

PZ 15-111



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING
ZONING MAP AMENDMENT APPLICATION

ZONING MAP AMENDMENT 07-07 RZ.1

Project Name: S&J Properties

Parcel Identification No.: 0385-02-0002 and 0385-01-0002

Address: 2300 Laurel Road

Parcel Size: 25.53 +/- acres

FLUM designation: Medium Density Residential

Current Zoning: RMF-3 w/ stipulations **Proposed Zoning:** RMF-3 w/ amended stipulations

Property Owner's Name: S&J Properties of SW FL, LLC

Telephone:

Fax:

E-mail:

Mailing Address: 1820 Scarlet Oak Trail, Oshkosh, WI 54904

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Mailing Address: 1001 Avenida Del Circo, Venice, FL 34285

Project Engineer :

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Project Architect:

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

[Handwritten Signature]

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Over: CASH/ENC Type: OC Drawer: 1
Date: 11/10/15 Receipt no: 11659
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OK CHECK 3530 \$2908.00
Trans date: 11/10/15 Time: 15:04:51

APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition**
- ☒ **Public Workshop Requirements.** Date held October 21, 2015
 - ☒ Copy of newspaper ad.
 - ☒ Copy of notice to property owners.
 - ☒ Copy of sign-in sheet.
 - ☒ Written summary of public workshop.

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.
- b. The existing land use pattern.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
- d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
- i. Whether the proposed change will create a drainage problem.
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.
- k. Whether the proposed change will adversely affect property values in the adjacent area.
- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

See attached.

Fees

Application filing fee \$2,908.

Application filing fee for the following zoning districts \$4,732: CMU, PUD, CSC, PCD, RID, RMH.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

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Narrative

The subject property is a 25.5 +/- acre parcel located on the south side of Laurel Road. The property is bordered by the Laurel Nokomis School to the west, and a commercial center to the east at the intersection of Laurel Road & Pinebrook Road. To the north of the property is the Laurel Road Mixed Use Neighborhood (JPA/ILSBA Area No. 5) a 265 acre mixed use area designated for residential densities up to 18 du/ac. and non-residential uses on up to 33% of the acreage with a floor area ratio of 2.0. To the south of the property is lower density residential development which will be buffered in part from the subject property by the 170' FPL easement which runs along the entire southern boundary of the subject property.

The proposed rezoning will allow for development at a density range which will serve to provide a transition area between higher intensity future commercial development to the north and east and lower density residential development to the south and southwest.

In 2008, the subject property was designated as RMF-3 with certain stipulations through adoption of Ordinance No. 2008-09 by the City of Venice. The rezoning sought for the subject property is to change the zoning from its current designation of RMF-3 with stipulations, to RMF-3 with the elimination of all stipulations.

Pursuant to Comprehensive Plan *Housing and Neighborhood Development Policy 2.6*, the proposed rezoning also includes a request for City Council approval of a gated community for the subject property. The subject property provides interconnectivity to the properties to the east and west via sidewalks and bike lanes along Laurel Road. However a 170' FPL transmission line easement to along the southern boundary of the property prevents connectivity through the subject property, therefore the proposed gating of the future development will provide for the desired security of the future residents without further limiting connectivity.

The proposed rezoning is consistent with all applicable elements of the City's Comprehensive Plan and Land Development Regulations and we hereby respectfully request approval of the proposed rezoning.

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APPLICANT RESPONSE REGARDING COMPREHENSIVE PLAN CONSISTENCY

RED = CITY REVIEW COMMENT

BLACK = POLICY REFERENCED IN INITIAL CITY REVIEW

BLUE = APPLICANT RESPONSE

1. Provide analysis that demonstrates that Rezone Petition No. 07-07RZ can be found consistent with the comprehensive plan with the five stipulations eliminated. For each of the comprehensive plan policies identified in staff's initial review, make specific reference to the applicable stipulation(s) and how comprehensive plan consistency can be maintained with the elimination of the stipulation(s). For example, one of the 07-07RZ stipulations reads "require non-vehicular connectivity between this parcel and the eastern property"; in the response to Policy 1.2 demonstrate how the needs of present and future populations by promoting pedestrian connectivity will be met with the elimination of this stipulation.

Policy 1.2. Sub-policy C. Sustainable Development Practices. Provide for the needs of present and future populations by: C. Promoting alternative transportation methods and **pedestrian connectivity**.

The subject property has existing pedestrian connectivity to the east and west via sidewalks along Laurel Road. An FPL easement along the south side of the property prevents any pedestrian connectivity to the south. The requirements of the stipulation have been achieved thereby meeting the needs of present and future populations. Therefore, the proposed rezoning can be found consistent with the Comprehensive plan with the elimination of the stipulation concerning pedestrian connectivity. Maintaining the stipulation is unnecessary, and could incorrectly be interpreted to require an additional pedestrian connection between the subject parcel and the property to the east. However, the property to the east established a potential pedestrian connection point without any evaluation of site planning issues for the subject property. A potential connection to the established pedestrian connection can be evaluated at the time of Site & Development Plan submittal for the subject property but it should not be a condition of the zoning for the property.

Policy 1.7. Distinct Neighborhood Identities. Promote the distinct identities of the City's neighborhoods through the use of neighborhood, sector, and corridor area plans, **design districts**, overlay districts, entry features, and **pedestrian connectivity improvements**.

The subject property is not located with a design district, or a neighbor, sector or corridor plan area, therefore the Policy does not apply to the subject property with respect to design districts. With respect to pedestrian connectivity please see the response immediately above. Therefore, the proposed rezoning can be found consistent with the Comprehensive plan with the elimination of the stipulations regarding connectivity and architectural design standards.

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Policy 3.4. Sub-policy B. Pedestrian-Friendly Multi-Modal Transportation Networks. Provide a variety of transportation alternatives that meet the needs of the City's multi-generational residents, workforce, and visitors by: **B. Providing bicycle and pedestrian infrastructure and facilities.**

Pedestrian and bicycle connectivity to the east and west via sidewalks and bike lanes is in place along Laurel Road. An FPL easement along the south side of the property prevents any pedestrian connectivity to the south. The requirements of the stipulation have been achieved thereby meeting the needs of present and future populations. Therefore, the proposed rezoning can be found consistent with the Comprehensive plan with the elimination of the stipulation concerning non-vehicular connectivity.

Policy 8.1. Sub-policy E. Smart Growth and Sustainable Development Practices. Ensure that all development projects utilize best practices for smart growth and sustainability by implementing the following sustainable development standards: **E. Include transitioning and buffering between heights, densities, and intensities.**

The subject property is located between a more intense commercial shopping center to the east and a more intense school maintenance facility to the west. Where the subject property abuts a low density residential development to the south a 170' foot wide FPL easement provides a substantial buffer to the lower density development. Therefore, the proposed rezoning can be found consistent with the Comprehensive plan with the elimination of the stipulations regarding density, height and buffers. Furthermore, with regard to the stipulation regarding building height, it was established prior to the City's LDR amendment concerning calculation of building height which in effect has further reduced the allowable building height on the subject property beyond the limit intended to be established by the stipulation.

Policy 8.2. Land Use Compatibility Review Procedures. (See the comprehensive plan for the full text, all of which is applicable).

- A. The land use and intensity is compatible with the existing neighborhood which consists of a more intense commercial shopping center to the east and a more intense school maintenance facility to the west, and a low density residential development separated by a 170' wide FPL easement.*
- B. The proposed building heights are appropriate for the subject property given the higher intensity development to the east and west, and the 170' FPL easement (buffer) between the properties to the south. Building heights and setbacks will be finalized and further evaluated through the S&D plan process.*
- C. The proposed use of multi-family residential is consistent in character with the surrounding area and is not proposed to be changed through this rezoning process.*
- D. Site and architectural mitigation design techniques will be finalized and evaluated through the S&D plan process.*
- E. The proposed multi-family use is compatible with existing single family neighborhoods in the area. Compatibility is further enhanced by the existence of*

- a 170' FPL easement separating the uses.*
- F. Not applicable.*
 - G. Not applicable.*
 - H. The density is compatible with the existing development in the area which consists of a more intense commercial shopping center to the east and a more intense school maintenance facility to the west, and a low density residential development separated by a 170' wide FPL easement.*
 - I. Open space, perimeter buffers, landscaping and berms (if applicable) will be finalized and evaluated during the S&D process.*
 - J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas (if applicable) will be finalized and evaluated during the S&D process.*
 - K. Road access will be finalized and evaluated during the S&D process.*
 - L. Building setbacks will be finalized and evaluated during the S&D process.*
 - M. The proposed building heights are appropriate for the subject property given the higher intensity development to the east and west, and the 170' FPL easement (buffer) between the properties to the south Building heights will be finalized and further evaluated during the S&D process.*
 - N. The density is compatible with the existing neighborhood which consists of a more intense commercial shopping center to the east and a more intense school maintenance facility to the west, and a low density residential development separated by a 170' wide FPL easement.*

The evaluation above demonstrates the proposed rezoning can be found in compliance with the Comprehensive Plan with the elimination of the five existing stipulations.

Policy 8.6. Sub-policy C. Integrated Site Planning Criteria. Ensure future developments integrate buildings, community spaces, and public services and infrastructure systems together by evaluating development petitions according to the following criteria: C. **Level of compatibility and interconnectivity between adjacent land uses.**

The level of compatibility and interconnectivity will be finalized and evaluated during the S&D process.

Policy 8.7. Sub-policy B. Transportation and Access Management Criteria. Ensure that future developments provide an interconnected network of sidewalks, urban trails, neighborhood streets, roadways, and mass transit services by evaluating development petitions according to the following criteria: B. **Degree of internal and external connectivity.**

External pedestrian and bicycle connectivity to the east and west via sidewalks and bike lanes is in place along Laurel Road. An FPL easement along the south side of the property prevents any pedestrian connectivity to the south. Internal connectivity will be finalized and evaluated during the S&D process.

Policy 10.1. Sub-policy D. Building to Block Compatibility. Future development shall promote its connection to surrounding buildings and support the quality of the street block by: **D. Transitioning building intensities, development densities, and land uses between and within residential, commercial, and industrial areas.**

The proposed multi-family zoning provides an appropriate transition in land uses between residential and commercial uses.

Policy 13.1 Residential Future Land Uses (first four paragraphs). The term “residential” describes a place of temporary or permanent habitation. Residential land uses do not include transient or resort rentals defined as the rental or lease of any residential units for a period of less than three (3) months.

Residential land uses are intended to support existing and future neighborhoods. The City’s neighborhoods are designed to provide the community with safe, vibrant places to live and share life with family, friends, and neighbors. A variety of transportation alternatives (walk, bike, vehicle, and transit) should interconnect residential land uses with adjacent neighborhoods and activity centers. In order to foster neighborhood livability, civic spaces including places of worship, civic buildings, and public facilities, are encouraged to be located within residential areas.

Appropriate densities within each density range shall be determined, in part, by the land uses and land use designations surrounding the parcel. Generally, densities at the higher end of the range will be most appropriate next to residential development or designations of comparable or higher density and intensive non- residential land uses or land use designations such as commercial, office, professional and institutional uses. Densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations. The exact density appropriate for each land tract will be determined at the time of rezoning. A proposed rezoning will be reviewed for consistency with the compatibility criteria set forth in Policy 8.2 of the Future Land Use & Design Element and is not entitled to the maximum allowable density for its Future Land Use Map category absent an affirmative finding of the City Council on each consideration set forth in Policy 8.2 E through H which is relevant to the rezoning. A proposed rezoning must also comply with all other policies applicable to a determination of density.

The proposed land use at the higher end of the range for the Medium Density Residential designation is appropriate due to the location of the property next to the more intense commercial shopping center to the east and a more intense school maintenance facility to the west, and the separation by a 170’ wide FPL easement of the low density residential development to the south.

2. The pre-annexation agreement for the adjacent Venezia Plaza property required "connectivity to the west shall be limited to bicycle, pedestrian and golf cart access". The property's approved preliminary plat and site and development plan shows a sidewalk, interior to the site, extended to the west boundary, and includes a note that reiterates verbatim the pre-annexation agreement language on connectivity. With the various city actions on the Venezia Plaza property and the subject property regarding additional

connectivity between the two properties, explain why the city should not retain the stipulation on connectivity, particularly when doing so would further implement multiple comprehensive plan policies.

Non-vehicular connectivity between the parcels is already in place, with existing bike lanes and sidewalks linking the properties, thereby satisfying comprehensive plan policies regarding connectivity, and Ordinance No 2008-09 requirements regarding connectivity.

The location of the sidewalk interior to the site on the Plaza Venezia plan was located arbitrarily and without input or consideration of site planning issues for the subject property. Additional interior connectivity between the subject property and the Plaza Venezia interior sidewalk may be possible in the future, but cannot be evaluated in advance of a proposed Site & Development plan.

The implication of this review comment is that internal connection to the established interior sidewalk of the Plaza Venezia site is required by Ordinance No. 2008-09, it is not. In order to avoid any confusion regarding the connectivity requirements of Ordinance No. 2008-09 and because the actual requirements have already been met, it is appropriate to remove the stipulation regarding connectivity through this proposed rezoning.

