



ANNEXATION
Petition Number: 16-01AN
SHYD LLC
Staff Report

Owners: SHYD LLC

Agent: Greg Roberts, Klingbeil & Roberts, P.A.

Parcel IDs: 0404-05-0002 and 0404-12-0002 **Parcel Size:** 9.79± acres

Existing Uses: Outdoor Storage and Pastureland for Cattle Grazing

Adopted Future Land Use Designation: Sarasota County Low Density Residential

Existing Zoning District: Sarasota County Open Use Estate 2 (OUE-2)

Concurrent Applications: Comprehensive Plan Amendment Petition 16-02CP
Rezoning Petition 16-06RZ

Proposed Stipulation:

1. Property owner must remove the current land use of cattle grazing from the subject properties in order to not create a nonconforming use within the city prior to approval of the concurrently processed Comprehensive Plan Amendment (16-02CP) and Zoning Map Amendment (16-06RV) petitions.
2. Property owner to provide an access easement across northern portion of Parcel B (PID 0404-12-0001) to allow access to Parcel A (PID 0404-05-0002) if parcels are sold independently.

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

I. REQUEST

Greg Roberts, the authorized agent for property owner SHYD LLC, has petitioned the city to annex two properties totaling 9.79± acres near 1041 Albee Farm Road. The properties are proposed for incorporation within the city limits and to receive city services as provided within the approved pre-annexation agreement and adopted comprehensive plan.

II. BACKGROUND

The subject properties are two noncontiguous parcels located along Albee Farm Road, north of Lucaya Avenue. A submitted survey identifies the parcels as Parcel A (PID 0404-05-0002) and Parcel C (PID 0404-12-0002). The two parcels are enclaves within unincorporated Sarasota County.

In 2009, the Venice City Council approved and adopted Resolution 99-34, creating the Welcome to Venice in 2000 incentive program to encourage property owners of County enclaves to voluntarily annex into the city. The program was to run through the end of calendar year 2000, but was eventually extended to the end of calendar year 2001 to allow property owners to take advantage of reduced annexation costs and utility connections.

Near the end of 2001, staff began holding discussions with Sarasota County to involuntarily annex any remaining enclaves into the city. Section 171.046, Florida Statutes, stated that in order to expedite the annexation of developed or improved enclaves of 10 acres or less into the most appropriate incorporated jurisdiction, a municipality may annex an enclave by interlocal agreement with the county having jurisdiction of the enclave [the Statute has since been amended to 110 acres or less]. The city took advantage of the statute and began developing an Interlocal Agreement between the City of Venice and Sarasota County Regarding Annexation of Enclaves and County Property ("Interlocal Agreement"). The draft Interlocal Agreement identified 158 properties for involuntary annexation.

The following year city staff began holding public meetings with affected property owners to discuss the possible annexations. Based on the outcomes of these meetings a review was conducted by city staff relative to vacant lots. A determination was made that vacant properties would not be a part of the Interlocal Agreement. This reduced the total number of properties identified for involuntary annexation from 158 to 118. A final Interlocal Agreement with 118 identified properties was adopted by City Council in October, 2002 through Resolution 2002-26.

For those property owners of vacant lots the city did provide an additional option to annex. City staff sent a letter to vacant property owners in September, 2002 stating that if they still would like to annex, the city would allow them to do so and would waive the \$350 annexation fee. The deadline for this additional incentive was December 27, 2002.

Stephen and Mary Deans owned the subject properties and the parcel in between them identified as Parcel B (PID 0404-12-0001) on the survey. All three parcels were originally listed within the draft Interlocal Agreement for involuntary annexation; however, by the time the final Interlocal Agreement was adopted two of the parcels (Parcel A and Parcel C) were removed due to being vacant. The Deans were sent the September, 2002 mailing regarding the additional option to annex but chose not to take advantage of the incentive at that time. Ultimately, the Deans sold all three parcels to current property owner, SHYD LLC, in 2014.

III. SUBJECT PROPERTIES/SURROUNDING PROPERTY INFORMATION

Subject Properties Information:

SHYD LLC owns three contiguous parcels of land along Albee Farm Road, north of Lucaya Avenue. A submitted survey identifies the three parcels as Parcel A (PID 0404-05-0002), Parcel B (PID 0404-12-0001), and Parcel C (PID 0404-12-0002). Parcel A and Parcel C represent the *subject properties*

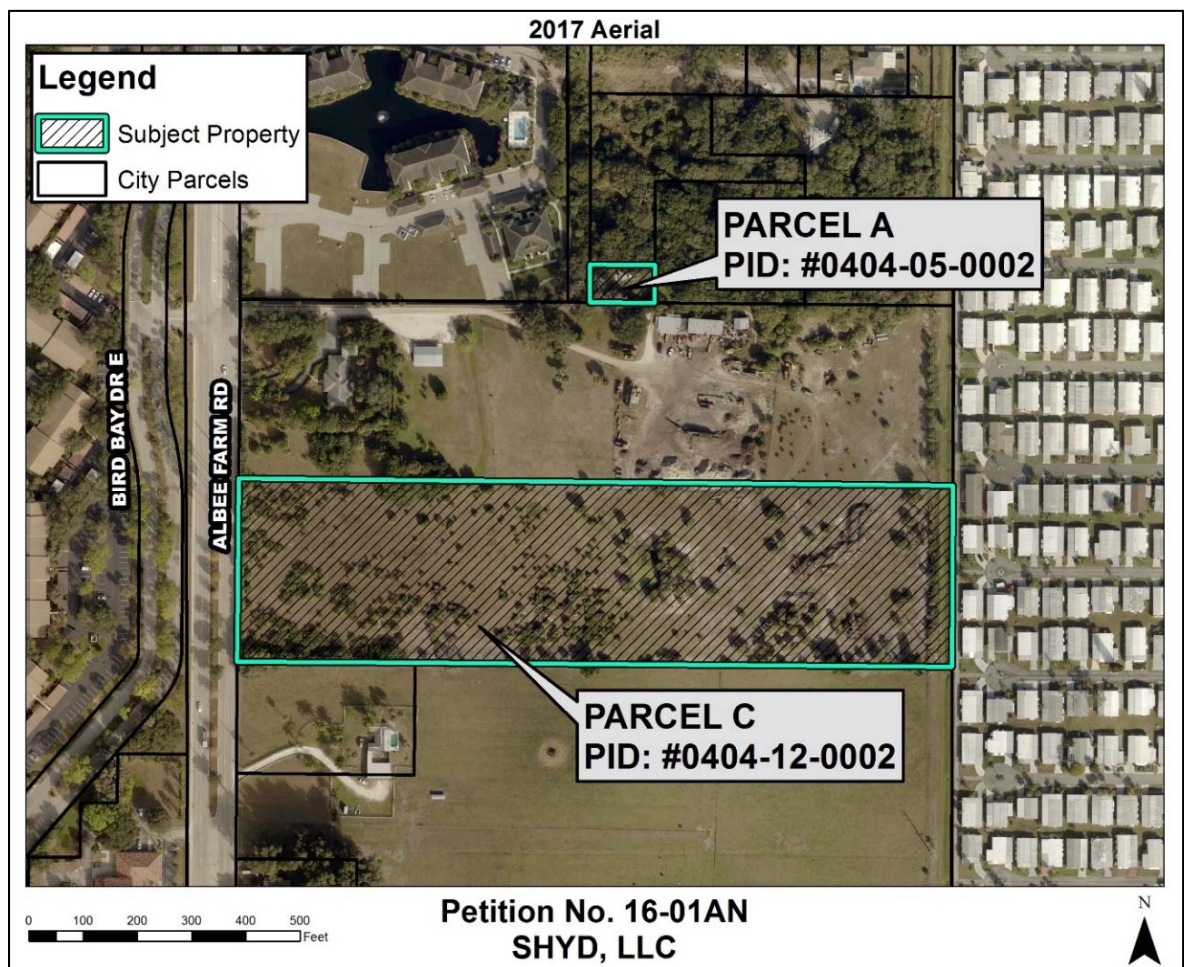
being requested for annexation (see Map 1). Parcel A is 0.19± acres and Parcel C is 9.60± acres in size.

Existing Use of Subject Properties:

Parcel A is currently being used as outdoor storage of equipment and contains four shed structures. Parcel C is vacant and being used as pastureland for cattle grazing, which is not a permitted use within the city. The property owner has been notified that they will need to remove the cattle off Parcel C in order to not create a nonconformity upon annexation.

As seen in Map 1, Parcel C has direct access to Albee Farm Road. The smaller Parcel A has indirect access via a paved driveway that traverses the northern portion of Parcel B. Staff typically reviews access to individual parcels during the development review process (i.e., preliminary plat or site and development plan). However, given the unique character and location of Parcel A, staff is recommending a stipulation that if Parcel A and Parcel B were ever sold independently the owner of Parcel B must dedicate an access easement across the northern portion of the parcel to allow Parcel A to have its own dedicated access to Albee Farm Road.

MAP 1: Aerial Photograph



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



Magnolia Park Condos looking northeast from Albee Farm Road.



Bird Bay Condos looking west across Albee Farm Road.



Driveway to Parcel B looking east across Albee Farm Road.



Entrance to Parcel A looking east from Parcel B driveway.



Sheds and outdoor storage use on Parcel A looking northeast.



Pastureland for cattle grazing use on Parcel C looking east.

Surrounding Property Information:

The character and land development patterns of the surrounding properties include manufactured homes to the east (Bay Indies); a combination of multi-family residential (Magnolia Park) and vacant woodlands to the north; multi-family residential to the west (Bird Bay); and a combination of single-family residential, pastureland for cattle grazing, and outdoor storage to the south (Sandler Ranch).

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

Table 1. Surrounding Land Use, Zoning and Future Land Use Designations

Direction	Existing Land Use(s)	Existing Zoning District(s)	Future Land Use Designation(s)
North	Multi-family residential (Magnolia Park) and vacant woodlands	Sarasota County Open Use Estate 2 (OUE-2) and City of Venice Residential Multiple Family 3 (RMF-3)	Sarasota County Low Density Residential and City of Venice Medium Density Residential
South	Single-family residential, pastureland, and outdoor storage	Sarasota County OUE-2	Sarasota County Low Density Residential and City of Venice Medium Density Residential
East	Manufactured homes (Bay Indies)	City of Venice Residential, Manufactured Home (RMH) and Sarasota County OUE-2	City of Venice Medium Density Residential
West	Multi-family residential (Bird Bay)	City of Venice Planned Unit Development (PUD) and Sarasota County OUE-2	Sarasota County Low Density Residential and City of Venice Medium Density Residential

Future Land Use:

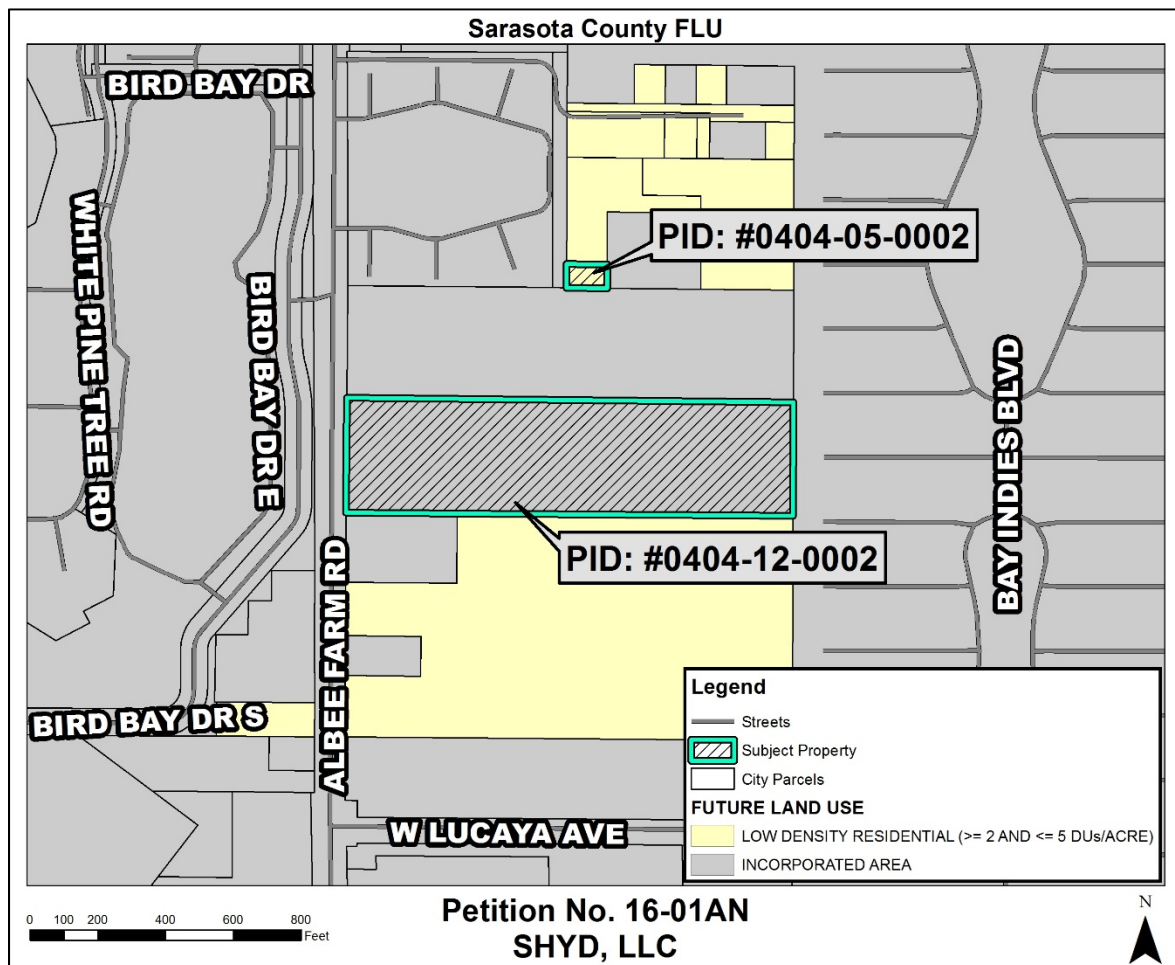
The subject properties being enclaves within Sarasota County have a current Sarasota County future land use designation of Low Density Residential. Map 2 on the following page shows this information, though it inaccurately depicts Parcel C (PID 0404-12-0002) as being within the City of Venice's incorporated area. Staff is uncertain as to when this inaccuracy occurred, but believes it may have taken place around 2001 when the draft Interlocal Agreement between the city and Sarasota County was being developed.

As mentioned in the Background of this report, the draft Interlocal Agreement originally included a list of 158 properties identified for involuntary annexation. The subject properties (Parcels A and C) were included in this original list. After meeting with affected property owners regarding vacant lots, staff reduced the number of properties on the list to 118. The reduced list no longer included Parcels A and C because they were undeveloped or unimproved. Staff believes that when the original listing of 158 properties was produced, both the city and county future land use maps were altered to show that Parcels A and C were being annexed into the city, but then the maps were not revised once the

reduced list of 118 properties was produced. This is the only explanation staff can provide as for why both future land use maps show Parcel C as being within the city's incorporated area.

To correct the inaccuracy the applicant filed the subject Annexation Petition. The applicant has also filed concurrent Comprehensive Plan Amendment (Petition No. 16-02CP) and Zoning Map Amendment (16-06RZ) petitions as required by the approved pre-annexation agreement. The pre-annexation agreement states that upon annexation, the property owners must petition the city to redesignate the subject properties to the city future land use category and rezone the properties to a district or districts under the city Zoning Code concurrent with the city's consideration and adoption of an ordinance annexing the properties into the city's incorporated area.

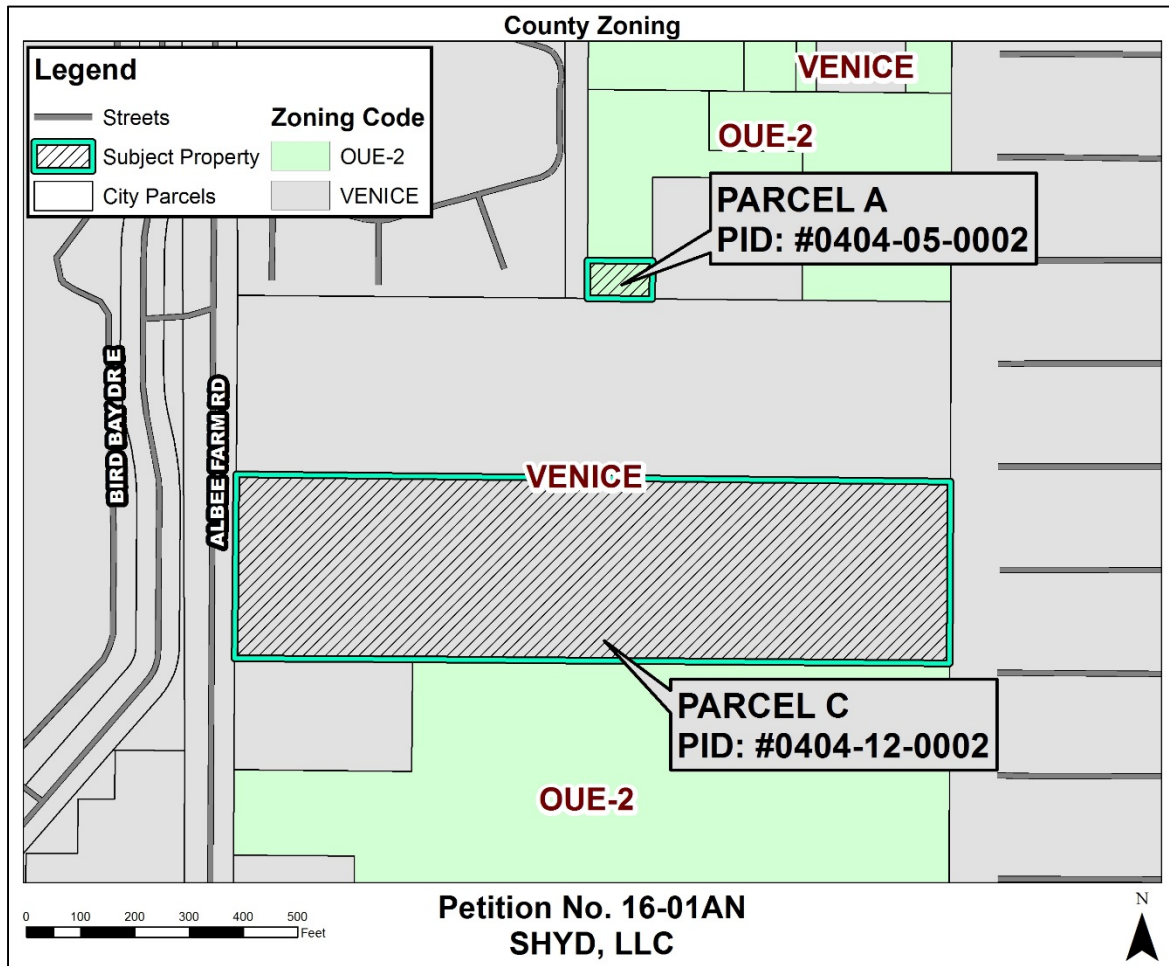
MAP 2: Existing Future Land Use Map



Existing Zoning:

Map 3 shows the existing zoning of the subject properties and surrounding properties. The subject properties have a current Sarasota County zoning designation of Open Use Estate 2 (OUE-2). As with the future land use map, Map 3 inaccurately depicts Parcel C (PID 0404-12-0002) as being within the city's incorporated area. As indicated above, staff is uncertain as to when this inaccuracy occurred, but believes it may have taken place around 2001.

MAP 3: Existing Zoning Map



Flood Zone Information:

The 2016 FEMA Flood Insurance Rate Map (FIRM) shows the majority of Parcel A and Parcel C within X-Unshaded and X-Shaded flood zones. The X-Unshaded and X-Shaded flood zones are low and moderate risk flood areas respectively and are not identified as Special Flood Hazard Areas. A small portion of Parcel C is within the AE flood zones with base flood elevations between 11.1 feet and 13.0 feet. AE flood zones are high risk flood areas identified as Special Flood Hazard Areas. Flood insurance is mandatory in Special Flood Hazard Areas for most mortgages that are secured by loans from federally regulated or insured lenders. City regulations require that the minimum finished floor elevation be higher of base flood elevation or 15 inches above the adjacent grade. A survey is required to establish the finished floor elevation and crown of road and an elevation certificate will be required for new construction. Development of the properties will be subject to compliance with FEMA requirements.

Coordination with Sarasota County:

Staff have coordinated the subject petition with Sarasota County. Because the subject properties to be annexed are within enclave areas, the County is supportive and encourages their annexation into the

city as provided for in the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between Sarasota County and the City of Venice.

IV. PLANNING ANALYSIS

As part of the analysis process, staff reviewed the subject petition for consistency with Chapter 171, Florida Statutes, and the city's comprehensive plan, land development code, and concurrency regulations. Staff also coordinated the review with Sarasota County Planning staff since the subject properties are enclaves within the county. County Planning staff are supportive and encourages their annexation into the city as provided for in the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between Sarasota County and the City of Venice.

Consistency with Chapter 171, Florida Statutes:

Consistent with Chapters 171.043 and 171.044, Florida Statutes, the proposed annexation is voluntary because the property owner initiated the action by making a request to the city. The subject properties are contiguous to the city's boundaries (i.e., surrounded on all sides by the City of Venice) and is reasonably compact, meaning it is concentrated to a single area of the city and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. In fact, the annexation will eliminate two existing enclaves within the city's boundaries. The subject properties are not part of another incorporated municipality and will be used for urban purpose.

Consistency with the Venice Comprehensive Plan:

Staff conducted a review of the subject properties for compliance with the Venice Comprehensive Plan.

Policy 8.2, Future Land Use and Design Element of the Comprehensive Plan provides review criteria to ensure that the character and design of infill and new development are compatible with existing neighborhoods. The petitioner provided the following responses to Policy 8.2 below.

A. Land use density and intensity.

Applicant's Response: *The proposed use for the annexed parcels would allow for multi-family residential development is consistent with surrounding uses.*

B. Building heights and setbacks.

Applicant's Response: *The maximum building height under the proposed zoning designation for the subject property is 45 feet which is consistent with the maximum building height of the surrounding properties.*

C. Character or type of use proposed.

Applicant's Response: *The proposed use is multi-family residential. The use is consistent with the existing land use pattern of the surrounding properties which includes the location of multi-family residential, the Bird Bay PUD and the Bay Indies Mobile Home Park.*

D. Site and architectural mitigation design techniques.

Applicant's Response: Site and architectural mitigation techniques, if necessary, will be addressed at the time of submittal for Site and Development Plan approval.

Considerations for determining compatibility shall include, but not limited to, the following:

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

Applicant's Response: The closest single-family neighborhood is Pinebrook South and the Bay Indies Mobile Home Park is located between the subject property and Pinebrook South.

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

Applicant's Response: The multi-family use will not allow for commercial or industrial uses.

G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

Applicant's Response: The property is undeveloped and a multi-family development would be consistent with surrounding uses.

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

Applicant's Response: The proposed amendment for multi-family residential will be consistent with surrounding uses.

Potential incompatibility shall be mitigated through techniques including, but not limited to:

I. Providing open space, perimeter buffers, landscaping and berms.

Applicant's Response: Open space, perimeter buffers, landscaping and berms (if applicable) will be finalized and evaluated during the S&D process.

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Applicant's Response: Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas (if applicable) will be finalized and evaluated during the S&D process.

K. Locating road access to minimize adverse impacts.

Applicant's Response: Road access will be finalized and evaluated during the S&D process.

L. Adjusting building setbacks to transition between different uses.

Applicant's Response: Building setbacks will be finalized and evaluated during the S&D process.

M. Applying step-down or tiered building heights to transition between different uses.

Applicant's Response: Permitted building heights on the subject property will not exceed permitted building heights as allowed by the applicable land development regulations.

N. Lowering density or intensity of land uses to transition between different uses.

Applicant's Response: The proposed use for the annexed property to allow for multi-family residential development will be a reduction in the intensity in use as compared to the adjacent mobile home park and consistent with multi-family uses to the north and west of the property.

In addition to Policy 8.2, the following additional policy of the Comprehensive Plan is identified for consideration:

Policy 1.7, Utilities Element – Annexation Utility Connection. Newly annexed properties shall connect to the City of Venice utility systems within 365 days of the date of annexation unless service is not available, or unless another service provider has been designated under the terms of the Joint Planning Agreement and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City of Venice and Sarasota County. If service is not available, properties must connect as soon as it becomes available.

Availability of Municipal Services to the Subject Properties Consistent with the City's Adopted Levels of Service (Concurrency):

In response to request from the Planning and Zoning Division, the city's Technical Review Committee (TRC) reviewed the proposed annexation for potential impacts on city services and facilities. Staff has conducted a preliminary concurrency analysis based on responses from the TRC departments. TRC review indicated adequate public facilities are available to accommodate the proposed annexation. Additional review for concurrency, including the issuance of a certificate of concurrency, will be required prior to further development of the subject properties.

Summary Findings:

The following summary findings of fact provide an overview of the staff analysis included in this report:

- i) **Finding (Chapter 171, Florida Statutes):** The proposed annexation is consistent with Chapter 171, Florida Statutes.
- ii) **Finding (Comprehensive Plan):** The proposed annexation may be found consistent with Policy 8.2 and additional policies of the Venice Comprehensive Plan. The annexation is consistent with the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County.
- iii) **Finding (Concurrency):** Based on the preliminary concurrency analysis and responses provided by city departments, it appears that adequate public facilities are available to accommodate the proposed annexation. Therefore, the proposed annexation will not negatively impact city services and facilities. Further concurrency analyses and the issuance of a certificate of concurrency will be required prior to development of the subject properties.

V. CITY ACTION ON ANNEXATION PETITION NO. 16-01AN

Based upon review of the petition and associated documents, Florida Statutes, comprehensive plan, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record to take action on Annexation Petition No. 16-01AN.