



Project: Hurt Property
Zoning Map Amendment Petition No. 17-12RZ

Staff Report

Owner: Carlton J. Hurt Trust and Randall C. Hurt and Joseph W. Hurt and Mary McMullen

Parcel ID #s: Portion of 0380-03-0001 and 0380-02-0001

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Address: Laurel Road West of I-75 **Parcel Size:** 59.53± acres

Existing Zoning Districts: Sarasota County Open Use Estate-1 (OUE-1)

Proposed Zoning District: City of Venice Residential, Single-Family-4 (RSF-4)

Future Land Use Designation: Laurel Road Mixed-Use Neighborhood (JP/ILSBA Area 5)

Technical Review Committee (TRC): The subject petition has been reviewed by the TRC and has been found in compliance with all regulatory standards applicable to the rezoning of property in the City of Venice.

I. INTRODUCTION AND BACKGROUND

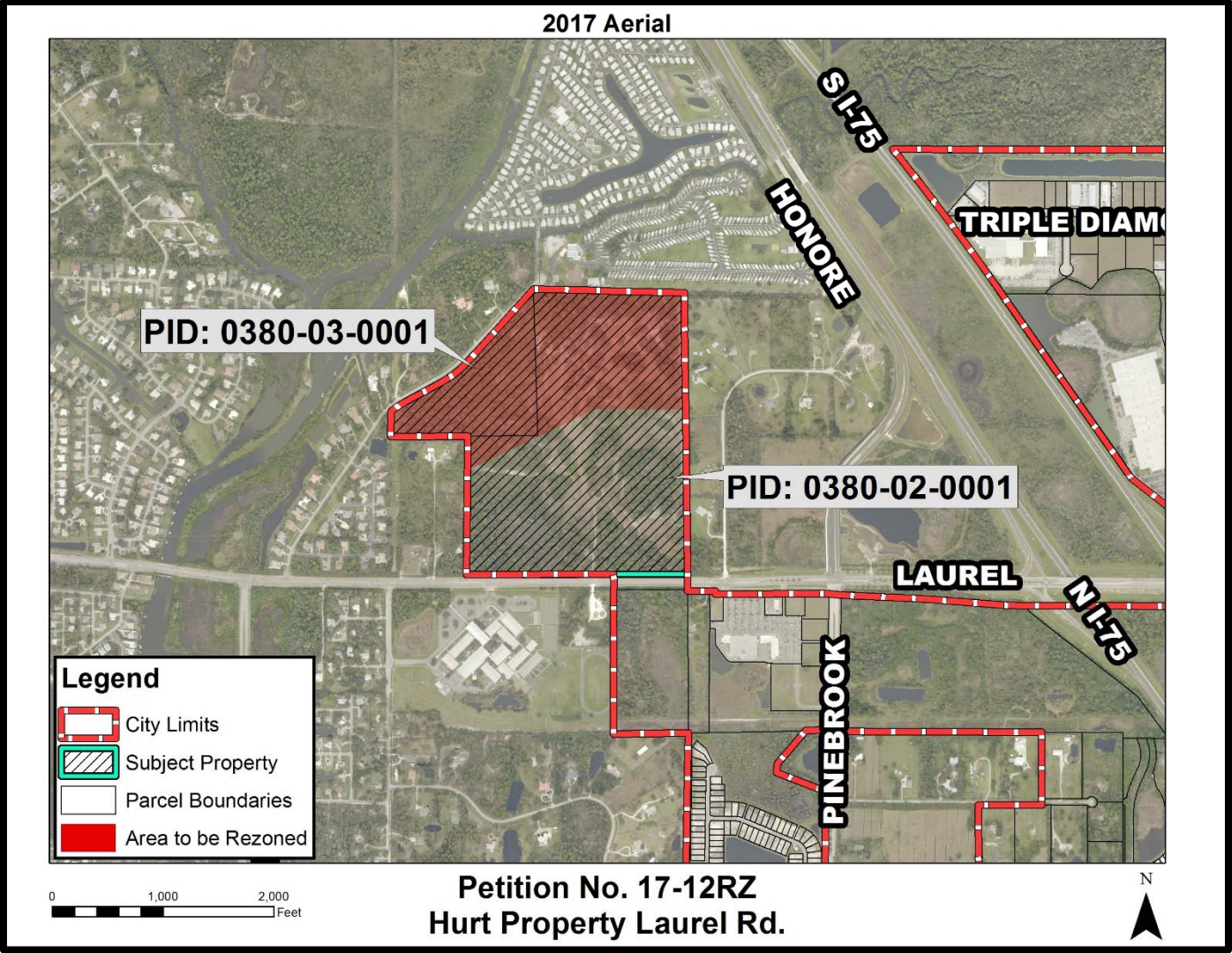
The subject property was annexed into the city on May 22, 2007 through City Council adoption of Ordinance No. 2007-26. The property has maintained its Sarasota County Open Use Estate-1 (OUE) zoning since annexation. The property is comprised of 59.53± acres and is located north of Laurel Road, west of Pinebrook Road, and east of Kingsway Drive. The applicant is proposing to rezone the subject property from the current Sarasota County OUE zoning designation to City of Venice RSF-4.

II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Subject Property Information:

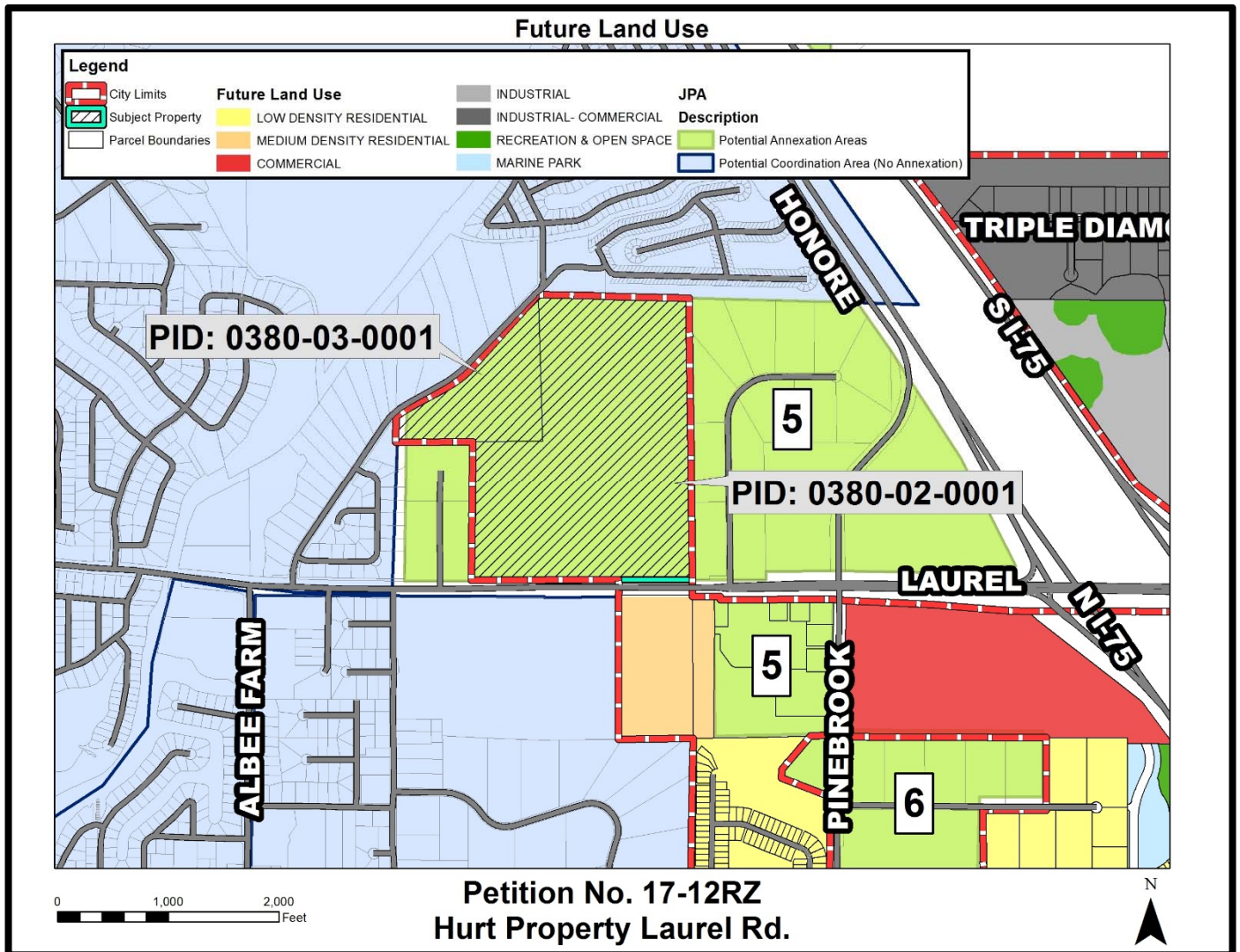
The subject property is currently vacant and is comprised of 59.53± acres as depicted on Map 1. The property is bordered to the west by single family homes, north by the Kings Gate Club manufactured home community, east by large lot single family homes, and south by the Laurel Nokomis School and vacant S&J property.

MAP 1: Aerial Photograph





MAP 2: Future Land Use Map



Future Land Use:

Map 2 depicts the subject property having a City of Venice future land use map designation of the Laurel Road Mixed Use Area (JP/ILSBA Area 5). The development policy for this planning area is to “*ensure the timely development of urban services and facilities that are compatible with natural resources and community character.*”

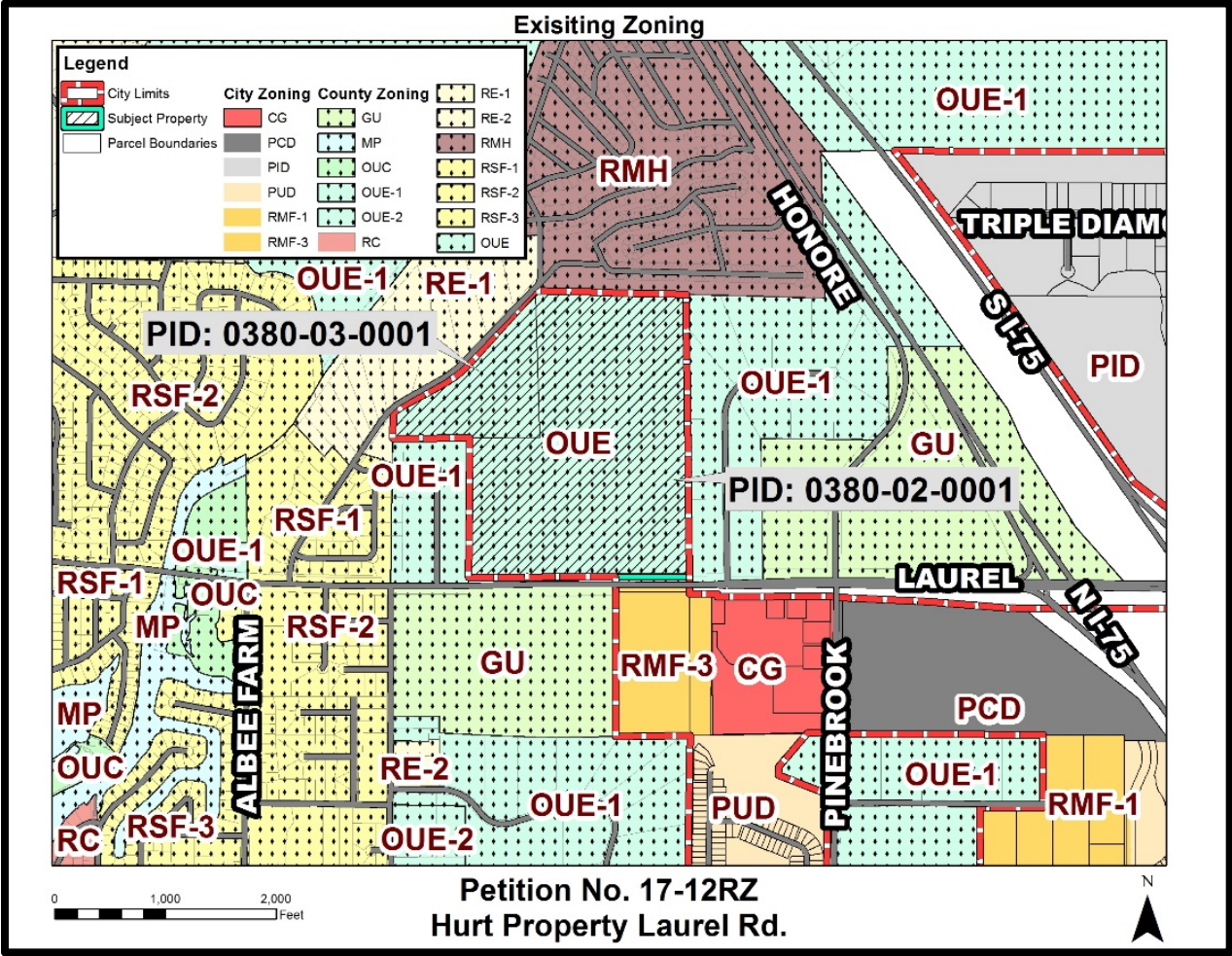
Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with two flood zone designations, zones “X” and “AE”. Base Flood Elevation (BFE) varies from 10 feet to 11.08 feet. The Zone X designation is not identified as a Special Flood Hazard Area and is considered low risk. The portion of the property designated as “AE”, is identified as a Special Flood Hazard Area (SFHA) and is considered high risk. Flood insurance is mandatory in high risk areas for most mortgages that are secured by loans from federally regulated or insured lenders. City of Venice regulations require that the

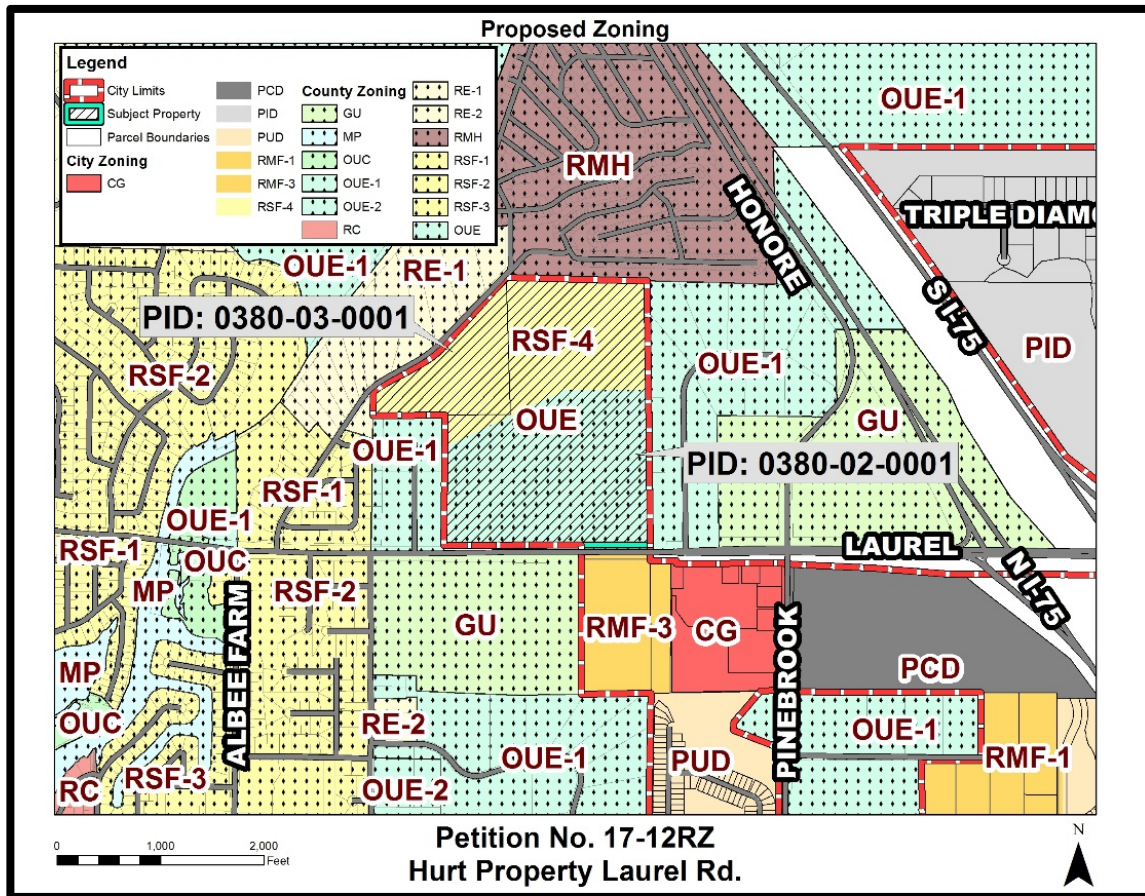
minimum finished floor elevation must be the higher of base flood elevation or 15 inches above the adjacent grade. A survey is required to establish the finished floor elevation and crown of road and an elevation certificate will be required for new construction. Development of the property will be subject to compliance with FEMA requirements.

In addition, although the subject property is not identified in the current Comprehensive Plan as being located within the Coastal High Hazard Area (CHHA) as identified by the Sea, Lake, and Overland Surges by Hurricanes (SLOSH) computerized storm surge model, a small portion of the subject property is within the CHHA as identified in the City’s proposed plan. Although the proposed zoning map amendment does not increase density beyond that permitted by the City’s current future land use designation of up to eight units per acre, future development scenarios will need to take the CHHA under consideration.

MAP 3: Existing Zoning Map



MAP 4: Proposed Zoning Map



Surrounding Property Information:

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

Direction	Existing Land Use(s)	Existing Zoning District(s)	Future Land Use Map Designation(s)
North	Residential (Kings Gate Club)	Sarasota County Residential Manufactured Home (RMH)	Sarasota County Medium Density Residential
West	Residential	Sarasota County Residential Estate-1 (RE-1) and Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Moderate Density Residential
South	School (Laurel Nokomis Elementary and Middle) and Vacant S&J Property	Sarasota County Open Government Use (GU) and City of Venice Residential, Multi-Family-3 (RMF-3) with stipulations	Sarasota County Moderate Density Residential and City of Venice Medium Density Residential
East	Residential	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Moderate Density Residential

III. PLANNING ANALYSIS

A. Evaluation of Proposed RSF-4 Zoning and Existing OUE-1 Zoning:

	Designation	Maximum Gross Density	Total Dwelling Units/Acre
Existing Zoning	OUE-1	1du/5 acres	12
Proposed Zoning	RSF-4	5.5 du/acre	327
JPA	Area 5	8 du/acre	476

The applicant has petitioned the city to rezone the property from OUE-1 to RSF-4 for the future consideration of a residential project and, consistent with the pre-annexation agreement, the city is obligated to provide a city zoning designation for the property. According to the table, the newly proposed RSF-4 zoning designation provides a density of up to 5.5 dwelling units per acre as opposed to the current county designation of one dwelling unit per 5 acres. This designation provides for an increase in the development potential compared to the current designation, however, is consistent with the approved density provided within JPA Area 5 which allows up to eight dwelling units per acre.

Regarding the surrounding properties, the subject property is bordered to the north by Kings Gate Club manufactured home community which is zoned Sarasota County Residential Manufactured Home (RMH). This designation permits up to five dwelling units per acre and based on information from the county, it appears that Kings Gate, in total, has a developed density of approximately five units per acre. The surrounding properties to the east and west are designated as Sarasota County OUE-1 and RE-1 which allow for one dwelling unit per five acres and one dwelling unit per two acres respectively. To the south is approximately 59 acres under the same ownership, not proposed for rezoning at this time, that is currently zoned OUE-1. Across Laurel Road is the Laurel Nokomis School zoned County GU and the vacant S&J property which is zoned City RMF-3 with density restricted to a maximum of eight dwelling units per acre, unless the “*developer restricts the use of this parcel to rental units only*”, then the density is limited to a maximum of 12 dwelling units per acre.

Finding of Fact (Evaluation of Existing/Proposed Zoning): *The proposed rezoning is necessary due to the pre-annexation agreement requirement that the property be rezoned to a city designation prior to any development. Based on the above evaluation, a finding may be reached on the proposed zoning designation requested.*

B. Consistency with the Comprehensive Plan:

The subject property has a future land use map designation of Laurel Road Mixed Use Neighborhood (JP/ILSBA Area 5). Policy 18.11 provides the planning intent of JPA Area 5. The development policy for this planning area is to “*ensure the timely development of urban services and facilities that are compatible with natural resources and community character.*” Consistent with the JP/ILSBA, the water and sewer will be provided by Sarasota County for the subject property. Currently, no development proposal has been submitted to the city, therefore no review regarding natural resources or community character has been accomplished, although single family homes are consistent with the neighboring properties. There are three subareas identified in this JPA Area and the majority of the area subject to the zoning map amendment is

identified as subarea one.

Policy 18.12 provides the development scenario for JPA Area 5. Regarding the proposal to rezone the property, some of the general standards provided in this policy can be evaluated and confirmed as consistent with the application. Other standards may not be applicable or are locational and will be confirmed with subsequent land use petitions for development. Those standards that can be confirmed consistent at this point are as follows:

- Maximum residential density in this JPA Area will not exceed 8 units per acre. ***The RSF-4 zoning district provides for a maximum of 5.5 units per acre.***
 - Residential uses shall be concentrated in Subarea No. 1 and may be allowed in Subarea No. 2, north of Laurel Road, so long as such uses are compatible with adjacent uses, as described in Objective 8, Policy 8.2. ***As indicated above, the majority of the area subject to the rezoning is located within Subarea 1. Policy 8.2 will be evaluated later in this report.***
- Maximum height in Subarea 1 shall be limited to 2 stories, up to 35 feet including parking. ***The maximum building height permitted in the proposed RSF-4 zoning district is 35 feet. Although the RSF-4 zoning district does not provide any limitation on the number of stories, the Comprehensive Plan is the governing document and will limit the number of stories to two within the height of 35 feet including parking. The limited height also addresses this policy's requirement for consideration of compatibility mitigation techniques per Policy 8.2 for "building envelope."***

At the point of rezoning of property, evaluation of compatibility principles as described in Objective 8, Policy 8.2 of this Element shall be required to ensure compatibility with adjacent uses. Section 10(I) of the JP/ILSBA similarly requires that compatibility be evaluated by using the county's compatibility principles for the rezoning of properties located within the city adjacent to JPA areas. The county's compatibility principles are consistent with those found in Policy 8.2 and include evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. Compatibility review requires evaluation of the following as listed in Policy 8.2:

- A. Land use density and intensity.
 - ***The applicant's proposal is to rezone the identified portion of the subject property to RSF-4 which will permit the development of single family homes at a potential density of up to 5.5 units per acre.***
- B. Building heights and setbacks.
 - ***As indicated above, building height is limited to a maximum of 35 feet in the RSF district. Setbacks will be applied on structures consistent with the requirements of the RSF district.***
- C. Character or type of use proposed.
 - ***As indicated, the RSF zoning district permits the development of single family homes on individual lots among other uses that are identified as permitted principal uses within the RSF district. Although other uses are permitted in the district, the applicant has indicated in their narrative that no non-residential uses are proposed.***
- D. Site and architectural mitigation design techniques.
 - ***The Comprehensive Plan requires that "Venetian Gateway (VG) architectural design standards shall be applied to new and redevelopment projects." Consideration of mitigation techniques will be accomplished at the point of site development.***

At the rezone stage of a project, Policy 13.1 of the City's Comprehensive Plan regarding residential uses indicates that a positive finding must be made by City Council on the following considerations, E thru H, from Policy 8.2, Land Use Compatibility Review Procedures, in order for a project to obtain approval at the maximum allowable density. It is important to note that the applicant is not seeking the maximum permitted density for this JPA Area.

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses. ***The subject property is surrounded on three sides by single family residential uses with the remainder of the property to the south still under county zoning of OUE-1. This portion of the property will also require rezoning to a City designation prior to any development.***
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses. ***The applicant has indicated plans for residential use. Any potential non-residential uses would be limited to approximately one third of the subject site identified as Subarea 1. Following are the permitted principal non-residential uses in the RSF district:***
 - o ***Public elementary and high schools with conventional academic curriculums, and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.***
 - o ***Parks, playgrounds, playfields and city buildings in keeping with the character and requirements of the district and public libraries.***
 - o ***Essential services.***
 - o ***Existing railroad rights-of-way.***
 - o ***Community residential homes having six or fewer residents.***
- 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. ***The proposed rezoning phases out the nonconforming agricultural designation of the property which is not provided for in the City's Comprehensive Plan.***
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses. ***Residential uses are typically considered compatible. As indicated, on three sides of the subject property, there exists single family uses and a manufactured home park. The density of the areas to the east and west are 1du/5 acres or 1du/2 acres with the manufactured home park having a developed density of approximately 5du/acre. To the south is the remainder of the subject property and across Laurel Road is a school and vacant land approved for multi-family residential use. Although the RSF-4 designation provides for a greater density than the surrounding property, the applicant is not requesting the greatest density permitted by the Comprehensive Plan in this area.***

Based on the above evaluation of Policy 8.2, Land Use Compatibility Review Procedures, Residential Future Land Uses, there is adequate evidence on which to determine compatibility with the surrounding properties and to make a finding on considerations E. thru H.

A determination of whether the proposed difference in density may warrant consideration of mitigation techniques, as identified in Policy 8.2, may be necessary. They are as follows:

- I. Providing open space, perimeter buffers, landscaping and berms.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
- K. Locating road access to minimize adverse impacts.

- L. Adjusting building setbacks to transition between different uses.
- M. Applying step-down or tiered building heights to transition between different uses.
- N. Lowering density or intensity of land uses to transition between different uses.*
*County mitigation techniques include “increasing lot sizes”.

The applicant has not provided and there is no requirement to submit a site plan for a rezoning other than for various planned districts. Any development of the subject property will require review and consideration of either a preliminary plat or a site and development plan. Both petitions would be reviewed for determination by the Planning Commission and, in the case of preliminary plat, would require final approval by City Council. It is during this process that full review of the project will occur and mitigation techniques may be considered. While the change in zoning may appear to necessitate consideration of mitigation techniques, as there is no concurrent development proposal with the rezone, addressing this would be more appropriate at the time of site development to ensure appropriate mitigation for the specific development proposal.

Finding of Fact (Comprehensive Plan): *Based on the review criteria indicated above and provided in the Comprehensive Plan, there is adequate evidence on which to determine a finding regarding consistency with the City’s Comprehensive Plan. Land use compatibility will be further confirmed at the point of site development.*

C. Concurrency/Adequate Public Facilities:

Staff has conducted a preliminary review of concurrency based on the zoning change from OUE-1 to RSF-4. All applicable departments including Public Works (parks and solid waste), Utilities (water and sewer), Engineering (drainage), Sarasota County School District, and Planning & Zoning (transportation) have reviewed the proposal and no issues regarding capacity of public facilities have been identified. Concurrency is more appropriately addressed, and will be, at the time of development of the site. As such, this proposed rezoning (if approved) does not confer approval for concurrency. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a development proposal.

Finding of Fact (Concurrency): *No issues regarding capacity of public facilities has been identified. Concurrency analysis and a certificate of concurrency will need to be obtained prior to further development of the subject property.*

D. 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: *See applicant’s narrative.*

Staff Comment: Based on the Planning Analysis provided in Section III, Consistency with the Comprehensive Plan subsection, of this report, the proposed zoning map amendment may be found consistent with the Comprehensive Plan.

- (b) The existing land use pattern.

Applicant's Response: See applicant's narrative.

Staff Comment: The land use identified around the site is single-family residential on large lots to the east and west with a manufactured home park to the north. Property to the south is under the same ownership but is not proposed for rezoning at this time.. The proposed rezoning of the property is consistent with the development policy of JPA Area 5 as well as well as the existing surrounding land use pattern.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The proposed designation of the site is Residential, Single-Family which is consistent with the surrounding property.

- (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: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency based on the zoning change and no issues have been identified. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a site and development plan proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The proposed rezoning to a residential zoning district provides opportunity for development consistent with the existing surrounding uses.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The property has been annexed into the city and is located within the JP/ILSBA that allows for residential use. The applicable pre-annexation agreement requires the property to be rezoned prior to any development order approval.

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

Applicant's Response: See applicant's narrative.

Staff Comment: JPA Area 5 is designated for up to 8 units per acre in the Comprehensive Plan. The proposed rezoning is consistent with the density standard of the Comprehensive Plan.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency, including transportation, based on the zoning change and no issues have been identified. At the time of development, a detailed concurrency analysis including transportation for all public facilities will be required consistent with a development proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: Staff has conducted a preliminary review of concurrency, including drainage, based on the zoning change and no issues have been identified. At the time of development, a detailed concurrency analysis for all public facilities will be required consistent with a development proposal.

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

Applicant's Response: See applicant's narrative.

Staff Comment: As indicated in this report, the building height is limited to 2 stories up to 35 feet.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The proposed designation is consistent with the development intensity provided in the JP/ILSBA and the Comprehensive Plan.

- (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: See applicant's narrative.

Staff Comment: The majority of the surrounding property contains existing development and the southern portion of the subject property is under the same ownership as the subject 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: See applicant's narrative.

Staff Comment: The applicant's request is consistent with the Comprehensive Plan designation for the property.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The property has been annexed into the City and the approved pre-annexation agreement requires the property to be rezoned to a City designation prior to the issuance of any development order.

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

Applicant's Response: See applicant's narrative.

Staff Comment: The proposed zoning map amendment is consistent with and implements the City's Comprehensive Plan.

- (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: See applicant's narrative.

Staff Comment: The majority of other properties in the city currently zoned RSF contain existing development.

Findings of Fact (Applicable Rezoning Considerations): The applicant has provided a response to each 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 each consideration.

IV. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

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 for the Planning Commission to take action on Rezone Petition No. 17-12RZ.