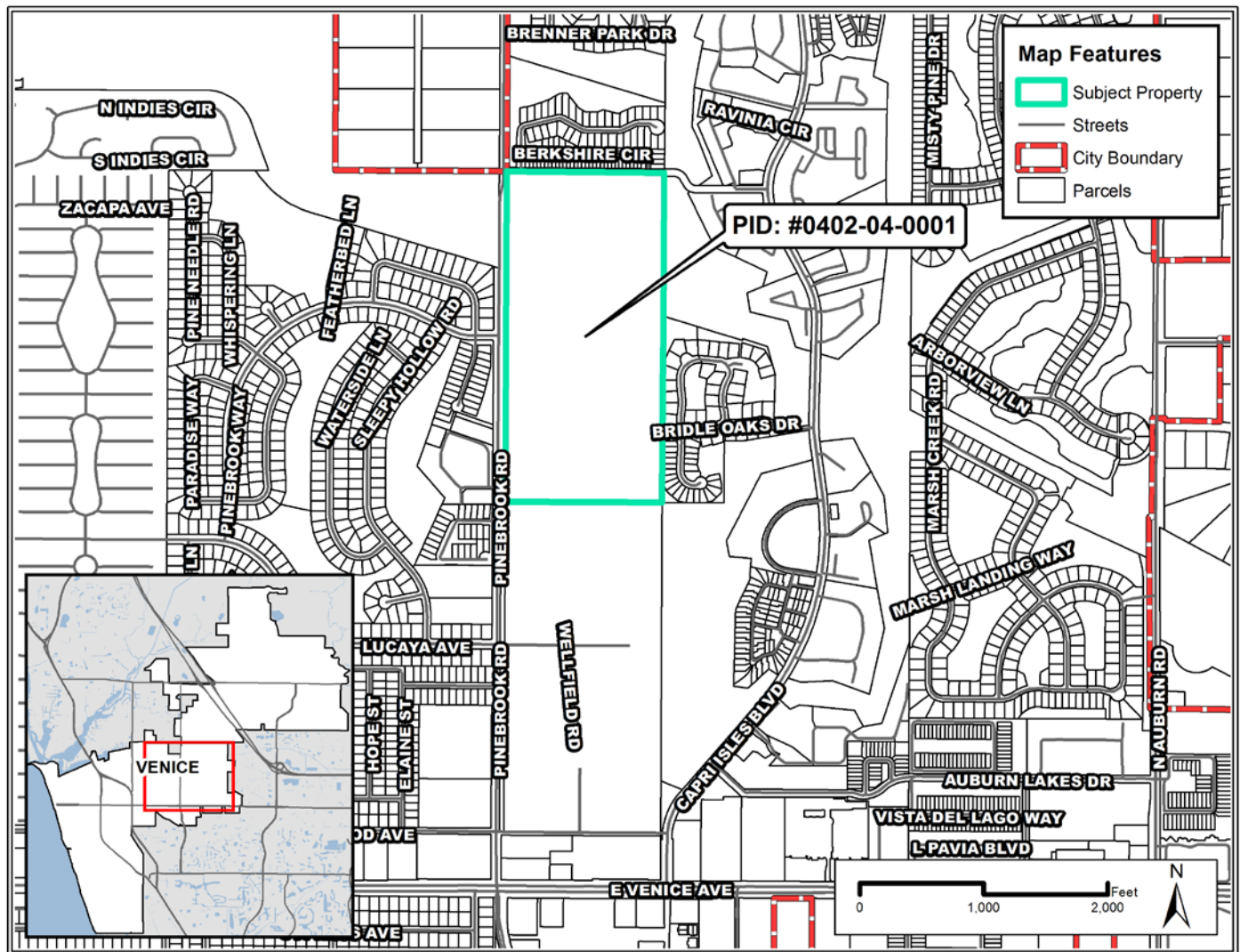




# REZONE: NORTHERN WELLFIELD PARK (PINEBROOK PARK) STAFF REPORT

9/18/2018

18-05RZ



**PETITION NO.:** 18-05RZ

**REQUEST:** Rezone the 77.22 +/- acre subject property from Government Use (GU) to Open Use, Conservation with Restrictions (OUC\*).

## GENERAL DATA

*Application Date:* 7/3/2018

*Owner:* City of Venice

*Project Address:* 1251 Pinebrook Rd.

*Parcel ID:* 0402-04-0001

*Property Size:* 77.22 +/- Acres

*FEMA Designation:* X, AE, .2 PCT Annual Chance Flood Hazard

*Future Land Use:* Conservation

*Comp Plan Neighborhood:* Pinebrook

*Existing Zoning:* Government Use (GU)

## ASSOCIATED DOCUMENTS

- A. Application Materials
- B. Exhibit A: Site Pictures

## I. EXECUTIVE SUMMARY

The City is initiating a zoning map amendment for the northern portion of the City owned property known as Wellfield Park (Pinebrook Park). The property is identified in the City's Comprehensive Plan as Conservation and consists of approximately 77.22 acres. It is mostly vacant except for a portion of adjacent sports field parking and a fitness trail that includes stations with equipment. The current zoning designation of the property is Government Use (GU) and the subject petition proposes to change the zoning designation to Open Use, Conservation with Restrictions (OUC\*).

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

**Conclusions/Findings of Fact – Consistency with the Comprehensive Plan:** The petition for rezoning the subject property from Government Use (GU) to Open Use Conservation with restrictions (OUC\*) may be found consistent with the 2017-2027 Comprehensive Plan's Land Use Element and/or Policy 8.2 regarding compatibility.

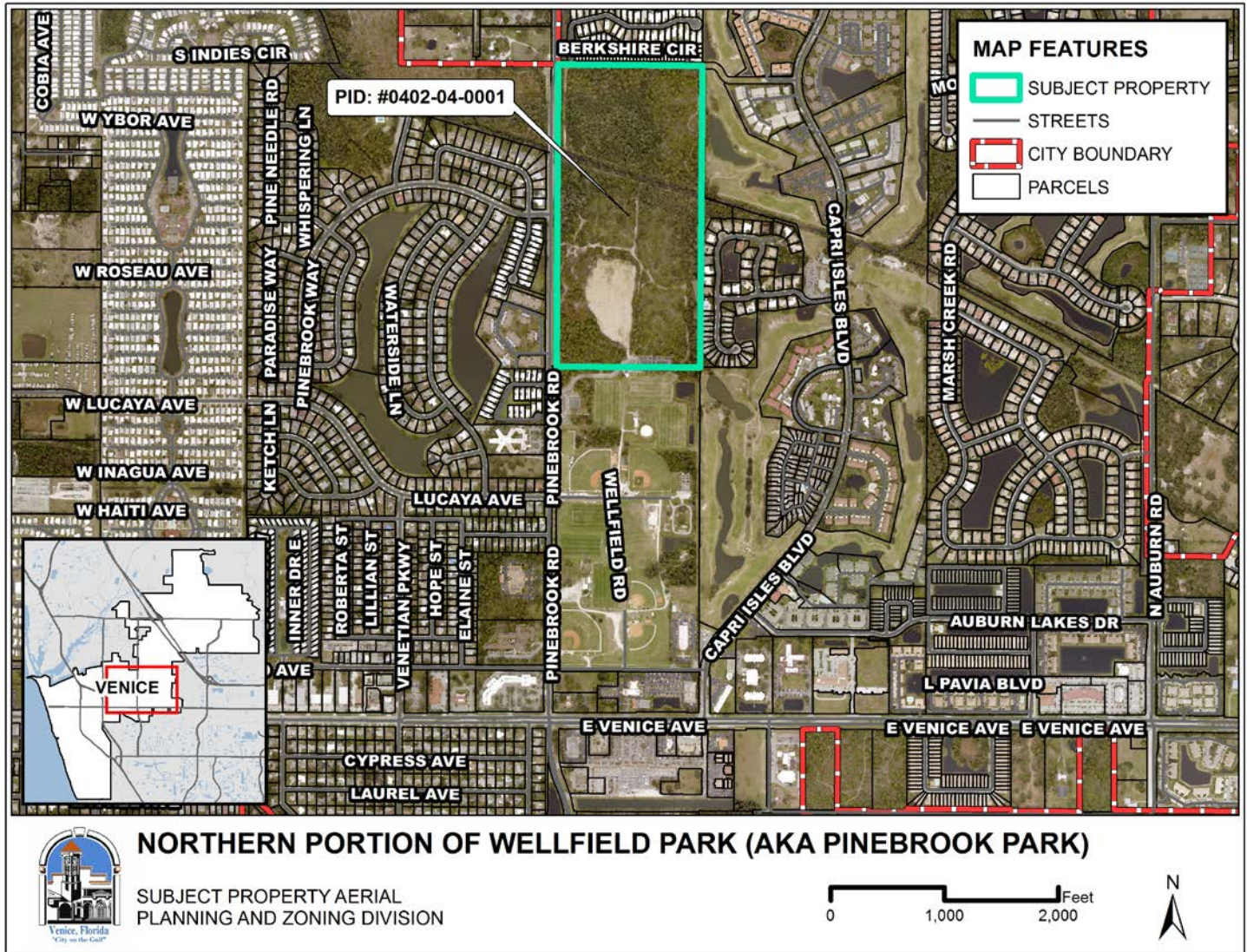
**Conclusions/Findings of Fact – Compliance with the Land Development Code:** The petition for rezoning the subject property from GU to OUC may be found consistent with the Land Development Code Section 86-47 regarding the Rezoning Criteria and/or consistent with Section 86-70 on Minimum Lot Standards for Open Use Conservation zoning designations.

**Conclusions/Findings of Fact – Concurrence:** Based on the preliminary concurrency analysis, no issues have been identified regarding current adequate public facilities.



## II. EXISTING CONDITIONS

The 77.22 +/- acre subject property is a passive park with trails, a parking lot, and other minor improvements for visitors.



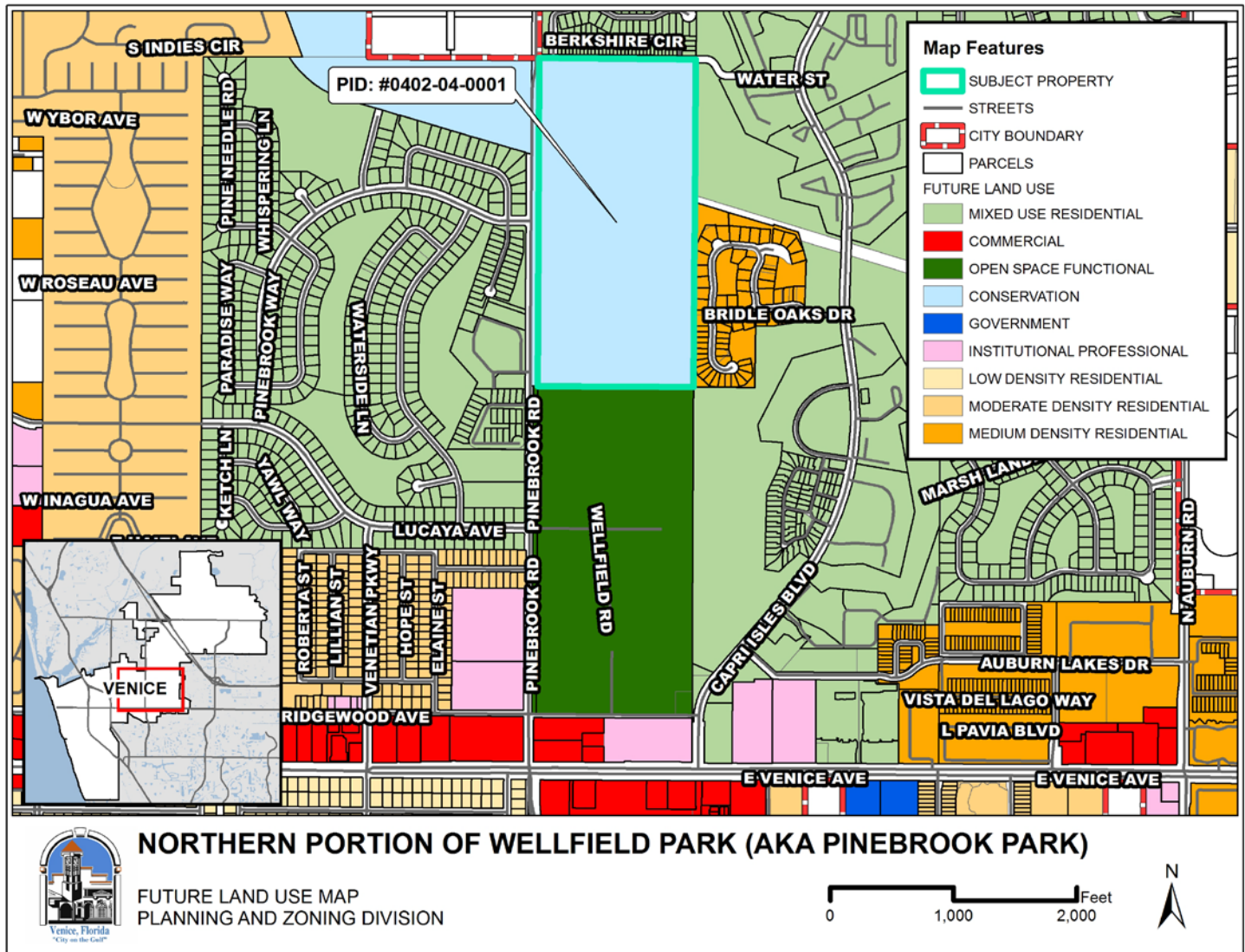
### *Future Land Use*

The subject property has a Conservation Future Land Use designation. According to Strategy LU1.2.7b of the 2017-2027 Comprehensive Plan, Conservation identifies areas of:

“Open spaces (wetland, wetland buffers, coastal and riverine habitats), preserves, native habitats including those of endangered or threatened species or species of special concern, wildlife corridors; natural lands owned and managed by the City, Sarasota County, State (i.e., FDEP, SWFWMD) or Federal Agency that do not qualify as Open Space (Functional) defined in [LU1.2.7a]; watercourses, other surface waters, aquifer recharge areas, or other areas as identified within the Open Space Element of [the] Plan.”



The properties surrounding the subject property have a Future Land Use of Mixed-Use Residential, Medium Density Residential, and Open Space Functional. According to figure LU-8, Conservation Future Land Use is presumed compatible with all other Future Land Use designations.



### Zoning Designation

The subject property currently has a Government Use Zoning Designation. According to Section 86-110 of the Land Development Regulations:

“The GU district is intended to apply to those lands where national, state or local governmental activities are conducted and where governments hold title to such lands. Any lawful government activity is permitted in these districts. It is not the intent to classify all lands owned by government into this district, but only those lands particularly and peculiarly related to the public welfare.”

The current GU designation allows for uses such as parks and playgrounds, public airports, or uses like jails, public utility facilities, or public incinerators by Special Exception. Government Use zoning does not have any minimum or maximum development standards, except a maximum density of 18 dwelling units an acre.

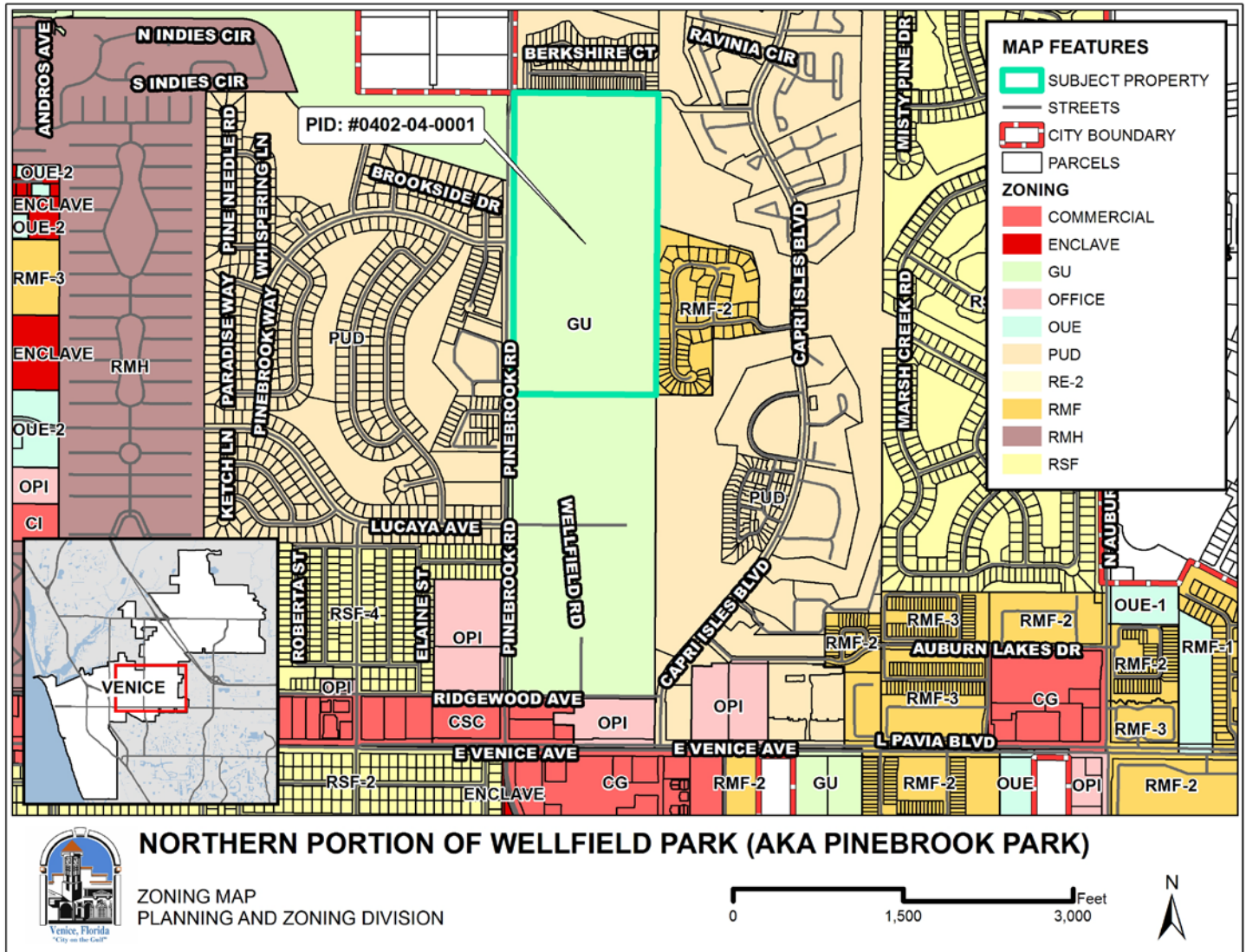


Table 1: Existing Uses and Conditions

DIRECTION	EXISTING USE(S)	CURRENT ZONING	FUTURE LAND USE DESIGNATION
NORTH	Single-Family Residential (Waterford)	Planned Unit Development (PUD)	Mixed-Use Residential
EAST	Single- and Multi-Family Residential (Capri Isles PUD and Bridle Oaks)	Planned Unit Development (PUD)	Mixed-Use Residential, Medium Density Residential
SOUTH	Active Park (Wellfield Park)	Government Use (GU)	Open-Space Functional
WEST	Conservation Land and Single-Family Residential (Curry Creek Preserve and Pinebrook South PUD)	Government Use (GU), Planned Unit Development	Conservation, Mixed-Use Residential

### ***Flood Zone Information***

The FEMA Flood Insurance Rate Map (FIRM) designates the subject property with Zone X and Zone AE. Most of the subject property is designated as Zone X which means there is a minimal flood hazard. Small portions of the property retain a 0.2% Annual Chance Flood Hazard designation.

## **III. PROJECT INFORMATION**

The City is initiating a zoning map amendment for the northern portion of the City owned property known as Wellfield Park. The property is identified in the City's Comprehensive Plan as Conservation and consists of approximately 77.22 acres. It is mostly vacant except for a portion of adjacent sports field parking and a fitness trail that includes stations with equipment. The current zoning designation of the property is Government Use (GU) and the subject petition proposes to change the zoning designation to Open Use, Conservation with restrictions (OUC\*). (See Exhibit A for proposed regulations).

## **IV. PLANNING STAFF ANALYSIS**

### **A. 2017-2027 Comprehensive Plan**

The *2017-2027 Comprehensive Plan* designated the Future Land Use on the subject property as Conservation. Conservation currently has four implementing zoning districts: Government Use (GU), Planned Unit Development (PUD), Planned Industrial Development (PID), and Planned Commercial Development (PCD). The implementing districts excluded Open Use Conservation (OUC) in error. A Comprehensive Plan Amendment is in progress which will include Open Use Conservation and Marine Park as implementing zoning districts for the Conservation Future Land Use category. The proposed Comprehensive Plan Amendment was submitted concurrently with the rezone.

Strategy LU 4.1.1 of the *2017-2027 Comprehensive Plan* brought-forward elements from the *City of Venice 2010 Comprehensive Plan* including Policy 8.2 which addresses compatibility between uses. The first four criteria for evaluation in Policy 8.2 are:

- A. *Land Use, density, and intensity*
- B. *Building Height and Setbacks*
- C. *Character or type of use proposed*
- D. *Site and Architectural Mitigation Techniques*

Plans for a specific project on the subject property have not been submitted, so the first four criteria cannot be evaluated. The remaining four criteria for evaluation address compatibility of use directly:

- E. *Protection of single-family neighborhoods from the intrusion of incompatible uses.*
  - **Staff Response:** The only uses allowed through the Rezoning would be passive uses, i.e. parks and conservation areas.
- F. *Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.*
  - **Staff Response:** No commercial or industrial uses are allowed with the proposed Rezone to OUC with further restrictions.

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.*

- **Staff Response:** No nonconforming uses exist and the proposed Rezoning will not create any nonconforming uses.

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

- **Staff Response:** The proposed rezone will not allow for an increase to density or intensity of the subject property. The current zoning designation allows for eighteen (18) dwelling units an acre and has no other minimum/maximum development standards. The proposed rezoning reduces the potential density/intensity for the subject property.

As indicated above, no development is proposed for the subject property. If in the future, an improvement is proposed for the site, the following techniques may be considered to mitigate any potential incompatibility:

- 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 – COMPREHENSIVE PLAN:** The petition for rezoning the subject property from Government Use (GU) to Open Use Conservation (OUC) may be found consistent with the 2017-2027 *Comprehensive Plan's* Land Use Element and/or Policy 8.2 regarding compatibility.

**B. Comparison of Existing and Proposed Zoning Designations**

The subject property is currently zoned Government Use (GU) and is largely undeveloped. Government Use zoning districts allow uses to suit all types of government needs including government buildings, parks, jails, or infrastructure like utility facilities. GU districts also allow a residential density of up to eighteen (18) dwelling units an acre. Because of the range of uses GU allows, the development standards are minimal. GU does not have a maximum lot coverage or building height, and does not have any minimum lot or yard requirements.

The proposed rezoning to Open Use Conservation with Restrictions (OUC\*) would reduce the number of allowed, accessory, and Special Exception uses. A standard Open Use Conservation district allows single-family residences, marinas, and private recreation areas by Special Exception which would all be prohibited on the subject property. OUC also requires fifty-foot (50) front, rear, and side yards and restricts building height to thirty-five (35) feet.

See chart on page 8 for detailed use comparison between the Government Use, Open Use Conservation, and proposed Open Use Conservation with restrictions.

USE	GU	OUC	OUC*
Parks, Playgrounds, and recreation areas	P	P	
Government, administrative, and judicial buildings	P		
Public Schools, hospitals, and libraries	P		
Public Airports	P		
Other public facilities	P		
Use designated on an official master plan adopted by City Council	P		
Commercial wireless telecommunication antennae	P		
Government Maintenance Facilities	SE		
Public Utility Facilities	SE		
Jails, Detention Centers, or work camps	SE		
Public Incinerators	SE		
Public Game Reserves and wildlife management areas		P	P
Private Game Reserves and Wildlife Management Areas		P	
Fish hatcheries and refuges		P	P
Water conservation areas, water and control structures, drainage and water wells		P	P
Public parks for passive recreation incl. nature and walking/fitness trails and structures appropriate for such activities		P	P
Existing Railroad Rights-of-way		P	
Existing structures and parking/circulation areas			P
Uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures.		AC	AC
Single-Family Residences		SE	
Marinas		SE	
Private Recreation Areas		SE	

OUC\* standards with restrictions specific to the proposed Rezone for Wellfield Park (Pinebrook Park)

P – Permitted

AC – Accessory

SE – Special Exception

<Blank> – Not permitted

### **C. Land Development Regulations**

According to Land Development Regulations Section 86-70(g), no minimum lot requirements exist for Open Use Conservation zoning districts. The subject property does not contain any structures that would conflict with yard or height requirements of an OUC district.



Section 86-47(f)(1) of the Land Development Code sets forth sixteen criteria for Planning Commission to show they have considered regarding the proposed rezoning.

a) *Whether the proposed change is in conformity to the Comprehensive Plan.*

- **Staff Response:** The 2017-2027 *Comprehensive Plan* designates the subject property with a Conservation Future Land Use. OUC will be an implementing zoning district for the Conservation Future Land Use category with Ordinance 2018-35.

b) *The existing land use pattern.*

- **Staff Response:** The subject property is currently used as a passive park adjacent to an active park. The rezone will not allow for any change of use.

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

- **Staff Response:** Rezoning the subject property would create an isolated OUC district, as there are only four properties within city limits with the OUC designation. However, the subject property is adjacent to two other properties used as park space.

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

- **Staff Response:** No development is proposed on the subject property at this time; however, residential uses are prohibited with the proposed rezoning.

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

- **Staff Response:** The district boundaries remain consistent with existing boundaries and parcel lines.

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

- **Staff Response:** The 2017-2027 *Comprehensive Plan* designates the subject property with a Conservation Future Land Use. OUC will be an implementing zoning district for the Conservation Future Land Use category with Ordinance 2018-35.

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

- **Staff Response:** The subject property is currently used as a passive park adjacent to an active park. The rezone will not allow for any change of use.

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

- **Staff Response:** Rezoning the subject property reduces the potential intensity on the subject property.

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

- **Staff Response:** No changes to the subject property are proposed.

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

- **Staff Response:** No changes to the subject property are proposed.
- k) *Whether the proposed change will adversely affect property values in the adjacent area.*
  - **Staff Response:** No changes to the subject property are proposed.
- l) *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
  - **Staff Response:** No changes to the subject property are proposed.
- m) *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
  - **Staff Response:** No changes to the subject property are proposed.
- n) *Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
  - **Staff Response:** The intention of the rezoning is to maintain the subject property as green-space in perpetuity. The current zoning designation would allow for development of the property without any minimum/maximum development standards, except for an allowed density of 18 units an acre.
- o) *Whether the change suggested is out of scale with the needs of the neighborhood or the city.*
  - **Staff Response:** The 2017-2027 *Comprehensive Plan* designates the subject property with a Conservation Future Land Use. OUC will be an implementing zoning district for the Conservation Future Land Use category with Ordinance 2018-35.
- p) *Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*
  - **Staff Response:** The intention of the rezoning is to maintain the subject property as green-space in perpetuity. The properties with an OUC zoning designation are public parks that are to remain parks.

**CONCLUSIONS/FINDINGS OF FACT – LAND DEVELOPMENT CODE:** The petition for rezoning the subject property GU to OUC may be found consistent with the Land Development Code Section 86-47 on Rezoning Criteria and/or consistent with Section 86-70 on Minimum Lot Standards for Open Use Conservation zoning designations.

**D. Concurrency**

No development is proposed on the subject property. The rezoning will further restrict development from what is currently allowed. Level of Service, in regards to Concurrency, will remain unchanged but has been reviewed by all City agencies.

**CONCLUSIONS/FINDINGS OF FACT – CONCURRENCY:**

Based on the preliminary concurrency analysis, no issues have been identified regarding current adequate public facilities capacity.

## **V. CONCLUSION**

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.

### **Stipulation:**

1. The effective date of this rezoning will be the effective date of Ordinance 2018-35

**Exhibit A: Site Pictures**



*Figure 1: View of the subject property from Southwest portion looking North.*



*Figure 2: View of the subject property from Southeast portion looking North.*





*Figure 3: View of the subject property from Pinebrook Rd looking South.*



*Figure 4: View of the subject property from Pinebrook Rd looking North.*