



BOONE, BOONE & BOONE, P.A.

P. O. BOX 1596

VENICE, FLORIDA 34284

E.G. (DAN) BOONE (1927-2019)
JEFFERY A. BOONE
STEPHEN K. BOONE
JACKSON R. BOONE
STUART S. BOONE
ANNETTE M. BOONE

ESTABLISHED 1956

STREET ADDRESS:
1001 AVENIDA DEL CIRCO 34285
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July 18, 2023

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

VIA ELECTRONIC AND HAND DELIVERY

Mr. Roger Clark, AICP Planning Manager City of Venice 401 West Venice Ave Venice, Florida 34285

Re:

Cielo Replat - Zoning Determination Letter

Roger,

As you are aware, we represent the property owner and developer of the Cielo subdivision. Please find enclosed a Zoning Determination Letter with accompanying supportive documents attached. Also enclosed is a fee check in the amount of \$94.93 for the Zoning Determination Letter.

Based upon our July 14, 2023, conference call with you and City Attorney, Kelly Fernandez, where we received your verbal denial of our argument and request as stated in the enclosed Zoning Determination Letter, we are hereby also notifying the City of our request to appeal your denial of the Zoning Determination Letter. We request that we be placed on the August 15, 2023, Planning Commission meeting for purposes of such appeal. Enclosed is a fee check in the amount of \$551.91 for purposes of our Zoning Determination Letter appeal.

We appreciate your attention to this matter and our request.

Kind regards.

Very truly yours,

Jeffery A. Boone

Enclosures amb/JAB

f\17856\Cover Letter - Zoning Determination Letter





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Mr. Roger Clark, AICP Planning Manager City of Venice 401 West Venice Ave Venice, Florida 34285

Re: Cielo Replat – Zoning Determination Letter

Roger,

As you are aware, we represent the property owner and developer of the Cielo subdivision (the "Owner"), which is part of the Milano PUD. As you are also aware, the Milano PUD Binding Master Plan (the "BMP") was amended to allow for commercial use on the approximately 10.42-acre parcel in the northeast corner of the Cielo subdivision.

The Cielo subdivision has a previously approved preliminary plat, as well as an approved and recorded final plat. In light of the BMP amendment and in furtherance of proceeding with commercial development within the approved portion of the BMP, the Owner is seeking to replat a portion of the Cielo plat consisting of the 10.42-acre commercial parcel in order to remove, by replat, unnecessary tract and use designations and reflect a commercial parcel unencumbered by use designations that are unnecessary as a matter of real property title law. A copy of the current plat recorded in Plat Book 53, Page 288 of the public records is attached. Sheets 4 and 5 illustrate the unnecessary tract and use designations that we now wish to remove, by replat. Also attached is a draft of the proposed replat which no longer includes such tract and use designations.

We have been advised by the City of Venice Staff that a preliminary plat application and approval is required in order to proceed with a replat of the identified portion of the current Cielo plat so as to reflect the changes consistent with the amended BMP. We disagree that a preliminary plat application is required in this very narrow circumstance and believe this is not the appropriate process for the City's approval of the replat that does not provide for the subdivision of land.

Mr. Roger Clark, AICP Planning Manager July 18, 2023 Page 2

Instead, in the absence of an applicable City process, we believe that Ch. 177 of the Florida Statutes is the only and controlling authority on the matter of replatting in this instance.

Section 1.10 of the City's land development regulations ("LDRs") establishes the requirements and procedure for preliminary plats and final plats of subdivisions. Specifically, as stated in Section 1.10 A., this section of the LDRs applies to the scenarios under which property owners are seeking to subdivide land. Specifically, Section 1.10 A provide in pertinent part, the following:

"Applicability. A subdivision of land is the division of real property into more than two lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and/or the establishment of new streets and alleys, additions and re-subdivisions creating a recorded final plat;..."

Section 1.10 does not address and is silent to the process of replatting an existing final plat when no additional lots are created. Please note that the intended replat concerns a compact 10.42-acre parcel and does not request a subdivision of land, at all, let alone more than two lots. Rather, the proposed replat consolidates existing tracts into one area of land.

The policy that underlies Section 1.10 A and the quasi-judicial public hearing process associated with the preliminary plat process is not implicated in this narrow circumstance. As noted, there is no further subdivision of land and there is no "proposed subdivision layout" for which "the public [needs] an opportunity to comment". See Section 1.10.1 A.

In our instance, the Owner is not seeking to subdivide land per the City's LDRs. The Owner is simply seeking to replat a portion of the recorded Cielo plat for title-related purposes. The proposed replat does not seek to create any additional lots and is not, therefore, a subdivision that is subject to the regulatory restrictions identified in Section 1.10 A.

Because the City's LDRs does not provide for the process of replatting as it relates to our circumstances, the applicable requirements and process to which the Owner is subject is Ch. 177 of the Florida Statutes. Therefore, upon the Owner satisfying the minimum requirements as set forth under Ch. 177 of the Florida Statutes, the City should approve the proposed replat of the Cielo plat.

Mr. Roger Clark, AICP Planning Manager July 18, 2023 Page 3

We respectfully request your favorable determination and confirmation of the above-stated requirements and process for the City's approval of the Owner's proposed replat.

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

Kind regards.

Very truly yours,

Jeffery A. Boone

Enclosure

amb/JAB

f:\17856\Zoning Determination Letter

PLAT BOOK

PAGE |

SHEET 1 OF 2

35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, CITY IN PLAT BOOK 53, PAGE 288 LYING IN SECTION A REPLAT OF TRACT 501 AND PORTIONS OF TRACTS 306 & 600 OF "CIELO" AS RECORDED

This plat, as recorded in its graphic form, is the official depiction of the subdivided binds described herein and will in no circumstances be supplanted in authority but any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county. OF VENICE, SARASOTA COUNTY, FLORIDA

Public Utility Ecaements granted to the City of Yenice and/or Scrascta County shall be for oberoground and underground utilities, as required by site and development plans approved for each lot.

VENICE 00000 LOCATION PROJECT Ext 195 Laurel xit 193 Road 80 0 80 0 IJ

_OCATION MAP

HOPERTY DESCRIPTION:

A TRACT OF LAMID BENEAUL OF TRACT SO! AND A PORTION OF TRACTS 306 AND 800 OF "CELLO" SUBDINSON AS RECORDED IN PAY BOOK SI, PAKE 288, OF THE PLEAL RECORDS OF SHANOTA COUNTY, FLORIDA, BEING MARE PARTICULARLY OSCIPATION AS FOLLOWS:

COMMERCIAN AT THE MOST EXSTEAT NORTH-SISTEAY CORNER OF TRACT 700, OF SUD DEED SUBDINSTRIK HEREST SUBTIN DOTSON WITH MASS AND THE MOST SUBDINSTRIK HEREST SUBTIN DOTSON WITH A SUBDINSTRIK HEREST SUBTIN DOTSON WITH A SUBDINSTRIK HEREST SUBDINSTRIK SUBDINSTRIK HEREST SUBDINSTRIK SUBDINSTRIK HEREST SUBDINSTRIK SUBDINSTRIK HEREST SUBDINSTRIK SUBDINSTRIK SUBDINSTRIK SUBDINSTRIK

Karen E. Rushing Clerk of the Circuit Court Sarasota County, Florida

STATE OF FLORIDA) SS

CERTIFICATE OF APPROVAL OF COUNTY CLERK

City Engineer City Attorney th is hereby certified that this by the City Council of Venice, day of STATE OF FLORIDA) SS

Plot has been Officially approved for record a municipality in the County of Sarasota, Florida, this A.D., 2023

CERTIFICATE OF APPROVAL OF CITY COUNCIL

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 453,769 SQUARE FEET OR 10.4171 ACRES, MORE OR LESS

CERTIFICATE OF OWNERSHIP AND DEDICATION

| STATE OF FLORIDA COUNTY OF SARASOTA |
|--|
| } 8 |

Pursuant to Florido Statutes 177.081, the undersigned, Pamela Curran, as Manager of Border and Jacourondo Holdings, LLC, a florida limited liability company, on behalf of the company, certilies Demostrip of the property described here on and has caused this plat entitled "Cielo Replat" to be made.

| IN WITNESS WHER |
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| the undersigned er, this |
| Company day of |
| has o |
| caused these |
| these |
| presents 1 A.D., 202 |

WITNESSES:

| Signature of Witness: | Print Name of Wilness: | Signature of Witness: |
|-----------------------|------------------------|----------------------------|
| By. | | Border and Florida Limi |

l Jacarando Holdings LLC, o ited Liability Company:

By: Pamelo Curron, Manager

Print Name of Witness:

STATE OF FLORIDA COUNTY OF SARASOTA

| My Commission Expir Commission Number: | Notary Public Print Name: | |
|---|------------------------------|---|
| Commission Expires | 등등 | ! |
| xpires: | | |
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KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned Licensed Professional Land Surveyor, hereby certify that this pict is a true and correct representation of the lands surveyed, that the survey was made under my responsible direction and supervision, that the survey data compiles with all the requirements of chapter 177, florido Statutes and the Sarasota Courty Unified Development Code, as amended and that the Permanent Reference Monuments (PRM's), Bench Marks and lot corners have been installed. CERTIFICATE OF SURVEYOR

Stantec Consulting Services Inc L.B.#7866

Joseph R. Jasper, P.S.M. Florida Certificate #7168

Stantec

It is hereby certified that I have reviewed this plot for confamily to Chapter 177 Part I, picting of the Florido Statiune, and that I am under contract to the appropriate local operating body and acting hereto as an agent to the City of Yence. This limited certification as to statial confamily with the requirements of Chapter 177 of the Florido Statutes is not intended to be and should not be construed as a certification of the accountry or quality of the surreping and mapping reflected on this plats. to Chapter 177, tract to the

COUNTY OF SARASOTA STATE OF FLORIDA

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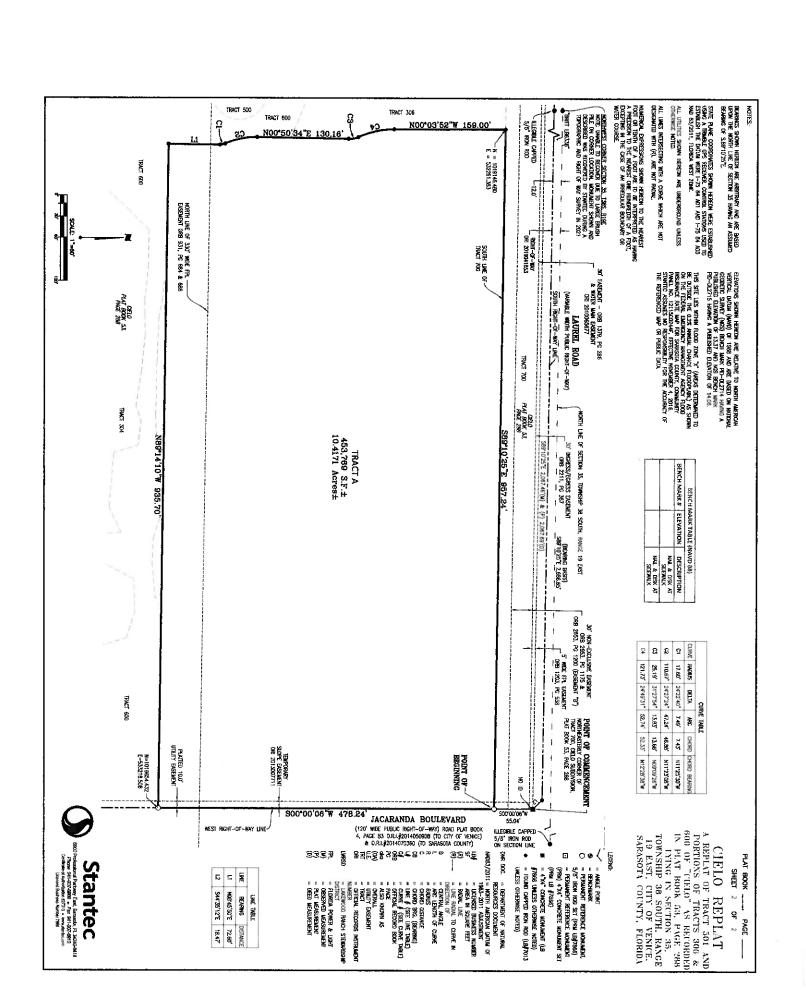
CERTIFICATE OF REVIEWING SURVEYOR AND MAPPER

Deputy Clerk

FLORIDA SURVEYOR CERTIFICATE NO.____

Date:

Professional Partisinay East, Sansoots, FL 34240-4414
Phone 941-907-9000 + Fax 941-907-9010
Certificits of Authorization 927013 + www.mayrec.com
Liversad Seathers Hunton 7065



IN SECTION 35, TOWNSHIP 38 SOUTH, CITY OF VENICE, SARASOTA COUNTY, FLORIDA SUBDIVISION **RANGE 19 EAST**

RECORDED IN OFFICIAL RECORDS
INSTRUMENT + 2019**9100 9 PC(5)
Decomber 10, 2019 04 13 A4 PM
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COLERY OF THE CHART OLERY
SERVISOTH COUNTY FL

PLAT BOOK 53 PAGE 288

see 1 or 9

CERTIFICATE OF OWNERSHIP AND DEDICATION

COUNTY OF SARASOTA STATE OF FLORIDA

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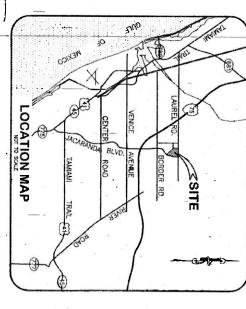
SAMPLESS THEREOF, THE FORECOMO HIS SET HIS HAND AND SEAL THIS 24 DAY OF

BORDER AND JACAR HOLDINGS, LLC. A FLORIDA LIMITED EMBILITY COMPANY

PRINT: Jaceb Delva

Es Kodowsk

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIMBILITY COMPANY BY: NODG MANAGEMENT LLC, A FLORIDA LIMITED LIMBILITY COMPANY, ITS MANAGER



GRANT OF EASEMENTS

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- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

DATE: 10/24/2019

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STATE OF FLORIDA! SS

PRINT: Jacob belooch

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- 5) ALL LINES INTERSECTING WITH A CURVE WHICH ARE NOT DESIGNATED WITH (F), ARE NON-RADIAL.

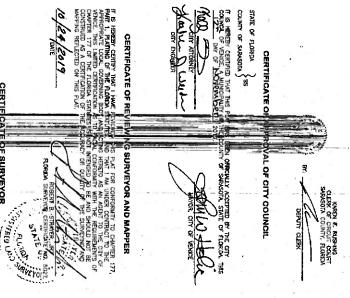
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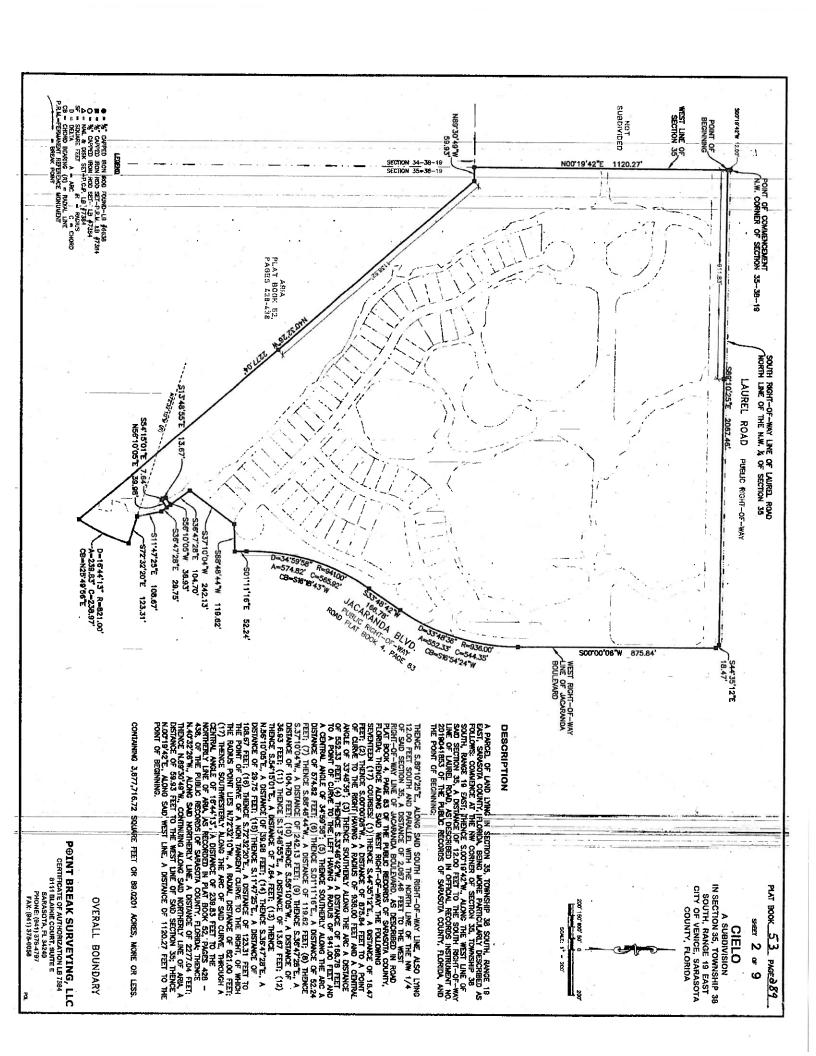
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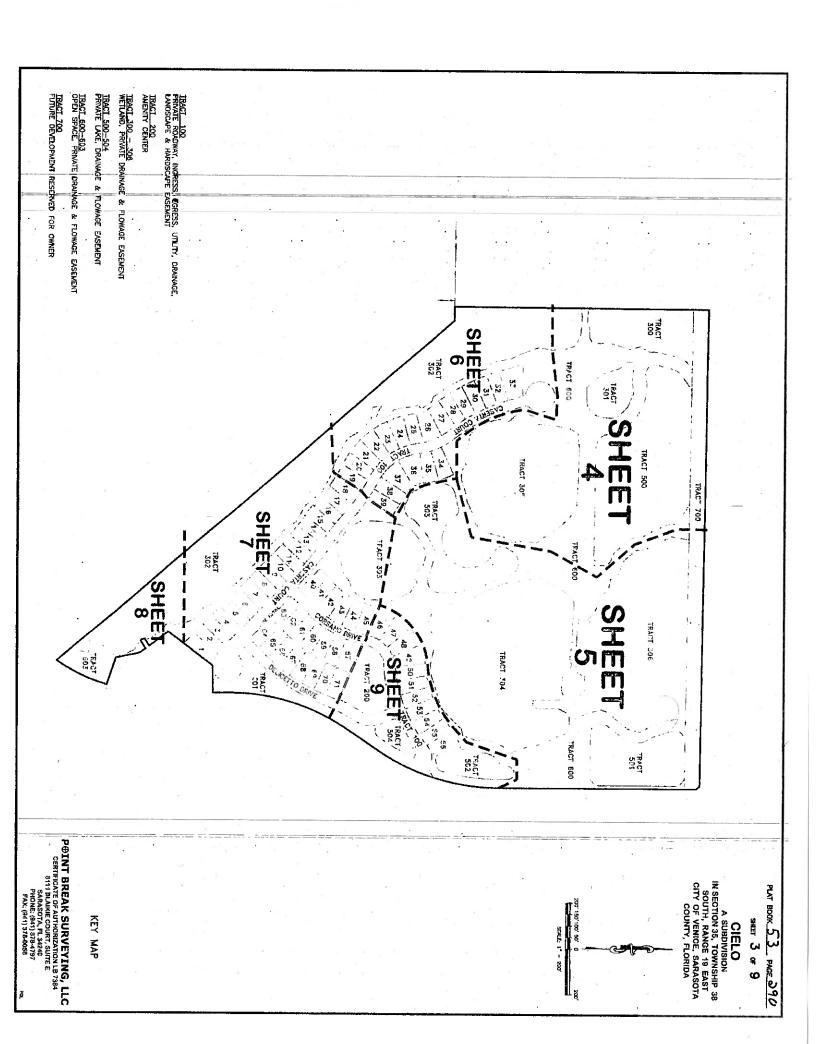
CERTIFICATE OF APPROVAL OF COUNTY CLERK

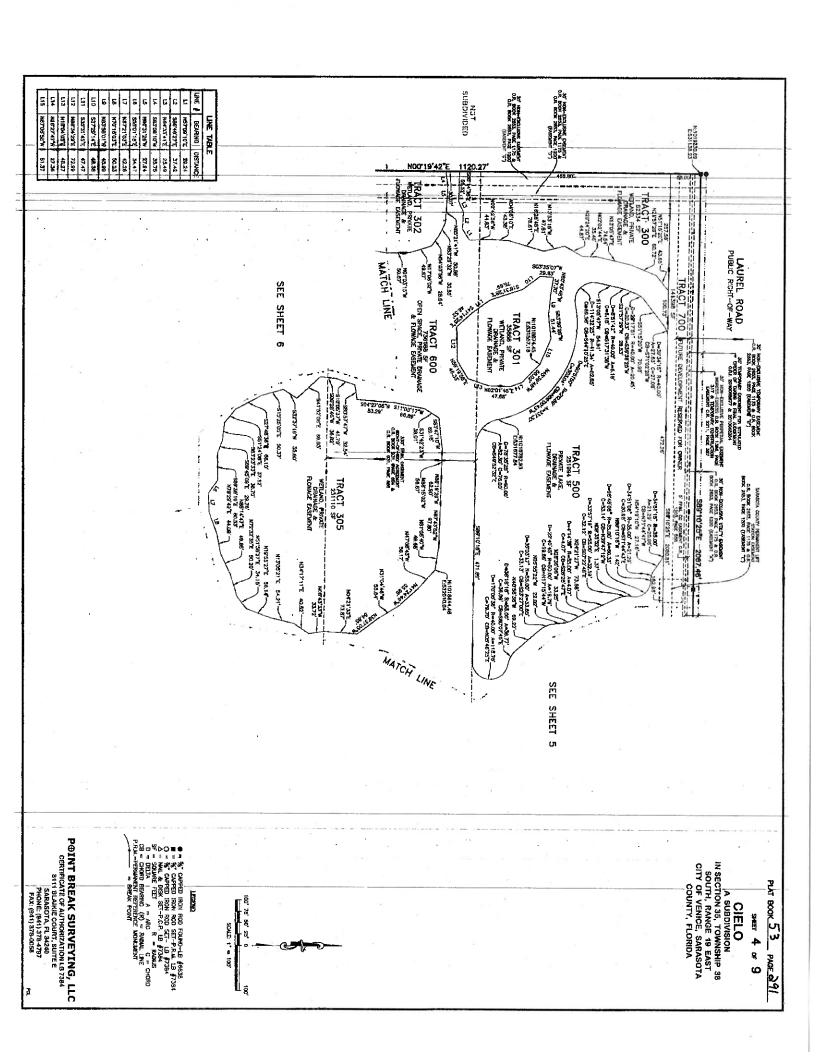
COUNTY OF SARASOTA STATE OF FLORIDA

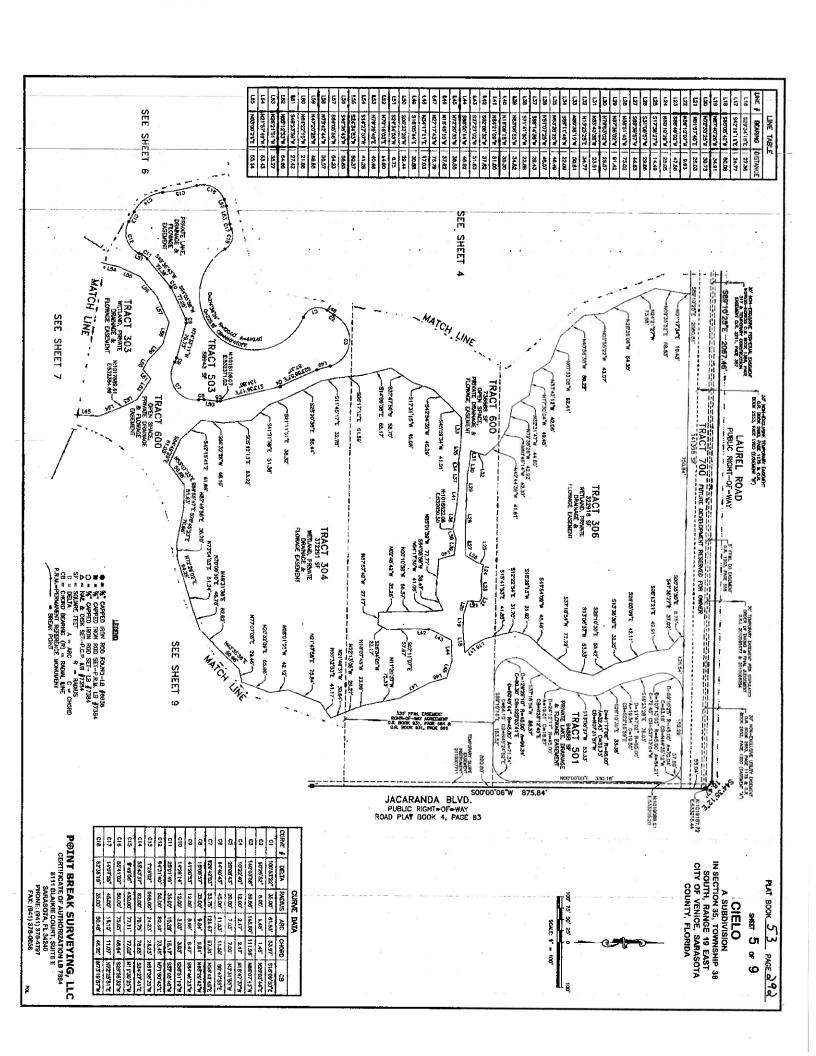
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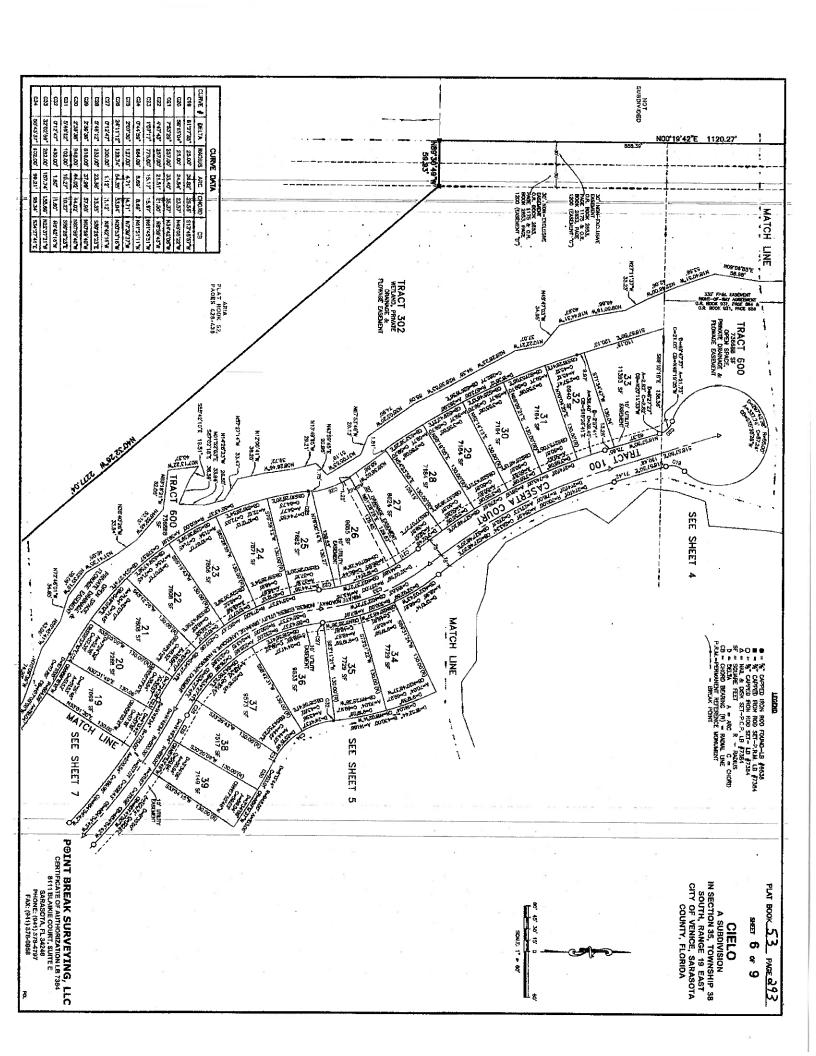


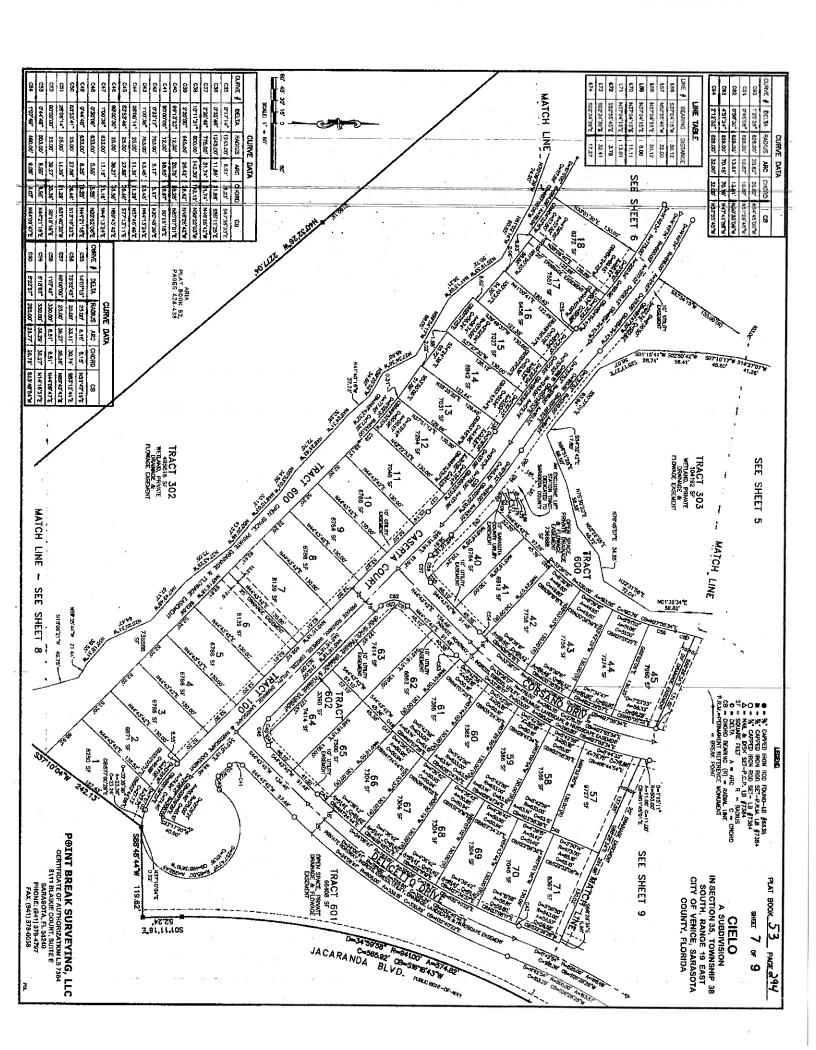












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POINT BREAK SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION LE 7384
81141 BLAIKIE COURT, SUITE
8ARASOTA, FL 34240
PHOME: (941) 3178-4035
FAX: (941) 3178-4035

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A SUBDIVISION
IN SECTION 35, TOWNSHIP 38
SOUTH, RANGE 19 EAST
CITY OF VENICE, SARASOTA
COUNTY, FLORIDA

SHEET 8 OF 9

PLAT BOOK 53 PAGE 295

