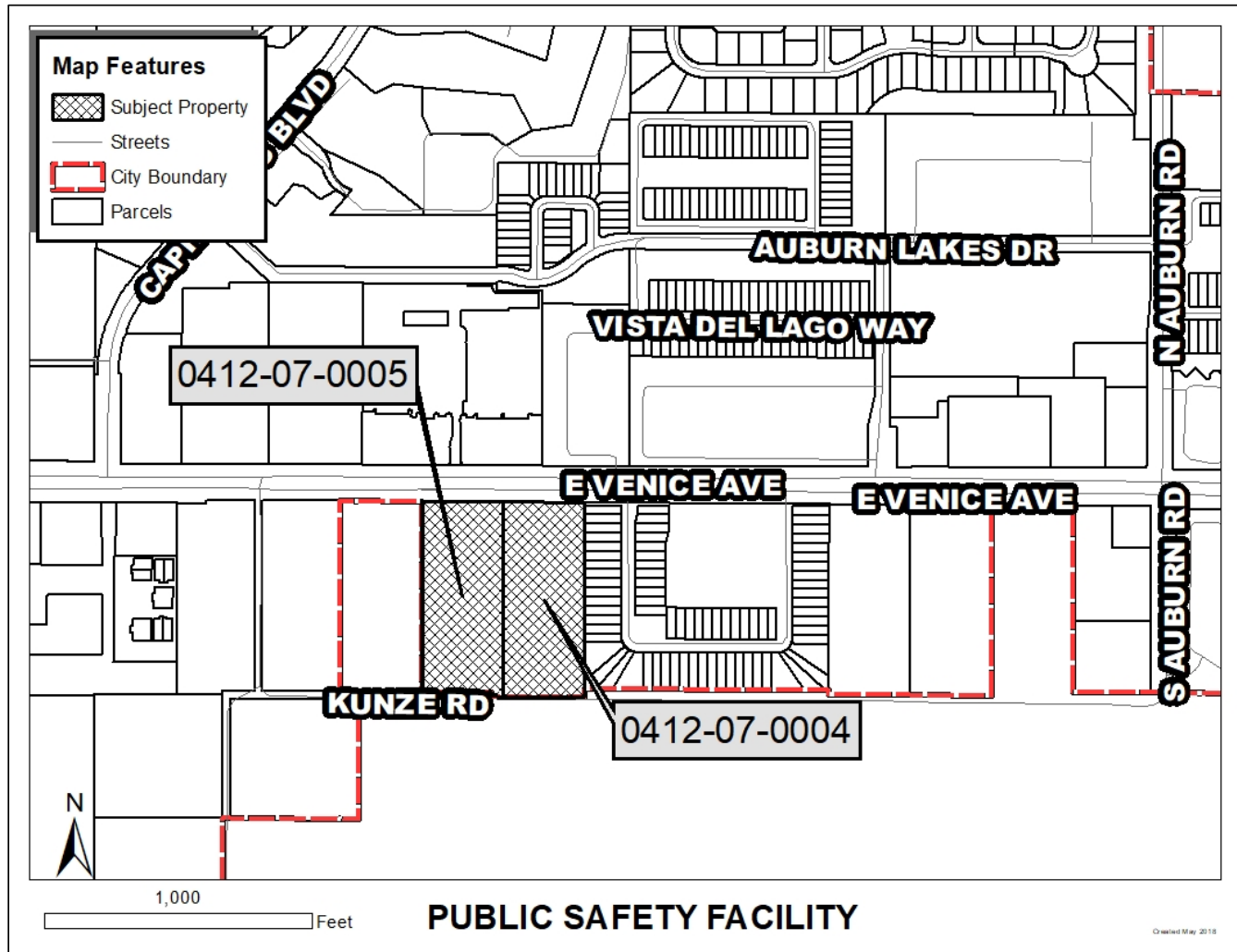




# REZONE: PUBLIC SAFETY FACILITY STAFF REPORT

June 19, 2018

18-01RZ



**PETITION NO.:** 18-01RZ Public Safety Facility

**REQUEST:** Zoning map amendment to rezone the subject 10.13 acre  $\pm$  property from Sarasota County Open Use Estate (OUE) to City of Venice Government Use (GU) and retaining the Venetian Gateway (VG) overlay district.

## GENERAL DATA

**Owner:** City of Venice

**Agent:** City Staff

**Address:** E. Venice Avenue

**Property ID's:** 0412-07-0004 and 0412-07-0005

**Property Size:** 10.13 acres  $\pm$

**Future Land Use:** Government

**Neighborhood:** East Venice Avenue Neighborhood

**Existing Zoning:** Sarasota County OUE/VG

**Proposed Zoning:** City of Venice GU/VG

**Application Date:** April 25, 2018

## ASSOCIATED DOCUMENTS

- A. Application Information
- B. Pre-Annexation Agreement – for the most part, the agreement is consistent with other similar agreements. There is a requirement for dedication of a 30 foot right-of-way adjacent to the subject property's southern boundary line to facilitate any future right-of-way needs. Need will be determined during site and development plan review.
- C. Attached Exhibit A – Code Section 86-110 Government Use (GU) and Section 86-120, Venetian Gateway (VG)

## I. EXECUTIVE SUMMARY

The subject 10.13-acre property is the proposed site of the City's new public safety facility to include a police station and incident command center. The property is currently under a Sarasota County designation of OUE and is required to be rezoned to a City zoning designation prior to any development of the site. This is a City initiated rezoning and the property is proposed to be rezoned to the City's Government Use designation which is appropriate for the proposed government facility and is also identified as an implementing district for the existing Government land use designation. The property will retain the existing VG overlay designation.

Based on the submitted application materials, staff 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 Government 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 development of the subject property.*

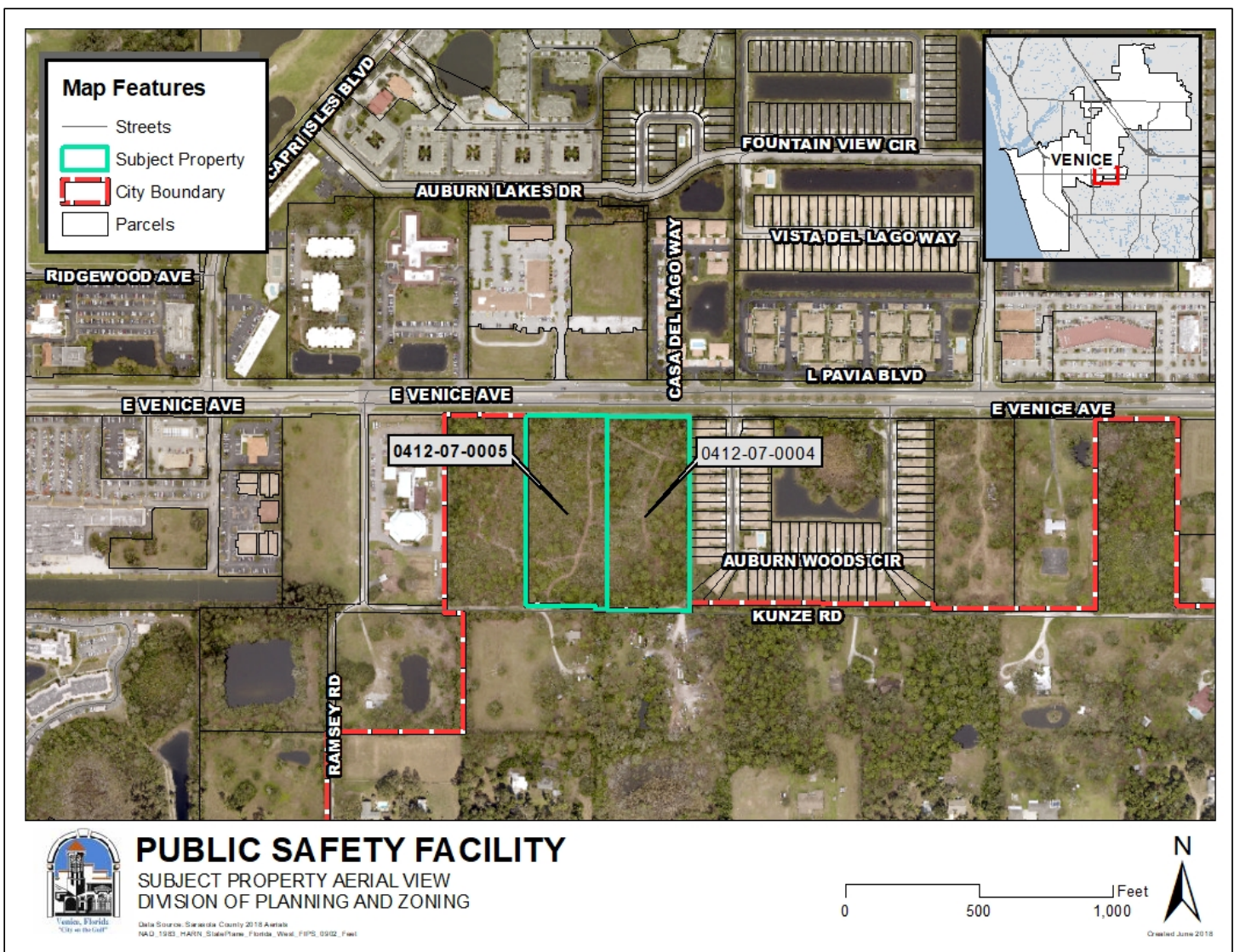
## II. BACKGROUND INFORMATION

- The subject property was annexed into the City on May 22, 2007 through City Council's adoption of Ordinance No. 2007-27.
- On November 8, 2016 a referendum for a Public Safety Improvement Bond was approved by the City taxpayers to finance the construction of a new public safety facility.

- On April 7, 2017, the subject 10.13± acre site was purchased by the City.
- Professionals have been hired by the City and are currently active in design of the project.

### III. EXISTING CONDITIONS

The aerial photograph below shows the undeveloped subject property located on the south side of E. Venice Avenue between Capri Isles Blvd. and Auburn Road. The property is adjacent to the Auburn Woods residential subdivision to the east, Kunze Road and large lot residential County properties to the south and a vacant 5-acre tract to the west. Across E. Venice Avenue is a combination of commercial and multi-family residential properties. Following the aerial photograph are photographs showing the existing uses that abut the subject property.







View looking east – subject  
property on the right



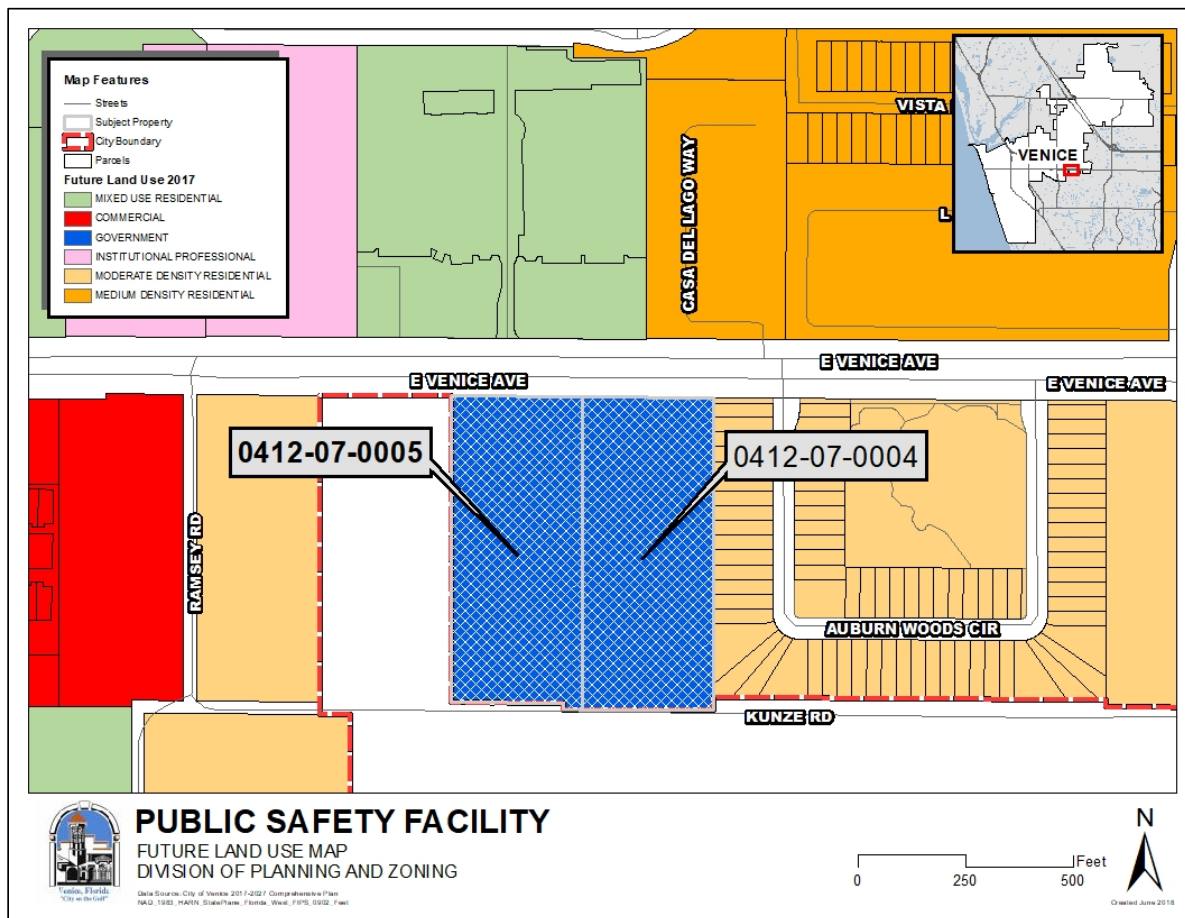
View looking west – subject  
property on the left. Galleria  
Plaza on the right



View looking west – subject  
property on the left.

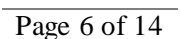
## *Future Land Use*

The subject property is located in the East Venice Avenue Neighborhood. This neighborhood is a predominately residential area with significant commercial activity along East Venice Avenue and serves as an eastern gateway into the City. The Future Land Use Map below shows the future land use map designation for the subject property and adjacent properties. The subject property has a Government designation. Adjacent property to the east of the subject property is designated as City Moderate Density Residential, across Kunze Road to the south and west is Sarasota County Medium Density Residential. Across E. Venice Avenue to the north is City Mixed Use Residential (MUR) and Medium Density Residential.





The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Sarasota County OUE and is in the City's Venetian Gateway (VG) overlay district. Adjacent zoning districts include City Residential, Multi-Family-2 (RMF-2)/VG to the east, across Kunze Road to the south and west is Sarasota County OUE, and City RMF-2 and Planned Unit Development (PUD) to the north across E. Venice Avenue, both include the VG overlay district.



The table below 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	E. Venice Ave. and Commercial and Multi-Family residential	RMF-2/VG and PUD/VG	Mixed Use Residential (MUR) & Medium Density Residential
East	Single-family attached residential	RMF-2/VG	Moderate Density Residential
South	Kunze Road and large lot residential	Sarasota County OUE/VG	Sarasota County Medium Density Residential
West	Vacant	Sarasota County OUE/VG	Sarasota County Medium Density Residential

*Zoning and Land Use is City of Venice unless otherwise noted.*

### ***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**

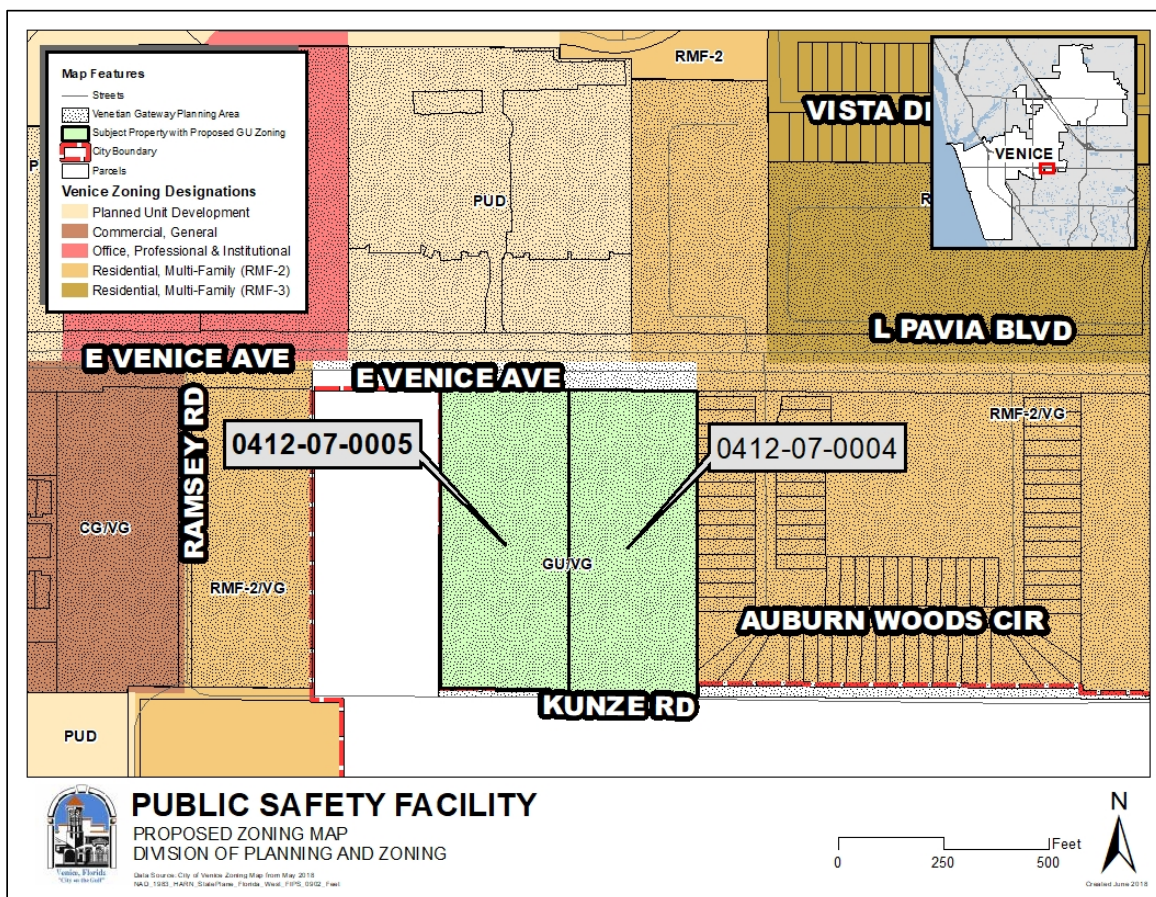
In this section of the report, analysis of the subject rezone petition evaluates 1) how the existing zoning designation compares to the proposed zoning designation with regard to uses and development standards, 2) consistency with the comprehensive plan, and 3) compliance with the city's concurrency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

### ***A. Comparison of Existing OUE/VG Zoning and Proposed GU/VG Zoning***

The subject property is currently zoned Sarasota County OUE. Based on the pre-annexation agreement and the City's requirements, the property must be rezoned to a City designation prior to any development of the site. The table below indicates some of the standards of the existing and proposed zoning designation along with the land use designation provided in the City's Comprehensive Plan. It is important to note that the property is proposed to be developed for non-residential purposes so comparison of an exhaustive list of uses and, especially development standards, would not be beneficial at this point.

	Existing Zoning OUE/VG	Proposed Zoning GU/VG	Comp Plan (No Change)	Applicant Proposed Development
<b>Density</b>	1 du/5 acres	18 du/acre	0	NA
<b>Dwelling Units</b>	2	180	0	0
<b>Height</b>	35 feet	35 feet	42 feet	Not Available
<b>Architecture</b>	Northern Italian Encouraged	Northern Italian Encouraged	Northern Italian Required	Not Available
<b>Uses</b>	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium*	Parks, Government Buildings, Schools, Libraries, Hospitals, Airports, Telecommunication Antennae, Other Public Facilities*	Government Facilities which support the City.	Public Safety Facility

\*Not an exhaustive list of uses.





***B. Consistency with the Comprehensive Plan***

The 2017 Comprehensive Plan identifies the subject property as being within the 558-acre East Venice Avenue Neighborhood. The subject property has a Government 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 1.2.4 identifies the proposed GU district as the only implementing zoning district for the Government 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 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 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.***

*The subject site borders single-family properties to both the east and south. The Auburn Woods subdivision is located to the south and it is noted that the applicant indicated their increased involvement in the project. Single-family residential properties to the south are on large tracts (5 acres) and are separated by Kunze Road.*

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

*There are no commercial or industrial uses being proposed for the site. The intent is for development of a public safety facility to include a police station and incident command center.*

***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.**

*A comparison of the densities and intensities of potential uses is provided in this report in section IV. A. Adjacent to the site for the most part is single-family residential uses, either Auburn Woods or the large lot subdivision of Kent Acres across Kunze Road in the County. The Auburn Woods representatives have been proactive in their involvement with this property. And as indicated earlier in this report, although the GU designation does not contain maximums for most development standards, the VG overlay district does limit building height to 35 feet similar to the OUE. In addition, it will also require increased landscaping and buffering which are techniques used to address potential incompatibility.*

*The subject petition does not specifically propose a use for the subject property and all potential uses must be considered, although the City's intent is clear. The complete use regulations and development standards contained in the GU and VG 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.

Future development of the subject property will require site and development plan approval by the Planning Commission. 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 Government 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 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 adopted Comprehensive Plan designates this property as Government Use. This is a required rezone to transfer Sarasota County zoning designation to City of Venice Zoning Designation. In addition to the GU zoning district is identified as an implementing district for government land use properties.

- (b) The existing land use pattern.

**Applicant's Response:** The Comprehensive Plan identifies Government Use Zoning District as an implementing district for the existing government land use.

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

**Applicant's Response:** This property has been identified and approved by the City for the location of proposed government facilities.

**Staff Comment:** *The proposed district will be isolated similar to most other properties that are zoned GU and provide City services. The rezoning is being proposed in order to facilitate development of a new public safety facility that is necessary to serve the increased growth of the City. It is also important to note that the bond referendum information indicated a location on East Venice Avenue but not specifically the subject property.*

- (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:** All appropriate approvals will be obtained through future development procedures and available capacity of public facilities will be confirmed.

**Staff Comment:** *Adequate capacity of public facilities will be confirmed at the point of development. The proposed public safety facility will not impact schools as it is not a residential project.*

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

**Applicant's Response:** The district boundaries are consistent with the parcels identified as the subject property.

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



**Applicant's Response:** The property is currently county zoned and is required to be zoned to a city zoning designation prior to development.

**Staff Comment:** *In addition to the requirement to designate the property with City zoning, the proposed amendment is necessary to provide facilities to serve a growing community.*

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

**Applicant's Response:** The City has gone above and beyond to involve the adjacent property owners. In addition, this project was approved by the residents of Venice through a formal bond referendum that included the project location.

**Staff Comment:** *It is noted that the applicant has indicated increased involvement in the project by the residents of Auburn Woods.*

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

**Applicant's Response:** All appropriate approvals will be obtained through future development procedures and available capacity of public facilities will be confirmed.

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

**Applicant's Response:** All drainage issues will be addressed and resolved through the development process. The property is not currently in a Special Flood Hazard Area.

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

**Applicant's Response:** The project will comply with all standards required for development of the site.

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

**Applicant's Response:** A Public Safety Facility will enhance the neighborhood safety and reduce potential density immediately adjacent to the property.

- (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 property will not negatively impact the development of the adjacent properties.

- (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 property is being rezoned because it is required to be rezoned from county to city designation prior to development. This project was approved in a voter bond referendum by the residents of the City of Venice.

**Staff Comment:** *It is important to note that the bond referendum information indicated a location on East Venice Avenue but not specifically the subject property.*

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

**Applicant's Response:** The property is being rezoned because it is required to be rezoned from county to city designation prior to development.

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

**Applicant's Response:** This property has been identified and approved by the City for the location of proposed government facilities.

**Staff Comment:** *It is important to note that the bond referendum information indicated a location on East Venice Avenue but not specifically the subject property. The proposed amendment is necessary to provide facilities to serve a growing community.*

- (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:** Most other government site are already developed and a new site had to be determined for relocation of the existing police facility. In addition, this project was approved by the residents of Venice through a formal bond referendum that included the project location.

**Staff Comment:** *It is important to note that the bond referendum information indicated a location on East Venice Avenue but not specifically the subject property.*

**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 point of development. As provided earlier, rezoning the property to GU will certainly result in an increase in potential development intensity compared to its current County designation. The City’s GU zoning designation allows for a variety of government facilities such as offices, schools, hospitals and, similar to OUE, parks and recreation areas. Although all potential uses provided by the GU zoning district must be considered, it is important to keep in mind the City’s desire and intent is to develop a new, approximately 30,000 square foot, public safety facility to include a new police station and incident command center.

One difficulty in determining potential development of the subject site is the lack of maximum standards in the proposed GU district. For this reason, staff reviewed a typical non-residential development scenario for the subject site that is directly north of the site, the Galleria Plaza. The Galleria contains approximately 10 acres and is approved for approximately 100,000 square feet of commercial, office and medical use. In addition, it contains

many of the other required improvements that limit development such as stormwater, access drives, landscaping, parking etc.

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

Finally, with the adoption of the 2017 Comprehensive Plan, level of service (LOS) standards have been established for each of the following 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

**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 development 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.