AGENDA REQUEST

AGENDA HEADING: Unfinished Business

COMMISSION MEETING DATE: June 17, 2019

AGENDA ITEM NO: V1.3.

BY Planning

Originating Department

Steven Cover

Department Head

Development Services Director Litchet, Planning Director Cover, and Planning Manager Smith

Presenter

SUBJECT:

Direction Re: Discussion and direction regarding Administrative Review for development projects.

COMMISSION PRIORITIES:

Economic Development and Growth

EXPLANATION: (see next page for additional explanation)

On February 4, 2019, the City Commission directed Development Services and Planning Departments staff to consider the current administrative review process for site plans in the Downtown Zone districts and provide a recommendation as to its continued implementation. Staff met numerous times to discuss the site plan review process, not only for downtown, but city-wide. Staff recommends that administrative review continue for projects in the Downtown Zone districts that may have lesser impacts on neighboring properties, but for projects that may have greater impacts to go through the site plan review process with a public hearing before the Planning Board. As identified in the report contained in the backup material, staff recommends Planning Board site plan public hearings for downtown projects that exceed certain thresholds.

Additionally, staff recommends that thresholds for requiring site plan review public hearings outside of the downtown be revised as stated in the report.

ADMINISTRATION'S RECOMMENDATION:

Provide direction on revising the Zoning Code regarding administrative review and site plan public hearing thresholds, and for revising the two process changes identified in the report.

APPROVAL SUMMARY:

<table>
<thead>
<tr>
<th>Approval</th>
<th>Required</th>
<th>Date Completed</th>
<th>Completed By</th>
<th>Status</th>
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<tr>
<td>Department Head Approval</td>
<td>Y</td>
<td>06/04/2019</td>
<td>David Smith</td>
<td>APPROVED</td>
</tr>
<tr>
<td>Deputy City Manager Approval</td>
<td>Y</td>
<td>06/04/2019</td>
<td>Marlon Brown</td>
<td>APPROVED</td>
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<tr>
<td>City Manager Approval</td>
<td>Y</td>
<td>06/04/2019</td>
<td>Marlon Brown</td>
<td>APPROVED</td>
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<tr>
<td>City Auditor and Clerk Approval</td>
<td>Y</td>
<td>06/06/2019</td>
<td>Shayla Griggs</td>
<td>APPROVED</td>
</tr>
</tbody>
</table>
ADDENDUM EXPLANATION:
The City Commission also encouraged staff to review other processes that may need revision. Staff recommends two additional process revisions in the report that will address issues that have been encountered in the past.

If the City Commission approves the suggested process changes identified in the report, a Zoning Text Amendment containing the changes would be prepared and presented at public hearings to the Planning Board and City Commission later this year.

FUNDING SOURCE:  AMOUNT:

HOUSING IMPACT (Per House):  NEW CONSTRUCTION:  REHABILITATION:

$0  $0

SUPPORT DEPARTMENTS:
Development Services - Timothy Litchet

AGENDA DISPOSITION

COMMISSION ACTION:
Final Action Motion:  
Motion By:  Second By:  Vote:  

Site Plan Review Process Recommendations

On February 4, 2019, the City Commission directed Development Services and Planning Departments staff to consider the current administrative review process for site plans in the Downtown Zone districts and provide a recommendation as to its continued implementation. During that meeting, it was stated by citizens that the administrative review process does not allow adequate opportunity for public input during the site plan review process. Staff acknowledges that public input is limited during administrative review of site plans in the Downtown Zone districts and, therefore, recommends that the site plan review process for Downtown Zone districts be revised to incorporate thresholds whereby development proposals that exceed one or more of the thresholds would require Planning Board site plan approval through a public hearing. The six thresholds are located in 2. A. Inside the Downtown Zone Districts located on page 4.

Additionally, staff recommends revising the site plan threshold criteria for when a development project is located outside of the Downtown Zone districts. The existing site plan thresholds are antiquated and can be overly burdensome in some cases, particularly for small building improvements that have no impact on neighboring properties. These existing thresholds are listed in 1. Existing Site Plan Thresholds in Article IV, Division 5 – Site Plan on pages 2 and 3. Staff proposes ten thresholds that are designed to provide for public hearings allowing public input on development projects that could impact neighboring properties while not being overly burdensome on smaller development projects. The ten thresholds are listed in 2. B. Outside the Downtown Zone districts located on pages 5 and 6.

The City Commission also encouraged staff to look at other processes that may need revisions. Staff recommends two additional process revisions that will address issues that have been encountered in the past. These two recommendations are listed in 3. Other Proposed Process Revisions located on page 7.

The comprehensive plan includes an action strategy that states the City will review certain developments in the Downtown Zone districts administratively. Future Land Use Action Strategy 4.13 would be retained in the comprehensive plan and is identified in 4. Sarasota City Plan Action Strategy 4.13, Administrative Review Process located on page 8.

Staff has provided flowcharts displaying the current site plan review processes in 5. Site Plan Review Process Flowcharts located on pages 11 and 12.

A map of the Downtown Zone districts is located on page 13.
1. **Existing Site Plan Thresholds in Article IV, Division 5 – Site Plan**

   (a) **Purpose.** The purpose of site plan review is to ensure that development is carried out in compliance with these regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the zoning lot(s) and development is required in order that the approving authority can make an informed decision.

   (b) **Applicability.** Site plan approval is required prior to the issuance of a building permit for any buildings other than single-family and two-family dwellings.

   (c) **Administrative site plans.** Unless the site plan is proffered as part of a rezoning application or is submitted in connection with a conditional use request, or on property in the "G" zone district, or processed as provided in section IV-1901 (downtown zone districts), the department of development services is authorized to administratively review and approve or deny the following site plan applications:

   (1) New residential development, except as noted in (b) above, that cumulatively results in fewer than eight units.

   (2) Additions to existing residential units, except as noted in (b) above.

   (3) New commercial developments that cumulatively result in:

       a. Less than 10,000 square feet of gross floor area if not within 100 feet of a residential zoning district.

       b. Less than 5,000 square feet of gross floor area if within 100 feet of a residential zoning district.

   (4) Additions to commercial developments that cumulatively result in:

       a. Less than 5,000 square feet of gross floor area if not within 100 feet of a residential zoning district and the addition does not result in the building being larger than 10,000 square feet of gross floor area.

       b. Less than 5,000 square feet of gross floor area if within 100 feet of a residential zoning district and the addition does not result in the building being larger than 5,000 square feet of gross floor area.

   (5) Notwithstanding the provisions of section IV-501(c)(4)a. and b. above, one addition to a commercial development totaling 500 square feet or less may be administratively approved once each five calendar years.
(d) **Other site plans.** All other applications for site plan approval exceeding the thresholds set out in Section (c) above and pertaining to properties located outside of the downtown zone districts shall be reviewed and approved or denied by the planning board.

(e) **Site plans proffered as part of a rezoning application.** For all site plans proffered as part of a rezoning application, the site plan shall be reviewed and approved or denied in accordance with the procedure set forth in article IV, division 11, as part of the rezoning application. The approval or denial shall be based on the criteria set forth in section IV-506.

(f) **Site plans submitted with a conditional use application.** If the site plan application is for a use that requires a conditional use approval, the site plan shall be reviewed and approved or denied in accordance with the procedure set forth in Article IV, Division 9, as part of the conditional use application. The approval or denial shall be based on the criteria set forth in Section IV-506.

(g) **Site plans for development of property located in the G zone district.** If the site plan application is for development of property located in the G zone district, the site plan shall be reviewed by the Planning Board in accordance with the procedure set forth in Article IV, Section 504(d) and shall be reviewed and approved or denied by the City Commission in accordance with the procedure set forth in Article IV, Section 505.
2. Proposed Site Plan Thresholds - Staff Recommendations

Planning Board Public Hearing for approval of a site plan shall be required for:

A. Inside the Downtown Zone Districts within Downtown Bayfront (DTB), Downtown Core (DTC), Downtown Edge (DTE), Downtown Neighborhood Edge (DTNE), and Downtown Neighborhood (DTN).

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Status</th>
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<tbody>
<tr>
<td>1. Buildings greater than 5 stories in height.</td>
<td>New</td>
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<tr>
<td>2. Minor and Major Conditional Use applications (with caveat that a</td>
<td>Existing and New</td>
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<tr>
<td>signed and sealed site plan is not required for an existing structure</td>
<td></td>
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<td>where the existing building footprint will not be modified – *this caveat</td>
<td></td>
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<td>is New).</td>
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<td>3. Rezone applications when proffered or required (*these also go to the</td>
<td>Existing</td>
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<td>City Commission*).</td>
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<td>4. Any new hotel.</td>
<td>New</td>
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<td>5. Any use with a drive-thru component, including fuel pumps.</td>
<td>New</td>
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<tr>
<td>6. Any use proposing outdoor amplified music.</td>
<td>New</td>
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</tbody>
</table>
B. Outside the Downtown Zone districts.

<table>
<thead>
<tr>
<th></th>
<th>Threshold</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Minor and Major Conditional Use applications (with caveat that a signed and sealed site plan is not required for an existing structure where the existing building footprint will not be modified – <em>this caveat is New</em>).</td>
<td>Existing and New</td>
</tr>
<tr>
<td>2.</td>
<td>Rezone applications when proffered or required (<em>these also go to the City Commission</em>).</td>
<td>Existing</td>
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<tr>
<td>3.</td>
<td>Any new residential development that cumulatively results in 8 or more units in any zone district, including a mixed-use project.</td>
<td>Existing</td>
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<tr>
<td>4.</td>
<td>Any new hotel.</td>
<td>New</td>
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<tr>
<td>5.</td>
<td>Any new dormitory or nursing home.</td>
<td>New</td>
</tr>
<tr>
<td>6.</td>
<td>Any use with a drive-thru component, including fuel pumps.</td>
<td>New</td>
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<tr>
<td>7.</td>
<td>Any use with an outdoor storage component, however, no Planning Board site plan public hearing in an industrial or commercial zone district unless within 500 feet of a residentially zoned lot.</td>
<td>New</td>
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<tr>
<td>8.</td>
<td>Any use proposing outdoor amplified music.</td>
<td>New</td>
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| 9. | Thresholds for New commercial, industrial, office, or non-residential portion of a mixed-use development:  
   a. If the building square footage is from 5,001 to 10,000 sq. ft. within 100 feet of a residential zone;  
   b. If the building square footage is from 10,001 to 25,000 sq. ft. within 200 feet of residential zone;  
   c. If the building square footage is greater than 25,000 sq. ft. in any location.  
   d. If the building height is either greater than 2 stories or 20 feet taller than the adjacent zone district allows for maximum height and the building is adjacent to a residentially zoned lot. | New             |
<table>
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<tr>
<th>Thresholds for additions to Existing commercial, industrial, office, or non-residential portion of a mixed-use development:</th>
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<tbody>
<tr>
<td>a. If the building is located 100 feet or less from a residentially zoned lot and the building square footage increase is 1,000 sq. ft. or greater;</td>
</tr>
<tr>
<td>b. If the building is located more than 100 feet, but less than or equal to 200 feet, from a residentially zoned lot and the increase is 15% or greater than the existing floor area square footage.</td>
</tr>
<tr>
<td>c. If the building is located more than 200 feet from a residentially zoned lot and the increase is equal to or greater than 25% of the existing floor area square footage.</td>
</tr>
<tr>
<td>d. If the building is located 100 feet or less from a residentially zoned lot and the building addition results in height that is either greater than 2 stories or 20 feet taller than adjacent zone district allows for maximum height.</td>
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3. Other Proposed Process Revisions

1. Revise restaurant/bar/nightclub definitions:
   - Restaurant – a commercial establishment which prepares and serves meals selected from a menu to customers. Meals are prepared, served, and eaten on premises, but may also be offered for takeout or food delivery services.
   - Bar – a commercial establishment whose principal business is the sale of alcoholic beverages for consumption on premises.
   - Nightclub – a commercial establishment within a completely enclosed building which dispenses alcoholic beverages for consumption on the premises and generally provides dancing in a designated area, or musical entertainment, either live or in conjunction with a disc jockey.

Existing definitions in the Zoning Code are:

   - Restaurant: A structure in which the principal use is the preparation, cooking, consumption, and sale of food and beverages.
   - Restaurant, fast food: A retail food service establishment without table service (order placement and delivery) provided to patrons; walk-up counter, and carryout trade is a primary portion of the facility; includes fast food, food delivery, carryout, public snack bar/automats, and delicatessens.
   - Bar (cocktail lounge, saloon): Any establishment which is devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the state to dispense or sell alcoholic beverages.
   - Bar, outdoor: Any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.
   - Nightclub: Any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4-COP liquor license from the state department of business regulation, division of alcoholic beverages and tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S,"
"SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub.

2. **Revise zoning code Section IV-508 (a) (10) minor revisions to site plans.** It currently states that no increase to the height of buildings is allowed as a minor change, including approved rooftop appurtenances allowed by VI-102 (p). Staff proposes to change the text to state that no increase to height of buildings is allowed, except for an increase of up to 10% in the height of rooftop appurtenances allowed by VI-102 (p). This would solve the issue we had for example with the St. Armand’s parking garage.

Subject text from Zoning Code highlighted in **yellow**:

Sec. IV-508. - Changes to site plans.

(a) **Minor revisions to site plan.** The director of neighborhood and development services is authorized to allow minor revisions to an approved site plan requiring planning board or city commission approval after receipt of comments from the DRC and to authorize the issuance of a building permit for construction in accordance with the revised site plan. A minor revision is one which:

(1) Does not substantially alter the location of any points of access to the site;

(2) Does not change the use of the property;

(3) Does not increase the density or intensity of the development to occur on the property;

(4) Does not result in a reduction or change of previously approved open space, setback, building location, or landscaping by more than ten percent;

(5) Is consistent with the general intent and purpose of these regulations and does not have any effect whatsoever on the initial determination of consistency of the site plan with the Sarasota City Plan, and will not affect or alter any finding or conclusion of compatibility;

(6) Does not result in a material modification or the cancellation of any condition placed upon the site plan as originally approved;
(7) Does not substantially change the internal or external traffic pattern;

(8) Does not add additional property to the site;

(9) Does not increase the impervious area of the site by more than ten percent; or

(10) Does not increase the height of the building(s) including approved rooftop appurtenances allowed by VI-102P.

(11) In addition to criteria (1) through (10), does not increase the floor area by more than 500 square feet for any individual dwelling unit, inclusive of any accessory structure, in any attainable housing project located in a G zone.

(b) Major revisions to site plans. If the requested modification to an approved site plan is determined by the director of building, zoning and code enforcement not to be a minor revision, the request shall be processed in the same manner as the original approval.

Sec. VI-102. - Zone district map, and general regulations.

(p) Height limitations. The height limitations contained in the regulations pertaining to specific districts do not apply to spires, belfries, cupolas, personal television antennae, water tanks, ventilators, chimneys, elevator shaft enclosures, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. In addition, the height limitations shall not apply to non-habitable architectural features (including roofs) extending no more than six feet above the eave line of a roof for buildings in zone districts in which the maximum height limitation is less than 51 feet, no more than nine feet for buildings in zone districts in which the maximum height limitation is greater than 51 feet and less than 101 feet, no more than 12 feet for buildings in zone districts in which the maximum height limitation is greater than 101 feet and less than 141 feet, and no more than 20 feet for buildings in zone districts in which the maximum height limitation exceeds 141 feet. Provided, however, that the heights of the above cited structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Administration or airport zoning regulations within the flight approach zone of airports.
4. **Sarasota City Plan** Action Strategy 4.13, Administrative Review Process

The comprehensive plan includes a policy within the Future Land Use Plan that states:

*Action Strategy 4.13, Administrative Review Process: The City shall continue the “administrative review” of certain development proposals within the Urban Neighborhood, Urban Edge, Downtown Core, and Downtown Bayfront land use classifications. These procedures shall include provisions and criteria for: (a) an expedited review of these proposals and (b) administrative or legislative “adjustments” to the development standards reflected by the implementing code.*

This action strategy would be retained in the comprehensive plan as certain development proposals that do not exceed the downtown thresholds requiring Planning Board site plan review would be reviewed administratively by staff. Retention of this action strategy would ensure consistency between the *Sarasota City Plan* and Zoning Code.
5. Site Plan Review Process Flowcharts

Planning Board Site Plan Review Process

Pre-Application Conference with Development Review Committee

Optional

Applicant Submits Site Plan Application

Notices mailed by City Auditor and Clerks Office.

Development Review Committee Meeting

When signed off by DRC, the site plan will be scheduled for a Planning Board public hearing and notices mailed by the City Auditor and Clerks Office.

Planning Board Public Hearing

Planning Board decision is final unless the Zoning Code requires a City Commission public hearing as noted below.

City Commission Public Hearing

For site plans with a proffered rezone, major conditional use, development with a G zone petition, or appeal of a Planning Board decision.
Administrative Site Plan Review Process

Pre-Application Conference with Development Review Committee
(Optional)

Applicant Submits Site Plan Application

Notices mailed by City Auditor and Clerks Office.

Development Review Committee Meeting

Development Services shall forward a site plan to the DRC for review.

Development Services Determination

Upon meeting all City code requirements, a site plan is approved by Development Services staff and notices mailed by the City Auditor and Clerks Office.

Planning Board Public Hearing

If Development Services’ approval is appealed by an aggrieved person within ten days, Planning Board holds a public hearing to consider appeal.

City Commission Public Hearing

If Planning Board’s approval is appealed by an aggrieved person within ten days, City Commission holds a public hearing (if approved by a super-majority vote) to consider the appeal.