



LAW OFFICES
BOONE, BOONE & BOONE, P.A.

P. O. BOX 1596
VENICE, FLORIDA 34284

ESTABLISHED 1956

E.G. (DAN) BOONE (1927-2019)
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)

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

July 26, 2021

VIA HAND DELIVERY

Mr. Roger Clark, AICP
Planning Manager
City of Venice
401 West Venice Ave
Venice, Florida 34285

Re: 996 Laguna Drive, PID #0175060032 – Petition for Vested Rights

Dear Roger:

As you are aware, we represent Gulf View Marina Holdings, LLC, (“Gulf View Marina”), property owner, in connection with the above-referenced matter. The above-referenced property (the “Property”) has a City of Venice zoning designation of Commercial General (CG) and is designated Commercial on the City’s Comprehensive Plan Future Land Use Map (FLUM). Gulf View Marina purchased the property in 2013 and has operated a marina and boat rental service on the property since.

The City’s Land Development Regulations pertaining to the CG zoning district are found in Sec. 86-92. Sec. 86-92(d), special exceptions, lists Multi-Family Dwellings as a special exception use in subsection (2). Gulf View Marina seeks to establish the ability to pursue the special exception use of Multi-Family Dwellings on the Property as a vested right.

Prior to the adoption of the 2017-2027 Comprehensive Plan, the Property had a FLUM designation of Tarpon Center/Esplanade. This prior FLUM designation permitted multi-family uses with a maximum density range of 18 units per acre. After adoption of the 2017-2027 Comprehensive Plan, the Property received a FLUM designation of Commercial, Strategy LU 1.2.4.a – Commercial. This current FLUM designation does not make an express reference to Multi-Family Dwellings in subsections (1), (2) or (3). Because Multi-Family Dwellings is not expressly referenced, City Staff has determined that this use is not available via special exception.

Sec. 86-46 provides two criteria that must be met to substantiate a finding of a vested right. These criteria are: 1) a reliance in good faith upon some act or omission of the government; and 2) a substantial change in position or the incurrence of such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that have been acquired.

Mr. Roger Clark, AICP
Planning Manager
July 26, 2021
Page 2

Gulf View Marina relied in good faith that the adoption of the new City Comprehensive Plan in 2017 would not remove its property rights held under the City's CG zoning district. Since purchasing the Property in 2013, Gulf View Marina has proactively explored redevelopment opportunities for the aging and deteriorating building located thereon. This exploratory work predates the adoption of the City's Comprehensive Plan and includes consultations with design professionals to analyze the potential rehabilitation or replacement of the existing building. During this time, Gulf View Marina has used the CG zoning district regulations to examine the redevelopment opportunities for the Property. Prohibiting Gulf View Marina to pursue a special exception use provided for in the CG zoning district would be highly inequitable and would unjustly destroy the property rights afforded by the CG zoning district.

Please accept this letter and the enclosed Petition for Vested Rights as our request to be scheduled for public hearing before the City Council. This submittal of our Petition for Vested Rights is made under protest and does not constitute an agreement that the ability to pursue the special exception use of Multi-Family Dwellings has been removed from the Property. We reserve all our rights to continue pursuit this special exception use for the Property.

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

We appreciate your attention to our request.

Kind regards.

Very truly yours,



Jackson R. Boone

jrb

Enclosure

F:\17196\VRLtr