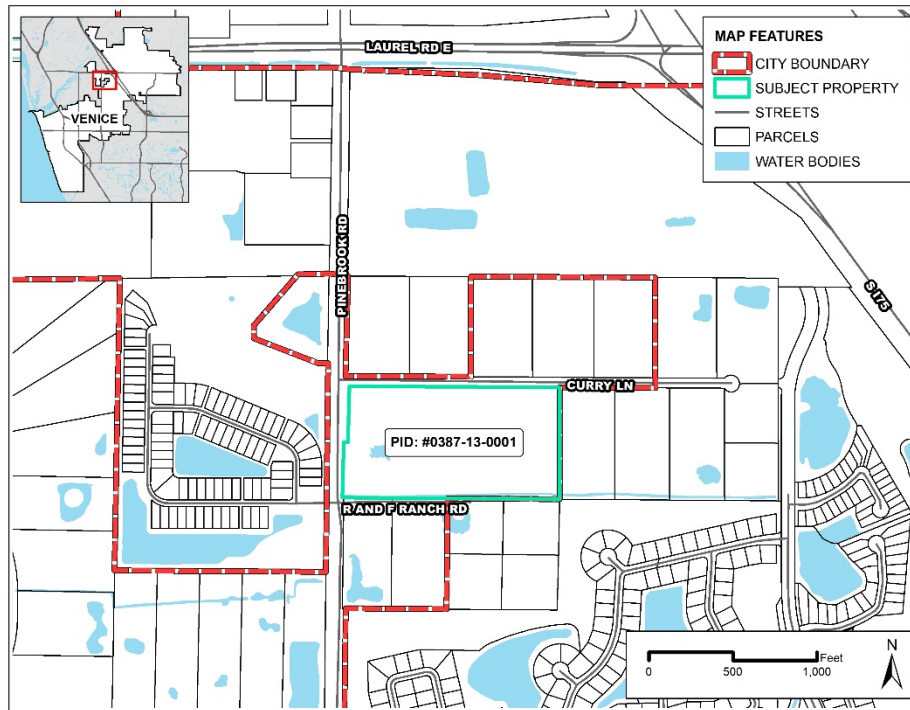




ZONING MAP AMENDMENT STAFF REPORT WATERMARK AT VENICE

February 2, 2021
20-47RZ



GENERAL INFORMATION

Address:	500 R&F Ranch Road
Request:	Zoning map amendment to change the existing Sarasota County Open Use Estate zoning designation of the property to City of Venice Residential, Multi-family 3 (RMF-3)
Owner:	Piana Revocable Trust
Applicant:	Thompson Thrift Development, Inc.
Agent:	Jeffery Boone, Esq., Boone Law Firm
Parcel ID:	0387-13-0001
Property Size:	19.35 ± acres
Existing 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:	9/22/2020

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 19.35± acre property currently has a Sarasota County Open Use Estate zoning designation and the applicant is seeking a City of Venice Residential, Multi-family 3 (RMF-3) designation for the future development of multifamily housing. 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 Medium Density Residential. Pursuant to Land Use Strategy LU 1.2.4, the proposed RMF-3 zoning district is the implementing district for the MEDR 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. 20-45AN (Recommended for approval by Planning Commission on January 12, 2021)
- Comprehensive Plan Amendment Petition No. 20-46CP

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:

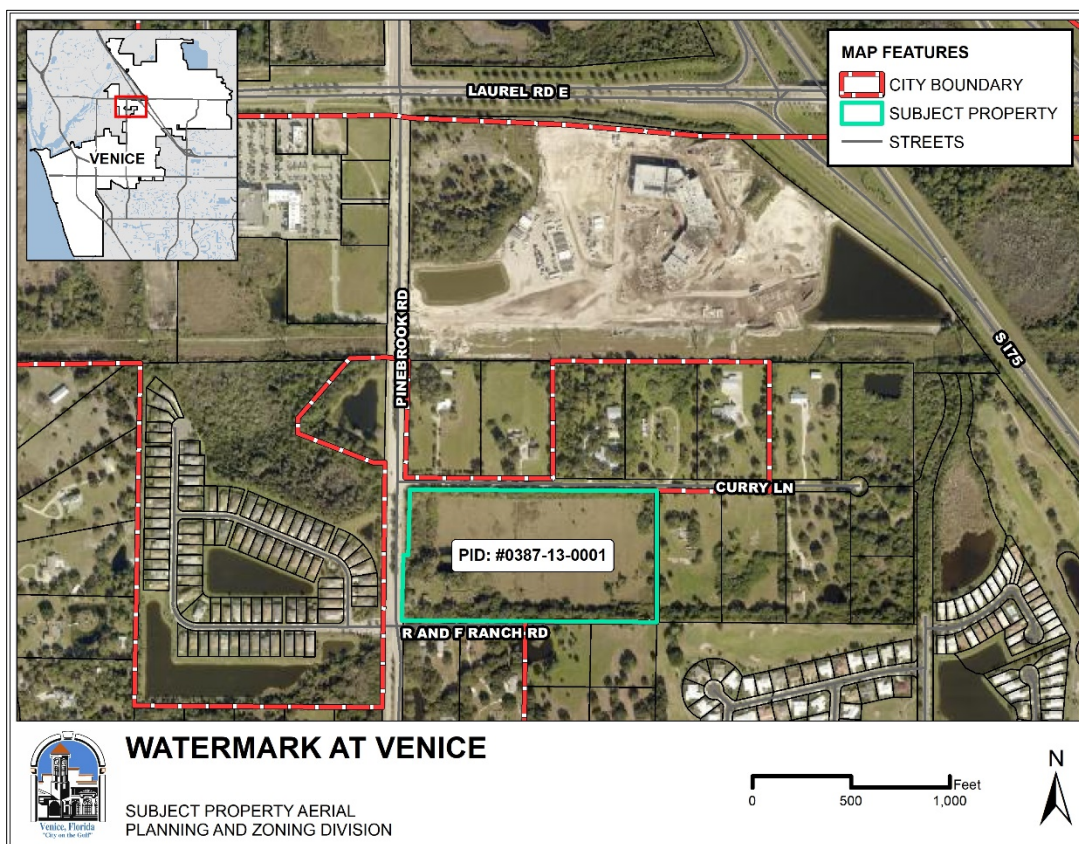
- **Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):**
Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the proposed Residential, Multi-family 3 designation, Policy 8.2 regarding compatibility, and strategies found in the 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. The subject property is bounded by Pinebrook Road to the west and Curry Lane to the north. To the south of the property are more parcels within JPA/ILSBA Area 6, along with residential properties within the City boundary. To the east are residential parcels within the City as well. Vehicular access is provided from R&F Ranch Road.



Site Photographs



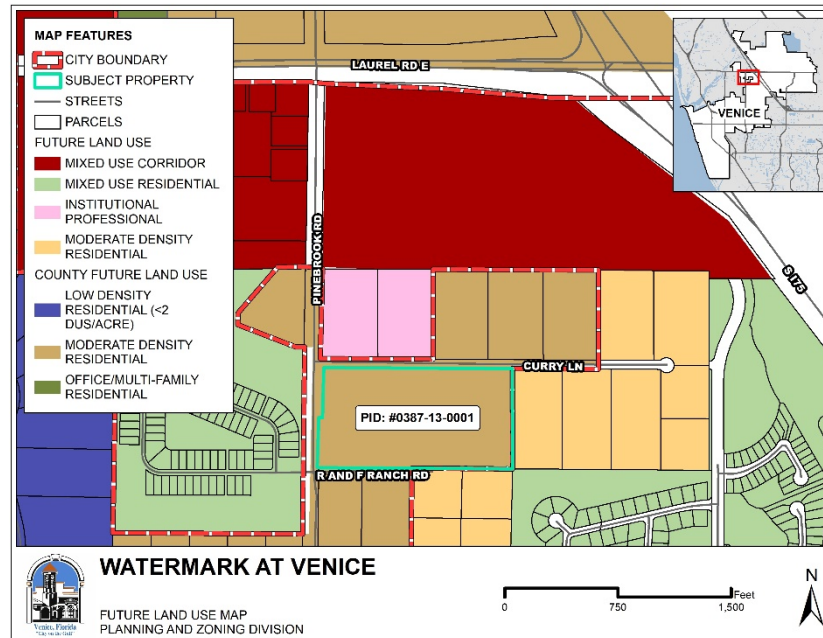
Views from Curry Lane



Views from R&F Ranch Road

Future Land Use

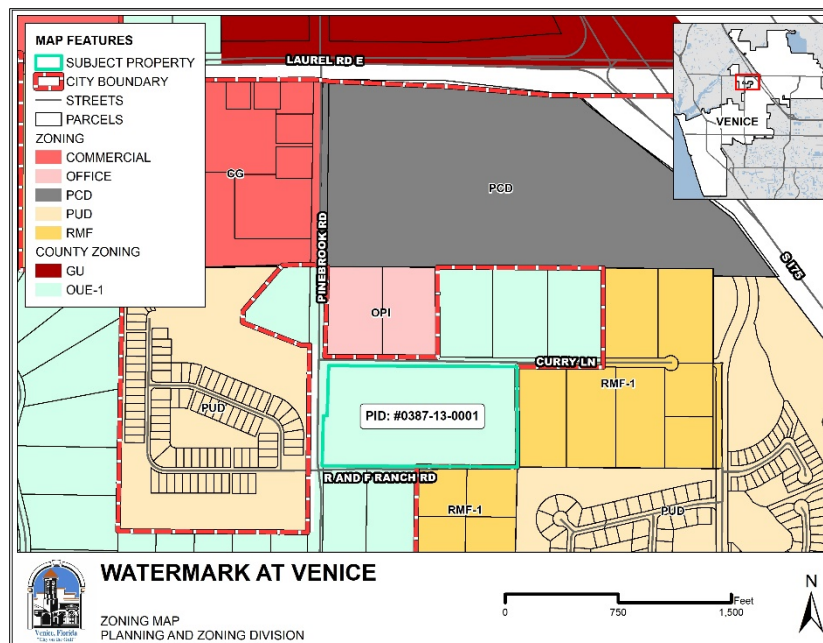
The subject property is designated as Moderate Density Residential (MODR) on the County's Future Land Use (FLU) map. Some properties to the north and south are in Sarasota County and also have designations of MODR. A City of Venice Mixed Use Residential designation lies to the west across Pinebrook Road. Properties to the south and east that are within the City of Venice have City Moderate Density Residential designations. Two parcels to the north across Curry Lane are in process of receiving a City FLU designation of Institutional Professional.



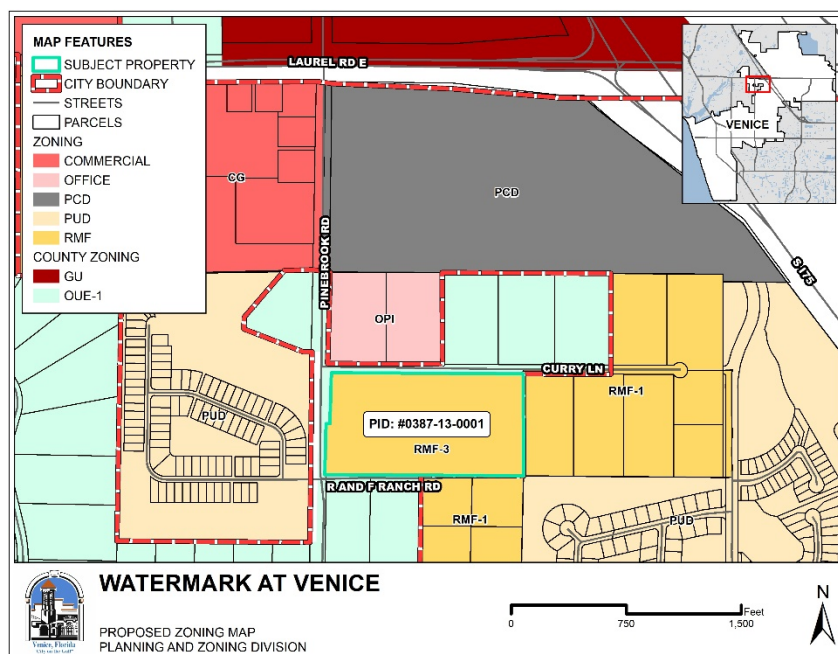
Zoning Designation

The zoning map below shows the existing county and city zoning of the subject and adjacent properties. The subject property and the properties to the north and south are zoned County Open Use Estate-1 (OUE-1). The property west of the subject property across Pinebrook Road has a City Planned Unit Development (PUD) zoning designation. The property to the east and south within city limits is zoned City Residential, Multi-family 1 (RMF-1). Two properties to the north along Curry Lane are in process of receiving a City Office, Professional and Institutional designation.

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	Residential/undeveloped	Sarasota County OUE-1	Sarasota County Moderate Density Residential (JPA Area 6), proposed Institutional Professional
West	Residential	City of Venice Residential, Multi-family 1 (RMF-1)	Sarasota County Moderate Density Residential (MODR)
South	Residential	Sarasota County OUE-1, City RMF-1	Sarasota County MODR (JPA Area 6)/City MODR
East	Residential	Planned Unit Development	Mixed Use Residential

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 Residential, Multi-family 3 (RMF-3) 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 RMF-3 Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County

OUE to City RMF-3. 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 residential 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 – RMF-3
Density Limit	1 du/5 acres	13 du/acre
Intensity Limit	N/A	N/A
Maximum No. of Dwelling Units	3	251
Height	35 feet	45 feet*
Principal Uses	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium***	Multiple-family dwellings, Patio houses, Two-family dwellings, Townhouses or cluster houses, Houses of worship, Community residential homes, Bed and breakfast inn, One single-family dwelling per lot, Public elementary and high schools, Parks, playgrounds, playfields and city buildings***

*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 1.2.3 – Residential, the proposed zoning designation of RMF-3 is identified as an implementing zoning district for the proposed Medium Density Residential 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 RMF-3 rezoning is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA.

B. Building heights and setbacks.

Applicant Response: Building height and setback will be compatible with the existing neighborhood.

C. Character or type of use proposed.

Applicant Response: The proposed RMF-3 zoning will allow for development of a community of paired villas which will be compatible with the broad range of uses in the neighborhood and consistent with the requirements of the JPA/ILSBA and the Comprehensive Plan.

D. Site and architectural mitigation design techniques.

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

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 RMF-3 zoning is compatible with single-family zoning. Site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

Staff Comment: *The property is adjacent to single-family residential uses to the west, and appropriate mitigation techniques including setbacks, buffers, and landscaping will be required 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: Not applicable.

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: Not applicable.

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 RMF-3 zoning will allow for density which will integrate well with the densities and intensities of existing uses in the area including single-family residential, multi-family residential, commercial retail, medical office, and hospital.

Staff Comment: *The proposed Medium Density Residential FLU indicates a density of 9.1-13.0 through the designation, and the proposed zoning district of RMF-3 allows up to 13 units per acre. The consideration of density 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. 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 MODR on property zoned RMF-1 to the east and south allows a density of up to 9.0 du/ac. IP zoning to the north 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.

Applicant Response: No incompatibility exists, nevertheless, site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

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

Applicant Response: No incompatibility exists, nevertheless, site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

K. Locating road access to minimize adverse impacts.

Applicant Response: No incompatibility exists, nevertheless, road access to the property will be designed to minimize impacts.

L. Adjusting building setbacks to transition between different uses.

Applicant Response: No incompatibility exists, nevertheless, site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

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

Applicant Response: No incompatibility exists, nevertheless, site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

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

Applicant Response: No incompatibility exists, nevertheless, site and architectural mitigation design techniques, if necessary, will be established through the Site & Development Plan process.

Summary Staff Comment: *Mitigating factors will 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 Medium Density Residential 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 change is consistent with all applicable elements of the Comprehensive Plan.

Staff Comment: *RMF-3 is listed in the comprehensive plan as the implementing district of the MEDR FLU designation.*

(b) The existing land use pattern.

Applicant's Response: The proposed RMF-3 rezoning will allow for development of a community of paired villas which will integrate well with the range of existing and planned uses in the area including single-family residential, multi-family residential, commercial retail, medical office and hospital.

Staff Comment: *Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes planned development and residential uses, 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 rezoning to the RMF-3 zoning district will not create an isolated district unrelated to adjacent and nearby districts.

Staff Comment: *The proposed zoning will not be the same as adjacent or nearby districts, but may be considered related to nearby single and multifamily residential zoning districts.*

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

Applicant's Response: The proposed RMF-3 rezoning will not result in an overtaking of the load on public facilities such as schools, utilities and streets.

Staff Comment: *The proposed change will increase the property's allowable density and will increase population 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 proposed rezoning to the RMF-3 zoning district is necessary to place a City of Venice zoning designation on the property upon annexation.

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: The annexation of the property makes the passage of the proposed rezoning necessary.

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

Applicant's Response: The proposed RMF-3 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 change will not excessively create or increase traffic congestion or otherwise affect public safety.

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

Applicant's Response: The proposed change will not create a drainage problem.

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: The proposed change will not seriously reduce light and air to adjacent areas.

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: The proposed change will not adversely affect property values in the adjacent area.

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 residential units.

- (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 change will not be a deterrent to the improvement of adjacent property.

Staff Comment: 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 change will not constitute a grant of special privilege, it is a requirement of the City following annexation.

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: The property currently maintains a Sarasota County zoning designation, annexation of the property requires zoning to a City zoning district.

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 change is not out of scale with the needs of the neighborhood, in fact the proposed change is necessitated by the recent changes in the scale of development in the area.

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 City lacks adequate sites for the proposed use in the area.

- **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.

A. 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 access improvements are warranted. An analysis of transportation concurrency for the site and development plan 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. 20-47RZ.