



# CITY OF VENICE

## PLANNING AND ZONING DIVISION

401 W. Venice Avenue, Venice, FL 34285

(941) 486-2626 ext. 7434

[www.venicegov.com](http://www.venicegov.com)

## 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:** Venice M.O.B.

**Brief Project Description:** In connection with the its previously submitted JPA/ILSBA amendment and petition for annexation of the Property, as well as its simultaneously submitted Comprehensive Plan Amendment, the applicant seeks to rezone the subject property for development of medical office space.

**Address/Location:** 2501 and 2601 Curry Lane, Nokomis, FL 34275

**Parcel Identification No.(s):** 0387-12-0001 and 0387-12-0002

**Parcel Size:** 10.1 (+/-) acres combined; 5.1 and 5 acres individually

**Current Zoning Designation(s):** County OUE

**Proposed Zoning Designation(s):** OPI

☐ Residential ☒ Non-Residential

**FLUM Designation(s):** Current: County--MODR; JPA/ILSBA annexation area  
Proposed: Institutional Professional

**Fees:** ☐ Application Fee \$2908 ☐ 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. *\*Extended technical review fee of \$1400 charged at third resubmittal.*

**Applicant/Property Owner Name:** Applicant: Casto Southeast Realty, LLC  
(See attached "Applicant and Property Owners" for property owner information)

**Address:** 5391 Lakewood Ranch, Blvd, Suite 100, Sarasota, Florida 34240

**Email:**

**Phone:**

**Design Professional or Attorney:** Jeffery A. Boone, Esq.

**Address:** 1001 Avenida Del Circo

**Email:** jboone@boone-law.com

**Phone:** 941-488-6716

**Authorized Agent (1 person to be the point of contact):** Jeffery A. Boone, Esq., Boone Law Firm

**Address:** see above

**Email:** see above

**Phone:** see above

### 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.

<input checked="" type="checkbox"/> <b>Application:</b> (1 copy)
<input checked="" type="checkbox"/> <b>Narrative:</b> Provide A statement describing in detail the character and intended use of the development, in addition to the short description on page one of the application (1 copy).
<input checked="" type="checkbox"/> <b>Comprehensive Plan Compliance Report:</b> Prepare a report addressing the appropriate areas of the Comprehensive Plan in order to determine compliance (1 copy).
<input checked="" type="checkbox"/> <b>Planning Commission Report:</b> 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).
<input checked="" type="checkbox"/> <b>Location Map:</b> 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).
<input type="checkbox"/> <b>School Concurrence (RESIDENTIAL ONLY):</b> School Impact Analysis Receipt from Sarasota County dated within 10 days of petition submittal (1 copy). N/A
<input checked="" type="checkbox"/> <b>Agent Authorization Letter:</b> A signed letter from the property owner, authorizing <u>one</u> individual to submit an application and represent the owner throughout the application process. This individual will be the single point of contact for staff (1 copy).
<input checked="" type="checkbox"/> <b>Statement of Ownership and Control:</b> Documentation of ownership and control of the subject property (deed). Sarasota County Property Appraiser 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 (1 copy).
<input checked="" type="checkbox"/> <b>Public Workshop Requirements:</b> (Section 86-41) <input checked="" type="checkbox"/> Newspaper advertisement <input checked="" type="checkbox"/> Notice to property owners <input checked="" type="checkbox"/> Sign-in sheet <input checked="" type="checkbox"/> Written summary of public workshop <input checked="" type="checkbox"/> Mailing List of Notified Parties (1 copy)
<input checked="" type="checkbox"/> <b>Survey of the Property:</b> 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) <b>Date of Survey:</b> 12/12/19
<input type="checkbox"/> <b>CD with Electronic Files:</b> Provide PDF's of ALL documents, appropriately identified by name on one CD/ thumb drive. All PDF's of site & development plans need to be signed and sealed. Submit each document or set of plans as one pdf- not each sheet in individual pdf's. <b>Provide a separate document with the legal description.</b>

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: <u>JEFFERY A. BOONE</u>	Applicant Name & Date:
Authorized Agent Signature: <u>3/26/2020</u>	Applicant Signature:

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# VENICE M.O.B.

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## APPLICANT AND PROPERTY OWNERS

**Applicant:**

**Casto Southeast Realty, LLC**  
5391 Lakewood Ranch, Blvd, Suite 100  
Sarasota, Florida 34240

**Property Owners:**

Parcel 1 - (0387-12-0001)

**Marilyn Johnson**, Successor Trustee, of that certain Revocable Trust Agreement, known as "Trust Number 2020089," u/a/d, January 13, 1983, and as amended March 21, 1991

Parcel 2 - (0387-12-0002)

**Brian McMurphy**

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# VENICE M.O.B. ZONING MAP AMENDMENT

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## PROJECT NARRATIVE

The subject property consists of two (2) adjacent parcels located at 2501 and 2601 Curry Lane, Nokomis, Sarasota County, Florida (the “Property”). Parcel 2501 Curry Lane is approximately 5.1 acres and parcel 2601 Curry Lane is approximately 5 acres, making the Property 10.1 (+/-) acres. The Property has frontage to Pinebrook Road and Curry Lane.

The applicant previously submitted a JPA/ILSBA Amendment and Petition for Annexation of the Property. Additionally, the applicant has submitted its Comprehensive Plan Amendment Application with this Zoning Map Amendment application for concurrent review and processing.

The Property is located within the Pinebrook Road Neighborhood (Area No. 6) of the JPA/ILSBA, as incorporated in the Comprehensive Plan. In conjunction with its JPA/ILSBA Amendment and Petition for Annexation, the applicant is proposing the City Future Land Use (“FLU”) designation of Institutional Professional, which allows for the City’s Office Professional & Institutional (OPI) implementing zoning designation.

The applicant anticipates developing the Property for medical office use, as such use would support and complement the adjacent Sarasota Memorial hospital under construction.

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# VENICE M.O.B. ZONING MAP AMENDMENT

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## COMPREHENSIVE PLAN COMPLIANCE REPORT

Together with the applicant's previously submitted JPA/ILSBA Amendment and Petition for Annexation of the Property, as well as its simultaneously submitted Comprehensive Plan Amendment Application, the proposed Zoning Map designation of Office, Professional and Institutional ("OPI") is consistent with the City's comprehensive plan.

The Property is identified in the JPA/ILSBA as a Potential Annexation Area located within Area No. 6/the Pinebrook Neighborhood. The City's comprehensive plan incorporates the JPA/ILSBA and uses the term "JPA/ILSBA Planning Areas" to describe these lands collectively.

The City may annex JPA/ILSBA Planning Area properties upon receipt of the property owner's Petition for Annexation. Annexation of these properties is performed in accordance with the JPA/ILSBA terms, whereby a comprehensive plan amendment is required following annexation to provide the annexed property with a City Future Land Use ("FLU") designation.

As mentioned above, the applicant has petitioned for the Property to be annexed and has submitted a JPA/ILSBA amendment. The applicant's text amendment to the JPA/ILSBA provides for office, professional, and institutional use in Area No. 6, with such use limited to the Property. The applicant's Comprehensive Plan Amendment establishes a FLU designation of Institutional Professional, which allows for the implementing OPI zoning district.

### Comprehensive Plan Policy 8.2 and JPA/ILSBA Section 10(I)

Analysis under Comprehensive Plan Policy 8.2 is required for properties petitioning for rezoning. Policy 8.2 analysis purports to evaluate compatibility and guide consideration of any mitigation measures necessary to facilitate compatibility between surrounding property uses. Section 10(I) of the JPA/ILSBA sets forth County land use compatibility principles and requires the City to utilize these principles when reviewing zoning petitions for JPA/ILSBA properties.

The Property located on the north border of the Pinebrook Neighborhood, immediately adjacent to the Laurel Road Neighborhood. The properties to its east and south are JPA/ILSBA Area No. 6 properties, which presently have Sarasota County Open Use Estate (OUE) zoning. The property to the south is vacant, while the property to the east is developed as a large lot estate. The Sarasota Memorial Hospital site, which is currently under construction, is to the north of the Property. The Hospital site has the City commercial zoning designation of PCD. Across Pinebrook Road to the Property's east is the Publix shopping center (City CG zoning) and the Windwood residential development (City PUD zoning). The Property is well-suited to support its surrounding neighborhoods and overall community by OPI use in a manner that achieves compatibility under the City Comprehensive Plan. The current development, planned development, and future planning designations for the properties in the surrounding Pinebrook Neighborhood and Laurel Road Neighborhood all allow for harmony with the Property's OPI zoning.

Comprehensive Plan Policy 8.2 and JPA/ILSBA Section 10(I), along with the applicant's response to each (in ***bold italic***), is provided 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 Property's FLU Institutional Professional designation further restricts its permitted intensity to 0.5 FAR. The permitted intensity for the Property is compatible with all immediately adjacent properties and neighborhoods. Substantial buffering between properties is naturally provided by the FPL right-of-way to the north, and Pinebrook Road to the west.*

B. Building heights and setbacks.

*Building height and setback standards in the OPI district are compatible with those of the surrounding properties.*

C. Character or type of use proposed.

*The proposed OPI land use is compatible with the existing neighborhood and consistent with the requirements of the JPA/ILSBA, as amended.*

D. Site and architectural mitigation design techniques.

*Not applicable; the OPI zoning standards are designed to provide for compatibility with surrounding property uses and designs.*

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; OPI land use provides for compatibility with residential uses. Sec. 86-90. (a) Generally; intent specifically states, "The OPI district is designed to be compatible with residential uses."*

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

*Not applicable; OPI land use is compatible with the existing uses on surrounding properties, both commercial and residential.*

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 Institutional Professional FLU designation will limit intensity for OPI uses to 0.5 FAR, which is considered to be a lower level of intensity. The OPI standards, including but not limited to, setbacks, open space, and buffering, further constrict the permitted intensity of a development on the Property. Additionally, the Property is approximately 10 acres, which constricts the scale of a development thereon. With*

*any permitted development on the property limited to a lower level of intensity, this poses no threat to nearby residential types of uses at various densities, or to uses of greater intensity, and as a result does not trigger potential for incompatibility.*

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

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

*No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

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

*No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

- K. Locating road access to minimize adverse impacts.

*No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

- L. Adjusting building setbacks to transition between different uses. *No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

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

*No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

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

*No potential incompatibility identified by the proposed OPI land use; however, all considerations will again be required when development plans for the Property are submitted.*

#### **JPA/ILSBA Section 10(I)**

- (I) The City agrees to use the County land use compatibility principles during the review of each zoning petition for any parcel located within the Joint Planning Areas set forth on Exhibit A and on properties within the City adjoining such areas.

Within the Coordination and Cooperation Areas set forth on Exhibit A, the County agrees not to revise its future land uses prior to confirmation of compatibility by the City. The land use compatibility reviews referenced above shall include an evaluation of land use density, intensity, character or type of use proposed, and an evaluation of site and architectural mitigation design techniques. Potential incompatibility shall be mitigated through techniques including, but not limited to: (i) providing open space, perimeter buffers, landscaping and berms; (ii) screening of sources of light, noise,

mechanical equipment, refuse areas, delivery areas and storage areas; (iii) locating road access to minimize adverse impacts, increased building setbacks, step-down in building heights; and (iv) increasing lot sizes and lower density or intensity of land use.

*The requirements of JPA/ILSBA Section 10(I) are substantially the same as City of Venice Comprehensive Plan Policy 8.2 and therefore the above analysis of Policy 8.2 also applies to Section 10(I) of the JPA/ILSBA.*

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# VENICE M.O.B. ZONING MAP AMENDMENT

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## PLANNING COMMISSION REPORT

Sec. 86-47. (f) (1), along with the applicant's response in ***bold italic*** is provided below:

(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.

***The proposed zoning change conforms to the Property's concurrently proposed Comprehensive Plan Amendment for the FLU designation of Institutional Professional.***

- b. The existing land use pattern.

***The proposed OPI use on the Property is compatible with existing land uses in the area.***

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

***The proposed zoning change will not create an isolated district, but rather works to transition between the mixture of uses in its area.***

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

***The proposed zoning change will not stress demands on public facilities and development will pay impact fees that may be used to support all public facilities.***

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

***As an annexed JPA/ILSBA property, the Property requires a proper City zoning designation.***

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

***Annexation of the Property requires the proposed amendment to provide a proper City zoning designation.***

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

***The proposed zoning will not adversely influence living conditions in the neighborhood as it is compatible with existing uses.***

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

***Traffic congestion will not be created or excessively increased, nor will and public safety be reduced by the proposed zoning.***

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

***The proposed zoning will not create a drainage problem and will be required to meet all City, State and Federal standards related to drainage at the time of development.***

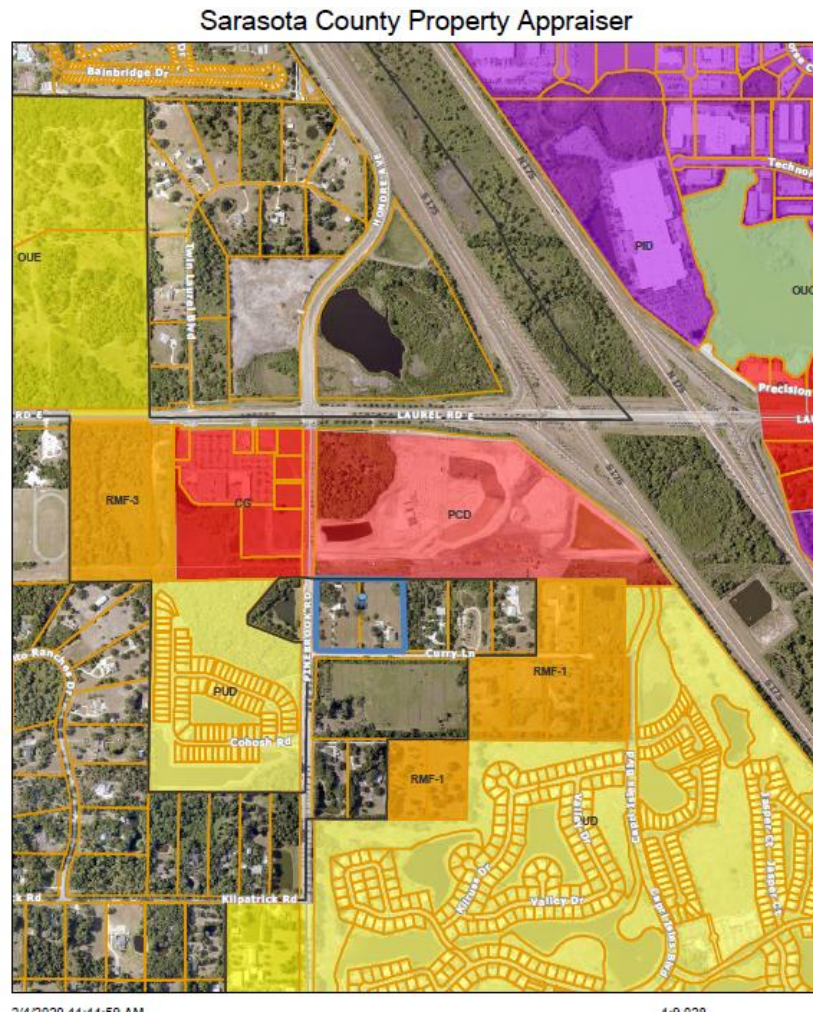
- j. Whether the proposed change will seriously reduce light and air to adjacent areas.  
*No serious reduction to light and air available to adjacent areas will be produced by the proposed zoning.*
- k. Whether the proposed change will adversely affect property values in the adjacent area.  
*No adverse impact to property values will be created by the proposed zoning.*
- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.  
*The proposed zoning will not deter improvement or development of adjacent property in accordance 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.  
*The proposed zoning would not constitute a special privilege granted to the owner of the Property compared to the public welfare.*
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.  
*Annexation of the Property requires the proposed amendment to provide a proper City zoning designation.*
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.  
*The proposed zoning works to meet the needs of the neighborhood and the City as a whole.*
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.  
*The property is one of few in the City well-suited for OPI zoning, and may arguably be the best site of all available for such use. Considering the Sarasota Memorial Hospital under construction to the Property's north, this zoning designation will provide harmony between uses and maximize the provision of such services to the public.*

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# VENICE M.O.B. ZONING MAP AMENDMENT

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## LOCATION MAP



**Current Zoning:** County OUE

**Proposed Zoning:** OPI