

CITY OF VENICE, FLORIDA

CITY COUNCIL

ORDER NO. 19-40CU

AN ORDER OF THE VENICE CITY COUNCIL APPROVING CONDITIONAL USE PETITION NO. 19-40CU FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BORDER ROAD AND JACARANDA BOULEVARD, TO ALLOW FOR THE PROPOSED PALENCIA PLANNED UNIT DEVELOPMENT TO BE A GATED COMMUNITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, D.R. Horton, through its agent, Jeffery Boone, Esq., have submitted Conditional Use Petition No. 19-40CU to allow for a gated community in the Palencia Planned Unit Development (PUD) (submitted concurrently as Zoning Map Amendment Petition No. 19-37RZ) located at the Southwest corner of the intersection of Border Road and Jacaranda Boulevard, Parcel Identification Nos. 0399010001 and 0399090001 (as further described in Exhibit A); comprised of Conditional Use Plan Maps prepared by DMK Associates, Inc., consisting of **two sheets**, received by the City on **October 29, 2019**; and,

WHEREAS, the Planning Commission held a noticed public hearing on January 21, 2020, 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 March 10, 2020, 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 and is consistent with the 2017 Comprehensive Plan; and,

WHEREAS, the City Council voted for approval of the Petition.

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. 19-40CU for a gated community for the Palencia PUD, as described above, is hereby approved.

Section 3. This Order shall become effective when Ordinance No. 2020-09 for Zoning Map Amendment Petition No. 19-37RZ becomes effective. 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 10th day of March 2020.

Mayor

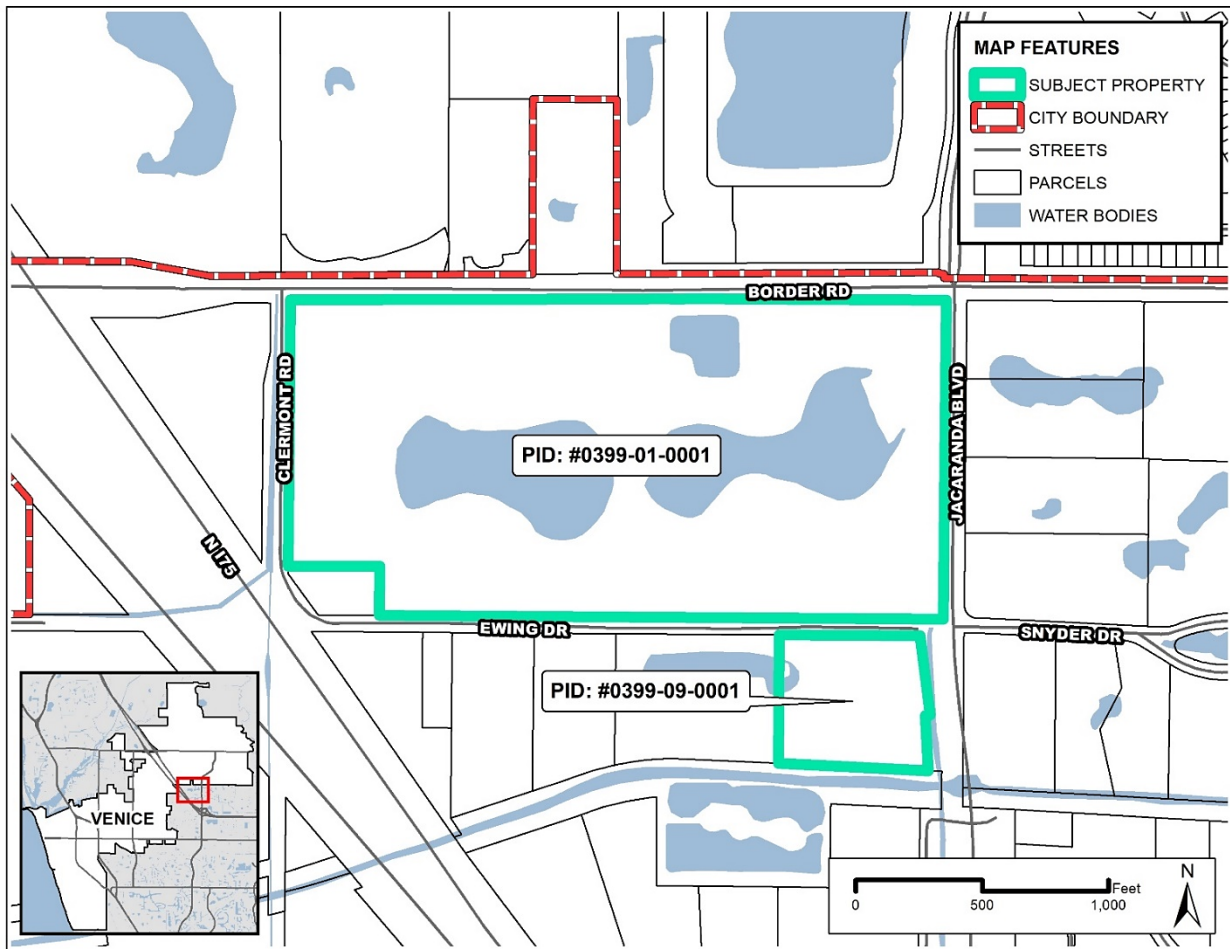
ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

Exhibit A



PIDs: 0399010001 and 0399090001

PARCEL 1:

PARCEL OF LAND LYING AND BEING IN SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

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 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 THOSE CERTAIN PARCELS 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 2008036088, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AND SURVEYED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 3, ALSO BEING THE CENTER LINE INTERSECTION OF NORTH CLERMONT ROAD (66 FOOT RIGHT OF WAY) AND BORDER ROAD. (RIGHT OF WAY VARIES) AS SHOWN ON SAID PLAT OF NORTH VENICE FARMS; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG THE CENTER LINE OF SAID BORDER ROAD ALSO BEING THE NORTH LINE OF SAID NORTHWEST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 33.00 FEET TO INTERSECT THE NORTH EXTENSION OF THE EAST RIGHT OF WAY OF SAID NORTH CLERMONT ROAD; THENCE SOUTH 00 DEGREES 34 MINUTES 21 SECONDS WEST A DISTANCE OF 46.58 FEET TO THE EXISTING SOUTH RIGHT OF WAY LINE OF BORDER ROAD AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2004242187, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 51 MINUTES 20 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE AS MEASURED A DISTANCE OF 1609.84 FEET TO A POINT LYING 33 FEET SOUTH OF AT RIGHT ANGLES TO THE CENTER LINE OF SAID BORDER ROAD; THENCE SOUTH 89 DEGREES 39 MINUTES 40 SECONDS EAST ALONG SAID LINE A DISTANCE OF 988.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 270, LYING ON THE WEST RIGHT OF WAY LINE OF JACARANDA BOULEVARD (RIGHT OF WAY WIDTH VARIES); THENCE SOUTH 00 DEGREES 30 MINUTES 40 SECONDS WEST ALONG SAID LINE ALSO BEING THE EAST LOT LINE OF SAID LOTS 270 AND 274 A DISTANCE OF 1255.16 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 274; THENCE NORTH 89 DEGREES 44 MINUTES 03 SECONDS WEST ALONG THE SOUTH LOT LINES OF SAID LOTS 271 THRU 274, ALSO BEING THE NORTH RIGHT OF WAY LINE OF EWING DRIVE (66 FEET OF RIGHT OF WAY) A DISTANCE OF 2235.68 FEET TO THE EAST LIMITS OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2008036088, AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE EAST AND NORTH MONUMENTED LIMITS OF SAID LANDS THE FOLLOWING TWO CALLS; NORTH 00 DEGREES 15 MINUTES 11 SECONDS EAST A DISTANCE OF 202.28 FEET (201.78 FEET DEED) SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST A DISTANCE OF 362.45 FEET (362.61 FEET DEED) TO THE EAST RIGHT OF WAY LINE OF SAID NORTH CLERMONT ROAD; THENCE NORTH 00 DEGREES 34 MINUTES 21 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 1044.34 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 73.05 ACRES MORE OR LESS.

PARCEL 2:

TRACT 279, NORTH VENICE FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 203, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; LESS THE EASTERLY 17 FEET THEREOF.

ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED PORTION FOR ROAD RIGHT OF WAY PURPOSES AS RECORDED IN OFFICIAL RECORDS BOOK 2449, PAGE 979, PUBLIC RECORD OF SARASOTA COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE GRANTOR'S TRACT AS RECORDED IN O.R. 1258, PAGE 211, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, IN SECTION 3, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THE SAME BEING A PORTION OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 203, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 279, NORTH VENICE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 203, SARASOTA COUNTY, FLORIDA, THENCE N.86°50'51"W., ALONG THE SOUTHERLY BOUNDARY OF SAID LOT, A DISTANCE OF 17.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.86°50'51"W., A DISTANCE OF 36.68 FEET TO A POINT ON A CURVE; THENCE 60.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 3650.00 FEET; A CENTRAL ANGLE OF 0°57'17", AND A CHORD OF 60.82 FEET WHICH BEARS N.6°40'19"W., THENCE N.7°08'57"W., A DISTANCE OF 157.05 FEET; THENCE N.82°51'03"E., A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE; THENCE 311.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 3930.00 FEET, A CENTRAL ANGLE OF 4°32'09", AND A CHORD OF 311.04 FEET WHICH BEARS N.4°52'53"W., TO THE NORTHERLY BOUNDARY OF SAID LOT; THENCE S.89°37'39"E., ALONG SAID BOUNDARY A DISTANCE OF 75.31 FEET, THENCE S.0°35'20"W., A DISTANCE OF 530.21 TO THE POINT OF BEGINNING.