

**CITY OF VENICE, FLORIDA
CITY COUNCIL
ORDER NO. 17-16RZ**

OCT 29'19 AM 11:10

AN ORDER OF THE VENICE CITY COUNCIL DENYING ZONING MAP AMENDMENT PETITION NO. 17-16RZ FOR THE MURPHY OAKS PLANNED UNIT DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF N. AUBURN ROAD AND BORDER ROAD.

WHEREAS, on November 28, 2017, Windham Development, Inc. (hereinafter referred to as "Windham"), contract purchaser of the subject property owned by SSD Land Holdings, LLC, filed Zoning Map Amendment Petition No. 17-16RZ ("Petition") to rezone the approximately 39.6 acre property (described in Exhibit "A") from Sarasota County Open Use Estate-1 (OUE-1) to City of Venice Planned Unit Development (PUD); and,

WHEREAS, the subject property is designated Low Density Residential on the City's Future Land Use Map in the 2017 Comprehensive Plan; and,

WHEREAS, the Petition was filed the day of, but prior to, the adoption of the City's 2017 Comprehensive Plan; and,

WHEREAS, on April 10, 2018, the City Council granted Windham's Petition for Vested Rights Determination, vesting Windham with the right to apply for a rezoning of the subject property to PUD, which is otherwise not an implementing zoning district for the Low Density Residential Future Land Use designation in the 2017 Comprehensive Plan; and,

WHEREAS, the Planning Commission held a noticed public hearing on October 16, 2018 regarding the Petition and based upon the testimony and evidence received the Planning Commission voted to recommend approval of the Petition; and,

WHEREAS, City Council held a public hearing on November 28, 2018 regarding the Petition and affected party status was granted to Fox Lea Farm, Inc., Richard Longo, and the Central Venice Coalition; and,

WHEREAS, based upon the evidence and public comment received at the public hearing on November 28 2018, City Council voted to deny approval of the Petition; and,

WHEREAS, on December 21, 2018, the applicant filed a Petition for Relief Pursuant to Section 70.51, Fla. Stat.; and,

WHEREAS, a mediation was held on February 25, 2019 and May 22, 2019 which resulted in proposed terms of settlement and an amended Petition; and,

WHEREAS, City Council held a public hearing on first reading on August 28, 2019 and a public hearing on second reading on September 24, 2019 and October 22, 2019 regarding the amended Petition; and,

WHEREAS, based upon the evidence and testimony received at the public hearings, on a vote of 6-1, the City Council denied the amended Petition on second reading.

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. Based on the testimony and evidence presented, the Petition is hereby DENIED based on the following findings:

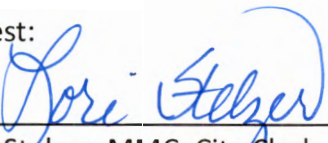
- a. The proposed stipulations are insufficient to achieve compatibility, difficult to monitor and enforce, and so numerous and extensive as to reflect the innate incompatibility of the proposed project and existing development/neighborhoods, including Fox Lea Farm, Inc., a nationally recognized horse show facility.
- b. The Petition is inconsistent with Land Use Strategy 4.1.1 of the City of Venice 2017 Comprehensive Plan, which contains Transitional Policy 8.2, as it is incompatible with existing neighborhoods.
- c. The Petition is not in compliance with Section 86-47(g) of the Land Development Code as the stipulations do not ensure compliance with the intent and purposes of the comprehensive plan and do not protect adjacent or nearby landowners from deleterious effects of permitted uses.

Section 3. This Order constitutes the written notice of the denial of the Petition required by Section 166.033, Florida Statutes.

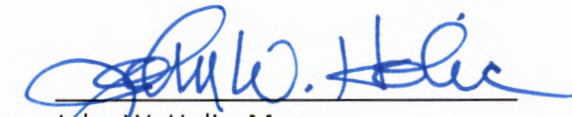
Section 4. This Order shall become effective immediately.

ORDERED at a meeting of the Venice City Council on the 22nd day of October, 2019.

Attest:

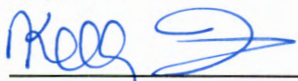


Lori Stelzer, MMC, City Clerk



John W. Holic, Mayor

Approved as to form:



Kelly M. Fernandez, City Attorney

Exhibit "A"

DESCRIPTION OF PROPERTY:

TRACT 226, LESS AND EXCEPT THE NORTH 27 FEET OF THE WEST 167 FEET, AND TRACT 227, 228, 230, 231, 232, 233 AND TRACTS 267, 268, 269, 270, 271, 272, 273 AND 274, NORTH VENICE FARMS, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION ACQUIRED BY VENICE HIGH SCHOOL FOUNDATION, INC BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 2574 PAGE 2898, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1202 PAGE 1127, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY SARASOTA COUNTY, FLORIDA BY INSTRUMENT RECORDED UNDER CN 2004242187 AND CN 2006186450, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036086, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PARCEL OF LAND ACQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED UNDER CN 2008036088, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

As depicted below:

