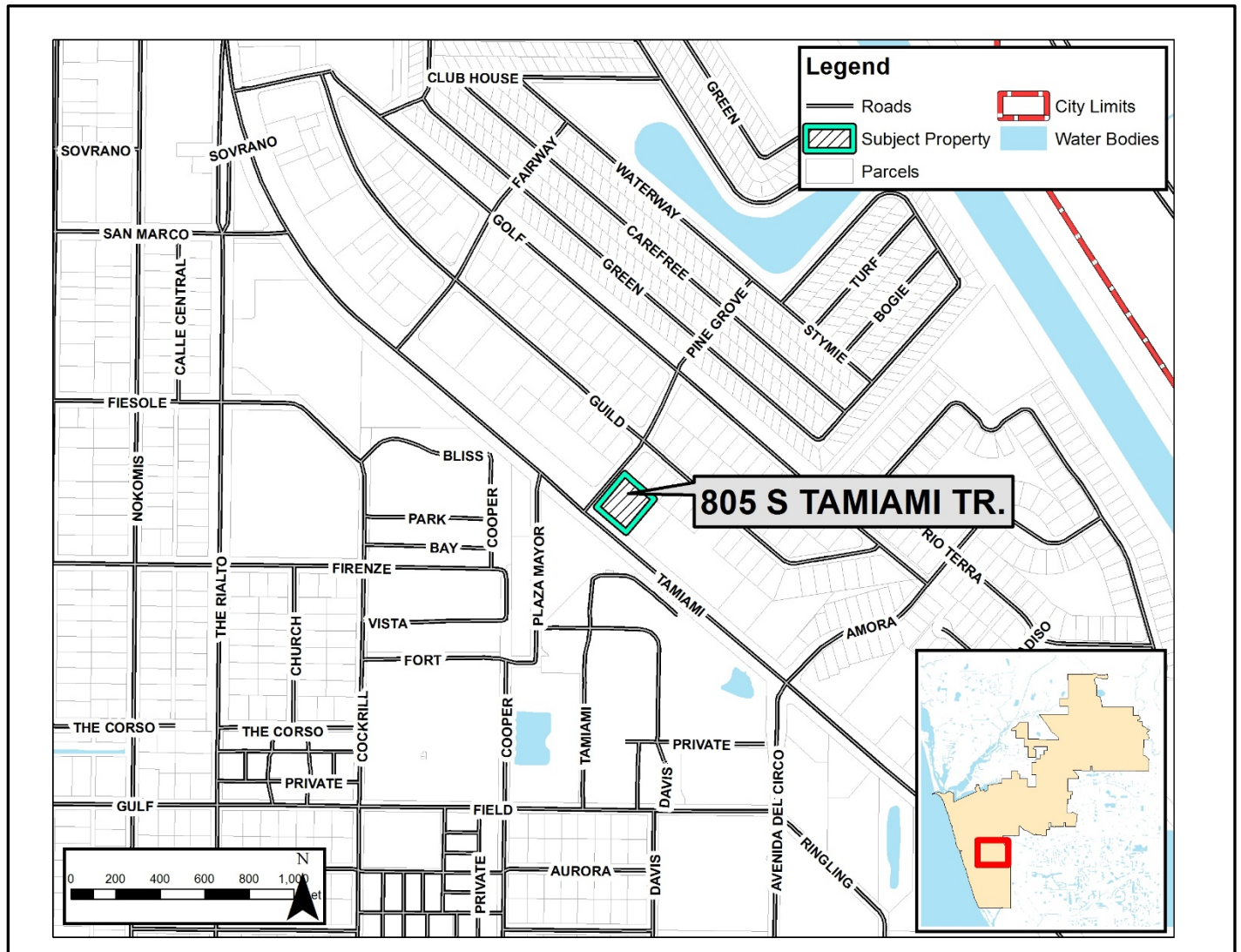




REZONE STAFF REPORT

April 17, 2018

17-07RZ



PETITION NO.: 17-07RZ

REQUEST: Zoning map amendment to rezone the subject 0.78 acre \pm property from the Sarasota County Office, Professional and Institutional (OPI) district to City of Venice Commercial, General (CG) district and retaining the City of Venice Venetian Urban Design (VUD) overlay district.

GENERAL DATA

Owner:	DAUS Capital, LLC	Agent:	R.M Edenfield, P.E., RMEC, LLC
Address:	805 S. Tamiami Trail	Property ID:	0430-02-0014
Property Size:	0.78 acres \pm		
Future Land Use:	Mixed Use Corridor (MUC)		
Neighborhood:	Island Neighborhood		
Existing Zoning:	Sarasota County Office, Professional and Institution (OPI) District and City of Venice Venetian Urban Design (VUD) Overlay District		
Proposed Zoning:	City of Venice Commercial, General (CG) District and City of Venice Venetian Urban Design (VUD) Overlay District		

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Attached Exhibit A – Sarasota County Office, Professional and Institutional (OPI), City of Venice Commercial, General (CG), and City of Venice Venetian Urban Design (VUD) district regulations

I. EXECUTIVE SUMMARY

The subject 0.78-acre property currently has a Sarasota County Office, Professional and Institutional (OPI) zoning designation and is within the City of Venice Venetian Urban Design (VUD) overlay district. The applicant proposes to rezone the subject property to a City of Venice Commercial, General (CG) district and retain the City of Venice VUD overlay district designation.

The city needs to give the subject property some City of Venice zoning designation and that zoning designation needs to be consistent with Strategy LU 1.2.9 that identifies various zoning districts that implement the property's Mixed Use Corridor (MUC) future land use designation. The proposed City of Venice CG district is one of implementing zoning districts for the MUC future land use designation.

Other land development applications associated with a hotel project are on file with the Planning and Zoning Division include the following:

- Site and Development Plan Petition No. 18-02SP
- Special Exception Petition No. 18-02SE
- VUD Waiver Petition No. 18-01WV

In addition, based on the height of the proposed hotel building, the applicant will be required to submit a conditional use application.

The subject property has a Mixed Use Corridor (MUC) future land use designation and pursuant to Land Use Strategy LU 1.2.9, the proposed CG district is an implementing zoning district in the MUC designation.

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):**
The subject petition may be found consistent with the Land Use Element strategies applicable to the Mixed Use Corridor (MUC) future land use designation and Policy 8.2 regarding compatibility. The subject petition may be found consistent with the Comprehensive Plan.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

- **Conclusions / Findings of Fact (Concurrency):**

Based on the preliminary concurrency analysis, no issues have been identified regarding current 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.

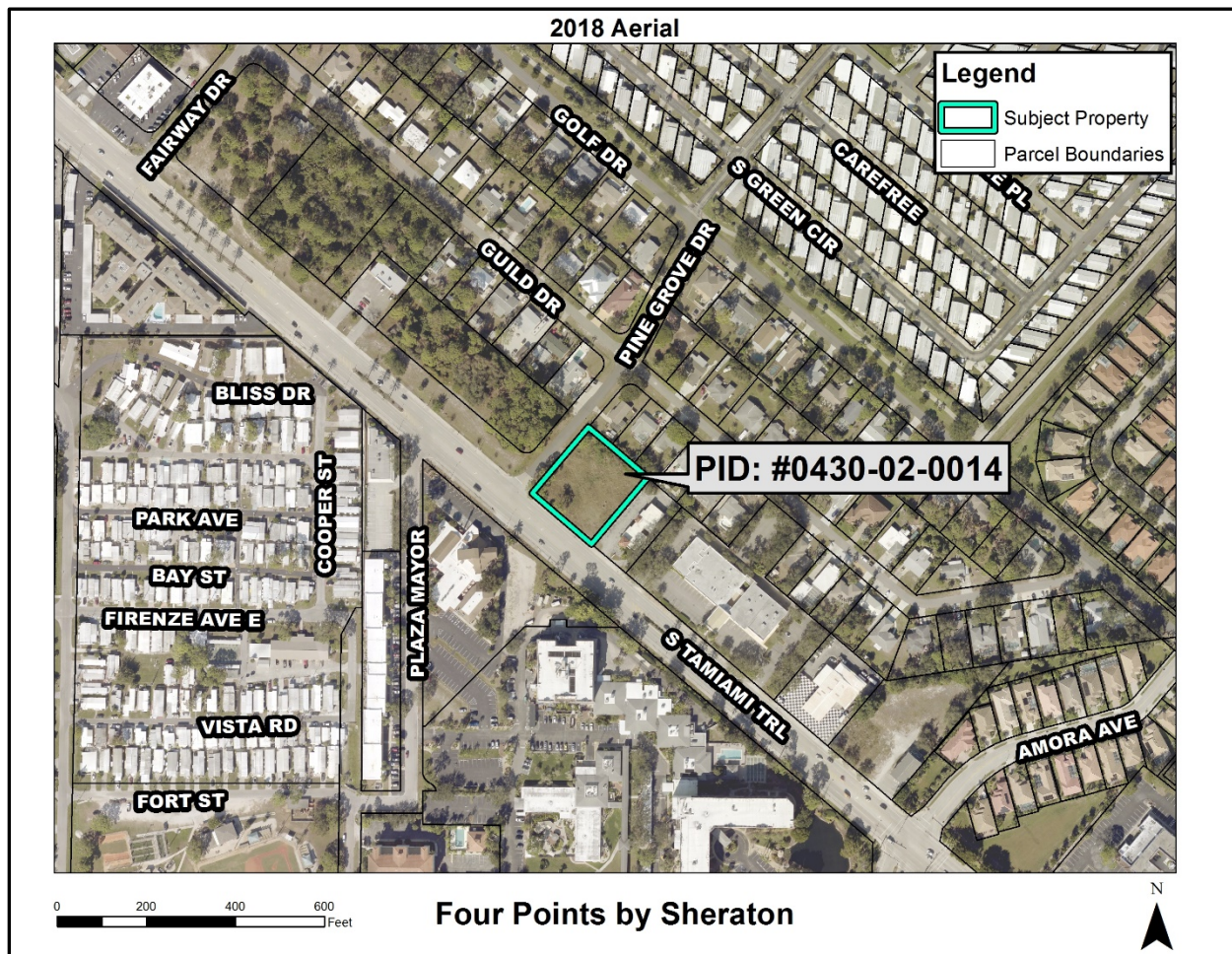
II. BACKGROUND INFORMATION

Based on a review of city records, the following is an outline of the past city actions related to the subject property.

- Prior to 2002, non-residential uses were developed on the subject property, an unincorporated enclave.
- On October 9, 2002 through the adoption of Resolution No. 2002-26 the subject property was annexed into the city.
- In 2009 through the issuance of a city demolition permit, all buildings and other improvements were removed from the site.
- On March 31, 2017, the subject zoning map amendment application was submitted to the Planning and Zoning Division.
- On March 13, 2018, through the adoption Resolution No. 2018-03 City Council approved the vacation of right-of-way fronting 775 S. Tamiami Trail, a property adjacent to the subject property and under the same ownership as the subject property. The vacated right-of-way has a land area of 24, 884 square feet.
- On March 15, 2018, Site and Development Plan Petition No. 18-02SP, Special Exception Petition No. 18-02SE and VUD Waiver Petition No. 18-01WV were submitted to the Planning and Zoning Division. These petitions are for a 4-story hotel with 103 guest rooms and a 30-seat restaurant. A hotel parking facility is proposed on the subject property.

III. EXISTING CONDITIONS

The aerial photograph on the following page shows the undeveloped subject property at the southwest corner of U.S. 41 Business and Pine Grove Drive. The northwestern boundary of the subject property abuts single-family detached residential properties. A professional office building and associated improvements abut the subject property to the south and an undeveloped commercially-zoned property is at the northeast corner of U.S. 41 Business and Pine Grove Drive. The Emmanuel Lutheran Church and the Village on the Isle senior housing facility is across U.S. 41 Business from the subject property. Following the aerial photograph are photographs showing the existing uses that abut the subject property.



Existing vegetation along east property line of the subject property with single-family residential property on the other side of the shared property line



Subject property with
professional office use on
abutting property to the south



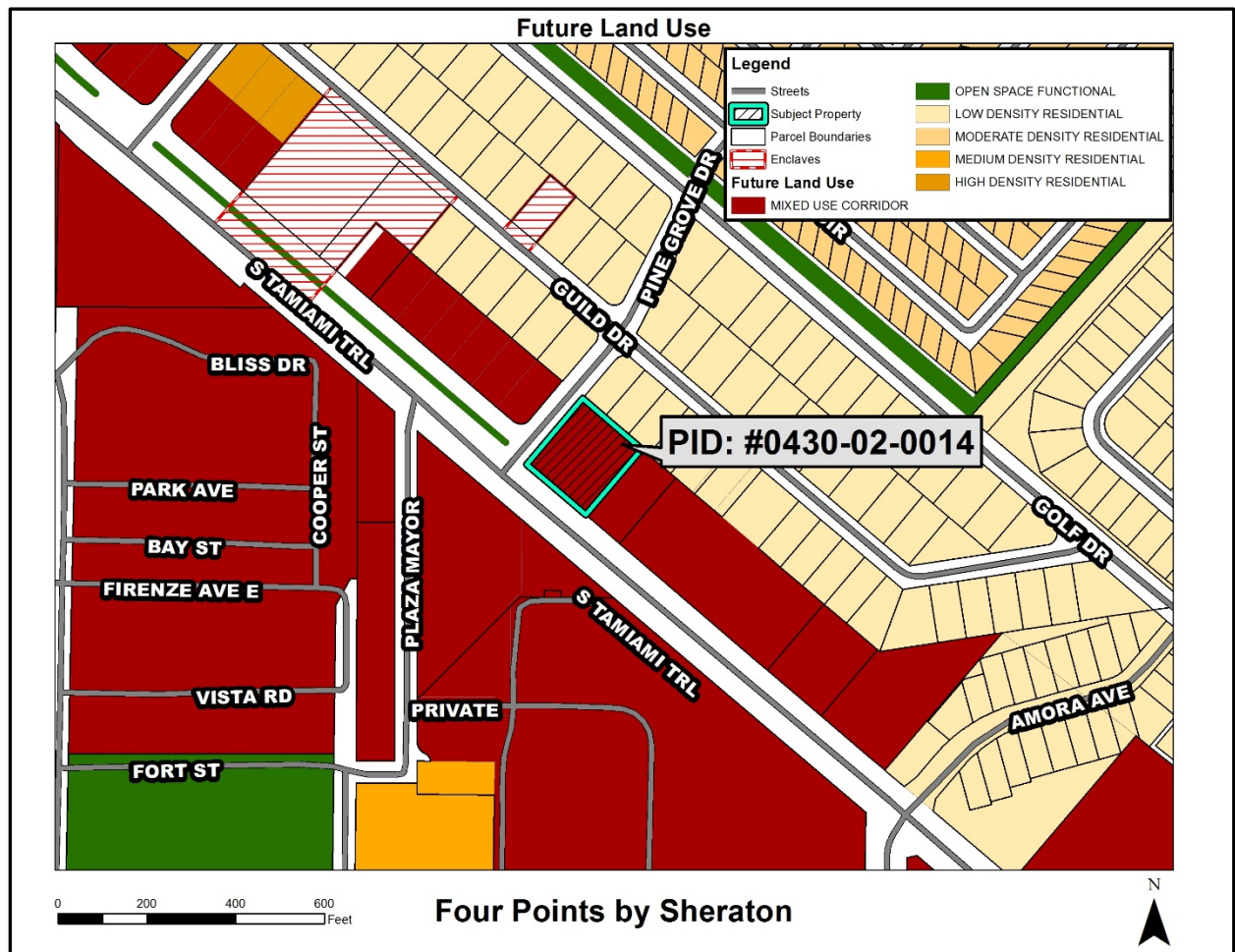
Single-family detached residence
abutting the east boundary of the
subject property



Village on the Isle across U.S.
41 Business

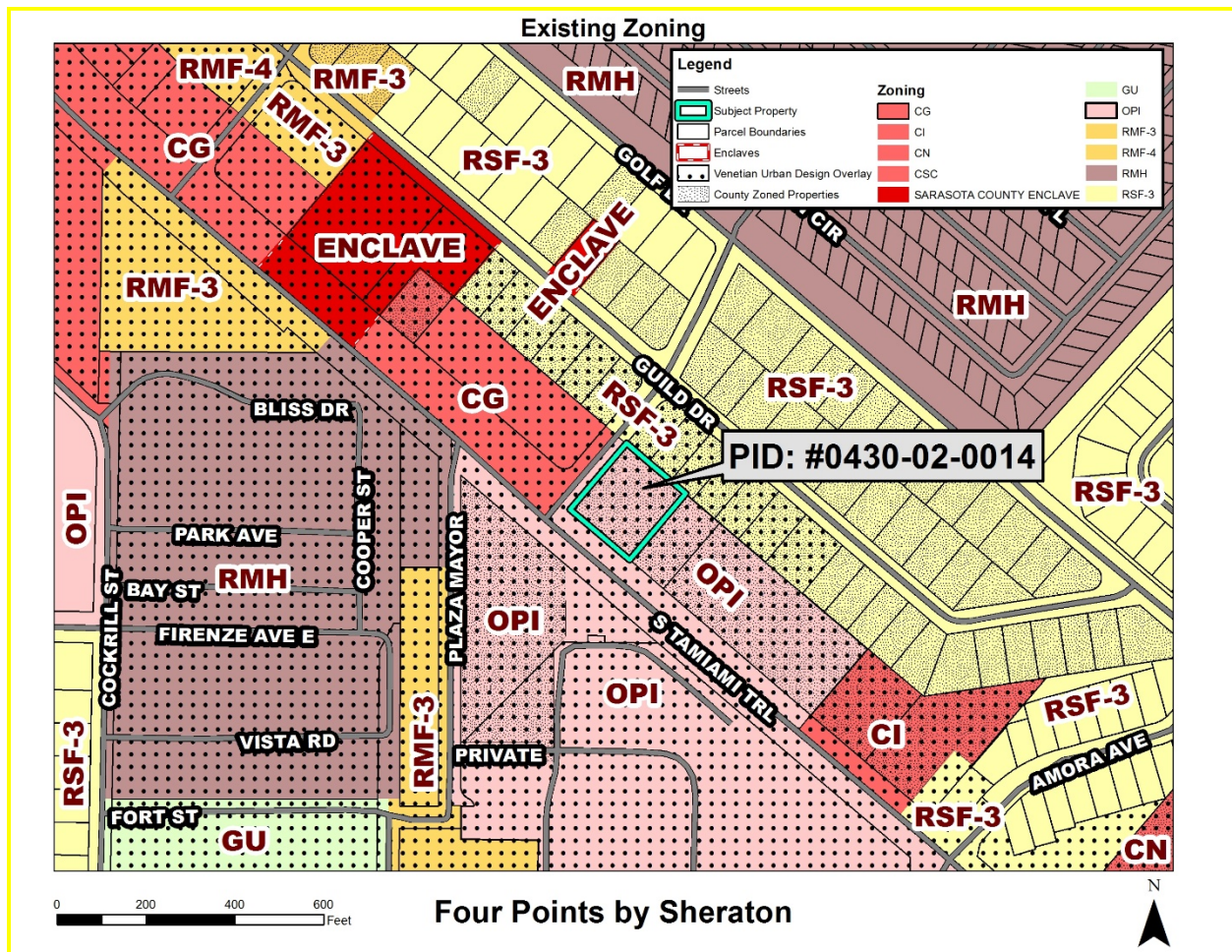
Future Land Use

The subject property is located in the 2,817-acre Island Neighborhood. The Future Land Use Map on the following page shows the future land use map designation for the subject property and adjacent properties. The subject property has a Mixed Use Corridor (MUC) designation. Adjacent properties to the south and west of the subject property also have a MUC designation while adjacent properties to the north and east have a Low Density Residential designation.



Zoning Designation

The map on the following page shows the existing zoning of the subject and adjacent properties. The subject property is zoned **Sarasota County** Office, Professional and Institutional (OPI) and is in the **City of Venice** Venetian Urban Design (VUD) overlay district. Adjacent zoning districts include **Sarasota County** and **City of Venice** OPI to the south of the subject property, **Sarasota County** OPI to the west, **City of Venice** CG to the north, and **Sarasota County** Residential, Single-Family 3 (RSF-3) to the east. All of the adjacent properties have a **City of Venice** VUD overlay zoning designation.



Permitted uses in the **Sarasota County** OPI district are generally office and institutional uses that include but are not limited professional and business offices, banks, and churches.

Under the proposed zoning map amendment, the existing **City of Venice** Venetian Urban Design (VUD) overlay district designation will remain. It is important to note that permitted uses in the existing VUD designation include commercial retail and service, office, multifamily dwellings and a variety of other uses. Hotels/lodging and drive-throughs are the two special exception uses in the VUD district. VUD district regulations include architectural design standards, standards for landscaping, screens and buffers, and parking standards.

The table on the following page summarizes the existing uses and current zoning and future land use designations on properties adjacent to the subject property.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North along U.S. 41 Business	Undeveloped commercial property	City of Venice Commercial, General (CG) and City of Venice Venetian Urban Design (VUD)	Mixed Use Corridor (MUC)
East, toward the rear of the subject property	Single-family detached residential	Sarasota County Residential, Single-Family 3 (RSF-3) and VUD	Low Density Residential
South along U.S. 41 Business	Professional office	Sarasota County Office, Professional and Institutional (OPI) and VUD	MUC
West across U.S. 41 Business	Village on the Isle and church	Sarasota County and City of Venice OPI and VUD	MUC

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with Zone X and Zone X500 FIRM designations with moderate to low flood risk. These flood zone designations are not in a Special Flood Hazard Area and therefore not subject to base flood elevation requirements. Development of the property will be subject to compliance with applicable FEMA requirements.

IV. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates 1) how the existing Sarasota County OPI and City of Venice VUD zoning compares to the proposed City of Venice CG zoning with regard to allowed uses and development standards, 2) consistency with the comprehensive plan, and 3) compliance with the city's concurrency management regulations and the project's expected impacts on public facilities.

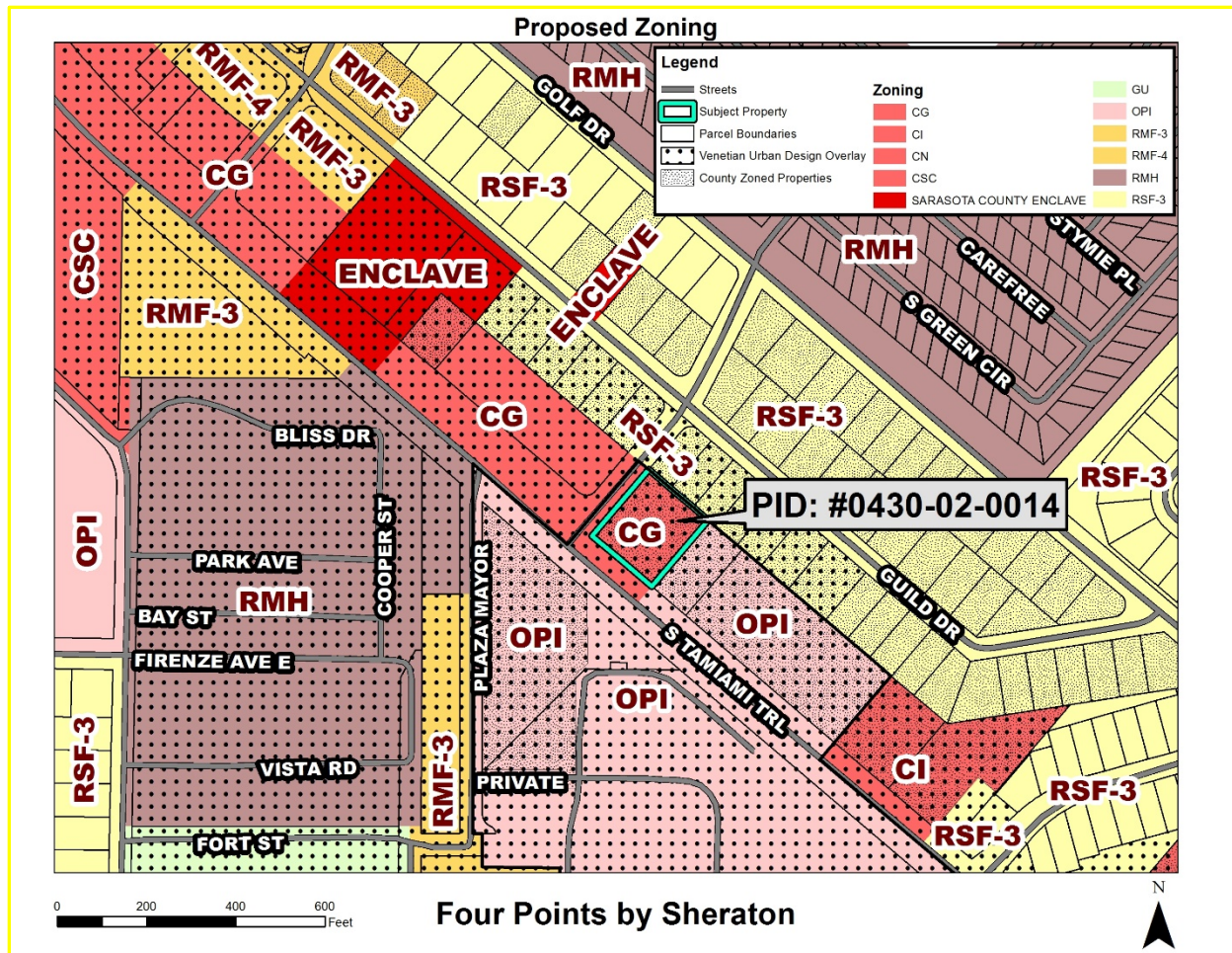
A. Comparison of Existing Sarasota County OPI and City of Venice VUD Zoning and Proposed City of Venice CG Zoning

Proposed Zoning Map Amendment:

The applicant has submitted a zoning map amendment application to rezone the subject property from Sarasota County Office, Professional and Institutional (OPI) to City of Venice Commercial, General (CG) and retain the existing City of Venice Venetian Urban Design (VUD) overlay district designation. The map on the following page is the proposed zoning map showing the subject property with the requested City of Venice CG zoning. The zoning map amendment extends City of Venice CG zoning across Pine Grove Drive to include the subject 0.78-acre property. The proposed City of Venice CG zoned property would abut Sarasota County RSF-3 zoning to the east, Sarasota County OPI zoning to the south, Sarasota County OPI zoning to the west, and City of Venice CG to the north.

The city needs to give the subject property some City of Venice zoning designation and that zoning designation needs to be consistent with Strategy LU 1.2.9 that identifies various zoning districts that implement the property's Mixed Use Corridor (MUC) future land use designation. The proposed City of Venice CG district is one of

implementing zoning districts for the MUC future land use designation.



Comparison of Existing **Sarasota County** OPI and Proposed **City of Venice** CG Use Regulations:

In comparing the existing and proposed underlying zoning districts, it is important to keep in mind that the existing City of Venice VUD overlay zoning designation currently applies to the subject property and will continue to apply when the subject property is given a City of Venice underlying zoning designation.

The table on the following page provides a summary of the permitted and special exception uses in the VUD overlay district.

Type of Allowed Uses in the VUD District	Listed uses in Sections 86-122(c) and (g)
Permitted Uses	Government Uses
	Convention centers and auditoriums
	Retail and service establishments such as bars or taverns for on-premises consumption of alcoholic beverages, reducing salons or gymnasiums and nightclubs
	Professional and business offices, and medical or dental clinics
	Banks and financial institutions, without drive-in facilities
	Open air cafes as accessory to restaurants
	Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), fast-food restaurants, photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.
	Retail outlets for sale of home furnishings and appliances (including repair incidental to sales), office equipment or furniture, antiques or hardware, pet shops and grooming (but no animal kennels), and existing automotive convenience centers and automotive repair.
	Publicly owned parks, recreation areas, and uses and structures appropriate to such activities.
	Private clubs and libraries
	Existing railroad rights-of-way
	Multifamily dwellings
	Residential dwellings above the first floor of any structure.
	Miscellaneous uses such as commercial parking lots and parking garages.
Special Exception Uses	Hotels/lodging
	Drive-throughs

The table on the following page provides a summary of permitted and special exception uses in the existing Sarasota County OPI district and the proposed City of Venice CG district. Exhibit A provides the entire use regulations for the proposed City of Venice CG district. The use regulations for the CG district are contained in a multi-page table organized by use categories. Most of the use categories include typical uses, not included in the summary table, that share the characteristics of the use categories.

Zoning District	Existing County OPI District	Proposed City CG District
Permitted Uses	<p> Multifamily (multiplex, apartment) * Live-work unit * Upper story residential * Group living * Community Service Family day care home Day care facility * Adult day care home and facility College or university Day facility Elementary, middle or high school Vocational, trade or business school Medical facilities Patient family accommodations * Bank, financial institutions Institutional Civic, service organizations Existing single- and two-family dwellings Parks and open areas, except cemetery, columbaria, mausoleum, memorial park, wild animal sanctuary Passenger terminals Airport, heliport * Places of worship Neighborhood resource center * Minor utilities Stormwater facility in different zoning district than principal use Clubs and lodges Offices Community recreation facility Commercial parking <i>Research laboratory without manufacturing facility</i> </p>	<p> Professional, medical & business offices Bank, financial institutions Institutional Civic, service organizations Existing single- and two-family dwellings Retail commercial Personal and business services Commercial recreation, entertainment (completely indoors) Eating establishments Vocational, trade & business schools Marinas, docks & piers Commercial parking lots, garages </p>
Special Exception Uses	<p> Pain management clinic Multi-family dwellings Child care centers Colleges and universities Vocational, trade or business schools Sanitariums Detoxification centers Limited commercial & service activities directly related to in support of institutional and office uses Off-street parking in connection with nearby commercial uses without an intervening street Assisted living facilities Banks and financial institutions with drive-in facilities </p>	<p> Pain management clinic Multi-family dwellings Automotive service stations Motorbus terminals Essential services Outdoor display & sale of retail merchandise Temporary lodging, including hotels Outdoor recreation Plant nurseries Boat liveries Drive-in restaurants Brewpubs </p>

Comparison of Existing Sarasota County OPI and City of Venice VUD and Proposed City of Venice CG Development Standards:

The table below provides a summary of the development standards in the existing Sarasota County OPI district and City of Venice VUD district, and the proposed City of Venice CG district. The summarized development standards include maximum residential density, maximum lot coverage, maximum building height, conditional use for building height, minimum yards (setbacks), and landscaping.

Development Standard	Existing City VUD District	Existing County OPI District	Proposed City CG District
Max. Residential Density	18 units per acre	9 units per acre	18 units per acre
Max. Lot Coverage	Unrestricted	30%	30% for multiple-family dwellings; unrestricted for other permitted or permissible buildings
Max. Building Height	No Standard	35 feet	35 feet and an additional 10 feet for one story devoted primarily to parking within the structure
Allowance for Buildings Exceeding Max. Height	No Standard	Special Exception for structures in excess of 35 feet but no more than 85 feet in height	Conditional Use for structures in excess of 35 feet but no more than 85 feet in height
Min. Yards (Setbacks) ¹	Front yard: max. 15-foot setback	Front yards: 25 feet Side yards: 10 feet ² ; 20 feet when abutting residential district Additional front and side yard setbacks for buildings with a height in excess of 35 feet.	Front yards: 20 feet Side yards: 0-15 feet; 20 feet when abutting a residential district Additional front and side yard setbacks for buildings with a height in excess of 35 feet.
Landscaping	Performance standards contained in Section 86-122(m); along U.S. 41 Bus. frontage, 1 tree every 25 feet and a five foot high shrub row	No Standard	Landscape buffer required in minimum 20-foot wide side yards that abut residentially zoned property.

Notes:

- 1 Rear yard (setbacks) are excluded due to the fact the subject property is a corner lot with two side yards and no rear yard.
- 2 Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.

B. Consistency with the Comprehensive Plan

The 2017 Comprehensive Plan identifies the subject property as being within the 2,817-acre Island Neighborhood. The Island Neighborhood is the second largest neighborhood in the city. The subject property has a Mixed Use Corridor (MUC) future land use designation. The following analysis includes review of significant strategies found in the Land Use Element of the 2017 comprehensive plan.

Land Use Strategy LU 1.2.9 identifies the proposed CG district as one of the implementing zoning districts for the Mixed Use Corridor (MUC) designation. As such, the proposed zoning map amendment is consistent with this land use strategy.

Strategy LU 4.1.1 brought forward from the 2010 Comprehensive Plan into the 2017 Comprehensive Plan, on a transitional basis, includes Policy 8.2, Land Use Compatibility Review Procedures.

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 has elected to have the subject zoning map amendment petition brought forward to public hearing before the Planning Commission in advance of the other concurrently processed land development applications. The subject petition does not include development plans and, without such plans, the above development characteristics (Policy 8.2 A through D) cannot be evaluated. Evaluation of the development characteristics will be included in the review of any future development (e.g. site and development plan) of the subject property.

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.

A single-family neighborhood is adjacent to the subject property. Three single-family residential properties abut the east side of the subject property. There is potential for incompatibility along the property line shared by the subject property and these three abutting single-family residential properties.

The intent section of the OPI district describes land use character of the district and closes with a statement that the OPI district is designed to be compatible with residential uses. The proposed CG district intent statement, as well as all of the district regulations, do not provide any statement regarding the district's compatibility with residential uses. The CG district use regulations provide for a wide range of uses, including multi-family dwellings, office and institutional uses, and general commercial uses.

It is important to note that permitted uses in the existing VUD designation include commercial retail and service, office, multifamily dwellings and a variety of other uses. Hotels/lodging and drive-throughs are the two special exception uses in the VUD district.

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

Both the existing OPI zoning and the proposed CG zoning do not allow industrial uses. The table on page 10 provides a summary of permitted and special exception uses in the OPI and CG districts, and Exhibit A provides the full use regulations for both districts.

The Land Development Code specifies that the existing OPI district is designed to be compatible with residential uses. The proposed CG district allows commercial uses, which have the potential of not being compatible with the abutting RSF-3 district.

- 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.

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.

Information on existing uses is provided with the aerial photograph on page 4, the photographs of adjacent existing uses on pages 4 and 5 and the table on page 8 which identifies existing uses adjacent to the subject property.

The subject petition does not specifically propose a use for the subject property. The table on page 10 summarizes the permitted and special exception uses in the proposed CG district and the table on page 11 summarizes the development standards contained in the CG district. The complete use regulations and development standards contained in the CG district are provided in Exhibit A.

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

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

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 development of the subject property will require site and development plan approval. It is during this process that full review of the project will occur, including 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.

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

The subject petition may be found consistent with the Land Use Element strategies applicable to the Mixed Use Corridor (MUC) future land use designation and Policy 8.2 regarding compatibility. The subject petition may be found consistent with the Comprehensive Plan.

C. Compliance with the Land Development Code

The subject petition has been processed 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 considerations in which additional information can be brought to the Planning Commission's attention.

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

Applicant's Response: The Subject Property is located within the Southern Gateway Planning Corridor – Planning Area C. Per the Comprehensive Plan, Policy 16.5 the planning intent of the Southern Gateway Corridor is “to develop a mixed-use area with medical facilities, professional and medical office space, multi-family residences, mixed-use commercial areas, retail shops, entertainment, marine services, hotels, and restaurants.”

Staff Comment: *At the time of initial application, the subject property had a future land use designation of Southern Gateway Corridor, Planning Area C. Currently, in accordance with the 2017 Comprehensive Plan, the subject property is in the Island Neighborhood and has a Mixed Use Corridor (MUC) future land use designation.*

(b) The existing land use pattern.

Applicant's Response: The existing land use pattern is generally in conformance with the stated Planning Intent (see Policy 16.5) for the Southern Gateway Corridor in the Comprehensive Plan.

Staff Comment: *There is a distinct existing land use pattern on the east side U.S. 41 Business, between Guild Drive and U.S. 41 Business, both north and south of Pine Grove Drive. The area between U.S. 41 Business and Guild Drive has two types of existing land use. The western half of this area with frontage on U.S. 41 Business has a variety of commercial uses or vacant land with non-residential zoning. The eastern half of this area with frontage on Guild Drive has single-family detached residences.*

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

Applicant's Response: The application seeks to rezone 805 S. Tamiami Trail from OPI to CG. The property immediately to the north at 775 S. Tamiami Trail, which is also owned by the Owner/Applicant, is currently zoned as CG.

Staff Comment: *The proposed zoning map amendment extends the existing CG district to the south side of Pine Grove Drive.*

- (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 hotel will serve guests on a temporary basis and provide employment to City residents. While it is anticipated that the adjoining streets and City utilities will not be overtaxed by the hotel, the Site and Development Plan, and the Concurrency Determination applications will specifically address potential impacts to streets and utilities.

Staff Comment: *Based on a preliminary concurrency analysis, no issues were identified by staff regarding the availability of adequate public facilities to accommodate development in compliance with the proposed zoning district. School concurrency is not required for the proposed rezone to a commercial district intended to facilitate the development of a hotel.*

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

Applicant's Response: The subject property is immediately adjacent to both OPI and CG districts. Therefore, the property is properly positioned for either OPI or CG uses, and the existing boundaries do not appear to be illogically drawn.

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

Applicant's Response: The applicant is not aware of any changed, or changing conditions that would make the Amendment from OPI to CG for the Subject Property be unnecessary.

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

Applicant's Response: Changing the zoning for the Subject Property from OPI to CG will not adversely influence the living conditions in the neighborhood.

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

Applicant's Response: As currently zoned in OPI, the Subject Property could be developed as a hospital, nursing home, museum, place of worship, etc. These uses would generally result in more traffic-trips than an employee parking lot at a hotel, as is the intended use of the property.

***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 subject petition. Transportation concurrency will continue to be evaluated when the project moves forward with site and development plan application.*

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

Applicant's Response: The site will ultimately be designed to properly manage all storm water on-site, and, if necessary, properly discharge the storm water to properly permitted facilities either with the City of Venice, or FDOT. All storm water management systems would be designed to meet or exceed the criteria of the City of Venice and the Southwest Florida Water Management District (SWFWMD).

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

Applicant's Response: The proposed change for the Subject Property from OPI to CG would not result in a serious reduction in 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 from OPI to CG is sought such that the Subject Property can be utilized as an employee parking lot for a proposed hotel. The proposed parking area would be heavily landscaped, properly lit, and will ultimately meet or exceed many of the criteria in the City's code. As stated in item "(h)" above, as currently zoned, the Subject Property, as currently zoned, could be developed as a hospital, nursing home, museum, place of worship, amongst other permitted uses.

- (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: As proposed, the Subject Property will be an employee parking area for a hotel. The hotel will be an amenity for the community, and the hotel will be designed and constructed to the high standards of the Four Points by Sheraton brand. The hotel will be a job creator for the community, and we feel, would encourage additional development in the area, that is consistent with the intent of the VUD and the Southern Gateway Planning Corridor.

- (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: Changing the Subject Property's zoning designation from OPI to CG would 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: Ultimately, the applicant seeks to develop the property as a parking lot for the hotel at 775 S. Tamiami Trail (adjacent property). The proposed change would ensure that both properties share the same zoning designations going forward.

Staff Comment: After the 2002 annexation, the subject property retained its Sarasota County OPI zoning designation. The city needs to give the subject property some City of Venice zoning designation.

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

Applicant's Response: The Subject Property will be part of an up-scale hotel. We believe that the hotel is appropriate and will be useful to the City and its guests, and as we understand, the City generally believes that there is a need for a hotel in this portion of 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 Land Development Code. The property has a Mixed Use Residential (MUC) future land use designation and proposed CG district is an implementing zoning district for the MUC designation. Non-residential uses are currently allowed on the subject property; the proposed zoning map amendment, if approved, will allow additional commercial uses on the subject property. Land use compatibility mitigation techniques may be needed to ensure future development of the subject property is not out of scale with the needs of the abutting neighborhood.

(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 applicant owns the Subject Property and the adjacent property at 775 S. Tamiami Trail. Very few properties remain available in the City that would be suitable for a hotel development such as is planned for these sites. The Subject Property is proposed to serve as a hotel parking lot and the proposed change would ensure that both properties (805 and 775 S. Tamiami Trail) share the same zoning designations going forward.

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

The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

D. Concurrency

At the rezone stage for a project that is not for a proposed planned zoning district, 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 makes use of two development scenarios to evaluate impacts on public facilities: maximum development potential under existing zoning and maximum development potential under the proposed zoning.

For maximum development potential under existing OPI zoning, the applicant used a development scenario of a 30,750 square foot medical-dental office. For maximum development potential under proposed CG zoning, the applicant prepared two development scenarios: a 103-room hotel and a 5,500 square foot convenience store with six fueling stations.

City departments responsible for concurrency reviewed the applicant's development scenarios for impacts to sanitary sewer, potable water, parks, solid waste, drainage and transportation facilities and it was preliminary determined there currently are adequate public facilities available to accommodate the expected development of the subject property.

The following table shows the estimated p.m. peak hour trips generated from each of the development scenarios.

Development Scenario	Existing/Proposed Zoning	P.M. Peak Hour Trips
Medical-Dental Clinic	OPI	106
Hotel	CG	51
Convenience Store (based on square footage)	CG	271
Convenience Store (based on no. fueling positions)	CG	138

The transportation analysis show that a CG-zoned hotel generates less p.m. peak hour trips than an OPI-zoned medical-dental cline (51 trips for the hotel versus 106 trips for the medical-dental clinic). However, both measures of a CG-zoned convenience store with fueling positions have greater p.m. peak hour trips than an OPI-zoned medical-dental clinic (138 or 271 trips for the convenience store versus 106 trips for the medical dental clinic). The segment of U.S. 41 Business between San Marco Drive and Avenido Del Circo has adequate capacity to accommodate each of the individual development scenarios.

School concurrency is not required for the proposed rezone to a commercial district intended to facilitate the development of a hotel. Finally, with the adoption of the 2017 Comprehensive Plan, level of service (LOS) standards have been established for each of the below public facilities and services. To date, these adopted standards have not been implemented in the Land Development Code.

- 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, no issues have been identified regarding current 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.

V. 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.