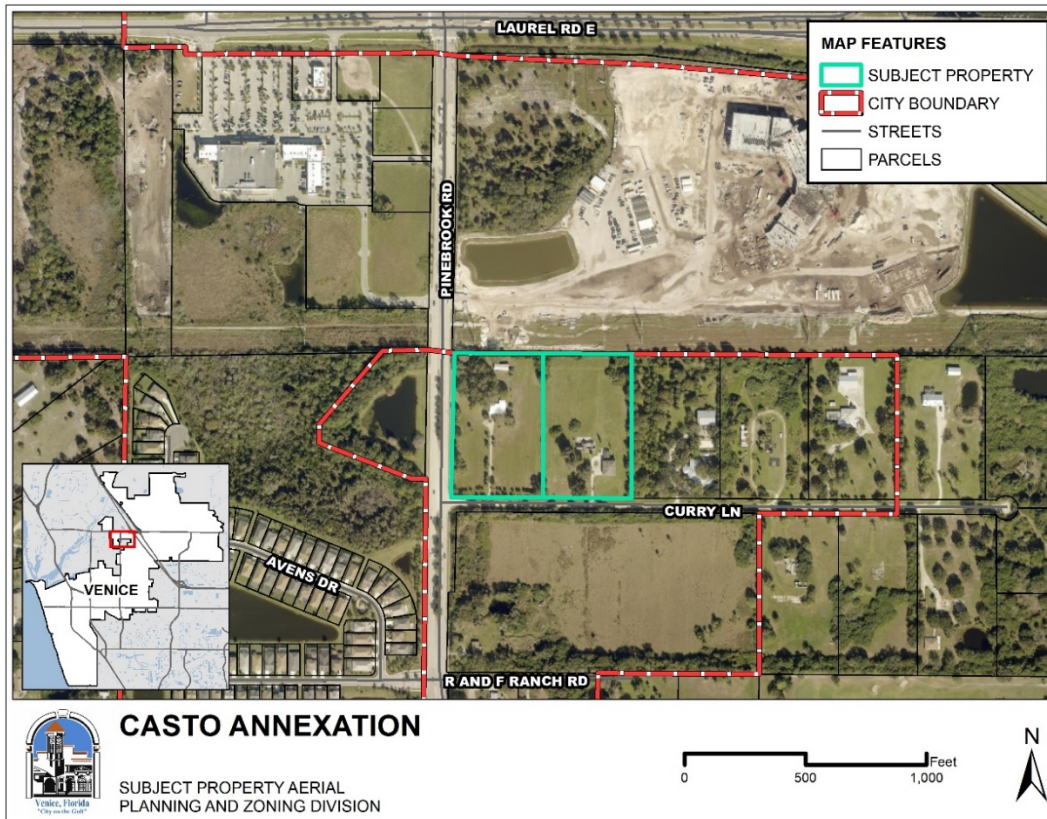




# ANNEXATION STAFF REPORT 2501 & 2601 CURRY LANE

June 30, 2020  
20-01AN



GENERAL INFORMATION	
<b>Address:</b>	2501 & 2601 Curry Lane
<b>Request:</b>	The annexation of approximately 10.1± acres located within Area 6 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and the County as depicted on the City's future land use map.
<b>Owner:</b>	Marilyn Johnson & Brian McMurphy
<b>Applicant:</b>	Casto Southeast Realty, LLC
<b>Agent:</b>	Jeffery Boone, Esq., Boone Law Firm
<b>Parcel IDs:</b>	0387-12-0001 & 0387-12-0002
<b>Property Size:</b>	10.1 ± acres
<b>Future Land Use:</b>	Sarasota County Moderate Density Residential (MODR)
<b>Comprehensive Plan Neighborhood:</b>	Pinebrook Neighborhood
<b>Existing Zoning:</b>	Sarasota County Open Use Estate 1 (OUE-1)

## ASSOCIATED DOCUMENTS

- A. Application Information (completed petition)
- B. Pre-Annexation Agreement approved by City Council on June 9, 2020

## I. EXECUTIVE SUMMARY

The subject 10.1± acre property consists of two parcels with two owners. The applicant, Casto Southeast Realty, LLC, is requesting annexation of the property from the jurisdiction of Sarasota County into the City of Venice and proposes future development of the property. The property lies in Joint Planning Area/Interlocal Service Boundary Agreement (JPA/ILSBA) Area 6. The JPA/ILSBA is an interlocal service boundary agreement that guides land use and development within certain areas adjacent to the City of Venice. This agreement grants the subject property eligibility for annexation into the City. It is important to note that this is only a change in jurisdiction and is not an approval of any specific use.

Concurrent petitions for a Comprehensive Plan Amendment and a Zoning Map Amendment have been submitted by the applicant to change the future land use designation of the property from Sarasota County Moderate Density Residential to City of Venice Institutional Professional and implement this land use through the rezoning of the property to Office, Institutional and Professional (OPI). The applicant has indicated development of the property for medical office use. A JPA amendment has been submitted to allow for consideration of this development.

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

- Comprehensive Plan Amendment Petition No. 20-05CP
- Zoning Map Amendment Petition No. 20-06RZ

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 Chapters 163 and 171 Florida Statutes, the proposed amendment to the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. 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 requirements.*
- **Conclusions / Findings of Fact (Provision of Services):**  
*Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained. No issues have been identified at this time.*

## II. EXISTING CONDITIONS



The subject property is made up of two parcels. The western parcel has one existing home, and the eastern has two existing homes onsite. The surveys of these two parcels appear to show no significant environmental features to consider, such as wetlands or surface water. The subject property is bounded by Pinebrook Road to the west and Sarasota Memorial Hospital, currently under construction, to the north. To the south and east of the property are more parcels within JPA/ILSBA Area 6. Vehicular access to both parcels is provided from Curry Lane.

### *Site Photographs*



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

The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use map, as depicted in Figure 1. The properties to the east, west, and south are in Sarasota County and also have designations of MODR. A City of Venice Mixed Use Residential designation lies to the west beyond the adjacent MODR property. The property to the north is in the City of Venice and has a designation of Mixed Use Corridor.

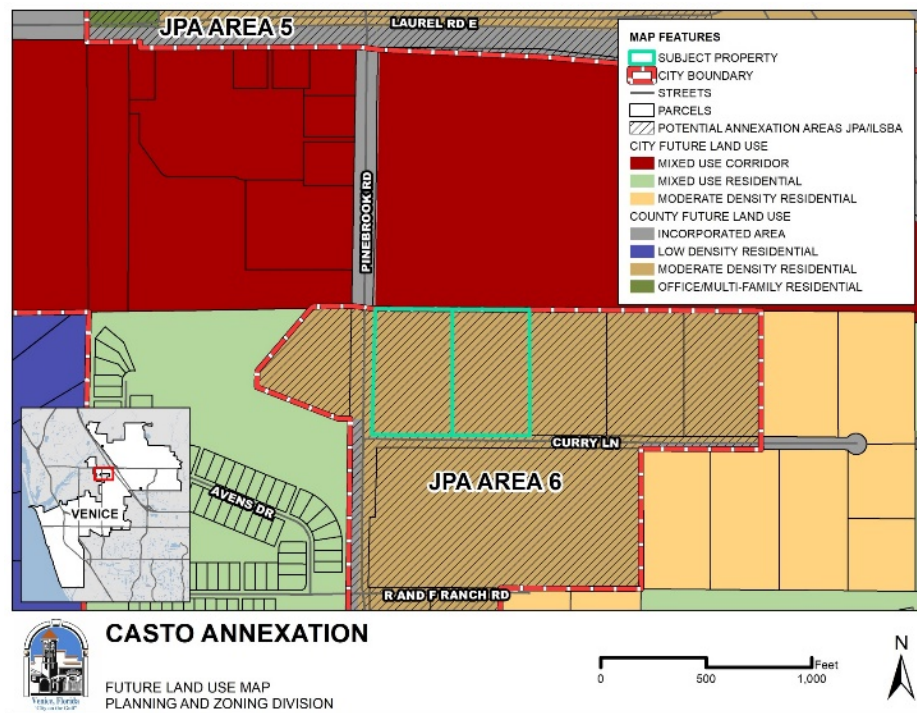


Figure 1. Existing Future Land Use Map

### Zoning Designation

Figure 3 below shows the existing county and city zoning of the subject and adjacent properties. The subject property and the properties to the east, west, and south are zoned County Open Use Estate-1 (OUE-1). The property west of the immediately adjacent County OUE-1 zoning has a City Planned Unit Development (PUD) designation. The property to the north is zoned City Planned Commercial Development (PCD).

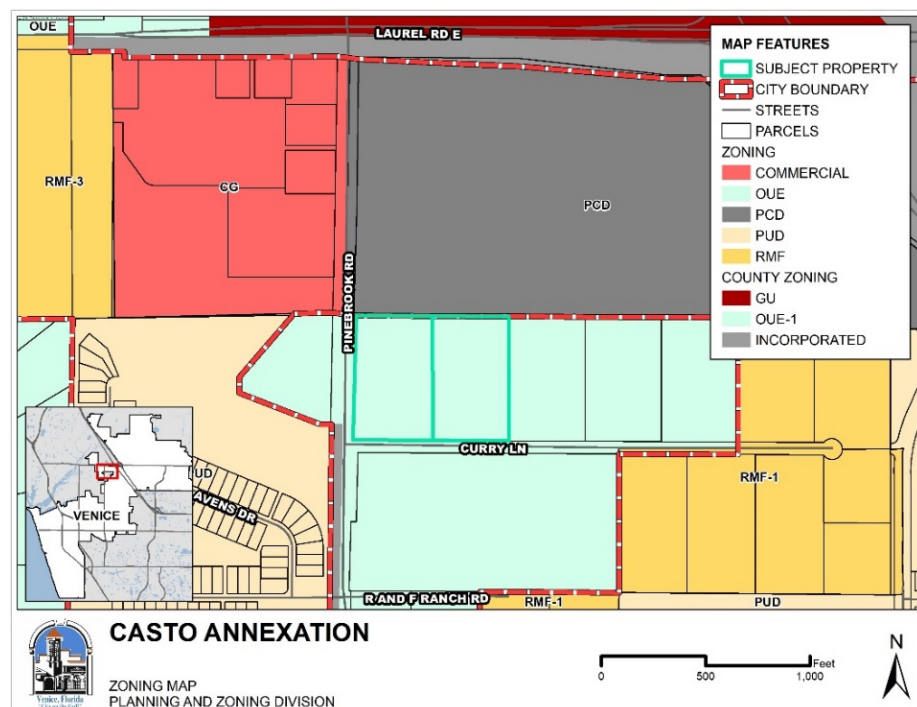


Figure 2. Existing Zoning Map



Table 1 summarizes the existing uses, current zoning, and future land use designations on properties adjacent to the subject property.

*Table 1. Summary of existing conditions*

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Medical (Sarasota Memorial Hospital – Under Construction)	Planned Commercial Development	Mixed Use Corridor
West	Drainage reservoir	Sarasota County OUE-1	Sarasota County Moderate Density Residential
South	Agricultural	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)
East	Residential	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6)

#### ***Notification of Potential Annexation to Sarasota County***

The JPA/ILSBA provides that the City will not annex any lands other than those designated as Potential Annexation Areas identified in the agreement and that these areas consist of land likely to be developed for urban purposes. It also indicates that the City shall provide notice to the County within twenty days of receipt of any petition to annex properties within the JPA and include a report confirming consistency of the City's planned service delivery with the terms of the agreement.

The subject annexation application was deemed complete on February 11, 2020 by the City's Planning and Zoning Division and was forwarded to Sarasota County staff on February 13, 2020. The subject property lies within Area 6 of the JPA/ILSBA and provision of water and sewer service by the City is indicated for this area. The JPA/ILSBA indicates that the *"County will not challenge, administratively, judicially, or otherwise, any annexations by the City that annex lands within the Potential Annexation Areas unless the annexed property is not contiguous, as defined in Chapter 171, Florida Statutes, to a City boundary, not compact, or cannot be adequately and reasonably served by police and fire services, or is inconsistent with this Agreement."*

#### ***Financial Feasibility Analysis***

Consistent with the City's annexation process, the applicant has provided the financial feasibility analysis shown in Figure 5 for the potential annexation of the subject property. The applicant has indicated development of the property for medical office use with a total area of 80,000 square feet.

FINANCIAL FEASIBILITY CASTO ANNEXATION (Curry Lane)

	Units	Avg Taxable \$	Ad Valorem Per Unit	Utility Capacity Fees Per Unit	Impact Fees Per Unit
Medical Office (Building 1)	40k/sq ft	\$ 8,500,000.00	\$ 40,188.00	\$ 127,253.00	\$ 217,962.00
Medical Office (Building 2)	40k/sq ft	\$ 8,500,000.00	\$ 40,188.00	\$ 127,253.00	\$ 217,962.00

Total Annual Ad Valorem \$ 80,376.00

Total Utility Connection Fees \$ 254,506.00

Total Impact Fees \$ 435,924.00

Additional Annual Revenues to the City will result from Communication Service Tax, Insurance Premium Taxes, Utility Service Taxes, Franchise Fees, Water and Sewer Fees, and other License and Permitting Fees

Impact Fees and Utility Connection Fees will provide for enhancements to the transportation network, utility system, schools, and recreational facilities, if applicable.

Figure 3. Financial Feasibility

### III. PLANNING ANALYSIS

This section of the report provides planning analysis on 1) consistency with Chapters 163 and 171 Florida Statute and the City's Comprehensive Plan, 2) consistency with the land development code, and 3) provision of services.

#### A. Consistency with Chapters 163 and 171 Florida Statutes and the City's Comprehensive Plan

##### Chapters 163 and 171 Florida Statutes

The applicant has submitted a petition for annexation of the subject property from the jurisdiction of Sarasota County into the jurisdiction of the City of Venice. The property is eligible for annexation into the City due to its inclusion in the JPA/ILSBA. Chapters 163 and 171 of the Florida Statutes provide for the adoption of joint planning agreements and interlocal service boundaries.

The City and County executed the JPA/ILSBA originally in 2007 and have agreed to amendments of the document multiple times with the most recent amendment at the end of 2018. The agreement was executed in order to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands, ensure protection of natural resources and to agree on certain procedures for the

timely review and processing of development proposals within those areas. Consistent with the identified statutes, the JPA/ILSBA provides the procedure for coordination of the annexation of land into the City.

***Consistency with the Comprehensive Plan***

The Comprehensive Plan includes the JPA/ILSBA as a part of the appendix; therefore, the majority of the analysis for Comprehensive Plan consistency is related to this agreement. The subject petition has been processed consistent with the procedures identified in the JPA/ILSBA including notification of the potential annexation to Sarasota County. As indicated, the applicant is proposing medical office use for the subject property. JPA Area 6 currently does not permit nonresidential uses. An amendment to the JPA has been proposed to allow non-residential uses in this area. Approval of the annexation does not extend to any proposed uses. Uses will be determined based on the subsequent consideration of future land use and zoning.

The JPA/ILSBA indicates that the City may annex lands as long as the land is contiguous, as defined in Chapter 171, Florida Statutes, to the municipal boundaries of the City and the area to be annexed is compact.

***“Contiguous”*** means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The subject property is contiguous to the City boundary along the Sarasota Memorial Hospital property to the north.

***“Compactness”*** means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact. The subject property is reasonably compact, rectangular-shaped, and the two parcels are directly adjacent to one another.

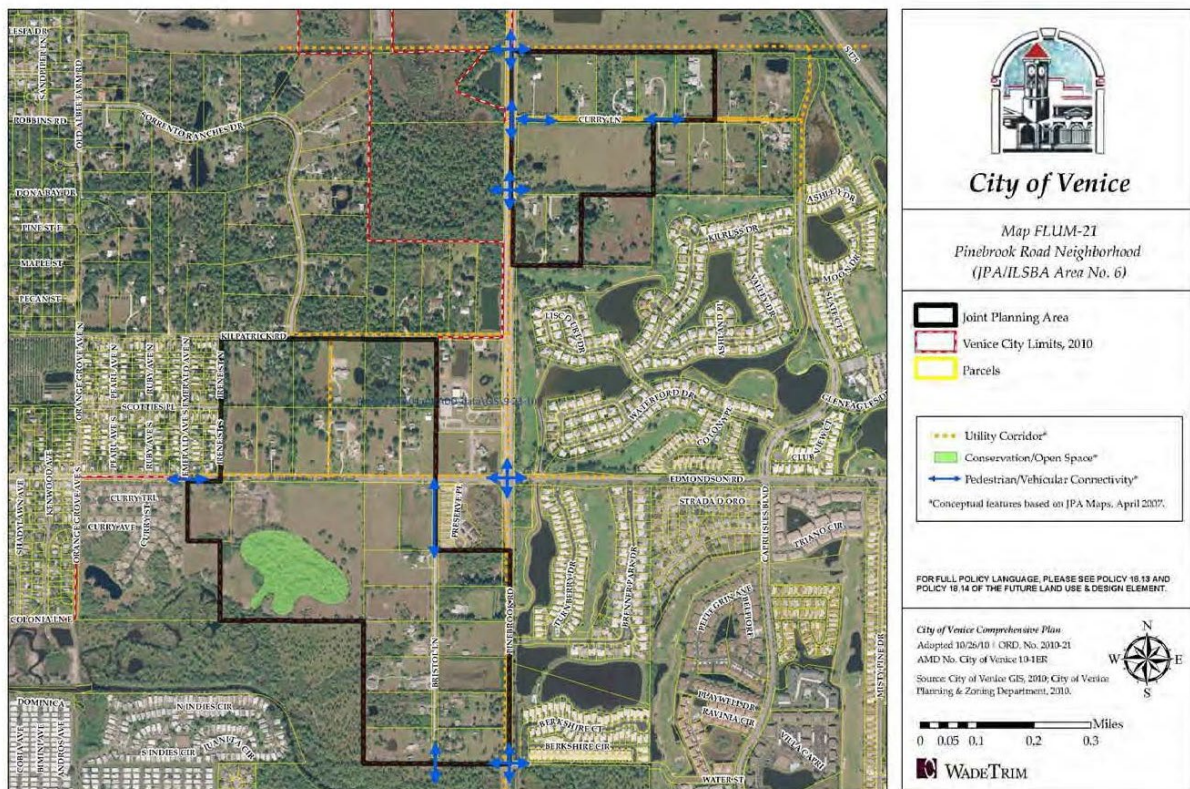


Figure 4. Map of JPA/ILSBA Area 6

Following is the full text provided in the JPA/ILSBA for Area 6:

Area 6 — Pinebrook Road Neighborhood: The land use adopted in the Venice Comprehensive Plan for this Area is a maximum of 3 units per acre, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area. Development shall be served by City water and sewer. The Party with jurisdiction over the development application shall require dedication of right of way for future four-laning of Pinebrook Road if the City and County agree that such an improvement is necessary. The improvement shall be constructed, with appropriate contributions from the developer, consistent with the standards in the County land development regulations.



It is noted that the applicant has submitted concurrent applications for a Comprehensive Plan Amendment to designate the subject property as City of Venice Institutional Professional and a Zoning Map Amendment Petition to provide for an OPI designation. Both petitions are contingent upon approval of the proposed amendment to Area 6 of the JPA/ILSBA in order to provide for development consistent with the standards in the Agreement.

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

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

A. Land use density and intensity.

**Applicant Response:** The proposed annexation does not establish a land use, but the future land use will be required to be compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

B. Building heights and setbacks.

**Applicant Response:** Building heights and setbacks will be established through the zoning for the property and will be compatible with the existing neighborhood.

C. Character or type of use proposed.

**Applicant Response:** The proposed annexation does not establish a land use, but the future land use will be required to be compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

D. Site and architectural mitigation design techniques.

**Applicant Response:** Site and architectural mitigation design techniques, if necessary, will be established through the Zoning, and Site & Development Plan process.

The above development characteristics (Policy 8.2 A through D) will be evaluated with the review of the concurrently processed land development application for zoning and subsequent preliminary plat and/or site and development plan petitions.

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

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

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.

**Staff Comment:** *Although this is an annexation petition and does not propose development, the surrounding property is used for agricultural and medical purposes. Compatibility will be further reviewed with subsequent development petitions.*

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

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.

*Staff Comment:* Again, this is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding this consideration.

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

**Applicant's Response:** Not applicable.

*Staff Comment:* There are currently no known nonconforming uses on the property.

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

**Applicant's Response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development Plan review.

*Staff Comment:* Again, this is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding this consideration.

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 review of the concurrently processed zoning application along with review of subsequent development petitions will identify all elements of the proposed project on the subject property and allow a full review of the project, including the project's compatibility with adjacent properties. If during that review, potential incompatibilities are identified, the following mitigation techniques provided in Policy 8.2 I through N may be considered. Doing so would ensure the application of appropriate mitigation measures in response to specific development characteristics of an actual development proposal.

- I. Providing open space, perimeter buffers, landscaping and berms.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

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

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

- K. Locating road access to minimize adverse impacts.

**Applicant response:** Road access to the property will be designed to minimize impacts.

L. Adjusting building setbacks to transition between different uses.

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

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

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

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

**Applicant response:** The annexation does not establish a use for the property. Compatibility will be evaluated at the time of rezoning and/or Site & Development plan review.

**Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**

*Analysis has been provided to determine consistency with the Chapters 163 and 171 Florida Statutes, the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County, and Policy 8.2 regarding compatibility. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.*

***B. Compliance with the Land Development Code (LDC)***

The City's LDC in Code Section 86-23(k) provides minimal instruction regarding annexation of land, but it does indicate that the City Council shall certify the proposal for annexation (including any proposed collateral agreement in that regard) to the Planning Commission. The Commission shall consider the proposal as follows:

- In relation to its established comprehensive plan for city-wide development and control or by applying such other criteria as may have been established under its own rules and procedures. *(There are no criteria specific to annexation petitions in Planning Commission's rules and procedures.)*
- Shall recertify the proposal to the City Council with its recommendation for approval, rejection or modification in whole or in part.

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

***The subject petition complies with all applicable Land Development Code requirements.***

***C. Provision of Services***

In response to request from the Planning and Zoning Division, the City's Technical Review Committee (TRC) reviewed the proposed annexation for potential impacts on City services and facilities. The TRC has provided comments regarding provision of services to the subject property and the ability to maintain adopted levels of service for public facilities that will need to be addressed with each subsequent petition for development of the property if the annexation is approved.



**Conclusion / Findings of Fact (Provision of Services):**

***Based on the TRC review and analysis, if the property is approved for annexation, evaluation of provision of services will take place with each subsequent development petition to ensure the adopted levels of service are maintained. No issues have been identified at this time.***

## **V. CONCLUSION**

***Planning Commission Report and Recommendation to City Council***

Upon review of the petition and associated documents, State Statutes, the Comprehensive Plan, the Land Development Code, this 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 the Annexation Petition No. 20-01AN.