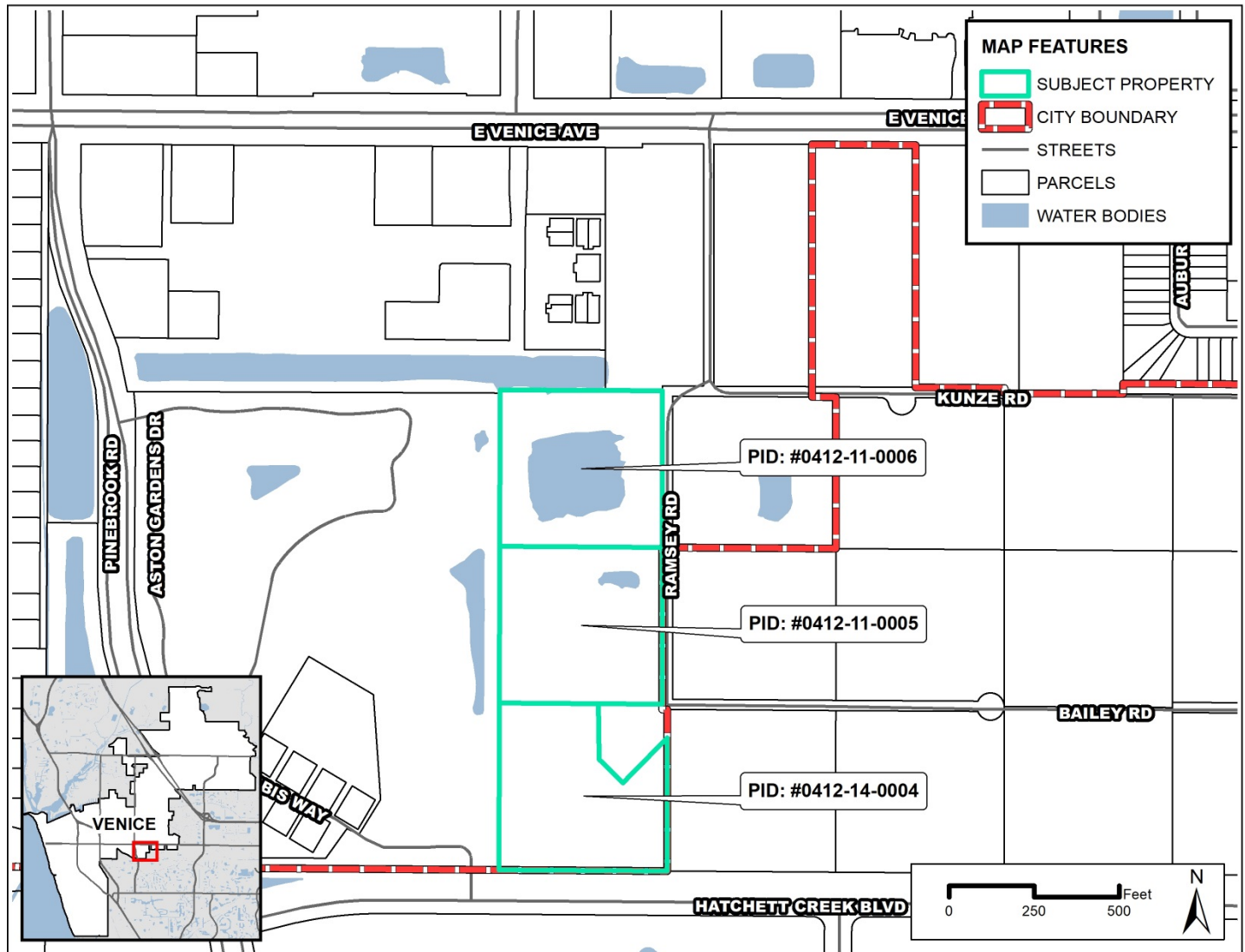




ZONING AMENDMENT STAFF REPORT RAMSEY ROAD PUD AMENDMENT

October 1, 2019

19-04RZ



PETITION NO.: 19-04RZ

REQUEST: A PUD Zoning Amendment for an approximately 15 acre site for the construction of a multi-family project along with associated parking, landscaping, and amenities.

GENERAL DATA

Owner: Discovery Village at Venice, LLC and AG Ventures, LLC

Applicant: The Gallina Companies

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Parcel ID: 0412110006, 0412110005 and 0412140004

Property Size: 15.18 +/- Acres

Future Land Use: Mixed Use Residential (MUR)

Comp Plan Neighborhood: East Venice Avenue Neighborhood

Zoning: Planned Unit Development (PUD)

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Existing PUD Binding Master Plan
- C. Proposed PUD Binding Master Plan

I. BACKGROUND

- **January 10, 2006:** City Council approval of annexation of the southernmost approximately 5 acre parcel, the Evett property (0412140004), through adoption of Ordinance No. 2006-03.
- **November 28, 2006:** City Council approval of annexation of the two approximately five acre parcels to the north, Bedford (0412110006) and Rhodus (0412110005) through adoption of Ordinance No. 2006-11. Also, approval of Comprehensive Plan Amendments for the Bedford/Rhodus properties to change the future land use designation from County Moderate Density Residential to City Moderate Density Residential (Ordinance No. 2006-54) and for the Evett property from County Medium Density Residential to City Moderate Density Residential (Ordinance No. 2006-50).
- **September 4, 2007:** Planning Commission recommends approval of a proposed Zoning Map Amendment to change the designation of the subject property from County Open Use Estate (OUE) to City Residential, Multi-Family 3 (RMF-3) with stipulations, for the development of 144 residential units.
- **October 9, 2007:** City Council approves the Zoning Map Amendment to change the zoning from County OUE to City RMF-3 with stipulations, providing for the development of 144 residential units. (FIRST READING)
- **October 23, 2007:** City Council approves the Zoning Map Amendment to change the zoning from County OUE to City RMF-3 with stipulations through the adoption of Ordinance No. 2007-39 providing for the development of 105 residential units. (FINAL READING)
- **November 20, 2007:** Applicant submits letter to the City requesting relief pursuant to the Florida Land Use Environmental Dispute Resolution Act indicating that City Council's action to limit density to seven units per acre was arbitrary, capricious and illegal.
- **January 30, 2009:** Hearing held before a special magistrate to facilitate resolution of the conflict. Applicant submitted a proposed PUD for the subject property and asked the special magistrate to recommend approval for the development of 120 residential units consistent with the PUD binding master plan.
- **March 2, 2009:** Special magistrate submitted his recommendation to the parties and recommended the City approve the applicants submitted request for rezoning of the property to PUD.
- **March 24, 2009:** City Council accepts the special magistrate's recommendation.
- **June 9, 2009:** City Council approves the rezoning of the subject property to PUD through the adoption of Ordinance No. 2009-04. The approval included development of 120 residential units.
- **May 17, 2011:** Planning Commission approved Site and Development Plan Petition No. 07-12SP for the development of a 120 multi-family residential project. The project was not constructed.
- **February 11, 2019:** The subject PUD zoning amendment is submitted to the City for review for development of a project to include 116 residential units. A concurrent site and development plan is submitted as well.

II. EXECUTIVE SUMMARY

The subject 15.16± acre property currently has a Planned Unit Development (PUD) zoning designation that provides for a 120 unit multi-family residential project across 14 buildings of two living floors over 1 level of parking providing for a density of 7.9 units per acre. Also included is a 9,000 square foot clubhouse and provision for parking and landscaping throughout the project. The project was approved through site and development plan in 2011 but was never constructed.

A new developer now proposes to modify the current PUD zoning to allow for a similar multi-family project that will provide 116 units across seven, two-story buildings at a density of 7.65 units per acre with no understory parking. A clubhouse is also provided along with provision for surface and garage parking along with landscaping throughout the property. Due to the compactness of the proposed PUD, the binding master plan standards are provided in text on plan sheet C1 of the applicant's submittal and are depicted graphically on Sheet C2. A concurrent site and development plan petition has been submitted to accomplish the project and is still undergoing staff review. The first step in the process is to amend the existing PUD to allow for the new project and provide a revised binding master plan and associated regulatory and locational standards.

Based on the submitted application materials, staff data and analysis, and conclusions of this staff report, staff provides the following 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 Mixed Use 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, with the exception of requested code modification through the PUD, 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.

- **Conclusions / Findings of Fact (Concurrency):**

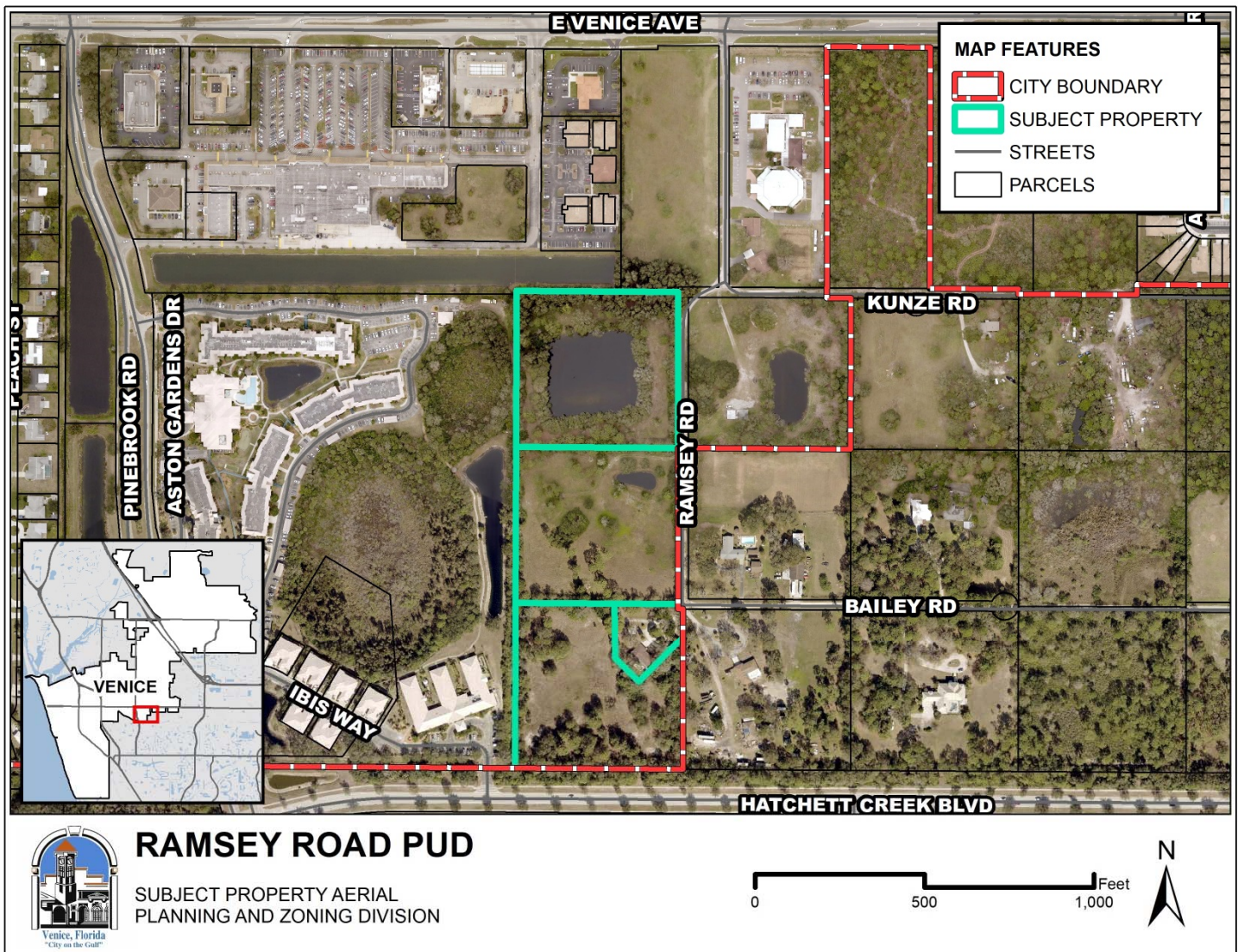
As indicated, the applicant has taken advantage of extensions of previously approved development permits provided at the State level since 2009 and, as a result, has maintained approved concurrency for public facilities. The project has been reviewed by the City's TRC and no issues have been identified regarding facilities capacity.

- **Conclusions / Findings of Fact (Mobility):**

The applicant has maintained prior approvals related to transportation, however, has provided a full traffic analysis that has been preliminarily reviewed by the City's transportation consultant along with County transportation staff. No issues have been identified. Further review will occur as part of the concurrently submitted site and development plan.

III. EXISTING CONDITIONS

The approximately 15 acre project site is currently vacant. The property does not appear to contain any wetlands, however, there are some surface water ponds along with surface drainage facilities in the form of swales and ditches located onsite. The southernmost five acre property is irregular in shape due to the previous owner's existing residence located just outside of the property boundaries in the northeast corner. This specific property is incorrectly identified as being zoned PUD as well. This issue is considered a scrivener's error will be corrected upon City Attorney confirmation of procedure.

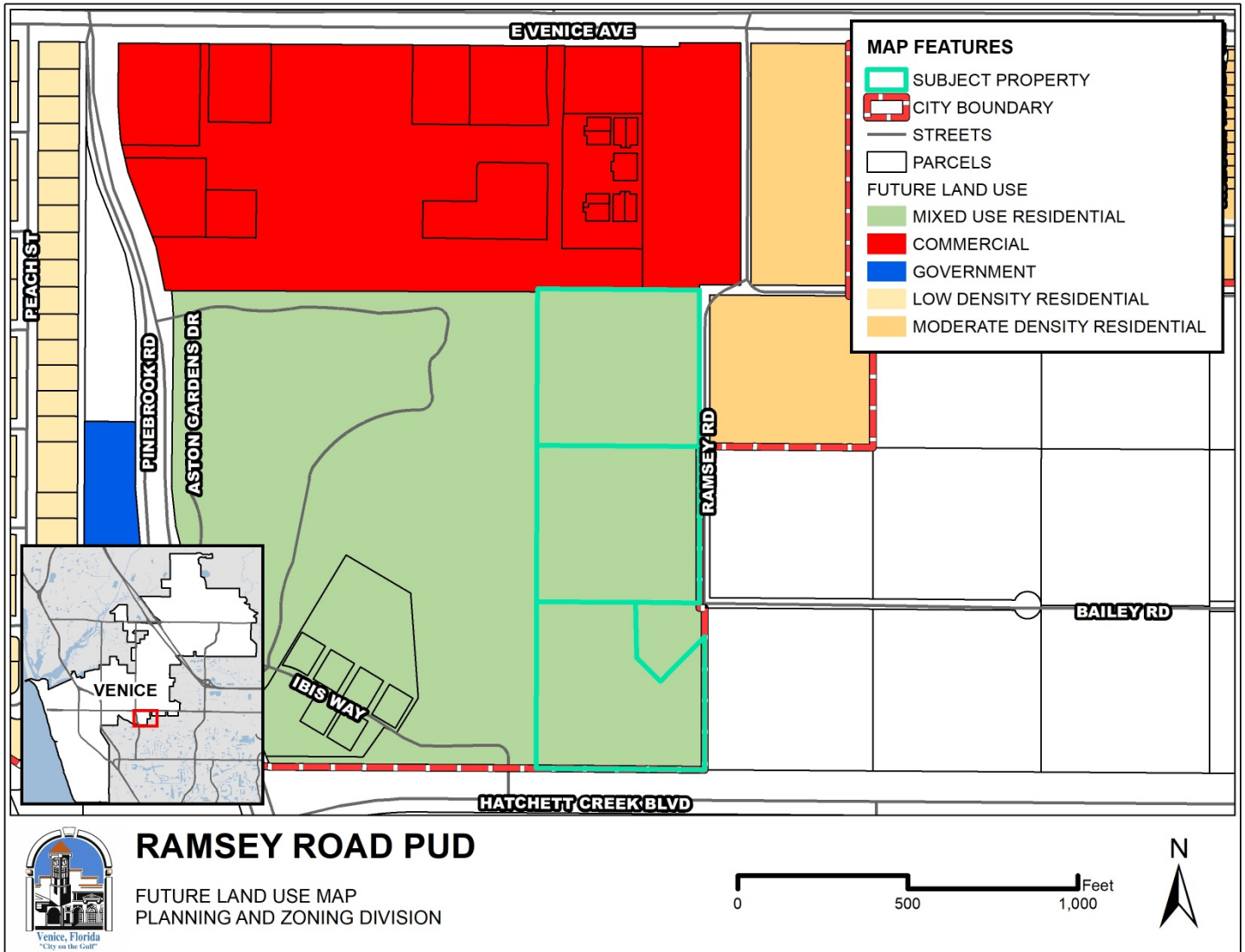


Following are photos taken of the subject property:



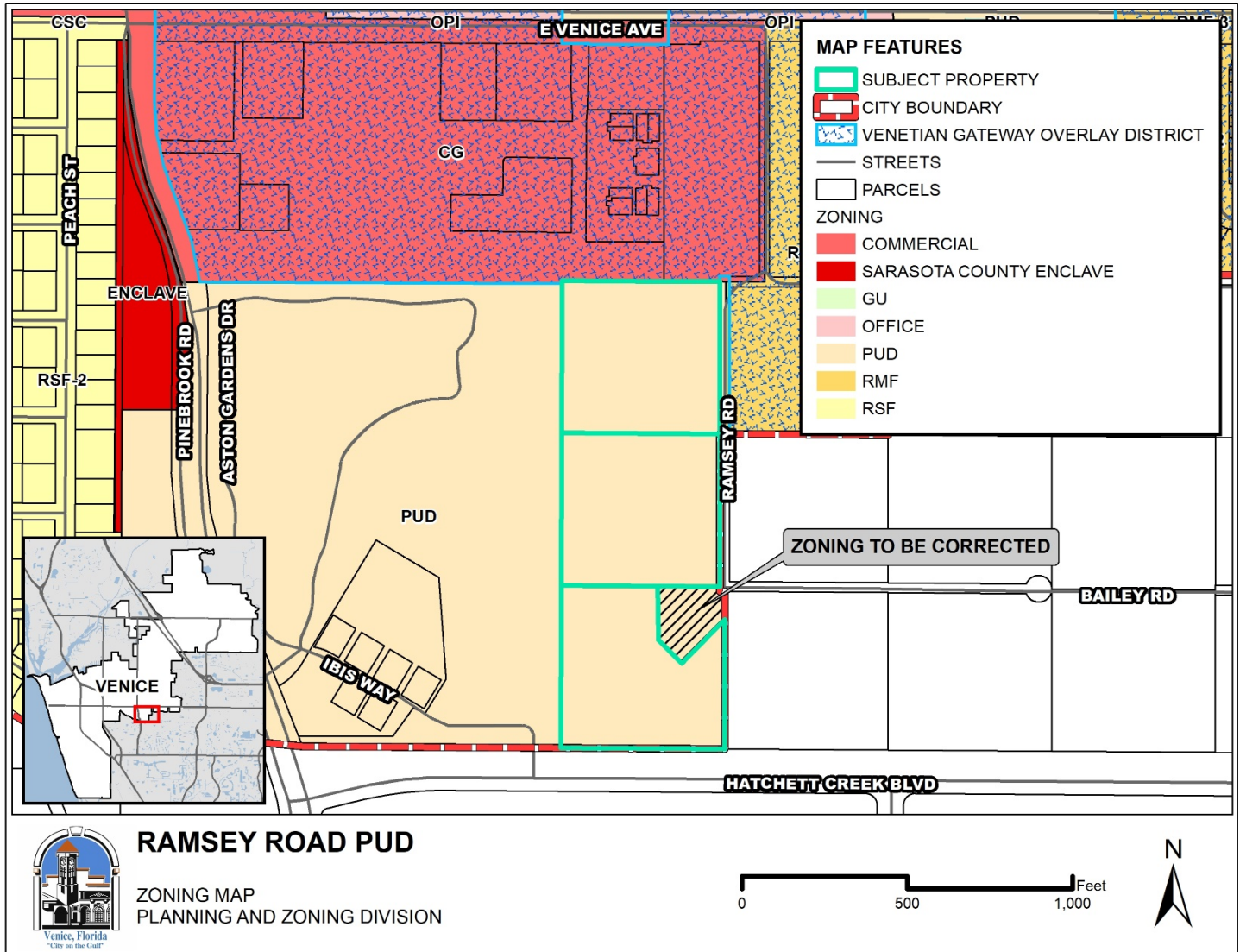
Future Land Use

The subject property is located in the 558 acre East Venice Avenue Neighborhood. The following map shows the future land use designation for the subject property and adjacent properties. The subject property has a Mixed Use Residential (MUR) designation along with the adjacent property to the west. Property to the north is designated as Commercial. The property to the east contains City Moderate Density Residential and County Medium Density Residential land uses. In addition to these land use designations, a portion of the adjacent property to the east is within Area 4 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) and is still under County jurisdiction. The property to the south is also within the County's jurisdiction and is designated as County Moderate Density Residential.



Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Planned Unit Development (PUD) district and this district will remain. The binding master plan associated with the property will be revised. The property to the north across is zoned Commercial, General with the Venetian Gateway Overlay (CG/VG) district. The property to the west is zoned PUD consistent with the subject property. The property to the east has multiple designations, a portion is County Open Use Estate-1 (OUE-1) and the remainder is City Residential, Multi-Family-1 (RMF-2/VG). The property to the south is in the County and is zoned RSF-3/PUD. You will notice the map below also indicates the property that is not included in this petition and the zoning will be corrected upon procedural confirmation.



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

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Commercial and Vacant (Venice Commons and Nazarene Church)	CG/VG	Commercial
West	Senior Housing (Aston Gardens)	PUD	MUR
South	County Residential (Pelican Point)	County RSF-3/PUD	County Moderate Density Residential
East	Church and County Residential (Nazarene Church) (Parcel to be corrected)	RMF-2/VG and County OUE	City Moderate Density Residential County Medium Density Residential and Joint Planning Area 4

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with multiple designations of Zones AE and X. AE zones have a 1-percent annual chance of flood and are also referred to as the base flood or 100-year flood. Moderate flood hazard areas designated as Zone X are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. Development of the property will be subject to compliance with applicable FEMA requirements.

IV. Project Description

The subject property is made up of three parcels and is approximately 15± acres in size. It is accessed from Hatchett Creek Blvd. at the southern limits of the City boundary. The property is currently vacant. As indicated in the Background section of this report, the property was approved for development through Planning Commission's approval of Site and Development Plan Petition 07-12SP in May of 2011. No development has occurred on the site since this approval.

The subject petition is an amendment to the originally approved PUD zoning that was recommended by a special magistrate in 2009. The original PUD provided for a 120-unit, multi-family residential, active adult housing project to include recreational facilities along with associated parking and landscaping. The units were spread out through eight, 2-story, 12-plex buildings (2 living floors over 1 parking level), and six, 2-story, 4-plex buildings (2 living floors over 1 parking level) for a potential density of 7.9 units per acre. In addition, a 9,000 square foot clubhouse was proposed. Access to the project is provided by a main entrance off of Hatchett Creek Blvd. and a secondary access point is provided through an easement across the Aston Gardens site to the west.

The amended PUD proposes a similar project that will contain 116 residential, multi-family units throughout seven, 2-story buildings with no understory parking. Six of the buildings will contain 16 units each and one building will provide 20 units for a maximum residential density of 7.65 units per acre. Parking for the residents will be provided through surface parking along with free standing garages. A clubhouse and pool are also proposed for the site. Due to the compactness of the project and the developer's confidence, the proposed binding master plan provides additional detail such as site layout depicting proposed buildings that usually would not be provided at the point of rezoning, even for a PUD. Staff advised the applicant that this may not be the best avenue

to take for a PUD plan, but they decided to pursue this course. Consequences could result if during the development of the project, changes occur that impact the PUD binding master plan. Site and Development Plan Petition No. 19-05SP is currently under review for potential consideration by Planning Commission.

Proposed Code Modifications Through the PUD

The only code modification that is being requested by the applicant is a revised perimeter setback. Code Section 86-130(p) indicates that *“no structure shall be located closer to any perimeter property line than two times the height of such structure.”* The applicant is requesting that this requirement be modified and set as a hard standard of 25 feet along the north, east, and west property boundaries for garage structures and 54 feet for residential buildings along the west boundary only. Sheet C2 of the binding master plan depicts one garage along the east and west property perimeter and two along the northern perimeter. The minimum eastern setback of 54 feet for residential buildings occurs at Building 1. With the exception of Buildings 1 and 2, all other residential buildings exceed 70 feet which would be the minimum setback for the tallest possible structure.

V. PLANNING ANALYSIS

This section of the report provides planning analysis on A) how the existing PUD zoning compares to the proposed PUD zoning with regard to allowed uses and development standards, B) consistency with the comprehensive plan, C) consistency with the land development code, D) compliance with the city’s concurrency management regulations and the project’s expected impacts on public facilities, and E) the impact on transportation mobility.

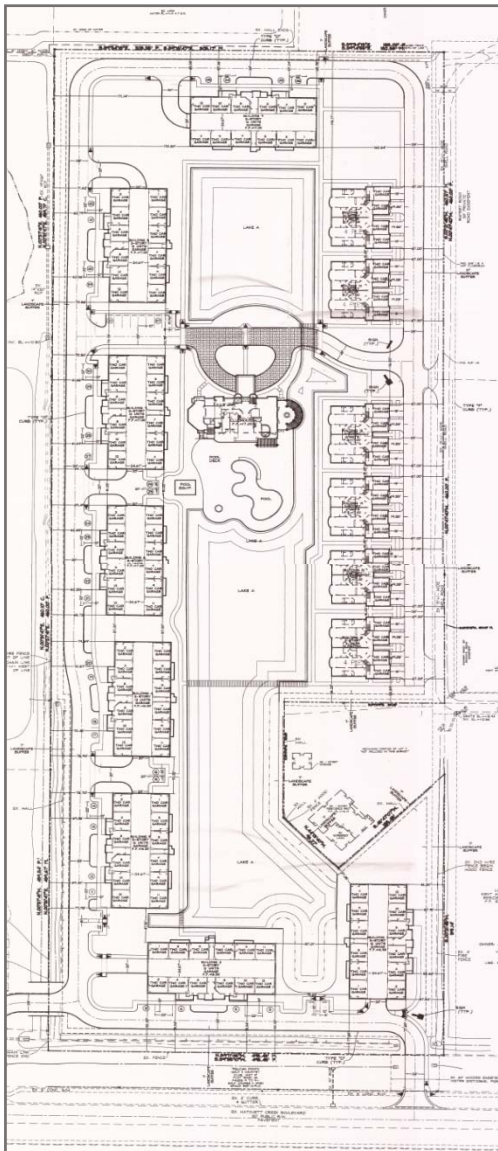
Development Standards: Approved PUD vs. Proposed PUD

Development Standard	Approved PUD	Proposed PUD
Permitted Uses	Multi-Family dwelling units and clubhouse	Multi-Family dwelling units, garages and clubhouse
Max. Residential Density	7.9 Units per acre	7.65 Units per acre
Open Space	52.7%	60%
Max. Building Height	35 feet (plus understory parking of 10 feet)	35 feet (no understory parking)
Perimeter Setbacks	North: 57.06 feet South: 73.34 feet East: 37.91 feet West: 60.23 feet All measurements to residential buildings.	North: 25 feet (to garage) South: 100 feet (to clubhouse) East: 25 feet (to garage) West: 25 feet (to garage) and 54 feet (to residential buildings)
Landscaped Perimeter Buffers	North: 7 feet South: 7 feet East: 7 and 10 feet West: 7 feet	North: 15 feet South: 20 feet East: less than 15 feet due to road ROW West: 15 feet All buffers include a fence

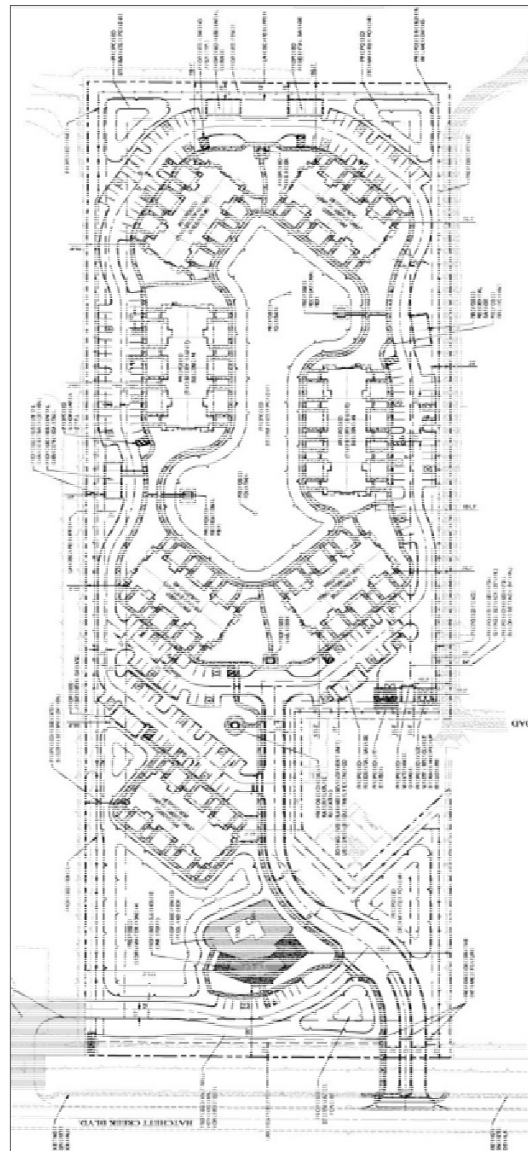
A. Comparison of Existing PUD Zoning and Proposed Amended PUD Zoning

The applicant has submitted an application to amend the current zoning of the PUD zoned subject property with a revised binding master plan to provide for a similar project as previously approved. The zoning map will not change, only the associated PUD binding master plan will be revised. Provided in the table above are the development parameters for both the originally approved PUD project that was never constructed and the proposed PUD zoned project. Differences, as you can see, are minimal and mainly show up in the perimeter setbacks. These differences are due to the proposed projects provision of detached garage parking and the previous projects inclusion of understory parking. This difference has resulted in a lower proposed building height even though the permitted height is the same. The previous understory parking was exempt from building height per an allowance in the PUD code. Other differences occur in the proposed projects increased landscape buffer width and percentage of open space. There is also a reduction in the unit count of four units. Other than these differences, the projects are similar in scope and nature.

APPROVED PUD



PROPOSED PUD



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 Mixed Use Residential (MUR) future land use designation. The following analysis includes review of significant strategies found in the Land Use Element of the Comprehensive Plan.

Land Use Strategy LU 1.2.9 identifies the proposed PUD district as the only implementing zoning district for the MUR designation. As such, the proposed zoning map amendment is consistent with this land use strategy.

Strategy LU 1.2.16 provides the following criteria for the MUR designation:

1. Limited to properties proposed to be rezoned to PUD.
2. Requires conservation and functional open spaces. The applicant is proposing 13% of the open space as conservation and 47% as functional.
3. Development standards are being designated at the PUD level.
4. Density is restricted to a maximum of 5 units per acre.
 - a. Strategy LU 1.2.21 provides that previously approved PUD's exceeding standards are permitted to maintain their previously approved development standards. The subject petition is an amendment to a previously approved PUD and is proposing a reduction in density.
5. Previously approved PUD's. See #4 above.
6. Min/Max percentages as follows:
 - a. Allows 95% to 100% residential. The subject petition provides all residential use except for the clubhouse.
 - b. Up to 5% non-residential.
 - c. 50% open space required. The applicant proposes 60% open space or 9.09 acres. A minimum of 10% must be conservation and 10% must be functional. See #2 above.
7. Intensity/Density
 - a. Maximum density of 5 units per acre. Proposed 7.65 units per acre. See #4 above.

Strategy LU 1.2.21 – Previously Approved Planned Developments. As indicated above, this PUD was approved in 2009 and the applicant is requesting to amend the existing PUD.

Strategy 1.3.2 – Functional Neighborhoods. The applicant has provided rental housing and also proposes open space amenities such as a walking path around the proposed lake along with a pier structure over the water accessible by residents.

Strategy LU-EV 1.1.2 provides the development parameters for the MUR designation in the East Venice Avenue Neighborhood. It provides for a maximum of 315 residential dwelling units. This strategy also indicates an existing dwelling unit count as of January 1, 2017 of 388. It is important to note that this unit count included the 120 units that were previously approved for the subject PUD in anticipation of development.

Strategy LU-EV 1.1.4 – Driveway Connections. This strategy discourages additional driveway connections to East Venice Avenue. The previously approved PUD did provide access to East Venice Avenue. The proposed plan eliminates this access.

Strategy LU 4.1.1 of the 2017 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.

Applicant's Response: The proposed PUD amendment is a reduction in density from the currently approved density.

B. Building heights and setbacks.

Applicant's Response: The proposed PUD amendment will result in reduced building heights and greater setback than the currently approved PUD standards.

C. Character or type of use proposed.

Applicant's Response: The proposed amendment does not change the character or type of use proposed.

D. Site and architectural mitigation design techniques.

Applicant's Response: Not applicable

The above development characteristics (Policy 8.2 A through D) will be evaluated with the review of the concurrently processed land development application for site and development plan.

Policy 8.2 E through H lists considerations for determining compatibility. Staff provided the applicant's response to each consideration as well as staff's commentary on each consideration.

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

Applicant's Response: The proposed PUD amendment will further reduce any potential impacts to single-family neighborhoods as compared to the currently approved PUD standards.

Staff Comment: *The only single-family homes near the subject property are on large lots to the east of the subject property and are under County jurisdiction. These adjacent properties are included in JPA Area 4 which permits a density of up to seven units per acre if developed in the City. A single-family home also exists on the southernmost five acre parcel and is the current residence of the previous owner of this five acre parcel. A wall is proposed around this property to provide screening from the proposed project. To the south of the subject property is the Pelican Point subdivision which is comprised of single family homes. However, between Hatchett Creek Blvd. and the golf course, the closest single-family lot line in Pelican Point is over 300 feet from the southernmost property line of the subject property. There are no other single-family neighborhoods near this project.*

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

Applicant's Response: Not applicable.

Staff Comment: *No commercial or industrial uses are proposed for this project.*

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: Not applicable.

Staff Comment: *Staff is not aware of any non-conforming uses onsite.*

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

Applicant's Response: The proposed PUD amendment is a reduction in density from the currently approved density.

Staff Comment: *The proposed PUD does provide for a slightly lower density and reduced proposed building height as there will be no understory parking. The property to the west contains the Aston Gardens assisted living facility which is considered a residential use and was developed at a density of approximately 8.2 units per acre. The property to the north of the site is the Venice Commons shopping center along with the vacant church property. The property to the east includes an approximately five acre site that is currently zoned RMF-2/VG and would permit up to nine units per acre. The remainder of the property to the east is under County jurisdiction and is zoned OUE-1 permitting one dwelling unit per five acres. It is important to note that this area is included in JPA Area 4 and has a development potential of up to seven units per acre if developed in the City. The current County Medium Density Residential designation permits development at a density of 5-9 units per acre. The property to the south is the Pelican Point Golf & Country Club which is under County jurisdiction and consists of single-family homes.*

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.

The staff review of the concurrently processed land development application will identify all elements of the proposed project on the subject property and allow a full review of the project, 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.

Applicant's Response: The proposed PUD amendment provides sufficient opens space and buffers to ensure no incompatibility exists.

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

Applicant's Response: The proposed PUD amendment provides sufficient screening of sources of light, noise, mechanical equipment, refuse areas and delivery and storage areas.

- K. Locating road access to minimize adverse impacts.

Applicant's Response: Road access to the property been designed to minimize impacts.

- L. Adjusting building setbacks to transition between different uses.

Applicant's Response: The proposed PUD amendment reduces building heights from the currently approved PUD standards.

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

Applicant's Response: Not applicable.

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

Applicant's Response: The proposed PUD amendment is a reduction in density from the currently approved density.

Consistent with Vision OS 1 that provides the parameters for open space, the PUD zoning of the property requires that a minimum of 50% of the property be maintained as open space. The applicant's submittal indicates that approximately 9.09± acres or 60% of the project site is being devoted to open space. Due to the inclusion of lakes as open space, the proposed open space can be defined as both functional and conservation and the applicant is providing an excess of the minimum of each. There are no wetlands indicated onsite.

Transportation Element

The Comprehensive Plan indicates that the required LOS for all transportation facilities is LOS "C". The roadway segment adjacent to the project site which is Hatchett Creek Blvd. from Pinebrook Road to Jacaranda Blvd., based on the County's traffic counts, is currently operating at LOS "C" and is expected to maintain this LOS. It is important to note that this is a County facility and is outside the City boundaries. Because of the County jurisdiction over this facility, the City's Comprehensive Plan does not provide, nor require a minimum LOS for this facility for bicycle, pedestrian and transit. However, it is important to note that Hatchett Creek Blvd. includes sidewalks and bike lanes on both sides.

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, 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.

C. Compliance 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 LDC 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 following, considerations listed below. To facilitate the Planning Commission's review of the subject rezone petition, staff has provided the applicant's response to each of the considerations and staff has provided its own commentary on selected considerations in which additional information can be brought to the Planning Commission's attention.

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

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

Staff Comment: *Analysis of Consistency with the Comprehensive Plan is provided in Section V of this report.*

(b) The existing land use pattern.

Applicant's Response: The proposed change is consistent with the existent land use pattern and will result in a reduction in density/intensity of development on the site.

Staff Comment: *The zoning designation of the property will not change with this petition. The binding master plan associated with the PUD will change and provides a similar project at a slightly lower density. The land use and zoning is consistent with the property immediately to the west.*

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

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

Staff Comment: *Once again, the district will not change and the land use and zoning is consistent with that to the west.*

- (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: As the proposed change will result in a reduction in density/intensity of development, the proposed PUD amendment will reduce the load on public facilities.

Staff Comment: *Based on a preliminary concurrency analysis, no issues were identified by staff regarding the availability of adequate public facilities to accommodate development in compliance with the proposed zoning district.*

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

Applicant's Response: Not applicable, the proposed change does not seek to change the PUD zoning designation of the property.

Staff Comment: *District boundaries will not change.*

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

Applicant's Response: The need to modify the PUD plan to allow for reduced density and building heights makes the proposed amendment necessary.

Staff Comment: *As indicated, this is just an amendment to an existing PUD and will provide for a very similar project as was approved previously.*

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

Applicant's Response: The proposed change will not adversely influence living conditions in the neighborhood as the amendment will reduce impacts to the neighborhood.

Staff Comment: *Obviously activity will increase as the site is currently vacant. The property was already approved for development of a similar residential project.*

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

Applicant's Response: As the proposed change will result in a reduction in density/intensity of development, the proposed change will not create or excessively increase traffic congestion or otherwise affect public safety.

Staff Comment: *The applicant has provided a traffic study in order for the City to determine any deficiencies in the transportation system. No deficiencies have been identified. The Technical Review Committee review of the petition identified no public safety impacts generated by the subject petition. Transportation will continue to be evaluated with the concurrently processed site and development plan application.*

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

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

Staff Comment: *A zoning change alone will not create a drainage problem.*

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

Applicant's Response: As the proposed change will result in a reduction in density/intensity of development, the proposed change will not seriously reduce light and air to adjacent areas.

Staff Comment: *The proposed building height matches the previously approved PUD. However, the amended PUD does not propose any understory parking that would increase actual building height.*

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

Applicant's Response: As the proposed change will result in a reduction in density/intensity of development, the proposed change will not adversely affect property values in the adjacent area.

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

Applicant's Response: As the proposed change will result in a reduction in density/intensity of development, the proposed change will not be a deterrent to improvement or development of adjacent property.

Staff Comment: *The proposed amended PUD is actually a reduction in intensity compared to the approved PUD.*

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

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

Staff Comment: *The applicant is only proposing to amend a previously approved PUD.*

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

Applicant's Response: Not applicable, the proposed amendment does not seek to change the PUD zoning for the property.

Staff Comment: *The property could be developed under its current zoning. The zoning will not change, only the binding master plan will change to provide for a slightly different development.*

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

Applicant's Response: As the proposed change will result in a reduction in density/intensity of development on the property, it is not out of scale with the needs of the neighborhood or City.

- (p) Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Applicant's Response: Not applicable, the proposed amendment does not seek to change the PUD zoning for the property.

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

The subject petition complies with all applicable Land Development Code standards, with the exception of requested code modification through the PUD, 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.

D. Concurrency

It is important to note that multiple extensions of all development permits starting back in 2009 through Senate Bill 360- The Community Renewal Act, were approved by the Florida Governor as a result of impacts on the state from multiple sources such as tropical storms, hurricanes and even the impact of the Zika virus on the state. The owner of the subject property that received approvals to develop the site has taken advantage of all indicated extensions and has maintained their concurrency approval gained through these previously approved development permits. However, the proposed zoning amendment to the PUD was reviewed by the City's TRC based on the proposed binding master plan and no issues were identified regarding facilities capacity.

Conclusion / Findings of Fact (Concurrency):

As indicated, the applicant has taken advantage of extensions of previous approved development permits provided at the State level since 2009 and, as a result, has maintained approved concurrency for public facilities. The project has been reviewed by the City's TRC and no issues have been identified regarding facilities capacity.

E. Mobility

Consistent with the information above under "Concurrency", the applicant has maintained previous approvals through State permit extensions. The applicant has provided a traffic study in order for the City to determine any deficiencies in the transportation system. No deficiencies have been identified. Mobility fees will be required for the proposed development upon application for each Certificate of Occupancy.

Conclusion / Findings of Fact (Mobility):

The applicant has maintained prior approvals related to transportation, however, has provided a full traffic analysis that has been preliminarily reviewed by the City's transportation consultant along with County transportation staff. No issues have been identified. Further review will occur as part of the concurrently submitted site and development plan.

V. CONCLUSION

Planning Commission Report and Recommendation to City Council

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Staff Report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Zoning Amendment Petition No. 19-04RZ.