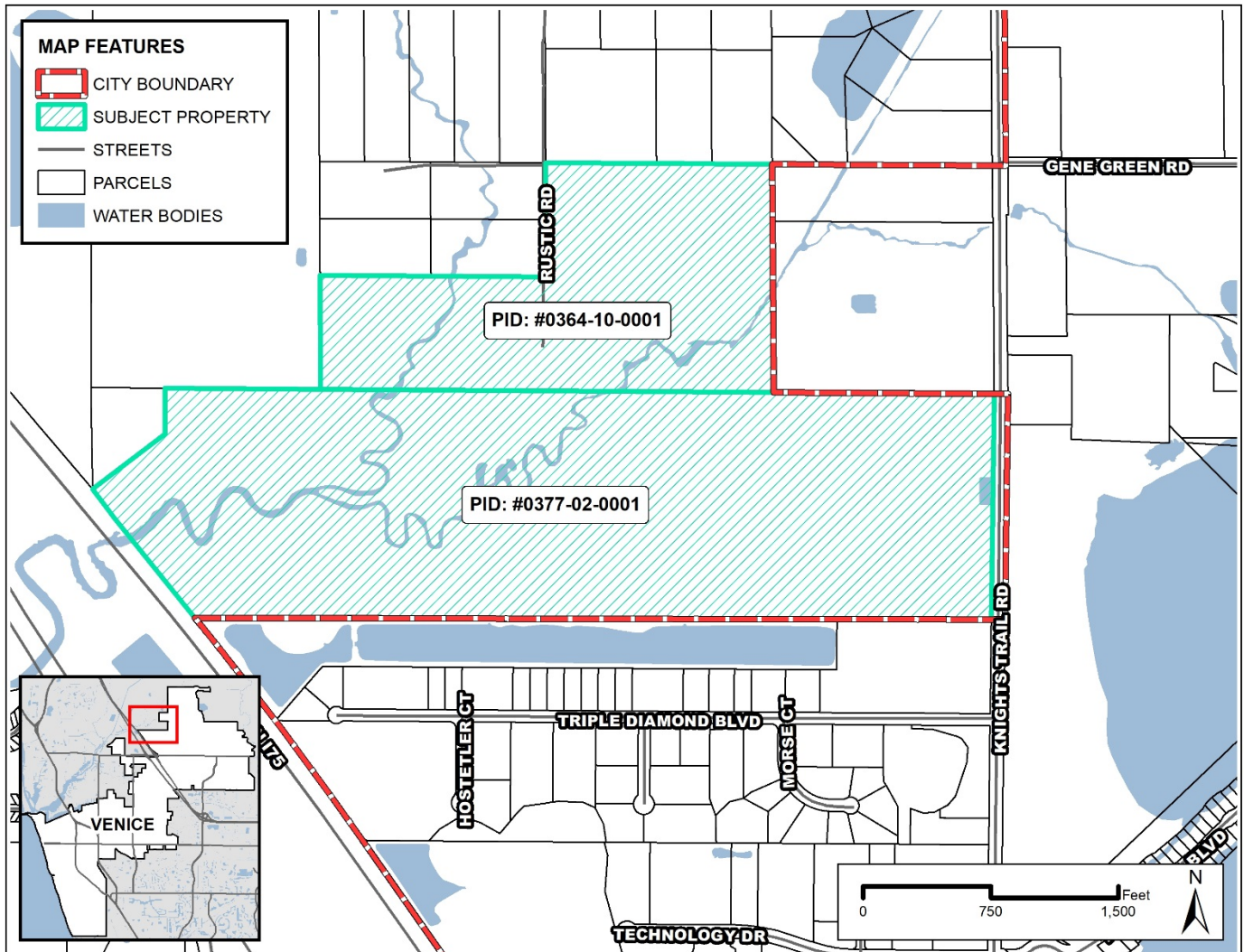




# ANNEXATION STAFF REPORT HURT-KNIGHTS TRAIL ROAD

May 7, 2019

18-01AN



**PETITION NO.:** 18-01AN

**REQUEST:** The annexation of approximately 213.9± acres located within Area 1 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and the County as depicted on the City's future land use map.

## GENERAL DATA

**Owner:** Mary H. McMullen, Joseph W. Hurt, and Randall C. Hurt, Trustees of the Shacket Creek Trust

**Agent:** Jeffery Boone, Esq., Boone Law Firm

**General Location:** Between I-75 and Knights Trail Road North of Triple Diamond CP

**Property Size:** 213.9± acres **Parcel ID's:** 0364100001 and 0377020001

**Future Land Use:** Sarasota County Rural

**Existing Zoning:** Sarasota County Open Use Estate-1 (OUE-1)

## ASSOCIATED DOCUMENTS

### A. Application Information (completed petition)

## I. EXECUTIVE SUMMARY

The subject 213.9± acre property consists of two parcels with the same owners. The applicant is requesting annexation of the property from the jurisdiction of Sarasota County into the City of Venice and proposes future development of the property. Concurrent petitions for a Comprehensive Plan Amendment and a Zoning Map Amendment have been submitted by the applicant to change the future land use designation of the property from Sarasota County Rural to City of Venice Mixed Use Corridor (MUC) and implement this land use through the rezoning of the property to Residential, Multi-Family 2 (RMF-2) and Commercial General (CG). On September 25, 2018, the Amended and Restated JPA/ILSBA was amended through Resolution Number 2018-29 (JPA Amendment 3) to include the subject property and a property owned by the Florida Department of Transportation (FDOT) with the parcel ID number 0377-02-0002 as potential annexation areas in the Rustic Road Neighborhood, JPA Area 1. The JPA/ILSBA is an interlocal service boundary agreement that guides land use and development within certain areas adjacent to the City of Venice. A current comprehensive plan amendment petition is proposed to memorialize this amendment in the City of Venice 2017-2027 Comprehensive Plan. This amendment grants the subject property eligibility for annexation into the City due to its inclusion within the JPA/ILSBA between the City and County.

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

- Comprehensive Plan Amendment Petition No. 19-08CP
- Zoning Map Amendment Petition No. 19-07RZ

The applicant does not have immediate development plans for the property at this time.

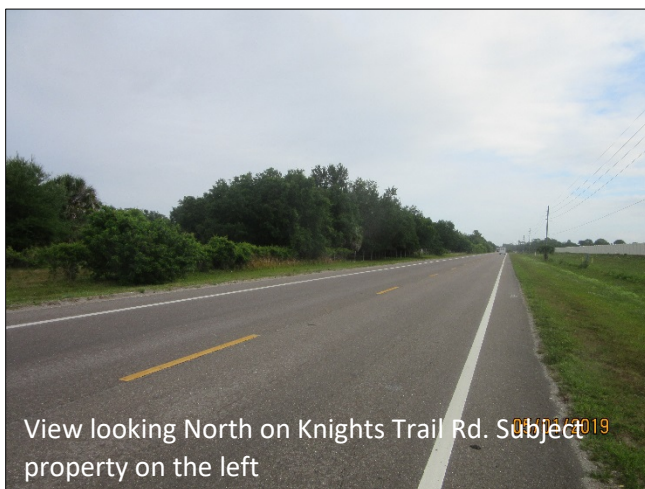
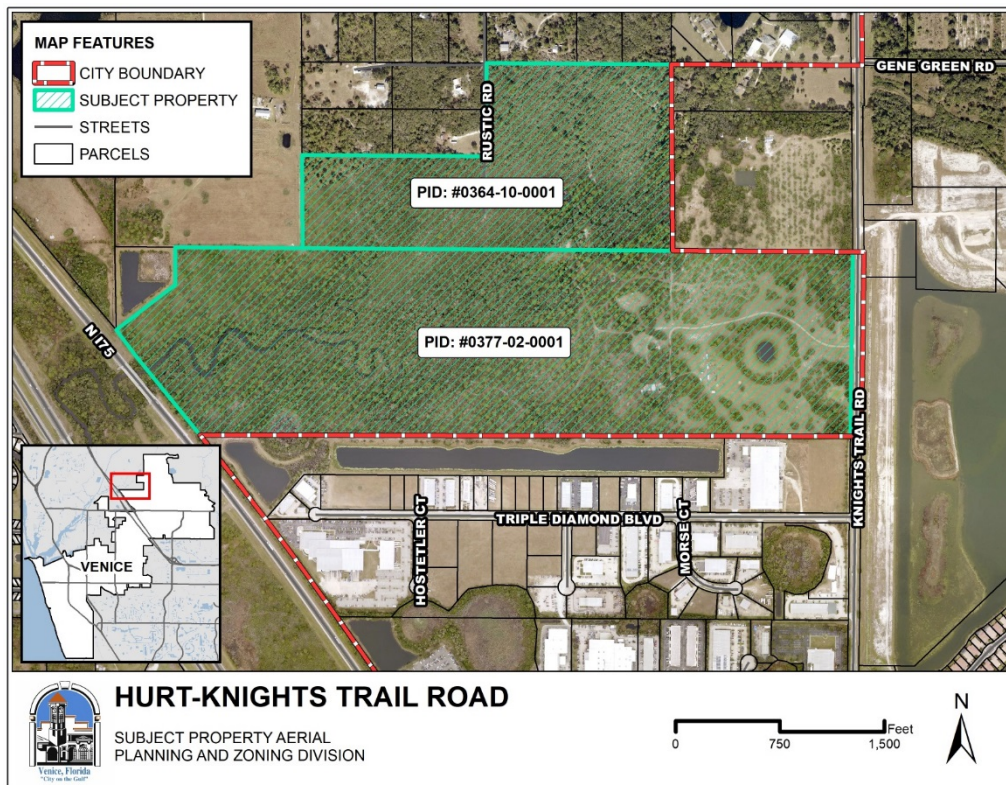
Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following summary findings on the subject petition:

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**  
*Analysis has been provided to determine consistency with the Chapters 163 and 171 Florida Statutes, the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.*
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**  
*The subject petition complies with all applicable Land Development Code requirements.*
- **Conclusions / Findings of Fact (Provision of Services):**  
*Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained.*



## II. EXISTING CONDITIONS

The subject property is made up of two parcels. The northern parcel is vacant and undeveloped. The southern parcel contains one modular home and multiple horse stalls. Existing uses on the property and their consideration upon annexation into the City is being addressed in the pre-annexation agreement. The property has multiple surface waters as well as Salt Creek which runs through the middle of the property. The subject property borders I-75 to the west and agricultural land and single family homes to the north. To the east and south, the property borders the City of Venice boundary, residential property to the east and industrial property to the south. Vehicular access to the southern parcel is provided off of Knights Trail Road. Vehicular access to the northern parcel is provided off Knights Trail Road via Rustic Road which is currently paved to an extent with the remainder being shell.



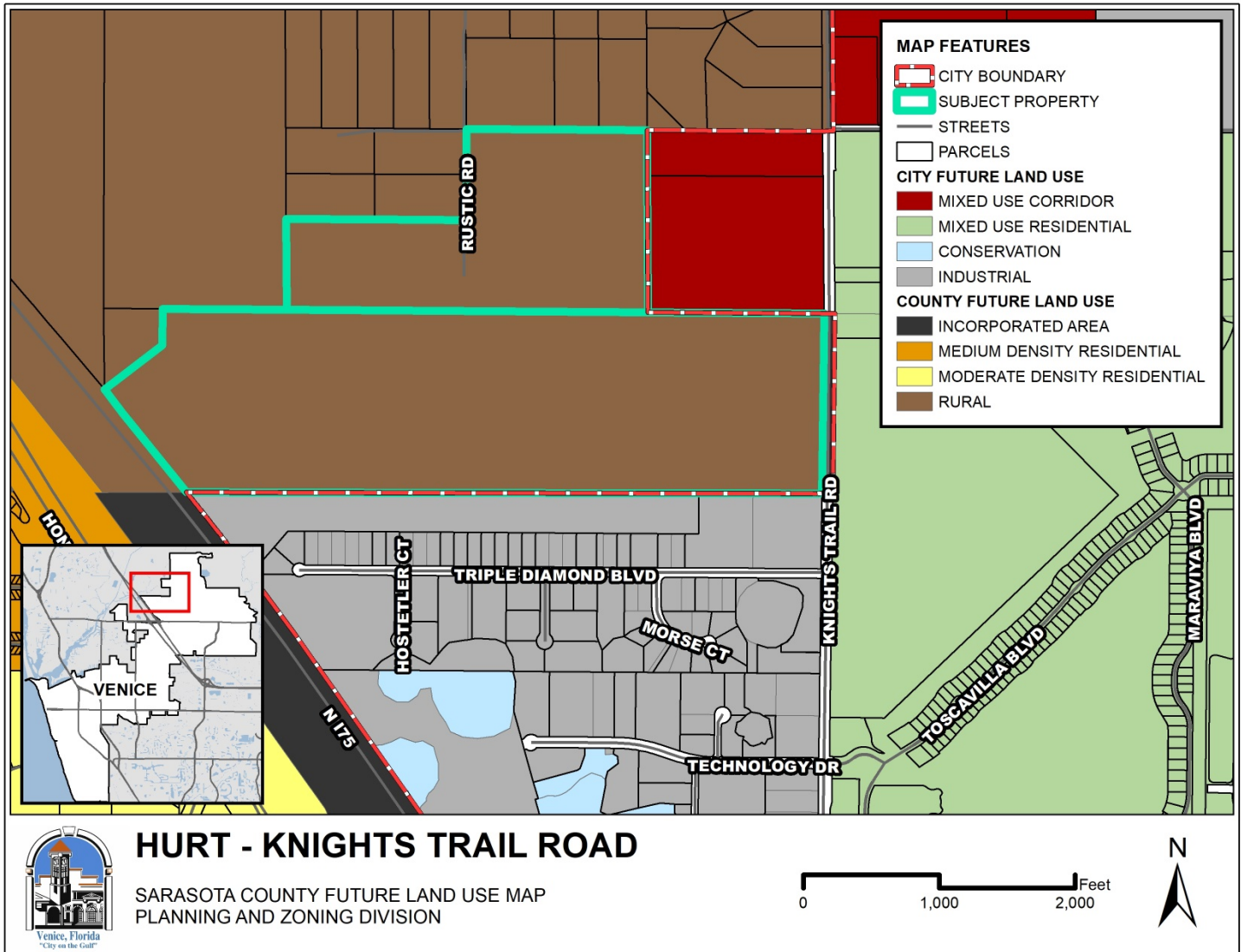
View looking North on Knights Trail Rd. Subject property on the left 05/01/2019



View looking West from Knights Trail Rd. 05/01/2019

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

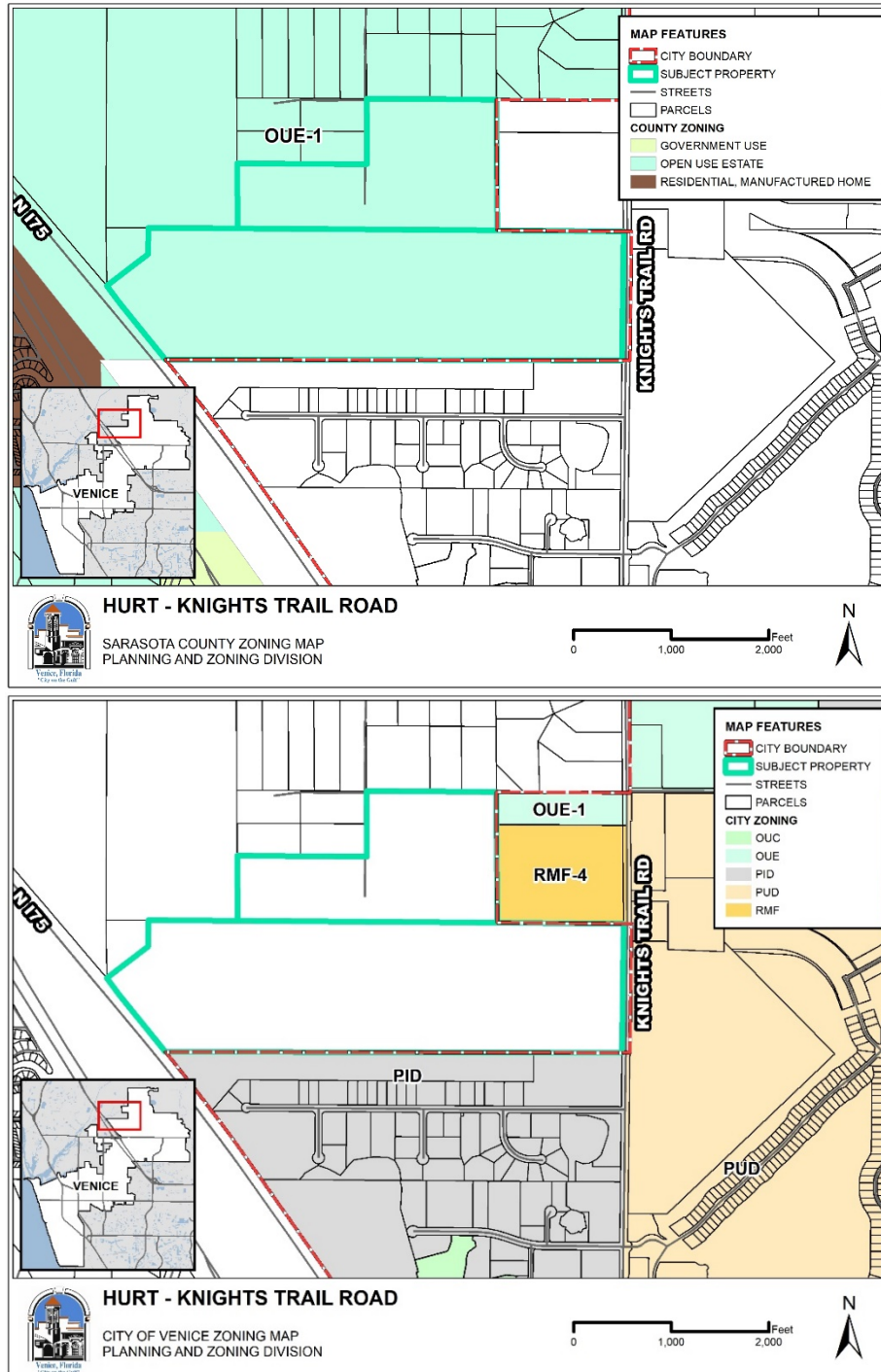
The subject property is designated as Rural on the County's future land use map, as depicted below. The properties to the north and west are in Sarasota County and have designations of Medium Density Residential to the west across I-75 and Rural to the north. The properties to the south and east are in the City of Venice and have designations of Industrial to the south and Mixed Use Residential and Mixed Use Corridor to the east.





### Zoning Designation

The maps below show the existing county and city zoning of the subject and adjacent properties. The subject property and the properties to the north are zoned County Open Use Estate-1 (OUE-1). The properties to the west across I-75 are zoned County Residential, Manufactured Home (RMH). The properties to the south are zoned City Planned Industrial Development (PID). The properties on the east have multiple zoning designations, consisting of City Planned Unit Development (PUD), Residential Multi-Family 4 (RMF-4), and County OUE-1.



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

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Agricultural	Sarasota County OUE-1	Sarasota County Rural
West	I-75 and Residential	Sarasota County Residential, Manufactured Home	Sarasota County Medium Density Residential
South	Industrial (Triple Diamond Commerce Plaza)	PID	Industrial
East	Agricultural and Residential (Toscana Isles)	Sarasota County OUE-1, City RMF-4, and PUD	Mixed Use Residential and Mixed Use Corridor

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

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with multiple flood zone designations. The majority of the property is in Zones AE and X (shaded) and a small portion is in Zone X (unshaded). AE zones are the 1-percent annual chance flood and are also referred to as the base flood or 100-year flood. Moderate flood hazard areas designated as Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone X (unshaded). Development of the property will be subject to compliance with applicable FEMA requirements.

### ***Notification of Potential Annexation to Sarasota County***

The JPA/ILSBA provides that the City will not annex any lands other than those designated as Potential Annexation Areas identified in the agreement and that these areas consist of land likely to be developed for urban purposes. It also indicates that the City shall provide notice to the County within twenty days of receipt of any petition to annex properties within the JPA and include a report confirming consistency of the City's planned service delivery with the terms of the agreement.

The subject annexation application was deemed complete on November 9, 2018 by the City's Planning and Zoning Division and was forwarded to Sarasota County staff on November 16, 2018. The subject property lies within Area 1 of the JPA/ILSBA and indication of water and sewer service by the City was indicated in the notice. The JPA/ILSBA indicates that the *"County will not challenge, administratively, judicially, or otherwise, any annexations by the City that annex lands within the Potential Annexation Areas unless the annexed property is not contiguous, as defined in Chapter 171, Florida Statutes, to a City boundary, not compact, or cannot be adequately and reasonably served by police and fire services, or is inconsistent with this Agreement."*

### ***Financial Feasibility Analysis***

Consistent with the City's annexation process, the applicant has provided the following financial feasibility analysis for the potential annexation of the subject property. The applicant does not have specific development plans for the property at this time, however as an example, the applicant has submitted the property tax revenue values associated with a similar project:

HURT ANNEXATION FINANCIAL FEASIBILITY ANALYSIS PURSUANT TO SECTION 4.e OF THE  
CITY OF VENICE ANNEXATION PROCEDURES

4.e Financial feasibility analysis of proposed development as supplied by the applicant :

- I. Estimate or range of property tax revenue as determined by the number of proposed residential units or square footage of commercial development. May be based upon project unit sales or similar development sales.

The owner of the subject property does not have immediate development plans for the property. Nevertheless, please see attached estimated property tax revenue based upon projected buildout of 700 single family homes and 300 multi-family homes with estimated taxable values of \$300,000 and \$200,000 respectively..

- II. Revenue implications or mitigation fees and expansion of utility system users per equivalent dwelling unit (EDU).

Please see the attached for estimated Impact Fees and Utility Connection Fees

- III. Description of infrastructure enhancements to transportation network, utility system, school and recreational facilities.

The project will be required to extend utility lines to the property and provide sidewalks along Knights Trail Road. The project will pay School Impact Fees and Park Impact Fees to enhance school and recreational facilities.

- IV. Discussion of potential pedestrian/bike access and connectivity, environmental set asides, and buffering to mitigate impacts to existing development.

The project will provide enhanced connectivity with the improvement of Knights Trail Road. The project will also preserve wetlands and provide buffering to mitigate impacts to existing developments, if any.

FINANCIAL FEASIBILITY-RUSTIC ROAD ANNEXATION						
	Units	Avg Taxable \$	Ad Valorem Per Unit	Utility Fees Per Unit	Impact Fees Per Unit	
SF	700	\$ 300,000.00	\$ 1,283.40	\$ 7,729.00	\$ 11,738.00	
MF	300	\$ 200,000.00	\$ 945.60	\$ 3,445.00	\$ 7,681.00	
Total SF			\$ 898,380.00	\$ 5,410,300.00	\$ 8,216,600.00	
Total MF			\$ 283,680.00	\$ 1,033,500.00	\$ 2,304,300.00	
Total Annual Ad Valorem			\$ 1,182,060.00			
Total Utility Connection Fees				\$ 6,443,800.00		
Total Impact Fees					\$ 10,520,900.00	
Additional Annual Revenues to the City will result from Communication Service Tax, Insurance Premium Taxes, Utility Service Taxes, Franchise Fees, Water and Sewer Fees, and other License and Permitting Fees						

### III. PLANNING ANALYSIS

This section of the report provides planning analysis on 1) consistency with Chapters 163 and 171 Florida Statute and the City's Comprehensive Plan, 2) consistency with the land development code, and 3) provision of services.

#### A. Consistency with Chapters 163 and 171 Florida Statutes and the City's Comprehensive Plan

##### Chapters 163 and 171 Florida Statutes

The applicant has submitted a petition for annexation of the subject property from the jurisdiction of Sarasota County into the jurisdiction of the City of Venice. The property is eligible for annexation into the City due to its inclusion in the JPA/ILSBA. Subsection 163.3171(3) F.S. provides for the adoption of joint planning agreements to allow counties and municipalities to exercise jointly the powers granted under the Community Planning Act and Chapter 171, F.S., specifically 171.201 provides the following legislative intent of the Interlocal Service Boundary Agreement Act:

*The Legislature intends to provide an alternative to part I of this chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county. The principal goal of this part is to encourage local governments to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community. This part is intended to establish a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation. This part is intended to encourage intergovernmental coordination in planning, service*



*delivery, and boundary adjustments and to reduce intergovernmental conflicts and litigation between local governments. It is the intent of this part to promote sensible boundaries that reduce the costs of local governments, avoid duplicating local services, and increase political transparency and accountability. This part is intended to prevent inefficient service delivery and an insufficient tax base to support the delivery of those services.*

The City and County executed the JPA/ILSBA originally in 2007 and have agreed to amendments of the document multiple times with the most recent amendment at the end of 2018. The agreement was executed in order to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands, ensure protection of natural resources and to agree on certain procedures for the timely review and processing of development proposals within those areas. Consistent with the identified statutes, the JPA/ILSBA provides the procedure for coordination of the annexation of land into the City.

### ***Consistency with the Comprehensive Plan***

The 2017 Comprehensive Plan includes the JPA/ILSBA as a part of the appendix and therefore the majority of the analysis for Comprehensive Plan consistency is related to this agreement. The subject petition has been processed consistent with the procedures identified in the JPA/ILSBA including notification of the potential annexation to Sarasota County. As mentioned previously, the Amended and Restated JPA/ILSBA was amended in September, 2018 to include the subject property as a potential annexation area in the Rustic Road Neighborhood, JPA Area 1. There is currently in process a comprehensive plan amendment petition to include this change in the City of Venice 2017-2027 Comprehensive Plan.

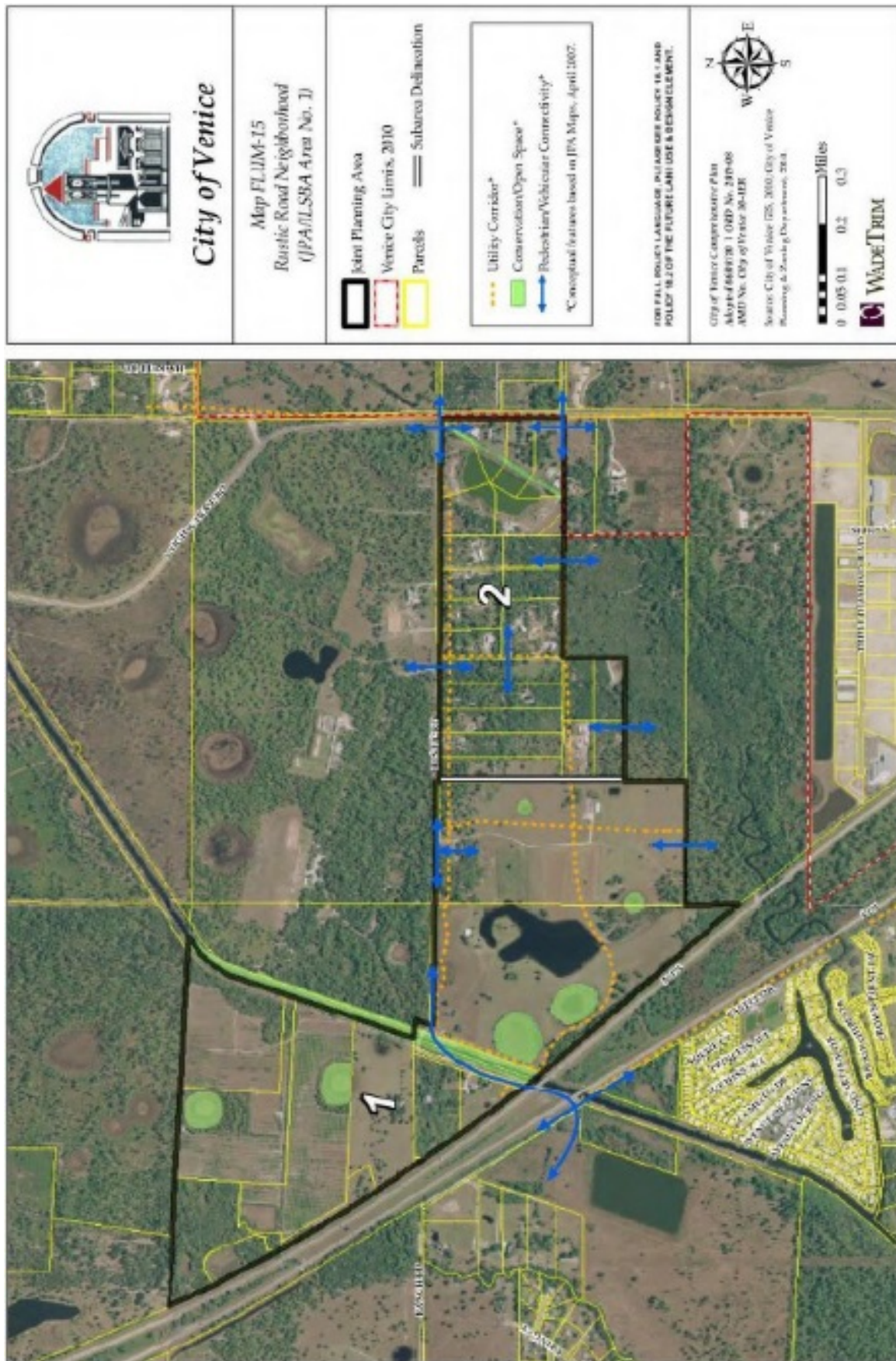
The JPA/ILSBA indicates that the City may annex lands as long as the land is contiguous, as defined in Chapter 171, Florida Statutes, to the municipal boundaries of the City and the area to be annexed is compact.

***“Contiguous”*** means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The subject property is contiguous to the City boundaries and shares a border with Triple Diamond to the south and Knights Trail Road to the east.

***“Compactness”*** means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact. The subject property is reasonably compact and continuous.

In addition, the JPA/ILSBA does not permit the creation of new or expanded enclaves within the Potential Annexation Areas. Typically a property is considered an enclave if it is enclosed on all sides by a municipality. There is a parcel that could be considered an enclave as a result of the subject annexation that is currently owned by the Florida Department of Transportation and is used for stormwater control associated with I-75. The applicant has provided a legal opinion that concludes the property will not be rendered an enclave to which the City Attorney has provided no objection. The City does have intention to annex this property at a future time.

The graphic below from the Comprehensive Plan (Appendix) depicts JPA Area 1 along with both Sub-Areas 1 and 2.



The table below, provides the development standards for JPA Area 1.

Uses	Density	Intensity	Open Space Requirements
<ul style="list-style-type: none"> <li>• <b>Residential</b></li> <li>• <b>Retail</b></li> <li>• <b>Office Space</b></li> <li>• <b>Industrial</b></li> <li>• <b>Manufacturing</b></li> </ul>	<p><u>Subarea No. 1:</u> 5-9 units per acre, calculated on a gross acreage basis.</p> <p><u>Subarea No. 2:</u> Up to 5 units per acre, calculated on a gross acreage basis.</p>	<ul style="list-style-type: none"> <li>• Up to 50% of the acreage non-residential</li> <li>• Shall not exceed a Floor Area Ratio of 2.0 for the gross acreage</li> <li>• Conversion between residential and non-residential land uses may be made on an equivalent dwelling unit basis of 1 dwelling unit per 2,000 square feet commercial space, gross acreage.</li> </ul>	<p>At least 34.2 gross acres shall be conservation / open space.</p>

Following is the full text provided in the JPA/ILSBA for Area 1:

*Area 1 – Rustic Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for Subarea 1 (area abutting I-75 and extending approximately 0.73 mile northward and approximately 0.60 mile eastward of the intersection of I-75 and Cow Pen Slough, and the 218.46+/- acres of property north of the Triple Diamond Commerce Park (comprised of Parcel Nos. 0377-02-0002, 0364-10-0001, and 0377-02-0001 is 5 to 9 units per acre, calculated on a gross area basis. The land use adopted for Subarea 2 (area abutting Knights Trail Road and extending approximately 0.75 mile westward of Knights Trail Road) is up to 5 units per acre. Up to 50% of the acreage in Area 1 will be allowable for nonresidential (retail, office space, industrial and manufacturing) uses. The total square footage of non-residential uses allowed in this area shall not exceed a floor area ratio (FAR) of 2.0. Development shall be served by City water and sewer. Given environmental corridors along the creeks on properties 0364-10-0001 and 0377-02-0001, the parties agree to apply section 10.L. relating to establishing and maintaining wildlife corridors during processes outlined in this Joint Planning Agreement. An environmental/habitat assessment will be required at the time of rezone or development approval stage to identify appropriate habitat protection. The Party with jurisdiction over the development application will require transportation improvements to the intersection of Knights Trail and Rustic Lane to meet County standards and to be provided by the developer. For future expansion of Knights Trail Road, the Party with jurisdiction over the development application will require the reservation of necessary Right-of-Way (ROW) consistent with County roadway standards for a four-lane roadway.*

It is noted that the applicant has submitted concurrent applications for a Comprehensive Plan Amendment to designate the subject property as City of Venice Mixed Use Corridor and a Zoning Map Amendment Petition to provide for RMF-2 and CG designations. Both petitions provide for development consistent with the standards provided for in Area 1 of the JPA/ILSBA.

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 the annexation 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.

**Applicant Response:** The proposed annexation does not establish a land use, but the future land use will be required to be compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

B. Building heights and setbacks.

**Applicant Response:** Building heights and setbacks will be established through the zoning for the property and will be compatible with the existing neighborhood.

C. Character or type of use proposed.

**Applicant Response:** The proposed annexation does not establish a land use, but the future land use will be required to be compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

D. Site and architectural mitigation design techniques.

**Applicant Response:** Site and architectural mitigation design techniques, if necessary, will be established through the Zoning, and site & Development Plan process.

The above development characteristics (Policy 8.2 A through D) will be evaluated with the review of the concurrently processed land development application for zoning and subsequent preliminary plat and/or site and development plan petitions.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided the applicant's response to each consideration as well as staff's commentary on each consideration.

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.

*Staff Comment:* Although this is an annexation petition and does not propose development, the surrounding property is used for agricultural and single-family residential purposes. Compatibility will be further reviewed with subsequent development petitions.

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

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.



***Staff Comment:** Again, this is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding this consideration.*

- 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.

**Applicant's Response:** Not applicable.

***Staff Comment:** The consideration of existing uses on the property is being addressed in the pre-annexation agreement.*

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

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.

***Staff Comment:** Again, this is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding this consideration.*

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.

The review of the concurrently processed zoning application along with review of subsequent development petitions will identify all elements of the proposed project on the subject property and allow a full review of the project, 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.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

- K. Locating road access to minimize adverse impacts.

**Applicant response:** Road access to the property will be designed to minimize impacts.

- L. Adjusting building setbacks to transition between different uses.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

M. Applying step-down or tiered building heights to transition between different uses.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

N. Lowering density or intensity of land uses to transition between different uses.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

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

*Analysis has been provided to determine consistency with the Chapters 163 and 171 Florida Statutes, the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.*

***B. Compliance with the Land Development Code (LDC)***

The City's LDC in Code Section 86-23(k) provides minimal instruction regarding annexation of land, but it does indicate that the City Council shall certify the proposal for annexation (including any proposed collateral agreement in that regard) to the Planning Commission. The Commission shall consider the proposal as follows:

- In relation to its established comprehensive plan for city-wide development and control or by applying such other criteria as may have been established under its own rules and procedures. *(There are no criteria specific to annexation petitions in Planning Commission's rules and procedures.)*

***Staff Comment:*** *The above provides analysis of the proposed petition in relation to the Comprehensive Plan.*

- Shall recertify the proposal to the City Council with its recommendation for approval, rejection or modification in whole or in part.

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

***The subject petition complies with all applicable Land Development Code requirements.***

***C. City's Ability to Provide Services***

In response to request from the Planning and Zoning Division, the City's Technical Review Committee (TRC) reviewed the proposed annexation for potential impacts on City services and facilities. The TRC has provided comments regarding provision of services to the subject property and the ability to maintain adopted levels of service for public facilities that will need to be addressed with each subsequent petition for development of the property if the annexation is approved. It is important to note that concurrent Comprehensive Plan Amendment and Zoning Map Amendment petitions have been filed.

**Conclusion / Findings of Fact (Provision of Services):**

***Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained.***

## **V. CONCLUSION**

***Planning Commission Report and Recommendation to City Council***

Upon review of the petition and associated documents, State Statute, 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 Annexation Petition No. 18-01AN.