



City of Venice  
401 West Venice Ave., Venice, FL 34285  
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING  
**ZONING MAP AMENDMENT APPLICATION**

**ZONING MAP AMENDMENT** 17-16RZ

**Project Name:** Murphy Oaks

**Parcel Identification No.:** 0399-04-0001

**Address:** Southeast Corner of N. Auburn Rd and Border Rd.

**Parcel Size:** 39.6 AC

**FLUM designation:** Auburn Rd to I-75 Neighborhood (JP/ILSBA Area No. 2a)

**Current Zoning:** OUE-1 **Proposed Zoning:** PUD

**Property Owner's Name:** SSD Land Holdings, LLC c/o Gregory Berryman

**Telephone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Mailing Address:** 9230 13th Avenue Circle NW, Bradenton, FL 34209

**Project Manager:** WRA Engineering, c/o Clint Cuffle, PE

**Telephone:** 813-265-3130

**Mobile / Fax:** 813-362-5088

**E-mail:** ccuffle@wraengineering.com

**Mailing Address:** 7978 Cooper Creek Blvd, Ste 102, University Park, FL, 34201

**Project Engineer :** Same as Project Manager

**Telephone:** \_\_\_\_\_

**Mobile / Fax:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Project Architect:** EnSite, Inc. c/o Jonathan Romine, RLA, CLARB

**Telephone:** 239-226-0024

**Mobile / Fax:** \_\_\_\_\_

**E-mail:** JonathanR@en-site.com

**Mailing Address:** 2401 First Street, Ste 201, Ft Myers, FL, 33901

*Incomplete applications cannot be processed - See reverse side for checklist*

**Applicant Signature / Date:** \_\_\_\_\_

*Clint Cuffle*  
*11/20/17*  
*V.P., WRA ENGINEERING*

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**NOV 20 2017**

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# APPLICATION CHECKLIST

Required documentation (provide one copy of the following, unless otherwise noted):

- ☒ Statement of Ownership & Control
- ☒ Signed, Sealed and Dated Survey of Property
- ☒ Agent Authorization Letter
- ☒ Narrative describing the petition
- ☒ Public Workshop Requirements. Date held 07/14/15
  - ☒ Copy of newspaper ad.
  - ☒ Copy of notice to property owners.
  - ☒ Copy of sign-in sheet.
  - ☒ Written summary of public workshop.

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.
- 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.
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

## Fees

Application filing fee \$2,908.

Application filing fee for the following zoning districts \$4,732: CMU, PUD, CSC, PCD, PID, RMH.

Public notice fee in excess of \$50 will be billed to applicant and is not included in application fee.

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November 27, 2017

Mr. Roger Clark, Planner  
City of Venice Planning and Zoning  
401 West Venice Avenue  
Venice, FL 34285

**RE:** PUD Rezone Petition Application for a 39.6 Acre  $\pm$  Parcel Located at the southeast corner of N. Auburn Road and Border Road – Murphy Oaks

Dear Mr. Clark,

Please find attached a Rezone Petition application, per the City of Venice requirements for your staff to review on the above-referenced property under the currently effective Comprehensive Plan. The proposed zoning change request concerns a 39.6 acre  $\pm$  parcel located on the southeastern corner of North Auburn Road and Border Road in Venice, Florida. The request proposes to rezone the subject parcel to a PUD (Planned Unit Development). The subject property contains one parcel, identified as PID No. 0399-04-0001. The subject parcel is currently operating as open, vacant land but has been used for agricultural in the past.

The subject parcel has a City of Venice future land use map designation of Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a) and falls within the Sub-Area 1 of the JPA area. Residential uses are allowed within this Sub-Area 1 at a maximum residential density of 3 Un/Ac which is higher than the proposed density of 2.66 Un/Ac. The project is being referred to as Murphy Oaks (fka Preserves of Venice). The Binding PUD Concept Plan found in **Attachment C** proposes a subdivision of 105 single family lots with over 50% of the site being set aside for open space.

Included in this package are the following items per the instruction packet:

- Attachment A - Application and Owner Affidavits signed
- Attachment B - Neighborhood Workshop Materials from Mtg. on July 14, 2015
- Attachment C – Binding PUD Concept Plan and Site Data Summary
- Attachment D - Environmental Study by ECO Consultants
- Attachment E - Traffic Impact Statement by Transportation Consultants, Inc.
- Attachment F - Survey, Buffer Sections, Site Rendering

4260 W. Linebaugh Avenue  
Tampa, Florida 33624  
Phone: 813-265-3130 Fax: 813-265-6610

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

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University Park, Florida 34201  
Phone: 941-275-9721 Fax: 813-265-6610

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## **PUD REZONE NARRATIVE**

### **A. Whether the proposed change is in conformity to the comprehensive plan.**

The subject property has a City of Venice future land use map designation of Auburn Road to I-75 Neighborhood (JP/ILSBA Area No. 2a) and falls within the Sub-Area 1 of the JPA area. This designation promotes timely development of urban services and compatibility with natural resources and community character. Water and sewer are available to the subject property.

The development proposes approximately 50.7% (+/-20.09 acres) of the site as designated open space to conserve to the greatest extent possible, environmental features on the site including significant trees. There are no jurisdictional wetlands on the subject property. Residential uses are allowed in Sub-Area 1 of this land use designation. Building height is limited to three stories/42 feet, however the applicant is proposing a maximum height of 35 feet.

Policy 18.4 of the JPA establishes neighborhood standards for the Auburn Road to I-75 area. Discussion of consistency with these criteria follows:

- A. Land Use Density - A maximum density of 3 units per acre  
The applicant proposes a maximum density of 2.66 units per acre.
- B. Up to 10% Accessory Non-Residential Uses  
Non-residential uses are not proposed.
- C. Maximum Height – 3 stories / 42 feet  
The applicant is proposing a maximum height of 35 feet except for Lots 1-5 & 34-67 which shall be limited to a single story home.
- D. Conservation and Open Space – Minimum 7.4 acres  
The applicant is proposing preservation of 20.09 acres of open space, representing approximately 50.7% of the site.

The proposed PUD is consistent with the Comprehensive Plan.

### **b. The existing land use pattern.**

The property is currently vacant and has mostly been used for agricultural purposes. The survey does indicate three, one-story wood structures on the property that will require demolition prior to development. The property is bordered to the west by N. Auburn Road, to the north by Border Road, to the east by I-75 and to the south by Fox Lea Drive, a two lane, shell road that provides access to the adjacent properties to the south. To the west of the site is the Sawgrass residential subdivision consisting of single-family homes and nine holes of the Waterford Golf Club. To the north and northwest of the site is vacant land and the Waterford subdivision consisting of single family homes and villas along with 18 holes of golf and the golf course maintenance area. To the east is Interstate 75 and a Florida Department of Transportation (FDOT) stormwater facility. To the south are multiple parcels that contain a single-family home and the Fox Lea Farm equestrian facility, all appearing to be under unified ownership.

Surrounding Property Information:

Existing uses, current zoning and the future land use designation of surrounding properties are provided in the following table.

Direction	Existing Land Use(s)	Existing Zoning District(s)	Future Land Use Map Designation(s)
North	Vacant Land and Waterford Subdivision and Golf Course Maintenance Area	Sarasota County Open Use Rural (OUR) and City of Venice (PUD)	Low Density Residential and Recreation and Open Space
West	Sawgrass Subdivision	Sarasota County (RSF-2)	Low Density Residential and Recreation and Open Space
South	Single Family Home and the Fox Lea Farm Equestrian Facility	Sarasota County (OUR)	Auburn Road to I-75 Neighborhood (JPA Area No. 2a, Sub Area 2) or Sarasota County Moderate Density Residential
East	Interstate 75	NA	NA

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

The PUD proposes single family residential development which is a common use of the surrounding area. The PUD does not create an isolated district and ensures the development of like uses of the surrounding 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 PUD density is to be less than the approved maximum density of 3 un/ac per the JP/ILSBA Area No. 2a and therefore has been planned through the City at the maximum density for public facilities. Concurrency has been reviewed by staff and adequate services are available to service the development.

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

There are no illogical boundaries in relation to existing conditions. The applicant is requesting a rezone to allow for residential development which is a common use of the surrounding area.

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

The current conditions of the residential market within the Sarasota / Venice area show the need for additional single family residential units.



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

Residential single family development is a logical use for the subject property. Properties to the west and south are developed as single family residential subdivisions, the property immediately north is currently vacant and the subject property abuts the I-75 corridor to the east. While limited distance buffers of 10' to 20' are required, the applicant is proposing perimeter buffers of 50 feet along the west and north property lines, forty feet along the south property line, and 100+ feet along the east property line. Additionally, the applicant is proposing 20.09 acres of open space, representing approximately 50.7% of the site area.

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

The Traffic Impact Study indicates no adverse impacts with regard to traffic congestion or public safety. While not required, a left turn lane on North Auburn Road is proposed by the applicant. A second emergency access is also proposed as an additional safety measures.

The applicant is requesting elimination of the Fox Lea Drive sidewalk requirement and replacing the Border Road sidewalk with an extension of the existing bicycle lane. Additionally, the applicant is proposing to relocate the North Auburn Road sidewalk from the right of way to an easement within the property in order to save existing trees. These efforts further reduce potential conflicts between pedestrian and vehicular movements, thereby increasing public safety.

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

The site design will include a master storm water management system to provide treatment and attenuation of generated storm water runoff. The proposed lakes will be constructed in phases, to ensure minimal disturbance to the surrounding area. The phases will consist of constructing the southern pond along the Fox Lea Drive boundary first and then dewatering the large middle pond into the southern pond to effectively balance the groundwater levels of the nearby adjacent land. The proposed development will not create a drainage problem as it the responsibility of the engineer of record to ensure that this project will not negatively affect offsite properties to both the City of Venice and the Southwest Florida Water Management District.

**j. Whether the proposed change will seriously reduce light and air to adjacent areas.**

The proposed development will not reduce light and air to adjacent areas. Through the preservation of approximately 50% of the site as open space and substantial buffers proposed along the property perimeters, there will be no adverse impacts to the surrounding area.

**k. Whether the proposed change will adversely affect property values in the adjacent area.**

The proposed development is proposed to be a self-contained, private, master planned community with large buffers controlling its presence from external public ROWs. Therefore, this project will be considered a standalone community.

**l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.**

The proposed development will be a standalone, self-contained community. The adjacent properties are already developed.

**m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

The proposed development does not constitute a grant of special privilege. It benefits the public by offering additional housing options.

**n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

The applicant is seeking development of a residential community that incorporates large spans of open space, preservation of significant trees and substantial buffers. To accommodate these amenities, several exceptions to regulation are needed and are part of this application. The PUD process enables the applicant to demonstrate creativity and innovation in site design that ensures consistency in meeting regulatory intent while allowing for exceptions to the Code that will not create public safety or welfare concerns. The proposed exceptions will provide public benefit through extension of pedestrian walkways and tree preservation.

**o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

The proposed project is under the allowed units of 3 per acre per the City's comprehensive plan and hence is within scale of the needs that are prescribed by the City and neighborhood.

**p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.**

The proposed development is in keeping with the use, form and placement of the residential developments of the area.. Through exceptional preservation of open space and trees, and through the provision of more than adequate buffers, the proposed development creates a unique community that is appropriately placed.

**Offered Stipulations**

As part of this PUD Rezone Application, the Applicant proffers the following stipulations:

1. An updated listed species survey must be conducted prior to any construction.



2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.
4. The applicant must obtain all applicable state and federal environmental permits prior to construction.
5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.
6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.
7. The applicant shall record a Notice of Proximity in the Official Records of Sarasota County in the chain of title prior to the Final Plat approval, notifying all future purchasers of lots or homes within the subdivision of the proximity of their property to Interstate I-75; and notifying them of the proximity of their property to the adjacent Fox Lea Farms as an equestrian stable and riding academy which conducts national horse show events. Said Notice of Proximity shall also be delivered to potential purchasers prior to their entering into a binding contract, as part of the presale written materials, and it shall be included in the homeowner association documents.
8. The maximum height of structures on the southern and eastern boundaries and that back up to North Auburn Road (Lots 1-5 & 34-67) shall be limited to one (1) story or twenty-five (25) feet. The maximum height of all structures shall not exceed two stories in height with a maximum of 35'.
9. The applicants shall record an express prohibition on the use of fireworks in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger the noise of fireworks poses to the health and temperament of animals and humans and the risk of danger to nearby equestrians.
10. Neither the applicant nor its contractors shall burn any trash or waste materials on the subject property in the course of construction; nor shall the City issue any permits authorizing same. The applicants shall record an express prohibition on the burning of trash or waste materials in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger that smoke poses to the



health and temperament of animals and humans. This restriction shall not preclude homeowners from using outdoor barbeques for cooking.

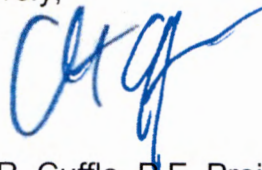
11. The applicant shall incorporate into the homeowner documents an express prohibition on the use of outdoor sound speakers applicable to the lots on the southern boundary. This prohibition shall not apply to fire and burglar alarms; however, the speakers for such alarms shall be oriented toward the north unless otherwise required for health and safety reasons.
12. No storm water or other drainage from the subdivision site shall be discharged into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way.
13. There shall be no vehicular or pedestrian access connecting the subdivision to Fox Lea Drive.
14. The project will achieve 90% opacity when viewed from N. Auburn Road to a height to shield the view up to the soffit level within three years of the start of construction.
15. The developer shall incorporate into the homeowner association documents and express prohibition on the launching of drones or radio-controlled aircraft from within the development which would fly over Fox Lea Farm, unless permission is received in writing from Fox Lea Farm.
16. The Master Surface Water Management Plan shall be consistent with the Curry Creek Basin Master plans.
17. All stormwater treatment shall be open and above ground.
18. The buffers surrounding the site shall be as shown on the PUD Concept Plan and be landscaped per the provided landscape plans.
19. Elimination of the Fox Lea Drive sidewalk requirement and replacing the Border Road sidewalk with an extension of the existing bicycle lane.

## Conclusion

In conclusion, the proposed project is consistent with the City of Venice Comprehensive Plan. Furthermore, the rezoning is consistent based upon the location of this parcel near the interstate and adjacent residential communities. The parcel size is adequate to accommodate the density of 105 single family homes as a unified development. This project adheres to the safeguards already contained in the adopted Comprehensive Plan.

Please review this package for completeness. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,  
WRA



Clint R. Cuffle, P.E., Project Agent

W/Attachments