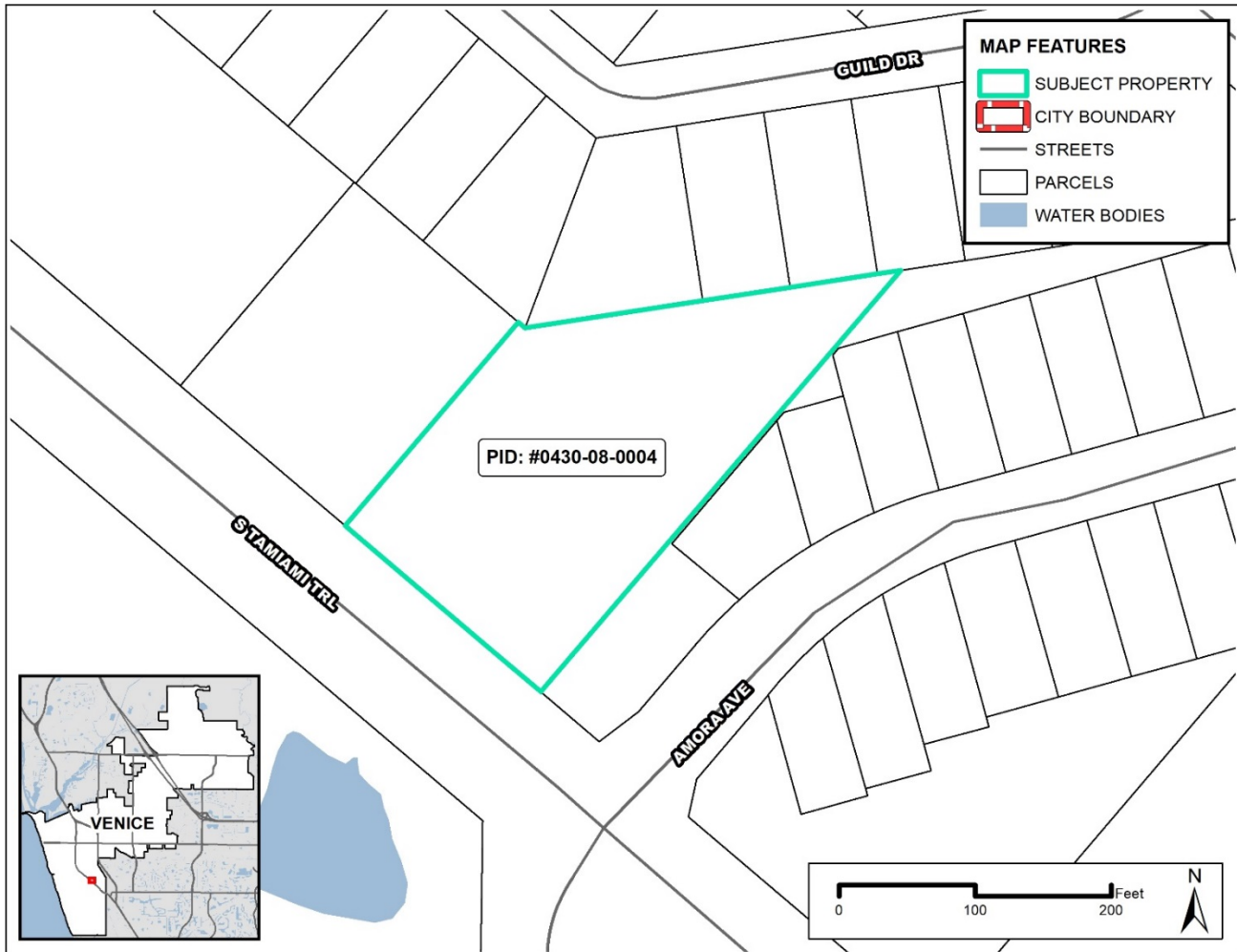




# 925 S. TAMiami TRAIL ZONING MAP AMENDMENT STAFF REPORT

October 15, 2019

19-06RZ



**PETITION NO.:** 19-06RZ

**REQUEST:** Zoning map amendment to rezone the subject 1.3 acre  $\pm$  property from the Sarasota County Commercial, Intensive (CI) and Residential, Single-Family 3 (RSF-3)\* districts to City Commercial, Intensive (CI) district and retain the Venetian Urban Design (VUD) overlay district.

## GENERAL DATA

<b>Owner:</b>	Dunn Haven Holdings, LLC	<b>Agent:</b>	Timothy Roane, P.E., DMK Associates
<b>Address:</b>	925 S. Tamiami Trail	<b>Property ID:</b>	0430080004
<b>Property Size:</b>	1.3 acres $\pm$		
<b>Future Land Use:</b>	Mixed Use Corridor (MUC)		
<b>Neighborhood:</b>	Island Neighborhood		
<b>Existing Zoning:</b>	Sarasota County Commercial, Intensive (CI) and Residential, Single-Family 3 Districts and Venetian Urban Design (VUD) Overlay District		
<b>Proposed Zoning:</b>	City of Venice Commercial, Intensive (CI) District and Venetian Urban Design (VUD) Overlay District		

## ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Attached Exhibit A – Commercial, Intensive (CI) and Venetian Urban Design (VUD) district regulations

## I. EXECUTIVE SUMMARY

The subject 1.3-acre property currently has the Sarasota County Commercial, Intensive (CI) zoning designation and is within the Venetian Urban Design (VUD) overlay district. The applicant proposes to rezone the subject property to a City of Venice Commercial, Intensive (CI) designation and retain the VUD overlay district designation.

*\*Regarding the indication in the table above that indicates the inclusion of the County Residential, Single-Family 3 zoning district on the subject property, based on staff research, this is an error on the City's zoning map. Staff has researched past documents and, based on some incorrect past legal descriptions, the property appears to have been depicted incorrectly on the City's current zoning map. This will be corrected at some point, upon confirmation of process by the City Attorney. As a result of this information, the County RSF-3 zoning will not be addressed in the remainder of this report.*

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

- Site and Development Plan Petition No. 17-11SP.1
- VUD Waiver Petition No. 18-02WV

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 CI 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, and strategies found in the Island Neighborhood and other plan elements. No inconsistencies have been identified. 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):**

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

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

*A preliminary review of transportation mobility has been performed and, due to the similarity of uses permitted in the existing and proposed district, no issues have been identified. Further development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.*

## **II. BACKGROUND INFORMATION**

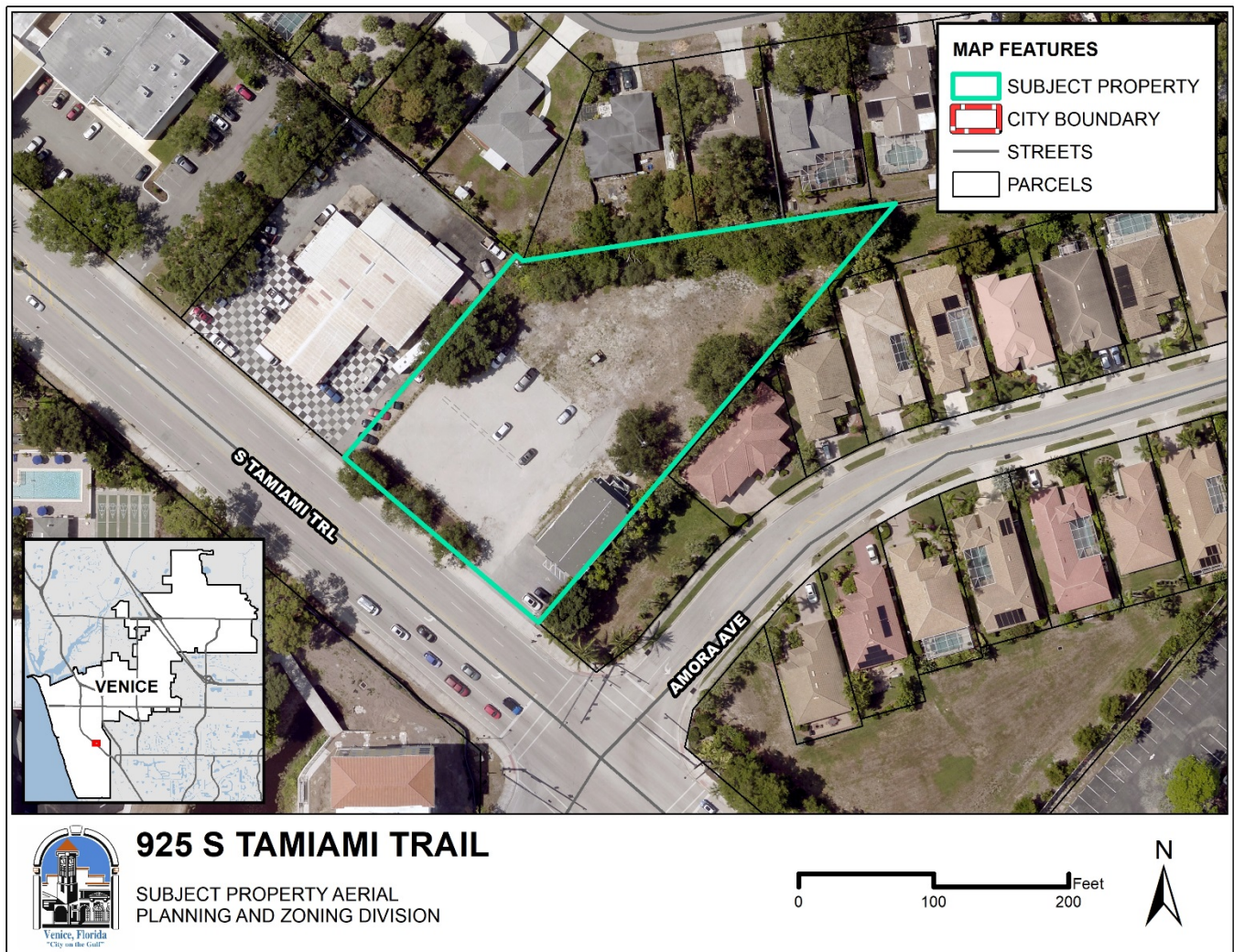
The subject property contains approximately 1.3± acres. The existing improvements are located on the southern portion of the property. The 5,820-square foot building and associated improvements were constructed in 1963 when the city did not have site and development plan requirements. The building is designed with commercial space on the first floor and two residential dwelling units on the second floor.

The remainder of the parcel is currently vacant. However, pursuant to approval of Site and Development Plan Petition No. 89-14SP, it was developed as an automotive service establishment, providing a variety of services including tire service and oil changes, car wash, etc. The car wash buildings were demolished in 2005 and the main automotive service building was demolished in 2007. The parcel has remained vacant since that time. On January 16, 2018, Planning Commission approved Site and Development Plan Amendment Petition No. 17-11SP for the installation of a monument sign on the subject property. This installation was completed and remains onsite. This petition was processed and approved prior to the City's realization that several properties that had been annexed into the City were never rezoned to a City designation. As a result, the applicant is submitting the subject zoning map amendment petition for consideration.

## **III. EXISTING CONDITIONS**

The aerial photograph on the following page depicts the subject property on Business 41, just north of Amora Avenue. Currently onsite, there is a 5,280 square foot, two-story building that is comprised of office use on the ground floor and residential use above. The remainder of the property is mostly vacant except for a portion of the property along Business 41 that has been approved for a temporary gravel parking lot through approval of a temporary use permit. A concurrent site and development plan is also in process to install a permanent paved parking lot in this area and will be considered by Planning Commission as well. The northern and eastern boundaries of the subject property abuts single-family detached residential properties. To the west is an automotive repair facility and across Business 41 is the Village on the Isle assisted living facility.

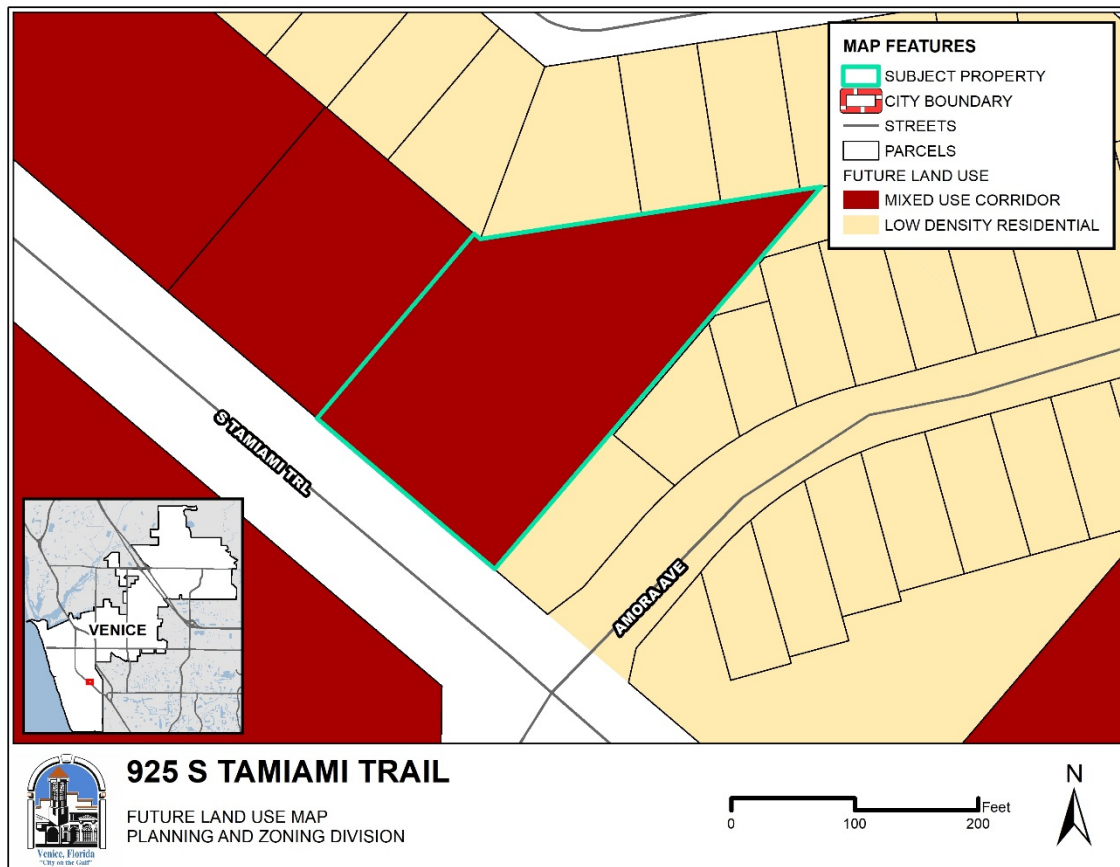






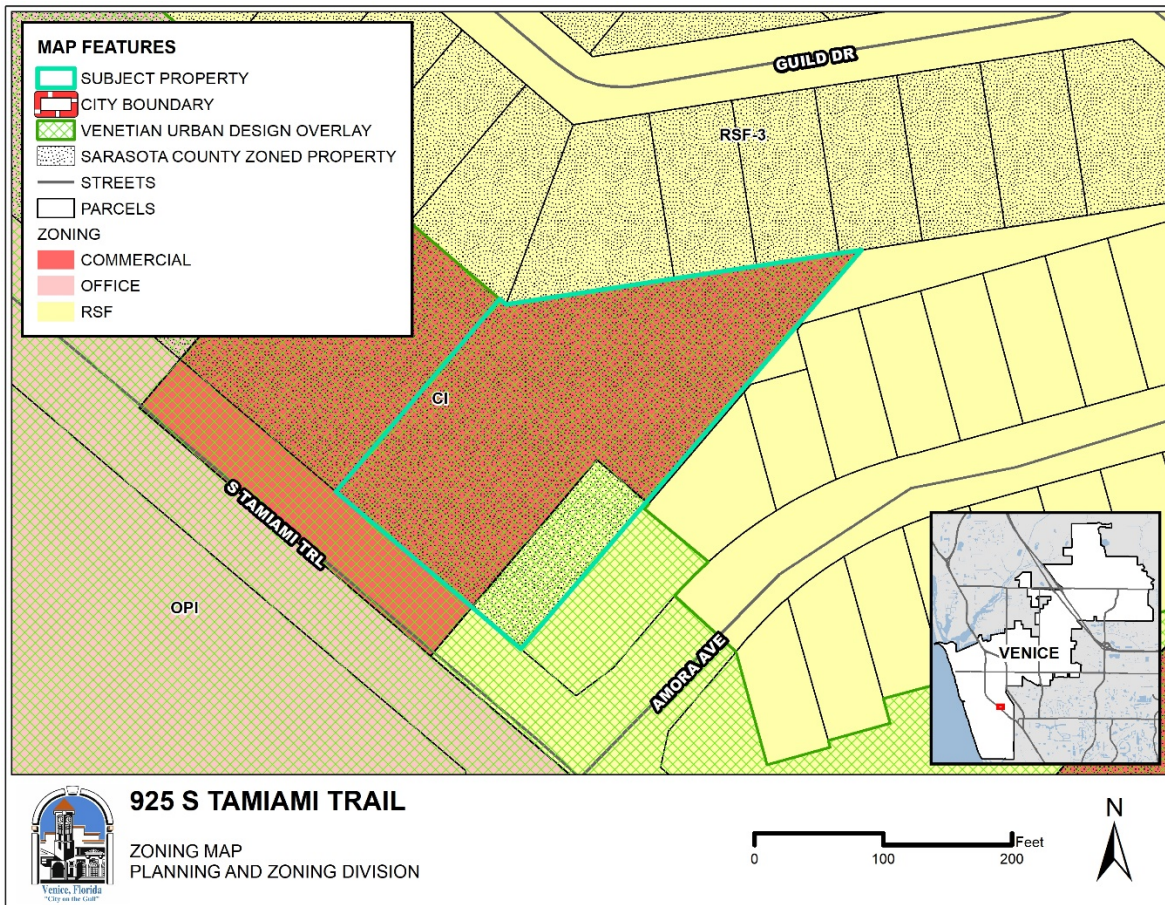
### ***Future Land Use***

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 and south of the subject property also have a MUC designation, while adjacent properties to the north and east 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 Commercial, Intensive (CI) and is in the Venetian Urban Design (VUD) overlay district. Adjacent zoning districts include OPI to the south, County CI to the west, and City and County RSF-3 to the north and east. All adjacent properties are also governed by the VUD overlay district, with the exception of the single-family homes to the north along Guild Drive.



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	Low Density Residential
West	Commercial (Pit Stop Auto Repair)	County CI and City VUD	MUC
South	Institutional (Village on the Isle)	OPI/VUD	MUC
East	Residential (Amora)	RSF-3/VUD	Low Density Residential

### ***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.

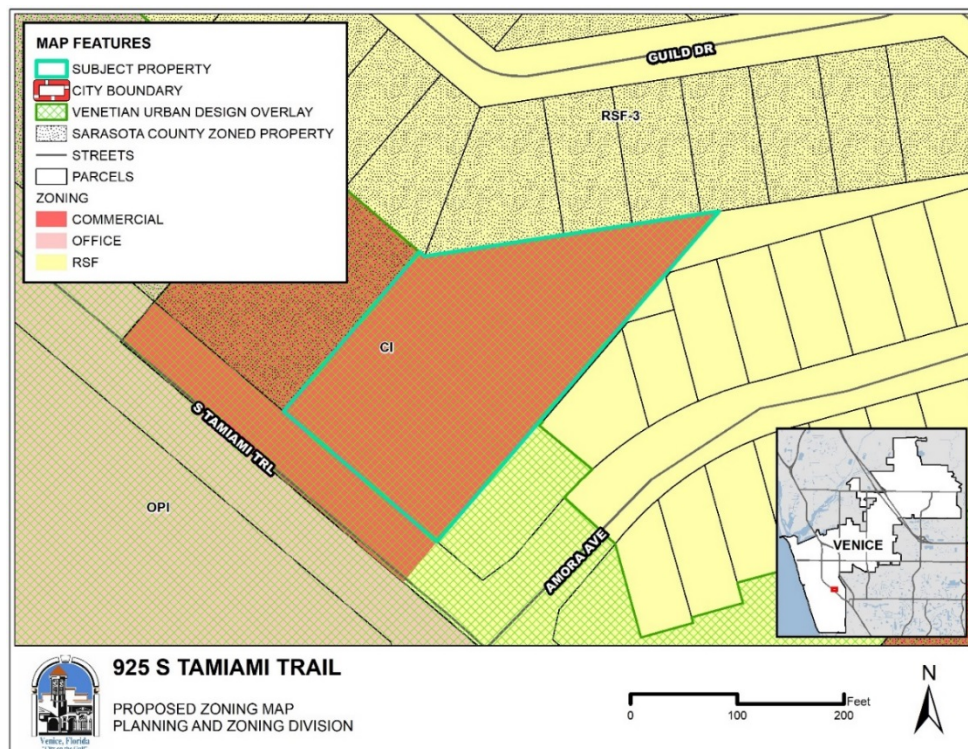
## **IV. PLANNING ANALYSIS**

In this section of the report, analysis of the subject rezone petition evaluates A) how the existing County OPI and RSF-3 zoning compares to the proposed City CI 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 CI Zoning and Proposed City CI Zoning***

#### **Proposed Zoning Map Amendment:**

The applicant has submitted a zoning map amendment application to rezone the subject property from County CI to City CI and retain the existing Venetian Urban Design (VUD) overlay district designation. The zoning map amendment provides for very similar uses and standards as the existing zoning. The proposed CI/VUD zoned property would abut RSF zoning to the east and north, OPI zoning to the south, and CI zoning to the west. The map below depicts the proposed zoning map if the application is approved and the table on the following page provides a comparison of the two districts and their uses, along with uses provided by the VUD overlay district.





Zoning District	City of Venice CI District	Sarasota County CI District*
<b>Permitted Uses</b>	<p>Certain permitted uses in the CG district (4 / typical uses listed)</p> <p>Automobile, vehicular, marine and manufactured home sales, service &amp; rental</p> <p>Machinery and equipment sales, rental and service</p> <p>Building &amp; landscaping supplies &amp; equipment sales</p> <p>Automotive service stations</p> <p>Automotive repair and cleaning services</p> <p>Eating and drinking establishments</p> <p>Building trades contractors (w/o outside storage of materials and equipment)</p> <p>Motorbus terminals</p> <p>Boat liveries</p> <p>Palmists, astrologists, psychics, clairvoyants and phrenologists</p> <p>Auditoriums and convention centers</p> <p>Wholesaling from sample stocks only</p> <p>Revival and gospel establishments under temporary use permits</p> <p>Animal boarding in soundproof buildings</p> <p>Job printing or newspaper establishments</p> <p>Upholstery and furniture repair</p> <p>Retail sale of secondhand merchandise in completely enclosed buildings</p> <p>Auction houses and pawnshops</p> <p>Retail sales of package liquors</p> <p>Outdoor recreation</p> <p>Brewpubs</p>	<p><del>Multifamily and upper-story residential</del></p> <p>Community service facilities</p> <p>Day care both adult and child</p> <p>Family day care home</p> <p>Day care facility</p> <p>Adult day care home and facility</p> <p>College or university</p> <p>Day facility</p> <p>Vocational, trade or business school</p> <p>Medical facilities</p> <p>Bank, financial institutions</p> <p>Civic, service organizations</p> <p>Parks and open areas</p> <p>Passenger terminals</p> <p>Airport, heliport</p> <p>Places of worship</p> <p>Neighborhood resource center</p> <p>Major and minor utilities</p> <p>Stormwater facility in different zoning district than principal use</p> <p>Clubs and lodges</p> <p>Offices</p> <p>Community recreation facility</p> <p>Commercial parking</p> <p>Automotive sales and repair</p> <p>Research laboratory without manufacturing facility</p> <p>Clubs and lodges</p> <p>Restaurants and bars</p> <p>Retail sales</p> <p>Convenience stores and pawn shops</p> <p>Truck stops and car washes</p> <p>Indoor entertainment</p> <p>Light industrial</p>
<b>Special Exception Uses</b>	<p>Wholesale, warehouse and storage,</p> <p>Building trades contractors (with outside storage of materials and equipment) Outdoor display and sale of retail merchandise</p> <p>Truck stops</p> <p>Television or radio transmitter towers</p> <p>Agricultural fairs and fairground activities, sports fields and sports arenas, and similar uses offering events open to the public and with temporary or permanent structures</p> <p>Carnivals or circuses, archery ranges, miniature golf courses, pony rides &amp; skating rinks, and indoor pistol or rifle ranges</p> <p>Commercial tourist attractions</p> <p>Welding and machine shops</p> <p>Essential services</p> <p>Multi-family dwellings</p> <p>Adult entertainment establishments</p>	<p>Social service institutions</p> <p>Major utilities</p> <p>Special events in conjunction with an approved outdoor recreation use</p> <p>Dog or horse track</p> <p>Outdoor entertainment</p> <p>Firing range</p> <p>Outdoor flea market</p> <p>Outdoor bar</p> <p>Polo club</p> <p>Wholesale trade of flammable liquids</p>

\*Not an exhaustive list of County CI permitted and special exception uses



Zoning District	VUD Overlay District
<b>Permitted Uses</b>	<p>Governmental uses.  Convention centers and auditoriums.  Retail and service establishments such as bars or taverns for on-premises consumption of alcoholic beverages, reducing salons or gymnasiums and nightclubs.  Professional and business offices, and medical or dental clinics.  Banks and financial institutions, without drive-in facilities.  Open air cafes as accessory to restaurants.  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.  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).  Publicly owned parks, recreation areas, and uses and structures appropriate to such activities.  Private clubs and libraries.  Existing railroad rights-of-way.  Multifamily dwellings.  Residential dwellings above the first floor of any structure.  Miscellaneous uses such as commercial parking lots and parking garages.</p>
<b>Special Exception Uses</b>	<p>Hotels/lodging.  Drive-throughs.</p>

Comparison of County CI and City CI Development Standards:

The table below provides a summary of the development standards in the existing County CI district and the proposed City CI district. The summarized development standards include maximum residential density, maximum lot coverage, maximum building height, additional building height, and minimum yards (setbacks).

Development Standard	City CI District	County CI District
<b>Max. Residential Density</b>	18 units per acre	9-13 units per acre
<b>Max. Lot Coverage</b>	Unrestricted, except 30% for multiple-family dwellings	Floor Area Ratio (FAR) of 1.2
<b>Max. Building Height</b>	35 feet	35 feet and an additional 10 feet for one story devoted primarily to parking within the structure
<b>Additional Height</b>	No conditional use for additional height	Structures in excess of 35 feet up to 85 feet in height by special exception

<b>Min. Yards (Setbacks)</b>	Front yards: 20 feet Side yards: 0-15 feet 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 three feet of building, and a front yard of 25 feet or ½ of the building height, whichever is greater	Front yards: 20 feet Side yards: 8 feet 20 feet when abutting a residential district Rear: 10 feet
------------------------------	--	---

***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.

Land Use Strategy LU 1.2.9 identifies the proposed CI 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 proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore will not create an isolated district unrelated to adjacent and nearby districts.

B. Building heights and setbacks.

**Applicant Response:** The proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property will not expand building heights and setbacks beyond those already permitted on the property.

C. Character or type of use proposed.

**Applicant Response:** The proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore is compatible with the neighborhood.

D. Site and architectural mitigation design techniques.

**Applicant Response:** Site and architectural mitigation design techniques will be addressed at the time of a Site & Development plan application for development of the property.

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:** The proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore is compatible with the neighborhood.

*Staff Comment:* Single-family neighborhoods abut the subject property to both the east and north. However, the proposed zoning is consistent with the existing zoning and provides for very similar uses that could be implemented under the current designation.

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

**Applicant Response:** The proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore is compatible with the neighborhood.

*Staff Comment:* The proposed district, like the existing district, is commercial and there are already commercial office uses on the property.

- 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:** Not applicable.

*Staff Comment:* Staff is not aware of any 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 proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore is compatible with the neighborhood.

*Staff Comment:* Information on existing uses is provided with the aerial photograph on page 4. The table on page 9 summarizes the permitted and special exception uses in the proposed CI district, and the table on page 10 summarizes the development standards contained in the CI district. 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:** Open space, perimeter buffers, landscaping and berms will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

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

**Applicant Response:** Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

- K. Locating road access to minimize adverse impacts.

**Applicant Response:** Road access will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

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

**Applicant Response:** Building setbacks will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

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

**Applicant Response:** Step-down or tiered building heights will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

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

**Applicant Response:** Lowering density or intensity of land uses will be evaluated through the Site & Development Plan review process at the time development is proposed for the property.

**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, and strategies found in the*

*Island Neighborhood and other plan elements. No inconsistencies have been identified. 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 proposed change is in compliance with the comprehensive plan. Please see attached Comprehensive Plan Consistency Analysis.

**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 proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, and will not expand the list of uses already permitted on the property.

**Staff Comment:** *The proposed zoning is consistent with the existing zoning and the same district exists immediately to the west of the subject property.*

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

**Applicant's Response:** The proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and is consistent with uses permitted on other nearby properties and therefore will not create an isolated district unrelated to adjacent and nearby districts.

**Staff Comment:** *As indicated previously, the proposed zoning map amendment to the CI 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 proposed rezoning which seeks to place a City of Venice zoning designation (CI) on the property is consistent with the existing land use, will not expand the list of uses already permitted on the property, and therefore will not increase or overtax 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. 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 proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore is not illogical.

*Staff Comment: The proposed zoning to CI 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:** Annexation of the property into the City of Venice makes the passage of the proposed amendment necessary.

*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:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not adversely influence living conditions in the neighborhood.

*Staff Comment: As indicated in the table on page 8 of this report, the uses permitted in the City CI zoning district are similar to those allowed in the County CI designation. In fact, the City CI 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:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not create or excessively increase traffic congestion or otherwise affect public safety.

*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 will be evaluated through any proposed development plan.*

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

**Applicant's Response:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not create a drainage problem.

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

**Applicant's Response:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not seriously reduce light and air to adjacent areas.

**Staff Comment:** *As indicated in the table on page 9 of this report, maximum building height is the same in both districts. However, the County designation allows for a potential building height of up to 85 feet. This is not available under the City designation.*

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

**Applicant's Response:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not adversely affect property values in the area.

**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:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not be a deterrent to the improvement or development of adjacent property in accord with 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:** The proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not constitute a grant of special privilege.

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

**Applicant's Response:** The City has required a City of Venice zoning designation be placed on the property.

**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 proposed rezoning to a City of Venice zoning designation seeks to place the (CI) designation on the property which the most similar designation to the current County designation on the property (CI), and therefore will not be out of scale with the needs of the neighborhood or 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 CI 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:** Not applicable, the City has required a City of Venice zoning designation be placed on the property.

**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 CI. Concurrency will be reviewed 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 CI 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.

**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 CI district was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.*

**E. Transportation Mobility**

Regarding mobility and impacts to transportation, based on preliminary review, no issues have been identified regarding transportation. The uses in the existing district are very similar to those in the proposed district and the property requires rezoning prior to any development.

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

*A preliminary review of transportation mobility has been performed and, due to the similarity of uses permitted in the existing and proposed district, no issues have been identified. Further development of the site will require review of any specific transportation impacts, and mobility fees will be required with any Certificate of Occupancy requested.*

## **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. 19-06RZ.