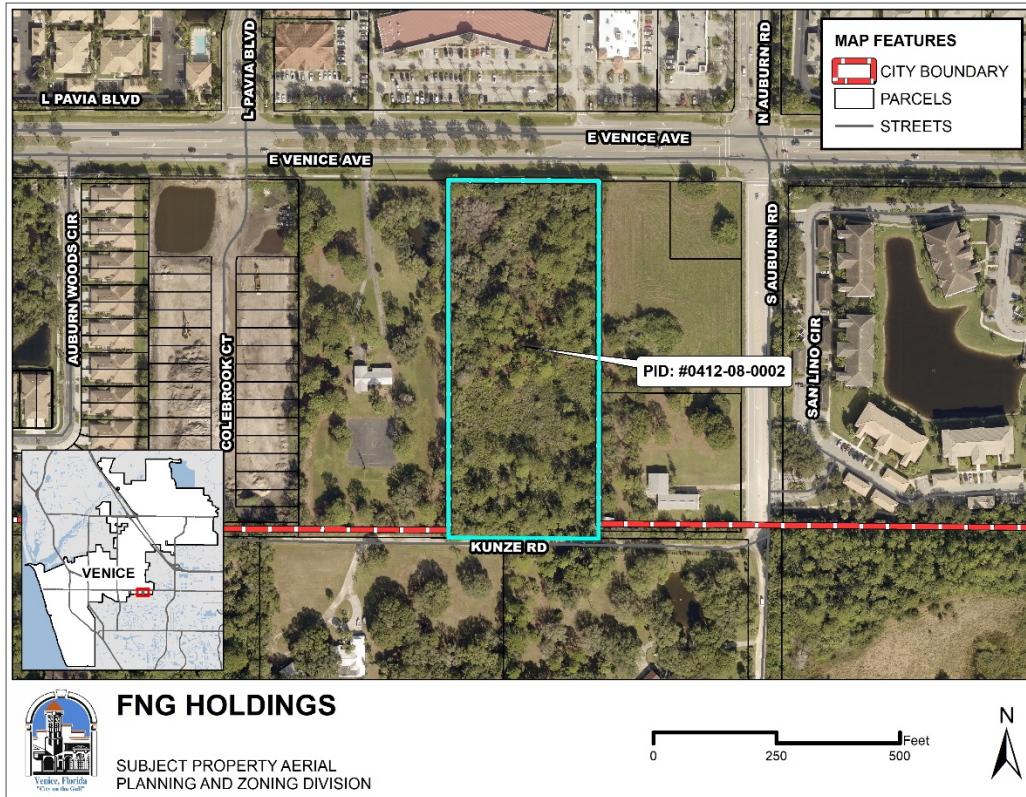




ANNEXATION: FNG

STAFF REPORT

September 21, 2021
21-22AN



GENERAL INFORMATION	
Location:	S. side of E. Venice Avenue between Colebrook Ct. and S. Auburn Rd.
Request:	The annexation of approximately 5 ± acres located within Area 4 of the Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) between the City and the County as depicted on the City's future land use map.
Owner/ Applicant:	FNG Holdings-Land, LLC
Agent:	Jeffery A. Boone, Esq., Boone Law Firm
Parcel ID:	0412-08-0002
Property Size:	5 ± acres
Existing Future Land Use:	Sarasota County Medium Density Residential
Existing Zoning:	Sarasota County Open Use Estate 1 (OUE-1)
Comprehensive Plan Neighborhood:	East Venice Avenue Neighborhood
Application Received:	May 28, 2021
Related Submissions:	Comprehensive Plan Amendment, Zoning Map Amendment

I. EXISTING CONDITIONS

The subject property borders East Venice Avenue and Kunze Road between Colebrook Court and South Auburn Road, within JPA/ILSBA Area 4. The land is primarily wooded, with an area of wetlands. North of the subject property is Villa Venezia Plaza, with various commercial uses, and the American Legion facility. To the south is single family. East of the property is vacant commercial land and a warehouse. To the west is vacant residential land. Vehicular access can be provided off of East Venice Avenue, with the potential for access off of Kunze Road with required road improvements.

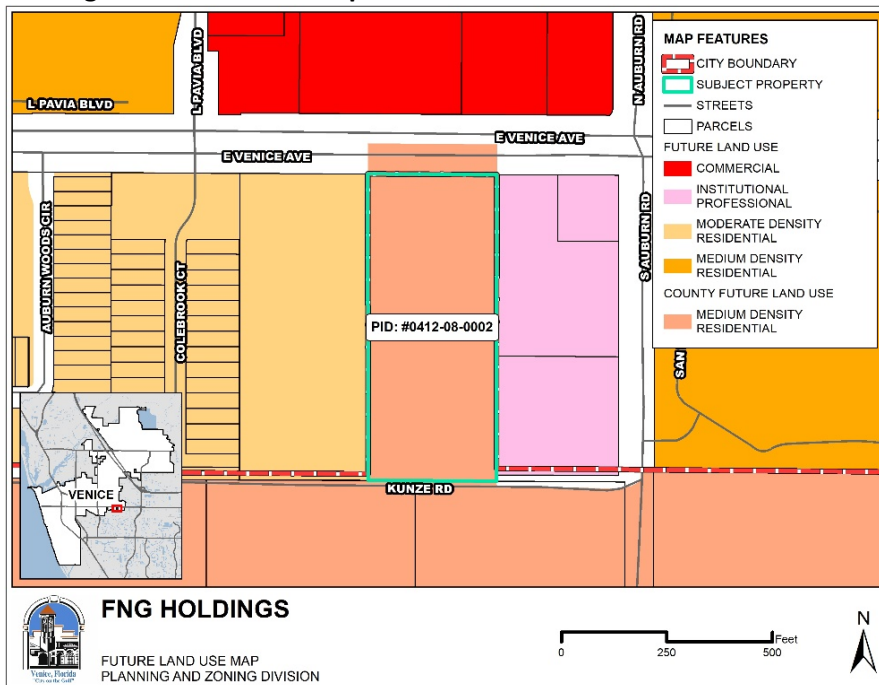
Site Photographs



Future Land Use

The subject property is designated as Medium Density Residential on the County's Future Land Use (FLU) map, along with the properties to the south. Across East Venice Avenue lies property designated as Commercial. Adjacent property to the east is Institutional Professional and west of the subject property is Moderate Density Residential. The applicant has submitted a concurrent Comprehensive Plan Amendment application to designate the property as City Moderate Density Residential.

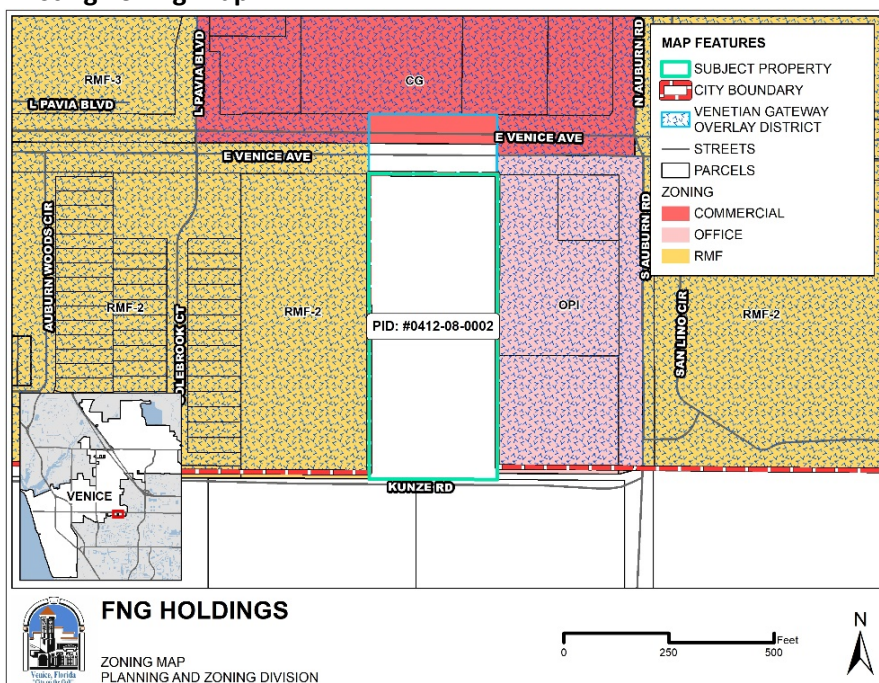
Existing Future Land Use Map



Zoning Designation

The subject property lies in an area typically regulated by the Venetian Gateway Overlay District (VG). The VG should be considered for inclusion for any proposed rezoning of the property. The subject property and adjacent properties to the south are zoned County Open Use Estate-1 (OUE-1). The property to the north is Commercial General/Venetian Gateway (CG/VG). To the east is Office, Professional & Institutional/Venetian Gateway (OPI/VG) and to the west is Residential Multi-family/Venetian Gateway (RMF-2/VG). The applicant has submitted a concurrent Zoning Map Amendment application to designate the property as Residential Multi-family (RMF-2).

Existing Zoning Map



Surrounding Properties

Direction	Existing Land Use(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Commercial (Villa Venezia Plaza)	CG/VG	Commercial
South	Residential	Sarasota County OUE-1	Sarasota County Medium Density Residential (JPA/ILSBA Area 4)
East	Vacant, Warehouse	OPI/VG	Institutional Professional
West	Residential (Cottages of Venice)	RMF-2/VG	Moderate Density Residential

II. NOTIFICATION OF POTENTIAL ANNEXATION TO SARASOTA COUNTY

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

The subject annexation application was deemed complete on May 28, 2021 by the City's Planning and Zoning Division and was forwarded to Sarasota County staff on June 17, 2021. The subject property lies within Area 4 of the JPA/ILSBA and provision of water and sewer service by the City is indicated for this area. The JPA/ILSBA indicates that the "County will not challenge, administratively, judicially, or otherwise, any annexations by the City that annex lands within the Potential Annexation Areas unless the annexed property is not contiguous, as defined in Chapter 171, Florida Statutes, to a City boundary, not compact, or cannot be adequately and reasonably served by police and fire services, or is inconsistent with this Agreement."

III. FINANCIAL FEASIBILITY ANALYSIS

Consistent with the City's annexation process, the applicant has provided the financial feasibility analysis below (table and the notes that immediately follow it, numbered 4, 5, and 6) for the potential annexation of the subject property.

FINANCIAL FEASIBILITY REPORT

	Dwelling Units/ Square Footage	Average Taxable Amount	Ad Valorem Tax Revenue	Utility Capacity Fee	Impact Fees/ Mobility Fees
Per Unit	1 unit	\$ 300,000.00	\$ 1,499.22	\$ 4,785.00	\$ 8,733.00
Total	35 units	\$ 10,500,000.00	\$ 52,472.70	\$ 167,475.00	\$ 305,655.00

NOTES:

- Additional annual revenues to the City will result from the Communication Service Tax, Insurance Premium Taxes, Utility Service Taxes, Franchise Fees, Water and Sewer Fees, and other License and Permitting Fees.

- ii. Number and value of residential units for the development is based upon conservative estimate at time of application submittal.
- iii. Moreover, despite the potential for the Property to develop as either multi-family or single-family, multi-family was used in this report because it provides the most conservative revenue to the City.

IV. PLANNING ANALYSIS

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

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

Chapters 163 and 171 Florida Statutes

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

The City and County executed the JPA/ILSBA originally in 2007 and have agreed to amendments of the document multiple times with the most recent amendment being in 2021. The agreement was executed in order to identify lands that are logical candidates for future annexations, the appropriate land uses and infrastructure needs and provider for such lands, ensure protection of natural resources and to agree on certain procedures for the timely review and processing of development proposals within those areas. Consistent with the identified statutes, the JPA/ILSBA provides the procedure for coordination of the annexation of land into the City.

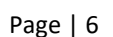
Consistency with the Comprehensive Plan

The Comprehensive Plan includes the JPA/ILSBA; therefore, the majority of the analysis for Comprehensive Plan consistency is related to this agreement. The subject petition has been processed consistent with the procedures identified in the JPA/ILSBA including notification of the potential annexation to Sarasota County. As indicated, the applicant is proposing a residential use for the subject property; JPA/ILSBA Area 4 permits 7 units per acre calculated on a gross acreage basis. Approval of the annexation does not extend to any proposed uses. Uses will be determined based on the subsequent consideration of future land use and zoning.

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

"Contiguous" means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The subject property is contiguous to the City boundary along the entirety of its northern, western, and eastern borders.

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



Applicant Response: **The proposed annexation does not establish building heights or setbacks; this criteria will be established through the Property's zoning designation, which will be compatible with the existing neighborhood.**

C. Character or type of use proposed.

Applicant Response: **The proposed annexation does not establish a land use; however, the proposed annexation complies with the criteria and process set forth under to the JPA/ILSBA and Comprehensive Plan, both of which seek to facilitate compatibility between land uses.**

D. Site and architectural mitigation design techniques.

Applicant Response: **The annexation process does not encompass site and architectural design; therefore, Site and architectural mitigation design techniques, if necessary, will be established through the Preliminary Plat or Site & Development Plan review and approval processes.**

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

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

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses.
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
- 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.
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

Summary Applicant Response: **The proposed annexation does not establish a land use, and therefore compatibility will be properly evaluated at the time of Rezoning and/or Site & Development Plan review. However, the proposed annexation complies with the criteria and process set forth under the JPA/ILSBA and Comprehensive Plan, both of which seek to facilitate compatibility.**

Summary Staff Comment: This is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding development.

Based on the above evaluation there is adequate information to make a determination regarding compatibility with the surrounding properties and to make a finding on considerations E. thru H.

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

- I. Providing open space, perimeter buffers, landscaping and berms.
- 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 Applicant response: **The proposed annexation does not create any potential incompatibility; however, potential incompatibility that could arise through development of the Property, if any, shall appropriately be addressed at the time of Rezoning and/or Preliminary Plat or Site & Development Plan review.**

Summary Staff Comment: This is an annexation petition and does not propose development. Subsequent petitions will be reviewed regarding development.

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

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

B. Compliance with the Land Development Code (LDC)

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

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

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

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

C. Provision of Services

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

Conclusion / Findings of Fact (Provision of Services):

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

V. CONCLUSION / FINDINGS OF FACT SUMMARY

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

Compliance with the Land Development Code: The subject petition complies with all applicable Land Development Code requirements.

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

VI. PLANNING COMMISSION REPORT AND RECOMMENDATION TO CITY COUNCIL

Upon review of the petition, Florida Statutes, the 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 Comprehensive Plan Amendment, Petition No. 21-22AN.