



CITY OF VENICE

Planning and Zoning Department
Planning Commission Staff Report

City-Initiated Zoning Map Amendment

PETITION NUMBER: 17-15RZ

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(s): Timothy and Karen Strelau

Agent: N/A

Address and 224 Gulf Drive

Parcel ID: 0430-12-0014

Property Size: 13,172 sqft or 0.30 Acres

Zoning: Sarasota County Residential, Single-family -- 3

Legal Description: Lot 9, Gulf Shores No. 1

SUMMARY:

Petition No. 17-15RZ 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 August 23rd, 2017 the applicant submitted a Building Permit Application for the construction of a masonry privacy wall and fence which was placed “on hold” on August 29th, 2017 due to its lack of a city zoning designation. When the subject property was annexed into the City of Venice in 2002, 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.

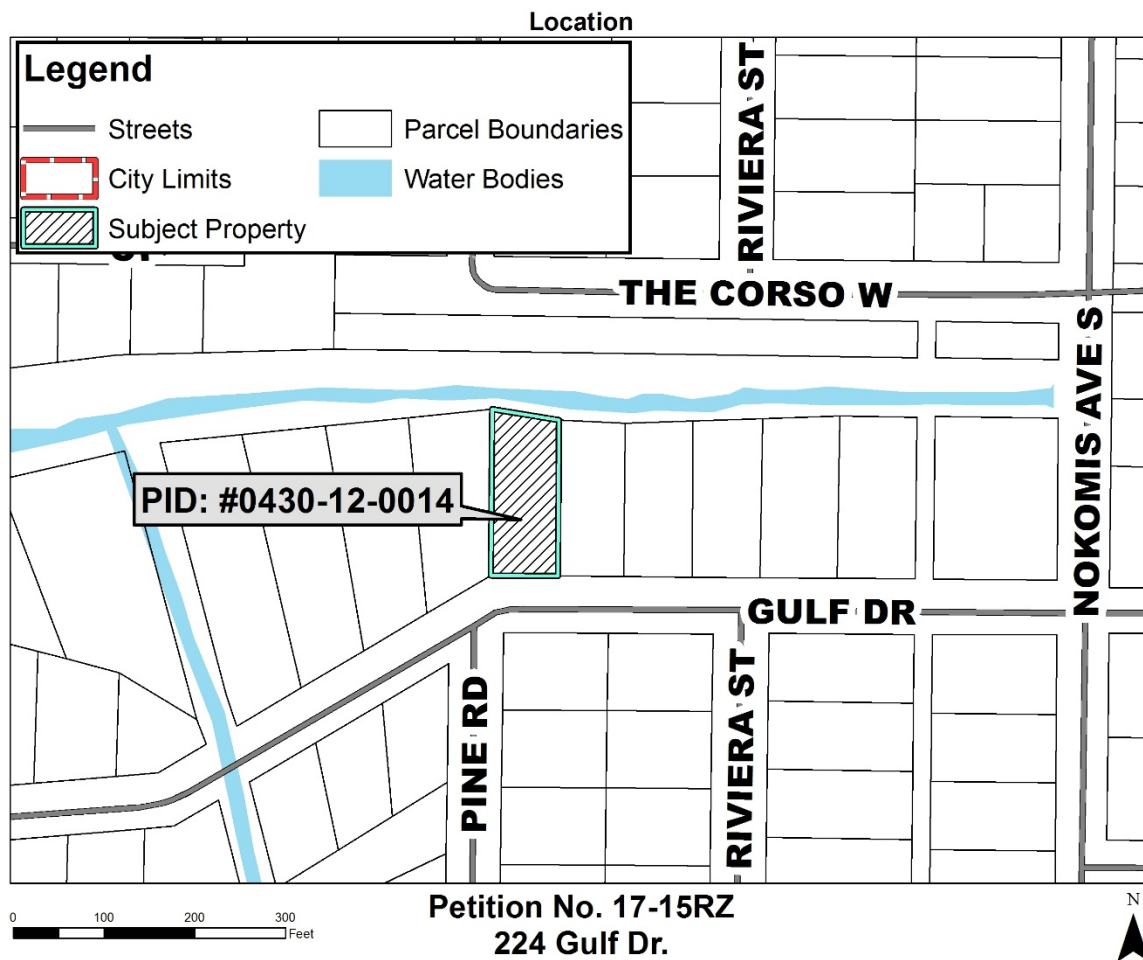
PROPERTY HISTORY:

The subject property was part of the original plat of the Gulf Shores subdivision recorded by Sarasota County on March 10th, 1954 (Attachment 1) as Lot 9, but was officially annexed into the City of Venice in 2002 with Resolution No. 2002-26.

Resolution No. 2002-26 created an interlocal agreement between the City of Venice and Sarasota County to annex 116 properties designated as enclaves as of December 27th, 2002.

A Demolition Permit for a single-family dwelling on the subject property was issued in January of 2005, followed by a Building Permit for a new single-family residence (Permit No. 05-0417), pool, and shed the same year. Staff's general practice would have been to utilize the city's regulations from the Land Development Code to review the submitted plans. These structures remain on the property.

The current property owner applied for Building Permit to construct a new masonry wall in August of 2017, which is when Staff realized the property had not been officially rezoned to a City of Venice zoning designation after its annexation. Since then, Building Permits for a new masonry wall and an HVAC change-out have been approved under the city's Land Development Code.



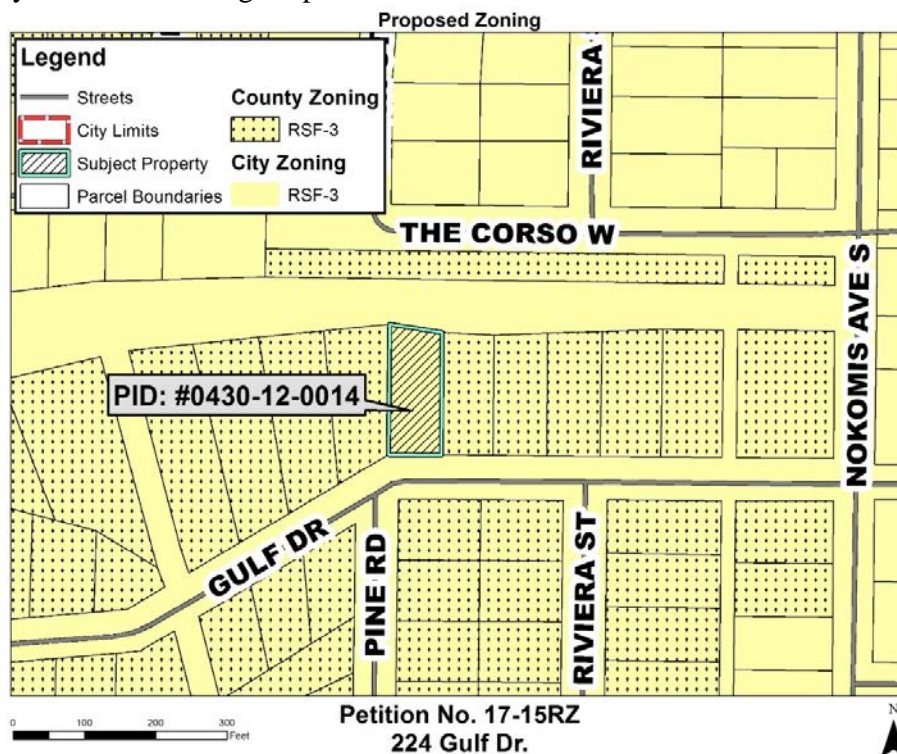
REZONING RESOLUTION:

In late 2016, Staff was made aware that many properties annexed into the city had failed to be rezoned after their annexation and 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 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

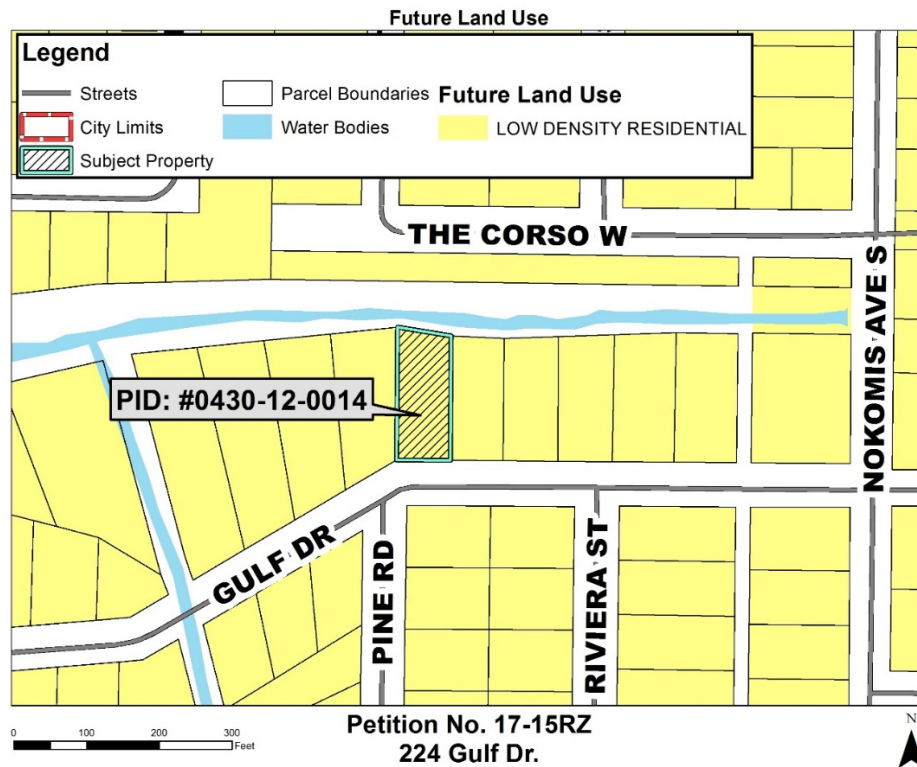


PLANNING ANALYSIS:

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, Land Development Code Section 86-81, Section 86-47(f)(1), and Concurrency standards found in Section 94-31(c)(2). See 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 also 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 has already been developed with a single-family residence, which is consistent with the surrounding properties.
 - 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.*
 - Not applicable. The adjacent properties have the same uses and development standards. See Map 1.

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

	Venice*	Sarasota County**	Existing Conditions
Lot-width	75 ft.	70 ft.	75 ft.
Total Size	7,500 sq. ft.	7,500 sq. ft.	13,172 sq. ft.
Height	35 ft.	35 ft.	16.2 ft.***
Density	4.5 DU/Acre	4.5 DU/Acre	1 Dwelling Unit
Coverage	35%	35%	33%

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

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

³ Structure height is from Building Permit's Structure Inquiry. Elevation is 16.2 ft. at Finished Floor

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. 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 supports 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 2.
4. *The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*
 - Not applicable. The rezoning is subject to Technical Review Committee (TRC) review; however, the subject property has already been developed and annexed into the city. No new development is proposed at this time.
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.*

- Not applicable. No new development is proposed at this time. The subject property already contains a single-family dwelling. 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. The subject property has already been developed. Rezoning the property will not change its future development potential.
- 9. *Whether the proposed change will create a drainage problem.*
 - Not applicable. The subject property has already been developed. No new development is proposed at this time.
- 10. *Whether the proposed change will seriously reduce light and air to adjacent areas.*
 - Not applicable. The subject property has already been developed. No new development is proposed at this time.
- 11. *Whether the proposed change will adversely affect property values in the adjacent area.*
 - Not applicable. The subject property has already been developed. 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.
- 12. *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
 - Not applicable. 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 2.
- 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.*
 - 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 – the scale of the development matches the scale of the neighborhood. See Map 2.
- 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 parcels zoned RSF-3 exist however the subject property has already been developed and is not changing owners. The rezoning request is to establish a City designation for the property, not change the development potential.

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 *de minimis* impact which means it is not subject to concurrency requirements set forth in Section 94-31 but must meet criteria based on parcel size, density change, and impact on transportation. Because the subject property is 0.30 acres, already developed, and the rezoning will not change its development potential, it is considered a *de minimis* impact on concurrency and not subject to the concurrency standards of larger projects.

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.

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 below.

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	✓	

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), and the 2017 Comprehensive Plan’s LU 1.2.3 on Residential Land Uses and LU 1.2.8 on Compatibility of Uses.

ATTACHMENT 1: Original Plat of Gulf Shores

PLAT BOOK 6, P. 66

GULF SHORES NO 1

Being a subdivision of the SW 1/4 of the SW 1/4 of Sec. 18, T. 39 S., R. 19 E., and that part of the SE 1/4 of the SW 1/4 West of Nokomis Avenue, extended, more particularly described as follows: Beginning at the SW corner of Sec. 18 T. 39 S., R. 19 E., thence N. 0° 18' E. 1329.25', thence S. 89° 50' E. 1469.34', thence S. 0° 03' E. 1330.02', thence N. 89° 48' W. 1480.18' to the point of beginning; all lying and being in Sec. 18, T. 39 S., R. 19 E.

SURVEYORS REPORT

I hereby certify that a survey of the above described property was made under my supervision and that the plat herein is a true and correct representation thereof to the best of my knowledge and belief and that permanent reference markers have been placed as required by Sec. 17, Survey Laws of 1925. (Sec. 17.07 of Florida Statutes)

Date: Mar 10, 1953

By: Freda R. Casper
FRED R. CASPER, Surveyor No. 105

NEERIN ENGINEERING COMPANY

DEDICATION

This plat is approved for record as shown, and the streets and roads are dedicated for public use.

Witness: James P. Jones
J. P. Jones

ACKNOWLEDGEMENT

State of Florida,
County of Sarasota.
Personally appeared before me this 10th day of March, AD 1953, the undersigned authority DWI & Associates, and Freda R. Casper, his wife, to me well known and known to me to be the persons described in and who executed the foregoing instrument, and acknowledged the execution thereof to be their free and voluntary act for the purposes therein expressed.

Witness my hand and official seal of Office, County of Sarasota, State of Florida, the date aforesaid.

J. P. Jones
Notary Public, State of Florida at large.
My commission expires: April 14, 1956.

APPROVALS

This plat accepted this 10th day of March, AD 1953 in open meeting by the Board of County Commissioners of Sarasota County, State of Florida.

J. P. Jones
Chairman
James P. Jones
County Attorney

I hereby certify this plat has been examined by me and find that same complies with requirements of Chapter 4023, Laws of Florida Acts of 1925. I further certify that said plat was filed for record at _____ on this 10th day of March, AD 1953 in plat book No. 6, Page No. 66 of the Public Records of Sarasota County, State of Florida.

W. A. Wynn
Deputy Clerk