



"City on the Gulf"

## CITY OF VENICE

### Planning and Zoning Division Planning Commission Staff Report

#### City-Initiated Zoning Map Amendment

**PETITION NUMBER:** 17-14RZ

**REQUEST:** A Zoning Map Amendment to rezone the subject property from a Sarasota County zoning designation of Residential, Single-Family-3 (RSF-3) to a City of Venice zoning designation of Residential, Single-Family-3 (RSF-3).

**GENERAL DATA:**

*Owner:* Dale and Melinda Kunz

*Agent:* N/A

*Address and* 436 Baynard Drive, Venice, FL 34285

*Parcel ID:* 0718-01-0036

*Property Size:* 8,960 sqft or 0.21 Acres

*Zoning:* Sarasota County, Residential Single-Family – 3 (RSF-3)

*Legal Description:* Easterly 70.00 feet of Lot 18, and the Westerly 10.00 feet of Lot 19, Block 1, Golden Beach.

#### SUMMARY:

Petition No. 17-14RZ is a City-Initiated Zoning Map Amendment. The City of Venice is asking to rezone the subject property with the permission of the property owner.

On July 13, 2017 the applicant submitted a Building Permit Application for the construction of a new single-family home which was placed "on hold" on July 25, 2017 due to technicalities on the site plans and lack of a city zoning designation. When the subject property was annexed into the City of Venice in 2001, the property did not formally adopt a City of Venice zoning designation, therefore does not have a current city-zoning designation. Rezoning the property is necessary for the maintenance of the official City of Venice Zoning Map.

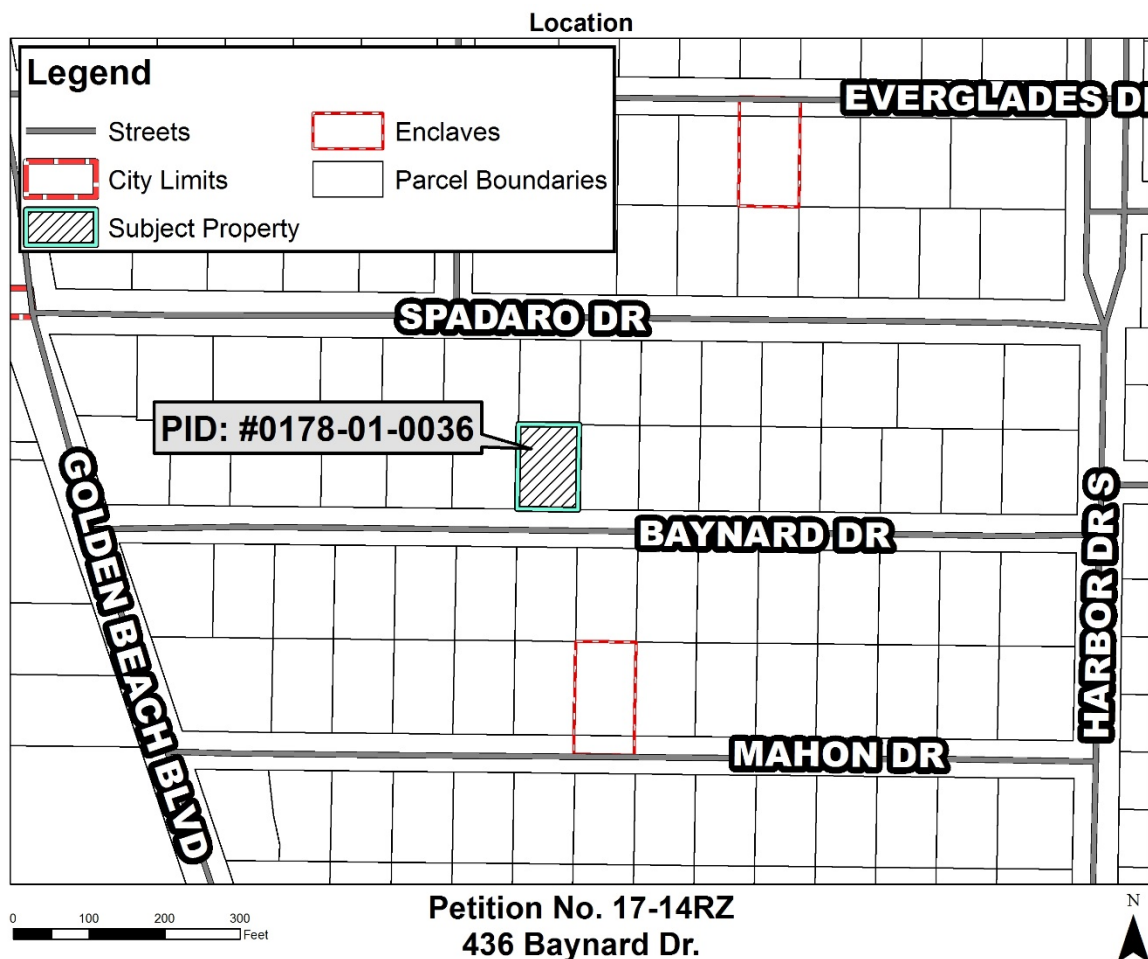
The proposed Zoning Map Amendment to rezone the subject property to a City of Venice Residential, Single-Family-3 zoning designation was not found inconsistent with the 2010 Comprehensive Plan's Future Land Use component in Policy 13.1 and Compatibility Analysis in Policy 8.2, the Land Development Code's Section 86-81 on minimum lot requirements, Section 86-47(f)(1) on procedures for rezoning, and concurrency standards found in Section 94-31(c)(2), or the 2017 Comprehensive Plan's strategies LU 1.2.3 on Residential Land Uses and LU 1.2.8 on Compatibility of Uses.

## PROPERTY HISTORY:

The subject property was part of the original plat of the Golden Beach subdivision recorded by Sarasota County on March 12, 1954 (Attachment 1, found on Page 10). According to county records, Lot 9 and 18 were owned by Anthony and Maria Spadaro, two of the founding members of the Golden Beach subdivision, until the early 1980s when the easterly 70 feet of Lot 18 and the westerly 10 feet of Lot 19 of block 1 was sold to Linda Kurm Moldre. The sale of the subject property to Moldre denotes the division of the original property.

On August 10, 2000, Moldre petitioned the City of Venice for annexation of the subject property. The City approved the annexation on July 26<sup>th</sup>, 2001 with Ordinance Number 2001-96. At the time of annexation, the property was undeveloped and maintained a county zoning designation of Residential, Single-Family-3.

In 2014 Paul Kurm acquired the property from Moldre and then sold it to the current owners, Dale and Melinda Kunz, on June 7<sup>th</sup>, 2016. Approximately a year later, Kunz applied for a Building Permit (Permit No. 17-3070) to construct a new single-family dwelling, which is when Staff realized the property had not been officially rezoned to a City of Venice zoning designation after its annexation.



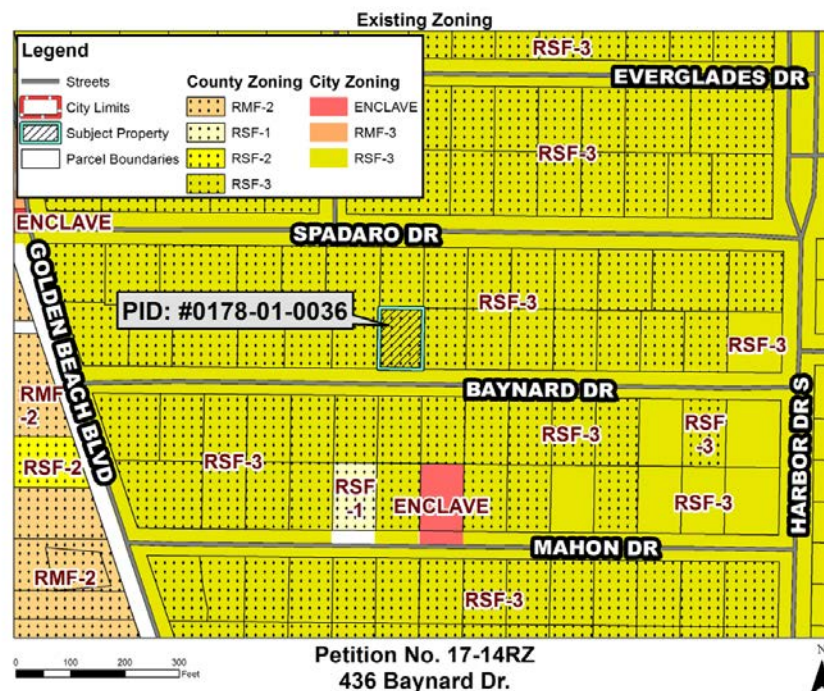
## REZONING RESOLUTION:

In late 2016, Staff was made aware that many properties annexed into the city had failed to be rezoned after their annexation and still retain Sarasota County zoning designation. On February 14, 2017, City Council adopted Resolution No. 2017-05 which specifically addressed annexed properties retaining Sarasota County zoning designations. For such properties, the resolution eliminated the Zoning Map Amendment application fee and granted a Waiver from the required public workshop for Zoning Map Amendment Applications, pursuant to Section 86-41(c).

The City Attorney rendered an opinion dated March 9, 2017 that, under Chapter 171, F.S., once a property is annexed into the city and addressed within the city's Comprehensive Plan, it takes on the laws of the city. Pursuant to the City Attorney's recommendation, a procedure was created to facilitate the establishment of city zoning for annexed properties which retain Sarasota County zoning designations. Under this policy and upon authorization from the property owner, the city will initiate a zoning map amendment to rezone these properties to a city zoning designation most similar to the remaining Sarasota County designation.

Staff will address all the annexed properties retaining county-zoning when the entire city rezones after the adoption of the new Comprehensive Plan and Land Development Code. Meanwhile, when a property owner applies for a Building Permit for an annexed property retaining county-zoning, the property owner is given two options: authorize the City to go ahead and process a rezoning of the property to its comparable City designation, or wait to have the property rezoned once the Comprehensive Plan and Land Development Code are adopted. The owner of the subject property chose the first rezoning option.

**MAP 1:** City of Venice Zoning Map

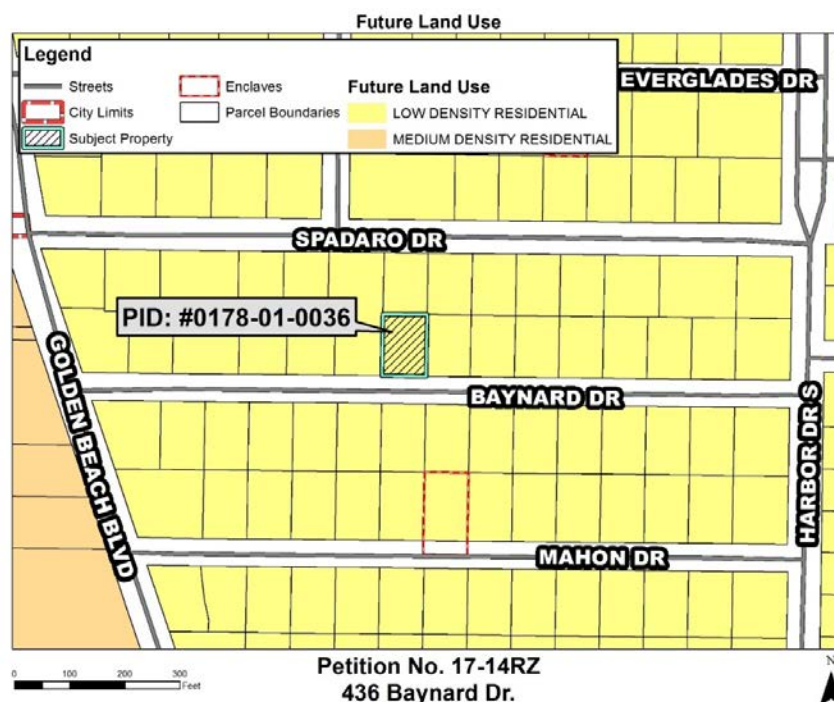


## PLANNING ANALYSIS:

Rezoning cases rely on five areas of analysis: The Comprehensive Plan's Future Land Use component in Policy 13.1 and Compatibility Analysis in Policy 8.2, the Land Development Code's Section 86-81 on minimum lot requirements, Section 86-47(f)(1) on procedures for rezoning, and concurrency standards found in Section 94-31(c)(2). See the analysis of each below.

Because of the timing of this petition, the planning analysis needs to include elements from not only the 2010 Comprehensive Plan (2010 Plan), but the Venice 2017-2027 Comprehensive Plan (new Comprehensive Plan) as well. Relevant sections for that review can be found after the 2010 Plan and Land Development Code analyses.

**MAP 2:** City of Venice Future Land Use Map, 2010 Comprehensive Plan



### *City of Venice 2010 Comprehensive Plan Policy 13.1: Future Land Use Designation*

The subject property has been given a Future Land Use designation of Low-Density Residential by the City of Venice. According to Policy 13.1 of the current, adopted Comprehensive Plan, low-density residential denotes residential areas consisting of up to five dwelling units per acre or less. The subject property's current county-zoning allows four and a half units per acre which can be found consistent with the City's zoning regulations. See Table 1.

### *City of Venice 2010 Comprehensive Plan Policy 8.2: Land Use Compatibility Review*

Policy 8.2 sets forth the Land Use Compatibility Review Procedures to ensure that the character and design of infill and new development are compatible with existing neighborhoods. The elements of Policy 8.2 have been condensed below based on their grouping in the Comprehensive Plan.

1. *Compatibility of land use, density, and intensity, building heights and setbacks, type of proposed use, and site design.*
  - The subject property will support a single-family home, consistent with the surrounding properties and the historic use of properties in this area of the city.
  - The current county zoning designation and the proposed city zoning designation are identical except for minimum lot-width requirements. The city's lot-width requirement is more stringent than the county's-- requiring 75 feet instead of 70 feet. See Table 1.
2. *Considerations for determining compatibility shall include, but are not limited to: protection of single-family neighborhoods from intrusion of incompatible uses, prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses, the degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan, and densities and intensities of proposed uses and compared to those of the existing.*
  - Rezoning the subject property would not create any new or incompatible uses to the existing single-family neighborhood. See Map 1.
3. *Potential incompatibility shall be mitigated through techniques including, but not limited to: providing open space, perimeter buffers, landscaping, and berms, screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas, locating road access to minimize adverse impacts, adjusting building setbacks to transition between uses, applying tiered building heights to transition between uses, and lowering density or intensity of land uses to transition between uses.*
  - The Building Permit Application for the development of the subject property was held to the same standards as any other proposed home in the surrounding RSF-3 district at the time of development; there is no use incompatibility with neighboring properties. See Map 1.

**TABLE 1:** City of Venice and Sarasota County lot requirements for Residential, Single-Family – 3 Districts.

	Venice*	Sarasota County**	Existing Conditions
<b>Lot-width</b>	75 ft.	70 ft.	80 ft.
<b>Total Size</b>	7,500 sq. ft.	7,500 sq. ft.	8,960 sq. ft.
<b>Height</b>	35 ft.	35 ft.	14 ft.***
<b>Density</b>	4.5 DU/Acre	4.5 DU/Acre	N/A***
<b>Coverage</b>	35%	35%	N/A***

<sup>1</sup> City of Venice development standards based on Section 86-81 of the Land Development Regulations

<sup>2</sup> Sarasota County development standards based on Section 6.7.2(b) of their Land Development Code

<sup>3</sup> Property is currently undeveloped. A single-family home is proposed with a height of 14ft at the finished-floor according to Building Department records.



***Land Development Code Section 86-81: Minimum Lot Requirements***

The city's minimum lot requirements for the RSF-3 districts are very similar to the County's RSF-3 districts. The subject property meets the lot requirements of the RSF-3 district and the proposed single-family dwelling was reviewed under the city's current RSF-3 code. See Table 1.

The primary use, for both the city's and the county's RSF-3 designations, is single-family dwellings; generally meaning one dwelling unit per parcel. "Use" in this report refers collectively to how a property has been developed and the designation on the Future Land Use Map. In this case, these are the same. The property is being developed as a single-family residence, and the FLU designates it as single-family residential.

***Land Development Code Section 86-47(f)(1): Procedures for Rezoning Amendments***

Section 86-47(f)(1) of the Land Development Code sets forth sixteen criteria for Planning Commission to show they have considered regarding the proposed rezoning.

1. *Whether the proposed change is in conformity to the comprehensive plan.*
  - The subject property has already been incorporated into the FLUM for the City as low-density residential which is consistent with the proposed rezoning. See Map 2.
2. *The existing land use pattern.*
  - The subject property will support a single-family home, and is surrounded by single-family homes.
  - All the properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential. See Map 1.
3. *Possible creation of an isolated district unrelated to adjacent and nearby districts.*
  - All the properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential. See Map 1.
4. *The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*
  - The rezoning is subject to Technical Review Committee (TRC) review. The subject property's Building Permit for a new Single-Family home has been subject to all current fees and regulations for connecting to and utilizing city resources and utilities.
5. *Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
  - Not applicable. The subject property is surrounded by other RSF-3 properties and has already been annexed into the City. See Map 1.
6. *Whether changed or changing conditions make the passage of the proposed amendment necessary.*
  - The subject property should have been rezoned to the proposed zoning designation, RSF-3, after annexation to ensure zoning map accuracy.
7. *Whether the proposed change will adversely influence living conditions in the neighborhood.*

- All the properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential. See Map 2.
8. *Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*
- Not applicable. Rezoning the subject property will not change its development potential.
9. *Whether the proposed change will create a drainage problem.*
- The rezoning and all structures on site are subject to Technical Review Committee (TRC) review.
10. *Whether the proposed change will seriously reduce light and air to adjacent areas.*
- Development of the subject property was held to the same standards as any other proposed home in the surrounding RSF-3 district.
11. *Whether the proposed change will adversely affect property values in the adjacent area.*
- Development of the subject property was held to the same standards as any other proposed home in the surrounding RSF-3 district.
12. *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
- All the properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential. See Map 2.
13. *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
- All the properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential. See Map 1.
14. *Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
- The subject property does not have an existing City of Venice zoning. After annexation, the property should have been rezoned to be compliant with the official City of Venice Zoning Map. This failed to happen.
15. *Whether the change suggested is out of scale with the needs of the neighborhood or the city.*
- The properties surrounding the subject property are zoned RSF-3 by either the city or the county and have a FLU of low-density residential – the scale of the development will match the scale of the neighborhood. See Table 1.
16. *Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*
- Not applicable. Other vacant lots zoned RSF-3 exist, however the subject property is not seeking to change an existing designation, but to initiate a City designation for the property.

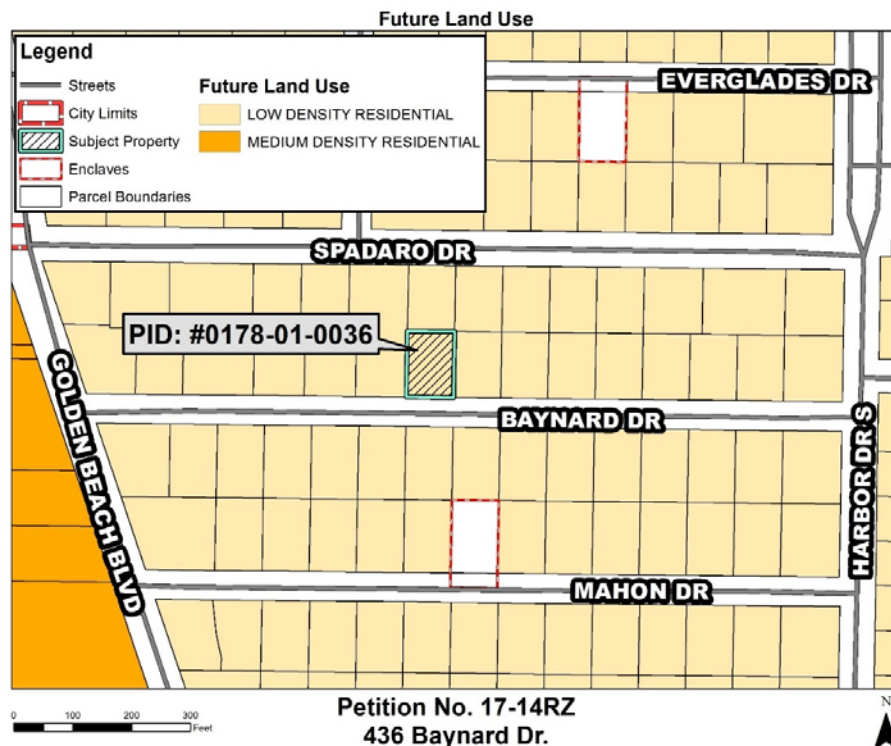
### ***Land Development Code Section 94-31: Concurrency Requirements***

Section 94-31 of the Land Development Code addresses concurrency requirements. The subject property is considered a development with minimal impact because the subject property is 0.21 acres and the rezoning will not change its development potential. The rezoning petition has also been deemed compliant by all departments party to TRC review.

### ***Venice 2017-2027 Comprehensive Plan LU 1.2.3: Residential Land Uses***

According to the Future Land Use Map (FLUM), the subject property is still located in a Low-Density Residential designation. This designation continues to allow five dwelling units an acre, single-family detached residential, and limited attached residential developments. The subject property's current county-zoning also allows these densities and uses. See Map 3.

**MAP 3:** City of Venice Future Land Use Map, 2017 Comp Plan



### ***Venice 2017-2027 Comprehensive Plan LU 1.2.8: Compatibility Between Land Uses***

The new Comprehensive Plan addresses compatibility differently than the 2010 Plan. Instead of denoting certain criteria for a project to meet, it utilizes a matrix for potential compatibility/incompatibility. The subject property has a FLU of Low-Density Residential and the adjacent properties have a FLU of Low-Density Residential. According to Figure LU-8: FLU Compatibility Review Matrix, these are presumed compatible. See Table 2.



**TABLE 2:** FLU Compatibility Review Matrix

	Adjacent (Existing) FLU									
	LDR	MODR	MEDR	HDR	IP	COMM	GOVT	IND	OS-F	OS-C
FLU Proposed	LDR									
	MODR									
	MEDR									
	HDR									
	IP									
	COMM									
	GOVT									
	IND									
	OS-F									
	OS-C									

	Presumed Compatible
	Potentially Incompatible

**SUMMARY OF FINDINGS:**

Requirements:		Consistent	Inconsistent
1.	City of Venice 2010 Comprehensive Plan Policy 13.1: Future Land Use designation	✓	
2.	City of Venice 2010 Comprehensive Plan Policy 8.2: Land Use Compatibility Review Procedures	✓	
3.	Land Development Code Section 86-81: Minimum Lot Requirements including area, width, and density	✓	
4.	Land Development Code Section 86-47(f)(1): Procedures for Rezoning Amendments	✓	
5.	Land Development Code Section 94-31: Concurrency Requirements	✓	
6.	Venice 2017-2027 Comprehensive Plan LU 1.2.3: Residential Land Uses	✓	
7.	Venice 2017-2027 Comprehensive Plan LU 1.2.8: Compatibility Between Land Uses	✓	

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