.
- Site planning.

Manager, Development Review Services Division (December 1994 - April 1997) and Manager Urban Design & Development Division (January 1984 - December 1994), City of St. Petersburg, Florida - Directed a progressive and innovative team of ten professional staff with an annual operating budget of \$400,000. Management responsibilities included:

- Administration of land development codes, and site plan and design review processes.
- Preparation of urban design, neighborhood and community redevelopment plans.
- Staffing the Community Redevelopment Agency, Board of Adjustment, Environmental Development Commission and Historic Preservation Commission.
- Presenting recommendations/reports before the City Council and various commissions.
- Developing strong working relationships with neighborhoods, business associations, minority groups and the development community, including serving as the City's representative on the Chamber of Commerce Downtown Council.

## REPRESENTATIVE PROJECTS

### Planning Consultant

- Town of St. Leo- Prepared the Visual Corridor Study, Town of St. Leo Land Development Code, Comprehensive Plan Evaluation and Appraisal Report, Comprehensive Plan update and on-going development review services, and land development code and comprehensive plan updates.
- Provided expert witness testimony on development reviews, special exception uses, rezonings and comprehensive plan map amendments on behalf of neighborhood and other homeowner associations.
- City of Temple Terrace- Prepared revisions to Chapter 29- Downtown Redevelopment Overlay Zoning District, including design guidelines/illustrations.
- MacDill AFB- Prepared the General Master Plan.
- City of Tarpon Springs- Prepared Historic district design guidelines and manuals.
- City of Clearwater- "Enhancing the Visual Environment Through Sign Regulation." (planning and photo simulation analysis report for the City related to litigation by billboard company)
- City of Tampa- Prepared Cultural Arts District Master Plan.
- Prepared multiple future land use amendments, rezoning and conditional/special use applications for private clients (Cities of Pinellas Park, Venice, West Palm Beach and Tampa).
- Conducted land development code/site plan review process analyses for private clients in preparation of due diligence, and site development and landscape plan reviews (City of Venice and Collier, Sumter, Polk, DeSoto and Lee Counties).
- Prepared Eminent Domain Planning Analyses for public clients including Sumter, Lee, Collier, Hillsborough and Pinellas Counties; Florida Department of Transportation Districts One, Five and Seven (Polk, Hernando, Pasco, Manatee, Sarasota, Lee, Orange, Hillsborough, Pinellas, Brevard and Osceola Counties), and Orange County Public Schools.

- Prepared Eminent Domain Planning Analyses for private clients in City of Miami, Charlotte, Escambia, Santa Rosa, Duval, Columbia, Clay, Leon, Palm Beach, Orange, Indian River, Polk, Pasco, Lee, Hillsborough, Seminole, Osceola, Hernando, Citrus, Hendry, Miami-Dade, St. Johns, Putnam, and Sarasota counties.
- Provided Expert Witness Testimony at court trials, including eminent domain cases (8) and a land use litigation case. Qualified as an expert in courts in Charlotte, Hendry, Hillsborough, Leon, Polk, Pasco and Pinellas counties, and U.S. District Court Middle District (Tampa).

#### City of St. Petersburg

- Administered zoning code and site plan/neighborhood design review and implemented streamlining processes and enhanced customer service procedures.
- Authored land development codes related to new zoning districts, Neighborhood Design Review, historic preservation, CBD bonus FAR criteria, airport height regulations, wireless communication towers and sidewalk cafes.
- Developed and administered five Community Redevelopment/Tax Increment Finance districts with over \$340 million in capital projects, including the Downtown/Waterfront, Major League Baseball (Tampa Bay Rays) stadium area and Salt Creek marine services/Port/University of South Florida district.
- Prepared urban design plans for downtown waterfront, commercial corridors, neighborhoods, and community redevelopment areas including conceptual site plans, and building façade/streetscape designs.
- Prepared and implemented four neighborhood plans (total population-15,000) with a \$7.4 million capital budget, and development of a minority neighborhood commercial corridor revitalization plan.
- Administered the historic preservation program.
- Prepared comprehensive plan elements including Intown Planning Sector, Historic Preservation and Port/Airport.

#### EDUCATION

- Master of Science in Planning, Florida State University (Urban Design specialty).
- Bachelor of Science, Secondary Education- Geography, West Chester State University (Magna Cum Laude).

#### PROFESSIONAL ASSOCIATIONS AND CONTINUING EDUCATION

- American Institute of Certified Planners (AICP) with Continuing Professional Development Certificate.
- American Planning Association.
- Speaker at planning, historic preservation, and urban design workshops at national, state and local conferences.