



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

14 - 01 - CU

**CONDITIONAL USE**

**Project Name:** Preserves of Venice

Parcel Identification No.: 0399040001

Address: SE Corner of Border and N. Auburn Roads

Parcel Size: 39.5 acres

FLUM designation: Potential Voluntary Annexation Area

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

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

Telephone: 248-290-5300 x. 302

Fax:

E-mail: herb@windhamgroupllc.com

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

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

Telephone: 941-329-6609

Mobile / Fax: 941-321-7782

E-mail: dbailey@williamsparker.com

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

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

Telephone: 941-927-3647

Mobile / Fax: 941-927-3647

E-mail: cavoliengineer@aol.com

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

**Project Architect:**

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

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

**Applicant Signature / Date:**

*Charles D. Bailey Jr.*  
 Agent for Applicant

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# APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- Statement of Ownership & Control**
- Signed, Sealed and Dated Survey of Property**
- Agent Authorization Letter**
- Narrative describing the petition** (address Section 86-42(e) below)
- Public Workshop Requirements.** Date held July 14, 2015
  - Copy of newspaper ad.
  - Copy of notice to property owners.
  - Copy of sign-in sheet.
  - Written summary of public workshop.

Sec. 86-42 (e) *Contents of planning commission report.* The planning commission shall make a written finding to the city council as to whether or not the granting of the conditional use will adversely affect the public interest; as to whether or not the specific requirements governing the individual conditional use, if any, have been met by the petitioner; and as to whether or not satisfactory provision and arrangement has been made concerning the following matters, where applicable:

1. Compliance with all applicable elements of the comprehensive plan;
2. General compatibility with adjacent properties and other properties in the district;
3. Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings;
4. Required yards and other open space;
5. Screening and buffering, with reference to type, dimensions and character;
6. Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
7. Off-street parking and loading areas, where required;
8. Value added considerations including tax base diversification, employment, and affordable housing unit expansion;
9. Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved.

Required documentation (provide 15 sets of the following including 3 signed, sealed and dated, unless otherwise noted):

A written petition for conditional use shall be submitted indicating the provision of this chapter under which the building height allowance is sought and stating the grounds on which it is requested, with particular reference to the types of findings that the planning commission must make. The petition shall include material necessary to demonstrate that the grant of conditional use will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or to adjoining properties or otherwise detrimental to the public welfare. Such material may include, but is not limited to the following, where applicable:

- Site and development plans at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces;
- Plans for screening and buffering with reference as to type, dimensions and character;
- Proposed landscaping and provisions for trees protected by city regulations; and
- Proposed signs and lighting, including type, dimensions and character.

## Fees

**Application filing fee \$4,366.**

**Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.**

# PROJECT NARRATIVE

## Conditional Use for Community Gates

### *PRESERVES OF VENICE*

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

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

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**Location/Dimensions/Features of Subject Property:** The subject property (Parcel Identification Number 0399040001) is located west of I-75; south of Border Road; east of N. Auburn Road; and north of Fox Lea Drive, in the City of Venice. A boundary survey, tree survey, and legal description of the site is submitted with this application.

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

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

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

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

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

**Proposed Community Gates.** As noted, above, access to the subdivision will be by way of two access/egress points on Auburn Road. The north entrance will be 350 feet south of Border Road. The southern entrance, which will be for emergencies only, will be 234.94 feet north of Fox Lea Drive. Unmanned swing gates are proposed for the north entrance. A plan view of the gate is depicted on page 4 of 10 of the Preliminary Plat, and an enlarged version is furnished herewith. Additionally, a templet called “Gate and Fence Details” is provided herewith, depicting the proposed roadway gate elevations; swing gate detail; main gate elevation; fence support post detail; and fence panel elevation; electrical box diagram; telephone entry unit detail; and swing gate operator details;. For incoming vehicles, the gate will have a card reader/telephone station located 39 to 40 feet inside the development, and the swing gates will be located a total of 78 feet inside the development, providing ample stacking area for vehicles without causing them to back up on to the arterial.

The Applicant notes that community gates presently exist in other subdivisions in the City of Venice, notably, Venetian Golf & River Club, Villages of Milano, Windward, Sawgrass, etc.

**Compliance with Land Development Code.** The requested conditional use will be compliant with the criteria of **Sec. 86-42** of the Land Development Code, relating to conditional uses, by demonstrating that that the grant of conditional use for community gates will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or to adjoining properties or otherwise detrimental to the public welfare.

The criteria of **Sec. 86-42(b)(1)** are met, as follows:

- a. A site plan, in the form of a preliminary plat. at an appropriate scale showing proposed placement of structures on the property, and provisions for ingress and egress, and required yards and other open spaces within the subdivision are depicted on Sheet 4 of 10 of the preliminary plat;
- b. Plans for screening and buffering with reference as to type, dimensions and character are contained in the preliminary plat and landscape plan submitted concurrently with this application;
- c. Proposed landscaping and provisions for trees protected by city regulations as provided in chapter 118, article II of the Code are reflected in the preliminary plat and landscape plan submitted concurrently with this application; and
- d. As noted in the General Notes on page 1 of 10 of the preliminary plat, one project sign is proposed, which will be permitted through the building department.

The criteria of **Sec. 86(e)(1-9)** are met, as follows

- (1) Compliance with all applicable elements of the comprehensive plan: **[Applicant Comment: Future Land Use Objective 7, Policy 7.2.E. calls for incorporation of Crime Prevention through Environmental Design (CPTED) features to promote safety within development projects. Access control is one of the six CPTED principles.]**
- (2) General compatibility with adjacent properties and other properties in the district; **[Applicant Comment: A gated community at this location would be compatible with other nearby gated residential communities such as Venetian Golf & River Club, Villages of Milano, Windward, Sawgrass, etc.]**
- (3) Scale of development. The relationship of the project or development in terms of its size, height, bulk, massing, intensity, and aesthetics, to its surroundings; **[Applicant Comment: The proposed gates will have no effect on the scale of the project.]**
- (4) Required yards and other open space; **[Applicant Comment: The ten-foot buffer, depicted on the Landscape Plan.]**
- (5) Screening and buffering, with reference to type, dimensions and character; **[The proposed gates will not require special screening or buffering features.]**
- (6) Transportation access management and congestion with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;

**[Applicant Comment: The proposed gates provide 78 feet of queuing space; and will include pedestrian access gates as well.]**

(7) Off-street parking and loading areas, where required; **[Applicant Comment: The proposed gate will be unmanned, and will therefore generate no requirements for additional off-street parking or loading areas.]**

(8) Value added considerations including tax base diversification, employment, and affordable housing unit expansion; **[Applicant Comment: The proposed gates, which will be unmanned, will have no effect on tax base diversification, employment, or affordable housing unit expansion.]**

(9) Any special requirements set out in the schedule of district regulations of this chapter for the particular use involved. **[Applicant Comment: This criteria would not appear to be applicable to community gates.]**

The Applicant acknowledges that, pursuant to Sec. 86-42(f) the city may impose conditions that are found necessary to ensure that the conditional use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized; and the Applicant is prepared to meet such conditions, where applicable. In that regard, the Applicant notes the following:

(1) *Requiring site or architectural design features which substantially advance Venetian Mediterranean design standards or other appropriate architectural design compatible with the surrounding area.* **[Applicant Comment: To the extent the Venetian Mediterranean design standards have application to the community dates, the Applicant is prepared to comply with such standards.]**

(2) *Requiring larger setback areas, lot area, and/or lot depth or width.* **[Applicant Comment: This condition would not appear to be applicable to community gates. However, it should be noted that the community gates will be set back 78 feet from Auburn Road.]**

(3) *Limiting the building structure height, size or lot coverage, and/or location on the site.* **[Applicant Comment: This condition would not appear to be applicable.]**

(4) *Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**

(5) *Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**

(6) *Requiring and designating the size, height, location and/or materials for fences.* **[Applicant Comment: The proposed gate, and attached fence, will be approximately 6 feet in height.]**

(7) *Limiting or setting standards for the location, design, and/or intensity of outdoor lighting and signage.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**

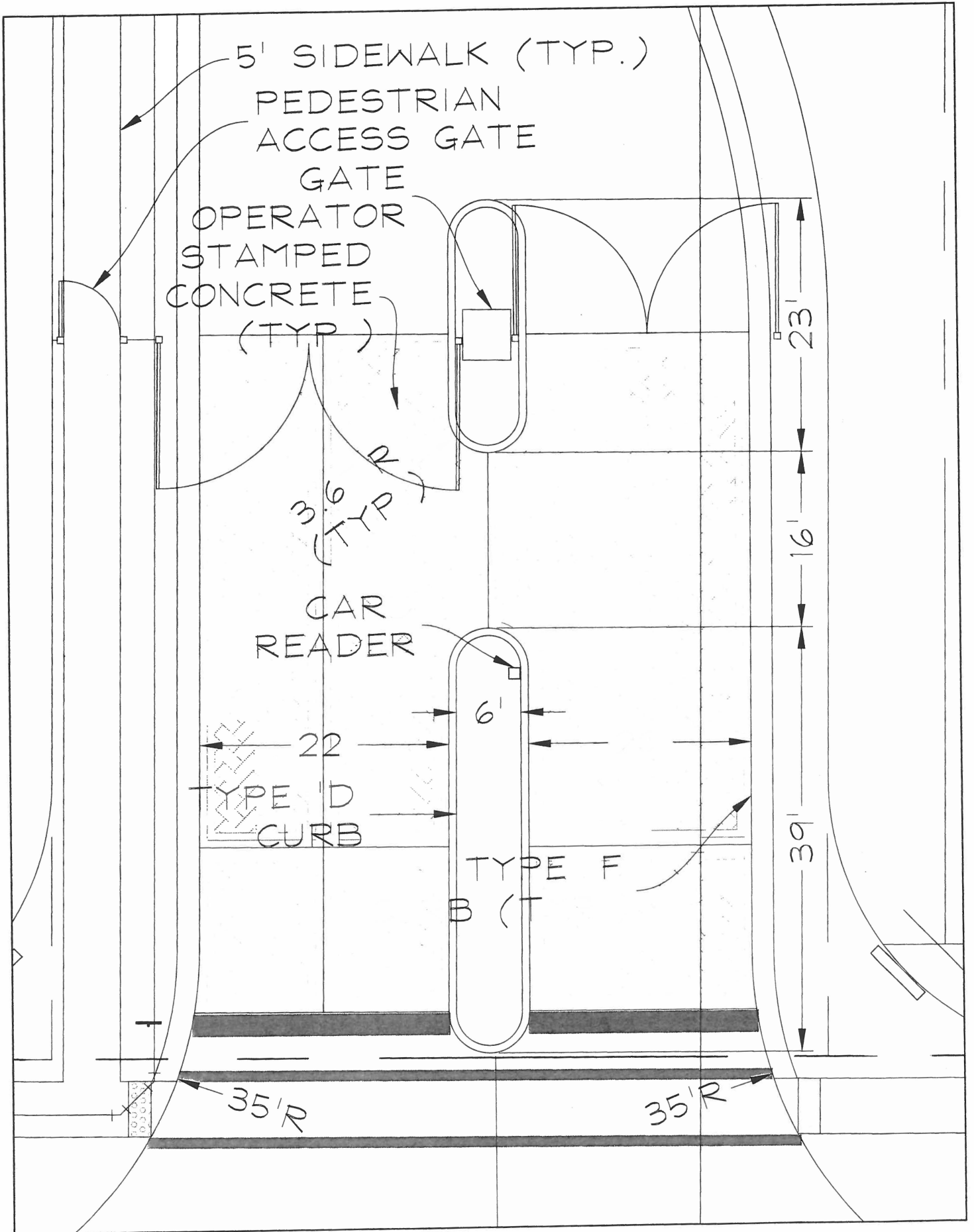
(8) *Designating the size, number, location and/or design of vehicle access points or parking areas.* **[Applicant Comment: Two access points are proposed (the southern point will be for emergency purposes only) and they are located so as to meet Sarasota County standards for intersection spacing.]**

(9) *Requiring street right-of-way to be dedicated and streets, sidewalks, curbs, planting strips, pathways, or trails to be improved.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**

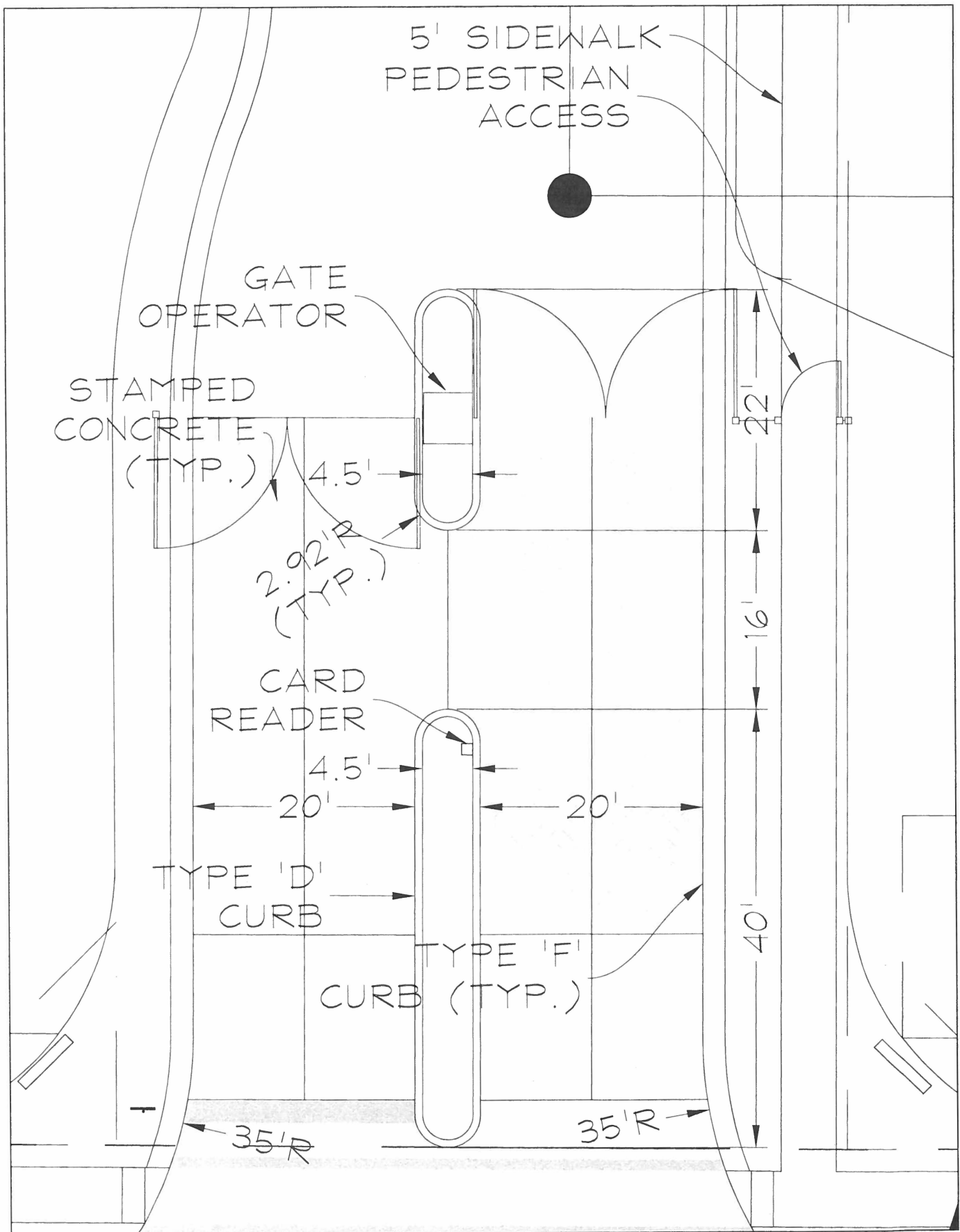
(10) *Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources and/or sensitive lands.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**

(11) *Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle facilities including, but not limited to, pathways, gazebos, public art displays and other such pedestrian amenities.* **[Applicant Comment: This condition would not appear to be applicable to community gates.]**





NORTH ENTRY GATE PLAN



SOUTH ENTRY GATE PLAN