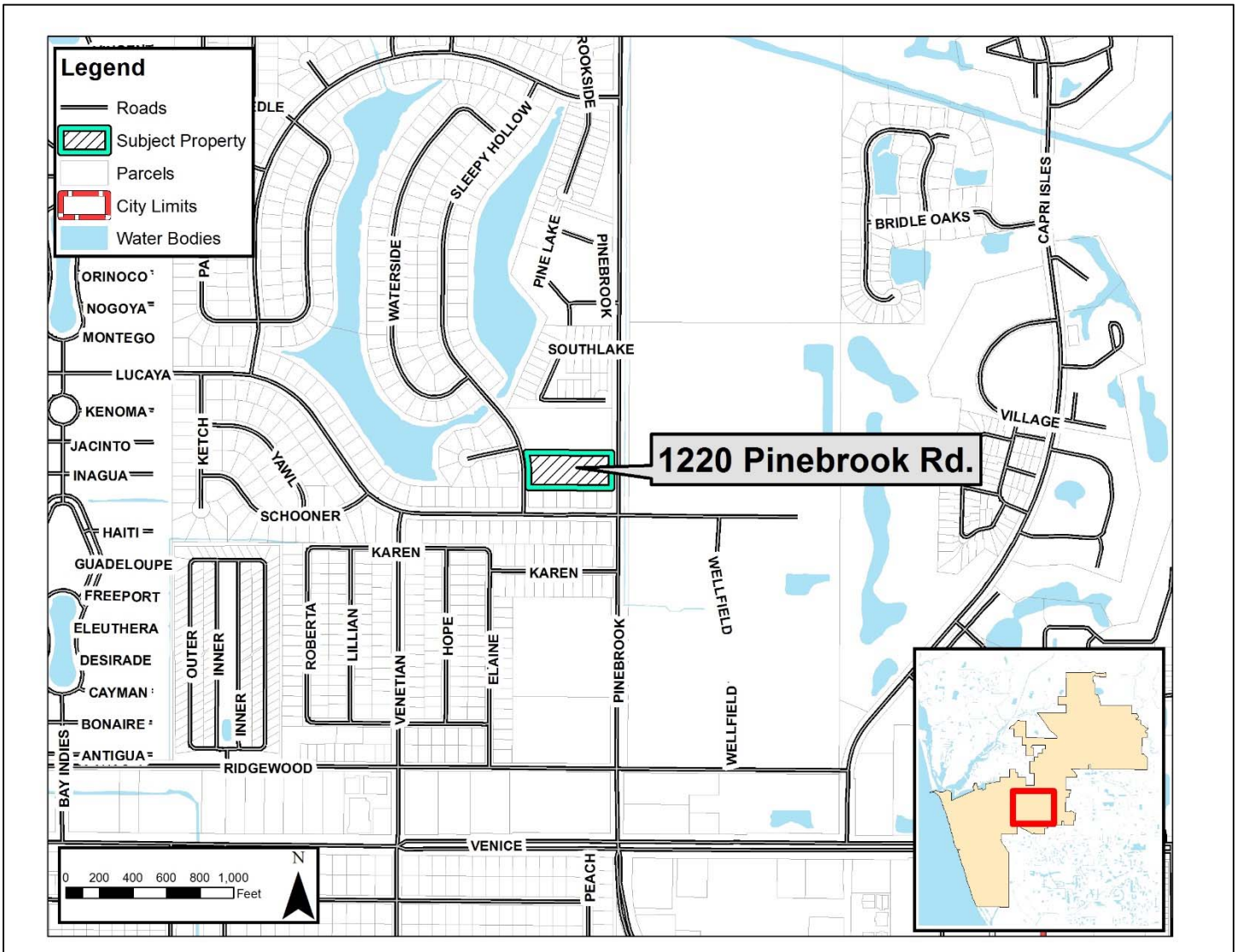




REZONE/PUD AMENDMENT STAFF REPORT

April 3, 2018

16-04RZ



PETITION NO.: 16-04RZ

REQUEST: Amend the Pinebrook South Planned Unit Development (PUD) to allow residential as a permitted use up to 18 dwelling units per acre on the subject 2.4 acre $\pm$ property.

GENERAL DATA

Owner: Pinebrook Park, LLC
Agent: Jeffery Boone, Esq., Boone Law Firm
Address: 1220 Pinebrook Road
Parcel ID: 0409-08-0042
Property Size: 2.4 acres $\pm$
FEMA Designation: Zone X, not a Special Flood Hazard Area
Future Land Use: Mixed Use Residential (MUR)
Neighborhood: Pinebrook Neighborhood
Zoning: Planned Unit Development (PUD)

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Resolution No. 518-74
- C. Ordinance No. 626-74
- D. Resolution No. 794-83
- E. Resolution No. 863-85

I. EXECUTIVE SUMMARY

The subject property is located in the Pinebrook South Planned Unit Development (PUD). The Pinebrook South PUD, as amended, allows nursing homes and homes for the aged on the subject 2.4-acre property. The applicant proposes to amend the Pinebrook South PUD to allow residential use up to 18 dwelling units per acre on the subject 2.4-acre property. The applicant has indicated the proposed request will allow for the development of a rental apartment complex of up to 18 dwelling units per acre. If the rezone petition approved, allowed uses on the subject property will include nursing home, home for the aged and residential with a maximum unit count of 43 dwelling units (18 dwelling units per acre).

In 1974, the city approved the 243-acre Pinebrook South PUD, the second approved PUD in the city (Capri Isle was the first approved PUD). The Background Information section of this report includes one and one-half pages of background information on the Pinebrook South PUD that is relevant to the subject petition.

The petition is a request to add a new permitted use (residential up to 18 dwelling units per acre) on the subject 2.4-acre property. It is important to note the public record on this 44-year old project is not fully complete. As noted in the Background Information section of this report, some Pinebrook South PUD project files could not be found by staff. In addition, the city's PUD approval and amendment procedures in the 1970's and 1980's are different from the procedures used today. For instance, for the Pinebrook South PUD the terms and conditions for the PUD (today called a binding master plan) were approved by resolution. Another example is that the Pinebrook South PUD was approved without a binding master plan or site plan drawing of the project. Staff has made every effort to clearly describe past city actions on the Pinebrook South PUD and what bearing, if any, those actions have on the subject petition. If the subject petition is approved, staff will prepare an ordinance that approves the requested PUD amendment and as well as adopting a series of previously approved city resolutions related to the Pinebrook South PUD.

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following summary findings on the subject petition:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan); see Section V.B:**
The subject petition may be found consistent with the Pinebrook Neighborhood Strategy and strategies applicable to the Mixed Use Residential (MUR) future land use designation. In addition, the subject petition has the potential of implementing intent statements and strategies of the Housing Element. The subject petition may be found consistent with the Comprehensive Plan.

- **Conclusions / Findings of Fact (Compliance with the Pinebrook South PUD); see Section V.C:**
The approved maximum gross density for the Pinebrook South PUD is 3.25 dwelling units per acre for a maximum of 790 dwelling units. The subject petition complies with the Pinebrook South PUD maximum density standards and is not in conflict with provisions of the Pinebrook South PUD.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code); see Section V.D:**
The subject petition complies with all applicable Land Development Code standards and a finding can be reached for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code. The subject petition may be found in compliance with the Land Development Code.
- **Conclusions / Findings of Fact (Concurrency); see Section V.D:**
Based on the preliminary concurrency analysis, there is currently adequate public facilities capacity to accommodate the expected development of the subject property. Further concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.

II. PROPOSED REZONING

The proposed rezoning petition amends the Pinebrook South PUD, approved by the city in 1974. The rezoning petition does not amend the current PUD zoning map designation that has been in place since 1974. Rather, the applicant requests to amend the provisions of the Pinebrook South PUD that specify permitted uses on the subject property. Specifically, the applicant proposes to amend Resolution No. 518-74, as amended, to allow residential use as a permitted use up to 18 dwelling units per acre on the subject 2.4-acre property only. If approved, the rezoning petition will allow nursing homes, homes for the aged and residential uses on the subject 2.4-acre property. This amendment will have no impact to the permitted uses on the remainder of the six-acre tract.

III. BACKGROUND INFORMATION

The city approval of the Pinebrook South PUD differs from how the city approves PUDs today. Accordingly, there are several important factors to consider. First, the PUD approval and amendment procedure for the Pinebrook South PUD is different from today's procedure. Second, there is no binding master plan showing the physical layout of the planned development. There was a master plan included in the 1974 rezoning application that shows the planned uses within the Pinebrook South PUD, however the master plan was not specifically referenced in the approval of the PUD. Finally, terms and conditions of the Pinebrook South PUD were established through the approval of City Resolution No. 518-74. The resolution established development standards for the Pinebrook South PUD and identified a series of infrastructure improvements required for the project.

The following is a summary of official actions related to the Pinebrook South PUD property:

Actions Prior to the Pinebrook South PUD

- On March 8, 1961, the City of Venice entered into agreement, recorded in the Public Record of Sarasota County, to annex 243 acres of land into the City of Venice. The agreement required that the lands be subdivided and developed as an improved residential area in accordance with a certain master plan dated February 12, 1959 (a record copy of the master plan is not on file).
- On March 14, 1961, City Council approved an un-numbered resolution approving the annexation of 243 acres of land adjacent to the East Gate Terrace Subdivision.

Pinebrook South PUD Application and City Review of the Application

- On May 24, 1974, the successors of interest of the 243-acre property submitted a rezoning application for the 243-acre property. It appears the application included a “Statement of Planning Concepts for Pinebrook South” which reported on and evaluated the natural and man-made features of the site and included a master plan of the Pinebrook South project. The master plan drawing showed a six-acre commercial, neighborhood shopping area at the northwest corner of Pinebrook Road and Lucaya Avenue. This document, referred to as a “Land Use Plan” was amended during the review of the proposed Pinebrook South PUD, however, city records do not include a copy of the amended “Land Use Plan”.

Approval of Pinebrook South PUD

- The Pinebrook South PUD was approved on December 30, 1974. The approval included adoption of Ordinance No. 626-74 which rezoned the 243-acre property to Planned Unit Development (Pinebrook South PUD) and the adoption of Resolution No. 518-74 which established the terms and conditions for the development of the PUD. Among numerous provisions, Resolution No. 518-74 contained the development standards listed on the previous page. Neither the ordinance or resolution made reference to a specifically defined land use plan or master plan.
- Among numerous other provisions, Resolution No. 518-74 specified the gross residential density of the subject property shall be limited to 3.25 residential units per acre for a maximum of 790 residential units. The resolution also specified that six (6) acres of the subject property may be devoted to use by any establishment selling goods and services at retail including professional offices and clinics except the practice of veterinary medicine, and that no portion of the six (6) acres may be devoted to residential use.

Amendments to Resolution 518-74

- Between the 1974 and 1985, there were at least eight amendments to Resolution 518-74, many of which pertained to required improvements not associated with the six-acre tract. Two of the amendments are directly applicable to the subject rezone petition. The first is Resolution 794-83, approved on June 28, 1983. This resolution amended the language on permitted uses on the six-acre tract at the northwest corner of Pinebrook Road and Lucaya Avenue. This resolution deleted the existing use provisions and specified that a nursing home shall be permitted on the six-acre tract. The same use provision was amended a second time by Resolution 863-85, approved on April 9, 1985. This amendment added homes of the aged as a second permitted use on the tract.
- On September 27, 1988, City Council denied Master Plan Amendment Petition No. 88-02MP to allow a residential gross density of ten dwelling units per acre on a 18.3-acre tract at the northeast corner of the Pinebrook South PUD. The city no longer amends planned districts with a Master Plan petition type. Today, planned districts are amended by ordinance, amending the ordinance that approved the planned development project.
- On April 5, 2016, the subject rezone petition was submitted on behalf of the property owner, Pinebrook Park, LLC. The request is to amend the Pinebrook South PUD to allow residential use as a permitted use up to 18 dwelling units per acre on the subject 2.4-acre property.

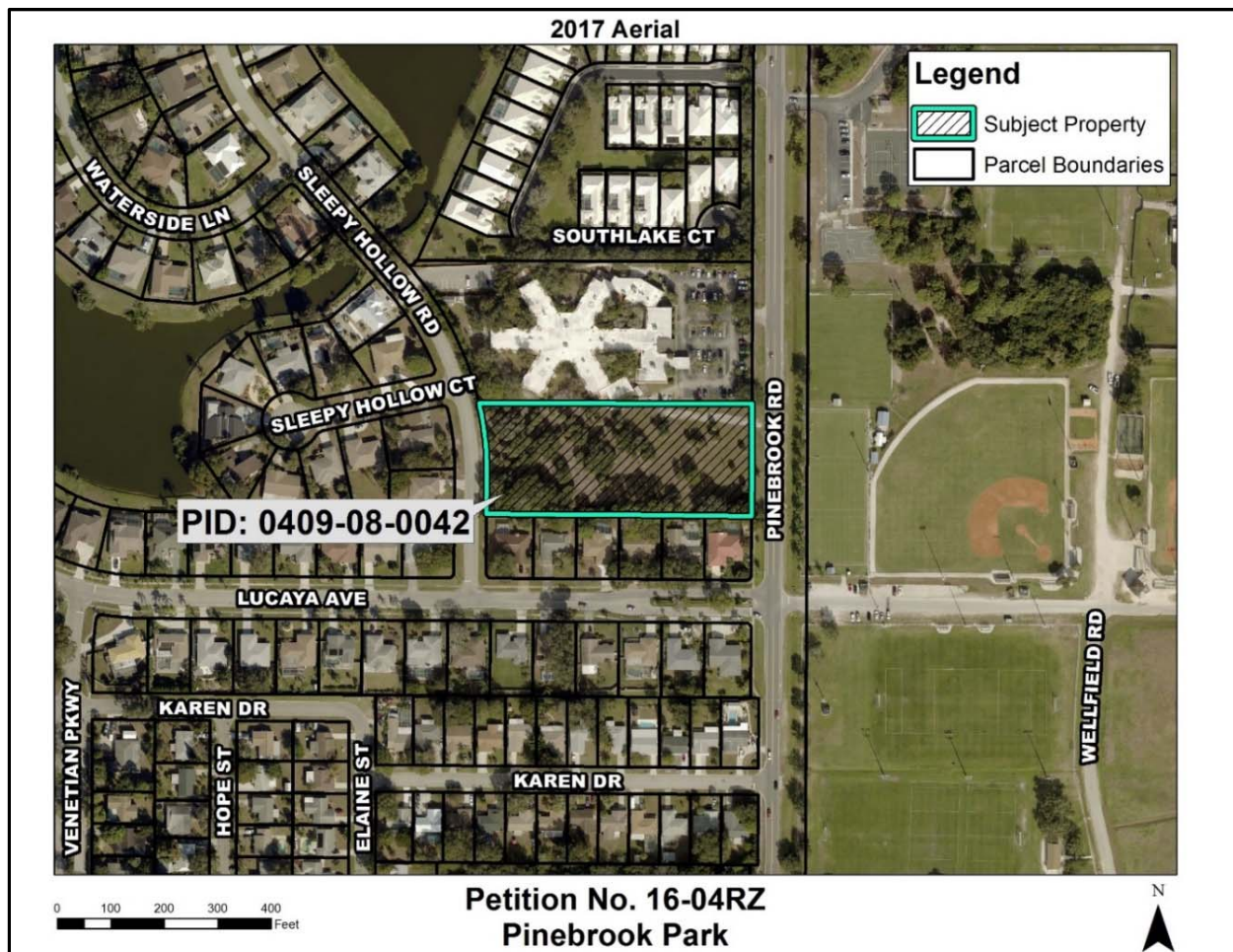
Other Actions Related to Pinebrook South

- Based on 2018 Sarasota County Property Appraiser records, a 43,073 square foot nursing home facility was constructed on the 3.4-acre parcel abutting the subject property to the north was constructed in 1984.
- On March 19, 1985, the Planning Commission approved Site and Development Plan Petition No. 85-04SP allowing the development of a home for the aged on the subject 2.4-acre property. The project included a two and three story, 75,398 square foot building with 75 1-bedroom units. Access to the project was from Pinebrook Road. **The project was not developed.**

- On February 10, 2004, City Council adopted Ordinance No. 2004-15 approving a future land use map amendment to designate the 102 ± acre Curry Creek Preserve as Conservation. The future land use map amendment included a 18.3-acre tract located in the northeast corner of the Pinebrook South PUD.
- On September 28, 2004, City Council adopted Ordinance No. 2004-36 to approving a zoning map amendment to rezone the 102 ± acre Curry Creek Preserve from Sarasota County Open Use, Estate 1 (OUE-1) and City of Venice Planned Unit Development (PUD) to Government Use (GU). The zoning map amendment included the 18.3-acre, PUD-zoned tract located in the northeast corner of the Pinebrook South PUD. **With this action, the Pinebrook South PUD should have been amended to remove the 18.3-acre tract from the PUD.**
- On July 17, 2007, the Planning Commission approved Site and Development Plan Petition No. 06-11SP allowing the development of four 4,792 square foot office buildings. Access to the project was from Pinebrook Road and Sleepy Hollow Road. **The project was not developed.**

IV. EXISTING CONDITIONS

The following aerial photograph shows the undeveloped subject property on the west side of Pinebrook Road across the street from Wellfield Park. The western boundary of the subject property fronts Sleepy Hollow Road, a local street in the Pinebrook South PUD. A nursing home facility abuts the subject property to the north and single-family detached residential properties abuts the subject property to the south. Following the aerial photograph are photographs showing the existing uses that abut the subject property.





A nursing home abutting the subject property to the north



Pinebrook Road and Wellfield Park on the east side of the subject property



The front of single-family detached dwellings along Lucaya Avenue abutting the subject property to the south



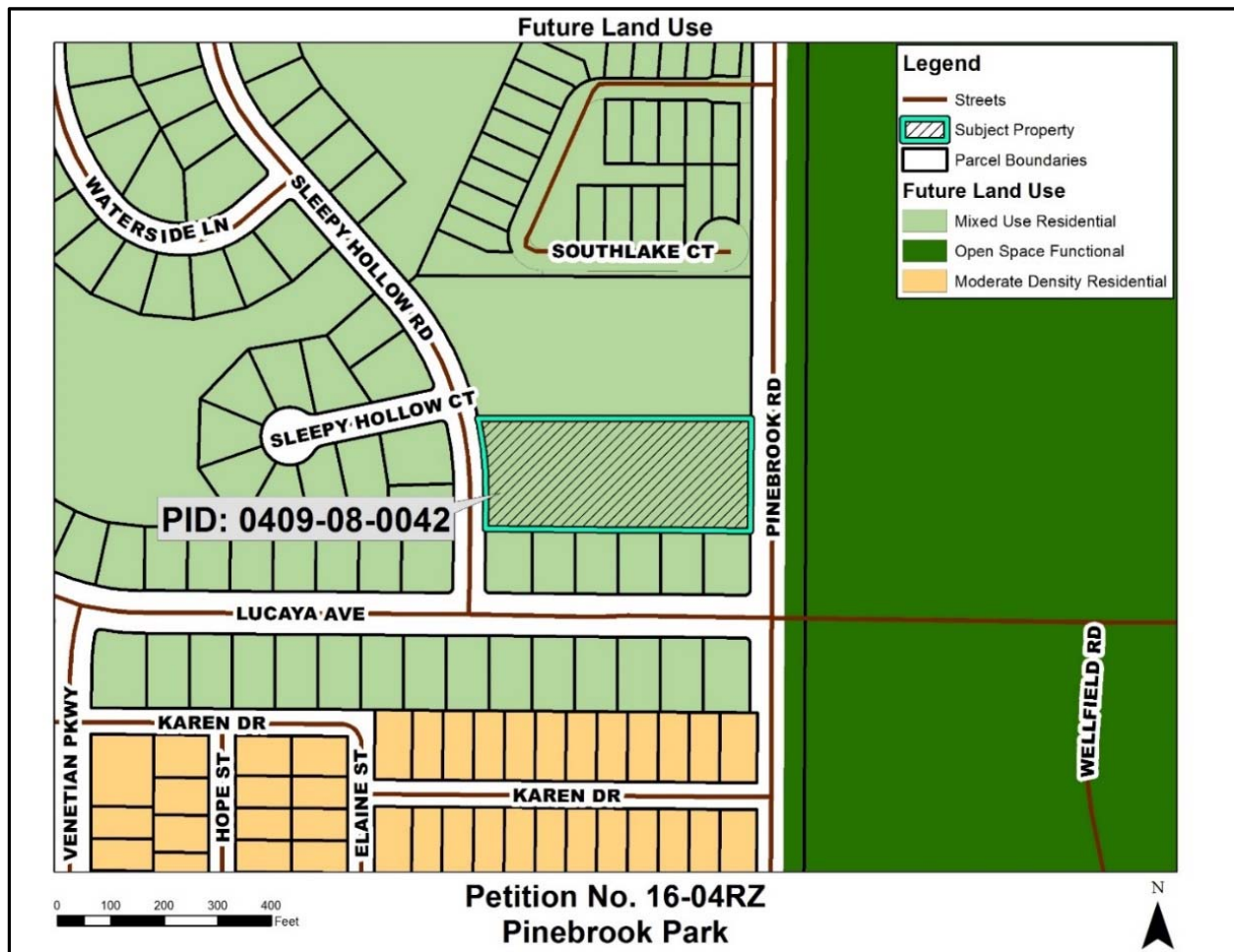
The rear of single-family detached dwellings along Lucaya Avenue abutting the subject property to the south



Sleepy Hollow Road and single-family detached dwelling on the west side of the subject property

Future Land Use

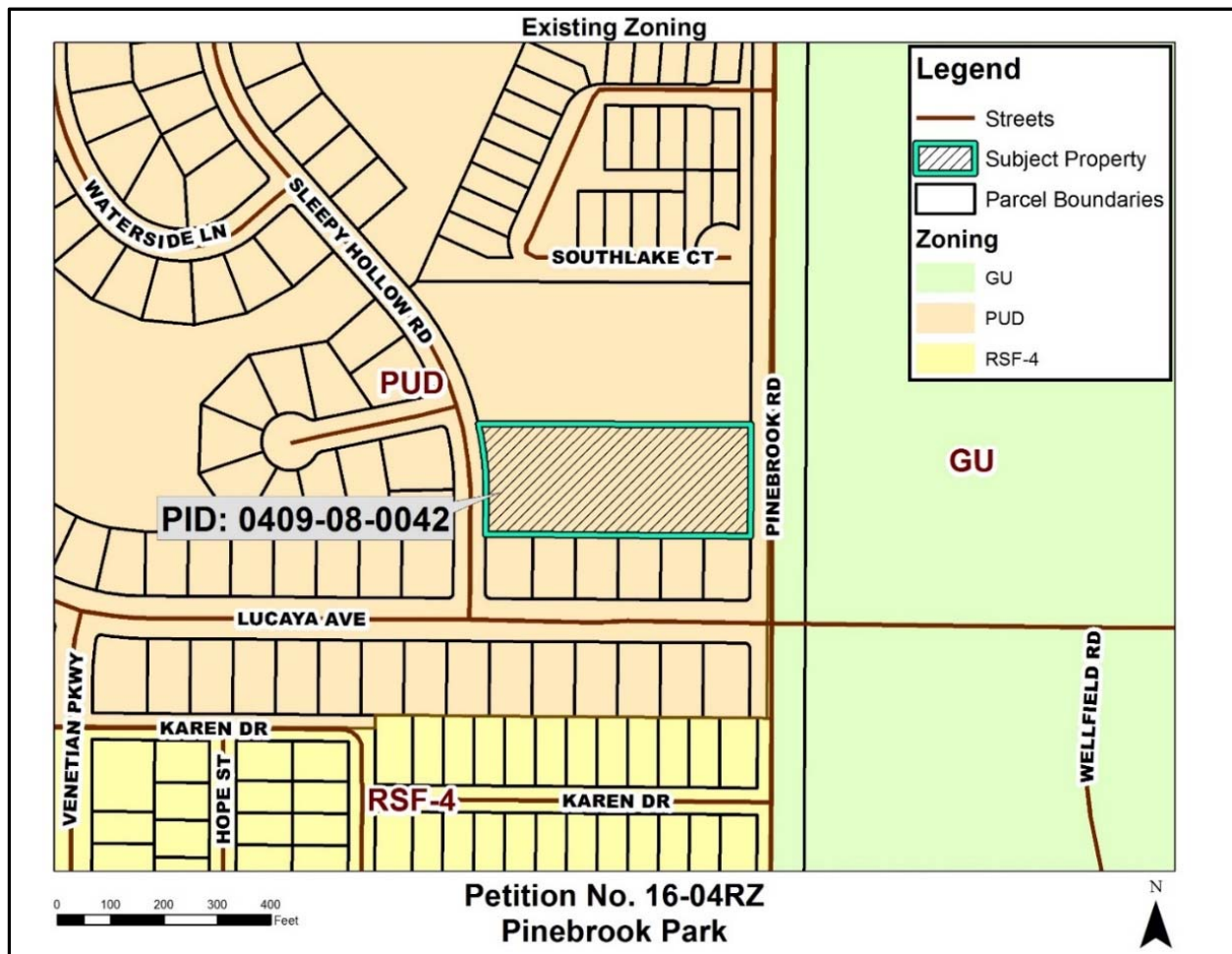
The subject property is located in the 2,366-acre Pinebrook Neighborhood. The Future Land Use Map on the following page shows the future land use map designation for the subject property and surrounding properties. The subject property has a Mixed Use Residential (MUR) designation. Surrounding properties to the north, south and west of the subject property also have a MUR designation while, to the east, Wellfield Park has an Open Space Functional designation.



Zoning Designation

The zoning map on the following page shows the existing zoning of the subject and surrounding properties. The subject property is zoned PUD. The subject property is part of the Pinebrook South PUD that was approved on December 30, 1974. The approval included adoption of Ordinance No. 626-74 which rezoned a 243-acre property to Planned Unit Development (Pinebrook South PUD) and the adoption of Resolution No. 518-74 which established the terms and conditions for the development of the PUD.

See the Background Information section of the staff report for information pertaining to the approval and subsequent amendments to the Pinebrook South PUD. Development standards not specifically addressed by Resolution No. 518-74, as amended, are governed by the City of Venice Land Development Regulations.



The following table provides a summary of the existing uses, current zoning and future land use designations adjacent to the subject property.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Nursing home	Pinebrook South PUD	Mixed Use Residential (MUR)
East	Park (Wellfield Park)	Government Use (GU)	Open Space Functional
South	Single-family detached residential	Pinebrook South PUD	MUR
West	Single-family detached residential	Pinebrook South PUD	MUR

V. PLANNING ANALYSIS

A. *Approved, Existing and Proposed Residential Density for Pinebrook South PUD*

Resolution No. 518-74 established the maximum gross residential density for the 243-acre PUD. The resolution limited the gross residential density to 3.25 residential units per acre for a maximum of 790 residential units. No maximum density was assigned to individual tracts within the Pinebrook South PUD. No residential density was approved for the six-acre tract, including the subject 2.4 acre-parcel, at the southeast corner of the Pinebrook South PUD.

The applicant submitted an accounting of the total number of existing residential units in the Pinebrook South PUD and found there are 574 existing residential units in the PUD. Staff has independently verified the accuracy of this residential unit count.

The subject rezone petition assigns a maximum residential density of 18 units per acre on the 2.4-acre subject property. If the petition is approved and the subject property is developed at the maximum density of 18 units per acre, 43 residential units would be added to the Pinebrook South PUD.

The table on the following page summarizes the approved, existing and proposed gross residential density of the Pinebrook South PUD.

	Maximum Density (units per acre)	Maximum No. of Residential Units
Approved Residential Density	3.25	790
Existing Residential Density	2.36	574
Proposed Residential Density	2.54	617

Based on the above analysis, the proposed rezone allows development of the subject property that would maintain compliance with the approved maximum gross residential density and the maximum number of residential units in the Pinebrook South PUD.

B. *Consistency with the Comprehensive Plan*

The 2017 Comprehensive Plan identifies the subject property as being within the 2,366-acre Pinebrook Neighborhood. The Pinebrook Neighborhood is the third largest neighborhood in the city. The subject property has a Mixed Use Residential (MUR) future land use designation. The following analysis includes review of applicable strategies found in the Land Use Element and Housing Element of the 2017 comprehensive plan.

It is important to note that Land Use Strategy LU 1.2.16 has significant bearing on subject petition. This strategy provides language on existing PUD developments with a MUR designation. It specifies that previously approved PUD developments exceeding the standard of this strategy shall be permitted to retain their currently approved density and intensity, open space percentage provisions, and other previously approved development standards. For example, this strategy would allow a hypothetically previously approved PUD with a maximum density of nine units per acre to retain its approval even though the PUD exceeds the maximum density of five units per acre established by Land Use Strategy LU 1.2.16.4.

Land Use Element

The following Land Use strategies are called-out due to their relevance in assessing consistency with the comprehensive plan.

Land Use Strategy LU 1.2.9 specifies that the PUD district is the one implementing zoning district for the Mixed Use Residential (MUR) designation. As such, the Pinebrook South PUD, including the subject property is consistent with this land use strategy.

Strategy LU 1.2.16.4 specifies that a variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling units per gross acre for the subject project/property. This strategy provides flexibility in the assignment of residential density on individual tracts so long as the overall density for the PUD does not exceed a gross density of 5.0 dwelling units per acre and enables the applicant to propose a density up to 18 dwelling units per acre on the subject property.

Strategy LU 1.2.16.5 specifies that previously approved PUD developments exceeding the standards of this strategy shall be permitted to retain their currently approved density and intensity, open space percentage provisions, and other previously approved development standards. Development in compliance with the Pinebrook South PUD can be found consistent with this strategy.

Strategy LU 4.1.1 brought forward from the 2010 Comprehensive Plan into the 2017 Comprehensive Plan, on a transitional basis, Policy 8.2, Land Use Compatibility Review Procedures. The application materials transmitted to the Planning Commission includes the applicant's response to each of the considerations contained in Policy 8.2.

At the point of rezoning of property, evaluation of compatibility is required to ensure compatibility with adjacent uses. Compatibility review requires evaluation of the following as listed in Policy 8.2:

- A. Land use density and intensity.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

The applicant proposes to amend the existing Pinebrook South PUD to add residential use, with a density up to 18 dwelling units per acre, on the subject 2.4-acre property. At this stage, no development plans have been submitted to allow staff to evaluate the above development characteristics. The review of any future development (site and development plan or preliminary plat) of the subject property will include a compatibility review based on an evaluation of the four above considerations.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided evaluative commentary on each consideration.

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

Applicant's Response: The proposed multifamily use is compatible with adjacent single-family uses within the PUD. The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family uses. The applicant also referenced the response to

8.2.C which reads as follows: The proposed use is multi-family residential. The use is consistent with the existing land use pattern within the Pinebrook PUD which includes the location of multi-family residential adjacent to single-family residential.

Staff Comment: *The proposed PUD amendment does not eliminate the currently approved uses on the subject property (nursing home and home for the aged). Pinebrook South PUD single-family residential properties are adjacent to the south and west sides of the subject property. A local street (Sleepy Hollow Road) separate the subject property from the single-family residential properties to the west. The single-family residential properties to the south directly abut the subject property and the greatest potential for incompatibility is along this shared boundary. The proposed PUD amendment creates the potential for residential development adjacent to an existing single-family neighborhood. The density and the design/development characteristics of future residential development will have a bearing on whether protection of existing single-family neighborhoods through the use of mitigation measures listed in Policy 8.2 I through N are needed to address potential incompatibilities*

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

Applicant's Response: The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family uses.

Staff Comment: *The proposed PUD amendment does not eliminate the currently approved uses on the subject property (nursing home and home for the aged). The existing and proposed uses allowed on the subject property do not include commercial or industrial uses.*

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

Applicant's Response: The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family uses.

Staff Comment: *The proposed PUD amendment does not eliminate the currently approved uses on the subject property (nursing home and home for the aged). This consideration is not applicable. There are no nonconforming uses on the subject property.*

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

Applicant's Response: The proposed PUD amendment will eliminate the compatibility risk of more intense development, currently permitted on the property, adjacent to single-family residential.

Staff Comment: *The proposed PUD amendment does not eliminate the currently approved uses on the subject property (nursing home and home for the aged). The proposed PUD amendment adds residential, up to 18 dwelling units per acre, as a permitted use on the subject property. In comparison, the following table shows the land use and densities of various existing developed residential areas in the Pinebrook South PUD. The information in the table was obtained from Sarasota County Property Appraiser data and final plats obtained from the Sarasota County Clerk of Courts. Land area data was obtained from the City of Venice Geographic Information System (GIS) which is derived from Sarasota County Property*

Appraiser data. Existing gross density was calculated by dividing the number of dwelling units in each part of the Pinebrook South PUD by the land area of each part of the Pinebrook South PUD.

<i>Pinebrook South PUD Area</i>	<i>Existing Land Use</i>	<i>Existing Gross Density (units per acre)</i>
<i>Pinebrook South, Unit 1</i>	<i>Single-family Detached Residential</i>	<i>2.83</i>
<i>Pinebrook South, Unit 2</i>	<i>Single-family Detached Residential</i>	<i>2.23</i>
<i>Pinebrook South, Unit 3</i>	<i>Single-family Detached Residential</i>	<i>2.27</i>
<i>Pinebrook Lake Club</i>	<i>Multi-family Residential</i>	<i>9.50</i>
<i>Lakeside Woods</i>	<i>Single-family Detached Residential</i>	<i>4.37</i>

This consideration will require further evaluation at the time the applicant submits a development plan for the subject property with a specific proposed density.

There is no requirement for an applicant to submit a site plan for a rezoning other than for various planned districts and no site plan has been submitted for staff's review. Future residential development of the subject property will require either preliminary plat or site and development plan approval. The review of any future site and development plan will include the project's compatibility with adjacent properties. If during that review potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2 I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of an actual development proposal.

- I. Providing open space, perimeter buffers, landscaping and berms.*
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.*
- K. Locating road access to minimize adverse impacts.*
- L. Adjusting building setbacks to transition between different uses.*
- M. Applying step-down or tiered building heights to transition between different uses.*
- N. Lowering density or intensity of land uses to transition between different uses.*

Housing Element

The applicant has indicated that the proposed request will allow for the development of a rental apartment complex of up to 18 dwelling units per acre. The applicant contends the proposed PUD amendment is consistent with the following Intents and Strategies of the Housing Element.

Housing Intent HG 1.1 – Housing Options

The City will promote a range of housing options to ensure residents and potential residents can select housing that reflects their preferences, economic circumstances, seasonal status, and special housing needs including age-friendly housing.

Housing Strategy HG 1.1.1 – Housing Characteristics

The City will utilize the Land Development Code and review procedures to promote housing diversity by ensuring new development and redevelopment evaluate the following issues:

- A. *Identity and character of the area and surrounding properties*
- B. *Housing style and ownership*
- C. *Housing type (multi-family and single-family)*
- D. *Community population (income and age)*
- E. *Housing price*

Housing Intent HG 1.2 – Housing in Mixed Use Land Use Districts

The City will utilize the Mixed Use land use designation to promote increased housing options and community livability by intermixing residential and non-residential uses.

Housing Strategy HG 1.2.1 – Mixed Use Housing Collaboration

The City will collaborate with major employers and developers to identify and promote live-near-work housing.

Housing Intent HG 1.5 – Attainable Housing

The City shall ensure housing alternatives meet the diverse demands of the community. Special attention shall be provided to the needs of the following groups:

1. *Fixed-income seniors and those on limited incomes*
2. *Working families*
3. *Entry level workforce*

If approved, the petition has the potential to implement the above Intent statements and Strategies of the Housing Element which were cited by the applicant in the project narrative. Regarding Housing Strategy HG 1.2.1, it is important to note that the applicant is proposing the PUD amendment; the city has had no involvement in the application.

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

The subject petition may be found consistent with the Pinebrook Neighborhood Strategy and strategies applicable to the Mixed Use Residential (MUR) future land use designation. In addition, the subject petition has the potential of implementing intent statements and strategies of the Housing Element. The subject petition may be found consistent with the Comprehensive Plan.

C. Compliance with the Pinebrook South PUD

The applicant proposes to amend the Pinebrook South PUD to allow residential use up to 18 dwelling units on the subject property. There are no provisions in the Pinebrook South PUD that restricts or limits the owner's ability to request changes to allowed uses on the subject property. In fact, the city has previously approved two PUD amendments that changed the allowed uses on the subject property.

The request does add residential as a permitted use on the subject property. If approved, this would be the first time since the 1974 approval of the Pinebrook South PUD that residential density would be assigned to the subject

property. As such, it is necessary to determine whether the Pinebrook South PUD will remain in compliance with the approved maximum density for the overall PUD with the additional proposed density.

Resolution No. 518-74 specified that the maximum density for the Pinebrook South PUD is 3.25 dwelling units per acre or a maximum of 790 units. There are currently 574 existing approved dwelling units in the Pinebrook South PUD. If approved, the subject petition would allow up to 43 additional dwelling units on the subject property and result in a total of 617 dwelling units in Pinebrook South PUD. As such, the subject petition complies with the Pinebrook South PUD maximum density standard.

Conclusions / Findings of Fact (Compliance with the Pinebrook South PUD):

The approved maximum gross density for the Pinebrook South PUD is 3.25 dwelling units per acre for a maximum of 790 dwelling units. The subject petition complies with the Pinebrook South PUD maximum density standards and is not in conflict with provisions of the Pinebrook South PUD.

D. Compliance with the Land Development Code

The subject petition has been processed in compliance with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. Future development of the subject property will require confirmation of continued compliance with all applicable LDC standards.

Section 86-47(f) of the Land Development Code states that 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, considerations listed below. The Planning Commission materials includes the applicant's response to each of the considerations. To facilitate the Planning Commission's review of the subject rezone petition, staff has provided commentary on selected consideration in which additional information can be brought to light.

(a) Whether the proposed change is in conformity to the comprehensive plan.

Applicant's Response: The proposal is consistent with the all applicable elements of the Comprehensive Plan residential. Please see the attached project narrative and comprehensive plan analysis.

(b) The existing land use pattern.

Applicant's Response: The subject property is abutted by single-family residential to the south and west, an assisted living facility to the north and Wellfield Park to the east. The walkability to nearby commercial retail, office and recreational uses makes the property ideal for the proposed use.

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

Applicant's Response: The Pinebrook PUD currently consists of single-family, multi-family and assisted living uses. The proposed PUD amendment which will allow for the development of residential apartments units will not create an isolated district unrelated to nearby districts.

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

Applicant's Response: The proposed PUD amendment will not overtax the load on public facilities such as schools, utilities and streets. In fact, the proposed residential use will generate less traffic than potential uses permitted under the current PUD plan.

Staff Comment: *Based on a preliminary concurrency analysis, no issues have been identified by staff regarding the availability of adequate public facilities to accommodate development in compliance with the proposed zoning. The School Board of Sarasota County Planning Department issued a school concurrency exemption letter of receipt due to the fact the petition is an amendment to a previously approved development order which does not increase the number of dwelling units or change the type of dwelling units.*

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

Applicant's Response: The proposed PUD amendment does not seek to change the zoning district, the proposal is to amend the PUD plan to allow for residential use on the subject property.

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

Applicant's Response: The need for additional rental apartments in the area makes the passage of the proposed PUD amendment necessary.

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

Applicant's Response: The proposed change will not adversely influence living conditions in the area.

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

Applicant's Response: The proposed change will not create increased traffic congestion. In fact, the proposed residential use will generate less traffic than potential uses permitted under the current PUD plan.

Staff Comment: *Based on a preliminary concurrency analysis, no issues have been identified by staff regarding the creation of traffic congestion. Technical Review Committee review of the petition identified no public safety impacts generated by the rezone petition. Transportation concurrency will continue to be evaluated when the project moves forward with either a preliminary plat or site and development plan application.*

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

Applicant's Response: The proposed change will not create a drainage problem.

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

Applicant's 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.

Applicant's Response: The proposed change will not adversely affect property values in the adjacent areas.

Staff Comment: *The rezone petition may be found consistent with comprehensive plan and implementation of the comprehensive plan is generally expected to have a positive affect on 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.

Applicant's Response: The proposed change will not be a deterrent to improvement or development of adjacent property in accord with existing regulations.

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

Applicant's Response: The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

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

Applicant's Response: Market conditions and the demand for rental apartments in the area make the proposed PUD amendment necessary.

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

Applicant's Response: The proposed change is not out of scale with the needs of the neighborhood or the City and in fact, will serve to address the need for rental apartments in the City.

Staff Comment: *Generally, the need of the neighborhood and the city is development of subject property, consistent with the comprehensive plan and in compliance with the Pinebrook South PUD. The property has a Mixed Use Residential (MUR) future land use designation and existing PUD is an implementing zoning district for the MUR designation. Existing uses in the Pinebrook South PUD include single-family and multi-family residential and a nursing home facility. Under the proposed amendment to the Pinebrook South PUD, those same uses would be allowed on the subject property.*

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

Applicant's Response: The City lacks other sites which are currently zoned, and in an appropriate location to encourage the development of rental apartments.

Conclusions / Findings of Fact (Compliance with the Land Development Code):

The subject petition complies with all applicable Land Development Code standards and an affirmative finding can be reached for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code. The subject petition may be found in compliance with the Land Development Code.

E. Concurrency

At the rezone stage for a project that is not for a proposed planned zoning district and the applicant is not requesting a concurrency determination, concurrency is evaluated on a “preliminary” basis, with a formal concurrency determination and issuance of a concurrency certificate at the subsequent site and development plan or preliminary plat stage of the project. The preliminary concurrency analysis evaluates the public facilities impact to two development scenarios, the maximum development potential under existing and proposed zoning.

Using data from the nursing home facility north of the subject property, the development scenario under existing zoning was a 52,272 square foot, 138-bed nursing home. The development scenario under proposed zoning was a 44-unit multi-family development at the maximum density of 18 units per acre. As indicated in the following table, lead agencies responsible for concurrency reviewed the development scenarios for impacts to sanitary sewer, potable water, parks, solid waste, drainage and transportation facilities determined there is currently adequate public facilities capacity to accommodate the expected development of the subject property.

Public Facility	Lead Agency	Status
Potable Water	Utilities	Concurrency confirmed by Utility Department
Sanitary Sewer	Utilities	Concurrency confirmed by Utility Department
Solid Waste	Public Works	Concurrency confirmed by Public Works Department
Parks & Recreation	Public Works	Concurrency confirmed by Public Works Department
Drainage	Engineering	Concurrency confirmed by Engineering Dept.
Transportation	Transportation Planner/Engineer	Concurrency confirmed by City Consultant
Public Schools	School Board	Issuance of a school concurrency exemption letter of receipt

Concerning transportation, the estimated p.m. peak hour trips generated by the residential multi-family development scenario was less than the p.m peak hour trips estimated for the nursing home facility (25.5 trips for the residential multi-family scenario and 38.6 trips for the nursing home scenario). The School Board of Sarasota County Planning Department issued a school concurrency exemption letter of receipt due to the fact the petition is an amendment to a previously approved development order which does not increase the number of dwelling units or change the type of dwelling units.

Finally, with the adoption of the 2017 Comprehensive Plan, additional levels of service (LOS) standards were established for each of the following public facilities and services:

- Pedestrian Facilities – LOS standards established by Strategy TR 1.2.3
- Bicycle Facilities – LOS standards established by Strategy TR 1.2.4
- Transit Service – LOS standards established by Strategy TR 1.2.5
- Hurricane Shelter Space – LOS standards established by Strategy OS 1.9.10

The concurrency review of future development plans for the subject property will include an evaluation of each of the above facilities/services to ensure adopted levels of service are maintained.

Conclusion / Findings of Fact (Concurrency):

Based on the preliminary concurrency analysis, there is currently adequate public facilities capacity to accommodate the expected development of the subject property. Further concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.

CONCLUSION

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 the Executive Summary providing a basis for recommendation.