

Ramsey Road PUD Zoning Amendment

Project Owner and Agent:

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

Applicant: The Gallina Companies

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



We serve with PRIDE

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: 15.16 +/- Acres

Future Land Use: Mixed Use Residential (MUR)

Comp Plan Neighborhood: East Venice Avenue Neighborhood

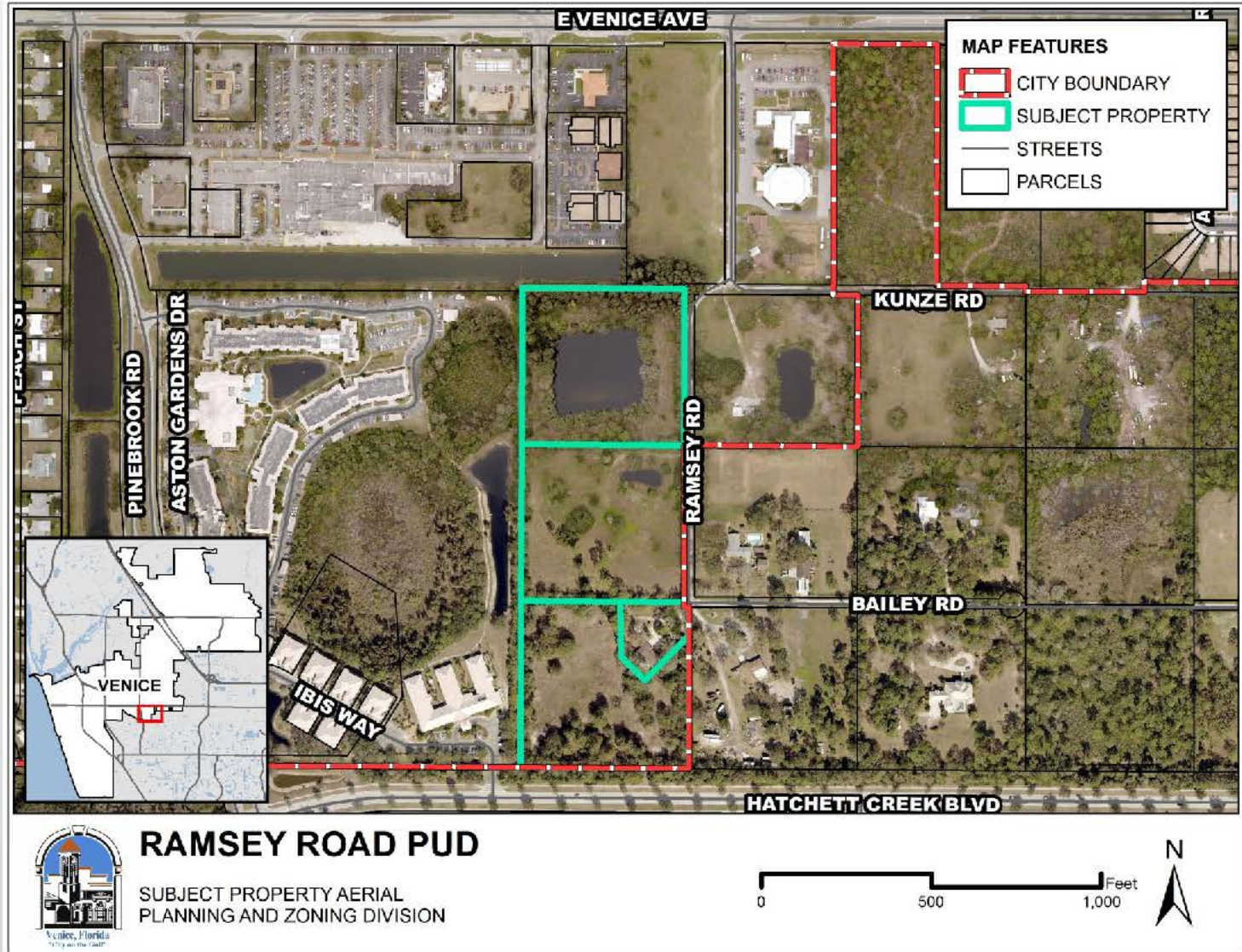
Zoning: Planned Unit Development (PUD)

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 (FLUEDRA) 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.

Aerial Photograph



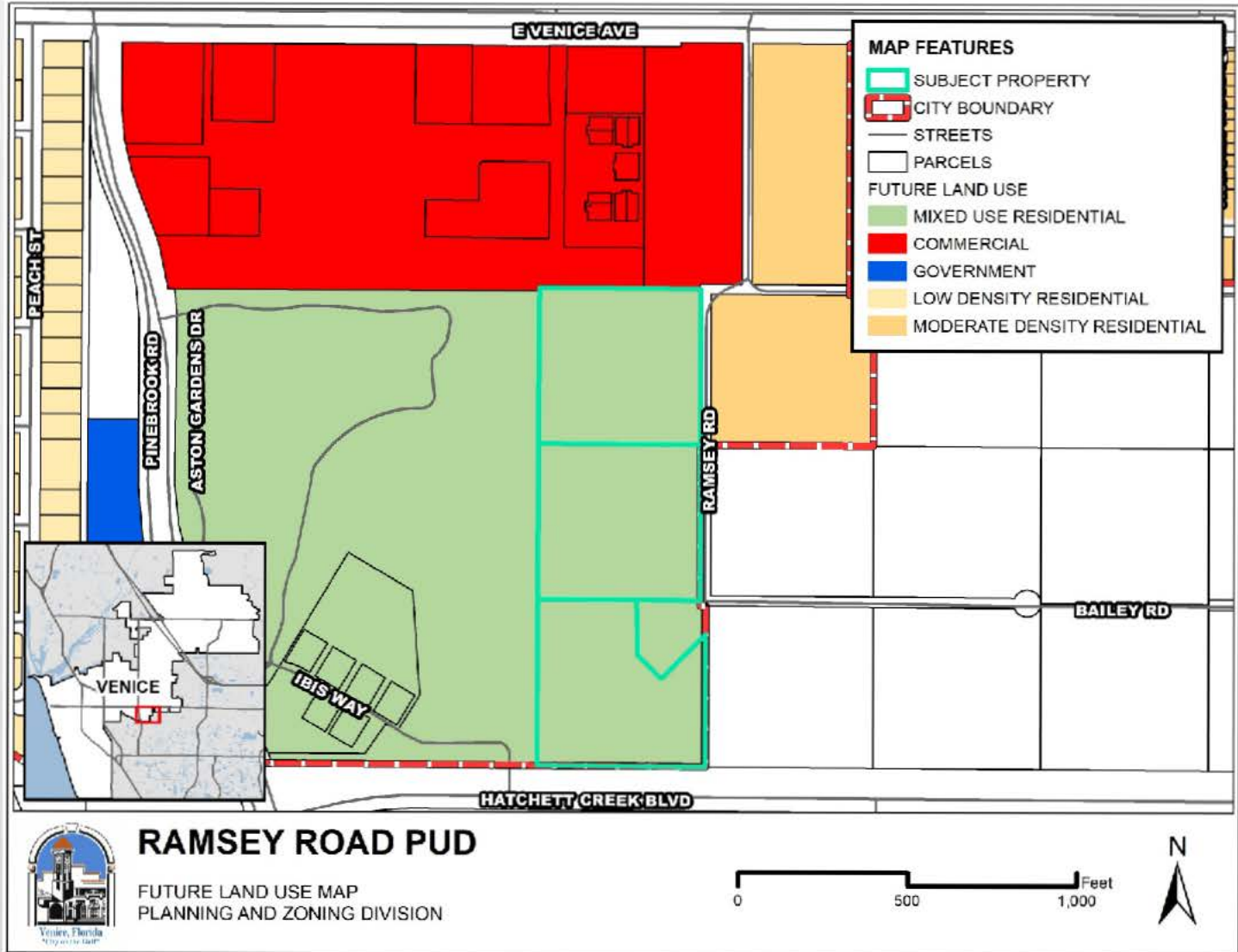
Photographs of the Site



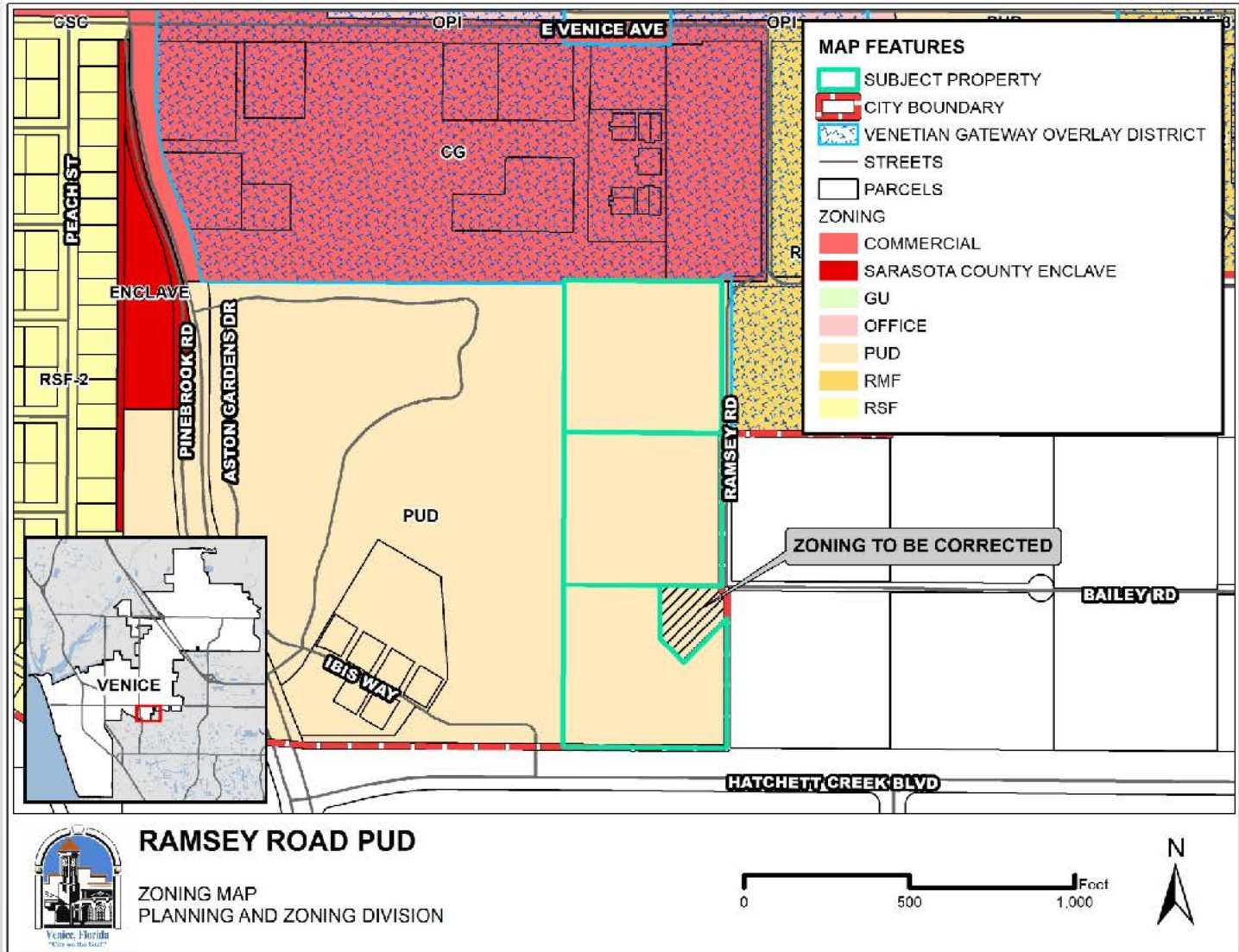
Surrounding Property Information

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

Future Land Use Map



Zoning Map



Planning Analysis

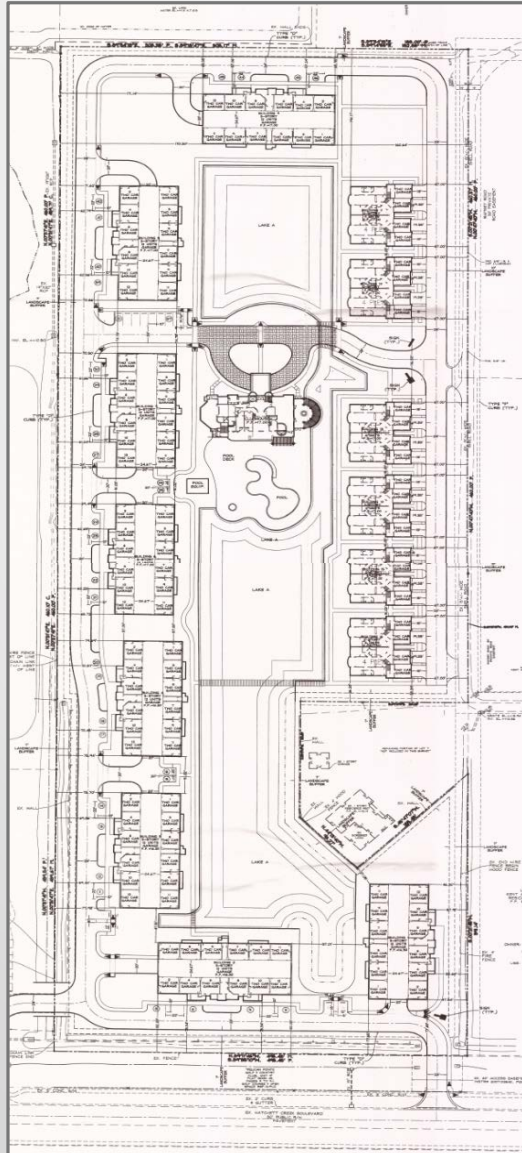
Development Standard	Approved PUD	Proposed PUD
Permitted Uses	Multi-Family dwelling units and clubhouse	Multi-Family dwelling units, garages and clubhouse
Max. Residential Density	7.9 Units per acre	7.65 Units per acre
Open Space	52.7%	60%
Max. Building Height	35 feet (plus understory parking of 10 feet)	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

Requested Code Modification

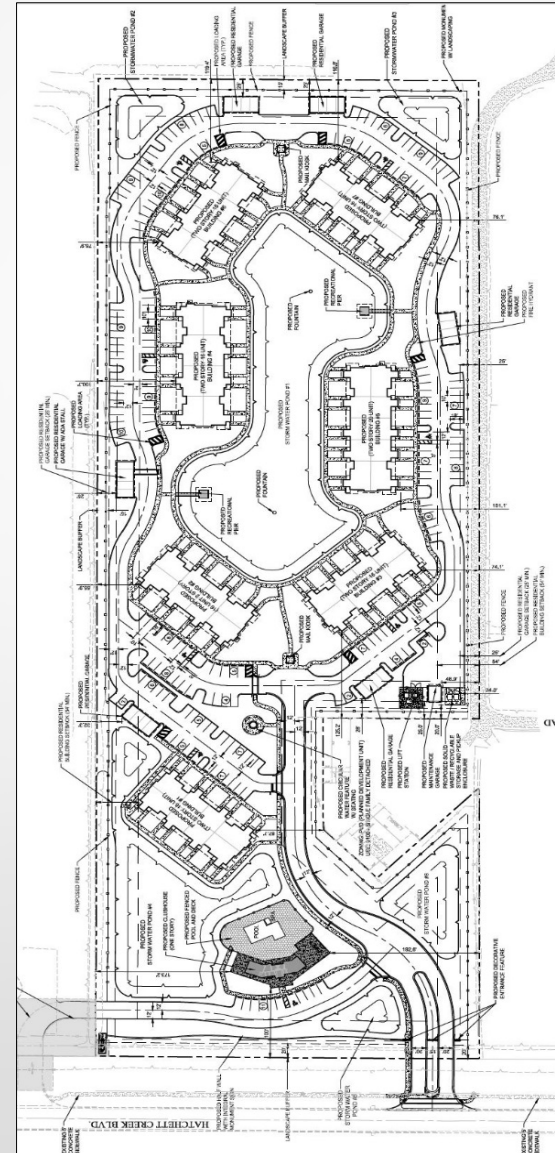
- Code Section 86-130(p) indicates that “*no structure shall be located closer to any perimeter property line than two times the height of such structure.*”
- The applicant is requesting that this requirement be modified and set as a hard standard of 25 feet along the north, east, and west property boundaries for garage structures and 54 feet for residential buildings along the west boundary only.
 - 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 building setbacks range from 74.1 to 119.4 feet.

Planning Analysis

Approved PUD



Proposed PUD



Comprehensive Plan Consistency

- Land Use Element
 - **LU 1.2.9 Mixed Use Category:** Identifies the proposed PUD district as the only implementing zoning district for the Mixed Use Residential designation.
 - **LU 1.2.16 Mixed Use Residential**
 1. Limited to PUD zoning.
 2. Minimum 10% functional and conservation open space.
 3. PUD included development standards.
 4. Density up to 5 du/ac. LU-1.2.21 allows previously approved PUD densities. Proposed project is 7.65 du/ac.
 5. Previously approved standards retained.
 6. Minimums and maximums for density and intensity.
 - **LU 1.2.21 Previously Approved Planned Developments**
 - **LU 1.3.2 Functional Neighborhoods**
 - **LU-EV 1.1.2 Mixed Use Residential**
 - **LU-EV 1.1.4 Driveway Connections**

Zoning map Amendment

Comprehensive Plan Consistency

- **LU-4.1.1 Transitional Language:** Policy 8.2 Land Use Compatibility
 - Land use density and intensity
 - Building heights and setbacks
 - Character or type of use proposed
 - Site and architectural mitigation design techniques
- **Considerations to determine compatibility**
 - Protection of single-family neighborhoods from the intrusion of incompatible uses.
 - Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
 - The degree to which the development phases out non-conforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
 - Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

Zoning map Amendment

Comprehensive Plan Consistency

Mitigation techniques of Policy 8.2:

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

Zoning Map Amendment Land Development Code Consistency

Applicable Rezone Considerations Provided in Code Section 86-47(f):

The applicant addressed each consideration in their submittal and a staff comment was provided for each consideration when appropriate in the staff report.

Section 86-47(f)(1): Findings for Rezoning Amendments

Consistency
(Applicants Response)

Requirement		Yes	No	N/A
1.	Whether the proposed change is in conformity to the Comprehensive Plan	✓		
2.	The existing land use pattern	✓		
3.	Possible creation of an isolated district unrelated to adjacent and nearby districts	✓		
4.	The population density pattern and possible increase or overtaxing of the loan on public facilities such as schools, utilities, streets, etc.	✓		
5.	Whether the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.	✓		
6.	Whether changed or changing conditions make the passage of the proposed amendment necessary.	✓		
7.	Whether the proposed change will adversely influence living conditions in the neighborhood.	✓		
8.	Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.	✓		
9.	Whether the proposed change will create a drainage problem.	✓		
10.	Whether the proposed change will seriously reduced light and air to the adjacent area.	✓		
11.	Whether the proposed change will adversely affect property values in the adjacent area.	✓		
12.	Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.	✓		
13.	Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.	✓		
14.	Whether there is substantial reasons why the property cannot be used in accord with existing zoning.	✓		
15.	Whether the change suggested is out of scale with the needs of the neighborhood or city.	✓		
16.	Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitted such use.	✓		

Concurrency/Transportation Mobility

At the point of rezoning , staff conducts a **preliminary** review for concurrency and transportation mobility. The following review agencies have reviewed the following public facilities: water, sewer, solid waste, parks, schools, stormwater/drainage and transportation.

No issues have been identified regarding facilities capacity regarding the proposed petition.

Findings of Fact

Based on analysis in the staff report:

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.

Conclusion / 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.

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.

Planning Commission Determination:

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Zoning Map Amendment Petition No. 19-04RZ.