



RUSTIC ROAD

Zoning Map Amendment

CITY OF VENICE
Planning and Zoning Division
Staff Report

APPLICATION INFORMATION:

Application Date: November 9, 2018
Project Name: Rustic Road (PUD)
Petition Number: 18-07RZ
Property Owner: Multiple Owners
Agent: Jeffery Boone, Esq., Boone Law Firm

PROJECT INFORMATION:

Parcel ID #'s: Multiple
Total Acreage: 318.7 +/- acres
Comprehensive Plan Neighborhood: Knights Trail Neighborhood
Proposed Comprehensive Plan Designation: Mixed Use Residential (current County Rural)
Existing Zoning: Open Use Estate (OUE) Sarasota County
Proposed Zoning: Planned Unit Development (PUD)

Associated Record Documents:

- A. Binding Master Plan (received and date stamped by the City on May 14, 2019)
- B. Pre-Hearing Conference Information (December 4, 2018)
- C. Environmental Report, (Applicant's Report, Steinbaum and Associates, Inc, received by the City October 26, 2018)
- D. Jones Edmunds (City Environmental Consultant) review dated January 15, 2019
- E. Application Information (completed petition)

Notification of Proposed Rezoning to Sarasota County

It is important to note that there are still unresolved issues related to the JPA/ILSBA specific to transportation improvements and the responsibility for those improvements. The City and County have been in continuous communication regarding this issue. The City is seeking either assurance from Sarasota County or from the property owner/applicant that the City will not be encumbered with the costs associated with these improvements. Discussion on this topic continues with the County administration, but until there are definitive answers that will remove the City from the potential liability for future road improvements, the City still has significant concerns regarding any action toward this application. Information on these potential improvements is detailed below in Section I, under mobility.

The JPA/ILSBA provides that the City will forward submittals for rezoning of property located within the JPA within thirty days of receipt to Sarasota County for review. The subject rezone 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 20, 2018. The agreement indicates that the County will provide comments within 30 days of receipt. The County provided draft comments on December 21, 2018 and requested a meeting with staff. Subsequent to the requested meeting, the County provided their final comments on January 30, 2019. Staff forwarded the comments to the applicant and requested a response. The applicant provided responses to the County’s comments on March 14, 2019. The County provided additional comments on March 29, 2019 in response to revised plans submittal and the applicant’s response from March 14th. The JPA/ILSBA indicates that the *“The City’s recommendation to the City Planning commission and City Council to approve, approve with conditions, or deny a proposed Development of Extrajurisdictional Impact will set forth all County-proposed stipulations that are based on adopted County standards, neighborhood and community plans, industry standards, or common agreement between the City and County.”* City staff has maintained the position that County stipulations will be forwarded to Planning Commission and City Council. However, no stipulations or conditions have been provided as of the writing of this report. If they are received prior to the scheduled public hearing, staff will provided them at the hearing.

I. EXECUTIVE SUMMARY

Pursuant to Rezoning Petition 18-07RZ submitted by Jeffery Boone, agent for Rustic Road Partners, LLC, the proposed petition (if approved) will change the current zoning for the subject property from Open Use Estate (OUE) Sarasota County designation to Planned Unit Development (PUD) City of Venice designation. 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 February 1, 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	Currently County Rural and proposed for City Mixed Use Residential (MUR)*/JPA Area 1 (Sub Area 1)	MUR proposed per Petition 18-02CP*	MUR allows up to 5 dwelling units per acre. JPA Area1, Sub Area 1 allows 5-9 dwelling units per acre (2,868 allowable units)
Zoning	Open Use Estate (OUE) Sarasota County: Maximum 1 unit per 5 acres (574 units).	Planned Unit Development (PUD) 4.5 units per acre = 1,434 allowable units	Proposed: 1,000 total units (approximately 3.14 units per acre).

Units = residential dwelling units

Note: Project Acreage = 318.7+/- Acres

*18-02CP in process

Staff Review and Findings of Fact:

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

Project Overview: The proposed Rustic Road PUD rezoning request is to allow for residential development for up to 1,000 units. Unit types are to include detached single-family homes, paired villas, and multi-family homes 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 preliminary site plan and mobility 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.

Gated Community: The Rustic Road PUD has indicated desire to be a gated community through depiction of gates on the binding master plan. This will require approval of a Conditional Use petition by City Council prior to gates being installed. A stipulation is included below for this purpose.

Applicant's Code Modification Requests:

1. "A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure 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 for all structures including screened enclosures."
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 45', provides for sidewalks on both sides of the neighborhood roadway, 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 a standard of 3 stories up to 42' including parking." **This is not a modifiable standard and any structure over 35 will require approval of a Conditional Use Petition.**

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.

Mobility: Transportation is discussed later in this report and is reviewed based on mobility. However, it is important at this point to indicate concerns raised by Sarasota County in their review of the petition. Based on their review of the JPA/ILSBA and the proposed project, the following transportation issues were indicated:

1. The alignment of the future Lorraine Road from Clark Road to Knights Trail Road in the County's thoroughfare plan runs through the subject property.
2. Widening of Laurel Road to six lanes from I-75 to Knights Trail Road.
3. Potential improvements to the intersection of Knights Trail and Rustic Lane (should be "Road").
4. Reservation of right-of-way for the future expansion of Knights Trail Road for a four-lane roadway consistent with County Roadway standards.

The City Manager has sent a letter to the County regarding these concerns indicating the following:

Regarding item 1, it is understood that a recent County staff initiative, approved by the County Commission, may result in the relocation of Lorraine Road to connect to Knights Trail Road north of the subject properties. The City Manager's letter requested any updates concerning the potential realignment of the Lorraine Road north/south connector along with a timeframe for a determination of whether the road will be realigned as described.

Regarding item 2, the County's thoroughfare plan designates Laurel Road as a 4-lane major arterial and therefore, the County is requesting an amendment to their Comprehensive Plan to memorialize this designation.

Regarding items 3 and 4, the JPA/ILSBA indicates that it is the responsibility of the "party with jurisdiction over the development" to address these issues.

For the intersection of Knights Trail and Rustic Road, the subject Rustic Road property is not adjacent to this intersection and if Lorraine Road is realigned to intersect Knights Trail north of Rustic Road, it is the City's position that this intersection is not a relevant issue with respect to this petition.

Regarding necessary right-of-way for the expansion of Knights Trail Road, the County has indicated that they will not be responsible for construction or ROW acquisition costs for this expansion. The City has requested confirmation of this as the County's official position should Lorraine Road not be realigned.

In addition, due to the fact that the roadways involved are County roads and there are no improvements identified in the applicant's traffic study that are the result of the proposed development, the City's position, consistent with the JPA/ILSBA, has been to request the County provide any conditions or stipulations necessary to address these issues. This request has been made multiple times and none have been provided. Therefore, staff has no resolution to these issues as of the writing of this report.

Consistency with the Comprehensive Plan: A Comprehensive Plan Amendment is in process to designate the subject property as Mixed Use Residential (MUR). The City's Comprehensive Plan indicates that PUD zoning may only be requested in the Mixed Use Residential (MUR) designation. Prior to the subject petition becoming effective, the concurrently submitted Comprehensive Plan Amendment will need to be adopted by City Council. Staff is proposing a related stipulation to address this timing issue.

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 project is consistent with the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement (JP/ILSBA) commonly referred to as the "Joint Planning Agreement" with Sarasota County. Additionally, 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 Rustic Road PUD may be found consistent with the comprehensive plan.

Compliance with the Land Development Code: The Rustic Road 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. **As indicated above, the applicant's proposed modification of the PUD height standard cannot be achieved through the PUD and a Conditional Use approval must be obtained for any structure taller than 35 feet.**

Staff Stipulations/Conditions:

1. *For any standard not addressed in the Rustic Road PUD, the appropriate standard found in the City's Land Development Code will be applied.*
2. *Zoning Map Amendment Petition No. 18-07RZ is contingent on Annexation Petition No. 18-02AN being approved.*
3. *Zoning Map Amendment Petition No. 18-07RZ will become effective upon the adoption of Comprehensive Plan Amendment Petition No. 18-02CP being adopted by City Council.*
4. *The binding master plan for the Rustic Road PUD depicts gated access to the subdivision which will require approval of a Conditional Use for a gated community prior to any gates being installed.*
5. *A Conditional Use approval will be required for any proposed structure that exceeds 35 feet in height.*
6. *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.*
7. *A notice of proximity will be required to be provided to any potential owner of property in the Rustic Road PUD that discloses the nearby use of a gun range along with the close proximity of Interstate 75.*
8. *The PUD is limited to 1,000 residential units (700 single-family units and 300 multi-family units) or 785 PM Peak Hour vehicle trips (proffered by the applicant).*

Conclusions / Findings of Facts (Basis for Action):

Conclusions / Findings of Facts (General Comments):

General Findings: *The proposed Rustic Road 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 along with the City consultant review indicates consistency with the Comprehensive Plan requirements of the Open Space Element. Further compliance with flood zone and stormwater permitting will be required prior to development of the subject property.

Conclusion / Findings of Fact (Mobility):

Subject Property	Existing Use(s)	Zoning		Comprehensive Plan Future Land Use Designation
		Current Zoning	Proposed Zoning	
Rustic Road Property	Vacant / undeveloped, agricultural uses/ some residential	Open Use Estate (OUE) Sarasota County	PUD, maximum 4.5 units per acre (proposed Rustic Road- 3.14 units per acre)	Current County Rural and proposed Mixed Use Residential, maximum 5 dwelling units per acre

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant along with County transportation staff and found to be in compliance with applicable traffic standards.

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.

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 as confirmed by the City's consultant, the standards or the JP/ILSBA Joint Planning agreement with Sarasota County, 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.

Findings of Fact (Consistency with the Land Development Code):

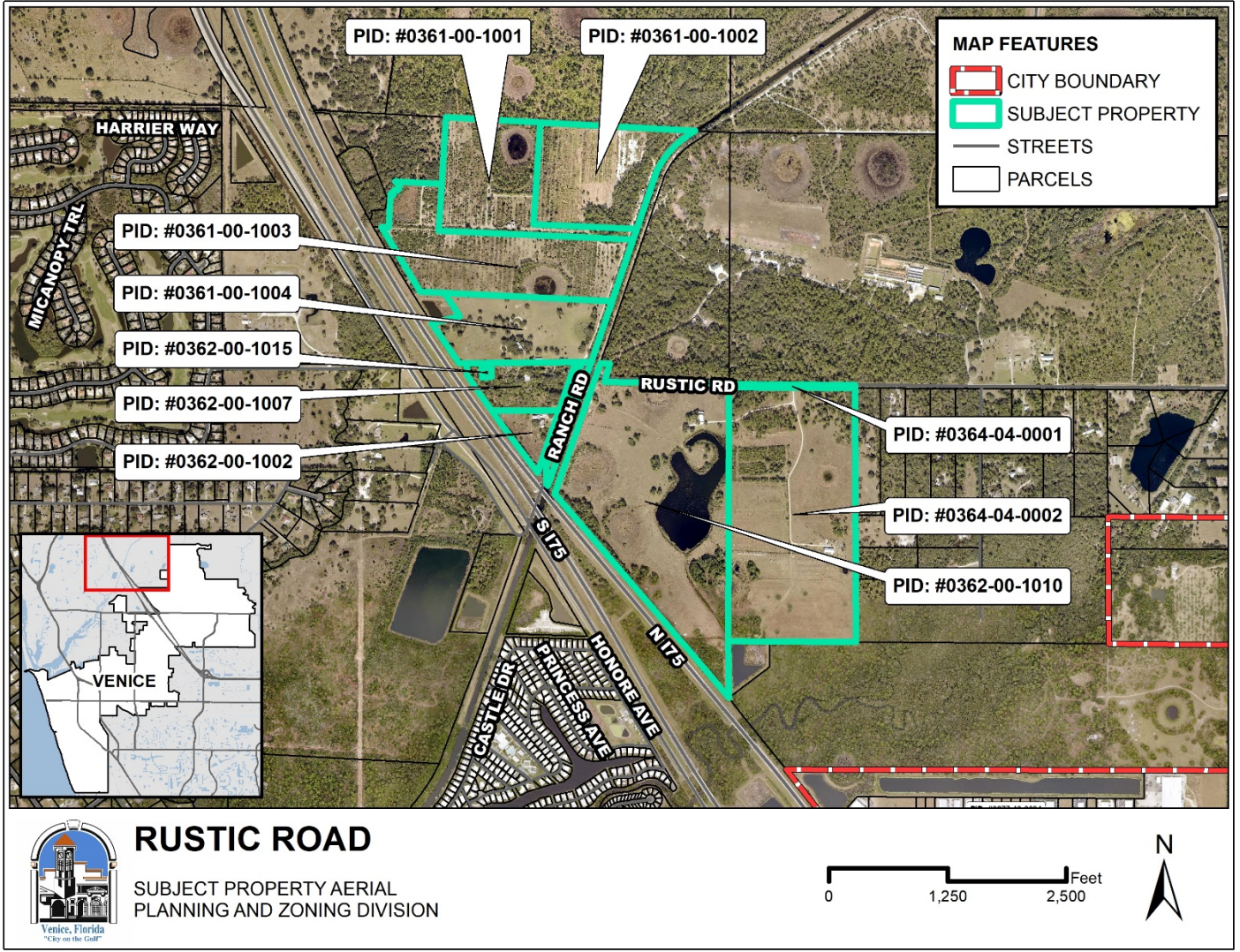
The Rustic Road PUD rezoning is consistent with the required Land Development Code Chapter 86 including regulations as provided in Section 86-130 pertaining to the PUD zoning district and Section 86-47(f) regarding consideration of zoning amendments. The applicant's proposed modification of the PUD height standard cannot be achieved through the PUD and a Conditional Use approval must be obtained for any structure taller than 35 feet.

II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject Property:

The subject property is comprised of 318.7± acres as depicted on the aerial on page 5. The property is made up mostly of agricultural land with some parcels containing residential homes with multiple accessory buildings. Existing uses on the property have been addressed in the concurrently submitted annexation petition. There appear to be multiple wetlands and other surface waters on the property along with Cow Pen Slough that runs through the middle of the property. The subject property's western limit is I-75 with the remaining adjacent property being similar to the subject property consisting of mainly agricultural land along with conservation/preservation land owned by Sarasota County. Vehicular access to the property is provided off Knights Trail Road via Ranch Road and Rustic Road which is currently paved to an extent with the remainder being shell.

Location Map:



Photos:

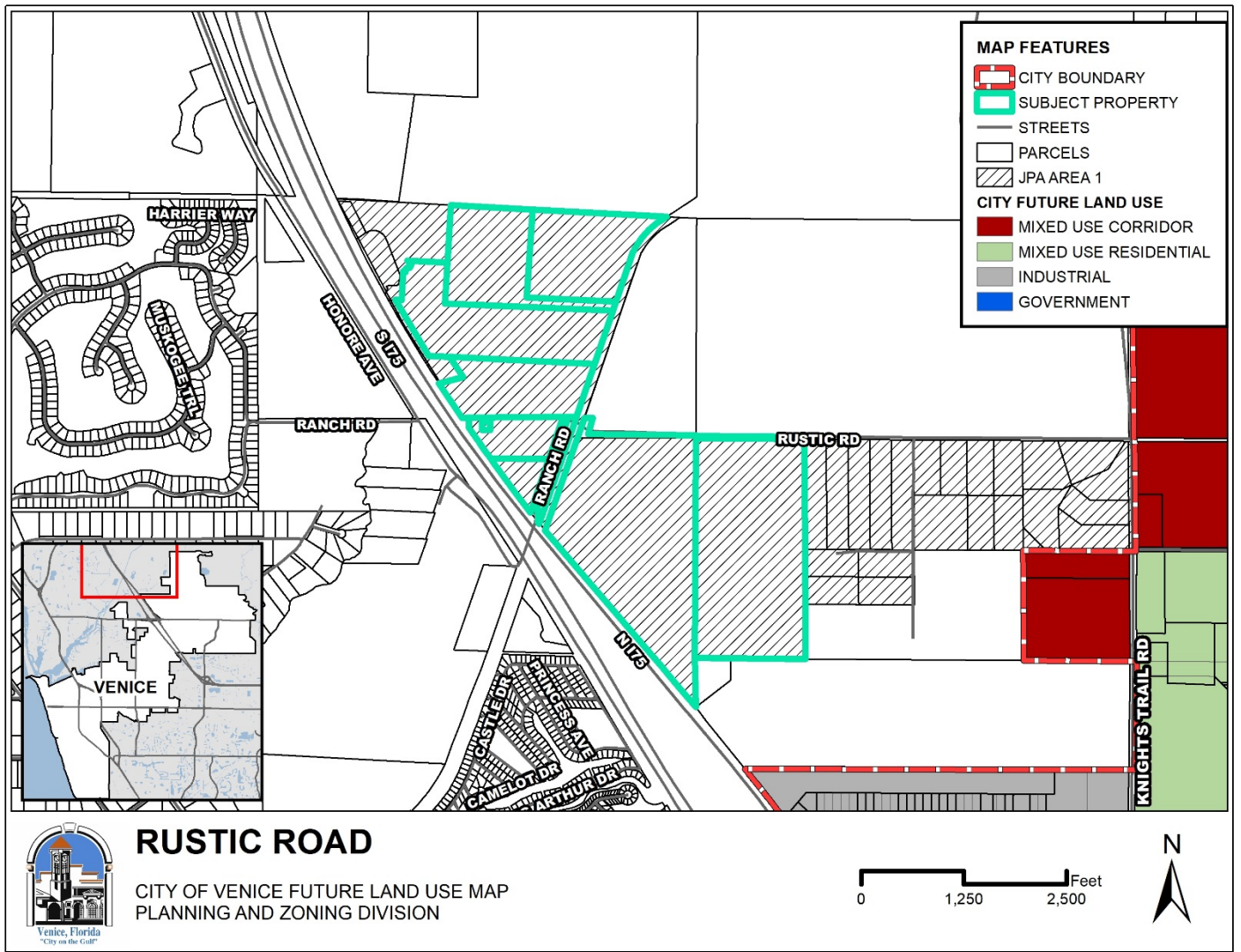


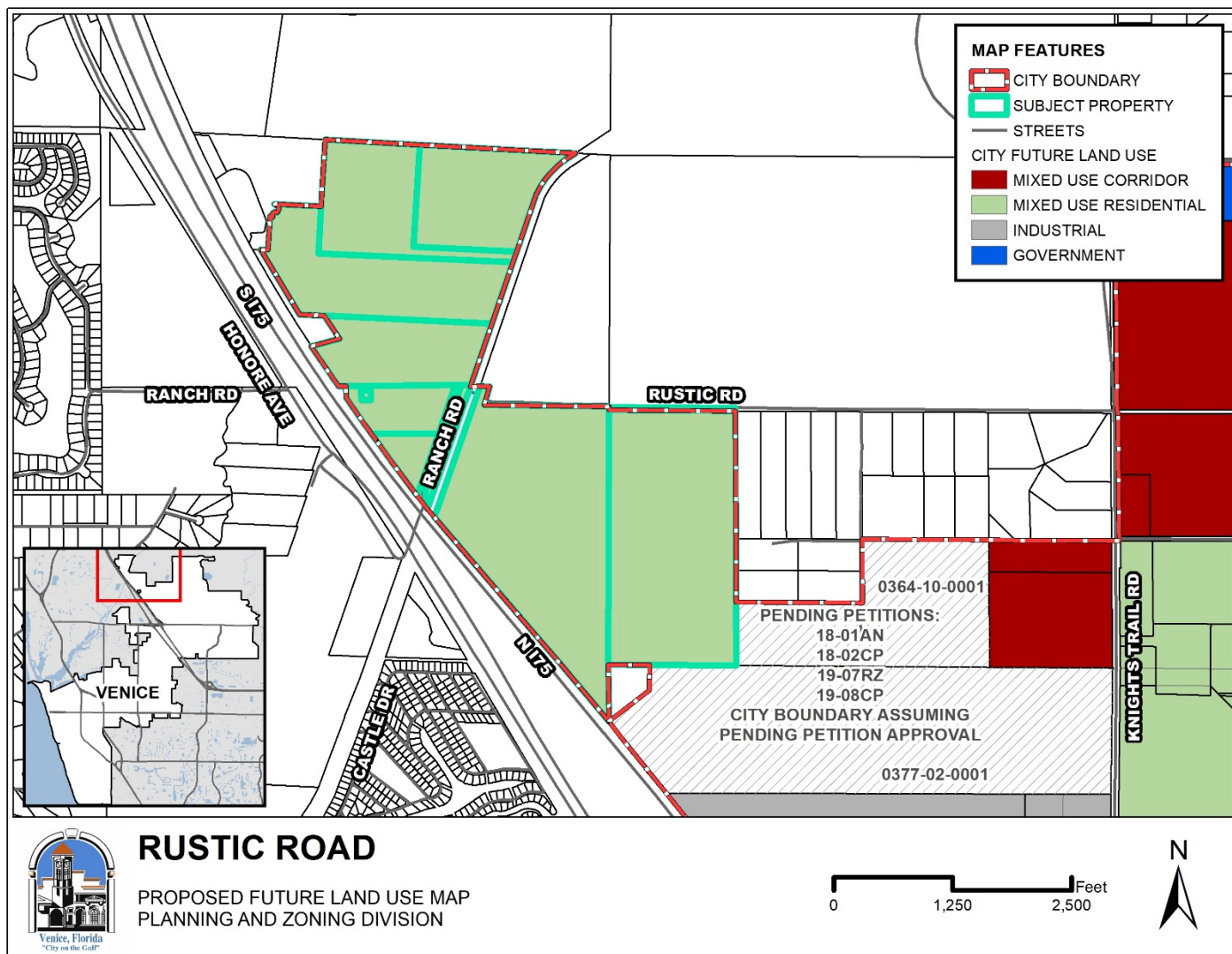


View looking northwest at end of Rustic Road



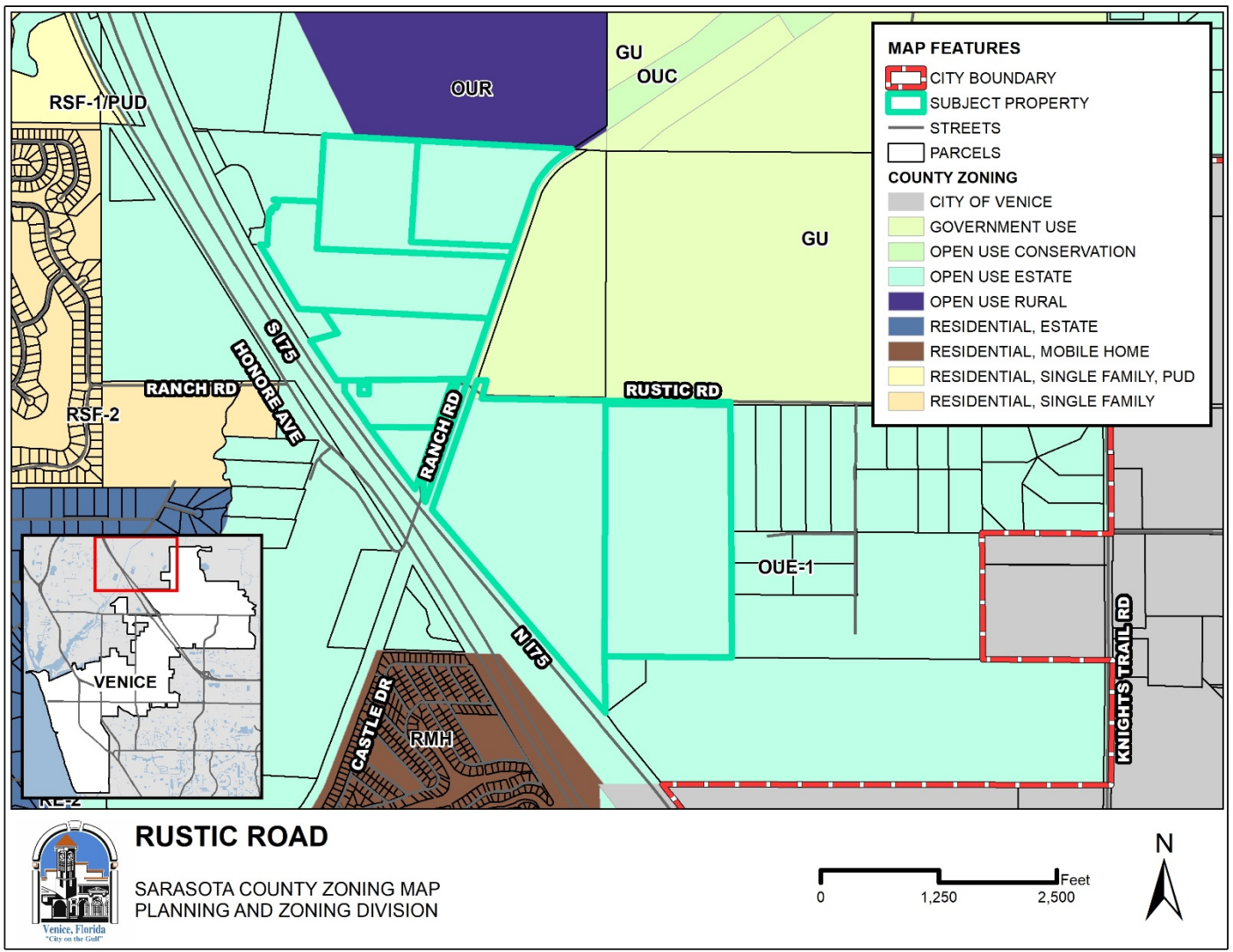
View looking east at end of Rustic Road





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

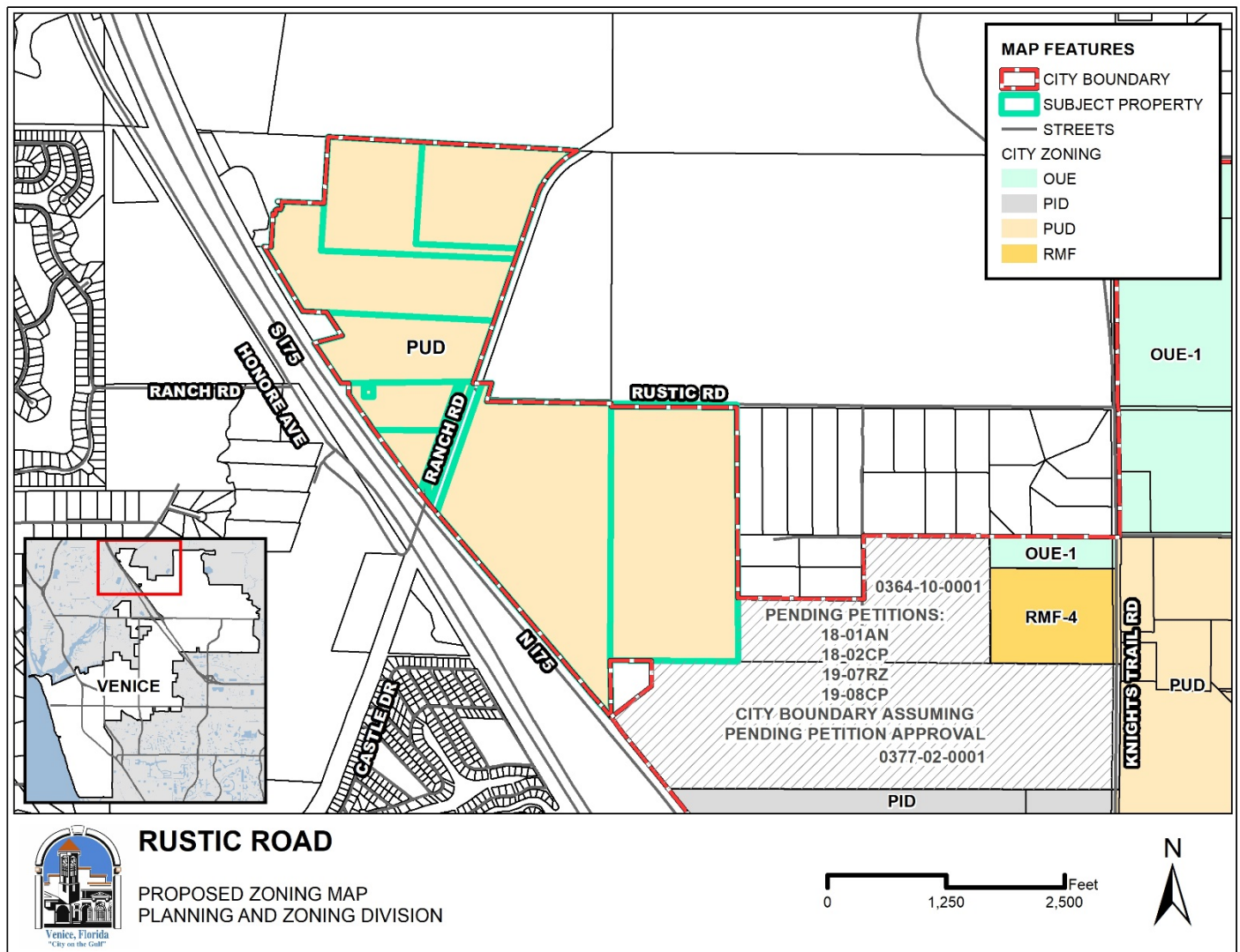
Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Agricultural and Public Conservation/Preservation	Sarasota County OUR and OUE-1	Sarasota County Public Conservation/Preservation and Rural
West	I-75 and Agricultural	Sarasota County OUE-1	Sarasota County Moderate Density Residential
South	I-75 and Agricultural	Sarasota County OUE-1	Sarasota County Rural
East	Agricultural, Residential and Gun Range	Sarasota County GU and OUE-1	Sarasota County Public Conservation/Preservation and Rural



Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the majority of subject property with a Zone X designation with minimal to low flood risk. This flood zone designation is not in a Special Flood Hazard Area. Development of the property will be subject to compliance with applicable FEMA requirements.

III. PROPOSED ZONING



The application for the “Rustic Road” project was submitted on November 9, 2018 and includes multiple parcels of land located east of I-75 and north and south of Rustic Road and is comprised of land totaling approximately 318.7+/- 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.

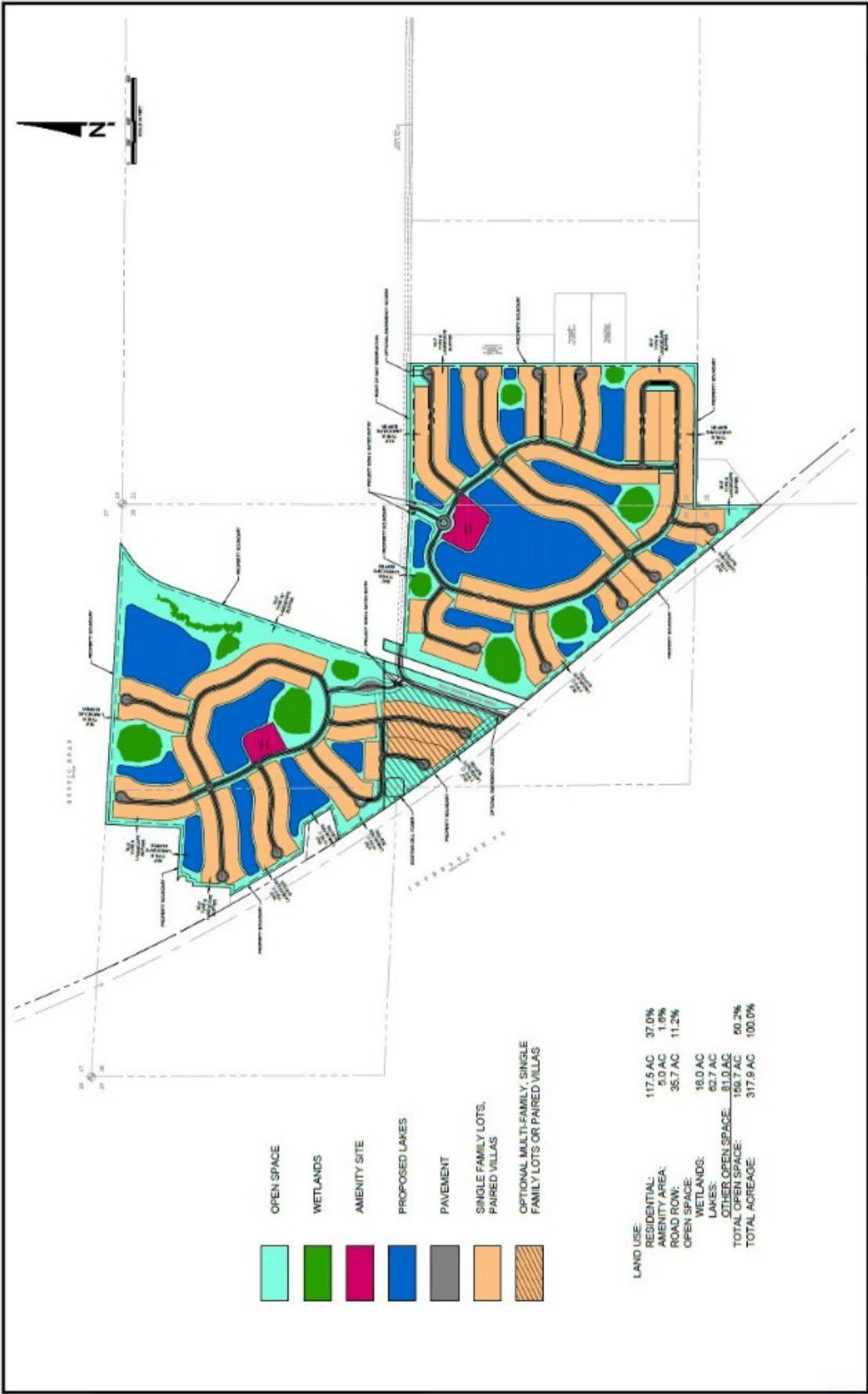
For this purpose, it is important to clarify and understand that the PUD zoning through the Binding Master Plan document establishes specific zoning standards to guide the use and development of the subject property.

The majority of the adjacent land around the subject property remains undeveloped and is mostly used for agricultural purposes with some properties having residential homes along with other accessory structures. All of the surrounding property is under County jurisdiction and is zoned for one dwelling unit per five acres. To the northeast of the subject property there are lands owned by Sarasota County that are identified for government use or conservation/preservation uses. To the south and east of the property is the Hurt Property that is in the process of annexation into the City and is also identified as JPA Area 1, Sub Area 1. Immediately east of the subject property is the remainder of JPA Area 1 and is considered Sub Area 2 which allows for a residential density of up to five units per acre.

The PUD Binding Master Plan that depicts the project layout, submitted for the Rustic Road 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 2 and page 3 of the Binding Master Plan provides for permitted uses as follows: up to 1,000 residential units to include detached single-family homes, paired villas and multi-family units at a proposed density of 3.14 units per acre. Also indicated are private clubs, community centers and civic and social organization facilities, recreational areas, and open space. Locations 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. In addition, upon review of the list of allowable uses (page 4 of the binding master plan), it is clear that the proposed Rustic Road PUD development is more stringent in terms of the number of allowable uses in comparison to the standards established for permissible uses in Section 86-130 (b-e) – PUD standards. For example, the City Land Development Code for PUD standards allow for various types of uses such as neighborhood commercial, schools, and houses of worship to include a few. In this regard, the proposed PUD has provided a more restricted list of allowable uses as indicated.

Staff Comment: *The binding master plan layout provides a depiction of the proposed uses and location thereof. In addition, the proposed uses clearly do not include PUD permitted uses of a more intense nature.*

Development Details:

Pages 4 and 5 of the Binding Master Plan provides the development standards for the various residential use types proposed for the project. These standards include lot size, lot coverage, and required setbacks along with standards for accessory structures. Page 6 includes details of the various landscaped buffers proposed for the perimeter of the project. Buffers along Cow Pen Slough are proposed to be 30 feet in width with buffers along I-75 proposed at 20 feet. Other areas of perimeter landscaped buffering are proposed at a width of 30 feet and include an optional 6 foot fence or wall. It should be noted that there are no buffer requirements in the land development code for a PUD. Page 7 provides a typical street cross section that depicts sidewalks on both sides of the road. Page 8 of the document provides details on proposed signage for the project and page 9 indicates the areas of the code the developer proposes to modify. 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 will require Conditional Use approval. A stipulation is proposed to confirm this process.

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 along with 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 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 for all structures including screened enclosures.

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.*

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 45', provides for sidewalks on both sides of the neighborhood roadway, 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, the low intensity of the development plan, and the circulation plan which demonstrate excellent internal pedestrian connectivity from each of the development pods to the amenity center and to Rustic Road.

Staff Comment: *The applicant is providing sidewalks on both sides of the roadway for this project. However, no bike lanes are included.*

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 a standard of 3 stories up to 42' including parking.

Applicant's Justification: The proposed modification, is justified based on the improved design that will be afforded by the modification related to the ability to provide peaked roofs versus flat roofs, and based upon the reduction in overall height otherwise permitted in the PUD district of 35' over 10' of parking (45' total) reduced to 42' in total.

Staff Comment: *Based on review of other recent proposals for PUD rezone, it has been determined that the PUD height standard cannot be modified through the rezoning process due to the fact that it would eliminate the procedural requirement for a Conditional Use. A stipulation has been included to confirm compliance with this procedure.*

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 11 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 ecological narrative for the Rustic Road PUD prepared by Steinbaum and Associates, Inc. that is included in the agenda packet. The report contains a description of the subject parcel, and a map depicting the approximate location and jurisdictional status of onsite surface waters. 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 conducted in March of 2018.

The report provides detailed information on existing vegetation, wetlands, surface waters, uplands, 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 concludes that *"the environmentally conscientious planning approach has resulted in avoidance and preservation of 99.99 percent of existing wetland area, designation of open space corridors, and adherence to pertinent Visions, Intents, and Strategies contained in the Open Space Element of the City of Venice Comprehensive Plan (2017-2027)."*

The above report was forwarded to Jones Edmunds, the City's environmental consultants, for review and confirmation of the accuracy of the report and consistency with the environmental strategies of the Comprehensive Plan. This analysis is also provided in the agenda packet. In addition, the City forwarded the development information to the consultants including the binding master plan and the recent amendment to the JPA/ILSBA applicable to the project. The result of the analysis by the consultant provides findings that the proposed development is in compliance with the environmental strategies of the Open Space Element of the Comprehensive Plan.

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 Rustic Road 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 along with the City consultant review indicates consistency with the Comprehensive Plan requirements of the Open Space Element. 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 Rustic Road 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 and the JP/ILSBA (1,000 units proposed, 1,868 units less than the maximum allowed by JPA Area 1 and 434 units less than PUD 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 Kimley-Horn and Associates, Inc. and submitted with the Rustic Road 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 is important to note that, due to Knights Trail and Rustic Roads being County roads, Sarasota County transportation review was also provided. 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.

The Transportation Impact Analysis, dated June of 2019 provided by Kimley-Horn and Associates, Inc., indicates that all study area roadway segments and intersections are currently operating at acceptable level-of-service standards assuming the improvements below are completed. There are deficiencies related to specific segments and 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 are as follows:

Road Segment Improvements:

- Laurel Road from I-75 to Knights Trail Road: Widen to six lanes.
- Knights Trail Road from Laurel Road to Rustic Road: Widen roadway to four lanes.

Intersection Improvements:

Laurel Road & Haul Road/Knights Trail Road Intersection

- Add a third eastbound left-turn lane.
- Add a second eastbound through lane.
- Add a second southbound left-turn lane.

Laurel Road & I-75 Southbound Ramp Intersection

- Add a third eastbound through lane.
- Add a second westbound left-turn lane.
- Add a second southbound left-turn lane.

Honore Avenue & Laurel Road Intersection

- Convert the existing eastbound through/right lane to a through lane only
- Add an exclusive eastbound right-turn lane
- Add a second westbound left-turn lane.

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. Improvements identified will need to be included in the Capital Improvement Schedule in the Comprehensive Plan for future completion. As indicated above, and based on the interlocal agreement with Sarasota County, the City will collect mobility fees which can be utilized to mitigate transportation impacts. The indicated mobility fees will be collected with the issuance of each Certificate of Occupancy for a residence in the Rustic Road subdivision. These identified improvements provided by the analysis indicate where collected mobility fees need to be applied.

Regarding site access, the analysis indicated one improvement that is the responsibility of the developer and includes the installation of a westbound left-turn lane at the eastern project driveway on Rustic Road. This

improvement will be completed as the project develops. It is noted that the applicant has indicated that Rustic Road and Ranch Road will be improved consistent with County standards for roadway design from Knights Trail Road to Honore Avenue.

Conclusion / Findings of Fact (Mobility):

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant along with County transportation staff and found to be in compliance with applicable traffic standards.

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 Rustic Road development includes a network of internal (private) roadways and will bring Rustic Road up to the required standards which will include sidewalks on both sides. It is also noted that the Rustic Road project includes sidewalks on both sides of the street for all internal roadways.

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 will be required to be provided with the improvement of Rustic Road. The proposed cross section provided in the binding master plan for internal private streets in the Rustic Road PUD does not provide bike lanes.

Transit:

The adopted LOS standard for transit is D along all roadways served by transit within the City. The Rustic Road 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. Strategy TR-KT 1.1.9 – Transit states that *“The City supports the expansion of SCAT to serve the Knights Trail Neighborhood as a means of providing accessibility options to employees and the development of attainable housing areas within this neighborhood.”*

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)	1,000	1,000 (units) x 90 (gallons per day) = 90,000

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

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)	1,000	1,000 (units) x 162 (gallons per day) = 162,000

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 Rustic Road PUD proposes development of up to 1,000 residential units. Using population per household of 1.7, the Rustic Road project would generate a need for an additional 11.9 acres of functional open space. At this population rate, the Rustic Road development would have an estimated population of 1,700. The current City of Venice Population (2018 estimate) is 22,781. With the addition of the Rustic Road PUD, the estimated City population would be 24,481 generating an open space need of $(24,481/1,000 * 7) = 171.4$ 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 Rustic Road 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 Rustic Road project is not identified as CHHA properties on this map. As a result, the Hurricane Shelter Space LOS is not applicable to the Rustic Road 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):

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:

JPA/ILSBA Analysis

Vision LU 5 of the 2017 Comprehensive Plan, which is included in the “Transitional Strategies” of the plan, carried forward the requirements established in the JPA/ILSBA. Therefore, following is an analysis of the Rustic Road project as it relates to the JPA/ILSBA and consistency with the 2017 Comprehensive Plan.

The Rustic Road project is located within JPA Area 1, Sub-Area 1. Following is the language 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.

JPA Area 1 indicates that the permitted uses within this area are residential, retail, office space, industrial, and manufacturing. The applicant has indicated their desire through the binding master plan to construct a residential subdivision that will consist of various residential types along with identified amenity sites that may include community buildings and other recreational elements. Other than the amenity sites, there are no other non-residential uses proposed. Area 1 also indicates that the permitted density for Sub Area 1 is 5 to 9 units per acre. The applicant is proposing a density of 3.14 units per acre for the subject PUD which is less than that permitted. A concurrent Comprehensive Plan Amendment Petition has been submitted to establish the development parameters for the future land use of Mixed Use Residential applicable to the Rustic Road project. Consistent with the JPA Area 1 requirements, the project will be served by City water and sewer and the developer will be required to pay for the cost of and install the necessary facilities to bring City services to the project. Recent amendment 3 to the JPA/ILSBA, although already a requirement of the agreement, reinforces the need to apply Section 10. L. of the agreement in Area 1. Section 10. L. of the JPA/ILSBA indicates the following:

The Parties agree to establish and maintain wildlife corridors and coordinate with the state and federal wildlife agencies when reviewing development proposals within the Joint Planning Areas set forth in Exhibit A. (Exhibit A is the Joint Planning Area)

As provided in the ecological narrative provided by the applicant and the subsequent review by the City's environmental consultant, this requirement has been complied with. Specifically the City's consultant on page 4 of their review provides the following regarding wildlife corridors:

OS 1.6 of the Comprehensive Plan discusses the establishment of open space within developed areas to function as wildlife corridors. The Narrative and preliminary site plan propose open space surrounding all wetlands, provide corridors meeting the Comprehensive Plan's 25-foot minimum width along the site boundary and throughout the proposed development, and open space is proposed for the only area of native habitat. Furthermore, a minimum 20-foot natural or planted open space buffer is proposed adjacent to Cow Pen Slough.

Jones Edmunds is of the opinion that the proposed development is in accordance with Intent OS 1.6 of the Comprehensive Plan.

In addition and consistent with the requirements of JPA Area 1, in response to Sarasota County and City of Venice review comments, the applicant has indicated that they will provide environmental/habitat assessment at the development approval stage. The language of Area 1 indicates that this can be provided at the time of rezone or development approval stage to identify appropriate habitat protection. It is important to note that approval of the PUD does not grant development approval. This will come with subsequent applications for Preliminary Plat or Site and Development Plan along with subsequent permitting.

As discussed above, JPA Area 1 also identifies potential need for transportation improvements as follows:

- Improvements to the intersection of Knights Trail and Rustic Lane (typo, should be "Road") to meet County standards.
- For future expansion of Knights Trail Road, the reservation of necessary Right-of-Way (ROW) consistent with County roadway standards for a four-lane roadway.

The identified roadways are controlled by Sarasota County and as of the writing of this report, there have been no conditions or stipulations provided by the County indicating need for improvement or reservation of right-of-way. If provided by the County, they will be brought forward at the hearing. It is important to note the traffic analysis provided for the subject project does not indicate any necessary transportation improvements.

The following analysis includes review of the significant strategies found in the Knights Trail 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.

Knights Trail Neighborhood

The Comprehensive Plan identifies the subject property as being within the 818 acre Knights Trail Neighborhood. This neighborhood currently accounts for less than one percent of the City's residential development and is made up of mostly non-residential development.

As indicated previously, the applicant has submitted a concurrent application for a Comprehensive Plan Amendment to designate the property as MUR. Staff analysis is based on this amendment being approved. The proposed amendment applies to the Knights Trail Neighborhood and is proposed as Strategy LU-KT 1.1.6 – Mixed Use Residential. There is no MUR designated property in this neighborhood currently and the proposed amendment was required, not only to provide a future land use designation for the property, but also to allow the proposed zoning of the property to PUD which is the only implementing district identified in the Comprehensive Plan for MUR property. The applicant proposes the maximum density of the MUR designated property at 3.85 units per acre and provides for a maximum number of dwelling units of 1,224. The proposed density of the Rustic Road PUD is 3.14 which is within the density proposed and there are currently three dwelling units within this designation and therefore the addition of the proposed 1,000 units will fall within the maximum allowed.

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. The compatibility principles of Section 10(I) of the JP/ILSBA are consistent with those found in Policy 8.2 and also include evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. Following is a review of compatibility of the Rustic Road 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 residential land use at a maximum density of 3.1 du/ac is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA which allow for up to 9 du/ac for the subject property.

B. Building heights and setbacks.

Applicants Response: Building heights will be limited to 3 stories and a maximum of 42'. Setbacks from adjacent properties will be a minimum of one times the building heights and will be comparable and compatible with permitted building heights in the existing neighborhood.

C. Character or type of use proposed.

Applicants Response: The proposed residential land use is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

D. Site and architectural mitigation design techniques.

Applicants Response: The proposed PUD will require a minimum of 50% open space, and substantial setbacks and buffering from existing neighborhoods to ensure compatibility.

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 surrounded by County Open Use zoning and the land is mostly used for agricultural purposes. There are some residences in the area but no single-family neighborhoods.*

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 PUD rezoning will limit density to 3.1 du/ac., is compatible with the existing neighborhood, and consistent with the requirements of the JPA/ILSBA which allow up to 9 du/ac. for the property.

Staff Comment: *The proposed density of the Rustic Road PUD is 3.14 units per acre which is more intense than is provided by the surrounding Open Use zoning which allows one unit per five acres. It is noted below that the applicant has employed mitigation techniques in the design of their project to buffer both I-75 and the adjacent agricultural uses.*

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 PUD will require a minimum of 50% open space and substantial setbacks and buffering from existing neighborhoods to ensure compatibility.

Staff Comment: *It is noted that the applicant, although not required, is providing buffering of I-75 and surrounding uses through the use of landscaped buffers of 20 and 30 feet and is providing 50.2% open space through the PUD zoning.*

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

Applicants Response: The PUD plan will not result in impacts to the existing neighborhood as a result of light, noise, mechanical equipment, refuse areas, or delivery and storage areas.

K. Locating road access to minimize adverse impacts.

Applicants Response: Road access to the property has been designed to minimize impacts.

Staff Comment: *Access to the site is provided by Rustic Road and Ranch Road which the applicant plans on improving through to Honore to provide additional access to the site.*

L. Adjusting building setbacks to transition between different uses.

Applicants Response: Building setbacks will be a minimum of one time the building height between different uses.

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

Applicants Response: Building heights will be limited to 3 stories and a maximum of 42' and will be comparable and compatible with permitted building heights in the existing neighborhood.

Staff Comment: *Based on review of other recent proposals for PUD rezoning, it has been determined that the PUD height standard cannot be modified through the rezoning process due to the fact that it would eliminate the procedural requirement for a Conditional Use. A stipulation has been included to confirm compliance with this procedure.*

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

Applicants Response: The maximum density established by the PUD (3.1 du/ac) is a reduction from the JPA permitted density of 9 du/ac. to ensure compatibility with the existing neighborhood.

Staff Comment: *Obviously the proposed project will intensify the use of the currently mostly agricultural property. However, the project has been designed with consideration of the surrounding community by including many of the techniques indicated above. Density is limited to 3.14 units per acre which is less than the permitted 9 units per acre that is available. The PUD requires that a minimum of 50% of the site be devoted to open space and the subject proposal currently maintains 50.2% of the site as open space with areas of open space strategically located along Cow Pen Slough to protect this resource. Landscaped buffers are proposed for the entire perimeter of the site and buffer examples are provided that depict both trees and hedge material. Access to the property is limited to the use of Rustic Road. With many of the mitigation techniques of Policy 8.2 being employed by this project, there is adequate evidence on which to determine confirmation of compatibility with the adjacent property.*

Transportation Element

Regarding transportation, strategy TR-KT 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 sidewalks and required improvements to Rustic Road. These facilities will ultimately connect with other existing and proposed developments and further implements 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 ecological narrative along with the City consultant's analysis of environmental Strategies in the Comprehensive Plan. As indicated, the consultant's conclusion is that the application is in compliance with the Open Space Element of the 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 318.7 acres and, as indicated in the project narrative, the applicant is proposing approximately 159.7 acres of open space, or 50.2% of the site. Of the total 159.7 acres, wetlands alone provide 10% and represent conservation and 62.7 acres of lakes provides for 39% 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 as confirmed by the City's consultant, the standards or the JP/ILSBA Joint Planning agreement with Sarasota County, 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 December 4, 2018. 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 Rustic Road PUD on November 9, 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 proposed concurrent Comprehensive Plan Amendment designating the property Mixed Use Residential.

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 consists of low density residential and Ag uses.

Staff Comment: *The subject property will provide development at a higher density that is currently located in this area. However, the proposed density is lower than could be accomplished per the JPA/ILSBA.*

- 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 wide mix of uses which provide convenient services to future residents.

Staff Comment: *The proposed PUD will be surrounded by mostly open use areas. However, the proposed development of the property is consistent with the JPA/ILSBA.*

- 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 will pay impact fees in order to support such public facilities.

Staff Comment: *The applicant will be required to bring required utilities to the site and plans to improve Rustic Road and Ranch Road from Knights Trail Road to Honore.*

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

Applicants Response: The current County zoning designation is illogical for a property annexed by the City of Venice and a City zoning designation is needed prior to commencing development.

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

Applicants Response: Annexation of the property by the City of Venice consistent with the JPA/ILSBA makes the proposed amendment necessary.

Staff Comment: *The property is required to obtain a City zoning designation prior to any development.*

- 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.

Staff Comment: *The proposed density is less than that allowed and multiple mitigation techniques are being implemented to address any potential incompatibilities.*

- 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, and it will in fact improve the transportation network in the area to the benefit of the public.

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.

- 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 and is consistent with the long term plan for the property as determined by the JPA/ILSBA between the City and Sarasota County.

Staff Comment: *The property is required to be rezoned to a City designation prior to any development.*

- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Applicants Response: Annexation of the property by the City of Venice requires a rezoning to a City zoning designation.

Staff Comment: *The property is required to be rezoned to a City designation prior to any development.*

- 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 was identified as early as 2007 in the JPA/ILSBA to be a future area of growth for the City and the applicant is proposing development consistent with this agreement.*

Conclusions / Findings of Fact (Land Development Code):

The Rustic Road 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. The applicant's proposed modification of the PUD height standard cannot be achieved through the PUD and a Conditional Use approval must be obtained for any structure taller than 35 feet.

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 and proposed stipulations are included in Section I providing a summary basis for recommendation.