



ZONING MAP AMENDMENT APPLICATION

Submit a complete application package to the Planning and Zoning Division. All information must be legible and will become a permanent part of the public record. Incomplete applications will not be reviewed and will be returned to the applicant/agent. Refer to the City of Venice Code of Ordinances Section 86-47 for submittal requirements.

Project Name: Cassata Shores	
Brief Project Description: In connection with its concurrently filed Comprehensive Plan Amendment, Special Exception, and Site & Development Plan applications, Applicant seeks to rezone the subject property for development of a 3-unit multifamily residential project.	
Address/Location: 225 The Esplanade N., Venice, FL 34285	
Parcel Identification No.(s): 0175-14-0018	Parcel Size: 0.37 +/- acres
Current Zoning Designation(s): CN	Proposed Zoning Designation(s): RMF-3
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	FLUM Designation(s): Current: Commercial Proposed: Medium Density Residential
Fees: <input type="checkbox"/> Application Fee \$2908 <input type="checkbox"/> Review Fee \$1000 A review fee shall be deposited to be drawn upon by the city as payment for costs, including but not limited to advertising and mailing expenses, professional services and reviews, and legal fees. If review fee funds fall below 25%, additional funds may be required for expenses. See Section 86-586(b-d) for complete code. <i>*Extended technical review fee of \$1400 charged at third resubmittal.</i>	
Applicant/Property Owner Name: MPS Development and Construction, LLC/Thomas B. Salem	
Address: 333 S. Tamiami Trl., Ste. 205, Venice, FL 34285 (Applicant)	
Email:	Phone:
Design Professional or Attorney: Paul V. Sherma, P.E., Professional Engineering Resources, Inc.	
Address: 10225 Ulmerton Rd., Suite 4D, Largo FL 33771	
Email:	Phone: (727) 408-5207
Authorized Agent (1 person to be the point of contact): Jeffery A. Boone, Esq., Boone Law Firm	
Address: 1001 Avenida Del Circo, Venice, FL 34285	
Email: jboone@boone-law.com	Phone: (941) 488-6716

Staff Use Only

Petition No.

Fee:

Application packages are reviewed for completeness within 3 business days. Collate all copies into three sets. Packages must be submitted via hard & electronic copies, and additional copies may be requested. Large plans should be collated and folded to allow the bottom right corner visible. Concurrently filed applications must be packaged separately. Please indicate N/A if the document is not being submitted, and why it is not being submitted.

☒ **Application:** Must be signed by agent or applicant (3 copies)

☒ **Narrative:** Provide a document describing in detail the character and intended use of the development, and confirm consistency with all applicable elements of the City's Comprehensive Plan. (3 copies).

☒ **Planning Commission Report:** Per Code Section 86-47(f)(1), prepare a statement for each of the following considerations/ findings: a. Whether the proposed change is in conformity to the comprehensive plan; b. The existing land use pattern; c. Possible creation of an isolated district unrelated to adjacent and nearby districts; d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change; f. Whether changed or changing conditions make the passage of the proposed amendment necessary; g. Whether the proposed change will adversely influence living conditions in the neighborhood; h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety; i. Whether the proposed change will create a drainage problem; j. Whether the proposed change will seriously reduce light and air to adjacent areas; k. Whether the proposed change will adversely affect property values in the adjacent area; l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare; n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning; o. Whether the change suggested is out of scale with the needs of the neighborhood or the city; and p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use (1 copy).

☒ **Location Map:** A map or aerial that delineates every parcel included in rezone and indicate each parcels current & proposed zoning on the map in callouts (1 copy).

☒ **School Concurrency (RESIDENTIAL ONLY):** School Impact Analysis Receipt from Sarasota County dated within 10 days of petition submittal (1 copy).

☒ **Agent Authorization Letter(s):** A signed letter from *each* property owner, authorizing one individual, a single point of contact for staff (not a business) to submit an application and represent the owner throughout the application process. Clearly indicate the property parcel identification number(s) on each letter (1 copy for each property owner).

☒ **Statement of Ownership and Control:** Documentation of ownership and control of the subject property (deed). Sarasota County Property Appraiser summaries or Tax Collector records will not suffice. Corporations or similar entities must provide documents recognizing a person authorized to act on behalf of the entity. Clearly indicate the property parcel identification number(s) on each deed (1 copy).

☒ **Public Workshop Requirements:** (Section 86-41) ☐ Newspaper advertisement ☐ Notice to property owners ☒ Sign-in sheet ☒ Written summary of public workshop ☒ Mailing List of Notified Parties (1 copy of each)

☒ **Survey of the Property:** Signed and sealed survey that accurately reflects the current state of the property. Each parcel must have its own legal description listed separately on the survey, correctly labeled by parcel id. (1 copy) **Date of Survey:** 05/28/2019

☒ **CD/Thumb Drive with Electronic Files:** Provide PDF's of ALL documents, appropriately identified by name on one CD/ thumb drive. Submit each document or set of plans as one pdf- not each sheet in individual pdf's.

Technical compliance must be confirmed 30 days before a public hearing will be scheduled. The applicant or agent MUST be present at the public hearing and will be contacted by staff regarding availability. By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property for the duration of the petition.

Authorized Agent Name/Date/Signature:

JEFFERY A. BOONE / 13 JUL 2020 / 

Applicant Name/Date/Signature:

Cassata Shores
Zoning Map Amendment
Project Narrative

The subject property is an approximate 0.37 acre parcel located at 225 The Esplanade N., Venice, FL 34285. The property has a Commercial FLU designation and is located within the Island Neighborhood. Concurrent Comprehensive Plan Amendment, Site & Development Plan, and Special Exception applications for the subject property are filed with the City.

Along with its request to amend the Comprehensive Plan designation for this property from Commercial to Medium Density Residential, Applicant seeks to rezone the property from CN to RMF-3. This Zoning Map amendment would provide for an implementing zoning district and allow for the City's consideration of Applicant's concurrent Site & Development Plan and Special Exception applications.

Applicant requests approval of all concurrently filed applications, as specified above, to redevelop this underutilized property to a 3-unit condominium.

Cassata Shores
Zoning Map Amendment Application
Comprehensive Plan Compliance Report

Contingent upon approval of its concurrent Comprehensive Plan Amendment application, Applicant's development proposal demonstrates compliance with the Comprehensive Plan and warrants approval of the requested Zoning Map amendment, as evidenced here below:

Island Neighborhood:

Intent: In furtherance of the City's vision to provide a development pattern that "balances the economic, social, historical and environmental needs of the community and that preserves the high quality-of-life for all residents" (Vision LU 1), the proposed FLU change will redevelop an isolated, unattractive and underutilized convenient store to an attractive, functional, small-scale condominium, compatible with the adjacent residential and functional open-space use.

The Comprehensive Plan recognizes that this neighborhood has minimal opportunities for new development. The Comprehensive Plan expressly supports redevelopment of underutilized properties in order to encourage a diversity of non-residential uses capable of supporting the adjacent residential areas. This property is underutilized in its existing use; however, redevelopment of this property to a commercial use that could serve the adjacent residential areas is improbable. This fact explains why the property remains in its current state of degradation. Through a Future Land Use change, this property can be redeveloped and used in a manner that enhances the neighborhood and recoups the value and utility of the property itself.

Unique Considerations: The property is not situated in a mixed-use area, historical area, coastal high-hazard area, or other area of unique concern.

Mobility: The FLU change and proposed development plan will reduce stress on transportation elements in an area of particular scrutiny. The change in use from commercial to a 3-unit multi-family development noticeably reduces the number of trips produced. Moreover, the FLU change does not burden parking in the already stressed area, but rather improves existing parking. All parking is encompassed onsite with most contained in an understory garage.

Open Space and Environmental: The proposed development plan preserves the existing open space and brings the developed area into compliance with the Sarasota County Gulf Beach Setback Line.

Land Use Element:

Strategy LU 1.2.8 - Compatibility Between Land Uses.

Although Figure LU-8 shows a proposed Medium Density Residential FLU designation as potentially incompatible with an existing Commercial FLU designation, such potential incompatibility is not realized in this instance. Rather, the proposed FLU change to Medium Density Residential effectuates presumed compatibility with its adjacent properties of High Density Residential and Open Space-Functional

designations. Further, development of the property to a medium density multi-family use will provide a smoother transition between the surrounding high-density residential uses to the open space use.

Strategy LU 1.3.1 - Mix of Uses

This strategy provides the caveat when encouraging the mix of residential and non-residential that it shall be only where desired by the Community. The proposed FLU amendment will allow the underutilized property to be redeveloped to a residential use that is compatible in size and scale to the surrounding developments in the area. The small-scale, 3-unit condominium will offer a variety of density and intensity to the existing development pattern. In addition, the FLU change to Medium Density Residential will facilitate greater multi-modal means of travel than would a commercial designation and use.

Strategy LU 1.3.2 - Functional Neighborhoods

The proposed FLU amendment enhances the functionality of the neighborhood. It provides more variety in housing with less intensity than the adjacent properties; it provides a better transition to OS-F use next door; and, it allows for greater beneficial use and enjoyment of the property.

Strategy LU 1.3.5 - Natural Features

This FLU change improves the site as a whole. It contemplates the protection of natural features through bringing the developed area into compliance with the Sarasota County Gulf Beach Setback Line. This residential development will balance needs of residents and environment.

Strategy LU 1.3.7 - Infill Development - Compatibility

The proposed amendment is more compatible with surroundings than the existing use. It creates a step down from greater intensity and density of adjacent residential developments and better transition to park and beach.

Strategy TR 1.1.1 - Roadway Classifications

The proposed FLU amendment will put fewer trips on the road than the existing commercial designation. Such change will ensure that The Esplanade, a significant local road, can adequately serve its local road function without the stress of heavier and more intense traffic from patrons and service trucks.

Land Development Code and Transition:

The proposed development demonstrates compatibility with its surroundings and the Comprehensive Plan visions, intentions and strategies. Policy 8.2 is met and provided for as detailed below:

Policy 8.2 Land Use Compatibility Review Procedures.

Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

- A. Land use density and intensity.

The zoning designation sought and development proposal contemplate land use of less density and intensity than the existing use. The proposed development creates a smoother transition between the adjacent and surrounding properties.

- B. Building heights and setbacks.

The proposed zoning amendment will provide building height and setback compatibility with surrounding the neighborhood.

C. Character or type of use proposed.

The character and type of use proposed, multifamily residential, is compatible with adjacent and surrounding developments, as well as development patterns throughout the Island Neighborhood.

D. Site and architectural mitigation design techniques.

Will be address through Site & Development review process.

Considerations for determining compatibility shall include, but are not limited to, the following:

E. Protection of single-family neighborhoods from the intrusion of incompatible uses.

Not applicable.

F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

Not applicable.

G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

Not applicable.

H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

The proposed development is of less density and intensity than the existing use. It creates a smoother transition between the adjacent and surrounding properties.

Potential incompatibility shall be mitigated through techniques including, but not limited to:

I. Providing open space, perimeter buffers, landscaping and berms.

Please see evaluation with concurrently filed Site & Development Plan application.

J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

Please see evaluation with concurrently filed Site & Development Plan application.

K. Locating road access to minimize adverse impacts.

Please see evaluation with concurrently filed Site & Development Plan application.

L. Adjusting building setbacks to transition between different uses.

Please see evaluation with concurrently filed Site & Development Plan application.

M. Applying step-down or tiered building heights to transition between different uses.

Please see evaluation with concurrently filed Site & Development Plan application.

N. Lowering density or intensity of land uses to transition between different uses.

Please see evaluation with concurrently filed Site & Development Plan application.

Cassata Shores
Zoning Map Amendment Application
Planning Commission Report

Sec. 86-47. - Amendments to the land development code.

(f) Contents of planning commission report.

(1) *Rezoning amendments.* When pertaining to the rezoning of land, the report and recommendations of the planning commission to the city council shall show that the planning commission has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity to the comprehensive plan.

Contingent upon approval of the concurrently filed Comprehensive Plan Amendment application, the proposed zoning designation sought provides for a consistent Implementing Zoning District.

b. The existing land use pattern.

Yes. The proposed development contemplates similar use, design and intensity to properties in its area.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

No, and in fact, the proposed comprehensive plan amendment and rezone would eliminate the existing isolated commercial designation and use of the property.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

No. The proposed development will not affect the population density pattern, nor will it cause an increase or overtaxing on any public facilities.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The existing zoning designation is incongruent and incompatible for the best and highest use of the property for its owners, the neighborhood and the community as a whole.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Due to economic realities of this property, a comprehensive plan amendment and rezone is necessary for this property to be redeveloped in a manner to benefit the City and meet the objectives of its Comprehensive Plan.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

No, to the contrary. The proposed change will increase harmony with surrounding properties, improve onsite conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

No. The proposed change will reduce negative impacts to traffic and public safety.

i. Whether the proposed change will create a drainage problem.

No. Development of the property will require engineering and permitting that will confirm no adverse impacts.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

No, the proposed change will not seriously reduce light and air to adjacent areas.

k. Whether the proposed change will adversely affect property values in the adjacent area.

No. Property values will not be harmed and will likely be improved by the proposed change.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

No. The proposed change will not be a deterrent to the improvement or development of adjacent properties in accord with the existing regulations.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

No. The proposal provides no special privilege and instead serves the public welfare as envisioned by the City's Comprehensive Plan.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

The small size of the property makes commercial development improbable. In fact, and as evidence of this assertion, the current site does not meet City standards for this type of development.

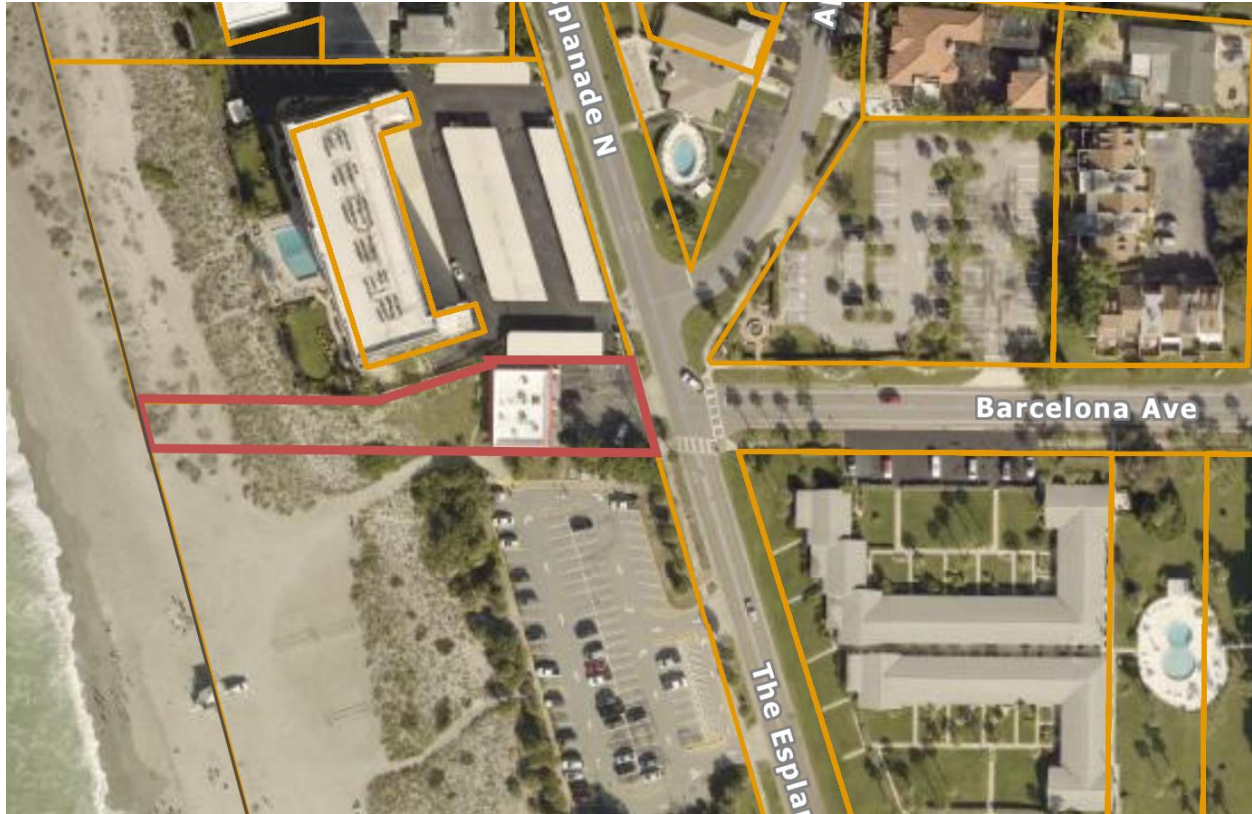
o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

No. The proposed development addresses the needs of the neighborhood and City as it corrects for the existing underutilized and declining commercial use, and the market supports the nature of such development.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

As noted in the Comprehensive Plan, there are few opportunities for redevelopment in the Island Neighborhood.

**Cassata Shores
Zoning Map Amendment
Location Map**



Subject Property outlined in red on aerial.

Current Zoning: CN

Proposed Zoning: RMF-3