



# Zoning Map Amendment

CITY OF VENICE  
Planning and Zoning Division  
Staff Report

## APPLICATION INFORMATION:

**Application Date:** October 6, 2017  
**Project Name:** SJMR (PUD)  
**Petition Number:** 17-13RZ  
**Property Owner:** Pamlico Point Management, LLC.  
**Agent:** Jeffrey A. Boone, Esq.

## PROJECT INFORMATION:

**Parcel ID #'s:** 0391-00-1020 and 0393-00-3000  
**Total Acreage:** 292 +/- acres  
**Comprehensive Plan Neighborhood:** Northeast Neighborhood  
**Comprehensive Plan Designation:** Mixed Use Residential (MUR)  
**Existing Zoning:** Open Use Estate (OUE) Sarasota County  
**Proposed Zoning:** Planned Unit Development (PUD)

## Associated Record Documents:

- A. Binding Master Pan (dated November 8, 2017 and subsequent addendum information)
- B. Pre-Hearing Conference Information
- C. Environmental Report, for "SJMR Property" (ECO Consultants Incorporated, dated October 5, 2017)
- D. Transportation Impact Analysis (Stantec: dated November 2017)
- E. Evidence of Unified Control (Deed)
- F. Annexation (Ordinance 2008-10)
- G. Pre-Annexation Agreement (dated April 22, 2008)
- H. Application Information (completed petition)

## I. EXECUTIVE SUMMARY

Pursuant to Rezoning Petition 17-13RZ submitted by Jeffrey Boone, agent for Pamlico Point Management LLC., the proposed petition (if approved) will change the current zoning for the subject property from Open Use Estate (OUE) Sarasota County designation to Planned Unit Development (PUD) City of Venice designation. The overall change as a result of the proposed zoning amendment is described in the Table below and in Section III., (Proposed Zoning) of this staff report. Based upon the submittal documentation including the Binding Master Plan dated November 8, 2017, staff data, analysis, and conclusions of this staff report, the following summary and staff findings of fact are provided:

## Summary of Existing and Proposed Comprehensive Plan and Zoning Designations

	Existing	Proposed	Density (dwelling units)
<b>Comprehensive Plan</b>	Mixed Use Residential (MUR)	NO CHANGE	NO CHANGE: 5 dwelling units per acre maximum(1,460 total units allowable)
<b>Zoning</b>	Open Use Estate (OUE) Sarasota County: Maximum 1 unit per 5 acres (59 units).	Planned Unit Development (PUD) 4.5 units per acre = 1,314 allowable units	<b>SJMR (PUD) proposed: 539 total units (approximately 1.8 units per acre).</b>

Units = residential dwelling units

Note: Project Acreage = 292+/- Acres

### Staff Review and Findings of Fact:

Based upon staff analysis of the proposed petition, the following Conclusions and Findings of Fact are provided:

**Project Overview:** The proposed SJMR PUD rezoning request is to allow for a single family (attached and detached) development pattern for up to 539 residential units. The rezoning includes a conceptual site plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Subsequent compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.

**Gated Community Request:** The SJMR PUD has requested approval for a gated community with gates to be constructed at the project entrances at Laurel and Border Roads.

**Code Modification Request:**

1. A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height.
2. A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 43', allows for sidewalks on one side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways.

**Waiver Request:** sidewalk waiver request is included in the project narrative for sidewalks along Laurel Road. Note: applicant submitted a revised proposal for a multi-use recreational trail (MURT) to replace the initial waiver request.

**Concurrency:** As indicated in section IV of this report, concurrency is required no later than the platting phase of the project and is not being provided for all public facilities at this phase of the project. As indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project.

**Consistency with the Comprehensive Plan:** Based upon the zoning standards in the Binding Master Plan, the resulting built community representing the SJMR PUD promotes an integrated residential neighborhood consistent with the future land use designation - Mixed Use Residential (MUR) which requires PUD zoning as the implementing zoning district. Further, the project is consistent with the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement (JP/ISBLA) commonly referred to as the "Joint Planning Agreement" with Sarasota County. Additionally, the layout of the Conceptual Site Plan also provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources. With the recommended stipulations, the proposed SJMR PUD is consistent with the comprehensive plan.

**Compliance with the Land Development Code:** The SJMR PUD rezoning (with stipulations) can be found consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.

## **Staff Stipulations/Conditions:**

***Note: stipulations 1-7 are general stipulations to ensure compliance with environmental strategies of the Comprehensive Plan and development permitting requirements.***

1. *An updated listed species survey shall be conducted prior to any construction.*
2. *The applicant shall provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).*
3. *The applicant shall obtain all applicable state and federal listed species permits.*
4. *The applicant shall comply with FWC regulations regarding the survey and relocation of Gopher Tortoises and associated commensal species.*
5. *The applicant shall obtain applicable Sarasota County tree permits prior to removal of trees from the property.*
6. *The applicant shall obtain all applicable state and federal environmental permits and provide wetland mitigation, as required.*
7. *Consistent with Strategy OS 1.4.4 - Non-Native Invasive Species, any nuisance species observed within project area wetlands and uplands shall be removed and replanted with native Florida species, as required to obtain SWFWMD permits.*
8. *Engineering Stipulation: Access must be upgraded to meet City Standard Details or alternate acceptable standards agreed upon by the City Engineer and Sarasota County for development entrance on E. Laurel Road.*
9. *Conservation easement be provided as part of the final plat of the final phase of development for the entire SJMR property.*
10. *Provide updated Binding Master Plan document based upon final approving ordinance (as necessary).*

## **Stipulations submitted by the applicant as a result of revised proposal (after TRC review):**

11. *MURT internal to the project along the north/south road -> "Applicant intends to provide an 8 foot MURT along one side of the spine road as shown on Exhibit 'A', location to be determined subject to TRC review.", and,*
12. *MURT along Laurel Road system -> "Applicant intends to provide an 8 foot MURT along the Laurel Road system as shown on Exhibit 'A', location to be determined subject to TRC/County review."*

***Note: As of the writing of this staff report, staff is still reviewing the applicants proposed stipulations and may provide updated language at the meeting for final action.***

## **Conclusions / Findings of Facts (Basis for Action):**

### **Conclusions / Findings of Facts (General Comments):**

***General Findings: The proposed SJMR PUD includes a conceptual site plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Further, the binding master plan proposes a development pattern that provides for a compact design approach which provides for minimized impact to environmental resources, protection of wetlands, and preservation of existing habitats. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.***

### **Conclusions / Findings of Facts (Concurrency):**

**Concurrency: concurrency is required no later than the final platting phase of the project. Concurrency has been requested for public facilities with the exception of: stormwater, public schools, and sanitary sewer. Further, as indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project. Although, it should be noted that there are identified improvements (Transportation) that will need to be addressed as the project moves forward to ensure adequate public facility concurrency.**

### **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

***Consistency with the Comprehensive Plan: Based upon the zoning standards in the Binding Master Plan, the***

*resulting built community representing the SJMR PUD promotes an integrated residential neighborhood consistent with the Vision, Intent, and Strategies and the JP/ILSBA Joint Planning agreement with Sarasota County. Additionally, the layout of the Conceptual Site Plan also provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources. With the recommended stipulations, the proposed SJMR PUD may be found consistent with the comprehensive plan.*

**Findings of Fact (Land Development Code):**

***Compliance with the Land Development Code:*** *With staff stipulations, the SJMR PUD rezoning may be found consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.*

**II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION**

The subject properties (292 +/- acres) are comprised of two parcels of land that are currently undeveloped having road frontage on Border Road to the south and Laurel Road to the north (see location aerial below).

**Property History:**

Date	Activity
April 22, 2008	Pre-Annexation Agreement
May 13, 2008	Annexation – Ordinance 2008-10

**Photos:**



Looking South from the eastern end of Laurel Road (N. Jackson Road easement)



Looking west along Laurel Road from the Myakka park entrance (SJMR property is on the left)

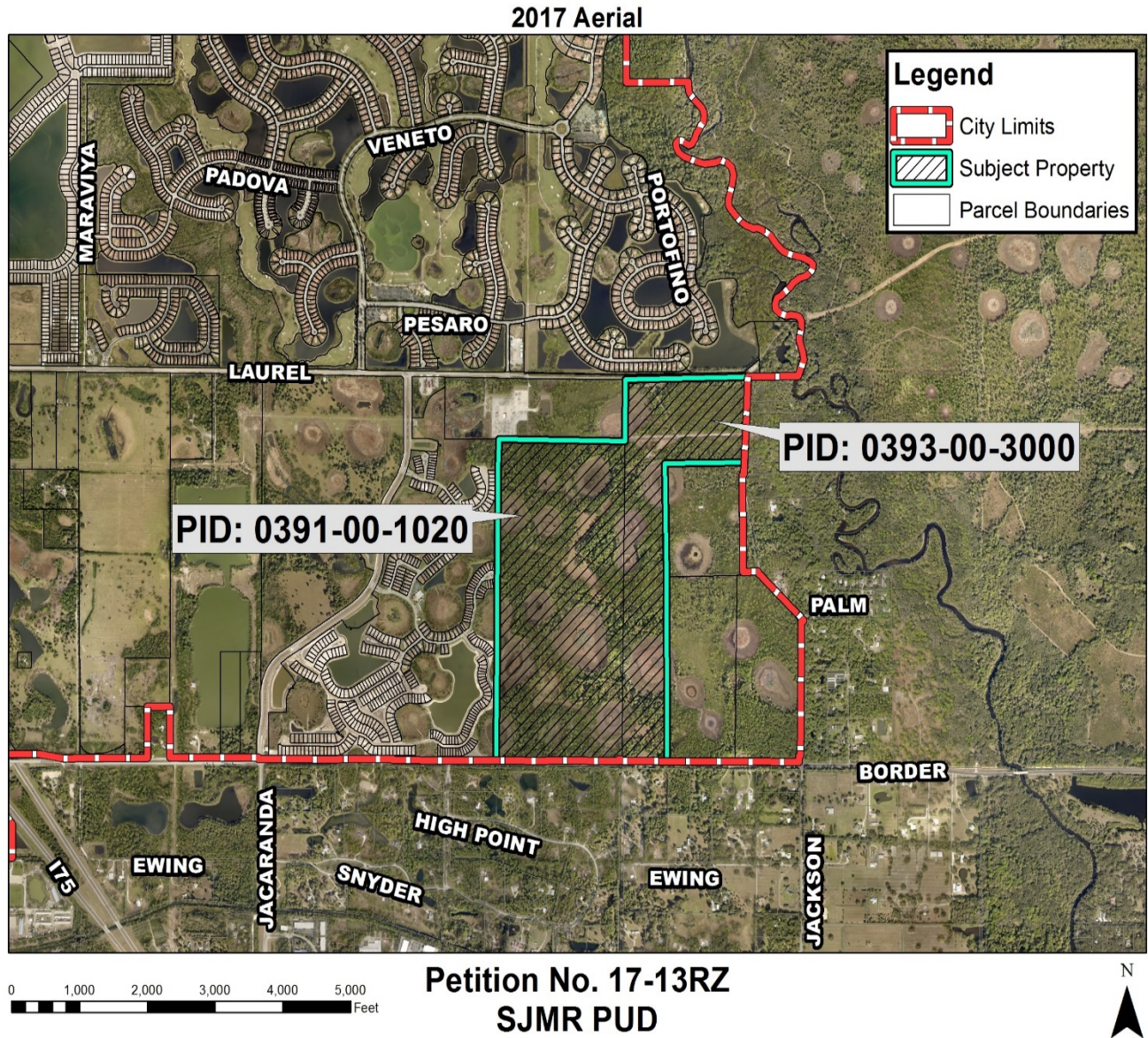


Looking west along Border Road (SJMR property is on the right)



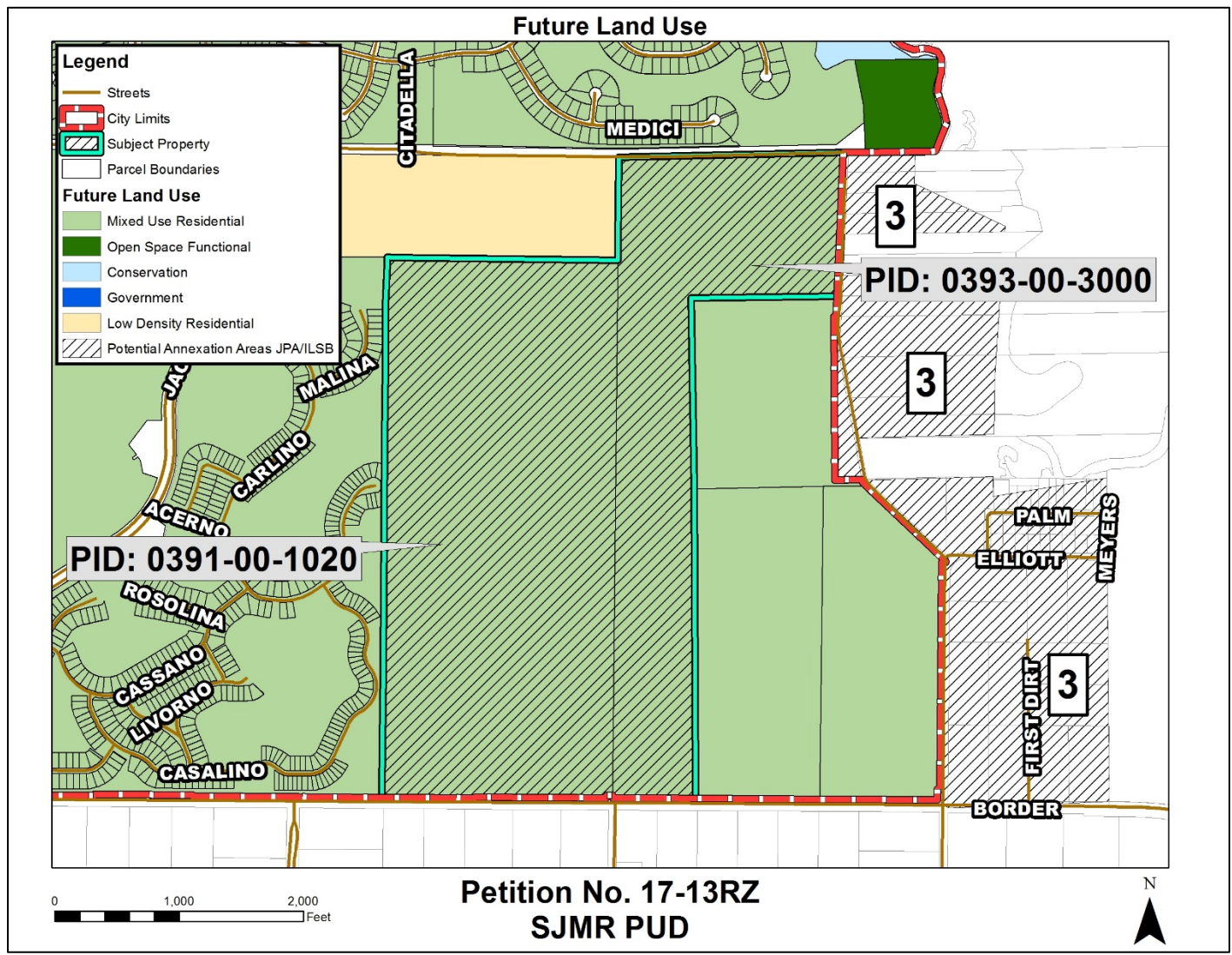
Looking east along Border Road from the western end of the property frontage on Border Road (SJMR property is on the left)

**Location Map:**



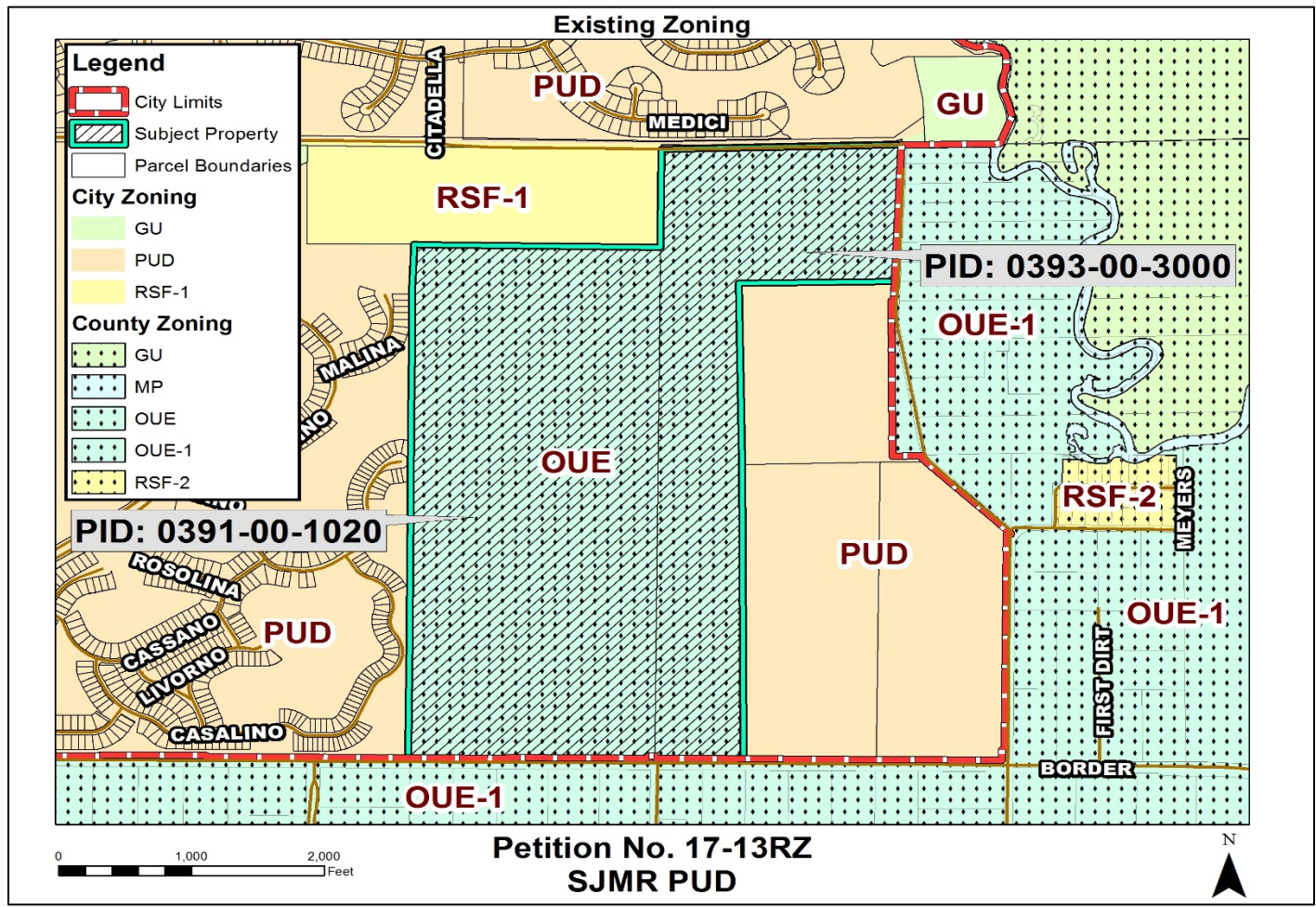
**Subject Property:**

Subject Property	Existing Use(s)	Zoning		Comprehensive Plan Future Land Use Designation
		Current Zoning	Proposed Zoning	
<b>SJMR Property</b>	Vacant / undeveloped, agricultural uses (indicated by environmental report)	Open Use Estate (OUE) Sarasota County	<i>PUD, maximum 5 units per acre (proposed SJMR- 1.8 units per acre)</i>	NE Neighborhood – Mixed Use Residential (MUR), maximum 5 dwelling units per acre



**Surrounding Area/Properties (also see Future Land Use and Existing Zoning maps):**

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
<b>North</b>	Florida Power and Light (FPL) substation, Single Family Homes (Venetian Golf and River Club, VGRC)	RSF-1 (FPL), and PUD (VGRC)	NE Neighborhood - Low Density Residential (FPL) maximum 5 DU per acre, Mixed Use Residential (MUR) VGRC maximum 5 units per acre
<b>West</b>	Single Family Homes/FPL Substation	PUD (Milano)	NE Neighborhood – Low Density Residential (FPL), MUR (VGRC)
<b>South</b>	Mixture of single family homes/vacant 5 +/- acre tracts (south of Border Road), The Woods PUD single family homes at 1.7 units per acre	Open Use Estate (OUE Sarasota County designation) south of Border Road, The Woods PUD	Rural (Sarasota County) 1 dwelling unit per 5 acres (exceptions), Potential Coordination Area
<b>East</b>	North Area: Single family homes / vacant lots South Area: vacant land / pasture	North Area: OUE (Sarasota County Designation) South Area: PUD (The Woods)	North Area: Potential Coordination Area Rural (Sarasota County) 1 dwelling unit per 5 acres (exceptions), Joint Planning Area 3, Sub Area 2, (Maximum 3 units per acre) South Area: NE Neighborhood - MUR (The Woods PUD, 1.7 units per acre)



### Flood Zone Information:

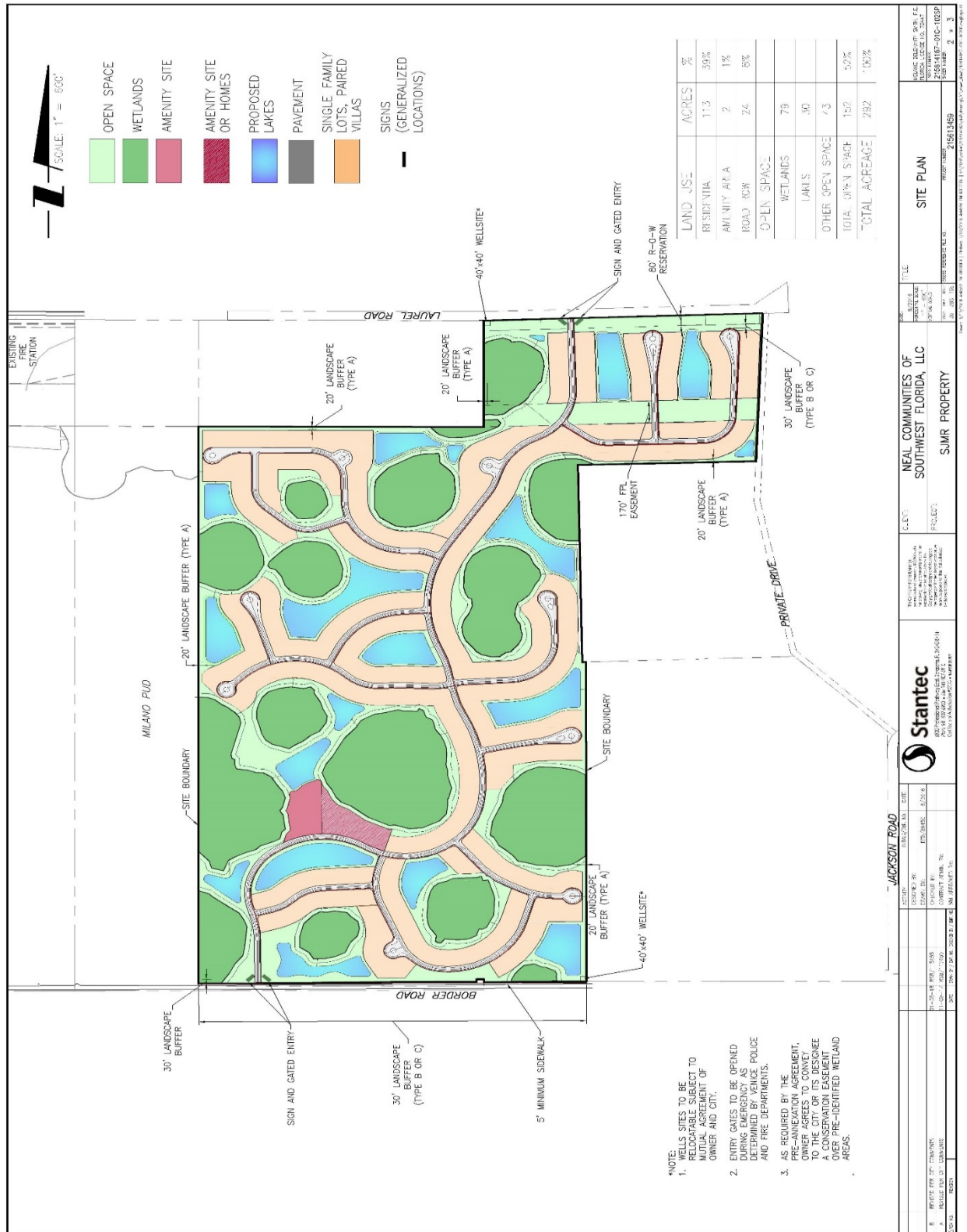
The FEMA Flood Insurance Rate Map (FIRM) shows the northeastern portion of the property as having a flood zone designation of A, the remainder of the property has a mix of AE and X designations. Development within these areas will require compliance with FEMA flood elevations. Further, through subsequent stormwater permitting, development meeting base flood elevation requirements for construction must also not result in additional impact to surrounding properties. A survey is required to establish the finished floor elevation and crown of road and an elevation certificate will be required for new construction. Any development of the property will be subject to compliance with FEMA requirements.

### III. PROPOSED ZONING

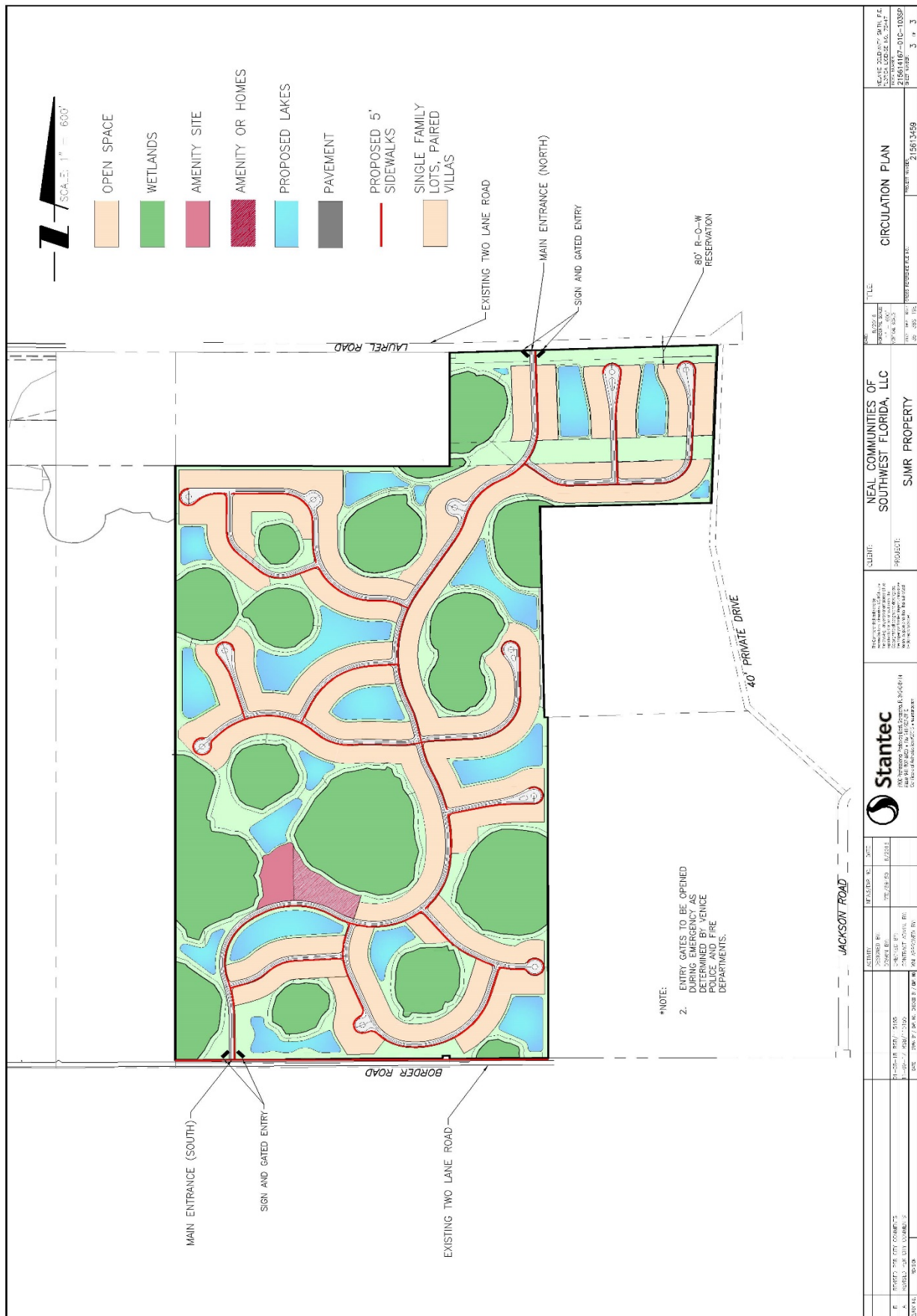
The application for the “SJMR” project was submitted on October 6, 2017 and the subject properties include two parcels of land totaling approximately 292+/- acres in size. The applicant held a Public Workshop on September 27, 2017. In accordance with the proposed PUD zoning petition requirements and for the public record, the applicant has included in the submittal package a binding master plan document titled “SJMR Property PUD” Binding Master Plan” dated November 8, 2017. The proposed PUD zoning provides use and design standards to guide the development of the subject property. It is noted that the general purpose and intent of the PUD zoning district standards outlined in Section 86-130 of the City Land Development Code generally provides for this zoning district to afford flexibility in design / zoning standards on a unified development plan basis rather than lot by lot. **For this purpose, it is important to clarify and understand that the PUD zoning through the Binding Master Plan document establishes specific zoning standards to guide the use and development of the subject property.** The Binding Master Plan “Conceptual Site Plan” submitted for SJMR development is shown below which depicts the general lot and street layout, including uses by type, open spaces and other features (see Map A: Conceptual Site Plan). The following summary provides an overview of the major sections of the Binding Master Plan as well as staff comments on each section.

Staff comment: Generally (upon review of the SJMR PUD conceptual site plan – see Map A), it is noted that the proposed PUD proposes a compact lot design, clustering development areas while preserving and adding to connectivity of the wetland areas to facilitate habitat connectivity. The PUD design utilizes natural features of the land promoting retention and viability of the natural environment including wetlands and habitats consistent with Strategy LU 1.3.5.

**MAP A: Conceptual Site Plan (Binding Master Plan)**



## MAP B: Circulation Plan (Binding Master Plan)



### Uses:

Page 3 of the Binding Master Plan provides for permitted uses as follows: up to 539 single family residential dwelling units (attached or detached units), recreational areas/open spaces, private clubs, civic and social organizational facilities, essential services, and community spaces /areas as allowable uses. The conceptual site plan (Map A) submitted with the binding master plan provides some further clarity detailing the location of use types. Upon review of the list of allowable uses (page 3 of the binding master plan), it is clear that the proposed SJMR PUD development is more stringent in terms of the number of allowable uses in comparison to the standards established for permissible uses in Section 86-130 (b-e) – PUD standards. For example, the City Land Development Code for PUD standards allow for various types of uses such as neighborhood commercial, schools, and houses of worship to include a few. In this regard, the proposed PUD has provided a more restricted list of allowable uses.

*Staff Comment: The proposed list of uses provide detail regarding the proposed uses and while there is mention of areas for private or civic clubs, none have been proposed at this time.*

### Development Details:

Pages 4 and 5 of the Binding Master Plan provides typical lot information including yard setbacks. This section establishes a minimum lot size of 4,500 square feet for single family detached and 4,150 square feet for single family attached lots with a minimum 40' lot width for all lots within the development. Page 6 provides details regarding landscaping and buffering with specific planting details for the perimeter property lines of the development. The landscaped portion of the buffer areas shall be a minimum of 20' along the east and west property lines and 30' along Border and Laurel road (with two buffer types depicted) to address potential conflicts with FPL with the option for a wall. Opacity of 60% is only indicated on portions of Laurel and Border road where no FPL conflicts exist. It should be noted that there are no buffer requirements in the land development code. Page 7 of the binding master plan provides for typical roadway details where a typical roadway cross section is proposed at 43 feet including a 5' sidewalk on one side of the road. This is a modification request from the typical 52' required by Section 86-232(5). Page 8 provides for signage placement details and indicates the project will apply "Northern Italian architecture design". The associated maps in the Binding Master Plan include the Conceptual Site Plan and Typical Buffer Sections. It is noted the applicant is requesting the option for a gated the community.

*Staff Comment: The Binding Master Plan and associated maps provide zoning standards for the development. Although there are requested modifications to the land development code standards, given the protections the development proposes for wetland and habitats, a compact development design provides understanding for the requested flexibility for reduced roadway widths. Further, the minimum 20' and 30' buffer areas provide additional compatibility techniques to surrounding properties although buffers are not required.*

### Proposed Zoning Modifications:

A significant advantage of the PUD zoning district is to provide the City with predictability in regards to uniform development. In exchange for the predictability, flexibility is afforded to vary zoning standards for the specific development. Specific standards for the proposed development may be addressed through this process. The following text is provided by the applicant (page 9 of the binding master plan), listing the requested modification request to City standards and their justification why:

1. "A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height.

The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.

2. A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification

reduces right-of way width from 52' to 43', allows for sidewalks on one side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways.

The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, the low intensity of the development plan, and the circulation plan which demonstrate sidewalks on one side of the street will provide excellent pedestrian connectivity from each of the development pods to the amenity center and also to Laurel Road and Border Road.”

*Staff Comment: The setback modification request is consistent with recent PUD applications. Further, perimeter buffering provides additional measures for minimum distance from the perimeter property line and structures within the development. There has been a subsequent proposal (TRC has not reviewed) for roadway design submitted by the applicant indicating an alternative for the main north/south roadway providing connection from Laurel to Border Roads. This alternative includes a MURT the length of the roadway to provide for a multi-use trail for this specific roadway.*

#### **Applicant Sidewalk Waiver Request:**

“The proposed plan includes a request for a waiver of the sidewalk requirement for sidewalks along the Laurel Road frontage. Pursuant to Sec. 86- 520 (a)(c) The planning commission may recommend to the city council waiver of the sidewalk requirement when the property owner can demonstrate that the required sidewalk will not be reasonably beneficial or useful because of the location of the subject property and the characteristics of the immediate neighborhood.

In this instance, the subject property is bounded to the west by an FPL substation parcel without a sidewalk for a distance of 2,600 feet. Provision of a sidewalk by the applicant on its frontage would not provide a connection to any nearby sidewalk to the west. To the east of the subject property Laurel Road dead ends at Myakka River Park with no through traffic beyond the park and no other access points along Laurel Road. As a result, traffic east of the property is very minimal and provision of a sidewalk would not be reasonably beneficial. Therefore, the sidewalk waiver is hereby requested.”

*Staff Comment: Sidewalks provide for implementation of several comprehensive plan policies and all waiver request should be strictly scrutinized. Upon further discussion with staff, the applicant proposed revisions to their initial request (after TRC review, see “Applicant Revisions After TRC Review below). The revisions propose a Multi-Use Recreational Trail (MURT) along the main north south roadway providing connection between Laurel and Border Roads and along the project frontage along Laurel Road. The applicant has indicated that these proposed revisions replace the proposed waiver request. The applicant is commended for these proposed revisions that provide multi-use recreational connectivity through the development and extending along the frontage of Laurel road from the park at the Myakka River to the east, west to provide connection and improvement to the existing sidewalk system west to Jacaranda Boulevard as indicated in Exhibit A below.*

#### **Gated Community Request:**

Although not specifically a listed modification request, the applicant is requesting the option for a gated community for the SJMR PUD.

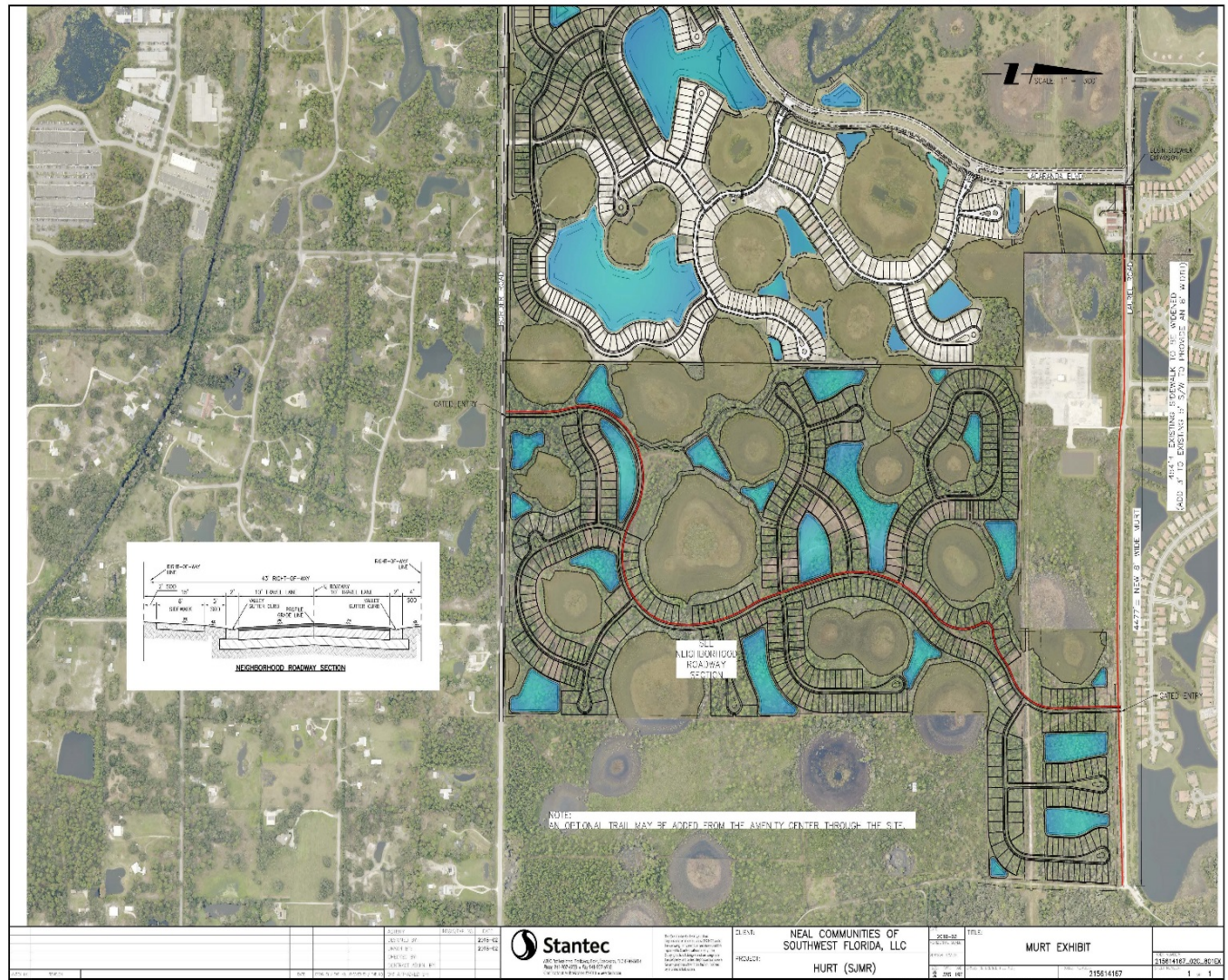
*Staff Comment: related to #2 above a reduced ROW based upon the reduction of sidewalks would be appropriate. The proposal provides for a curb and gutter style roadway design and no comments were received from the City Engineering department on this issue.*

#### **Applicant Revisions After TRC Review:**

Upon further discussion with staff, the applicant provided an alternative proposal to address sidewalks and bicycle lanes on the main north/south roadway connecting Laurel and Border Roads and to address the sidewalk waiver request for the subject property frontage along Laurel Road. As a result the following MURT proposal (Exhibit A) and associated stipulations have been proposed by the applicant:

1. Multi-Use Recreational Trail (MURT) internal to the project along the north/south road -> “Applicant intends to provide an 8 foot MURT along one side of the spine road as shown on Exhibit ‘A’, location to be determined subject to TRC review.”, and,
2. MURT along Laurel Road system -> “Applicant intends to provide an 8 foot MURT along the Laurel Road system as shown on Exhibit ‘A’, location to be determined subject to TRC/County review.”.

## Exhibit A: MURT Proposal



*Staff Comment: the applicant is commended for revising the application to include the proposed MURT which furthers several strategies of the Comprehensive Plan as well as providing amenities that are beneficial to the SJMR development and the City in general by providing facilities that will connect to the Myakka River Park located at the eastern end of Laurel Road.*

## IV. PLANNING ANALYSIS

### a. GENERAL COMMENTS:

In review of the proposed SJMR PUD, it is important to consider the Comprehensive Plan and the Land Development Code (*see comments regarding consistency with these two documents at this end of this section*). However other documents should be addressed as part of this staff report and it should be clarified that the proposed PUD addresses these concerns as discussed below:

Pre-Annexation Agreement - It is noted that the pre-annexation agreement (dated April 22, 2008) covers the

subject properties. It is also noted that the pre-annexation agreement cover lands outside of the subject properties under petition as well and a portion of the requirements from the pre-annexation agreement. The following table provides a status of pre-annexation agreement requirements applicable to the SJMR PUD:

Pre-Annexation Agreement Language	SJMR: Status
Concurrency Determination is not made	Not required until final platting
Dedication of Laurel Road	Indicated in PUD site plan
Dedication of Havana Road	Via Ordinance 2018-10, City Council is in process of amending the pre-annexation agreement at the request of the applicant to remove this requirement.
Dedication of Jackson Road	Amended (to remove requirement) by City Council via Ordinance 2016-09.
Conservation Easement	Stipulation required to be addressed prior to final plat / last phase for entire property (see stipulation listed below)
Two 40' x 40' well sites	Conceptually shown on the Site Plan

***Stipulation:*** Conservation easement be provided as part of the final plat of the final phase of development for the entire SJMR property.

#### Conceptual Site Plan:

As indicated in Section III of this report, the overall layout and design of the proposed SJMR PUD provides for compact development to minimize impact to wetland and environmental resources as well as keeping 52% of the property as open space and undeveloped (see 'Conceptual Site Plan' as submitted in the Binding Master Plan). Desirable development patterns typically include a grid network to maximize opportunities for mobility.

The layout plan also provides for landscape buffering including 20' along the east and west property lines and 30' along Laurel and Border Roads. These buffers (while not required by City Code) are an identified mitigation technique for compatibility.

#### Environmental Assessment:

The applicant provided an environmental narrative for the SJMR PUD prepared by Eco Consultants Incorporated. This narrative was conducted for consistency with the City of Venice 2010 Comprehensive Plan (effective at the time of application). With the subsequent adoption of the 2017 Comprehensive Plan, there are new Strategies addressing environmental impact (it should be noted that much of the strategies still lack clear implementation through the land development code which is currently in the update process). Staff has reviewed the environmental narrative in conjunction with the following applicable Strategies from the 2017 Plan:

##### Strategy OS 1.1.5 - Park and Public Space Connectivity

*Environmental Report:* Via avoidance of all wetland systems and preservation of a series of upland habitat areas as open space results in the protection of wildlife corridors.

##### Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection

*Environmental Report:* No jurisdictional wetlands are proposed to be impacted. Further, one important aspect of the PUD zoning is to preserve 50% open space reducing overall impervious areas to protect aquifer recharge areas.

##### Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

*Environmental Report:* will conduct/update species surveys prior to development to address movement / location of new species.

##### Strategy OS 1.4.4 - Non-Native Invasive Species

*Environmental Report:* indicates removal of non-native invasive species where economically feasible where it is environmentally advisable to do so (does not result in more harm than good).

##### Strategy OS 1.4.5 – Floodplain and Flood prone areas

*Environmental Report:* this item is not specifically addressed in the environmental narrative, however, any development will need to meet applicable FEMA and SWFLMD standards for any

*proposed development within floodplain.*

Strategy OS 1.6.2 - Open Space Corridor System

*Environmental Report: the SJMR development proposes significant open space areas including passive recreational area such as wildlife observation via sidewalks, walking trails, and the proposed MURT. Further, the perimeter buffer and 170' wide FPL easement provide additional open space corridor connectivity.*

Strategy OS 1.11.1 - Mixed Use Residential District Requirements

*Environmental Report: While not specifically addressed in the environmental report, the SJMR PUD is consistent with open space (functional and conservation) as indicated in the 'Consistency with the Comprehensive Plan' section of this report.*

*Staff proposes the following stipulations which are similar to those identified in the adjoining property "Woods" PUD. While some of these stipulations indicate requirements the applicant must do whether stipulated or not, they provide a level of assurance at this stage of the project to clarify for the record those pending requirements which will still need to be met:*

- 1. An updated listed species survey shall be conducted prior to any construction.*
- 2. The applicant shall provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).*
- 3. The applicant shall obtain all applicable state and federal listed species permits.*
- 4. The applicant shall comply with FWC regulations regarding the survey and relocation of Gopher Tortoises and associated commensal species.*
- 5. The applicant shall provide a tree survey and any other permits or documents related to tree removal to the city.*
- 6. The applicant shall obtain all applicable state and federal environmental permits and provide wetland mitigation, as required.*
- 7. Consistent with Strategy OS 1.4.4 - Non-Native Invasive Species, any nuisance species observed within project area wetlands and uplands shall be removed and replanted with native Florida species, as required to obtain SWFWMD permits.*

**Conclusions / Findings of Facts (General Comments):**

***General Findings: The proposed SJMR PUD includes a conceptual site plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Further, the binding master plan proposes a development pattern that provides for a compact design approach which provides for minimized impact to environmental resources, protection of wetlands, and preservation of existing habitats. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.***

**b. CONCURRENCY INFORMATION:**

In review of concurrency for the proposed SJMR project, it is important to acknowledge that the intent of concurrency is that public facilities levels of service be in place concurrent of the time of project impact. While zoning does not result in an approved development permit, it is still important for decision makers to consider the impact of the proposed development on public facilities at each stage of a project to identify potential areas of concern for public infrastructure as early as possible. This affords sufficient time to address potential deficiencies at each phase while ensuring concurrency is in place no later than the final platting of the project. Further, it should also be recognized that the proposed development (539 residential units) is 37% of the maximum allowable per the comprehensive plan (1,460 residential units) which would provide a significant reduction in the anticipated development for the area as contemplated by the comprehensive plan (Joint Planning Area agreement with Sarasota County).

At the zoning level, typically concurrency is conducted on a 'preliminary' basis, as a detailed review of concurrency is not conducted nor is concurrency granted at this stage of a project. However, for PUD zoning projects, applicants often request concurrency for all public facility types that may grant concurrency at this stage of development. School concurrency and sewer concurrency where the service is provided by Sarasota County, are examples where concurrency will typically not be granted at the zoning stage of a project.

For the purpose of this section, the concurrency evaluation is being conducted utilizing an estimated average person per household of 1.7. The University of Florida Bureau of Economic Business and Research (BEBR) estimates that the City of Venice population in December of 2017 was 22,306. These figures may helpful for the following Level of Service (LOS) analysis of impact to public facilities (where appropriate).

### **Transportation/Mobility:**

#### **Roadways:**

To help in understanding the potential impacts to the transportation (road) network, a traffic study was conducted by Stantec and submitted with the SJMR project. This study was reviewed by the City's traffic consultant (Wade Trim) and has been found to be compliant with professional standards for conducting this analysis. It should be noted that all traffic studies project a build out year and include the proposed traffic (background traffic) from other approved developments impacting the same roadways that have been approved but not built yet. This background traffic along with an annual growth rate provide the best estimate for future conditions/impact. The traffic study area is established by identifying roadway segments where project traffic consumes a minimum of 5% of the roadway capacity. Based upon the results of the analysis (as found in the Transportation Impact Analysis, updated November 2017 by Stantec, Inc.), the following improvements were identified:

**The following roadway improvements have been identified but are not the responsibility of the developer:**

#### I-75 SB Ramps/Laurel Road Intersection

- Increase the cycle length from 80 second to 110 seconds.
- Add a second southbound left-turn lane to accommodate the projected 550 vehicles.

#### I-75 NB Ramps/Laurel Road Intersection

- Increase the cycle length from 80 second to 110 seconds.

#### Knights Trail Road/Laurel Road Intersection

- Increase the cycle length from 80 second to 110 seconds.

#### Jacaranda Boulevard/Laurel Road Intersection

- Add an eastbound right-turn lane

#### Jacaranda Boulevard/Border Road Intersection

- Signalize and restripe the southbound approach.

**The following roadway improvements have been identified and are the responsibility of the developer:**

#### Driveway 1/Laurel Road

- none

#### Driveway 2/Border Road

- Construct a 260-foot eastbound left-turn lane

Commitment by the SJMR PUD to have this improvements in place at the time of impact of the development (to be addressed as part of the Development Agreement), is required. Should different housing types be constructed, the overall trip generation may need to be reviewed to ensure the total trip generation 433 PM Peak Hour trips is not exceeded without additional traffic analysis.

#### **Pedestrian/Sidewalks:**

The Level of service for sidewalks is D, which indicates level of service is maintained if sidewalks are present on 0-49% of the local roadways. The SJMR development includes a network of internal (private) roadways and has frontage on local roadways only (Laurel and Border Roads). As such, the level of service is being met with or without sidewalks. It is noted that the initial application request sought to waive sidewalk requirements along Laurel Road. Through subsequent revisions, the applicant has proposed a MURT along Laurel Road and along the internal connector roadway (Border to Laurel Road). The MURT would improve pedestrian/sidewalk LOS for Laurel Road.

#### **Bicycle:**

Similar to the Level of Service for sidewalks, bicycle LOS is D. Again the SJMR development only has impact to local facilities where the LOS D indicates that facilities are present on 0-49% of the roadways. As such, the level of service is being met with or without bike lanes. It is noted that the initial application request did not include any bicycle facilities either within the development or along the adjacent local roadways (Border and Laurel Roads). Subsequent, the applicant provided an updated request (after completion of TRC Review) to provide a MURT along Laurel Road and along the internal connector roadway. The MURT would provide coverage and improve bicycle LOS for Laurel Road and the internal roadway.

**Transit:**

The adopted LOS standard for transit is D along all roadways served by transit within the City. The SJMR development is not located along sections of roadway frontage (Laurel and Border Roads) that is served by Transit. As a result, Transit LOS is not applicable for this project.

**Solid Waste:**

The Public Works Department has not identified any solid waste concurrency issues for the project.

**Potable Water:**

The Comprehensive Plan adopted LOS standard for water as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
90 gallons per day (annual daily flow)	539	539 (units) x 90 (gallons per day) = <b>48,510</b>

The City utilities department has not identified any issues for water concurrency for the project.

**Sanitary Sewer:**

The adopted LOS standard for sanitary sewer as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
162 gallons per day (annual daily flow)	539	539 (units) x 162 (gallons per day) = <b>87,318</b>

It is noted that sewer service will be provided by Sarasota County and approval will be required from the County prior to granting of concurrency for the project.

**Storm Water Management:**

The subject property must comply with City Stormwater management requirements of post development runoff not exceeding predevelopment runoff for a 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFMD) prior to construction.

**Functional Open Space (conservation):**

The adopted LOS standard for Functional Open Space is 7 acres per 1,000 population. The proposed SJMR PUD proposes development of up to 539 residential units. Using population per household of 1.7 units per acre, the SJMR project would generate a need for an additional 6.42 acres of functional open space. The population per household figures for the City is 1.7. At this population rate, the SJMR development would have an estimated population of 917. The current City of Venice Population (2017 estimate) is 22,306. With the addition of the SJMR PUD, the estimated population the resulting estimated City population would be 23,223 generating an open space need of  $(23,223/1,000 * 7) = 163$  acres. According to information from the City Public Works Department, the current allocation of functional open space within the City totals approximately 558.4 acres. As this figure indicates, there is a substantial surplus of functional open space acreage sufficient to accommodate proposed SJMR project.

**Hurricane Shelter Space:** Consistent with Strategy OS 1.9.10, the LOS standard For shelter space shall be 20 square feet per person seeking shelter. Strategy OS 1.9.10 provides criteria on the application and calculation of this LOS standard.

*Staff Comment - Strategy OS 1.9.10 - Hurricane Shelter Space provides that mitigation for shelter space is required for development and redevelopment for properties within the Coastal High Hazard Area (CHHA). CHHA properties identified properties are indicated on Figure (Map) OS-1: Coastal High Hazard Area (CHHA) within the Open Space Element of the Comprehensive Plan. The subject SJMR properties are not identified as CHHA properties on this map. As a result, the Hurricane Shelter Space LOS is not applicable to the SJMR PUD project.*

**Public Schools:**

The proposed amendments have been submitted to the Sarasota County School Board staff for concurrency. While no issues have been identified at this point, school concurrency is not granted until final plat approval.

**Conclusions / Findings of Facts (Concurrency):**

**Concurrency: concurrency is required no later than the final platting phase of the project. Concurrency has been requested for public facilities with the exception of: stormwater, public schools, and sanitary sewer. Further, as indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project. Although, it should be noted that there are identified improvements (Transportation) that will need to be addressed as the project moves forward to ensure adequate public facility concurrency.**

**c. CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

The 2017 Comprehensive Plan identifies the subject property as being within the 2,827 acre Northeast Neighborhood. The Northeast Neighborhood is the largest of the neighborhoods and generally includes all of the residential areas east of Interstate 75 extending to the Myakka River. The following analysis includes review of the significant strategies found in the Northeast Neighborhood, Land Use Element and the Open Space Element provided in the 2017 plan. The City recently approved the scope of work for implementation of the City's 2017 Comprehensive Plan through the complete rewrite of the Land Development Code (LDC).

**Northeast Neighborhood**

Land Use Strategy LU-NE 1.1.1 provides development scenarios that are to be applied across the entire neighborhood. The neighborhood may include both residential and non-residential development; however, non-residential uses are limited to a maximum of 5% of the total acreage of the neighborhood. The applicant is proposing 539 single-family detached residential units and a future amenity center. The northeast neighborhood currently contains 1,403 residential dwelling units. Including the proposed 539 units, the neighborhood will contain a total of 1,942 residential units, below the 12,895 units allowed in the neighborhood. Other than the amenity center, the project does not include other non-residential uses and the amenity center is comprised of 2 acres or only 1% of the total project. Building height is limited to 35 feet including parking, which the applicant has indicated in their project narrative.

Regarding open space, Land Use Strategy OS-NE 1.1.5 requires the city to establish standards in the (LDC) to minimize habitat fragmentation within and between developments. Although these standards have not yet been established in the LDC, consistent with this strategy, the project has been designed to provide wildlife habitat connectivity and protect environmentally sensitive areas. The project will contain a minimum 20-foot buffer on the east and west property lines and 30' buffers along Border and Laurel Roads. Further, the 170' wide FPL easement extending from the north east property line west to the southern boundary of the adjacent FPL property to the west, provides additional opportunities for wildlife crossings/connectivity.

Regarding transportation, strategy TR-NE 1.1.3 and strategies 1.3.2 and 1.3.4 from the Transportation Element are being incorporated into the design of the project through the inclusion of internal sidewalks, sidewalks along Border Road and revised proposal for a MURT along Laurel Road. This facility will ultimately connect with other existing and proposed developments to the west and further implements the 2017 Comprehensive Plan's vision of Complete Streets cited in Vision TR 1 and Intent TR1.3.

Strategy TR-NE 1.1.4 New Roadways indicates a roadway located east of Jacaranda Boulevard. This roadway may be public or private and that in the case of emergency private roads with gates shall be open to public access. The proposed north/south roadway connecting Laurel and Border roads will satisfy this strategy.

## **Land Use Element**

Land Use Strategy LU 1.2.16 provides the guiding language for development under the subject properties Future Land Use designation of Mixed Use Residential (MUR). The proposed preliminary plat is consistent with the identified strategy. The comprehensive plan identifies MUR future land use designated properties as the implementing zoning district for this future land use category. The SJMR property has an existing MUR designation. In addition, Strategy LU 1.2.17 that provides for open space connectivity is also addressed through the project design. Review of the PUD Site Plan provides an overhead view showing connectivity via the 20 foot and 30 foot wide perimeter buffers as well as the connections to wetland and stormwater areas.

**Strategy LU 4.1.1.** Transitional Language Specific to Comprehensive Plan regulatory language: Strategies - Land Use Compatibility Review Procedures (Policy 8.2):

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods. Compatibility review shall include the evaluation of:

A. Land use density and intensity.

**Applicants Response: The subject property located within the Border Road to Myakka River Neighborhood Planning Area is designated for up to 5 dwelling units per acre. The proposed density of approximately 1.8 acres is significantly less than the maximum and comparable with surrounding densities in the neighborhood.**

B. Building heights and setbacks.

**Applicants Response: The proposed maximum building height of 35 feet is consistent with the maximum building heights in the surrounding area.**

C. Character or type of use proposed.

**Applicants Response: The proposed single-family use is consistent and compatible with the surrounding uses in the neighborhood which are primarily residential.**

D. Site and architectural mitigation design techniques.

**Applicants Response: The proposed site and architectural design of the proposed development is consistent with existing neighborhoods.**

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

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

**Applicants Response: The proposed uses are consistent and compatible with single-family neighborhoods.**

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

**Applicants Response: Not applicable.**

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.

**Applicants Response: Not applicable.**

*Staff Comment: staff disagrees, the removal of passive agricultural uses will result in the phasing out of nonconforming uses (agricultural) on the property.*

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

**Applicants Response: The density and intensity of the proposed uses will be comparable to the existing uses.**

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

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

**Applicants Response: The proposed development provides a minimum of 50% open space and significantly sized landscape buffers.**

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

**Applicants Response: Not applicable.**

K. Locating road access to minimize adverse impacts.

**Access has been limited to one access point on Laurel Road and one access point on Border Road in order to minimize adverse impacts.**

L. Adjusting building setbacks to transition between different uses.

**Applicants Response: Not applicable.**

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

**Applicants Response: Not applicable.**

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

**Applicants Response: Not applicable.**

*Staff Comment: staff disagrees, while the comparison of surrounding development densities shows the proposed SJMR PUD as consistent with most of the surrounding properties, adjusting density is always a potential method to mitigate significant differences. For example having existing low density e.g. 1.8 units per acre surrounding a proposed high density 18 units per acre development may indicate a need to adjust density or intensity to surrounding properties (or provide other compatibility techniques).*

#### **Comparison of Property Density**

<b>Residential Development</b>	<b>Residential Density (units/acre)</b>
Venetian Golf & River Club	1.53
Willow Chase	2.48
OUE Residential Properties on South Side of Border Road	0.20
Milano PUD	2.56
The Woods	1.74
<b>Proposed SJMR</b>	<b>1.8</b>

#### **Open Space Element**

Open Space Strategy OS 1.11.1 requires a minimum of 50% of the gross land area within MUR designated areas, on a per property (development) basis, be provided as open space. Open spaces shall not be less than a minimum 10% conservation or a minimum 10% functional. The subject property contains approximately 292 acres and, as indicated in the project narrative, the applicant is proposing approximately 152 acres of open space, or 52% of the site. Of the total 109 acres (37.3%) represent conservation and 43 acres provide the remaining open functional space of 14.7%. It is noted that 2 acres are set aside for the amenity site providing potentially another 1% of functional open space.

The majority of the strategies indicated in the Open Space Element of the 2017 Comprehensive Plan identify areas of concern relating to wetlands and habitat. Once again, although the strategies provided in the Open Space Element have not been implemented through LDC, the developer has provided a project design with these strategies in mind. As illustrated on the Site Plan and as indicated in the environmental report, impacts to habitats such as wetlands and wetland buffers have been limited to less than one acre. The plan further proposes connectivity to wetland and habitat areas through gaps in buffers (and walls if proposed) to facilitate wildlife movement between wetland. The binding master plan indicates these connections shall be provided at an average of 25' in width. This is not inconsistent with Strategy OS 1.6.2 Open Space Corridor System which indicates such corridors be provided generally at a minimum of 25' in width. A review of the site plan and associated environmental study provide a good visual observation for wildlife connectivity opportunities. To provide further consistency with environmental strategies of the comprehensive plan and permitting requirements, seven stipulations similar to those applied to the adjoining "Woods PUD" rezoning are being proposed for the SJMR PUD (see Environmental Assessment in Section IV above).

#### **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

***Consistency with the Comprehensive Plan: Based upon the zoning standards in the Binding Master Plan, the resulting built community representing the SJMR PUD promotes an integrated residential neighborhood consistent with the Vision, Intent, and Strategies and the JPA/ILSBA Joint Planning agreement with Sarasota County. Additionally, the layout of the Conceptual Site Plan also provides for a compact development design that minimizes impacts to the natural environment promoting the preservation of environmental resources. With the recommended stipulations, the proposed SJMR PUD may be found consistent with the comprehensive plan.***

#### **d. Land Development Code:**

As previously indicated, the general intent and purpose of the PUD zoning district is to allow flexibility for the development of a project through construction of specific zoning standards for the proposed development. In Section III above, the petitioner has requested modifications to two (2) specific PUD zoning standards. Section 86-130 (u) provides for the procedures for a PUD rezoning.

#### Procedural Criteria:

- a. The first step in consideration of a PUD zoning petition is a pre-application meeting with Planning and Zoning staff. A pre-application meeting was held with staff on August 28, 2017.
- b. The second step includes a pre-hearing conference with the Planning Commission which was conducted on November 7, 2017. The results of that conference and applicants written response are provided as part of the record.
- c. The third and final step is the submission of the PUD is the Binding Master Plan documentation submitted as part of file of record for the SJMR PUD which was submitted on October 6, 2017 and subsequently updated on November 8, 2017 and further revisions followed for the circulation plan, site plan, and proposed MURT.
  - a. Evidence of Unified Control; Development Agreements – The City Attorney reviews evidence of unified control and confirms this through the associated Development Agreement required prior to final zoning approval by City Council.

#### 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.

**Applicants Response: The proposed PUD is consistent with all applicable elements of the Comprehensive Plan. Please see attached Policy 8.2 analysis, Environmental Analysis prepared by ECO Consultants.**

*Staff Comment: also see Consistency with the Comprehensive Plan in Section IV(c) above.*

- b. The existing land use pattern.

**Applicants Response: The proposed PUD seeks approval of a residential land use consistent with the Comprehensive Plan Future Land Use Map at a density which is compatible with the surrounding area.**

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

**Applicants Response: The PUD proposes a residential development consistent and compatible with nearby districts.**

- d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

**Applicants Response: The proposed PUD will not increase or overtax the load on public facilities. Please see attached concurrency application and transportation analysis.**

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

**Applicants Response: The proposed PUD property is currently zoned Sarasota County- OUE. The property is required to be rezoned to a City zoning district and the logical zoning designation is PUD, consistent with the properties to its eastern and western boundaries.**

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

**Applicants Response: The Pre-annexation Agreement requirement to rezone the property to a City of Venice zoning district makes passage of the amendment necessary.**

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

**Applicants Response: The proposed PUD will authorize single-family residential development consistent and compatible with existing development in the neighborhood and will not adversely influence living conditions in the neighborhood.**

*Staff Comment: the proposed zoning will result in the development of the property and the addition of residents and vehicles in the area. While this does provide for increased impact, those impacts have not been identified as adverse through concurrency review for the SJMR PUD.*

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

**Applicants Response: The proposed change will not create or excessively increase traffic congestion. Please see attached transportation analysis.**

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

**Applicants Response: The proposed change will not create a drainage problem. The rezoning of the property does not authorize any land development activities on the property. Prior to commencement of land development activities the developer will be required to obtain all applicable local, state and federal permits to demonstrate a drainage problem will not be created.**

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

**Applicants Response: The proposed change will not seriously reduce light and air to adjacent areas.**

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

**Applicants Response: The proposed change will not adversely affect property values in the adjacent area.**

- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

**Applicants Response: The proposed change will not be a deterrent to the improvement of adjacent property.**

- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

**Applicants Response: The proposed change will not constitute a grant of special privilege.**

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

**Applicants Response: The proposed PUD property is currently zoned Sarasota County- OUE. The property is required to be rezoned to a City zoning district and the logical zoning designation is PUD, consistent with the properties to its eastern and western boundaries.**

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

**Applicants Response: The proposed PUD is not out of scale with the needs of the neighborhood and is consistent and compatible with nearby development.**

- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

**Applicants Response: The proposed residential use for the property is consistent with the Comprehensive Plan Future Land Use Map designation for the property and is the logical site to provide for such use.**

**Conclusions / Findings of Fact (Land Development Code):**

***Compliance with the Land Development Code: With staff stipulations, the SJMR PUD rezoning may be found consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.***

**V. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL**

The Planning Commission is required to study and consider the factors contained in Section 86-47(f) and make a report and recommendation regarding rezone petitions to City Council. This staff analysis and report has been conducted to provide the Planning Commission with competent and substantial evidence to support a recommendation to City Council. The application and supporting documentation, factors and/or considerations included in the staff report are provided to render a decision regarding this petition. A summary of all staff findings of fact is included in Section I providing a summary basis for recommendation.