

**CITY OF VENICE, FLORIDA
CITY COUNCIL
ORDER NO. 22-20CU**

AN ORDER OF THE VENICE CITY COUNCIL APPROVING CONDITIONAL USE PETITION NO. 22-20CU FOR THE PROPERTY LOCATED AT 0 RUSTIC ROAD, PID NOS. 0362001007, 0362001010, AND 0364040002, TO ALLOW FOR GATED COMMUNITIES IN THE RUSTIC ROAD PLANNED UNIT DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, AG EHC II (MTH) Multi State 1, LLC, through its agent Tyler Vansant of Meritage Homes of Florida, submitted **Conditional Use Petition No. 22-20CU** for **Magnolia Bay Gates**, located at 0 Rustic Road, Parcel Identification Nos. 0362001007, 0362001010, and 0364040002 (further described in Exhibit A); comprised of **Site and Development Plans** (signed and sealed), prepared by Dana Driscoll, E.I., of Stantec, consisting of **three sheets**, received by the City on **May 16, 2022**; and

WHEREAS, Petition No. 22-20CU was filed prior to the City's adoption of its new Land Development Regulations and, therefore, was reviewed and approved under the Land Development Code existing as of the date of its filing; and

WHEREAS, the Planning Commission held a noticed public hearing on July 5, 2022, during which the Planning Commission received the Petition, staff report, and testimony provided by staff, the applicant, and interested parties; and,

WHEREAS, the City Council held a noticed public hearing on August 23, 2022, during which the City Council received the Petition, staff report, and testimony provided by staff, the applicant, and interested parties; and,

WHEREAS, the City Council finds that there is competent substantial evidence that the Petition demonstrates compliance with the applicable standards and criteria of the City Land Development Code, including Section 86-42, and is consistent with the 2017-2027 Comprehensive Plan; and,

WHEREAS, the City Council voted for approval of Conditional Use Petition No. 22-20CU.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL, THAT:

Section 1. The above whereas clauses are ratified and confirmed as true and correct.

Section 2. Conditional Use Petition No. 22-20CU for gated communities, as described above, is hereby approved.

Section 3. This Order shall become effective immediately upon adoption by City Council. The City Council or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions hereof.

Section 4. This Development Order shall expire and be void 24 months from the date of grant unless a complete building permit application has been filed for the gated community for which the conditional use was approved. However, at the written request of the property owner prior to the expiration of the 24-month period, the City Council may extend the 24-month period for an additional 12 months, provided that the property owner can demonstrate by competent and substantive evidence that financial or legal constraints or other events beyond the control of the applicant prevented application for a building permit.

ORDERED at a meeting of the Venice City Council on the 23rd day of August, 2022.

Ron Feinsod, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

APPROVED AS TO FORM

Kelly Fernandez, City Attorney

Exhibit A

Legal Description

0362001007

NLY 497.33 FT OF THAT PART OF S 1/2 OF SEC 20-38-19 BOUNDED ON E BY C/L COWPEN SLOUGH ON THE W BY A LINE 1200 FT W & PARALLEL TO C/L OF CANAL LYING NELY OF I-75 R/W, LESS ACCESS RD R/W DESC IN CA-76-1416, LESS TOWER LEASE AS DESC IN ORI 2018113493, SUBJ TO DRAINAGE ESMT TO COUNTY AS DESC IN OR 418/852, BEING SAME LANDS AS DESC IN OR 2050/131

0362001010

S 200 FT OF WLY 100 FT OF N 1/2 OF SEC 20-38-19 LYING E OF COWPEN SLOUGH & THAT PART OF SE 1/4 OF SEC 20 LYING E OF COWPEN SLOUGH & ELY OF I-75 ALSO PARCEL LYING IN NE 1/4 OF SEC 29-38-19 DESC AS BEG AT NE COR OF SAID SEC 29 TH S-00-09-22-W 598.21 FT TH N-39-47-50-W 794.55 FT TH S-88-37-24-E 510.35 FT TO POB L&B SECS 20 & 29-38-19

0364040002

THE W 1/2 OF SW 1/4 OF SEC 21-38-19