

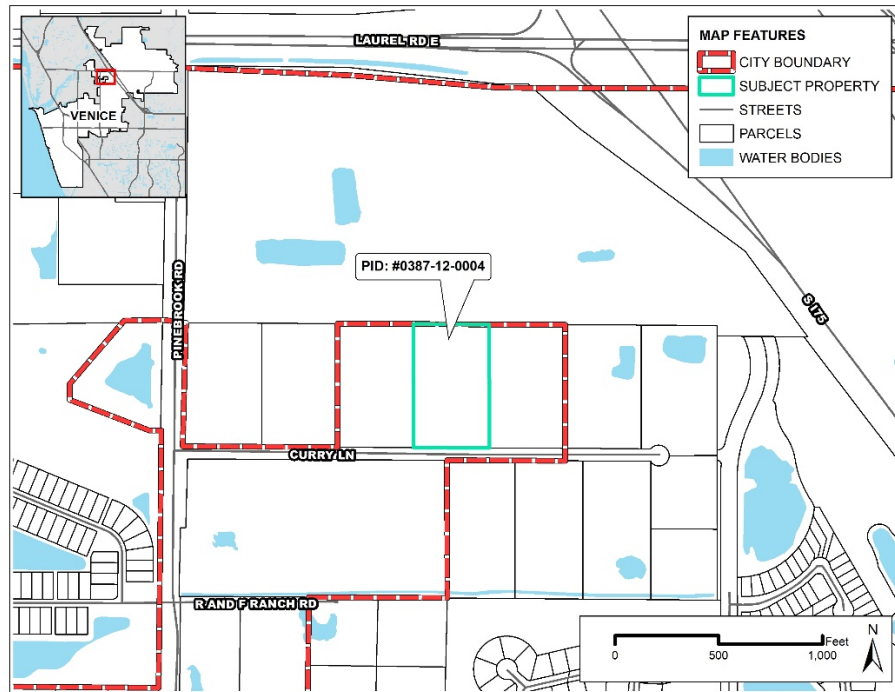


ZONING MAP AMENDMENT

STAFF REPORT

CATALYST HRE

March 2, 2021
20-54RZ



GENERAL INFORMATION

| | |
|---|--|
| Address: | 0 Curry Lane |
| Request: | Zoning map amendment to change the existing Sarasota County Open Use Estate zoning designation to City of Venice Office, Professional and Institutional. |
| Owner: | Peter Tomich |
| Applicant: | Catalyst Healthcare Real Estate |
| Agent: | Jeffery Boone, Esq., Boone Law Firm |
| Parcel ID: | 0387-12-0004 |
| Property Size: | 5 ± acres |
| Future Land Use: | Sarasota County Moderate Density Residential (MODR) |
| Existing Zoning: | Sarasota County Open Use Estate 1 (OUE-1) |
| Comprehensive Plan Neighborhood: | Pinebrook Neighborhood |
| Application Date: | 10/14/2020 |

I. EXECUTIVE SUMMARY

The applicant has submitted a concurrent application for annexation of the subject property into the jurisdiction of the City of Venice based on its inclusion within Area 6 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and County. The subject 5± acre property currently has a Sarasota County Open Use Estate zoning designation, and the applicant is seeking a City of Venice Office, Professional and Institutional (OPI) designation for the future development of a rehabilitation hospital. A concurrent Comprehensive Plan Amendment has also been submitted to change the future land use designation of the subject property from Sarasota County Moderate Density Residential to City of Venice Institutional Professional (IP). Pursuant to Land Use Strategy LU 1.2.4, the proposed OPI zoning district is an implementing district for the IP designation.

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

- Annexation Petition No. 20-52AN
- Comprehensive Plan Amendment Petition No. 20-53CP

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:

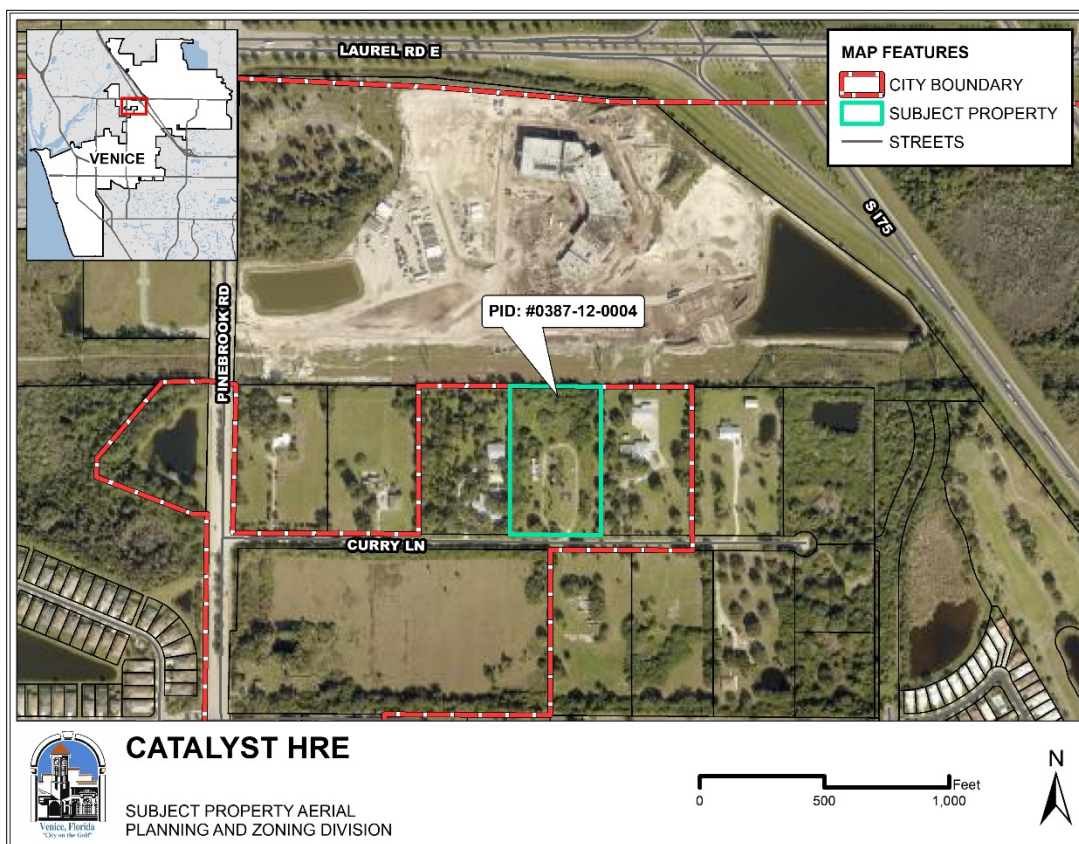
- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the proposed Office, Professional and Institutional designation, Policy 8.2 regarding compatibility, and strategies found in the Pinebrook 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 not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.
- **Conclusions / Findings of Fact (Mobility):**
A preliminary review of transportation mobility has been performed and 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. ASSOCIATED DOCUMENTS

A. Application Information (completed petition)

III. EXISTING CONDITIONS

The subject property is made up of one undeveloped parcel. The survey of this parcel appears to show no significant environmental features to consider, such as wetlands or surface water. Currently on the property are two existing wood frame structures along with one aluminum shed and a shell drive. The subject property is bounded by Curry Lane to the south and the Sarasota Memorial Hospital property to the north. To the east and west of the property are more parcels within JPA/ILSBA Area 6. Vehicular access is provided from Curry Lane.

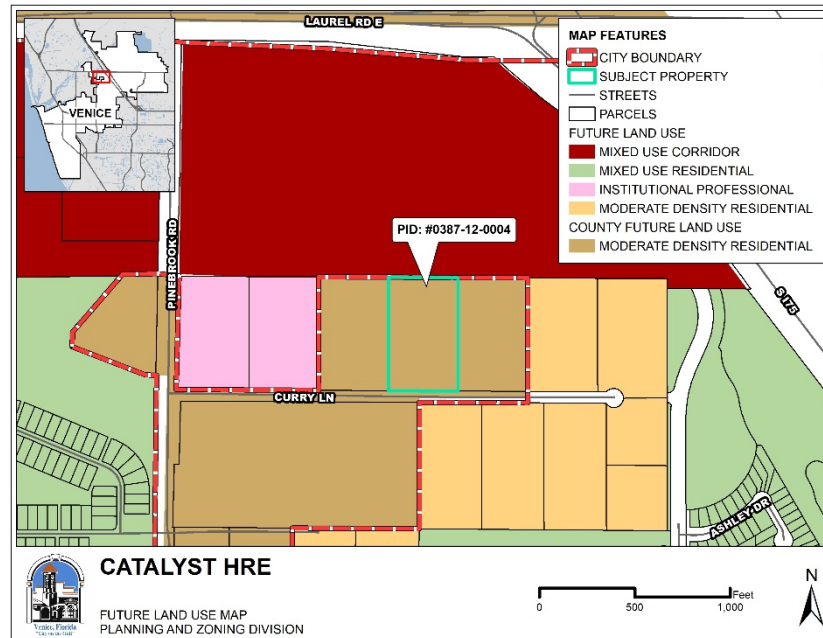


Site Photographs



Future Land Use

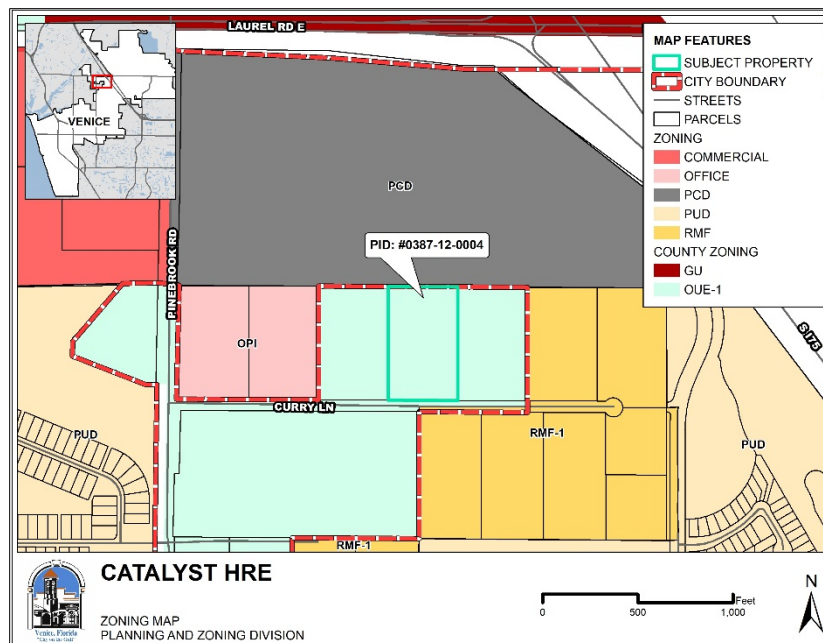
The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use (FLU) map. Adjacent properties to the east and west are in Sarasota County and also have designations of MODR. A City of Venice Institutional Professional designation lies to the west beyond the neighboring County property, and property to the south is in process of annexation and the applicant has requested a designation of Medium Density Residential (MEDR). Properties to the south and east that are within the City of Venice have City Moderate Density Residential designations. The parcel to the north has an FLU designation of Mixed Use Corridor.



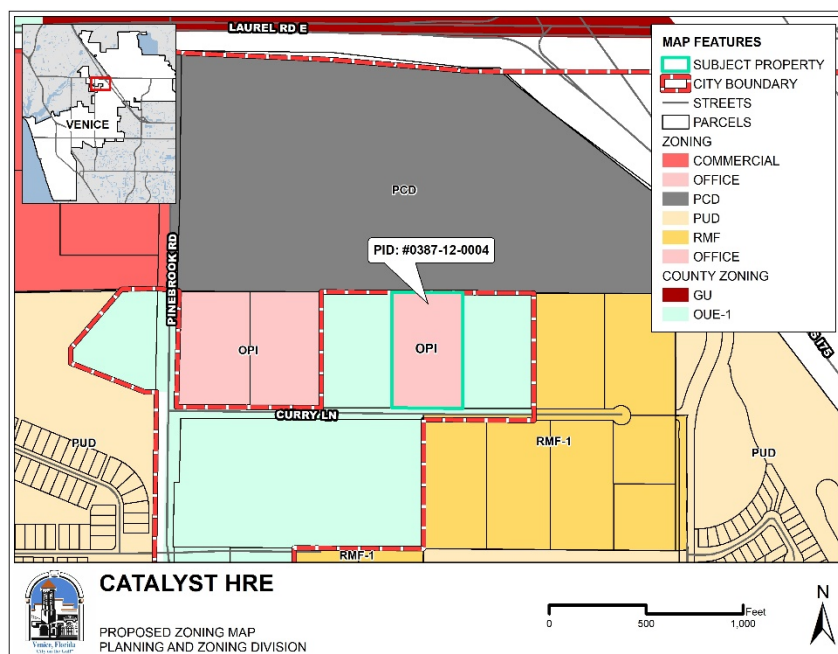
Zoning Designation

The zoning map below shows the existing county and city zoning of the subject and adjacent properties. The subject property and adjacent properties to the east and west are zoned County Open Use Estate-1 (OUE-1). The property west of the subject property beyond the neighboring parcel has a City Office, Professional and Institutional (OPI) zoning designation. The property to the south is in process of annexation and the applicant has requested a zoning designation of City Residential, Multi-family 3 (RMF-3). The property to the north is zoned Planned Commercial District (PCD).

Existing Zoning Map



Proposed Zoning Map



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 | Sarasota Memorial Hospital | PCD | MUC |
| West | Residential | Sarasota County OUE-1 | Sarasota County MODR (JPA Area 6) |
| South | Residential | Sarasota County OUE-1 (pending City RMF-3), City RMF-1 | Sarasota County MODR (JPA Area 6) – (pending City MEDR), City MODR |
| East | Residential | Sarasota County OUE-1 | Sarasota County MODR (JPA Area 6) |

IV. PLANNING ANALYSIS

In this section of the report, analysis of the subject rezone petition evaluates A) how the existing County Open Use Estate (OUE) zoning compares to the proposed City Office, Professional and Institutional (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.

Comparison of Existing County OUE Zoning and Proposed City OPI Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County OUE to City OPI. It is important to note the approved pre-annexation agreement requires the property to be

rezoned to a City designation concurrent with the proposed annexation and prior to any development proposal for the property. The applicant has indicated that there is intent to develop the property for a healthcare use. The applicant has considered the surrounding properties in determining appropriate zoning districts for the subject property. The table below provides a comparison of the districts' development standards and permitted uses.

| | Existing Zoning – OUE | Proposed Zoning – OPI |
|--------------------------------------|---|--|
| Density Limit | 1 du/5 acres | 9 du/ac for townhouses or multifamily Varies for adult congregate living facilities (No single-family allowed) |
| Intensity Limit | N/A | None |
| Maximum No. of Dwelling Units | 3 | N/A – healthcare use proposed |
| Height | 35 feet | 35 feet* |
| Principal Uses | Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium** | Professional offices, hospitals, nursing homes, housing for the aged, medical and dental clinics and laboratories, townhouses, art galleries, libraries, museums, community centers, houses of worship** |

*Conditional Use available for additional height

**Not an exhaustive list of district uses

Consistency with the Comprehensive Plan

As a result of the recently proposed annexation of the property and comprehensive plan amendment, the property will be included within the 2,366-acre Pinebrook Neighborhood. The property is also under the regulatory requirements of JPA Area 6. The text of Area 6 reads as follows:

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 for all properties West of Pinebrook Road and 13 units per acre for all properties East of Pinebrook Road, calculated on a gross acreage basis. Nonresidential uses shall not be permitted in this Area, except Institutional-Professional uses are permitted for all properties East of Pinebrook Road. The square footage of any such Institutional-Professional uses shall not exceed a FAR of 0.5. Development shall be served by City water and sewer. The Party having jurisdiction over the development application shall require dedication of right of way for the 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.

Per Strategy LU 1.2.4 – Non-Residential, the proposed zoning designation of OPI is identified as an implementing zoning district for the proposed IP future land use designation.

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 is compatible with the land use density and intensity of the area, and is an implementing zoning district for the FLU prescribed by the JPA/ILSBA and Comprehensive Plan.

B. Building heights and setbacks.

Applicant Response: The proposed rezoning allows development of the property to proceed with building heights and setbacks that are compatible with properties in the area.

C. Character or type of use proposed.

Applicant Response: The proposed rezoning is compatible with the character and type of land use in the area; it is an implementing zoning district for the FLU prescribed by the JPA/ILSBA and Comprehensive Plan.

D. Site and architectural mitigation design techniques.

Applicant Response: The proposed rezoning allows for uses compatible with the properties in the area; therefore, a need for site and architectural mitigation design techniques is not created through this proposal. Regardless, should a need for such mitigation design techniques be identified, such considerations shall be addressed at the time of development plan review and approval.

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 is compatible with the uses in the area and does not intrude upon single-family neighborhoods.

Staff Comment: *The property is adjacent to single-family residential uses to the east and west, and appropriate mitigation techniques including setbacks, buffers, and landscaping may be considered at the point of development to ensure compatibility with lower density residential uses.*

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

Applicant Response: N/A

Staff Comment: *No commercial or industrial uses are proposed through this rezoning.*

- 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 proposed rezoning provides the property with a City of Venice zoning designation compliant with the JPA/ILSBA and Comprehensive Plan.

Staff Comment: *Staff is not aware of any nonconforming uses existing on the property.*

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

Applicant Response: The proposed rezoning is compatible with the densities and intensities of existing uses in the area.

Staff Comment: *The proposed Institutional Professional FLU indicates an intensity of 0.5 FAR through the designation, and the proposed zoning district of OPI does not provide an intensity limit. The consideration of density and intensity will be further evaluated through review of any proposed development plans for the subject property. Existing residential zoning surrounds the parcel to the east, west, and south, with allowed densities ranging between 0.2 (on County-zoned property) and 6.0 du/ac, with a pending change to allow up to 13 du/ac on property to the south. The range of allowed density among only City-zoned residential properties in the area is 4.5 to 6.0 du/ac. The Future Land Use of City MODR on property zoned RMF-1 to the east and south allows a density of up to 9.0 du/ac. IP FLU to the west beyond the neighboring county property allows a floor area ratio of 0.5.*

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.

At the point of a development application on the subject property, a full review of the project, including compatibility with adjacent properties will be performed. 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.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
- K. Locating road access to minimize adverse impacts.
- L. Adjusting building setbacks to transition between different uses.
- M. Applying step-down or tiered building heights to transition between different uses.
- N. Lowering density or intensity of land uses to transition between different uses.

Applicant Response: The proposed rezoning does not create any potential incompatibility; however, any potential incompatibility that could arise through development of the Property shall appropriately be addressed at the time of development plan review and approval.

Summary Staff Comment: *Mitigating factors should be more specifically addressed at the time of site and*

development plan review. However, the Planning Commission may use its discretion to require mitigation during the zoning map amendment process as well.

- **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 proposed Institutional Professional future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Pinebrook Neighborhood and other plan elements. No inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

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. Staff comments have also been provided where applicable.

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

Applicant's Response: The proposed zoning change conforms to the Property's concurrently proposed Comprehensive Plan Amendment for the FLU designation of Institutional Professional.

Staff Comment: *OPI is listed in the comprehensive plan as an implementing district of the IP FLU designation.*

(b) The existing land use pattern.

Applicant's Response: The proposed OPI use on the Property is compatible with existing land uses in the area.

Staff Comment: *Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes planned development, residential, and institutional uses, some of which may be found compatible according to Strategy LU 1.2.8 in the Land Use Element.*

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

Applicant's Response: The proposed zoning change will not create an isolated district, but rather works to complement and transition between the uses in its area.

Staff Comment: *The proposed zoning will not be the same as adjacent residential districts, but may be considered related to the nearby PCD zoning district and will be the same as nearby OPI zoning to the west.*

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

Applicant's Response: The proposed zoning change will not stress demands on public facilities, and development will pay impact fees that may be used to support all public facilities.

Staff Comment: The proposed change will increase activity in the area. However, the Technical Review Committee has reviewed the project and no issues with demand on public facilities has been identified.

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

Applicant's Response: The Property is a JPA/ILSBA property anticipated for annexation, and upon annexation the Property requires a proper City future land use and zoning designation.

Staff Comment: The district boundaries are drawn logically as relates to existing conditions on the subject property.

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

Applicant's Response: Annexation of the Property requires the proposed amendment to provide a proper City zoning designation.

Staff Comment: The construction of the new Sarasota Memorial Hospital will drive the need for supportive medical uses that the proposed zoning of OPI will allow.

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

Applicant's Response: The proposed zoning will not adversely influence living conditions in the neighborhood.

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

Applicant's Response: The proposed zoning change will not create or excessively increase traffic congestion, nor will it affect public safety.

Staff Comment: The submitted traffic analysis has not indicated any traffic improvements required for the development of this site.

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

Applicant's Response: The proposed zoning will not create a drainage problem and will be required to meet all City, State and Federal standards related to drainage at the time of development.

Staff Comment: TRC has reviewed this project and has identified no issues. Further analysis will take place at the point of development.

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

Applicant's Response: No serious reduction to light and air available to adjacent areas will be produced by the proposed zoning.

Staff Comment: The building height and density will be regulated through zoning, a related petition for a comprehensive plan amendment, and subsequent development conditions.

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

Applicant's Response: No adverse impact to property values will be created by the proposed zoning.

Staff Comment: This application does not propose specific development of the property, nor does staff have access to recent market studies of the area, so it is difficult to determine the impact to surrounding property values. Further, the construction of the nearby hospital is expected to have a significant impact on the surrounding area regarding demand for complementary healthcare uses such as the one proposed for this property through site and development plan petition no. 20-63SP.

- (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 zoning will not deter improvement or development of adjacent property in accordance with existing regulations.

Staff Comment: Several surrounding properties are already in the process of annexation and subsequent development, and no deterring effects are expected from this proposal.

- (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 zoning would not constitute a special privilege granted to the owner of the Property compared to the public welfare.

Staff Comment: There is no evidence of special privilege being granted through this request.

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

Applicant's Response: As a JPA/ILSBA area, the Property has been identified for anticipated annexation; annexation of the Property requires the Property to obtain a proper City zoning designation.

Staff Comment: The pre-annexation agreement requires that a zoning map amendment for this property must be adopted before development takes place.

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

Applicant's Response: The proposed zoning works to meet the needs of the neighborhood and the City as a whole.

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. Land use compatibility mitigation techniques will be evaluated to ensure future development of the subject property is not out of scale with the needs of the surrounding 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 Property is one of few in the City well-suited for OPI zoning, and is arguably an ideal site for such use. Considering adjacent developments relating to medical office, institutional, and professional use, this zoning designation will provide harmony between uses and maximize the provision of such services to the public.

• **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.

Concurrency

The applicant is not requesting confirmation of concurrency as part of the proposed zoning map amendment. Concurrency will be reviewed with a development proposal, and a full review will be provided at that time. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

• **Conclusion / Findings of Fact (Concurrency):**

As indicated, the applicant is not seeking confirmation of concurrency with the subject application. However, the proposed zoning map amendment was reviewed by the City's Technical Review Committee (TRC) and no issues were identified regarding facilities capacity.

Transportation Mobility

A Traffic Impact Analysis has been submitted, indicating that no exclusive turn lanes are warranted for the project driveway, but that the intersection of Pinebrook Road and Curry Lane should be monitored for future signalization to prevent excessive delays or accidents. An analysis of transportation concurrency has been performed by the City's traffic consultant and has been deemed compliant per this review.

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

The applicant has provided traffic analysis that has been reviewed by the City's transportation consultant. No additional issues have been identified.

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 make a recommendation to City Council on Zoning Amendment Petition No. 20-54RZ.