

RESPONSE TO PROPOSED S&J PROPERTIES OF SW FL, LLC
REZONING PETITION 07-07RZ.01 TO RESIDENTIAL,
MULTIPLE-FAMILY 3 WITH ELIMINATION OF THE 2008
APPROVAL STIPULATIONS

Submitted to the City of Venice City Council
September 13, 2016 Public Hearing

Prepared by
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For the
Sorrento Ranches Homeowners Association, Inc.

INTRODUCTION

S&J properties is requesting to retain the current Residential, Multiple-Family-3 (RMF-3), but eliminate the five stipulations that were put in-place as conditions of approval at the June 10, 2008 City Council hearing (Ordinance No. 2008-09). The stipulations of the approval were as follows:

1. Require non-vehicular connectivity between this parcel and the eastern property.
2. Height limit of 35 feet.
3. Density not to 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.

Although the Sorrento Ranches Homeowners Association, Inc. (SRHA) concluded that a maximum density of five (5) dwelling units/acre was appropriate relative to the 2008 S&J rezoning petition, they agreed to eight (8) dwelling units/acre (du/ac) with height limited to 35 feet, and the five current stipulations being an integral part of their agreement with the S&J property owner. It is noted that the Applicant's attorney, Mr. Boone, stated at the April 5, 2016 Planning Commission public hearing that the buffer, Stipulation #4, would be retained.

The Applicant has claimed that the removal of the stipulations is required to develop the site for rental apartments. Yet, no stipulation has been proposed by the Applicant to guarantee developing the site for apartments. Further, the Applicant has not provided any feasibility analysis that indicates this site can only be developed with apartments at 13 dwelling units/acre (du/ac), and that no other apartment sites are available within the City. Nor has the Applicant presented any feasibility analysis that indicates this site cannot be developed for multi-family residential at a density of eight (8) du/ac. **Such a basis for the removal of the stipulations is purely speculative, and therefore, has no basis in finding of facts for consideration by the City Council. It is important to note that the Applicant's attorney in response to a question by a Planning Commission member stated that the S&J property could be developed under the current zoning with the five stipulations.**

And finally, it is significant to note that the Planning Commission, found the rezoning to be inconsistent with the LDR, specifically recognizing the failure to meet Rezoning criteria f, g, k and n; and voted 5-1 to DENY the rezoning.

This report will demonstrate the rationale for the City Council to deny the request, as recommended by the Planning Commission, and therefore, require S&J Properties to abide by the five stipulations.

This report provides an analysis of the following:

- Analysis of Compatibility as related to identification of relevant Comprehensive Plan goals and policies, and the 2010 JPA that document the failure of the rezoning petition to meet compatibility criteria relative to density and height.

- Analysis of the petition relative to the failure of the rezoning petition to meet key rezoning review criteria.

Based on the following analysis, the rezoning petition is **NOT** in compliance with the compatibility criteria and other comprehensive plan policies; therefore, as recommended by the Venice Planning Commission, the Sorrento Ranches Homeowners Association, Inc. urges that the Venice City Council **DENY** the rezoning petition and require the applicant to comply with the original five stipulations imposed by the Venice City Council in the 2008 rezoning approval.

CRITERIA FOR ANALYSIS OF COMPATIBILITY

THE COMPREHENSIVE PLAN

The City of Venice addresses protection of neighborhoods through its 2010 Comprehensive Plan and Land Development Code (LDC). The City's Comprehensive Plan requires compatibility between developments, as well as, protecting the integrity and character of the City. The key goal, objectives and policies that require development/redevelopment to protect the character of the City and be compatible with the surrounding development character are cited below. Key phrases are highlighted and/or bolded for emphasis and are the key basis of this analysis.

FUTURE LAND USE ELEMENT

GOAL PROVIDE AN EXCEPTIONAL PLACE TO LIVE, WORK, AND PLAY THROUGH LIVABLE COMMUNITY PRACTICES.

Objective 1 Livable Community Principles and Practices. Utilize the Venice planning framework's livable community principles and practices as the basis for future development.

Policy 1.11 **Neighborhood Character Preservation.** Protect the unique character of residential neighborhoods by eliminating incompatible uses and prohibiting the relocation of such incompatible uses if the relocation would result in negative impacts to other existing or proposed residential neighborhoods.

Objective 8 Petition Review Criteria. **Implement the City's livable community planning framework and development standards** consistent with the City's Venice Strategic Plan 2030, Envision Venice Evaluation and Appraisal Report (EAR), Chapter 163, Part II, F.S., and Rule 9J-5, F.A.C. **by utilizing the following planning practices, standards, review procedures, and criteria to evaluate annexation, rezoning, conditional use, special exception, and site and development plan petitions.**

Policy 8.1 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:

- A. Provide a balance of land use and infrastructure capacity in developed areas through a focus on infill and redevelopment projects consistent with the character of the City.
- B. Foster compact forms of development within designated infill, redevelopment, and new growth corridors.
- C. Protect natural habitats and environmental areas through conservation practices.
- D. Minimize sprawl by discouraging growth and development in undeveloped areas where infrastructure does not exist and where inconsistent with the environmental character of the area.
- E. Include transitioning and buffering between different heights, densities, and intensities.**

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:**

- 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.

Objective 13 Future Land Use Designations. Foster the City's future development by designating land uses consistent with Venice's livable community planning framework as depicted on the Future Land Use Map (Map FLUM-1).

Policy 13.1 **Residential Future Land Uses.** 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.

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. A proposed rezoning must also comply with all other policies applicable to a determination of density.

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.**

Policy 18.12 **Laurel Road Mixed Use Neighborhood Standards.** Development in the Laurel Road Mixed Use Neighborhood shall reflect the following development scenario:

A. The maximum residential density in this neighborhood shall not exceed 8 units per acre, calculated on a gross acreage basis.

1. Residential uses shall be concentrated in Subarea No. 1 and may be allowed in Subarea No. 2, north of Laurel Road, so long as such uses are compatible with adjacent uses, as described in Objective 8, Policy 8.2 of this Element.

B. Building envelope:

1. Height standards shall be:
 - a. Subarea No. 1: Maximum height shall be limited to 2 stories, up to 35' including parking.
 - b. Subarea No. 2: Maximum height shall be limited to 3 stories, up to 42' including parking.
 - c. Subarea No. 3: Maximum height shall be limited to 3 stories, up to 42' including parking.
2. Mitigating techniques as described in Objective 8, Policy 8.2 of this Element shall be required to ensure compatibility with adjacent uses.

The Joint Planning Agreement (JPA/ILSBA) also defines compatibility measures. Pursuant to the JPA Section 10 (I):

The City agrees to use the County land use compatibility principles during the review of each zoning petition for any parcel located within the Joint Planning Areas set forth on Exhibit A and on properties within the City adjoining such areas. Within the Coordination and Cooperation Areas set forth on Exhibit A, the County agrees not to revise its future land uses prior to confirmation of compatibility by the City. **The land use compatibility reviews referenced above 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 techniques including, but not limited to: (i) providing open space, perimeter buffers, landscaping and berms; (ii) screening of sources of light, noise, mechanical equipment, refuse areas, delivery areas and storage areas; (iii) locating road access to minimize adverse impacts, **increased building setbacks, step-down in building heights; and (iv) increasing lot sizes and lower density or intensity of land use.**

Although compatibility is defined in the Comprehensive Plan, pursuant to Florida Statute, taken collectively from the above goal, objectives and policies, compatibility can be summarized as:

Sensitivity of a development to the existing character of surrounding development character. This is measured by how the intensity and design of a development and its building components relate to the design elements of the surrounding natural/physical and manmade environment. Compatibility is achieved by measures such as, but not limited to: lowering densities to transition to different adjacent land uses and densities, transition of building height between adjacent development, buffering of different land uses and densities via landscape buffering and placement of open spaces.

As defined by the above goal, objectives and policies the proposed rezoning and development scale must be evaluated for its compatibility with the adjacent development character. Based on the aforementioned Comprehensive Plan objectives and policies, the City Council can make a finding that the density, scale and height of potential development, via the rezoning petition, is incompatible with the single-family residential development character to the south, as recommended by the Planning Commission, and therefore, is inconsistent with the Comprehensive Plan.

S&J REZONING INCOMPATIBILITY ANALYSIS

DENSITY INCOMPATIBILITY

The Applicant's request for 13 dwelling units/acre does not meet the compatibility criteria. The density surrounding the S&J property is significantly less than 13 dwelling units/acre as illustrated on Exhibits A and B and described below:

- North: Maximum 8 dwelling units/acre pursuant to the JPA/ILSBA.
- East: Maximum 8 dwelling units/acre pursuant to the JPA/ILSBA. It is noted that this site is partially developed with the Plaza Venezia retail center. **This center is currently developed at an FAR of 0.08, where a maximum FAR of 2.0 is permitted. Further, it is important to note that approximately 53 percent of the eastern S&J property boundary (672 feet of the total 1,256 feet) is adjacent to a large wetland; therefore, only 47 percent of the site is adjacent to low intensity commercial development.**
- West: County Moderate Density Residential ($\geq 2 < 5$ dwelling units/acre). It is noted that this area is developed with the Laurel Nokomis Middle/Elementary school and a school maintenance facility. **Schools are not an intensive use, and further, the school is approximately 631 feet west of the S& J property.**
- South: County Low Density Residential (< 2 dwelling units/acre) and City of Venice Low Density Residential ($0 > 5$ dwelling units/acre). **This area is developed with Sorrento Ranches (actual density: 1 du/5 ac) and Windwood (actual density: 2.0 du/ac), both single-family developments. These actual densities form the basis of any compatibility analysis.**

Pursuant to the various comprehensive plan compatibility policies, the designated maximum future land use density (MDR: 13 du/ac) on the site is not a guarantee, especially, if compatibility criteria are not met. Policy 13.1 states:

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 following excerpts of relevant compatibility policies and the JPA apply to the compatibility review of this rezoning petition and **dictate that a maximum density of eight (8) dwelling units/acre is appropriate to address Policy 8.2 compatibility review criteria.**

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:

A. Land use density and intensity.

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

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

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

Response to Criteria A, E, H and N:

As described previously, the surrounding future land use designations range from less than two (2) dwelling units/acre to a high of eight (8) dwelling units/acre. The actual surrounding densities are much less; 1 du/5 ac and 2.0 du/ac. No other land use designation adjacent to the S&J property exceeds eight (8) dwelling units/acre. Based on Policies 8.2 and 13.1 and JPA/ILSBA, the lower end of the density range would dictate that five (5) du/ac is the most appropriate density for the S&J property. This density was deemed appropriate by Sorrento Ranches Homeowners Association; however, as part of a mutual agreement between the Sorrento Ranches Homeowners Association and the S&J property owner on the 2008 rezoning, eight (8) du/ac was acceptable along with the five stipulations.

There are a number of other comprehensive plan policies that provide specific guidance in addressing density compatibility criteria A, E, H and N, which dictate the density for S&J rezoning should be a maximum of eight (8) dwelling units/acre, which is an appropriate transition with the surrounding density as described above. These policies include the following:

- Policy 1.11 Neighborhood Character Preservation. Protect the unique character of residential neighborhoods by eliminating incompatible uses and prohibiting the relocation of such incompatible uses if the relocation would result in negative impacts to other existing or proposed residential neighborhoods.
- Policy 8.1 Smart Growth and Sustainable Development Practices.
 - E. Include transitioning and buffering between different heights, densities, and intensities.**
- Policy 13.1 **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.

Appropriate densities within each density range shall be determined, in part, by the land uses and land use designations surrounding the parcel. **Densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations.**

- Policy 18.12 Laurel Road Mixed Use Neighborhood Standards. Development in the Laurel Road Mixed Use Neighborhood shall reflect the following development scenario:

C. The maximum residential density in this neighborhood shall not exceed 8 units per acre, calculated on a gross acreage basis.

- The JPA/ILSBA, Section 10(I) requires land use compatibility reviews to 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 techniques including, but not limited to: (i) providing open space, perimeter buffers, landscaping and berms; ... and (iv) **increasing lot sizes and lower density or intensity of land use.**

Response to the above Policies and JPA:

Pursuant to the comprehensive plan, the maximum residential density is required to be addressed at the rezoning. It is significant to note that the maximum density set by the Laurel Road JPA Area, a large mixed-use intensive designation, is a maximum of only eight (8) dwelling units/acre. Therefore, the JPA has in fact, established that the compatible maximum density for this entire area, including the S&J property, is eight (8) dwelling units/acre.

The request for 13 dwelling units/acre would represent a 62.5 percent increase in density over the maximum permitted density within the Laurel Road JPA Area, a 550 percent increase in density from the adjacent Sorrento Ranches maximum permitted density (< 2 dwelling units/acre) and 160 percent increase over the Windwood development permitted maximum density (5 du/ac). As stated previously, the actual developed densities at Sorrento Ranches and Windwood are 1 du/5ac and 2.0 du/ac, respectively.

The Applicant has made reference to justification for the density increase based on the section of Policy 13.1 that states, “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 such as commercial, office, professional and institutional uses.” However, this section of the policy is not relevant, as all surrounding densities must be considered in the compatibility analysis, not just selected sides that benefit the Applicant. The S&J site has very low density to the south (1 du/5 ac and 2/du/ac) and a maximum density to the north and east of eight (8) du/ac. The request for 13 du/ac is significantly higher than the surrounding maximum permitted densities, and the actual surrounding residential densities. Therefore, the request for 13 du/ac is not compatible.

As stated previously, the JPA/ILSBA is intended to create an intense mixed-used development (commercial/residential), and yet the JPA establishes the maximum residential compatibility density at 8 du/ac, not 13 du/ac.

Approving 13 du/ac creates an island of significantly higher density adjacent to much lower residential density, which is the exact opposite of Policy 13.1, which states “Densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations.”

Further, the request for the density increase is being founded on the desire to construct rental apartments, yet no stipulation regarding a commitment to such development has been proffered. There are no comprehensive plan goals, objectives or policies that require a developer be guaranteed maximum profitability or development density. Such a basis for the removal of the density stipulation is purely speculative, and therefore, has no basis in finding of facts for consideration by the City Council.

CONCLUSION

Based on the aforementioned Comprehensive Plan objectives and policies, and compatibility analysis, the City Council can make a finding that the density and scale of the proposed rezoning at 13 dwelling units/acre, is incompatible with the single-family residential development character to the south, as recommended by the Planning Commission, and therefore, is inconsistent with the Comprehensive Plan and fails to meet compatibility criteria. The request for 13 dwelling units/acre would represent a 62.5 percent increase in density over the maximum permitted density within the Laurel Road JPA Area, a 550 percent increase in density from the adjacent Sorrento Ranches maximum permitted density and a 160 percent increase over the Windwood development maximum permitted density.

Based on the above analysis, the appropriate density for the S&J property is eight (8) dwelling units/acre consistent with the comprehensive plan compatibility criteria and the JPA/ILSBA.

HEIGHT INCOMPATIBILITY

The Applicant has also requested removal of the maximum 35 foot height limit. The removal of the height limit could permit buildings 45 feet in height and potentially 55 feet in height with parking underneath. This change would constitute incompatibility with the surrounding development and height limits pursuant to the comprehensive plan policies and criteria. Exhibit C illustrates the maximum height limits permitted on the properties surrounding the S&J property.

The following excerpts of relevant compatibility policies and the JPA apply and **dictate that the 35 foot height limit is an appropriate transition to the adjacent low-density single-family residential development:**

- 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:

B. Building heights and setbacks.

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

- Policy 8.1 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 different heights, densities, and intensities.

- Policy 18.12 Laurel Road Mixed Use Neighborhood Standards. Development in the Laurel Road Mixed Use Neighborhood shall reflect the following development scenario:

B. Building envelope:

1. Height standards shall be:

a. Subarea No. 1: Maximum height shall be limited to 2 stories, up to 35' including parking. [Author Note: Area northwest of S&J Property]

b. Subarea No. 2: Maximum height shall be limited to 3 stories, up to 42' including parking. [Author Note: Area north of S&J Property]

c. Subarea No. 3: Maximum height shall be limited to 3 stories, up to 42' including parking. [Author Note: Area east of the S&J property]

- The JPA/ILSBA, Section 10(I) requires land use compatibility reviews to 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 techniques including, but not limited to: **(iii) locating road access to minimize adverse impacts, increased building setbacks, step-down in building heights.**

Responses to the above Policies:

The potential for 45'-55' high buildings is incompatible with the single-family residential development character to the south, and therefore, is inconsistent with the Comprehensive Plan and fails to meet compatibility criteria as recommended by the Planning Commission. Based on the aforementioned Comprehensive Plan objectives and policies, and in particular, the JPA, the maximum height permitted is 42 feet, including parking. The compatibility analysis dictates that a transition or step-down is

the appropriate mitigation measure to create compatibility with the adjacent Sorrento Ranches and Windwood developments.

CONCLUSION:

The City Council can make a finding that the current 35 foot height limit imposed as a condition of the 2008 rezoning is appropriate as it provides an appropriate and compatible transition in the height and scale of development with the adjacent Sorrento Ranches and Windwood residential developments to the south, and the Laurel Road JPA.

REZONING PETITION ANALYSIS

Pursuant to Sec. 86-47. Amendments to the land development code, 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 sixteen criteria.

THE PROPOSED REZONING DOES NOT MEET A NUMBER OF THE REZONING REVIEW CRITERIA.

The following provides an analysis of the proposed rezoning petition relative to the Comprehensive Plan and LDC. Below are responses to relevant criteria:

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

Response: The proposed change is not in conformity with the comprehensive plan, as it does not meet compatibility criteria. Policy 13.1 states “Densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations.” The requested density increase is significantly higher than the maximum density set by the JPA/ILSBA, a large mixed-use intensive designation, which establishes a maximum residential density of only eight (8) dwelling units/acre. Therefore, the JPA has in fact, established that the compatible maximum density for this entire area, including the S&J property, is eight (8) dwelling units/acre.

The request for 13 dwelling units/acre would represent a 62.5 percent increase in density over the maximum permitted within the Laurel Road JPA Area, a 550 percent increase in density from the adjacent Sorrento Ranches maximum permitted density (< 2 dwelling units/acre) and 160 percent increase over the Windwood development (0-5 du/ac). The actual developed densities at Sorrento Ranches and Windwood, is 1 du/5ac and 2.0 du/ac, respectively. The requested density is not compatible with the surrounding neighborhood and is significantly out-of-scale with these residential neighborhoods as well as the JPA/ILSBA.

- b. The existing land use pattern.

Response: As noted in criteria “a” above, the requested density and height are not compatible with the existing single-family development pattern or the proposed residential development pattern pursuant to the JPA/ILSBA.

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

Response: The requested density increase would create an island of high density residential adjacent to very low density single-family residential (1 du/5ac and 2.0 du/ac) to the south and the JPA/ILSBA maximum density of 8 du/ac) to the north.

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

Response: The Applicant has claimed that the removal of the stipulations is required to develop the site for rental apartments. Yet, no stipulation has been proposed by the Applicant to guarantee developing the site for apartments. **Such a basis for the removal of the stipulations is purely speculative, and therefore, has no basis in finding of facts for consideration by the City Council.**

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

Response: The proposed change will adversely influence living conditions in the neighborhood. The actual developed densities at Sorrento Ranches and Windwood, are 1 du/5ac and 2.0 du/ac, respectively. The requested density of 13 du/ac is significantly out-of-scale with these residential neighborhoods, as well as, the JPA/ILSBA, and therefore, fails to meet comprehensive plan compatibility criteria and noted throughout this report.

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

Response: Based on the failure of the proposed rezoning to meet compatibility criteria, there could be an adverse impact on adjacent single-family residential property values.

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

Response: Based on the failure of the proposed rezoning to meet compatibility criteria, there could be a deterrent to improvements to the adjacent single-family residential properties.

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

Response: The proposed change is not in conformity with the comprehensive plan, as it does not meet compatibility criteria. As such, the request is not in the public's interest to be granted. The requested density increase is significantly higher than the maximum density set by the Laurel Road JPA Area, a large mixed-use intensive designation, which is a maximum of only eight (8) dwelling units/acre. Therefore, the JPA has in fact, established that the compatible maximum density for this entire area, including the S&J property, is eight (8) dwelling units/acre. The actual developed densities at Sorrento Ranches and Windwood, are 1 du/5ac and 2.0 du/ac, respectively; therefore, the requested density is not compatible with the surrounding neighborhood and is in fact, significantly out-scale with these residential neighborhoods, as well as, the JPA/ILSBA.

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

Response: The Applicant has claimed that the removal is required to develop the site for rental apartments. Yet, no stipulation has been proposed by the Applicant to guarantee developing the site for apartments. Further, the Applicant has not provided any feasibility analysis that indicates this site can only be developed with apartments, and that no other apartment sites exist within the City. Nor has the Applicant presented any feasibility analysis that indicates this site cannot be developed for any multi-family residential at a density of only eight (8) du/ac. **Such a basis for the removal of the stipulations is purely speculative, and therefore, has no basis in finding of facts for consideration by the City Council. Further, it is important to note that the Applicant's attorney in response to a question by a Planning Commission member stated that the S&J property could be developed under the current zoning with the five stipulations.**

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

See response to criteria "n" above.

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

See response to criteria “n” above.

SORRENTO RANCHES HOMEOWNERS ASSOCIATION RECOMMENDATION TO THE CITY COUNCIL

The proposed rezoning to remove the five stipulations is not consistent with nor meets the compatibility criteria of the comprehensive plan. As analyzed in this report, these policies include 1.11, 8.1, 8.2, 13.1 and 18.2, and JPA/ILSBA, Section 10(I).

Based on the above analysis, the appropriate density for the S&J property is eight (8) dwelling units/acre consistent with the comprehensive plan compatibility criteria and the JPA/ILSBA. The 35 foot height limit imposed as a condition of the 2008 rezoning is appropriate as it provides a transition in the scale of development with the adjacent Sorrento Ranches and Windwood single-family residential developments to the south, and the JPA/ILSBA to the north.

Further, the Applicant has claimed that the removal of the stipulations is required to develop the site for rental apartments. Yet, no stipulation has been proposed by the Applicant to guarantee developing the site for apartments. Further, the Applicant has not provided any feasibility analysis that indicates this site can only be developed with apartments at 13 dwelling units/acre, and that no other available apartment sites exist within the City. Nor has the Applicant presented any feasibility analysis that indicates this site cannot be developed for any multi-family residential at a density of eight (8) dwelling units/acre. Such a basis for the removal of the stipulations is purely speculative, and therefore, has no basis in finding of facts for consideration by the City Council.

And finally, it is significant to note that the Planning Commission, found the rezoning to be inconsistent with the LDR, specifically recognizing the failure to meet Rezoning criteria f, g, k and n, and voted 5-1 to DENY the rezoning.

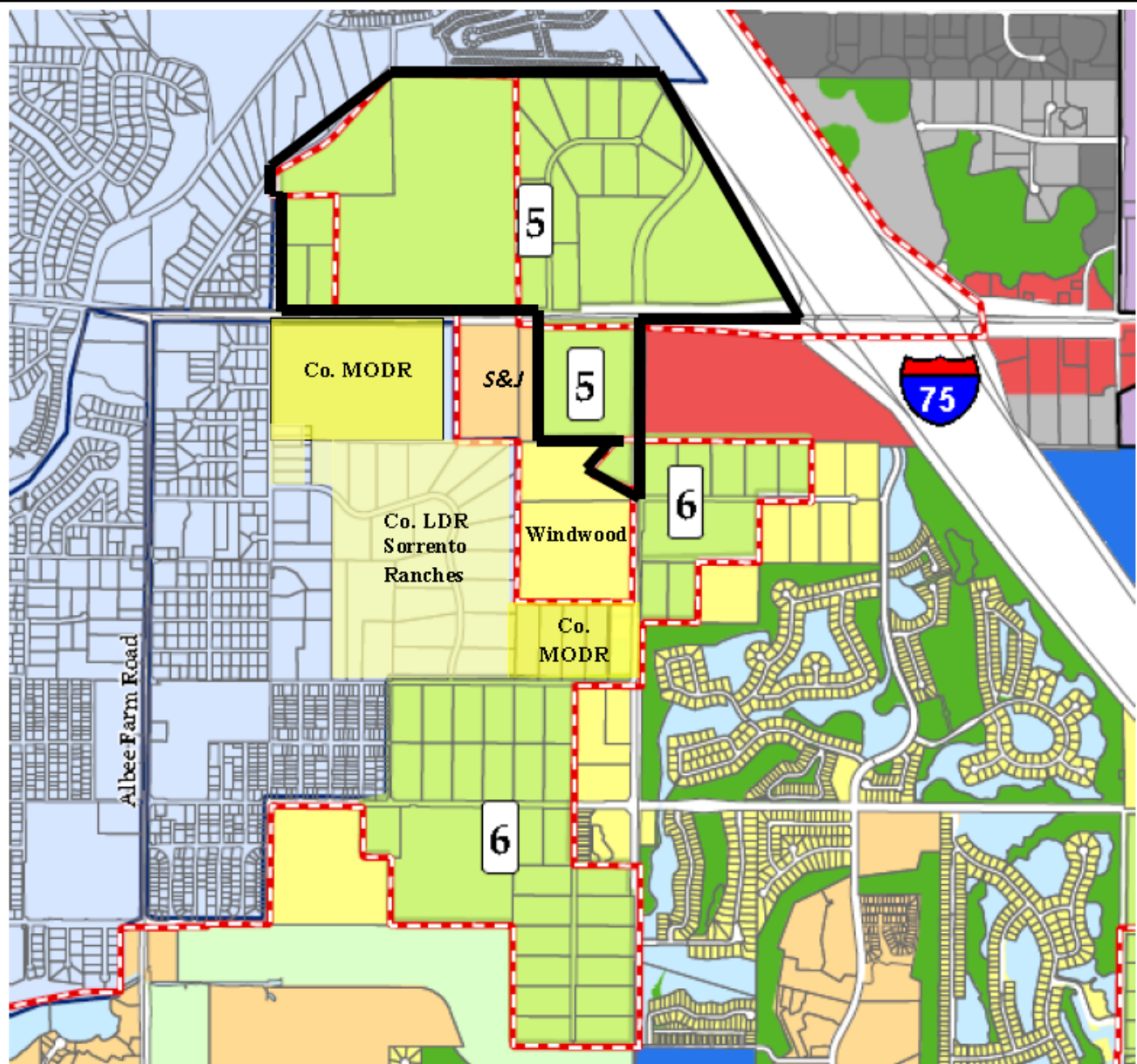
Jan A. Norsoph, AICP



Mr. Norsoph reserves the right to amend this report based upon new information.

EXHIBITS A-B

- **Exhibit A: City of Venice/Sarasota County FLUM**
- **Exhibit B: Surrounding Density Patterns**
- **Exhibit C: Surrounding Height Limits**



City of Venice 2030 Future Land Use Map

- LOW DENSITY RESIDENTIAL (0-5 DU/AC)
 - MEDIUM DENSITY RESIDENTIAL (5.1-13.0 DU/AC)
 - HIGH DENSITY RESIDENTIAL
 - MIXED USE RESIDENTIAL
 - COMMERCIAL
 - RECREATION & OPEN SPACE
 - CONSERVATION
 - LAUREL ROAD MIXED USE JPA AREA: MAXIMUM RESIDENTIAL 8 DU/AC
- County LDR < 2 DU/AC
County MODR ≥ 2 < 5

Source: City of Venice FLUM, 2012

**EXHIBIT A
FLUM**



Sources: Sarasota Property Appraiser aerial
City of Venice FLUE Map -20 JPA/ILSBA Area No. 5

EXHIBIT B Surrounding Density



Sources: Sarasota Property Appraiser aerial
City of Venice FLUE Map -20 JPA/ILSBA Area No. 5

EXHIBIT C Surrounding Height

JAN A. NORSOPH'S RESUME

JAN ALAN NORSOPH, AICP

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SUMMARY OF QUALIFICATIONS

Award winning professional with over 38 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 and as a City of St. Petersburg Manager.

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) - Provide consultant services related to:

- Comprehensive planning, land development regulations, urban design, zoning and other land development related services.
- Rezoning and Special Exception Use applications.
- Eminent domain.
- Expert witness testimony.
- Work as a part-time employee for the City of Seminole Community Development Department (July 2012- present).
- Planning subconsultant services for Engelhardt, Hammer and Associates, Inc.

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 land development codes, and 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- On-going planning consultant, included preparation of 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.
- Neighborhood and other type associations- Provide expert witness testimony on development reviews, special exceptions and rezonings.
- City of Temple Terrace- Revisions to Chapter 29- Downtown Redevelopment Overlay Zoning District, including design guidelines/illustrations.
- MacDill AFB General Plan.
- Historic design guidelines and manuals for the City of Tarpon Springs.
- 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)
- Cultural Arts District Master Plan for the City of Tampa.
- Multiple future land use amendments, rezoning and conditional/special use applications for private clients (Cities of Pinellas Park, Venice, West Palm Beach and Tampa).
- 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).

- 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.
- Eminent Domain Planning Analyses for private clients in Charlotte, Escambia, Santa Rosa, Duval, Columbia, Clay, Leon, Palm Beach, Orange, Indian River, Polk, Pasco, Lee, Hillsborough, Seminole, Osceola, Hernando, Citrus, Hendry and Sarasota counties.
- Expert Witness Testimony, including eminent domain trials (8) and a land use litigation case. Qualified as an expert in courts in Charlotte, Hendry, Hillsborough, 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.