



E G (DAN) BOONE  
JEFFERY A BOONE  
STEPHEN K BOONE  
JOHN S KODA  
JACKSON R BOONE  
STUART S BOONE

JAMES T COLLINS, LAND PLANNER  
(NOT A MEMBER OF THE FLORIDA BAR)

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October 11, 2018

**VIA HAND DELIVERY**

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

Re: Jewish Community Center of Venice, Inc. – Columbarium Zoning Determination  
Letter Addendum

Dear Jeff:

As you are aware, we represent Jewish Community Center of Venice, Inc., property owners, in connection with the above-referenced matter.

Also, as you are aware, our client desires to confirm the status of “columbarium” as a permitted accessory use within the parcel of which they own, per our Zoning Determination Letter request to you of October 2, 2018. Please accept this letter as an addendum to the October 2, 2018, letter.

Our client’s property (the “Property”) is located at 600 N. Auburn Road and has a Parcel Identification Number of 0400050001. Prior to the Property’s annexation into the City of Venice (the “City”), a Special Exception was approved by Sarasota County to allow a “House of Worship with Child Care Center in the OUE-1 [Open Use, Estate, 1 unit/5 acres] zone district” (enclosed). This Special Exception, approved December 19, 2000, contained a Development Concept Plan in which a portion of the Property was designated as “Cemetery”.

The Property was subsequently annexed into the City on February 26, 2002, by Annexation Agreement No. 01-9AN/Ordinance No. 2002-16 (enclosed).

Zoning Map Amendment Petition No. 03-1RZ (enclosed) was later filed to rezone the Property to RSF-1 under the City’s zoning code. Minutes from the April 15, 2003, Planning Commission Meeting contain testimony from Planning Administrator Tom Slaughter confirming “the proposed Zoning District is residential single family (RSF) in which a house of worship would be a principal permitted use.” Said petition was recommended for approval by the Planning

Commission and later approved by the City Council on May 13, 2003, (meeting minutes enclosed). During said City Council meeting, Deputy City Manager Marty Black provided testimony that "the proposed zoning of Residential, Single Family-1 will allow the existing community center to maintain its operations at the existing site."

At the time of the rezoning approval, City Code Section 122-343 "RSF residential single-family district" section (a) "Generally; intent" provided that "certain structures and uses designed to serve governmental, education, religious, noncommercial and other immediate needs of such areas are permitted or are permissible as special exceptions within such districts, subject to restrictions and requirements necessary to preserve and protect their single-family character." Section 122-343(c) also provided for "Permitted accessory uses and structures" to uses and structures determined to be permitted under Section 122-343.

As stated above, based upon the testimony provided by Planning Administrator Slaughter, the house of worship was determined to be, and approved as, a principal permitted use on the Property. Further, as evidenced by Deputy Manager Black's above testimony to City Council, in combination with the absence of a City Special Exception filed for the Property, it was determined that the operations allowed to be maintained at "the existing site" were "permitted accessory uses and structures" under Section 122-343(c). Therefore, the portion of the Property designated as "Cemetery" was determined to be a "permitted accessory use" as set forward by Section 122-343(c).

When reviewing Section 122-343(e) "Special exceptions" of the City Code at the time of the rezoning approval, section 6 provides "Cemeteries, columbariums and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property." As "Cemeteries" and "columbariums" are contained within the same section, they must constitute a synonymous use. Therefore, where a "Cemetery" is found to be a permitted accessory use, "columbarium" must also be included as a permitted accessory use and structure.

The current City of Venice Zoning Code still provides for "Permitted accessory uses and structures" to be allowed within the RSF residential single-family district. Section 86-81(c)(1) provides that "Permitted accessory uses and structures in the RSF district are uses and structures which: (1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures."

It is our belief that the addition of a columbarium would be in continuation with the approved "Cemetery" permitted accessory use on site, and would be in compliance with Section 86-81(c)(1) "Permitted accessory uses and structures" as "...customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures."

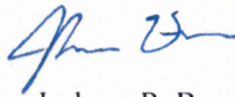
Mr. Jeff Shrum, AICP  
Community Development Director  
October 11, 2018  
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Please accept this letter as our request, on behalf of our client, for a letter from you providing confirmation of the addition of a columbarium as a permitted accessory use to "Cemetery" under the approved Special Exception for our client's property. We have enclosed herewith the required \$86.00 fee for this request.

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

Kind regards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Boone", is positioned above the printed name.

Jackson R. Boone

Jrb

Enclosure(s)

JRB\zoningdeterminationltr10 10 18

**Sec. 122-343. RSF residential, single-family district.**

- (a) *Generally; intent.* The RSF districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all districts. Variation among the RSF-1, RSF-2, RSF-3 and RSF-4 districts is in requirements for lot area, width and certain yards. Certain structures and uses designed to serve governmental, educational, religious, noncommercial recreational and other immediate needs of such areas are permitted or are permissible as special exceptions within such districts, subject to restrictions and requirements necessary to preserve and protect their single-family residential character. Regulations for the RSF districts are as provided in this section. See also the supplementary district regulations set out in article V of this chapter.
- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the RSF district are:
  - (1) One single-family dwelling per lot (see the definition for "Dwelling, one-family" in section 122-5).
  - (2) Public elementary and high schools with conventional academic curriculums, and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.
  - (3) Parks, playgrounds, playfields and city buildings in keeping with the character and requirements of the district, and public libraries.
  - (4) Essential services (see section 122-401).
  - (5) Existing railroad rights-of-way.
  - (6) Community residential homes having six or fewer residents.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the RSF district are the same as for the RE district, except that the following shall be substituted for subsection (c)(5) of section 122-342: "Do not involve operations or structures not in keeping with the character of a single-family neighborhood."
- (d) *Prohibited uses and structures.* Prohibited uses and structures in the RSF district are the same as for the RE district.
- (e) *Special exceptions.* The following special exceptions are permissible in the RSF district after public notice and hearing by the planning commission, subject to the provisions of article II, division 7 of this chapter: The same as for the RE district, except that public parks, playgrounds, playfields, city buildings and essential services are permitted uses, and in addition:
  - (1) Cluster housing (see section 122-724 and the definition for "Cluster housing" in section 122-5), provided that:
    - a. Minimum area for development is five acres.
    - b. A site and development plan is required (see article II, division 6 of this chapter).



- c. Total developed density shall not exceed that of the RSF district in which the cluster housing is located.
- (2) In RSF-3 and RSF-4 districts only, townhouses (see section 122-724 and the definition for "Townhouse" in section 122-5), provided:
  - a. Site and development plan approval is required (see article II, division 6 of this chapter).
  - b. Total developed density shall not exceed that of the RSF district in which the townhouses are to be located.
- (3) Patio houses (see section 122-725 and the definition of "Patio houses" in section 122-5), provided that a site and development plan is required (see article II, division 6 of this chapter).
- (4) Nursing homes and homes for the aged, provided that no structure shall be closer than 50 feet to any boundary line of the property and no off-street parking shall be located closer than 25 feet to any boundary line of the property. A landscaped buffer is required on all nonstreet property lines as per of article V, division 3, subdivision III of this chapter.
- (5) When these districts adjoin a commercial or office district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or office uses, provided that:
  - a. Such parking lots may be permitted only between the commercial or office district.
  - b. A landscaped buffer area is required on all nonstreet property lines (see article V, division 3, subdivision III of this chapter).
  - c. No source of illumination for such lots shall be directly visible from any adjoining residential property.
  - d. No movement of vehicles is permitted on such lots between the hours of 10:00 p.m. and 7:00 a.m., and greater limitations may be imposed where so required.
  - e. There shall be no sales, sales display or service activity of any kind; no commercial renting or selling of spaces for any period of less than one week; no parking of automotive vehicles other than passenger automobiles; and no parking of automobiles for periods of longer than 24 hours.
- (6) Cemeteries, columbariums and mausoleums, provided that no grave, monument or structure shall be closer than 25 feet to any boundary line of the property.
- (7) Infant care centers on property within 200 feet of any land zoned for nonresidential uses.
- (f) *Maximum residential density.* (See the definition for "Density, residential dwelling" in section 122-5.) Maximum number of dwelling units per acre in the RSF district is:

- (1) RSF-1: 2.5.
  - (2) RSF-2: 3.5.
  - (3) RSF-3: 4.5.
  - (4) RSF-4: 5.5.
- (g) *Minimum lot requirements (area and width).* (See the definitions for "Lot" and "Lot measurement, width" in section 122-5; see also section 122-272.) Minimum lot requirements in the RSF district are:
- (1) Single-family dwellings:
    - a. RSF-1: Width, 100 feet; area, 15,000 square feet.
    - b. RSF-2: Width, 80 feet; area, 10,000 square feet.
    - c. RSF-3: Width, 75 feet; area, 7,500 square feet.
    - d. RSF-4: Width, 50 feet; area, 5,000 square feet.
  - (2) Cluster housing and townhouses: None, provided the minimum area for development of cluster housing shall be five acres.
  - (3) Other permitted or permissible uses and structures: None, except as needed to meet all other requirements set out in this section.
- (h) *Maximum lot coverage by all buildings.* (Includes accessory buildings; see the definition for "Coverage of a lot by buildings" in section 122-5.) Maximum lot coverage in the RSF district is:
- (1) Single-family dwellings and their accessory buildings:
    - a. RSF-1 and 2: 30 percent.
    - b. RSF-3 and 4: 35 percent.
  - (2) Cluster housing or townhouses: 30 percent.
  - (3) Other permitted or permissible buildings in connection with permitted or permissible uses, including accessory buildings: 25 percent.
- (i) *Minimum yard requirements.* (For definitions of depth of front and rear yards and width of side yards, see the various yard definitions in section 122-5.) Minimum yard requirements in the RSF district are:
- (1) Single-family dwellings:
    - a. Front yard: 20 feet.
    - b. Side yard:
      1. RSF-1 and 2: Eight feet minimum, but in no case less than 18 feet combined side yards.
      2. RSF-3 and 4: Six feet minimum, but in no case less than 15 feet combined side yards.

- c. Rear yard: Ten feet.
  - d. Waterfront yards: 20 feet (for Gulf of Mexico frontage, see section 122-692).
- (2) Cluster housing: As for single-family dwellings, except that internal side yards are subject to the following: No minimum except that adjacent structures shall be separated by at least:
  - a. RSF-1 and 2: 20 feet.
  - b. RSF-3 and 4: 15 feet.
- (3) Townhouses: As for single-family dwellings, except that there is no minimum side yard (see the definition for "Townhouse" in section 122-5).
- (4) Patio houses: As for single-family dwellings, except for side yards see section 122-725.
- (5) Other permitted or permissible structures: As for single-family dwellings in the RSF-1 district unless otherwise specified.
- (j) *Maximum height of structures.* (See section 122-394.) No portion of a structure shall exceed 35 feet in the RSF district, except as permissible by special exception.
- (k) *Limitations on signs.* (See also, generally, article V, division 4 of this chapter.) No signs are permitted in the RSF district except as for the RE district, and in addition:
  - (1) One wall or ground sign not over eight square feet in area on each street side for a nursing home, child care center or kindergarten.
  - (2) On a lot containing a permitted or permissible nonresidential use, not more than two temporary signs or banners each with a surface area not exceeding 12 square feet in connection with special events, subject to the provisions of section 122-556.
  - (3) For home occupations, where permissible, one nonilluminated sign as provided in section 122-403.

(Code 1982, § 20-6.1; Ord. No. 97-40, § 2, 6-24-97)

**Sec. 122-342. RE residential, estate (single-family) district.**

- (a) *Generally; intent.* The RE district is intended to provide for very low density, highly restricted, large-lot, estate-type developments. Regulations for the RE district are as provided in this section. See also the supplementary district regulations set out in article V of this chapter.
- (b) *Permitted principal uses and structures.* Permitted principal uses and structures in the RE district are:
  - (1) One single-family dwelling per lot (see the definition for "Dwelling, one-family" in section 122-5).
  - (2) Existing railroad rights-of-way.
  - (3) Community residential homes having six or fewer residents.
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in the RE district are uses and structures which:
  - (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
  - (2) Do not involve the conduct of business on the premises, provided that accessory home occupations in accordance with section 122-403 shall be allowed.
  - (3) Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership.
  - (4) Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
  - (5) Do not involve operations or structures not in keeping with the character of a single-family, residential estate development.

Noncommercial plant nurseries and greenhouses, servants' quarters, private garages, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks (subject to the provisions of section 122-693) and the like are permitted in these districts.

- (d) *Prohibited uses and structures.* Any use or structure not specifically, provisionally or by reasonable implication permitted in this section, or permissible by special exception, is prohibited in the RE district.
- (e) *Special exceptions.* The following special exceptions are permissible in the RE district after public notice and hearing by the planning commission, subject to the provisions of article II, division 7 of this chapter:
  - (1) Golf course and country club, not including miniature golf courses or practice driving ranges, provided the total area is at least 110 acres of land in one parcel, and that any required parking area is located at least 100 feet and any building or structure is located at least 300 feet from any other residentially

zoned property.

- (2) Par 3 golf course, provided that the total area is at least 60 acres of land in one parcel and that any required parking area is located at least 100 feet from any other residentially zoned property.
  - (3) Yacht club, provided that any required parking area is at least 100 feet and any building or structure is at least 200 feet from any other residentially zoned property.
  - (4) Tennis club.
  - (5) Houses of worship (except temporary revival establishments), provided the minimum parcel size shall be two acres.
  - (6) Not more than one attached or detached guesthouse for each permitted single-family dwelling.
  - (7) Parks, playgrounds and playfields or recreational or community structures maintained by any private association of persons resident in the district.
  - (8) Essential services (see section 122-401.)
  - (9) Antennas for permitted, permissible or accessory uses in excess of 35 feet in height.
  - (10) Community residential homes having from seven to ten residents, provided:
    - a. The manager or a designated supervisory staff member shall be on the premises at all times.
    - b. No alterations may be made to the exterior of the structure that are not in character with the residential, single-family neighborhood.
- (f) *Maximum residential density.* (See the definition for "Density, residential dwelling" in section 122-5.) Maximum number of dwelling units per acre in the RE district is one unit per acre.
- (g) *Minimum lot requirements (area and width).* (See the definitions for "Lot" and "Lot measurement, width" in section 122-5; see also section 122-272.) Minimum lot requirements in the RE district for all uses, unless otherwise specifically required, are:
- (1) Width: 100 feet.
  - (2) Area: One acre.
- (h) *Maximum lot coverage by all buildings.* (Includes accessory buildings; see the definition for "Coverage of a lot by buildings" in section 122-5.) Maximum lot coverage in the RE district is:
- (1) Single-family dwellings and their accessory buildings: 25 percent.
  - (2) Other permissible buildings in connection with permissible uses, including accessory buildings: 20 percent.
- (i) *Minimum yard requirements.* (For definitions of depth of front and rear yards and width

of side yards, see the various yard definitions in section 122-5.) Minimum yard requirements in the RE district are:

- (1) Setback lines: See article V, division 3, subdivision III of this chapter.
  - (2) Single-family dwellings:
    - a. Front yard: 25 feet.
    - b. Side yard: Ten feet.
    - c. Rear yard: 20 feet.
    - d. Waterfront yards: 20 feet (for Gulf of Mexico frontage, see section 122-692).
  - (3) Other permissible structures: As for single-family dwellings unless otherwise specified.
- (j) *Maximum height of structures.* (See section 122-394.) No portion of a structure shall exceed 35 feet in the RE district, except as permissible by special exception.
- (k) *Limitations on signs.* (See also, generally, article V, division 4 of this chapter.) No signs are permitted in the RE district except:
- (1) Exempt signs under section 122-582(a)(2), (3), (5), (6), (7), (8) and (b).
  - (2) One nonilluminated temporary construction project ground sign per street frontage, not exceeding 16 square feet in area, such sign not to be erected more than 60 days prior to the time actual construction begins, and to be removed upon completion of actual construction. If construction is not begun within 60 days or if construction is not continuously and actively prosecuted to completion, the sign shall be removed.
  - (3) Identification signs for entryways of subdivisions. Such signs shall contain only the name of the subdivision and shall not contain promotional or sales material. Lettered portions of such signs shall not exceed 12 square feet.
  - (4) One nonilluminated sign, not to exceed four square feet in area per face, to advertise the sale, lease or rental of the property on which the sign is located.
  - (5) Two nonilluminated subdivision ground signs, each having an area not to exceed 32 square feet, on a subdivision property while under development to advertise the sale of lots or new houses, provided such subdivision has an area of at least four acres, and provided further that such signs shall be removed when all of the individual lots or houses have been sold.
  - (6) On a lot containing a permissible nonresidential use, other than an accessory use, one identification wall sign not exceeding 12 square feet in area and one bulletin, ground or wall sign not over 20 square feet in area for each street side.
  - (7) For community residential homes, one wall or projecting sign not to exceed two square feet in area located adjacent to the main entrance of the facility.

No sign permitted in this subsection shall be erected or maintained within 20 feet of any adjacent residential property line.

(Code 1982, § 20-6.1; Ord. No. 97-32, §§ 2, 3, 5-13-97)



MINUTES OF A REGULAR MEETING  
CITY COUNCIL, VENICE, FLORIDA

MAY 13, 2003

A Regular Meeting of the City Council was held this date in Council Chambers at City Hall. The meeting was called to order by Mayor Dean Calamaras at 1:32 p.m.

**ELECTED OFFICIALS AND OTHERS PRESENT**

Roll was called with the following elected officials present: Mayor Dean Calamaras, Vice-Mayor Rick Tacy, and Councilmembers John K. Moore, Virginia Warren, Jim Myers, Burton C. Brown, and David Farley.

Also present: City Attorney Bob Anderson, City Clerk Lori Stelzer, Finance Director Michael McPhail, City Manager George Hunt, Recording Secretary Marta Skol, and for certain items on the Agenda: Deputy City Manager Marty Black and Planning Administrator Tom Slaughter.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was offered by City Clerk Lori Stelzer followed by the Pledge of Allegiance led by Mayor Calamaras.

**I. SWEARING-IN**

Mayor Calamaras swore in Michael Brantley, Firemedic, Venice Fire Department.

**II. PROCLAMATION**

Mayor Calamaras presented Police Chief Jim Hanks with a Proclamation designating *Law Enforcement Officers Memorial Week*, May 12-16, 2003.

Mayor Calamaras presented Vice Flotilla 86 Commander, Denis Keyes with a Proclamation designating *Safe Boating Week*, May 17-23, 2003.

Mayor Calamaras presented Sarasota County Bicycle/Pedestrian Coordinator, Alex Boudreau, with a Proclamation Designating *Bicycle Month*, May 2003.

Mayor Calamaras presented Assistant City Engineer Chris Sharek, with a Proclamation Designating *National Public Works Week*, May 18-24, 2003.

**III. RECOGNITION**

Christine Griffith, School Health Supervisor, Health Department, presented Mike Guley, CEO, Bon Secour's Venice Hospital, Candace Millington, Principal, Venice High School (VHS), Sherri

Reynolds, Supervisor, Pupil Support Services, School Board, and Kendra Buchanan, RN Assigned at VHS, with a Plaque acknowledging Bon Secour's Venice Hospital's role in providing a full-time registered nurse at VHS.

Mayor Calamaras presented a Certificate of Recognition to Gary Nelson, WCI Communities, Inc. acknowledging first installment of \$200,000.

#### **IV. SERVICE AWARD**

Mayor Calamaras presented a 20-year Service Award to Johnnie Poole, Solid Waste Foreman, Public Works Department.

#### **V. EMPLOYEE RECOGNITION**

Mayor Calamaras presented a Certificate of Recognition to Bill Britton, Heavy Equipment Operator, Public Works Department, for winning *1<sup>st</sup> Place in the Roll-Off Competition Solid Waste Association of North America, Road- E-0.*

#### **VI. APPOINTMENT**

Mr. Brown moved to approve the Mayor's recommendation for appointment of John K. Moore to the Sarasota County Tourist Development Council, subject to Commission ratification, effective September 1, 2003. Seconded by Mr. Tacy. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

#### **VII. APPROVAL OF MINUTES**

Mr. Farley moved that the Minutes of the Regular Meeting and those of a Special Meeting, both held April 22, 2003 be approved, subject to County Commission ratification. Seconded by Mr. Moore. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

#### **VIII. AUDIENCE PARTICIPATION**

No one in the audience came forward to speak on any issue.

#### **IX. PUBLIC HEARING - AMENDING THE COMPREHENSIVE PLAN OF THE FUTURE LAND USE MAP FOR VILLAGE ON THE ISLE, 950 COOPER STREET, FROM INSTITUTIONAL, PROFESSIONAL TO MODERATE DENSITY RESIDENTIAL - APPROVED**

Ms. Stelzer read the Notice of Public Hearing. Mayor Calamaras opened the public hearing. Ms. Stelzer stated no written communications had been received in favor or in opposition to the petition.

Presentation

(1:58) Mr. Slaughter indicated the petition is for a comprehensive plan amendment on a 4.52± acre property south of US 41 Business on the island of Venice, north of Field Avenue, and former home of Eye Surgery Center. The applicant's intent is to propose Multi-Family Residential. Mr. Slaughter explained Standards of Review and stated compliance with Department of Community Affairs' requirements and consistency with the Comprehensive Plan, with no outstanding technical issues. Planning Commission has recommended approval with no stipulations.

Petitioner

Gregg Roberts, Attorney, South West Florida Retirement Center (a.k.a.) Village on the Isle, concurred with Mr. Slaughter's presentation and requested approval of the petition.

No one in the audience came forward to speak on the issue. Mayor Calamaras closed the public hearing.

**X. ORDINANCE NO. 2003-11, AMENDING THE COMPREHENSIVE PLAN OF THE FUTURE LAND USE MAP FOR VILLAGE ON THE ISLE, 950 COOPER STREET, FROM INSTITUTIONAL, PROFESSIONAL TO MODERATE DENSITY RESIDENTIAL - APPROVED ON FIRST READING**

(2:00) Ms. Stelzer read the ordinance by title only.

Mr. Tacy moved that Ordinance No. 2003-11 be approved on first reading. Seconded by Mr. Myers.

ROLL CALL: MR. FARLEY, YES; MR. MOORE, YES; MR. TACY, YES; MR. MYERS, YES; MS. WARREN, YES; MR. BROWN, RECUSED; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XI. PUBLIC HEARING - REZONING VILLAGE ON THE ISLE, REZONE PETITION 03-2RZ FROM OFFICE, PROFESSIONAL, INSTITUTIONAL TO RESIDENTIAL, MULTI-FAMILY-3**

(2:02) Mayor Calamaras announced this is a quasi-judicial proceeding. Ms. Stelzer read the Notice of Public Hearing. Mayor Calamaras opened the public hearing. Ms. Stelzer stated no written communications had been received in favor or in opposition to the petition and swore in all those who would offer testimony.

Presentation

Mr. Slaughter, being duly sworn, indicated that upon adoption of the comprehensive plan amendment, implementation of land development code rezoning is a requirement. The property is

currently zoned Professional, Institutional and it is the applicant's intent to rezone it to Residential, Multi-Family. Mr. Slaughter explained standards of review and noted consistency with the Comprehensive Plan and the Zoning Code. The Planning Commission has recommended three stipulations:

1. That maximum height of the building to be 35 feet over ten feet of parking;
2. Consistency with the Venetian Gateway architectural standards; and
3. Vegetative buffer and transportation access along Field Avenue to be reviewed at time of site and development plan review by Planning Commission.

Petitioner

Gregg Roberts, Attorney, South West Florida Retirement Center (a.k.a.) Village on the Isle, being duly sworn, concurred with staff's presentation. Mr. Roberts stated agreement with the proposed stipulations.

In response to Mr. Myers, Mr. Roberts informed council that negotiations are under way for the purchase of the property and construction is expected to commence late summer, early fall; however, no price range is available at this time.

No one in the audience came forward to speak on the rezone. Mayor Calamaras closed the public hearing.

Councilmembers indicated no ex-parte communications had been received relative to the rezone petition.

**XII. ORDINANCE NO. 2003-12, REZONING VILLAGE ON THE ISLE, REZONE PETITION 03-2RZ FROM OFFICE, PROFESSIONAL, INSTITUTIONAL TO RESIDENTIAL, MULTI-FAMILY-3 - APPROVED ON FIRST READING**

(2:07) Ms. Stelzer read the ordinance by title only.

Mr. Farley moved that Ordinance No. 2003-12 be approved on first reading. Seconded by Mr. Myers.

ROLL CALL: MR. FARLEY, YES; MR. BROWN, RECUSED; MR. MOORE, YES; MS. WARREN, YES; MR. MYERS, YES; MR. TACY, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XIII. REZONING JEWISH COMMUNITY CENTER, REZONE PETITION 03-1RZ, FROM OPEN USE ESTATE, TO RESIDENTIAL, SINGLE FAMILY-1**

(2:08) Mayor Calamaras announced this is a quasi-judicial proceeding and opened the public hearing. Ms. Stelzer stated no written communications had been received in favor or in opposition

to the petition and swore in all those who would offer testimony. Ms. Stelzer read the Notice of Public Hearing.

Presentation

Mr. Black, being duly sworn, noted that the property is on Auburn Road across from the Sawgrass development and adjoins Venice Acres to the south. The property is 10± acres and is developed for the community center uses; currently served with city water. Improvements have been approved by the city's Building Division. The application reflects the existing facilities and the proposed zoning of Residential, Single Family-1 will allow the existing community center to maintain its operations at the existing site. Consistency has been determined with the Land Use Map by the Planning Commission. Mr. Black explained Standards of Review and stated consistency with the pre-annexation agreement as adopted by city council and the Zoning Code, with no outstanding technical issues or stipulations.

Petitioner

Jeff Boone, Boone Law Firm, being duly sworn, reiterated Mr. Black's comments indicating the site is 10.32± acres and was annexed into the city last year. Currently it is under Sarasota County zoning classification Open Use, Estate-1. The rezone petition is for compliance with City of Venice requirements under the pre-annexation agreement. The petitioner intends to continue operating as a community center.

No one in the audience came forward to speak on the petition. Mayor Calamaras closed the public hearing.

Councilmembers indicated no ex-parte communications had been received relative to the rezone petition.

**XIV. ORDINANCE NO. 2003-13, REZONING JEWISH COMMUNITY CENTER, REZONE PETITION 03-1RZ, FROM OPEN USE ESTATE, TO RESIDENTIAL, SINGLE FAMILY-1 - APPROVED ON FIRST READING**

(2:14) Ms. Stelzer read the ordinance by title only.

Mr. Farley moved that Ordinance No. 2003-13 be approved on first reading. Seconded by Mr. Tacy.

ROLL CALL: MR. BROWN, YES; MR. MYERS, YES; MR. FARLEY, YES; MR. MOORE, YES; MR. TACY, YES; MS. WARREN, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XV. ORDINANCE NO. 2003-10, ANNEXING 918 SUNSET DRIVE AND SUNSET DRIVE BEACH ACCESS, GULF SHORES ASSOCIATION, INC. - APPROVED AND ADOPTED**



Mr. Brown moved that Ordinance No. 2003-10 be placed on final reading. Seconded by Mr. Farley. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Ms. Stelzer read the Ordinance by title only. Mayor Calamaras opened the public hearing. Ms. Stelzer stated no written communications had been received in favor or in opposition to the ordinance.

No one from the audience came forward to speak on this issue. Mayor Calamaras closed the public hearing.

Ms. Warren moved that Ordinance No. 2003-10 be approved and adopted. Seconded by Mr. Moore.

ROLL CALL: MS. WARREN, YES; MR. MOORE, YES; MR. FARLEY, YES; MR. TACY, YES; MR. MYERS, YES; MR. BROWN, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XVI. RESOLUTION NO. 2003-13, TURNOVER OF UTILITIES FOR COURTYARDS AT GONDOLA PARK - APPROVED AND ADOPTED**

(2:17) Ms. Stelzer read the Resolution by title only.

Mr. Farley moved that Resolution No. 2003-13 be approved and adopted. Seconded by Mr. Tacy.

ROLL CALL VOTE: MR. MYERS, YES; MR. BROWN, YES; MR. FARLEY, YES; MR. MOORE, YES; MR. TACY, YES; MS. WARREN, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XVII. COUNCIL ACTION: PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF VENICE AND WATERFORD LAND GROUP, INC., A FLORIDA CORPORATION - ANNEXING METES AND BOUNDS, 14.7± ACRES, AUBURN HAMMOCKS AT THE NORTHEAST CORNER OF AUBURN ROAD AND EAST VENICE AVENUE, VENICE, FLORIDA**

Mr. Farley moved that the Pre-annexation agreement between the city and Waterford Land Group, Inc. be approved. Seconded by Mr. Tacy. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**XVIII. ORDINANCE NO. 2003-14, ANNEXING METES AND BOUNDS, AUBURN HAMMOCKS, NORTHEAST CORNER OF AUBURN ROAD AND EAST VENICE AVENUE, VENICE, FL - APPROVED ON FIRST READING**

Ms. Stelzer read the ordinance by title only.

Mr. Brown moved that Ordinance No. 2003-14 be approved on first reading. Seconded by Mr. Farley.

ROLL CALL: MR. TACY, YES; MR. MYERS, YES; MR. FARLEY, YES; MR. MOORE, YES; MR. BROWN, YES; MS. WARREN, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XIX. COUNCIL ACTION: PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF VENICE AND CARIBBEAN BAY CLUB, LLC ANNEXING METES AND BOUNDS, 407± ACRES, (F.K.A. LAKE AWESOME), 899 KNIGHTS TRAIL ROAD, NORTH VENICE, FLORIDA**

Mr. Black noted the application is for the project Caribbean Bay Club, f.k.a. Lake Awesome, located in the Knights Trail/Laurel Road corridor, adjoining several properties already annexed into the city. The property consists of 400± acres and abuts the Venetian Golf & River Club on the eastern boundary and Knights Trail Road along its western boundary. The property is within the area identified in the Comprehensive Plan for annexation. The property consists of several large lakes and currently serves as an RV resort complex. There are no technical issues; however, there are several stipulations addressed in the pre-annexation agreement for consistency with city regulations, including the Comprehensive Plan and Code of Ordinances.

(2:22) Mr. Black touched upon the stipulations relating to zoning, buffering, emergency vehicle access, and standard fee extraction. The property will continue to be served by the county with sanitary sewer distribution lines. Mr. Black added, within two weeks staff will be meeting with representatives of Sarasota County to finalize an agreement for the city to act as a billing agent in Curry Creek on behalf of the county; the agreement is expected to be finalized by end of June, beginning of July.

The proposal is to redevelop the existing site to create an RV resort community that will provide parking for class A motor homes. Mr. Black proceeded to describe the project as presented by the petitioner and indicated that Planning Commission has recommended approval as stipulated.

**Petitioner**

Jeff Boone, Boone Law Firm, agreed with staff's presentation, noting the property is 407± acres and is an old mining operation site which would be significantly renovated and upgraded around the lakes. The park currently operates in Sarasota County under an approved special exception as well as approval by the Department of Community Affairs for 598 spaces. Currently it has 362 constructed spaces.

Reed Cook, J & J Homes, displayed the layout of the park consisting of several fingers into the lakes, which would allow each RV unit to enjoy the waterfront. Illustrated details of the various themes depicting caribbean islands and architectural styles were shown, as well as a video clip of a like facility in Naples.



Mr. Boone reported the petitioner's agreement with the stipulations as presented by Mr. Black and stated that these types of resorts are considered very good economically for the area in which they are located.

In response to Mr. Brown, Mr. Boone indicated the large size class A RV's are approximately 32-35 feet long.

(2:44) Pursuant to Ms. Warren's inquiry regarding a discrepancy in the numbered items of the pre-annexation agreement, Mr. Boone alluded to an electronic-transmittal error. Mr. Black stated however, that the paper copy reflects the correct document.

Mr. Boone addressed councilmembers' questions relative to taxes. In response to Mr. Farley, Mr. Boone noted the zoning classification is commercial and the petitioner has no intention of developing the lots.

At Mr. Moore's request, Mr. Boone detailed the documents which constitute part of the record.

Mr. Moore moved that the Pre-annexation agreement between the city and Caribbean Bay Club, LLC be approved. Seconded by Mr. Tacy. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**XX. ORDINANCE NO. 2003-15, - ANNEXING METES AND BOUNDS, 407± ACRES, (F.K.A. LAKE AWESOME), 899 KNIGHTS TRAIL ROAD, NORTH VENICE, FLORIDA, CARIBBEAN BAY CLUB, LLC - APPROVED ON FIRST READING**

Ms. Stelzer read the ordinance by title only.

(2:51) Mr. Brown moved that Ordinance No. 2003-15 be approved on first reading. Seconded by Mr. Tacy.

ROLL CALL: MR. MOORE, YES; MR. TACY, YES; MR. BROWN, YES; MS. WARREN, YES; MR. MYERS, YES; MR. FARLEY, YES; MAYOR CALAMARAS, YES. MOTION CARRIED.

**XXI. COUNCIL ACTION: PLAT APPROVAL FOR VENETIAN GOLF & RIVER CLUB, PHASE 2C-D - APPROVED**

Mr. Moore moved that the Plat for Venetian Golf & River Club, Phase 2C-D be approved. Seconded by Mr. Myers. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**XXII. COUNCIL ACTION: RATIFICATION OF A TWO-YEAR AGREEMENT BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE, SERGEANTS AND LIEUTENANTS - RATIFIED**

annexations.

Mr. Tacy reported attendance at the Affordable Housing Conference in Sarasota on May 2, 2003 and referred to results from a study conducted in Lee county relating to the cost of not providing affordable housing.

Mr. Tacy informed council that Pollution Control Superintendent Pat Wilson's son has achieved Eagle Scout status as noted during a presentation for three Eagle Scouts on May 5, 2003.

Mr. Tacy stated Mr. Farley's request relative to The Venice Foundation is in opposition to feelings expressed in e-mails received from members of the community, which state that "it is too little, too late, the latest blunder by The Venice Foundation" and showed blatant defiance and arrogance towards Venice residents.

Mr. Tacy requested a workshop be held in the near future relative to the Land Development Code. It was the consensus of council to hold the workshop on May 28, 2003 at 2 p.m. in council chambers.

There was consensus of council to reschedule the workshop that was to be held this afternoon regarding Emergency Medical Services to June 11, 2003 at 2 p.m. (Place to be determined).

#### **XXXIV. REPORT BY MS. WARREN**

(5:01) Pursuant to Ms. Warren comment and in answer to Mr. Anderson, Mr. Black stated there is a regulatory scheme for docks which involves participation of Sarasota County as the lead agency. In addition, a regulatory provision is in place for the city to opt out. Mr. Black defined the process and estimated the length of time it would require.

Mr. Anderson pointed out the city will need to have in place its own regulatory system independent of the county's, otherwise the county's ordinance is still in effect because it does not conflict with any city regulatory scheme.

Ms. Warren moved to direct staff to begin work on a city dock regulatory scheme relative to permitting waterfront structures in the city. Seconded by Mr. Farley. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

#### **XXXV. REPORT BY MR. MYERS**

Mr. Myers reported very successful lobbying efforts by the Manasota League regarding Legislative Priorities.

Mr. Myers moved to direct staff to take the necessary steps to hire an airport manager by October 1, 2003. Seconded by Mr. Tacy. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**XXXVI. REPORT BY MR. MOORE**

Mr. Moore had no report.

**XXXVII. REPORT BY MAYOR CALAMARAS**

Mayor Calamaras reported attendance at the National Day of Prayer and participation in a Round Table discussion with the City of Sarasota Mayor, North Port Commission Chairman, and County Commissioner Paul Mercier and others at the Leadership Sarasota-Government Day. A speaking arrangement is scheduled tomorrow at Village on the Isle.

**XXXVIII. AUDIENCE PARTICIPATION**

(5:08) John Simmonds, Venice resident, mentioned the workshop held May 12 relative to the Airport Business Park was very productive and more sessions of that nature should be held. Regarding hiring specifications of the airport manager, Mr. Simmonds indicated due to the nature of the business, being a pilot should be a requirement.

**XXXIX. ADJOURNMENT**

There being no further business to come before council, the meeting was adjourned at 5:12 p.m.

ATTEST:

  
\_\_\_\_\_  
Mayor - City of Venice

  
\_\_\_\_\_  
City Clerk

MINUTES OF A REGULAR MEETING  
PLANNING COMMISSION  
VENICE, FLORIDA

April 15, 2003

A Regular Meeting of the Planning Commission was held this date in Council Chambers at City Hall. Chairman John Osmulski called the meeting to order at 1:30 p.m.

**ROLL CALL**

Roll was called with the following members present: John Osmulski, Jerrel Towery, Benny Weaver, Fred Hammett, Tom Bixler, Larry Grimard, Janice Holloway and ex-officio member Virginia Warren.

Also present: City Attorney Bob Anderson, Planning Administrator Tom Slaughter, Deputy City Manager Marty Black and Recording Secretary Raeanne Keefe.

**I. APPROVAL OF MINUTES**

Mr. Weaver moved that the Minutes of Regular Meetings held March 18, 2003 and April 1, 2003 be approved with the following changes and addition:

1. Page 2, paragraph 3, of the March 18, 2003 meeting minutes will be changed to read: "Mr. Anderson commented that ~~the~~ *this* use of ~~this~~ *the* property is not currently permitted under the Zoning and noted that by approving the annexation, the Commission is approving the use without agreeing to a Zoning Code amendment *allowing this use* as a permitted use under any of the zoning districts."
2. Page 3, paragraph 6, of the April 1, 2003 meeting minutes will be changed to read: "lengthy discussion was held on the appellate process and prior consensus by the Commission to proceed to Circuit Court directly following the appeal of a *hearing decision*."

Seconded by Mr. Towery. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**II. Annexation Petition No. 03-1AN - Auburn Hammocks - Owners: Waterford Land Group, Inc., Michael W. Miller, President - Agent: Jeffrey A. Boone, Esquire - Staff: Martin P. Black, AICP, Deputy City Manager**

(1:33) Marty Black, Deputy City Manager, stated that the petition is for the annexation of 14.7 acres and noted the property lies at the intersection of Auburn Road and East Venice Avenue immediately adjoining previously annexed properties. Mr. Black provided illustrations of the property location and noted the parcel has been reviewed by the Development Review Committee relative to land use



and uses of the surrounding area. Mr. Black indicated the standard of review for annexation is compliance with the Comprehensive Plan and Code of Ordinances and noted there are no outstanding technical issues. Mr. Black conveyed that the property lies within the city's potential planning service area and is targeted for annexation as part of the long range Comprehensive Plan. Mr. Black explained that the pre-annexation agreement includes a proportionate share of any costs to extend the necessary infrastructure and includes the impact fee extraction of \$1,629.00 per equivalent dwelling unit. Mr. Black indicated the recommendation of staff is for approval in finding it consistent with the city's Code of Ordinances and in furtherance of the objectives of the Comprehensive Plan.

(1:36) Jeffrey Boone, attorney, conveyed his support of staff's presentation and noted the parcel is contiguous and does not create enclaves or violate prohibitions of Florida Statutes Chapter 171. Mr. Boone commented on an agreement by Mr. Miller for the extraordinary impact fee extraction per dwelling unit and noted that development orders will not be granted until the property is rezoned and noted that the owner will pay the cost to extend and size all onsite and offsite water and sewer dedicated utility lines and Sarasota County impact fees. Mr. Boone indicated that the applicant has agreed to provide a traffic study in accordance with the city's concurrency and management regulations and noted that the annexation requires the applicant to reimburse the city for the proposed annexation attorney fees. Mr Boone requested Planning Commission's recommendation for the approval of the annexation by City Council.

In response to Mr. Weaver, Mike Miller, President of Waterford Land Group, provided options for providing sewer to the site and noted it could be done by building a lift station or by gravity. Mr. Miller explained the cuts planned along Auburn Road and Venice Avenue and indicated the traffic signal development agreement with Sarasota County has been completed and will be provided for his review within one week. Mr. Miller noted that the two projected cuts will coincide with Auburn Lakes Drive and Venice Avenue to the south of the property and acknowledged that the development will consist of villas and condominiums for residential use.

Mr. Hammett moved that based on the staff report and the presentation, the Planning Commission, sitting as the Local Planning Agency, finds Annexation Petition No. 03-1AN to be generally consistent with the City's annexation policy and recommends to City Council APPROVAL of Annexation Petition No. 03-1AN. Seconded by Ms. Holloway.

ROLL CALL: Mr. Weaver; YES; Mr. Towery; YES, Mr. Osmulski; YES; Mr. Hammett; YES, Ms. Holloway; YES, Mr. Grimard; YES; Mr. Bixler; YES. MOTION CARRIED.

III. Zoning Map Amendment Petition No. 03-1RZ - Jewish Community Center of Venice, Inc. - Owner: Jewish Community Center of Venice, Inc., Beverly Osnowitz, President - Agent: Jeffrey A. Boone, Esquire - Staff: Tom Slaughter, AICP, Planning Administrator

(1:48) Mr. Osmulski announced this is a quasi-judicial proceeding and read a memorandum, dated April 15, 2003, certifying that the public hearing for Rezone Petition No. 03-1RZ was appropriately

advertised on March 29, 2003 and proof of publication is on file in the Growth Management Department, Planning and Zoning Division.

Mr. Osmulski opened the public hearing and read a memorandum, dated April 15, 2003, stating no written communications have been received relative to Rezone Petition No. 03-1RZ. Mr. Osmulski swore in all those who would give testimony and announced there had been no ex-parte communications.

#### Staff Report

Tom Slaughter, Planning Administrator, being duly sworn, stated that the rezoning petition is for a 10.32 acre property and noted the property owner will be required to rezone to a city classification within one year of the approval. Mr. Slaughter conveyed that the property encompasses two tracts of property greater than five acres on Auburn Road and noted the property is depicted on the county future land use map as moderate density residential. Mr. Slaughter noted that the property is currently zoned in the county as open use estates (OUE) and explained that the proposed Zoning District is residential single family (RSF) in which a house of worship would be a principal permitted use. Mr. Slaughter indicated that any nonresidential land use greater than one acre would be required to receive Site and Development approval and noted the existing land use within the area. Mr. Slaughter indicated that staff will review the pre-annexation agreement to ensure that all outstanding conditions have been met for consistency with the Zoning Code and noted there are no outstanding technical issues.

#### Presentation

(1:53) Jeffrey Boone, attorney, being duly sworn, stated that the property is currently zoned OUE-1 in Sarasota County and noted this request is for a rezone to an RSF-1 designation, as required in the pre-annexation agreement. Mr. Boone explained that the request complies with the obligations of the pre-annexation agreement and indicated there are no plans for residential development. Mr. Boone commented that an expansion of the Jewish Community Center is contemplated and requested Planning Commission's recommendation for approval.

Mr. Hammett moved that based on the staff report and the presentation, the Planning Commission, sitting as the Local Planning Agency finds this request consistent with the Comprehensive Plan and the affirmative Findings of Fact in the record and, therefore, recommends to City Council APPROVAL of Zoning Map Amendment Petition No. 03-1RZ. Seconded by Mr. Weaver.

ROLL CALL: Mr. Osmulski; YES; Mr. Grimard; YES; Mr. Towery; YES; Mr. Weaver; YES; Mr. Hammett; YES; Mr. Bixler; YES; Ms. Holloway; YES. MOTION CARRIED.

**IV. Comprehensive Plan Amendment Petition No. 03-1CP - Village on the Isle - Owner: Southwest Florida Retirement Center, Inc., Thomas Kelly, CEO - Agent: Greg Roberts, Esquire - Staff: Tom Slaughter, AICP, Planning Administrator**

Mr. Osmulski opened the public hearing and swore in all those who would give testimony. Mr. Osmulski read a memorandum, dated April 15, 2003, certifying that the public hearing for Comprehensive Plan Amendment Petition No. 03-1CP was appropriately advertised on March 29, 2003 and proof of publication is on file in the Growth Management Department, Planning and Zoning Division.

**Staff Report**

(1:58) Mr. Slaughter, Planning Administrator, being duly sworn, stated the petition is for a small scale Comprehensive Plan amendment and noted state statute provides local control and an expedited process of amendments less than ten acres. Mr. Slaughter indicated that the property lies north of Field Avenue between Cooper Street and the US 41 Business and noted it was the former site of an eye surgery center. Mr. Slaughter explained that the proposal is for a moderate density residential future land use designation and noted the zoning is currently depicted on the Comprehensive Plan as Office Professional Institutional (OPI). Mr. Slaughter conveyed the applicant's intent to develop future multi-family use and noted a subsequent rezoning companion petition. Mr. Slaughter commented on a large native landscaped vegetative buffer existing on the cleared site and noted the supportive uses considered in the land use amendment. Mr. Slaughter commented that the findings and recommendations included in the staff report are consistent with the Comprehensive Plan and noted that the application has gone through the city's Development and Review Committee with no outstanding issues. Mr. Slaughter recommended approval with no conditions.

Mr. Osmulski read a memorandum, dated April 15, 2003, stating no written communications have been received relative to Comprehensive Plan Amendment Petition No. 03-1CP.

**Presentation**

(2:01) Greg Roberts, attorney, being duly sworn, stated the petition is a request for an amendment to moderate density residential on the future land use map and noted the property is served by city utilities. Mr. Roberts indicated that the moderate density designation would allow between five and thirteen units per acre and noted a Residential Multi-Family-3 (RMF-3) zoning designation is requested to allow up to 13 units per acre. Mr. Roberts noted the application addresses and is consistent with the housing element and future land use component of the Comprehensive Plan and noted a need for additional housing for the elderly on the island of Venice. Mr. Roberts conveyed that the ability to provide contracted services to residents of the multi-family development is being considered by Village on the Isle and requested the adoption of staff's report and Mr. Slaughter's comments with the applicant's presentation. Mr. Roberts requested Planning Commission's approval for recommendation to City Council.



In response to Mr. Bixler, Mr. Roberts commented that a marketing analysis for available services will be provided to the residents and noted that participation will require the contracting of services.

Discussion ensued on the low demand for office space and the high demand for elderly housing on the Island of Venice.

(2:13) Mr. Osmulski closed the public hearing.

Mr. Weaver moved that based on the staff report and the presentation, the Planning Commission, sitting as the Local Planning Agency, finds this request consistent with the Comprehensive Plan and, therefore, recommends to City Council APPROVAL of Comprehensive Plan Amendment Petition No. 03-1CP. Seconded by Mr. Hammett.

Roll Call: Ms. Holloway; YES, Mr. Hammett; YES, Mr. Towery; YES, Mr. Weaver; YES, Mr. Bixler; YES, Mr. Grimard; YES, Mr. Osmulski; YES. MOTION CARRIED.

V. Zoning Map Amendment Petition No. 03-2RZ - Village on the Isle - Owner: Southwest Florida Retirement Center, Inc., Thomas Kelly, CEO - Agent: Greg Roberts, Esquire - Staff: Tom Slaughter, AICP, Planning Administrator

Mr. Osmulski announced this is a quasi-judicial proceeding and read a memorandum, dated April 15, 2003, certifying that the public hearing for Rezone Petition No. 03-2RZ was appropriately advertised on March 29, 2003 and proof of publication is on file in the Growth Management Department, Planning and Zoning Division.

(2:15) Mr. Osmulski opened the public hearing and read a memorandum, dated April 15, 2003, stating that as of this date one written communication has been received in opposition relative to Rezone Petition No. 03-2RZ.

Mr. Osmulski swore in all those who would give testimony and announced there had been no ex-parte communications.

#### Staff Report

(2:17) Mr. Slaughter, being duly sworn, stated that the petition is a companion petition for the rezoning and requested staff's testimony on Comprehensive Plan Amendment No. 03-1CP be included in the record. Mr. Slaughter indicated the petition is for 4.49 acres and noted the existing Zoning District is OPI. Mr. Slaughter reviewed the standards of review and findings for the rezoning and noted an outstanding issue on height limitation and buffer yard access. Mr. Slaughter commented on a native tree canopy between Cooper Street, South Tamiami Trail and Field Avenue and noted staff's discussions with the applicant for an agreement to protect the single family neighborhood from possible impacts.

Mr. Slaughter reviewed the three conditions of approval in the staff report and conveyed that the applicant has agreed to a 35-foot building height, to provide a development consistent with the Venetian Gateway Architectural Standards and for a minimum 40-foot native vegetative buffer extending the full width of the parcel along the southern perimeter of the site. Mr. Slaughter indicated that future driveway access will be prohibited from Field Avenue as a second aspect of the buffer stipulation and noted that all curb cuts will go through the Planning Commission during Site and Development Plan consideration.

In response to Mr. Hammett, Mr. Slaughter noted for the record that staff will correct the inaccuracy on the Sarasota County map labeling the west side of the property as South Tamiami Trail.

### Presentation

(2:24) Mr. Roberts, being duly sworn, requested that his remarks from Comprehensive Plan Amendment No. 03-1CP and staff report be incorporated into the presentation and noted the applicant is requesting a zoning change to RMF-3 to allow up to 13 units per acre and 58 units on the parcel. Mr. Roberts reviewed and responded to the criteria identified in the Zoning Code for Planning Commission review and addressed the stipulations for approval. Mr. Roberts conveyed that the applicant has agreed to stipulate to the 35-foot building height and noted that parking will be placed underneath the building for a total height of 45 feet. Mr. Roberts indicated that the applicant will stipulate to the Venetian Gateway Architectural Design Overlay and noted the applicant is working with a local developer on the buffer and restricted access from Field Avenue. Mr. Roberts requested the requirements be deferred to allow the applicant to compile a Site and Development Plan which will contain all the restrictions.

In response to Mr. Osmulski, Mr. Slaughter acknowledged that the Site and Development Plan will be presented and confirmed with the architectural standards, submission of samples and the elevations. Mr. Slaughter explained that the County Native Tree Preservation Ordinance allows for the clearing of the property and noted it does not allow for the removal of protected trees.

In response to Mr. Bixler, Mr. Roberts confirmed that Village on the Isle provides affordable housing to the citizens of Venice and noted that the proposed development will not be owned by Village on the Isle.

Lengthy discussion ensued on the buffering and setback requirements of the Zoning Code and Site and Development Plan consideration for multi-family residential units adjacent to single family units.

(2:45) Mr. Towery suggested the petition be approved subject to the approval of a vegetative buffer at the time of Site and Development consideration. Mr. Roberts concurred with Mr. Towery's suggestion and provided a property survey indicating the center line from Field Avenue to the property line.

In response to Ms. Holloway, Mr. Roberts indicated the development will not be age restricted and acknowledged that the services offered by Village on the Isle will be contractual.

In response to Mr. Bixler, Mr. Roberts indicated the petitioner's height requirements comply with the new Land Code Regulations and noted the applicant's belief that the project would be better served by additional green space around the building versus meeting the parking requirements around the perimeter of the building.

Discussion ensued on the height requirements of the OPI and RMF-3 zoning districts.

(2:53) Tom Kelly, Chief Executive Officer, Village on the Isle, being duly sworn, commented on the mix and height of the surrounding buildings.

Mr. Black stated the proposed 35-foot height limitation is measured by definition and noted that the ten feet of parking underneath would be excluded in the proposed code. Mr. Black explained that the proposed development would be consistent with a more restrictive standard than the current regulation.

(2:55) Mr. Osmulski closed the public hearing.

Mr. Towery moved to add the stipulation to the final motion for Zoning Map Amendment Petition No. 03-2RZ that a maximum building height of 35 feet over ten feet of parking space for all new building structures be imposed. Seconded by Ms. Holloway. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mr. Towery moved to add the stipulation to the final motion for Zoning Map Amendment Petition No. 03-2RZ that it be consistent with the Venetian Gateway Architectural Design Overlay Standards for all new building and signage structures. Seconded by Mr. Hammett. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mr. Towery moved to add the stipulation to the final motion for Zoning Map Amendment Petition No. 03-2RZ that it be subject to a vegetative buffer along Field Avenue to be approved at the time of Site and Development Plan approval consideration by the Planning Commission. Seconded by Mr. Weaver. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mr. Osmulski acknowledged that future driveway access prohibited on Field Avenue will be addressed at the time of Site and Development Plan consideration.

Mr. Towery moved that based on the staff report and the presentation, the Planning Commission, sitting as the Local Planning Agency, finds this request consistent with the Comprehensive Plan and the affirmative Findings of Fact in the record, and, therefore, recommends to City Council APPROVAL of Zoning Map Amendment Petition No. 03-2RZ subject to City Council approval of

Comprehensive Plan Amendment Petition No. 03-1CP and the three stipulations approved by the Planning Commission. Seconded by Mr. Hammett.

ROLL CALL: Mr. Grimard; YES, Mr. Osmulski; YES, Mr. Towery; YES, Mr. Weaver; YES, Mr. Hammett; YES, Mr. Bixler; YES, Ms. Holloway; YES. MOTION CARRIED.

Mr. Roberts provided a survey for inclusion in the records.

#### VI. UNFINISHED BUSINESS

Mr. Bixler conveyed that he is not comfortable with the Planning Commission's consensus of April 1, 2003 accepting the adopted policies relating to use and structures to permit reconstruction to pre-catastrophe conditions and expressed a concern that a catastrophe could provide the non-conforming property owner with a carte blanche situation.

Discussion ensued on the impact of catastrophes on reconstruction and property rights.

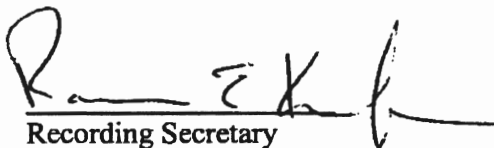
Mr. Black explained that the Code has been structured where some unit owners may lose the right to rebuild their units and noted the only disconnect in the adopted policies is the stipulation on density.

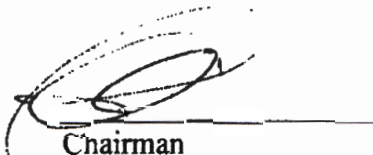
#### VII. AUDIENCE PARTICIPATION

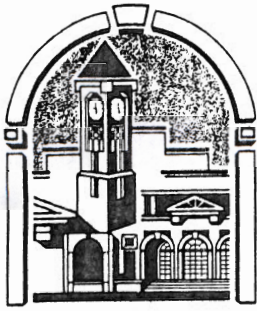
(3:11) Mr. Peter Macdonald, resident, stated that non-conforming uses run contrary to public policy and noted exceptions permitted should not be encouraged. Mr. Macdonald commented on state jurisdictions for non-conforming use and conveyed that public policy is better served by a non-conforming use being extinguished at some point in time.

#### VIII. ADJOURNMENT

There being no further business to come before this Commission, the meeting was adjourned at 3:13 p.m.

  
Recording Secretary

  
Chairman



# CITY OF VENICE

401 W. Venice Avenue Venice, FL 34285

(941) 485-3311 Fax (941) 484-8679

March 4, 2002

Melvin Jacobson, President  
Jewish Community Center of Venice, Inc.  
600 N. Auburn Road  
Venice, FL 34292

**Subject: Annexation Petition #01-9AN**  
**Parcel Identification Nos. 0400-05-0001 and 0400-05-0003**

Dear Mr. <sup>meh</sup>Jacobson:

On February 26, 2002, City Council voted to APPROVE and ADOPT Annexation Ordinance No. 2002-16, thereby, annexing in to the City of Venice the property as described in the above referenced petition.

The Pre-Annexation Agreement which accompanied the petition was APPROVED at the February 12, 2002 City Council meeting contingent upon the approval of Annexation Ordinance No. 2002-16. With legal noticing and public hearing requirements now complete, please look to the satisfaction of any terms and conditions of the Pre-Annexation Agreement which may be required following approval.

Congratulations on the success of your petition, and thank you for joining the City. We are very happy to have the Jewish Community Center as members of our community and we wish you every success. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Martin P. Black, AICP  
Assistant City Manager

/meh

Enclosures: Recorded Copy/Pre-Annexation Agreement  
Recorded Copy/Petition to Annex No. 2001-146  
Recorded Copy/Ordinance No. 2002-16

cc: Lori Stelzer, City Clerk  
Jeffery A. Boone, Esquire  
File: 01-9AN




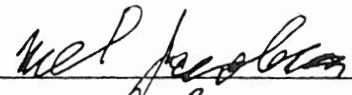
Council for comparable services outside the City limits. The Owner further covenants and agrees to waive any claim for refund of taxes levied by and paid to the City of Venice on property contained in the affected area for any period subsequent to the acceptance by the City of the Owner's Petition for Annexation and prior to the establishment of the invalidity thereof in the manner aforesaid.

WHEREFORE, the undersigned requests that the City Council accept said proposed addition and annex all such lands and include same within the Corporate limits of the City of Venice, in accordance with the provisions for such action as set forth above.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

The Jewish Community Center of  
Venice, Inc., A Florida corporation

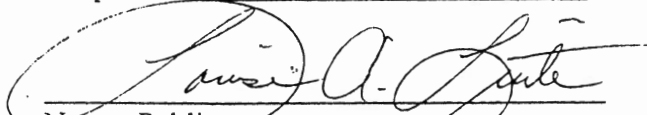
Witness 

By:   
President  
Title

Witness 

STATE OF FLORIDA  
COUNTY OF SARASOTA

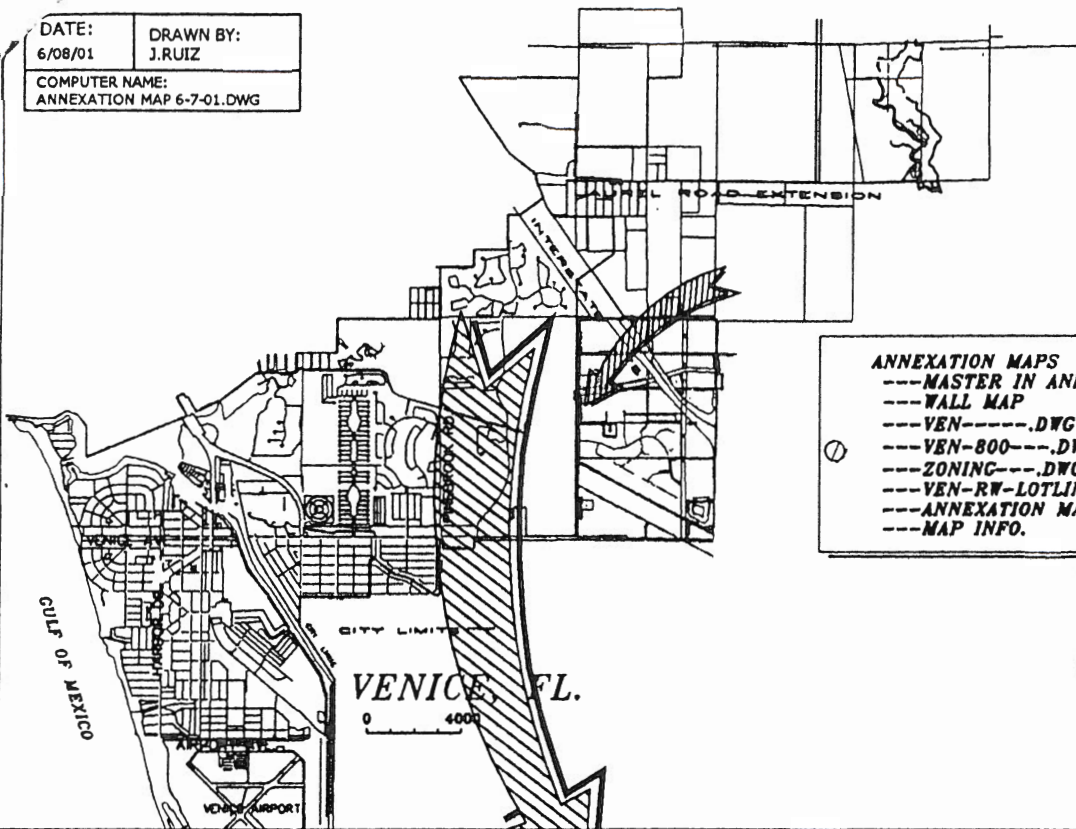
The foregoing instrument was acknowledged before me this 1<sup>ST</sup> day of FEBRUARY, 2002, by MEL JACOBSON, as PRESIDENT of The Jewish Community Center of Venice, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

  
Notary Public  
LOUISE A. LITTLE  
Name of Notary typed, printed or stamped



Louise A. Little  
Commission # CC 920296  
Expires April 25, 2004  
Bonded Thru  
Atlantic Bonding Co., Inc.

DATE: 6/08/01  
DRAWN BY: J.RUIZ  
COMPUTER NAME: ANNEXATION MAP 6-7-01.DWG



**ANNEXATION MAPS**

---MASTER IN ANNEXATION FILE  
---WALL MAP

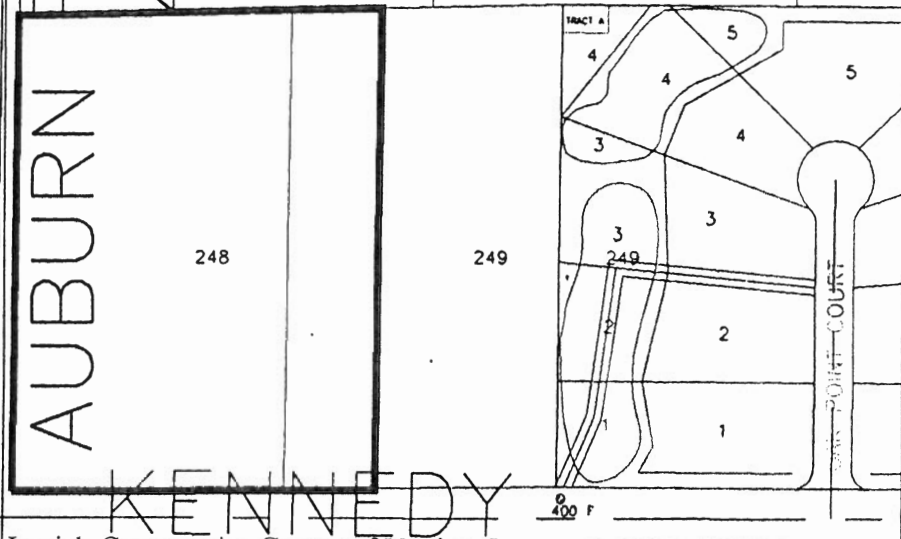
---VEN---.DWG (ENCLAVE, ZONING)  
---VEN-800---.DWG (ENCLAVE, ZONING)  
---ZONING---.DWG (ENCLAVE, ZONING)  
---VEN-RW-LOT LINES-ENC-9-18-01.DWG  
---ANNEXATION MAP 6-7-01.DWG  
---MAP INFO.



CITY OF VENICE  
FLORIDA

**PROPERTIES**

**ANNEXED TO THE  
CITY OF  
VENICE, FLORIDA**



Owner: The Jewish Community Center of Venice, Inc.

Property Address: 600 N. Auburn Road, Venice, Florida

Legal Description: Lots 248 & W ½ of Lot 249, North Venice Farms

Mailing Address: 600 N. Auburn Road, Venice, Florida 34292-1603

Ordinance No.: 2002-16

File No.: 2001-146

County Zoning: OUE-1

Date of First Reading: 02/12/02

Date of Final Reading: 02/26/02

Date Mailed: 02/27/02

Parcel ID#: 0400-05-0001, 0400-05-0003



**ORDINANCE NO. 2002-16**

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS, AS PETITIONED BY THE JEWISH COMMUNITY CENTER OF VENICE, INC., A FLORIDA CORPORATION INTO THE CORPORATE LIMITS OF THE CITY OF VENICE, FLORIDA, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITIONS.

**WHEREAS**, The City Council of the city of Venice, Florida received a sworn Petition from The Jewish Community Center of Venice, Inc., A Florida Corporation, dated February 5, 2002, requesting the city to annex certain parcels of real estate herein described, owned by The Jewish Community Center of Venice, Inc., A Florida Corporation, into the corporate limits of the city of Venice, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** After its evaluation of all evidence presented, and in reliance upon representations made by The Jewish Community Center of Venice, Inc., A Florida Corporation, in said petition, the city of Venice, acting by and through its city council by the authority and under the provisions of the Municipal Charter of the city of Venice, and the laws of Florida, hereby annexes into the corporate limits of the city of Venice, Florida, and redefines the boundary lines of said city so as to include the following described parcels of real property in Sarasota County, Florida:

**Legal Description:**

Lots 248 and the West ½ of Lot 249, NORTH VENICE FARMS, according to the Plat thereof recorded in Plat Book 2, Page 203, of the Public Records of Sarasota County, Florida.  
And containing 10.316 acres, more or less.

Commonly known as 600 N. Auburn Road, Venice, Florida

**SECTION 2.** The city council hereby formally and according to law accepts the dedication of all easements, streets, parks, plazas, rights-of-way and other dedications to the public which have heretofore been made by plat, deed or user within the area so annexed.

**SECTION 3.** That the proper city officials of said city of Venice be, and they hereby are, authorized and directed to file with the Clerk of the Circuit Court of Sarasota County, Florida, a certified copy of this Ordinance, and to do and perform such other acts and things as may be necessary and proper to effectuate the true intent of this Ordinance. The pre-annexation agreement is incorporated into this Ordinance and is made a part thereof.


**SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 5.** This Ordinance shall take effect immediately upon its adoption as provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 26TH DAY OF FEBRUARY, 2002**

First Reading: February 12, 2002  
Final Reading: February 26, 2002

Adoption: February 26, 2002

  
Dean Calamaras, Mayor, City of Venice

ATTEST:

  
Lori Stelzer, CMC, City Clerk

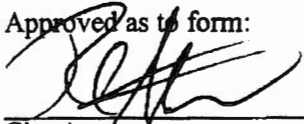
I, Lori Stelzer, CMC, City Clerk of the city of Venice, Florida, a municipal corporation in Sarasota County,

Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the city of Venice Council, at a meeting thereof duly convened and held on the 26th day of February, 2002, a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of February, 2002.

  
Lori Stelzer, CMC, City Clerk

Approved as to form:

  
City Attorney

**PRE-ANNEXATION AGREEMENT**

This agreement is made this 12th day of February, 2002, by and between the CITY OF VENICE, FLORIDA, a municipal corporation (hereinafter referred to as "City") and THE JEWISH COMMUNITY CENTER OF VENICE, INC. a Florida non-profit corporation (hereinafter referred to as "Owner").

WHEREAS, the Owner owns a tract of land containing 2 parcels and comprising approximately 10.32 acres (hereinafter referred to as the "Subject Property") located in Sarasota County, Florida which is more particularly described by the legal description attached hereto as Exhibit "A"; and

WHEREAS, the Owner has filed an annexation petition pursuant to Section 171.044, Florida Statutes, seeking to voluntarily annex and include the Subject Property within the corporate limits of the City; and

WHEREAS, the Owner has agreed to certain terms and conditions required by the City in order to gain approval of said petition and to adopt an ordinance annexing the Subject Property into the City; and

WHEREAS, the City has determined that in the event the Subject Property is annexed into the City, it would best serve the public interest to be annexed subject to the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the terms, conditions, and mutual covenants contained herein, the City, and Owner agree as follows:

1. CONDITION PRECEDENT. This agreement shall not be binding or enforceable by either party unless and until the City duly adopts an ordinance annexing the Subject Property into the corporate limits of the City.

2. ZONING. The Subject Property is currently zoned by Sarasota County as OUE-1. The Owner shall petition the City to rezone the Subject Property to a district or districts under the Venice Zoning Code within one (1) year of the City's adoption of an ordinance annexing the property into the corporate limits of the City. No development orders shall be granted until the Subject Property is so rezoned. Following annexation, the Subject Property shall be subject to all codes, laws, ordinances, and regulations in force within the City.

3. CONCURRENCY EVALUATION NOT MADE; NO RELIANCE OR VESTED RIGHT. Nothing contained in this agreement and no review of the impacts of the proposed development of the Subject Property upon public facilities and services which has occurred in the process of reviewing this annexation or in negotiating this pre-annexation agreement shall be considered a determination that adequate public facilities will be available concurrent with the impacts of development of the Subject Property. The Owner acknowledges and agrees that any such review of the impacts of development of the Subject Property shall offer no basis upon which the Owner may rely or upon which the Owner can assert that a vested property right has been created. It is specifically understood and agreed that a determination that adequate public facilities and services are available concurrent with the impacts of any proposed development must be made before any development order is granted in connection with the Subject Property.

4. EXTENSION OF WATER AND SEWER UTILITY LINES. The Owner shall construct all onsite utility lines and improvements necessary to connect the Subject Property to the City's water system, as determined by the Director of Utilities and the City Engineer. Construction of City water lines to service the Subject Property will be completed within 120 days of the City's adoption of an ordinance annexing the Subject Property into the corporate limits of the City. All such work shall be performed in accordance with plans and specifications approved by the Director of Utilities and the City Engineer. Fire flows shall be determined by the Fire Chief together with input from the Director of Utilities and the City Engineer.

The Owner acknowledges that the City is unable to provide the Subject Property with sewer service at this time and hereby waives any entitlement to such service. In the event that the City, at its sole discretion, decides to extend its sewer utility lines adjacent to the Subject Property, the Owner shall then construct and pay the cost of extending and sizing all onsite utility lines and improvements necessary to connect the Subject Property to the City's sewer system, as determined by the Director of Utilities and the City Engineer. All such work shall be performed in accordance with plans and specifications approved by the Director of Utilities and the City Engineer,

Owner shall convey all such water and sewer utility lines to the City together with such easements as may be required for access to and maintenance of said lines. Utility lines conveyed to the City shall be accepted for maintenance in accordance with all applicable City codes and policies which shall be applied to both onsite and offsite utility improvements.



5. WATER AND SEWER UTILITY CHARGES. The Owner shall pay all water and sewer utility rates, fees, and charges, including any capital charges such as water plant capacity charges and sewer plant capacity charges, as determined by the City Code of Ordinances in effect at the time a building permit is issued for improvements that will be connected to the City's water and sewer utility systems.

6. SARASOTA COUNTY IMPACT FEES. The City has permitted Sarasota County to collect library, park, and road impact fees within the City. Development of the Subject Property shall be subject to such impact fees and may also become subject to additional impact fees adopted by Sarasota County or the City in the future.

7. TRAFFIC STUDY. The Owner agrees to provide the City with a traffic study in accordance with the City's concurrency management regulations. The Owner shall pay the cost of any needed improvements identified by the traffic study or as determined by the City.

8. ATTORNEY FEE REIMBURSEMENT. The Owner shall reimburse the City all monies paid by the City to the City Attorney for services rendered concerning this annexation and all related matters.

9. INDEMNITY. It is agreed that if the City shall accept and include the Owner's lands for inclusion within its corporate limits pursuant to the petition for annexation, the Owner shall and will indemnify and save the City harmless from all costs, including reasonable attorneys' fees, that may be incurred by it in defending any and all litigation involving the validity of such annexation proceedings.

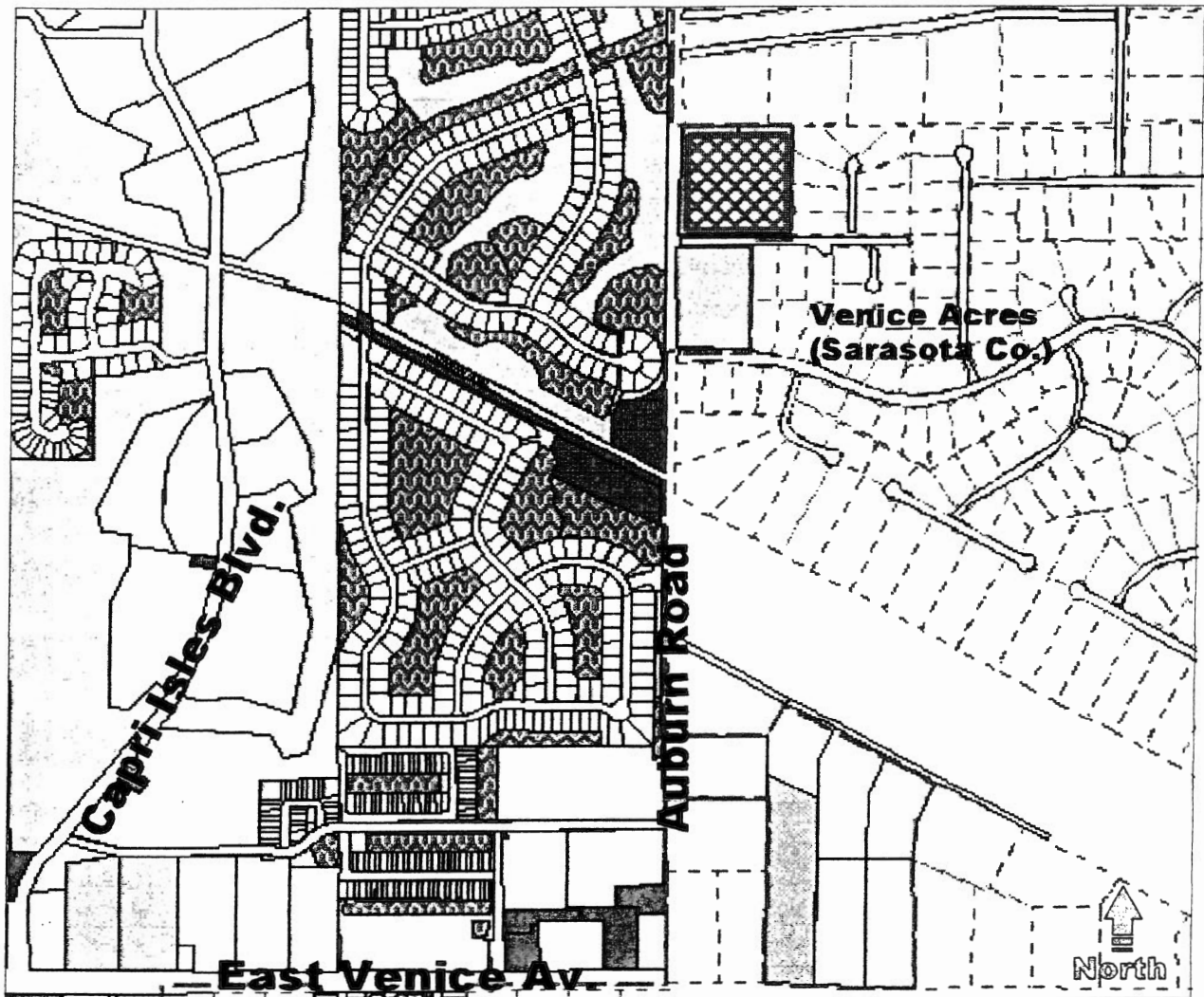
The Owner further covenants and agrees to and with the City that if the contemplated annexation shall ultimately be held invalid by court proceedings or excluded from the City limits by future legislation, then if and to the extent that the City shall continue to supply water, sewer and other utility services to the Subject Property, it shall be entitled to charge at such rates as may be prescribed from time to time by the City Council for comparable services outside the corporate limits. The Owner further covenants and agrees, jointly and severally, to waive any claim for a refund of ad valorem taxes levied by and paid to the City of Venice on the Subject Property for any periods subsequent to the acceptance by the City of the Owner's petition for annexation and prior to the establishment of the invalidity thereof in the manner aforesaid.

10. DEFAULT. Upon the breach by either party of any term or condition of this Agreement, and upon the failure to cure same after thirty (30) days written notice from either party, then the non-defaulting party shall have the right to enforce same or to perform any such term or condition and recover the costs of same from the defaulting party.

11. ATTORNEY'S FEES. In the event of any default pursuant to the terms of this agreement, the prevailing party shall be entitled to recover all attorney's fees and costs from the other party, whether the same be incurred for negotiation, trial or appellate proceedings.

12. BINDING ON SUCCESSORS. The covenants contained herein shall run with the Subject Property and shall inure to the benefit of and be binding upon the respective successors, heirs, legal representatives and assigns of the parties to this agreement.

## LAND USE MAP

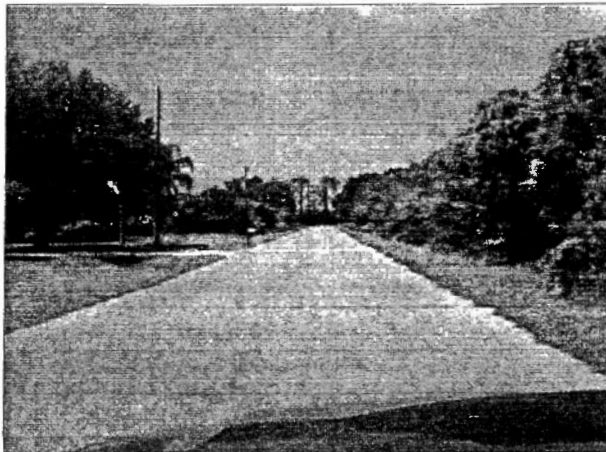
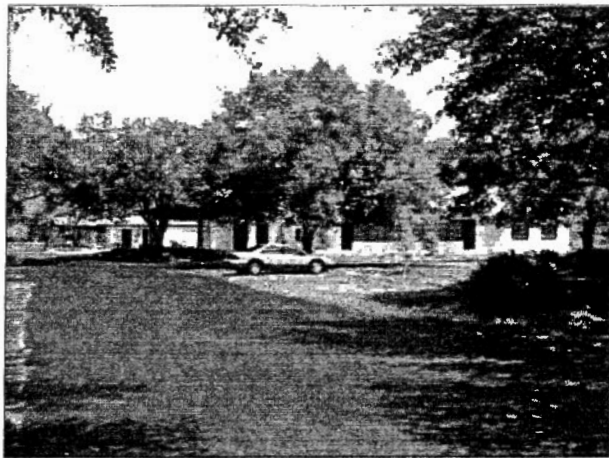
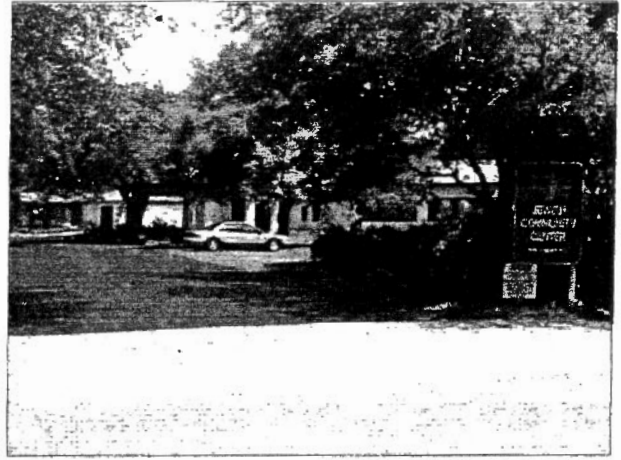
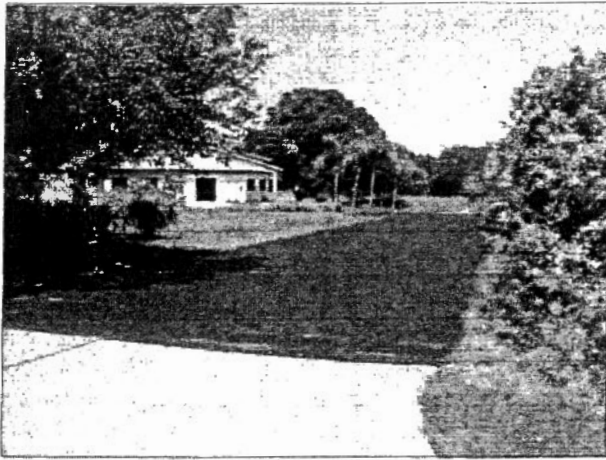


### LAND USE LEGEND

Single Family	● Office	● Community Facilities
Duplex Residential	● Institution	Recreation
Multi Family	● Retail Commercial	● Open Area / Water
Mobile Home	● Intensive Commercial	○ Vacant
● Transient	● Industrial	■ Site



**SITE PHOTOS**



## **I. GENERAL INFORMATION**

**Request:** The applicant is requesting a Zoning Map Amendment from Sarasota County's "Open Use, Estates (OUE-1)" zoning district to the City of Venice's "Residential, Single-Family (RSF-1)" zoning district. Rezoning to a City zoning district is a condition of annexation approval.

**Owner:** Jewish Community Center of Venice, Inc.

**Agents:** Jeffery A. Boone, Esquire, Boone Law Firm.

**General Location:** The property is located on the east side of Auburn Road, and approximately 0.80 miles north of East Venice Avenue.

**Property Size:** 10.32 ± acres.

**Aerial:**





## **II. STAFF ANALYSIS**

### **A. Findings:**

On February 26, 2002, the Jewish Community Center of Venice, Inc., successfully petitioned for annexation of a 10.32 ± acre parcel of property. The subject property is located on the east side of Auburn Road, and approximately 0.80 miles north of East Venice Avenue. Rezoning to a Venice zoning district is a condition of the approved annexation agreement (01-9AN). The applicant is requesting a Zoning Map Amendment from Sarasota County's "Open Use, Estates (OUE-1)" zoning district to the City's "Residential, Single-Family (RSF-1)" zoning district. The proposed "RSF-1" zoning district will implement the "Moderate Density Residential" Future Land Use Map designation.

The applicant has provided a narrative (see attached report, prepared by Jeffery A. Boone, Esquire, Boone Law Firm) to address Code requirements for reviewing and approving zoning amendments.

Staff has reviewed the petition for compliance with land development regulations and policies of the Venice Comprehensive Plan and Code of Ordinances. Staff has found this request generally consistent with the application requirements. The City's Development Review Committee has also reviewed the petition and finds that the proposal should not negatively impact public facilities. Potable water and sanitary sewer are available along Auburn Road. Developer required improvements of the subject property cannot be determined until formal site plan review has occurred. Future development of new building structures will require site and development plan review.

The subject property lies within a predominately low density residential area of the City. The subject tract is located east of Sawgrass and west of Venice Acres (single-family residential within unincorporated Sarasota County). A Presbyterian Church and the Courtside Tennis Club are located to the north and south of the subject tract. Historically, Auburn Road was the line of division between City properties located the west and County lands to the east of the roadway. The Jewish Community Center and the Courtside Tennis Club were both annexed into the City this past year. Houses of worship and athletic clubs are permitted uses granted by right within the City's single family zoning districts.

The Code also provides that the Planning Commission may recommend that a rezoning petition be approved subject to stipulations limiting the use of the property. Staff is not proposing conditions or restrictions of rezoning approval.

The order and action of required public hearings will first be review and recommendation by the Planning Commission. The Planning Commission's recommendation, including findings of fact, will then be forwarded to the City Council for final action. The rezoning is required to be approved by ordinance and will require two City Council public hearings for adoption.

### **B. Outstanding Issues:**

There are no outstanding technical issues which would prevent the Planning Commission from taking action on the rezoning petition.

**C. Staff Recommendation:**

Staff recommends approval of the proposed rezoning.

**III. ACTION REQUIRED BY THE PLANNING COMMISSION**

**A. Zoning Map Amendment.** The Venice Code of Ordinances establishes the procedures and approval criteria for the rezoning of the subject property to the City of Venice's "Residential, Single-Family (RSF-1)". Section 122-186 specifically spells out the review standards to be used by Planning Commission and City Council in the development of findings, recommendations and a final decision concerning the rezoning.

**B. Sec. 122-186. Contents of Planning Commission Report.**

*(a) Rezoning amendments. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City Council required by Section 122-185 shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:*

- (1) Whether the proposed change is in conformity to the comprehensive plan.*
- (2) The existing land use pattern.*
- (3) Possible creation of an isolated district unrelated to adjacent and nearby districts.*
- (4) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*
- (5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
- (6) Whether changed or changing conditions make the passage of the proposed amendment necessary.*
- (7) Whether the proposed change will adversely influence living conditions in the neighborhood.*
- (8) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*
- (9) Whether the proposed change will create a drainage problem.*
- (10) Whether the proposed change will seriously reduce light and air to adjacent areas.*
- (11) Whether the proposed change will adversely affect property values in the adjacent area.*
- (12) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
- (13) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
- (14) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
- (15) Whether the change suggested is out of scale with the needs of the neighborhood or the city.*
- (16) Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

#### IV. LAND USE

**A. Existing Land Use:** House of worship and community center.

**B. Future Land Use Map Designation:** Moderate Density Residential.

**C. Zoning Atlas Map Designation:** Proposed: Residential, Single Family (RSF-1).  
Current: Open Use, Estate (OUE-1).

**D. Surrounding Land Uses:**

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	House of worship (Presbyterian Church)	Moderate Density Residential	“OUE-1” (Sarasota County)
South	Athletic Club (Courtside Tennis Club)	Moderate Density Residential	“RE-2” (Sarasota County)
West	Single Family Residential (Sawgrass)	Low Density Residential	“PUD”
East	Single Family Residential (Venice Acres)	Low Density Residential	“RE-2” (Sarasota County)

#### V. ENVIRONMENTAL

Staff has conducted a Phase I (“walk through”) environmental inventory of the site. The front portion of the site has undergone prior development activities. The rear portion of the site which lies to the east of the primary buildings will be required to obtain site and development plan review including native tree and habitat identification.

**A. Conservation:** The site is not located within any recognized conservation area as determined by the Biodiversity Hotspots Map which identifies occurrences of endangered or listed species (“Closing the Gaps in Florida's Wildlife Habitat Conservation System,” Florida Game and Fresh Water Fish Commission).

**B. Flora and Fauna:** No appreciable plant or animal species were identified.

**C. Flood Zone:** FEMA Flood Zone “C” (Areas of Minimal Flooding) and “A” (Areas of 100-year Flood).



**D. Hurricane Vulnerability Zone:** Category 4/5 - “Lowest Risk” vulnerability zone. SLOSH Model storm surge projected to be up to 28.3 feet above mean sea level (“Hurricane Evacuation Study,” Southwest Florida Regional Planning Council).

**E. Wetlands:** No jurisdictional wetlands found on site.

## **VI. SERVICES AND FACILITIES**

**A. Potable Water:** The Pre-Annexation agreement requires that the property owner construct all on-site utility lines and improvements necessary to connect the subject property to the City’s water system.

**B. Sanitary Sewer:** The property owner acknowledges that the City is currently unable to provide the subject property with sanitary sewer service at this time. The Pre-Annexation agreement requires that in the event that the City decides to extend its sewer utility lines adjacent to the subject property, the owner shall then construct and pay the cost of extending and sizing all on-site utility lines and improvements necessary to connect to the City’s sewer system.

**C. Stormwater:** Future development will be permitted consistent with paving and drainage requirements for stormwater drainage permitting.

**D. Transportation:** Upon site plan application, the applicant will be required to submit a Traffic Calculation Letter and a Concurrency Determination Application which address transportation planning and capacity issues.

## **VII. CONSISTENCY WITH COMPREHENSIVE PLAN**

### **A. Future Land Use Map**

The property is currently depicted as “Moderate Density Residential” on the City’s adopted Future Land Use Map. The land use designation is defined in the Venice Comprehensive Plan as:

***Moderate-Density Residential** uses range from over five units to thirteen units per acre and include small (5000 square foot) single-family lots, older mobile home parks, duplexes, higher density cluster housing and town houses and new multi-family projects. As professional and business offices are generally compatible with multi-family uses, areas of moderate density with good access to collector or arterial streets may incorporate such uses. Transient uses such as hotel/motel and restaurants are also appropriate along arterial streets in this classification.*

### **B. Housing Element (Goals, Objectives and Policies)**

***Objective 1:** Ensure the coordination of residential development with utilities and public facilities.*

*Objective 2: Provide for a diversity of housing types and residential living environments to accommodate housing for low and moderate income households.*

**C. Future Land Use (Goals, Objectives and Policies)**

*Objective 1: Development patterns will be coordinated with the provision of utilities and public facilities and compatible with the physical characteristics of the City of Venice.*

*Policy 1-2: All new development shall be timed and coordinated with the provision of utilities and facilities as reflected in the City of Venice Capital Improvements Program to ensure that services are available and adequate to serve the development at acceptable level of service standards.*

*Objective 2: Ensure compatibility and harmony among the various land use types.*

*Policy 2- 1: Confine higher density residential uses to high access locations near places of employment and shopping.*

**D. Transportation (Goals, Objectives and Policies)**

*Objective 1: Develop and maintain a safe, convenient and energy efficient multimodal transportation system which will meet future as well as current transportation needs.*

*Policy 1-14: Develop and adopt land use and other strategies to promote walking and the use of bicycles.*

## **VIII. LAND DEVELOPMENT REGULATIONS**

**A. Zoning District Standards:**

***Sec. 122-343. RSF – Residential, Single-family district.***

*(a) Generally; intent. The RSF districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all districts. Variation among the RSF-1, RSF-2, RSF-3 and RSF-4 districts is in requirements for lot area, width and certain yards. Certain structures and uses designed to serve governmental, educational, religious, noncommercial recreational and other immediate needs of such areas are permitted or are permissible as special exceptions within such districts, subject to restrictions and requirements necessary to preserve and protect their single-family residential character. Regulations for the RSF districts are as provided in this section. See also the supplementary district regulations set out in article V of this chapter.*

*(b) Permitted principal uses and structures. Permitted principal uses and structures in the RSF district are:*

*(1) One single-family dwelling per lot (see the definition for "Dwelling, one-family" in section 122-5).*

*(2) Public elementary and high schools with conventional academic curriculums, and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.*

*(3) Parks, playgrounds, playfields and city buildings in keeping with the character and requirements of the district, and public libraries.*

*(4) Essential services (see section 122-401).*

*(5) Existing railroad rights-of-way.*



*(6) Community residential homes having six or fewer residents.*

*(c) Permitted accessory uses and structures. Permitted accessory uses and structures in the RSF district are the same as for the RE district, except that the following shall be substituted for subsection (c)(5) of section 122-342: "Do not involve operations or structures not in keeping with the character of a single-family neighborhood."*

H:\Growth Management\Petitions\03-1RZ (Jewish Community Ctr.)\Staff Report No. 03-1RZ.wpd

<b>Project Name:</b>	Jewish Community Center of Venice, Inc.
<b>Parcel Identification No.</b>	0400-05-0001, 0400-05-0003
<b>Parcel Address:</b>	600 N. Auburn Road
<b>Parcel Size:</b>	10.316± Acres
<b>FLUM Designation:</b>	Sarasota County: Moderate Density Residential
<b>Zoning Atlas Map Designation:</b>	Current: Sarasota County / OUE-1 Proposed: City of Venice / RSF-1

<b>Application Date:</b>	February 18, 2003
<b>Owners Name:</b>	Jewish Community Center of Venice, Inc. Beverly Osnowitz, President
<b>Telephone:</b>	
<b>Cell/Mobile/E-Mail:</b>	
<b>Fax:</b>	
<b>Mailing Address:</b>	600 N. Auburn Road Venice, FL 34292

<b>Agent's Name (and Title):</b>	Jeffery A. Boone, Esquire
<b>Telephone:</b>	488-6716
<b>Cell/Mobile/E-Mail:</b>	
<b>Fax:</b>	488-7079
<b>Mailing Address:</b>	1001 Avenida del Circo P.O. Box 1596 Venice, FL 34284

<b>Agent's Name (and Title):</b>	
<b>Telephone:</b>	
<b>Cell/Mobile/E-Mail:</b>	
<b>Fax:</b>	
<b>Mailing Address:</b>	

**Brief Description of Request (if applicable):**

# APPLICATION FOR REZONING

STAFF USE ONLY

Computer Generated No. **03-009**

Petition No. **03-1**

RZ

Project Name:	Jewish Community Center of Venice, Inc.	RECEIVED
Parcel Identification No.:	0400-05-0001 and 0400-05-0003	FEB 18 2003
Parcel Size:	10.316 +/- acres	Growth Management

**TO VENICE CITY COUNCIL, VENICE, FLORIDA:** Pursuant to §122-182, Venice Code of Ordinances, I hereby request Zoning Map Amendment approval to change the present zoning of this property from Sarasota County OUE-1 District to RSF-1 District and offer the following statement of intent: (attach as necessary)

The rezone petition is being filed in order to comply with the terms of the Annexation Agreement requiring the owner to petition the City to Rezone the subject property from a Sarasota County Zoning District to a district under the City of Venice Zoning Code.

Section: 3	Township: 39	Range: 19E
Lot:	Block:	Subdivision:
Address: 600 N. Auburn Road, Venice, FL 34292		
Future Land Use Map Designation: Sarasota County- Moderate Density Residential		

Property Owner's Name (and Title):	Jewish Community Center of Venice, Inc.
Telephone:	
Mobile/Fax:	
E-mail:	
Mailing Address:	600 N. Auburn Road, Venice, FL 34292

Per: CASHIER Type: DC Drawer: 1  
 Date: 2/18/03 00 Receipt no: 3583  
 2003 9  
 PZ PLANNING & ZONIN 1 \$405.00  
 CK CHECK 4555 \$405.00  
 Total tendered \$405.00  
 Total payment \$405.00

Trans date: 2/18/03 Time: 9:36:21

Applicant's (Owner/Agent) Signature: \_\_\_\_\_

Date: **11 FEB 03**

Provide notice of Name, Title and Certifications/Licenses of those preparing professional services including Architectural, Engineering, Legal, Planning and Surveying. (Attach agent authorization letter)

Agent's Name (and Title):	Jeffery A. Boone, Esq.
Telephone:	(941) 488-6716
Mobile/Fax:	FAX (941) 488-7079
E-mail:	
Mailing Address:	1001 Avenida Del Circo PO Box 1596 Venice, FL 34284

Agent's Name (and Title):	
Telephone:	
Mobile/Fax:	
E-mail:	
Mailing Address:	

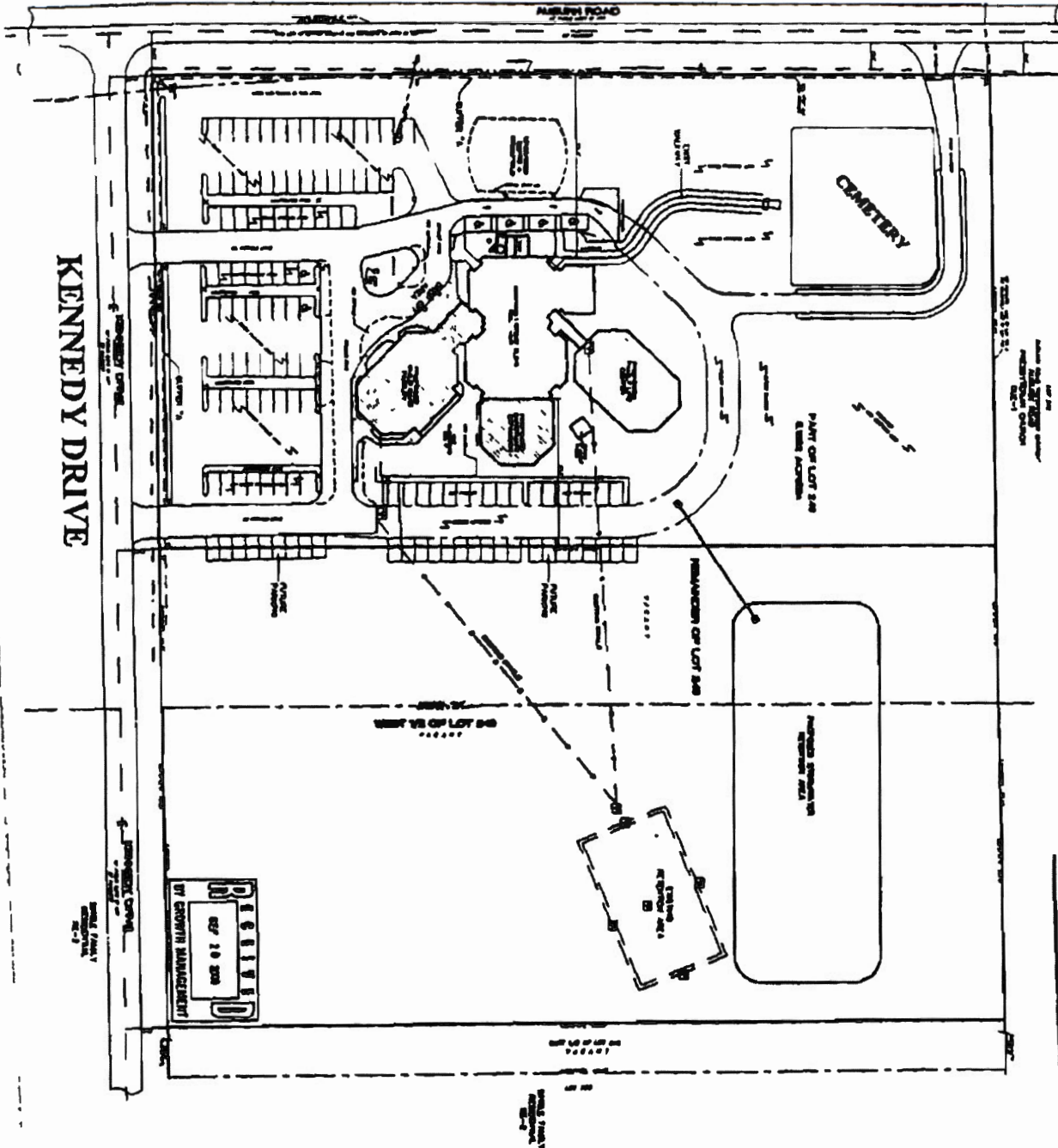
Agent's Name (and Title):	
Telephone:	
Mobile/Fax:	
E-mail:	
Mailing Address:	

- ☐ Application must be accompanied by a Filing Fee of \$400.00 plus \$10.00 per acre or fractional part of an acre for PUD, PID, CSC or RMH OR \$350.00 plus \$5.00 per acre or fractional part of an acre for other districts.
- ☐ All issues on the attached memorandum have been addressed.
- ☐ A pre-application meeting must be scheduled prior to the filing deadline in order to submit application.



Exhibit A

NORTH AUBURN ROAD



MAP SERIES - CONCEPT PLAN

NORTH →