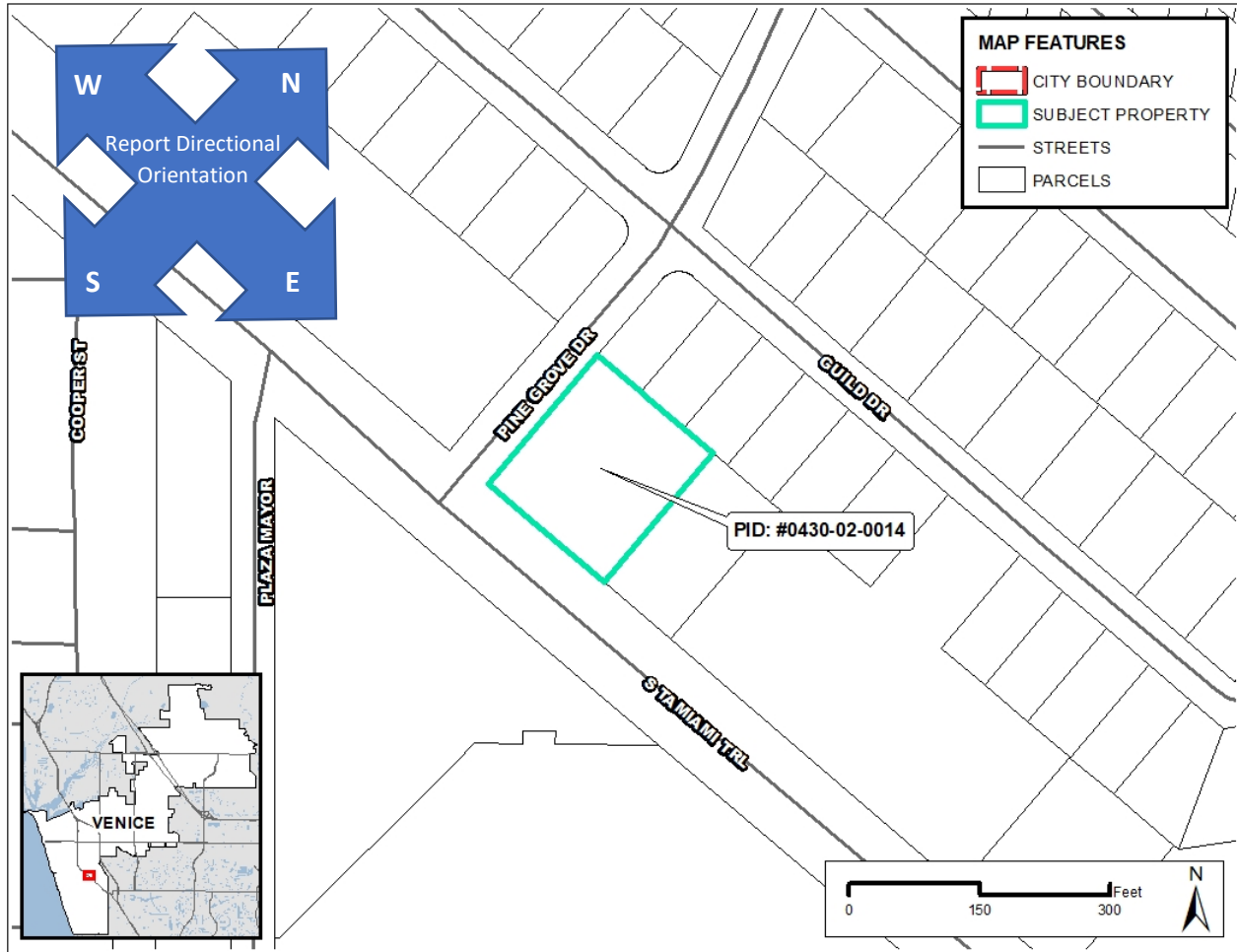




FOUR POINTS BY SHERATON ZONING MAP AMENDMENT STAFF REPORT

October 15, 2019

18-06RZ



PETITION NO.: 18-06RZ

REQUEST: Zoning map amendment to rezone the subject 0.78 acre \pm property from the Sarasota County Office, Professional and Institutional (OPI) district to City of Venice Office, Professional and Institutional (OPI) district and retaining the Venetian Urban Design (VUD) overlay district. It is a requirement that the property be rezoned to a City designation prior to any development of the site.

GENERAL DATA

Owner:	DAUS Capital, LLC	Agent:	R.M Edenfield, P.E., RMEC, LLC
Address:	805 S. Tamiami Trail	Property ID:	0430020014
Property Size:	0.78 acres \pm		
Future Land Use:	Mixed Use Corridor (MUC)		
Neighborhood:	Island Neighborhood		
Existing Zoning:	Sarasota County Office, Professional and Institution (OPI) District and Venetian Urban Design (VUD) Overlay District		
Proposed Zoning:	City of Venice Office, Professional and Institutional District and Venetian Urban Design (VUD) Overlay District		

ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Attached Exhibit A – Office, Professional and Institutional (OPI) and Venetian Urban Design (VUD) district regulations

See Directional Orientation for this report on the Location Map Above.

I. EXECUTIVE SUMMARY

The subject 0.78-acre property currently has a Sarasota County Office, Professional and Institutional (OPI) zoning designation and is within the Venetian Urban Design (VUD) overlay district. This property is required to be rezoned to a City designation prior to any proposed development of the site. The applicant proposes to rezone the subject property to a City of Venice Office, Professional and Institutional (OPI) district and retain the VUD overlay district designation.

Other land development applications associated with this hotel project that are on file with the Planning and Zoning Division include the following:

- Site and Development Plan Petition No. 18-02SP
- Special Exception Petition No. 18-02SE
- VUD Waiver Petition No. 18-01WV
- Variance Petition No. 18-02VZ

The subject property has a Mixed Use Corridor (MUC) future land use designation and pursuant to Land Use Strategy LU 1.2.9, the proposed OPI district is an implementing zoning district for the MUC designation.

Based on the submitted application materials, staff data and 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 Mixed Use Corridor future land use designation, Policy 8.2 regarding compatibility, strategies found in the Island 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.
- **Conclusions / Findings of Fact (Concurrency):**
Based on the preliminary concurrency analysis, no issues have been identified regarding current adequate public facilities capacity to accommodate the expected development of the subject property. Further

concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.

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

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant through the site and development plan process and found to be in compliance with applicable traffic standards. Mobility fees will be applicable to this project.

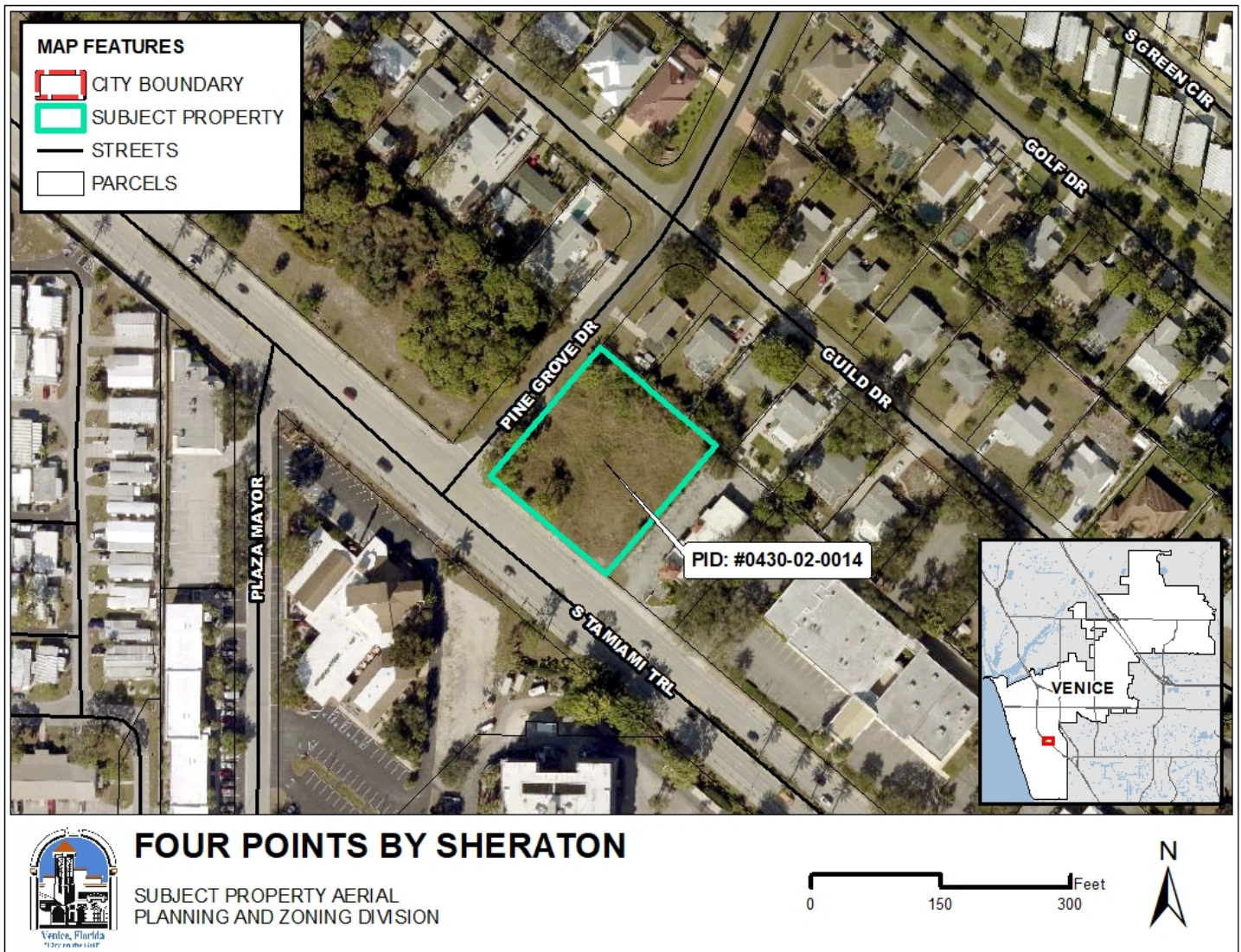
II. BACKGROUND INFORMATION

Based on a review of city records, the following is an outline of the past city actions related to the subject property.

- Prior to 2002, non-residential uses were developed on the subject property, an unincorporated enclave.
- On October 9, 2002, through the adoption of Resolution No. 2002-26, the subject property was annexed into the city.
- In 2009, through the issuance of a city demolition permit, all buildings and other improvements were removed from the site.
- On March 31, 2017, Zoning Map Amendment Petition No. 17-07RZ was submitted to the Planning and Zoning Division, proposing to rezone the subject property to the Commercial, General (CG) zoning district. This petition was denied by City Council on June 12, 2018 based on Comprehensive Plan Strategy LU 4.1.1 regarding Policy 8.2 and compatibility.
- On March 13, 2018, through the adoption of Resolution No. 2018-03, City Council approved the vacation of right-of-way fronting 775 S. Tamiami Trail, a property adjacent to the subject property and under the same ownership as the subject property. The vacated right-of-way has a land area of 24,884 square feet.
- On March 15, 2018, Site and Development Plan Petition No. 18-02SP, Special Exception Petition No. 18-02SE, and VUD Waiver Petition No. 18-01WV were submitted, and on July 13, 2018, Variance Petition No. 18-02VZ was submitted to the Planning and Zoning Division. These petitions are for a 4-story hotel with 103 guest rooms and a 30-seat restaurant. A hotel parking facility is proposed on the subject property.
- On October 3, 2018, the subject Zoning Map Amendment Petition No. 18-06RZ was submitted to the City.

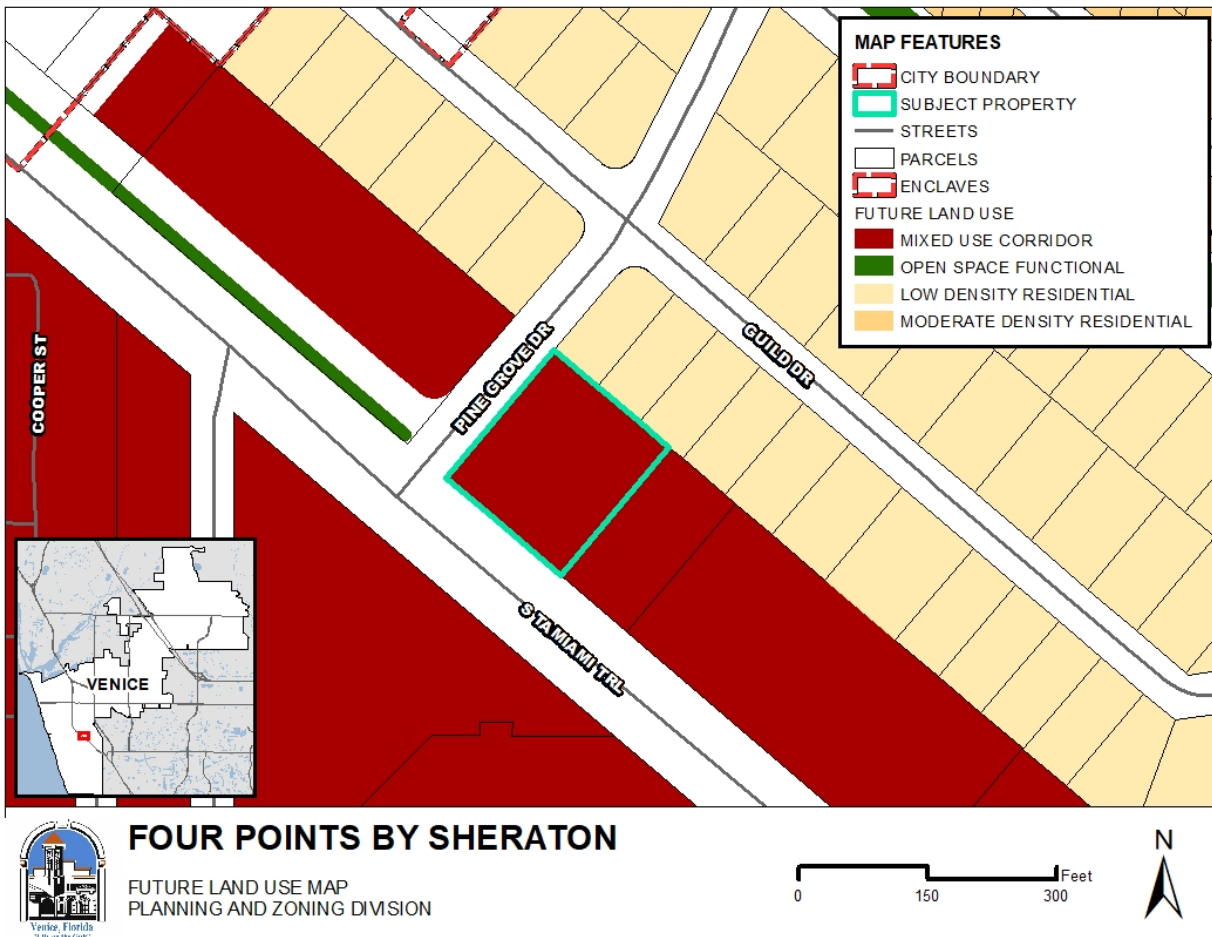
III. EXISTING CONDITIONS

The aerial photograph on the following page shows the undeveloped subject property at the corner of Business 41 and Pine Grove Drive. The northern boundary of the subject property abuts single-family detached residential properties. A professional office building and associated improvements abut the subject property to the east and an undeveloped commercially-zoned property is at the opposite corner of Business 41 across Pine Grove Drive. The Emmanuel Lutheran Church and the Village on the Isle senior housing facility is across Business 41 from the subject property. Following is an aerial of the subject property followed by photos of the site.



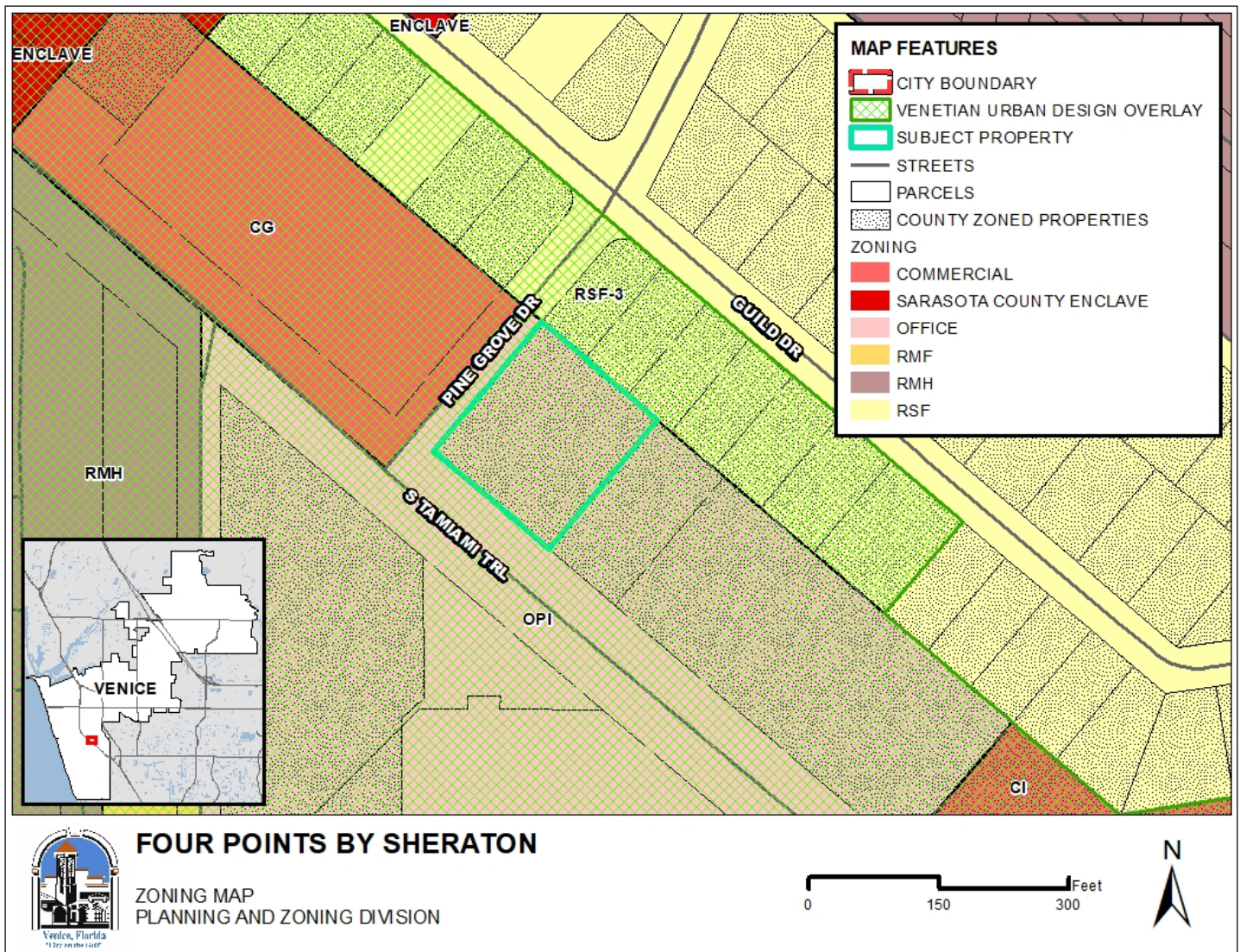
Future Land Use

The subject property is located in the 2,817-acre Island Neighborhood. The Future Land Use Map below shows the future land use map designation for the subject property and adjacent properties. The subject property has a Mixed Use Corridor (MUC) designation. Adjacent properties to the west, south and east of the subject property also have a MUC designation, while adjacent properties to the north have a Low Density Residential designation.



Zoning Designation

The map below shows the existing zoning of the subject and adjacent properties. The subject property is zoned Sarasota County Office, Professional and Institutional (OPI) and is in the Venetian Urban Design (VUD) overlay district. Adjacent zoning districts include OPI to the south and east of the subject property, Commercial, General (CG) to the west and Residential, Single-Family 3 (RSF-3) to the north, all of which have a VUD overlay zoning designation.



Permitted uses in the OPI district are generally office and institutional uses that include, but are not limited to, professional and business offices, banks, and churches. Under the proposed zoning map amendment, the existing Venetian Urban Design (VUD) overlay district designation will remain. It is important to note that permitted uses in the existing VUD designation include commercial retail and service, office, multifamily dwellings, and a variety of other uses. Hotels/lodging and drive-throughs are the two special exception uses in the VUD district. VUD district regulations include architectural design standards, standards for landscaping, screens and buffers, and parking standards.

The table below 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	Residential	County RSF-3/VUD* and City VUD	Low Density Residential
West	Vacant	County CG/VUD* and City CG/VUD	MUC
South	House of Worship and Senior Housing (Emanuel Lutheran Church and Village on the Isle)	County OPI/VUD* and City OPI/VUD	MUC
East	Professional Office (Beebe Design Studio)	County OPI/VUD*	MUC

*The VUD is a City overlay district.

Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with Zone X and Zone X500 FIRM designations with moderate to low flood risk. These flood zone designations are not in a Special Flood Hazard Area and therefore not subject to base flood elevation requirements. Development of the property will be subject to compliance with applicable FEMA requirements.

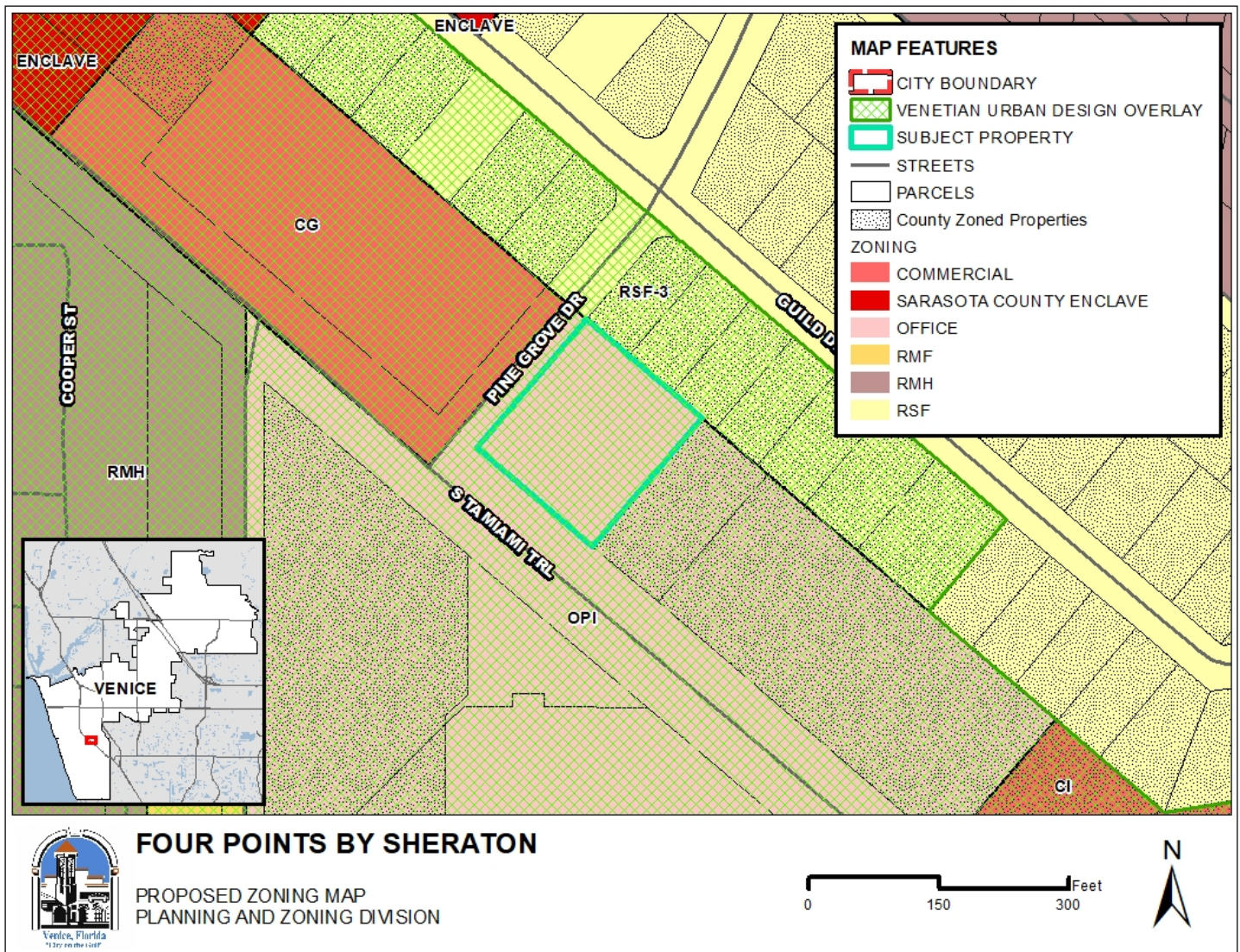
IV. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates A) how the existing County OPI zoning compares to the proposed City OPI zoning with regard to allowed uses and development standards, B) consistency with the comprehensive plan, C) compliance with the Land Development Code, and D) compliance with the city's concurrency management and transportation mobility regulations and the project's expected impacts on public facilities.

A. Comparison of Existing County OPI Zoning and Proposed City OPI Zoning

Proposed Zoning Map Amendment:

The applicant has submitted a zoning map amendment application to rezone the subject property from County Office, Professional and Institutional (OPI) to City Office, Professional and Institutional (OPI) and retain the existing Venetian Urban Design (VUD) overlay district designation. The map on the following page is the proposed zoning map which depicts the subject property with the requested OPI/VUD zoning. The zoning map amendment provides for very similar uses and standards as the existing zoning. The proposed OPI/VUD zoned property would abut RSF-3 zoning to the north, OPI zoning to the south and east, and CG and OPI zoning to the west. It is important to note that the subject property must, and should be, designated with a City zoning district whether it is developed or not. The proposed petition, if approved, will accomplish this task.



Comparison of Existing County OPI and Proposed City CG Use Regulations:

The table on the following page provides a summary of permitted and special exception uses in the existing County OPI district, the proposed City OPI district, and the City VUD overlay district. It is noted that the County OPI provides for more uses than the City OPI, and some of the uses permitted under the County OPI are certainly more intense, such as elementary, middle, and high schools, colleges and universities; airports; and some minor utilities. In addition, some of the uses that are permitted by right in the County are identified as requiring a special exception under City OPI zoning, such as multi-family dwellings, vocational, trade or business schools, and child care centers.

Zoning District	City of Venice OPI District	Sarasota County OPI District
Permitted Uses	Professional and business offices Medical and dental clinics & laboratories Banks and financial institutions Private clubs Houses of worship Existing one- and two-family dwellings Hospitals, rest homes, nursing homes, homes/housing for the aged, convalescent homes, homes for orphans Townhouses Art galleries, libraries, museums, community centers, publicly owned and operated recreational facilities, theaters for live stage production Research laboratories Dance, art and music studios Funeral homes Animal hospitals One-, two-, and multiple-family dwellings eligible for listing on the local register of historical resources	Multifamily (multiplex, apartment) * Live-work unit * Upper story residential * Group living * Community Service Family day care home Day care facility * Adult day care home and facility College or university Day facility Elementary, middle or high school Vocational, trade or business school Medical facilities Patient family accommodations * Bank, financial institutions Institutional Civic, service organizations Existing single- and two-family dwellings Parks and open areas, except cemetery, columbaria, mausoleum, memorial park and wild animal sanctuary Passenger terminals Airport, heliport * Places of worship Neighborhood resource center * Minor utilities Stormwater facility in different zoning district than principal use Clubs and lodges Offices Community recreation facility Commercial parking Research laboratory without manufacturing facility
Special Exception Uses	Pain management clinic Multi-family dwellings Child care centers Colleges and universities Vocational, trade or business schools Sanitariums Detoxification centers Limited commercial & service activities directly related to in support of institutional and office uses Off-street parking in connection with nearby commercial uses without an intervening street Assisted living facilities Banks and financial institutions with drive-in facilities	Pain management clinic Social service institutions Major utilities * Special events in conjunction with an approved outdoor recreation use Animal hospital, veterinary clinic, with or without animal boarding; Pet Resort Medical marijuana dispensary Self-service storage

* Limited Uses, which are either permitted uses or special exception uses subject to use-specific limitations or restrictions.

Zoning District	VUD Overlay District
Permitted Uses	<p>Governmental uses.</p> <p>Convention centers and auditoriums.</p> <p>Retail and service establishments such as bars or taverns for on-premises consumption of alcoholic beverages, reducing salons or gymnasiums and nightclubs.</p> <p>Professional and business offices, and medical or dental clinics.</p> <p>Banks and financial institutions, without drive-in facilities.</p> <p>Open air cafes as accessory to restaurants.</p> <p>Service establishments such as barbershops or beauty shops, shoe repair shops, restaurants (but not drive-in restaurants), fast-food restaurants, photographic studios, dance or music studios, self-service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.</p> <p>Retail outlets for sale of home furnishings and appliances (including repair incidental to sales), office equipment or furniture, antiques or hardware, pet shops and grooming (but not animal kennels), and automotive convenience centers and automotive repair (but not new automotive convenience and automotive repair).</p> <p>Publicly owned parks, recreation areas, and uses and structures appropriate to such activities.</p> <p>Private clubs and libraries.</p> <p>Existing railroad rights-of-way.</p> <p>Multifamily dwellings.</p> <p>Residential dwellings above the first floor of any structure.</p> <p>Miscellaneous uses such as commercial parking lots and parking garages.</p>
Special Exception Uses	<p>Hotels/lodging.</p> <p>Drive-throughs.</p>

Comparison of County OPI and City OPI Development Standards:

The table below provides a summary of the development standards in the existing OPI County district and the proposed City OPI district. The summarized development standards include maximum residential density, maximum lot coverage, maximum building height, conditional use for building height, minimum yards (setbacks), and landscaping. It is noted that the development standards for the two districts are very similar.

Development Standard	City of Venice OPI District	Sarasota County OPI District
Max. Residential Density	9 units per acre for townhouses and multiple-family dwellings See Exhibit A for max. density standards for Adult Congregate Living Facilities	9 units per acre for multi-family (multiplex, apartment) and assisted living facilities
Max. Lot Coverage	30%, including 50% of the area of detached one story parking (carports)	30%
Max. Building Height	35 feet	35 feet
Provisions for Building Height in Excess of the Maximum Height	Conditional Use. Structures in excess of 35 feet but no more than 85 feet in height	Special Exception. Structures in excess of 35 feet but no more than 85 feet in height
Min. Yards (Setbacks)¹	Front yards: 20 feet Side yards: 10 feet Buildings above 35 feet shall provide an additional side yard at a ratio of one foot for each four feet of building, and a front yard of 30 feet or ½ of the building height, whichever is greater	Front yards: 25 feet Side yards: 10 feet ² 20 feet when abutting a residential district Buildings above 35 feet shall provide an additional side yard at a ratio of one foot for each four feet of building, and a front yard of 25 feet or ½ of the building height, whichever is greater
Landscaping	Min. 10 feet of the required front yard; no specifications for landscaping	No landscaping requirements specific to OPI district

Notes:

1. Rear yard (setbacks) are excluded due to the fact that the subject property is a corner lot with two side yards and no rear yard.
2. Where fire-resistive construction is used, side yard may be reduced to 0 feet if set to the side property line, or not less than 4 feet from the side property line.

B. Consistency with the Comprehensive Plan

The Comprehensive Plan identifies the subject property as being within the 2,817-acre Island Neighborhood. The Island Neighborhood is the second largest neighborhood in the city. The subject property has a Mixed Use Corridor (MUC) future land use designation. The following analysis includes review of significant strategies found in the Land Use Element of the 2017 comprehensive plan.

Land Use Strategy LU 1.2.9 identifies the proposed OPI district as one of the implementing zoning districts for the Mixed Use Corridor (MUC) 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 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 Response: The Sheraton by Four Points is not proposing any residential units (density) and the intensity of the site will not exceed the maximum FAR of 1.0.

B. Building heights and setbacks.

Applicant Response: The site will meet all setbacks and the applicant is requesting a variance to allow the Sheraton at Four Points to develop with a height of 42 feet.

C. Character or type of use proposed.

Applicant Response: The Sheraton by Four Points will be a hotel use. Hotels are an allowed use in the CG zoning district with approval of a special exception. An additional parcel will be used a parking area for the hotel.

D. Site and architectural mitigation design techniques.

Applicant Response: The Sheraton by Four Point has utilized several design techniques to make the site compatible with the surrounding commercial and residential area. The development will be as close to US 41 as possible to increase separation from nearby homes and provide immediacy to the street. The development will also include extensive landscaping and an eight-foot masonry wall to buffer and shield the residents from noise and activities. The development's access is from US 41 to reduce traffic trips through local trips and increase separation from nearby homes.

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.

Applicant Response: A hotel is not an outright incompatible use with a single-family neighborhood. As discussed earlier, the Sheraton by Four Points has been designed with the nearby residential area in mind. The development has reduced setbacks, enhanced landscaping, minimized access, and an eight-foot masonry wall for screening and buffering.

Staff Comment: *A single-family neighborhood is adjacent to the subject property. Three single-family residential properties abut the east side of the subject property. There is potential for incompatibility along the property line shared by the subject property and these three abutting single-family residential*

properties. The intent section of the OPI district describes land use character of the district and closes with a statement that the OPI district is designed to be compatible with residential uses. It is important to note that permitted uses in the existing VUD designation include commercial retail and service, office, multifamily dwellings and a variety of other uses. Hotels/lodging and drive-throughs are the two special exception uses in the VUD district.

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

Applicant Response: Both parcels within the Sheraton by Four Points site have commercial entitlements either through the Future Land Use designation and/or the zoning district. Hotels are allowed in the CG zoning district with a special exception that can be conditioned to make a development compatible with nearby residential areas. A hotel is not an industrial use and has the potential to much less intrusive than many other high intensity commercial uses.

Staff Comment: *Neither the existing County OPI zoning nor the proposed City OPI zoning allow industrial uses. The table on page 10 provides a summary of permitted and special exception uses in both districts, and Exhibit A provides the full use regulations for both districts. The Land Development Code specifies that the existing OPI district is designed to be compatible with residential uses.*

- 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 Response: The Sheraton by Four Points will be developed on a vacant site that does not include any nonconforming uses.

Staff Comment: *This consideration is not applicable. There are no nonconforming uses on the subject property.*

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

Applicant Response: The Sheraton by Four Points will not include residential uses or density. Several developments in the nearby area along U.S. 41 have a similar intensity or FAR as the proposed Sheraton by Four Points.

Staff Comment: *Information on existing uses is provided with the aerial photograph on page 4, the photographs of adjacent existing uses on pages 4 and 5, and the table on page 8 that identifies existing uses adjacent to the subject property. The table on page 10 summarizes the permitted and special exception uses in the proposed OPI district, and the table on page 11 summarizes the development standards contained in the OPI district. The complete use regulations and development standards contained in the OPI district are provided in Exhibit A. This consideration will be further evaluated through review of the concurrent site and development plan for the subject property.*

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 applications will identify all elements of the

proposed project on the subject property and allow a full review of the project, including 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 Response: As discussed earlier, the Sheraton by Four Points has provided a 20-foot wide landscape buffer and an eight-foot masonry wall. The nearby parking area will also have enhanced landscaping to provide further screening and buffering.

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

Applicant Response: The eight-foot masonry wall along the rear of the Sheraton by Four Points will screen all mechanical equipment, refuse areas, delivery, and storage areas from view. The development's lighting will be designed to direct light away from residential areas and will meet all applicable lighting regulations.

K. Locating road access to minimize adverse impacts.

Applicant Response: The main access will be along U.S. 41. This access will limit the residential neighborhoods exposure to additional vehicular trips. Additional signage can be installed to direct customers/employees away from the local streets.

L. Adjusting building setbacks to transition between different uses.

Applicant Response: The Sheraton by Four Points has been designed to have the smallest front setback while still allowing for proper use of the development. The reduced setback has placed the hotel closer to U.S. 41 and away from residential neighborhoods.

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

Applicant Response: The form and function of the hotel does not allow for tiered building heights.

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

Applicant Response: The Sheraton by Four Points does not have any density. The hotel is on a single parcel and does not allow for gradual intensity reductions.

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 Corridor future land use designation, Policy 8.2 regarding compatibility, strategies found in the Island

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 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. To facilitate the Planning Commission's review of the subject rezone petition, staff has also provided commentary on selected considerations so that additional information is brought to the Planning Commission's attention.

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

Applicant's Response: The Subject Property is within the Mixed-Use Corridor (MUC) future land use designation. The MUC supports non-residential uses that are limited to commercial and institutional-professional. The proposed rezone of the site to Office/Professional/Institutional (OPI) would continue to allow uses that are either commercial, institutional or professional.

The property is also within the Island Planning district which has a broad range of zoning districts and uses such as residential, commercial and professional.

The rezone would also allow for development that neither exceeds the maximum height of the MUC designation nor the total development percentage allowed within the MUC.

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

(b) The existing land use pattern.

Applicant's Response: The existing land use pattern of the surrounding area follows most development patterns along 4 or more lane roadways. Commercial and professional uses are along S. Tamiami Trail frontage and residential or quasi-residential uses are farther back from the roadway. The width of the roadway and the ADT of S. Tamiami Trail encourage non-residential development along the frontage. The rezone to OPI would allow uses that fit with the existing land use pattern along the S. Tamiami Trail frontage.

Staff Comment: *There is a distinct existing land use pattern on the east side of Business 41, between Guild Drive and Business 41, both north and south of Pine Grove Drive. The area between Business 41 and Guild Drive has two types of existing land use. The western half of this area with frontage on Business 41 has a variety of commercial uses or vacant land with non-residential zoning. The eastern half of this area with frontage on Guild Drive has single-family detached residences. The property along business 41 differs from*

the western area in that the property along this area is zoned OPI. The proposed zoning of the subject property to OPI will maintain the existing pattern.

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

Applicant's Response: The application seeks to rezone the site from County based OPI to the City of Venice OPI. The property immediately to the southeast at 825 S. Tamiami Trail, is also zoned OPI.

Staff Comment: *As indicated previously, the proposed zoning map amendment to the OPI district is consistent with the existing adjacent zoning.*

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

Applicant's Response: The hotel will serve guests on a temporary basis and provide employment to City residents. While it is anticipated that the adjoining streets and City utilities will not be overtaxed by the hotel, the Site and Development Plan, and the Concurrency Determination applications will specifically address potential impacts to streets and utilities.

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. School concurrency is not required for the proposed rezone to a non-residential district.*

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

Applicant's Response: The subject property is immediately adjacent to both OPI and CG districts. Therefore, the property is properly positioned for either OPI or CG uses, and the existing boundaries do not appear to be illogically drawn.

Staff Comment: *The proposed zoning to OPI is consistent with the adjacent zoning in the same block.*

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

Applicant's Response: The applicant is not aware of any changed or changing conditions that would make the Amendment from County OPI to City OPI for the Subject Property be unnecessary.

Staff Comment: *The property has a development proposal and must be rezoned to a City zoning designation prior to any development of the site.*

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

Applicant's Response: Changing the zoning for the Subject Property from County OPI to City of Venice OPI will not adversely influence the living conditions in the neighborhood. The OPI zoning would allow a range of uses that are currently developed along the S. Tamiami Trail corridor. Additionally, the OPI zoning allows for less intense uses than other districts allowed in the MUC.

Staff Comment: *As indicated in the table on page 10 of this report, the uses permitted in the City OPI zoning district are similar to those allowed in the County OPI designation. In fact, the City OPI permitted uses appear to be somewhat less intense.*

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

Applicant's Response: As currently zoned as County OPI, the Subject Property could be developed as a hospital, nursing home, museum, place of worship, etc. These uses would generally result in more traffic-trips than an employee parking lot at a hotel, as is the intended use of the property.

Staff Comment: *Based on a preliminary analysis, no issues have been identified by staff regarding the creation of traffic congestion. Technical Review Committee review of the petition identified no public safety impacts generated by the subject petition. Transportation has been evaluated through the site and development plan review.*

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

Applicant's Response: The site will ultimately be designed to properly manage all storm water on-site, and, if necessary, properly discharge the storm water to properly permitted facilities either with the City of Venice, or FDOT. All storm water management systems would be designed to meet or exceed the criteria of the City of Venice and the Southwest Florida Water Management District (SWFWMD).

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

Applicant's Response: The proposed change for the Subject Property from County OPI to City OPI would not result in a serious reduction in light and air to adjacent areas.

Staff Comment: *As indicated in the table on page 11 of this report, maximum building height is the same in both districts and the same amount of additional height may be gained in either district upon approval of additional land use applications.*

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

Applicant's Response: The subject property already has a zoning designation of County OPI. Rezoning to City OPI will allow the same level of zoning protection for property values to continue. As stated in item "(h)" above, as currently zoned, the Subject Property, as currently zoned, could be developed as a hospital, nursing home, museum, place of worship, amongst other permitted uses.

Staff comment: *Once again, permitted uses are very similar to what they are currently.*

- (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 proposed, the Subject Property will be an employee parking area for a hotel. The hotel will be an amenity for the community, and the hotel will be designed and constructed to the high standards of the Four Points by Sheraton brand. The hotel will be a job creator for the community, and we

feel, would encourage additional development in the area, that is consistent with the intent of the VUD, the MUC future land use designation, and the Island Planning Community.

- (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: Changing the Subject Property's zoning designation from County OPI to City OPI would not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

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

Applicant's Response: Ultimately, the applicant seeks to develop the property as a parking lot for the hotel at 775 S. Tamiami Trail (adjacent property). The proposed change would ensure that the subject property has the City zoning designation going forward.

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

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

Applicant's Response: The Subject Property will be part of an up-scale hotel. We believe that the hotel is appropriate and will be useful to the City and its guests, and as we understand, the City generally believes that there is a need for a hotel in this portion of the City.

Staff Comment: *Generally, the need of the neighborhood and the city is development of the subject property, consistent with the comprehensive plan and in compliance with the Land Development Code. The property has a Mixed Use Corridor (MUC) future land use designation, and the proposed OPI district is an implementing zoning district for the MUC designation. Non-residential uses are currently allowed on the subject property; the proposed zoning map amendment, if approved, will allow uses consistent with the current zoning. Land use compatibility mitigation techniques may be needed to ensure future development of the subject property is not out of scale with the needs of the abutting neighborhood.*

- (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: The applicant owns the Subject Property and the adjacent property at 775 S. Tamiami Trail. Very few properties remain available in the City that would be suitable for a hotel development such as is planned for these sites. The Subject Property is proposed to be bound together with the 775 S. property with an agreement for keeping the two parcels locked in use together.

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.

D. Concurrency

The applicant is not requesting confirmation of concurrency as part of the proposed amendment to the OPI. They have requested confirmation of concurrency with the concurrently submitted site and development plan petition, and a full review is being provided under that application. However, the proposed zoning amendment to the OPI was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity. School concurrency is not required for the proposed rezone to a non-residential district intended to facilitate the development of a hotel.

Finally, with the adoption of the Comprehensive Plan, level of service (LOS) standards have been established for each of the below public facilities and services. To date, these adopted standards have not been implemented in the Land Development Code.

- Pedestrian Facilities – LOS standards established by Strategy TR 1.2.3
- Bicycle Facilities – LOS standards established by Strategy TR 1.2.4
- Transit Service – LOS standards established by Strategy TR 1.2.5
- Hurricane Shelter Space – LOS standards established by Strategy OS 1.9.10

The concurrency review of future development plans for the subject property will include an evaluation of each of the above facilities/services to ensure adopted levels of service are maintained.

Conclusion / Findings of Fact (Concurrency):

As indicated, the applicant is seeking confirmation of concurrency through the concurrently submitted site and development plan. However, the proposed zoning amendment to the OPI was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

E. Mobility

Regarding mobility and impacts to transportation, the applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant through the site and development plan process and found to be in compliance with applicable traffic standards. The applicant will be required to pay mobility fees upon issuance of a Certificate of Occupancy for any proposed development.

Conclusion / Findings of Fact (Mobility):

The applicant has provided a full traffic analysis that has been reviewed by the City's transportation consultant through the site and development plan process and found to be in compliance with applicable traffic standards. Mobility fees will be applicable to this project.

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. 18-06RZ.