

**CITY OF VENICE, FLORIDA  
CITY COUNCIL  
ORDER NO. 18-02CU**

AN ORDER OF THE VENICE CITY COUNCIL APPROVING CONDITIONAL USE PETITION NO. 18-02CU FOR THE MURPHY OAKS PUD, TO ALLOW A GATED COMMUNITY; AND PROVIDING AN EFFECTIVE DATE. .

WHEREAS, SSD Land Holdings, LLC, through its agent, Clint R. Cuffle, P.E. WRA Engineering has submitted Conditional Use Petition No. 18-02CU for a gated community for the Murphy Oaks Planned Unit Development (PUD) located on the southeast corner of N. Auburn and Border Roads, Parcel Identification No. 0399-04-0001 (further described in Exhibit A), comprised of a **Binding Master Plan** prepared by Clint R. Cuffle, P.E., WRA Engineering **consisting of 12 pages, received by the City on August 23, 2018**, a **Binding Master Plan Layout** prepared by WRA Engineering consisting of **one page, received by the City on September 4, 2018**, and a **landscape plan**, prepared by Jonathan L. Romine, LA, of Ensite **consisting of 8 pages, received by the City on August 23, 2018**; and

WHEREAS, the Planning Commission held a noticed public hearing on October 16, 2018, during which the Planning Commission received the initially submitted material indicated above and dated 2018, staff report, and testimony provided by staff, the applicant, and interested parties; and voted to recommend to City Council approval of Conditional Use Petition No. 18-02CU; and

WHEREAS, on November 27, 2018, City Council held a noticed public hearing that was continued to November 28, 2018; and

WHEREAS, on November 28, 2018, City Council voted to deny Murphy Oaks Zoning Map Amendment Petition No. 17-16RZ and as a result, Conditional Use Petition No. 18-02CU was removed from the agenda; and

WHEREAS, a **revised Binding Master Plan** prepared by Clint R. Cuffle, P.E., WRA Engineering **consisting of 13 pages and dated October 20, 2020** and a **Developer's Agreement with Notice of Proximity and Notice to Buyers/Renters** prepared by Attorney Robert Lincoln **consisting of 12 pages dated November 25, 2020** has been submitted to the City that replaces the previously submitted documents; and

WHEREAS, the attorney for the applicant has indicated no changes to the requested Conditional Use Petition; and

WHEREAS, on February 9, 2021, City Council held a noticed public hearing during which the City Council received the revised 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, is consistent with the 2017-2027 Comprehensive Plan, and is compliant with the Murphy Oaks PUD Binding Master Plan; and

WHEREAS, the City Council voted to approve Conditional Use Petition No. 18-02CU for a gated community in the Murphy Oaks PUD.

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. 18-02CU for a gated community, as described above, is hereby approved conditioned on the approval of Petition No. 17-16RZ by City Council.

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 9<sup>th</sup> day of February 2021.

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM

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City Attorney

EXHIBIT A – LEGAL DESCRIPTION

PID: 0399-04-0001

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.