

**CITY OF VENICE, FLORIDA  
CITY COUNCIL  
ORDER NO. 23-26HE**

AN ORDER OF THE VENICE CITY COUNCIL APPROVING HEIGHT EXCEPTION PETITION NO. 23-26HE FOR THE PROPERTY LOCATED AT 140 W. TAMPA AVENUE, PID NO. 0407140030, TO RECONSTRUCT THE VENICE THEATRE FLY LOFT TO A HEIGHT OF NO GREATER THAN 70 FEET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, VENICE THEATRE, INC, through its agent Jackson R. Boone, Esq., Boone Law Firm, submitted **Height Exception Petition No. 23-26HE** for Venice Theatre, located at 140 W. Tampa Avenue, Parcel Identification No. 0407140030, (further described in Exhibit A); comprised of **Site and Development Plans** (signed and sealed), prepared by Geza F. Bankuty, Jr., P.E., of BGE, Inc., consisting of **ten sheets**, received by the City on **April 5, 2023**; **Survey** (signed and sealed) by Randall E. Britt, of Britt Surveying, Inc., consisting of **one sheet**, received by the City on **April 5, 2023**; and **Color Elevations** by SweetSparkman consisting of **two sheets**, received by the City on **June 6, 2023**; and,

WHEREAS, the Petition requests a height exception to a maximum of 70 feet in the Downtown Edge (DE) zoning district to allow for reconstruction of the fly loft to industry standards; and,

WHEREAS, the Planning Commission held a noticed public hearing on June 6, 2023, during which the Planning Commission received the Petition, staff report, and testimony provided by staff, the applicant, and interested parties, and voted to recommend approval of the Petition; and,

WHEREAS, the City Council held a noticed public hearing on June 27, 2023, 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 87-1.12, and is consistent with the 2017-2027 Comprehensive Plan; and,

WHEREAS, the City Council voted for approval of Height Exception Petition No. 23-26HE.

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. Height Exception Petition No. 23-26HE for Venice Theatre, as described above, is hereby approved.

Section 3. This Order shall become effective immediately upon adoption.

Section 4. The expiration date of this Development Order and the ability to extend said expiration date is the same as that for Development Order No. 23-25SP.

ORDERED at a meeting of the Venice City Council on the 27<sup>th</sup> day of June, 2023.

\_\_\_\_\_  
Nick Pachota, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Michaels, MMC, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Kelly Fernandez, City Attorney

## **Exhibit A**

### **LEGAL DESCRIPTION:**

Lots 6, 7, 8, 9, 10, 11, 12, 13, and part of Lots 14, 31, 32, 33, 34, Block 49; and that part of vacated 20 ft. wide alleys (per City of Venice Resolution No. 2007-06, recorded in Instrument Number 2007022643 and Resolution recorded in Deed Book 301, Page 286), and a portion of vacated Nokomis Avenue, (per City of Venice Resolution No. 99-9, recorded in Instrument Number 1999043679), VENICE, GULF VIEW SECTION, recorded in Plat Book 2, Pages 77 and 78, of the Public Records of Sarasota County, Florida, described as follows:

BEGIN at the Northwest corner of Lot 11, Block 49, VENICE, GULF VIEW SECTION, recorded in Plat Book 2, Pages 77 and 78 of the Public Records of Sarasota County, Florida; thence S.00°37'54"W., along the West line of said Lot 11, and its southerly extension, a distance of 125.40 feet to a point on the South line of Lots 6, 7, 8, 9, 10, 11, of said Block 49, and the westerly extension thereof; thence S.89°21'57"E., along said South line of Lots 6, 7, 8, 9, 10, 11, of said Block 49, and the westerly extension thereof, a distance of 175.56 feet to the Southeast corner of said Lot 6, same being the southeast corner of a masonry building; thence N.00°35'54"E., along the East face of said masonry building, same being the occupied East line of Lot 6, and the northerly extension thereof, a distance of 135.36 feet to the centerline of a vacated 20 ft. wide alley, said alley vacated per City of Venice Resolution No. 2007-06, recorded in Official Records Instrument No. 2007022649, of the Public Records of Sarasota County, Florida; thence S.89°28'49"E., along the centerline of a vacated 20 ft. wide alley, a distance of 88.68 feet to a point on the West line of lands described in Official Records Instrument No. 2005146563, of the Public Records of Sarasota County, Florida, and the southerly extension thereof; thence N.00°46'46"E., along said West line of lands described in Official Records Instrument No. 2005146563, and the southerly extension thereof, a distance of 110.43 feet to the North line of Lot 31, of said Block 49, VENICE, GULF VIEW SECTION; thence N.89°37'15"W., along said North Line of Lot 31, a distance of 124.51 feet to the Southeast corner of Lot 14, of said Block 49, VENICE, GULF VIEW SECTION; thence N.00°36'14"E., along the East line of said Lot 14, a distance of 30.00 feet to the Southeast corner of the North 20.00 feet of said Lot 14; thence N.89°25'45"W., along the South line of the North 20.00 feet of said Lot 14, a distance of 139.93 feet to the Southwest corner of said North 20 feet of Lot 14; thence S.00°37'54"W., along the West line of Lots 12, 13, 14, of said Block 49, VENICE GULF VIEW SECTION, and the West line of a portion of a vacated 20 ft. wide alley, vacated per City of Venice Resolution No. 2007-06, recorded in Official Records Instrument No. 2007022649, of the Public Records of Sarasota County, Florida, a distance of 149.53 feet to the POINT OF BEGINNING.

All being in Section 7, Township 39 South, Range 19 East, Sarasota County, Florida.

Parcel contains 56,993 square feet, or 1.3084 acres, more or less.