

IN AND BEFORE A SPECIAL MAGISTRATE
PURSUANT TO LAND USE AND ENVIRONMENTAL DISPUTE
RESOLUTION ACT, SECTION 70.51, FLORIDA STATUTES

Border Road Investments, LLC, and
Visterra Associates, LLC

Petitioner,

v.

City of Venice,

Respondent.

**MEDIATED SETTLEMENT AGREEMENT &
RECOMMENDATION OF THE SPECIAL MAGISTRATE**

This Mediated Settlement Agreement (the “Agreement”) is entered into by and among the Petitioner, Border Road Investments, LLC and Visterra Associates, LLC (collectively the “Petitioner”); and the Respondent, City of Venice (“City”). The undersigned parties who have signed this Agreement (collectively “Parties” and individually “Party”), have entered into this Agreement following a mediation held on April 2, 2025, pursuant to Section 70.51, *Florida Statutes*. In accordance with Section 70.51, *Florida Statutes*, the mediation session was noticed and no members of the public requested to participate.

BACKGROUND

Petitioner submitted an application to the City on September 6, 2023 (Petition No. 23-63RZ) seeking to amend the approved zoning for a 323.56-acre property located South of Laurel Road E, North of Border Road and East of Interstate-75 (the “Property”). The subject Property is

zoned GCCF Planned Unit Development (“GCCF PUD”) and the Petitioner’s application requested to amend the GCCF PUD Master Plan to increase the maximum density from 4.3 dwelling units per acre, which would allow 1,300 dwelling units, to 5.0 dwelling units per acre, which would allow 1,617 dwelling units. According to the Petitioner, the purpose of the request was to enable a greater variety of housing types to be provided, such as multifamily units and/or smaller, more affordable single-family units.

On March 5, 2024, the City Planning Commission voted 7-0 to recommend that the City Council approve the rezoning of the Property as requested by Petitioner. On April 9, 2024, the City Council denied the rezoning application and issued Order No. 23-63RZ (the “Order of Denial”), a copy of which is attached hereto as **Exhibit “A”**. On May 9, 2024, Petitioner submitted a Request for Relief (“Request”) under the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA”), a copy of which is attached hereto as **Exhibit “B”**.

The purpose of the FLUEDRA process is to “facilitate a resolution of the conflict between the owner and governmental entities” by negotiating an adjustment of the development to create a mutually acceptable solution. § 70.51(17)(a), *Florida Statutes*. Such solutions and settlement agreements shall not be deemed an admission of any fact, issue or liability in this case. The Parties agree that this Agreement is intended as a comprehensive settlement of all outstanding issues raised in Petitioner’s Request for Relief, including but not limited to a potential appeal by petition for writ of certiorari and potential state and federal litigation claims.

SETTLEMENT PROPOSAL

The Parties agree to the following:

1. The proposed resolution to be presented to the City Council includes an amended GCCF PUD Binding Master Plan with a recommendation of approval, a copy of which is attached hereto as **Exhibit “C,”** contingent on City Council’s approval of the Petitioner’s application for height exceptions for Assisted Living, Independent Living and Memory Care, and Multi-Family uses.
2. The amendments to the GCCF PUD Binding Master Plan are as follows:
 - a. Increase maximum density from 4.3 dwelling units per acre (1,300 dwelling units) to 5.0 dwelling units per acre (1,617 dwelling units).
 - b. Permit optional interconnection with the property to the east of the 17.46-acre parcel designated for Medical Office/Multi-Family, House of Worship, Assisted Living/Independent Living/Memory Care use.
 - c. Limit 370 of the 1,617 dwelling units to the 17.46-acre parcel designated for Medical Office/Multi-Family, House of Worship, Assisted Living/Independent Living/Memory Care use.
 - d. Add Assisted Living, Independent Living and Memory Care uses as permitted principal uses and structures.
 - e. Delete Assisted Living as a special exception use.

- f. Identify the maximum height for Assisted Living, Independent Living and Memory Care uses as 65' (inclusive of parking) and requiring height exception approval for heights above 35'.
 - g. Identify the maximum height for Multi-Family uses as 55' (inclusive of parking). and requiring height exception approval for heights above 35'.
 - h. Add lot detail standards for Independent Living and Memory Care uses consistent with the existing Assisted Living use lot detail standards.
 - i. Add signage standards for Independent Living and Memory Care uses consistent with the existing Assisted Living use signage standards.
- 3. This Agreement shall be considered and either: (a) preliminarily approved; or, (b) rejected by the City Council. If preliminarily approved by the City Council, such preliminary approval is contingent upon the City Council's subsequent and final approval of the Petitioner's height exceptions for the Assisted Living, Independent Living and Memory Care, and Multi-Family uses, as further detailed herein.
- 4. If preliminarily approved by the City Council, within 90 days of the effective date of this Agreement the Petitioner shall apply for the height exceptions, per the terms of the amended Binding Master Plan, for Assisted Living, Independent Living and Memory Care, and Multi-Family uses.

5. The City Council shall consider the height exceptions as applied for by the Petitioner and either approve or reject the same. Unless agreed to by the Petitioner, the City Council shall not place stipulations, conditions, or other limitations or requirements on the height exception proposals nor shall the City Council approve the height exceptions at heights lower than applied for by the Petitioner; any stipulations, conditions, or other requirements or modifications attached to the height exception applications and not agreed to by the Petitioner shall cause the same to be deemed a denial of the applications by the City Council for purposes of this Agreement.

a. An approval of the height exceptions by the City Council shall have the effect of ratifying the preliminary approval and cause this Agreement to be deemed approved pursuant to Section 70.51, *Florida Statutes*.

b. A rejection of the height exceptions by the City Council shall have the effect of rejecting the preliminary approval and cause this Agreement to be deemed rejected pursuant to Section 70.51, *Florida Statutes*.

6. **Extension of Time**. The parties agreed to extend any deadlines which may have passed under Section 70.51, *Florida Statutes*.

7. **Entire Agreement**. Subject to approval by the City Council, this Agreement sets forth the entire and complete settlement agreement between the Parties relative to this matter and may not be modified or amended except by written agreement executed by all the Parties

set forth below. This Agreement may not be modified by oral discussions prior to or after its execution.

8. **No Admissions.** This Agreement is made as a settlement and compromise of highly contested, disputed claims. No party to it admits any liability or wrongdoing as a result of the execution of this Agreement.
9. **Consideration by the City Council.** This Agreement shall be considered by the City Council at a public hearing held within 90 days of execution of this Agreement. The public hearing shall be advertised in compliance with all Section 1.2.E. of City Land Development Code. Subject to the contingency previously stated herein, approval of this Agreement by the City Council shall serve as final disposition of all potential claims arising from the denial of the rezoning application for the Property and the parties shall be bound by its terms. Approval of this Agreement shall also serve as final approval of the amended GCCF PUD Binding Master Plan attached hereto as **Exhibit "C"**, subject to the contingency previously stated herein.
10. **Reservation of Rights.** In the event the City Council should reject this settlement proposal, either by way of rejecting it upon initial consideration, or upon rejecting it following a preliminary approval, the Petitioner reserves the right to request a hearing in accordance with Section 70.51(17), *Florida Statutes*, and/or initiate all legal remedies that

may be available to Petitioner. The request for hearing shall be made within 30 days of the City Council's rejection.

11. **Counterparts.** This Agreement may be executed by two (2) or more original, photocopy and/or facsimile counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

CONCLUSION AND RECOMMENDATION

Pursuant to Section 70.51, *Florida Statutes*, the first responsibility of the Special Magistrate is to facilitate the resolution of matters in disagreement. To that end, the mediation session was informal in nature and directed towards both a full and complete discussion of the issues and concerns raised by the City Council and members of the public during the rezoning public hearing. The mutually acceptable settlement proposal has been agreed to by City staff and Petitioner and satisfies the requirements of Section 70.51, *Florida Statutes*.

The Special Magistrate recommends the City Council approve this mediated settlement proposal and adopt an order approving Petitioner's request to amend the Property's GCCF PUD zoning to resolve all potential claims arising from the prior denial of the rezoning, including, but not limited to, an appeal by petition for writ of certiorari and potential state and federal claims. It is in the Parties interest to resolve this matter.

RESPECTFULLY SUBMITTED this 16th day of June, 2025.

/s/ Mark Bentley

MARK BENTLEY

Johnson Pope Bokor Ruppel & Burns, LLP

400 North Ashley Drive, Suite 3100

Tampa, Florida 33602

Tel: (813) 225-2500

E-mail Address:

markb@jpfirm.com

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed
on this ____ day of _____, 2025.

PETITIONER

Border Road Investments, LLC

By: 

Print: John A. Neal

Its: Manager

Visterra Associates, LLC

By: 

Print: John A. Neal

Its: Manager

RESPONDENT

City of Venice

By: 

Ed Lavallee, City Manager

THIS MEDIATED SETTLEMENT AGREEMENT WAS APPROVED BY THE VENICE CITY COUNCIL ON THE ____ DAY OF _____ 2025.

Nick Pachota, Mayor

ATTEST

Kelly Michaels, MMC, City Clerk

Exhibit “A”

Order of Denial

(Order No. 23-63RZ)

**CITY OF VENICE, FLORIDA
CITY COUNCIL
ORDER NO. 23-63RZ**

AN ORDER OF THE VENICE CITY COUNCIL DENYING ZONING MAP AMENDMENT (PLANNED DISTRICT) PETITION NO. 23-63RZ FOR THE GCCF PLANNED UNIT DEVELOPMENT.

WHEREAS, Border Road Investments, LLC and Vistera Associates, LLC filed Zoning Map Amendment (Planned District) Petition No. 23-63RZ ("Petition") to amend the GCCF Planned Unit Development, as further described in Exhibit "A" attached hereto and incorporated herein by reference, to increase the approved density from 1,300 dwelling units (4.3 units per acre) to 1,617 dwelling units (5.0 units per acre); and,

WHEREAS, the subject property is designated Mixed Use Residential (MUR) on the City's Future Land Use Map in the 2017 Comprehensive Plan; and,

WHEREAS, the Planning Commission held a noticed public hearing on March 5, 2024 regarding the Petition and based upon the testimony and evidence received the Planning Commission voted to recommend to City Council approval of the Petition; and,

WHEREAS, City Council held a public hearing on April 9, 2024 regarding the Petition; and,

WHEREAS, based upon the testimony and evidence received at the public hearing, City Council voted 4-3 to deny approval of the Petition on first reading of the associated Ordinance.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL THAT:

Section 1. The above whereas clauses are ratified and confirmed as true and correct.

Section 2. Based on the testimony and evidence presented, the Petition is hereby DENIED based on the following findings:

- a. The Petition is not in compliance with Section 1.7.4.A.1 of the Land Development Code (Chapter 87) as it is not compatible with the existing development pattern and the zoning of nearby properties.
- b. The Petition is not in compliance with Section 1.2.C.8.b.iv of the Land Development Code (Chapter 87) due to lack of compatibility of the densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
- c. The Petition is not in compliance with Section 1.7.3.B.1 of the Land Development Code (Chapter 87) as evidence of unified control of all land subject to the Petition has not been provided.

Section 3. This Order constitutes the written notice of the denial of the Petition required by Section 166.033, Florida Statutes.


Section 4. This Order shall become effective immediately.

ORDERED at a meeting of the Venice City Council on the 9th day of April, 2024.


Nick Pachota (Apr 11, 2024 11:09 EDT)

Nick Pachota, Mayor

Attest:



Kelly Michaels, MMC, City Clerk

Approved as to form:


Kelly M. Fernandez (Apr 11, 2024 12:49 EDT)

Kelly M. Fernandez, City Attorney

Exhibit "A"

LEGAL DESCRIPTION

PARCEL 1:

A parcel of land lying and being in the NW 1/4 and the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the NW corner of said Section 34; thence along the West line of the NW 1/4 of said Section 34, S 0°50'33" E, a distance of 1342.18 feet to the SW corner of the NW 1/4 of the NW 1/4 of said Section 34; thence along the South line of said NW 1/4 of the NW 1/4 of said Section 34, S 89°29'17" E, a distance of 1470.24 feet for a Point of Beginning, said point being the NE corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence continue along said line, S 89°29'17" E, a distance of 425.54 feet, to the NW corner of those lands as described in Official Records Book 3024, Page 558, Public Records of Sarasota County, Florida; thence S 0°15'55" E, along the Westerly boundary line of said lands, a distance of 539.73 feet to the SW corner of said lands; thence S 89°29'01"E, along the Southerly boundary line of said lands, a distance of 292.83 feet; thence S 0°15'55" E, a distance of 524.13 feet; thence S 89°29'01" E, a distance of 517.24 feet to the East line of said NW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 0°15'55" E, along said East line, a distance of 2833.07 feet to the Northerly right-of-way line of Border Road; thence N 89°40'23" W, along said right-of-way line, a distance of 84.80 feet; thence N 0°19'37" E, along said right-of-way line, a distance of 17.00 feet; thence N 89°40'23" W, along said right-of-way line, a distance of 200.00 feet; thence N 80°23'38" W, along said right-of-way line, a distance of 303.93 feet; thence N 89°28'33" W, along said right-of-way line, a distance of 326.51 feet to the Northeasterly right-of-way line of State Road 93 (I-75), Florida Department of Transportation right-of-way map, Section 17075-2406; thence N 35°01'47" W, along said right-of-way line, a distance of 2115.71 feet to the most Southerly corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence N 54°58'13" E, along the Southeasterly boundary line of said lands, a distance of 1091.03 feet to the SE corner of said lands; thence N 0°50'28" W, along the Easterly boundary line of said lands, a distance of 138.24 feet; thence N 0°50'33" W, along the Easterly boundary line of said lands, a distance of 1338.73 feet to the Point of Beginning.

Less those lands described in Warranty Deed wherein Sarasota County, Florida, is Grantee and recorded in Official Records Instrument No. 2004206575, of the Public Records of Sarasota County, Florida.

PARCEL 2:

Commence at the SE corner of the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 0°17'55" W, 3390.20 feet for a Point of Beginning, thence continue N 0°17'55" W, 537.81 feet; thence N 89°31'01" W, 810.03 feet; thence S 0°17'55" E, 537.81 feet; thence S 89°31'01" E, 810.03 feet to the Point of Beginning, all lying and being in Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

Together with a 30 foot easement for ingress and egress lying on the West of the East line of the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and lying between the South line of above described parcel and the North line of Border Road.

PARCEL 3:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E 1690.65 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E 325.69 feet along said North line; thence S 1°03'08" E 1337.54 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W 325.67 feet along said South line; thence N 1°03'08" W 1338.29 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 4:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E, a distance of 1365.14 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E, a distance of 325.51 feet along said North line; thence S 1°03'08" E, a distance of 1338.29 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W, a distance of 325.49 feet along said South line; thence N 1°03'08" W, a distance of 1339.04 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 5:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 0°50'33" E, 1342.18 feet; thence S 89°29'17" E, 1470.24 feet; thence S 89°29'17" E, 425.54 feet; thence S 0°15'55" East, 539.73; thence S 89°29'01" E, 292.83 feet for a Point of Beginning; thence S 0°15'55" E, 524.13 feet; thence S 89°29'01" E, 517.24 feet; thence N 0°17'55" W, 524.13 feet; thence N 89°31'01" W, 517.20 feet to the Point of Beginning.

PARCEL 6:

A portion of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the SW corner of SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 89°52'24" E along the South line of said Section 34, a distance of 667.01 feet for the Point of Beginning; thence continue S 89°52'24" E along said South line a distance of 332.66 feet; thence N 00°10'44" W a distance of 100.00 feet to the SW corner of Wade property as recorded in Official Records Book 1037, Page 1561, of the Public Records of Sarasota County, Florida; thence N 89°52'24" W along a line a distance of 100.00 feet from and parallel with said South line a distance of 332.66 feet to the SW corner of Prestia property as described in Official Records Book 1035, Page 1096, of the Public Records of Sarasota County, Florida; thence S 00°10'44" E a distance of 100.00 feet to the Point of Beginning, LESS: The South 33.00 feet of the West 20.00 feet of the East 665.23 feet of the South 100.00 feet of the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida

Together with:

Commence at a point 100.00 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, for a Point of Beginning; thence continue East a distance of 332.66 feet; thence N 0°16'58" W a distance of 654.73 feet; thence West a distance of 332.66 feet; thence S 0°16'58" E a distance of 654.73 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

PARCEL 7:

Commence at a concrete monument 100 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East; thence run N 00°16'58" W 654.73 feet to a concrete monument for a Point of Beginning; thence continue N 00°16'58" W 654.73; thence run East 665.32 feet; thence run S 00°16'58" E 654.73 feet to a concrete monument; thence run West 665.32 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East.

Together with a non-exclusive access easement, 30 feet wide, for ingress and egress across the land described as follows:

Begin at a point on the Section line lying 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East for a Point of Beginning; thence North 100 feet; thence N 00°16'58" W 694.73 feet; thence West 30 feet; thence S 00°16'58" E 694.73 feet; thence South 100 feet; thence East 30 feet to the Point of Beginning.

PARCEL 8:

The West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Less tracts described in Official Records Book 1035, Page 1096, Official Records Book 1037, Page 1561,

Official Records Book 1075, Page 876 and Official Records Book 1185, Page 1809, of the Public Records of Sarasota County, Florida.

Also being more particularly described as follows:

Begin at the NW corner of the NE 1/4 of Section 34, Township 38 South, Range 19 East; thence N 89°34'05" E 1359.48 feet along the North line of said Section 34 to the NE corner of NW 1/4 of NE 1/4 of said Section 34; thence S 00°10'46" E 2664.93 feet along the East line of the West 1/2 of East 1/2 of said Section 34; thence continue along said East line S 00°10'44" E 1183.64 feet to the NE corner of tract described in Official Records Book 1075, Page 876; thence N 89°52'24" W 665.32 feet to the NE corner of said tract; thence S 00°10'44" E 1409.46 feet along the West line of said property and tract described in Official Records Book 1035, Page 1096 and tract described in Official Records Book 1165, Page 1809; to South line of said Section 34; Thence N 89°52'24" W 666.71 feet along said South line to the SW corner of East 1/2 of said Section 34; thence N 00°28'38" W 5265.49 feet along West line of East 1/2 of said Section 34 to the Point of Beginning.

Less and except Border Road and Laurel Road rights of way.

Less and except the additional right of way for Border Road conveyed to Sarasota County in Official Records Instrument No. 2004032618.

Less and except the lands conveyed to the City of Venice recorded in Official Records Instrument No. 2006171348.

AND

A PORTION OF LAND IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF FIORE, A SUBDIVISION RECORDED AS PLAT BOOK 55, PAGE 249 OF THE SARASOTA COUNTY RECORDS (FIORE), ALSO BEING THE NORTHWEST CORNER OF ARIA, A SUBDIVISION RECORDED AS PLAT BOOK 52, PAGE 428 OF SARASOTA COUNTY RECORDS (ARIA);

THENCE NORTH 0°01'38" EAST, 318.40 FEET ALONG THE WEST LINE OF SAID FIORE SUBDIVISION TO THE NORTHWEST CORNER OF TRACT 321, FIORE;

THENCE DEPARTING SAID WEST LINE AND ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID TRACT 321 THE FOLLOWING TWENTY-TWO (22) COURSES:

- 1) NORTH 68°40'34" EAST, 58.64 FEET;
- 2) SOUTH 65°35'02" EAST, 25.15 FEET;
- 3) NORTH 62°38'08" EAST, 24.30 FEET;
- 4) NORTH 14°37'44" WEST, 15.26 FEET;
- 5) NORTH 3°41'33" WEST, 6.25 FEET;
- 6) NORTH 84°22'40" EAST, 43.17 FEET;

- 7) SOUTH 88°14'14" EAST, 75.55 FEET;
- 8) SOUTH 63°25'24" EAST, 39.01 FEET;
- 9) SOUTH 73°13'24" EAST, 39.01 FEET;
- 10) NORTH 89°28'33" EAST, 18.44 FEET;
- 11) SOUTH 65°23'00" EAST, 87.15 FEET;
- 12) SOUTH 49°27'37" EAST, 44.82 FEET;
- 13) SOUTH 26°06'08" EAST, 11.80 FEET;
- 14) SOUTH 36°12'27" EAST, 49.65 FEET;
- 15) SOUTH 22°40'07" EAST, 50.82 FEET;
- 16) SOUTH 89°56'51" WEST, 44.13 FEET;
- 17) SOUTH 0°03'09" EAST, 20.00 FEET;
- 18) NORTH 89°56'51" EAST, 47.05 FEET;
- 19) SOUTH 9°07'48" EAST, 28.31 FEET;
- 20) SOUTH 4°24'32" WEST, 49.65 FEET;
- 21) SOUTH 26°21'55" EAST, 31.24 FEET;
- 22) SOUTH 16°40'15" WEST, 52.74 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 321;

THENCE SOUTH 89°30'15" EAST, 260.72 FEET ALONG THE SOUTHERLY LINE OF FIORE TO THE SOUTHWEST CORNER OF TRACT 320, FIORE;

THENCE ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID TRACT 320 THE FOLLOWING SIXTEEN (16) COURSES:

- 1) NORTH 73°28'13" EAST, 11.69 FEET;
- 2) NORTH 4°21'02" WEST, 18.00 FEET;
- 3) NORTH 20°12'41" EAST, 38.29 FEET;
- 4) NORTH 9°02'37" WEST, 40.26 FEET;
- 5) NORTH 6°23'30" WEST, 76.76 FEET;
- 6) NORTH 27°21'34" WEST, 145.97 FEET;
- 7) NORTH 0°26'06" WEST, 82.01 FEET;
- 8) NORTH 37°29'41" EAST, 15.81 FEET;
- 9) SOUTH 85°51'16" EAST, 61.52 FEET;
- 10) SOUTH 2°12'14" WEST, 67.24 FEET;
- 11) SOUTH 67°37'16" EAST, 38.77 FEET;
- 12) SOUTH 55°15'49" EAST, 87.52 FEET;
- 13) SOUTH 21°53'20" EAST, 56.25 FEET;
- 14) SOUTH 6°34'07" EAST, 39.94 FEET;
- 15) SOUTH 49°37'17" EAST, 98.66 FEET;
- 16) NORTH 39°00'25" EAST, 18.86 FEET;

THENCE DEPARTING SAID NORTHERLY LINE TRACT 321, SOUTH 0°08'44" WEST, 95.62 FEET TO THE SOUTH LINE OF SAID FIORE SUBDIVISION;

THENCE SOUTH 89°30'35" EAST, 97.99 FEET ALONG SAID SOUTH LINE TO THE NORTHEAST CORNER OF TRACT 302, ARIA SUBDIVISION;

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 302 THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 3°10'58" EAST, 3.88 FEET;
- 2) SOUTH 5°08'24" WEST, 36.95 FEET;
- 3) SOUTH 54°37'40" WEST, 33.28 FEET TO THE NORTHEAST CORNER OF TRACT 602 OF SAID ARIA SUBDIVISION;

THENCE SOUTH 27°52'44" WEST, 36.98 FEET ALONG THE EAST LINE OF SAID TRACT 602 TO THE NORTHEAST CORNER OF TRACT 303, ARIA SUBDIVISION;

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 303 THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 42°55'28" EAST, 67.72 FEET;
- 2) SOUTH 35°44'39" EAST, 49.94 FEET TO THE EASTERLY CORNER OF SAID TRACT 303;

LEGAL DESCRIPTION

THENCE SOUTH 6°21'33" EAST, 184.58 FEET;

THENCE NORTH 80°07'20" WEST, 340.47 FEET;

THENCE NORTH 51°27'46" WEST, 28.02 FEET;

THENCE NORTH 0°17'59" EAST, 36.84 FEET;

THENCE NORTH 35°25'22" WEST, 29.13 FEET;

THENCE SOUTH 17°34'07" WEST, 26.39 FEET;

THENCE SOUTH 0°11'02" EAST, 47.72 FEET;

THENCE SOUTH 13°54'55" EAST, 46.51 FEET;

THENCE SOUTH 8°25'23" EAST, 23.81 FEET TO THE NORTHERLY LINE OF TRACT 502, ARIA SUBDIVISION;

THENCE ALONG SAID NORTHERLY LINE TRACT 502 THE FOLLOWING THIRTEEN (13) COURSES:

- 1) NORTH 88°56'48" WEST, 30.75 FEET;
- 2) SOUTH 48°22'17" WEST, 31.66 FEET;
- 3) SOUTH 83°35'19" WEST, 42.10 FEET;
- 4) NORTH 23°21'53" WEST, 17.15 FEET;
- 5) NORTH 1°06'02" WEST, 63.66 FEET;
- 6) NORTH 0°35'40" EAST, 193.02 FEET;
- 7) NORTH 5°48'24" EAST, 28.59 FEET;
- 8) NORTH 57°55'22" WEST, 21.47 FEET;
- 9) SOUTH 48°11'18" WEST, 19.32 FEET;
- 10) SOUTH 0°01'06" EAST, 217.44 FEET;
- 11) SOUTH 28°51'35" WEST, 64.30 FEET;
- 12) NORTH 85°21'25" WEST, 369.24 FEET;
- 13) SOUTH 83°20'28" WEST, 151.31 FEET;

THENCE DEPARTING SAID NORTHERLY LINE TRACT 502, NORTH 17°17'51" EAST, 289.69 FEET;

THENCE SOUTH 86°12'32" WEST, 21.44 FEET;

THENCE SOUTH 17°17'51" WEST, 288.58 FEET TO THE NORTHERLY LINE OF TRACT 604;

THENCE CONTINUE SOUTH 17°17'51" WEST, 8.73 FEET;

THENCE SOUTH 0°24'10" WEST, 64.09 FEET;

THENCE SOUTH 1°09'16" WEST, 79.00 FEET;

THENCE SOUTH 0°48'05" WEST, 73.32 FEET;

THENCE SOUTH 1°18'59" WEST, 56.87 FEET;

THENCE SOUTH 2°55'55" WEST, 57.42 FEET;

THENCE SOUTH 4°04'47" WEST, 52.66 FEET;
THENCE SOUTH 7°28'17" WEST, 51.71 FEET;
THENCE SOUTH 4°47'03" EAST, 63.29 FEET;
THENCE SOUTH 6°01'34" EAST, 56.88 FEET;
THENCE SOUTH 15°25'11" EAST, 48.81 FEET;
THENCE SOUTH 33°54'21" EAST, 55.72 FEET;
THENCE SOUTH 46°03'38" EAST, 51.78 FEET;
THENCE SOUTH 47°50'33" EAST, 35.29 FEET;
THENCE SOUTH 28°50'05" EAST, 58.37 FEET;
THENCE SOUTH 0°05'59" WEST, 338.36 FEET TO A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, AND WHOSE CHORD BEARS SOUTH 21°55'27" EAST, 15.00 FEET;
THENCE SOUTHEASTERLY 15.38 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 44°02'51";
THENCE SOUTH 0°19'37" WEST, 218.29 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 195.00 FEET AND WHOSE CHORD BEARS SOUTH 11°08'01" WEST, 75.09 FEET;
THENCE SOUTHERLY 75.56 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 22°12'04";
THENCE SOUTH 0°01'59" WEST, 2,065.27 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET AND WHOSE CHORD BEARS SOUTH 19°18'31" WEST, 13.32 FEET;
THENCE SOUTHERLY 13.57 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 38°53'19";
THENCE SOUTH 0°08'09" EAST, 170.61 FEET;
THENCE SOUTH 89°51'15" WEST, 152.82 FEET ALONG A LINE 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF ARIA SUBDIVISION TO THE WEST LINE OF SAID ARIA SUBDIVISION;
THENCE NORTH 0°01'38" EAST, 4,001.15 FEET ALONG SAID WEST LINE OF ARIA TO THE POINT OF BEGINNING.
CONTAINING 24.106 ACRES, MORE OR LESS.

Exhibit “B”

Request for Relief

Request for Relief per Section 70.51, Florida Statutes
Regarding Order No. 2363RZ

(a) Brief Statement of Owner's Proposed Use of the Property.

Border Road Investments, LLC, and Vistera Associates, LLC, the Owner and Petitioner, submitted a PUD Amendment application to the City of Venice (the "City") on September 6, 2023, proposing a singular and simple amendment to the GCCF PUD Master Plan to amend the PUD maximum density from approximately 4.3 to 5.0 dwelling units per acre (Petition No. 23-63RZ). The reason for which the Petitioner sought this PUD Amendment was to enable a greater variety of housing types to be provided within the GCCF PUD (the "PUD Property"), such as multifamily units and/or smaller, more affordable single-family units.

(b) Summary of the Development Order.

Following a unanimous (7-0) recommendation of approval by the City Planning Commission, the City of Venice denied the Petitioner's proposed PUD Amendment and issued Order No. 23-63RZ (the "Development Order") formally rendering its vote of denial and setting forth its reasons for same.

The Development Order lays out the three following reasons as the basis for denial:

(a) The Petition is not in compliance with Section 1.7.4.A.1. of the Land Development Code (Chapter 87) as it is not compatible with the existing development pattern and the zoning of nearby properties.

(b) The Petition is not in compliance with Section 1.2.C.8.b.iv of the Land Development Code (Chapter 87) due to lack of compatibility of the densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

(c) The Petition is not in compliance with Section 1.7.3.B.1. of the Land Development Code (Chapter 87) as evidence of unified control of all land subject to the Petition has not been provided.

Section 1.7.4.A.1

Section 1.7.4.A.1 of the City's Land Development Code ("LDC") is one of the criteria for City Council and Planning Commission consideration when evaluating and voting upon a proposed PUD Amendment. The voting body must decide, based upon the testimony and evidence provided in the application, staff report, and presented at the public hearing, whether or not the proposed PUD amendment is compatible with the existing development pattern and zoning of nearby properties.

Through its application materials and testimony and evidence presented during the public hearing, the Petitioner demonstrated that the proposed PUD Amendment satisfied this criterion and was compatible with the existing development pattern and zoning of nearby properties. To illustrate, a few of the Petitioner's reasons provided in support of such compatibility are noted below:

- The zoning and development pattern of nearby and adjacent properties (specified in detail herein) are either more dense or intense in nature than the proposed density increase, thereby unquestionably supporting the proposed increase in density for the PUD Property, or, are at a lower density but demonstrate how the City has already or can deem such zoning and development patterns compatible.
 - Properties to the north of the PUD Property include:
 1. Mirasol/Portofino, a planned development with the Mixed Use Corridor FLU designation and Laurel East zoning designation, allowing residential at up to 13 dwelling units per acre and commercial uses at 1.0 FAR.
 2. Toscana Isles, a planned unit development with the Mixed Use Residential FLU designation and PUD zoning designation, allowing up to 4.0 dwelling units per acre and 10 acres of commercial uses without limitation to FAR.
 - *Note that although this Toscana Isles' permitted density is less than the proposed PUD Amendment, Toscana Isles shares a common boundary on two (2) sides with the Mirasol/Portofino planned development (13 dwelling units per acre and commercial), and such common boundary has no intervening buffer, such as a road right-of-way. The City deemed such zoning and development pattern to be compatible.*
 3. Willow Chase, a residential subdivision with the Low Density Residential FLU designation and RSF-4 zoning designation, allowing 5.5 dwelling units per acre.¹
 - *Note that the Laurel Road right-of-way separates Willow Chase from the PUD Property.*
 - Properties to the south of the PUD Property include:
 1. A parcel with the Commercial FLU designation and Commercial zoning designation, which allows for 1.0 FAR; this property is undeveloped at present.
 - *Note that in October 2023 the City approved a Comprehensive Plan Amendment and Rezoning for this parcel based upon applications proposing development of a storage facility.*

¹ Although not relevant to this Request for Relief, for purposes of providing a comprehensive and accurate statement of the facts relating to the zoning and development pattern of nearby and adjacent properties, it should be noted that the RSF-4 zoning designation is inconsistent with the Low Density Residential FLU designation—Moderate Density Residential is the appropriate FLU designation for RSF-4 zoning.

2. Palencia, a planned development with the with the Mixed Use Residential FLU designation and PUD designation, allowing up to 2.5 dwelling units per acre and the current bidding master plan does not provide for commercial uses.
 - *Note that the portion of the GCCF PUD Property bordering Palencia is separated by the Border Road right-of-way, and that the GCCF PUD Property's Master Plan permits only single-family residential at a similar density to Palencia's for this bordering portion.*
- Properties to the east of the PUD Property include:
 1. The Milano PUD, with the Mixed Use Residential FLU designation and PUD zoning designation, allowing up to 2.68 dwelling units per acre and commercial uses at 10 acres and about 70,000 square feet.
 - *It should be noted that there is a 170 foot FPL easement separating these properties from the PUD Property.*
 - *Further, as with Palencia, the portion of the GCCF PUD Property bordering the Milano PUD has, per the GCCF PUD Property Master Plan, a permitted density similar to the Milano PUD.*
- Properties to the west of the PUD Property include:
 1. A large parcel (approximately 72 acres) owned by the City and used for the operation of a city-wide wastewater treatment facility, which has the Government FLU designation and Government zoning designation.
 2. Another parcel owned by the City with the Open Space Functional FLU designation and Recreational zoning designation; this property is the proposed location of a new City park, the "Northeast Park," which will have a Site and Development Plan under review proposing a dog park, pickleball courts, fitness equipment, and a playground for public use and enjoyment.
 3. Several five (5) or ten (10) acre parcels, all of which have the Mixed Use Corridor FLU designation and the Laurel East zoning designation or a County zoning designation. The parcels maintaining a County zoning designation will have to rezone to a City zoning district permitted under the Mixed Use Corridor FLU designation at the time of development. Therefore, for all of these parcels, the permitted potential development density and intensity is 13 dwelling units per acre and 1.0 FAR.
 4. The six (6) lane I-75 interstate also borders the PUD property.
- Property bounded on three sides (east, south, and west) by the PUD Property:
 1. Two parcels that have the Medium Density Residential FLU designation and RMF-3 zoning designation, allowing for up to 13 dwelling units per acre.
 - *Note that the City approved the Comprehensive Plan Amendment and Rezoning for these parcels in August 2023.*

- The location of any increased density in the PUD Property would be located closest to the properties with more density or intensity, on the western portion of the PUD Property, as opposed to the adjacent property at a lower density located to the east.
- The proposed increase in density would further the mixed use development pattern of the PUD Property itself, providing a variety of residential density therein; Strategy LU 1.2.16.4 of the Comprehensive Plan supports such development in Mixed Use Residential future land uses, which City Staff also noted in its Staff Report.

In addition to the Petitioner's application materials, testimony, and evidence speaking for itself and plainly demonstrating compatibility with the existing development pattern and zoning of nearby properties, the Staff report did not raise any concerns or questions about such compatibility and rather stated that "no issues regarding compliance with the LDC were identified." Additionally, Staff did not raise any concerns about compatibility during its presentation.

Moreover and as noted above, the Planning Commission considered this specific code section during its public hearing and found, unanimously, the proposed PUD Amendment to satisfy the requirements without question.

Based upon the voluminous competent substantial evidence presented establishing the Petitioner's compliance with Section 1.7.4.A.1, as well as a lack of any specific reasons provided by the City to support a finding that the proposed did not satisfy Section 1.7.4.A.1, it difficult to understand how Section 1.7.4.A.1 could be legitimately cited as a basis for denial. The City did not cite or acknowledge any competent substantial evidence to support its denial based upon incompatibility; the City's denial based upon 1.7.4.A.1 has no foundation in the record and, as a result, is arbitrary in nature and contrary to the record.

Section 1.2.C.8.b.iv

Section 1.2.C.8.b.iv of the LDC is an application requirement for all development applications (where deemed applicable). Specifically, this code section requires an application to provide a land use compatibility analysis that takes into consideration the compatibility of the proposal in regard to the "densities and intensities of proposed uses as compared to the densities and intensities of existing uses."

Again, Section 1.2.C.8.b.iv is an *application requirement*, meaning a threshold matter of compliance for development applications submitted to the City. The City does not find applications to be "complete" and ready for departmental review until all application requirements have been satisfied or otherwise determined as inapplicable to the subject application.

The Petitioner complied with this application requirement when submitting its application to the City for review. The City confirmed same at the time it issued a memorandum containing its final review comments to the Petitioner and subsequently sent the application to the relevant City departments for review; the City reaffirmed such compliance upon its determination of the application's technical compliance.

The City Staff did not mention Section 1.2.C.8.b.iv as not being satisfied during any portion of the application review process, nor did the City Staff note any concern or issue with compatibility in its Staff Report or Staff Presentation. If the Petitioner had failed to satisfy this

threshold application requirement, mention of same would have been noted and addressed at the time of application review—either through written comments or discussion with the Petitioner/Petitioner’s agent—and, at a minimum, Staff would have flagged such an issue in its Staff Report or Presentation before the Planning Commission and City Council; none of such actions were taken to note that this could have been or was an issue.

It seems illogical and improper for this application requirement to have been cited as a reason for denial in the development order, especially considering that neither Staff nor Planning Commission, nor City Council made mention of this code section during any of the public hearings. The City’s denial based upon Section 1.2.C.8.b.iv amounts to a retroactive determination that is contrary to its prior decision and approval.

Section 1.7.3.B.1

Section 1.7.3.B.1 of the City’s LDC specifies one of the application requirements for PUD application: “Evidence of unified control of all land within the proposed planned district zoning district.”

Unified control has been understood and applied consistently by the City for PUD amendments over the past 40 years or more. In fact, for all previous PUD Amendment applications, the City has accepted—without question or issue—the form of evidence the Petitioner provided for this proposed PUD Amendment application.

However, due to a different and unrelated land development proposal by a development entity related to the Petitioner that recently came before the City, which has become the subject of an emotionally charged controversy for a small group of the public, the City is now reconsidering its historical understanding and consistent application of unified control in order to subdue the angry sect of the public. This angry sect is upset with the Petitioner due to the different, unrelated land development proposal (also proposed by the Petitioner’s related entity), and for this reason have organized to vehemently contest all subsequent proposals submitted by the Petitioner and its related entities.

On April 4, 2024, the City held a public workshop to address the false narratives and confusion in the community around unified control. The Staff Report noted this public workshop and indicated that the City Council should consider the results of such workshop when determining whether or not unified control was sufficiently evidenced to meet Section 1.7.3.B.1 for Petitioner’s PUD Amendment.

Therefore, in response to the Staff Report and Staff direction, at the very outset of the public hearing for Petitioner’s proposed PUD Amendment, the City Council addressed the issue: whether, in light of the City’s public workshop and Staff’s evaluation of “unified control” as used in the LDC, the Council could proceed with the public hearing.

Following City Council discussion and input from the City Attorney, it was made clear that Petitioner’s PUD Amendment was subject to the current City code and application of unified control at the time the application was filed, and not subject to any change that the City may choose to make in the future based upon feedback from the public workshop or Staff evaluation. The City Council members deliberated at length and even voted on this matter, deciding to proceed with the public hearing for the Petitioner’s PUD Amendment based upon this understanding.

Accordingly, the issue of unified control was addressed and disposed of at the very beginning of the public hearing—the City Council voted to proceed with the public hearing based upon the City’s current and historical application of unified control; the City Council **did not** elect to continue the public hearing in order to wait to see if the City should change course in its understanding and application of same. Based upon the Council’s discussion, the City Attorney input, and the Council’s ultimate vote, it appeared that the City Council believed it would be unfair, improper, and inconsistent with its laws and policies to effectively change the rules in the middle of the game—and, especially so when the consideration for a change of rules stems from public angst toward the Petitioner in relation to a different development proposal by the Petitioner’s related entity, such different development proposal that has no connection to the proposed PUD Amendment.

Although a Councilmember attempted to raise the issue of unified control once again at the end of the public hearing during Council discussion and deliberation, this attempt was rejected and, yet again, it was made explicitly clear that unified control was not relevant to the proposed PUD Amendment nor was a legitimate reason for its denial. Specifically, this Councilmember made a motion for denial based upon the Petitioner’s alleged failure to satisfy the requirement for evidence of unified control. The Councilmembers again discussed this matter and again took a vote on it. The motion failed by a vote of five (5) to two (2). One comment from the Mayor, which captured the majority’s concerns relating to and discussion on this motion, noted: *“It is very difficult for me to attach myself to this motion because I feel that I have a legitimate reason based on the law as opposed to political rhetoric.”*

In addition to the City applying the requirement for evidence of unified control consistently for 40+ years, the language in the City’s Code detailing this requirement for PUD applications is substantially the same under the City’s previous land development regulations (“LDR”) as it is under the present LDC. If anything, the language under the previous LDR is a bit stronger than the current LDC language.

Prior Language under the City’s LDR: *“All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD... All such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this chapter.”* (Sec. 86-130(k))

Current Language under the City’s LDC: *“Evidence of unified control of all land within the proposed planned district zoning district.”* (Sec. 1.7.3.B.1)

Certainly, if the City perceived unified control to be an issue, it would have addressed it and changed the language when rewriting its LDC; yet, the City did not materially change the language nor did it scrutinize or discuss the language as significant or problematic during its 5-year effort of workshopping and rewriting its LDC.

Regardless of the specific code language detailing the requirement of unified control, the City’s application has been the same under the prior LDR and the current LDC. Evidence of unified control has been understood to apply to PUDs at the outset of PUD proposal, not to subsequent amendments of PUDs.

The Petitioner satisfied Section 1.7.3.B.1 at the time it submitted its application to the City. Since the Petitioner filed its application for the proposed PUD Amendment, the City has **not** changed its LDC or policies as such relate to unified control—neither the accepted form for evidence of unified control nor the interpretation and application of unified control. Should the City have treated the Petitioner’s proposed PUD Amendment application as all previous PUD Amendment applications it reviewed and considered, no issue concerning unified control would have been raised. In fact, no issue with unified control has ever been raised prior to the public controversy over the different, unrelated development proposal by the Petitioner’s related entity.

Should the City elect to change its LDC and/or its application of unified control as it relates to PUD Amendments, it must do that through proper legislative action. The City cannot make an arbitrary and ad hoc decision during a quasi-judicial public hearing to, for the very first time, interpret and apply its LDC differently towards an applicant.

For the City to capriciously raise evidence of unified control as an issue is, by itself, a violation of the Petitioner’s due process rights. However, when considering the totality of the facts and circumstances as they relate to the Petitioner—the public controversy, the City’s historical practice and application relating to unified control, and the sequence of Council discussion and voting during the public hearing—the development order’s reference to Section 1.7.3.B.1 as a basis for denial is a shocking and unequivocal violation of the Petitioner’s due process rights.

In light of the City Council’s decisive vote at the beginning of the public hearing, the Council’s discussion and second vote on the failed motion at the end of the public hearing, and City’s historical and consistent application of unified control, it is inconsistent and a violation of due process that unified control per Section 1.7.3.B.1 would be cited as a basis for denial in Order No. 23-63RZ. Moreover, no competent substantial evidence was discussed or cited to in support of a denial on such grounds.

(c) Brief Statement of the Impact of the Development Order on the Ability of the Owner to Achieve the Proposed Use of the Property.

The City’s Development Order denying Petitioner’s PUD Amendment unreasonably and unfairly burdens the Petitioner’s ability to use its property. The Petitioner’s PUD Amendment was filed in furtherance of the Petitioner’s property right and desire to adjust its development plan in order to provide a greater variety of housing type and pricing, and to respond to the housing shortage and changed market conditions.

The Petitioner received its original zoning approval for the initial PUD Master Plan in 2019. However, since the original approval in 2019, the City’s housing supply, demand, and needs have changed.

At present, the proportion of single family to multifamily dwelling units in the City is at great disparity. Moreover, there is a great need for more affordable housing in the local community and surrounding area. The local governments, nonprofits, and public are frequently discussing the need and advocating for more diverse and more affordable housing. Such housing is feasible through multifamily and smaller single family development.

Without the proposed PUD Amendment, the PUD Property's current Master Plan lacks the flexibility required to meet the changed market demands and community housing needs. Although no lots have been sold, lots have been platted for a portion of the PUD Property, all of which are for single family dwellings. The City's rejection of the Petitioner's PUD Amendment unreasonably and unfairly restricts the Petitioner's ability to provide a variety of housing types and prices within the PUD Property.

The Petitioner's proposed PUD Amendment to increase the PUD Property density from 4.3 dwelling units per acre to 5.0 dwelling units per acre complies with the City Comprehensive Plan and is consistent with the City LDR. As memorialized in the Transmittal Memo, the Planning Commission found, based upon the application materials, staff report, and testimony and evidence provided at the public hearing, the PUD Amendment to be consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative finding of Fact in the record. Further, with the exception of the unified control matter, the Staff Report did not find any issues relating to satisfaction of Comprehensive Plan and LDR requirements and rather stated that the proposed PUD Amendment could be found consistent with the Comprehensive Plan and compliant with the LDR.

The City's Comprehensive Plan and LDR allow for densities up to 5.0 dwelling units per acre within PUDs. The City's LDR allows for PUD Amendments. The City's Comprehensive Plan and LDR require consideration of development proposals' compatibility with the existing FLU, zoning, and development pattern of the surrounding area. Through strategies such as LU 1.2.16 and 1.3.2, the City's Comprehensive Plan calls for a mixture of residential densities and housing types within PUDs and neighborhoods City's Comprehensive Plan.

While the Petitioner and City Staff provided numerous and specific amounts of competent substantial evidence in support of a vote approving the proposed PUD Amendment, no specific examples of competent substantial evidence were noted by the Council members to support the basis cited for the vote of denial.

The Petitioner's proposed PUD Amendment satisfies all relevant Comprehensive Plan and LDR requirements. The testimony and evidence provided by the City and the Petitioner speaks for itself. The City's basis for denial, as cited in the development order, is contrary to the competent substantial testimony and evidence in the record and also violates the Petitioner's due process rights.

The City's denial of the Petitioner's proposed PUD Amendment can only be explained as a political decision provoked by a small, angry sect of the public targeting the Petitioner. Council member Moore articulated this reality quite accurately at the end of the public hearing when commenting: *"I really feel like we are on a wrong path with this to be looking for ways to subvert a simple rezone."* The denial unjustly takes the Petitioner's property rights; the denial unreasonably and unfairly burdens Petitioner's use of the PUD Property.

REQUEST FOR RELIEF

WHEREFORE, Petitioner, Border Road Investments, LLC, and Vistera Associates, LLC, hereby respectfully requests and petitions the City of Venice to forward this request within ten (10) days to a special magistrate, as mutually agreed upon by the parties to this proceeding, for resolution of this matter. Petitioner further requests and petitions that, in consideration of the Request for Relief as well as the testimony and evidence in the record, the selected special magistrate find that the City's denial of the proposed GCCF PUD Amendment unreasonably and unfairly burdens Petitioner's use of the PUD Property.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request for Relief, along with Exhibits "A" through "E" corresponding thereto, have been furnished by hand-delivery and/or electronic mail, as specified, on this 9th day of May, 2024, to the individuals listed below at the respective corresponding addresses noted:

Nick Pachota, Mayor (*via email and hand-delivery*)

npachota@venicefl.gov

Venice City Council

401 W. Venice Ave.

Venice, Florida 34285

Jim Boldt, Vice Mayor, jboldt@venicefl.gov (*via email only*)

Joan Farrell, Council Member, jfarrell@venicefl.gov (*via email only*)

Rachel Frank, Council Member, rfrank@venicefl.gov (*via email only*)

Rick Howard, Council Member, rhoward@venicefl.gov (*via email only*)

Helen Moore, Council Member, hmoore@venicefl.gov (*via email only*)

Ron Smith, Council Member, rsmith@venicefl.gov (*via email only*)

Kelly Michaels, City Clerk, kmichaels@venicefl.gov (*via email only*)

Kelly Fernandez, City Attorney, kfernandez@flgovlaw.com (*via email only*)

Ed Lavallee, City Manager, elavallee@venicefl.gov (*via email only*)

By: 

Jeffery A. Boone, Esq.

Agent for Petitioner

jboone@boone-law.com

1001 Avenida Del Circo

Venice, Florida 34285

Exhibit “A”

Development Order

(Order No. 23-63RZ)

**CITY OF VENICE, FLORIDA
CITY COUNCIL
ORDER NO. 23-63RZ**

AN ORDER OF THE VENICE CITY COUNCIL DENYING ZONING MAP AMENDMENT (PLANNED DISTRICT) PETITION NO. 23-63RZ FOR THE GCCF PLANNED UNIT DEVELOPMENT.

WHEREAS, Border Road Investments, LLC and Vistera Associates, LLC filed Zoning Map Amendment (Planned District) Petition No. 23-63RZ ("Petition") to amend the GCCF Planned Unit Development, as further described in Exhibit "A" attached hereto and incorporated herein by reference, to increase the approved density from 1,300 dwelling units (4.3 units per acre) to 1,617 dwelling units (5.0 units per acre); and,

WHEREAS, the subject property is designated Mixed Use Residential (MUR) on the City's Future Land Use Map in the 2017 Comprehensive Plan; and,

WHEREAS, the Planning Commission held a noticed public hearing on March 5, 2024 regarding the Petition and based upon the testimony and evidence received the Planning Commission voted to recommend to City Council approval of the Petition; and,

WHEREAS, City Council held a public hearing on April 9, 2024 regarding the Petition; and,

WHEREAS, based upon the testimony and evidence received at the public hearing, City Council voted 4-3 to deny approval of the Petition on first reading of the associated Ordinance.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL THAT:

Section 1. The above whereas clauses are ratified and confirmed as true and correct.

Section 2. Based on the testimony and evidence presented, the Petition is hereby DENIED based on the following findings:

- a. The Petition is not in compliance with Section 1.7.4.A.1 of the Land Development Code (Chapter 87) as it is not compatible with the existing development pattern and the zoning of nearby properties.
- b. The Petition is not in compliance with Section 1.2.C.8.b.iv of the Land Development Code (Chapter 87) due to lack of compatibility of the densities and intensities of proposed uses as compared to the densities and intensities of existing uses.
- c. The Petition is not in compliance with Section 1.7.3.B.1 of the Land Development Code (Chapter 87) as evidence of unified control of all land subject to the Petition has not been provided.

Section 3. This Order constitutes the written notice of the denial of the Petition required by Section 166.033, Florida Statutes.


Section 4. This Order shall become effective immediately.

ORDERED at a meeting of the Venice City Council on the 9th day of April, 2024.


Nick Pachota (Apr 11, 2024 11:59 EDT)


Nick Pachota, Mayor

Attest:



Kelly Michaels, MMC, City Clerk

Approved as to form:


Kelly M. Fernandez (Apr 11, 2024 12:49 EDT)

Kelly M. Fernandez, City Attorney

Exhibit "A"

LEGAL DESCRIPTION

PARCEL 1:

A parcel of land lying and being in the NW 1/4 and the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the NW corner of said Section 34; thence along the West line of the NW 1/4 of said Section 34, S 0°50'33" E, a distance of 1342.18 feet to the SW corner of the NW 1/4 of the NW 1/4 of said Section 34; thence along the South line of said NW 1/4 of the NW 1/4 of said Section 34, S 89°29'17" E, a distance of 1470.24 feet for a Point of Beginning, said point being the NE corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence continue along said line, S 89°29'17" E, a distance of 425.54 feet, to the NW corner of those lands as described in Official Records Book 3024, Page 558, Public Records of Sarasota County, Florida; thence S 0°15'55" E, along the Westerly boundary line of said lands, a distance of 539.73 feet to the SW corner of said lands; thence S 89°29'01"E, along the Southerly boundary line of said lands, a distance of 292.83 feet; thence S 0°15'55" E, a distance of 524.13 feet; thence S 89°29'01" E, a distance of 517.24 feet to the East line of said NW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 0°15'55" E, along said East line, a distance of 2833.07 feet to the Northerly right-of-way line of Border Road; thence N 89°40'23" W, along said right-of-way line, a distance of 84.80 feet; thence N 0°19'37" E, along said right-of-way line, a distance of 17.00 feet; thence N 89°40'23" W, along said right-of-way line, a distance of 200.00 feet; thence N 80°23'38" W, along said right-of-way line, a distance of 303.93 feet; thence N 89°28'33" W, along said right-of-way line, a distance of 326.51 feet to the Northeasterly right-of-way line of State Road 93 (I-75), Florida Department of Transportation right-of-way map, Section 17075-2406; thence N 35°01'47" W, along said right-of-way line, a distance of 2115.71 feet to the most Southerly corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence N 54°58'13" E, along the Southeasterly boundary line of said lands, a distance of 1091.03 feet to the SE corner of said lands; thence N 0°50'28" W, along the Easterly boundary line of said lands, a distance of 138.24 feet; thence N 0°50'33" W, along the Easterly boundary line of said lands, a distance of 1338.73 feet to the Point of Beginning.

Less those lands described in Warranty Deed wherein Sarasota County, Florida, is Grantee and recorded in Official Records Instrument No. 2004206575, of the Public Records of Sarasota County, Florida.

PARCEL 2:

Commence at the SE corner of the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 0°17'55" W, 3390.20 feet for a Point of Beginning, thence continue N 0°17'55" W, 537.81 feet; thence N 89°31'01" W, 810.03 feet; thence S 0°17'55" E, 537.81 feet; thence S 89°31'01" E, 810.03 feet to the Point of Beginning, all lying and being in Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

Together with a 30 foot easement for ingress and egress lying on the West of the East line of the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and lying between the South line of above described parcel and the North line of Border Road.

PARCEL 3:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E 1690.65 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E 325.69 feet along said North line; thence S 1°03'08" E 1337.54 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W 325.67 feet along said South line; thence N 1°03'08" W 1338.29 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 4:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E, a distance of 1365.14 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E, a distance of 325.51 feet along said North line; thence S 1°03'08" E, a distance of 1338.29 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W, a distance of 325.49 feet along said South line; thence N 1°03'08" W, a distance of 1339.04 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 5:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 0°50'33" E, 1342.18 feet; thence S 89°29'17" E, 1470.24 feet; thence S 89°29'17" E, 425.54 feet; thence S 0°15'55" East, 539.73; thence S 89°29'01" E, 292.83 feet for a Point of Beginning; thence S 0°15'55" E, 524.13 feet; thence S 89°29'01" E, 517.24 feet; thence N 0°17'55" W, 524.13 feet; thence N 89°31'01" W, 517.20 feet to the Point of Beginning.

PARCEL 6:

A portion of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the SW corner of SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 89°52'24" E along the South line of said Section 34, a distance of 667.01 feet for the Point of Beginning; thence continue S 89°52'24" E along said South line a distance of 332.66 feet; thence N 00°10'44" W a distance of 100.00 feet to the SW corner of Wade property as recorded in Official Records Book 1037, Page 1561, of the Public Records of Sarasota County, Florida; thence N 89°52'24" W along a line a distance of 100.00 feet from and parallel with said South line a distance of 332.66 feet to the SW corner of Prestia property as described in Official Records Book 1035, Page 1096, of the Public Records of Sarasota County, Florida; thence S 00°10'44" E a distance of 100.00 feet to the Point of Beginning, LESS: The South 33.00 feet of the West 20.00 feet of the East 665.23 feet of the South 100.00 feet of the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida

Together with:

Commence at a point 100.00 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, for a Point of Beginning; thence continue East a distance of 332.66 feet; thence N 0°16'58" W a distance of 654.73 feet; thence West a distance of 332.66 feet; thence S 0°16'58" E a distance of 654.73 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

PARCEL 7:

Commence at a concrete monument 100 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East; thence run N 00°16'58" W 654.73 feet to a concrete monument for a Point of Beginning; thence continue N 00°16'58" W 654.73; thence run East 665.32 feet; thence run S 00°16'58" E 654.73 feet to a concrete monument; thence run West 665.32 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East.

Together with a non-exclusive access easement, 30 feet wide, for ingress and egress across the land described as follows:

Begin at a point on the Section line lying 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East for a Point of Beginning; thence North 100 feet; thence N 00°16'58" W 694.73 feet; thence West 30 feet; thence S 00°16'58" E 694.73 feet; thence South 100 feet; thence East 30 feet to the Point of Beginning.

PARCEL 8:

The West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Less tracts described in Official Records Book 1035, Page 1096, Official Records Book 1037, Page 1561,

Official Records Book 1075, Page 876 and Official Records Book 1185, Page 1809, of the Public Records of Sarasota County, Florida.

Also being more particularly described as follows:

Begin at the NW corner of the NE 1/4 of Section 34, Township 38 South, Range 19 East; thence N 89°34'05" E 1359.48 feet along the North line of said Section 34 to the NE corner of NW 1/4 of NE 1/4 of said Section 34; thence S 00°10'46" E 2664.93 feet along the East line of the West 1/2 of East 1/2 of said Section 34; thence continue along said East line S 00°10'44" E 1183.64 feet to the NE corner of tract described in Official Records Book 1075, Page 876; thence N 89°52'24" W 665.32 feet to the NE corner of said tract; thence S 00°10'44" E 1409.46 feet along the West line of said property and tract described in Official Records Book 1035, Page 1096 and tract described in Official Records Book 1165, Page 1809; to South line of said Section 34; Thence N 89°52'24" W 666.71 feet along said South line to the SW corner of East 1/2 of said Section 34; thence N 00°28'38" W 5265.49 feet along West line of East 1/2 of said Section 34 to the Point of Beginning.

Less and except Border Road and Laurel Road rights of way.

Less and except the additional right of way for Border Road conveyed to Sarasota County in Official Records Instrument No. 2004032618.

Less and except the lands conveyed to the City of Venice recorded in Official Records Instrument No. 2006171348.

AND

A PORTION OF LAND IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF FIORE, A SUBDIVISION RECORDED AS PLAT BOOK 55, PAGE 249 OF THE SARASOTA COUNTY RECORDS (FIORE), ALSO BEING THE NORTHWEST CORNER OF ARIA, A SUBDIVISION RECORDED AS PLAT BOOK 52, PAGE 428 OF SARASOTA COUNTY RECORDS (ARIA);

THENCE NORTH 0°01'38" EAST, 318.40 FEET ALONG THE WEST LINE OF SAID FIORE SUBDIVISION TO THE NORTHWEST CORNER OF TRACT 321, FIORE;

THENCE DEPARTING SAID WEST LINE AND ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID TRACT 321 THE FOLLOWING TWENTY-TWO (22) COURSES:

- 1) NORTH 68°40'34" EAST, 58.64 FEET;
- 2) SOUTH 65°35'02" EAST, 25.15 FEET;
- 3) NORTH 62°38'08" EAST, 24.30 FEET;
- 4) NORTH 14°37'44" WEST, 15.26 FEET;
- 5) NORTH 3°41'33" WEST, 6.25 FEET;
- 6) NORTH 84°22'40" EAST, 43.17 FEET;

- 7) SOUTH 88°14'14" EAST, 75.55 FEET;
- 8) SOUTH 63°25'24" EAST, 39.01 FEET;
- 9) SOUTH 73°13'24" EAST, 39.01 FEET;
- 10) NORTH 89°28'33" EAST, 18.44 FEET;
- 11) SOUTH 65°23'00" EAST, 87.15 FEET;
- 12) SOUTH 49°27'37" EAST, 44.82 FEET;
- 13) SOUTH 26°06'08" EAST, 11.80 FEET;
- 14) SOUTH 36°12'27" EAST, 49.65 FEET;
- 15) SOUTH 22°40'07" EAST, 50.82 FEET;
- 16) SOUTH 89°56'51" WEST, 44.13 FEET;
- 17) SOUTH 0°03'09" EAST, 20.00 FEET;
- 18) NORTH 89°56'51" EAST, 47.05 FEET;
- 19) SOUTH 9°07'48" EAST, 28.31 FEET;
- 20) SOUTH 4°24'32" WEST, 49.65 FEET;
- 21) SOUTH 26°21'55" EAST, 31.24 FEET;
- 22) SOUTH 16°40'15" WEST, 52.74 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 321;

THENCE SOUTH 89°30'15" EAST, 260.72 FEET ALONG THE SOUTHERLY LINE OF FIORE TO THE SOUTHWEST CORNER OF TRACT 320, FIORE;

THENCE ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID TRACT 320 THE FOLLOWING SIXTEEN (16) COURSES:

- 1) NORTH 73°28'13" EAST, 11.69 FEET;
- 2) NORTH 4°21'02" WEST, 18.00 FEET;
- 3) NORTH 20°12'41" EAST, 38.29 FEET;
- 4) NORTH 9°02'37" WEST, 40.26 FEET;
- 5) NORTH 6°23'30" WEST, 76.76 FEET;
- 6) NORTH 27°21'34" WEST, 145.97 FEET;
- 7) NORTH 0°26'06" WEST, 82.01 FEET;
- 8) NORTH 37°29'41" EAST, 15.81 FEET;
- 9) SOUTH 85°51'16" EAST, 61.52 FEET;
- 10) SOUTH 2°12'14" WEST, 67.24 FEET;
- 11) SOUTH 67°37'16" EAST, 38.77 FEET;
- 12) SOUTH 55°15'49" EAST, 87.52 FEET;
- 13) SOUTH 21°53'20" EAST, 56.25 FEET;
- 14) SOUTH 6°34'07" EAST, 39.94 FEET;
- 15) SOUTH 49°37'17" EAST, 98.66 FEET;
- 16) NORTH 39°00'25" EAST, 18.86 FEET;

THENCE DEPARTING SAID NORTHERLY LINE TRACT 321, SOUTH 0°08'44" WEST, 95.62 FEET TO THE SOUTH LINE OF SAID FIORE SUBDIVISION;

THENCE SOUTH 89°30'35" EAST, 97.99 FEET ALONG SAID SOUTH LINE TO THE NORTHEAST CORNER OF TRACT 302, ARIA SUBDIVISION;

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 302 THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 3°10'58" EAST, 3.88 FEET;
- 2) SOUTH 5°08'24" WEST, 36.95 FEET;
- 3) SOUTH 54°37'40" WEST, 33.28 FEET TO THE NORTHEAST CORNER OF TRACT 602 OF SAID ARIA SUBDIVISION;

THENCE SOUTH 27°52'44" WEST, 36.98 FEET ALONG THE EAST LINE OF SAID TRACT 602 TO THE NORTHEAST CORNER OF TRACT 303, ARIA SUBDIVISION;

THENCE ALONG THE EASTERLY LINE OF SAID TRACT 303 THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 42°55'28" EAST, 67.72 FEET;
- 2) SOUTH 35°44'39" EAST, 49.94 FEET TO THE EASTERLY CORNER OF SAID TRACT 303;

LEGAL DESCRIPTION

THENCE SOUTH 6°21'33" EAST, 184.58 FEET;

THENCE NORTH 80°07'20" WEST, 340.47 FEET;

THENCE NORTH 51°27'46" WEST, 28.02 FEET;

THENCE NORTH 0°17'59" EAST, 36.84 FEET;

THENCE NORTH 35°25'22" WEST, 29.13 FEET;

THENCE SOUTH 17°34'07" WEST, 26.39 FEET;

THENCE SOUTH 0°11'02" EAST, 47.72 FEET;

THENCE SOUTH 13°54'55" EAST, 46.51 FEET;

THENCE SOUTH 8°25'23" EAST, 23.81 FEET TO THE NORTHERLY LINE OF TRACT 502, ARIA SUBDIVISION;

THENCE ALONG SAID NORTHERLY LINE TRACT 502 THE FOLLOWING THIRTEEN (13) COURSES:

- 1) NORTH 88°56'48" WEST, 30.75 FEET;
- 2) SOUTH 48°22'17" WEST, 31.66 FEET;
- 3) SOUTH 83°35'19" WEST, 42.10 FEET;
- 4) NORTH 23°21'53" WEST, 17.15 FEET;
- 5) NORTH 1°06'02" WEST, 63.66 FEET;
- 6) NORTH 0°35'40" EAST, 193.02 FEET;
- 7) NORTH 5°48'24" EAST, 28.59 FEET;
- 8) NORTH 57°55'22" WEST, 21.47 FEET;
- 9) SOUTH 48°11'18" WEST, 19.32 FEET;
- 10) SOUTH 0°01'06" EAST, 217.44 FEET;
- 11) SOUTH 28°51'35" WEST, 64.30 FEET;
- 12) NORTH 85°21'25" WEST, 369.24 FEET;
- 13) SOUTH 83°20'28" WEST, 151.31 FEET;

THENCE DEPARTING SAID NORTHERLY LINE TRACT 502, NORTH 17°17'51" EAST, 289.69 FEET;

THENCE SOUTH 86°12'32" WEST, 21.44 FEET;

THENCE SOUTH 17°17'51" WEST, 288.58 FEET TO THE NORTHERLY LINE OF TRACT 604;

THENCE CONTINUE SOUTH 17°17'51" WEST, 8.73 FEET;

THENCE SOUTH 0°24'10" WEST, 64.09 FEET;

THENCE SOUTH 1°09'16" WEST, 79.00 FEET;

THENCE SOUTH 0°48'05" WEST, 73.32 FEET;

THENCE SOUTH 1°18'59" WEST, 56.87 FEET;

THENCE SOUTH 2°55'55" WEST, 57.42 FEET;

THENCE SOUTH 4°04'47" WEST, 52.66 FEET;
THENCE SOUTH 7°28'17" WEST, 51.71 FEET;
THENCE SOUTH 4°47'03" EAST, 63.29 FEET;
THENCE SOUTH 6°01'34" EAST, 56.88 FEET;
THENCE SOUTH 15°25'11" EAST, 48.81 FEET;
THENCE SOUTH 33°54'21" EAST, 55.72 FEET;
THENCE SOUTH 46°03'38" EAST, 51.78 FEET;
THENCE SOUTH 47°50'33" EAST, 35.29 FEET;
THENCE SOUTH 28°50'05" EAST, 58.37 FEET;
THENCE SOUTH 0°05'59" WEST, 338.36 FEET TO A CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, AND WHOSE CHORD BEARS SOUTH 21°55'27" EAST, 15.00 FEET;
THENCE SOUTHEASTERLY 15.38 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 44°02'51";
THENCE SOUTH 0°19'37" WEST, 218.29 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 195.00 FEET AND WHOSE CHORD BEARS SOUTH 11°08'01" WEST, 75.09 FEET;
THENCE SOUTHERLY 75.56 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 22°12'04";
THENCE SOUTH 0°01'59" WEST, 2,065.27 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET AND WHOSE CHORD BEARS SOUTH 19°18'31" WEST, 13.32 FEET;
THENCE SOUTHERLY 13.57 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 38°53'19";
THENCE SOUTH 0°08'09" EAST, 170.61 FEET;
THENCE SOUTH 89°51'15" WEST, 152.82 FEET ALONG A LINE 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF ARIA SUBDIVISION TO THE WEST LINE OF SAID ARIA SUBDIVISION;
THENCE NORTH 0°01'38" EAST, 4,001.15 FEET ALONG SAID WEST LINE OF ARIA TO THE POINT OF BEGINNING.
CONTAINING 24.106 ACRES, MORE OR LESS.

Order Denying Petition for the GCCF PUD

Final Audit Report

2024-04-12

Created:	2024-04-11
By:	Mercedes Barcia (mbarcia@venicefl.gov)
Status:	Signed
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"Order Denying Petition for the GCCF PUD" History












-  Document created by Mercedes Barcia (mbarcia@venicefl.gov)
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-  Agreement completed.
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Exhibit “B”

Aerials

Mirasol/Portofino PD.
Mixed Use Corridor FLU; Laurel East
zoning. Allows 13 du/acre and commercial
at 1.0 FAR.

City-owned parcel proposed as new City
park (Northeast Park). Open Space
Functional FLU; Recreational zoning.

Several parcels (about 5 or ten acres in size)
all with Mixed Use Corridor FLU and either
County zoning or Laurel East zoning.
Recreational zoning. Allows 13 du/acre and
commercial at 1.0 FAR.

Toscana Isles PUD. Mixed Use Residential FLU; PUD zoning.
Allows 4.0 du/acre and 10 acres of commercial uses without
FAR limitation.

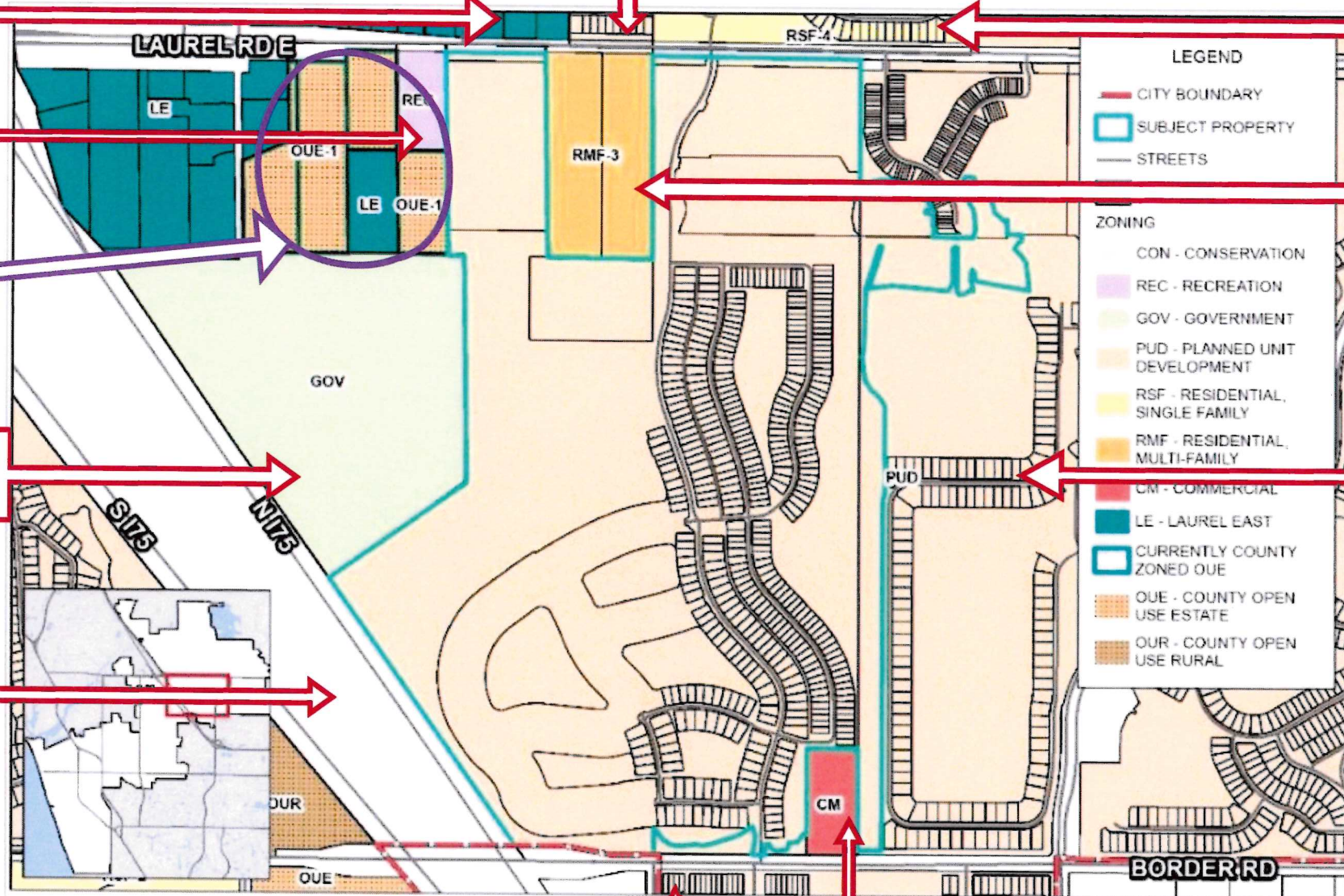
Willow Chase.
Low Density Residential FLU;
RSF-4 zoning.
Allows 5.5 du/acre.

Undeveloped.
August 2023 CPA and RZ approval.
Medium Density FLU, RMF-3 zoning.
Allows 13 du/acre

Milano PUD. Mixed Use
Residential FLU; PUD
zoning. Allows 2.68 dwelling
units per acre and
commercial use at 10 acres
and about 70,000 square feet.

72-acre City-owned parcel used for a city-
wide wastewater treatment facility.
Government FLU; government zoning

Six (6) lane
I-75 Interstate



GCCF PUD AMENDMENT



ZONING MAP
PLANNING AND ZONING DEPA

Palencia PUD.
Mixed Use
Residential
FLU; PUD
zoning. Allows
2.5 du/acre.

Undeveloped.
October 2023
CPA and RZ
approval under
Storage Facility
proposal.
Commercial FLU
and zoning,
allowing 1.0
FAR.

1,000 2,000 Feet



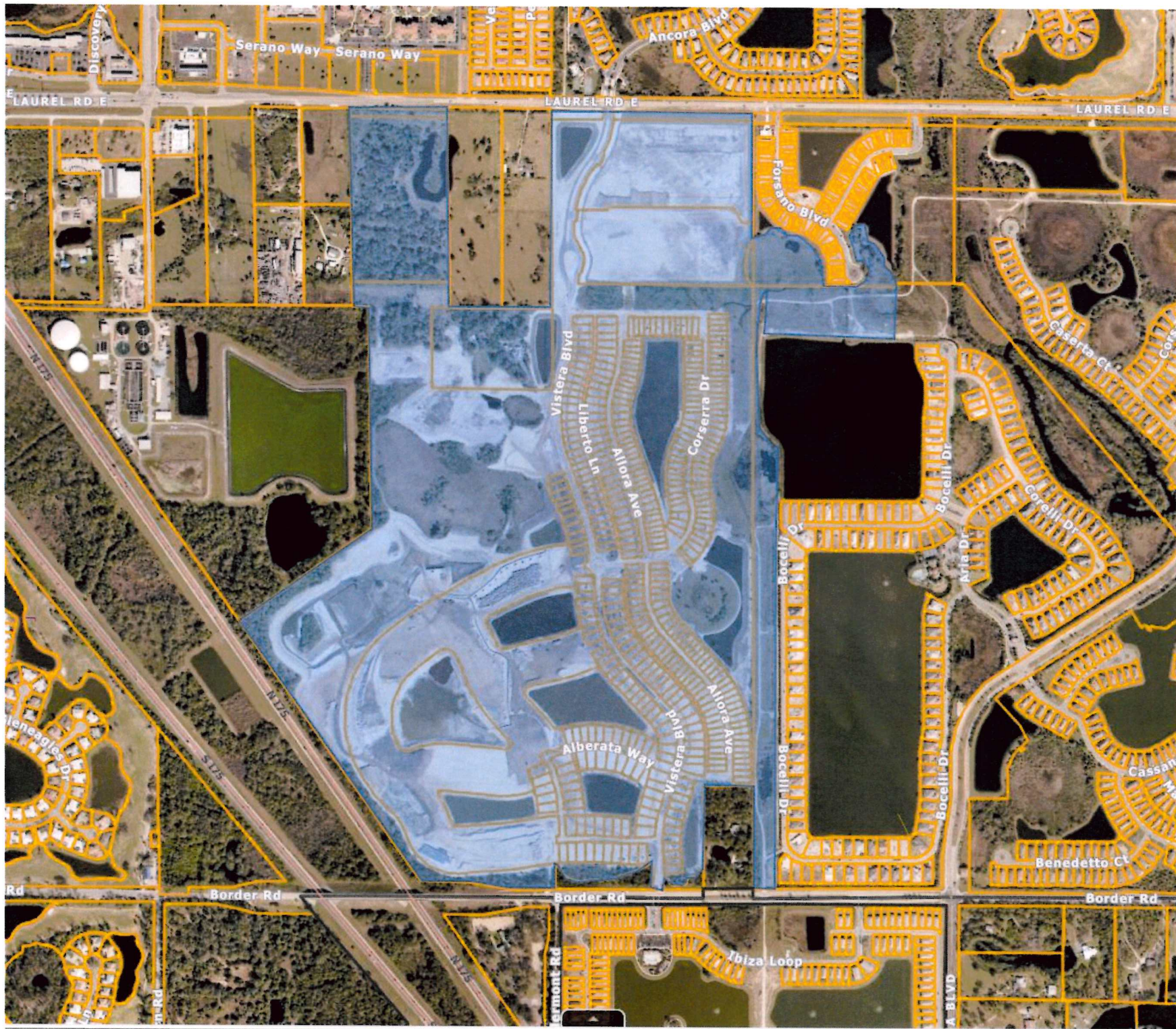


Exhibit “C”

Comprehensive Plan and Municipal Code

(Cited provisions of City of Venice Comprehensive Plan, Land
Development Regulations, and Land Development Code)

LDC Section 1.7.4.A.1.

Open Space. Minor revisions to open space and lakes, provided such revision does not decrease the amount of open space and does not impact any compatibility standard requirements.

e. **Lot Dimensions.** Alterations to lot width and length, provided that the Planned District meets the total of open space approved at the time of rezoning.

f. **Changes to List of Permitted Uses.** Residential uses added to the list of permitted uses in non-residential areas of the Planned District.

D. Prohibited Deviations from Approved Planned Districts.

1. Any deviations to an approved Planned District other than those allowed under subsection C are prohibited unless the entire Planned District is rezoned. Such prohibited deviations include but are not limited to:

a. Changes in designated land use areas, except in the event of unforeseen circumstances not created by any person presently having an interest in the property; and

b. Reductions in total open space approved through the original rezoning.

1.7.4. Decision Criteria

A. Council and the Commission shall consider the following:

1. Whether the amendment is compatible with the existing development pattern and the zoning of nearby properties.
2. Changes in land use or conditions upon which the original zoning designation was based.
3. Consistency with all applicable elements of the Comprehensive Plan.
4. Conflicts with existing or planned public improvements.
5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:
 - a. Impact on the traffic characteristics related to the site.
 - b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.
 - c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.
6. Effect on health, safety and welfare of the neighborhood and City.
7. Conformance with all applicable requirements of this LDR.
8. Potential expansion of adjacent zoning districts.
9. Findings of the Environmental Assessment Report, consistent with Chapter 89.
10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.

B.

LDC Section 1.2.C.8.b.iv

review. Specific application requirements contained in each subsection must be provided, unless such requirement is clearly not applicable to the application under consideration, in which case, the Director, after making such a finding, may, in writing, waive the inapplicable requirement. All the following items are required for all applications, unless deemed not applicable by the Director:

1. Completed application and applicable fees.
2. Narrative.
3. General location map, showing the relation of the site to major streets, schools, important landmarks or other physical features in and adjoining the project.
4. Summary of the neighborhood workshop (if applicable) per Section 1.2.F including mailing list, list of attendees, and a summary of comments provided and applicant responses.
5. Accurate survey, reflecting existing conditions, no more than two years old and the corresponding legal description in a copyable electronic format.
6. Agent authorization (if applicable).
7. Statement of ownership and control.
8. Land Use Compatibility Analysis.
 - a. Demonstrate that the character and design of infill and new development are compatible with existing neighborhoods. The compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, height exception, conditional use, and site and development plan petitions:
 - i. Land use density and intensity.
 - ii. Building heights and setbacks.
 - iii. Character or type of use proposed.
 - iv. Site and architectural mitigation design techniques.
 - b. Considerations for determining compatibility shall include, but are not limited to, the following:
 - i. Protection of single-family neighborhoods from the intrusion of incompatible uses.
 - ii. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
 - iii. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
 - iv. Densities and Intensities of proposed uses as compared to the densities and intensities of existing uses.

D.

LDC Section 1.7.3.B.1.

1.7. - Zoning Map Amendments (Quasi-Judicial Application)

1.7.1. Purpose and Intent

- A. A zoning map amendment is undertaken to accommodate changes to the official zoning map for changed conditions or changes in public policy, to implement the Comprehensive Plan, or to advance the general welfare of the City.

1.7.2. Specific Application Requirements

- A. At minimum, a zoning map amendment application shall include, as part of or in addition to the requirements set out in Section 1.2:
 - 1. Narrative explaining justification for the zoning map amendment.
 - 2. All data and maps required to support conclusions made in responses to specific findings in Sec. 1.7.4.
 - 3. Any additional information deemed necessary by the Zoning Administrator to conduct a full analysis of the impact of the proposed amendment on the LDR.

1.7.3. Planned District Zoning Amendments

- A. **Purpose and Intent.** The planned district zoning district shall be utilized to promote efficient and economical land use, appropriate and harmonious variety in physical development, creative design, and the protection of adjacent and nearby existing and future city development. Regulations for planned district zoning districts are intended to accomplish the purpose of zoning, subdivision regulations and other applicable city regulations on a unified development approach rather than on a lot by lot basis. In view of the substantial public advantages of the planned zoning district, it is the intent of the city to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed are to be planned and developed as a unified and coordinated development.
 - B. **Additional Application Requirements.**
 - 1. Evidence of unified control of all land within the proposed planned district zoning district.
 - 2. The applicant shall, by ordinance or separate written, signed, and notarized Development Agreement, agree to:
 - a. Proceed with the proposed development according to the provisions of this chapter and such conditions as may be set forth as a condition of approval for the development;
 - b. Provide agreements, contracts, deed restrictions and sureties acceptable to Council for completion of the development according to the provisions and plans approved at the time of acceptance of the area for a Planned District, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense;
-

Comprehensive Plan Strategy LU 1.2.16

Strategy LU 1.2.13 - Mixed Use Development Transitions.

Mixed Use land use designations are deemed to be compatible with the adjacent land use designations. Through the update to the City's Land Development Code, Form Based Codes shall be developed for the Mixed Use designations that provide for perimeter compatibility standards. For the purpose of this Strategy, perimeter is deemed to include the Future Land Use designation boundary only.

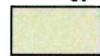
Strategy LU 1.2.14 - Mixed Use Development Connectivity.

A Mixed Use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area.

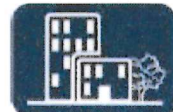
Strategy LU 1.2.15 - Mixed Use Designations – Government Uses.

Government uses shall be permitted within the Mixed Use Designations.

Strategy LU 1.2.16 - Mixed Use Residential (MUR)



1. Limited to existing and proposed properties zoned or proposed to be zoned PUD.
2. Consistent with the PUD Zoning, conservation and functional open spaces are required. See also Strategy OS 1.11.1 – Mixed Use Residential District Requirements.
3. Development standards including bulk development standards and housing types are designated at the PUD Zoning level.
4. A variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling units per gross acre for the subject project/property.
5. Previously approved PUD developments exceeding the standards of this Strategy shall be permitted to retain their currently approved density and intensity, open space percentage provisions, and other previously approved development standards.
6. Min/Max Percentages as follows:
 - a) Residential: 95% / 100%
 - b) Non-Residential: 0% / 5%
 - c) Open Space (including both Functional and Conservation): 50% (min). Open Space shall be comprised of a mix of Functional and Conservation Open Space to achieve 50%, with Functional being no less than 10% and Conservation being no less than 20%. For the purposes of this Strategy, Functional Open Space may include public and/or private open space.
7. Intensity/Density:
 - a) Residential Density: 1.0 – 5.0
 - b) Non-Residential Intensity (FAR): 0.4 (average) Designation-Wide; 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-residential portion of the MUR. The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.
8. Figure LU-9 (below) establishes the Compatibility Review Matrix between the MUR and existing Future Land Use categories. See Strategy LU 1.2.8



Strategies Comprehensive Plan LU1.3 Strategies

Planning and Design Principles

Intent LU 1.3 - Planning and Design Principles.

The City intends to guide future development and redevelopment through planning and design principles that foster successful urban communities. The City's Future Land Use designations are intended to establish the following planning and design principles to guide the growth, development and redevelopment efforts within the City. The following Strategies are designed to help guide the City's Land Development Code and review processes.



Strategy LU 1.3.1 - Mix of Uses

The City shall promote a mix of uses including a mixture of residential and non-residential uses (where desired by the Community) of varying densities, non-residential intensities, and uses designed to encourage multiple modes of travel such as pedestrian activities, bicycles, transit, low-emission vehicles/golf carts and automobiles.



Strategy LU 1.3.2 - Functional Neighborhoods

The City shall promote functional neighborhoods defined at the Planning Level which include neighborhood centers, a variety of housing types, public/civic space designed for the context of the Neighborhood and a variety of open space amenities.

Strategy LU 1.3.3 - Walkable Streets

The City shall promote walkable streets integrated within and between neighborhoods that designs a community based on reasonable walking distances, enhanced landscape design, the location of parking, and the design of streetlights, signs and sidewalks.

Strategy LU 1.3.4 - Interconnected Circulation

The City shall promote interconnected circulation Network that prioritizes pedestrians and bicycles; linking individual neighborhoods to retail (shopping) areas, parks and other recreational features and civic spaces.

Strategy LU 1.3.5 - Natural Features

The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole.

Strategy LU 1.3.6 - Coordination with Public Infrastructure

The City shall ensure that future development practices are sustainable and pay for the impact they cause; provide for the needs of current and future populations; coordinate with the City infrastructure systems and public services; and protect natural habitats and species.

Strategy LU 1.3.7 - Infill Development - Compatibility

New buildings and development shall relate to the context of the neighborhood and community with regard to building placement, height and design.

Strategy LU 1.3.8 - Co-Location of Facilities

The City shall promote the co-location of parks, schools, and other community facilities to support community interaction, enhance neighborhood identity, and leverage limited resources.

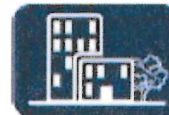


Exhibit “D”

Transmittal Memo

(Transmittal of Petition for Council Action 23-63RZ)



MEMORANDUM

FROM: Josh Law, Planner
DEPT: Planning and Zoning
TO: Kelly Michaels, City Clerk
DATE: March 6, 2024
RE: Transmittal of Petition for Council Action –
23-63RZ GCCF PUD Amendment

SUBJECT: Transmittal of Petition for Council Action 23-63RZ

On March 5, 2024, the Planning Commission, made the following motion for the subject petition:

Petition No.23-63RZ

The following motion was **APPROVED** by a vote of 7-0:

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, 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 ZONING MAP AMENDMENT PETITION NO. 23-63RZ.**

To continue the processing of the petition, please complete the following:

- Schedule the public hearings before City Council, and provide our office with the legal advertisement when sent to the Gondolier so that we may prepare the notification sign and post on the property 15 days prior, per public notice requirements.
- Legistar file CC 23-63RZ has been created with the following attachments. Please reformat as needed for City Council:
 1. Staff Presentation
 2. Staff Report
 3. Application
 4. Narrative
 5. Decision Criteria 1.7.4
 6. GCCF Binding Master Plan
- The mailing list for the nearby properties is attached, but please note, if a significant amount of time passes before notices are prepared, the list will need to be updated to ensure sales/transfers are accounted for.

The Planning and Zoning Department may receive additional written correspondence on this petition, which will be forwarded to your office.

Yes N/A

- | | | |
|--------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | City Attorney Reviewed/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Risk Management Review |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Finance Department Review/Approval |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Funds Availability (account number) |

Attachments: Mailing Notification List & Registered Neighborhoods List
 Ad/Location Map
 Legal Description

Cc: Petition No. 23-63RZ

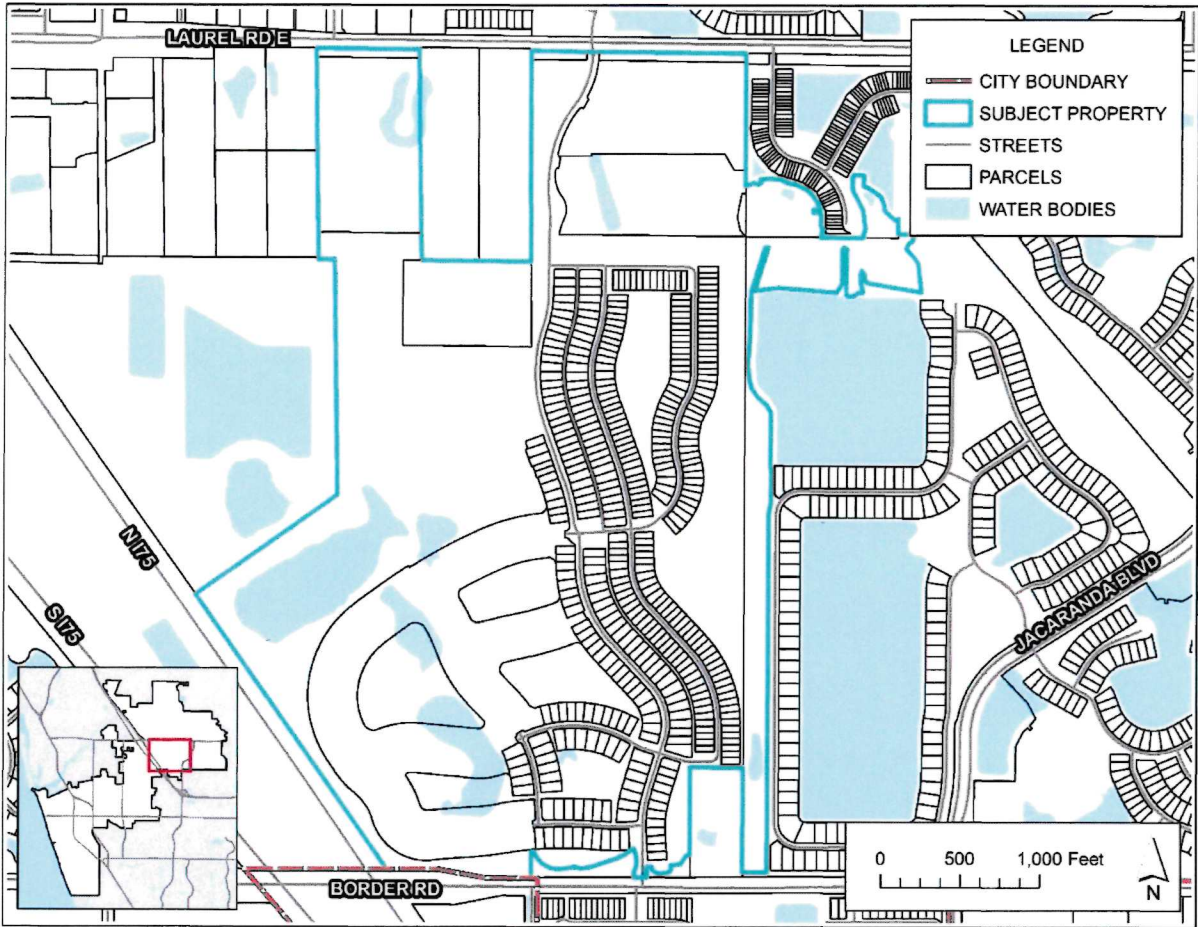
Exhibit “E”

Staff Report

(23-63RZ GCCF PUD Amendment Staff Report)

23-63RZ GCCF PUD AMENDMENT

Staff Report



GENERAL INFORMATION

Address:	South of Laurel Road East, North of Border Road, East of I-75
Request:	To amend the GCCF PUD to increase the density from 4.3 to 5.0 units per acre.
Owner:	Border Road Investments, LLC & Visterra Associates, LLC
Agent:	Jeffery A. Boone, ESQ, Boone Law Firm
Parcel Size:	323.56 ± acres
Future Land Use:	Mixed Use Residential (MUR)
Current Zoning:	Planned Unit Development (PUD)
Comprehensive Plan Neighborhood:	Northeast Neighborhood
Application Date:	September 19, 2023

I. BACKGROUND

The GCCF (Gulf Coast Community Foundation) PUD is located south of Laurel Road East, north of Border Road and east of I-75. The PUD is currently under development as the Visterra of Venice residential development with single family attached, detached, and multi-family units.

The GCCF PUD was amended by Ordinance No. 2022-20 to add 24.1 acres of open space along the eastern boundary of the PUD relocated from the adjacent Milano PUD. The rezone petition increased the overall size of the PUD from 299.46 acres to 323.56 acres. With the addition of 24.1 acres, the overall density went from 4.3 units per acre to 4.0 units per acre. This amendment to the GCCF PUD proposes to increase the currently approved density from 1,300 dwelling units (4.0 units per acre) to 1,617 dwelling units (4.99 units per acre).

Unified Control

During the development of the Land Development Regulations (LDRs), there was discussion of “unified control” as it relates to a proposed amendment to a Planned Unit Development (PUD). Multiple potential definitions and applications of the term were discussed. However no consensus was reached during the process, and it was deferred to a future time.

At the February 13, 2024, City Council Meeting, staff was given direction to host a workshop to discuss options for amendments to PUDs. The workshop is to be held on April 4th, 2024. At the time of the writing of this staff report, staff is to discuss the two options below at the upcoming workshop.

1. For major amendments, interpret the requirement to rezone the entire Planned District to mean that the full rezone process must be followed, including the demonstration of “unified control” through the written consent (supplied by the applicant) of the owners of all or some percentage of the property in the PUD. During the discussions indicated above, 100% consent of property owners was previously determined to be unacceptable by City Council.
2. Require “unified control” upon initial PUD application only. Clarify that a major amendment is not a rezone, but an amendment to the PUD binding master plan. What can be amended and who can seek the changes depends on how much of the PUD is built out.
 - a. Examples
 - i. Up to 50% build-out of the originally approved residential units (certificate of occupancy issued) of the portion of the PUD identified “to be developed”, the developer/owner may propose any amendment to the PUD.
 - ii. After 50% of the PUD is built-out, the developer/owner may propose amendments to only land that has already been identified as “to be developed” absent other criteria being met (e.g., consent, public health, safety and welfare).

The issue of unified control will not be finalized by the time the rezone petition is discussed with Planning Commission. Staff will work with the applicant based on the outcome of the April 4th workshop and City Council’s decision regarding this issue. This petition will not be considered by City Council until after the scheduled workshop.

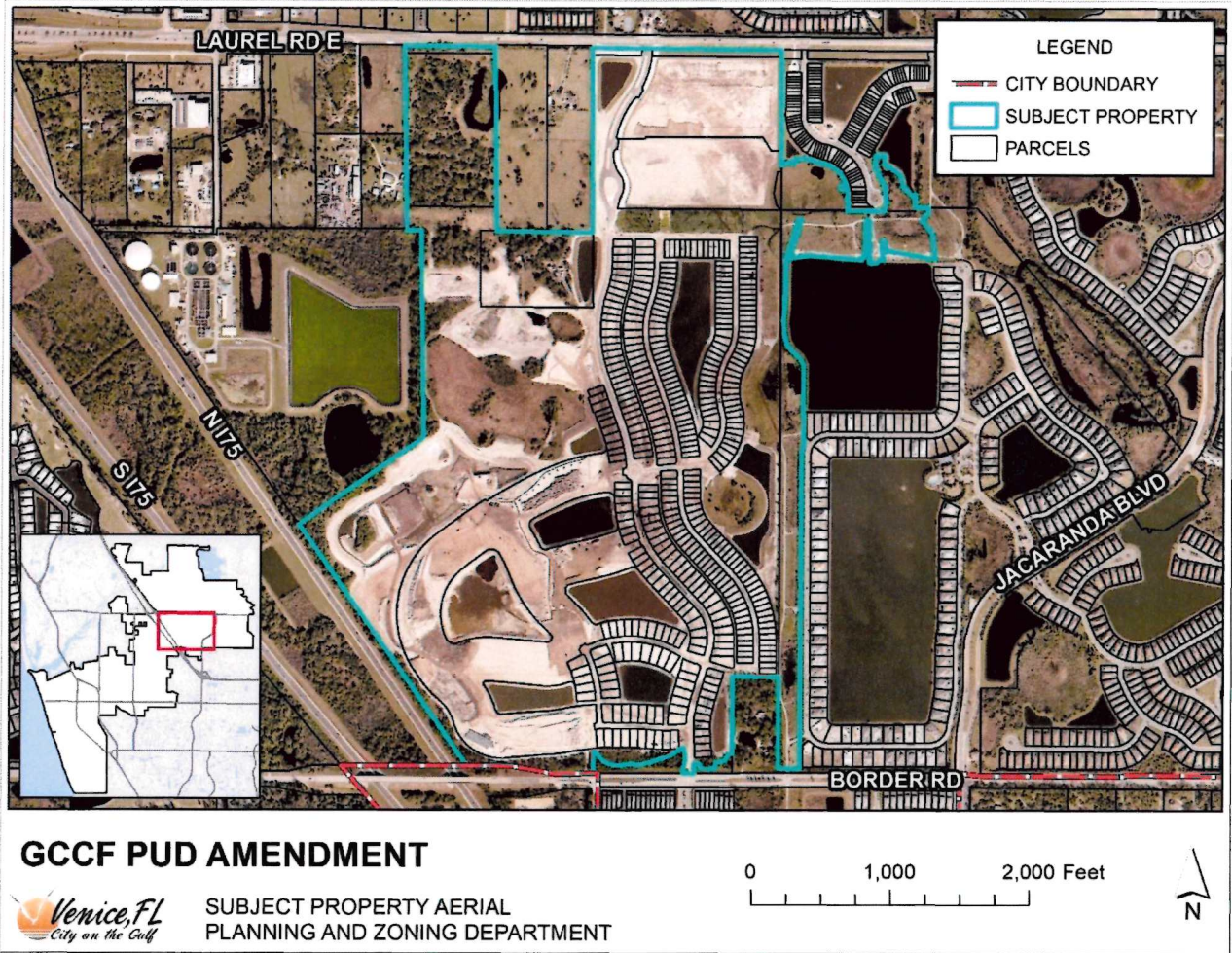
Previous Plats

Within the GCCF PUD, both a Preliminary Plat for single family and a site plan for multifamily development have been approved. The Visterra of Venice multifamily development (21-47SP) is located on the northeast

The image displays three distinct site plan maps for a residential development, each enclosed in a colored border.

- Top Map (Blue Border):** This map shows a large, irregularly shaped central pond. To the left of the pond is a large rectangular area labeled "COMMERCIAL". To the right of the pond is a winding road labeled "WINDY HILL RD". The map includes various lot numbers and labels for "LOT 1" through "LOT 10".
- Middle Map (Orange Border):** This map provides a detailed view of a specific area, showing a winding road labeled "WINDY HILL RD" and numerous small lots. The map includes labels for "LOT 1" through "LOT 10" and "LOT 11" through "LOT 20". It also shows a "WINDY HILL RD" and a "WINDY HILL RD" intersection.
- Bottom Map (Green Border):** This map shows another section of the development, featuring a large rectangular pond. To the left of the pond is a large rectangular area labeled "COMMERCIAL". To the right of the pond is a winding road labeled "WINDY HILL RD". The map includes various lot numbers and labels for "LOT 1" through "LOT 10".

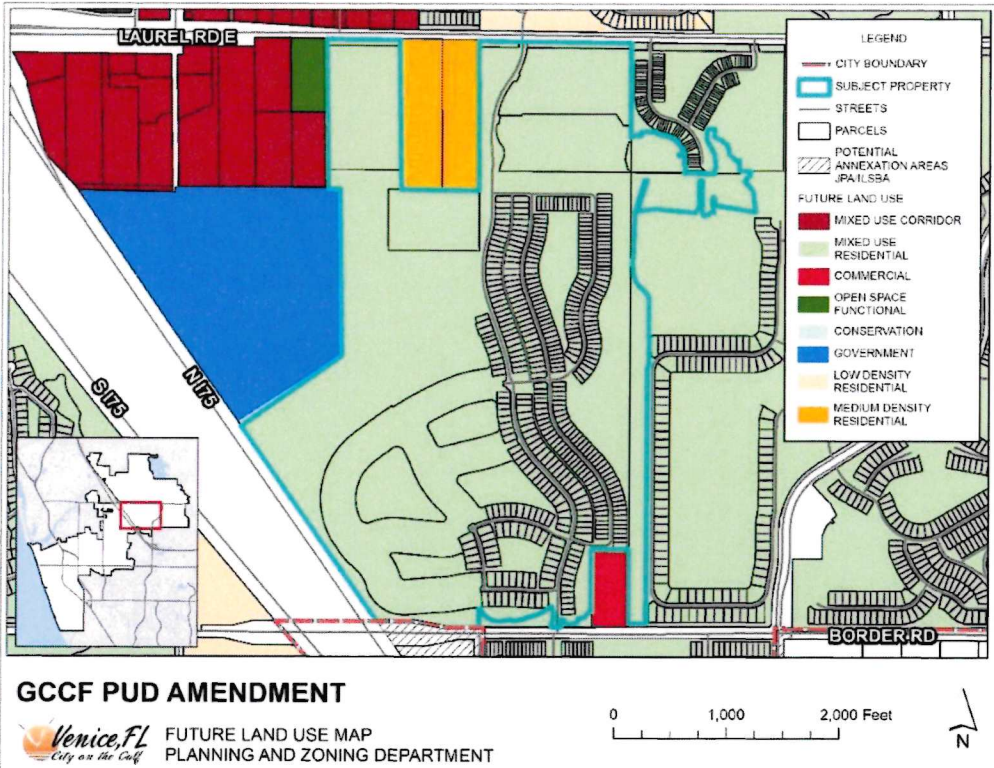
Location Area



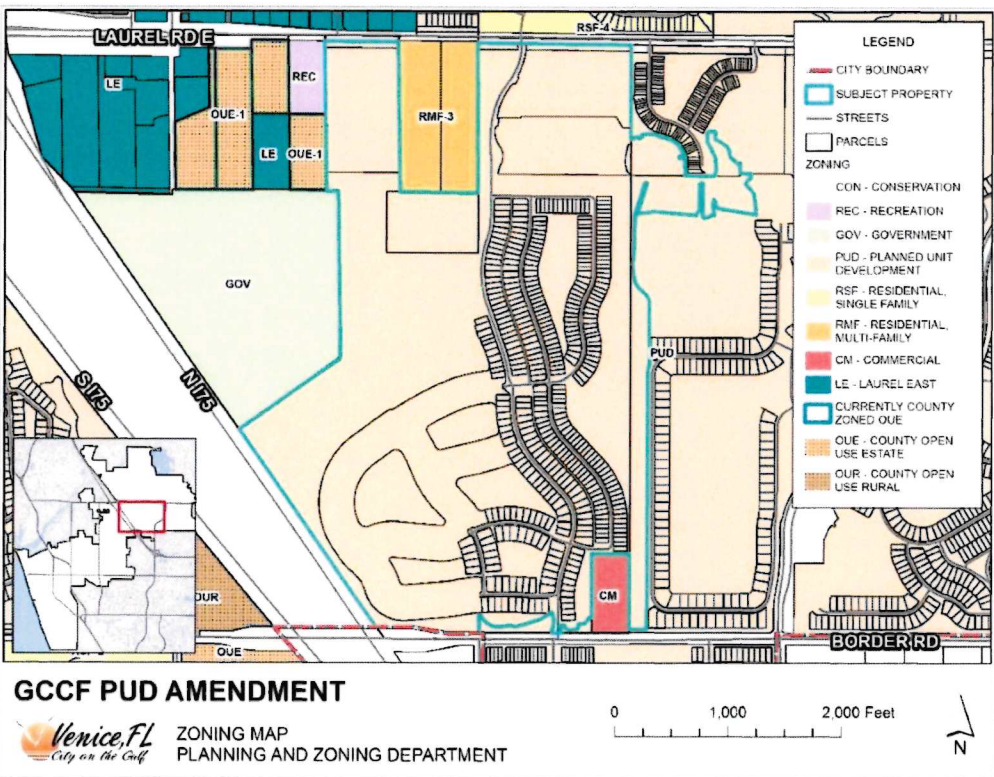
Future Land Use and Zoning

The Future Land Use designation for the subject property is Mixed Use Residential (MUR) The current zoning designation for the subject property is Planned Unit Development (PUD).

Future Land Use



Current Zoning



Surrounding Land Uses

Direction	Existing Land Uses(s)	Current Zoning District(s)	Future Land Use Map Designation(s)
North	Residential (Toscana Isles), Commercial (Mirasol), Willow Chase	Laurel East (LE), Planned Unit Development (PUD), Residential, Single Family (RSF-4)	Mixed Use Residential (MUR), Mixed Use Corridor (MUR), Low Density Residential (LDR)
South	Residential (Palencia)	PUD	MUR
East	Residential (Aria and Fiore)	PUD	MUR
West	Government (City of Venice Water Treatment Facility) Residential, Recreation	Government (GOV), Sarasota County OUE-1 (Open Use, Estate), Recreation (REC)	GOV, MUR, Open Space Functional

II. PLANNING ANALYSIS

In this section of the report, analysis of the subject zoning map amendment petition evaluates 1) consistency with the Comprehensive Plan, and 2) compliance with the City’s Land Development Code (LDC) and GCCF Binding Master Plan, and 3) compliance with requirements for Concurrency/Mobility.

1) Comprehensive Plan Analysis

Land Use Element

Strategies LU 1.2.16.2 and LU 1.2.16.6(c) in the Land Use element of the Comprehensive Plan require that Planned Unit Developments (implementing the MUR Future Land Use Designation) maintain at least 50% of their land area as open space. The previously approved Binding Master Plan included 50% open space, no changes to open space will result from this amendment.

Strategy OS 1.11.1 in the Open Space element repeats and expands on the requirement for 50% open space; this proposal is consistent with this requirement at 50% open space.

Strategy LU-1.2.16 describes the Mixed Use Residential (MUR) designation and allows for up to five (5) dwelling units per acre. The proposed rezone would increase the density of from 4.3 to 4.9 units per acre.

Strategy LU 1.2.16.4 a variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling units per gross acres for the subject project/property.

Conclusions / Findings of Fact (Comprehensive Plan Analysis):

Analysis has been provided to determine consistency with the Land Use Element strategies applicable to the MUR land use designation, strategies found in the Northeast Neighborhood, and other plan elements. This analysis should be taken into consideration upon determining Comprehensive Plan consistency.

2.) Compliance with the Land Development Code and Binding Master Plan

The subject petition has been processed with the procedural requirements contained in Ch. 87, Sec. 1.7 of the Land Development Code (LDC). In addition, the petition has been reviewed by the City’s Technical Review Committee and no issues regarding compliance with the LDC were identified.

Chapter 87, Section 1, Decision Criteria 1.7.4

A. Council and the Commission shall consider the following:

1. Whether the amendment is compatible with the existing development pattern and the zoning of nearby properties.

Applicant Response: The proposed PUD Amendment is compatible with the existing development patterns and zoning of nearby properties.

2. Changes in land use or conditions upon which the original zoning designation was based.

Applicant Response: No changes are proposed to previously approved land uses.

3. Consistency with all applicable elements of the Comprehensive Plan.

Applicant Response: The proposed PUD Amendment to increase density to 5.0 de/ac is consisted with all applicable elements of the Comprehensive Plan.

4. Conflicts with existing or planned public improvements.

Applicant Response: Not applicable.

5. Availability of public facilities, analyzed for the proposed development (if any) or maximum development potential, and based upon a consideration of the following factors:

- a. Impact on the traffic characteristics related to the site.

Applicant Response: An analysis has been provided of potential impact on traffic characteristics.

- b. Impact on population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are affected.

Applicant Response: Public facilities are available to serve the site.

- c. Impact on public facilities currently planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law.

Applicant Response: Public facilities are available to serve the site and the developer will pay impact fees to offset the impacts to public facilities.

6. Effect on health, safety and welfare of the neighborhood and City.

Applicant Response: The proposed PUD amendment will not have any negative impact to the health, safety and welfare of the neighborhood and City.

7. Conformance with all applicable requirements of this LDR.

Applicant Response: The proposed PUD Amendment is consistent with all applicable elements of the LDR's.

8. Potential expansion of adjacent zoning districts.

Applicant Response: Not applicable.

9. Findings of the Environmental Assessment Report, consistent with Chapter 89.

Applicant Response: Not applicable. The proposed PUD Amendment does not alter the previously approved development plan.

10. Any other applicable matters pursuant to this LDR, the Comprehensive Plan or applicable law.

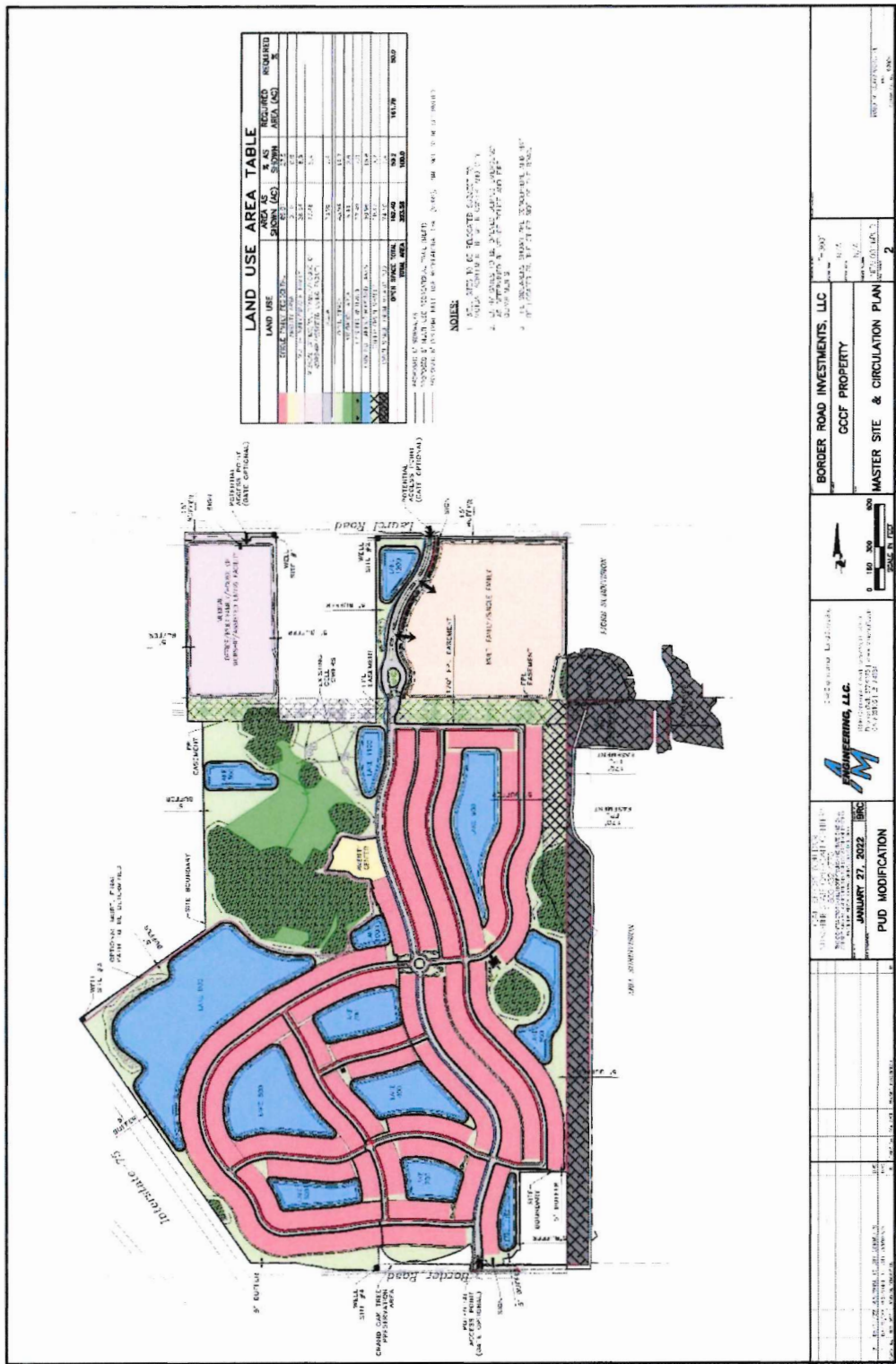
Applicant Response: Not applicable

Summary Staff Comment:

The proposed amendment is to increase the density of the PUD from 4.3 to 4.99 units per acre would be consistent with the City's Future Land Use designation on the property. The increased density would be the western side of the property and would increase the overall density from 4.3 to 4.99 units per acre.

Binding Master Plan

Consistent with Code requirements in Ch. 87, Sec. 1.7.3, a revised Binding Master Plan has been submitted. This amendment to the GCCF PUD proposes to increase the currently approved density from 1,300 dwelling units (4.3 units per acre) to 1,617 dwelling units (5.0 units per acre) with no other changes in the Binding Master Plan below.



Summary Staff Comment:

The proposed amendment is to increase the density of the PUD from 4.3 to 4.99 units per acre would be consistent with the City's Future Land Use designation on the property. The increased density would be the western side of the property and would increase the overall density from 4.3 to 4.99 units per acre.

Conclusions/Findings of Fact (Land Development Code Compliance):

Analysis has been provided by staff to determine compliance with the standards of the land development code. The subject petition complies with all applicable standards and there is sufficient information on the record to reach a finding for each of the rezoning considerations contained in Ch. 87, Sec. 1.7.4 of the Land Development Code.

3) Concurrency/Transportation Mobility

Concurrency

The Technical Review Committee has reviewed all relevant materials submitted for the site and development plan and no inconsistencies were identified.

Transportation

The GCCF PUD was previously approved for 1,300 dwelling units (550 single-family detached units and 750 multifamily units) and vested for 877 total PM peak hour trips. The proposed new plan for the GCCF PUD is to increase the density to 1,617 dwelling units (584 single-family detached units and 1,033 multifamily units) which results in an additional 93 PM peak hour trips, for a total of 970 PM peak hour trips.

Based on the comments from the City's transportation consultant, compliance with the City's requirements is confirmed. However, the following site access improvements are required in conjunction with this project and have been confirmed by the Applicant:

Laurel Road & Western Project Driveway

- Construct a 235' westbound left turn lane
- Construct a 185' eastbound right turn lane

Laurel Road & Eastern Project Driveway

- Construct a 235' westbound left turn lane
- Construct a 185' eastbound right turn lane

Border Road & Project Driveway

- Construct a 185' westbound right turn lane

Conclusions/Findings of Fact (Concurrency/Transportation Mobility):

The subject petition has been processed with the procedural requirements to consider the Rezone Petition. In addition, the petition has been reviewed by the Technical Review Committee (TRC) and no issues regarding compliance with the Land Development Code or the GCCF Binding Master Plan were identified.

CONCLUSION

Planning Commission Report and Action

Upon review of the petition and associated documents, Comprehensive Plan, Land Development Code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for Planning Commission to make a recommendation on Zoning Map Amendment Petition No. 23-63RZ.

Exhibit “C”

Amended GCCF PUD

Binding Master Plan

GCCF

PLANNED UNIT DEVELOPMENT (PUD)
BINDING MASTER PLAN

June 18, 2025

ADOPTED THROUGH MEDIATED SETTLEMENT AGREEMENT
_____, 2025

GCCF PUD

PROJECT NARRATIVE

The GCCF PUD was originally a 300 +/- acre property located south of Laurel Road, north of Border Road, east of I-75 and the City's wastewater treatment plant, and west of the Milano PUD. The property is located within the Northeast Neighborhood of the City's Comprehensive Plan and is designated Mixed Use Residential on the Future Land Use Map.

Ordinance No. 2019-19 approved the GCCF PUD for the development of a residential community consisting of detached single- family homes, paired villas, multi-family homes, assisted living facilities, amenity centers, and open space. A 25 +/- acre portion of the property was approved for House of Worship as permitted use, and Medical Office as a Special Exception Use, as an alternative to residential.

Access to the site is via Laurel Road and Border Road. Consistent with Comprehensive Plan Strategy TR-NE 1.1.4 a north/south roadway connection between Laurel Road and Border Road is required through the GCCF PUD. In addition, where common ownership with the Milano PUD to the east exists, one or more optional interconnections between the properties is permitted, and one or more optional interconnections is permitted to the property east of the 17.46 acre parcel designated for Medical Office/Multi-Family, House of Worship, Assisted Living/Independent Living/Memory Care use. The circulation plan for the GCCF PUD provides opportunities for multi-modal connectivity, and includes a linked sidewalk system for pedestrian connectivity from each of the development pods throughout the PUD. Further, sidewalk linkages along Laurel Road and Border Road are provided to the project limit.

All internal roadways will be privately owned and maintained. The on-site storm water management system will be privately owned and maintained. Water and wastewater facilities will be dedicated to the City of Venice or Sarasota County as applicable.

The PUD was previously amended by Ordinance No. 2022-20 to add 24.1 acres of open space along the eastern boundary of the PUD relocated from the adjacent Milano PUD and to modify the lot standard detail to clarify yards standards for lots with alleys. In addition, minor revisions to the approved PUD plan were approved which incorporated previously approved preliminary plat approvals regarding location of open space, stormwater ponds, internal roadways and the amenity area, the addition of a sidewalk segment on the east side of the spine road, the elimination of a "potential access point" along Border Road, and the elimination of the multi-family use for lots south of the east-west FPL easement. No other changes were proposed to the approved uses or development standards.

This 2025 amendment to the PUD: (1) increases the currently approved density from 1,300 dwelling units (4.3 units per acre) to 1,617 dwelling units (5.0 units per acre); (2) provides that Assisted Living, Independent Living, and Memory Care uses are permitted by right; and, (3) provides maximum heights for Assisted Living, Independent Living, Memory Care, and Multi-Family uses, which may be implemented through approved height exceptions . 370 of 1,617 dwelling units shall be limited to the 17.46 acre parcel designated for Medical Office, Multi-Family, House of Worship, Assisted Living/Independent Living/Memory Care use. There are no other changes to the currently approved GCCF Binding Master Plan.

COMPLIANCE

The proposed GCCF PUD plan is consistent with all applicable elements of the City's Comprehensive Plan. Specifically, the proposed GCCF PUD is consistent with the Northeast Neighborhood plan and the existing and future land uses therein, including Strategy LU-NE 1.1.1. which designates the property Mixed Use Residential (MUR) and allows for up to five (5) dwelling units per acre.

Pursuant to Comprehensive Plan Strategy LU- NE 1.1.1. C LU-1.2.16.6.c a minimum of 50% open space will be provided including a minimum of 10% Functional and 10% Conservation Open Space.

As noted above, consistent with Strategy TR-NE 1.1.4 a north/south roadway connection between Laurel Road and Border Road will be provided through the GCCF PUD.

In addition, the GCCF PUD plan is in compliance with the applicable Intents and Strategies of the Transportation, Open Space, Housing, Infrastructure, and Public Schools Elements of the Comprehensive Plan.

Finally, the proposed GCCF PUD is in compliance with the City of Venice Land Development Code Sec. 86-130 requirements for Planned Unit Development (PUD) Districts as outlined in the below Land Use and Development Standards.

LAND USE AND DEVELOPMENT STANDARDS

The following identifies the proposed development standards for the GCCF Planned Unit Development. In furtherance of the interpretation authority granted by the City of Venice Comprehensive Plan and Land Development Code, the Zoning Administrator shall have authority to administratively approve minor modifications of standards contained with the GCCF Planned Unit Development, excluding standards related to density, building height, buffer widths, and the addition of uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards. Where the PUD master plan identifies areas for residential uses, the developer shall have the option to convert such residential use areas to open space uses.

Any standard not stated or otherwise addressed in the binding master plan is subject to Chapter 86- Land Development Code.

A. Land Uses

1) Permitted Principal Uses and Structures

- Residential single-family dwellings (detached)
- Residential single-family dwellings (attached)
- Multi-family dwellings
- Private club, community centers and civic and social organization facilities
- House of Worship
- Recreational areas
- Open Space
- Cell Tower
- Assisted Living, Independent Living, Memory Care

2) Permitted Accessory Uses and Structures

- Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- Are located on the same lot as the permitted or permissible use or structure or on a contiguous lot in the same ownership.
- Do not involve operations or structures not in keeping with the character of the district.
- Do not involve the conduct of business on residential premises, provided that accessory home occupations shall be allowed as accessory to residential uses.

3) Special Exception Uses

- Medical Office

B. Density/ Intensity

- 1) Residential- Up to 1,617 residential units
- 2) Open Space- Minimum 50%
- 3) Non-Residential - Maximum FAR 0.5 (individual site)

C. Maximum Height of Structures

- 1) Single-Family - 3 stories up to 35' including parking.
- 2) Assisted Living, Independent Living, Memory Care- 65' including parking (For heights above 35', Conditional Use approval required).
- 3) Multi-family, House of Worship, Medical Office- 5 stories up to 55' including parking. (For heights above 3 stories and 35', Conditional Use approval required).

D. LOT DETAIL

1) Single-Family Detached

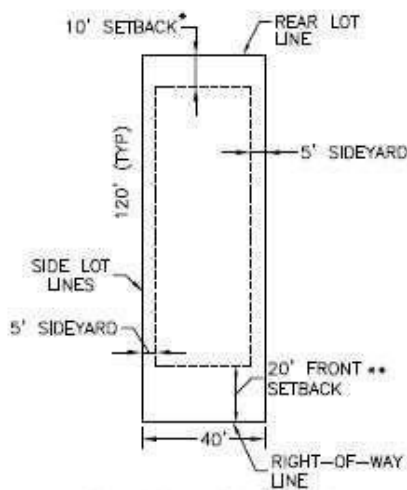
- Minimum Lot Size: 4,500 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Minimum Lot Width: 40 feet
- Front Yard: 20 feet
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

2) Single-Family Attached (Paired Villas)

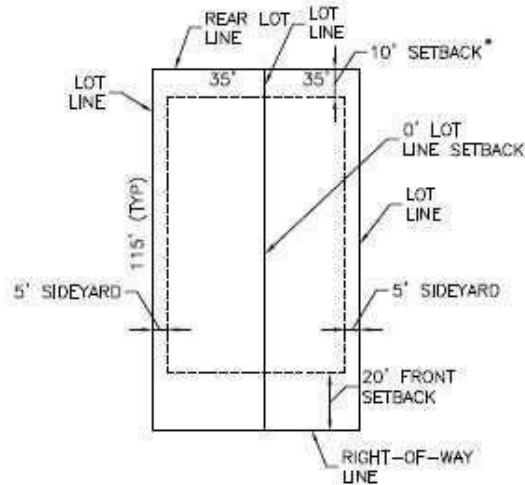
- Minimum Lot Size: 4,025 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Minimum Lot Width: 35 feet
- Front Yard: 20 feet
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot line

3) Multi-Family

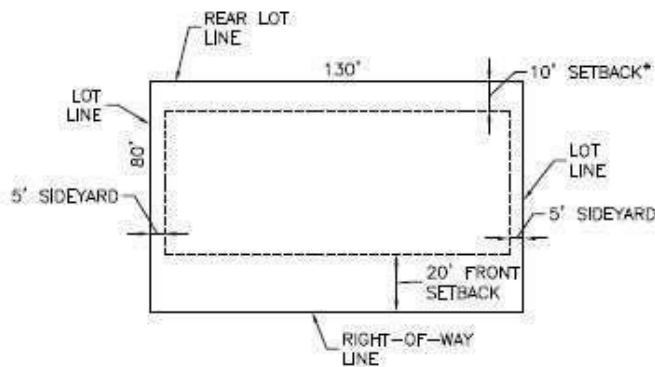
- Minimum Lot Size: 7,200 square feet
- Maximum Lot Coverage: None, except as required to meet other requirements as set out in this section
- Minimum Lot Width: 90 feet
- Front Yard: 20 feet
- Side Yard: 5 feet
- Rear Yard: 10 feet
- Accessory structures/appurtenant structures including, but not limited to pool cages, may be located within five feet of the rear lot li



TYPICAL LOT DETAIL
SINGLE FAMILY DETACHED



TYPICAL LOT DETAIL
PAIRED VILLAS



MULTI-FAMILY LOT DETAIL
4 PLEX / 6 PLEX

*** REAR YARD STANDARDS
SHALL APPLY FOR YARDS ADJACENT
TO ALLEYS

**** Garages attached to a primary residential
structure by a breezeway shall be
considered accessory structures.

• ACCESSORY STRUCTURES/APPURTENANT
STRUCTURES SUCH AS POOL CAGES,
MAY BE LOCATED WITHIN FIVE FEET OF
THE REAR LOT LINE.

** FRONT SETBACK MAY BE REDUCED TO
15' WHEN THE BUILDING HAS A SIDE
ENTRY GARAGE OR AN ALLEY LOADED
GARAGE

LOT DETAILS

PROJECT: GCCF PROPERTY

CLIENT: BORDER ROAD INVESTMENT, LLC



Stantec

6900 Professional Parkway East, Sarasota, FL 34240-6414
Phone 941-497-6900 • Fax 941-497-6910
Certificate of Authorization #27013 • www.stantec.com

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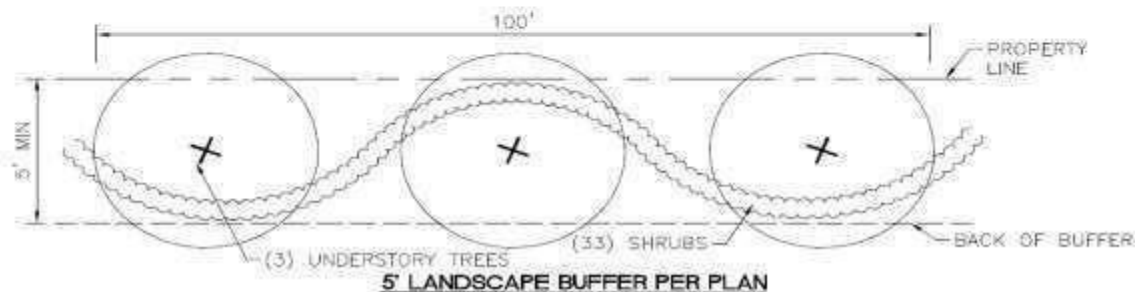
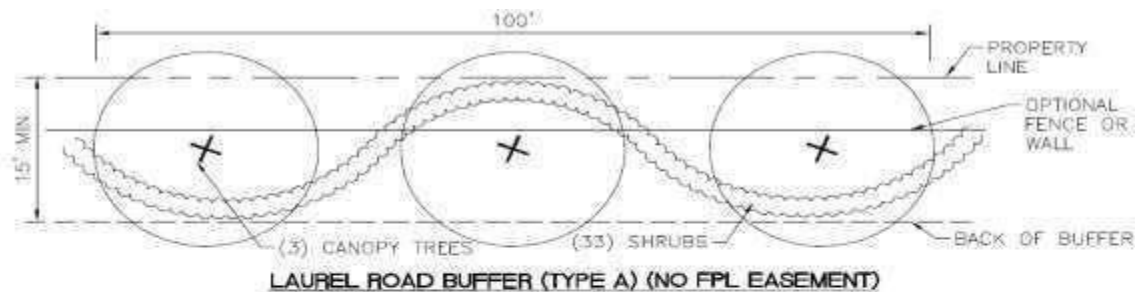
MELANIE DELEHANTY SMITH, P.E.
FLORIDA LICENSE NO. 75447

SCALE	1" = 50'	DATE	09/20/18
SHEET	35/36	38S	19E
PROJECT NO.	215614685	INDEX NO.	215614685-001-EX203
DRAWN BY/DATE	RSB/11/15/15	SHEET NO.	1 OF 2

4) Assisted Living, Independent Living, Memory Care, House of Worship, Medical Office

- Minimum Lot Size: None, except as needed to meet all other requirements set out in this section.
- Maximum Lot Coverage: None, except as required to meet other requirements set out in this section
- Lot Width: 100 feet
- Front Yard: 20 feet
- Side Yard: Six feet minimum, but in no case less than 15 feet combined side yards.
- Rear Yard: 10 feet
- Accessory structure/ appurtenant structures: 5 feet
- Buildings above 35 feet shall provide additional side and rear yards at a ratio of one foot of yard for each three feet of building height above 35 feet and a front yard of 25 feet or one-half of the building height, whichever is greater.

E. BUFFERS/ LANDSCAPING



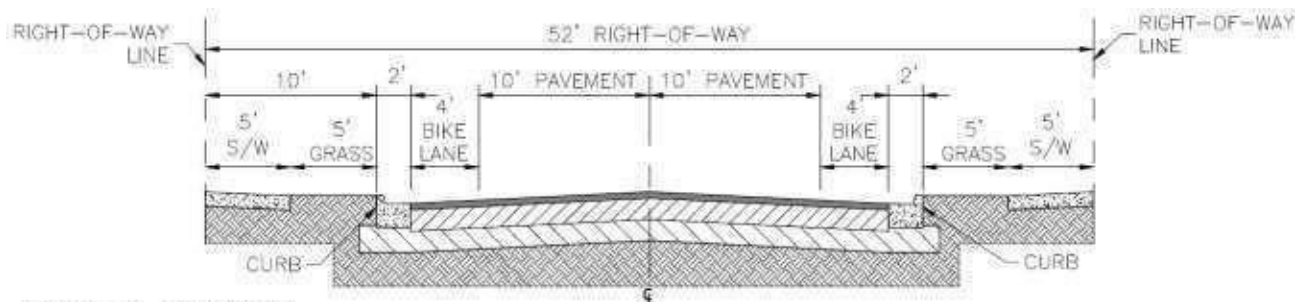
NOTES:

1. EXISTING VEGETATION TO REMAIN WHERE FEASIBLE TO SATISFY BUFFER PLANTING REQUIREMENTS.
2. TYPICAL BUFFER REQUIREMENTS WILL NOT APPLY WHERE EXISTING WETLANDS ARE TO REMAIN.
3. WHERE OVERHEAD UTILITY POLE LOCATIONS RESTRICT VERTICAL VEGETATION HEIGHTS, ACCENT TREES AS DEFINED BY SARASOTA COUNTY SHALL BE USED IN LIEU OF A CANOPY TREE.
4. BERM HEIGHTS SHALL BE LIMITED TO A RANGE 0' TO 6'.

F. Roadway Design (Minimum Design Standards)

1) The GCCF PUD proposes the following minimum roadway design for the connection road from Laurel Road to Border Road required pursuant to Comprehensive Plan Strategy TR-NE 1.1.4. (see typical connection roadway standard below)

- Right-of-Way: 52 feet
- Travel Lanes: 10 feet
- Sidewalk: 5 feet (x2)
- Bike Lane 4 feet (x 2)
- 2 foot curb
- One (1) tree per lot which may be placed within or adjacent to the ROW, minimum 3" caliper at installation



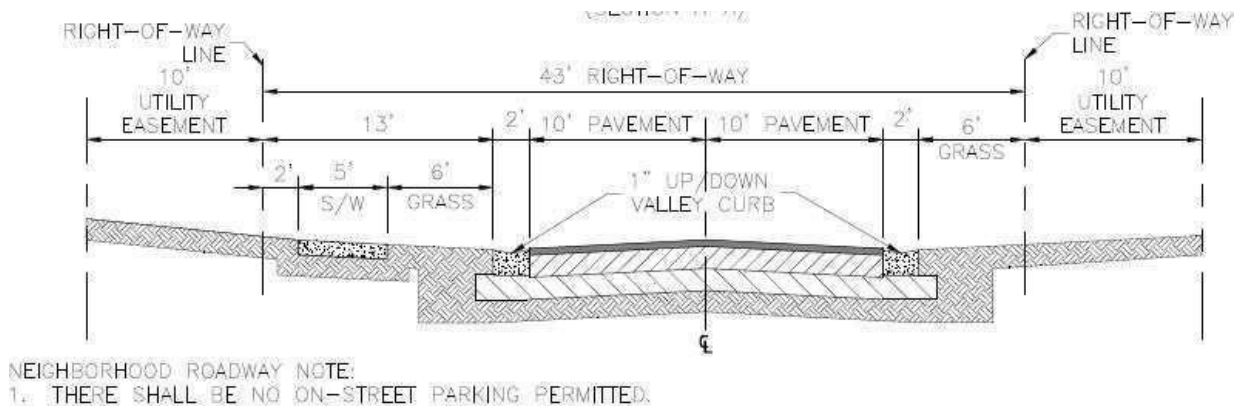
CONNECTOR ROAD NOTES:

1. THE TWO 5' SIDEWALKS CAN BE SUBSTITUTED FOR ONE 8' MURT. THE 8' MURT MAY BE PLACED ON EITHER SIDE OF THE ROAD AND THE REMAINDER OF THE COMPONENTS OF THE SECTION CAN BE SHIFTED TO MAINTAIN THE 52' MINIMUM CROSS SECTION.
2. ON STREET PARKING MAY BE ADDED TO THE SECTION SUCH THAT THE 52' MINIMUM R-O-W IS INCREASED TO ACCOMMODATE THE SPACE NEEDED FOR THE ADDITIONAL PARKING.

TYPICAL CONNECTION ROADWAY SECTION (SECTION A-A)

2) The GCCF PUD proposes an alternative minimum neighborhood roadway design with the following standards (see typical neighborhood roadway section below):

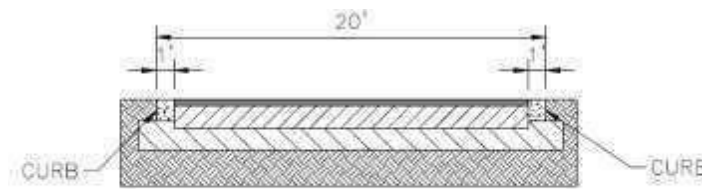
- Right-of-Way: 43 feet
- Travel Lanes: 10 feet
- Sidewalk: 5 feet, one side of street only
- 2 foot curb
- One (1) tree per lot which may be placed within or adjacent to the ROW, minimum 3" caliper at installation



TYPICAL NEIGHBORHOOD ROADWAY SECTION
(SECTION B-B)

3) The GCCF PUD proposes an alley design with the following minimum standards (see typical alley section below):

- Right-of-Way: 20 feet



TYPICAL ALLEY SECTION
(SECTION C-C)

4) Pursuant to Sec. 86-233(3) City Council Approval of dead-end streets (cul-de-sacs) up to 1,200 feet in length is requested.

G. SIGNAGE: No signs are permitted in the GCCF PUD except:

- 1) One non-illuminated temporary construction project ground sign per street frontage, not exceeding 32 square feet in area, such sign not to be erected more than 60 days prior to the time actual construction begins, and to be removed upon completion of actual construction. If construction is not begun within 60 days or if construction is not continuously and actively prosecuted to completion, the sign shall be removed.
- 2) One community identification, monument-style ground sign, or wall sign not to exceed nine (9) feet in height and twenty (20) feet in width, on each side, or in the median and one side, of each vehicular access point off Border Road and Laurel Road.
- 3) One wall or monument-style ground sign, or wall sign not over eight square feet in area, to identify a private club.
- 4) Assisted Living/Independent Living/Memory Care Facilities, Medical Office, House of Worship Signage- One monument-style ground sign, or wall sign for each lot or parcel, not over 75 square feet in area.

PROPOSED GCCF PUD MODIFICATION TO STANDARDS

- 1) A modification to the requirements of Sec. 86-130 (q), concerning the requirement that no structure, including pool cages, shall be located closer to any perimeter property line than two times the height of such structure, is requested. The proposed modification is to reduce the required setback from perimeter property lines to one times the building height.

The proposed modification request is justified based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.

- 2) A modification to the requirements of Sec 86-232(5) concerning the roadway design standards is proposed and an alternative neighborhood roadway design is proposed. The proposed modification reduces right-of way width from 52' to 43', allows for sidewalks on one side of the neighborhood roadway only, and eliminates bike lanes for the neighborhood roadways.

The proposed modification request is justified based upon the protection of wetlands and their buffers afforded by the modification, and the low intensity of the development plan.

- 3) A modification to the requirements of Sec 87- 3.18.B.2.a to reduce the minimum required separation of a residential driveway from the intersection of the edge of pavement of two streets from 40 feet to 30 feet.

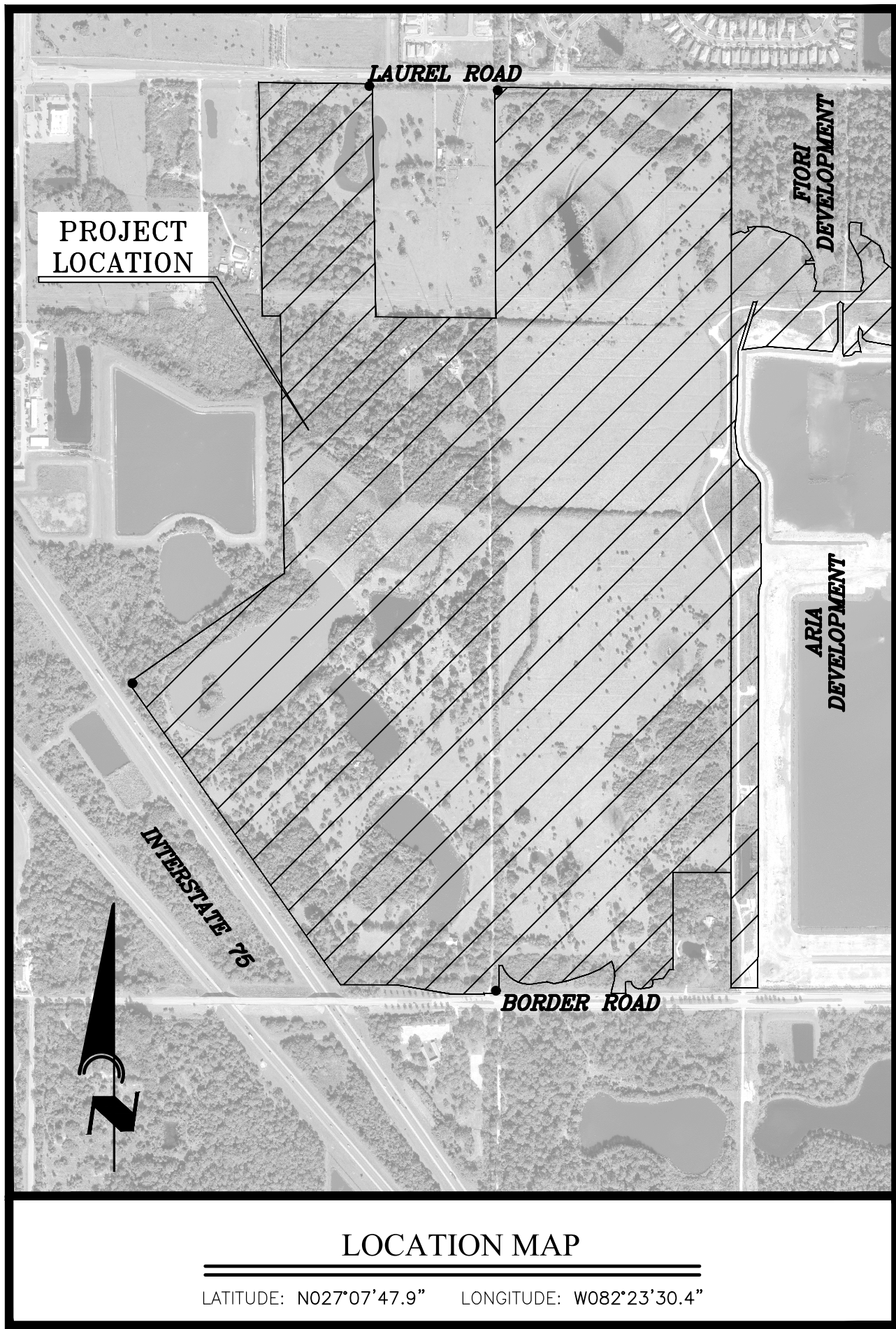
The proposed modification is justified based upon the currently approved 40 foot lot widths in the PUD which make provision of a 40 foot driveway separation for reasonably sized driveways impossible for the limited number of lots located at the intersection of two streets.

PLANNED UNIT DEVELOPMENT PLANS FOR

GCCF PROPERTY

PART OF SECTIONS 35 & 36, TOWNSHIP 38 SOUTH, RANGE 19 EAST
CITY OF VENICE
SARASOTA COUNTY, FL

A DEVELOPMENT BY BORDER ROAD INVESTMENTS, LLC
5800 LAKEWOOD RANCH BOULEVARD
SARASOTA, FL 34240
(941) 328-1111



INDEX TO SHEETS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	MASTER SITE AND CIRCULATION PLAN

REV. NO.	REV. DATE	REVISION DESCRIPTION	BY
3	06/19/25	REVISE PER FLUEDRA SETTLEMENT	BRC
2	05/17/22	RESPONSE TO CITY COMMENTS	BRC
1	03/30/22	RESPONSE TO CITY COMMENTS	BRC

CALL BEFORE YOU DIG!
"SUNSHINE STATE ONE-CALL CENTER"
1-800-432-4770
THE CONTRACTOR SHALL NOTIFY "SUNSHINE STATE ONE-CALL CENTER" AND ALL OTHER UTILITIES FOR LOCATION OF EXISTING FACILITIES PRIOR TO BEGINNING CONSTRUCTION.

ISSUE DATE:
JANUARY 27, 2022

ISSUED BY:
BRC

PUD MODIFICATION



Civil Engineering | Land Surveying

8340 Consumer Court Sarasota, FL 34240
Phone: (941) 377-9178 | www.amengfl.com
CA #33105 | LB #4334

0 150 300 600

SCALE IN FEET

CLIENT:
BORDER ROAD INVESTMENTS, LLC

PROJECT:
GCCF PROPERTY

TITLE:
COVER SHEET

HORIZONTAL SCALE:
1" = 300'

VERTICAL SCALE:
N/A

VERTICAL DATUM:
N/A

PROJECT NUMBER:
NEAL0016PUD

SHEET NUMBER:
1

PROJECT ENGINEER:
BOBBI R. CLAYBROOKE, PE
DATE: **06/19/2025**
FLORIDA P.E. No. **90804**

C:\Users\j2025\OneDrive\Documents\Projects\GCCF\GCCF_PUD_Modification.dwg | Plot Date: 6/19/2025 2:24:03 PM | Plotted: 6/19/2025 2:24:03 PM | User: j2025 | Title: GCCF PROPERTY - PUD MODIFICATION

