



City of Venice  
401 West Venice Ave., Venice, FL 34285  
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING  
**ZONING MAP AMENDMENT APPLICATION**

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SEP 10 2013

PLANNING  
& ZONING

**ZONING MAP AMENDMENT** 13-2 RZ

Portofino

**Project Name:**

Parcel Identification No.:

0376-00-3000

Address:

Laurel Road & Knights Trail Road

Parcel Size:

50 +/- acres

FLUM designation:

Knights Trail Neighborhood

Current Zoning:

CG

Proposed Zoning:

CMU

**Property Owner's Name:**

OB Waterford, LLC

Telephone:

Fax:

E-mail:

Mailing Address:

IBERIABANK REO DEPT 5310 SR 64 E BRADENTON, FL, 34208

**Project Attorney:**

Jeffery A. Boone, Esq.

Telephone:

(941) 488-6716

Mobile / Fax:

(941) 488-7079

E-mail:

[jboone@boone-law.com](mailto:jboone@boone-law.com)

Mailing Address:

1001 Avenida Del Circo, Venice, FL 34285

**Project Planner :**

Kelley Klepper, AICP, Kimley-Horn & Associates

Telephone:

(941) 379-7600

Mobile / Fax:

(941) 379-4352

E-mail:

[kelley.klepper@kimley-horn.com](mailto:kelley.klepper@kimley-horn.com)

Mailing Address:

2601 Cattlemen Road, Suite 200, Sarasota, FL 34232

**Project Architect:**

Telephone:

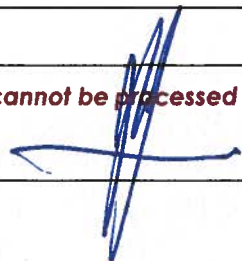
Mobile / Fax:

E-mail:

Mailing Address:

*Incomplete applications cannot be processed - See reverse side for checklist*

**Applicant Signature / Date:**

 (Agent) 09 Sep 13

# APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☐ **Statement of Ownership & Control**
- ☐ **Signed, Sealed and Dated Survey of Property**
- ☐ **Agent Authorization Letter**
- ☐ **Narrative describing the petition**
- ☐ **Public Workshop Requirements.** Date held June 5, 2013
  - ☐ Copy of newspaper ad.
  - ☐ Copy of notice to property owners.
  - ☐ Copy of sign-in sheet.
  - ☐ Written summary of public workshop.

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 following, where applicable: **See attached**

- a. Whether the proposed change is in conformity to the comprehensive plan.
- b. The existing land use pattern.
- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
- d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
- g. Whether the proposed change will adversely influence living conditions in the neighborhood.
- h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
- i. Whether the proposed change will create a drainage problem.
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.
- k. Whether the proposed change will adversely affect property values in the adjacent area.
- l. Whether the proposed change will 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.
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

## Fees

Application filing fee \$2,908.

Application filing fee for the following zoning districts \$4,732: CMU, PUD, CSC, PCD, PID, RMH.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

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## Developer's Agreement

**Laurel Road Property, LLC**, a Florida Limited Liability Company, hereby agrees to the following:

1. OB Waterford, LLC is the owner of certain real property in Sarasota County, Florida, more particularly described in Exhibit "A" attached hereto. **Laurel Road Property, LLC** is currently under contract to acquire the real property.
2. **Laurel Road Property, LLC**, is the proposed developer of the property more particularly described in Exhibit "A" attached hereto.
3. **Laurel Road Property, LLC**, for itself and its' successors in title, agrees to proceed with the proposed development according to the provisions of Chapter 86 Article V, and all other provisions of the Venice Zoning Code and such conditions as may be set forth as a condition of approval for the development.
4. **Laurel Road Property, LLC**, for itself and its successors in title, pursuant to Sec. 86-97(p)(1)f. of the Venice Land Development Code, agrees to three minimum land uses of residential dwellings, including assisted living facilities, (minimum 8%), offices (minimum 2%), and commercial, retail and service establishments (minimum 2%).
5. **Laurel Road Property, LLC**, for itself and its successors in title, agrees to provide agreements, contracts, deed restrictions and sureties acceptable to the City Council for completion of the development according to the binding master development plan approved at the time of acceptance of the area for CMU zoning, and for continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained at public expense.

Executed this 9<sup>th</sup> day of September, 2013.

Witnesses:

Sign Alexander Hays

Print Alexander Hays

Sign Daniel Peshkin

Print Daniel Peshkin

**Laurel Road Property, LLC.**  
a Florida Limited Liability Company

By: ACK Property Management, LLC,  
a Delaware limited liability company  
As its Manager

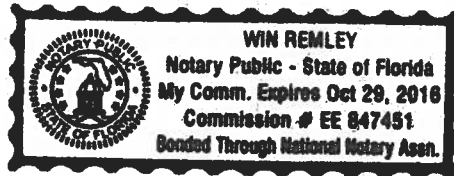
By John R. Peshkin  
John R. Peshkin, as its Manager

STATE OF FLORIDA

COUNTY OF SARASOTA

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 9<sup>th</sup> day of September, 2013, by John R. Peshkin, as Manager of ACK Property Management, LLC, as Manager of Laurel Road Property, LLC., a Florida Limited Liability Company, on behalf of the corporation. Who is personally known to me or produced FL Driver's License as identification.

(SEAL)



NOTARY PUBLIC

Sign

Print

*[Handwritten Signature]*  
Win Remley

## EXHIBIT "A"

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA;

LESS THE WEST 40 FEET FOR KNIGHTS TRAIL ROAD RIGHT OF WAY;

AND LESS: LAUREL ROAD RIGHT OF WAY DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 2432, PAGE 1354 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

AND LESS: LANDS CONVEYED TO CITY OF VENICE AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT #1998171298, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

AND LESS: RIGHT OF WAY PARCEL 1 FOR LAUREL ROAD CONVEYED TO SARASOTA COUNTY DESCRIBED IN LLC WARRANTY DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT #2004171672, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

AND LESS: FURTHER LANDS CONVEYED TO SARASOTA COUNTY AND DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT #2007172178 AND WARRANTY DEED RECORDED IN OFFICIAL RECORDS INSTRUMENT #2008113315 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA;

AND LESS AND EXCEPT FROM THE ABOVE DESCRIBED LANDS, PARCELS A AND B DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PART OF SECTION 27, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LANDS OF THE CITY OF VENICE AS RECORDED IN OFFICIAL RECORDS INSTRUMENT #1998171298 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. SAID CORNER LYING ON THE NORTH LINE OF THE SOUTH 1/2 OF SOUTHWEST 1/4 OF SAID SECTION 27; THENCE ALONG SAID NORTH LINE, N.89°09'01"E., 2173.18 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 27; THENCE ALONG LAST SAID EAST LINE, S.00°53'45"E., 155.00 FEET TO A POINT LYING ON A LINE 155.00 FEET SOUTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27; THENCE ALONG SAID PARALLEL LINE, S.89°09'01"W., 2173.85 FEET TO THE EAST LINE OF SAID LANDS OF THE CITY OF VENICE; THENCE ALONG LAST SAID EAST LINE, N.00°40'45"W., 155.00 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THAT PART OF SECTION 27, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST LINE OF OF THE SOUTHWEST 1/4 OF SAID SECTION 27 WITH THE NORTH RIGHT OF WAY LINE OF LAUREL ROAD RIGHT OF WAY PARCEL #1 AS SHOWN AND DESCRIBED IN OFFICIAL RECORDS INSTRUMENT #2004171672, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, S.89°15'44"W., 547.00 FEET TO A POINT LYING ON A LINE 10.57 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF LICENSE AGREEMENT PARCEL AS RECORDED IN OFFICIAL RECORDS INSTRUMENT #1998109088 OF SAID PUBLIC RECORDS; THENCE ALONG LAST SAID PARALLEL LINE, N.00°55'45"W., 1092.60 FEET TO A POINT LYING ON A LINE 155.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 27; THENCE ALONG LAST SAID PARALLEL LINE, N.89°09'01"E., 547.00 FEET TO THE SAID EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 27; THENCE ALONG THE LAST SAID EAST LINE, S.00°55'45"E., 1093.67 FEET TO THE POINT OF BEGINNING.