



City of Venice  
401 West Venice Ave., Venice, FL 34285  
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING  
**ZONING MAP AMENDMENT APPLICATION**

**ZONING MAP AMENDMENT** **16-04 RZ**

**Project Name:** Pinebrook Park

**Parcel Identification No.:** 0409-08-0042

**Address:** 1220 Pinebrook Road

**Parcel Size:** 2.4 +/- acres

**FLUM designation:** Pinebrook Neighborhood - Mixed Use Residential

**Current Zoning:** PUD **Proposed Zoning:** PUD

**Property Owner's Name:** Pinebrook Park, LLC

**Telephone:**

**Fax:**

**E-mail:**

**Mailing Address:**

**Project Manager:** Jeffery A. Boone, Esq.

**Telephone:** (941) 488-6716

**Mobile / Fax:** (941) 488-7079

**E-mail:** jboone@boone-law.com

**Mailing Address:** 1001 Avenida Del Circo, Venice, FL 34285

**Project Engineer :**

**Telephone:**

**Mobile / Fax:**

**E-mail:**

**Mailing Address:**

**Project Architect:**

**Telephone:**

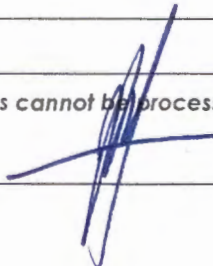
**Mobile / Fax:**

**E-mail:**

**Mailing Address:**

*Incomplete applications cannot be processed - See reverse side for checklist*

**Applicant Signature / Date:**

 (Agent) 31 Jan 18

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# APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ **Statement of Ownership & Control**
- ☒ **Signed, Sealed and Dated Survey of Property**
- ☒ **Agent Authorization Letter**
- ☒ **Narrative describing the petition**
- ☒ **Public Workshop Requirements.** Date held March 23, 2016
  - ☒ Copy of newspaper ad.
  - ☒ Copy of notice to property owners.
  - ☒ Copy of sign-in sheet.
  - ☒ Written summary of public workshop.

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:

- a. Whether the proposed change is in conformity to the comprehensive plan.
- b. The existing land use pattern.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
- d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
- i. Whether the proposed change will create a drainage problem.
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.
- k. Whether the proposed change will 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.
- m. Whether the proposed change will 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.
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Please See Attached

## Fees

Application filing fee \$2,908.

Application filing fee for the following zoning districts \$4,732: CMU, PUD, CSC, PCD, PD, RMH.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

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## Project Narrative & Comprehensive Plan Consistency Analysis

The subject property is a 2.4 +/- acre parcel located at 1220 Pinebrook Road. The property is the last remaining undeveloped parcel within the Pinebrook PUD. The property fronts on Pinebrook Road to the east and Sleepy Hollow Road to the west. It is abutted by a 120 bed skilled nursing facility to the north and single-family residential to the south.

The property has a current Future Land Use Map designation of Pinebrook Neighborhood – Mixed Use Residential. Ordinance No. 626-74 originally zoned the property PUD on December 30, 1974. Resolution No. 518-74, also adopted December 30, 1974 established the permitted uses on the property as "...any establishments selling goods and services at retail including professional offices and clinics except the practice of veterinary medicine." Resolution No. 794-83 subsequently changed the permitted use on the property to "nursing home", and Resolution No. 863-85 further expanded the permitted uses to include "homes for the aged." While the subject property was not originally approved for residential uses, overall the Pinebrook PUD was approved for up to 790 residential units. With the subject property the only remaining undeveloped property within the PUD, a total of 574 residential units have been built to date (see attached Exhibit A).

The proposal is to amend the PUD to add residential use as a permitted use up to 18 dwelling units per acre for the property in addition to the currently permitted uses for the property. Approval of the proposed request will allow for the development of a rental apartment complex of up to 18 dwelling units per acre.

The City is currently lacking in the availability of rental housing for both the workforce and seniors on fixed incomes. The subject property is ideally suited for the development of a rental apartment complex, due to its close proximity to employment, shopping, medical facilities, recreational facilities, and public transportation routes. The proposed rental apartment complex is also compatible and consistent with the current land use pattern within the Pinebrook PUD and the surrounding area as further demonstrated by the attached Policy 8.2 Analysis.

Finally, the proposed Comprehensive Plan Amendment is consistent with all elements of *Strategy LU 1.2.16 - Mixed Use Residential (MUR)*, *Strategy LU-PB 1.1.2 - Mixed Use Residential-Pinebrook Neighborhood*, and the Intents and Strategies of the Housing Element as identified below.

*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.*

*Strategy HG 1.1.1 - Housing Characteristics - The City will utilize the Land Development Code and review processes 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*

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- C. Housing type (multi-family and single-family)*
- D. Community population (income and age)*
- E. Housing pricing*

*Intent HG 1.2 - Housing in Mixed Use Land Use Districts - The City will utilize the Mixed Use land use designations to promote increased housing options and community livability by intermixing residential and non-residential uses.*

*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.*

*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*

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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.  
**The proposed PUD amendment to allow for multi-family residential development will be a reduction in the intensity of use as compared to the uses currently permitted on the property.**
- B. Building heights and setbacks.  
**The maximum building height for the subject property is 35 ft. which is consistent with the maximum building height of the surrounding properties within the PUD**
- C. Character or type of use proposed.  
**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.**
- D. Site and architectural mitigation design techniques.  
**Site and architectural mitigation techniques if necessary will be addressed at the time of submittal for Site & Development Plan approval.**

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.  
**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. Also, see 8.2.C, above.**
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.  
**The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family 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.  
**The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family uses.**
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.  
**The proposed PUD amendment for multi-family residential will eliminate the compatibility risk of more intense development, currently permitted on the property, adjacent to single-family residential.**

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

- I. Providing open space, perimeter buffers, landscaping and berms.  
**Open space, perimeter buffers, landscaping and berms (if applicable) will be finalized and evaluated during the S&D process.**

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- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.  
**Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas (if applicable) will be finalized and evaluated during the S&D process.**
- K. Locating road access to minimize adverse impacts.  
**Road access will be finalized and evaluated during the S&D process.**
- L. Adjusting building setbacks to transition between different uses.  
**Building setbacks will be finalized and evaluated during the S&D process.**
- M. Applying step-down or tiered building heights to transition between different uses.  
**Permitted building heights on the subject property will not exceed permitted building heights on adjacent properties.**
- N. Lowering density or intensity of land uses to transition between different uses.  
**The proposed PUD amendment to allow for multi-family residential development will be a reduction in the intensity of use as compared to the uses currently permitted on the property.**

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**EXHIBIT A**

**PINEBROOK PUD RESIDENTIAL UNITS**

**Approved Resolution 518-74**

**790**

**Built**

Pinebrook South Unit 1	41
Pinebrook South Unit 2	88
Pinebrook South Unit 3	323
Lakeside Woods	25
Lakeside woods South	25
Pinebrook Lake Club Phase 1	52
Pinebrook Lake Club Phase 2	17
Pinebrook Lake Club Phase 4	3

**Total Built**

**574**

**Remaining Unbuilt**

**216**

**16-4RZ**

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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.  
**The proposed PUD amendment to allow for multi-family residential development will be a reduction in the intensity of use as compared to the uses currently permitted on the property.**
- B. Building heights and setbacks.  
**The maximum building height for the subject property is 35 ft. which is consistent with the maximum building height of the surrounding properties within the PUD**
- C. Character or type of use proposed.  
**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.**
- D. Site and architectural mitigation design techniques.  
**Site and architectural mitigation techniques if necessary will be addressed at the time of submittal for Site & Development Plan approval.**

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.  
**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. Also, see 8.2.C, above.**
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.  
**The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family 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.  
**The proposed PUD amendment will eliminate the currently approved uses which pose a greater risk of incompatibility to the single-family uses.**
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.  
**The proposed PUD amendment for multi-family residential will eliminate the compatibility risk of more intense development, currently permitted on the property, adjacent to single-family residential.**

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

- I. Providing open space, perimeter buffers, landscaping and berms.  
**Open space, perimeter buffers, landscaping and berms (if applicable) will be finalized and evaluated during the S&D process.**

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- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.  
**Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas (if applicable) will be finalized and evaluated during the S&D process.**
- K. Locating road access to minimize adverse impacts.  
**Road access will be finalized and evaluated during the S&D process.**
- L. Adjusting building setbacks to transition between different uses.  
**Building setbacks will be finalized and evaluated during the S&D process.**
- M. Applying step-down or tiered building heights to transition between different uses.  
**Permitted building heights on the subject property will not exceed permitted building heights on adjacent properties.**
- N. Lowering density or intensity of land uses to transition between different uses.  
**The proposed PUD amendment to allow for multi-family residential development will be a reduction in the intensity of use as compared to the uses currently permitted on the property.**

Sec 86-47(f)(1). 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:

- a. Whether the proposed change is in conformity to the comprehensive plan.  
**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.  
**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.  
**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.  
**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.**
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.  
**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.  
**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.  
**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.  
**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.**
- i. Whether the proposed change will create a drainage problem.  
**The proposed change will not create a drainage problem.**
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.  
**The proposed change will not seriously reduce light and air to adjacent areas.**

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- k. Whether the proposed change will adversely affect property values in the adjacent area.  
**The proposed change will not adversely affect property values in the adjacent areas.**
- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.  
**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.  
**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.  
**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.  
**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,**
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.  
**The City lacks other sites which are currently zoned, and in an appropriate location to encourage the development of rental apartments.**

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