



## ***Project: Milano PUD***

### **Rezone Petition No. 16-07RZ**

### **Staff Report**

**Owners:** Neal Communities of SW FL, LLC and Border and Jacaranda Holdings, LLC

**Agent:** Jeffery Boone, Boone Law Firm

**Parcel ID #s:** 0392-00-1000, 0389-00-1001, 0389-00-1000, 0390-00-4020, 0390-00-4010, 0391-03-0157, 0392-06-1000 and numerous final platted lots in the Villages of Milano subdivision

**Location:** South of Laurel Road, north of Border Road and both east and west of Jacaranda Blvd.

**Parcel Size:** 527 ± acres

**Existing Zoning Districts:** Planned Unit Development (PUD), Laurel Lakes PUD and VICA PUD

**Proposed Zoning District:** Planned Unit Development (PUD), Milano PUD

**Future Land Use Designation:** South Laurel Neighborhood (Planning Area I)

**Summary of Proposal:** The applicant proposes to combine two previously approved planned unit developments (Laurel Lakes PUD and VICA PUD) into a single Milano PUD. With one exception (minimum lot standards for multi-family residential), the development standards for the proposed Milano PUD are the same as the VICA PUD development standards. The two existing PUDs have a combined entitlement of a maximum of 1,505 residential dwelling units. The proposed density of the Milano PUD is for up to 1,350 residential dwelling units, representing a reduction of 155 units compared to the existing entitlement on the subject property.

**Stipulations:** The following stipulation contained in the ordinance approving the Laurel Lakes PUD is being carried forward to the subject petition. In addition, staff is working with the applicant on several stipulations to achieve consistency with selected objectives of the Environmental Chapter of the comprehensive plan and those stipulations will be presented at the public hearing.

*The applicant is required to dedicate necessary right-of-way along Laurel Road and construct the eastbound lanes of Laurel Road along the development from the westernmost property line to the easternmost property line of the site.*

**Technical Review Committee (TRC):** The subject petition has been reviewed by the Technical Review Committee (TRC) and compliance with all regulatory standards applicable to the subject petition has been confirmed.

#### **I. SUMMARY OF PROPOSAL AND FINDINGS OF FACT**

The subject property is comprised of multiple parcels with a combined area of 527± acres. The eastern portion of the property is the 368± acre VICA PUD and the western portion of the property is the 161± acre Laurel Lakes PUD. The proposed rezoning combines these two PUDs into a single Milano PUD.

The VICA PUD was approved in 2014 for a maximum of 700 residential uses at a density of 1.90 units per acre. The project is currently under development. The portion of the project east of Jacaranda Boulevard has been fully platted and the permitting of residential structures has been very active over the past year and a half.

The Laurel Lakes PUD has been an inactive project since the PUD rezone was approved in 2006. If the subject rezone petition is approved, the existing development rights of the Laurel Lakes PUD will be extinguished. The Laurel Lakes PUD was approved for a maximum of 805 multi-family residential units at a density of 4.99 units per acre.

The Milano PUD proposes up to 1,350 residential units at a gross density of 2.56 units per acre. In comparison, the Laurel Lakes PUD and the VICA PUD were approved for up to 1,505 residential units at a gross density of 2.86 units per acre.

The VICA PUD development standards, which include but not limited to permitted uses, maximum building height, maximum lot coverage, minimum yard setbacks, roadway design, landscape buffering, signage, etc. will be carried forward and applied to the Milano PUD. One exception pertains to minimum lot standards for multi-family parcels and is further discussed in Sections II and IV of this report. Map 1 on the next page shows the binding conceptual site plan for the Milano PUD.

The conceptual site plan depicts the proposed Milano PUD provision of 291 acres of open space which represents 55.2% of the entire land area of the project. Coincidentally, the VICA PUD provided the same 55.2% open space. Regarding vehicular access to public roads, the Milano PUD retains the same five access points on Jacaranda Boulevard and the one optional access point on Laurel Road that were approved for the VICA PUD. One additional access point on Laurel Road is provided on the "Laurel Lakes" portion of the property. No vehicular access is provided on Border Road.

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 Milano PUD is consistent with the South Laurel Neighborhood future land use designation and can be found to be compatible with existing adjacent uses. Land use compatibility will be further evaluated when subsequent land development applications are submitted to implement the Milano PUD. Overall, the proposed Milano PUD can be found consistent with the comprehensive plan.*
- 2) **Finding of Fact (Land Development Code):** *The subject zoning map amendment has been processed consistent with the procedural requirements contain in Section 86-47 and complies with the Planned Unit Development (PUD) district standards and all other applicable provisions of the Land Development Code.*
- 3) **Finding of Fact (Concurrency):** *A preliminary concurrency analysis identified no concerns regarding the availability of adequate public facilities to accommodate development of the subject property in compliance with the proposed zoning. Further, concurrency analysis and the issuance of a certificate of concurrency will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.*

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

Based upon the above analysis, there is sufficient basis for the Planning Commission to make recommendation to City Council regarding Rezone Petition No. 16-07RZ.

## MAP 1: MILANO PUD BINDING CONCEPTUAL SITE PLAN



## **II. OVERVIEW OF APPLICATION**

Official action on the project began with an October 17, 2016 pre-application meeting between staff and the applicant. On October 25, 2016, the applicant held a public workshop meeting on the then-pending rezone petition. On November 15, 2016, the rezone petition was formally submitted to the city.

The petition geographically expands the VICA PUD and renames the project “Milano PUD”. The 161-acre expansion was accomplished through the developer’s acquisition of abutting property to the west which is the location of the approved Laurel Lakes PUD project.

The rezone petition includes the following application materials:

- A binding master plan with includes a conceptual site plan and circulation plan. With one exception, the development standards for Milano PUD are the same as the VICA PUD development standards. The one exception is the minimum lot standards for multi-family tracts. The Milano PUD minimum lot size is 10,400 square feet and the minimum lot width is 130 feet; the VICA PUD has a minimum lot size of 12,800 square feet and the minimum lot width of 141 feet,
- Project narrative and comprehensive plan consistency analysis,
- An environmental narrative,
- Evidence of Unified Control (deeds),
- A sketch and description of the subject property,
- A school concurrency exemption letter of receipt, and
- Documentation of public workshop meeting.

On December 20, 2016, in accordance with Section 86-130(t)(4) the Planning Commission held a prehearing conference with the applicant. The following is a summary of Planning Commission comments on the proposed Milano PUD:

- Question regarding the location of single-family and multi-family residential on the west side of Jacaranda Boulevard
- The size and length of the greenway buffer on the west side of Jacaranda Boulevard is a positive design feature
- Question regarding why a north/south road connecting Border Road and Laurel Road is not provided
- Question about whether commercial uses are proposed
- Comment regarding the number of proposed signs
- Comment regarding the number of cul-de-sacs and whether they could be minimized with more through streets
- Question on plans for the amenity center on the west side of Jacaranda Boulevard
- Question about the location of 42-foot structures and concern about such structures being located along Laurel Road and Border Road
- Comment on the current lack of visibility at the intersection of Laurel Road and Jacaranda Boulevard
- Question about the eagle’s nest on the property
- Question about the required traffic signals at the Laurel Road/Jacaranda Boulevard intersection

Upon completion of the technical review, the proposed rezoning petition was scheduled for a June 6, 2017 public hearing before the Planning Commission.



### III. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

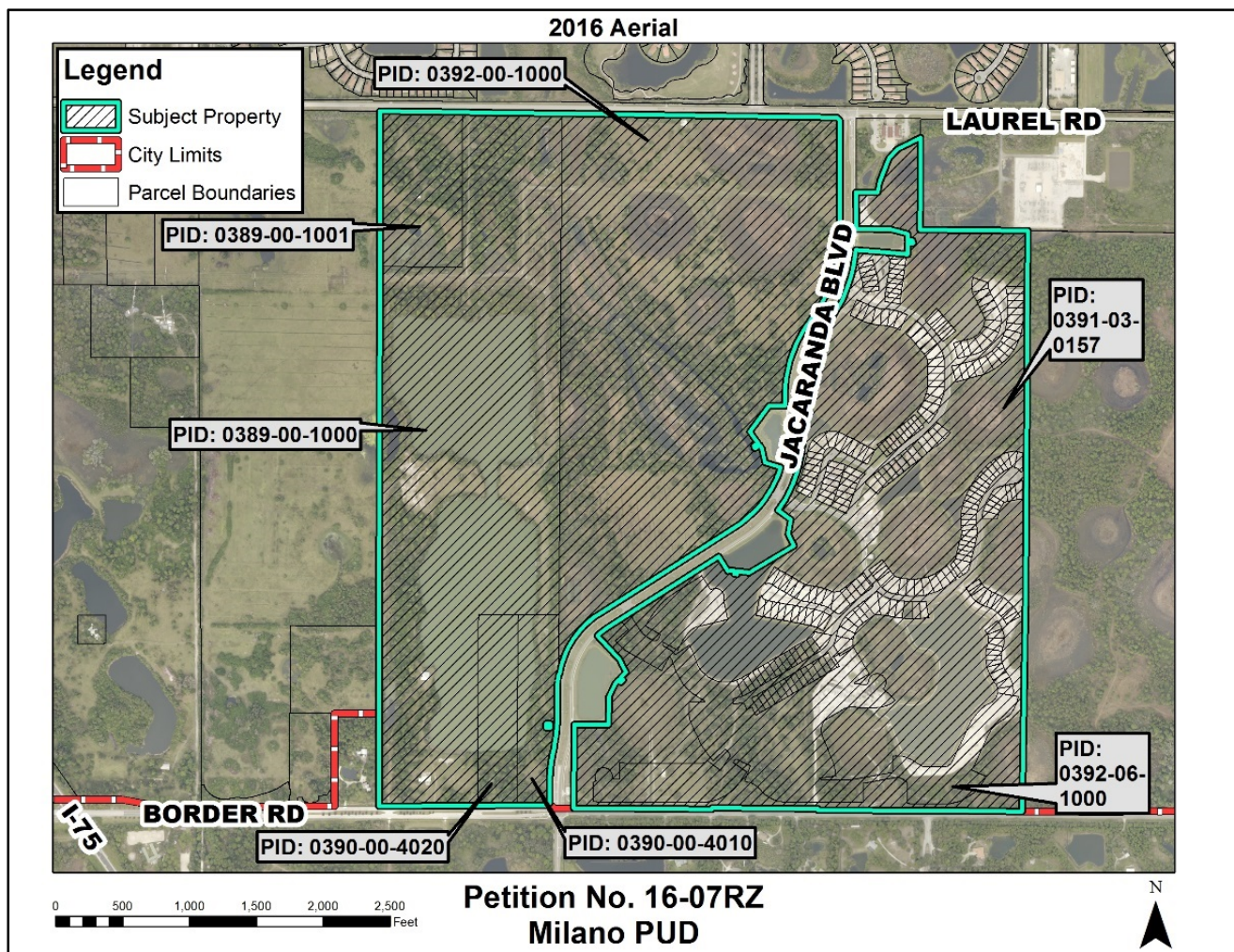
#### Subject Property Information:

The subject property is comprised of multiple parcels with a combined area of 527± acres. The eastern portion of the property is the 368± acre VICA Planned Unit Development (PUD) and the western portion of the property is the 161± acre Laurel Lakes PUD. The proposed rezoning combines these two PUDs into a single Milano PUD.

The subject property is located north of Border Road, South of Laurel Road and is both east and west of Jacaranda Boulevard. The portion of the property on the east side of Jacaranda Boulevard is partially developed in accordance with VICA PUD development standards. The entire area east of Jacaranda Boulevard has received final plat approval. Numerous residential structures have been built and occupied in the northern portion of this area; horizontal construction is occurring in the southern portion of this area. The area west of Jacaranda Boulevard is undeveloped having only received rezone/PUD approval.

Following Map 2 are a series of photos which show on-site conditions and properties adjacent to the subject property.

**MAP 2: Aerial Photograph**





One of the VICA PUD entrances on Jacaranda Boulevard



Occupied houses in the VICA PUD



Current horizontal construction in phase 2 of the VICA PUD

### **Surrounding Property Information:**

Table 1 on the following page identifies the existing land use, current zoning and the future land use designation of surrounding properties.



**Table 1: Adjacent Land Use, Zoning and Future Land Use Designations**

<b>Direction</b>	<b>Existing Land Use(s)</b>	<b>Existing Zoning District(s)</b>	<b>Future Land Use Map Designation(s)</b>
<b>North</b>	Fire station, FPL substation and single-family residential developments (Willow Chase and Venetian Golf and River Club)	Planned Unit Development (PUD), Government Use (GU), Residential Single-Family 1 (RSF-1) and RSF-4	Low Density Residential
<b>West</b>	One large lot single-family house and vacant land	PUD and Sarasota County Open Use, Estate 1 (OUE-1)	South Laurel Neighborhood (Planning Area I) and I-75/Jacaranda Boulevard Sector (JPA/ILSBA Area No. 2b)
<b>South</b>	Large lot single-family houses and vacant land	Sarasota County OUE-1	I-75/Jacaranda Boulevard Sector (JPA/ILSBA Area No. 2b) and Sarasota County Rural
<b>East</b>	FPL substation and vacant land	RSF-1 and Sarasota County Open Use, Estate (OUE)	Border Road to Myakka River Neighborhood (JPA/ILSBA Area No. 3)

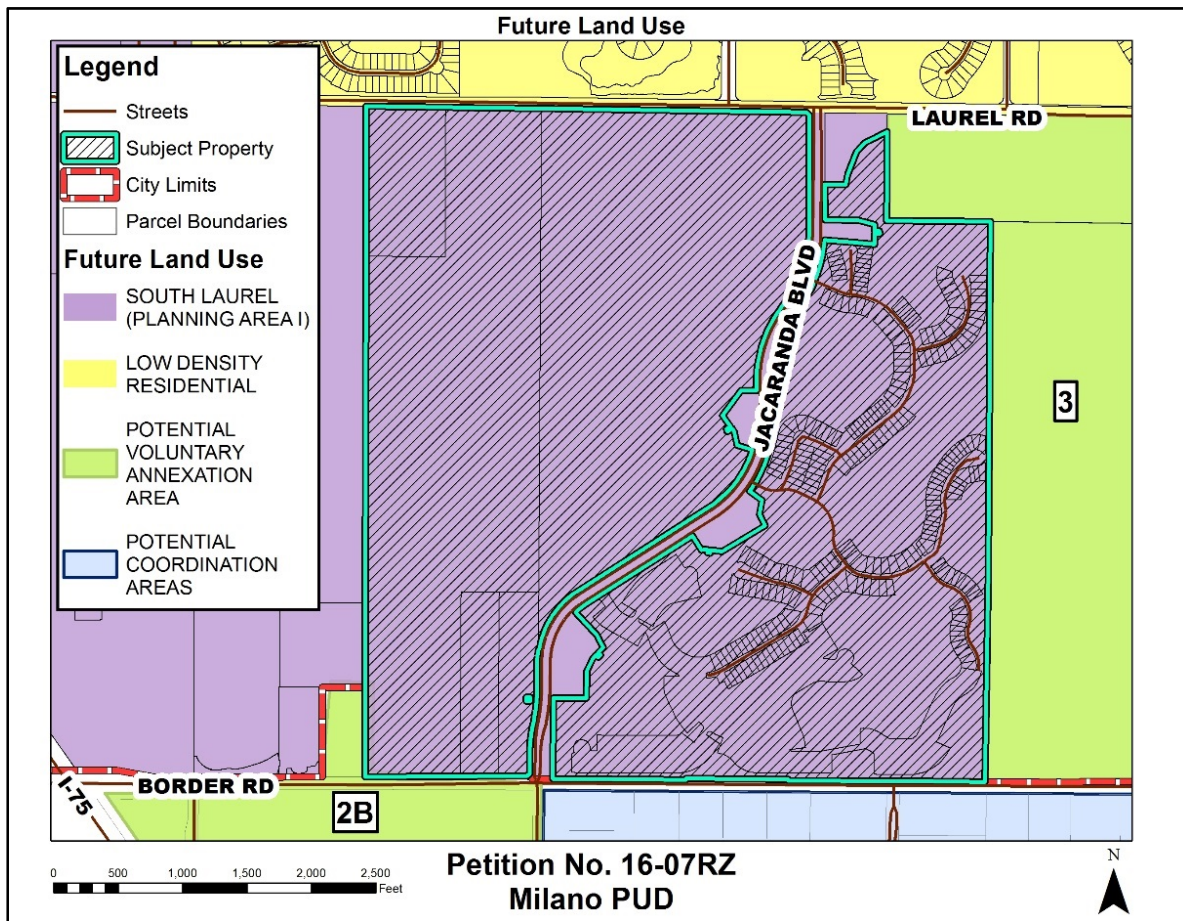
**Flood Zone Information:**

The FEMA Flood Insurance Rate Map (FIRM) shows the southern portion of the subject property being within a Special Flood Hazard Area and having Zone XE flood zone designations with base flood elevations ranging between 12.71 and 13.86 feet. For the most part, the northern portion of the subject property is outside the Special Flood Hazard Area and is not subject to base flood elevation requirements. Any development of the property will be subject to compliance with FEMA requirements.

**Future Land Use:**

Map 3 on the following page shows the subject property having a South Laurel Neighborhood (Planning Area I) future land use map designation. The planning intent of the South Laurel Neighborhood is to develop an integrated mixed use neighborhood comprised of single-family and multi-family residential properties; commercial office and retail space; and conservation/open space. In accordance with Policy 16.18, the maximum residential density in the neighborhood will not exceed 6 units per acre, calculated on a gross acreage basis, and the maximum building height shall be limited to 3 stories, up to 42' including parking.

### MAP 3: Future Land Use Map



#### Existing Zoning:

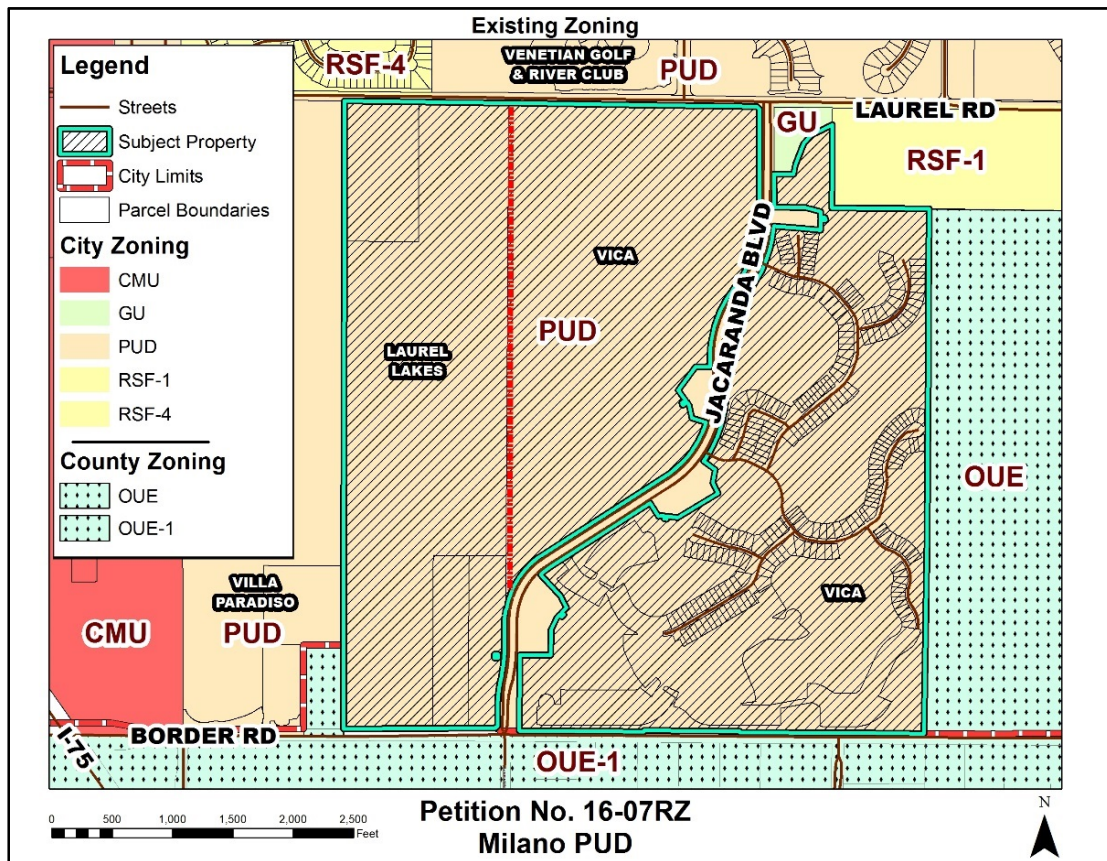
Map 4 on the following page shows the existing zoning of the subject and surrounding properties. The subject property is zoned PUD and is comprised of two existing PUDs. The larger VICA PUD is located on the eastern portion of the subject property, on both sides of Jacaranda Boulevard, while the smaller Laurel Lakes PUD is located on the western portion of the property.

The Laurel Lakes PUD was approved on September 26, 2006 through the adoption of Ordinance No. 2006-40. The adopting ordinance included the following three stipulations:

1. To ensure mitigation of impacts to the city's ISO rating system, the city shall require the developer to offset the cost of the purchase of a new fire rescue apparatus for service to building structures greater than 35 feet in height through a proportional cost-sharing agreement. The city and property owner prior to final site and development plan for the first multi-family building structure shall establish final methodology.
2. Development of the major north-south collector roadway shall be designed and constructed as part of the first major phase of site and development plan/subdivision approval to ensure access between Laurel Road and Border Road upon certificate of occupancy of the first residential dwelling unit.
3. The applicant is required to dedicate necessary right-of-way along Laurel Road and construct the eastbound lanes of Laurel Road along the development from the westernmost property line to the easternmost property line of the site.



## MAP 4: Existing Zoning Map



The Laurel Lakes binding master plan approved up to 805 residential multi-family dwelling units on the 161± acre property with a total project density of 4.99 dwelling units per acre. The conceptual site plan for the project showed 56.7% of the project area designated as open space. The binding master plan proposed a mix of internal neighborhood commercial uses which comprised two-percent of the total land area of the project. Approved residential units included multiple-family dwellings, townhouses and cluster houses. Two of the approved types of multi-family units had approved building height greater than 35 feet. One type was approved for four stories over one story of parking with a maximum height of 65 feet; the other was approved for six stories over one story of parking with a maximum height of 95 feet. The binding conceptual site plan showed one vehicular access point on Laurel Road and one on Border Road.

The VICA PUD was approved on July 29, 2014 through the adoption of ordinance no. 2014-16. The adopting ordinance included the following stipulations:

1. The “Binding Master Plan” be updated as follows:
  - a. Sidewalks will be required on one side of the street only.
  - b. No sign will be placed on the Jacaranda Boulevard median at Laurel Road.
  - c. Approval of only the first two sentences, page five staff summary (page 3, paragraph #1 of the Binding Master Plan), regarding staff authority as follows: "The Zoning Administrator shall have authority to administratively approve minor modifications of standards contained within the VICA Planned Unit Development, excluding standards related to density, building height, buffer widths, and the addition of permitted uses. Reasonable mitigation

measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards". Deleting the remaining (last two) sentences in paragraph #1.

- d. If the northwest optional access is utilized, developer may construct and additional subdivision sign on the VICA property consistent with the sign code.

The approved VICA binding master plan proposed up to 700 residential dwelling units on the 368± acre property with a total project density of 1.90 dwelling units per acre. The conceptual site plan for the project showed 55.2% of the project area designated as open space. Approved residential unit types included single-family detached, single-family attached (paired villas), and multi-family dwellings. Consistent with the South Laurel Neighborhood policy, the maximum height of structure is 3 stories up to 42' including parking.

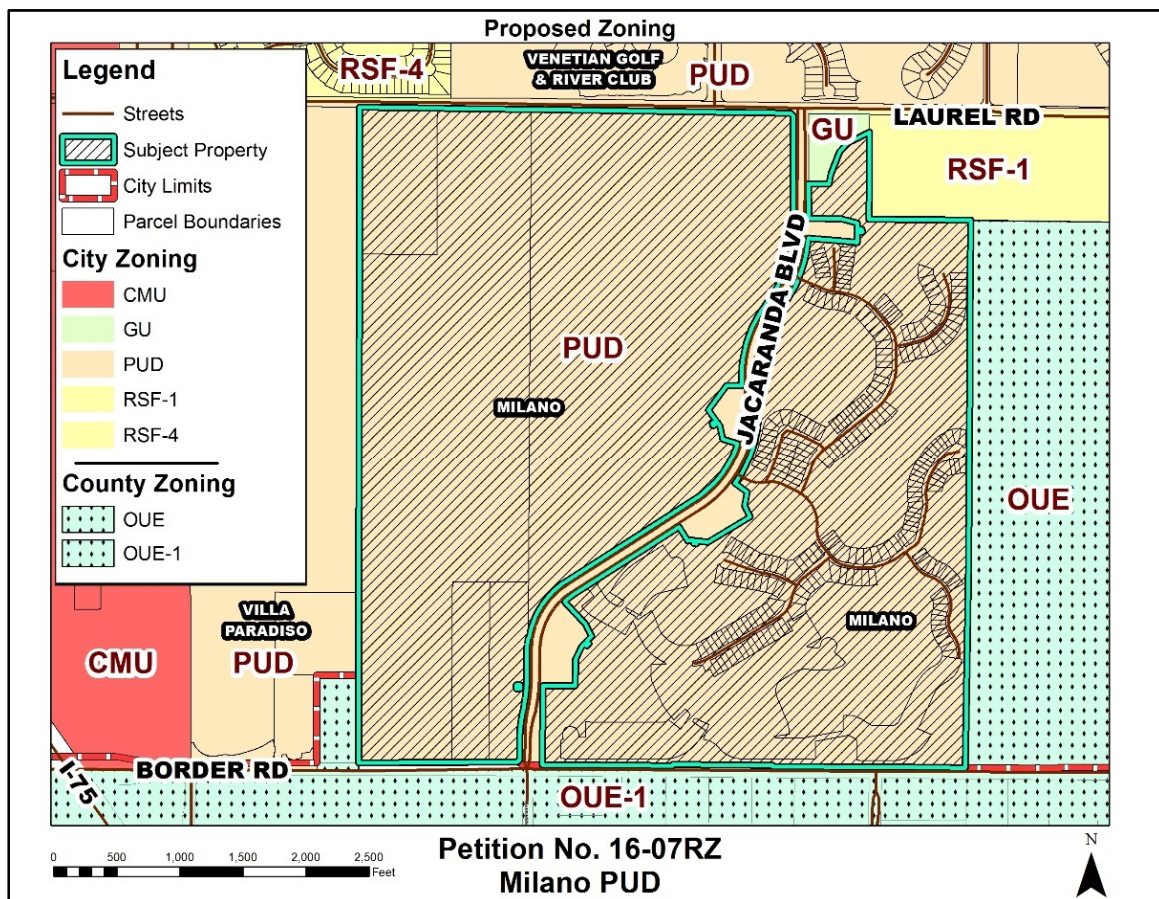
The binding conceptual site plan showed five vehicular access points on Jacaranda Boulevard and one optional access point on Laurel Road.

#### IV. PLANNING ANALYSIS

- a) Comparison of the Existing Laurel Lakes and VICA PUDs with the Proposed Milano PUD:

Map 5 shows the zoning map amended by the proposed rezone petition. The rezone creates the Milano PUD by combining the land area of the Laurel Lakes PUD and the VICA PUD. The new Milano PUD will be under unified control and subject to the development standards contained in the Milano PUD binding master plan.

**MAP 5: Proposed Zoning Map**



The Table 2, below, compares the development standards of existing Laurel Lakes PUD and VICA PUD with the proposed Milano PUD development standards.

**Table 2: Existing and Proposed PUD Development Standards**

<b>Development Standards</b>	<b>Existing Laurel Lakes PUD</b>	<b>Existing VICA PUD</b>	<b>Proposed Milano PUD</b>
No. of Dwelling Units	805	700	1,350
Residential Density	4.99	1.90	2.56
Commercial Uses	2 acres of internal commercial	None	None
% Open Space	56.7%	55.2%	55.2%
Max. Building Height	7 stories, up to 95'	3 stories, up to 42'	3 stories, up to 42'

The existing PUDs are approved for a total of 1,505 dwelling units at a residential density of 2.86 units per acre. In comparison, the Milano PUD proposes up to 1,350 dwelling units which corresponds to a residential density of 2.56 units per acre. All 805 dwelling units in the Laurel Lakes PUD were multi-family residential. The Milano PUD proposes single-family detached and paired villas residential units on the east side of Jacaranda Boulevard and single-family detached, paired villas and multi-family residential units on the west side of Jacaranda Boulevard.

The Laurel Lakes PUD included two acres of commercial uses located internal to the project. The Milano PUD proposes no commercial uses.

The Laurel Lakes PUD included two types of multi-family uses with maximum building heights in excess of the South Laurel Neighborhood standard of 3 stories, up to 42' including parking. The Laurel Lakes PUD "manor homes" were approved with a maximum height of four floors over one floor of parking up to a maximum height of 65 feet; the "lake view flats" were approved with maximum height of six floors over one floor of parking up to a maximum height of 95 feet. In comparison, all residential structures in the Milano PUD are subject to a proposed maximum of three stories, up to 42 feet.

The two existing PUDs, combined, have 294 acres of open space depicted on the approved master site plans, representing 55.9% of the entire land area of the PUDs. The Milano PUD master site plan shows 291 acres of open space, representing 55.2% of the entire land area of the PUDs which is coincidentally the same open space percent as the VICA PUD.

Regarding vehicular access to public roads, the Milano PUD retains the same five access points on Jacaranda Boulevard and the one optional access point on Laurel Road that were approved for the VICA PUD. The Laurel Lakes PUD had one street access on Laurel Road and one street access on Border Road. For the "Laurel Lakes" portion of the Milano PUD one street access on Laurel Road is provided and no street access to Border Road is provided. However, three internal roads connect the "VICA" and "Laurel Lakes" portions of the Milano PUD. No such connection was provided by the separate PUDs.

Landscape buffers are proposed along the perimeter of the proposed Milano PUD. The Milano PUD landscape buffers are the same as the approved landscape buffering for the VICA PUD, thirty (30) foot wide landscape buffers are proposed along Laurel Road, Border Road and Jacaranda Boulevard and twenty (20) foot wide landscape buffers are proposed along the east and west boundaries of the PUD.



b) Environmental Assessment:

The applicant provided an environmental narrative for the Milano PUD that was prepared by Eco Consultants Incorporated. The narrative reviewed the Milano PUD for consistency with three objectives of the Conservation and Open Space Element of the Environmental Chapter of the Comprehensive Plan. The three objectives are Objective 1, Sustainable Environmental Practices, Objective 2, Open Space Corridors, and Objective 3, Native Habitats, Conservation Lands and Natural Resources. In addition, the environmental narrative included a habitat map for the Milano PUD.

The environmental narrative provided information to support its finding that the Milano PUD is consistent with the referenced comprehensive plan objectives. The following is a selected listing of those findings:

- The entire parcel has undergone a listed species survey which verified the absence of any known listed species; an updated listed species survey will be provided prior to site development,
- All necessary protective regulations will be adhered to relative to any identified listed species,
- Site planning has protected the known bald eagle nest on the subject property,
- The removal of all nuisance vegetative species in upland areas and the planting of native Florida species,
- Proposed development has been largely limited to the areas of cleared and semi-cleared pastures; more than 90% of the native habitats remain in their current or natural state, and
- The proposed site plan preserves more than 98% of wetland systems and associated upland buffers creating significant wildlife corridor systems throughout the project area.

Staff is working with the applicant on several stipulations to achieve consistency with selected objectives of the Environmental Chapter of the comprehensive plan. Those stipulations will be presented to the Planning Commission at the public hearing.

In addition, Sarasota County Environmental Protection Division staff provided the following information and stipulation concerning grand trees.

*Development applications first submitted after October 30, 2002 are required to be designed to protect Grand Trees. These mature trees improve the health and economic well-being of the community and add character. There is one known Grand Tree on the Laurel Lakes parcel and three known Grand Trees on the VICA parcel. A stipulation has been included in order to ensure consistency with the Grand Tree protection requirements. Showing the full dripline extent of the Grand Tree in relationship to the proposed development will be required at the preliminary plat or site and development review stage. At that time, it may be necessary to modify plans to account for the protection of Grand Trees.*

*Requested Stipulation:*

*Grand trees are present on the subject property. All Grand Trees, as defined by the Trees Code and verified by Sarasota County Environmental Protection Division staff, shall be shown on the preliminary plat and/or site and development plan. Consistent with the Trees Code, all impacts to Grand Trees shall be avoided by design, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare during Construction Plan review. Changes to the development concept plan may need to occur to ensure that all Grand Trees have full dripline protection.*



c) Pre-Annexation Agreements:

There are three pre-annexation agreements that apply to the subject property. Two apply to the “Laurel Lakes” portion of the property and one applies to the “VICA” portion of the property.

The pre-annexation agreement that applies to the “VICA” portion of the property included a provision requiring the dedication of right-of-way along Laurel Road. The provision required the dedication of 80 feet of right-of-way adjacent to Laurel Road for that portion of the property west of Jacaranda Boulevard.

The applicant has acknowledged the right-of-way dedication requirement in both the VICA PUD and the subject Milano PUD applications. In addition, the site plan in the binding master plan appears to reserve area along Laurel Road for said right-of-way. As the project proceeds, staff will continue to work with the applicant to satisfy the right-of-way dedication requirement.

The two pre-annexation agreements for the “Laurel Lakes” portion of the property include an “Ambiance and Community Standards” provision which reads as follows:

*The Owner is encouraged to develop the Subject Property similar to the original city plan by John Nolen. The City recognizes, however, that environmental and stormwater considerations may impact the ability to fully utilize such design features.*

The pre-annexation agreements differ on the architectural style of buildings. One specifies that building styles shall be similar to Northern Italian Renaissance, while the other states that building styles may be either Northern Italian Renaissance or Key West in architectural design. The binding master plan architectural design standards confirm consistency with Future Land Use and Design Element Policy 16.18G.1 which requires a North Italian architectural design.

d) Review of Existing Stipulations Laurel Lakes and VICA PUDs

The stipulations included with the Laurel Lakes PUD and the VICA PUD are listed in Section III of this report (see Existing Zoning subsection). Staff reviewed the stipulations to determine if there is a need to carry forward any of the stipulations for the Milano PUD.

The Milano PUD binding master plan addresses each of the stipulations contained in the VICA PUD adopting ordinance. As such, there is no need to carry forward any of those stipulations.

There were three stipulations in the ordinance which adopted the Laurel Lakes PUD. The subject of the first stipulation concerned the developer financial contribution for the purchase of new fire rescue apparatus. The Fire Department has not requested this stipulation be carried forward to the Milano PUD. The second stipulation addressed the development of a north-south collector roadway between Laurel Road and Border Road. There is no need to carry this stipulation forward because the comprehensive plan has specific policy on this subject and because the stipulation was specific to the design of the Laurel Lakes PUD. The final stipulation reads as follows:

*The applicant is required to dedicate necessary right-of-way along Laurel Road and construct the eastbound lanes of Laurel Road along the development from the westernmost property line to the easternmost property line of the site.*

The city may want to carry this stipulation forward and have it be applied to the Milano PUD. The stipulation would complement the above referenced pre-annexation agreement for the “VICA” portion of the property which requires the dedication of right-of-way along Laurel Road. With the stipulation and the pre-annexation agreement requirement the project’s entire Laurel Road frontage would be subject to developer obligations to contribute to the improvement of Laurel Road.

e) Consistency with the Comprehensive Plan:

The subject property has a South Laurel Neighborhood (Planning Area I) future land use map designation. The planning intent of the South Laurel Neighborhood is to develop an integrated mixed use neighborhood comprised of single-family and multi-family residential properties; commercial office and retail space; and conservation/open space.

Consistent with the planning intent of the neighborhood, the Milano PUD proposes single-family detached, paired villas and multi-family residential units.

Policy 16.18 provides South Laurel Neighborhood Standards. An evaluation of consistency with standards applicable to the Milano PUD is provided below.

Maximum Residential Density. The maximum residential density in the neighborhood is 6 units per acre, calculated on a gross acreage basis. The Milano PUD proposes a maximum density of 2.56 units per acre.

Maximum Building Height. The maximum building height in the neighborhood is 3 stories, up to 42’ including parking. The Milano PUD maximum building height standard is identical to the neighborhood standard.

Collector and Arterial Roadway System. The neighborhood standards include a policy on the construction of a collector and arterial roadway system through the neighborhood which provides for a series of interconnections between Laurel Road and Border Road as depicted on Map TRANS-1, Future Traffic Circulation Plan, of the Transportation Infrastructure & Service Standards Element.

The applicant responded to a staff comment regarding consistency with this neighborhood standard as follows:

*The proposed Milano PUD provides for the interconnection of the former Laurel Lakes and VICA PUDs, including the connection of the former Laurel Lakes PUD to Jacaranda Boulevard, thereby providing a connection from Border Road to Laurel Road (Jacaranda Boulevard) for the Milano PUD. The roadway through the Laurel Lakes PUD contemplated in the comprehensive plan and the Jacaranda Boulevard Extension were placed in the comprehensive plan at a time when the proposed density for the combined Laurel Lakes and VICA properties was approximately 2,800 dwelling units. The combined density of the proposed density for the properties is 1,350 units. As a result in the current condition the existing Jacaranda Boulevard Extension serves to provide the required connection between Laurel Road and Border Road for the Milano PUD.*

Land Use Compatibility. Mitigation techniques as described in Objective 8, Policy 8.2 of this Element shall be required to ensure compatibility with adjacent uses. A separate detailed evaluation of land use compatibility is provided.

Parks and Public Space. A neighborhood standard is for parks and public spaces to be at least 25% of the gross acreage and shall address the following considerations: 1) include a variety of community places and public spaces, and 2) urban trails and sidewalks shall be utilized as connectors between commercial and residential areas. The Milano PUD satisfies this standard by designating 55.2% of the project area as open space.

Architectural Design. The neighborhood standard is for Northern Italian Renaissance architectural design standards to be applied to new and redevelopment projects. The architectural design standards in the Milano PUD binding master plan specifies that Northern Italian architectural design will be applied to the project.

At the rezone stage of a project Policy 8.2, Land Use Compatibility Review Procedures, require an evaluation of each of the considerations listed below. Staff review comments are provided for each consideration.

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

The comprehensive plan defines the term compatibility as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. The comprehensive plan does not specify what land uses are compatible and what land uses are incompatible. However, it is generally accepted in the planning profession that residential uses are compatible with other residential uses.

The VICA PUD was found consistent with the current comprehensive plan, including the Policy 8.2 and this specific consideration. The VICA PUD was approved for single-family detached, single-family attached and multi-family dwellings. The Milano PUD proposes the same residential uses over a larger area. Furthermore, the Milano PUD, if approved, eliminates the 805 multi-family units approved by the Laurel Lakes PUD including possibility of the development of multi-family structures with a maximum height of 65 and 95 feet as well as commercial development.

The binding site plan for the Milano PUD proposes single-family lots, paired villas and multi-family sites for the entire area of the PUD located west of Jacaranda Boulevard. Both the Planning Commission at the pre-hearing conference and staff during the review of the proposed PUD asked the applicant to provide more detail regarding the potential location of multi-family sites west of Jacaranda Boulevard. The applicant has elected to not show multi-family sites on the binding site plan, citing the need for flexibility for respond to changes in the market. As such, any location on the west side of Jacaranda Boulevard designated for residential development could be developed as multi-family residential. However, the overall project design, including the proposed landscape buffering and development standards for multi-family structures mitigate potential negative impacts on existing single family neighborhoods.

2. Prevention of the location of commercial or industrial uses in areas where use uses are incompatible with existing uses.

The Milano PUD binding master plan does not include commercial and industrial uses as permitted use. If approved, the Milano PUD will eliminate commercial uses that were approved as part of the Laurel Lakes PUD.

3. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current comprehensive plan.

This consideration is not applicable. All existing uses on the subject property are consistent with the South Laurel Neighborhood standards and all existing uses on the subject property are in compliance with applicable PUD binding master plan standards.

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

Policy 13.1 requires that proposed rezoning petitions be reviewed for consistency with the compatibility criteria set forth in Policy 8.2 of the Future Land Use & Design Element. The following excerpt from Policy 13.1 provides general guidance on the appropriateness of adjacent residential densities.

*Appropriate densities within each density range shall be determined, in part, by the land uses and land use designations surrounding the parcel. Generally, densities at the higher end of the range will be most appropriate next to residential development or designations of comparable or higher density and intensive non-residential land uses or land use designations such as commercial, office, professional and institutional uses. Densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations.*

The above excerpt from Policy 13.1 provides guidance on how to evaluate the proposed densities of the Milano PUD compared to densities of existing residential development in the vicinity. The policy states that densities at the lower end of the range will be more appropriate adjacent to lower density residential uses or designations. The future land use designation with the lowest residential density is the low density residential designation which allows a residential density up to five (5) dwelling units per acre. Pursuant to Policy 13.1, it would be appropriate for residential developments to be adjacent if those developments have densities at the lower end of the range, specifically less than five (5) units per acre.

Table 3 compares the proposed density of the Milano PUD with the density of adjacent residential development. The adjacent residential development includes the Venetian Golf & River Club, Willow Chase and Open Use Estate (OUE) zoned properties on the south side of Border Road which are in unincorporated Sarasota County.

**Table 3: Existing and Proposed PUD Development Standards**

<b>Residential Development</b>	<b>Residential Density (units/acre)</b>
Venetian Golf & River Club	1.53
Willow Chase	2.48
OUE Residential Properties on South Side of Border Road	0.20
Proposed Milano PUD	2.56

The development listed in Table 3, including the proposed Milano PUD, has a residential density of less than five units per acre and are considered low density residential uses. Furthermore, the listed development is essentially in the lower half of the 0 – 5 unit per acre density range that defines low density residential development. The Milano PUD is consistent with the guidance on appropriate



adjacent residential density provided by Policy 13.1. Potential incompatibilities created by the proposed Milano PUD are mitigated by site design and 30 foot-wide landscape buffers located along Border Road and Laurel Road. Land use compatibility will be further evaluated when subsequent land development applications are submitted to implement the Milano PUD.

**Finding of Fact (Comprehensive Plan):** *The proposed Milano PUD is consistent with the South Laurel Neighborhood future land use designation and can be found to be compatible with existing adjacent uses. Land use compatibility will be further evaluated when subsequent land development applications are submitted to implement the Milano PUD. Overall, the proposed Milano PUD can be found consistent with the comprehensive plan.*

f) 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 regarding compliance with the Land Development Code were identified.

In addition, staff confirms compliance with the following PUD district development standards.

Maximum Residential Density. Section 86-130(g) specifies the maximum residential density in the PUD district is 4.5 dwelling units per acre. The Milano PUD residential density is 2.56 dwelling units per acre.

Minimum Open Space. Section 86-130(j)(1) requires that a minimum of 50 percent of the PUD shall be open spaces. The Milano PUD site plan shows that 55.2% of the property is designated as open space.

Open Space Restriction. Section 86-130(j)(3) specifies that land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.

Staff will work with the applicant in the preparation of the development agreement to include a provision on this subject to achieve compliance with the above referenced code section.

Evidence of Unified Control; Development Agreements. Section 86-130(k) requires the applicant provide evidence of unified control of the subject property. The applicant has submitted information documenting unified control of the property. The subsection also requires development agreements in which the applicant agrees to the following:

- The proposed development will proceed in accordance with the Land Development Code and any conditions of approval for the development,
- Completion of the development in accordance with the provisions and plans of the approved PUD and sureties for the continuing operation and maintenance of private functions and facilities, and
- Successors in title are bound to the above two matters.

Code further specifies that no PUD shall be adopted without provision of the above requirements. Staff will continue to work with the applicant to ensure the development agreement is in place prior to the final approval of the Milano PUD.

**Finding of Fact (Land Development Code):** *The subject zoning map amendment has been processed consistent with the procedural requirements contain in Section 86-47 and complies with the Planned Unit Development (PUD) district standards and all other applicable provisions of the Land Development Code.*

g) Concurrency/Adequate Public Facilities:

Staff conducted a preliminary concurrency analysis based on the type and density of development allowed under the proposed binding master plan. Based on that preliminary analysis, there currently are adequate public facilities available to accommodate the expected development on the subject property. Further concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.

**Finding of Fact (Concurrency):** *A preliminary concurrency analysis identified no concerns regarding the availability of adequate public facilities to accommodate development of the subject property in compliance with the proposed zoning. Further concurrency analysis and the issuance of a certificate of concurrency will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.*

h) Applicable Zoning Map Amendment Considerations

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

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

***Applicant’s Response:*** *The proposed PUD amendment is consistent with all applicable elements of the Comprehensive plan.*

***Staff Comment:*** *Based on the Planning Analysis provided in Section IV, Consistency with the Comprehensive Plan subsection, of this report, the proposed zoning map amendment can be found to be consistent with the comprehensive plan.*

- (b) The existing land use pattern.

***Applicant’s Response:*** *The proposed PUD amendment does not seek to significantly change the land use pattern and the land use pattern remains compatible with the surrounding area.*

***Staff Comment:*** *The zoning map amendment extends the existing land use pattern established by the VICA PUD to the west, and the approved VICA PUD development standards were found to be compatible with the surrounding area.*

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

***Applicant's Response:*** *The proposal PUD amendment does not seek to significantly change the land use pattern, and therefore will not create an isolated district unrelated to adjacent and nearby districts.*

***Staff Comment:*** *The subject property as well as adjacent properties to the west and north have PUD zoning. As such, the zoning map amendment is for a zoning district that is the same as adjacent and nearby districts.*

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

***Applicant's Response:*** *The proposed PUD amendment does not seek to increase the density already approved for the property.*

***Staff Comment:*** *Based on a preliminary concurrency analysis, staff has identified no concerns regarding the availability of adequate public facilities to accommodate development in compliance with the proposed zoning.*

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

***Applicant's Response:*** *The PUD amendment does not seek to change the existing district boundaries.*

***Staff Comment:*** *The subject property is comprised of two separate PUDs (Laurel Lakes and VICA). The zoning map amendment will merge the two PUDs into a single, unified Milano PUD.*

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

***Applicant's Response:*** *The common ownership of the two existing PUD's and the ability to interconnect them makes passage of the proposed amendment necessary.*

***Staff Comment:*** *The unified control of the subject property allows the two separate PUDs to be combined and subject to one set of PUD zoning standards.*

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

***Applicant's Response:*** *The proposed PUD amendment will not adversely influence living conditions in the neighborhood.*

***Staff Comment:*** *Based on the Planning Analysis provided in Section IV, Consistency with the Comprehensive Plan subsection, of this report, staff finds the proposed zoning map amendment is compatible with adjacent properties. In addition, adequate safeguards are in place in the comprehensive plan and the Land Development Code to minimize any adverse impacts to living conditions in the neighborhood.*

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

***Applicant's Response:*** *The proposed change will not create or excessively increase traffic congestion as no increase in the total number of residential units is proposed.*

***Staff Comment:*** *Based on a preliminary concurrency analysis, staff has identified no concerns regarding the creation of traffic congestion. Technical Review Committee review of the petition identified no public safety impacts generated by the project. Transportation concurrency will continue to be evaluated as the Milano PUD is implemented with either preliminary plat or site and development plan applications.*

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

***Applicant's Response:*** *The proposed change will not create a drainage problems.*

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

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

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

***Staff Comment:*** *A landscape buffer is proposed along the entire perimeter of the PUD boundary. In addition, minimum yard setbacks restrict the placement of structures. As such, the proposed Milano PUD should not seriously reduce light and air to adjacent areas.*

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

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

***Staff Comment:*** *The zoning map amendment is consistent with comprehensive plan and implementation of the comprehensive plan is generally expected to positively affect property values.*

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

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

***Staff Comment:*** *Staff concurs with the applicant's response; staff is not aware of any aspect of the proposed PUD that would create a deterrent to the improvement or development of adjacent property.*



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

***Applicant's Response:*** *The proposed change will not constitute a grant of special privilege.*

***Staff Comment:*** *The granting of a zoning district consistent with the comprehensive plan should not be considered a special privilege.*

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

***Applicant's Response:*** *The proposed change does not seek to change the existing zoning other than to modify the PUD plans to allow for combining of the existing PUD's into a single PUD.*

***Staff Comment:*** *The subject property can be used in accord with existing zoning and be developed as two separate PUDs. However, the applicant has chosen to acquire the entire subject property and develop it under unified control subject to one set of PUD development standards.*

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

***Applicant's Response:*** *The proposed change is not out of scale with the needs of the neighborhood and does not propose to increase the scale of development already approved for the property.*

***Staff Comment:*** *The proposed zoning map amendment reduces the combined zoning entitlement of the subject property by reducing residential density, eliminating permitted commercial uses and reducing the height of certain types of residential structures. Except for the minimum lot standards for multi-family parcels, the proposed PUD development standards are the same as those that have been applied to the developed portion of the VICA PUD.*

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

***Applicant's Response:*** *The proposed PUD amendment does not seek to change the zoning district.*

***Staff Comment:*** *The uses proposed for the Milano PUD are already permitted in the Laurel Lakes PUD and it is reasonable for the VICA PUD to expand by incorporating adjacent property.*

**Findings of Fact (Applicable Rezoning Considerations):** *Based on the above evaluation, staff finds that an affirmative finding can be reached for each of the rezoning considerations contained in Section 86-47 (f) a-p, of the Land Development Code.*

*Based upon this finding, the Planning Commission can make a positive recommendation to City Council regarding Zoning Petition No. 16-07RZ.*

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

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