

**CITY OF VENICE, FLORIDA  
CITY COUNCIL  
ORDER NO. 17-02CU**

AN ORDER OF THE VENICE CITY COUNCIL APPROVING CONDITIONAL USE PETITION NO. 17-02CU FOR FISHERMAN'S WHARF, LOCATED AT 509 N. TAMiami TRAIL, TO ALLOW FOUR MULTI-FAMILY RESIDENTIAL BUILDINGS TO EXCEED THE MAXIMUM BUILDING HEIGHT OF 35 FEET IN THE PROPOSED COMMERCIAL, GENERAL (CG) ZONING DISTRICT BY 20± FEET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Venice Marine Park, LLC, through its agent, Jeffery Boone, Esq., has submitted Conditional Use Petition No. 17-02CU to allow four multi-family residential buildings to exceed the maximum building height of 35 feet in the proposed Commercial, General (CG) zoning district by 20± feet for Fisherman's Wharf (submitted concurrently as Site & Development Plan Petition No. 14-03SP.2) located at 509 N. Tamiami Trail, Parcel Identification No. 0407-06-0010 (further described in Exhibit A), comprised of the following: 1) **Color Elevations** prepared by Jeff Matthews, A.R., Venice Design Group, LLC, consisting of **three sheets**, received by the City on **July 12, 2018**; 2) a **Site Plan** prepared by Paul Sherma, P.E., Professional Engineering Resources, Inc., consisting of **two sheets**, received by the City on **July 12, 2018**; and 3) **Landscape Plans** prepared by Richard Harrison, IV, RLA, of Hazeltine Nurseries, Inc., consisting of **three sheets**, received by the City on **September 4, 2018**; and,

WHEREAS, the Planning Commission held a noticed public hearing on December 4, 2018, during which the Planning Commission received the Petition, 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. 17-02CU, contingent upon approval of Zoning Map Amendment Petition No. 17-11RZ; and,

WHEREAS, on January 8, 2019 City Council held a noticed public hearing 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, is consistent with the 2017 Comprehensive Plan; and,

WHEREAS, the City Council voted to approve Conditional Use Petition No. 17-02CU to allow four multi-family residential buildings to exceed the maximum building height of 35 feet in the proposed Commercial, General (CG) zoning district by 20± feet at Fisherman's Wharf; and,

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. 17-02CU for Fisherman's Wharf, as described above, is hereby approved.

Section 3. This Order shall become effective immediately upon the approval of Ordinance No. 2019-03 related to Zoning Map Amendment Petition No. 17-11RZ. 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.

ORDERED at a meeting of the Venice City Council on 8<sup>th</sup> of January 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

EXHIBIT A – LEGAL DESCRIPTION

PID: 0407-06-0010 (MULTIPLE PARCELS COMBINED INTO ONE)

PARCEL 1 (FISHERMAN'S WHARF OF VENICE, INC.)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST; THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°06' W, ALONG TAMIAMI TRAIL 748 FEET TO P.O.B.; THENCE S 0°05' W, 192 FEET; THENCE N 89°55' W, 100 FEET; THENCE N 49°53' W, 140.3 FEET; THENCE N 0°15' E, 166.7 FEET; THENCE S 51°29' E, 104.7 FEET; THENCE S 89°55' E, 125 FEET TO THE POB. LESS ANY PORTION CONVEYED TO STATE FOR HIGHWAY.

PARCEL 2 (FISHERMAN'S WHARF OF VENICE, INC.)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TAMIAMI TRAIL 1060.1 FEET TO P.O.B.; THENCE N 89°55' W 76.2 FEET; THENCE N 49°55' W, 247.3 FEET; THENCE S 25°55' W, 107.3 FEET; THENCE S 47°07' E, 425.6 FEET; THENCE N 0°05' E, ALONG TAMIAMI TRAIL, 227 FEET TO POB. LESS ANY PORTION CONVEYED TO STATE FOR HIGHWAY.

TOGETHER WITH ALL LANDS LYING BETWEEN PARCEL 1 AND PARCEL 2 ABOVE, AS BOUNDED ON THE EAST BY THE WEST RIGHT OF WAY LINE OF TAMIAMI TRAIL (US 41) AND ON THE WEST BY HATCHETT CREEK.

TOGETHER WITH ALL LANDS DESCRIBED IN DEED RECORDED IN O.R. BOOK 1068, PAGE 2064, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, WHICH ARE NOT SPECIFICALLY DESCRIBED ABOVE.

LESS STATE ROAD RIGHT-OF-WAY AND LESS WCIND RIGHT-OF-WAY.

PARCEL 3 (FISHERMAN'S WHARF OF VENICE, INC.) ALSO DESCRIBED AS

COMMENCE AT THE NE CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF AN OLD ABANDONED SALRR R/W; THENCE S 10°30' W, 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TAMIAMI TRAIL 748 FEET TO POB; THENCE S 0°05' W, 552.27 FEET, MORE OR LESS TO THE NE 1/4 SHORE LINE OF HATCHETT CREEK; THENCE MEANDER SAID SHORE LINE TO THE POB, LESS THAT PART FOR STATE ROAD R/W AND LESS LANDS DESCRIBED IN DEED RECORDED IN OR BOOK 443, PAGE 235, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, FOR WCIND RIGHT OF WAY.

PARCEL 4 (FISHERMAN'S WHARF OF VENICE, INC.) A PORTION OF WHICH IS DESCRIBED AS

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CUT S-16 OF THE INTRACOASTAL WATERWAY CANAL AND THE WESTERLY RIGHT- OF-WAY LINE OF U.S. HIGHWAY NUMBER 41 (STATE ROAD No. 45, SECTION 17020-2207); SAID POINT BEING 1,011.12 FEET NORTH AND 823.58 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; RUN THENCE S 0°29' WEST, 61.12 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO 41 (STATE ROAD NUMBER 45, SECTION 17020-2207); THENCE SOUTH 40°59'08" EAST, 47.33 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NUMBER 41 (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506) THENCE NORTH 10°41' EAST , 48.77 FEET ALONG SAID WESTERLY RIGHT OF WAY OF U.S. HIGHWAY NUMBER 41 (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 41, (STATE ROAD NUMBER 45, PROJECT NUMBER 17020-3506) 20.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT, RADIUS EQUALS 1,065.92 FEET, CHORD EQUALS N 10°06'54" EAST, 2078 FEET TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE CUT S-16 OF THE INTRACOASTAL WATERWAY CANAL; THENCE NORTH 56°37'36" WEST, 51.75 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE CUT S-16, TO THE POB

PARCEL 5 (JMT PARTNERS)

BEGIN AT THE NE CORNER OF NE 1/4 OF NW 1/4 OF SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, THENCE W 488.9 FEET TO AN IRON PIPE ON WEST SIDE OF OLD ABANDONED SALRR R/W; THENCE S 10°30' W 468.7 FEET; THENCE N 80°48' W, 259.3 FEET TO WEST R/W OF TAMIAMI TRAIL (66'); THENCE S 0°05' W, ALONG TRAIL 572.9 FEET FOR A POB;

THENCE CONTINUE S 00°05' W, 85 FEET; THENCE N 70°41' E 150 FEET TO THE POB, AND BEING LOCATED IN SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA.

ALSO ALL OF THAT REAL PROPERTY LYING BETWEEN THE SOUTHERLY LINE OF THE ABOVE DESCRIBED REAL PROPERTY AND THE MEAN HIGH WATER MARK OF A BAYOU OF HATCHETT CREEK, EXTENDED AND BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF THE ABOVE DESCRIBED PROPERTY, AND BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF THE ABOVE DESCRIBED PROPERTY.

PARCEL 6 (JPKJ, LLC)

THE NORTHEASTERLY (SOMETIMES CALLED NORTH) 34 FEET AS MEASURED ALONG TAMIAMI TRAIL OF LOT 1, BLOCK B HARBOR LIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 8, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LESS THAT PORTION OF SAID PROPERTY CONVEYED BY ROBERT S. BAYNARD AND MILDRED W. BAYNARD TO THE STATE OF FLORIDA IN DEED DATED JUNE 15, 1960, RECORDED IN OR BOOK 243, PAGE 565, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

PARCEL 7 (JPKJ, LLC)

THE SOUTH 34.7 FEET OF LOT 1, BLOCK B, HARBOR LIGHTS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 8, OF PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

PARCEL 8 (FISHERMAN'S WHARF MARINA PARK, LTD.)

A TRACT OR PARCEL OF SUBMERGED LAND LYING IN SECTION 7, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 (NW 1/4) OF SAID SECTION 7, RUN NORTH FOR 864.71 FEET; THENCE RUN WEST FOR 793.02 FEET TO A POINT BEING ON THE CENTERLINE OF OLD U.S. 41 AND THE CENTERLINE OF THE FORMER LIFT BRIDGE OVER HATCHETT CREEK AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

FROM SAID POINT OF BEGINNING RUN N51°46'00"W ALONG THE VENICE CITY LIMITS LINE FOR 855.00 FEET; THENCE RUN N33°15'00"W FOR 479.70 FEET; THENCE RUN S76°45'06"E FOR 53.98 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 100.00 FEET (DELTA 24°34'29")(CHORD BEARING OF S64°27'21"E) (CHORD 42.59 FEET) FOR 42.92 FEET TO A POINT; THENCE RUN S52°09'37"E FOR 210.15 FEET; THENCE RUN S56°46'00"E FOR 51.43 FEET; THENCE RUN S52°09'37"E FOR 263.98 FEET TO A POINT; THENCE RUN SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 50.00 FEET (DELTA 95°13'02")(CHORD BEARING N80°13'52"E)(CHORD 73.86 FEET) FOR 83.09 FEET TO A POINT; THENCE RUN N32°37'21"E, FOR 159.72 FEET TO A POINT; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 50.00 FEET (DELTA 51°51'39")(CHORD BEARING N58°33'11"E)(CHORD 43.73 FEET) FOR 45.26 FEET TO A POINT; THENCE RUN N84°29'00"E FOR 64.22 FEET; N00°54'43"E FOR 22.88 FEET; S12°37'26"E FOR 12.43 FEET TO A POINT; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 107.12 FEET (DELTA 25°04'39")(CHORD BEARING S58°43'41"E)(CHORD 46.51 FEET) FOR 46.89 FEET; THENCE RUN ALONG AN EXISTING CONCRETE SEAWALL THE FOLLOWING 12 COURSES; S76°52'45"E FOR 31.33 FEET; S82°46'16"E FOR 49.12 FEET; N10°27'26"E FOR 3.03 FEET; S84°15'51"E FOR 17.24 FEET; S00°39'51"W FOR 84.45 FEET; S89°35'59"W FOR 38.41 FEET; N86°59'55" FOR 28.70 FEET; S85°19'00"W FOR 28.10 FEET; N84°45'58"W FOR 10.66 FEET; N72°11'35"W FOR 13.01 FEET; N47°12'42"W FOR 25.00 FEET; N52°40'59"W FOR 73.47 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 11.30 FEET (DELTA 113°23'06")(CHORD BEARING S60°38'12"W)(CHORD 18.89 FEET) FOR 22.36 FEET; S03°56'39"W FOR 85.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 23.50 FEET (DELTA 53°33'36")(CHORD BEARING S22°50'09"E)(CHORD 21.18 FEET) 21.97 FEET TO A POINT; THENCE RUN S49°29'01"E FOR 111.51 FEET; S30°11'29"W FOR 101.97 FEET; N56°45'42"W FOR 105.17 FEET; S27°38'14"W FOR 110.54 FEET; N62°31'12"W FOR 4.57 FEET; S35°46'23"W FOR 30.28 FEET; S53°16'55"E FOR 10.89 FEET; S51°22'35"W FOR 7.74 FEET; S50°05'21"E FOR 71.21 FEET AND S54°03'38"E FOR 211.68 FEET TO THE MEAN HIGH WATER LINE OF HATCHETT CREEK AND TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF THE PREEMPTED AREA AS RECORDED IN OR BOOK 3101 PAGE 929; THENCE RUN S48°43'46"W FOR 18.60 FEET; S39°33'40"E FOR 119.79 FEET; N50°26'20"E FOR 25.46 FEET; THENCE RUN ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWO COURSES S42°41'19"E FOR 1.76 FEET AND S53°10'45"E FOR 11.93 FEET; THENCE RUN S40°59'08"E FOR 67.90 FEET TO AN INTERSECTION WITH THE CENTERLINE OF OLD US. 41; THENCE RUN S00°29'00"W ALONG SAID CENTERLINE FOR 45.01 FEET TO THE POINT OF BEGINNING. BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE CENTERLINE OF OLD U.S. 41 AS BEING S00°29'00"W.