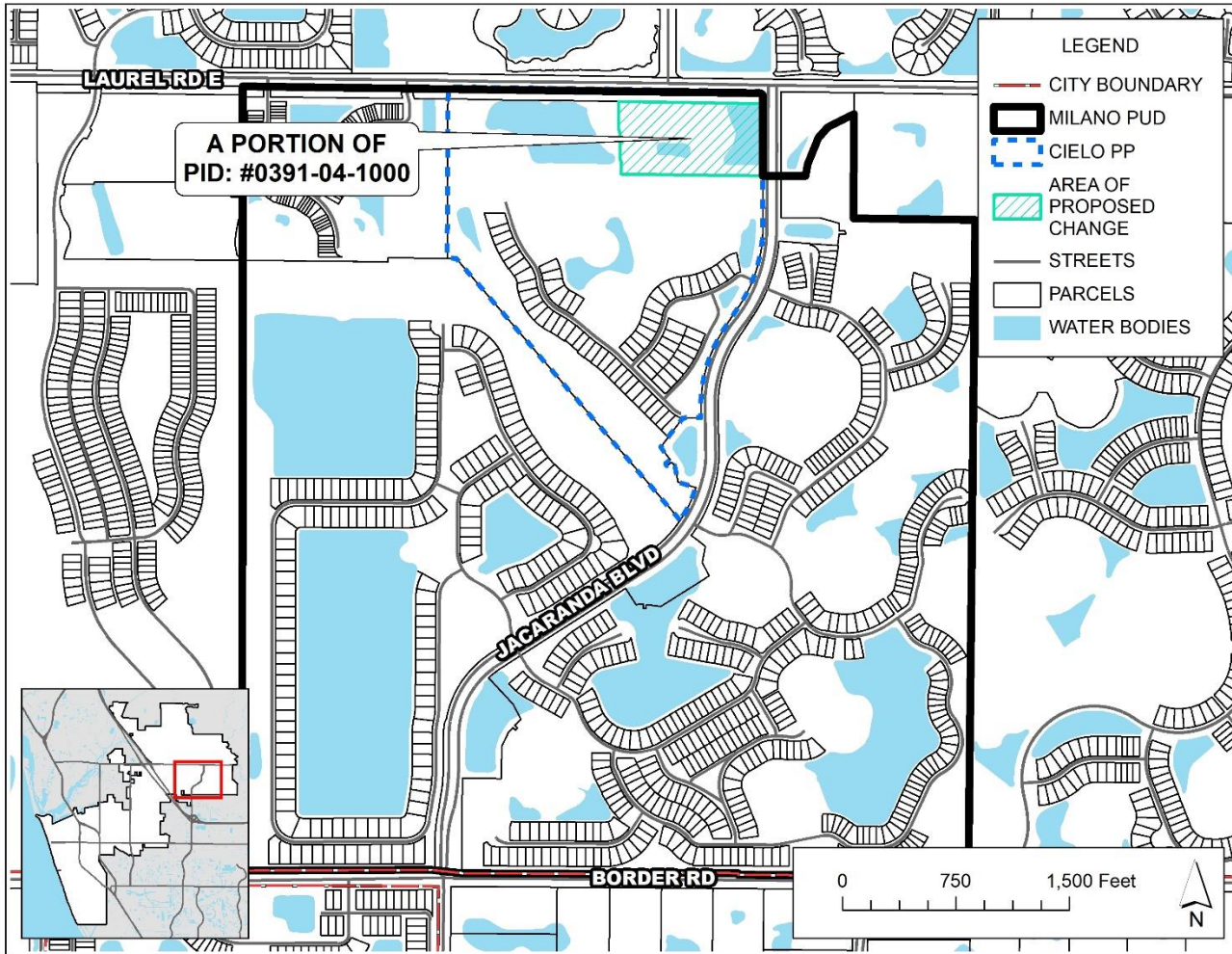


22-39PP Cielo Preliminary Plat Amendment Staff Report



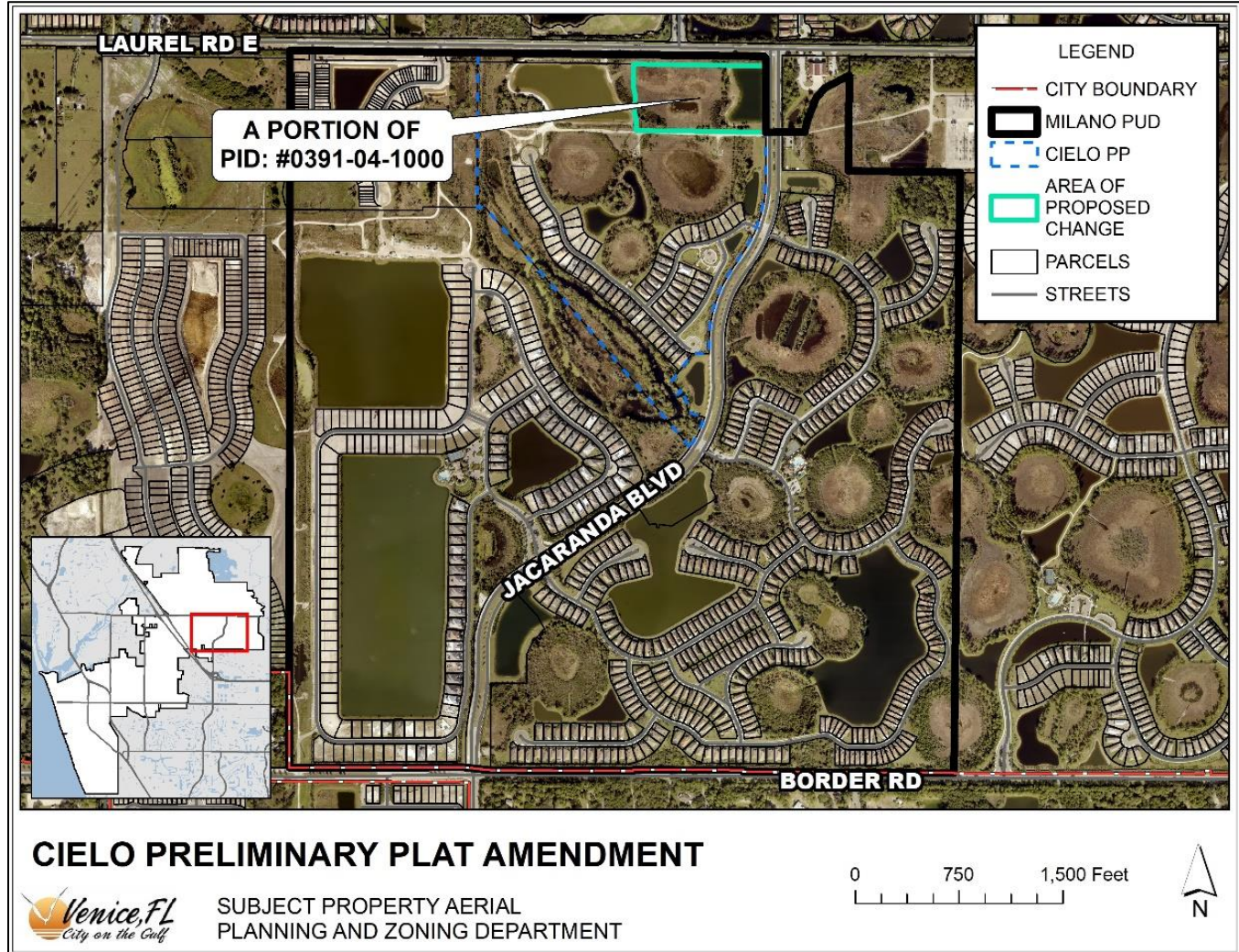
General Information

Address:	Laurel Rd and Jacaranda Blvd
Request:	Creating a parcel in the northwest corner of the Cielo plat
Owner:	Border and Jacaranda Holdings, LLC
Agent:	Jeffery A. Boone, Esq. – Boone Law Firm
Parcel ID:	0391041000
Parcel Size:	10.42+ acres
Future Land Use:	Mixed Use Residential (MUR)
Zoning:	Planned Unit Development
Comprehensive Plan Neighborhood:	Northeast
Application Date:	June 14, 2022

I. BACKGROUND AND EXISTING CONDITIONS

This petition was submitted under chapter 86 of the previous Land Development Code and has been processed according to the requirements of that chapter. The proposal is to modify existing tracts 306, 501, and 600 of the Cielo plat to create a 10.42-acre parcel. These tracts are currently identified on the plat as wetland, private drainage and flowage easement; private lake, drainage and flowage easement; and open space, private drainage and flowage easement respectively. The parcel proposed is identified as "future development" on the amended preliminary plat.

Aerial Map



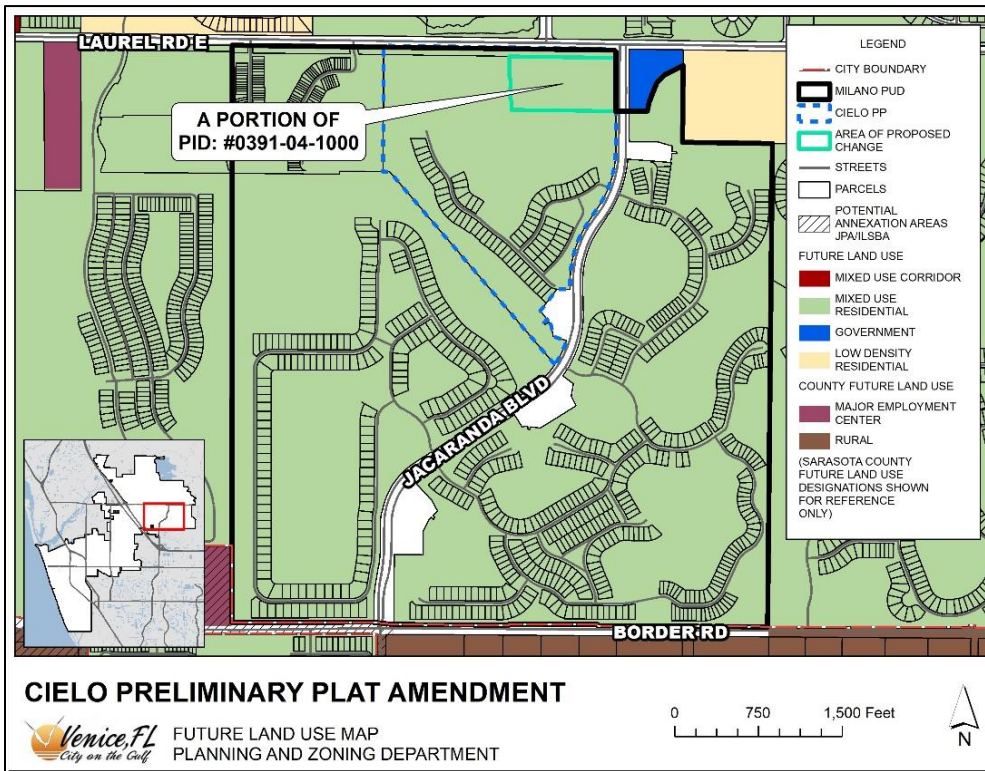
Site Photographs



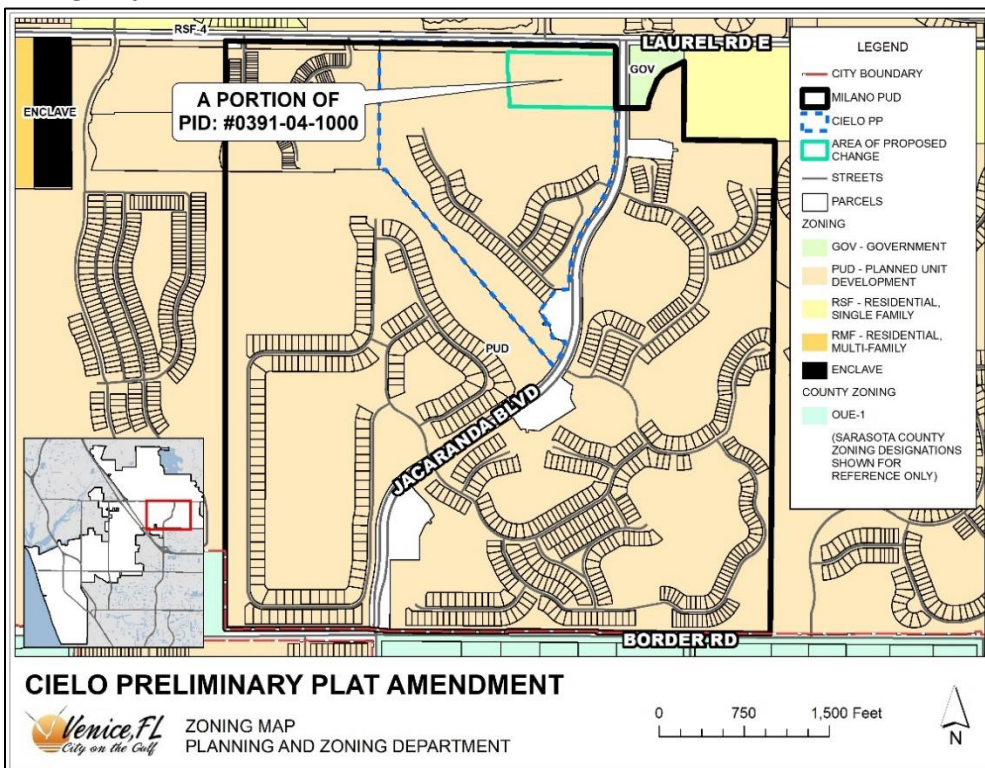
Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Residential. The zoning district is Planned Unit Development.

Future Land Use Map



Zoning Map

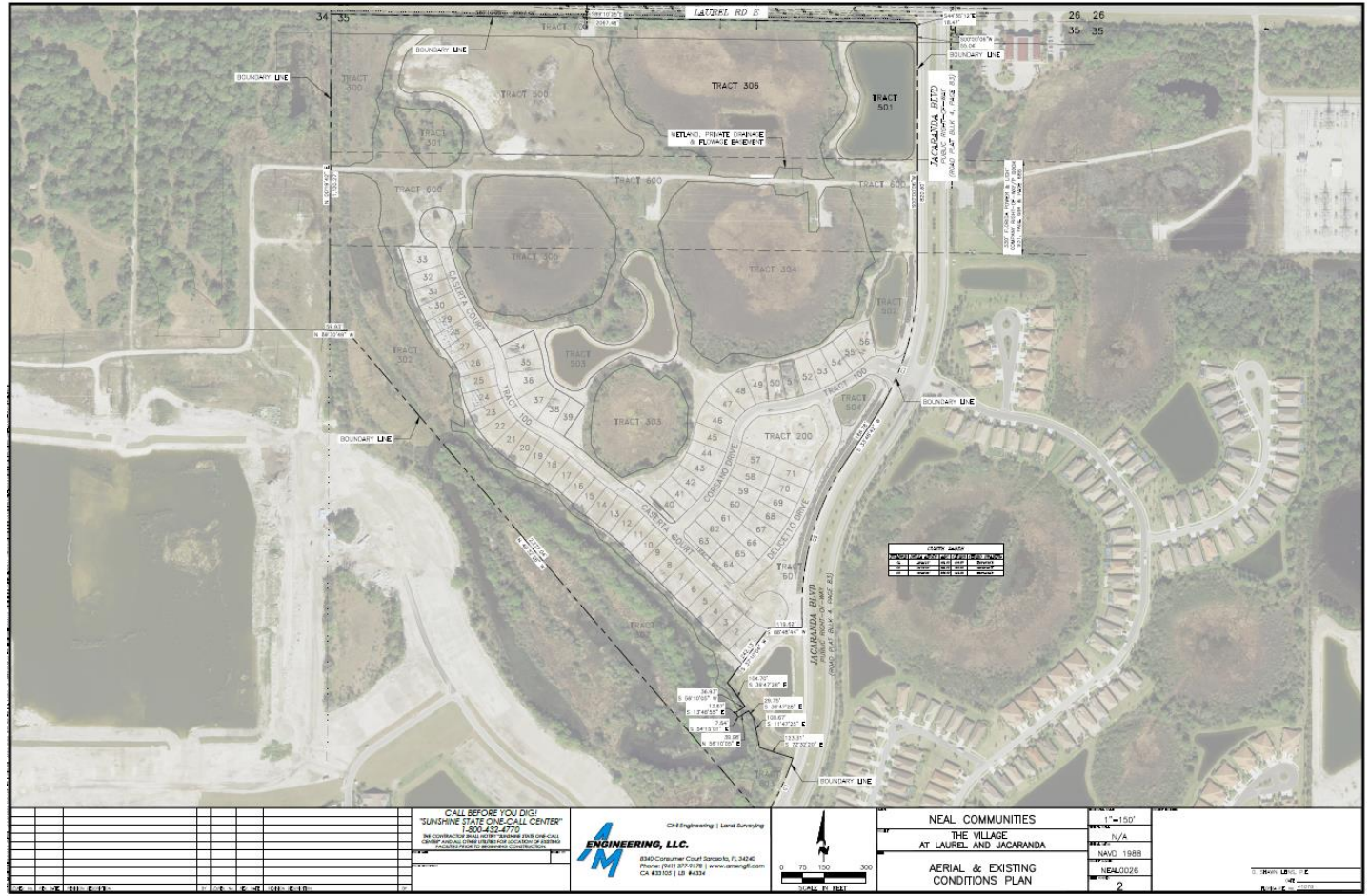


Surrounding Properties

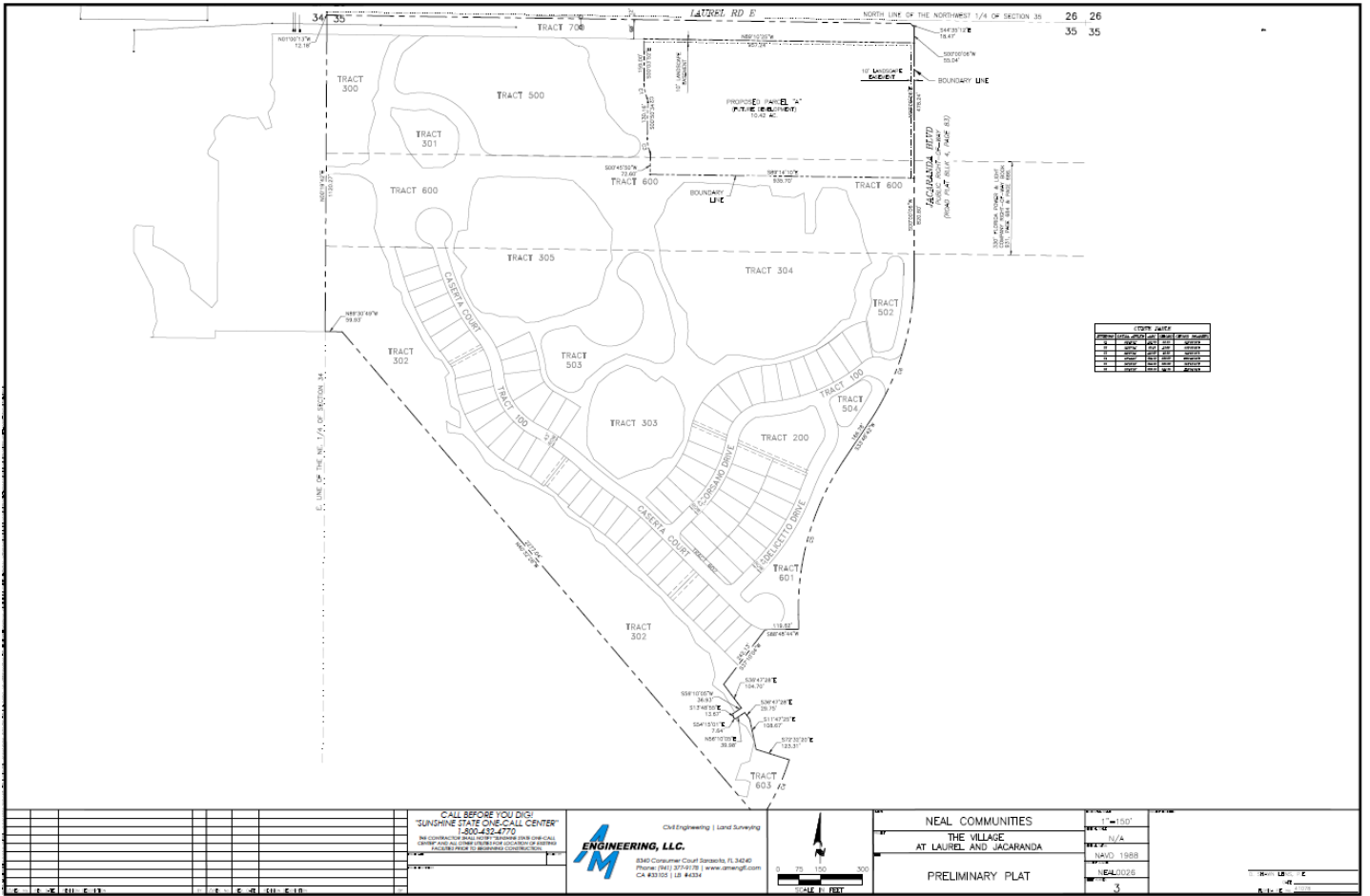
Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Venetian Golf and River Club	PUD	MUR
South	Milano	PUD	MUR
East	Fire Station	Government (GOV)	Government (GOV)
West	Milano	PUD	MUR

II. Project Description

Existing Conditions



Proposed Preliminary Plat



III. PLANNING ANALYSIS

Staff reviewed the preliminary plat application to evaluate consistency with the City of Venice 2017-2027 Comprehensive Plan, compliance with the Land Development Code and Milano Binding Master Plan, and for compliance with the requirements for Concurrency/Mobility.

Consistency with the Comprehensive Plan

No specific strategies or elements relate to the creation of a parcel as proposed through this preliminary plat amendment. Land Use and Open Space strategies relevant to development of land may be addressed through the site and development plan process. No inconsistencies have been identified between the subject petition and the Comprehensive Plan.

CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN): Analysis has been provided to determine consistency with Land Use Element strategies, the Northeast Neighborhood, and other plan elements. As previously indicated, no inconsistencies have been identified. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

Land Development Code

The subject petition has been processed with the procedural requirements for a preliminary plat contained in Sec. 86-230(b) of the previous Land Development Code. In addition, the petition has been reviewed by the Technical Review Committee (TRC) and no issues regarding compliance with the Land Development Regulations were identified. Sec. 86-230(b)(3) states that the Planning Commission shall consider compliance of a preliminary plat with chapter 86 and with applicable state law. (The Planning Commission is also directed by this section to consider compatibility with

adjacent land uses.) During review by the TRC, the Planning Department requested a response to F.S. § 177.081(2), which states:

“(2) Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.”

The applicant has responded as follows:

“The sole fee simple title holder and owner of record of the parcel to be re-platted is Border and Jacaranda Holdings, LLC, a Florida limited liability company. Florida Statute 177.081 (2) requires that every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. This is confirmed by opinions of title provided by Vogler Ashton, PLLC. The only signature required to convey this property by deed is an authorized manager of Border and Jacaranda Holdings, LLC, a Florida limited liability company. Also, to provide additional, but statutorily unnecessary, support, the Declarant of the Cielo Subdivision [an affiliate of the owner of record] retained the right to re-plat a portion of the original plat at its sole option. No other person or entity, including any lot or homeowner in the Cielo Subdivision is required to consent to or join in such a re-plat. This procedure is consistent with the state law and the practice employed by the City of Venice in multiple re-plats, including plat immediately adjacent to Cielo and within the zoning planned unit development.”

In summary, their interpretation of this section is that the owner of the area proposed for the new parcel, Border and Jacaranda Holdings, LLC, is the only party required to sign a replat. Upon review by the City Attorney, it has been determined that this response is acceptable. In order to confirm that the applicant does hold title to the 10.42-acre parcel, staff requested a title opinion. The applicant provided an opinion from Vogler Ashton, PLLC, which was reviewed by the City Attorney and is included in the agenda packet.

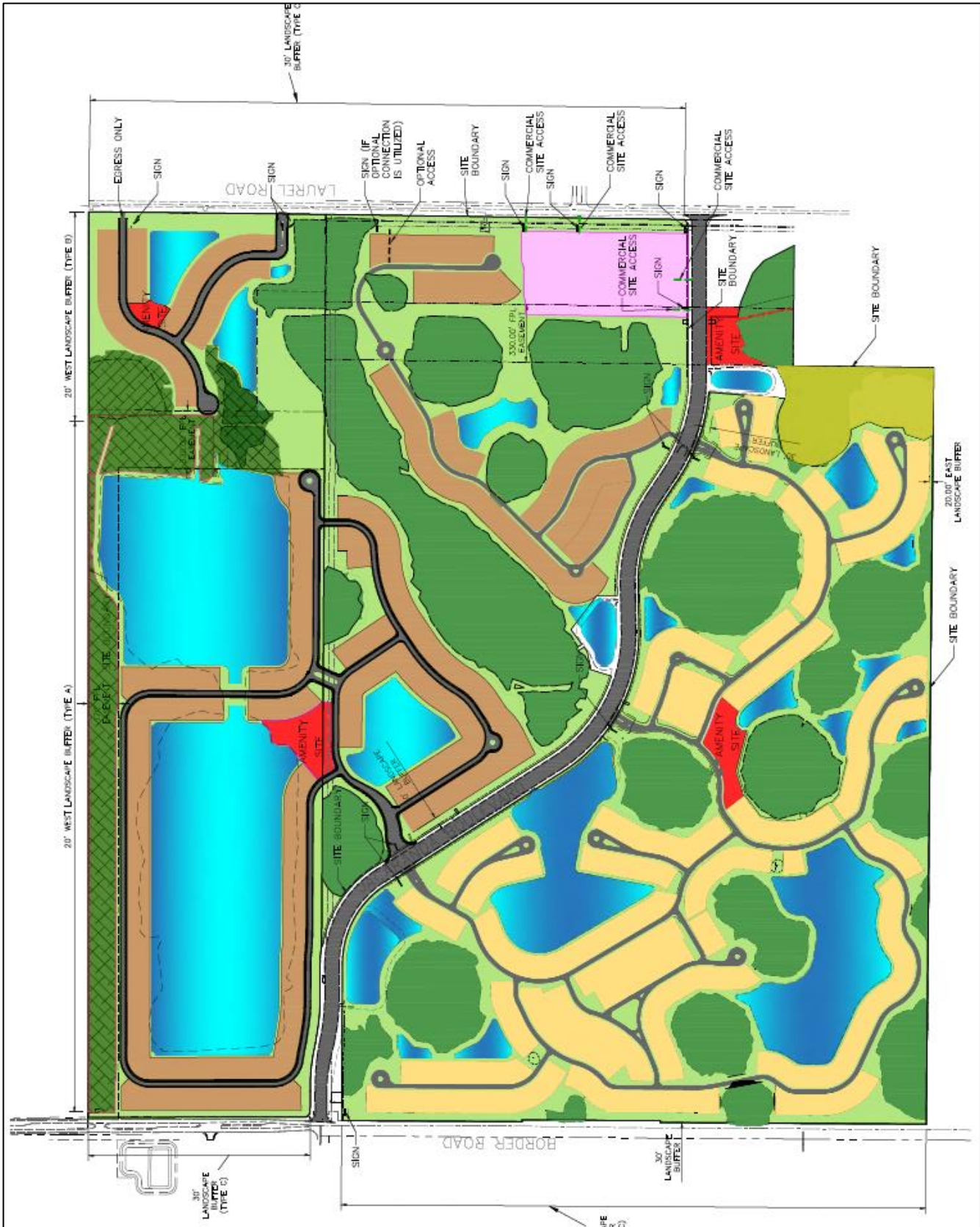
CONCLUSIONS/FINDINGS OF FACT (COMPLIANCE WITH THE LAND DEVELOPMENT CODE):

The proposed preliminary plat amendment is compliant with Chapter 86 of the previous Land Development Code.

Milano Binding Master Plan

The revised Milano Binding Master Plan, approved July 11, 2023, depicts the proposed 10.42-acre parcel as an area to be used for commercial development. The proposed preliminary plat amendment is consistent with the Binding Master Plan. However, the July 11 approval of the Binding Master Plan revision that created the commercial area on the PUD map has been appealed, so approval of the preliminary plat amendment must be contingent on the revised Milano Binding Master Plan going into effect. A stipulation to this effect is included at the end of this report.

Approved Binding Master Plan



Concurrency

The Technical Review Committee determined that compliance was met on each of the required concurrency items. The table below shows the expected public facility impacts and the status of the applicable departmental concurrency reviews. Facility impacts are calculated for the entire Cielo plat, as amended through this petition, including residential and nonresidential uses.

CONCURRENCY

Facility	Department	Estimated Impact	Status
Potable Water	Utilities	2,317 ERUs	Concurrency Confirmed
Sanitary Sewer	Utilities	2,317 ERUs	Concurrency Confirmed
Solid Waste	Public Works	14,000 lbs per day	Concurrency Confirmed
Parks & Recreation	Public Works	16.1 acres	Concurrency Confirmed
Drainage	Engineering	Compliance Shown	Concurrency Confirmed

CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY): No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

Mobility

A transportation analysis was submitted and reviewed during the process to amend the Binding Master Plan (Petition No. 22-38RZ). A more detailed transportation impact analysis will be required for any site and development plan proposed to develop the parcel created through this plat amendment.

CONCLUSIONS/FINDINGS OF FACT (MOBILITY): The applicant provided traffic analysis that was reviewed by the City's transportation consultant during the PUD amendment process. No additional information was submitted for the preliminary plat application because a full transportation impact analysis will be required for the site and development plan.

IV. CONCLUSION

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, Milano Binding Master Plan, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for Planning Commission to make a recommendation to City Council on Preliminary Plat Petition No. 22-39PP.

Stipulation: Approval of this preliminary plat amendment, Petition No. 22-39PP, is contingent on the revised Milano Binding Master Plan, Petition No. 22-38RZ, going into effect.