



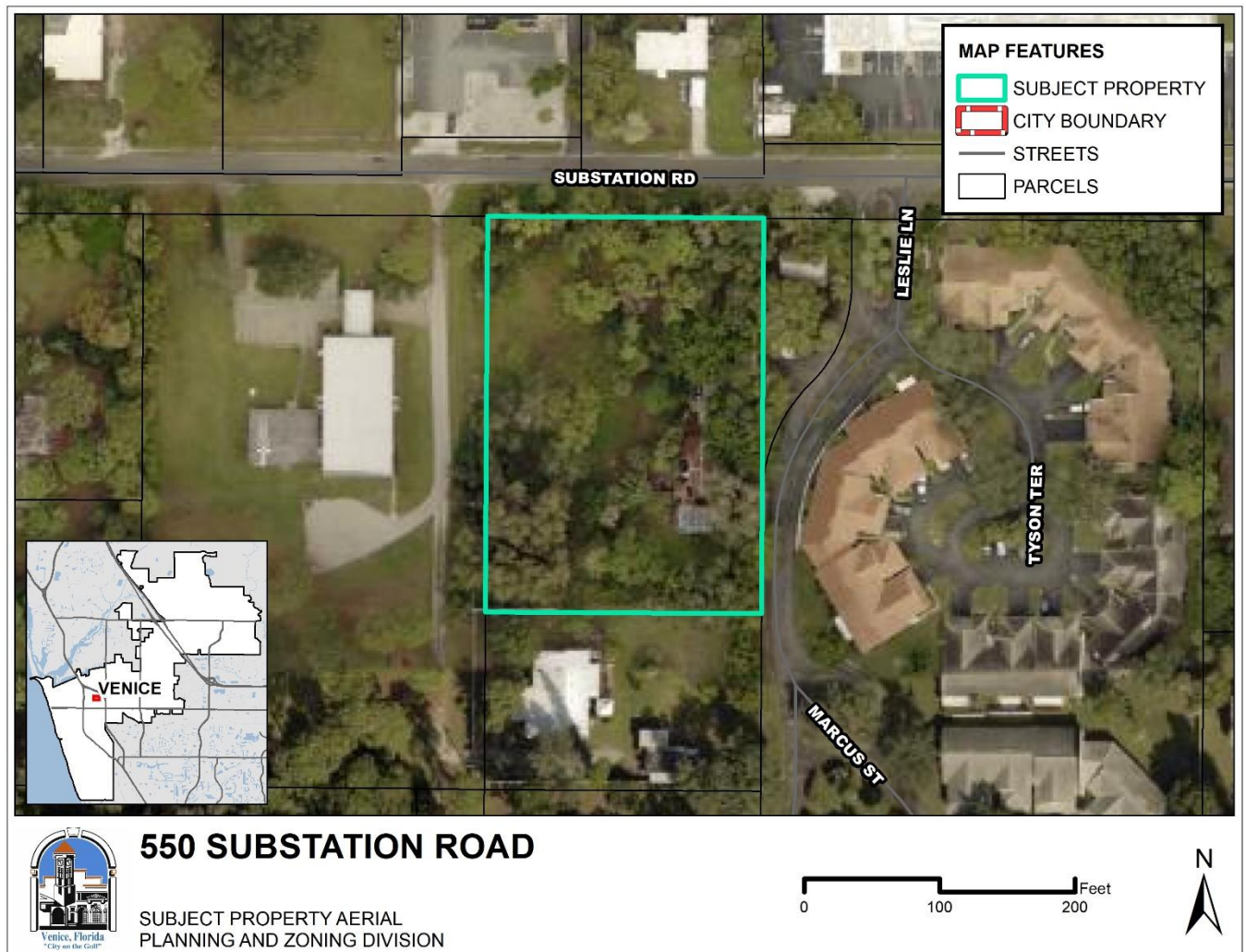
CITY OF VENICE

Vested Rights Determination

20-14VR

Staff Report

- I. **Applicant:** Jackson Boone - Boone, Boone, and Boone Law Firm on behalf of TP Three, LLC., property owner.
- II. **Subject Property:** Sarasota County Parcel ID# 0407-10-0001, 1.36+/- acres of land (see following location map).



III. Vested Rights Determination Criteria:

A vested rights determination is subject to the City Code of Ordinances Chapter 86 Section 86-48 as indicated below:

Sec. 86-48. - Vested rights.

(a) Nothing contained in this chapter shall be construed as affecting existing vested rights. It shall be the duty and responsibility of any person alleging vested rights to affirmatively demonstrate to city council the following:

- (1) A reliance in good faith upon some act or omission of the government; and***
- (2) A substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.***

IV. Applicant Alleged Vested Right:

Jackson Boone representing the property owners, TP Three LLC., has submitted for a vested rights determination for their subject property located south of Substation Road, west of US 441 for parcel ID# 0407-10-0001 comprising approximately 1.36 +/- . For this determination, the owner desires to confirm the legal status/vesting for consistency with the Comprehensive plan to allow for the residential development of the subject property under the current Residential, Multi-Family – 3 (RMF-3). The existing RMF-3 zoning district is not an implementing zoning district for the High Density land use designation and allows residential development at a density lower than the established range of density for this district: the City’s 2017-2027 Comprehensive Plan establishes a density range of 13.1 – 18 units per acre for High Density land use.

The applicant has also submitted the application, cover letter and associated documentation to support their request, which have been included in the file of record and in the agenda meeting packet.

V. Background Information:

- **2010 Comprehensive Plan: Future Land Use: Planning Area G: Seaboard Sector**, through Policy 16.14, established “...a maximum residential density average in the sector will not exceed 18 units per acre, calculated on a gross acreage basis.”
- **2017-2027 Comprehensive Plan: Land Use designation: Strategy LU 1.2.3. – Residential High Density Residential Policy**

LU 1.2.3 – Residential which provides for the density per gross acre and implementing zoning districts for each residential land use district as follows:

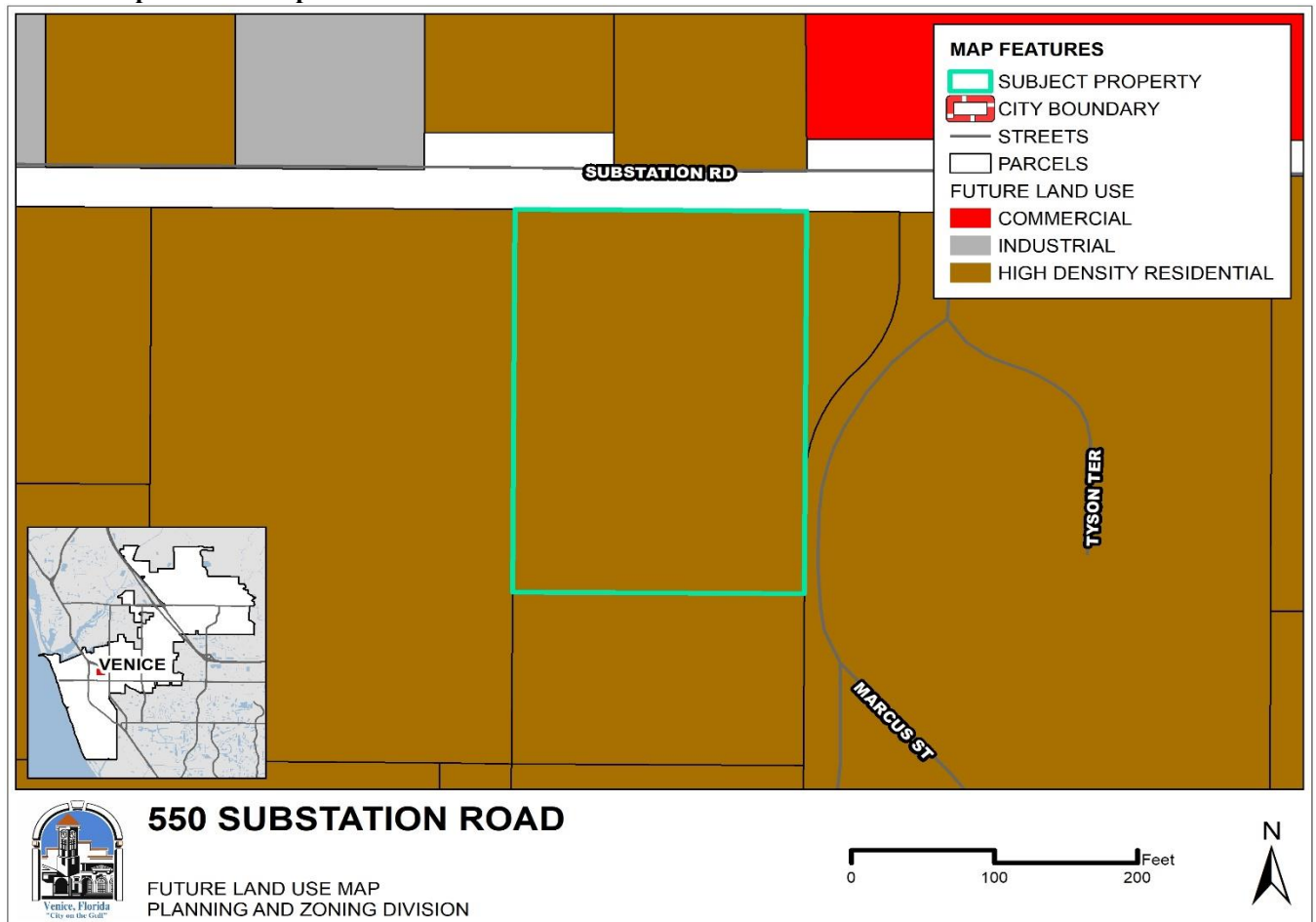
Strategy LU 1.2.3 - Residential.

Density Defined. Dwelling Units Per Acre (DU/AC): Residential Development (“Density”) is measured in dwelling units per (gross) acre.

Residential Land Use	Density per Gross Acre	Implementing Zoning Districts
Low Density	1.0 to 5.0	RE, RSF1, RSF2, RSF3
Moderate Density	5.1 to 9.0	RSF4, RMF1, RMF2, RMH
Medium Density	9.1 to 13.0	RMF3
High Density	13.1 to 18	RMF4

Map 1 below depicts the subject property with the High Density Residential Land Use designation from the 2017-2027 Comprehensive Plan.

Map 1: 2017 Comprehensive Plan Future Land Use

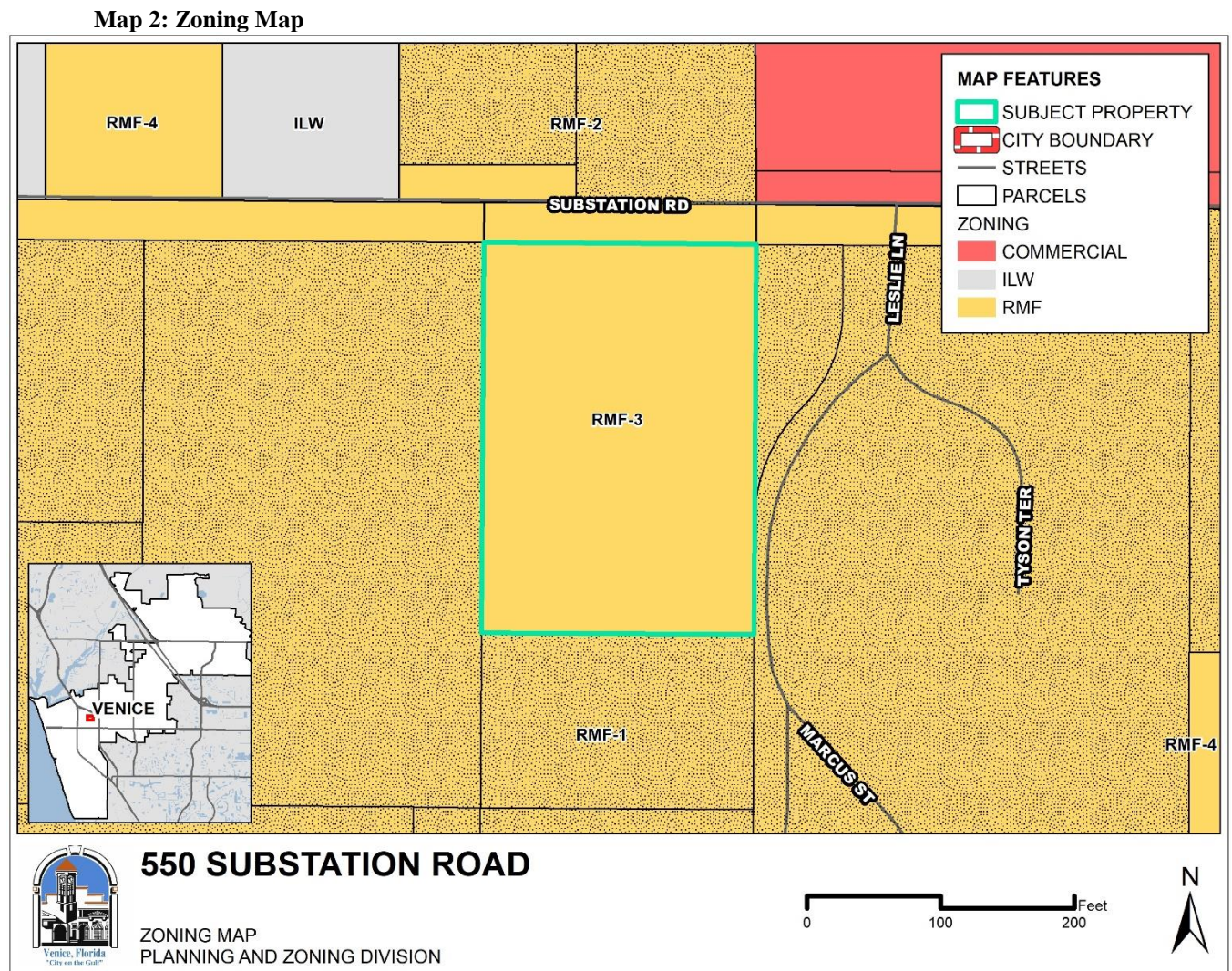


The City's 2010 Comprehensive Plan designation for the subject property was Planning Area G with the associated Policy language regarding Density:

Policy 16.14 Seaboard Sector Standards. Development in the Seaboard Sector shall be built according to the following development scenario:

A. The density range for the sector shall be up to 18 dwelling units per acre.

Map 2 below depicts the subject property current zoning designation as RMF-3 which was also in place prior to the adoption of the 2017-2027 Comprehensive Plan.



VI. Findings:

In review of the submitted petition for vested rights for the subject properties (Sarasota County Parcel ID# 0407-10-0001, comprising 1.36 +/- acres of land), the following findings are noted for consideration:

- The 2010 Comprehensive Plan did establish up to a maximum of 18 dwelling units per acre as part of Planning Area G.
 - Did not specify a density range but rather a density of ‘up to’ 18 units per gross acre.
- The 2017-2027 Comprehensive Plan removed Planning areas as part of the Plan and for the subject property area defined the existing residential properties in this northern ‘seaboard area’ as High Density Residential.
 - High Density Residential land use establishes a density range of 13.1 – 18 units an acre.
- The zoning under the 2010 Comprehensive Plan was and remains as RMF-3 which is the current zoning under the 2017-2027 Comprehensive Plan as well.

- The RMF-3 zoning district allows for residential development “up to” a maximum of 13 units per acre.
- The Land Development Regulations to provide for the implementation of the 2017-2027 Comprehensive Plan are still under development as a result there are still inconsistencies between the direction the City desires to move in or its vision as indicated by the adoption of the 2017-2027 Comprehensive Plan. The existing RMF-3 zoning designation on the subject property is an example of an inconsistency with the Comprehensive Plan land use designation of High Density Residential.
- The applicant contends that: “Prior to the City’s adoption of the 2017-2027 Comprehensive Plan, the City has consistently approved residential development on properties pursuant to their zoning designation which is lower than their prescribed density range of their Future Land Use designation Comprehensive Plan...”.
 - The applicant has provided no specific examples to support this contention, nor has staff found any examples of such approvals prior to the adoption of the 2017-2027 Comprehensive Plan indicating a pattern or reoccurrence of “consistently” approved residential development lower than the density range of their corresponding future land use designation.
- The applicant has provided no information on when the property was acquired in relation to the adoption of the Comprehensive Plan.
- The applicant has provided no documentation or specific expenditures providing evidence to support an affirmative finding that: *A substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.*