



E.G. (DAN) BOONE
JEFFERY A. BOONE
STEPHEN K. BOONE
JOHN S. KODA
JACKSON R. BOONE
STUART S. BOONE

JAMES T. COLLINS, LAND PLANNER
(NOT A MEMBER OF THE FLORIDA BAR)

LAW OFFICES
BOONE, BOONE, BOONE & KODA, P.A.
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January 25, 2018

VIA HAND DELIVERY

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 West Venice Ave
Venice, Florida 34285

Re: 914, 934, 950, 968 and 988 E. Venice Ave – Vested Rights

Dear Jeff:

As you are aware, we represent Edgewood Gardens Corp., property owners, in connection with the above-referenced matter.

Pursuant to your email request of January 24, 2018, attached is a completed Petition for Vested Rights in connection with our letter to you of January 19, 2008.

If you have any questions or need any additional information, please do not hesitate to contact us.

We appreciate your attention to our request.

Kind regards.

Very truly yours,

Jackson R. Boone

enclosure

W130-15982/ltrShrum01.25.18

RECEIVED

JAN 26 2018

PLANNING & ZONING



City of Venice, Florida

Petition for Vested Rights

Petitioner Edgewood Gardens Corp.

owner of property located at 988, 968, 950, 934 & 914 E. Venice Ave., Venice, Florida

with a legal description of Please see attached.

hereby petitions the city council of the City of Venice to grant petitioner's property vested rights pursuant to Section 86-48 and as grounds there for states:

1. The "vested right" that the petitioner seeks is described as follows:

Please see attached letter.

2. The petitioner's reliance in good faith upon some act or omission of government is described as follows:

Please see attached letter.

3. The petitioner's substantial change in position or incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired is described as follows:

Please see attached letter.

4. Petitioner hereby swears or affirms that the statements contained herein are true and correct.

By: [Signature]

Jackson R. Boone

Printed Name

State of Florida

County of Sarasota

The foregoing instrument was before me, the undersigned notary public, this 25th day of JANUARY 20 18 by LEE A. FOSCO

(Name of person acknowledging)

[Signature]

Notary Public

☒ Personally known to me, or

☐ Produced identification: _____

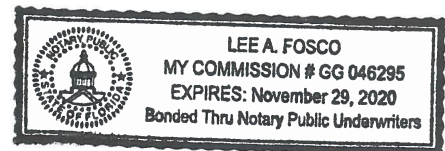
(Type of identification)

Notary Stamp

RECEIVED

JAN 26 2018

PLANNING & ZONING





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January 19, 2018

VIA HAND DELIVERY

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 West Venice Ave
Venice, Florida 34285

Re: 914, 934, 950, 968 and 988 E. Venice Ave – Vested Rights

Dear Jeff:

As you are aware, we represent Edgewood Gardens Corp., property owners, in connection with the above-referenced matter. The above-referenced properties ("Properties") are zoned OPI under the City Zoning Code ("Zoning Code"), which allows Townhouse residential use as a principal use per Section 86-90(b)(6).

Based upon the above, we firmly believe our client has the clear right to develop Townhouses on the Properties. However, we have been informed by City Staff that there may be an issue with the new City of Venice Comprehensive Plan ("Comprehensive Plan"). We respectfully disagree with the City Staff.

As mentioned above, the current zoning designation for the properties in question is OPI (Office, Professional and Institutional) and allows Townhouses as a principal use. This OPI designation was in place prior to the adoption of the new Comprehensive Plan and has remained in effect without change.

The new Comprehensive Plan Future Land Use Map ("FLUM") designation for the Properties is "Commercial". This FLUM designation does not allow residential uses within OPI zoned properties. The Comprehensive Plan in effect prior to the newly adopted Comprehensive Plan did allow such residential uses within OPI zoned properties.

We reserve the right to move forward with developing the Properties under the Zoning Code. However, and notwithstanding our reservation of rights, in recognition of the City's Vested

Mr. Jeff Shrum, AICP
Community Development Director
January 19, 2018
Page 2

Rights Determination process, we hereby request a vested rights determination on the right to develop Townhouses on the properties.

As set forth above, we believe we meet the criteria provided in both Sections 94-4 and 86-48 of the Zoning Code to establish a vested right. These criteria require an applicant to prove that they have (1) relied in good faith, (2) have relied upon an act or omission of the government, and (3) have made a substantial change in position or incurred such extensive obligations and expense that it would be highly inequitable and unjust to destroy the rights he has acquired.

If you have any questions or need any additional information, please do not hesitate to contact us.

We appreciate your attention to our request.

Kind regards.

Very truly yours,



Jackson R. Boone

jrb

W130-15982/ltrShrum01.19.18

Property Description

LOTS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 BLK 229 REPLAT OF BLKS 227 228 229 230 231 & 231A NORTH EDGEWOOD SEC OF VENICE

LOTS 16 17 18 19 20 BLKS 229 REPLAT OF BLKS 227 228 229 230 231 231A 232 NORTH EDGEWOOD SEC OF VENICE

LOTS 21 22 23 24 25 26 27 28 29 & 30 BLK 229 REPLAT OF BLKS 227 228 229 230 231 231A & 232 NORTH EDGEWOOD SEC OF VENICE

LOTS 31 32 33 34 35 36 37 38 39 40 BLK 229 REPLAT OF BLKS 227 228 229 230 231 231A 232 NORTH EDGEWOOD SEC OF VENICE

LOTS 41 42 43 44 45 46 47 48 49 BLK 229 REPLAT OF BLKS 227 228 228 229 230 231 231A & 232 NORTH EDGEWOOD