

PZ 18-013



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January 19, 2018

**VIA HAND DELIVERY**

Mr. Jeff Shrum, AICP  
Community Development Director  
City of Venice  
401 West Venice Ave  
Venice, Florida 34285

Re: 914, 934, 950, 968 and 988 E. Venice Ave – Vested Rights

Dear Jeff:

As you are aware, we represent Edgewood Gardens Corp., property owners, in connection with the above-referenced matter. The above-referenced properties (“Properties”) are zoned OPI under the City Zoning Code (“Zoning Code”), which allows Townhouse residential use as a principal use per Section 86-90(b)(6).

Based upon the above, we firmly believe our client has the clear right to develop Townhouses on the Properties. However, we have been informed by City Staff that there may be an issue with the new City of Venice Comprehensive Plan (“Comprehensive Plan”). We respectfully disagree with the City Staff.

As mentioned above, the current zoning designation for the properties in question is OPI (Office, Professional and Institutional) and allows Townhouses as a principal use. This OPI designation was in place prior to the adoption of the new Comprehensive Plan and has remained in effect without change.

The new Comprehensive Plan Future Land Use Map (“FLUM”) designation for the Properties is “Commercial”. This FLUM designation does not allow residential uses within OPI zoned properties. The Comprehensive Plan in effect prior to the newly adopted Comprehensive Plan did allow such residential uses within OPI zoned properties.

We reserve the right to move forward with developing the Properties under the Zoning Code. However, and notwithstanding our reservation of rights, in recognition of the City’s Vested

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Rights Determination process, we hereby request a vested rights determination on the right to develop Townhouses on the properties.

As set forth above, we believe we meet the criteria provided in both Sections 94-4 and 86-48 of the Zoning Code to establish a vested right. These criteria require an applicant to prove that they have (1) relied in good faith, (2) have relied upon an act or omission of the government, and (3) have made a substantial change in position or incurred such extensive obligations and expense that it would be highly inequitable and unjust to destroy the rights he has acquired.

If you have any questions or need any additional information, please do not hesitate to contact us.

We appreciate your attention to our request.

Kind regards.

Very truly yours,



Jackson R. Boone

jrb

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