

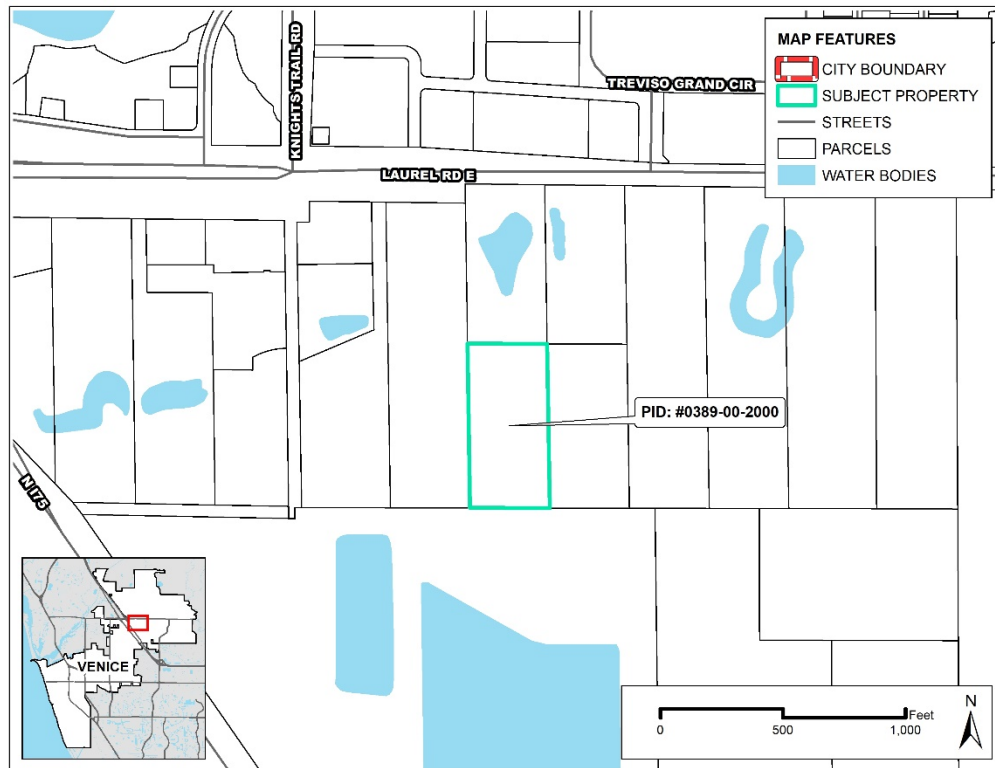


ZONING MAP AMENDMENT

STAFF REPORT

FARO PROPERTY

September 21, 2021
21-33RZ



GENERAL INFORMATION	
Address:	3530 Laurel Road East
Request:	To amend the zoning of the subject property from Sarasota County Open Use Estate to City of Venice Industrial, Light and Warehousing
Owner:	Thomas and Beatrice Faro
Agent:	Jackson R. Boone, Esq., Boone Law Firm
Parcel ID:	0389002000
Property Size:	5 ± acres
Future Land Use:	Mixed Use Corridor
Existing Zoning:	Sarasota County Open Use Estate (OUE)
Comprehensive Plan Neighborhood:	Laurel Road Neighborhood
Application Date:	July 22, 2021

RELATED PETITIONS

Comprehensive Plan Amendment Petition No. 21-32CP

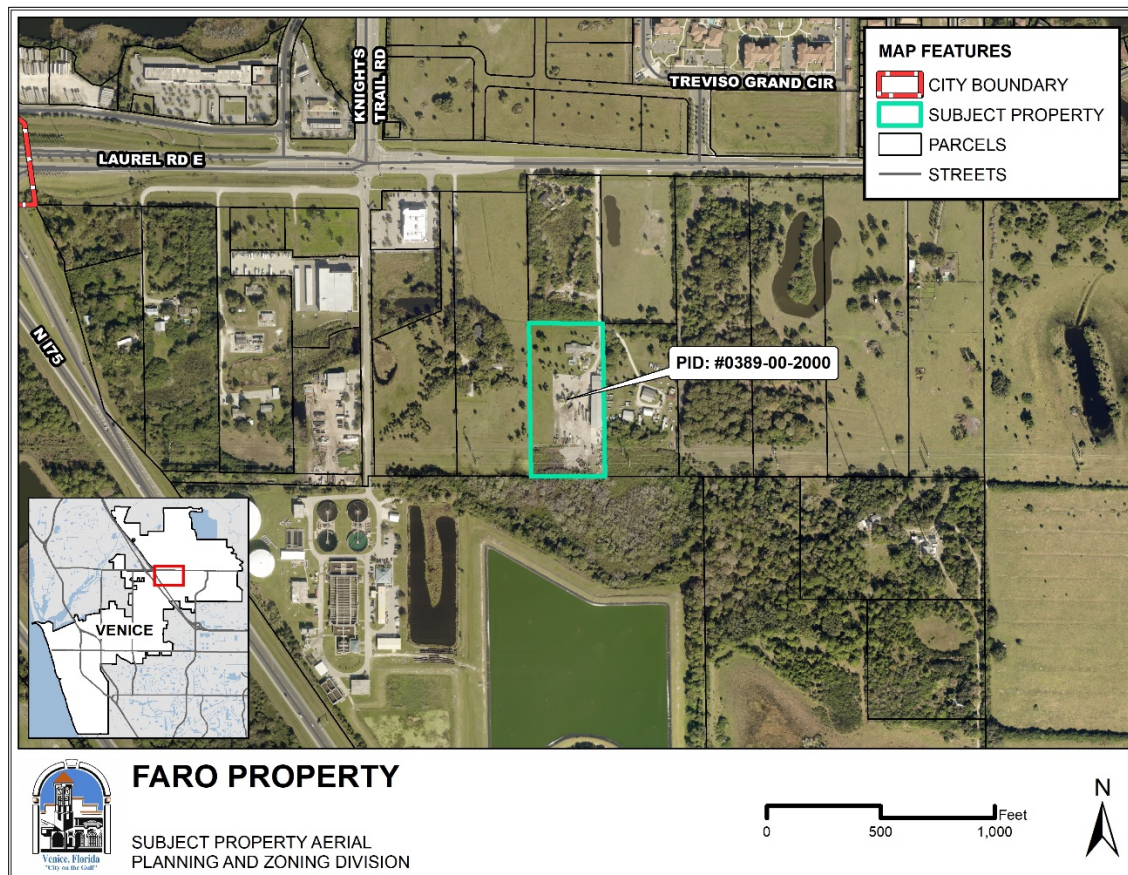
ASSOCIATED DOCUMENTS

A. Application Information (completed petition)

I. PROJECT DESCRIPTION

The subject petition seeks to change the zoning designation on the property from Sarasota County Open Use Estate to City of Venice Industrial, Light and Warehousing (ILW). This petition is contingent on a text amendment to the Comprehensive Plan (21-32CP) that proposes to expand the opportunity to designate existing industrial use properties as ILW.

II. EXISTING CONDITIONS



Site Photographs



View from Laurel Road



View from Driveway at Laurel Road



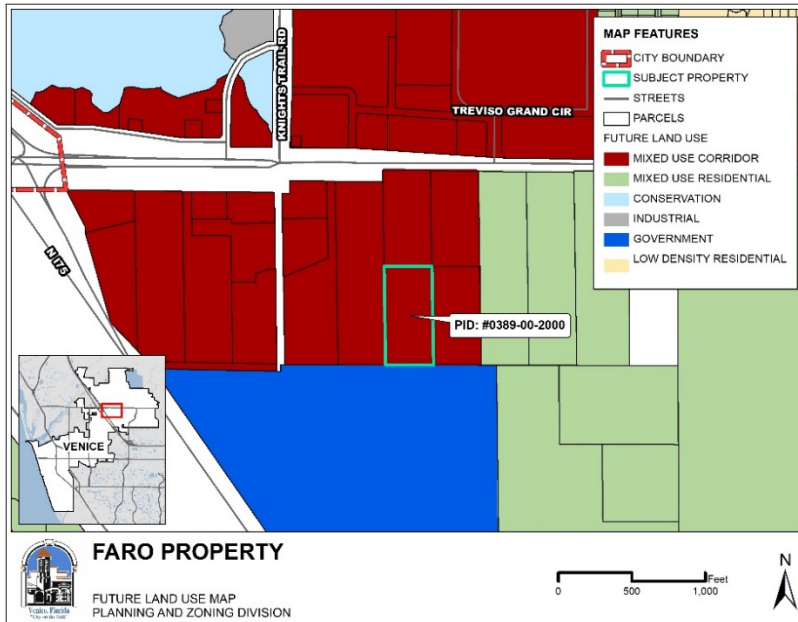
View of Development on Property



Alternate View of Development on Property

Future Land Use

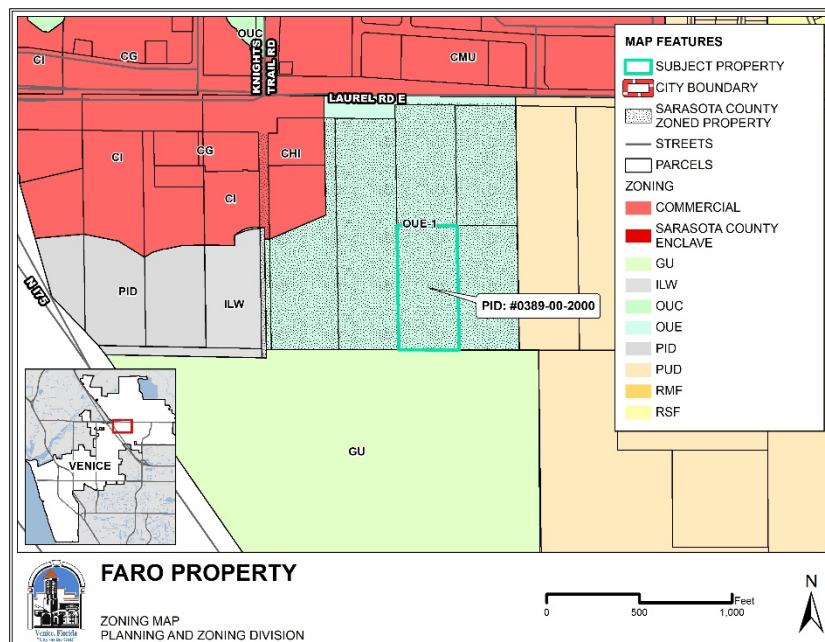
The subject property has a Future Land Use (FLU) designation of Mixed Use Corridor and is surrounded by the same designation on three sides (east, west, and north). To the south is a parcel with a Government FLU designation.



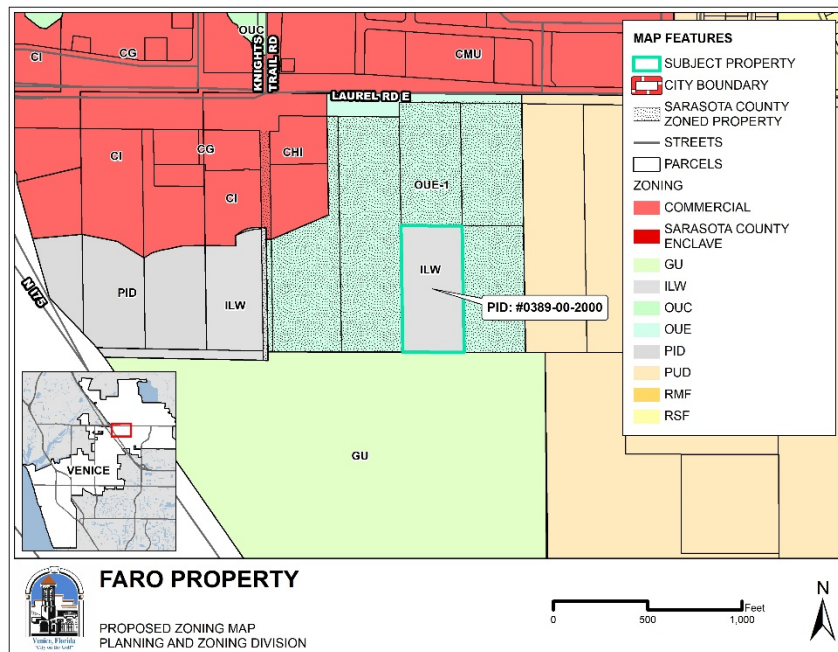
Zoning Designation

Existing zoning on the subject property is Sarasota County Open Use Estate (OUE-1), and again it is surrounded by the same OUE-1 zoning on three sides to the east, west, and north. Property to the south is zoned Government Use.

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 (single-family)/vacant	Sarasota County Open Use Estate (OUE-1)	Mixed Use Corridor
West	Residential (single-family)	Sarasota County OUE-1	Mixed Use Corridor
South	Public Utilities	Government Use (GU)	Government
East	Residential (single-family)	Sarasota County OUE-1	Mixed Use Corridor

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 Industrial, Light and Warehousing (ILW) 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 ILW Zoning

The applicant has submitted a zoning map amendment application to rezone the subject property from County OUE to City ILW. The applicant has not indicated what, if any, future development of the property might be intended. The table below provides a comparison of the districts' development standards and permitted uses.

	Existing Zoning – OUE	Proposed Zoning – ILW
Density Limit	1 du/5 acres	None
Intensity Limit	N/A	None
Maximum No. of Dwelling Units	3	N/A – Sec. 86-100(c) “...no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises or for owners or employees who will be quartered on the premises.”
Height	35 feet	45 feet*
Lot Coverage	20%	None
Setbacks	Front: 50 feet Side: 50 feet/100 feet combined Rear: 50 feet	Front and side: None Rear: Five feet, unless adjacent to railroad rights-of-way. Loading doors eight feet wide or wider have a 20 foot setback from all public street rights-of-way other than alleys. (Sec. 86-100(j)(2))
Principal Uses	Residential, Agriculture, Borrow Pit, Family Daycare, Parks, Utilities, Crematorium**	Wholesaling, warehousing, storage or distribution establishments and similar uses; Light manufacturing, processing (including food processing, but not slaughterhouses); packaging or fabricating in completely enclosed buildings; printing, lithographing, publishing or similar establishments; Bulk storage yards; Outdoor storage yards and lots; Retail and repair establishments**

*Conditional Use available for additional height

**Not an exhaustive list of district uses

Consistency with the Comprehensive Plan

Strategy LU 1.2.4 – Non-Residential, the proposed zoning designation of ILW is identified as an implementing zoning district for the Mixed Use Corridor 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.
- B. Building heights and setbacks.
- C. Character or type of use proposed.
- D. Site and architectural mitigation design techniques.

Summary Staff Comment: *The proposed rezoning is not accompanied by any development proposal. Intensity in the ILW district is not limited; however, additional review through the site and development plan process would be required for any increase in intensity of the existing use.*

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.

Staff Comment: *The property is adjacent to single-family residential uses to the east, west, and north, which are also zoned County OUE and have very low density. However, the existing use has been in place for many years. Appropriate mitigation techniques including setbacks, buffers, and landscaping may be considered at the point of development, if such development is to be proposed in the future, to ensure compatibility with lower density residential uses. To the south is a City-owned water treatment facility, for which less mitigation would be needed.*

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

Staff Comment: *The industrial use on this property is existing and has been in existence since prior to the property's annexation in 2006, according to the applicant.*

- 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.

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.

Staff Comment: *The Mixed Use Corridor FLU indicates an intensity of 1.0 FAR per individual property, and the proposed zoning district of ILW does not provide an intensity limit. The FAR of the existing property appears to be well below the 1.0 maximum of the MUC. Existing residential zoning surrounds the parcel to the east, west, and north, with an allowed density of 0.2 dwelling units per acre. Future updates to the Land Development Code and Comprehensive Plan may impact the allowable residential density on these surrounding properties. Intensity is not limited on the Government property to the south.*

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.

Summary Staff Comment: *There is no development proposed for the property at this time. The applicant notes that the existing industrial use has been on the site for over fifteen years. Mitigating factors would be more specifically addressed in the future through site and development plan review, if and when further development of the property is proposed.*

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

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the Mixed Use Corridor future land use designation, Policy 8.2 regarding compatibility, and strategies found in the Laurel Road 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: With the adoption of the concurrently filed Comprehensive Plan text amendment, the proposed change is in conformance with the Comprehensive Plan.

Staff Comment: *ILW is listed in the comprehensive plan as an implementing district of the MUC designation, and the text amendment proposed through 21-32CP would allow properties with existing industrial uses to rezone to the ILW zoning district.*

(b) The existing land use pattern.

Applicant's Response: The subject property, setback from Laurel Road in excess of 650 feet, and adjacent to the City's waste water treatment plant is well suited for the proposed use.

Staff Comment: *Compatibility is addressed in the previous section, Consistency with the Comprehensive Plan. The existing land use pattern includes government and residential 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 ILW zoning is not unrelated to nearby zoning districts and the proposed use has operated in harmony with the neighborhood for in excess of 15 years.

Staff Comment: *The proposed zoning will not be the same as adjacent residential districts, but other properties in the MUC to the west of the subject property are zoned ILW.*

- (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 rezoning will not increase or overtax the load on public facilities.

Staff Comment: *The amendment does not propose an immediate change to the amount of 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: Not applicable. The prior annexation to the City of Venice and the need to rezone to a City of Venice zoning designation makes the amendment necessary. The proposed ILW zoning is the logical zoning for the property which has operated as a welding business for in excess of 15 years.

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 prior annexation to the City of Venice and the need to rezone to a City of Venice zoning designation makes the amendment necessary.

Staff Comment: *The property was annexed in 2006 and has not yet been given a City zoning designation.*

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

Applicant's Response: The proposed change will not adversely influence living conditions as the existing use will remain on the property.

- (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 create or excessively increase traffic as the existing use will remain on the property.

- (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.*

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

Applicant's Response: The proposed change will not reduce light and air to adjacent areas.

Staff Comment: *No physical changes to the site are proposed.*

- (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 development of the property.*

- (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 or development of adjacent property in accord with existing regulations.

- (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 to an individual owner as contrasted with the public welfare.

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

Applicant's Response: The annexation into the City necessitates a rezoning to a City of Venice zoning district.

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

Applicant's Response: The change suggested is not out of scale with the needs of the neighborhood or the city.

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: Not applicable. The prior annexation into the City necessitates a rezoning to a City of Venice zoning district.

Staff Comment: *The purpose of the petition is to align the existing use with the most appropriate zoning district.*

- **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. 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.

Mobility

No development has been proposed through this petition, and thus no traffic information has been provided.

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

A review of the application has not indicated any potential issues regarding mobility related to the subject property.

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. 21-33RZ.