



City of Venice  
 401 West Venice Ave., Venice, FL 34285  
 941-486-2626  
 DEVELOPMENT SERVICES - PLANNING & ZONING  
**ZONING MAP AMENDMENT APPLICATION**

**ZONING MAP AMENDMENT** 16 - 3 RZ

**Project Name:** Preserves of Venice

Parcel Identification No.: 0399040001

Address: SE Corner of Border and N. Auburn Roads

Parcel Size: 39.5 acres

FLUM designation: Potential Voluntary Annexation Area

Current Zoning: OUE-1 (Sarasota County) Proposed Zoning: RSF-2

**Property Owner's Name:** SSB Land Holdings, LLC, fee owner/seller: Windham Development, Inc., Herbert Lawson, Contract Purchaser

Telephone: 248-290-5300 x302

Fax:

E-mail: herb@windhamgroupllc.com

Mailing Address: 36400 Woodward, Suite 205, Bloomington Hills, MI 48304

**Project Manager:** Charles D. (Dan) Bailey, Jr., Esq.

Telephone: 941-329-6609

Mobile / Fax: 941-321-7782

E-mail: dbailey@williamsparser.com

Mailing Address: 200 S. Orange Avenue, Sarasota, FL 34236

**Project Engineer :** John F. Cavoli, P.E. LEED AP

Telephone: 941-927-3647

Mobile / Fax: 941-927-3647

E-mail: cavoliengineer@aol.com

Mailing Address: 5824 Bee Ridge Road #325, Sarasota, FL 34233

**Project Architect:**

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

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

**Applicant Signature / Date:**

*Charles D. Bailey Jr.*  
 Agent for Applicant

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SEP 12 2016

PLANNING & ZONING

# 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 July 14, 2015
  - 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:

- 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.**

# PROJECT NARRATIVE

## Zoning Map Amendment

### *PRESERVES OF VENICE*

**Description of Application:** The Applicant, Windham Development, Inc., seeks a zoning map amendment (rezoning) from the Sarasota County zoning district of Open Use Estates (OUE-1) to the City of Venice zoning district of Residential Single Family (RSF-2) with a proffered stipulation limiting density to less than 3.0 units per acre, for a 39.64-acre parcel located west of I-75; south of Border Road; east of N. Auburn Road; and north of Fox Lea Road, in the City of Venice. The development will be called the “Preserves of Venice”. The Applicant is simultaneously filing an application for conditional use for a gated community and an application for preliminary plat approval, with the request that those applications be processed concurrently with this application.

**Identity of Owner, Applicant and Representatives:** The property is owned by SSD Land Holdings, LLC, a Florida limited liability company managed by Gregory Berryman, whose address is 1070 S. Lion Drive, Pueblo, CO 81007. The property is under contract to be purchased by the Applicant, Windham Development, Inc. The president of that corporation is Herbert Lawson, 36400 Woodward, Suite 205, Bloomington Hills, MI 48304; (248) 464-4747; [herb@windhamgroupllc.com](mailto:herb@windhamgroupllc.com). The Applicant’s agent and attorney for these applications is Charles D. (Dan) Bailey, Jr., 200 S. Orange Avenue, Sarasota, FL 34236; (941) 329-6609, [dbailey@williamsparker.com](mailto:dbailey@williamsparker.com). The project engineer is Cavoli Engineering, Inc., John F. Cavoli, P.E., LEED®AP, President; 5824 Bee Ridge Road, #325; Sarasota, FL 34233; (941) 927-3647; [cavoliengineer@aol.com](mailto:cavoliengineer@aol.com). The project surveyor is Gerald D. Stroop, P.S.M., Florida Certificate No. 4679, of Schappacher Surveying, L.L.C. 3604 53rd Avenue East, Bradenton, Florida 34203, Tel: 941-748-8340, Fax: 941-896-9938, [dstroop@schappachereng.com](mailto:dstroop@schappachereng.com). The landscape architect is Kurt Crist, ASLA, Florida Certificate No. 0001444, of Kurt R. Crist - Landscape Architect, Inc. Landscape Architecture / Construction, 2350 Bern Creek Loop, Sarasota, Florida 34240, Off: (941) 378-8080, Fax: (941) 378-8181, Cell: (941) 809-9571, [krclainc@gmail.com](mailto:krclainc@gmail.com). The transportation engineer is Ted Treesh of TR Transportation Consultants, Inc., license no. 61673; 2726 Oak Ridge Ct. STE 503; Fort Myers, FL 33901; 239-278-3090 (o); 239-278-1906 (f); 239-292-6746 (c); [tbt@trtrans.net](mailto:tbt@trtrans.net). The ultimate developer will be Preserves of Venice LLC, 1821 Victoria Avenue, Suite 2, Fort Myers, Florida 33901; Office: 239-302-3918; Fax 239-302-3919, a related entity to whom the Applicant proposes to assign its rights under the purchase contract prior to closing.

**Location/Dimensions/Features of Subject Property:** The subject property (Parcel Identification Number 0399040001) is located west of I-75; south of

Border Road; east of N. Auburn Road; and north of Fox Lea Drive, in the City of Venice. A boundary survey, tree survey, and legal description of the site is submitted with this application. The tree survey notes that there are three Grand trees in the northerly portion of the site. The property has 1,230 feet of frontage on the east side of N. Auburn Road; 1,644 feet of frontage along the north side of Fox Lea Drive; 2,006 feet of limited access frontage along an angled boundary to the west of I-75 (and a FDOT retention pond); and 1,018 feet of frontage along the south side of the limited access right-of-way of Border Road. The land cover classification is "Intensive Agriculture". An environmental report prepared by ECo Consultants, Incorporated, is provided herewith. It notes that upland portions of the site are comprised of a mixture of improved pasture and pine flatwoods. There are no areas of jurisdictional wetlands, although there are surface water features consisting of an excavated pond in the center, and a series of shallow ditches, the water quality function of which will be replaced in the course of development, subject to review by the water management district and Sarasota County. No listed species were observed on the site; and, while the site does contain habitat that could support gopher tortoises, no burrows were observed. There are no documented eagle nests on the parcel or within 660 feet of the parcel boundaries. Additionally, a subsurface exploration report prepared by Universal Engineering Sciences, is provided herewith. It addresses the suitability of the site for conventional, shallow foundations to support typical one to two-story residential development.

**Roadways.** Border Road is an east/west two lane undivided roadway that borders the site to the north. It has a posted speed limit of 30 MPH along the northern boundary of the subject property, changing to 40 MPH easterly of that point. Border Road is under the jurisdiction of Sarasota County; and it is a limited access facility adjacent to the subject property. West of N. Auburn Road, the name of the roadway name changes to Edmondson Road and it has a posted speed limit of 30 MPH and is under the jurisdiction of the City. N. Auburn Road is a north/south two lane undivided roadway that borders the site on the west. It has a posted speed limit of 35 MPH and is under the jurisdiction of Sarasota County. Fox Lea Drive (originally platted as "Ewing Drive") borders the site on the south. It is a two lane dead-end road with a shell surface. It is under the jurisdiction of Sarasota County. No access to Fox Lea Drive is proposed by the development. Access to the proposed subdivision will be by way of two entrances on Auburn Road. The north entrance will be 350 feet south of Border Road; and the southern entrance, which will be for emergency purposes only, will be 234.94 feet north of Fox Lea Drive. A traffic impact statement prepared by TR Transportation Consultants, Inc. is submitted herewith. It concludes that the proposed development will meet the Level of Service Standards set forth by the City of Venice and Sarasota County on the surrounding roadway system; and that the development is not projected to create adverse transportation impacts on any adjacent roadways. It also concludes that turn lanes at the two site access drive intersections are not warranted; in that there is insufficient through traffic volume

and low turning volumes that do not meet the minimum criteria for turn lanes at these intersections.

**Existing/Proposed Zoning:** The subject property was annexed into the City of Venice on February 27, 2008, by the adoption of Ordinance No. 2008-04. It is designated as a “Potential Voluntary Annexation Area” on the City of Venice Future Land Use Map, and it is within JPA/ILSBA Area No 2a., in the Auburn Road to I-75 Neighborhood, Subarea No. 1. But, as noted, it still carries the original Sarasota County zoning classification of Open Use Estates (OUE-1). The Applicant proposes to rezone it to the City zoning district of RSF-2, which theoretically permits a maximum density of 3.5 units per acre, but pursuant to Future Land Use and Design Policy 18.4., the maximum residential density may not exceed 3.0 units per acre, calculated on a gross acreage basis. For this reason, the Applicant is proffering a stipulation imposing a cap of 3.0 units per acre. (Proposed development will be at a density of 2.98 units per acre.)

**Adjacent Uses/Zoning:** To the north, across Border Road, is an 11-acre vacant parcel, designated for Low Density Residential under the City’s Future Land Use Map, though it still has the original Sarasota County zoning classification of Open Use Rural (OUR). To the northwest--north of Border Road and west of N. Auburn Road—is the Waterford golf course, designated as Low Density Residential and zoned PUD. Immediately to the west and southwest, across N. Auburn Road, are “Sawgrass” nine golf holes associated with the Waterford Golf Club and the Sawgrass residential community, also designated for Low Density Residential and zoned Sarasota County RSF-2. To the south, across Fox Lea Drive, there is a single family residence; and an equestrian stable/riding academy and commercial outdoor recreation facilities, including a café, golf cart rental, recreation vehicle camping, commercial concessions, etc., on parcels in unincorporated Sarasota County, which still carry the original Sarasota County zoning classification of Open Use Rural (OUR). These parcels are designated on the City Future Land Use Map as “Potential Voluntary Annexation Area”, JPA/ILSBA Area No 2a., Subarea No. 2 (the area south of Fox Lea Drive and north of Curry Creek), where maximum residential density is likewise limited to 3 units per acre; and equestrian uses are allowed so long as such uses are deemed compatible with adjacent uses (Policy 18.4.B.4.).

**Development Plan:** Details of the proposed development plan are provided in the Applicant’s preliminary plat application submitted concurrently herewith. The Applicant proposes the development of 118 single family lots, encircling a 7.314-acre pond.

**Developer Obligations:** Pursuant to a pre-annexation agreement dated February 12, 2008, the Applicant will be obligated to convey to the City a 250 square foot potable water well site located on the property. It will also be obligated to pay an extraordinary mitigation fee to mitigate the impacts of the proposed development.

Additionally, the Applicant will be obligated to pay impact fees for general government, justice, libraries, parks and roads (or mobility fees).

**Public Workshop.** The Applicant held a duly noticed and advertised public workshop on July 14, 2015 at 5 p.m. at Fire Station 3, 5300 E. Laurel Road, Venice. The meeting was attended by ten members of the public, and five representatives of the Applicant. Minutes of the meeting, the sign-in sheet, and copies of the notice and advertisement and materials provided at the workshop, are provided with this application.

**Compliance with Land Development Code.** The requested rezoning will be compliant with the criteria of **Sec. 86-47(f)(1)** of the Land Development Code, relating to rezoning amendments, in the following respects:

**a. Whether the proposed change is in conformity to the comprehensive plan.**

**Applicant Response:** The proposed development conforms to Policy 8.2 of the Future Land Use & Design Element in that the character, design, building heights, setbacks and density (3 units per gross acre) of the proposed development will be compatible with existing surrounding neighborhoods. To the north, across Border Road, is an 11-acre vacant parcel, designated for Low Density Residential under the City's Future Land Use Map, though it still has the original Sarasota County zoning classification of Open Use Rural (OUR). To the northwest--north of Border Road and west of N. Auburn Road—is the Waterford golf course, designated as Low Density Residential and zoned PUD. Immediately to the west and southwest, across N. Auburn Road, are the "Sawgrass" nine golf holes associated with the Waterford Golf Club and the Sawgrass residential community, also designated for Low Density Residential, and zoned Sarasota County RSF-2. To the south, across Fox Lea Drive, there is a single family residence and equestrian facility on parcels which still carry the original Sarasota County zoning classification of Open Use Rural (OUR). The latter parcels are designated on the City Future Land Use Map as "Potential Voluntary Annexation Area", JPA/ILSBA Area No 2a., Subarea No. 2 (the area south of Fox Lea Drive and north of Curry Creek), where maximum residential density is likewise limited to 3 units per acre; and equestrian uses are allowed so long as such uses are deemed compatible with adjacent uses (Policy 18.4.B.4.). The Applicant proposes to promote further compatibility with respect to the equestrian center by providing a landscape buffer of 40 feet along the north side of Fox Lea Drive. Moreover, the development proposes no access/egress to Fox Lea Drive, the commercial access utilized by the equestrian center.

The development will be consistent with Policy 18.3, relating to the Auburn Road to I-75 Neighborhood (JPA/ILSBA Area No 2a). Subarea No. 1 (north

of Fox Lea Drive) by ensuring the timely development of urban services and facilities that are compatible with natural resources and community character. This is because the proposed residential density will not exceed 3.0 units per acre, calculated on a gross acreage basis; it will provide a transition from residential to non-residential uses (the existing commercial equestrian use to the south); and because adjacent equestrian uses are allowed so long as such uses are deemed compatible with adjacent uses. Structures within the development will observe a maximum height of 3 stories. The plan will include 19.75 acres of open space (49.82 percent), consisting of stormwater management pond: 8.50 acres (21.44 percent); landscape buffers: 2.55 acres (6.43 percent); and open space/tract: 11.70 acres (29.52 percent). The proposed density is also compliant with Policy 13.1 as it is adjacent to single family uses to the northwest and west; it is adjacent to I-75; and it is adjacent to single family and commercial recreational uses to the south.

The plan will likewise be consistent with Policy 18.4 relating to the Auburn Road to I-75 Neighborhood Standards. Specifically, maximum density will not exceed 3 units per acre, calculated on a gross acreage basis. Although Policy 18.4.B permits up to 10% of the acreage in the area to be devoted to non-residential uses, no non-residential uses are proposed by this plan. Maximum height will be 35 feet, which will comply with the maximum of 3 stories or 42 feet permitted by Policy 18.4C.1.a. As noted previously, the adjacent equestrian use (south of Fox Lea Drive) will continue to be allowed so long as it is deemed compatible with adjacent uses. The plan will set aside 19.75 acres of open space (49.82 percent), well in excess of the minimum 7.4 acres required for the entire area per Policy 18.4.D., and every effort has been made to conserve existing environmental features, including upland habitat.

Moreover, the map amendment will be consistent with the provisions of the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement dated October 26, 2010 with respect to Planning Area No. 2A (Auburn Road to I-75). For the reasons stated below, the land use compatibility reviews of the map amendment will address and meet all of the requirements of subparagraph 10.I. of the foregoing agreement in terms of land use density, intensity, character or type of use proposed, and on evaluation of site and architectural mitigation design techniques. Accordingly, consistent with the requirements of Policy 13.1, it provide the City Council with competent substantial evidence to find that each consideration set forth in Policy 8.2 E through H, that is relevant to the rezoning, has been met. Specifically:

- *Land use density and intensity*: Density will not exceed 3 units per gross acre;
- *Building heights and setbacks*: Building heights will not exceed 35 feet; and a 40-foot setback is being observed on the south;

- *Character or type of use proposed.* The proposed use (single family residential), is consistent with the existing single family uses to the west, and northwest, and the existing home to the south.
- *Site and architectural mitigation design techniques.*
  - The development plan proposes a 40-foot buffer on the south, and no access onto Fox Lea Drive.
- *Mitigation of potential incompatibilities.*
  - The proposed single family uses will be the same use as those to the west and northwest, and, therefore, are inherently compatible;
  - No commercial or industrial uses are proposed;
  - The project will phase out existing incompatible agricultural uses;
  - The proposed intensity (single family residential) will reduce the current (agricultural) intensity.
  - The proposed plan will mitigate potential incompatibility by providing excess open space, and enhanced buffers, and landscaping;
  - The enhanced buffers and landscaping will screen sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas on the adjacent equestrian/commercial recreational facility; and
  - Adverse impacts will be minimized by providing no access from Fox Lea Drive.

**b. The existing land use pattern.**

**Applicant Response:** The existing land use patterns are cataloged in the Applicant's response to the subsection b., above. The land use patterns are decidedly residential, or transitioning into residential uses.

**c. Possible creation of an isolated district unrelated to adjacent and nearby districts.**

**Applicant Response:** The proposed development is precisely what is called for in the comprehensive plan for in Policy 18.3 for JPA/ILSBA Area No 2a., Subarea No. 1, namely, single family residential with maximum density of 3.0 units per gross acre.

**d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.**



**Applicant Response:** The project must meet concurrency no later than the platting phase. But there do not appear to be any capacity issues as a result of providing public facilities to the subject property.

- *Transportation.* The development is not projected to create adverse transportation impacts on any adjacent roadways. A traffic impact statement prepared by TR Transportation Consultants, Inc. is submitted herewith.
- *Stormwater.* The development will comply with the City stormwater management requirements of post-development runoff not exceeding predevelopment runoff of 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFWMD) prior to construction.
- *Potable Water/Waste Water/Reuse Water.* Based on the City's level of service standards, it is anticipated that the development's potable water impact will be 17,936 gallons per day; and its sanitary sewer impact will be 14,516 gallons per day.
- *Parks.* The development will have an estimated population of 214 persons; and there is a substantial surplus of park acreage within the City to accommodate this added population.
- *Solid Waste.* No solid waste concurrency issues for the project are anticipated. Each residential unit will be entitled to two weekly solid waste collections of an unlimited quantity of household garbage for a monthly fee which will be included on the resident's water/sewer bill.
- *Schools.* The 118 residences are projected to generate 12 elementary, 6 middle, and 8 high school students. Capacity is not reserved nor guaranteed at this stage. A School Concurrency Determination will be required at the time of submittal for the final site plan or plat.

**e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Applicant Response:** Existing district boundaries and zoning classification (OUE) are based on the historic Sarasota County rural designation, but the property is now in the City's urban service area. The existing county zoning district does not implement the City's future land use designation. Additionally, a map amendment is required by the pre-annexation agreement.

**f. Whether changed or changing conditions make the passage of the proposed amendment necessary.**

**Applicant's Response:** As noted in the Applicant's response to subsection g., above, conditions have changed significantly since the property is no longer in a rural area, but in an urban area; and the pre-

annexation agreement requires a map amendment. This makes the passage of the amendment necessary.

**g. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Applicant's Response:** On the contrary, the proposed change will have a positive influence on living conditions in the neighborhood, since it will implement the aforementioned comprehensive plan policies, and be compatible with adjacent single family uses.

**h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

**Applicant's Response:** As noted in subsection d., above, the development is not projected to create adverse transportation impacts on any adjacent roadways, according to the traffic impact statement prepared by TR Transportation Consultants, Inc. which is submitted herewith.

**i. Whether the proposed change will create a drainage problem.**

**Applicant Response:** The development will comply with the City stormwater management requirements of post-development runoff not exceeding predevelopment runoff of 24-hour, 25-year storm event and applicable standards of the Southwest Florida Water Management District (SWFWMD) prior to construction.

**j. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Applicant Response:** The proposed development will be of low density, and structures will not exceed 35 feet in height; so there is no potential for it to seriously reduce light and air to adjacent areas.

**k. Whether the proposed change will adversely affect property values in the adjacent area.**

**Applicant Response:** On the contrary, the proposed change will make it possible for the value of the subject property to increase, and the value of the adjacent properties to remain stable.

**l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.**

**Applicant Response:** On the contrary, the proposed change will implement Policies 8.2, 18.3 and 13.1, with respect to JPA/ILSBA Area No 2a. Subarea No.

**m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

**Applicant Response:** The proposed change is consistent with, and will implement, the future land use map and applicable comprehensive plan policies; so there is no possibility of it granting a special privilege to the Applicant as contrasted with the public welfare.

**n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

**Applicant Response:** The existing Sarasota County zoning district of OUE is inconsistent with the City's future land use designation of low density residential. Moreover, pursuant to paragraph 2 of the pre-annexation agreement, the Applicant is required to petition the City to rezone the property from the Sarasota County zoning district to a district under the Venice Zoning Code.

**o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Applicant Response:** The proposed change to low density residential is indeed in scale with the needs of the neighborhood and the City, because it implements the future land use map and applicable comprehensive plan policies, as aforesaid.

**p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.**

**Applicant Response:** It may be possible to find sites in the city that are already zoned RSF, but some of them are already developed, and the remaining ones are not necessarily on the market or available.