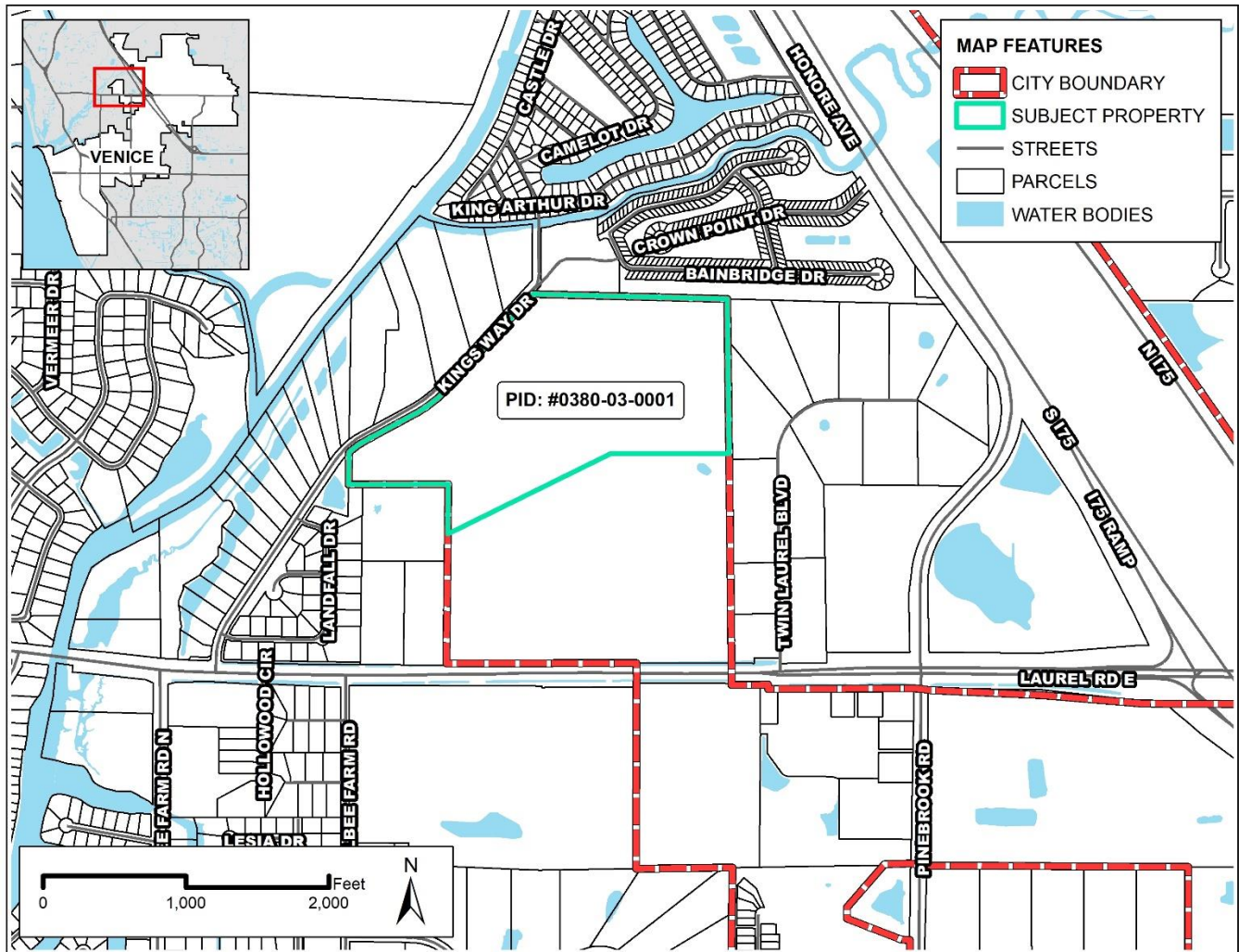




# **PRELIMINARY PLAT & CONDITIONAL USE: CASSATA LAKES STAFF REPORT, PETITION NO. 20-29PP & 20-39CU**



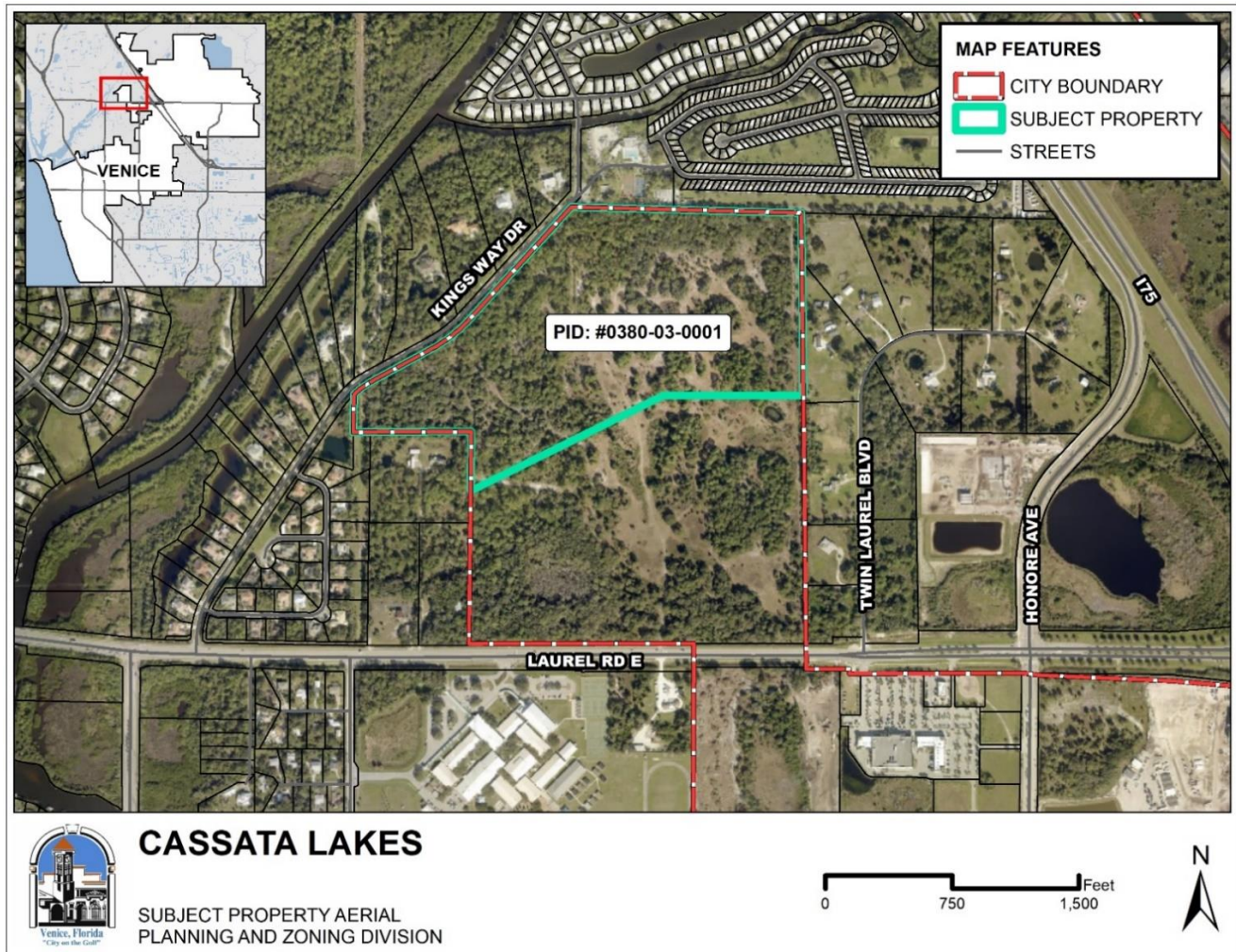
PRELIMINARY PLAT & CONDITIONAL USE	
<b>Request:</b>	Approval of a preliminary plat for 151 residential single family lots and a conditional use for a gated community
<b>Applicant/ Owner:</b>	Cassata Properties, LLC
<b>Agent:</b>	Jeffery A. Boone, Esq. of the Boone Law Firm
<b>Location:</b>	1200 Kings Way Drive
<b>Parcel ID:</b>	0380030001
<b>Parcel Size:</b>	59.53 +/- acres
<b>Future Land Use:</b>	Moderate Density Residential
<b>Zoning:</b>	RSF-4
<b>Comprehensive Plan Neighborhood:</b>	Laurel Road Neighborhood

## I. EXISTING CONDITIONS

The 59.53± acre subject property lies southeast of Kings Way Drive and generally west of Honore Avenue. The property is undeveloped and primarily wooded with a variety of tree species, although there are cleared areas interspersed within the parcel. Surface water is found in an area of wetlands. The current use of the property is listed as agricultural grazing land. Vehicular access to the proposed subdivision is proposed to be provided off of Kings Way Drive.

The property is surrounded by Sarasota County, with the exception being vacant land to the south which is in the City of Venice. To the north are residential common areas serving a residential manufactured home community, and large lot single family detached homes. To the east are more large lot single family homes. West of the property are large lot single family homes and residential common areas.

### Aerial Photograph



## Site Photos



Looking south from Kings Way Drive



Looking southeast along Kings Way Drive

## Flood Zone Information

The FEMA Flood Insurance Rate Map (FIRM) has labeled the subject property with designations of Zone X, which is outside the 500 year floodplain; Zone X500, which has a 0.2% annual chance of flooding; and Zone AE, which has a 1% annual chance of flooding. The AE portion of the subject property is in a Special Flood Hazard Area. Development of the property will be subject to compliance with applicable FEMA requirements.

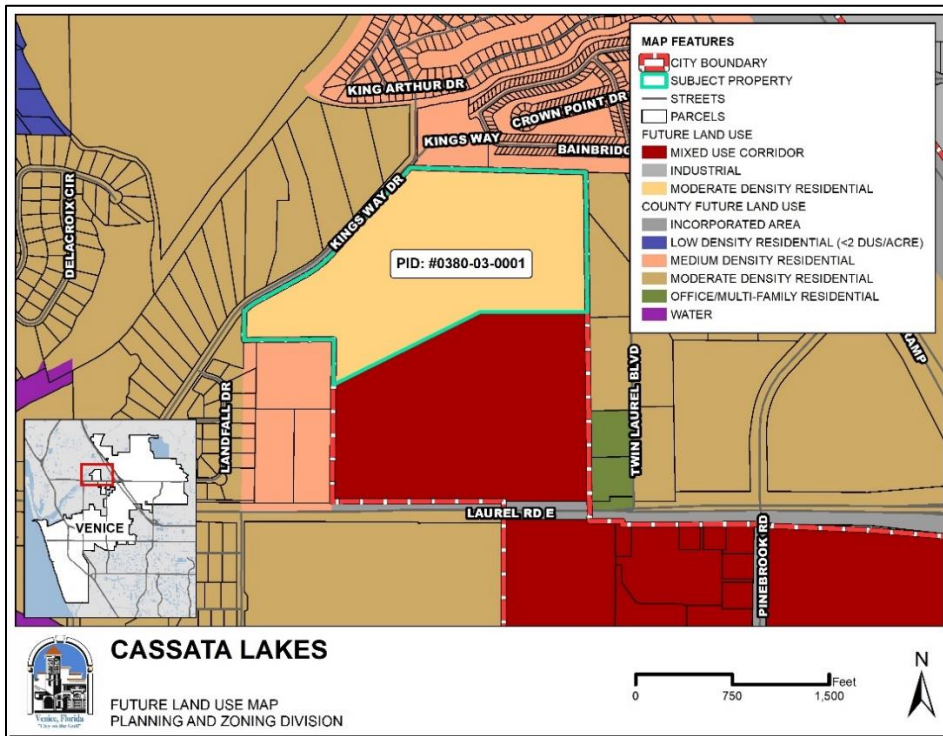
## Surrounding Properties

Direction	Existing Land Use(s)	Current Zoning District(s)	Existing Future Land Use Map Designation(s)
<b>North</b>	Residential common areas/elements (Kings Gate Manufactured Home Park), Single family detached	County Residential Manufactured Home (RMH), County Residential Estate (RE-1)	County Medium Density Residential, County Moderate Density Residential
<b>South</b>	Single family detached, Agricultural grazing land	Commercial, General (CG), County Open Use Estate (OUE-1)	Mixed Use Corridor (MUC), County Moderate Density Residential
<b>East</b>	Single family detached	County OUE-1	County Moderate Density Residential
<b>West</b>	Single family detached, Residential common areas/elements	County RE-1, County OUE-1	County Moderate Density Residential, County Medium Density Residential

## Future Land Use

The subject property is located in the Comprehensive Plan's Laurel Road Neighborhood and is designated as Moderate Density Residential on the City of Venice Future Land Use Map. No change to the parcel's Future Land Use is being requested. The subject property is bounded to the north by Sarasota County with the following designations: Medium Density Residential and Moderate Density Residential. To the south is the City designation of Mixed Use Corridor (MUC) and Sarasota County Moderate Density Residential. The parcels to the east of the subject property hold the designation of County Moderate Density Residential, while to the west are Sarasota County designations of Moderate Density Residential and Medium Density Residential.

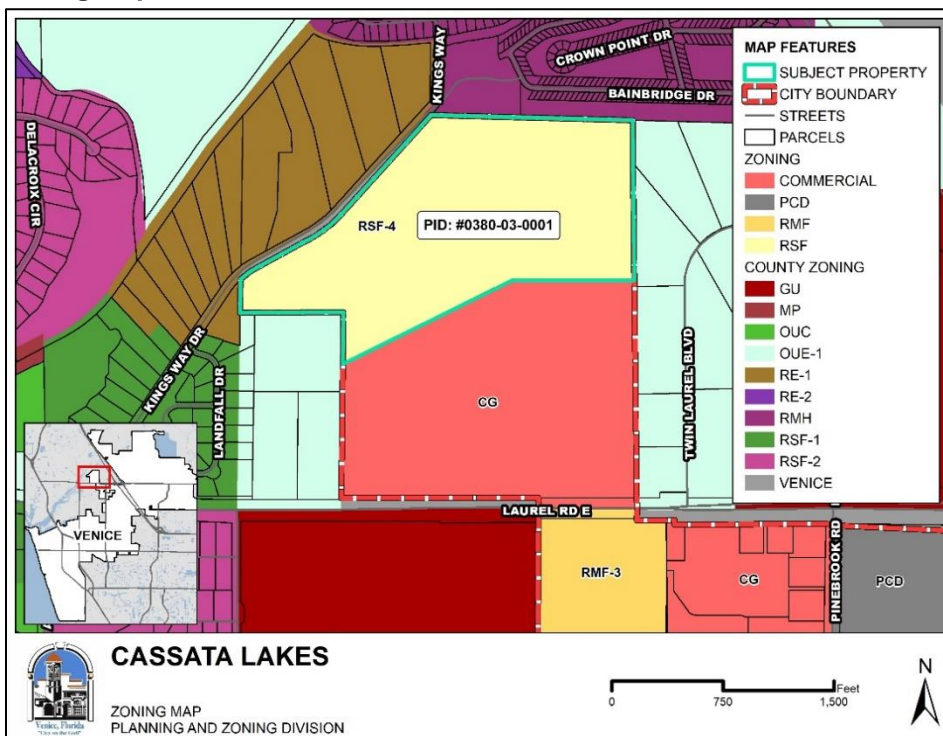
## Future Land Use Map



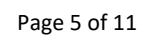
## Zoning

The subject property is zoned Residential Single Family (RSF-4) and no zoning change is being requested. Properties to the north are zoned Sarasota County Residential Manufactured Home (RMH) and County Residential Estate (RE-1). Properties to the south are zoned as Commercial, General (CG) and County Open Use Estate (OUE-1). To the east is County OUE-1. County RE-1 and County OUE-1 are found to the west of the subject property.

## Zoning Map



## Preliminary Plat



The applicant proposes to develop the subject property into a residential community consisting of 151 single-family homes and open space, primarily in the form of lakes and wetlands. The two entrances to the subdivision are proposed to be gated and a conditional use petition for this purpose has been submitted concurrently. A unique aspect of this project is that not all lots are accessed internally. There are six lots proposed to front on Kings Way Drive.

### III. PLANNING ANALYSIS

Staff reviewed the proposed preliminary plat application to evaluate consistency with the City of Venice 2017-2027 Comprehensive Plan, compliance with the Land Development Code, and for compliance with the requirements for Concurrency/Mobility.

#### 2017-2027 Comprehensive Plan

##### Neighborhood Strategies

The subject property is part of the Laurel Road Neighborhood in the *2017-2027 Comprehensive Plan*. The Laurel Road Neighborhood lies generally between Kings Way Drive and the Toscana Isles subdivision, and is bisected by I-75. In recent years, this Neighborhood has seen commercial growth, providing services to the nearby residential communities, Sarasota County residential areas, and travelers on I-75. The Neighborhood comprises approximately 473 acres, approximately 4.4% percent of the City. The primary roadway network is: Pinebrook Road, Honore Avenue, Laurel Road, I-75, and Knights Trail Road.

##### A. Strategy TR 1.2.3 – Pedestrian Level of Service Standards

Kings Way Drive is not identified in the City's Comprehensive Plan and therefore no level of service (LOS) for roadway, bike, pedestrian or transit has been determined for this segment. The development will have sidewalks, however, both internal and external (along part of Kings Way Drive, fronting the development).

##### B. Strategy OS 1.3.1 – Wetland and Aquifer Recharge Areas Protection

The development is preserving existing and creating new wetland areas for mitigation.

#### Lower Densities Allowed for in the Comprehensive Plan

In 2020, a change to the Comprehensive Plan was approved to allow for lower densities. The approved wording is below:

Density lower than the range provided in the Table below is permitted for individual lots or parcels of less than one acre in size. For all other properties, density lower than the range provided in the Table below may be requested as part of a land use petition, rezoning, or by separate request to be processed as a special exception as defined within the Land Development Code using the below review criteria. The reviewing body shall consider the following:

1. Compatibility of the proposed density and intensity with all properties within 250 feet of the subject property's boundary shall be evaluated using the following: Strategy LU 1.2.8 - Compatibility Between Land Uses and Strategy LU 4.1.1 - Transitional Language specific to Comprehensive Plan regulatory language, Policy 8.2 Land Use Compatibility Review Procedures.
2. Whether the size, shape and/or other unique conditions of the subject property is appropriate for a lesser density.
3. Compliance with all other Strategies of this Comprehensive Plan.

If a lower density is permitted or granted, the appropriate residential zoning district shall be deemed an implementing zoning district even if not listed as such below.

Residential Land Use	Density per Gross Acre	Implementing Zoning Districts
<b>Low Density</b>	1.0 to 5.0	RE, RSF1, RSF2, RSF3
<b>Moderate Density</b>	5.1 to 9.0	RSF4, RMF1, RMF2, RMH
<b>Medium Density</b>	9.1 to 13.0	RMF3
<b>High Density</b>	13.1 to 18	RMF4

According to this language, the reviewing body must consider proposed reductions in residential density. The applicant has designed the subdivision with a residential density of 2.5 units per acre.

The following was submitted verbatim by the applicant as justification for the request for lower density. Staff comments have been provided as necessary.

"The proposed density of 2.5 dwelling units per acre is below the range for Moderate Density Residential Development (5 to 9 du/ac.). However pursuant Comprehensive Plan Strategy LU 1.2.3 density lower than the range is permitted as part of a land use petition with the following considerations as evaluated below:

1. Compatibility of the proposed density and intensity with all properties within 250 feet of the subject property's boundary shall be evaluated using the following: Strategy LU 1.2.8 - Compatibility Between Land Uses and Strategy LU 4.1.1 - Transitional Language specific to Comprehensive Plan regulatory language, Policy 8.2 Land Use Compatibility Review Procedures.

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

A. Land use density and intensity.

**The proposed density of 2.5 du/ac. is compatible with the density and intensity of all properties within 250' of the subject property's boundary.**

B. Building heights and setbacks.

**Building heights will be similar to the building heights of properties within 250' of the subject property's boundary.**

C. Character or type of use proposed.

**The proposed single-family use is similar in character to the surrounding uses to the north, east and west, the property to the south is vacant.**

D. Site and architectural mitigation design techniques.

**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision compatible with properties within 250' of the subject property's boundary.**

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.

**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision compatible with existing single-family neighborhoods.**

**Staff Comment:** The proposed use is for a single family subdivision, which would not be incompatible with other single family neighborhoods. The density proposed is 2.5 du/ac, whereas allowed Future Land Use densities of the surrounding properties to the east and west are between 2 and 5 du/ac and to the north densities are allowed between 5 and 9 du/ac. Land to the south is vacant, zoned for Commercial, General.

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

**Not applicable**

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

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.

**Not applicable.**

**Staff Comment:** Staff is unaware of any nonconforming uses currently on the property.

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

**The density of the proposed use is in the mid-range as compared to densities and intensities of surrounding uses.**

**Staff Comment:** The current use of the vacant subject property is for agricultural grazing land. The proposed use is for single family residential with a density of 2.5 du/ac. Existing residential surrounds the parcel to the north, east, and west, with densities ranging between 2 and 9 du/ac.

Potential incompatibility shall be mitigated through techniques including, but not limited to:

- I. Providing open space, perimeter buffers, landscaping and berms.  
**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision compatible with existing single-family neighborhoods.**  
**Staff Comment:** Landscaping and walls or fencing, along with some areas of open space, are proposed along the boundaries of the subdivision.
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.  
**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision which will not negatively impact existing single-family neighborhoods with light, noise, mechanical equipment and refuse areas.**  
**Staff Comment:** No screening is proposed beyond landscaping, walls or fencing, and some areas of open space along the boundaries of the subdivision.
- K. Locating road access to minimize adverse impacts.  
**Road access to the property has been designed to minimize impacts.**  
**Staff Comment:** There are two access points to the subdivision along Kings Way Drive, both of which are proposed to be gated.
- L. Adjusting building setbacks to transition between different uses.  
**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision compatible with sufficient setbacks to protect existing single-family neighborhoods.**  
**Staff Comment:** Front setbacks are 30' for the six lots facing Kings Way Drive. Other lots have setbacks of 10' to 20'.
- M. Applying step-down or tiered building heights to transition between different uses.  
**Not applicable.**  
**Staff Comment:** This is proposed as a single family residential subdivision, not necessarily suitable for step-down or tiered homes.
- N. Lowering density or intensity of land uses to transition between different uses.  
**The reduction in density to 2.5 du/ac. will allow for development of a residential subdivision compatible with existing single-family neighborhoods with appropriate transitions between the different uses.**  
**Staff Comment:** This development will provide a transition between some of the existing residential uses from future commercial on the adjoining southern parcel.

2. Whether the size, shape and/or other unique conditions of the subject property makes it appropriate for a lesser density.

**The range of uses surrounding the subject property including the existing large lot development to east and west makes a density below the range of 5 to 9 du/ac. appropriate. In addition, limited access to the property via Kings Way Drive, a local road, which also serves a large residential manufactured home community supports a lower density for the property. Finally, the minimum lot sizes in the existing RSF4 zoning district, in combination with other design requirements including wetland protection, stormwater, and buffering makes achieving the minimum density of the Moderate Density FLU designation (5.1 du/ac) impossible.**

3. Compliance with all other strategies of this Comprehensive Plan.

**The proposed Preliminary Plat is compliant with all other strategies of the Comprehensive Plan."**

**CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN):** Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Moderate Density Residential future land use designation, strategies found in the Laurel Road Neighborhood, and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

## Land Development Code

Sections 86-231(b)(3) and 86-223(a) specify the Planning Commission's role in taking action on a Preliminary Plat petition.

1. Compliance of the preliminary plat with the requirements of this chapter and the applicable laws of the state.  
**Staff Comment:** The Preliminary Plat has been signed and sealed by a state licensed engineer. Design is compliant with all local regulatory standards and appears consistent with the requirements of Florida Statutes, Chapter 177, Part 1: Platting. Full compliance will be confirmed through the processing and recording of the final plat.
2. Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.  
**Staff Comment:** Compatibility review was conducted. Please see page 6 of this report.
3. Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.  
**Staff Comment:** The City's Technical Review Committee reviewed the subject petition for concurrency/mobility and found no issues for compliance with the city's minimum adopted levels of service for public facilities.

**CONCLUSIONS/FINDINGS OF FACT (LAND DEVELOPMENT REGULATIONS):** The proposed preliminary plat complies with the City's Land Development Code, including the subdivision standards.

## Concurrency

Concurrency was determined to be compliant by the staff Technical Review Committee. The table below shows the expected public facility impacts and the status of the applicable departmental concurrency reviews.

Concurrency			
Facility	Department	Estimated Impact	Status
Potable Water	Utilities	151 ERUs	Concurrency Confirmed
Sanitary Sewer	Utilities	151 ERUs	Concurrency Confirmed
Solid Waste	Public Works	1,565.87 lbs. per day	Concurrency Confirmed
Parks & Recreation	Public Works	1.79 acres	Concurrency Confirmed
Drainage	Engineering	Compliance shown with SWFWMD permit	Concurrency Confirmed
Public Schools	School Board	Application submitted	Approval upon Final Plat

## Mobility

The applicant provided a traffic analysis. Based on this analysis, the overall increase in vehicle trips is 152 PM peak hour trips. Based on the information provided, there is sufficient capacity to maintain the required LOS. The City has an Interlocal Agreement with Sarasota County to collect mobility fees for traffic impacts consistent with County Ordinance. Fees collected may be used to mitigate these impacts.

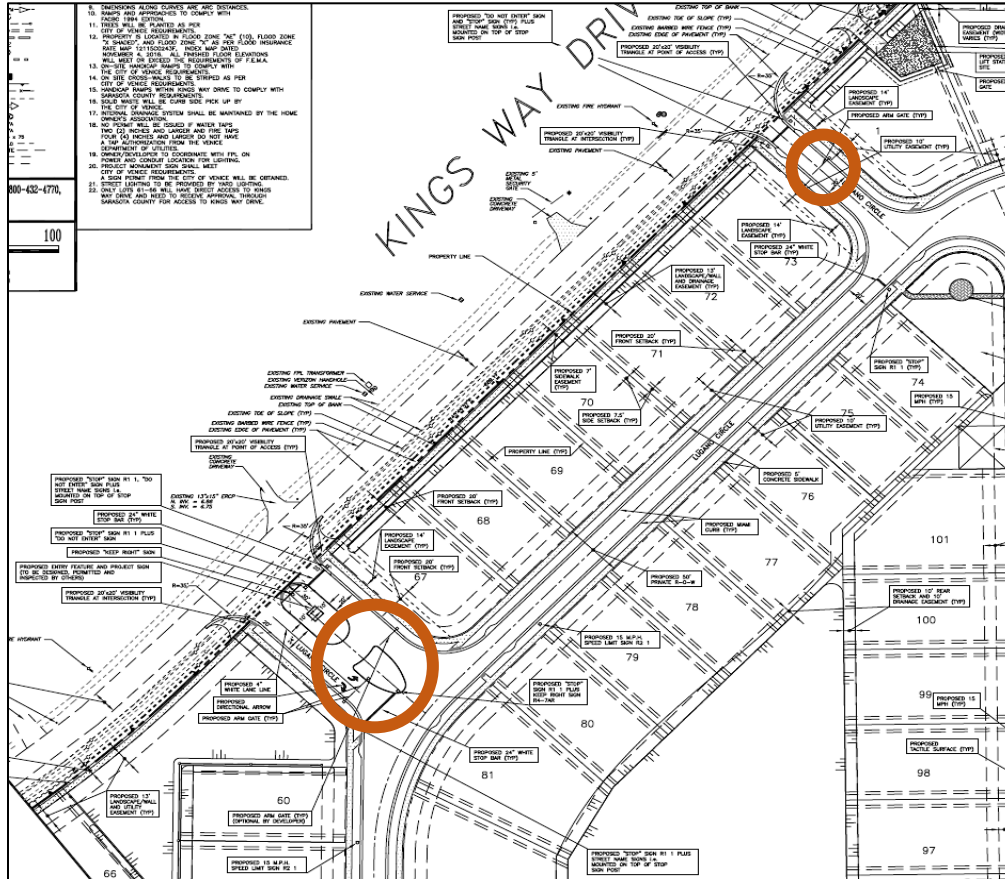
MOBILITY			
Facility	Department	Estimated Impact	Status
Transportation	Development Services	152 PM Peak Hour Trips	Compliance Confirmed by Traffic Engineering Consultant

**CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY/MOBILITY):** No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations. The applicant provided traffic analysis that was reviewed by the City's transportation consultant, who identified no issues.

#### IV. CONDITIONAL USE PETITION FOR GATED COMMUNITY

Applicant has proposed gates on both community entrances through a concurrently submitted Conditional Use petition. The gates are proposed to be located far enough into the development to allow for vehicle stacking and will provide access to private internal roadways. These gates will regulate vehicular access only and will not restrict access for bicycles and pedestrians.

#### Conditional Use Gated Community



**Guidance on Conditional Use for the Planning Commission is in Sec. 86-42. of the City Code as follows:**

(e) Contents of planning commission recommendation. The planning commission shall make a recommendation to the city council as to whether or not the granting of the conditional use will adversely affect the public interest; as to whether or not the specific requirements governing the individual conditional use, if any, have been met by the petitioner; and as to whether or not satisfactory provision and arrangement has been made concerning the following matters, where applicable (applicant's responses are taken verbatim from submittal, with the exception of staff comments):

“(1) Compliance with all applicable elements of the comprehensive plan;

**Applicant's Response: The proposed gated community is consistent will all applicable elements of the comprehensive plan.**

**Staff Comment:** The Comprehensive Plan does not speak to gated communities, thus no Comprehensive Plan strategies or intents have been found in conflict with the proposed conditional use.

(2) General compatibility with adjacent properties and other properties in the district;

**Applicant's Response: The proposed gated community is compatible with adjacent properties and other properties in the district, in fact, gated communities are common in the area.**

**Staff Comment:** Please see page six of this report.

(3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;

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

- (4) Required yards and other open space;  
**Applicant's Response: Not applicable.**
- (5) Screening and buffering, with reference to type, dimensions and character;  
**Applicant's Response: Not applicable.**
- (6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;  
**Applicant's Response: The proposed gated community will control traffic flow through the development thereby enhancing pedestrian safety and convenience.**  
**Staff Comment:** City staff have reviewed this project and identified no issues with access management, safety, traffic flow, or control.
- (7) Off-street parking and loading areas, where required;  
**Applicant's Response: Not applicable.**
- (8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion;  
**Applicant's Response: Not applicable.**
- (9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.  
**Applicant's Response: Not applicable."**

**CONCLUSIONS/FINDINGS OF FACT (COMPLIANCE WITH THE LAND DEVELOPMENT CODE (LDC)):** No inconsistencies have been identified with the LDC.

## **V. CONCLUSION**

Preliminary Plat:

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 to take action on the Preliminary Plat, Petition No. 20-29PP.

Conditional Use:

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 to take action on the Conditional Use, Petition No. 20-39CU.