

**DEVELOPMENT SERVICES DEPARTMENT - PLANNING AND ZONING DIVISION**

401 W. Venice Avenue, Venice, FL 34285

(941) 486-2626 ext. 7434

[www.venicegov.com](http://www.venicegov.com)**ZONING MAP AMENDMENT APPLICATION**

Submit a complete application package to the Planning and Zoning Division. All information must be legible and will become a permanent part of the public record. Incomplete applications will not be reviewed and will be returned to the applicant/agent. Refer to the City of Venice Code of Ordinances Section 86-130 for Planned Unit Development district submittal requirements. After this application package is deemed complete, any new development will be scheduled for a Pre-Hearing Conference at the Planning Commission (Section 86-130(t)(4)).

**Project Name:** Cassata Place I**Brief Project Description:** The proposed rezoning is limited to the proposed elimination of stipulation No. 3 of Ordinance No. 2005-24 prohibiting a wall, fence, or gate along the western property line. Please see attached proposed strike through change to the Ordinance.**Address/Location:** 1755 E. Venice Avenue, Venice, FL 34292**Parcel Identification No.(s):** 0412-08-0004**Parcel Size:** 5 +/- acres**Current Zoning Designation(s):** RMF-2/VG with stipulations**Proposed Zoning Designation(s):** RMF-2/VG w amended stipulations.☒ Residential ☐ Non-Residential**FLUM Designation(s):** Moderate Density Residential

**Fee:** The Zoning Administrator determines if a project is a minor or major amendment. A 35% reduction will be applied to concurrently filed land use petitions that qualify. Some projects may be assessed an extended technical review fee of \$1400:

☐ New \$2908

**Additional fees:** Per Code Section 86-586, legal advertising and public notice fees in excess of \$50 will be billed after all public hearings, regardless of approval status. Other fees may include review of transportation/environmental reports and studies by the City's consultant, verification by a consultant of the accuracy of the legal description provided by the applicant/agent and City Attorney fees. These fees are billed separately and must be paid before the Planning Commission public hearing. If these fees are not paid, approvals and further City of Venice permits are subject to delay. **BILL TO:** ☒ **APPLICANT** ☐ **AGENT (SELECT ONE)**

**Applicant/Property Owner Name:** Acqueduct, LLC**Address:** 7507 S. Tamiami Trail, Sarasota, FL 34231**Email:****Phone:****Design Professional or Attorney:** Paul V. Sherma, Professional Engineering Resources, Inc.**Address:** 10225 Ulmerton Road, Suite 4D, Largo, FL 33771**Email:****Phone:****Authorized Agent (1 person to be the point of contact):** Jeffery A. Boone, Esq.**Address:** 1001 Avenida Del Circo, Venice, FL 34285**Email:** jboone@boone-law.com**Phone:** (941) 488-6716Staff Use Only**RECEIVED****APR 11 2019****PLANNING & ZONING****Petition No.**



*Application packages are reviewed by Planning Staff for completeness within 3 business days. Packages must be submitted via hard & electronic copies, and additional copies may be requested. Large plans should be collated and folded to allow the bottom right corner visible. Concurrently filed applications must be packaged separately. Please indicate N/A if the document is not being submitted.*

☒ **Application:** (15 copies)

☒ **Project Narrative:** Provide A statement describing in detail the character and intended use of the development, in addition to the short description on page one of the application (15 copies).

☒ **CD with Electronic Files:** Provide PDF's of ALL documents, appropriately identified by name on one CD. *The legal description for each parcel must be submitted in text (copyable) format and will be verified by a consultant.*

☒ **Agent Authorization Letter:** A signed letter from the property owner, authorizing one individual to submit an application and represent the owner throughout the application process. This individual will be the single point of contact for staff (1 copy).

☒ **Statement of Ownership and Control:** Documentation of ownership and control of the subject property (deed). Sarasota County Property Appraiser or Tax Collector records will not suffice. Corporations or similar entities must provide documents recognizing a person authorized to act on behalf of the entity (1 copy).

☒ **Survey of the Property:** Signed and sealed survey that accurately reflects the current state of the property. Each parcel must have its own legal description listed separately on the survey, correctly labeled by parcel id. (1 copy) **Date of Survey:**

☒ **School Concurrency (RESIDENTIAL ONLY):** School Impact Analysis Receipt from Sarasota County dated within 10 days of petition submittal (1 copy). N/A

☒ **Public Workshop Requirements:** (Section 86-41) ☒ Newspaper advertisement ☒ Notice to property owners ☒ Sign-in sheet  
☒ Written summary of public workshop (1 copy)

☒ **Planning Commission Report:** (15 copies) Per Code Section 86-47(f)(1), prepare a statement for each of the following considerations/ findings: a. Whether the proposed change is in conformity to the comprehensive plan; b. The existing land use pattern; c. Possible creation of an isolated district unrelated to adjacent and nearby districts; d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change; f. Whether changed or changing conditions make the passage of the proposed amendment necessary; g. Whether the proposed change will adversely influence living conditions in the neighborhood; h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety; i. Whether the proposed change will create a drainage problem; j. Whether the proposed change will seriously reduce light and air to adjacent areas; k. Whether the proposed change will adversely affect property values in the adjacent area; l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare; n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning; o. Whether the change suggested is out of scale with the needs of the neighborhood or the city; and p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

☒ **Comprehensive Plan Compliance Report:** Prepare a report addressing the appropriate areas of the Comprehensive Plan in order to determine compliance.

**Technical compliance must be confirmed 30 days before a public hearing will be scheduled. The applicant or agent MUST be present at the public hearing and will be contacted by staff regarding availability.** By submitting this application the owner(s) of the subject property does hereby grant his/her consent to the Zoning Official and his/her designee, to enter upon the subject property for the purposes of making any examinations, surveys, measurements, and inspections deemed necessary to evaluate the subject property for the duration of the petition.

Authorized Agent Name & Date:  
**JERRY A. BOONE 4/10/19**

Authorized Agent Signature:

Applicant Name & Date:

Applicant Signature:

## Project Narrative & Comprehensive Plan Compliance Report

The subject property is an undeveloped 5.07 +/- acre parcel located on the south side of East Venice Avenue between Auburn Woods Circle and S. Auburn Road. The property lies within the East Venice Avenue Neighborhood of the Comprehensive Plan, has a Future Land Use Map designation of Moderate Density Residential, and is zoned RMF-2/VG.

The proposed rezoning is limited to elimination of stipulation No. 3 of Ordinance No. 2005-24 concerning the construction of a wall, fence or gate on the western boundary of the subject property. Please see attached proposed strikethrough of Ordinance No 2005-24.

The neighbors along the western property line, Auburn Woods, support the construction of a fence along the western property boundary. Therefore, the applicant proposes to eliminate the stipulation which was put in place in 2005 in connection with a different development plan contemplated for the property.

The proposed request is consistent with all applicable elements of the Comprehensive Plan including the compatibility analysis of Policy 8.2 addressed below.

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

- A. Land use density and intensity.  
**Not applicable. Elimination of Stipulation No. 3 does not change the allowable density.**
- B. Building heights and setbacks.  
**Not applicable, elimination of Stipulation No. 3 does not change building heights or setbacks for the property.**
- C. Character or type of use proposed.  
**Not applicable, elimination of Stipulation No. 3 does not change the character or type of use permitted on the property.**
- D. Site and architectural mitigation design techniques.  
**Elimination of Stipulation No. 3 will allow for construction of a fence, as supported by the neighbors, to mitigate impacts of the development.**

Considerations for determining compatibility shall include, but are not limited to, the following:

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses.  
**Not applicable.**
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.  
**Not applicable.**
- G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.  
**Not applicable.**
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

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**Not applicable. Elimination of Stipulation No. 3 does not change the allowable density.**

Potential incompatibility shall be mitigated through techniques including, but not limited to:

- I. Providing open space, perimeter buffers, landscaping and berms.  
**Elimination of Stipulation No. 3 will allow for construction of a fence, as supported by the neighbors, to mitigate impacts of the development.**
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.  
**Elimination of Stipulation No. 3 will allow for construction of a fence, which will screen sources of light, noise and mechanical equipment.**
- K. Locating road access to minimize adverse impacts.  
**Not applicable.**
- L. Adjusting building setbacks to transition between different uses.  
**Not applicable.**
- M. Applying step-down or tiered building heights to transition between different uses.  
**Not applicable.**
- N. Lowering density or intensity of land uses to transition between different uses.  
**Not applicable.**

## Cassata Place Phase I Rezoning

### Sec. 86-47. - Amendments to the land development code.

#### (f) Contents of planning commission report.

- 1) *Rezoning amendments.* When pertaining to the rezoning of land, the report and recommendations of the planning commission to the city council shall show that the planning commission has studied and considered the proposed change in relation to the following, where applicable:
  - a) Whether the proposed change is in conformity to the comprehensive plan.  
**The proposed change is in conformity with the Comprehensive Plan.**
  - b) The existing land use pattern.  
**The proposed change will not alter the existing land use pattern.**
  - c) Possible creation of an isolated district unrelated to adjacent and nearby districts.  
**The proposed change will not create an isolated district unrelated to nearby districts.**
  - d) The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.  
**The proposed change will not alter density or increase the load on public facilities.**
  - e) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.  
**The proposed change does not seek to alter the zoning designation for the property.**
  - f) Whether changed or changing conditions make the passage of the proposed amendment necessary.  
**A revised development plan since the 2005 zoning, and the request of the neighbors make passage of the amendment necessary.**
  - g) Whether the proposed change will adversely influence living conditions in the neighborhood.  
**The proposed change will not adversely influence living conditions.**
  - h) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.  
**The proposed change will not increase traffic congestions or otherwise affect public safety.**
  - i) **The proposed change will not increase traffic congestions or otherwise affect public safety.**
  - j) Whether the proposed change will create a drainage problem.  
**The proposed change will not create a drainage problem.**
  - k) Whether the proposed change will seriously reduce light and air to adjacent areas.  
**The proposed change will not seriously reduce lot and air to adjacent areas.**
  - l) Whether the proposed change will adversely affect property values in the adjacent area.  
**The proposed change will not adversely affect property values in the area.**
  - m) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.  
**The proposed change will not be a deterrent to the improvement of adjacent properties.**
  - n) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.  
**The proposed change will not constitute a grant of special privilege.**
  - o) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.  
**The existing zoning prohibits a fence along the western boundary.**
  - p) Whether the change suggested is out of scale with the needs of the neighborhood or the city.

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**The change is not out of scale with the needs of the neighborhood and will allow the applicant to respond favorable to the request from the neighbors for a fence.**

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

**Not, applicable, the proposed rezoning does not seek to change the RMF2/VG zoning on the property.**

[illegible]