GCCF PUD
Zoning Map Amendment

CITY OF VENICE

Planning and Zoning Division
Staff Report

APPLICATION INFORMATION:	
Application Date:	December 6, 2018
Project Name:	GCCF PUD
Petition Number:	18-10RZ
Property Owner:	Border Road Investments, LLC, Myarra Property Joint Ventures, LLC, FC Laurel, LLC and Woolridge Investment-Florida, LLC
Agent:	Jeffery Boone, Esq., Boone Law Firm
PROJECT INFORMATION:	
Parcel ID #'s:	Multiple
Total Acreage:	300± acres
Comprehensive Plan Neighborhood:	Northeast Neighborhood
Comprehensive Plan Designation:	Mixed Use Residential
Existing Zoning:	Planned Unit Development and Commercial Mixed Use (CMU)
Proposed Zoning:	Planned Unit Development (PUD)

Associated Record Documents:

A. Binding Master Plan (received and date stamped by the City on April 5, 2019)
B. Pre-Hearing Conference Information (February 5, 2019)
C. Environmental Report, (E Co Consultants, Inc., received by the City December 6, 2018)
D. Transportation Impact Analysis (Stantec Consulting Services, Inc., dated April 5, 2019)
E. Public Workshop (September 10, 2018)
F. Application Information (completed petition)
G. Rezone Ordinance No. 2008-24 (The Bridges CMU)
H. Rezone Ordinance No. 2006-10 (Villa Paradiso PUD)

I. EXECUTIVE SUMMARY

Pursuant to Rezoning Petition 18-10RZ submitted by Jeffery Boone, agent for Border Road Investments, LLC, Myarra Property Joint Ventures, LLC, Woolridge Investment-Florida, LLC and FC Laurel, LLC, the proposed petition (if approved) will change the current zoning for the subject property from Planned Unit Development (PUD) and Commercial Mixed Use (CMU) to Planned Unit Development (PUD). The overall change as a result of the proposed zoning amendment is described in the Table below and in Section III., (Proposed Zoning) of this staff report. Based upon the submitted documentation including the Binding Master Plan received by the City on April 5, 2019 and the staff data, analysis, and conclusions of this staff report, the following summary and staff findings of fact are provided:

Summary of Existing and Proposed Comprehensive Plan and Zoning Designations

	Existing	Proposed	Density (dwelling units)
Comprehensive Plan	Mixed Use Residential (MUR)	NO CHANGE	MUR allows up to 5 dwelling units per acre (1,500 allowable units)
Zoning	PUD and CMU: Maximum (1,799 units).	Planned Unit Development (PUD) 4.5 units per acre = 1,350 allowable units	Proposed: 1,300 total units (approximately 4.3 units per acre).

Units = residential dwelling units *Note: Project Acreage = 300+/- Acres*

The existing zoning of PUD is applicable to the eastern portion of the property known as the Villa Paradiso project and the existing zoning of CMU is applicable to the western portion of the property known as the Bridges project. The applicant's proposal will unify the property under the one PUD designation and provide a new binding master plan thus eliminating the previous plans. Each of the rezoning ordinances indicated above, and included in the agenda packet, included multiple stipulations specific to the binding development plan associated with that project. If the subject zoning is approved, the previous binding master plans and those stipulations will no longer be applicable to the properties.

Staff Review and Findings of Fact:

Based upon staff analysis of the proposed petition, the following Conclusions and Findings of Fact are provided:

A. Project Overview: The proposed GCCF PUD rezoning request is to allow for residential development for up to 1,300 units. Unit types are to include detached single-family homes, paired villas, and multi-family homes, assisted living facilities, along with amenity centers and open space. The rezoning includes a Binding Master Plan that includes land use and development standards that provide for permitted uses, density/intensity, building heights, lot detail for each type of residential unit, buffers and landscaping, roadway design, and signage along with a Master Site and Circulation Plan that provides detail and limitation in terms of allowable uses. Subsequent compliance with flood zone and stormwater permitting will be required prior to development of the subject properties.

B. Gated Community: The GCCF PUD has indicated desire to be a gated community through depiction of optional gates on the binding master plan at both Laurel and Border Roads. The applicant has submitted a concurrent Conditional Use application that will require approval by City Council upon recommendation from Planning Commission. **This request is covered later in this report.**

Applicant's Code Modification Requests:

1. "A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure, including pool cages, shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height."
2. "A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 43', allows for sidewalks on one

side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways."

3. "A modification to Sec. 86-130 (h) is requested concerning building height. The proposed modification is to replace the Land Development Code standard of 35' over 10' of parking with the Comprehensive Plan standard of up to 42' including parking."

C. Concurrency: As indicated in section IV of this report, concurrency is being requested through the subject petition, however, is not being provided for stormwater or schools at this point. Stormwater concurrency will be confirmed through the subsequent preliminary plat process and school concurrency will not be granted until final plat. As indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project.

D. Mobility: Transportation is discussed later in this report and is reviewed based on mobility.

E. Consistency with the Comprehensive Plan: The Comprehensive Plan designates the subject property as Mixed Use Residential (MUR). The Comprehensive Plan indicates that PUD is the sole implementing zoning district for the Mixed Use Residential (MUR) designation and the applicant's request is consistent with this requirement. It is noted that the current CMU designation is not an implementing district for the MUR land use designation. However the current CMU is recognized as valid per Strategy LU 1.2.21.

The subject petition has been reviewed based on the MUR designation and analysis is provided later in this report that indicates compliance with this designation. In addition, other Strategies of the Comprehensive Plan are identified regarding consistency with the Plan. No inconsistencies have been identified.

The proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources while maintaining wildlife corridors. Based on the standards provided in the binding master plan and the proposed design of the project, and the compatibility analysis based on Policy 8.2, the proposed GCCF PUD may be found consistent with the comprehensive plan.

Compliance with the Land Development Code: The GCCF PUD rezoning, as proposed, may also be found consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.

Staff Stipulations/Conditions:

1. *The main north/south connector road through the development from Border Road to Laurel Road shall not be gated and shall be accessible for use by the public at all times.*
2. *The Northern Italian Renaissance style of architecture is required for this project unless an alternative is provided by the City's Land Development Code.*
3. *All subsequent petitions for the development of the GCCF PUD must provide clear delineation of the specific properties/parcels that are located in the Curry Creek Assessment District and therefore serviced by County sewer.*
4. *The proposed medical office, house of worship and the existing cell tower facility are considered non-residential uses and the PUD is limited to 5% of the total PUD for these uses.*
5. *At the time of final plat (final phase) open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City.*

Conclusions / Findings of Facts (Basis for Action):

Conclusions / Findings of Facts (General Comments):

General Findings: The proposed GCCG PUD includes a layout plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Further, the proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources while maintaining wildlife corridors. The provided ecological narrative provides analysis of the City's

Comprehensive Plan Strategies as found in the Open Space Element with indications of compliance. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject property.

Conclusions / Findings of Facts (Concurrency):

Concurrency is required no later than the final platting phase of the project. Concurrency has been requested for public facilities with the exception of: stormwater and public schools. As indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project.

Conclusion / Findings of Fact (Mobility):

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant and found to be in compliance with applicable traffic standards. A stipulation is provided to remove the gating option to provide opportunity for public access.

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Residential future land use designation, the Open Space Element of the Plan, Policy 8.2 regarding compatibility, strategies found in the Knights Trail Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Conclusions / Findings of Fact (Land Development Code):

Compliance with the Land Development Code: The GCCF PUD rezoning is consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.

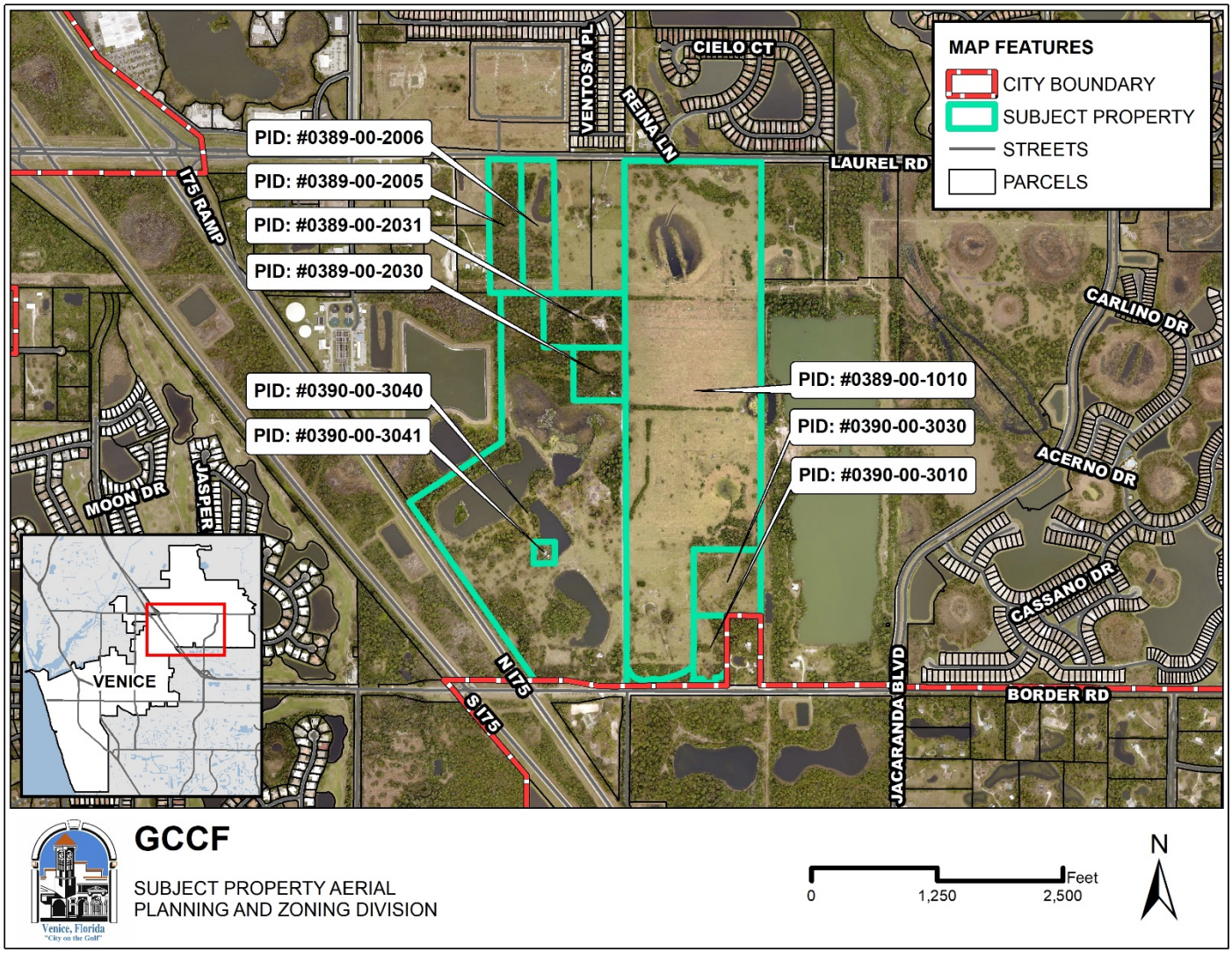
Subject Property	Existing Use(s)	Zoning		Comprehensive Plan Future Land Use Designation
		Current Zoning	*Proposed Zoning*	
GCCF PUD Property	Vacant / undeveloped, agricultural uses/ Cell tower facility	PUD and CMU	*PUD, maximum 4.5 units per acre (proposed GCCF PUD- 4.3 units per acre)*	Mixed Use Residential, maximum 5 dwelling units per acre

II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

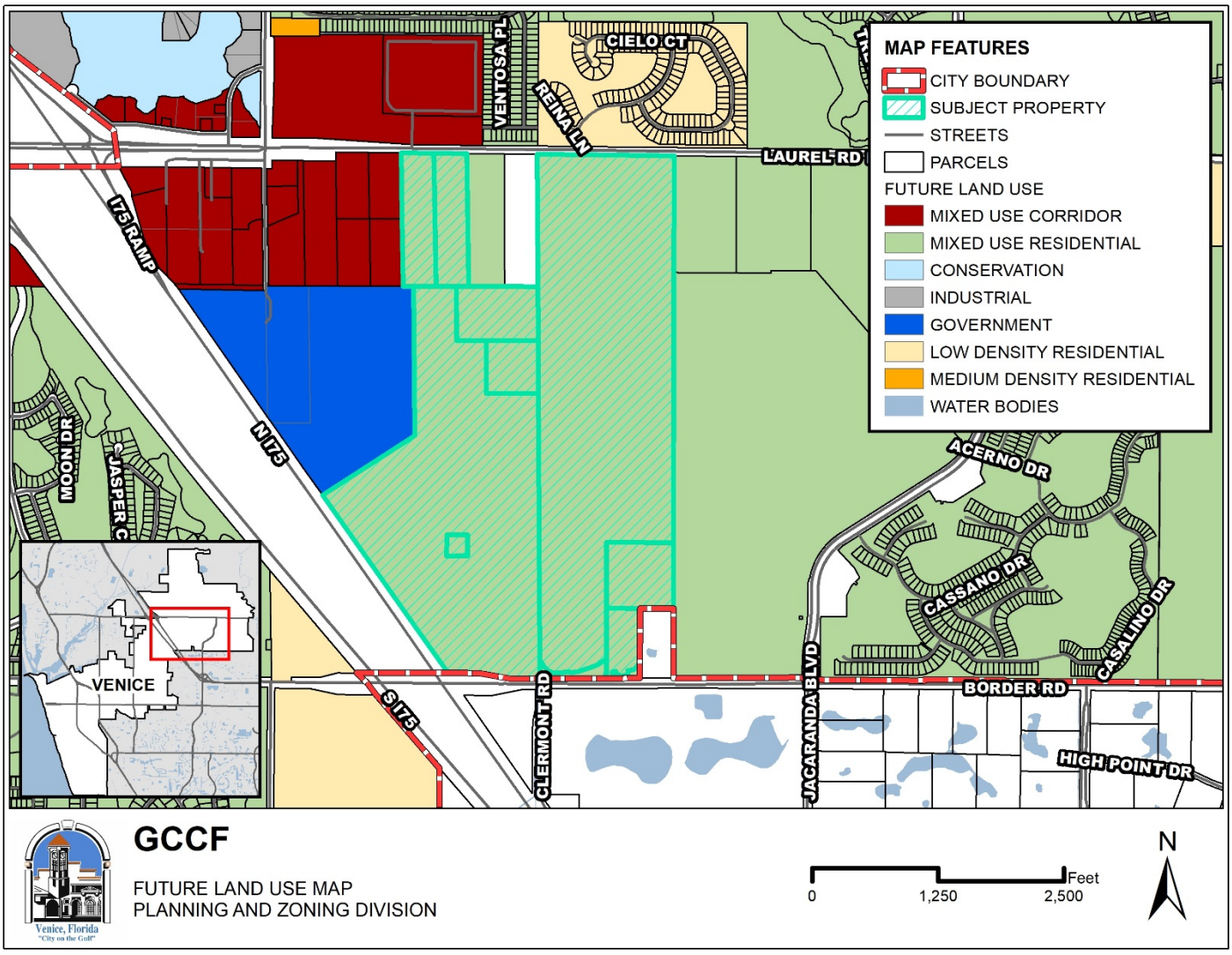
Subject Property:

The subject property is comprised of 300± acres as depicted on the aerial on page 5. The property is vacant and made up mostly of agricultural land. There is a cell tower facility comprised of two towers along with ground equipment located on the property formerly known as the Bridges. There appear to be multiple wetlands and other surface waters on the property. The subject property's western limit is I-75 and the City's Eastside Waste Water Treatment Plan. The property is bordered to the north by Laurel Road and to the south by Border Road. To the east are properties being developed under the City's PUD zoning. Vehicular access to the property is provided from Laurel and Border Roads with an optional connection to the adjacent property to the east.

Location Map:

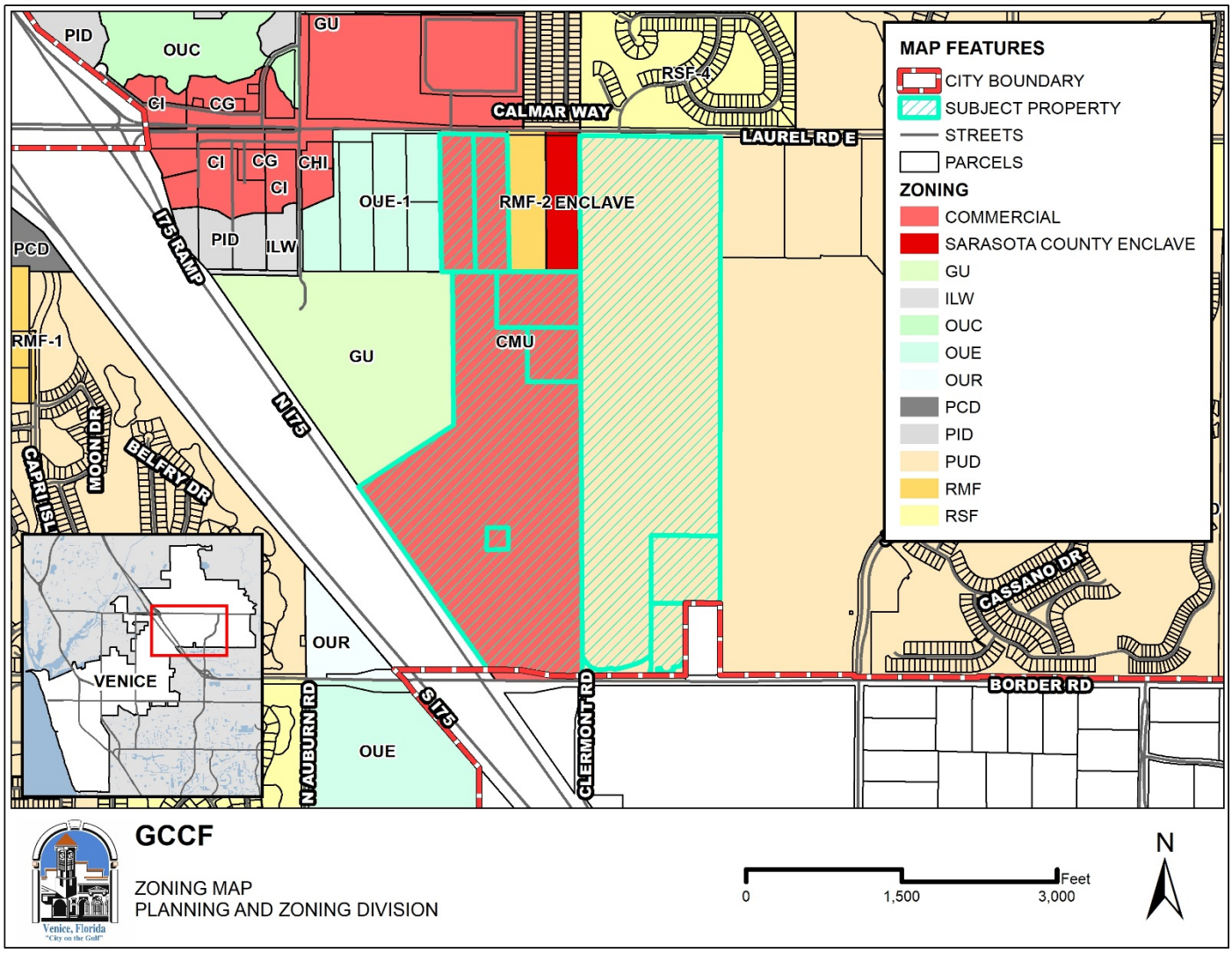


Photos:



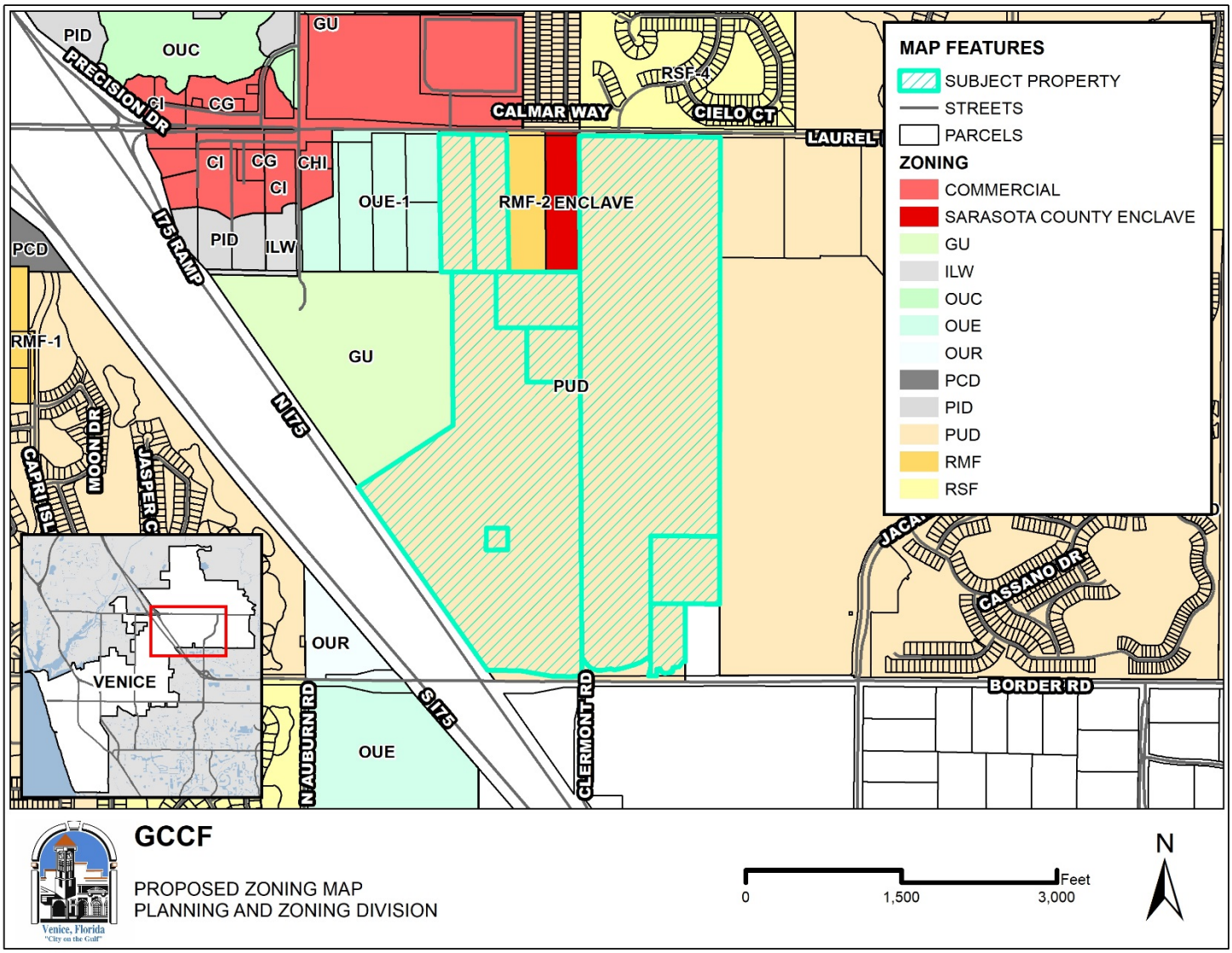
Surrounding Area/Properties (also see Future Land Use and Existing Zoning maps):

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Vacant & Residential (Portofino, Willow Chase & Treviso Grand Apts.)	CMU and RSF-4	Mixed Use Corridor and Low Density Residential
West	Eastside Plant, I-75 and Residential	GU and Sarasota County OUE-1	Government and Mixed Use Corridor
South	Vacant and Agricultural	Sarasota County OUE-1	Sarasota County Rural
East	Residential (Milano)	PUD	Mixed Use Residential



Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with multiple designations of Zones AE, X (shaded), and 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.



III. PROPOSED ZONING

The map above depicts the resulting zoning map if the rezoning of the subject property is approved. The application for the GCCF PUD project was submitted on December 6, 2018 and includes multiple parcels of land located east of I-75 between Laurel and Border Roads and is comprised of land totaling approximately 300+/- acres in size. In accordance with the proposed PUD zoning petition requirements and for the public record, the applicant has included in the submittal package, a Binding Master Plan that provided development standards and illustrates the plan for development. The proposed PUD zoning provides use and design standards to guide the development of the subject property. It is noted that the general purpose and intent of the PUD zoning district standards outlined in Section 86-130 of the City Land Development Code provides the following:

(1) The PUD district shall be utilized to promote efficient and economical land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the city, and the protection of adjacent and nearby existing and future city development.

(2) Regulations for planned unit developments are intended to accomplish the purpose of zoning, subdivision design standard regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified

development approach. In view of the substantial public advantages of planned unit development, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as unified and coordinated units.

For this purpose, it is important to clarify and understand that the PUD zoning through the Binding Master Plan document establishes specific zoning standards to guide the use and development of the subject property.

The GCCF PUD provides for a development pattern consistent with the majority of PUD's recently approved by the City. The majority of the adjacent land to the east is being, or is proposed to be, developed in a similar pattern. Immediately to the east is the Milano PUD which is in progress and is proposed to have a completed residential density of 1.46 units per acre. To the north across Laurel Road is Willow Chase which is a residential subdivision developed containing all detached single-family homes. These developments are consistent with the zoning of PUD that permits up to 4.5 units per acre or, in the case of Willow Chase, the land use designation of Low Density Residential that allows for up to 5 units per acre. The Portofino project to the north is a proposed mixed use project with a binding master plan. To the south across Border Road is vacant land under County jurisdiction, a portion of which, recently applied for annexation but was unsuccessful. It is anticipated that a different applicant is planning to apply for annexation of the property.

The PUD Binding Master Plan that depicts the project layout, submitted for the GCCF development, shown below depicts the lot and street layout, including open spaces and other features (see Map A). The following summary provides an overview of the major sections of the Binding Master Plan as well as staff comments on each section.

Staff comment: *Generally (upon review of the PUD Binding Master Plan (depicting layout) – see Map A), it is noted that the proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources while maintaining wildlife corridors. The PUD zoning district is an appropriate designation for the subject property.*

MAP A: Planned Unit Development Binding Master Plan (depicting layout)

Uses:

The project narrative on page 3 and page 4 of the Binding Master Plan provides for permitted uses as follows: up to 1,300 residential units to include detached single-family homes, paired villas and multi-family units at a proposed density of 4.3 units per acre along with amenity centers and open space. An approximately 25 acre portion of the property will allow for house of worship, assisted living facility and multi-family use by right and medical office by special exception. Locations and acreages of the indicated permitted uses for the project are depicted on the binding master plan layout above which also includes depiction of wetlands, lakes and landscaped buffers. The plan also provides depiction of access points, internal sidewalks on one side of internal roadways, and a proposed eight foot multi-use recreational trail (MURT). There is an existing cell tower installation comprised of two towers and ground facilities on the site that will remain and the Florida Power & Light easement also impacts the property.

> **Staff Comment:** *The binding master plan layout provides a depiction of the proposed uses and location thereof.*

Development Details:

Pages 5 through 7 of the Binding Master Plan provide the development standards for the various use types proposed for the project. These standards include lot size, lot coverage, and required setbacks along with standards for accessory structures. Page 7 includes details of the various landscaped buffers proposed for the perimeter of the project. The buffer along Laurel Road is proposed to be 15 feet in width with remaining buffers proposed at five feet. There is no landscape buffer indicated along Border Road. It is noted that many of the perimeter areas are identified as open space, lakes or wetlands. It should also be noted that there are no buffer requirements in the land development code for a PUD. Pages 8 and 9 provide typical street cross sections for the various road types. The main north/south connector road depicts sidewalks on both sides of the road. Indication is made that the two five foot sidewalks can be substituted for an eight foot MURT. Neighborhood streets depict lesser right-of-way width with sidewalks on one side of the street. Page 10 of the document provides details on proposed signage for the project and page 11 indicates the areas of the code the developer proposes modification to. This ability to modify code standards for a PUD provides flexibility to the developer that facilitates the construction of the project. It also provides the City with predictability of the potential development of the property along with the ability to include conditions, safeguards and stipulations if necessary. It is also noted that a development in the form of a PUD requires 50% open space. It is noted the applicant is indicating a gated community that has been applied for through a Conditional Use petition.

> **Staff Comment:** *The Binding Master Plan and associated maps provide zoning standards for the development. This document becomes the zoning code for development of the site in the manner in which it is being proposed.*

Proposed Zoning Modifications:

As indicated above, a significant advantage of the PUD zoning district is to provide the City with predictability in regards to uniform development and the ability to include conditions, safeguards and stipulations if necessary. In exchange for the predictability, flexibility is afforded to vary zoning standards for the specific development. Modification of specific standards for the proposed development may be addressed through this process. Following are the modifications the applicant is proposing for the PUD:

1. A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure, including pool cages, shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height.

   Applicant's Justification: The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.

Staff Comment: *It is noted that landscaped buffers are proposed adjacent to the perimeter of the project. Although buffers are provided at limited width, much of the perimeter is identified as open space, wetlands, or lakes.*

2. A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 43', allows for sidewalks on one side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways.

   Applicant's Justification: The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, and the low intensity of the development plan.

   Staff Comment: *This modification pertains only to the neighborhood streets, not the main north/south connector road.*

3. A modification to Sec. 86-130 (h) is requested concerning building height. The proposed modification is to replace the Land Development Code standard of 35' over 10' of parking with the Comprehensive Plan standard of up to 42' including parking.

   Applicant's Justification: The proposed modification is necessary to address an inconsistency between the City's Land Development Code and its Comprehensive Plan.

   Staff Comment: *The Comprehensive Plan does limit building height in this area to 42 feet. The applicant has indicated the height regulation provided in the PUD code in Section 86-130 of 35 feet over 10 feet of parking. The applicant has further restricted potential building height by three feet.*

IV. PLANNING ANALYSIS

A. GENERAL COMMENTS:

Conceptual Site Plan:

As indicated in Section III of this report, the proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources while maintaining wildlife corridors (see Map A on page 10 as submitted in the Binding Master Plan). As indicated earlier, the layout plan provided depicts locations of the various uses permitted in the PUD. It provides specific details and clarity detailing the location of use types such as residential lots, amenity sites, wetlands, lakes, buffers, signage, and open space. Landscape buffering along all perimeters, while not required by City Code, are an identified mitigation technique for compatibility.

Environmental Assessment:

The applicant provided an environmental narrative for the GCCF PUD prepared by E Co Consultants, Inc. that is included in the agenda packet. The report contains a description of the subject parcel, and maps depicting the approximate location along with detailed information on the onsite conditions of the subject property. The findings of the report are based on review of available information such as wildlife databases, application of the Florida Land Use, Cover & Forms Classification System (FLUCFCS), and aerial photography, as well as a site visit.

The report provides detailed information on site conditions including geology, soils, uplands, wetlands and water bodies, and wildlife including non-listed and listed species. The report also addressed and provided analysis of the project based on the Intents, Visions and Strategies of the Open Space Element of the City's Comprehensive Plan. The narrative indicates that much of the property has been altered by agricultural uses of haying and cattle grazing. Both ditching and cutting to drain surface waters has occurred throughout the site. The report concludes that "*as planning and design continue more detailed planned impacts and appropriate environmental assessment updates will be provided to the City of Venice, along with other oversight agencies. Given the history of land management of the site and the current conditions, final determinations of the finishing development team, the site could have a dramatic improvement in net wetland functions and conditions compared to current conditions.*"

Although the Comprehensive Plan contains Strategies addressing environmental impact, it should be noted that much of the strategies still lack clear implementation through the land development code which is currently in the update process). Staff has reviewed the environmental narrative in conjunction with the following applicable Strategies from the 2017 Plan:

Strategy OS 1.1.1-Functional Open Spaces
The project indicates approximately 40 acres of lakes which are considered functional open space.
Strategy OS 1.2.1-Conservation Open Spaces
The project indicates approximately 38 acres of existing wetlands that qualify as conservation open space.
Intent OS 1.3-Wetlands.
The design of the project is minimizing any impact to existing wetlands.
Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources
Environmental Report: will conduct/update species surveys prior to development.
Strategy OS 1.4.4 - Non-Native Invasive Species
Environmental Report: indicates removal and work to control nuisance species.
Strategy OS 1.4.5 – Floodplain and Flood prone areas
The development will need to meet applicable FEMA and SWFWMD standards for any proposed development within floodplain.
Strategy OS 1.6.2 - Open Space Corridor System
Binding Master Plan: the GCCF development proposes open space areas to support wildlife movement.
Strategy OS 1.11.1 - Mixed Use Residential District Requirements
The GCCF PUD is consistent with open space (functional and conservation) as indicated in the 'Consistency with the Comprehensive Plan' section of this report.

Staff Comment: *It should be noted that much of the strategies in the Comprehensive Plan still lack clear implementation through the land development code which is currently in the update process. However, the applicant has designed the proposed project with the Strategies of the Plan in mind.*

Conclusions / Findings of Facts (General Comments):

General Findings: The proposed GCCG PUD includes a layout plan and zoning standards (contained in the binding master plan) that provides sufficient detail and limitation in terms of allowable uses. Further, the proposed development as a PUD and the requirement for 50% open space affords opportunity to provide for a compact development pattern which allows for preservation of the open space and protection of environmental resources while maintaining wildlife corridors. The provided ecological narrative provides analysis of the City's Comprehensive Plan Strategies as found in the Open Space Element with indications of compliance. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject property.

B. CONCURRENCY/MOBILITY INFORMATION:

Mobility regarding transportation will be addressed in detail below. In review of concurrency for the proposed GCCF PUD project, it is important to acknowledge that the intent of concurrency is that public facilities levels of service be in place concurrent of the time of project impact. While zoning does not result in an approved development permit, it is still important for decision makers to consider the impact of the proposed development on public facilities at each stage of a project to identify potential areas of concern for public infrastructure as early as possible. This affords sufficient time to address potential deficiencies at each phase while ensuring concurrency is in place no later than the final platting of the project. It is also important to note that the proposed development is less than the development anticipated by the Comprehensive Plan MUR designation and the existing zoning (1,300 units proposed, 200 units less than the maximum allowed by the MUR and 499 units less than the current approved PUD/CMU zoning allows).

At the zoning level, typically concurrency is conducted on a 'preliminary' basis, as a detailed review of concurrency is not conducted nor is concurrency granted at this stage of a project. However, for PUD zoning projects, applicants often request concurrency for all public facility types that may grant concurrency at this stage of development. School and stormwater concurrency, are examples where concurrency will typically not be granted at the zoning stage of a project. The applicant has applied for concurrency through the subject application.

For the purpose of this section, the concurrency evaluation is being conducted utilizing an estimated average person per household of 1.7. The University of Florida Bureau of Economic Business and Research (BEBR) estimates that the City of Venice population in April of 2018 was 22,781. These figures may be helpful for the following Level of Service (LOS) analysis of impact to public facilities (where appropriate).

Mobility/Transportation:

Roadways:

Although concurrency is maintained in the City's ordinances for the majority of services provided, an interlocal agreement was entered into with Sarasota County for transportation that requires the City to collect mobility fees per the County fee schedule. In addition, the Comprehensive Plan also indicates the movement of the City in the direction of assessing mobility fees for transportation impacts. The purpose of the mobility fee is to mitigate and offset costs associated with the impacts of development on the transportation system. Transportation analysis is required for all proposed development in order to identify potential impacts to the system that need to be addressed by mobility fees. As a result, deficiencies that require mitigation are included in the City's Capital Improvement Schedule (CIS) and ultimately included in the City's Capital Improvement Program (CIP) to ensure funding and timing for necessary improvements to be completed in order to maintain required level of service (LOS).

To help in understanding the potential impacts to the transportation (road) network, a traffic study was conducted by Stantec Consulting Services, Inc. and submitted with the GCCF PUD project. This study was reviewed by the City's traffic consultant (Wade Trim) and has been found to be compliant with professional standards for conducting this analysis. It should be noted that all traffic studies project a build out year and include the proposed traffic (background traffic) from other approved developments impacting the same roadways that have been approved but not built yet. This background traffic along with an annual growth rate provide the best estimate for future conditions/impact. The traffic study area is established by identifying roadway segments where project traffic consumes a minimum of 5% of the roadway capacity. Based upon the results of the analysis (as found in the Transportation Impact Analysis, dated April of 2019 by Stantec Consulting Services, Inc., required levels of service for transportation are being maintained assuming the following improvements are completed.

The study indicates that *"all study area roadway segments are currently operating at acceptable level-of-service standards."* There are deficiencies related to specific intersections that are identified as pre-existing conditions and not the result of the proposed project. The improvements necessary to correct the pre-existing deficiencies at these intersections are as follows:

I-75 SB Ramps/Laurel Road Intersection

- Increase the cycle length from 110 seconds to 160 seconds.
- Construct a second southbound left-turn lane.

I-75 NB Ramps/Laurel Road Intersection

- Increase the cycle length from 110 seconds to 160 seconds.

Knights Trail Road/Laurel Road Intersection

- Increase the cycle length from 110 seconds to 160 seconds.
- Construct an eastbound to northbound left-turn flyover for the projected 1209 vehicles and remove the westbound left turn protected phase.

Jacaranda Blvd./Laurel Road Intersection

- Signalize and add an eastbound right-turn lane to accommodate the projected 649 vehicles..

Jacaranda Blvd./Border Road Intersection

- Signalize and restripe the southbound approach from a shared left-turn/through lane and exclusive right-turn lane to an exclusive left-turn lane and a shared through/right-turn lane so that left-turn traffic will not block through traffic on green..

Jacaranda Blvd./I-75 SB Ramp Intersection

- Add a southbound left-turn protected plus permitted phase.
- Convert the dual eastbound right turn lanes to a free-flow movement with an add lane (becoming the southbound right turn lane at Commercial Court intersection.)

Auburn Road/Venice Avenue Intersection

- Remove the split phase operations for the northbound/southbound approaches.

Jacaranda Blvd./I-75 NB Ramp Intersection

- Signalize.
- Add five-section head to allow southbound right turn overlap phase.

These identified improvements can be assumed to be in place for the purpose of the study since the deficiencies are not the result of the proposed projects impact. Some improvements are minor to accomplish such as signal timing and others are more complex and involve improvements that will need to be included in the Capital Improvement Schedule in the Comprehensive Plan for future completion. These identified improvements provided by the analysis indicate where collected mobility fees need to be applied.

Regarding site access, the analysis indicated improvements that are the responsibility of the developer and these improvements will be completed as the project develops. They are as follows:

Driveway 1/Laurel Road

- Construct a 185-foot eastbound right-turn lane
- Construct a 235-foot westbound left-turn lane

Driveway 2/Laurel Road

- Construct a 185-foot eastbound right-turn lane
- Construct a 235-foot westbound left-turn lane

Driveway 3/Border Road

- Construct a 185-foot eastbound right-turn lane
- Construct a 235-foot westbound left-turn lane

Driveway 3/Border Road

- Construct a 235-foot westbound left-turn lane

North/South Connector Road

Regarding transportation, it is important to note that the Comprehensive Plan Transportation Element, in Strategy TR-NE 1.1.4, provides the following language specific to the Northeast Neighborhood:

> *The City shall ensure that two additional north/south connections between Laurel Road and Border Road are added to the transportation system. One roadway shall be located east of Jacaranda Boulevard and one shall be located west of Jacaranda Boulevard. Roads may be public or private and that in case of emergency private roadways with gates shall be opened for public access. The improvement of Jacaranda Boulevard to a 4-lane roadway shall not be deemed to satisfy the requirement for the additional roadways.*

The applicant has indicated "Gate Optional" at each end of the main north/south connector road from Laurel Road to Border Road. Although this is consistent with the indications of Strategy TR-NE 1.1.4, staff has

concerns regarding the main north/south connector road through the proposed development being gated. This proposed roadway is in close proximity to the intersection of Laurel Road, Knights Trail, Interstate 75 and Pinebrook Road to the west. Having this road open and available for public use will provide an alternative to I-75 between Laurel and Border Roads and will allow for greater dispersion of local traffic. This would be a beneficial option if there is a traffic issue in the surrounding area, especially with the Interstate and could relieve stress on the overall transportation system. Availability of this roadway could also minimize necessary improvements to the transportation system as a whole. As a result, a stipulation is provided in the above analysis of the GCCF PUD to remove the gating option and provide opportunity for public access.

Conclusion / Findings of Fact (Mobility):

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant and found to be in compliance with applicable traffic standards. A stipulation is provided to remove the gating option to provide opportunity for public access.

Pedestrian/Sidewalks:

The Level of service for sidewalks is D, which indicates level of service is maintained if sidewalks are present on 0-49% of the local roadways. As such, the level of service is being met with or without sidewalks. The GCCF PUD development includes a network of internal roadways that will have sidewalks on one side along with a main north/south connector roadway that will include an eight foot MURT or five foot sidewalks on both sides of the street. A sidewalk currently exists adjacent to the property on Border Road along the majority of the property frontage. It appears to end at the beginning of the ramp over I-75. A sidewalk will be required to be constructed along Laurel Road adjacent to the project site.

Bicycle:

Similar to the Level of Service for sidewalks, bicycle LOS is D which indicates that facilities are present on 0-49% of local roadways. As such, the level of service is being met with or without bike lanes. Bike lanes are not included for internal neighborhood streets. However, the north/south connector will include bike lanes. There are currently bike lanes on both sides of Border Road. However, a bike lane exists only along the north side of Laurel Road.

Transit:

The adopted LOS standard for transit is D along all roadways served by transit within the City. The GCCF PUD development is not located along sections of roadway frontage that is served by Transit. As a result, Transit LOS is not applicable for this project.

Concurrency

Solid Waste:

The Public Works Department has not identified any solid waste concurrency issues for the project.

Potable Water:

The Comprehensive Plan adopted LOS standard for water as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
90 gallons per day (annual daily flow)	1,300	1,300 (units) x 90 (gallons per day) = 117,000

The City utilities department has not identified any issues regarding water concurrency for the project.

Sanitary Sewer:

The eastern portion of the subject property, formerly known as Villa Paradiso, is located within the Curry Creek Assessment District and will be served by Sarasota County regarding sanitary sewer. The adopted LOS standard for sanitary sewer as indicated in Strategy IN 1.3.1 of the Infrastructure Element:

Adopted LOS	Project Equivalent Residential Unit (ERU)	Project Impact
162 gallons per day (annual daily flow)	1,300	1,300 (units) x 162 (gallons per day) = 210.600

The City utilities department has not identified any issues regarding sanitary sewer concurrency for the project.

Storm Water Management:

The subject property must comply with City Stormwater management requirements of post development runoff not exceeding predevelopment runoff for a 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFMD) prior to construction. Compliance will be confirmed through the platting process.

Functional Open Space (conservation):

The adopted LOS standard for Functional Open Space is 7 acres per 1,000 population. The proposed GCCF PUD proposes development of up to 1,300 residential units. Using population per household of 1.7, the GCCF project would generate a need for an additional 15.5 acres of functional open space. At this population rate, the GCCF development would have an estimated population of 2,210. The current City of Venice Population (2018 estimate) is 22,781. With the addition of the GCCF PUD, the estimated City population would be 24,991 generating an open space need of (24,991/1,000 *7) = 174.9 acres. According to information from the City Public Works Department, the current allocation of functional open space within the City totals approximately 558.4 acres. As this figure indicates, there is a substantial surplus of functional open space acreage sufficient to accommodate proposed GCCF PUD project.

Hurricane Shelter Space: Consistent with Strategy OS 1.9.10, the LOS standard for shelter space shall be 20 square feet per person seeking shelter. Strategy OS 1.9.10 provides criteria on the application and calculation of this LOS standard.

> *Staff Comment - Strategy OS 1.9.10 - Hurricane Shelter Space provides that mitigation for shelter space is required for development and redevelopment for properties within the Coastal High Hazard Area (CHHA). CHHA properties identified properties are indicated on Figure (Map) OS-1: Coastal High Hazard Area (CHHA) within the Open Space Element of the Comprehensive Plan. The subject GCCF PUD project is not identified as CHHA properties on this map. As a result, the Hurricane Shelter Space LOS is not applicable to the GCCF PUD project.*

Public Schools:

The proposed amendment has been submitted to the Sarasota County School Board staff for concurrency. While no issues have been identified at this point, school concurrency is not granted until final plat approval.

Conclusions / Findings of Facts (Concurrency/Mobility):

Concurrency is required no later than the final platting phase of the project. Concurrency has been requested for public facilities with the exception of: stormwater and public schools. As indicated in the analysis of this report, there do not appear to be any significant capacity issues as a result of providing public facilities to the subject property to meet the needs of the proposed project.

C. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following analysis includes review of the significant strategies found in the Northeast Neighborhood, Land Use Element and the Open Space Element provided in the Comprehensive Plan. It is important to note that the strategies found in the Comprehensive Plan have not been implemented. The City is in the process of developing a new Land Development Code that will provide standards consistent with the Plan.

Northeast Neighborhood

The Comprehensive Plan identifies the subject property as being within the 2,827 acre Northeast Neighborhood. This neighborhood is the largest of the neighborhoods and has been witnessing the majority of the City's residential growth.

The future land use of the property is MUR and the PUD zoning district is the only implementing district identified in the Comprehensive Plan for the MUR designation. The MUR designation allows for residential development of up to five units per acre. The applicant is proposing to develop the property with a maximum of 1,300 units which calculates to a residential density of approximately 4.3 units per acre. The current number of dwelling units in the Northeast Neighborhood as indicated in the Comprehensive Plan is 1,403 as of January 1, 2017. The addition of the project unit count of 1,300 units will result in a total of 2,703 residential units which is well under the maximum of 12, 895 units permitted in the neighborhood MUR designation.

Land Use Element

Land Use Strategy LU 1.2.9 provides that the PUD zoning district is the sole implementing district for the Mixed Use Residential designation. Strategy LU 1.2.16 provides the overall parameters, which the proposed PUD is in compliance with, for MUR designated property as follows:

LU 1.2.16-1 Implemented by PUD zoning.
LU 1.2.16-2 Requires conservation and functional open spaces.
LU 1.2.16-3 Development standards and housing types designated at the PUD zoning level.
LU 1.2.16-4 Density limited to a maximum of 5 units per acre.
LU 1.2.16-6a. Minimum 95% residential.
LU 1.2.16-6c. Minimum 50% open space. A minimum of 10% functional and 10% conservation.

Additional Strategies the Proposed Development is Consistent with:

LU 1.2.17-Mixed Use Residential Open Space Connectivity
LU 1.3.2-Functional Neighborhoods
LU 1.3.3-Walkable Streets
LU 1.3.4-Interconnected Circulation
LU 1.3.5-Natural Features

Strategy LU 4.1.1. Transitional Language Specific to Comprehensive Plan regulatory language

As indicated above, the "Transitional Strategies" of the Comprehensive Plan carried forward the compatibility review of Policy 8.2. Following is a review of compatibility of the GCCF PUD based on Policy 8.2:

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods. Compatibility review shall include the evaluation of:

A. Land use density and intensity.
Applicants Response: The proposed density and intensity is a reduction from the currently approved density and intensity for the property.

B. Building heights and setbacks.
Applicants Response: The proposed building heights and setback are a reduction from the currently approved development plans for the property.

C. Character or type of use proposed.
Applicants Response: The proposed uses are compatible with the neighborhood and will not result in a change in the character or type of uses currently permitted in the area.

D. Site and architectural mitigation design techniques.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.

Considerations for determining compatibility shall include, but are not limited to, the following:

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.
Applicants Response: Not applicable.

Staff Comment: *The subject property is immediately adjacent to the Milano PUD to the east which provides for development similar to that proposed by the GCCF PUD. The Willow Chase project is north of the site and is also a similarly developed residential neighborhood but does not contain any multi-family units.*

F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
Applicants Response: Not applicable.

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.
Applicants Response: Not applicable.

H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.
Staff Comment: *The proposed density of the GCCF PUD at 4.3 units per acre is similar to those surrounding projects such as Milano and Willow Chase and is considerably lower than what could be developed on the property currently. The area to the south in the County has the typical OUE zoning that allows one unit per five acres. However, the Joint Planning Agreement with the County does permit development up to nine units per acre.*

Potential incompatibility shall be mitigated through techniques including, but not limited to:

I. Providing open space, perimeter buffers, landscaping and berms.
Applicants Response: The proposed plan is consistent with all City of Venice open space, buffers and landscaping requirements.
Staff Comment: *The project does include the required 50% open space.*

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.

K. Locating road access to minimize adverse impacts.
Applicants Response: Road access has been located to minimize any adverse impacts.

L. Adjusting building setbacks to transition between different uses.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.

M. Applying step-down or tiered building heights to transition between different uses.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.

N. Lowering density or intensity of land uses to transition between different uses.
Applicants Response: The proposed plan will result in a less intense form of development as compared to the currently approved development plans.

Staff Comment: *Density is limited to 1,300 units which is less than the permitted 1,799 units per the current approvals. The PUD requires that a minimum of 50% of the site be devoted to open space and the subject proposal currently maintains 50% of the site as open space with areas of open space strategically located along the perimeter of the site to increase buffering. Building heights are limited to less than that provided in the PUD code.. With the inclusion of a number of the mitigation techniques of Policy 8.2 being employed by this project , there is adequate evidence on which to determine compatibility with the adjacent property.*

Transportation Element

Regarding transportation, current facilities for roadways, pedestrian, and bicycle facilities are operating consistent with the required levels of service. There is no transit route in this area. Strategy TR-NE 1.1.3 and strategies TR 1.3.2 and TR 1.3.4 from the Transportation Element are being incorporated into the design of the project through the inclusion of

internal and external sidewalks and potential connection to the east. These improvements further implement the Comprehensive Plan's vision of Complete Streets cited in Vision TR 1 and Intent TR1.3.

Open Space Element

This report, along with other agenda packet items, as indicated under "environmental assessment" in Section IV, provided information on the applicant's environmental narrative and analysis of environmental Strategies in the Comprehensive Plan. This analysis can be used to support consistency with the Comprehensive Plan.

Open Space Strategy OS 1.11.1 requires a minimum of 50% of the gross land area within MUR designated areas, on a per property (development) basis, be provided as open space. Open spaces shall not be less than a minimum 10% conservation or a minimum 10% functional. The subject property contains approximately 300 acres and, as indicated in the binding master plan, the applicant is proposing approximately 149.93 acres of open space, or 50% of the site. Of the total 149.93 acres, wetlands alone provide 12% and represent conservation and 40.96 acres of lakes provides for 13.6% of functional open space.

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Residential future land use designation, the Open Space Element of the Plan, Policy 8.2 regarding compatibility, strategies found in the Knights Trail Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

d. Land Development Code:

Section 86-130 (u) provides for the procedures for a PUD rezoning.

Procedural Criteria:

a. A pre-hearing conference with the Planning Commission was conducted on February 5, 2019. The results of that conference and applicants written response are provided as part of the record.
b. The PUD Binding Master Plan documentation was submitted as part of file of record for the GCCF PUD on December 6, 2018 and subsequently revised and updated.
c. Evidence of Unified Control; Development Agreements – The City Attorney reviews evidence of unified control and confirms this through the associated Development Agreement required prior to final zoning approval by City Council.

Applicable Zoning Map Amendment Considerations
Section 86-47(f) of the Land Development Code states "When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:" To facilitate the Planning Commission's review of the subject petition staff has provided the applicant's response to each of the following considerations and when appropriate staff has provided comments with additional information.

a. Whether the proposed change is in conformity to the comprehensive plan.
Applicants Response: The proposed change is in conformity with the Mixed Use Residential Comprehensive Plan designation for the property.

Staff Comment*:* *Also see Consistency with the Comprehensive Plan in Section IV(c) above.*

b. The existing land use pattern.
Applicants Response: The proposed residential PUD is consistent with the land use pattern in the area which largely consists of residential uses.

Staff Comment: *The proposed project is similar to the PUDs to the east in that it is mainly residential and provides a variety of residential products, including single-family and multi-family.*

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

Applicants Response: The proposed residential PUD will not create an unrelated isolated district as it is adjacent to nearby districts with similar uses.

Staff Comment: *The proposed PUD is consistent with the projects to the east that are also PUDs and extend to the Myakka River.*

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
Applicants Response: The proposed residential PUD will not overtax the load on public facilities such as schools, utilities and streets, and reduce impacts on public facilities as compared to the current zoning.

Staff Comment: *Concurrency and Mobility have been fully analyzed and the analysis is provided in Section IV(b) of this report.*

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Applicants Response: The current split CMU and PUD zoning on the project is illogical and the proposed rezoning will allow for unified development of the properties.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Applicants Response: The split CMU and PUD zoning on the property makes the passage of the proposed zoning amendment necessary for a unified development plan.

Staff Comment: *The CMU district is not an implementing district and is therefore inconsistent with the MUR land use designation. If approved, this issue will be resolved.*

g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Applicants Response: The proposed change will not adversely affect living conditions in the neighborhood as appropriate buffering is proposed from adjacent properties and a reduction in the currently approved density/intensity of development is proposed.

Staff Comment: *The proposed project is very similar to other projects in the area and is consistent with the parameters of the MUR designation.*

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Applicants Response: The proposed change will not excessively increase traffic congestion or otherwise affect public safety.

Staff Comment: *The applicant has provided the required traffic analysis for the project that has been reviewed and approved by the City's transportation consultant.*

i. Whether the proposed change will create a drainage problem.
Applicants Response: The proposed change will not create a drainage problem and will be required to meet all City of Venice standards related to drainage.

Staff Comment: *Stormwater concurrency will be confirmed upon review of a preliminary plat.*

j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Applicants Response: The proposed development includes substantial setbacks and open space so as to ensure preservation of light and air to adjacent areas.

Staff comment: *Building height is being limited by the applicant to less than that permitted by right and is consistent with the adjacent PUD.*

k. Whether the proposed change will adversely affect property values in the adjacent area.
Applicants Response: The proposed change will not adversely affect property values in the area.

Staff Comment: *Development of the subject property may stimulate interest in other surrounding properties and should not have an adverse effect.*

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Applicants Response: The proposed change will not be a deterrent to the improvement or development of adjacent property.

Staff Comment: *The development of this site at a low residential density should not impact the surrounding property as it is low density as well.*

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
Applicants Response: The proposed change will not constitute a grant of special privilege.

Staff Comment: *The applicant is following the appropriate process and the proposal is consistent with the existing land use designation.*

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
Applicants Response: The split CMU and PUD zoning of the properties requires this PUD rezoning in order to unify the development plan for the properties.

Staff Comment: *Although the property could be developed under the current zoning, the proposed PUD across the entire property and the elimination of the CMU designation provides increased consistency with the Comprehensive Plan.*

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Applicants Response: The change is not out of scale with the needs of the neighborhood or the City.

Staff Comment: *The surrounding area provides multiple opportunities for employment and nearby housing could be a positive addition to the area.*

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
Applicants Response: There are limited adequate areas within the City which are currently zoned for the proposed use.

Staff Comment: *This area has a FLUM designation of MUR. The replacement of the existing CMU zoning to make the property fully PUD brings the property into compliance with the MUR designation in of the Comprehensive Plan.*

Conclusions / Findings of Fact (Land Development Code):
Compliance with the Land Development Code**: **The GCCF PUD rezoning is consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments.

V. 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 facilitate the rendering of a decision regarding this petition. A summary of all staff findings of fact is included in Section I providing a summary basis for recommendation.

CONDITIONAL USE PETITION NO. 19-09CU

I. Applicant's Request

The applicant, through the binding master plan associated with the proposed PUD, proposes gates to be located at all four project access points along Laurel and Border Roads. The applicant confirms that all internal roadways for the project will be privately owned and maintained. Code Section 86-42(a)(3) provides for the ability for the applicant to seek a conditional use for *"An allowance that permits the development of a gated community, characterized by physical barriers to automotive and pedestrian circulation."* The applicant has submitted an application, narrative and responses to the applicable conditional use criteria in support of their request.

II. Project Description

The GCCF PUD has been described in detail in the bulk of this report. Access to the project is proposed along both Laurel and Border Roads through four access drives, two from each road. The binding master plan applicable to the project indicated "gate optional". The applicant's desire is to limit access to residents and guests and not have the north/south connector roadway open to the public. Although the following text is provided earlier in this report, it is being repeated due to it applicability to the conditional use request.

Regarding transportation, it is important to note that the Comprehensive Plan Transportation Element, in Strategy TR-NE 1.1.4, provides the following language specific to the Northeast Neighborhood:

> *The City shall ensure that two additional north/south connections between Laurel Road and Border Road are added to the transportation system. One roadway shall be located east of Jacaranda Boulevard and one shall be located west of Jacaranda Boulevard. Roads may be public or private and that in case of emergency private roadways with gates shall be opened for public access. The improvement of Jacaranda Boulevard to a 4-lane roadway shall not be deemed to satisfy the requirement for the additional roadways.*

The applicant has indicated "Gate Optional" at each end of the main north/south connector road from Laurel Road to Border Road. Although this is consistent with the indications of Strategy TR-NE 1.1.4, staff has concerns regarding the main north/south connector road through the proposed development being gated. This proposed roadway is in close proximity to the intersection of Laurel Road, Knights Trail, Interstate 75 and Pinebrook Road to the west. Having this road open and available for public use will provide an alternative to I-75 between Laurel and Border Roads and will allow for greater dispersion of local traffic. This would be a beneficial option if there is a traffic issue in the surrounding area, especially with the Interstate and could relieve stress on the overall transportation system. Availability of this roadway could also minimize necessary improvements to the transportation system as a whole. As a result, a stipulation is provided in the above analysis of the GCCF PUD to remove the gating option and provide opportunity for public access.

III. Consistency with the Comprehensive Plan and LDC

The Comprehensive Plan does not contain any specific Strategies regarding the specific conditional use request for a gated community and therefore no inconsistencies with the Plan are being created. Regarding the Land Development Code, the application has been processed consistent with the LDC requirements and the criteria found in code section 86-42(e) have been addressed by the applicant.

Section 86-42(e) of the Land Development Code identifies the contents of planning commission recommendation as follows:

> *(e) Contents of planning commission recommendation. The planning commission shall make a recommendation to the city council as to whether or not the granting of the conditional use will adversely affect the public interest; as to whether or not the specific requirements governing the individual conditional use, if any, have been met by the petitioner; and as to whether or not satisfactory provisions and arrangement has been made concerning the following matters, where applicable:*

To facilitate the Planning Commission's review of the subject conditional use petition, staff has provided each of the considerations referenced in the above code provision, the applicant's response to each of the considerations and staff's commentary on selected considerations in which additional information can be brought to the Planning Commission's attention.

(1) Compliance with all applicable elements of the comprehensive plan.

Applicant's Response: The proposed gated community is consistent will all applicable elements of the comprehensive plan.

Staff Comment: *As indicated in the above analysis, no inconsistencies are with the comprehensive plan are being created..*

(2) General compatibility with adjacent properties and other properties in the district.

Applicant's Response: The proposed gated community is compatible with adjacent properties and other properties in the district, in fact, gated communities are the common form of development in the neighborhood.

Staff Comment: *There are a number of other gated communities in this area.*

(3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings.

Applicant's Response: Not applicable.

Staff Comment: *It is the cumulative amount of development in this area of the City that justifies maintaining this north/south connector as open to the public.*

(4) Required yards and other open space.

Applicant's Response: Not applicable.

(5) Screening and buffering, with reference to type, dimensions and character.

Applicant's Response: Not applicable.

(6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control.

Applicant's Response: The proposed gated community will control traffic flow through the development enhancing pedestrian safety and convenience.

Staff Comment: *Consistent with the information above, there may be improvements to the overall transportation system by not gating this main north/south connector.*

(7) Off-street parking and loading areas, where required.

Applicant's Response: Not applicable.

(8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion.

Applicant's Response: Not applicable.

(9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Applicant's Response: Not Applicable.

Code Section 86-42(f) provides for the following "Conditions of Approval" for any request for conditional use that may be considered by the City:

(f) *Conditions of approval.* The city may impose conditions that are found necessary to ensure that the conditional use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to, the following:

(1) Requiring site or architectural design features which substantially advance Venetian Mediterranean design standards or other appropriate architectural design compatible with the surrounding area;

(2) Requiring larger setback areas, lot area, and/or lot depth or width;

(3) Limiting the building structure height, size or lot coverage, and/or location on the site;

(4) Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

(5) Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

(6) Requiring and designating the size, height, location and/or materials for fences;

(7) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and signage;

(8) Designating the size, number, location and/or design of vehicle access points or parking areas;

(9) Requiring street right-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways, or trails to be improved;

(10) Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources and/or sensitive lands; and

(11) Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle facilities including, but not limited to, pathways, gazebos, public art displays and other such pedestrian amenities.

Conclusions / Findings of Fact (Compliance with the Land Development Code):
Staff has identified a stipulation very specific to this conditional use request in regards to keeping the north/south connector road accessible by the public and therefore not gated. Planning Commission should take this into account when considering the required findings indicated below.

Required Planning Commission Findings for Conditional Use Approval:

- ***Will not adversely affect the public interest,***
- ***Any specific requirements governing the individual conditional use, if any, have been met by the petitioner,***
- ***Satisfactory provision and arrangement have been made concerning the matters listed in Section 86-42(e).***

V. CONCLUSION

Planning Commission Report and Recommendation to City Council

The Planning Commission is required to study and consider the factors contained in Section 86-42(e) and make a report and recommendation regarding conditional use 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.