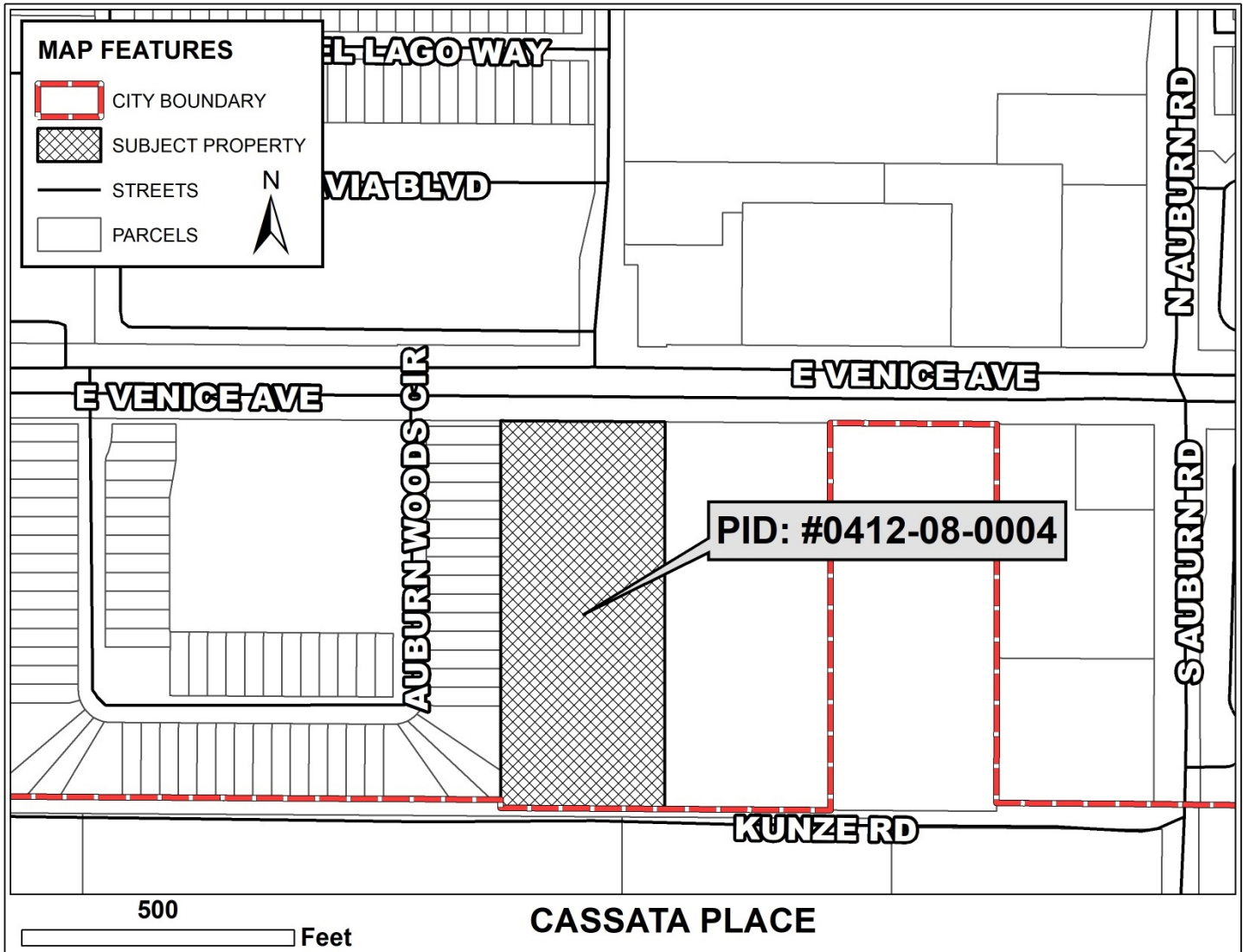




REZONE AMENDMENT: CASSATA PLACE I STAFF REPORT

June 4, 2019

19-13RZ



PETITION NO.: 19-13RZ Cassata Place I

REQUEST: Rezone amendment for the subject 5.07 acre \pm property. The rezone is limited to eliminating a stipulation from Ordinance No. 2005-24 that previously rezoned the property. The stipulation states: *"The developers agree not to propose a wall, or a fence, or gate along the west property line."*

GENERAL DATA

Owner: Aqueduct LLC

Agent: Jeffery Boone Esq., Boone Law Firm

Address: 1755 E. Venice Avenue

Property ID's: 0412-08-0004

Property Size: 5.07 acres \pm

Future Land Use: Moderate Density Residential

Neighborhood: East Venice Avenue Neighborhood

Existing Zoning: RMF-2/VG with stipulations

Proposed Zoning: RMF-2/VG with amended stipulations

Application Date: April 11, 2019

ASSOCIATED DOCUMENTS

- A. Application Information
- B. Ordinance No. 2005-24

I. FINDING

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

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan & Land Development Code):** *Staff has provided analysis of both the Comprehensive Plan and the Land Development Code and determined that no inconsistencies are being created with the either document. Further review will be accomplished with subsequent submittals for permits.*

II. PROJECT DESCRIPTION

The aerial photograph below shows that the subject property is located on the south side of East Venice Avenue. Currently undeveloped, the subject property consists of one parcel totaling 5.07± acres. The parcel is bordered by East Venice Avenue to the North, Auburn Woods abuts to the west, there is a single-family residence to the east, and large lot residential development to the south. There is a chain link fence running along the south property line and a one-story structure located on site.

In May of 2005, the subject property was rezoned to RMF-2/VG through City Council adoption of Ordinance No. 2005-24 that has been included in the agenda packet. In order to reduce impacts to the adjacent property to the west, the ordinance included five stipulations as follows:

1. Density will not exceed 7.6 units per acre.
2. There will be no request for a special exception for building height.
3. The developers agree not to propose a wall, or a fence, or gate along the west property line.
4. The developers agree to implement the Venetian Gateway architectural standards.
5. The developers agree to include landscape berms along the front and back one third of the west side of the property.

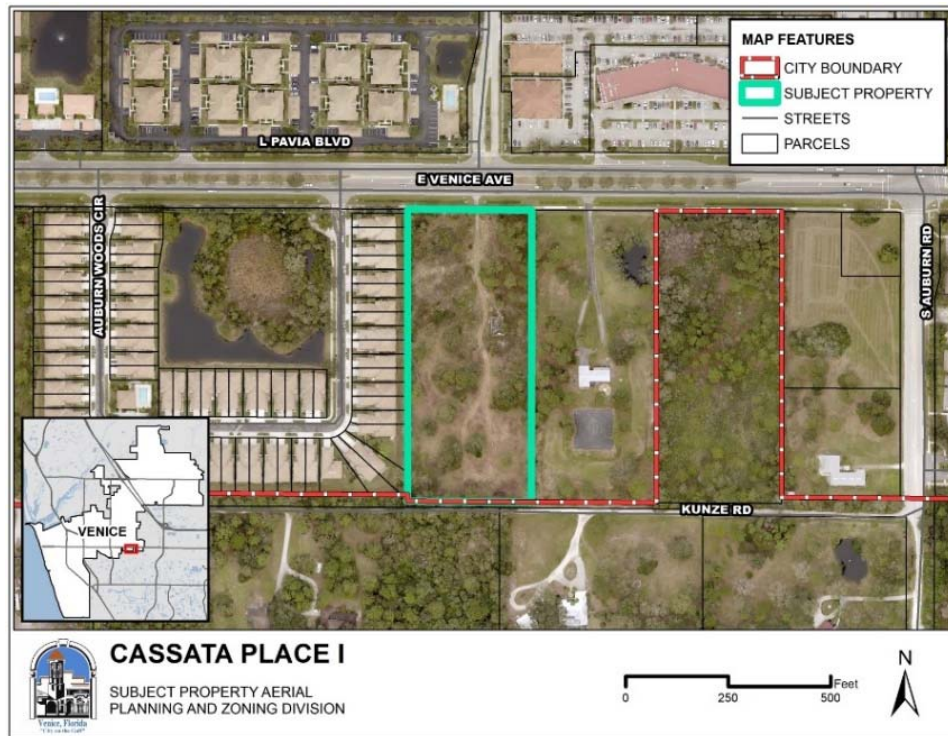
The project that was anticipated for the subject property was never constructed and the property has been vacant since that time.

On May 14, 2019, Preliminary Plat Petition No. 18-06PP was approved by City Council to subdivide the subject property into 28 lots for the construction of attached single-family homes. The approval included the following stipulation recommended by Planning Commission:

The proposed eight-foot fence, as shown on the preliminary plat plan, shall not be constructed until the subject property's zoning is amended to allow construction of the fence.

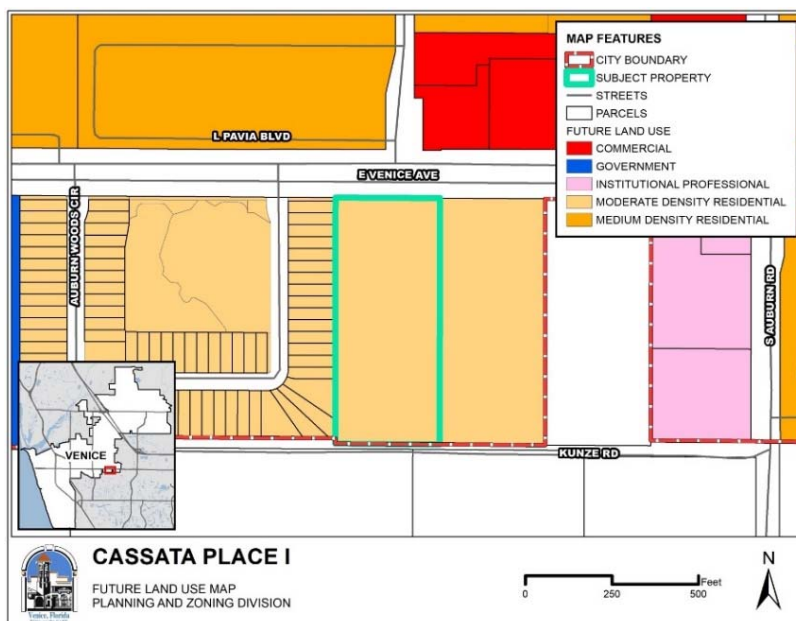
During the hearing, it was indicated by the applicant that a six-foot tall fence was proposed to be installed along the western property line at the request of the adjacent property owners and was depicted on the approved preliminary plat. Unfortunately, this was in direct conflict with stipulation no. 3 above. The applicant was directed to submit for an amendment to the previous rezone ordinance to remove stipulation 3, to potentially allow the installation of the fence. It is for this reason, the subject petition has been submitted for the City's

consideration. Although the adjacent property owners had requested an eight-foot tall fence, it was indicated by staff at the public hearing that, due to the projects design, only a six foot tall fence was permitted by City code.



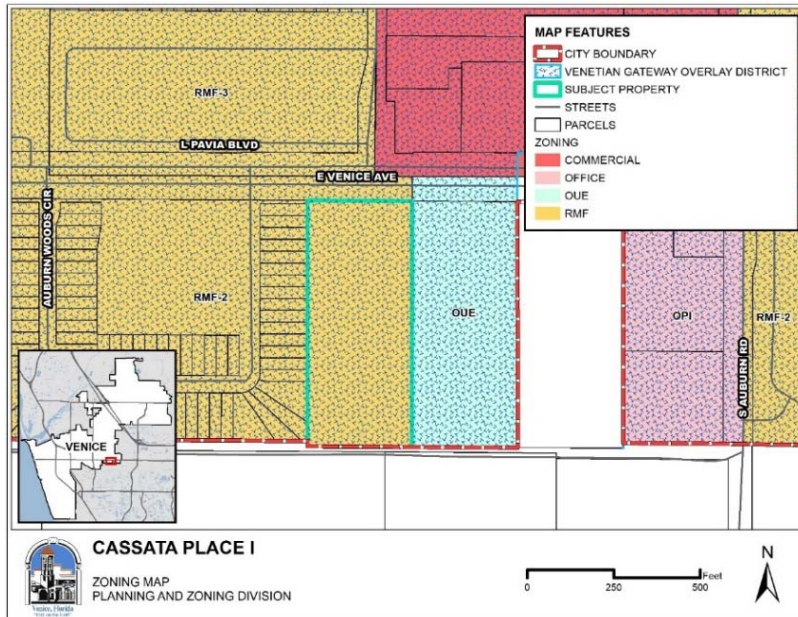
Future Land Use

The subject property has a Future Land Use of Moderate Density Residential. The two properties to the east and west have the same Moderate Density Residential designation. East Venice Avenue is the major right-of-way to the north, with Kunze Road to the south. The sites to the north have a Future Land Use of Commercial and Moderate Density Residential. The city's jurisdiction ends at the south property line, but currently there are large lot residential developments to the south.



Zoning Designation

The subject property is zoned RMF-2/VG. The adjacent properties are zoned RMF-3/VG (West), RMF-2/CG & Commercial/VG (North), and Sarasota County OUE-1 (South & East).



III. PLANNING ANALYSIS

Consistency with the Comprehensive Plan and Land Development Code

The petition has been reviewed for consistency with both the Comprehensive Plan and the Land Development Code (LDC). The Comprehensive Plan does not provide specific Strategies on the installation of fences. It does contain Policy 8.2 regarding compatibility and the applicant has addressed the criteria in this Policy within their submittal. It is determined that the installation of a fence will increase buffering and only serves to further mitigate any potential incompatibility. Therefore, no inconsistencies are being created by the proposed petition.

Regarding the LDC, the code permits the type of fence indicated. However, due to the layout of the proposed plat, the fence will be limited to the six foot height depicted on the approved preliminary plat. If the subject petition is approved and the prohibitive stipulation removed, the applicant will be able to submit for a building permit to install the fence.

The subject petition has been processed with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC). In addition, the petition has been reviewed by the Technical Review Committee and no issues regarding compliance with the Land Development Code were identified. Future development of the subject property will require confirmation of continued compliance with all applicable LDC standards.

Section 86-47(f) of the Land Development Code states that, when pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council shall show that the Planning Commission has studied and considered the proposed change in relation to the considerations listed below. The Planning Commission materials include the applicant's response to each of the considerations and they are also indicated below.

- (a) Whether the proposed change is in conformity to the comprehensive plan.

Applicant's Response: The proposed change is in conformity with the Comprehensive Plan

- (b) The existing land use pattern.

Applicant's Response: The proposed change will not alter the existing land use pattern

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

Applicant's Response: The proposed change will not create an isolated district unrelated to nearby districts

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

Applicant's Response: The proposed change will not alter density or increase the load on public facilities

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

Applicant's Response: The proposed change does not seek to alter the zoning designation for the property

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

Applicant's Response: A revised development plan since the 2005 zoning, and the request of the neighbors make passage of the amendment necessary

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

Applicant's Response: The proposed change will not adversely influence living conditions

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

Applicant's Response: The proposed change will not increase traffic congestions or otherwise affect public safety

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

Applicant's Response: The proposed change will not create a drainage problem

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

Applicant's Response: The proposed change will not seriously reduce lot and air to adjacent areas

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

Applicant's Response: The proposed change will not adversely affect property values in the area

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

Applicant's Response: The proposed change will not be a deterrent to the improvement of adjacent properties

- (m) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant's Response: The proposed change will not constitute a grant of special privilege

- (n) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
Applicant's Response: The existing zoning prohibits a fence along the western boundary
- (o) Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Applicant's Response: The change is not out of scale with the needs of the neighborhood and will allow the applicant to respond favorable to the request from the neighbors for a fence
- (p) Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
Applicant's Response: Not, applicable, the proposed rezoning does not seek to change the RMF2/VG zoning on the property

IV. CONCLUSION

Planning Commission Report and Recommendation to City Council

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Zoning Amendment Petition No. 19-13RZ.