

**CITY OF VENICE**  
**Planning & Zoning Department**

**Memorandum**

**TO:** Planning Commission/City Council

**FROM:** Jeff Shrum, AICP, Development Services Director

**SUBJECT:** Rezone Amendment No. 07-03RZ.1, *Gulf Coast Strategic Investments*

**DATE:** November 8, 2016

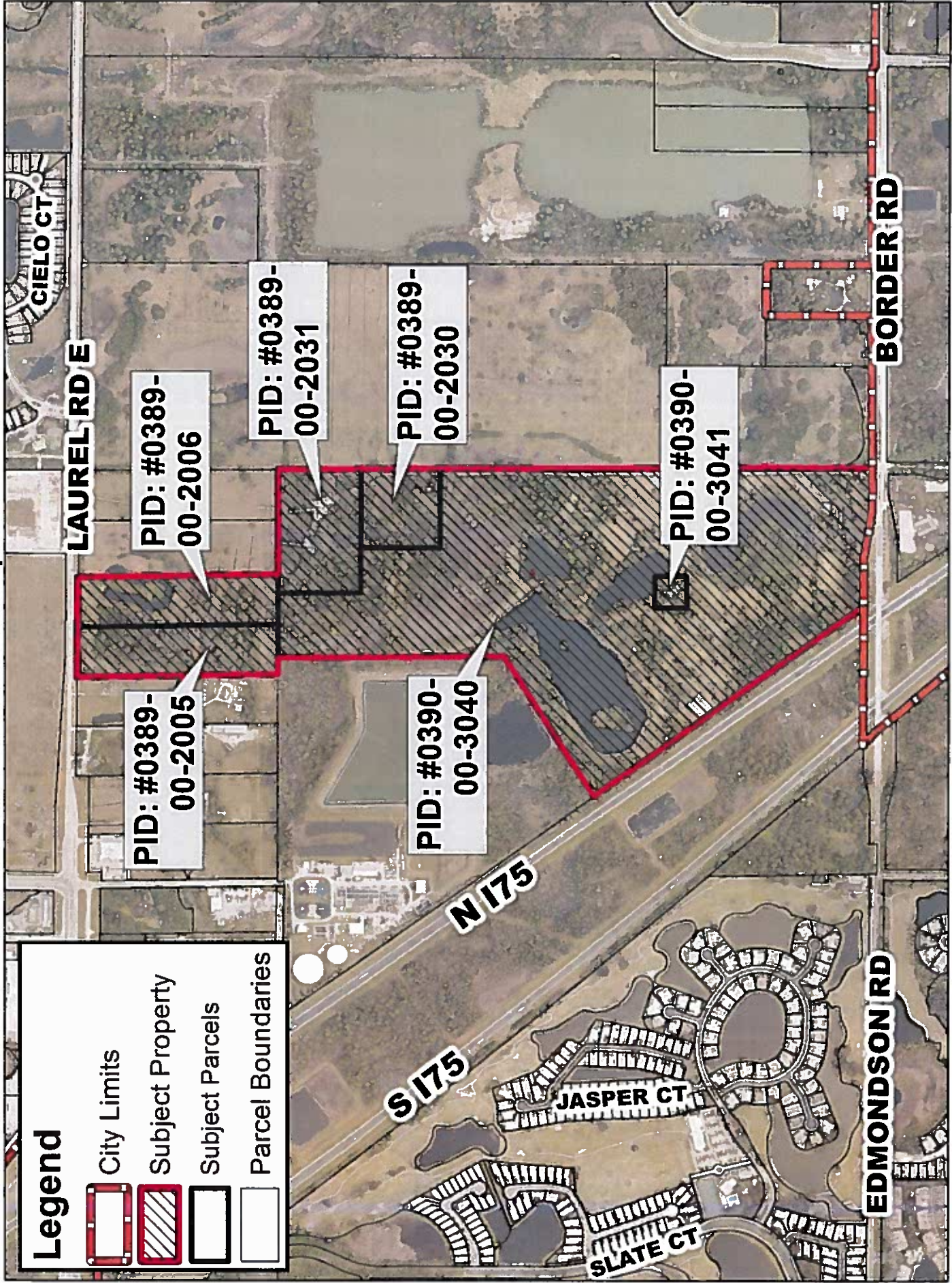
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**Petition Overview**

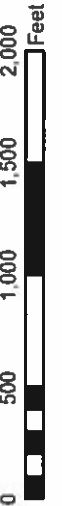
Through the adoption of Ordinance No. 2008-24, the City of Venice rezoned approximately 146 acres of land owned by the Gulf Coast Strategic Investments, Inc. from a Sarasota County Open Use Rural (OUR) zoning district to a City of Venice Commercial, Mixed Use (CMU) zoning district. As shown on the attached location map, the property is generally located east of I-75, north of Border Road and south of Laurel Road for a project known as The Bridges. Unfortunately, it appears that staff continued to utilize the same incorrect legal description (scriveners error) originating from the prior annexation of the subject properties as indicated in subsequent Ordinance amendment No. 05-8AN.1. The resulting adopted rezoning ordinance continued to have the same clerical/scriveners error inadvertently excluding a one acre parcel (parcel ID #0390-00-3041) from the ordinance. With the written consent of the property owner (Gulf Coast Strategic Investments, Inc.), the City of Venice has initiated this rezoning petition amendment to correct this legal description scrivener's error.

The attached draft ordinance corrects the scrivener's error by modifying the legal description to include the entire property that the City originally intended in the rezoning to the CMU zoning district.

Location Map



Petition No. 07-3RZ.1  
The Bridges





## **ORDINANCE NO. 2016-XX**

**AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING SECTION 2 OF REZONING ORDINANCE NO. 2008-24 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION AND TO CORRECT THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE TO PROVIDE THE CORRECT LEGALLY DESCRIBED LAND LOCATED WITHIN A COMMERCIAL, MIXED USE (CMU) DISTRICT CLASSIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venice previously adopted Ordinance No. 2008-24 on December 5, 2008, rezoning the subject property from Sarasota County Open Use, Rural (OUR) zoning district to City of Venice Commercial, Mixed Use (CMU) zoning district;

**WHEREAS**, a scrivener's error in the legal description of the rezoned land was subsequently discovered;

**WHEREAS**, the scrivener's error excluded a one-acre parcel which was part of the rezone petition; and

**WHEREAS**, the City Council of the City of Venice desires to correct the legal description for the land described in Ordinance No. 2008-24.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA.**

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

**SECTION 2.** Section 2 of City of Venice Ordinance No. 2008-24 is hereby amended to read as follows:

**SECTION 2.** The Official Zoning Atlas is hereby amended by changing the zoning classification for the following described property located in the City of Venice from Sarasota County "Open Use Rural (OUR)" zoning district to City of Venice "Commercial, Mixed Use (CMU)" zoning district.

### **Property Description**

**Parcel 1 (0390-00-3040 and 0390-00-3041):**

A parcel of land lying and being in the Northwest 1/4 and the Southwest 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of said Section 34; thence, along the West line of the Northwest 1/4 of said Section 34, South 0° 50'33" East, a distance of 1342.18 feet to the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of said Section 34; thence, along the

South line of said Northwest 1/4 of the Northwest 1/4 of said Section 34, South 89° 29'17" East, a distance of 1470.24 feet for a Point of Beginning, said point being the Northeast corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence continue along said line, South 89° 29'17" East, a distance of 425.54 feet, to the Northwest corner of those lands as described in Official Records Book 3024, Page 558, Public Records of Sarasota County, Florida; thence South 0° 15'55" East, along the Westerly boundary line of said lands, a distance of 539.73 feet to the Southwest corner of said lands; thence South 89° 29'01" East, along the Southerly boundary line of said lands, a distance of 292.83 feet; thence South 0° 15'55" East, a distance of 524.13 feet; thence South 89° 29'01" East, a distance of 517.24 feet to the East line of said Northwest 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence South 0° 15'55" East, along said East line, a distance of 2833.07 feet to the Northerly right-of-way line of Border Road; thence North 89° 40'23" West, along said right-of-way line, a distance of 84.80 feet; thence North 0° 19'37" East, along said right-of-way line, a distance of 17.00 feet; thence North 89° 40'23" West, along said right-of-way line, a distance of 200.00 feet; thence North 80° 23'38" West, along said right-of-way line, a distance of 303.93 feet; thence North 89° 28'33" West, along said right-of-way line, a distance of 326.51 feet to the Northeasterly right-of-way line of State Road 93 (I-75), Florida Department of Transportation right-of-way map, Section 17075-2406; thence North 35° 01'47" West, along said right-of-way line, a distance of 2115.71 feet to the most Southerly corner of those lands as described in Official Records Book 2359, Pages 2069 and 2070, Public Records of Sarasota County, Florida; thence North 54° 58'13" East, along the Southeasterly boundary line of said lands, a distance of 1091.03 feet to the Southeast corner of said lands; thence North 0° 50'28" West, along the Easterly boundary line of said lands, a distance of 138.24 feet; thence North 0° 50'33" West, along the Easterly boundary line of said lands, a distance of 1338.73 feet to the Point of Beginning.

~~Less those lands conveyed to Andrea Moorman by Warranty Deed recorded as Official Records Instrument #2000114495, Public Records of Sarasota County, Florida.~~

~~And less those lands described in a certain unrecorded Warranty Deed dated June 3, 2004 wherein Sarasota County, Florida is grantee.~~

And less those lands described in Warranty Deed wherein Sarasota County, Florida, is Grantee and recorded in Instrument #2004206575.

Parcel 2 (0389-00-2031):

Commence at the Southeast corner of the Southwest 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence North 0° 17'55" West, 3390.20 feet for a Point of Beginning, thence continue North 0° 17'55" West, 537.81 feet; thence North 89° 31'01" West, 810.03 feet; thence South 0° 17'55" East, 537.81 feet; thence South 89° 31'01" East, 810.03 feet to the Point of Beginning, all lying and being in Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

Together with a 30 foot easement for ingress and egress lying on the West of the East line of the Southwest quarter of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and lying between the South line of above described parcel and the North line of Border Road.

**Parcel 3 (0389-00-2006):**

Commence at the Northwest corner of Section 34, Township 38 South, Range 19 East, thence South 89° 34'05" East 1690.65 feet along the North line of said Section 34, for the Point of Beginning; thence continue South 89° 34'05" East 325.69 feet along said North line; thence South 1° 03'08" East 1337.54 feet along a line parallel with the West line of said Section 34 to the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 34; thence North 89° 42'00" West 325.67 feet along said South line; thence North 1° 03'08" West 1338.29 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

**Parcel 4 (0389-00-2005):**

Commence at the Northwest corner of Section 34, Township 38 South, Range 19 East, thence South 89° 34'05" East, a distance of 1365.14 feet along the North line of said Section 34, for the Point of Beginning; thence continue South 89° 34'05" East, a distance of 325.51 feet along said North line; thence South 1° 03'08" East, a distance of 1338.29 feet along a line parallel with the West line of said Section 34 to the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 34; thence North 89° 42'00" West, a distance of 325.49 feet along said South line; thence North 1° 03'08" West, a distance of 1339.04 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

**Parcel 5 (0389-00-2030):**

Commence at the Northwest corner of Section 34, Township 38 South, Range 19 East, thence South 0° 50'33" East, 1342.18 feet; thence South 89° 29'17" East, 1470.24 feet; thence South 89° 29'17" East, 425.54 feet; thence South 0° 15'55" East, 539.73; thence South 89° 29'01" East, 292.83 feet for a Point of Beginning; thence South 0° 15'55" East, 524.13 feet; thence South 89° 29'01" East, 517.24 feet; thence North 0° 17'55" West, 524.13 feet; thence N 89° 31'01" West, 517.20 feet to the Point of Beginning.

The property is located between Laurel Road and Border Road just east of I-75.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

**SECTION 4.** If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

**SECTION 5.** This Ordinance shall take effect immediately and shall be effective as of the date of passage of Ordinance No. 2008-24.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS XXTH DAY OF MONTH 2016.

First Reading: Month XX, 2016

Final Reading: Month XX, 2016

ADOPTION: Month XX, 2016

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John W. Holic, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

**I, LORI STELZER, MMC,** City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the XXth day of MONTH 2016, a quorum being present.

**WITNESS** my hand and the official seal of said City this XXth day of MONTH 2016.

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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David Persson, City Attorney