



PORTOFINO

REZONING APPLICATION

DECEMBER, 2013,

AS AMENDED JANUARY 28, 2014



Introduction

The proposed Portofino Commercial Mixed-Use District (CMU) is comprised of approximately 50 acres located within the City of Venice on the northeast quadrant of the Laurel Road and Knights Trail Road intersection (the “District”) indicated on the Aerial Map contained herein . The property is located within the Knights Trail Neighborhood (aka Planning Area “K”), specifically Sub-Area 4 and surrounded by a diverse mix of existing and proposed land uses that support the goals defined in the City of Venice Comprehensive Plan.

The applicant, Laurel Road Property, LLC, is requesting approval to rezone the property from its existing Commercial General (CG) designation to Commercial Mixed-Use (CMU). Development controlled by the proposed CMU district standards will facilitate the creation of a vibrant, unified mixed-use community and is in keeping with the City’s vision for the Laurel Road area. Standards identified within this document shall control development of the District, unless otherwise noted.

In compliance with the City’s CMU requirements, the Portofino Master Development Plan is comprised of several components intended to provide assurance that future development of the property complies with the standards and requirements of the City of Venice 2010 Comprehensive Plan and Land Development Code. These components are more fully described and presented throughout this document and include:

1. A project description, purpose and intent statement.
2. Provisions to comply with Comprehensive Plan standards, including specific provisions of the Knights Trail Planning Area, Sub-Area 4.
3. Provisions of the City of Venice Commercial Mixed Use zoning requirements.
4. A Conceptual Area Plan that provides three areas within the Portofino CMU and graphically depicts a mix of land use types and intensities designed to meet the requirements of the City’s CMU standards to provide a mix of at least three permitted uses. Sample illustrations depicting application and implementation alternatives for a mix of uses that meet the Portofino CMU District provisions are provided.

5. A description of permitted, accessory and prohibited uses for each of the proposed three areas within Portofino.
6. Provisions to define overall permitted residential density and non-residential intensity, together with provisions related to permitted building size.
7. Buffer and landscaping standards.
8. Signage and lighting standards.
9. Parking, loading and access standards.
10. Engineering design standards.
11. Architectural standards.
12. Provisions to provide needed access, parking, solid waste facilities, and storm water management facilities to support the City’s lease with Habitat for Humanity on adjoining City-owned property.

Each of these components comprise the Portofino Master Development Plan and are more fully articulated in this document to provide assurances to the City and surrounding community that Portofino will represent a development in compliance with the design character and parameters intended by the



Portofino CMU – Aerial Map

City’s adopted Comprehensive Plan and future vision for the Knights Trail and Laurel Road areas.

The applicant is proposing a mixed-use project with three (3) or more uses to meet the requirements of the Commercial Mixed-Use provisions of the City land development code.

The Master Development Plan includes district standards that have been developed based on existing site features, available infrastructure, input from representatives of the neighboring residential communities and the City’s overall vision for the Knight’s Trail Planning Area and mixed-use activity centers. This proposal provides a sustainable mix of compatible land uses both internally and with adjacent properties. The standards within the District provide flexibility to best respond to current and future land uses, changes in building and development patterns and community demographics. The project’s proposed densities and intensities have also been established to be consistent with the City’s adopted Comprehensive Plan and provide appropriate transitions between uses.

The Portofino CMU project has been designed to encourage a mixture of residential and non-residential uses, including service, retail, office and commercial uses that will provide a range of shopping and activities to the surrounding neighborhoods and Venice community. The District creates an environment with more intense uses to the west and less intense uses to the east, compatible with existing approved developments. Pocket and linear parks, enhanced perimeter buffers and a project identification area will be implemented to provide relief from the structures proposed within the District.

Purpose and Intent of the Project

This application requests rezoning of the subject property to a Comprehensive Plan compliant Commercial Mixed-Use (CMU) District as identified within this Master Development Plan. The project, as proposed, has been designed consistent with the City’s long-term vision and desires for a mixture of non-residential and residential uses within the Knight’s Trail Planning Area. The development of the Portofino Master Development Plan outlines specifics for the execution of the City’s vision.

The intensity of Sub Area 4 development permitted by the Comprehensive Plan is defined by a Floor Area Ratio (FAR) of 1.0 and density of 13 dwelling units per gross acre. Sub Area 4 consists of 72 acres yielding a maximum of 3.1 million gross square feet of non-residential uses and 936 dwelling units. Approved residential development for the portion of Sub Area 4 within

the Toscana Isles Planned Unit Development is 118 dwelling units, leaving a remaining authorized capacity of 818 dwelling units. With a proposed intensity of 425,000 square feet of commercial, retail, office and service Floor Area and 650 residential units, Portofino will meet the intent of the City’s and surrounding community’s expectations for development without imposing burdens or creating compatibility conflicts upon the surrounding infrastructure and development scale.

The following chart reflects the Portofino reduction to commercial intensity from the currently approved Renaissance Commercial General Project:

	<u>Approved Renaissance Project</u>	<u>Portofino CMU</u>	<u>Reduction to Intensity Sq. Ft.</u>	<u>Reduction to Intensity</u>
Non-Residential Sq. Ft.	629,000	425,000	204,000	32.4%
Single User Building Max. Sq. Ft.	230,000	190,000	40,000	17.4%

The Portofino CMU rezoning request is consistent with the overall planning objectives of the City of Venice 2010 Comprehensive Plan for the Knights Trail Planning Area/Planning Area “K” and the applicable Land Development Code provisions for CMU development. As depicted on the binding Master Development Plan, the project has three (3) planned areas of development based on the permitted uses and range of intensity and density of development.

The three (3) Planned Development Areas have been identified based on the range and intensity of land uses called for by the Knights Trail Planning Area within the Comprehensive Plan to ensure the appropriate mix and range of non-residential and residential uses planned by the City for this area. The proposed range of uses provides the City and residents within the area predictability in planning and development form. The Portofino CMU rezoning includes general development principles which have been established with provisions to address its location within the District. Development standards, land uses and buffers have been established to be compatible with surrounding residential, commercial and industrial land uses.

The Planned Development Areas, extending from west to east on Laurel Road is generally depicted on the Master Development Plan and the three areas are labeled Area 1: Commercial (approximately 25-acres), Area 2: Mixed Use (approximately 20-acres), and Area 3 Residential (approximately 5-acres).

City of Venice Knights Trail Planning Area Standards

The Knights Trail Planning Area is intended to serve as a designated Activity Center within the City of Venice. The proposed Portofino CMU will provide for a mix of uses and flexibility in design while meeting the City’s intent for development of the area. The Portofino CMU standards and supporting application materials provide for a high standard of development and minimize impacts to and from adjoining land uses.

The property is located within the Knights Trail Neighborhood, Planning Area K, Sub-Area 4. Sub-Area 4 allows for up to 13 dwelling units per acre and a floor area ratio (FAR) of 1.0. Specifically, Sub-Area 4 permits:

1. The commercial and residential uses are intended to provide convenient access for walking and bicycling for residents of the area.
2. Commercial and residential uses may be adjusted according to the needs of the community.

The maximum building height within this Sub-Area is 4 stories, up to 45’, including parking.

The Knights Trail Planning Area provides additional standards with regard to Parking, Parks/Public Spaces/Conservation Areas, and Architectural Design Style.

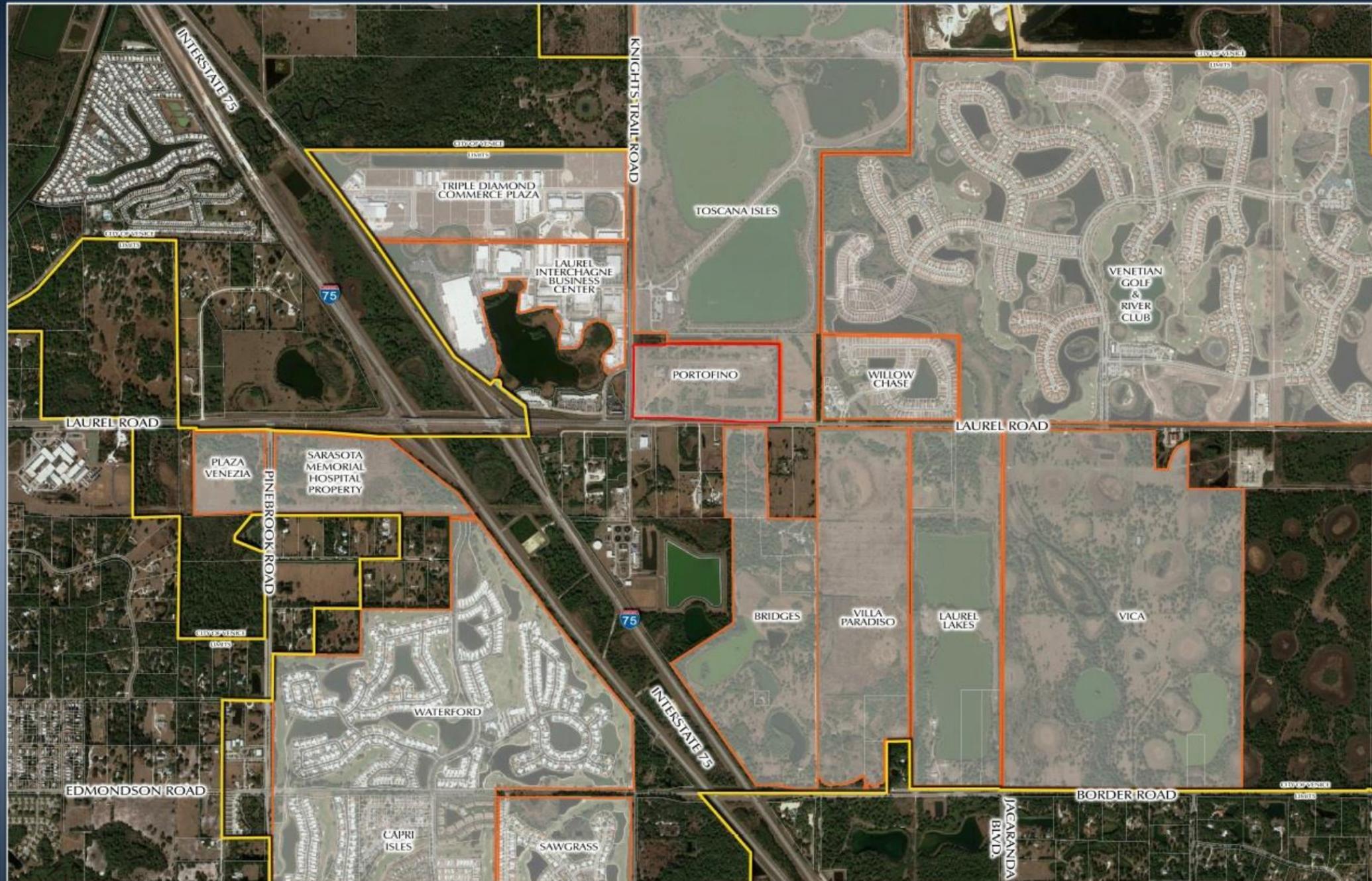
The adjoining subareas within the Knights Trail Planning Area permit densities up to eighteen (18) dwelling units per acre and maximum non-residential FAR of 1.0 to 2.0, reflecting similar or greater densities and intensities than proposed as part of this application. Consideration of these residential densities and non-residential intensities further demonstrates compliance with the Future Land Use and Design Element of the Comprehensive Plan (analysis provided below in the Appendix).

The Portofino CMU is consistent with the City of Venice Knights Trail Planning Area Standards and is compatible with the adjacent uses. The District standards incorporate site and architectural mitigation design

techniques including pocket and linear parks, enhanced buffers (landscaping and berms) and architectural standards ensuring that the District will be harmonious with the aesthetics of the surrounding developments.

The unique attributes of the Portofino CMU make it compliant with Policy 8.4 Large-Scale Retail Structure Standards and warrant the approval of individual buildings exceeding 60,000 square feet due to the following:

- (i) The proposed mixed use Master Development Plan remedies current local commercial/retail deficiency and prevents a more severe deficiency as a result of the future anticipated housing planned for the area
- (ii) The Property’s proximity and easy access to Interstate 75 minimizes traffic impacts to neighboring residential areas
- (iii) The Property’s unique location between current neighboring industrial uses / mining operations and residential housing enables it to act as a transitional area
- (iv) The size of the Property (approximately 50 acres) is unique in the City of Venice and provides the opportunity for development in accordance with the Master Development Plan
- (v) The Portofino Master Development Plan provides appropriate buffers, setbacks and development standards to mitigate impacts to existing adjoining residential uses.
- (vi) The Portofino Master Development Plan limits the overall permitted intensity of development to less than 80 percent of the residential density and less than 14 percent of the commercial intensity permitted by the Knights Trail Planning Area (Sub Area 4). Approval of the Portofino CMU provides the community with assurances that future buildings on the site will reflect the character and design elements comparable to other similar desired developments in Venice and not exceed these parameters.



Portofino CMU

Contextual Aerial

LAUREL ROAD PROPERTY, LLC
CITY OF VENICE, FLORIDA

SCALE: 1/8" = 100'
DATE: 25 JULY 2013

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AERIAL DATA: © 2012 GOOGLE EARTH
CONTACT: KIMLEY-HORN AND ASSOCIATES, INC. (407) 379-7600

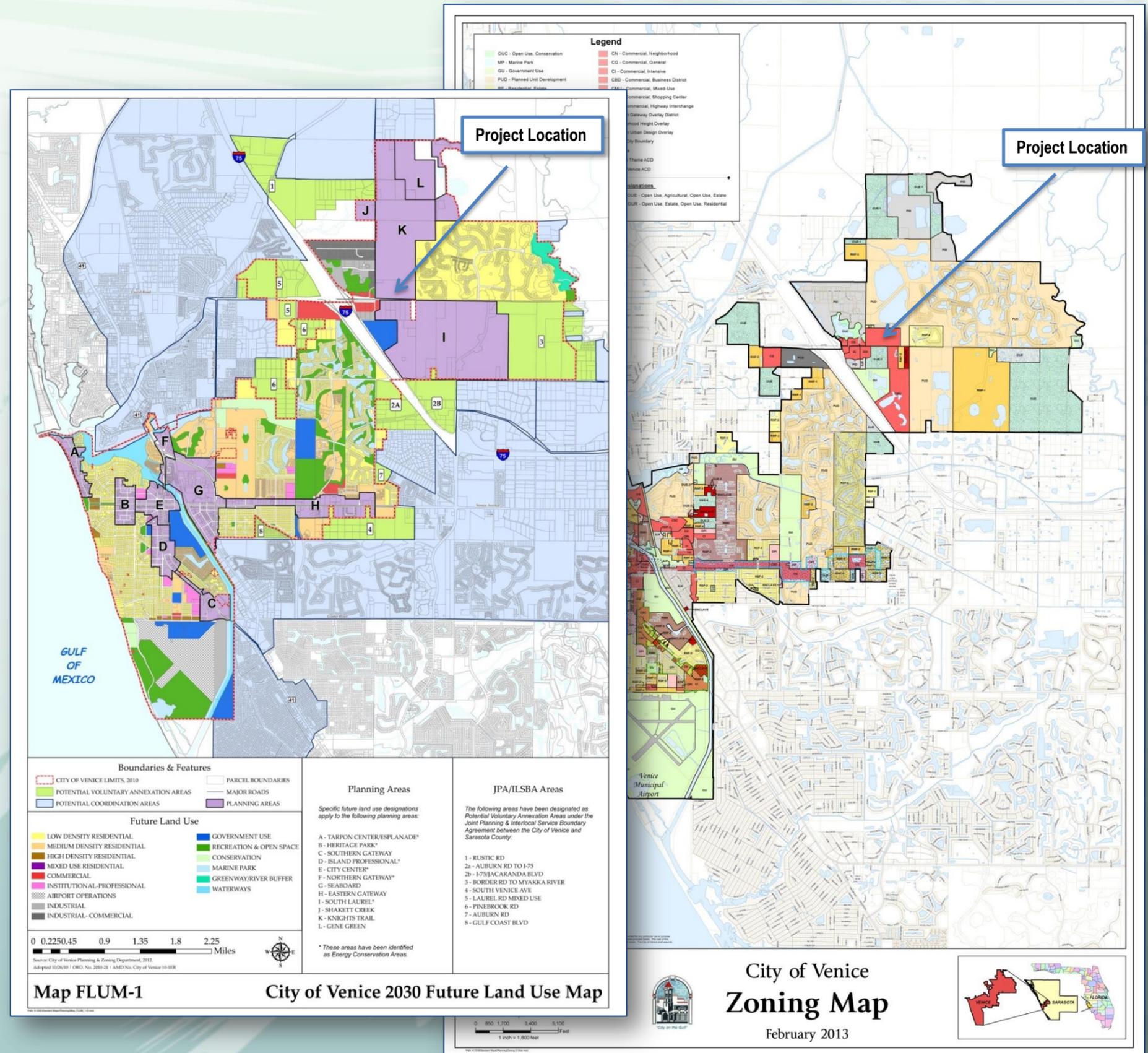
Furthermore, the Portofino CMU is consistent with Policy 16.21 of the Comprehensive Plan providing the planning intent and development standards for properties within the Knights Trail Neighborhood. Consistency with this Policy is included in the Rezoning Amendments Supporting Analysis provided on Page 20 of this document.

In summary, the Knights Trail Neighborhood is intended to be an industrial/commercial based, mixed use neighborhood. The applicant recognizes the current imbalance in the neighborhood in favor of industrial uses. The proposed mixed use Master Development Plan helps restore this balance in accordance with the Knights Trail Neighborhood plan while providing an aesthetically harmonious transition to local residential housing neighborhoods. The proposed retail complies with the low intensity FAR (1.0) requirements prescribed to this neighborhood. The proposed rezoning from CG to CMU will also allow for development at a maximum of 13.0 dwelling units per gross acre of the total site. This density is consistent with the densities approved by the adopted Comprehensive Plan for the Knights Trail Planning Area, Sub-Area 4. In total, the Portofino CMU will have no greater than 650 equivalent residential units.

The adopted City of Venice Future Land Use Map and Zoning Map confirm the consistency of the application with the existing and proposed future development conditions as envisioned by the City. Future amendments to the Portofino Master Development Plan and Commercial Mixed Use Zoning will be processed consistent with the City's Land Development Code.

City of Venice Land Use and Zoning

The adopted City of Venice Future Land Use Map and Zoning Map confirm the consistency of this application with the existing and proposed future development conditions as envisioned by the City.



Portofino CMU Standards

Land uses shall be in accordance with the standards of the respective Planned Development Areas contained within this Master Development Plan. The Portofino CMU standards shall control the future development of the property. The following identifies the proposed development standards for the Portofino Planned Development Areas, described within the CMU Master Development Plan. In furtherance of the interpretation authority granted by the City of Venice Comprehensive Plan and Land Development Code, the Zoning Administrator shall have the authority to administratively approve minor modifications of standards contained within this Rezoning Application, excluding standards related to density, building height, buffer widths, and Permitted Uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards. The Zoning Administrator shall have the additional authority to administratively approve modifications to standards initiated by the property owner that provide a benefit to the general public or surrounding community.

1. Permitted and Accessory Land Uses
2. Density and Intensity of Development
3. Maximum Building Height Restrictions
4. Yard/Bulk Standards
5. Buffers and Landscaping
6. Signage
7. Lighting
8. Parking
9. Connectivity Standards
10. Engineering Standards
11. Architectural Design Standards
12. Stipulations
13. Proposed Code Modifications



1. *Permitted and Accessory Land Uses:*

(A) Land Uses: Three (3) or more Permitted Uses are required; which are currently anticipated to include: (i) residential, including assisted living facilities; (ii) office; and (iii) commercial, retail and service establishment.

(B) Permitted Land Uses:

- (1) Governmental uses, excluding infrastructure utilities.
- (2) Community meeting rooms, community centers, recreational facilities, libraries, halls, business center, conference center, private clubs and other places of public assembly. Child care centers and kindergartens, vocational, trade or business schools, funeral homes and infant care centers.
- (3) Retail and service establishments, including department stores, home improvement centers, major appliance stores, furniture stores, with or without drive-thru facilities. This shall include sales, service, display or storage of goods outside of completely enclosed buildings. Athletic clubs, gymnasiums, group instruction. Restaurants with or without drive-thru or pick-up facilities. This shall include sales, service, display or storage of goods outside of completely enclosed buildings. Liquor stores with or without drive-thru or pick-up facilities. Spas, salons, beauty shops, barbershops. Billiard parlors, bars, nightclubs, taverns for on-premises consumption of alcoholic beverages, bowling alleys with or without drive-thru or pick-up facilities.
- (4) Art studios, antique shops. This shall include sales, service, display or storage of goods outside of completely enclosed buildings.
- (5) Parking lots and garages.
- (6) Banks and financial institutions with or without drive-thru or pick-up facilities.
- (7) Open-air cafes as accessory to restaurants and taverns.
- (8) Residential single family detached homes. Residential single family attached, paired villas, townhouses and multi-family homes. Residential assisted living/adult congregate care facilities, nurses' homes, nursing homes, rest homes, convalescent homes, homes for the aged, assisted living facilities and community residential home,
- (9) Hotels, motels.

(10) Docks.

(11) Business, medical, dental and professional offices and laboratories.

Upon approval of this rezoning request, residential units in Portofino are approved by right for 650 equivalent dwelling units, which may be constructed in a range of housing types and mix of density within any of the three Areas, and 425,000 square feet of Floor Area for all non-residential uses.

Area 1: Commercial – Any of the Permitted Uses (noted in the CMU Standards, Uses 1-11) shall be allowed in Area 1. Individual single user building size is permitted by right up to 190,000 square feet of Floor Area. Garden centers and other areas outside of a completely enclosed building that are utilized for the permanent display and sales of goods shall be included for the purpose of confirming that a single user building does not exceed 190,000 square feet.

Area 2: Mixed Use – Any of the Permitted Uses (noted in the CMU Standards, Uses 1-11) shall be allowed in Area 2. Individual single user building size is permitted by right up to 120,000 square feet of Floor Area. Garden centers and other areas outside of a completely enclosed building that are utilized for the permanent display and sales of goods shall be included for the purpose of confirming that a single user building does not exceed 120,000 square feet.

Area 3 Residential – Any of the residential Permitted Uses (noted in the CMU Standards, Use 8) shall be permitted in Area 3.

Note: A single user building, as permitted in each area, shall not exceed the applicable size limitation by crossing or connecting between Area 1 and Area 2.



Portofino CMU

Planned Development Areas - Master Development Plan

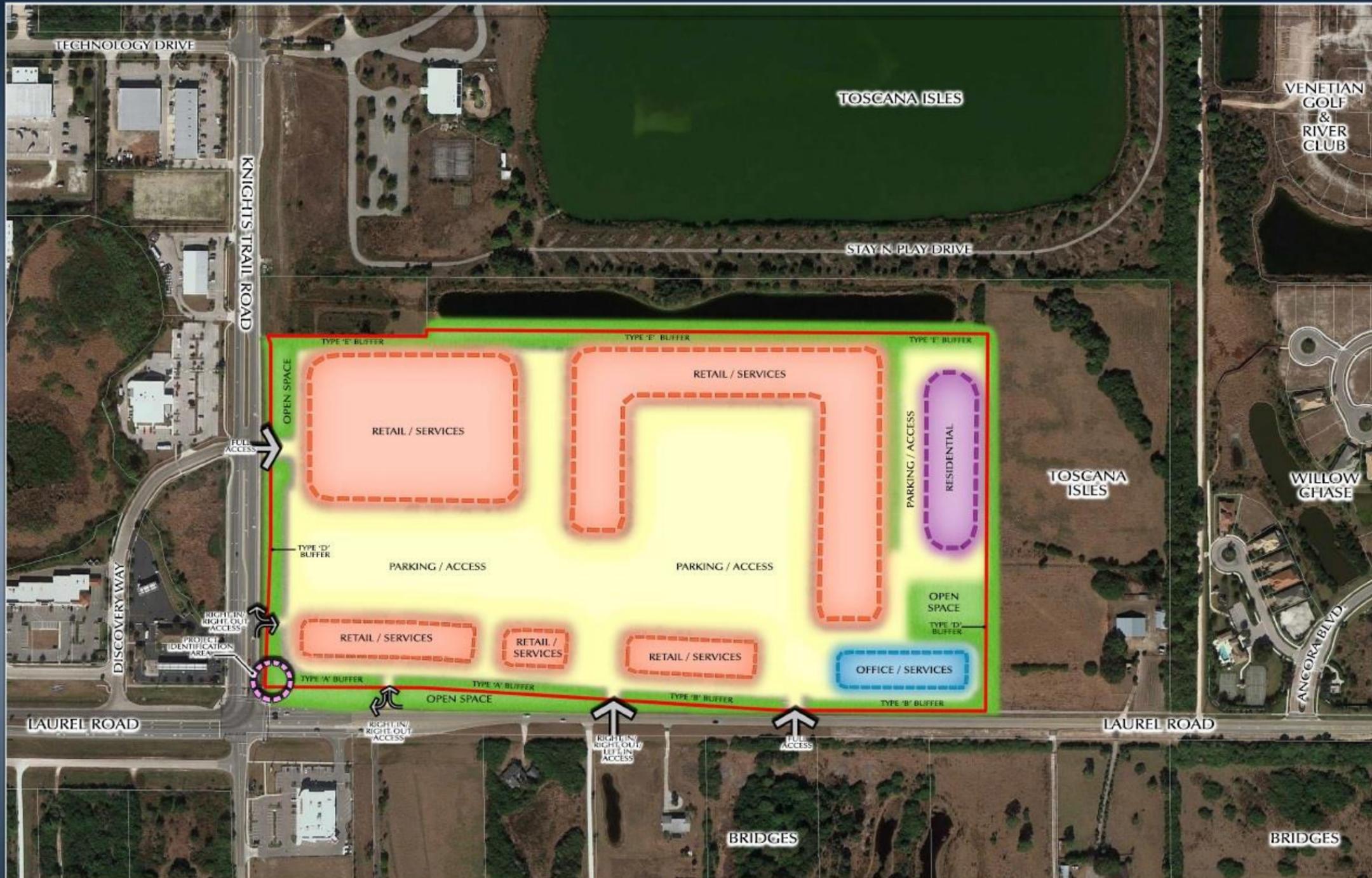
LAUREL ROAD PROPERTY, LLC
CITY OF VENICE, FLORIDA

SCALE: IN FEET
0 50 100 200
DATE: 23 MAY 2013

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AERIAL DATA: © 2012 GOOGLE EARTH
CONTACT: KELLEY KLEPPER, AICP (941) 379-7690

Below are two sample implementation illustrations, which demonstrate examples of concept plans that would be compliant with the Master Development Plan:



Portofino CMU

Master Development Plan Sample Implementation Illustration - Alternative 1

LAUREL ROAD PROPERTY, LLC

CITY OF VENICE, FLORIDA

SCALE: 1/4" = 100'
DATE: 4, SEPTEMBER 2013
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CONTACT: KELLEY KLEPPER, AICP (941) 979-7000





Portofino CMU

Master Development Plan Sample Implementation Illustration - Alternative 2

LAUREL ROAD PROPERTY, LLC

CITY OF VENICE, FLORIDA

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CONTACT: KELLEY KLEPPER, AICP (541) 379-7900

SCALE: IN FEET
0 50 100 200
DATE: 4, SEPTEMBER, 2013



(C) Accessory Land Uses:

Permitted accessory uses and structures are uses and structures which:

- (1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
- (3) do not involve operations or structures not in keeping with the character of the District.
- (4) do not exceed one third of the area of the principal use or structure.

Special Exception uses are as follows:

- (1) Indoor motion picture theaters, theater for live stage productions, entertainment complexes.
- (2) Arenas and auditoriums.
- (3) House of worship.

Prohibited uses and structures are as follows:

- (1) Manufacturing, except for goods for sale at retail on the premises.
- (2) Warehousing and storage except as accessory to a permitted principal use.
- (3) Adult entertainment establishments.
- (4) Pain management clinic.
- (5) Infrastructure utilities.
- (6) Correctional Facilities or jail.



2. Density and Intensity of Development:

The permitted density and intensity of development shall be as follows:

- **Residential Density:** Residential units are approved by right for 650 equivalent dwelling units reflecting one or more of the residential dwelling and use types as provided under Section 1, Permitted and Accessory Uses, Subsection (B) (14), (15) and (16).
- **Non-residential Intensity:** Maximum Floor Area Ratio (FAR) shall not exceed 1.0, per Policy 16.22, Subsection C of the Future Land Use Element of the 2010 Comprehensive Plan.

3. Maximum Building Height Restrictions:

The maximum permitted height of buildings and features associated with the Planned Development Areas shall be measured consistent with the provisions of Policies 9.2 and 9.3 of the Future Land Use Element of the Comprehensive Plan and shall be limited to the following:

- Area 1: Commercial

Maximum Building Height:

Four (4) stories, up to 45 feet including parking; non-habitable building features including architectural features are permitted up to 65 feet in height.

- Area 2: Mixed Use

Maximum Building Height:

Four (4) stories, up to 45 feet including parking non-habitable building features including architectural features are permitted up to 65 feet in height.

- Area 3: Residential

Maximum Building Height:

Three (3) stories, up to 42 feet.

4. Yard/Bulk Standards:

Setback – Front:	10' (minimum)
Setback – Side:	0'; Residential Single Family - 10' Between Structures; One-Story Multi-Family Residential – 10' Between Structures; Two-Story or Greater Multi-Family Residential – 20' Between Structures
Setback – Rear:	5'; when located on the Portofino CMU District perimeter and building heights exceed two stories, the setback shall be 15' (minimum)
Setback – Accessory Structures:	5' (minimum)
Setback Requirements:	Setbacks may include landscape buffers, parking facilities, stormwater facilities, pedestrian facilities/sidewalks and accessory structures. Setbacks shall not be in addition to required buffers.
Maximum Lot Coverage:	None
Minimum Lot Size:	None
Open Space:	Open space shall include pocket or linear park area(s), buffers and similar open space areas totaling 100,000 sq. ft. Improvements to pocket or linear park area(s), buffers or similar may include canopy trees, shrubs, lighting, trash receptacles, benches and paver and concrete walkways. No active park areas or dedications are required.

5. *Buffers and Landscaping:*

Buffers and landscaping are proposed based on the intensity of development within the planned development areas. The purpose of these provisions is to assure compliance with City of Venice buffering and landscaping objectives as identified in the City of Venice 2010 Comprehensive Plan. The Master Development Plan has been designed to require increased buffering and landscaping provisions based upon the use of the property and to provide consistency with Policy 16.22.C.4. Except for the Project Identification Area, as depicted on the Master Development Plan, the following buffer and landscape design standards shall apply:

(A) *Dimensions.* Required perimeter landscape buffer widths are depicted on the following Laurel Road Buffer Cross Sections Plan and are as follows:

- (i) **Laurel Road Buffer** (Laurel Road Linear Park) – 40 ft. buffer width.
- (ii) **Eastern Property Buffer with Non-Residential Use**– 10 ft. buffer width.
- (iii) **Eastern Property Buffer with Single Family Residential Use** – No buffer required.
- (iv) **Eastern Property Buffer with Multi-family Residential Use** - 5 ft. buffer width.
- (v) **Knights Trail Road Buffer** -10 ft. buffer width.
- (vi) **Northern Property Buffer** – 5 ft. buffer width.

No buffers are required between Planned Development Areas within the District.

The following Laurel Road cross sections illustrate that the actual setbacks from the existing edge of pavement (including turfed right-of-way) will range and vary from 110 ft. at the Commercial Area to 62 ft. at the Mixed-Use Area.

(B) *Design.* The following establishes the buffer design requirements along Laurel Road for each land use:

- (i) **Type A (Single user buildings greater than 120,000 sq. ft.)** – 3 ft. berm, 1 canopy tree/20 ft. oc, meandering triple hedge.
- (ii) **Type B (Single user buildings up to 120,000 sq. ft.)** – 2 ft. berm, 1 canopy tree/20 ft. oc, meandering double hedge.
- (iii) **Type C (Residential)** – Either a solid opaque eight (8) foot tall wall at the boundary of the forty-foot buffer to Laurel Road to match the general appearance and buffering of the nearby communities of Willow Chase and portions of Venetian Golf and River Club or 1 canopy tree/20 ft oc., meandering single hedge.

For example, if no single user building is constructed within the District greater than 120,000 sq. ft., no Type A buffer design will be required.



In addition to the landscape and buffering component required by the applicable design type noted above, the Laurel Road Buffer shall include a 5 ft. wide sidewalk to facilitate safe pedestrian access by neighboring residents. The maximum slope of berms shall be 3 to 1.

Buffers along Knights Trail Road, eastern property boundary and on the northern property boundary shall be as follows:

- i. **Type D (Knights Trail and eastern property boundary with non-residential use)** - 1 canopy tree/20 ft. oc. meandering single hedge.
- ii. **Type E (northern property boundary)** – 1 canopy tree/40 ft. oc.

Property borders of the District adjacent to existing buffer yards may count the existing buffer yard and landscape material toward fulfilling required buffer design requirements.

The landscaping for the Portofino CMU shall be primarily made up of shade trees. Palms may also be incorporated into the landscaping as traditional Florida vegetation.

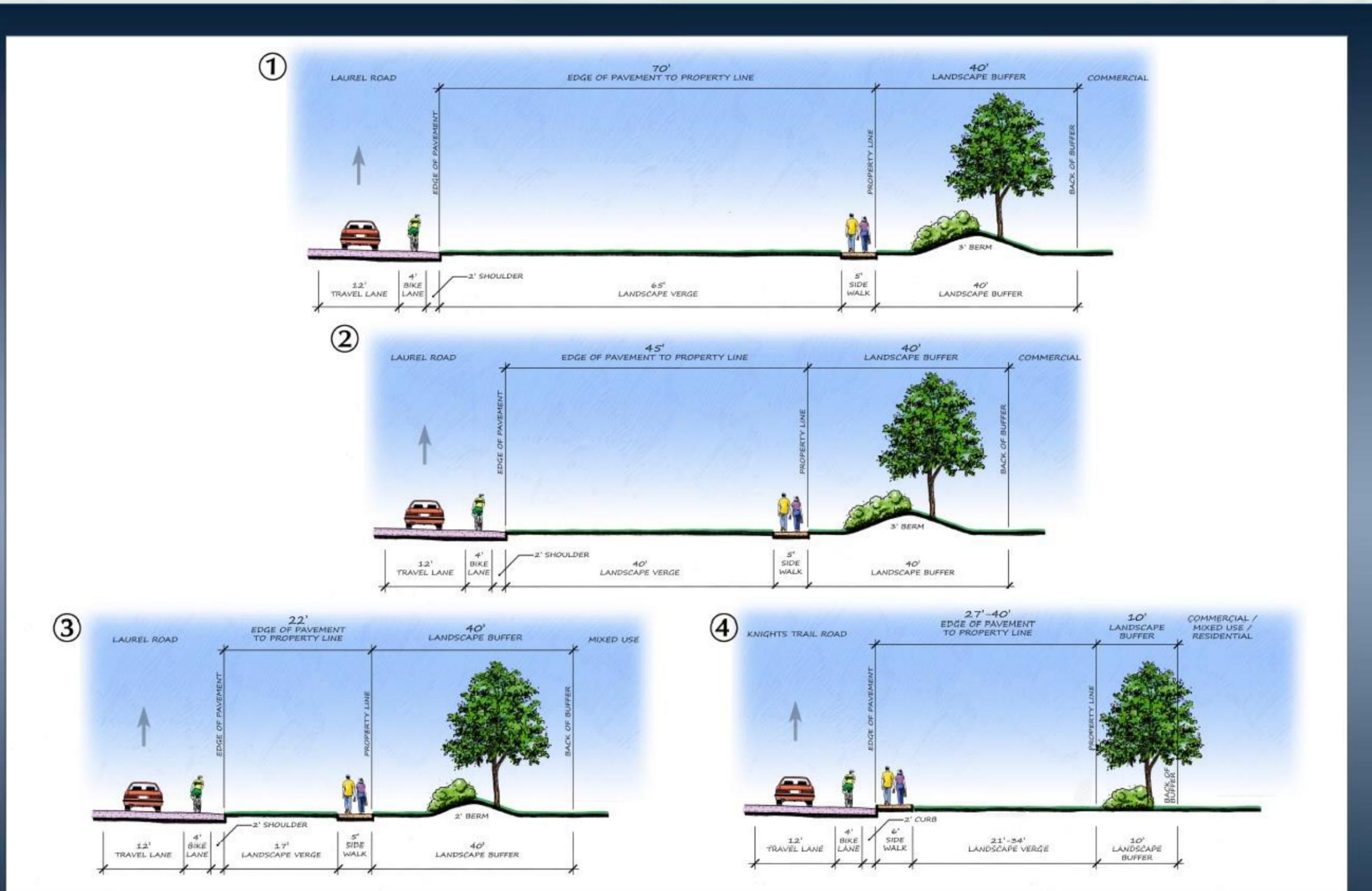
In the event a single user building greater than 120,000 sq. ft. of Floor Area is constructed within Area 1 of the District, a Type A buffer shall be required from Intersection #4 to the Project Identification Area.



The following page includes a suggested plant palette for the project.

Common Name	Genus Species	Water Needs	Salt Tolerance
Buttonwood	Conocarpus erectus	L	H
Cedar, Southern Red	Juiperus virginiana	L	H
Cypress, Bald	Taxodium distichum	L	M
Cypress, Pond	Taxodium ascendons	L	M
Elm, Florida	Ulmus americana var. floridana	M	L
Holly, Dahoon	Ilex cassine	L	M
Magnolia, Southern	Magnolia grandiflora	M	M
Maple, Red	Acer rubrum	M	L
Oak, Live	Quercus virginiana	L	H
Pine, Slash	Pinus elliotii	L	M
Silver Buttonwood	Conocarpus erectus var. seriseus	L	H
Sugarberry	Celtis laevigata	L	L
Sweetgum	Liquidambar stryaciflua	L	L
Bottlebrush	Callistemon spp.	M	M
Crape Myrtle	Lagerstroemia indica	L	M
Dwarf Poinciana	Caesalpinia pulcherrima	L	M
Elm, Chinese	Ulmus parvifolia	L	L
Japanese Privet	Ligustrum japonicum	L	M
Leyland Cypress	Cupressocyparis leylandii	M	M
Loquat	Eriobotrya japonica	L	M
Weeping Yaupon Holly	Ilex vomitoria 'Pendula'	L	H
Willow, Weeping	Salix babylonica	H	L
Cabbage Palm	Sabal palmetto	L	H
Dwarf Palmetto	Sabal minor	L	M
Needle Palm	Rhapidophyllum hystrix	M-H	M
Paurotis Palm	Acoelorrhaphe wrightii	M	M
Saw Palmetto	Serenoa repens	L	H
Scrub Palmetto	Sabal etonia	L	M
Bird-of-Paradise, White	Strelitzia nicolai	L	M
Canary Island Date Palm	Phoenix canariensis	L	M
Chinese Fan Palm	Livistona chinensis	L	M
King Sago	Cycas revoluta	L	L-M
Pindo Palm	Butia capitata	L	M
Senegal Date Palm	Phoenix reclinata	L	M
Windmill Palm	Trachycarpus fortunei	L	M
Yucca, Spineless	Yucca elephantipes	L	M

Adam's Needle	Yucca filamentosa	L	H
Beautyberry	Callicarpa americana	L	L
Eastern Gamagrass	Tripsacum dactyloides	L	M
Firebush	Hamelia patens	L	M
Florida Gamagrass	Tripsacum floidanum	L	M
Florida Privet	Forestiera segregata	L	H
Holly, Dwarf Yaupon	Ilex vomitoria 'Nana'	L	H
Inkberry	Scaevola plumieri	L	H
Simpson's Stopper	Myrcianthes fragrans	L	H
Spanish Bayonet	Yucca aloifolia	L	H
Walter's Viburnum	Viburnum obovatum	L	L
Wax Myrtle	Myrica cerifera	L	H
Bird of Paradise	Strelitzia reginae	M	M
Crinum Lily	Crinum asiaticum	M	M
Golden Dewdrop	Duranta repens	L	M
Green Pittosporum	Pittosporum tobira	M	H
Hawthorn, Indian	Rhaphiolepis indica	M	M
Holly, Burford or Chinese	Ilex cornuta 'Burford'	M	L
Juniper, Chinese	Juniperus chinensis	L	M
Oleander	Nerium oleander	L	H
Philodendron, Split Leaf	Philodendron selloum	M	L
Pineapple Guava	Feijoa sellowiana	L	M
Texas Sage	Leucophyllum frutescens	L	M
Beach Sunflower	Helianthus debilis	L	H
Blanket Flower	Gaillardia pulchella	L	H
Muhly Grass	Muhlenbergia capillaris	L	H
Agapanthus	Agapanthus africanus	M	L
Daylily	Hemerocallis hybrids	L	M
Fountain Grass	Pennisetum setaceum	L	L
Juniper, Parson's	Juniperus chinensis 'Parsonii'	L	M
Juniper, Shore	Juniperus conferta	L	H
Zoysia Grass	Zoysia spp.	M	M
Coral Honeysuckle	Lonicera sempervirens	L	L
Passion Flower	Passiflora incarnata	L	M
Bougainvillea	Bougainvillea spp.	L	H
Confederate Jasmine	Trachelospermum jasminoides	M	M
Dwarf Confederate Jasmine	Trachelospermum asiaticum	M	M



Portofino CMU

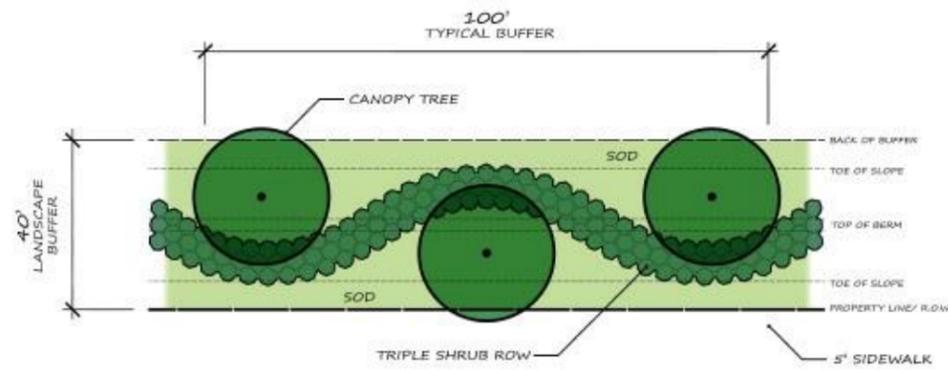
Buffer Cross Sections

LAUREL ROAD PROPERTY, LLC
 CITY OF VENICE, FLORIDA

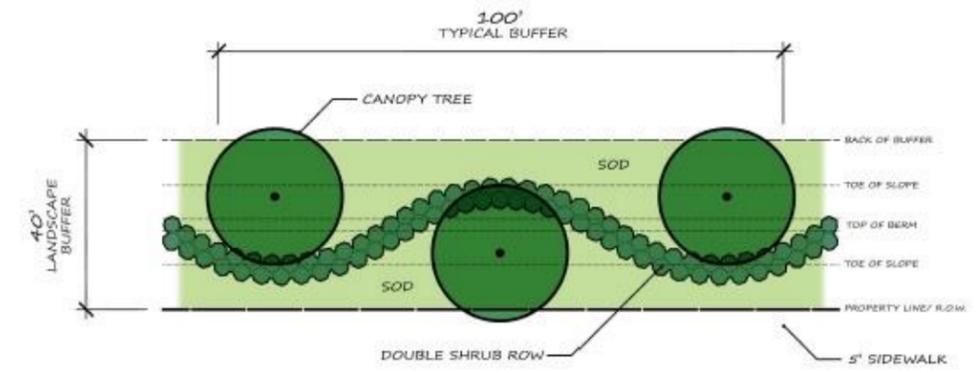
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SCALE: IN FEET
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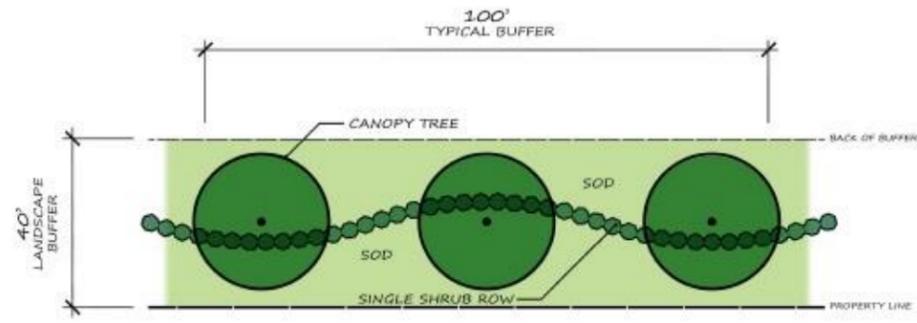
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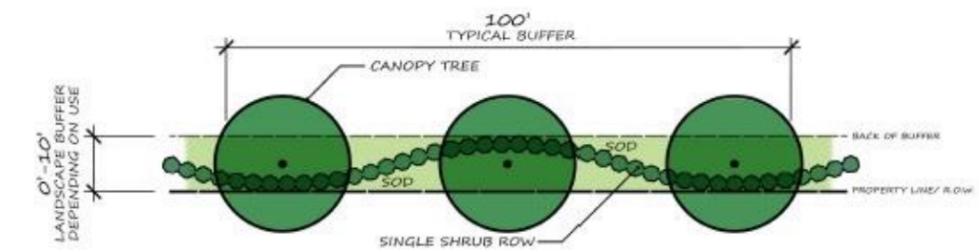
TYPE 'A' BUFFER DESIGN



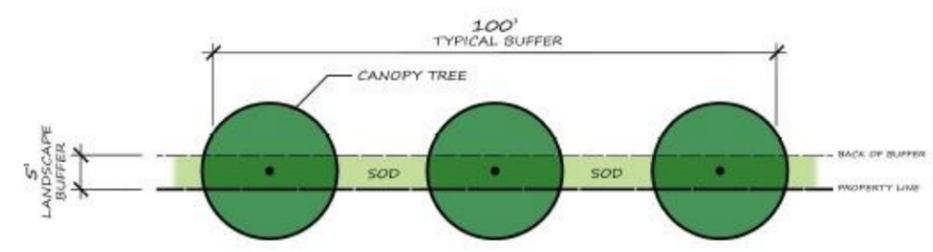
TYPE 'B' BUFFER DESIGN



TYPE 'C' BUFFER DESIGN



TYPE 'D' BUFFER DESIGN



TYPE 'E' BUFFER DESIGN

NOTE: KNIGHTS TRAIL ROAD AND LAUREL ROAD BUFFERS SHALL INCLUDE A CANOPY TREE, OR ORNAMENTAL TREE, PER EACH TWENTY (20) LINEAR FEET OF BUFFER; TREES SHALL BE CLUSTERED IN LIEU OF EQUALLY SPACED INSTALLATION.

(C) *Screening; plant material.* Those buffers that require hedges shall be so designed, planted and maintained with 3' hedges at 80 percent or more opacity when viewed horizontally. Plantings shall be of a size and type which will ensure the meeting of the 80 percent opacity requirement within no more than 12 months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the City's Zoning Administrator.



(D) *Planting Standards.* All buffer areas shall be covered by grass, vegetative ground coverings, or mulch in areas not utilized for tree and shrub plantings. Buffers fronting Laurel Road and Knights Trail Road shall include a canopy tree per each twenty (20) linear feet of buffer; trees shall be clustered in lieu of an equally spaced installation. Trees shall be at least three (3) inches minimum caliper (measured at six inches above the ground), 10' height and 4' spread at planting. Trees shall be Florida #1 or better quality as per Grades and Standards for Nursery plants (Florida Department of Agriculture and Consumer Services), Florida native species are preferred. Within the Laurel Road and

Knights Trail Road landscape buffers, one of every five required canopy trees shall be substituted with three ornamental trees. All perimeter buffer planting materials shall be evergreen species. The design of the hedge shall provide a layering effect, utilizing a variety of plant materials. *Vehicle, utility, and pedestrian crossings through buffer and open space areas are permitted.*

6. *Signage:*

Signage shall be designed to complement the architecture and designs within the District and shall adhere to the following:

(A) *Signs affixed to Buildings.* The total aggregate area of all signs on any one building are approved by right to have a maximum size of three (3) square feet for each linear foot of building face.

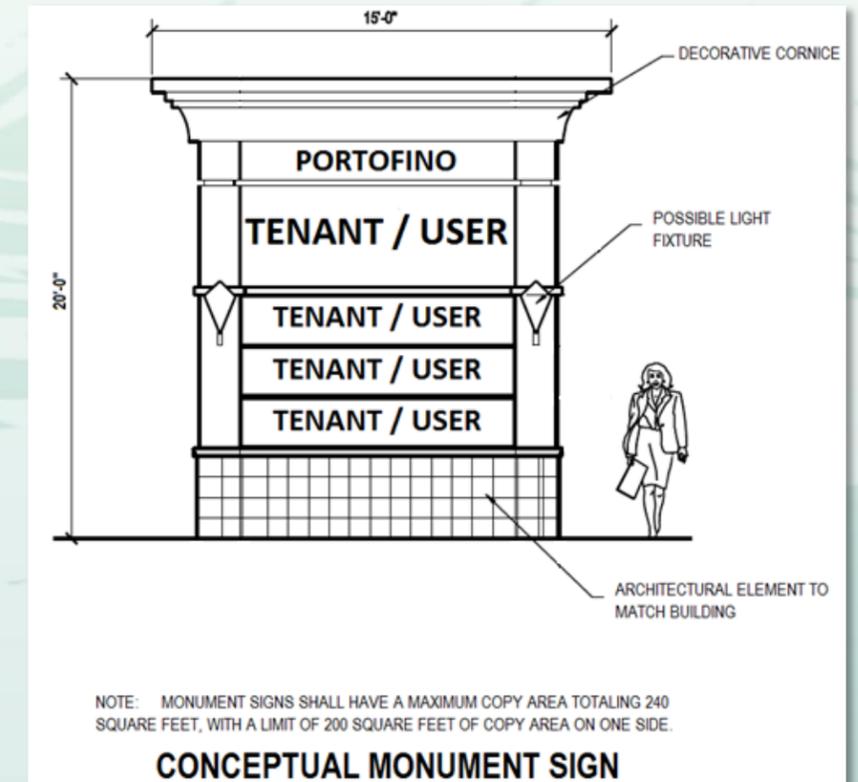
- i. Wall signs shall not be erected to project outward more than 18" beyond the face of the wall to which they are attached.
- ii. No wall sign shall be more than twelve inches thick.
- iii. No wall sign may be painted onto any building wall.

(B) *Canopy Signs.* Canopy signs are approved by right to a maximum size of eighteen (18) square feet, with a minimum height of eight feet from the surface below when the canopy projects over improved surfaces, and a maximum height of 20 feet. Letter height for signs on canopies shall not exceed 36 inches. Canopy signs shall not be illuminated.

(C) *Window Signs.* Window signs for each user are approved by right to have a maximum size of 40 square feet.

(D) *Projecting Signs.* Projecting signs are approved by right to have a maximum size of sixteen (16) square feet, with a minimum height of eight (8) feet from the surface below, when the sign projects over the right-of-way, and a maximum height of 20 feet. Projecting signs shall not be more than eight inches thick and shall not project over six feet from the wall.

(E) *Monument Signs.* Monument signs having a maximum copy area totalling 240 square feet are approved by right at each drive entry to the Property, with neither side exceeding 200 square feet of copy area. Sign structures are approved by right up to 20' in height and no greater than 15' in width. The following is a conceptual sign illustration of a Monument Sign.



General provisions:

- a. Exempt signs are permitted in addition to the maximum number and square footage of signs.
- b. All signs shall be designed and constructed in a professional manner and shall exhibit a high level of craftsmanship in both fabrication and installation. Signs shall be or appear to be constructed of stone, masonry, metal, ceramic, glass, plastic, or wood, either stained, natural finished or painted.

- c. All applications for a sign shall show location of the sign, details of the building to which the sign is to be attached, size, color, and appearance of the sign and all necessary details for fabrication and erection of the sign.
- d. High intensity fluorescent, metal flake and iridescent colors are prohibited.
- e. Illuminated signs are permitted subject to the following restrictions:
 - i. Internally lighted signs are permitted; however, only letters and logos shall be illuminated.
 - ii. Neon "open" signs up to four square feet are permitted inside window signs for each premises.
 - iii. Externally illuminated signs shall be permitted, however, the source of the illumination shall be shielded from view.
 - iv. Blinking, oscillating, or rotating lights are prohibited.
 - v. *Restaurant Menu Signs.* Restaurant menu signs up to four square feet are allowed and shall not be included in the number or area of permitted signs per street frontage.
 - vi. *Directory signs.* Commercial buildings with multiple occupancies may have two additional signs that serve as a building directory.
 - vii. Roof signs are prohibited.

7. *Lighting:*

Lighting shall be used to provide safety and security for motorists and pedestrians while not adversely effecting adjacent properties. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

- (A) *Fixture.* The light source shall be concealed behind an opaque surface and recessed within an opaque housing

and shall not be visible from adjacent properties. The source of lighting will not be visible from any public road.

- (B) *Fixture Height.* Lighting fixtures shall be a maximum of 30 feet in height within the parking lot. All light fixtures located within 50 feet of any residential use or residential property boundary adjoining the Portofino CMU District shall not exceed 15 feet in height.

- (C) *Light Source (Lamp).* Incandescent, florescent, LED, metal halide, or color corrected high-pressure sodium may be used.

- (D) *Mounting.* Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross the boundaries of the District.

- (E) *Limit Lighting to Periods of Activity.* The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be provided to conserve energy, provide safety, and promote compatibility between the different Permitted Land Use Areas within the District.

- (F) *Illumination Levels.*

All site lighting shall be designed so that the level of illumination as measured in footcandles (fc) at any one point is consistent with the standards in the table below.

Minimum and maximum levels of illumination are measured on the pavement within the lighted area. Typical level is the overall, generalized ambient light level, and is calculated using only the area of the site intended to receive illumination.

Lighting for automated teller machines shall be required to meet the standards of F.S. 655.962.

Type of Lighting	LIGHTING LEVEL (footcandles)		
	Minimum	Typical	Maximum
Architectural Lighting	0.0	1.0	5.0
Canopy Area Lighting	2.0	10.0	15.0
Multifamily Parking Lots	0.2	3.0	8.0
Nonresidential and Multifamily Entrances	1.0	5.0	15.0
Nonresidential Parking Lots	0.2	3.0	10.0
Storage Areas (security lighting)	0.2	3.0	10.0
Vehicle Sales and Display	0.2	3.0	15.0
Walkways, Landscape or Decorative Lighting	0.2	0.8	5.0

8. *Parking:*

The Portofino CMU shall share parking facilities within and between individual uses. Shared parking will be provided to meet the intent of the Knights Trail Planning Area. Cross access, parking and maintenance agreements will be in place for each tenant/end-user. In addition, parking facilities shall be subject to the following:

- (A) *Surfacing.* Parking areas may be hard surfaced with asphalt bituminous concrete, Portland cement concrete or other such material as approved by the City's Zoning Administrator. Grassed or other surfaces are approved for use in overflow areas or parking areas above the required minimums as specified above.

- (B) *Drainage.* Parking areas shall be drained so as not to cause any nuisance on adjoining or nearby properties.

- (C) *Landscaping between parking tiers.* Where tiers of interior parking spaces are proposed to abut one another, the parking areas shall be designed so as to have an area of not less than five feet in width maintained between such tiers. Such area shall be landscaped in accordance with Section K, below.

- (D) *Curb stops.* Curb stops or motor vehicle stops or similar devices shall not be required where tiers of interior parking spaces abut

a landscaped area that is ten feet or greater in width. In this event, vehicles may overhang interior landscaped areas. Curb stops shall be required to prevent vehicles from overhanging on or into adjacent property.

- (E) *Arrangement of spaces.* Parking areas shall be so arranged that any automobile may be parked and unparked without moving another, except for residential structures which may be designed to allow tandem parking for owners within a structure or in an associated driveway.
- (F) *Blockage prohibited.* No parking space may encroach, hinder or otherwise block a public or private roadway, walkway or sidewalk.
- (G) *Dimensions.* Each parking space shall be a minimum of nine feet in width by nineteen feet in length including a three foot bumper overhang of landscaped areas. Handicapped parking spaces shall comply with state statutes.



- (H) *Compact Cars.* Up to 30% of the required parking spaces may be designated for use by compact cars and may be eight feet in width by eighteen feet in length including a three foot bumper overhang of landscaped areas.
- (I) *Non-residential Loading areas.* Loading areas for non-residential uses shall be subject to the following:

(a) *General requirements; access.*

(i) Loading areas are required so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets, sidewalks and alleys by automotive vehicles or pedestrians and so that adequate space is available for the unloading and loading of goods, materials or other things for delivery and shipping.

(b) *Combined loading areas.* Collective, joint or combined provisions for loading areas for two or more buildings or uses may be made.

(c) *Number of spaces.* For each building, a minimum of the following loading spaces shall be provided and maintained:

<u>Aggregate Floor Area (square feet)</u>	<u>Number of Spaces</u>
Over 5,000 but not over 25,000	1
Over 25,000 but not over 60,000	2
Over 60,000 but not over 120,000	3
Over 120,000 but not over 200,000	4
Over 200,000 but not over 290,000	5
Plus one additional off-street loading space for each additional 90,000 square feet over 290,000 square feet or major fraction thereof.	

(J) *Required Number of Spaces for Parking.* The required minimum number of parking spaces for each use shall be:

- (a) Governmental uses, excluding infrastructure utilities: One space for every 200 square feet of floor area.
- (b) Community meeting rooms, auditoriums, arenas, community

centers, recreational facilities, libraries, halls, business center, conference center, private clubs and other places of public assembly: One space for every 200 square feet of floor area, or one space for every three seats, whichever is greater.

- (c) Retail and service establishments, with or without drive-thru facilities: One space for every 400 square feet of floor area.
- (d) Athletic clubs, gymnasiums, group instruction: One space for every 200 square feet of floor area.
- (e) Indoor motion picture theaters, theater for live stage productions, nightclubs: One space for every three seats.
- (f) Restaurants with or without drive-thru facilities: One space for every three seats.
- (g) Liquor stores with or without drive-thru facilities: One space for every 400 square feet of floor area.
- (h) Spas, salons, beauty shops, barbershops: Three spaces per chair.
- (i) Billiard parlors, bars, taverns for on-premises consumption of alcoholic beverages, bowling alleys with or without drive-thru facilities: One space for every three seats.
- (j) Art studios, antique shops: One space for every 400 square feet of floor area.
- (k) Parking lots and garages: not applicable.
- (l) Banks and financial institutions with or without drive-thru facilities: One space for every 300 square feet of floor area.
- (m) Open-air cafes as accessory to restaurants and taverns: One space for every three seats.
- (n) Residential single family detached homes: Two spaces for each dwelling unit.
- (o) Residential single family attached, paired villas, townhouses and multi-family homes: Two spaces for each dwelling unit.
- (p) Residential assisted living/adult congregate care facilities,

nurses' homes, nursing homes, rest homes, convalescent homes, homes for the aged, assisted living facilities and community residential home: One space for each dwelling unit with kitchen; one-half space for each dwelling unit without kitchen.

- (q) Hotels, motels: One space for each sleeping room.
- (r) Docks: One space for every three boat slips or moorings.
- (s) Business, medical, dental and professional offices and laboratories: One space for every 200 square feet of floor area.
- (t) Convenience stores with related fueling facilities/stations including drive-thru facilities, automotive convenience centers and automotive repairs: One space for every 200 square feet of floor area.
- (u) Houses of worship: One space for every three seats in the auditorium or chapel area.
- (v) Child care centers, kindergartens and infant care centers: One space for every seven children for which the facility is licensed.
- (w) Vocational, trade or business schools: One space for every four seats, or one space for every 250 square feet of floor area, whichever is greater.
- (x) Funeral homes: One space for every two seats in chapel.
- (y) Department stores, home improvement centers, major appliance stores, and furniture stores, with or without drive-thru facilities: One space for every 500 square feet of floor area.

The property owner reserves the right to determine the appropriate number of spaces based on specific tenants and to propose an alternative parking standard based on a parking study at the time of each site and development plan review and may exceed these minimum provisions to accommodate design, projected uses and tenant requirements.

(K) *Landscaping within Parking Areas.*

Landscaping within parking areas shall be consistent with the City of Venice Code Section 86-438 as of the approval of the CMU.

(L) *Pedestrian Circulation within Parking Areas*

Pedestrian Circulation within Parking Areas shall be consistent with the City of Venice Code Section 86-438 as of the approval of the CMU.

9. *Connectivity Standards:*

A sidewalk and pathway system shall be included within the District to implement the provisions of Policy 16.22 of the Future Land Use Element of the Comprehensive Plan. Sidewalks and pathways shall be a minimum of five (5) feet in width along all roadways adjoining residential and commercial uses. Where no use is proposed, the sidewalk and pathway may continue along only the side with active uses.

As provided in Policy 2.6 of the Housing and Neighborhood Development Element of the Comprehensive Plan, the residential component of the District may provide for a limited access community with the option of a manned or un-manned gate at the primary entrances and secondary gated entry points and access controls within the development that meet the emergency access requirements of the City of Venice.

The limited access/gated entries are planned to maintain consistency with the other nearby residential communities and to improve the sense of internal security for future residents.

All of the streets, access ways and roadways within the District are proposed to be privately maintained and not dedicated to the City of Venice for ownership or maintenance responsibility. All streets and drainage proposed will comply with Sec. 86-130 (n) (2) Streets and drainage facilities of the City Code of Ordinances.

The applicant shall provide full access to the District via Knights Trail Road at the earlier of: (i) project build-out; or (ii) prior to the issuance of the first certificate of occupancy for commercial space in excess of 100,000 square feet located in Planned Development Area #1. The

location of intersections are illustrated on the Master Development Plan.

10. *Engineering Standards*

(a) Infrastructure

Preliminary provisions have been made for streets, water, wastewater, stormwater and solid waste as required by the City of Venice Land Development Code. Water and wastewater infrastructure is presently available at the property. At present, the City's water and wastewater infrastructure has capacity to serve the project.

(b) Water and Wastewater

Water service sufficient to serve the project will be provided by the City of Venice by connection to an existing 16" water main within Laurel Road and connection to an existing 12" water main on Knight's Trail Road. Wastewater service will be provided by construction of an onsite lift station which will pump to an existing City of Venice 6" force main on Knight's Trail Road.

(c) Stormwater

Stormwater will be retained offsite in an adjoining development to the north, which has been permitted by SWFWMD to allow for all of the properties water runoff. The finish floor elevations of the structures shall be based on the engineering principal of providing adequate flood protection based on the site drainage system, not an arbitrary elevation based on the elevation of Laurel Road.

11. *Architectural Design Standards*

Architectural standards within Portofino shall be designed to complement the appropriate scale and mixture of development, as well as be consistent with the community character and design intent of the Portofino CMU District and the Knight's Trail Planning Area. Portofino will meet the Northern Mediterranean or Northern Italian Renaissance design standards as required by the adopted Comprehensive Plan.

Architectural design shall utilize Northern Italian Renaissance or Northern Mediterranean elements, with components that shall be of the overall quality of design and aesthetic appearance of the following developments, which were previously approved by the City of Venice and meet the City of Venice’s architectural design element, feature, and character standards (the “Comparables”):

- Bank of America Building – Located on north side of Venice Avenue
- The Shoppes at Laurel Square – Located on NW corner of Laurel Road and Knights Trail Road
- Plaza Venezia – Located on SW corner of Laurel Road and Pinebrooke Road
- CVS – Located on the SE corner of Laurel Road and Knights Trail Road



The intent of providing images of the foregoing Comparables is not to require the Petitioner to develop the retail components of the district utilizing all of the architectural elements featured within these developments, but to cite specific examples of the overall quality of design that shall be utilized at Portofino. Flexibility in architectural design elements, features and characteristics shall be afforded to allow national/regional users that typically wish to retain their prototypical design.

The following elements may be utilized, as appropriate, as accent features within the District to ensure the architecture at Portofino results in an aesthetically pleasing development and may include elements reflected in the illustrative graphics and photographs.

- Pavers – Pavers may be installed at critical design points within the development, such as entryways and pedestrian crosswalks as accent features.
- Landscape Islands with Vertical Plantings – To minimize the scale of larger structures, landscape islands with vertical plantings may be utilized.
- Accent Building Materials – The use of cultured stone, textured masonry units, mansard or hip tile or metal roofs and stucco banding may be utilized as accent features within the district.
- Architectural Features – The use of pergolas, corbels, raised roofs (primarily utilized at the corner of buildings) may be utilized.



The following developments demonstrate how architectural elements can be utilized as accent features to improve the overall aesthetic quality of a development, which is consistent with the Petitioner’s vision for Portofino:

- University Consumer Square - Located on NE corner of University Parkway and Honore Avenue
- Ranch Lake Plaza - Located on SE quadrant of SR 70 and I-75
- University Park Center - Located on NW corner of University Parkway and Honore Avenue



The Portofino CMU project identification area and project signage will demonstrate consistency with features of the site's overall architecture. The project identification area shall be consistent with the following conceptual design:



12. Stipulations

- (a) *2.0 Acre Property leased by the City of Venice to Habitat for Humanity* (“Habitat”).

Provided that Habitat intends to construct homes on the 2.0 Acre Property, concurrent with the development of the adjacent portion of the District, the Portofino CMU shall:

- (i) Stormwater – provide stormwater retention facilities which will be adequate for the improvements to Habitat.
- (ii) Parking – provide up to twenty (20) dedicated parking spaces to be used by Habitat.
- (iii) Solid Waste – provide a suitable location for a dumpster for solid waste collection.
- (iv) Access – provide legal access from a public street to Habitat as well as easements to utility connections (water sewer, electric).

- (b) *Advisory Board*. There shall be an Advisory Board (herein, “Advisory Board”) which shall consist of residents of Willow Chase and Venetian Golf & River Club (in equal numbers from each, for a combined total of six (6)) to advise the applicant on the concerns of the neighboring residential communities relative to architecture, buffers, and parking area landscape.

- (c) *Project Identification Area*. A project identification area of between 4,000 and 6,000 sq. ft. is to be located at the intersection of Laurel Road and Knights Trail Road as depicted on the conceptual graphic provided. The architectural columns shall be between 8 feet and 12 feet in height and between 4 feet and 6 feet in width at the signage area. The center wall between the architectural columns shall be no less than 6 feet in height.

To ensure proper sight triangle visibility and provide for the project identification sign and feature, no landscaping and buffering materials shall be required within the sight visibility triangles of the project identification area’s

architectural feature. Landscaping plans for the Project Identification Area shall be provided at the time of site and development plan approval, which will be generally consistent with the conceptual drawing contained herein and subject to modifications resulting from final engineering, utility location, easement location, etc., which are not known at this time.

- (d) *Public Transit Access*. Applicant will reasonably coordinate with Sarasota County Area Transit to facilitate public transit service to or within the District.
- (e) *Overnight Parking*. Vehicle, boat and recreational vehicle overnight parking shall be prohibited in commercial areas. Appropriate signage shall be installed confirming this requirement with the applicant being responsible for compliance.
- (f) *Security Cameras*. Unless previously installed by the applicant, retail users shall be required to install and monitor or record security camera footage covering the users’ associated parking areas.
- (g) *Deliveries*. Applicant shall request the following of all proposed commercial retail users:
 - i. Hours. Restrict all deliveries to daylight hours only.
 - ii. *Back-up Alarms*. Restrict all back-up alarms on delivery vehicles to silent laser type alarms or similar silent alarms.

Non-compliance with the foregoing stipulations by users shall not constitute grounds for recourse against the users.

- (g) *Extraordinary Traffic Exaction if Portofino Includes a Single User Retail Building of 120,000 square feet or greater of Floor Area*. In addition to payments required to mitigate impacts of the Portofino CMU identified in the

project transportation analysis, and in the event a single user retail building of 120,000 square feet or greater of Floor Area is built in the Portofino CMU, the Applicant shall be responsible for the direct construction costs (excluding such things as land acquisition costs, legal fees, etc.) to widen Laurel Road to four Lanes from the intersection of Knights Trail Road to the eastern most Portofino entry point, less the total of any required payments resulting from the transportation analysis and the costs of offsite transportation improvements.

At the time the Applicant is issued a building permit for a single user retail building of 120,000 square feet or greater of Floor Area, the Applicant shall engage a licensed professional engineer to complete a cost estimate for the direct construction costs. Within 30 days of receipt of the building permit, Applicant shall place in escrow with Sarasota County an amount equal to the direct construction costs, less the total of the required payments resulting from the transportation analysis and the costs of offsite transportation improvements. In the event the construction of the Laurel Road widening to four lanes is not completed within 36 months of deposit of the escrow funds with Sarasota County, the escrow funds shall be returned to the Applicant within 30 days of Applicant’s request for return of the funds and Applicant shall be released from any obligation relating to this extraordinary traffic exaction.

13. Proposed Code Modifications

The following summarizes the modifications to Section 86-97 included in this Portofino Rezoning Application:

- (a) Applicant proposes the permitted principal uses and structures as identified herein, which shall supersede Section 86-97(d).
- (b) Applicant proposes permitted accessory uses and structures as identified herein, which shall supersede Section 86-97(e).
- (c) Applicant proposes prohibited uses and structures as identified herein, which shall supersede Section 86-97(f).
- (d) In order to comply with the Knights Trail Planning Area requirements, Portofino features an internally focused design, which is created through the use of enhanced buffers. This is a modification to Section 86-97(j) as it relates to the following, "Building structures shall be designed in such a way that the pedestrian orientation along street frontage is established".
- (e) Applicant proposes modifications as identified herein to the sign standards included in Section 86-97(n). The modifications are necessary because the enhanced buffers included in the District impact visibility from surrounding streets and the existing sign standards in 86-97 would render the signs grossly inadequate.
- (f) Applicant proposes to modify Section 86-97(o), by proposing parking standards in lieu of a binding parking utilization study. The proposed parking standards for the Portofino CMU reflect standards in place and found to be acceptable for other similar uses in the City of Venice as exist in the City's adopted minimum parking standards.

Applicant has attempted to highlight all modifications to Section 86-97, which are included in the Portofino Rezoning Application. Notwithstanding anything herein to the contrary, in the event of a conflict between Section 86-97 and the Portofino Rezoning Application, the Portofino Rezoning Application shall control.

The modifications will serve the public interest by establishing a unified mixed use development, which will have the needed flexibility to meet the demands of the marketplace and thereby increase the ability of the Applicant to bring needed commercial uses to an area of the City of Venice, which is presently underserved.