

***Project: S & J Properties***  
**ZONING AMENDMENT**  
**Rezone Petition Number: 07-07RZ.1**

**Staff Report**

**Owner:** S & J Properties of SW FL, LLC

**Parcel ID #s:** 0385-02-0002 & 0385-01-0002

**Address:** 2300 Laurel Road

**Agent:** Jeffrey Boone, Boone Law Firm

**Parcel Size:** 25.54 ± acres

**Existing Zoning District:** Residential, Multiple-Family 3 (RMF-3) with stipulations

**Proposed Zoning District:** Residential, Multiple-Family 3 (RMF-3) with amended (eliminated) stipulations

**Future Land Use Designation:** Medium Density Residential

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

The subject property is comprised of two contiguous parcels that front on East Laurel Road. The parcel to the east (parcel identification no. 0385-01-0002) has a land area of 5.74 acres; the parcel to the west (property identification no. 0385-02-0002) has a land area of 19.80 areas. In 2005 the owner of the property petitioned the city to be annexed into the city. On January 10, 2006, the owner and city entered into a pre-annexation agreement for each of the two parcels. The two pre-annexation agreements contain the same sixteen provisions, none of which are directly applicable to the subject rezone petition. On January 24, 2006, City Council annexed both properties with the adoption of Ordinance No. 2006-07. On November 28, 2006, City adopted Ordinance No. 2006-51 approving a large-scale comprehensive plan amendment to change the Future Land Use Map designation of the subject property from Sarasota County “Moderate Density Residential” to a City of Venice “Moderate Density Residential” designation. The future land use designation of the subject property changed to Medium Density Residential with the 2010 comprehensive plan update.

On June 10, 2008, City Council adopted Ordinance No. 2008-09 to rezone the subject property from Sarasota County Open Use, Estate-1 (OUE-1) zoning district to City of Venice Residential, Multiple-Family-3 (RMF-3) zoning district. It is important to note that the rezone approval occurred when the 1999 City of Venice comprehensive plan was in effect. Compared to the current comprehensive, the 1999 comprehensive had less policy related to land use compatibility. The approved rezoning was subject to the following additional restrictions or stipulations governing permitted uses:

1. Require non-vehicular connectivity between this parcel and the eastern property;
2. Height limit of 35 feet;
3. Density shall not exceed eight units per acre;

4. A vegetative buffer shall be placed along the southern boundary of the property at a 70% opacity immediately adjacent to the 175 foot FPL easement with the exception of the wetland on the southern boundary, no vegetative buffer shall be placed between the wetland on the southern boundary of the property; and
5. Venetian Gateway (VG) standards relating to architectural design and signage standards.

The subject rezone petition (Rezone Petition No. 07-07RZ.1) is a request to retain the current RMF-3 zoning and eliminate the five stipulations contained in Ordinance No. 2008-09. If approved, the subject property would have RMF-3 zoning with no additional stipulations or restrictions.

The subject property currently has a City of Venice future land use designation of medium density residential. This designation is for residential areas consisting of 5.1 to 13 dwelling units per acre and are intended to accommodate a variety of single and multi-family residential uses.

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

### **Staff Summary / Findings of Fact**

- 1) **Finding of Fact (Evaluation of Existing/Proposed Zoning):** *The following table compares the existing and proposed zoning.*

<b><i>Type of Regulation</i></b>	<b><i>Existing RMF-3 Zoning with Stipulations</i></b>	<b><i>Proposed RMF-3</i></b>
<b><i>Connectivity</i></b>	<i>Non-vehicular connection to abutting property to the east</i>	<i>No stipulated or LDC-required connection to abutting property</i>
<b><i>Max. Building Height</i></b>	<i>35 feet</i>	<i>Per the LDC: 45' plus 10' for one story of parking under the building.</i>
<b><i>Max. Density</i></b>	<i>8 units per acre</i>	<i>Per the Medium Density Residential future land use map classification and LDC: 13 units per acre</i>
<b><i>Vegetative Buffer</i></b>	<i>Vegetative buffer along southern boundary with 70% opacity</i>	<i>No stipulated or LDC-required buffer</i>
<b><i>Architectural design and signage standards</i></b>	<i>Venetian Gateway (VG) architectural design and signage standards</i>	<i>The property does not have a VG zoning designation, there will be no required architectural design standards; signage subject to LDC sign code</i>

- 2) **Finding of Fact (Comprehensive Plan):** *The proposed zoning change is consistent with the Medium Density residential future land use map designation and consistent with Section 10 (I) of the JPA/ILSBA and other land use compatibility-related policies in the comprehensive plan. Land use compatibility will be further evaluated as part of any future site and development plan and/or preliminary plat. In addition, comprehensive plan consistency can be maintained with the elimination of the five existing stipulations required through the approval of Rezone Petition No. 07-07RZ.*
- 3) **Finding of Fact (Concurrency):** *Concurrency analysis and a certificate of concurrency will need to be obtained prior to actual development of the subject property.*

- 4) **Findings of Fact (Applicable Rezoning Considerations):** Staff has provided the applicant's evaluation of the applicable rezoning considerations contained in Section 86-47 (f) (1) a-p, of the Land Development Code. When appropriate, staff has supplemented the applicant's evaluation to provide additional information to be considered.

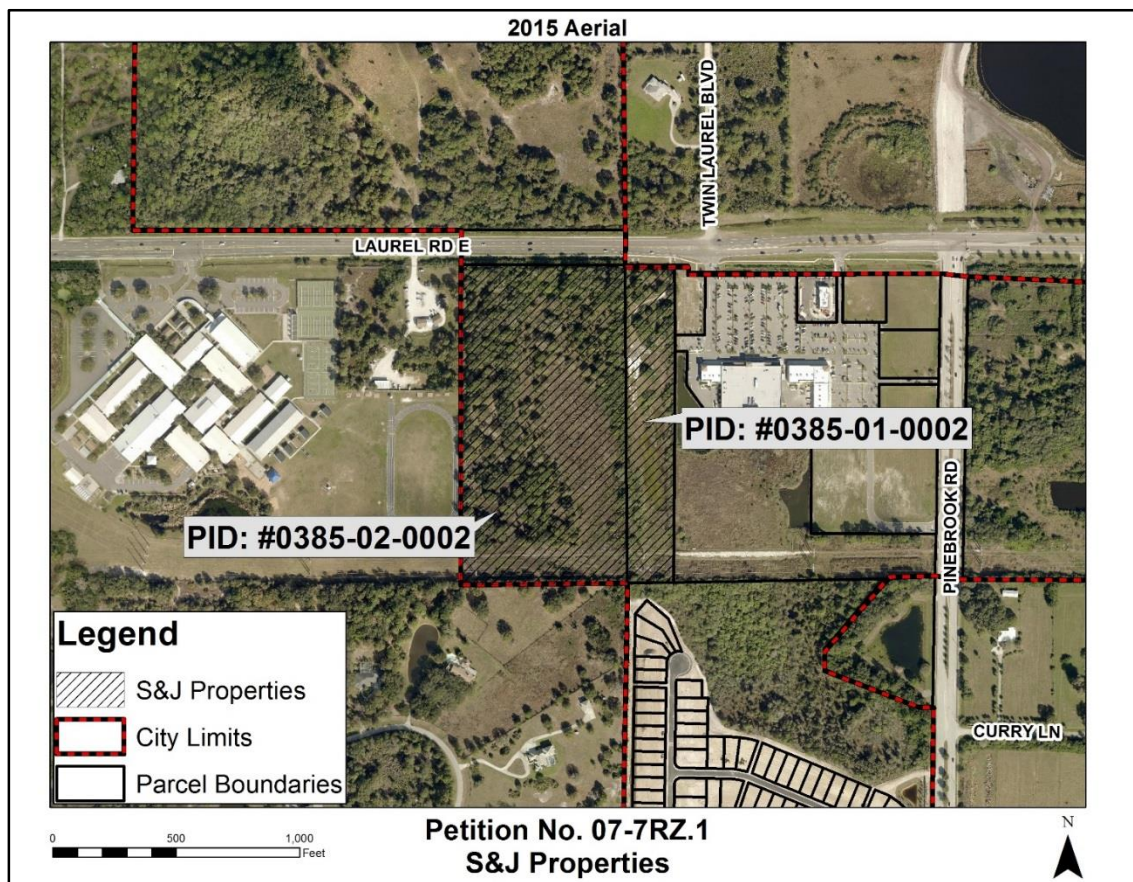
Based upon the above analysis, there is a sufficient basis to take action on Rezone Petition No. 07-07RZ.1.

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

### **Subject Property Information:**

The subject property is comprised of two parcels of land totaling 25.5 acres as shown on Map 1. Currently, the subject property is vacant, with no building or structure on either of the two parcels. The subject property has approximately 863 feet of frontage along Laurel Road. Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.

**MAP 1: Aerial Photograph**





The subject property's frontage along Laurel Road



The Plaza Venezia Shopping Center abuts the subject property to the east



School District maintenance facility abuts the subject property to the west



Laurel Nokomis Middle Elementary/Middle School abuts the subject property to the west

### **Flood Zone Information:**

While flooding or the potential for flooding is typically relevant at the time of development, it is also important information for consideration for any changes to/development of the property. For the subject properties, a survey was submitted with the application for rezoning indicating the subject properties currently lie within flood Zone B in accordance with FEMA Flood Insurance Rate Maps (FIRM panel #1251440245D). FEMA defines Zone B as follows:

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

However, FEMA is in the process of updating the nation’s FIRMs to reflect current flood risks. Updated FIRMS should be adopted and available for use by September, 2016. With the update the subject properties are proposed to lie with new flood Zone X (unshaded) in accordance with preliminary FIRM panel #12115C0243F. FEMA defines Zone X (unshaded) as follows:

***Zone X (unshaded):*** “The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood.”

In summary, both subject properties currently lie within moderate flood zones, but are projected to be mapped into low risk flood zones.

### **Future Land Use:**

Map 2 (see following page) shows the subject property having a future land use designation of Medium Density Residential. This designation is for residential areas of 5.1 to 13 dwelling units per acre intended to accommodate single multi-family residential areas.

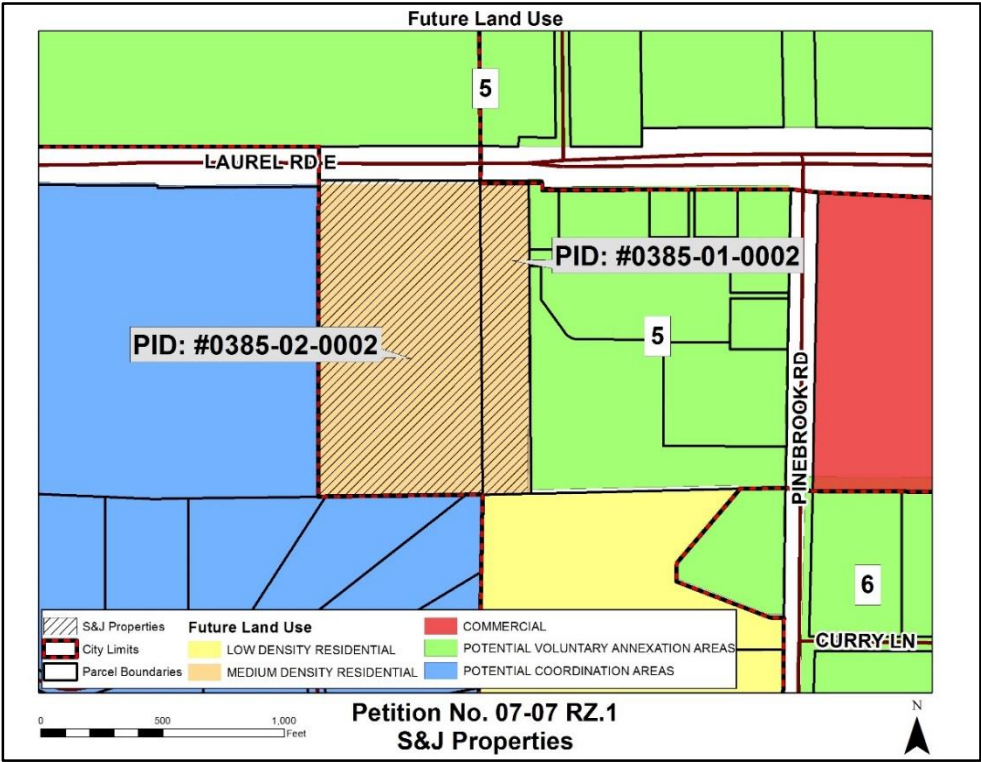
The subject property abuts the Laurel Road Mixed Use Neighborhood, Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) Area No. 5. The JPA/ILSBA is adopted as part of the comprehensive plan. Section 10.I of the JPA/ILSBA requires the city to use the county land use compatibility principles during the review of each zoning petition for any parcel located within the Joint Planning Areas and on properties within the city adjoining such areas. In the Planning Analysis section of the report (Section III), the county land use compatibility principles are used in the review of the subject rezone petition.

### **Existing Zoning:**

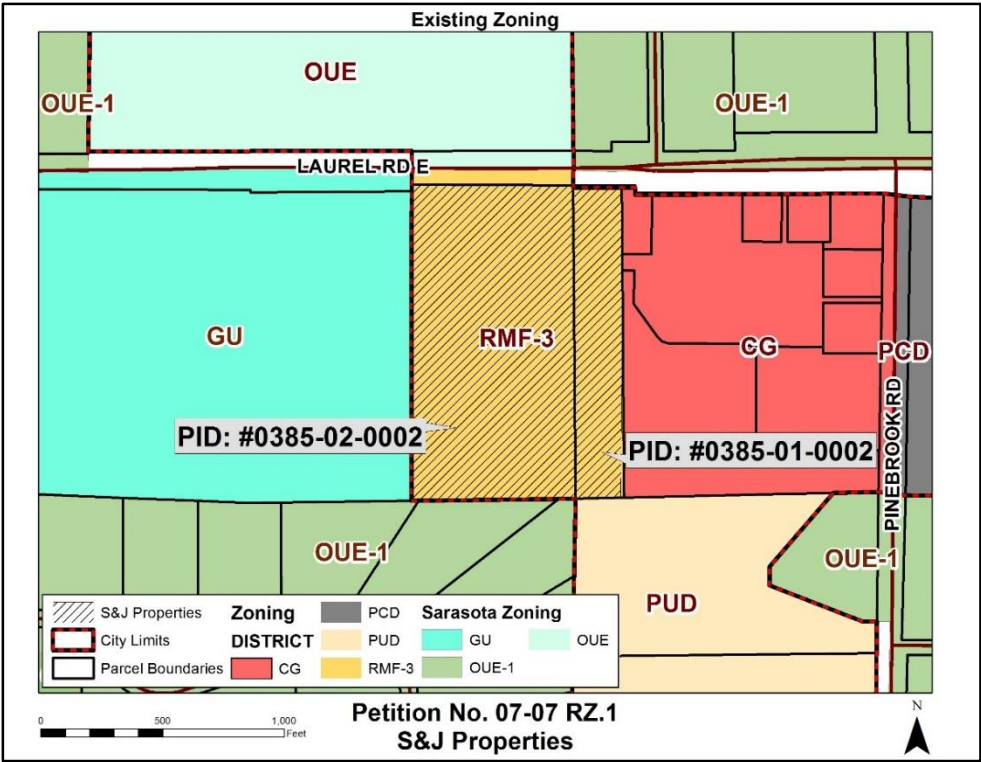
Map 3 (see following page) shows the existing zoning of the subject and surrounding properties. The subject property is zoned Residential, Multiple-Family 3 (RMF-3). Per Section 86-82(a) the RMF districts are intended to be moderate to medium density districts, with emphasis on multiple-family use. RMF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

If the rezone petition is approved, the zoning map will not change. The rezone petition does not change the property’s existing RMF-3 zoning designation. If approved, the rezone petition would eliminate the five stipulations required as part of the approval of Rezone Petition No. 07-07RZ.

MAP 2: Future Land Use Map



MAP 3: Existing and Proposed Zoning Map



### **Surrounding Property Information:**

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

<b>Direction</b>	<b>Existing Use(s)</b>	<b>Current Zoning</b>	<b>Future Land Use Designation</b>
<b>North</b>	Single-family detached residential and vacant	Sarasota County Open Use, Estate (OUE) and Open Use, Estate-1 (OUE-1)	Laurel Road Mixed Use Neighborhood (JPA/ILSBA No. 5)
<b>West</b>	Laurel Nokomis School and School District maintenance facility	Sarasota County Government Use (GU)	Sarasota County Moderate Density Residential
<b>South</b>	Single-family detached residential (Sorrento Ranches and Windwood)	Sarasota County Open Use, Estate-1 (OUE-1) and City of Venice Planned Unit Development (PUD)	Sarasota County Low Density Residential and City of Venice Low Density Residential
<b>East</b>	Developed and vacant commercial (Plaza Venezia Shopping Center)	City of Venice Commercial, General (CG)	Laurel Road Mixed Use Neighborhood (JPA/ILSBA No. 5)

### **III. PLANNING ANALYSIS**

#### **a) Evaluation of Proposed Zoning (Existing RMF-3 zoning with eliminated stipulations):**

If the proposed rezone petition is approved, the subject property's RMF-3 zoning district will remain unchanged; the zoning map will not be amended. What is proposed is the elimination of the five stipulations that were incorporated into the approval of Rezone Petition 07-07RZ when the property received its current RMF-3 zoning. This section of the report provides background information regarding why and how the stipulations were added to the approval of Rezone Petition 07-07RZ and the use of the stipulations were carried forward to other properties.

While not directly applicable to the subject rezone, city action on the adjacent Plaza Venezia shopping center property sheds some light on the origin of the stipulations. The Plaza Venezia property abuts the subject property to the east.

First, on March 3, 2008, as a consequence of working with neighboring property owners, the applicant for Rezone Petition No. 07-07RZ proffered three stipulations which are summarized below.

1. All access to the property shall be from Laurel Road (no access from or to the east and south).
2. The density shall not exceed eight dwelling units per acre.
3. Placement of a 70% opaque vegetative buffer along the southern boundary of the property (immediately adjacent to the 175 foot FPL easement).

On March 4, 2008, the Planning Commission recommended approval of Rezone Petition No. 07-07RZ subject to the following additional restrictions or stipulations governing permitted uses:

1. Require connectivity between this parcel and the eastern property.
2. Height limit of 35 feet.

3. Density shall not exceed eight units per acre.
4. A vegetative buffer shall be placed along the southern boundary of the property at a 70% opacity immediately adjacent to the 175 FPL easement with the exception of the wetland on the southern boundary, no vegetative buffer shall be placed between the wetland and the southern boundary of the property.
5. City Council shall consider the Venetian Gateway standards and determine which standards are appropriate for the development of this property.

On June 10, 2008, City Council approved Rezone Petition No. 07-07RZ including the five stipulations recommended by the Planning Commission, with recommended stipulation nos. 1 and 5 amended by City Council as shown below (underline text represents additions, strike-through text represents deletions):

1. Require non-vehicular connectivity between this parcel and the eastern property.
5. ~~City Council shall consider the Venetian Gateway standards and determine which standards are appropriate for the development of this property.~~ Venetian Gateway (VG) standards relating to architectural design and signage standards.

The Planning Commission's recommended stipulations concerning maximum building height, maximum density and vegetative buffering were unaltered by City Council's action.

On February 22, 2011, the City Council approved a revised pre-annexation agreement with the owner of the current Plaza Venezia shopping center property. The revision added Section 17, Additional Limitations and Requirements, to the pre-annexation agreement. The additional requirements included the following:

- Connectivity to the west shall be limited to bicycle, pedestrian and golf cart access.
- The Venetian Gateway architectural style and signage standards shall apply.
- Height shall be limited to 35 feet unless the developer obtains an additional 10 feet from City Council by special exception or conditional use.

The Plaza Venezia Site and Development Plan was approved on February 21, 2012 and the Preliminary Plat was approved on March 13, 2012. The project was developed in compliance with all of the above pre-annexation agreement requirements.

The five stipulations placed additional restrictions on the subject property that would not otherwise exist. The following is a summary of the regulatory consequence of the elimination of each of the stipulations.

1. Require non-vehicular connectivity between this parcel and the eastern property.

The Land Development Code (LDC) does not regulate or require connections between abutting properties. If the stipulation is eliminated, the applicant would not be required to provide any additional type of connectivity to the property abutting to the east. A sidewalk exists along the entire property's frontage along Laurel Road. Due to the non-specific language of the stipulation, the applicant argues the existing sidewalk provides the stipulated connectivity between the subject property and the property to the east.

2. Height limit of 35 feet.

The stipulated maximum building height is more restrictive than the LDC. The comprehensive plan does not regulate building height for the subject property. If the stipulation is eliminated, the maximum building height would be regulated by the RMF district regulations. The maximum building height in the RMF-3 district is 45 feet. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

3. Density shall not exceed eight units per acre.

The stipulated maximum density is more restrictive than the LDC. If the stipulation is eliminated, the maximum density would be regulated by the RMF district regulations. The maximum density in the RMF-3 district is 13 units per acre which is consistent with the Medium Density future land use map design which is for residential areas consisting of 5.1 to 13 dwelling units per acre.

4. A vegetative buffer shall be placed along the southern boundary of the property at a 70% opacity immediately adjacent to the 175 foot FPL easement with the exception of the wetland on the southern boundary, no vegetative buffer shall be placed between the wetland on the southern boundary of the property.

The stipulation requires a vegetative buffer regardless of the design of development on the property. If this additional stipulation or restriction is eliminated, no landscape buffer would be required by the LDC. The need for landscaping along the southern boundary of the subject property to mitigate impacts of development will be evaluated when a specific project moves forward as a preliminary plat and/or site and development plan. It is important to note the FPL easement on the southern portion of the property provides a minimum 170-foot (not 175 feet as stipulated) separation between development on the subject property and the abutting property to the south.

5. Venetian Gateway (VG) standards relating to architectural design and signage standards.

The stipulation requires the subject property to be developed in compliance with the Venetian Gateway (VG) overlay zoning district architectural design and signage standards. Included in the VG architectural design standards is a maximum building height limitation of 35 feet. The subject property is not located in the Venetian Gateway (VG) overlay zoning district nor is it located in a comprehensive plan planning area with architectural design style standards.

If the stipulation is eliminated the development of the subject property will not be subject to architectural design standards and any signage will be required to be in compliance with the LDC sign code.

**b) Consistency with the Comprehensive Plan:**

**Consistency with Future Land Use Map Designation:**

The subject property has a Medium Density future land use map designation. The Medium Density designation is for residential areas consisting of 5.1 to 13 dwelling units per acre and intended to accommodate a variety of single and multi-family residential uses. The existing and proposed RMF-3 zoning allows, as a permitted uses, single and multi-family uses. The proposed rezone petition, if

approved, would result in the maximum density of the property being subject to the RMF-3 district which allows a maximum density of 13 units per acre, the same as any other RMF-3 zoned property. The maximum RMF-3 density of 13 units/acre is consistent with the residential density range planned for the Medium Density future land use map designation.

### **Land Use Compatibility:**

Rezone Petition No. 07-07RZ was reviewed and acted upon prior to the adoption the current comprehensive plan when the 1999 comprehensive plan was in effect. The petition was reviewed for consistency with the 1999 comprehensive plan future land use map and land use compatibility policy and found consistent with the comprehensive plan. The current comprehensive plan has a different future land use map and different land use compatibility policy upon which the subject rezone petition needs to be reviewed for consistency.

Rezone Petition No. 07-07RZ was also reviewed for consistency with Section 10 (I) of the JPA/ILSBA which requires the city to use the county land use compatibility principles during the review of each zoning petition for any parcel located within the Joint Planning Areas and on properties within the city adjoining such areas. The subject property adjoins JPA/ILSBA No. 5, the Laurel Road Mixed Use Neighborhood. Through the approval of Rezone Petition No. 07-07RZ, the petition was found to be consistent with the county land use compatibility principles. The JPA/ILSBA Section 10 (I) provision is still currently in effect. Due to changed land use conditions adjacent to the property since the approval of Rezone Petition No. 07-07RZ in 2008, this report will make a determination regarding whether the subject rezone petition continues to be consistent with the county land use compatibility principles. The changed land use conditions include the on-going development of the Plaza Venezia shopping center and the Windwood PUD.

The applicant requests to have the property zoned RMF-3 with no stipulations or restrictions. The city is required to make a determination as to whether RMF-3 zoning on the subject property is consistent with the comprehensive plan. This determination is based on the assumption that no stipulations, safeguards or restrictions are placed on the RMF-3 zoning. In other words, stand-alone RMF-3 zoning of the subject property will be evaluated for consistency with the county land use compatibility principles and the city comprehensive plan land use compatibility policies.

Section 10 (I) of the JPA/ILSBA specifies that land use compatibility reviews (based on Sarasota County land use compatibility principles) shall include an evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. Potential incompatibility shall be mitigated through the techniques including but limited to the following:

- Providing open space, perimeter buffers, landscaping and berms;
- Screening of sources of light, noise, mechanical equipment, refuse areas, delivery areas and storage areas;
- Locating road access to minimize adverse impacts, increased building setbacks, step-down in building heights; and
- Increasing lot sizes and lower density or intensity of land use.

Regarding City of Venice land use compatibility policy, Policy 13.1 of the Future Land Use & Design Element of the Land Use & Development Chapter, in part, states the following:

*Each of the Future Land Use Map categories that allow residential uses set forth the allowable*

*density range for that category. 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.*

The county land use compatibility principles and the considerations contained in Policy 8.2 E through H of the city comprehensive plan address the same topics related to land use compatibility. As such, this report will provide one land use compatibility planning analysis that will, in effect, address both the county land use compatibility principles and the city's land use compatibility-related comprehensive plan policy. The format of the planning analysis, which follows, is based on the considerations contained in Policy 8.2 E through H.

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

The comprehensive plan defines the term compatibility as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. The comprehensive plan does not specify what land uses are compatible and what land uses are incompatible. However, it is generally accepted in the planning profession that residential uses are compatible with other residential uses. When residential property is adjacent to a proposed rezone to a residential zoning district, as indicated in the above excerpt from Policy 13.1, the appropriateness of the proposed density for the rezone property is based on an evaluation of the land use compatibility considerations contained in Policy 8.2 E through H. The following additional excerpt from Policy 13.1 provides general guidance on the appropriateness of adjacent residential densities.

*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 existing Sorrento Ranches residential subdivision abuts the subject property to the south. It is in unincorporated Sarasota County and was subdivided under Sarasota County Open Use, Estate-1 (OUE-1) zoning which requires a minimum lot area of five acres. This is a low density subdivision. It is common to find Sarasota County low density residential areas along the city boundary. This is a common occurrence when counties abut city boundaries. By comparison, the lowest density zoning district in the city's LDC is the Residential, Estate district which requires a minimum lot area of one acre.

By stipulation, the maximum density of the subject property is eight units per acre. Through the deletion of the existing stipulations, the applicant requests the RMF-3 maximum density of 13 units per acre be established on the property. In comparison, the Sorrento Ranches zoning requires a maximum of 0.2 units per acre. In such cases, as indicated above, the comprehensive plan requires that a land use compatibility analysis be done to determine the appropriateness of the proposed

change in density on the subject property from a maximum of eight units per acre to a maximum of 13 units per acre.

Land use compatibility can also be evaluated by comparing the future land use designation of a rezone property with the designation of surrounding property when the surrounding property is undeveloped or the maximum density allowed by existing zoning when the surrounding property is developed. If the proposed rezone property has the same planned density or range of densities as the planned or existing density of surrounding property, the proposed zoning can be seen as being compatible with that of the surrounding properties.

Applying this analysis to the rezone petition, medium density (5.1 to 13 units/acre) is currently allowed (stipulated maximum density of eight units per acre) and medium density is proposed (RMF-3 with a maximum density of 13 units/acre). The Sorrento Ranches subdivision which is subject to a maximum lot area of five acres (0.2 units/acre) is classified as low density. Therefore, measures may be needed to mitigate the differential densities of the subject property and the Sorrento Ranches subdivision.

On the southern portion of the subject property there exists a 170-foot wide Florida Power & Light (FPL) easement. Typically, within this type of easement development of any type is not allowed. The easement would provide a 170-foot separation between any development on the subject property and the Sorrento Ranches subdivision. The lots in Sorrento Ranches subdivision that abut the subject property are subject to 50-foot minimum rear yard setback. With the FPL easement and the Sorrento Ranches minimum required rear yard, any structure on the subject property would be setback at least 220 feet from any home in the Sorrento Ranches subdivision.

The FPL easement provides physical separation between any development on the subject property and Sorrento Ranches subdivision. This separation is a means to mitigate the differential densities between the subject property and the Sorrento Ranches subdivision. The Planning Commission and City Council to evaluate the adequacy of the FPL easement and the physical separation it provides as a density differential or land use compatibility mitigation measure.

It is important to note that an additional land use compatibility evaluation will occur when a specific development proposal is brought forward as a site and development plan and/or preliminary plat. Policy 8.2 I through N provides the same mitigation techniques as Section 10 (I) of the JPA/ILSBA (listed on the bottom of page 10) that can be applied to land development proposals to further mitigate potential land use incompatibilities.

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

This consideration is not applicable to the subject rezone petition. The existing and proposed zoning allow the same land uses permitted in the MRF-3 district.

- 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.

This consideration is not applicable to the subject rezone petition. The subject property is vacant, there are no nonconforming uses on the property.

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

The information for this consideration is provided in consideration E, above.

**Comprehensive Plan Implications of Proposed Elimination of Stipulations:**

A review of comprehensive plan consistency is based on the end-result of what an applicant proposes, not the changes necessary to achieve the end-result. In this case, the applicant proposes RMF-3 zoning with no stipulated restrictions. The changes to the existing zoning, which in this case is the elimination of the five existing stipulations, are technically not subject to comprehensive plan consistency review.

In Section III a) of this report, the consequences of eliminating each stipulation were identified. The following section will identify comprehensive plan-related implications of eliminating each of the five stipulations.

1. Require non-vehicular connectivity between this parcel and the eastern property.

One of the central themes of the comprehensive plan is to promote connectivity, particularly pedestrian and bicyclist connectivity. Unfortunately, despite the numerous calls for connectivity in the comprehensive plan, there are no measurable objectives which specify when and how connectivity is achieved.

As noted earlier in this report, a sidewalk currently exists on Laurel Road along the entire frontage of the subject property. This sidewalk provides connectivity to the properties to the west and east. Due to the non-specific language of the stipulation, the existing sidewalk along Laurel Road can be viewed as adequately addressing the stipulation.

2. Height limit of 35 feet.

The comprehensive plan has no policy or standard regarding height on the subject property. Elimination of this stipulation has no effect on the comprehensive plan.

3. Density shall not exceed eight units per acre.

If this stipulation is eliminated the subject property will be subject to the RMF-3 maximum density of 13 units per acre which is within and consistent with the planned density range of 5.1 to 13 units/acre in the Medium Density Residential future land use designation. As discussed in the above section of the report on land use compatibility, increasing the maximum density from eight units/acre to 13 units/acre does have implications regarding the analysis of land use compatibility.

4. A vegetative buffer shall be placed along the southern boundary of the property at a 70% opacity immediately adjacent to the 175 foot FPL easement with the exception of the wetland on the southern boundary, no vegetative buffer shall be placed between the wetland on the southern boundary of the property.

The 170-foot wide FPL easement will still remain if this stipulation is eliminated. The Planning Commission and City Council will need to determine if the FPL easement, alone, will be sufficient to mitigate the density differential between the subject property and the Sorrento Ranches subdivision.

5. Venetian Gateway (VG) standards relating to architectural design and signage standards.

The comprehensive plan has no policy or standard regarding architectural design and signage standards on the subject property. Elimination of this stipulation has no effect on the comprehensive plan.

***Finding of Fact (Comprehensive Plan):*** *The proposed zoning change is consistent with the Medium Density residential future land use map designation and can be found consistent with Section 10.I of the JPA/ILSBA and other land use compatibility-related policies in the comprehensive plan. Land use compatibility will be further evaluated as part of any future site and development plan and/or preliminary plat. In addition, comprehensive plan consistency can be maintained with the elimination of the five existing stipulations required through the approval of Rezone Petition No. 07-07RZ. In summary, the existing RMF-3 district can be found consistent with the comprehensive plan.*

c) **Concurrency/Adequate Public Facilities:**

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

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

d) **Applicable Zoning Map Amendment Considerations:**

Section 86-47(f) of the Land Development Code states “When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:” To facilitate the Planning Commission’s review of the subject petition staff has provided the applicant’s response to each of the following considerations and when appropriate staff has provided comments with additional information.

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

***Applicant’s Response:*** *The proposed change to RMF-3 zoning without stipulations is consistent with the City of Venice Comprehensive Plan future land use designation of Moderate Density Residential (5 to 13 du/ac).*

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

- (b) The existing land use pattern.

***Applicant’s Response:*** *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.*

**Staff Comment:** *The Laurel Road Mixed Use Neighborhood has an area of approximately 296 acres. It contains three subareas. The maximum residential density is eight units per acre, not 18 units per acre. Non-residential uses are allowed in up to 33% of the acreage of subarea 1, 50% of the acreage of subarea 2 and 100% of the acreage of subarea 3. Since Rezone Petition No. 07-07RZ was approved in 2008 two developments have occurred in the area. The first is the Windwood Planned Unit Development located on the west side of Pinebrook Road and southeast of the subject property. The Windwood PUD is a 90-lot single-family subdivision developed at 1.9 units per acre and houses have been constructed there for the past year. The second is the Plaza Venetia shopping center located at the southwest corner of Laurel Road and Pinebrook Road. All but one of the shopping center outparcel are yet to be developed.*

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

**Applicant's Response:** *The proposal does not seek to change the existing zoning district, it only seeks to remove certain stipulations associated with the previous rezoning of the property. The RMF-3 zoning designation is not an isolated district unrelated to nearby districts.*

**Staff Comment:** *Staff concurs, the rezone petition does not amend the zoning map.*

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

**Applicant's Response:** *The proposed rezoning will not cause overtaxing of public facilities such as schools, utilities and streets.*

**Staff Comment:** *The availability of public facilities will be evaluated in the concurrency application submitted as part of any site and development plan and/or preliminary plat. Staff is not aware of any public facilities which would be overtaxed by the proposed rezoning.*

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

**Applicant's Response:** *The existing district boundaries are not illogically drawn in relation to existing conditions on the property proposed for change and the proposal does not seek to change the zoning designation of the property.*

**Staff Comment:** *Zoning district boundaries are not being amended by the rezone petition.*

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

**Applicant's Response:** *The current stipulations adopted at the time of the previous rezoning were associated with an anticipated development plan which has since been abandoned.*

**Staff Comment:** *The files for Rezone Petition 07-07RZ and the subject petition have no record of development plans on the subject property. The city had no official record of a development plan on the subject property when it approved Rezone Petition 07-07RZ.*

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

***Applicant's Response:*** The proposed change will not adversely influence living conditions in the neighborhood. Consistent with the Comprehensive Plan, the change will serve to provide a transition area between higher density and intensity land uses to the north and east and lower density development to the south and southwest.

***Staff Comment:*** The planned residential density to the north (JPA/ILSBA Area No. 5) is a maximum of eight units per acre, which is less than the proposed maximum density of 13 units per acre on the subject property. However, the area to the north does allowed mixed use residential/non-residential development.

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

***Applicant's Response:*** The proposed change will not create or excessively increase traffic congestion or otherwise affect public safety. A specific transportation analysis will be provided at the time a proposal for development is brought forward through the site and development plan or preliminary platting process.

***Staff Comment:*** The impact on transportation facilities will be evaluated in the concurrency application submitted as part of any site and development plan and or preliminary plat. The section of Laurel Road in which the subject property fronts is currently operating above the adopted minimum level of service. Potential public safety impacts will be evaluated in the review of any site and development plan and/or preliminary plat.

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

***Applicant's Response:*** The proposed change will not create a drainage problem. All required permits must and will be obtained prior to development of the property.

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

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

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

***Staff Comment:*** This potential impact will be evaluated during the review of development proposals for the subject property.

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

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

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

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

**Applicant's Response:** *The proposed change will not be a deterrent to the improvement or development of adjacent property.*

**Staff Comment:** *All adjacent property on the south side of Laurel Road is developed.*

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

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

**Staff Comment:** *It is not a special privilege to request a zoning district which is consistent with the future land use map.*

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

**Applicant's Response:** *The proposed change is to remove the stipulations placed on the existing zoning designation of the property, and to use the property in accord with the existing RMF-3 zoning district regulations.*

**Staff Comment:** *The property can be used in accord with the existing zoning.*

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

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

**Staff Comment:** *Consistent the Housing and Neighborhood Development Element of the Land Use and Development Chapter of the comprehensive plan, the land use process is to be utilized "to ensure that diverse housing opportunities are available to meet the community's residential and economic needs." The request for multi-family zoning is consistent with this policy.*

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

**Applicant's Response:** *The City currently lacks adequate sites for the proposed use in districts already permitting such use.*

***Staff Comment:** The subject rezone petition does not change the uses permitted on the property. The property is currently allowed Residential, Multiple-Family (RMF) uses; if the rezone is approved the property will continue to allowed RMF uses.*

***Findings of Fact (Applicable Rezoning Considerations):** Based on the above evaluation, staff finds there is sufficient information to make a finding for each of the rezoning considerations contained in Section 86-47 (f) a-p, of the Land Development Code.*

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

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