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ESTABLISHED 1956

March 12, 2020

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**VIA HAND DELIVERY**

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

Re: 550 Substation Road, PID #0407100001 – Petition for Vested Rights

Dear Jeff:

As you are aware, we represent TP Three, LLC, ("TP Three"), property owner, in connection with the above-referenced matter. The above-referenced property ("Property") is zoned RMF-3 under the City Zoning Code ("Zoning Code"), and has a Future Land Use Designation of High Density Residential. Our client desires to confirm development of the Property pursuant to its RMF-3 zoning as a vested right.

City Code section 86-82, provides zoning standards for residential multi-family development. Sec. 86-82(a) *Generally; intent*, provides "The RMF districts are intended to be moderate to medium density districts, with emphasis on multiple-family use." Sec. 86-82(g)(1) *Maximum residential density*, permits RMF-3 zoned property to be developed with a maximum residential density of 13 units per acre.

The Property has been zoned RMF-3 for some time and its zoning designation was in place prior to the City's adoption of the 2017-2027 Comprehensive Plan. The 2017-2027 Comprehensive Plan assigned a Future Land Use designation for the Property of High Density Residential. The Future Land Use designation of High Density Residential provides for development of residential density of 13.1 – 18 units per acre.

Prior to the City's adoption of the 2017-2027 Comprehensive Plan, the City has consistently approved residential development on properties pursuant to their zoning designation which is lower than the prescribed density range of their Future Land Use designation, *e.g.*, a property with a residential density maximum of 13 units per acre could be developed below its Future Land Use residential density range of 13.1-18 units per acre. During the 2017-2017 Comprehensive Plan adoption process, TP Three relied in good faith that the City would continue to permit residential development on the Property at a lower density than the range prescribed by its Future Land Use designation of High Density Residential.

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Denial of a petition to develop the Property pursuant to its RMF-3 zoning would result in a substantial change in position for TP Three and would unjustly destroy its property rights afforded by its zoning. Under this new interpretation, TP Three will have to rezone the Property to a higher density zoning district or will have to amend the 2017-2027 Comprehensive Plan to place a Future Land Use designation of Low Density Residential or Moderate Density Residential to develop the Property. At this time, both the rezoning and comprehensive plan amendment processes take approximately a year and would cause TP Three to incur extensive obligations and expenses, with no guarantee that the rezoning or comprehensive plan amendment would be approved.

As such, we believe TP Three has sufficiently met the required criteria of Sec. 86-48 to substantiate a finding of a vested right – (1) a reliance in good faith upon some act or omission of the government; and (2) a substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.

Sec. 86-48(e) *Notice of public hearing*, requires a notice to the public to be advertised in a newspaper of general circulation in the City, at least once, 15 days in advance of the public hearing. Please run this advertisement so we may be scheduled for the next available City Council meeting.

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

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