

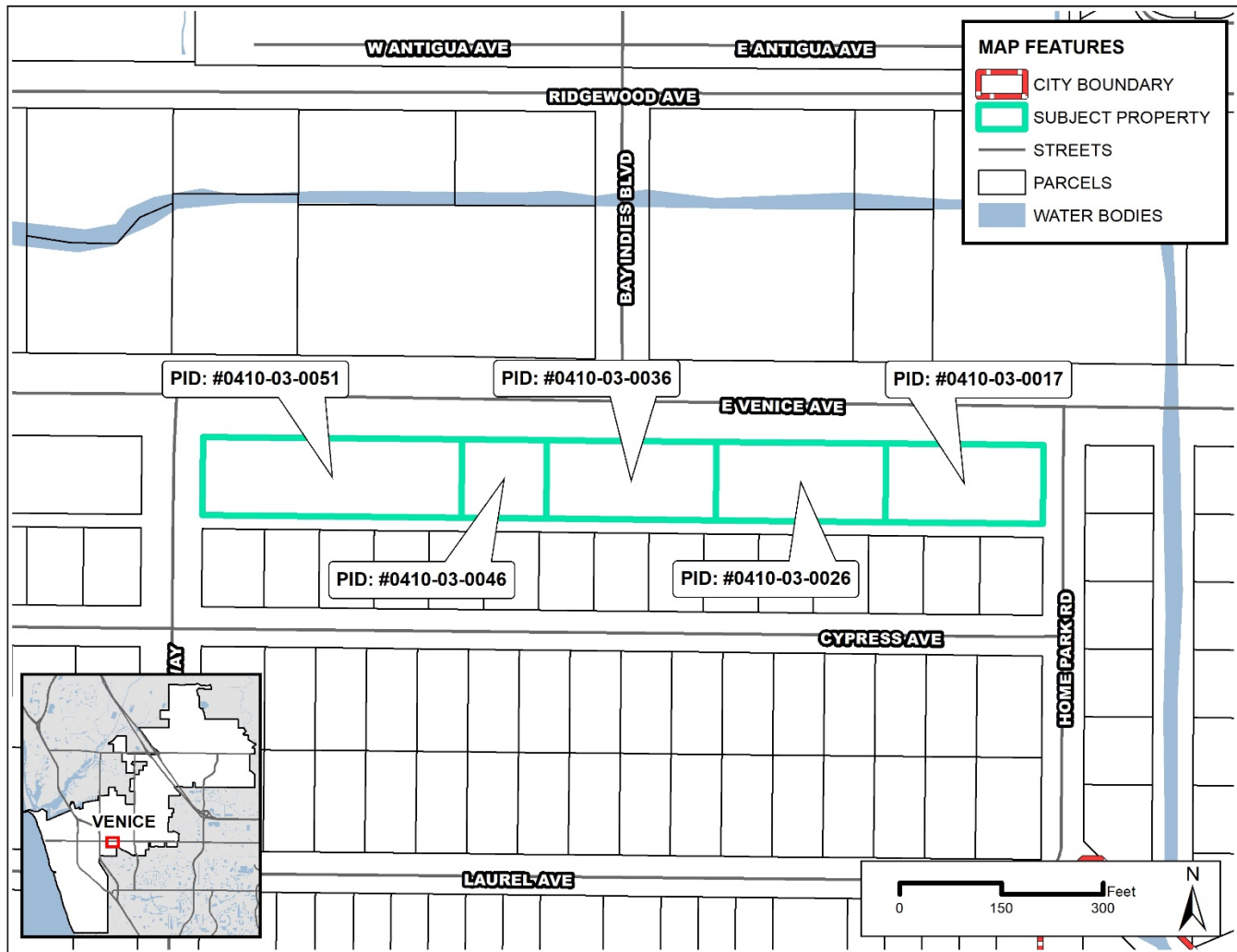


# PRELIMINARY PLAT: ARCATA DEL SOL

## STAFF REPORT

3/19/2019

18-04PP



**PETITION NO.:** 18-04PP

**REQUEST:** A Preliminary Plat for 20 single-family residential, townhouse lots on 3.26 +/- acres. Per Land Development Regulations Section 86-230(d), the applicant is requesting modifications to: reduce minimum lot size, front and side yard setbacks, percentage of open space, parking access drive aisle width, and parking space dimensions; increase driveway width and maximum lot coverage; and elimination of the requirement for a Site & Development Plan.

### GENERAL DATA

**Owner:** Edgewood Gardens Corporation C/O Gayle Geagan  
**Agent(s):** Paul V. Sherma, Professional Engineering Resources, Inc  
Jeffery A. Boone, Esq.  
**Location:** 914, 934, 950, 968 and 988 East Venice Avenue  
**Parcel ID:** 0410-03-0051, 0410-03-0046, 0410-03-0036, 0410-03-0026, and 0410-03-0017  
**Property Size:** 3.26 +/- Acres  
**Comp Plan Neighborhood:** East Venice Avenue  
**Future Land Use:** Institutional Professional  
**Zoning:** Office, Professional, and Institutional (OPI) and Venetian Gateway (VG)

## **ASSOCIATED DOCUMENTS**

- A. Exhibit A: Existing Plat
- B. Exhibit B: Site Pictures
- C. Application Materials

## **EXECUTIVE SUMMARY**

The subject petition is a Preliminary Plat for 20 single-family lots, designed for townhouses on 3.26 +/- acres of land along East Venice Avenue. The property is currently comprised of five parcels and forty-nine platted lots. The proposed Preliminary Plat would re-plat the subject property. The applicant is requesting modifications via Section 86-230(d) to: reduce minimum lot size, front and side yard setbacks, percentage of open space, parking access drive aisle width, and parking space dimensions; increase driveway width and maximum lot coverage; and elimination of the requirement for a Site & Development Plan.

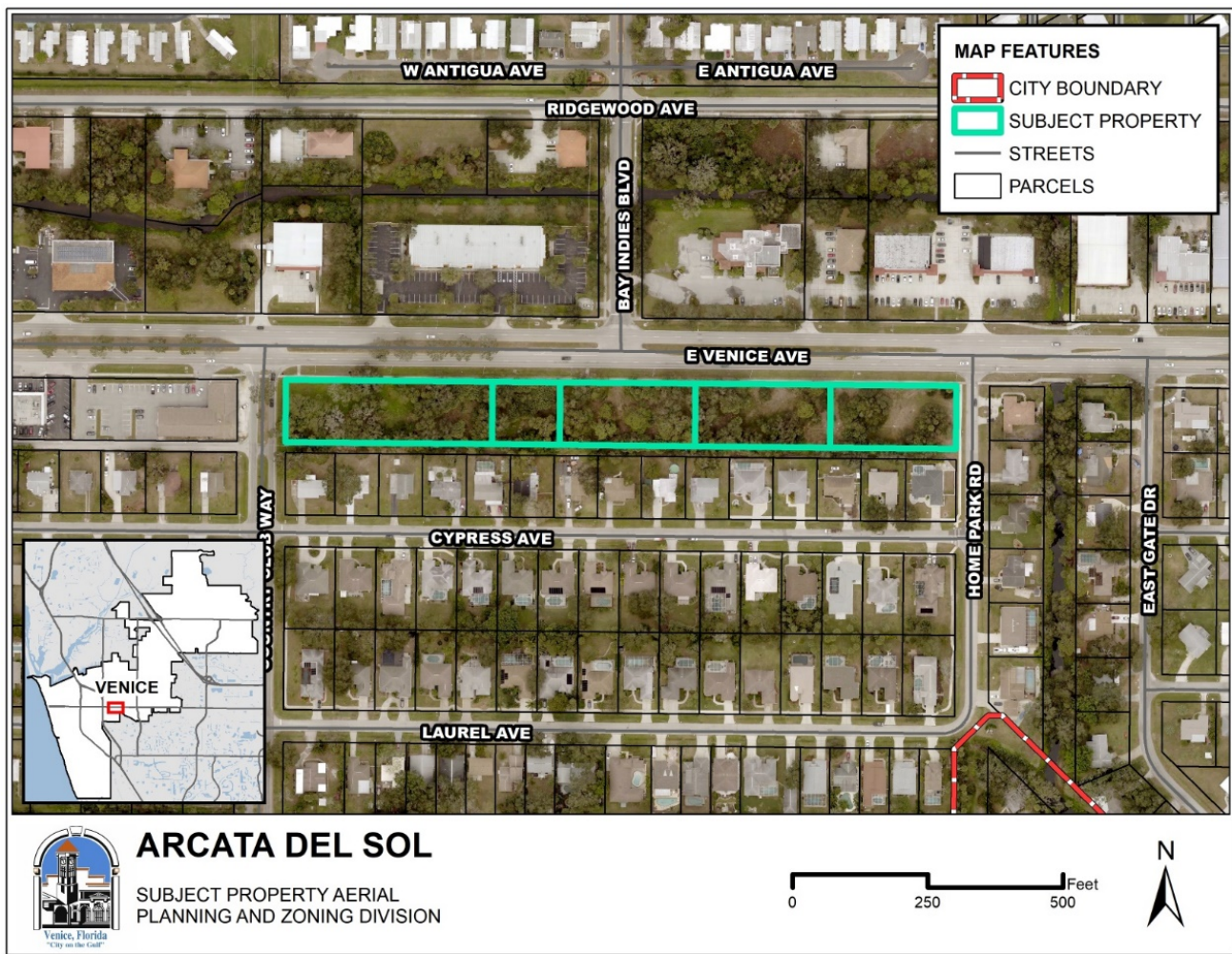
Based on the submitted application materials, staff analysis, and conclusions from this staff report, staff provides the following summary findings on the subject petition:

- **CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN):** Analysis has been provided to determine consistency with the Land Use Elements strategies applicable to the Institutional Professional Future Land Use designation, strategies found in the East Venice Avenue Neighborhood element, and other plan elements. Staff has provided information and analysis of some of the most applicable comprehensive plan strategies and no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan Consistency.
- **CONCLUSIONS/FINDINGS OF FACT (LAND DEVELOPMENT REGULATIONS):** The proposed preliminary plat complies with the City's Land Development Code, including the subdivision standards, except in the areas in which the applicant has requested Code Modifications.
- **CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY/MOBILITY):** No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

## BACKGROUND INFORMATION

The subject property is currently undeveloped and comprised of five parcels totaling 3.26+/- acres along the southern side of East Venice Avenue. The subject property is surrounded on all sides by rights-of-way: East Venice Avenue to the North, Home Park Road to the East, Country Club Way to the West, and a twenty-foot (20) platted alley to the south.

On March 27, 2018, City Council held a Public Hearing to approve a petition for Vested Rights on the subject property. The proposed residential use is not allowed per Strategy LU 1.2.5 of the *2017-2027 Comprehensive Plan* that states, “In order to provide predictable land uses, residential uses previously provided for or permitted through the conversion factor, including its allocation ratio, have been removed from this Comprehensive Plan.” Although the *2017-2027 Comprehensive Plan* does not allow for residential uses on properties without a residential Future Land Use, the underlying OPI zoning district, in this case, does permit residential use in the form of townhouses. City Council granted the property owner vested rights to develop residential uses on the subject property even though the Comprehensive Plan does not allow new residential uses in non-residential FLU districts.



Map 1: Aerial Map of the Subject Property Showing the 5 Parcels



## PROJECT INFORMATION

The subject petition is a Preliminary Plat for twenty (20) single-family lots designed to support townhouses. Each of these lots stretches from East Venice Avenue to the southern property line, and measure approximately 36ft by 115ft. See Figure 1 below. The townhouses will face East Venice Avenue. Garages are located off an access drive, which has also been designated as an easement, along the southern side of the property. Each townhouse has an accessory parking space, two-car garage, and courtyard with pool options. See Figure 2 below.

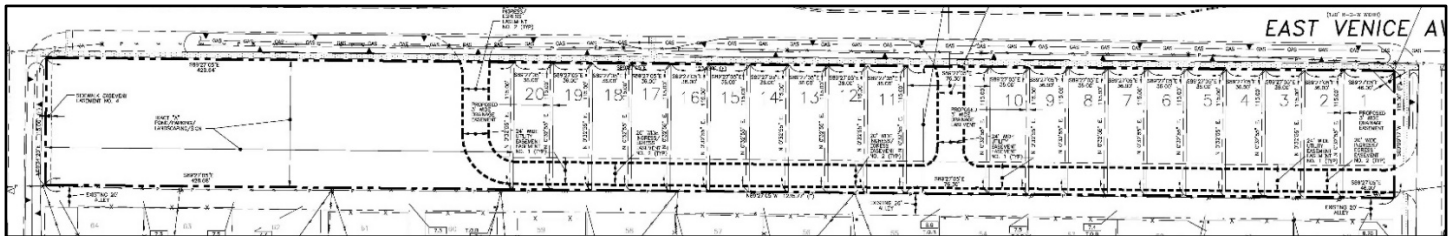


Figure 1: The Preliminary Plat showing the division of land and easements on the subject property

The applicant is proposing two community-parking areas with eighteen additional parking spaces, one of which is handicap accessible. Access to East Venice Avenue and Home Park Road is facilitated by a 20ft access-drive along the southern side of the property. The access drive is located within an easement, which runs through all of the single-family lots. There are only two curb cuts for the proposed development: one on Venice Avenue and the other on Home Park Road. No changes are proposed to the existing, 20ft alley along the southern property line.

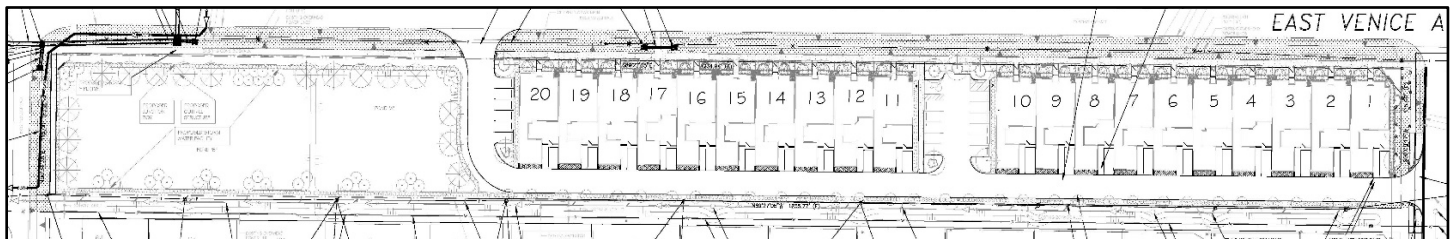


Figure 2: The Site Plan showing improvements and landscaping on the subject property

The applicant's landscape plans depict landscaping in each of the townhome's "front yard" along Venice Ave, inside an open, three-and-a-half-foot fence. See Figure 3 for front elevation. There is a five-foot landscaped buffer between the access drive and the adjacent alley along the southern property line, a five-foot buffer between the parking areas and the adjacent dwelling units, and a hedge around the stormwater ponds.



Figure 3: Elevation typical for the proposed townhouses

## CODE MODIFICATION REQUESTS

The applicant is requesting eleven code modifications through the platting process per Section 86-230(d). See Table 1 below for an overview of the requests and the Planning Analysis section of the Staff Report for details.

TABLE 1: Code Modification Requests

Type	Code Section	Requirement	Modification	Type of change	
				Increase	Decrease
Minimum Lot Width	Section 86-90(h)(2)	Width 50ft	Width 36ft		✓
Minimum Lot Area	Section 86-90(h)(2)	Area 5,000sqft	Area 4,140sqft		✓
Maximum Lot Coverage	Section 86-90(i)	30%	48%	✓	
Front Yard (South, East, West)	Section 86-90(j)(1)a	20ft	10ft		✓
Front Yard (E. Venice Ave)	Section 86-120(f)	30ft	10ft		✓
Side Yard	Section 86-90(j)(1)b	10ft	0ft		✓
Minimum Open Space	Section 86-147(f)(2)	50%	None		✓
Driveway Width	Section 86-423(c)	Max. 24ft	26.9ft	✓	
Parking Access-Drive Aisle	Section 86-412(a)	24ft	20ft		✓
Parking Space Size	Section 86-412(a)	10ft by 18ft	9ft by 18ft		✓

The applicant is also requesting to eliminate the requirement for a Site and Development Plan. Land Development Regulations Section 86-147(b) on townhouses states:

*“Plan approval; applicability of subdivision regulations. Site and development plan approval shall be required. In addition, land to be used for cluster housing or townhouses shall be developed in accordance with the standards and procedures set out in the subdivision regulations for the city, except that all streets within such development may be approved private streets.”*

The project narrative provides the following justification to eliminate a Site and Development Plan by stating:

*“The request is justified due to the fact that requirement for site and development plan approval would be duplicative of the review and approval process for this preliminary plat.”*

The submittal requirements for a Preliminary Plat and a Site and Development Plan are the same; the main differences are in the outcome and subsequent approval processes. Preliminary Plats, however, do not require considerations for Policy 8.2.

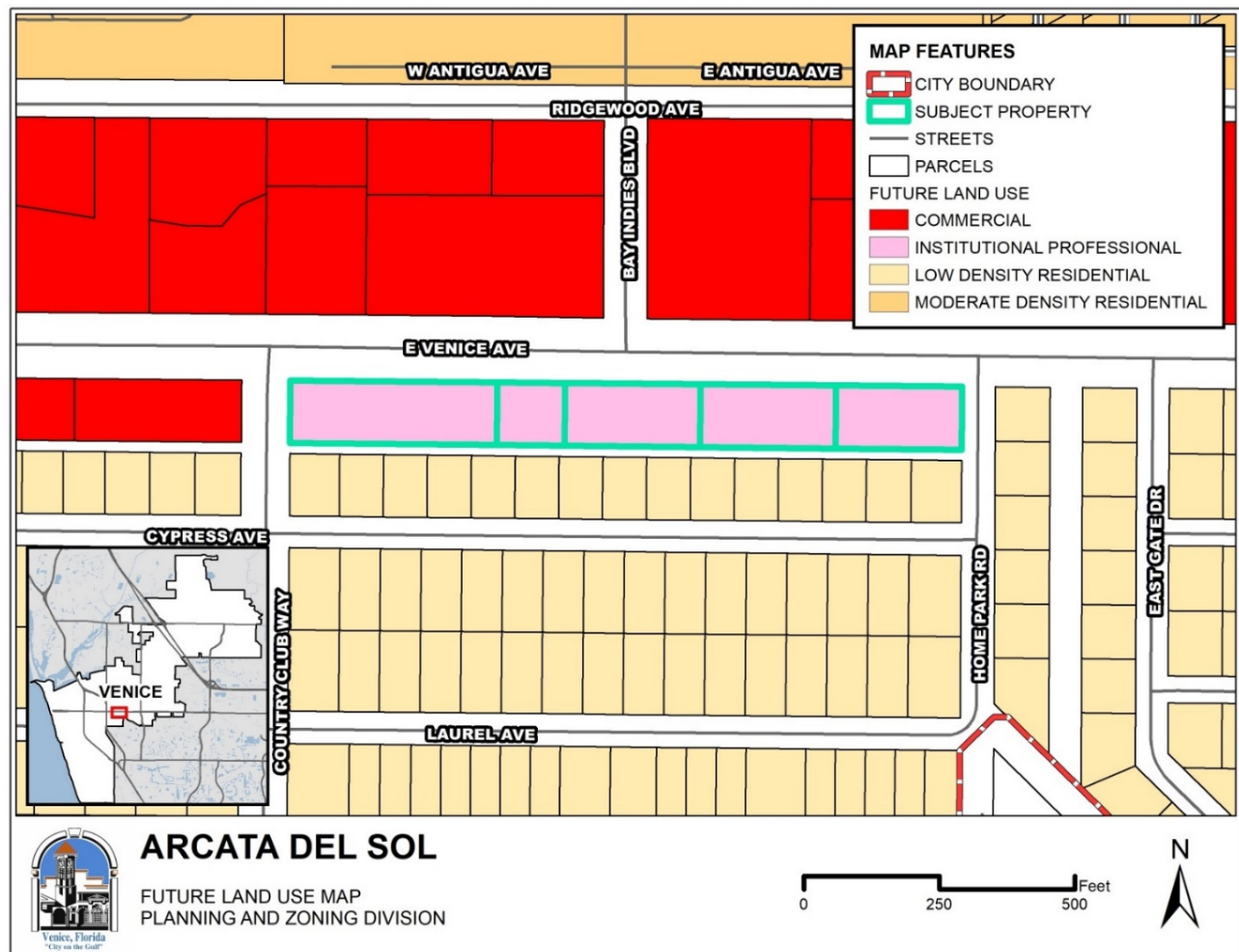
## EXISTING CONDITIONS

The 3.26+/- acre subject property is currently undeveloped. In 1959, the block was platted into forty-nine (49) lots. See Exhibit A for details. The proposed plat would replace the existing plat.

### ***Future Land Use***

The subject property has a Future Land Use of Institutional, Professional. The Institutional, Professional Future Land Use (FLU) designation provides areas within the City for professional offices, educational, healthcare, religious, or similar uses per Strategy LU 1.2.4.b. As previously stated, the FLU does not support residential uses; however, the applicant was granted vested rights for the residential use from City Council.

The subject property is surrounded by rights-of-way; however, the properties to the North have a FLU of Commercial; to the West, Commercial; and to the South and East, Low-Density Residential. See Map 2 below.



Map 2: Future Land Use Map

### ***Zoning Designation***

The subject property has a zoning designation of Office, Professional, and Institutional (OPI). According to Section 86-90(a):

*“The OPI district is intended for professional and business offices and institutional, cultural and allied uses. Moderate density multiple-family residential uses are permitted by special exception. Erection of new one- and two-family dwellings is not permitted as being out of character with the*

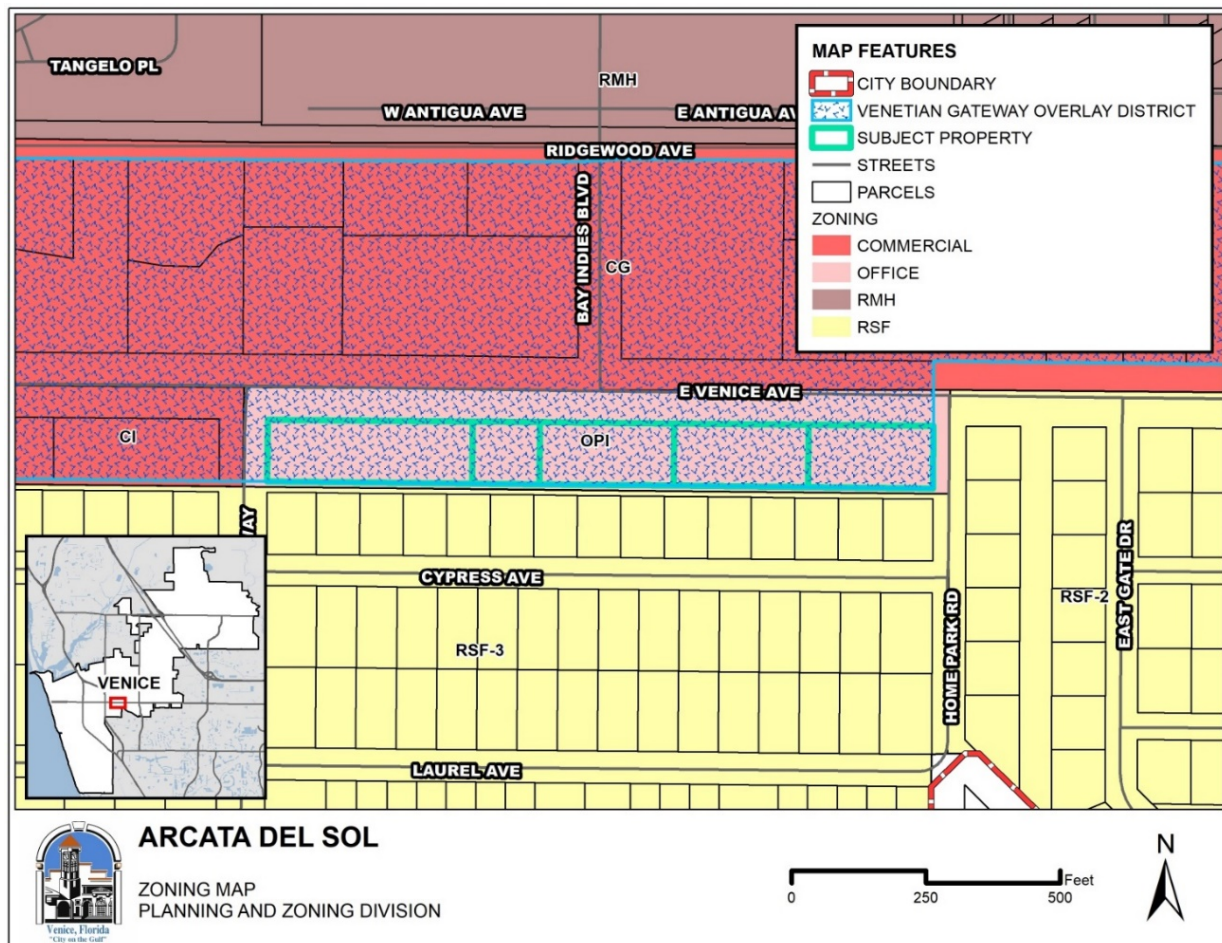


*district. The district is not commercial in character, however, certain very limited commercial uses are permissible by special exception in demonstrated support of office and institutional uses in the specific OPI district. Large scale office, cultural and institutional uses are encouraged to locate in these districts. The OPI district is designed to be compatible with residential uses."*

The proposed townhouse use is a permitted, principal use in OPI districts.

The property is also located within the Venetian Gateway (VG) overlay district. Section 86-120(a) states:

*"The VG district is an overlay zone district which supplements or supersedes the provisions of any underlying district. The standards in this district are designed to protect the eastern entrance to the city. East Venice Avenue functions as the "front door" to the city and whatever occurs along this gateway will establish an initial and lasting impression of the city. The Venetian gateway standards are critical to ensure a favorable impression of the overall appearance of the corridor and the functional operation of the thoroughfare. In addition, the standards are designed to protect the adjacent properties from adverse impacts of intensive activities along a typical four-lane corridor. It is intended that implementing these standards will enhance and preserve the eastern gateway to the city for the benefit of all city residents."*



Map 3: Zoning Map with VG Overlay

## PLANNING ANALYSIS

Staff reviewed the proposed Preliminary Plat Application in relation to *City of Venice 2017-2027 Comprehensive Plan, Land Development Regulations*, and concurrency/mobility requirements.

### ***2017-2027 Comprehensive Plan***

#### ***A. Transportation and Mobility***

East Venice Avenue has been designated as an “Urban Principal Arterial” in Figure TR-1 in the *2017-2027 Comprehensive Plan*. No major changes to transportation infrastructure is proposed. East Venice Avenue already includes sidewalks, which is a component of the required Complete Streets/Multimodal design of the comprehensive plan. The comprehensive plan set the desired, minimum Level of Service standard for all transportation facilities to a “D.” Mobility fees will be required for the proposed project and these funds may be directed to improve the operating conditions for transportation facilities that do not meet required LOS.

The *2017-2027 Comprehensive Plan* identifies the existing Roadway Level of Service (LOS) for the segment of East Venice Avenue between US41 By-Pass and Cherry Street as “D”. The traffic statement provided with the proposed project shows that the proposed project will maintain the existing LOS and has been confirmed by the city’s transportation consultant.

The *2017-2027 Comprehensive Plan* identifies the existing Pedestrian LOS for the segment of East Venice Avenue between US41 By-Pass and Cherry Street as “C”. The proposed project does not affect the sidewalks around the subject property. Sidewalks along East Venice Avenue and Home Park Road will remain. An additional sidewalk is proposed along Country Club Way.

The *2017-2027 Comprehensive Plan* identifies the existing Bicycle LOS for the segment of East Venice Avenue between US41 By-Pass and Cherry Street as “E”. No bike lane exists along East Venice Ave in this location and none is included in the preliminary plat.

The *2017-2027 Comprehensive Plan* identifies the existing Transit LOS for the segment of East Venice Avenue between US41 By-Pass and Cherry Street as “E”. Two bus stop locations exist on the subject property along East Venice Avenue. No change is proposed to these stops.

#### ***B. East Venice Avenue Neighborhood***

The subject property is one of few properties in the East Venice Avenue Neighborhood that remains undeveloped.

Strategy TR-EV 1.1.4 regarding driveway connections states that “*The City shall discourage the installation of additional driveway connections along East Venice Avenue, except where no other legal access may be provided, minimizing curb cuts.*” The proposed Preliminary Plat only contains one curb cut along East Venice Avenue. All of the vehicular access is along the southern side of the property via the access drive.



**CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN):** Analysis has been provided to determine consistency with the Land Use Elements strategies applicable to the Institutional Professional Future Land Use designation, strategies found in the East Venice Avenue Neighborhood element, and other plan elements. Staff has provided information and analysis of some of the most applicable comprehensive plan strategies and no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan Consistency.

***Land Development Regulations***

***A. Land Development Code Section 86-570—Definitions***

The proposed project includes townhouses, which is the only permitted residential use in OPI districts. Per Section 86-570 of the Code, a townhouse is:

*“Townhouse means three or more single-family structures, which may or may not be held in separate ownership, separated by party walls or separated by not more than one inch from another townhouse, but with no unit located above another unit.”*

The proposed project has two sets of one- and two-story structures with less than an inch of separation. Each unit is located on its own lot. None of the proposed units are located above another unit.

***B. Land Development Code Section 86-90—Office, Professional, and Institutional***

The subject property is zoned Office, Professional, and Institutional (OPI). As previously stated, the proposed townhouse use is a permitted, principle use in the OPI district. The OPI code states that maximum density for townhouses is nine units an acre. The subject property has an allowed density of 29 units. The proposed townhouse development includes 20 units; resulting in a density of 6.13 units an acre.

The applicant is requesting numerous Code Modifications per Section 86-230(d) of the plat process. All of the requested modifications are outlined in the table on Page 5 of the Staff Report and are described below.

Per Section 86-90(h)(2) OPI districts require townhouse lots to be 50ft wide with a minimum lot area of 5,000sqft. The requirements for townhouses are different from the requirements for standard OPI lots/uses. The applicant is requesting a reduction in the lot width to 36ft and minimum lot area to 4,140sqft. None of the current, platted, lots of record meet the OPI lot requirements; most having a width of just 11ft.

Per Section 86-90(i), the maximum lot coverage by all buildings in OPI districts is 30%. When there is covered parking not within the main structure on a lot, the lot coverage for that structure is reduced by half. The proposed townhouses do NOT have detached garages, therefore the entire footprint of the building counts towards lot coverage – anything covered by a roof impermeable to weather. The applicant is requesting an increase in lot coverage to 48%. This percentage applies to each individual lot.

The subject property is surrounded by rights-of-way rendering all yards for the subject property front-yards. The OPI districts require 20ft setbacks for front yards. The applicant is requesting the front yard setback be reduced to 10ft. When the subject property is re-platted for the townhouses, the interior lots

will acquire side-yard requirements. OPI districts require 10ft setbacks for side yards. The developer is proposing townhouses; therefore, the applicant is requesting the side yard be reduced to a 0ft setback.

OPI districts allow a maximum height of 35ft. No additional height has been requested and the proposed townhouses do not exceed 35ft in height.

*C. Land Development Code Section 86-120 – Venetian Gateway Overlay District*

The subject property is part of the Venetian Gateway Overlay District (VG). As previously stated, the VG code supplements and supersedes the underlying zoning district. The VG code does not include any additional use allowances, but does prohibit pain management clinics. The proposed townhouse use does not conflict with the VG code.

Per Section 86-120(e), the VG district includes numerous site design standards including: Northern Italian Renaissance style of architecture, landscaping points, and access management off East Venice Avenue. No modifications were requested from this section.

The VG code requires an additional setback from East Venice Avenue. Per Section 86-120(f):

*“All yards abutting East Venice Avenue shall have a minimum 30-foot depth from the right-of-way line. No parking shall be permitted within ten feet of the East Venice Avenue right-of-way.”*

The applicant has requested a reduction in the front yard from 30ft to 10ft. All of the parking is located off the access drive. None of the communal parking spaces are located within 10ft of the property line.

The proposed project includes landscaping consisting of: 169 trees of different varieties, 154 palms of different varieties, and other shrubs/flowers/ground cover. The VG overlay includes a point system for required landscaping. The proposed landscape plan meets and exceeds the required landscaping.

*D. Land Development Code Section 86-147 – Cluster Housing and Townhouses*

The Code requirements for townhouses apply to this property as well as the requirements for the OPI and VG districts. Per Section 86-147(b) townhouse developments require Site and Development Plans. The applicant is requesting to eliminate the Site and Development Plan application process. As previously stated, the submittal requirements for a Preliminary Plat and a Site and Development Plan are the same. No additional information would be gained from requiring Site and Development Plan approval.

Per Section 86-147(d): *“To compensate for reduced lot sizes, open space common to all lots shall be provided”* The code further defines the open space requirement as 50% of the total parcel area in Section 86-147(f)(2). The applicant has requested a modification to this standard to reduce the open space requirement from 50% to none – not having an open space requirement. The proposed development does include 0.81 acres of pond area on the eastern third of the subject property.

*E. Land Development Code Section 86-231 – Plat Requirements*

Sections 86-231(b)(3) and 86-233(a) specify the Planning Commission's role in taking action on a Preliminary Plat petition.

1. *Compliance of the preliminary plat with the requirements of this chapter and the applicable laws of the state.*

Staff Comment: The Preliminary Plat drawings have been signed and sealed by a state licensed engineer. Design is compliant with all local regulatory standards and appears consistent with the requirements of Florida Statutes, Chapter 177, Part 1: Platting. Full compliance will be confirmed through the processing and recording of the final plat.

2. *Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.*

Staff Comment: The proposed townhouses are surrounded by rights-of-way. The southern property line abuts a platted, unimproved alley, which will remain untouched. Adjacent to those rights-of-way, on three sides, is single-family residential. Commercial areas exist across East Venice Avenue.

3. *Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.*

Staff Comment: The City's Technical Review Committee has reviewed the subject petition for concurrency/mobility and found no issues for compliance with the city's minimum adopted levels of service for public facilities (See Concurrency/Mobility Section Below).

The application materials in the proposed Preliminary Plat are consistent with the application requirements set forth in Section 86-231(b)(2).

*F. Land Development Code Section 86-412 – Dimensional Parking Standards*

Per Section 122-434, single-family residential uses require two parking spaces per unit. The proposed Preliminary Plat includes 40 parking spaces within garages, 20 accessory parking spaces, and 18 additional parking spaces in community parking areas. Each townhouse has a two-car garage and accessory parking space, and there are two community-parking areas. The subject property exceeds the number of required parking spaces.

All of the parking is located off the access drive aisle along the southern side of the subject property. Per Section 86-412(a) parking access drives are required to have a width of 24ft. The applicant has requested the access drive width be reduced to 20ft.

The applicant has proposed additional parking areas outside of the two-car garages as part of the plat: two community parking lots, and an accessory parking space on each lot. All of these parking spaces are additional, non-required spaces. For the accessory parking spaces and the community parking lots, the applicant is requesting a reduced size requirement. Section 86-412(a) states that a parking space measures 10ft by 18ft. The additional parking spaces on the Preliminary Plat measure 9ft by 18ft.

**CONCLUSIONS/FINDINGS OF FACT (LAND DEVELOPMENT REGULATIONS):** The proposed preliminary plat complies with the City's Land Development Code, including the subdivision standards, except in the areas in which the applicant has requested Code Modifications.

### ***Concurrency/Mobility***

#### ***A. Concurrency***

The applicant has submitted a concurrency determination application and a concurrency review has been completed by staff based on the proposed Arcata del Sol Plat. The table below shows the expected public facility impacts and the status of the departmental concurrency reviews.

#### ***B. Transportation/Mobility***

The City has entered into an Interlocal Agreement with Sarasota County to collect mobility fees for traffic impacts consistent with County Ordinance. Fees collected with each Certificate of Occupancy may be used to mitigate transportation impacts.

**TABLE 2: Concurrency and Mobility**

<b>FACILITY</b>	<b>DEPARTMENT</b>	<b>ESTIMATED IMPACT</b>	<b>STATUS</b>
Transportation	Planning and Zoning	23 PM Peak Hour Trips	Concurrency Confirmed by Traffic Engineering Consultant
Potable Water	Utilities	20 ERUs	Concurrency Confirmed by Utilities
Sanitary Sewer	Utilities	20 ERUs	Concurrency Confirmed by Utilities
Solid Waste	Public Works	207.4 Pounds Per Day	Concurrency Confirmed by Public Works
Parks and Rec	Public Works	34 People	Concurrency Confirmed by Public Works
Drainage	Engineering	Meets 25 year/24 hour SWFWMD Criteria	Concurrency Confirmed by Engineering
Public Schools	School Board	Application Submitted to School Board	Approval upon Final Plat

**CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY/MOBILITY):** No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations

### **CONCLUSION**

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on the Preliminary Plat Petition No. 18-04PP.



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**Exhibit B: Site Pictures**



*Subject Property from  
intersection of Country Club  
Way and East Venice Ave.*



*Subject Property from  
intersection of Home Park  
Road and East Venice Ave.*





*Typical of the interior of the Subject Property along East Venice Ave*