



MEMORANDUM TO VENICE CITY COUNCIL

THROUGH CHARTER OFFICER: Edward Lavallee, City Manager
Kelly Fernandez, City Attorney

FROM: Roger Clark, AICP, Planning and Zoning Director

DEPARTMENT: Planning and Zoning

DATE: April 30, 2024

MEETING DATE: May 28, 2024

SUBJECT / TOPIC: Sawgrass Zoning

BACKGROUND INFORMATION: At the November 28, 2023 City Council meeting, the application for the rezoning of the Sawgrass Community was withdrawn by staff based on the review of new information. Staff indicated that further research was required and that a resolution to this issue would be pursued in coordination with the Sawgrass HOA and the Sawgrass golf course owner.

SUPPORTS STRATEGIC PLAN: Goal Six: Preserve the Venice Quality of Life through Proper Planning

COUNCIL ACTION REQUESTED: Presentation - No Action

As indicated to City Council at the November 28, 2023 meeting, staff has now had an opportunity to analyze the additional information concerning the history of Sawgrass including the 1987 County rezone to Residential, Single-Family 2 (RSF-2), the multiple attempts to annex the property, including the 1991 annexation that identified the property as RSF-2 with a Planned Unit Development (PUD) overlay, and finally focus on the 1994 annexation into the City that was approved. It is important to note that not only does this property have a long history, but it is a very complex history. After completing the research, staff met with both the HOA representatives and the golf course owner's representative to discuss a path forward.

As a result of these discussions, staff drafted a City zoning district entitled "Sawgrass" that would be unique to Sawgrass. This was accomplished by starting with the Sarasota County RSF-2 zoning code language. City staff modified this code language by removing the portions that were not applicable due to references to other County codes, the County Comprehensive Plan, or some other non-applicable regulation. In addition, the master site plan for Sawgrass that was adopted as part of the 1994 Pre-Annexation Agreement and subsequently amended by City Council was referenced as a regulatory document that needed to be followed and maintained. The goal of the new district was to neither harm nor enhance the property rights of any property owner in Sawgrass (i.e. no changes).

Staff provided the draft language to the Sawgrass HOA and golf course representative and provided ample time for them to review the proposal after which we met separately with each. Both parties expressed concerns with the language as drafted for different reasons.

Both the HOA and the golf course owner indicated their preference would be that City Council not pursue the new Sawgrass district, but leave the zoning as is. City staff agrees that this solution is best for all principal parties involved, the HOA, the golf course owner and the City. Especially since there are no indications from any property owner to change their current use of their property and the Pre-Annexation Agreement (“Agreement”) contains no requirement to rezone the property to a City zoning district. The following are excerpts from the Agreement (with emphasis added):

“Following annexation, the subject property will be included in a City of Venice Comprehensive Plan amendment *and any rezoning of the subject property* shall be processed in accordance with the City’s Comprehensive Plan, Zoning Code, and all other applicable laws, ordinances, rules and regulations.” Also, “the subject property shall be developed in accordance with Sarasota County Zoning Regulations which shall be administered by the City *unless and until* such time as the property is rezoned pursuant to the City Zoning Code.” And finally, “The City is willing to annex the property as it is currently zoned and designated...”

In application, the City has utilized and enforced the Sarasota County Zoning Regulations for all development activity which has taken place in Sawgrass since the annexation occurred.

Based on this mutual agreement from both primary landowners, City staff recommend discontinuing the rezoning effort at this time. Proceeding forward would likely result in a lawsuit from the HOA, golf course, or both, something everyone would like to avoid.

- | Yes | N/A | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Document(s) Reviewed for ADA compliance (required if for agenda posting) |
| <input checked="" type="checkbox"/> | <input 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 |
| | | Funds Availability (account number): |