



# **ZONING AMENDMENT**

## ***S & J Properties***

### **Rezone Petition No. 07-07RZ.1**

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

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

**Address: 2300 Laurel Road      Parcel ID #s: 0385-02-0002 & 0385-01-0002**

**Parcel Size: 25.54  $\pm$  acres**

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

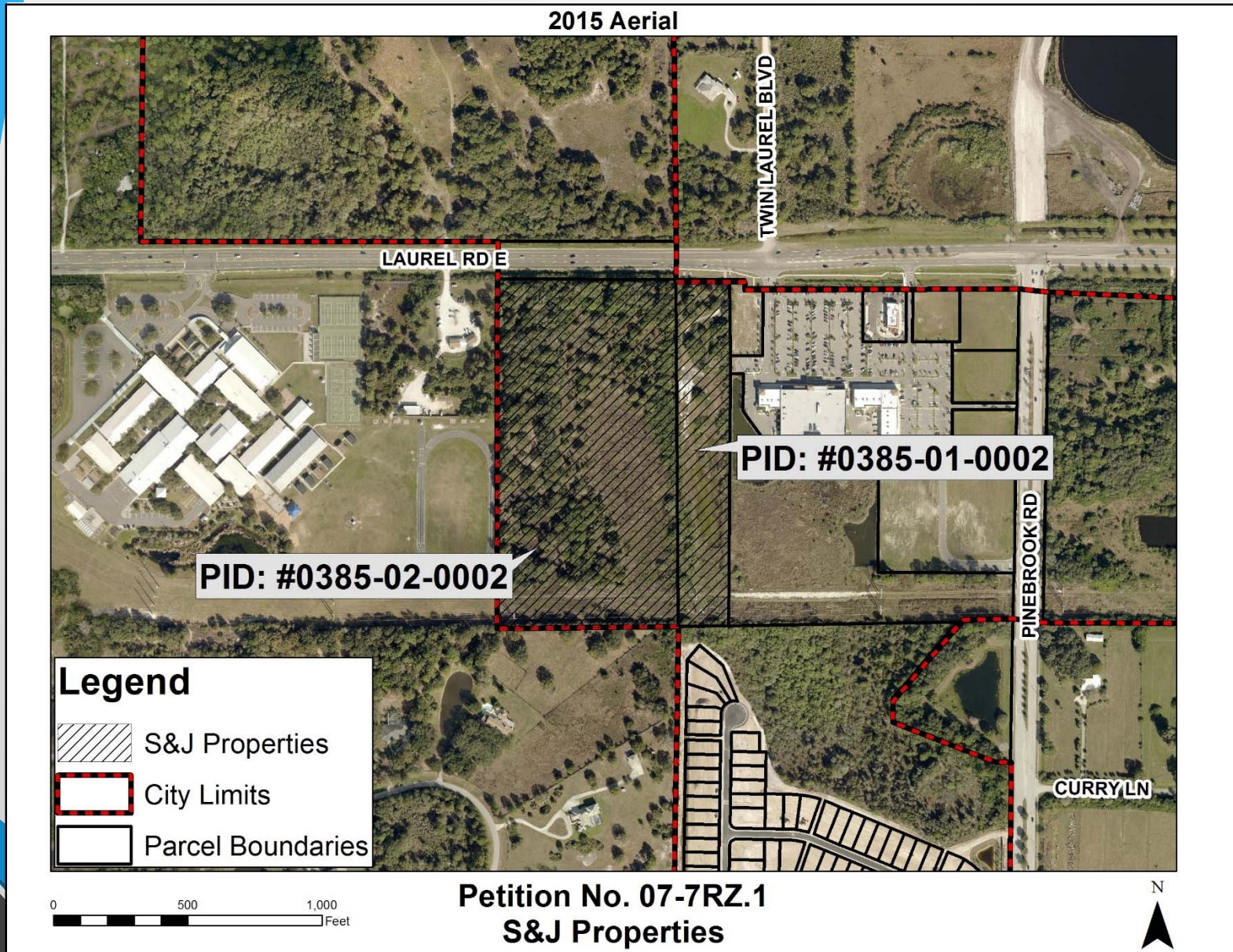
**Proposed Zoning District: Residential, Multiple-Family 3 (RMF-3) with amended  
(eliminated) stipulations**

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

# Summary of Proposed Rezone Petition

- Existing RMF-3 zoning district to remain – request is not a zoning map amendment
- Request is to eliminate five existing stipulations included in the approval of Rezone Petition No. 07-07RZ
  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

# Aerial Photograph (Staff Report Map 1)



# Photographs of On-Site and Off-Site Conditions



**The subject property's frontage along Laurel Road**



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

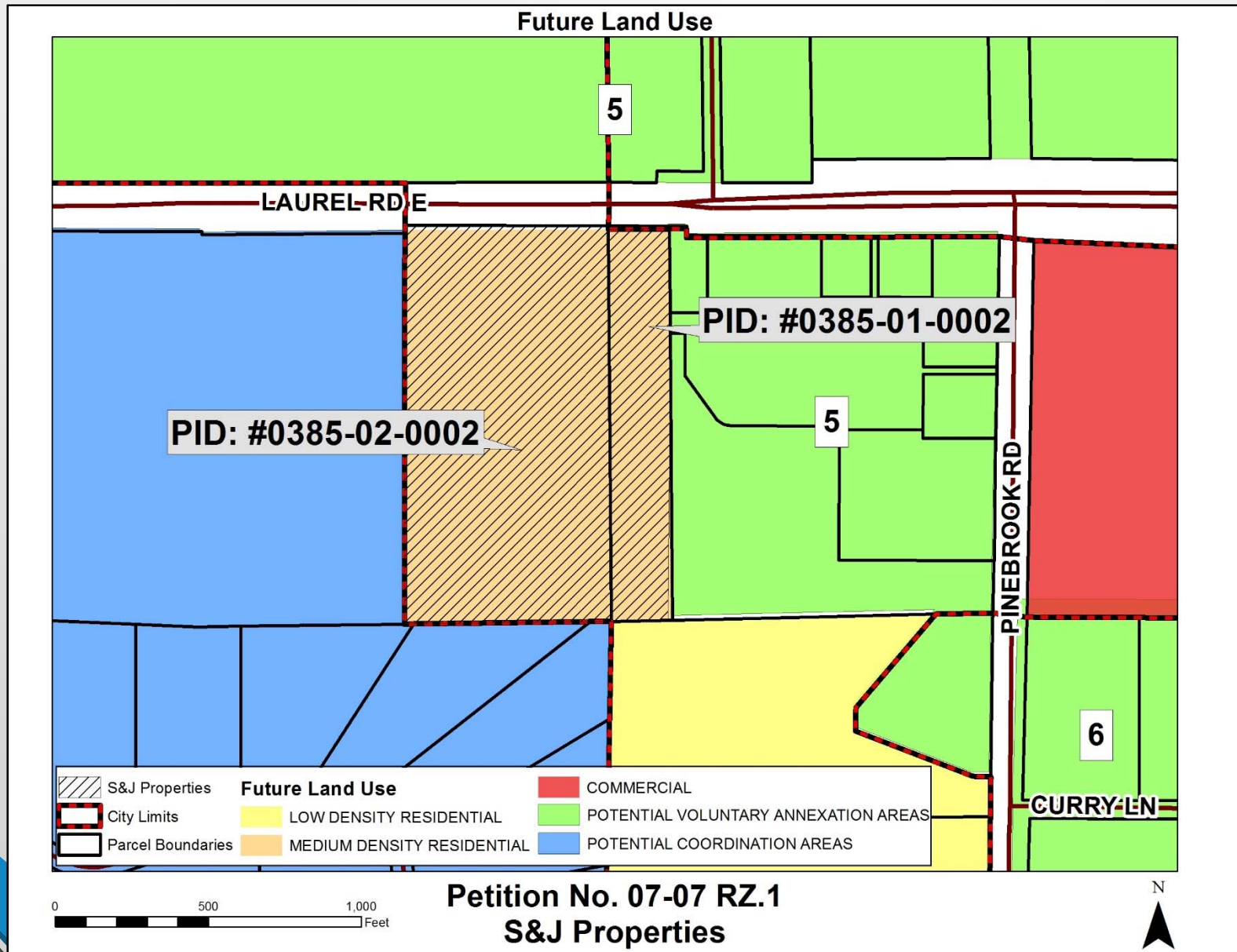


**School District maintenance facility abuts the subject property to the west**

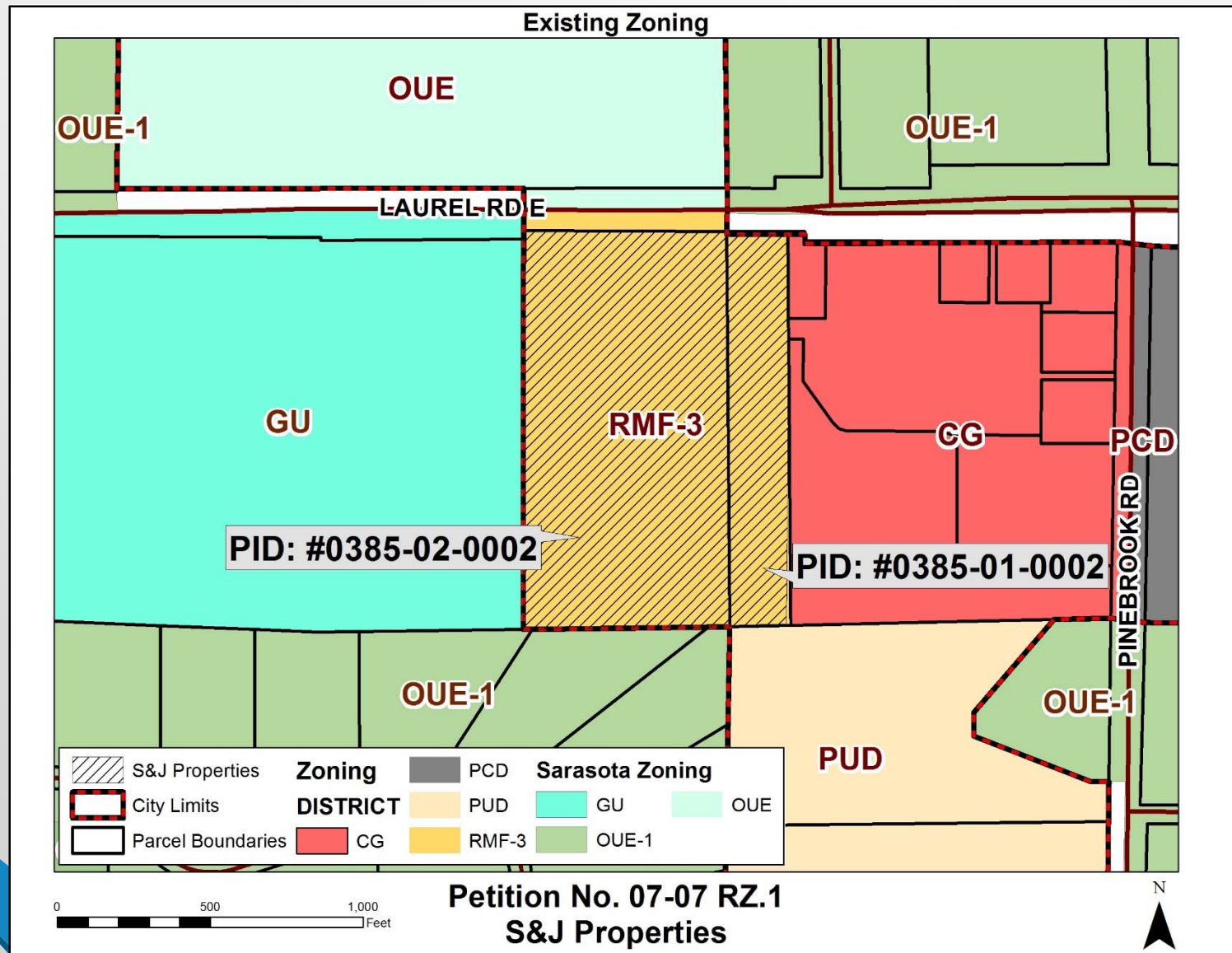


**Laurel Nokomis Elementary and Middle School abuts the subject property to the west**

# Future Land Use Map (Staff Report Map 2)



# Existing & Proposed Zoning Map (Staff Report Map 3)



# **Summary of Staff Planning Analysis**

**The rezone petition needs to be found consistent with the comprehensive plan, which is evaluated in the following three ways:**

- A. Consistency with the property's future land use map designation**
- B. Consistency with the comprehensive plan policy on land use compatibility**
- C. If comprehensive plan consistency can be maintained with the elimination of the five stipulations**

## **A. Consistency with Future Land Use Map**

- **The subject property has a future land use map designation of Medium Density Residential**
- **This designation is for residential areas of 5.1 to 13 dwelling units per acre intended to accommodate single and multi-family residential areas**
- **The proposed RMF-3 zoning allows a maximum residential density of 13 units per acre, which is consistent with the property's Medium Density Residential designation**

## **B. Land Use Compatibility**

### **Policy 8.2 Land Use Compatibility Review Procedures.**

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

- **Requires proposed rezoning to be reviewed for consistency with compatibility criteria in Policy 8.2**
- **Provides guidance on appropriate densities**

### **Section 10 (I) JPA/ILSBA – Appendix A of comprehensive plan**

- **Requires the city to use the County land use compatibility principles during the review of a rezone petition when the parcel is in or adjoins a joint planning area**
- **Lists topics to be evaluated in land use compatibility reviews and five techniques to mitigate potential incompatibility**

## B. Land Use Compatibility

### Compatibility review evaluation

County: land use density, intensity, character or type of use proposed and site and architectural mitigation design techniques.

City: land use density and intensity, **building heights and setbacks**, character or type of use proposed and site and architectural mitigation design techniques

### Mitigation techniques

County: (i) providing open space, perimeter buffers, landscaping and berms, (ii) screening of sources of light, noise, mechanical equipment, refuse area, 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 use.

City: 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.

## **B. Land Use Compatibility**

**Pursuant to Policy 13.1, the staff report evaluates each consideration set forth in Policy 8.2 E thru H.**

**E. Protection of single-family neighborhoods from the intrusion of incompatible uses (staff report pages 11 and 12)**

**Matters included in staff's evaluation:**

- **Comprehensive plan definition of compatibility – a condition in which land uses or 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.**
- **Generally, like uses (e.g. residential next to residential) are considered to be compatible; however, differences in density need to be evaluated.**
- **Policy 13.1 (4<sup>th</sup> paragraph) provides guidance on the appropriateness of densities within each density range (low, medium and high density); the policy does not specify needed action if adjacent densities are deemed inappropriate. Staff has conservatively assumed mitigation is needed if densities are deemed inappropriate**
- **The appropriateness of one residential designation adjacent to another residential designation (e.g. medium density residential [5.1 to 13 dus/ac.] adjacent to low density residential [up to 5 dus/ac.]. This is not specified in the comprehensive plan; it is a logical and reasonable extrapolation of Policy 13.1 which has been used by staff is other rezone petitions to address the lack of direction provided by the comprehensive plan**

## **B. Land Use Compatibility**

### **E. Protection of single-family neighborhoods from the intrusion of incompatible uses (staff report pages 11 and 12)**

#### **Staff planning analysis:**

- **Mitigation may be needed to address the density differential between the low density Sorrento Ranches subdivision and the existing/proposed medium density on the subject property.**
- **The existing 170-foot wide FPL easement on the southern portion of the subject property provides a physical separation between the Sorrento Ranches subdivision and any development on the subject property.**
- **The FPL easement allows implementation of the mitigation technique listed in Policy 8.2 L, (adjusting building setbacks to transition between different uses [densities]).**

## **B. Land Use Compatibility**

- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses. (staff report page 12)**

*This consideration is not applicable to the subject rezone petition. The existing and proposed zoning (RMF-3) allows the same permitted land 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 (staff report page 12)**

*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 (staff report page 13)**

*The densities of the proposed and existing uses was taken into account in the evaluation of consideration E.*

## **C. Maintaining comprehensive plan consistency if stipulations are eliminated**

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

**Due to the non-specific nature of the stipulation language, the existing sidewalk along Laurel Road can be seen to satisfy the stipulations and other comprehensive plan policy on connectivity. The LDC has no standards on connectivity.**

- 2. Height limit of 35 feet.**

**The comprehensive plan has no maximum height standard that applies to the subject property. If this stipulation is eliminated the property will be subject to the maximum building height standard for the RMF-3 district which is 45 feet; an additional 10 feet for one story devoted primarily to parking within the structure may be added to the limit.**

## **C. Maintaining comprehensive plan consistency if stipulations are eliminated**

### **3. Density shall not exceed eight units per acre.**

If this stipulation is eliminated, the subject property will have a RMF-3 district maximum density of 13 units/acre which is consistent with the property's medium density residential future land use map designation.

### **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, not vegetative buffer shall be placed between the wetland on the southern boundary of the property.**

The 170-foot wide FPL easement will 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. Additional LDC-required landscape buffering will depend on the design of future development of the site.

## **C. Maintaining comprehensive plan consistency if stipulations are eliminated**

### **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. Since the subject property is not located in a VG overlay district the development of the property will not be subject to architectural standards and will be subject to the LDC sign code standards.**

# Staff Summary/Findings of Fact

**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.1.

**Finding of Fact (Concurrency):** Concurrency analysis and a certificate of concurrency will need to be obtained prior to actual development of the subject property. City review staff did not identify issues regarding the availability of services to the subject property.

**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.

# **Planning Commission Recommendation**

**On April 5, 2016, the Planning Commission, found Petition No. 07-7RZ.1 inconsistent with the Comprehensive Plan and not in compliance with the Land Development Code specifically, in regard to the following:**

- **Section 86-47(f)(1)g. Whether the proposed change will adversely influence living conditions in the neighborhood.**
- **Section 86-47(f)(1)k. Whether the proposed change will adversely affect property values in the adjacent area.**
- **Section 86-47(f)(1)n. Whether there are substantial reasons why the property cannot be used in accord with the existing zoning.**

**Based on the above, Planning Commission voted to recommend denial of the petition to City Council by a vote of 5 to 1.**

**In addition, the issue of concurrency review was raised at the April 5<sup>th</sup> meeting. Since that meeting, a second request was made to the applicable reviewing agencies and no issues have been identified (*see transmittal memo*).**