



"City on the Gulf"

CITY OF VENICE

Planning and Zoning Division

401 W. Venice Avenue Venice, FL. 34285-2006

Phone: (941) 486-2626 Fax: (941) 480-3031

August 11, 2020

Jackson R. Boone
Boone, Boone & Boone, P.A.
1001 Avenida Del Circo
Venice, FL 34285

RE: Zoning Determination Letter
Rustic Road Planned Unit Development (PUD) – Master Plan Modifications (Ordinance No. 2019-25)

Dear Mr. Boone,

The Planning and Zoning Division is in receipt of your letter dated August 4, 2020 requesting a zoning determination for the above referenced topic. For clarification, you are seeking a zoning determination regarding proposed "minor modifications" as they may relate to the required process/application necessary for their consideration and approval for the submittal of the Rustic Road PUD, Preliminary Plat. In other words, your request seeks to clarify if the changes your client is proposing are in keeping with the approved PUD binding master plan (minor modifications) or if they are inconsistent, which would require a rezoning of the property to amend the PUD binding master plan to incorporate the proposed changes. In summary, the documentation you provided with your request indicates proposed changes include the following proposed areas of modifications to the PUD binding master plan:

- Alterations to the internal stormwater pond configurations.
- Modifications to the location of single-family areas.
 - Moved further away from Interstate 75.
 - Elimination of several cul-de-sacs.
- Reconfigured and locational changes to amenity areas (remaining in close proximity to their original locations).

It is important to note in consideration for your request that the approved PUD Binding Master Plan includes the following language (page 16 of adopted ordinance):

In furtherance of the interpretation authority granted by the City of Venice Comprehensive Plan and Land development Code, the Zoning Administrator shall have authority to administratively approve minor modifications of standards contained within the Rustic Road Planned Unit Development, excluding standards related to density, building height, buffer widths, and the addition of uses. Reasonable mitigation measures may be imposed by the Zoning Administrator to limit impacts from the requested adjustment of standards.

This language provides the zoning administrator with the authority to make determinations to allow administrative (staff only) processing of “minor modifications”. Lacking specific criteria for what constitutes a “minor modification”, it is important to note the specific types of modifications that are not considered “minor” including: density, building height, buffer widths, and the addition of uses. Lacking additional criteria, these are the criteria against which your proposed modifications have been evaluated as follows to determine if they are minor in nature:

- **Density** – The proposed modifications do not alter the approved density of the PUD.
- **Building Height** – The proposed modifications do not alter the approved building height of the approved PUD.
- **Buffer Widths** – The proposed modifications do not alter the approved buffer widths of the approved PUD. It should be noted that additional open space through orientation of green space and water retention areas provide for enhanced open space areas in almost all areas of the plan excluding a small section along the northern most border of the project. Again to clarify, the approved perimeter buffers are not changed as a result of the proposed modifications.
- **Addition of Uses** – The proposed modifications do not alter or add any uses to the approved PUD.

Based upon these findings, there does not appear to be any proposed changes that are inconsistent with the approved Rustic Road PUD binding master plan. As a result, the proposed modifications can be incorporated into the preliminary plat and do not necessitate modification to the PUD binding master plan.

This determination complies with, and is consistent with, zoning code determinations found in City of Venice Zoning Code Section 86-22(a), Zoning Administrator, General Duties. Appeals to this determination may be considered by the Planning Commission consistent with Section 86-23(i)(1).

If you have any questions regarding this matter, please feel free to contact me at rclark@venicegov.com or 941-882-7432.

Sincerely,



Jeff Shrum, AICP
Development Services Director