



**City of Venice
Planning & Zoning Division**

MEMORANDUM

To: Lori Stelzer, City Clerk
From: Roger Clark, Senior Planner
Date: May 19, 2017
RE: **Preserves of Venice**
Transmittal of the Following Petitions for Council Action:
Zoning Map Amendment Petition No. 16-03RZ
Preliminary Plat Petition No. 16-03PP
Conditional Use Petition No. 16-01CU

On May 16, 2017, the Planning Commission, was presented the three subject petitions in a public hearing for their consideration. All three petitions were presented by staff in one PowerPoint presentation that is attached. Three separate motions were accomplished and are as follows:

1. Zoning Map Amendment Petition No. 16-03RZ

Based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, and **RECOMMENDS APPROVAL WITH THE STIPULATION PROVIDED BY STAFF** to City Council Zoning Map Amendment Petition No. 16-03RZ.

Stipulation: Residential density on the subject property is limited to a maximum of 3 units per acre.

The vote was 4-1, with two absences.

2. Preliminary Plat Petition No. 16-03PP

Based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, and **RECOMMENDS APPROVAL** to City Council of **PRELIMINARY PLAT** Petition No. 16-03PP with the following stipulations:

Stipulations:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.
7. Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-03RZ by City Council.
8. The applicant shall record a Notice of Proximity in the Official Records of Sarasota County in the chain of title prior to the Final Plat approval, notifying all future purchasers of lots or homes within the subdivision of the proximity of their property to Interstate I-75; and notifying them of the proximity of their property to the adjacent Fox Lea Farms as an equestrian stable and riding academy which conducts national horse show events. Said Notice of Proximity shall also be delivered to potential purchasers prior to their entering into a binding contract, as part of the presale written materials, and it shall be included in the homeowner association documents.
9. The maximum height of structures on the southern boundary shall be limited to one (1) story or twenty five (25) feet.
10. The applicants shall record an express prohibition on the use of fireworks in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger the noise of fireworks poses to the health and temperament of animals and humans and the risk of danger to nearby equestrians.
11. Neither the applicant nor its contractors shall burn any trash or waste materials on the subject property in the course of construction; nor shall the City issue any permits authorizing same. The applicants shall record an express prohibition on the burning of trash or waste materials in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger that smoke poses to the health and temperament of animals and humans. This restriction shall not preclude homeowners from using outdoor barbeques for cooking.
12. The applicant shall incorporate into the homeowner documents an express prohibition on the use of outdoor sound speakers applicable to the lots on the southern boundary. This prohibition shall not apply to fire and burglar alarms; however, the speakers for such alarms shall be oriented toward the north unless otherwise required for health and safety reasons.

13. No stormwater or other drainage from the subdivision site shall be discharged into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way. This shall not preclude the discharge of stormwater from the development into a proposed east-west swale to be constructed along the rear of Lots 33 through 57, within the 40-foot buffer area, provided that the ditch and the swale shall not be interconnected. Nor shall this preclude areas of the 40-foot buffer lying to the south of the proposed swale from draining into the existing ditch.
14. There shall be no vehicular or pedestrian access connecting the subdivision to Fox Lea Drive.
15. The applicant shall commence construction of the amenity center within twelve (12) months after issuance of the first certificate of occupancy for the first residence, or upon the closing on twenty five (25) percent of lots to the end users, whichever shall first occur.
16. The project will achieve 90% opacity when viewed from Auburn Road to a height to shield the view up to the soffit level within three years of the start of construction.

The motion also included approval of the following requests for code modification and the request for sidewalk waiver:

Modification of Code Standards:

1. A reduction of the minimum lot width requirement from 80 feet to 52 feet;
2. A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
3. An increase in the maximum lot coverage requirement from 30% to 58%;
4. A reduction of the minimum side setback requirement from 8 feet to 6 feet.
5. A reduction of the minimum side setback combination requirement from 18 feet to 12 feet.

Waiver of Sidewalk Requirements:

1. Along the north side of Fox Lea Drive.
2. Along south side of Border Road.

The vote was 4-1, with two absences.

3. Conditional Use Petition No 16-01CU

Based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, and RECOMMENDS APPROVAL to City Council of Conditional Use Petition No. 16-01CU.

The vote was 5-0, with two absences.

Please schedule these Petitions concurrently for the first of two public hearings before City Council. Please transmit to City Council the Legistar attachments from the Planning Commission public hearing. Please note, the Preliminary Plat and Conditional Use petitions is contained within one staff report and the Zoning Map Amendment is contained in a separate staff report. We will transmit via e-mail the legal description of the subject property which was provided by the applicant and a location map. We will also provide your office the mailing list and envelopes for the nearby properties that are required to receive mail notice of all three petitions. The slideshow presented to the Planning Commission is also attached and will be presented to City Council.

Please inform Planning and Zoning staff when the public hearing dates are scheduled to ensure proper posting of the property per public notice requirements. Please inform us of the date that the property needs to be physically posted.

The Planning and Zoning Division may receive written correspondence on these Petitions, which we will forward to your office.

cc: File No. 16-03RZ
File No. 16-03PP
File No. 16-01CU

Attachments: Staff Report for Petition No. 16-03RZ
Staff Report for Petition No. 16-01CU & 16-03PP
Powerpoint Presentation for 16-03RZ, 16-03PP, and 16-01CU
Location Map
Notification Mailing List
Legal Description (.doc)