City of Venice
Planning & Zoning Division
MEMORANDUM

To: City Council, City Manager, City Attorney

From: Jeff Shrum, AICP, Development Services Director

Date: July 3, 2019

Re: Supplemental Information and Response to Questions Regarding GCCF Zoning Map Amendment Petition No. 18-10RZ

City Council held a first reading of Zoning Map Amendment 18-10RZ for the GCCF property on June 25, 2019. City Council voted to continue the public hearing to July 9th. After this hearing, staff received an email request for more information and answer to specific questions from Mayor Holic. The content of the email request is in italics below. I would also like to commend the Mayor on these questions. The existing binding master plans (existing zoning) for both the Bridges property and Villa Paradiso Properties were not included in the prior agenda packet. While the information is in the files of record, the existing zoning information should always be provided as background information in the agenda. I apologize for the oversight.

To help ensure the questions were answered, I have numbered the questions within the email and provided a corresponding response to each one below (highlighted) to help ensure we responded to all questions.

> *"Jeff,*
> *First, thank you for the information you and your team provided for the GCCF rezone yesterday; this portion of Northeast Venice proved to be completely different from other properties in the area as both properties were already zoned properly with City of Venice zoning and the new owner is requesting different zoning. In the majority of other properties we have worked on in Northeast Venice we granted original city zoning, per pre-annexation agreements, from county zoning to city zoning. When asked to rezone, I think it is important to try to understand what the council that was seated at the time of the original zoning may have had in mind. Those councils are the ones that drafted the stipulations and requirements currently in force and those stipulations and requirements would be lost to a rezone.*
> *I have copied Mr. Lavallee in this email as it will have a work request that he may have to approve. I have also copied Ms. Fernandez as I will be asking her if I need to disclose this email as ex-parte communication. I believe we are OK in asking staff for information and it is not considered ex-parte, but it doesn't hurt to make sure.*
> 1. *An important ingredient missing in the staff report was if we do nothing, what do we have, or stated another way, as currently zoned, what is the responsibility of a builder or developer?*
> **Staff Response:** The approved binding master plans (existing zoning) for the Bridges property and the Villa Paradiso Property have been included in the agenda materials for your review.

2. *There are a number of stipulations listed in Section 3 of Ordinance 2006-10 for Villa Paradiso as well as a requirement for a north-south road. I think we need to know if the stipulations in Section 3 have been met and what type of road is required and at who's cost. Also, since the zoning went from county OUE to city PUD, has any type of binding master plan been submitted?*

   Staff Response: VILLA PARADISO

   This property was annexed on July 8, 2003 through the adoption of Ordinance No. 2003-16 and was formerly known as the Balsinger/Van Pelt property. The property consisted of approximately 173 acres and two Pre-Annexation Agreements were executed as well. The only unique text in the PAA was an "Ambiance and Community Standards" section that encouraged development similar to the John Nolen plan and indicated that the building style shall be similar to Northern Italian Renaissance. The property was eventually purchased by Westfield Homes of Southwest Florida for the development of a residential subdivision to be known as Villa Paradiso.

   On February 28, 2006, the property was rezoned to Planned Unit Development (PUD) through the adoption of Ordinance No. 2006-10 and included a binding master development plan that proposed up to 699 residential units to consist of both single-family and multi-family units. The adopting ordinance included stipulations regarding shared expense for new fire apparatus along with a stipulation regarding conveyance of property along Border Road from the property owner to the City. My understanding is that the fire apparatus stipulation is no longer necessary due to Fire Station 3 being constructed. Staff has confirmed that the 1.7 acre property indicated in stipulation 3 was conveyed to the City on August 11, 2006. There is one additional stipulation that states the following:

   Development of the major north-south collector roadway shall be designed and constructed as part of the first major phase of site and development plan/subdivision approval to ensure access between Laurel Road and Border Road upon certificate of occupancy of the first residential dwelling unit.

   Unfortunately, there is no indication of the party responsible for design and construction. This is the only reference to a north-south collector roadway in any of the documents associated with either one of the subject projects. And, although there are stipulations that require a developer to provide right-of-way or construct public improvements, State law requires compensation.

3. *For the Bridges, Ordinance 2008-24, the original zoning went from county OUR to city CMU. The material in the agenda package has the ordinance with attached exhibits, two exhibit A's and exhibits 1-5; none of those shows the binding master plan, however, they do have other requirements. It would be helpful to know what the obligation is of the owner of the property under the current zoning, if all obligations have been met and what the binding master plan is for the property. Additionally, I believe a north-south connector road is required in Ordinance2008-24.*

   Staff Response: THE BRIDGES

   This property was annexed on April 11, 2006 through the adoption of Ordinance No. 2006-27 by Gulf Coast Strategic Investments on behalf of the Gulf Coast Community Foundation. The property consisted of approximately 146 acres and a Pre-Annexation Agreement (PAA) was executed as well. Section 6 of the PAA includes specific requirements to mitigate impacts of

the development such as potable well sites along with the design, permitting and construction of the southern two lanes of Laurel Road adjacent to the property. The PAA also included in Section 6D. credits against the no longer applicable extraordinary mitigation fee (EMF) if the property was purchased by a City of Venice employee or the employee of a business or organization located within the City. There were also credits applicable if the unit was purchased at a certain price point compared to other area prices and if the purchaser was at a certain income level. This was not typical language in a PAA and was included to encourage the development of affordable housing which was the goal of the Gulf Coast Community Foundation when they purchased the property.

Upon purchase of the property, the Gulf Coast Community Foundation began work with consultants to propose a rezoning of the subject property for the development of the Bridges project. On December 9, 2008, the property was rezoned to Commercial Mixed Use (CMU) through the adoption of Ordinance No. 2008-24 and included a binding master development plan that proposed up to 1,100 residential units and a potential 225,000 square feet of non-residential use. The master plan for the project makes the statement that, *"The Bridges aims to provide one-third of the housing at prices affordable to working family households."*

The adopting ordinance included multiple stipulations. For the most part, the stipulations were to provide appropriate easements for the ultimate development of the project. Easements were necessary in regards to access over City owned property along Border Road as well as the Eastside Waste Water Treatment Plant facility in order to facilitate the development plan for the Bridges. Since the project was never developed, the indicated easements were never established. Other stipulations included a requirement for right-of-way for the southern two lanes of Laurel Road, cooperation and coordination with the nearby communities of Venetian Golf & River Club and Willow Chase, density limitations, east/west connections, and finally a workforce housing strategy to be evaluated by Planning Commission.

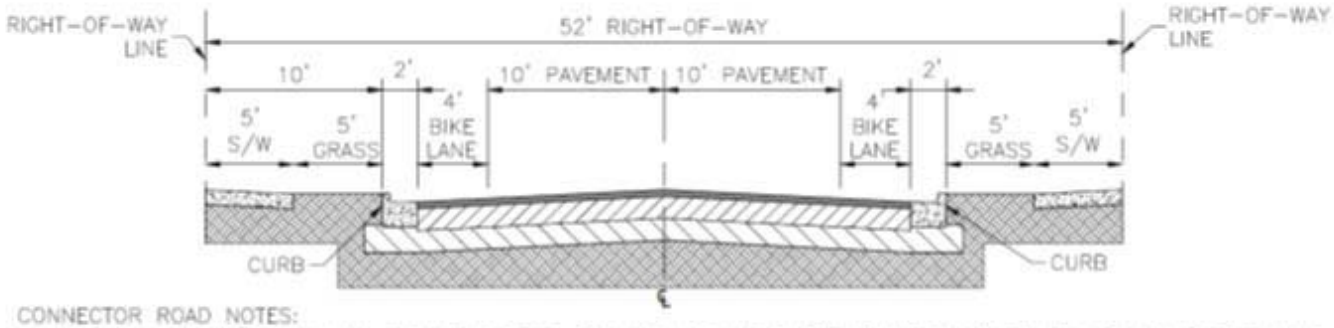
On April 2, 2007, Preliminary Plat Petition No. 07-02PP was submitted to the City for the first 190 home sites for the Bridges project. Mainly due to the recession, this preliminary plat never made it to hearing and the Foundation eventually sold the property.

I think if we had explanations of the current zoning requirements, including but not limited to what is binding and what can be easily changed, along with any associated drawings, we could better decide if rezoning had any advantages or disadvantages to the city.

4. *The other topic is the road. I think we need a full explanation, along with drawings, of what a private road would look like and what a public road would look like. We need to have the requirements for a two lane public road per the comp plan and/or LDR's. I am sure Mr. Neal was being facetious when he mentioned a road with a 22 foot median, we need to know what's required by code. If we want to upgrade, that is a city council decision, not a requirement of a rezone.*

   Staff Response: ROADWAY DESIGN

   Regarding potential design of a north-south collector roadway through the GCCF PUD property, the applicant provided the following cross-section for a 52 foot right-of-way which is consistent with the City's code:



CONNECTOR ROAD NOTES:

1. THE TWO 5' SIDEWALKS CAN BE SUBSTITUTED FOR ONE 8' MURT. THE 8' MURT MAY BE PLACED ON EITHER SIDE OF THE ROAD AND THE REMAINDER OF THE COMPONENTS OF THE SECTION CAN BE SHIFTED TO MAINTAIN THE 52' MINIMUM CROSS SECTION.
2. ON STREET PARKING MAY BE ADDED TO THE SECTION SUCH THAT THE 52' MINIMUM R-O-W IS INCREASED TO ACCOMMODATE THE SPACE NEEDED FOR THE ADDITIONAL PARKING.

TYPICAL CONNECTION ROADWAY SECTION
(SECTION A-A)

Upon discussion with the City Engineer, it was indicated that the minimum right-of-way width for a public facility would be 68 feet. This would ensure additional area for provision of twelve foot travel lanes, five foot bike lanes and ten feet for underground utilities.

5. *Another area that needs greater explanation is the change in building height. I trust that change will be in the proper place by July 9 as per your memo. I will need to know more about the 55 foot maximum for the medical office, assisted living facility and house of worship. Also, I will need clarification on the 25 acre depiction versus 15 acre maximum for non-residential buildings.*

Staff Response: BUILDING HEIGHT IN THE PUD

Following is Code Section 86-130(h)

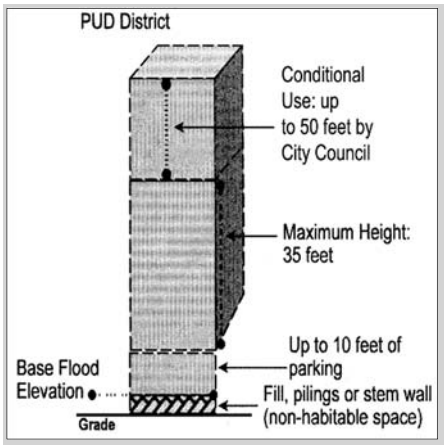
Maximum height of structures . No portion of a structure shall exceed 35 feet in a PUD district, except as permissible by conditional use. An additional ten feet for one story devoted primarily to parking within the structure may be added to the limit.

Code Section 86-130(f)

Conditional use. The following conditional use is permissible in the PUD district after public notice and hearing by city council:

(1) Buildings over 35 feet in height but not in excess of 85 feet.

(2) Reserved.



The applicant for the GCCF PUD has requested approval for a modification of this standard to allow for the following:

- Single-Family – 3 stories up to 42 feet including parking.
- Assisted Living Facility, House of Worship, and Medical Office – 5 stories up to 55 feet including parking.

Staff has indicated that any structure above 35 feet will require Conditional Use approval unless there is an additional 10 feet devoted primarily to parking inside the structure. If there is no parking within the building, then the maximum height is 35 feet. Anything in excess would require approval of a Conditional Use. In addition, the Comprehensive Plan, through the transitional language of Strategy 4.1.1 and the projects location in the former South Laurel Neighborhood (Planning Area I), the maximum building height is limited to 42 feet. There continues to be a question regarding the Conditional Use process defined in City Code as it relates to the comprehensive plan. The question is "can this conditional use process allow for building height that exceeds the maximum identified within the Comprehensive Plan (42')? During the development of the Comprehensive Plan the City did indicate that conditional use applications for height can be made. There remains a legal question of can a conditional use request be approved that exceeds the height of the comprehensive plan?

The answer to the last sentence of this question is address in response to question #6 below.

6. *Finally, for now at least, I think we need clarification on the amenity area. I thought I heard it was changed to single family/multi family instead of amenities for the development. Currently, all the subdivisions have some type of amenity area / park. As they are all gated communities, those park facilities take the burden of providing public parks off the city. If this rezone changes the way things have developed up until now, it could put pressure on the city to purchase park land and that is another expense that would have to be discussed at the council level as it is not currently a budgeted item, other that a place holder in a future CIP year."*

   Staff Response: <u>GCCF PROPOSED AMENITY AREA REVISIONS</u>

   Per Code Section 86-130(i)(2), commercial uses in a PUD are limited to a maximum of 5 percent of the total land area. For the GCCF PUD that consists of approximately 300 acres, commercial uses would be limited to 15 acres. In the binding master plan provided by the applicant, the following chart was provided:

	LAND USE	AREA AS SHOWN (AC)	% AS SHOWN	REQUIRED AREA	REQUIRED %
	SINGLE FAMILY RESIDENTIAL	46.23	15.42		
	AMENITY AREA/MULTI-FAMILY RESIDENTIAL/SINGLE FAMILY RESIDENTIAL	4.68	1.56		
	MULTI-FAMILY RESIDENTIAL/ SINGLE FAMILY RESIDENTIAL	47.03	15.68		
	MEDICAL OFFICE/MULTI-FAMILY/ HOUSE OF WORSHIP/ ASSISTED LIVING FACILITY	25.41	8.47		
	R-O-W	26.56	8.86		
	OPEN SPACE			149.93	50
	EXISTING WETLANDS	37.83	12.62		
	EXISTING LAKES/ PROPOSED LAKES	40.96	13.66		
	OTHER OPEN SPACES	71.14	23.72		
	TOTAL	149.93	50.00	99.99	299.84

You will notice that the brown area lists the potential non-residential uses of Medical Office and House of Worship. An assisted living facility is considered a residential use per Code

Section 122-404. The amount of acreage dedicated to these potential uses is 25.41 acres or 8.47%. Unfortunately, the applicant also included multi-family residential in this category. Therefore, without a breakdown of the percentage of uses listed, it cannot be determined whether compliance with the maximum 5% is being achieved. This is the reason staff included the stipulation to limit non-residential uses to 5%.

Amenity Area: the applicant's request was to include the potential for residential uses in the pink area which could result in no amenity area for the development. As indicated in the staff report, functional open space (park land) is not a concurrency issue for the City as we have a substantial amount of park land as compared to our adopted Level of Service Standard which is 7 acres per 1,000 population (requires about 175 acres with our current population as compared to the approximate 558 acres of park land currently available).

Aside from Level of service the Land Development Code does not provide clear requirements for each PUD to have a minimum allocation of amenity areas. The only language related to this topic is found in Section 86-130(j)(2) which provides:

> *"(2) A maximum of eight percent of the gross project site may be required for dedication to municipal uses for all projects in excess of 25 acres in area, after a determination by city council that a demonstrated public need exists for municipal facilities such as parks, fire stations or other public uses."*

This requirement is little used today for two main reasons: First, all of the developments we have seen in the last 5+ years have provided some internal amenities and 2) utilizing this requirement would likely require compensation to the developer for the required dedication. What is in front of Council for decision is a request to allow for multiple use options which might result in the loss of the amenity area. There are several options available to Council regarding the application and I would suggest discussion with the City attorney to clarify those options. That said I do not think it would be inappropriate to include a stipulation for a minimum acreage to be provided for amenities (passive and/or active).