

# **ZONING MAP AMENDMENT**

**Rezone Petition Number: 17-03RZ**

***City Initiated Zoning Amendment – Previously Annexed Property***

## **Staff Report**

**Owners:** Mark Richmond Revocable Trust, Mark & Stephany Richmond (CO-TTEES)

**Parcel ID #:** Portion of 0429-08-0003

**Parcel Size:** 0.98 acres ±

**Existing Zoning District:** Sarasota County Industrial, Light and Warehouse (ILW)

**Proposed Zoning District:** City of Venice Industrial, Light and Warehouse (ILW)

**Future Land Use Designation:** City of Venice Seaboard Sector (Planning Area G)

**Concurrent Applications:** Site and Development Plan Petition No. 17-02SP  
Special Exception Petition No. 17-01SE

### **I. BACKGROUND ON PURPOSE OF REZONING**

**Annexation Information** - On February 10, 1981, through the adoption of Ordinance No. 870-81 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 Industrial, Light and Warehouse (ILW) zoning it had at the time it was annexed into the city.

**County Zoned Properties Identified** – Through review of the City’s zoning map there are obvious certain properties within the City that have not been rezoned to a City of Venice zoning designation. Examples include properties such as the Sawgrass subdivision and other properties depicted on the City zoning map as having an Open Use Estate (OUE) zoning. It was not until early 2017 through research on annexation and the subsequent rezoning that should have followed, that staff discovered numerous other properties within the City that have consistently been reflected on City zoning maps as having a City zoning designation. However, the research further indicated that there was no associated rezoning ordinance justifying/substantiating that the zoning designation on the map is an official City zoning designation. As a result, the properties have retained their Sarasota County zoning designation.

**City Approach to Rezoning** – On February 14, 2017, City Council adopted Resolution No. 2017-05 which specifically addressed annexed properties with retained Sarasota County zoning designations. For such properties, the resolution eliminated the zoning map amendment application fee and pursuant to Section 86-41(c) granted a waiver from the public workshop for zoning map amendment applications when applications are made to rezone annexed properties from a county zoning designation to a city designation. In addition, the City Attorney rendered an opinion dated March 9, 2017, 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. 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 and upon authorization from the property owner, the city will initiate a zoning map amendment to rezone these properties to a City zoning designation most similar to the current Sarasota County designation (like for like).

The subject city-initiated zoning map amendment application has been submitted pursuant to the above city policy. It is a “like for like” application; the existing zoning designation is Sarasota County ILW and the proposed zoning is City of Venice ILW.

## **II. SUMMARY FINDINGS OF FACT**

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 ILW district is consistent with the Seaboard Sector future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice ILW district can be found consistent with the comprehensive plan.*
- 2) **Finding of Fact (Land Development Code):** *Sufficient information has been provided to make 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 redevelop the property. Concurrency will be evaluated with a concurrently processed site and development plan application.*

*Based upon the above findings, there is sufficient basis to take action on Zoning Map Amendment Petition No. 17-03RZ.*

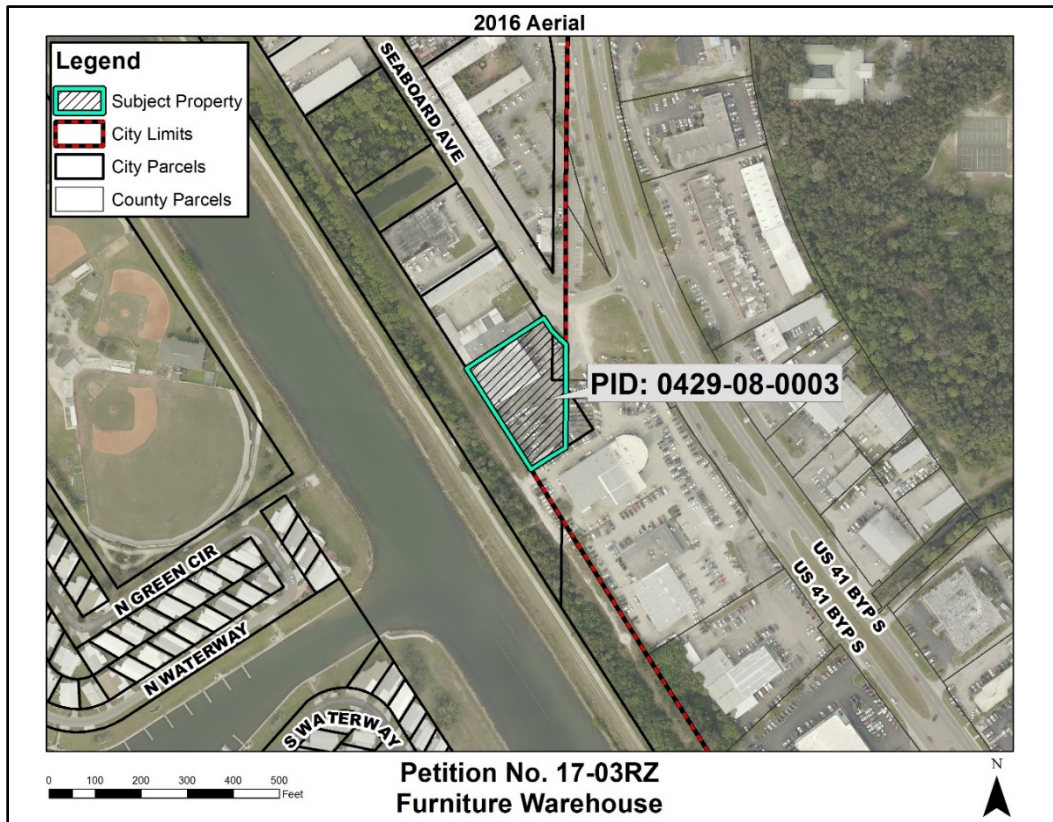
## **III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION**

### **Subject Property Information:**

The subject property is a ± 0.98-acre parcel located at the southern end of Seaboard Avenue. The small triangular portion of the property is located in unincorporated Sarasota County and is not subject of the proposed zoning map amendment.

Map 1 on the following page shows current on-site conditions and properties adjacent to the subject property. Existing uses, current zoning and future land use designations of the abutting properties are provided in the table on the following page.

## MAP 1: Aerial Photograph



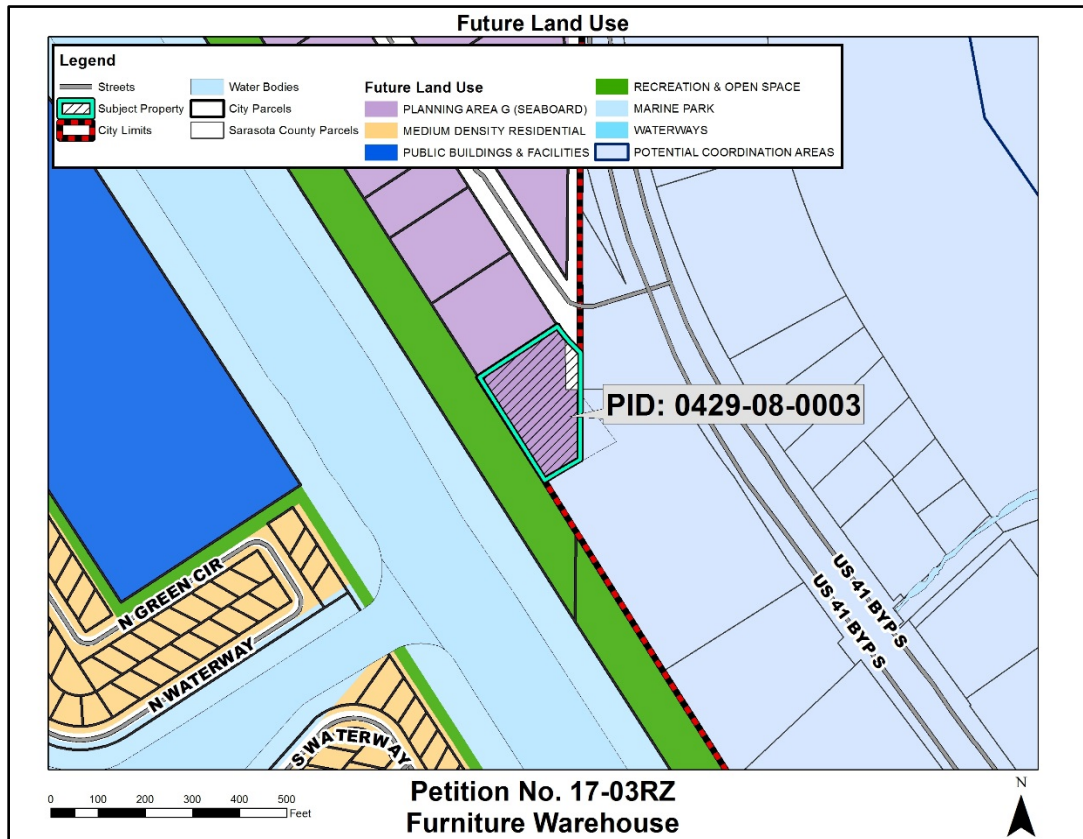
Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Commercial and light industrial uses	Sarasota County Industrial, Light and Warehouse (ILW) and City of Venice ILW	Seaboard Sector (Planning Area G)
West	Venetian Waterway Park and intracoastal waterway	City of Venice Government Use (GU) and Marine Park (MP)	Recreation & Open Space, Marine Park and Waterway
South	Car dealership, Legacy Trail and intracoastal waterway	City of Venice GU and MP and Sarasota County Commercial, Intensive (CI)	Recreation & Open Space, Marine Park, Waterway and Potential Coordination Areas
East	Car dealership and U.S. 41 Bypass	Sarasota County CI	Potential Coordination Areas

### Future Land Use:

The future land use map (see Map 2 on the following page) shows the future land use designations of the subject property and surrounding properties. The future land use designation for the subject property is Seaboard Sector (Planning Area G). Future land use designations which abut the subject property include Recreation & Open Space (for the Venetian Waterway Park) and Potential Coordination Areas in abutting unincorporated Sarasota County.

The planning intent of the Seaboard Sector is to foster an integrated sector that includes housing opportunities, professional businesses and office, service businesses, recreational and service resources, restaurants, water-oriented activities, and parks and spaces. The Seaboard Sector Standards contained in Policy 16.14 identifies additional land uses in the sector which include commercial, industrial and retail uses.

## MAP 2: Future Land Use Map



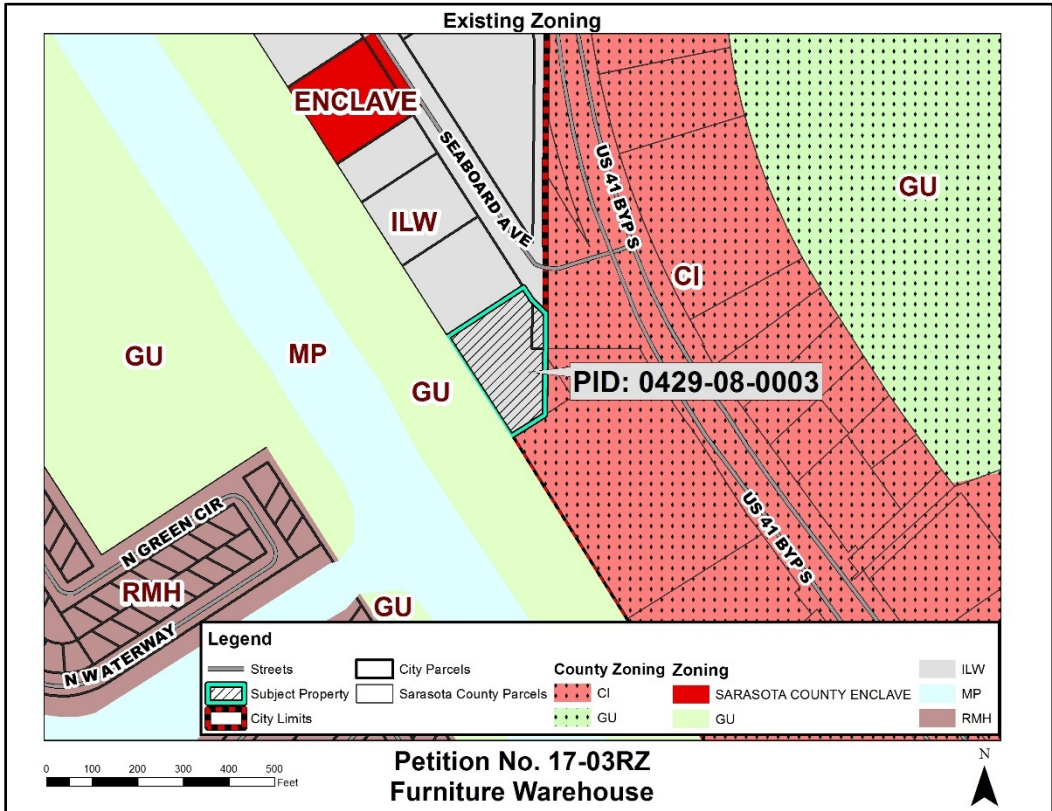
### Existing Zoning:

Two versions of the existing zoning map are presented in this report. The first, Map 3, 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.

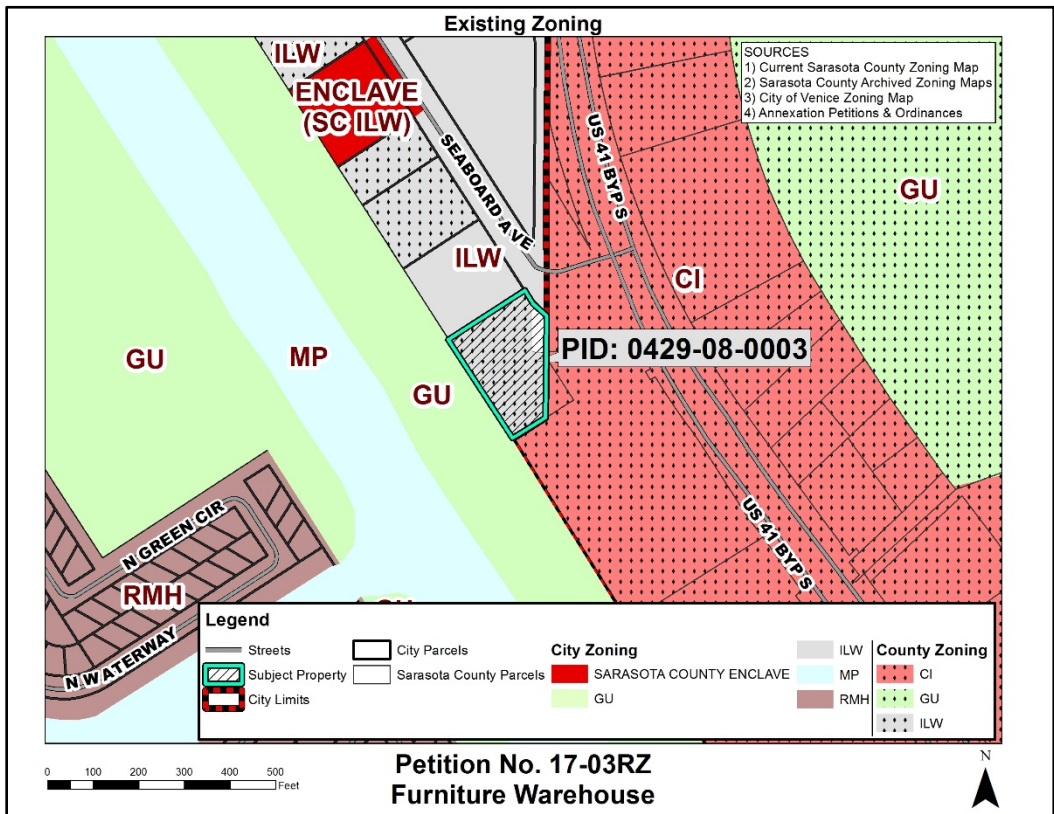
Map 4, shown below, shows the existing zoning designation of properties with either county or city zoning designations. The map shows the subject property and three other properties along Seaboard Avenue retaining the Sarasota County zoning designation that was in place when the properties were annexed into the city. There is also one enclave property that has yet to be annexed into the city; this property has a Sarasota County ILW zoning designation.



### MAP 3: Existing Zoning Map Without County-Zoned Properties



### MAP 4: Existing Zoning Map With County-Zoned Properties



#### **IV. PROPOSED ZONING**

The subject zoning map amendment application is a request to rezone the subject property from Sarasota County ILW to City of Venice ILW. This section of the report compares these two zoning districts regarding permitted uses and district development standards.

Regarding permitted uses, Sarasota County ILW allows for use categories that include the following: light industrial, warehouse & freight movement, waste related service, wholesale trade and heavy industrial. Most of the permitted uses that are allowed under these categories are similar to the uses permitted within the City's ILW zoning district. Due to the fact that the county has updated their code more recently than the city, county zoning districts typically recognize and permit more uses than the city. The biggest difference between the two districts is that the county permits residential uses while the city ILW district does not. In addition, outdoor storage uses are permitted in the city ILW district while such uses are generally not permitted in the county ILW district.

The table on the following page summarizes the development standards for the existing county ILW zoning and the proposed city ILW3 zoning.

<b>Development Standards</b>	<b>Existing Zoning District (Sarasota County ILW)</b>	<b>Proposed Zoning District (City of Venice ILW)</b>
Maximum Residential Density	Single-Family - 2.5 units/acre Multi-Family – 13 units/acre	None
Minimum Lot Area	None	None
Minimum Lot Width	None	None
Maximum Lot Coverage	None	None
Minimum Yards (Setbacks)		
Front Yard	Local Road - 20 feet Arterial Road – 50 feet	None
Side Yards	None w/ fire resistive construction 8 feet w/ non-fire resistive construction	None
Rear Yard	25 feet	5 feet
Maximum Building Height	65 feet	45 feet

County ILW and city ILW district standards differ as follows:

- The county ILW zoning permits residential development; city ILW does not allow residential uses,
- The County ILW zoning has front yard setbacks; city ILW zoning does not,
- The county ILW zoning has a side yard setback for non-fire resistive construction; the city ILW has no side yard setbacks,
- The county ILW rear yard setback is greater than the city ILW rear yard setback, and
- The county ILW maximum building height is 65 feet compared to the city ILW standard of 45 feet. Note: The Seaboard Section maximum building height standard is more restrictive than both zoning standards and shall apply to any development proposal.

## V. PLANNING ANALYSIS

### a) Consistency with the Comprehensive Plan:

The subject property has a Seaboard Sector (Planning Area G) future land use map designation. The planning intent of the Seaboard Sector is to foster an integrated sector that includes housing opportunities, professional businesses and office, service businesses, recreational and service resources, restaurants, water-oriented activities, and parks and spaces. The Seaboard Sector Standards contained in Policy 16.14 identifies additional land uses in the sector which include commercial, industrial and retail uses.

The proposed city ILW zoning designation includes several permitted uses which implement and are consistent with the Seaboard Sector planning intent and standards. The proposed city ILW district is compatible with adjacent private property in the city limits that are zoned either city or county ILW and the proposed district is compatible with the abutting properties in unincorporated Sarasota County that have Commercial, Intensive zoning.

***Finding of Fact (comprehensive plan):*** *Based on the above analysis, the proposed City of Venice ILW district is consistent with the Seaboard Sector future land use designation and is compatible with adjacent properties. In summary, the proposed City of Venice ILW 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:”

Due to the nature of the subject zoning map amendment application, the following staff commentary will apply to the considerations contained in Section 86-47(f)(1) a-p. As emphasized in Section I of this report, the city needs to give the subject a City of Venice zoning designation. The proposed city ILW zoning is 1) most similar to the existing county ILW zoning, 2) consistent with the Seaboard Sector future land use designation, and 3) compatible to the existing zoning designations of adjacent properties.

***Finding of Fact (compliance with the Land Development Code):*** *Based on the above analysis, sufficient information has been provided to make 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 property is developed and has been served by public facilities without known problem or issues. The subject zoning map amendment will correct a zoning map deficiency that will allow the owner to redevelop the property in compliance with city zoning standards. Concurrency will be

evaluated with the concurrently processed site and development plan for the redevelopment of the property.

**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 redevelop the property. Concurrency will be evaluated with a concurrently processed site and development plan application.*

**VI. CITY ACTION ON ZONING MAP AMENDMENT PETITION NO. 17-03RZ**

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. 17-03RZ.