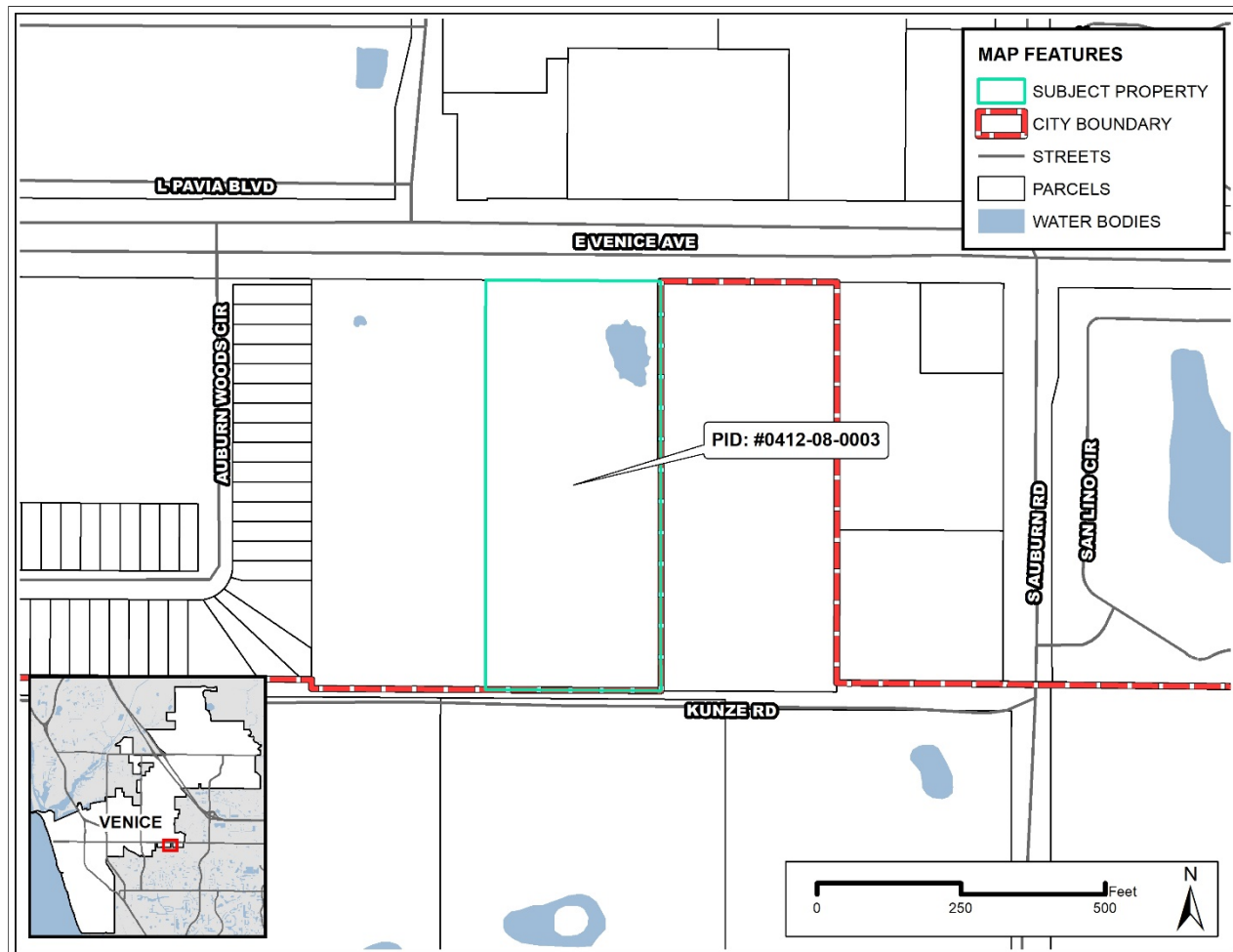




ZONING MAP AMENDMENT: CASSATA PLACE PHASE II STAFF REPORT

July 2, 2019

19-11RZ



PETITION NO.: 19-11RZ Cassata Place Phase II

REQUEST: Zoning map amendment for the subject 5± property. This amendment seeks to change the zoning from Sarasota County Open Use Estate-1 (OUE-1) and City of Venice Venetian Gateway Overlay (OUE-1/VG) to City of Venice Residential, Multi-Family-2 (RMF-2) and Venetian Gateway Overlay district (RMF-2/VG). The applicant has indicated their intent to submit a 'single-family development.

GENERAL DATA

Owner: Girls Scouts of Gulfcoast Florida, Inc. **Agent:** Jeffery Boone Esq., Boone Law Firm

Address: 1775 E. Venice Avenue **Property ID's:** 0412-08-0003

Property Size: 5.00 acres ±

Future Land Use: Moderate Density Residential

Neighborhood: East Venice Avenue Neighborhood

Existing Zoning: Sarasota County OUE-1/VG

Proposed Zoning: City of Venice RMF-2/VG

Application Date: May 03, 2019

ASSOCIATED DOCUMENTS

A. Application Information

I. EXECUTIVE SUMMARY

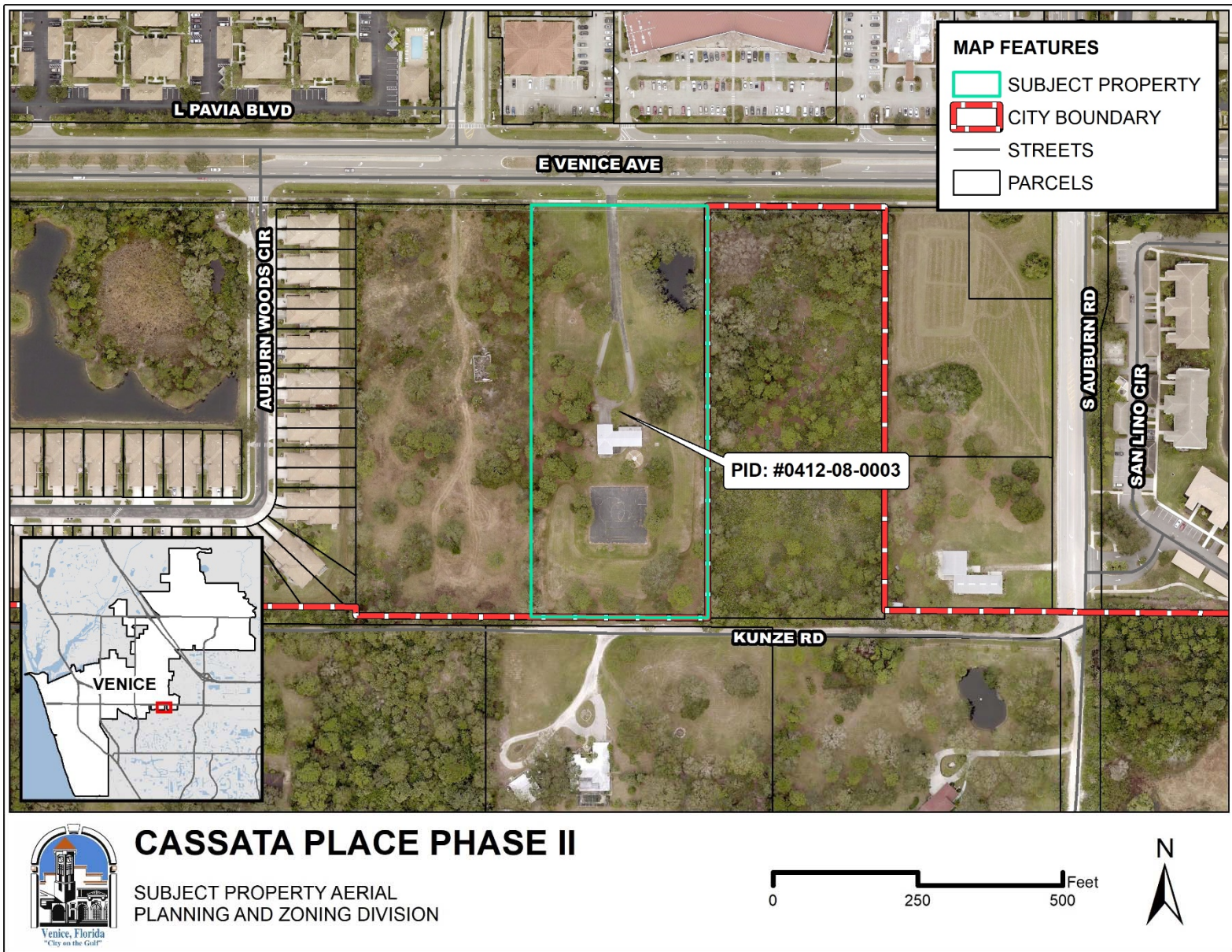
The subject 5.00 ± acre property is proposed to be rezoned from Sarasota County Open Use Estate-1(OUE-1) and City of Venice Venetian Gateway Overlay (VG) to City of Venice Residential, Multi-Family 2 (RMF-2) and Venetian Gateway Overlay (RMF-2/VG). As it stands, the property is currently under a Sarasota County designation of OUE-1/VG and is required to be rezoned to a City of Venice zoning designation prior to any development of the site. The proposed Residential, Multi-Family 2 with the Venetian Gateway Overlay (RMF-2/VG) is an appropriate implementing zoning district per the Comprehensive Plan and its Moderate Density Residential Future Land Use designation.

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

- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Moderate Density Residential future land use designation, Policy 8.2 regarding compatibility, strategies found in the East Venice Avenue Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.
- **Conclusions / Findings of Fact (Compliance with the Land Development Code):**
The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.
- **Conclusion / Findings of Fact (Concurrency):**
Based on preliminary concurrency analysis, no issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.
- **Conclusion / Findings of Fact (Mobility):**
Based on preliminary analysis and consideration of potential uses in the RMF-2/VG district, no issues have been identified that would negatively impact the transportation system in this area.

II. EXISTING CONDITIONS

The aerial photograph below shows that the subject property is located on the south side of East Venice Avenue. The subject property consists of one parcel totaling 5.00± acres. The parcel is bordered by East Venice Avenue to the North, Cassata Place Phase I abuts to the west, there is a large vacant lot to the east which is under the county's jurisdiction, and large lot residential developments to the south (county). Currently, the subject property contains a large single family home which was converted to a club house for the Girl Scouts of Gulfcoast Florida and the remnants of a basketball court. In January of 2006, the subject property was annexed into the city.





NW corner of parcel looking South



NE corner of parcel looking South



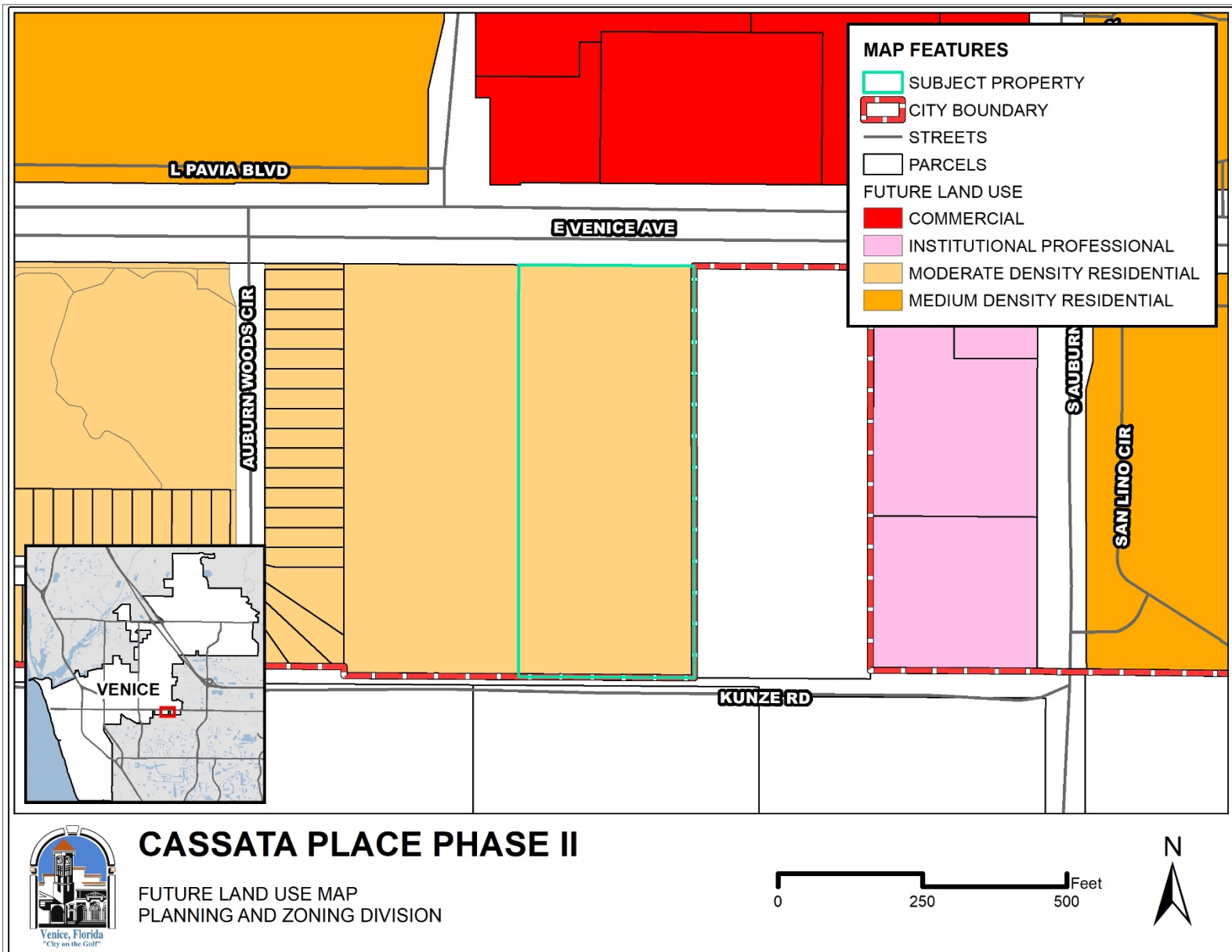
Centrally located looking South



Looking North from rear of property

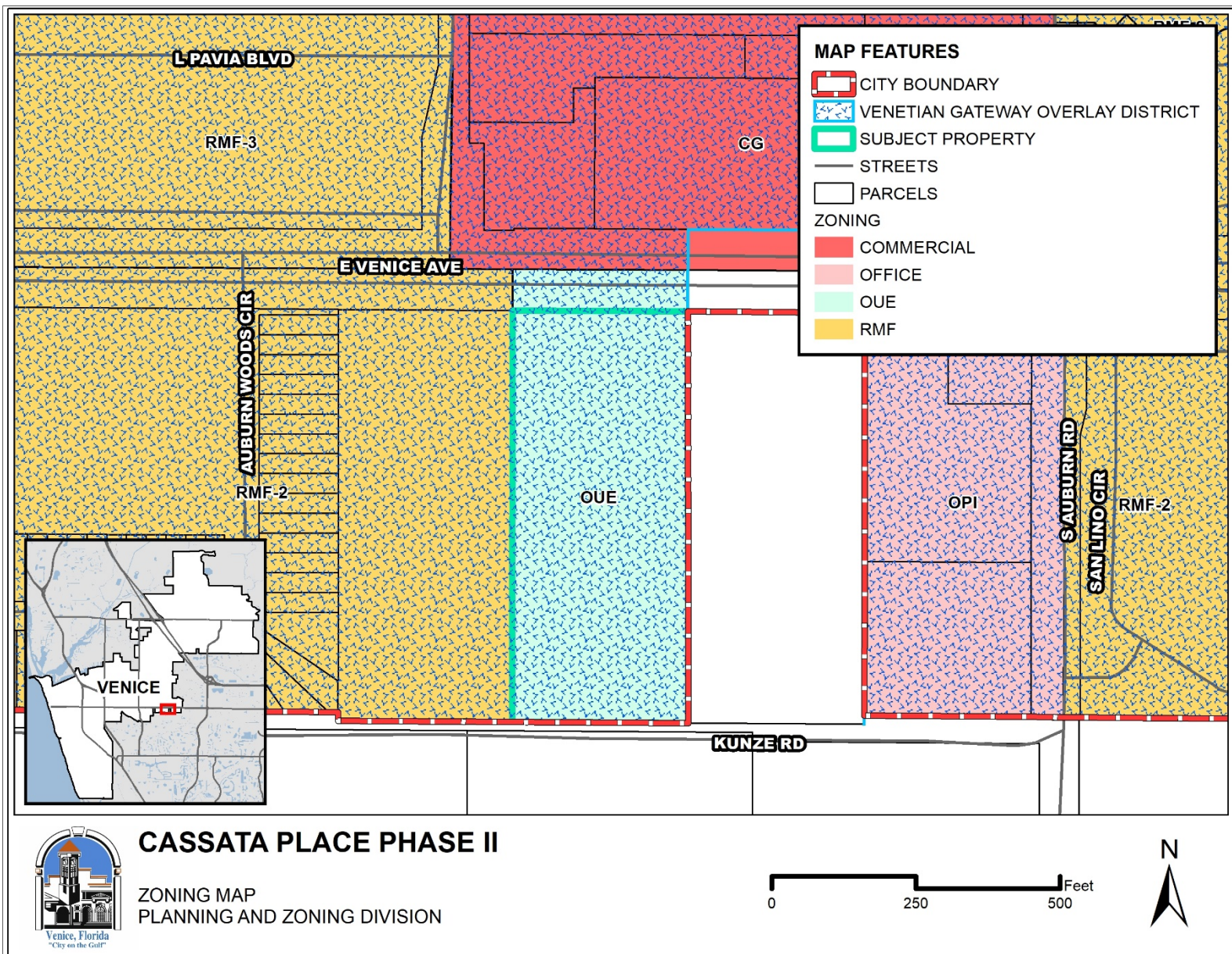
Future Land Use

The subject property has a Future Land Use of Moderate Density Residential. The property to the west has a 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. The city's jurisdiction ends at the south property line, but currently there are large lot residential developments to the south designated as County Medium Density Residential. The site to the east is Medium Density Residential and is in Sarasota County and not subject to the City of Venice's Land Use Regulations.



Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Sarasota County OUE-1 and is in the City's Venetian Gateway (VG) overlay district. Adjacent zoning districts include City (RMF-2/VG) to the west, Sarasota County OUE-1 to the south across Kunze Road, and Commercial General (CG/VG) to the north across E. Venice Avenue. The property that immediately abuts the parcel to the east is zoned Sarasota County OUE-1.



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

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	E. Venice Ave. and Commercial	CG/VG	Commercial
East	Vacant	Sarasota County OUE/VG	Sarasota County Medium Density Residential
South	Kunze Road and County large lot residential	Sarasota County OUE	Sarasota County Medium Density Residential
West	Vacant (Recently approved for Cassata Place Phase I 18-06 PP)	RMF-2/VG	Moderate Density Residential

Zoning and Land Use is City of Venice unless otherwise noted.

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with Zone AE and Zone X (unshaded) FIRM designations with high to low flood risk. AE zones have a 1-percent annual chance flood and are also referred to as the base flood or 100-year flood. The areas of minimal flood hazard, are higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone X (unshaded). Development of the property will be subject to compliance with applicable FEMA requirements.

III. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates 1) how the existing zoning designation compares to the proposed zoning designation with regard to uses and development standards, 2) consistency with the comprehensive plan, and 3) compliance with the city's concurrency/mobility regulations and the project's expected impacts on public facilities.

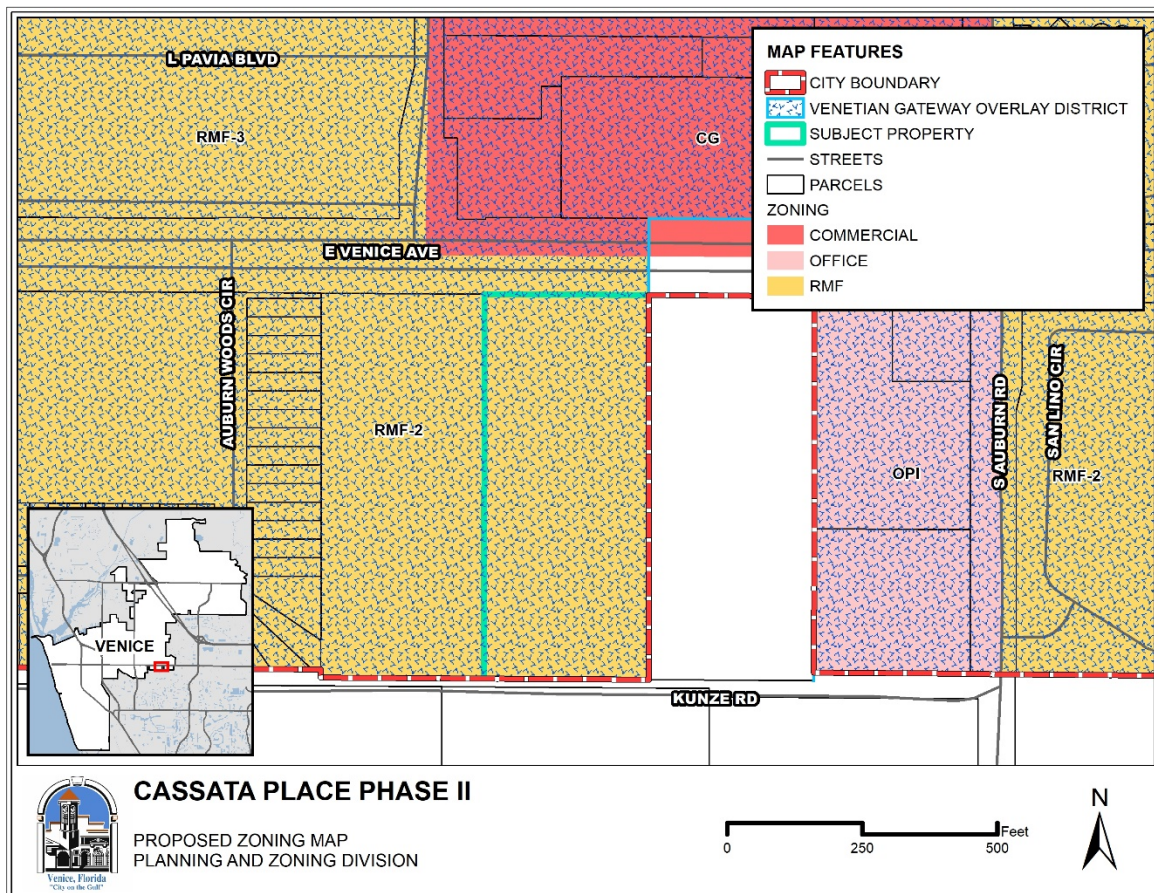
A. Comparison of Existing OUE/VG Zoning and Proposed RMF-2/VG Zoning

The subject property is currently zoned Sarasota County OUE-1 with the Venetian Gateway Overlay VG. Based on the pre-annexation agreement and the City's requirements, the property must be rezoned to a City designation prior to any development of the site. The table on the next page indicates some of the standards of the existing and proposed zoning designation along with the land use designation provided in the City's Comprehensive Plan.

	Existing Zoning OUE-1/VG	Proposed Zoning RMF-2/VG
Density	1 du/5 acres	9 du/acre
Dwelling Units	1	45
Height	35 feet	35 feet*
Architecture	Northern Italian Encouraged	Northern Italian Encouraged (Comp Plan Required)
Uses	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium**	Multiple-Family Dwellings, Patio Houses, Two-Family Houses, Townhouses, Cluster Houses, Single-Family Dwellings**

*May apply for Conditional Use for an additional 30 feet. Comp Plan overall limit is 42 feet.

**Not an exhaustive list of uses.



B. Consistency with the Comprehensive Plan

The Comprehensive Plan identifies the subject property as being within the 558-acre East Venice Avenue Neighborhood. The subject property has a future land use designation of moderate density residential. The following analysis includes review of significant strategies found in the Land Use Element of the comprehensive plan.

Land Use Strategy LU 1.2.4 identifies the proposed RMF-2 district as an implementing zoning district for the Moderate Density Residential designation. As such, the proposed zoning map amendment is consistent with this land use strategy.

Strategy LU 4.1.1 in the Comprehensive Plan, includes Policy 8.2, Land Use Compatibility Review Procedures.

At the point of rezoning of property, evaluation of compatibility is required to ensure compatibility with adjacent uses. Compatibility review requires evaluation of the following as listed in Policy 8.2:

- A. Land use density and intensity.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

The applicant has elected to have the subject zoning map amendment petition brought forward to public hearing before the Planning Commission in advance of the other land development applications. The subject petition does not include a development plan and, without such plan, the above evaluation of development characteristics (Policy 8.2 A through D) is limited. Further evaluation of the development characteristics will be included in the review of any future development of the subject property.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided evaluative commentary on each consideration.

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

Applicant's Response: **The proposed use is compatible with single-family neighborhoods.**

Staff's Comment: *Cassata Place Phase I is located adjacent to the west and has the same zoning as is proposed for the subject property. There is also large lot single-family uses to the south that are under the jurisdiction of the County zoned for one unit per five acres. The property to the east is still in the County and is undeveloped. Surrounding densities, whether City of County, are the same regarding future land use.*

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

Applicant's Response: **The proposed zoning designation does not allow for commercial or industrial uses.**

Staff's Comment: *Non-residential uses in the proposed RMF-2/VG district are limited to those typical to a residential zoning district such as schools, parks, playgrounds, etc.*

- G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

Applicant's Response: **The proposed zoning designation and development resolves the property's nonconforming zoning designation per the City of Venice Comprehensive Plan.**

Staff's Comment: *Staff is not aware of any non-conforming uses on the property.*

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

Applicant's Response: **The zoning designation sought and development proposal contemplate land use of similar density and intensity to surrounding properties.**

Staff's Comment: *The proposed zoning district provides use and regulatory standards that are consistent with the adjacent Cassata Place Phase I to the west. However, the proposed density is higher than the county properties to the east and south.*

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

Future development of the subject property will require a preliminary plat or site and development plan approval by the Planning Commission. It is during this process that full review of the project will occur, including the project's compatibility with adjacent properties. If during that review potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2 I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of an actual development proposal.

- I. Providing open space, perimeter buffers, landscaping and berms.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
- K. Locating road access to minimize adverse impacts.
- L. Adjusting building setbacks to transition between different uses.
- M. Applying step-down or tiered building heights to transition between different uses.
- N. Lowering density or intensity of land uses to transition between different uses.

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 Moderate Density Residential future land use designation, Policy 8.2 regarding compatibility, strategies found in the East Venice Avenue Neighborhood and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Consistency with the Land Development Code

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: Yes. The zoning designation sought is an Implementing Zoning District under the Future Land Use designation for the Property.

Staff's Comment: Also see Consistency with the Comprehensive Plan in Section III (B) of this report.

(b) The existing land use pattern.

Applicant's Response: Yes. The proposed development contemplates similar use, design and intensity to properties in its area.

Staff's Comment: The proposed zoning map amendment and resulting development mimics use, design and intensity characteristics of the property to its direct west. There is no significant disruption to existing land use patterns in the other neighboring properties.

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

Applicant's Response: No. There is no possibility of creating an isolated district unrelated to adjacent and nearby districts by rezoning the property as proposed.

Staff's Comment: The proposed zoning map amendment is consistent with the adjacent project to the west and with other residential projects in the vicinity.

(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: No. The proposed development will not affect the population density pattern, nor will it cause an increase or overtaxing on any public facilities.

Staff's Comment: *Upon review of the proposed zoning map amendment by the City's TRC, no issues have been raised regarding maintenance of levels of service regarding concurrency and mobility.*

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

Applicant's Response: **No. The existing district boundaries are not drawn illogically in relation to existing conditions on the property.**

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

Applicant's Response: **The property maintains a Sarasota County zoning despite being part of the City of Venice; therefore, the proposed amendment is necessary to provide zoning consistent with the City's comprehensive plan and land development regulations.**

Staff's Comment: *The pre-annexation agreement requires that the property be rezoned to a City designation prior to any development of the property.*

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

Applicant's Response: **No, to the contrary. The proposed change will increase harmony with surrounding properties, improve onsite conditions, and has been welcomed by neighbors.**

Staff's Comment: *The proposed zoning map amendment is consistent with the Moderate Density Residential Future Land Use designation of the property.*

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

Applicant's Response: **No. The proposed change will offer no deleterious impacts on traffic or public safety.**

Staff's Comment: *Upon review of the proposed zoning map amendment by the City's TRC, no issues have been raised regarding maintenance of levels of service regarding concurrency and mobility.*

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

Applicant's Response: **No. Development of the property will require engineering and permitting that will confirm no adverse impacts.**

Staff's Comment: *The project has been reviewed by the City's Engineering Dept. and no issues have been identified.*

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

Applicant's Response: No. The proposed change will not seriously reduce lot and air to adjacent areas.

Staff's Comment: The proposed zoning district provides use and regulatory standards that are consistent with the adjacent Cassata Place Phase I to the west.

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

Applicant's Response: No. Property values will not be harmed by the proposed change.

(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: No. The proposed change will not be a deterrent to the improvement or development of adjacent properties in accord with the existing regulations.

(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: No. The proposal seeks zoning consistent with the City's Comprehensive Plan and Code, and therefore provides no specific privilege and instead serves the public welfare as envisioned by the City Comprehensive Plan.

Staff's Comment: The pre-annexation agreement requires that the property be rezoned to a City designation prior to any development of the property.

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

Applicant's Response: Yes, the property has not yet been zoned to a City of Venice zoning designation and maintains a Sarasota County zoning designation despite lying within City limits and jurisdiction. Therefore, the existing zoning is nonconforming and this amendment will seek to resolve that issue.

Staff's Comment: The pre-annexation agreement requires that the property be rezoned to a City designation prior to any development of the property.

(o) Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Applicant's Response: No. The Comprehensive Plan contemplates the zoning designation requested, and the market supports the nature of such development.

Staff's Comment: The proposed zoning map amendment is consistent with the Moderate Density Residential Future Land Use designation of the property.

(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. This property permits the use requested per the Comprehensive Plan and requires a City zoning designation.

Staff's Comment: The proposed zoning district provides use and regulatory standards that are Consistent with the adjacent Cassata Place Phase I to the west.

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

The subject petition complies with all applicable Land Development Code standards and there is sufficient information to reach a finding for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code.

C. Concurrency/Mobility

Concurrency

At the rezone stage for a project that is not for a proposed planned development district, concurrency is evaluated on a “preliminary” basis, with a formal concurrency determination and issuance of a concurrency certificate at the point of development. As provided earlier, rezoning the property to RMF-2/VG will certainly result in an increase in potential development intensity compared to its current County designation, but not inconsistent with the future land use designation.

City departments responsible for concurrency reviewed the petition for impacts to sanitary sewer, potable water, solid waste, parks, and drainage facilities and it was preliminarily determined there currently are adequate public facilities available to accommodate the expected development of the subject property.

Mobility

The maximum potential residential units for this site under the proposed zoning is 45. Based on Sarasota County 2017 Generalized Level of Service (LOS) Analysis, the adjacent roadway segment from Capri Isles Blvd. to Auburn Road is operating a LOS “C”. Current conditions indicate 1,879 Design Hourly Volume (DHV) with a Service Volume (SV) of a maximum of 3,222 vehicle trips to maintain LOS. The maximum of 45 residential units would create approximately 45 PM Peak Hour trips and therefore would not cause a negative impact to the existing LOS as it would cause the SV to be exceeded. Further evaluation will be performed with subsequent applications for development. Addressing potential non-residential use, without a specific development plan is difficult. However, the allowed uses would typically be of low intensity in a residential district.

Finally, with the adoption of the Comprehensive Plan, level of service (LOS) standards have been established for pedestrian facilities, bicycle facilities, transit service and hurricane shelter space. To date, these adopted standards have not been implemented in the Land Development Code and the Comprehensive Plan omitted the adjacent road segment regarding LOS for each transportation use. Shelter LOS is only required if the property is located within the Coastal High Hazard Area and the subject property is not.

Conclusion / Findings of Fact (Concurrency):

Based on preliminary concurrency analysis, no issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

Conclusion / Findings of Fact (Mobility):

Based on preliminary analysis and consideration of potential uses in the RMF-2/VG district, no issues have been identified that would negatively impact the transportation system in this area.

V. CONCLUSION

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. 19-11RZ.