

ZONING MAP AMENDMENT

Rezone Petition Number: 17-04RZ

Gulf Harbor Estates

Staff Report

Owners: Southbridge Investments, LLC

Parcel ID #: 0178-09-0023

Parcel Size: 2.68 acres ±

Existing Zoning District: Sarasota County Residential, Single-Family 2 (RSF-2)

Proposed Zoning District: City of Venice Residential, Single-Family 3 (RSF-3)

Future Land Use Designation: Low Density Residential

Concurrent Application: Preliminary Plat Petition No. 16-04PP

I. INTRODUCTION / SUMMARY FINDINGS OF FACT

On March 23, 2004, through the adoption of Ordinance No. 2004-16 the City Council approved the annexation of the subject property into the City of Venice. The subject property did not obtain City of Venice zoning after its annexation into the city. As such, the property still retains the Sarasota County Residential, Single-Family 2 (RSF-2) zoning it had at the time it was annexed into the city.

The City Attorney has rendered an opinion that under Chapter 171, F.S. once a property is annexed into the city it takes on the laws of the city, and when it is addressed within the city's comprehensive plan, the property takes on the zoning designation most comparable to its former county zoning designation subject to formal rezoning. In addition, pursuant to the City Attorney's recommendation, a policy was established to facilitate the establishment of city zoning for annexed properties which retain Sarasota County zoning designations when, among other considerations, the property owner requests a city zoning designation that is most similar to the existing Sarasota County zoning designation. Under this policy, upon authorization from the property owner, the city will initiate a zoning map amendment application.

The above policy does not apply in this case because the property owner requests to rezone the subject property from Sarasota County RSF-2 to City of Venice RSF-3. In doing so, the property owner has not requested a city zoning designation that is most similar to the existing Sarasota County zoning designation. In this case city RSF-2 zoning would be most similar to the existing county RSF-2 zoning.

However, due to the owners reliance on city zoning maps which showed the subject property zoned City of Venice RSF-3, and with input from the City Attorney, it was decided that the city would initiate the requested zoning map amendment application to rezone the subject property from Sarasota County RSF-2 to City of Venice RSF-3. The current property owner relied on the city's zoning map that existed prior to staff's knowledge of the presence of previously annexed properties with retained Sarasota County zoning designations (see Map 3) to purchase the subject property and prepare plans for its development. In fact, the owner was first informed by staff that the subject property has Sarasota County RSF-2 zoning

during the latter stage of Technical Review Committee review of the concurrently processed Preliminary Plat Petition No. 16-04PP.

The preliminary plat was designed based on city RSF-3 zoning and staff reviewed the preliminary plat for compliance with city RSF-3 zoning standards. As such, for the project to proceed the subject property will need to obtain a City of Venice RSF-3 designation. After consulting with the City Attorney on this matter, it was decided that the preliminary plat petition could proceed to public hearing and the city could take action on the proposed preliminary plat subject to a stipulation that the preliminary plat approval cannot become effective until the property officially acquires City of Venice RSF-3 zoning. Contingent on this stipulation, the proposed preliminary plat was reviewed for compliance with the City of Venice Land Development Code, including City of Venice RSF-3 district standards.

On March 7, 2017, the Planning Commission held a public hearing on the preliminary plat petition and recommended to City Council approval of Preliminary Plat Petition No. 16-04PP subject to the following condition:

The preliminary plat approval shall become effective with adoption of a City of Venice RSF-3 zoning designation for the subject property.

A City Council public hearing on the preliminary plat is scheduled for April 25, 2017.

The purpose of the subject zoning map amendment application is to 1) give the subject property a City of Venice zoning designation as required by state law, and 2) satisfy the recommended condition of approval for Preliminary Plat Petition No. 16-04PP which will enable the property owner to subdivide the subject property in compliance with City of Venice RSF-3 zoning.

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 (Comprehensive Plan):** *The proposed City of Venice RSF-3 district is consistent with the Low Density Residential future land use designation and can be found compatible with the existing zoning designations of adjacent properties. In summary, the proposed City of Venice RSF-3 district can be found consistent with the comprehensive plan.*
- 2) **Finding of Fact (Land Development Code):** *Based on the above evaluation, sufficient information has been provided to make the findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1) a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*
- 3) **Finding of Fact (Concurrency):** *The subject zoning map amendment petition corrects a zoning map deficiency and will allow the owner to proceed with plans to develop the property. Concurrency has been evaluated with a concurrently processed preliminary plat application and no issues were identified regarding the adequacy of public facilities.*

Based upon the above findings, there is sufficient basis to take action on Zoning Map Amendment Petition No. 17-04RZ.

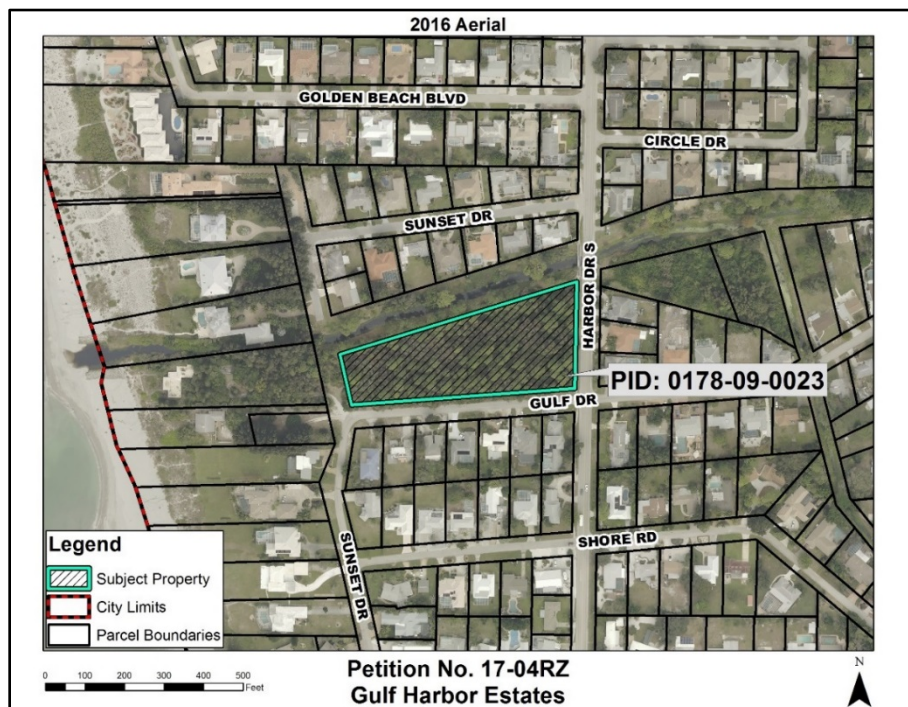
II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Subject Property Information:

Existing uses, current zoning and future land use designations of the abutting properties are provided in the following table. As shown on Map 1, the subject property is generally located in the southern portion of Venice Island. The subject 2.68 acre property fronts on Harbor Drive, Gulf Drive and an unimproved portion of Sunset Drive right-of-way. Following Map 1 are a series of photos which show on-site conditions and properties adjacent to the subject property.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Deertown Gully and single family detached residential properties	Sarasota County Residential, Single-Family 1 (RSF-1), Sarasota County Residential, Single-Family 2 (RSF-2), Sarasota County Residential, Single-Family 3 (RSF-3)	Low Density Residential
West	Single-family detached residential properties	Sarasota County Residential, Single-Family 1 (RSF-1) and City of Venice Residential, Single-Family 1 (RSF-1)	Low Density Residential
South	Single-family detached residential properties	Sarasota County Residential, Single-Family 2 (RSF-2) and Sarasota County Residential, Single-Family 3 (RSF-3)	Low Density Residential
East	Single-family detached residential properties	Sarasota County Residential, Single-Family 3 (RSF-3)	Low Density Residential

MAP 1: Aerial Photograph





The subject property frontage
along Harbor Drive



The subject property frontage
along Gulf Drive



Unimproved Sunset Drive
right-of-way, with the subject
property in the background



Deertown Gully, a Sarasota
County-owned and
maintained drainage facility
along the subject property's
north boundary

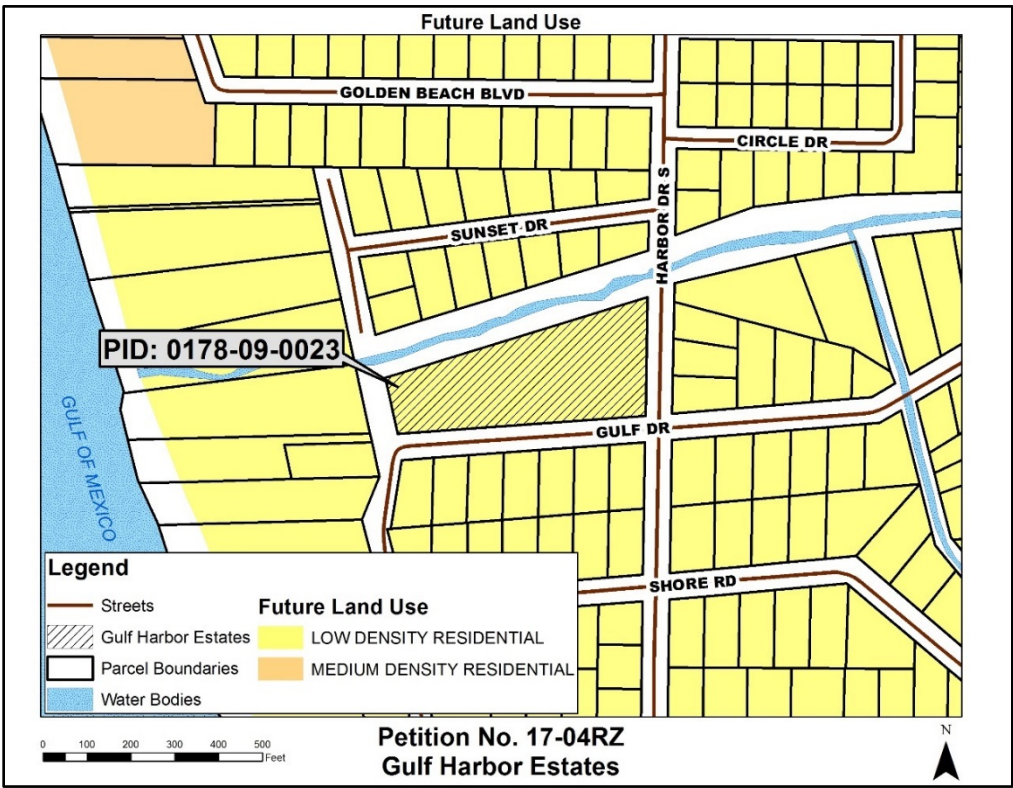


Existing single-family detached properties on the south side of Gulf Drive

Future Land Use:

The future land use map (see Map 2 below) shows the subject property and all surrounding properties having a future land use designation of Low Density Residential. The Low Density Residential designation is for residential areas consisting of up to five (5) dwelling units per acre or less and are intended to accommodate single-family and other similar residential uses.

MAP 2: Future Land Use Map



Existing Zoning:

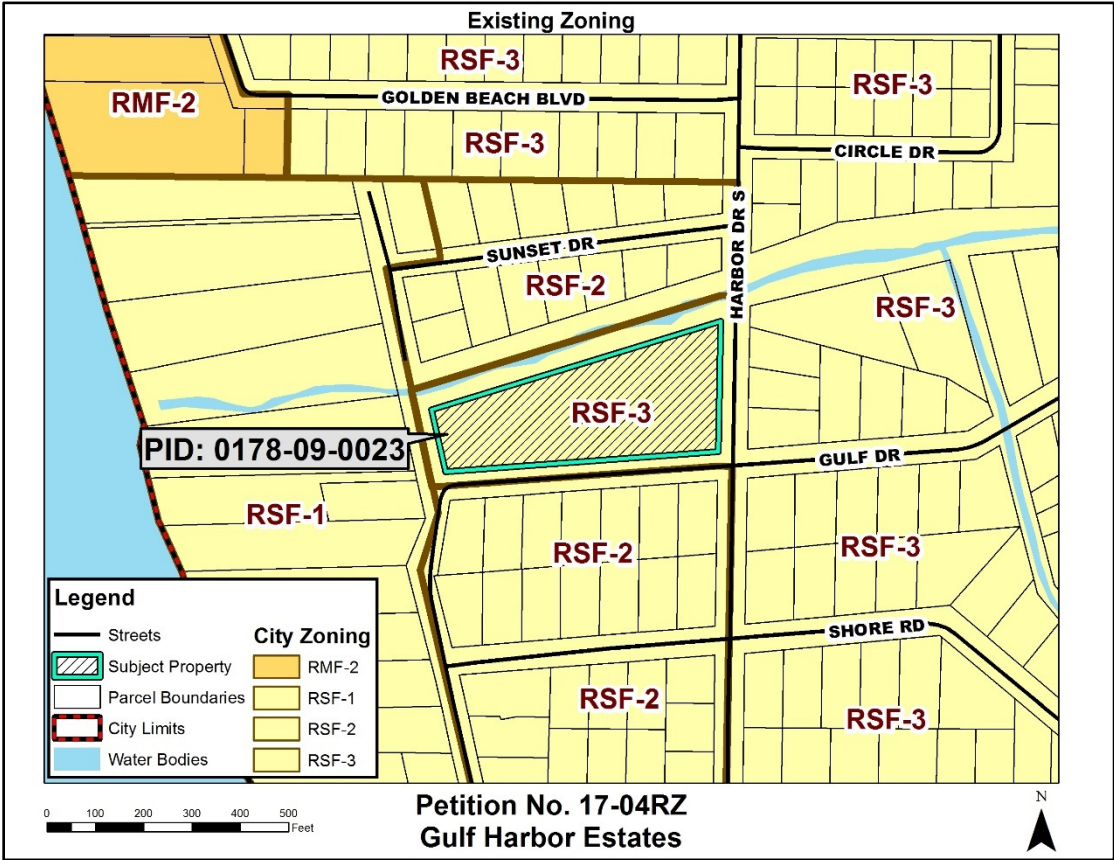
The existence of annexed properties with retained Sarasota County zoning designation was first brought to staff’s attention late last year. Since that time staff researched the subject and sought policy direction from the City Manager with assistance from the City Attorney. Prior to staff’s discovery of this matter, staff presumed that the zoning map maintained by the Planning and Zoning Division accurately depicted the zoning designation of properties. However, it has become apparent that for decades the city

employed a practice of annexing properties and not requiring the owner of the annexed property to officially rezone the property to a city zoning designation. Instead, the property was unofficially given a zoning designation by simply amending the zoning map. Such action requires City Council adoption of an ordinance authorizing the amendment of the zoning map.

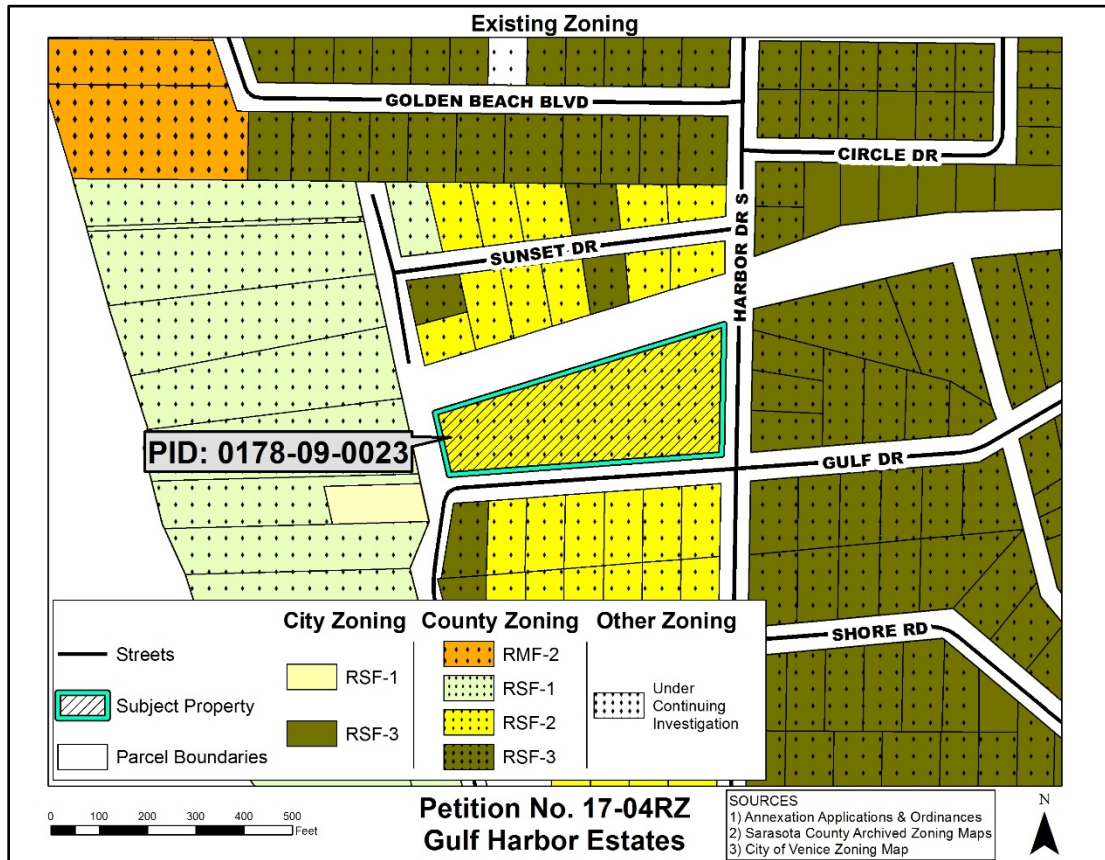
Two versions of the existing zoning map are presented in this report. The first, Map 3 (see below), shows the existing zoning map presuming all properties in the city have City of Venice zoning designations. Property owners, the general public and staff have relied of this zoning map to accurately reflect existing zoning designations.

Map 4 (see next page) shows the existing zoning designation of properties with either county or city zoning designations. The map shows the subject property and most of the adjacent properties retaining the Sarasota County zoning designations that were in place when the properties were annexed into the city.

MAP 3: Existing Zoning Map Without County-Zoned Properties



MAP 4: Existing Zoning Map With County-Zoned Properties



III. PROPOSED ZONING

The subject zoning map amendment application is a request to rezone the subject property from Sarasota County RSF-2 to City of Venice RSF-3. The following table summarizes the development standards for both the existing and proposed zoning districts.

Development Standards	Existing Zoning District (Sarasota County RSF-2)	Proposed Zoning District (City of Venice RSF-3)
Maximum Residential Density	3.5 units per acre	4.5 units per acre
Minimum Lot Area	9,600 square feet	7,500 square feet
Minimum Lot Width	80 feet	75 feet
Maximum Lot Coverage	35% of lot area	35% of lot area
Minimum Yards (Setbacks)		
Front Yard	20 feet	20 feet
Side Yards	8 feet min.; 18 feet combined	6 feet min.; 15 feet combined
Rear Yard	10 feet	10 feet
Maximum Building Height	35 feet	35 feet

Both the existing county RSF-2 and proposed city RSF-3 districts have the same maximum building height, maximum lot coverage and minimum front and rear yard setbacks. The two districts differ regarding maximum residential density, minimum lot area, minimum lot width and minimum side yard setbacks.

IV. PLANNING ANALYSIS

a) Consistency with the Comprehensive Plan:

The subject property has a Low Density Residential future land use map designation. This designation is for residential areas of up to five (5) dwelling units per acre. These areas are intended to accommodate single-family and other similar residential uses.

Consistent with this designation, under the proposed City of Venice RSF-3 zoning, the maximum residential density is 4.5 units per acre, less than the Low Density Residential maximum density of five dwelling units per acre. The proposed City of Venice RSF-3 designation is also consistent with the Low Density Residential future land use designation by limiting residential development of the subject property to one single-family dwelling per lot.

Applicable provisions of Policy 8.2 of the Future Land Use & Design Element include considerations of protecting single-family neighborhoods from the intrusion of incompatible uses, and densities of proposed uses as compared to the densities of existing uses.

Regarding the first consideration, the existing Low Density Residential future land use designation and the proposed RSF zoning district protects the surrounding single-family neighborhoods from an intrusion of an incompatible use by limiting permitted residential development to single-family uses.

Regarding the second consideration, the area adjacent to the subject property is comprised of RSF-1, RSF-2 and RSF-3 zoning districts, all of which have a maximum residential density of less than five units per acre, consistent with the Low Density Residential future land use designation. Policy 13.1 of the Future Land Use & Design Element provides policy guidance on appropriate adjacent residential densities by stating, in part, that densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations. Since RSF-1, RSF-2 and RSF-3 are all considered low density, it would be appropriate of any of these three districts to be adjacent to each other. Accordingly, the proposed city RSF-3 district is appropriate and compatible with the adjacent RSF-1, RSF-2 and RSF-3 zoning districts.

Finding of Fact (comprehensive plan): *The proposed City of Venice RSF-3 district is consistent with the Low Density Residential future land use designation and can be found compatible with the existing zoning designations of adjacent properties. In summary, the proposed City of Venice RSF-3 district can be found consistent with the comprehensive plan.*

b) Compliance with the Land Development Code:

The subject zoning map amendment has been processed consistent with the procedural requirements contain in Section 86-47. In addition, the subject petition has been reviewed by the Technical Review Committee and no issues were identified.

Section 86-47(f)(1) 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 commentary for each of the following considerations.

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

Staff Comment: *Based on the analysis provided in Section IV of this report, the proposed zoning map amendment can be found consistent with the comprehensive plan.*

- (b) The existing land use pattern.

Staff Comment: *The subject property is consistent with the existing land use pattern in the area which is a neighborhood of single-family properties with either county or city RSF-1, RSF-2 and RSF-3 zoning designations; see Map 1 for aerial photography of existing land uses surrounding the subject property.*

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

Staff Comment: *The subject property is proposed for City of Venice RSF-3 zoning. The surrounding area is comprised of related county or city RSF-1, RSF-2 and RSF-3 zoning districts.*

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

Staff Comment: *A zoning change does not increase the load on public facilities. The impact on public facilities has been evaluated with the concurrently processed preliminary plat application and no issues regarding public facilities were identified.*

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

Staff Comment: *All existing properties in the area have either county or city RSF-1, RSF-2 or RFS-3 zoning designations, all of which relate to each other and are consistent with the Low Density Residential future land use designation.*

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

Staff Comment: *In accordance with state law the subject property needs to be given a city zoning designation.*

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

Staff Comment: *The proposed zoning district is comparable to the existing zoning districts in the neighborhood. The existing and proposed zoning districts are all single-family districts are consistent with the Low Density Residential future land use designation. Therefore, the proposed zoning change should not adversely influence living conditions in the neighborhood.*

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

Staff Comment: A zoning change does not increase traffic congestion or affect public safety. The impact on traffic and public safety has been evaluated with a concurrently processed preliminary plat application and no traffic or public safety issues were identified.

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

Staff Comment: A zoning change does not create a drainage problem. Applicable stormwater management design and permits will be required prior to the development of the subject property.

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

Staff Comment: RSF-3 zoned properties located adjacent to RSF-1 and RSF-2 zoned properties have been developed with no serious reduction of light and air to adjacent properties. Therefore, the proposed zoning change is expected to result in the same.

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

Staff Comment: The zoning change is not expected to adversely affect property values in the surrounding area; the proposed zoning is consistent with the comprehensive plan and comparable to existing single-family zoning designations in the adjacent area.

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

Staff Comment: All adjacent property is already developed. The zoning change will have no impact on the ability to improve adjacent property in accord with existing regulations.

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

Staff Comment: Approval of the requested zoning map amendment will not constitute a special privilege to the owner of the subject property. The city annexed the property and the city needs to give the property a city zoning designation.

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

Staff Comment: State law specifies that once a property is annexed into the city, the property takes on the laws of the city. As such, the city needs to give the property a city zoning designation.

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

Staff Comment: The proposed zoning map amendment is not out of scale with the needs of the neighborhood or the city; the proposed zoning is consistent with the Low Density Residential future land use designation and comparable to the other existing single-family districts in the adjacent area.

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

***Staff Comment:** This consideration is not applicable. The city annexed the subject property and the city needs to give the property a city zoning designation.*

Findings of Fact (Compliance with the Land Development Code): *Based on the above evaluation, sufficient information has been provided to make the findings of fact for each of the rezoning considerations contained in Section 86-47(f)(1)a-p, of the Land Development Code and the subject zoning map amendment can be found in compliance with the Land Development Code.*

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

The subject zoning map amendment will correct a zoning map deficiency that will allow the owner to develop the property in compliance with city zoning standards. Concurrency has been evaluated with a concurrently processed preliminary plat application and no concerns regarding the adequacy of public facilities have been identified.

Finding of Fact (Concurrency): *The subject zoning map amendment petition corrects a zoning map deficiency and will allow the owner to proceed with plans to develop the property. Concurrency has been evaluated with a concurrently processed preliminary plat application and not issues were identified regarding the adequacy of public facilities.*

V. CITY ACTION ON ZONING MAP AMENDMENT PETITION NO. 17-04RZ

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record to take action on Zoning Map Amendment Petition No. 17-04RZ.