

From: John Holic

Sent: Tuesday, June 06, 2017 8:43 PM

To: Edwin Martin <insidevenice@gmail.com>; Kit McKeon <KMCKEON@venicegov.com>

Cc: Barbara Desmond <btdesmond@comcast.net>; Betty Intagliata <bettyintag@aol.com>; Béat Lehmann <goldenbeachvenice@hotmail.com>; City Council <CityCouncil@Venicegov.com>; Dillahunt, Gene <gened422@hotmail.com>; Muhlbauer, Mike <mcm@vetimaging.net>

Subject: Re: Comp plan changes proposed

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

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From: Edwin Martin <insidevenice@gmail.com>

Sent: Tuesday, June 6, 2017 7:39:09 PM

To: Kit McKeon

Cc: Barbara Desmond; Betty Intagliata; Béat Lehmann; City Council; Dillahunt, Gene; Muhlbauer, Mike

Subject: Comp plan changes proposed

Dear Kit,

Dan Lobeck has reviewed the proposed plan finding many weakening changes, beyond those I have identified, that I believe, from our years together on Council, you will not wish to see approved as Venice's future development.

It is a massive plan as you well know, so Dan's analysis is necessarily lengthy. I hope you will provide leadership on Council for:

1. Multiple public hearings that will include our citizens away for the summer. As Dan points out, modifications to conform with State Law are due July 2018, so there is no need to rush this through while roughly half the City's residents are not here.

2. Help us maintain the quality of the City, I know we both love. Examine the weakening of protections on compatibility, density, height, environmental protections and more you will discover as you read.

I believe this proposed plan does not reflect the majority of our citizen's wishes, as you know was true of the plan which brought us into the City government.

I hope you will be able to share your views on these changes and help save the City as we know it.

Best wishes,

Ed

Inside Venice Florida

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WANT TO KNOW HOW VENICE PLANS TO DESTROY THE SMALL TOWN FEEL OF THE VENICE WE LOVE--AND HOPES WE WON'T BE INFORMED ENOUGH OR MOTIVATED ENOUGH TO SHOW UP AT COUNCIL MEETING TO PROTEST?

Analysis by land use attorney and protector from over-development, Dan Lobeck, Control Growth Now.

SUMMARY: DELAY AND FIX THIS VERY BAD PLAN

There is no reason to rush through this rewrite of the Comprehensive Plan, during the summer when many Venetians are away, and without a substantive opportunity to first consider and adopt changes to protect the public interest.

No good reason, that is.

"The Venice City Council is considering a comprehensive "Update" of its Comprehensive Plan to eliminate and weaken restrictions on developers.

Although only a few revisions are required by law to correct inconsistencies with state statute changes, and even they are not required until June 1, 2018, City leaders are anxious to push through this rewrite this summer, with scant public input on what has been drafted and with many City residents out of town.

If the City Council approves the Update on Monday, it will return after a cursory review by the state, for a final Adoption public hearing, possibly in August.

Among the changes in the Update:

Neighborhood compatibility policies are severely weakened.

Neighborhood compatibility policies are severely weakened. Only a limited number of adjacent land use designations would be deemed "potentially incompatible", such as Low Density next to High Density. However, Low Density of 1 to 5 units per acre would be deemed compatible with Medium Density of 9 to 13 units per acre, without even a requirement for enhanced buffering much less reduced height or density to make apartments more compatible with large-lot homes. Under today's policies, all changes in land use are required to be compatible with the neighbors.

Even where the new policy would apply, it would merely leave it to the City Council to consider in its discretion whether to approve "options" to "address" potential incompatibility. This would replace the strong present policy which absolutely requires that the City "ensure" that any land use change is compatible with existing neighborhoods and provides that incompatibility "shall be mitigated" through a list of measures that includes reducing density or intensity.

Also, the Update would entirely repeal the important present requirement, in Policy 13.1, that the density at the lower end of the range be applied when the new land use is adjacent to lower densities. Also entirely repealed are the five specific standards for site plans to address compatibility with surrounding buildings, structures and land uses, now in Policy 10.2, with regard to such matters as roof lines, building heights and location of green space.

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This is being done on the premise that someday, in some manner, they will be considered to add in lesser ordinances such as the Land Development Code. Even if that is ever done, the City will be left without the repealed standards until the new regulations are adopted. Also, downgrading the restrictions to lesser ordinances makes them easier to weaken in the future and reduces the standing of citizens under the law to challenge revisions.

After objection on this point, the City added temporary “transitional” standards, but only for building heights and architectural type (such as Northern Italian Renaissance) in some areas, as well as part of the present neighborhood compatibility policy (in Policy 8.2) for rezonings, special exceptions and site plans, with direction that they be weakened by ordinance to match the new Comp Plan policy. On many other points, however, the City will be left without any development restrictions.

Among the very many repealed restrictions on development are those requiring a balance of uses in a development including community spaces, strong environmental protections, designs for streetscapes, landscaping and building facades; standards for “human scale” buildings in mixed use developments, including tiered building heights and connections with the street; creating visual interest with varied roof lines; and prohibiting rooftop equipment from being visible from the street.

Additionally, numerous specific development standards in identified Neighborhoods and Joint Planning Areas would be repealed.

The City’s Land Development Code, which also serve as the City’s zoning code, at present omits the extensive development restrictions in the Comprehensive Plan, relying instead on Section 86-32 of that Code, which provides, “No development order shall be issued under the provisions of the LDC unless determined to be consistent with the comprehensive plan.”

While state law has for many years provided that the Comprehensive Plan shall be implemented through regulations, it also provides that standards for development may be provided in the Comprehensive Plan. Many jurisdictions continue to lawfully do that to this day, including the City of Sarasota which just completed its seven-year update to remove inconsistencies with state law.

If any restrictions on development are to be moved from the Comprehensive Plan into the Land Development Code, then it is essential that the LDRC be amended first to do that, before those restrictions are removed from the Comprehensive Plan. Otherwise, the City of Venice will have a period during which the restrictions do not exist at all, a Wild West for developers to ignore standards which have limited them in ways which have been determined to be in the public interest.

Important Standards For City Planning are Removed

In addition to stripping away restrictions on development the Comp Plan Update repeals almost all standards to guide the City in its public works, such as locating parks within a ¼ mile of residential areas, designing parking structures that blend in with the area, meeting “multi-generational” recreational needs and designing according to crime prevention techniques. Community standards are also minimized, such as removing an encouragement of places of worship and civic uses in residential areas to promote neighborhood livability. The intention seems to have been to produce a “bare bones” Comprehensive Plan and that is what they got, at the expense of good planning, both by the City and by developers.

Massive Density Increases are Provided Under the Guise of Affordable Housing

Massive increases in density are part of the Comp Plan Update, in the guise of promoting “affordable housing.”

They would apply to all Medium Density and High Density land use designations and many of the new Mixed Use designations (including those in the Island Neighborhood, Laurel Road Corridor, Northeast Venice Neighborhood and Knights Trail Neighborhood). That would apply not only where those designations will exist upon adoption of the Comp Plan Update but also wherever a developer could later get a change in land use designation in order to be eligible for the higher density.

Density would be allowed to double, from 13 to 26 units per acre and from 18 to 36 units per acre, for housing for persons earning up to 80% Area Median Income (now \$49,500 a year for a family of four). It would increase from 13 to 20 units per acre and from 18 to 27 units per acre for housing for persons earning up to 120% Area Median Income (now \$74,280 a year for a family of four).

A developer would have to limit the rental or housing price for just ten years, by a recorded instrument, after which prices could increase without limit.

Land Use Designations are Liberalized

More liberal development rights will also be granted by changes in land use designations on the Future Land

Use Map, including by allowing commercial development where it is not allowed today in the widely applied Mixed Use designations. City planners also acknowledge in their Plan analysis that the new Plan will quadruple (increase to 400%) the High Density land use acreage and dwelling units throughout the City.

The Comp Plan Update Does Not Reduce Venice's Development Capacity

The assertion by City planners that the Comp Plan Update will reduce the number of dwelling units and non-residential square feet allowed in the City is entirely false and has become Fake News by those promoting the new Plan.

Originally, they claimed it would reduce dwelling units from 58,502 to 32,200 and non-residential square feet from 94 million to 80 million. Now they say those figures were wrong and that the reduction will only be from 50,565 units to 39,721 and that the non-residential square feet under the new Plan will be a little more, at over 82 million.

What is essential to know is that City staff did not produce these figures by reducing the development potential of undeveloped land. Instead, they merely reclassified already built land to better reflect what is actually built on it. For example if land where the density could have been up to nine units per acre under its present land use classification was zoned and built out as a subdivision with a density of less than five units per acre, it may have a new land use classification with a cap of five units per acre under the new Plan.

Directly opposite of any suggestion that the new Comprehensive Plan reduces development potential, it seeks to increase it by changes that include those outlined above. Also, the new Plan discusses additional steps to take in the future to increase development even more, such as the following provision in the policies concerning the Laurel Road Neighborhood southwest of Laurel Road and I-75: "The City needs to coordinate and review the JPA/ILSBA areas with Sarasota County to adjust the development potential for this area to coincide with the Laurel Road Neighborhood serving as a major non-residential development area.

What should be done before the Comp Plan Update is adopted is for the City planners to prepare and present an analysis, as part of their official analysis documents, of the present and proposed land use potential of all undeveloped land in the City, based on changes in their land use designations.

Transportation Concerns are Neglected

The Comp Plan Update lowers the adopted (acceptable) level of service on City roads from C to D. This would embrace a significant increase in traffic congestion below the existing level of service on those roads, which in almost all cases is C today.

This would allow the City to excuse a more generous treatment of developers who would overcrowd City roads, as well as relieving the City from keeping up with traffic congestion in its road improvement plans.

Also, the Comp Plan Update completely repeals concurrency, the important policy that requires that development be allowed only if adequate roads will be in place concurrent with (at the same time as) the traffic impacts of the development. While state law has changed to no longer allow the City to deny a rezoning, special exception or site plan which would lower a road's level of service, the City could still legally keep and enforce concurrency to deny a change in a land use designation or other Comprehensive Plan amendment or a change in an area plan. For that reason, Sarasota County in its recent comprehensive plan update kept concurrency for comprehensive plan amendments and critical area plans. It was very recently used by the Sarasota County Planning Commission to unanimously recommend denial of a plan amendment for a construction material recycling center which would overcrowd Palmer Boulevard in the County. The City of Venice however proposes to repeal concurrency for all purposes, a big boon to developers but a great loss to the public interest.

Also, while state law now prohibits making a developer pay for the entire cost of a road improvement needed to make the development concurrent, it still allows an exaction for the developments "proportionate share" based on how much of the new capacity the development would use, to the extent that exceeds impact fees. As such, concurrency should be kept for all purposes to that extent.

Also, the state law still allows a local government to require all developers to produce a traffic study which evaluates the road capacity impacts of the development – in other words whether and how much the development will overcrowd the roads. However, the Comp Plan Update would remove that requirement,

limiting traffic studies to operational considerations such as how traffic will get into and out of the development.

Environmental Protections are Weakened

The current Comprehensive Plan has very strong limits on development to protect the natural environment.

For example, Future Land Use Chapter Policies 1.2D, 1.9, 3.3 and 8.1C require that developers minimize impacts to the natural environment, preserve native habitats, prevent sprawl by protecting undeveloped natural habitats and ensure protections of the environment. Environment Chapter Policies 1.5, 1.9 and 1.10 require that developers protect the natural environment, require that the City implement land use practices which use clustered homes and certain other practices to protect native habitats and provide that all development “shall be configured or designed to optimize wildlife connectivity, minimize habitat fragmentation, and minimize barriers to wildlife movement.” Wetland impacts by a developer are allowed only when they are “unavoidable”.

Instead, the Comp Plan Update has much weaker wording, such as in Open Space Chapter (as the Environment Chapter has been removed entirely) Policies 1.3.1 and 1.4.2, which allow a developer to “minimize” then mitigate wetland impacts and provides that the City shall “encourage” development forms that protect native habitats such as clustered housing.

School Capacity Consideration is Downgraded

While current School Concurrency & Facilities Chapter policy 5.3 now requires that the City “will” consider the availability of adequate school capacity in all proposed amendments to the Comprehensive Plan, such as its land use designations, as well as all rezoning and subdivision and site plan proposals, the proposed new Public Schools Chapter Policy 1.1 provides merely that the City “may” use inadequate school capacity to deny “plan amendments” only. Nothing is provided to protect the public from overcrowded schools as a result of proposed rezoning, subdivision plans or site plans. Significantly, concurrency is something that can be addressed only in the Comprehensive Plan.

Short-Term Rental Limits are Deleted

Also in question are restrictions on short-term rentals, as they (Policy 13.1) would be removed from the Comprehensive Plan, including a policy providing a minimum rental term of three months in residential areas, leaving only the 30-day limit and other provisions of the Land Development Code.

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