



PRE-ANNEXATION: PALENCIA STAFF REPORT

Pre-Annexations

The purpose of the attached staff report is to provide supplemental information for the consideration of the pre-annexation agreement prior to annexation proceedings.

Background Property Information

The request is for consideration of annexation of two parcels of land: Parcel ID No. 0399010001 and 0399090001 comprising approximately 80 +/- total acres. This annexation request has been submitted by Jeffrey A. Boone, Attorney, authorized agent for SSD Land Holdings, LLC, and Russel W. and Iralyn M. Snyder, Jason Milton Kramer, and Jonathan Sol Kramer. Currently, contiguity is provided to the City limits across Border Road from the northernmost of the two parcels (0399010001), which fronts on Border Road. The subject parcels are separated by Ewing Drive. It is the legal opinion of the applicant that an enclave would not be created with the annexation of these lots (Exhibit A). Parcel 0399010001 is located along the southwest quadrant of the intersection of Border Road and Jacaranda Boulevard. Parcel 0399090001 lies along the western side of Jacaranda Boulevard and south of Ewing Drive. A location map (Exhibit B) is attached. The subject properties are currently vacant. The following table provides summary information for the subject properties:

Parcel ID #	Parcel Size	Sarasota County Comprehensive Plan Designation	Sarasota County Zoning Designation
0399010001	73 +/- Acres	Rural	Open Use Estate (OUE-1)
0399090001	6.7 +/- Acres	Rural	Open Use Estate (OUE-1)

Annexation Process

The first step in the annexation process is to schedule consideration of the pre-annexation agreement, which gives the applicant an opportunity for preliminary discussion of the potential annexation petition with City Council. The following information is provided for discussion and consideration of the annexation:

a. Contiguity determination

Staff Response: The parcel to the north shares a common boundary with existing City limits, which creates contiguity. The parcel to the south shares a common border with the parcel to the north. Both parcels are being annexed simultaneously (Exhibit B).

b. TRC review comments for required and recommended terms and conditions of the agreement

Staff Response: The subject petition for annexation was forwarded to TRC members on August 1, 2019 and the only comment received was that the property developer would be responsible for any road, sidewalk, or multimodal improvements for access to the project.

c. Compliance with future land use designation and all applicable terms and conditions of the JPA/ISBLA

Staff Response: The City's Comprehensive Plan identifies the subject parcels as being within a potential voluntary annexation area under the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County (JPA/ILSBA). The City sent petitions to the County on June 16, 2019, and received comments back from County staff stating that the information provided to them was insufficient to allow them to complete their review and determine whether the proposal is in compliance with the provisions of the JPA (Exhibit D). On September 18, 2019, the City received the legal opinion regarding creation of an enclave from the applicant and forwarded it to the County on September 19, 2019. No further response has been received from the County on this matter.

- d. **Adherence to the adopted Comprehensive Plan defining set-asides for: preservation of open-space and neighborhood parks; conservation of wetlands, habitats and natural environments from adverse impacts or other potential impacts to public facilities.**

Staff Response: TRC members did not request any set-asides or dedications as part of the annexation proceedings. Comprehensive Plan and development necessities will be required as development of the subject properties is proposed.

- e. **Financial feasibility analysis of proposed development as supplied by the applicant**

- i. **Estimate of range of property tax revenue as determined by the number of proposed residential units or square footage of commercial development. May be based upon project unit sales or similar development sales.**
- ii. **Revenue implications or mitigation fees and expansion of utility system users per equivalent dwelling unit (EDU).**
- iii. **Description of infrastructure enhancements to transportation network, utility system, school and recreational facilities.**
- iv. **Discussion of potential pedestrian/bike access and connectivity, environmental set asides, and buffering to mitigate impacts to existing development.**

Staff Response: The applicant has provided financial feasibility information on the proposed development (Exhibit E).

- f. **Summary of community workshop(s) and proposed resolution of identified concerns**

Staff Response: A public workshop is not required for annexations however, the summary of the public workshop for the concurrent rezoning request for the subject properties is provided as attached Exhibit C.

Attachments: Exhibit A: Legal Opinion Regarding Creation of Enclave
Exhibit B: Location Map
Exhibit C: Public Workshop Summary (rezoning)
Exhibit D: Sarasota County Staff Response to Proposed Annexation
Exhibit E: Financial Feasibility
Exhibit F: Signed Pre-Annexation Agreement

cc: Kelly Fernandez, City Attorney
Lori Stelzer, City Clerk
file

Exhibit A: Legal Opinion Regarding Creation of Enclave



E.G. (DAN) BOONE
JEFFERY A. BOONE
STEPHEN K. BOONE
JACKSON R. BOONE
STUART S. BOONE
ANNETTE M. BOONE

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

LAW OFFICES
BOONE, BOONE & BOONE, P.A.
P. O. BOX 1596
VENICE, FLORIDA 34284

ESTABLISHED 1958

September 17, 2019

STREET ADDRESS:
1001 AVENIDA DEL CIRCO 34285
TELEPHONE (941) 488-6716
FAX (941) 488-7079
e-mail: adm@boone-law.com

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 W. Venice Ave.
Venice, FL 34285

Re: Palencia Annexation Petition No. 19-28AN

Dear Mr. Shrum:

As you are aware, we represent the applicant, D.R. Horton, Inc., as contract purchaser, in connection with the Palencia Annexation Petition No. 19-28AN. Pursuant to your request in response to comments received from Sarasota County via their July 17, 2019, letter to you, please see below our opinion on enclaves as it relates to our Petition No. 19-28AN on file with the City of Venice.

Section 171.031(13), F. S., defines "Enclave" as "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

The property in question ("Property") is located at 2114 Border Rd., Venice, Florida 34292 and is identified as PID #0390003020. The Property is bordered by the City of Venice to its west, north and east, and the Sarasota County Border Road Right-of-Way to its south. South of said Sarasota County Right-of-Way lies the SSD Land Holdings, LLC, property sought to be annexed into the City of Venice.

Annexation of the SSD Land Holdings, LLC, property would not render the Property an enclave. To be an enclave an unincorporated property must be "bounded on *all* sides by a single municipality". While the Property is bound on its northern, eastern and western sides by the City of Venice, it is bounded on its southern side by Sarasota County Border Road Right-of-Way (see enclosed Sarasota County R.P.B. Book 4, Page 67). Border Road and its right-of-way will remain under the jurisdiction of Sarasota County and allows the Property the same access for transportation and essential services through Sarasota County that it enjoys today.

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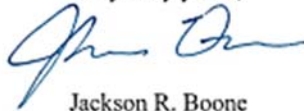
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PLANNING & ZONING

Mr. Jeff Shrum, AICP
September 17, 2019
Page 2

If you have any questions or wish to discuss this matter further, please do not hesitate to contact us.

Very truly yours,

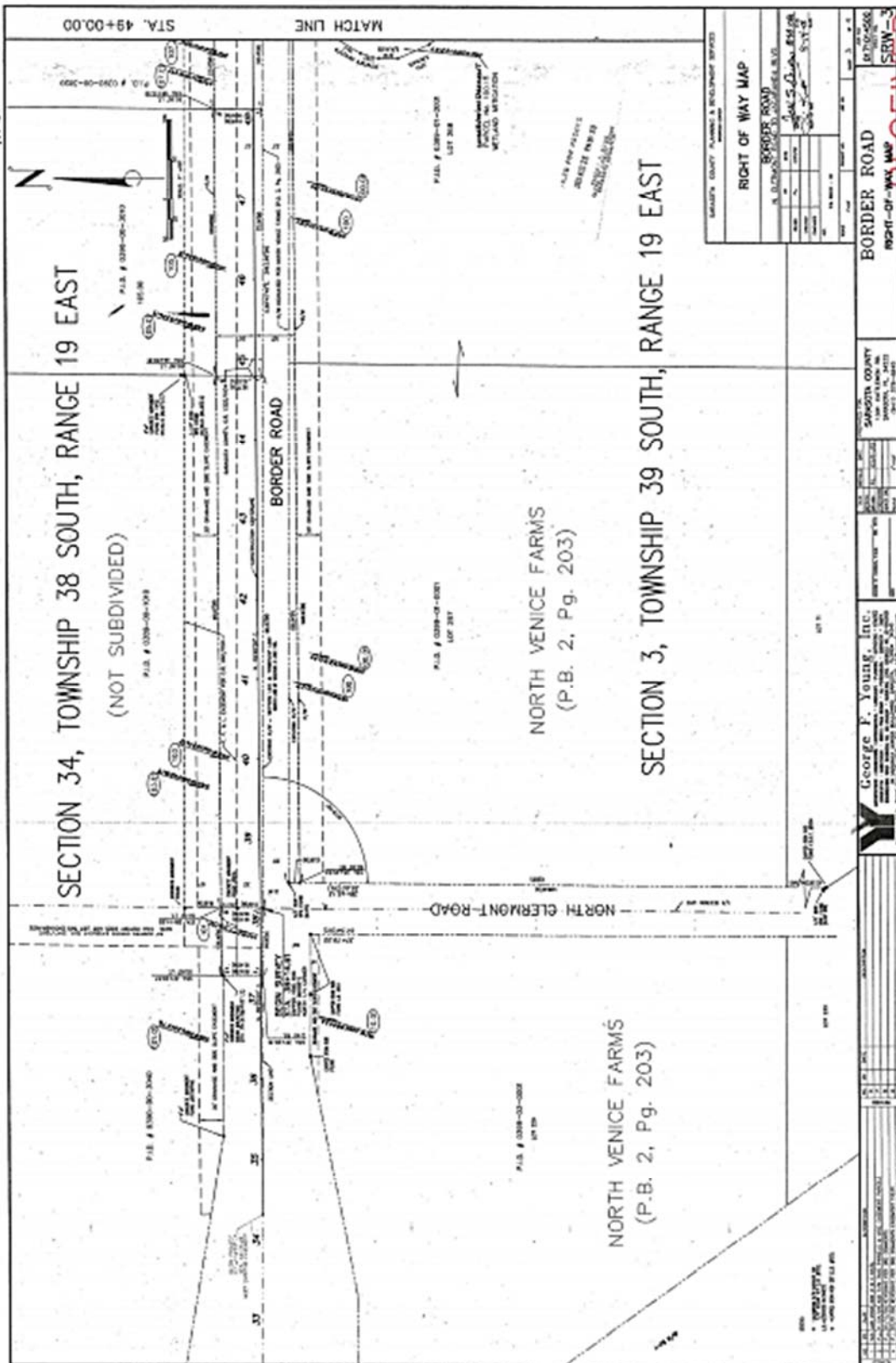
A handwritten signature in blue ink, appearing to read "J. Boone", is written over the typed name.

Jackson R. Boone

16381/Enclave

BOONE, BOONE & BOONE, P.A., ATTORNEYS AT LAW, VENICE, FLORIDA

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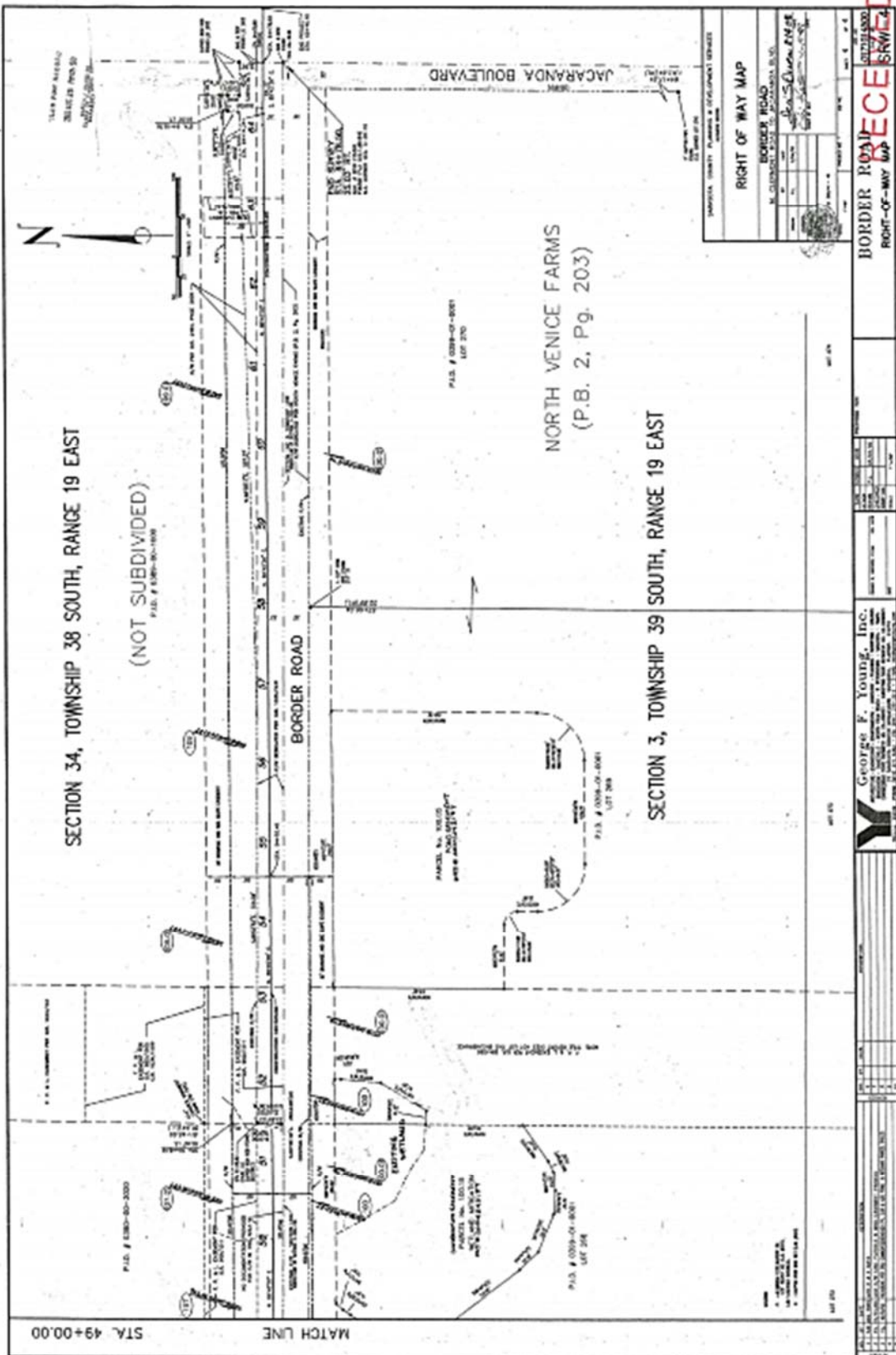


Exhibit B: Location Map

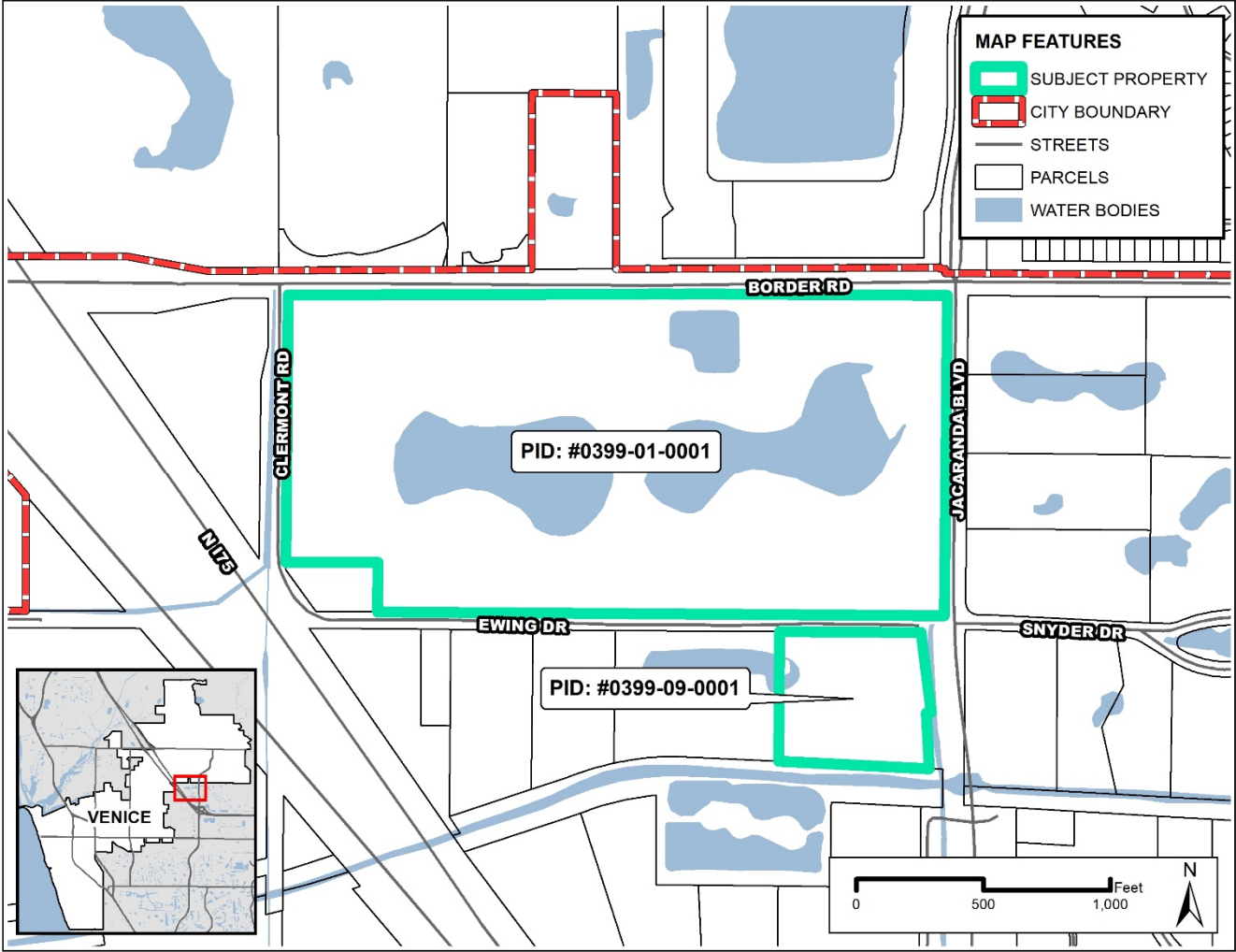


Exhibit C: Public Workshop Summary (Rezoning)

Public Workshop Summary

Annexation, Comprehensive Plan Amendment, and Rezoning Palencia Venice, Florida 34292

The following is a summary of the Public Workshop conducted on May 30, 2019.

Meeting Location: Venice City Hall, Community Hall Room, 401 Venice Ave, Venice, Florida 34285

Meeting Start Time: 5:30 p.m.

Meeting End Time: 6:30 p.m.

Attendees: There were a total of six (6) attendees from the public, two (2) of which signed in. Please refer to the attached sign-in sheet.

The Master Plan was presented by Mr. Jeffery A. Boone, Esq. and Mr. Timothy E. Roane, P.E.

Issues of concern discussed at the meeting:

1. Buffers – The two (2) residents who signed in live to the south of the proposed project and inquired about the buffer between the neighborhoods. DMK explained, that the buffer along the southern property line is proposed as a 25-foot wide landscape buffer that may or may not include a fence/wall (to be determined).
2. Drainage – One resident asked about the drainage, citing drainage along Border Road as a potential problem. In particular, he was concerned with a 30-inch culvert in the right-of-way that, in his opinion, currently acts as a flow restriction. DMK explained, that this would be reviewed during design and permitting. It was explained the proposed wet detention system would utilize the existing lakes that were originally excavated as borrow pits. These lakes would be reshaped to meet City of Venice and SWFWMD standards and will be utilized to treat and attenuate stormwater runoff. The SWFWMD requires that the post development discharge rate does not exceed the existing conditions discharge rate.
3. Utilities – It was explained, that Sarasota County will provide sanitary sewer collection and the City of Venice will provide potable water. One resident had concerns about the lift station west of the project at the corner of Border Road and Auburn Road. DMK explained, that this neighborhood is proposed to discharge wastewater through a force main that would connect to the County main along Jacaranda Boulevard, which will be pumped to the north to the Wastewater Treatment Plant located at Laurel Road and I-75, and not west to the lift station in question. Final design, subject to approval by Sarasota County.

The remaining time was spent answering general questions regarding the annexation process, schedule, number of units, types of product, percentage of open space, etc.

The meeting concluded at 6:30 p.m.

Exhibit D: Sarasota County Staff Response to Proposed Annexation



SARASOTA COUNTY

"Dedicated to Quality Service"

July 17, 2019

Mr. Jeff Shrum, AICP, Development Services Director
Planning & Zoning Division
Development Services Department
City of Venice
401 West Venice Avenue
Venice, FL 34285

Re: Proposed Palencia Annexation, Comprehensive Plan Amendment, and Rezone

Dear Mr. Shrum:

Sarasota County staff has conducted an initial review of the information provided with regard to the proposed annexation, comprehensive plan amendment, and rezoning for the Palencia development. The property that is subject to these petitions is located within Area 2B - 1-75 to Jacaranda Boulevard of the Joint Planning and Interlocal Service Boundary Agreement (JPA) between Sarasota County and the City of Venice.

The information provided to the County is insufficient for County staff to complete their review and determine whether the proposals are in compliance with the provisions of the JPA. Please see the below comments:

I. PLANNING COMMENTS

A. Annexation

- (1) The properties that are part of this annexation are located south of the existing City Boundary which lies to the north, across Border Road, and there is contiguity to some of the property. In particular, Parcel No. 0399010001 is contiguous along the entire boundary. The second parcel (Parcel No. 0399090001) is located south of Ewing Drive and is not contiguous to the City. To ensure consistency with Chapter 171, F.S., please provide confirmation that Parcel No. 0399010001 will be the first property to be annexed as part of this process.
- (2) Annexation of these parcels appears to create an enclave as Parcel No. 0390003020, located north of Border Road, would appear to be an improved property that is located within Sarasota County that would be completely surrounded on all sides by the City of Venice after the annexation. Pursuant to Section 5 of the JPA (Annexation of Lands Within the JPA), the City agrees that it will not create new or expanded enclaves within potential annexation areas. Per Section 171.044(5), F.S., which addresses Voluntary Annexations, *"land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."* Please provide information that demonstrates how the City will address compliance with the JPA and State law.

¹
Sarasota County Planning and Development Services – 1660 Ringling Boulevard, Sarasota, FL 34236
Tel 941-861-5140 – FAX 941-861-5593

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B. Comprehensive Plan Amendment

- (1) The "Proposed Future Land Use Map" that is included in the packet appears to be a map showing the existing land uses on the property in question, as well as existing surrounding land uses. Please provide the appropriate proposed Future Land Use Map that will graphically show what the change will be if approved and rename the graphic that was included to "Existing" or "Current" Land Uses.
- (2) The Applicant has provided a list of proposed map changes, which includes the Future Land Use Map addressed in comment No. 1 above. However, none of these maps are provided for review. Please provide copies of all proposed map changes for review.

C. Rezone

- (1) No comment. The proposed 203-unit development is consistent with the requirements for JPA Area 2B as adopted.

II. TRANSPORTATION PLANNING COMMENTS

- (1) Access to Border Road is subject to Sarasota County's Access Management requirements. Please provide confirmation that this requirement will be incorporated within the respective approvals.
- (2) Please note Jacaranda Boulevard from I-75 to Laurel Road is designated as a four (4) lane major arterial in the County's Thoroughfare Plan. Sarasota County's Unified Development Code (UDC) requires a minimum right-of-way of 200 feet of right-of-way for four-lane arterials with open drainage (120 feet with closed drainage) and 12-foot wide travel lanes.

Pursuant to the requirements of Section 6B(3) (Area 2B- I-75 to Jacaranda Boulevard), the Party with jurisdiction over the development application shall require that right of way be dedicated by the developer for improvements to Jacaranda Boulevard and be completed with appropriate contributions from the developer consistent with the standards in the County's land development regulations. Further, Exhibit "B" of the JPA, the Joint Planning Agreement Matrix, states that ROW Dedication for Jacaranda Boulevard is required.

Please provide information that demonstrates how the City will address compliance with the JPA.

- (3) A Right-of-Way Use Permit will be required for any work within the Sarasota County right-of-way. Construction plans shall be submitted to the Sarasota County Planning and Development Services Department if there are proposed modifications to medians and/or turn lanes to serve the development. Please provide confirmation that these requirements will be incorporated within the respective approvals.

III. ENVIRONMENTAL PROTECTION COMMENTS

- (1) Consistent with the Sarasota County Trees Code, please ensure that all development plans are designed to protect the Grand Trees on site. Attached are graphics depicting the location of the Grand Trees on the proposed annexation properties. Please provide

confirmation that this requirement will be incorporated within the respective approvals.

IV. PUBLIC UTILITIES COMMENTS

- (1) Public Utilities is in agreement with the applicant regarding water and sewer service for the proposed development. The City of Venice will be providing water and Sarasota County will provide sanitary sewer service.
- (2) Please note that the parcels are located within the Curry Creek Improvement District and will be assessed capacity fees for sanitary sewer based upon its location within this specific district.

Thank you for the opportunity to comment on this annexation, comprehensive plan amendment and rezone petition in the City Venice. The County looks forward to receiving the additional information requested above to complete the County's review and ensure compliance with the JPA.

If you have any questions, please do not hesitate to call me at 650-1205.

Sincerely,



Matthew R. Osterhoudt, Director
Planning and Development Services

cc: Michele Norton, Planning & Zoning Division Manager
Jane H. Grogg, Manager, Neighborhood Services & Long-Range Planning
Brett Harrington, Planner

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SARASOTA COUNTY GOVERNMENT

INTEROFFICE MEMORANDUM

TO: Brett Harrington, AICP, Planning Services

THROUGH: Paula R. Wiggins, P.E., MBA, Transportation Planning Manager

Kwamena Sankah, P.E., MBA, Technical Specialist III, Transportation Planning

FROM: Douglas Sines, Technical Specialist I, Transportation Planning

SUBJECT: Palencia PUD Rezone Petition
Traffic Impact Analysis

DATE: October 14, 2019

Sarasota County's Transportation Planning staff has reviewed the transportation impact analysis for Palencia prepared by Reid C. Fellows, P.E., TR Transportation Consultants, Inc. The following are staff's comments:

1. Access to Border Road is subject to Sarasota County's Access Management requirements.
2. The existing median opening along Border Road located between the proposed access locations shall be filled in to maintain Sarasota County Access Regulations.
3. A Right-of-Way Use Permit will be required for any work within the Sarasota County right-of-way. Construction plans shall be submitted to the Sarasota County Land Development Services Department if there are proposed modifications to medians and/or turn lanes to serve the development.

Exhibit E: Financial Feasibility

FINANCIAL FEASIBILITY-PALENCIA ANNEXATION (80 ACRES-BORDER RD AND JACARANDA BLVD)

<u>Use</u>	<u>Units</u>	<u>Avg Taxable \$</u>	<u>Ad Valorem Per Unit</u>	<u>Utility Fees Per Unit</u>	<u>Impact Fees Per Unit</u>
Single Family	203	\$ 350,000.00	\$ 1,497.30	\$ 7,729.00	\$ 11,738.00

Total Annual Ad Valorem \$ 303,951.90

Total Utility Connection Fees \$ 1,568,987.00

Total Impact Fees \$ 2,382,814.00

Additional Annual Revenues to the City will result from Communication Service Tax, Insurance Premium Taxes, Utility Service Taxes, Franchise Fees, Water and Sewer Fees, and other License and Permitting Fees

Exhibit F: Signed Pre-Annexation Agreement