

ORDINANCE NO. 2008-24

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA RELATING TO THE BRIDGES, REZONING PETITION NO. 07-3RZ FOR THE REZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM SARASOTA COUNTY "OPEN USE RURAL (OUR)" ZONING DISTRICT TO CITY OF VENICE "COMMERCIAL, MIXED USE (CMU)" ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The City Council finds as follows:

A. The Council has received and considered the report of the Planning Commission recommending approval, with additional conditions or stipulations governing permitted uses within the "Commercial, Mixed Use (CMU)" zoning district, of Zoning Map Amendment Petition No. 07-3RZ requesting rezoning of the property described herein.

B. The Council has held a public hearing on the petition and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the City of Venice Comprehensive Plan and the Joint Planning Agreement/Interlocal Service Boundary Agreement and any amendments thereto.

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):

A parcel of land lying and being in the Northwest ¼ and the Southwest ¼ 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 ¼ of said Section 34, South 0° 50' 33" East, a distance of 1,342.18 feet to the Southwest corner of the Northwest ¼ of the Northwest ¼ of said Section 34; thence, along the South line of said Northwest ¼ of the Northwest ¼ of said Section 34, South 89° 29' 17" East, a distance of 1,470.24 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 ¼ 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 2,833.07 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 2,115.71 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 1,091.03 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 1,338.73 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.

Parcel 2 (0389-00-2031):

Commence at the Southeast corner of the Southwest ¼ of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence North 0° 17' 55" West, 3,390.20 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 1,690.65 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 1,337.54 feet along a line parallel with the West line of said Section 34 to the South line of the Northwest ¼ of the Northwest ¼ of said Section 34; thence North 89° 42' 00" West 325.67 feet along said South line; thence North 1° 03' 08" West 1,338.29 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 1,365.14 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 the North line; thence south 1° 03' 08" East, a distance of 1,338.29 feet along a line parallel with the West line of said Section 34 to the South line of the Northwest ¼ of the Northwest ¼ of 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 1,339.04 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, 1,342.18 feet; thence South 89° 29' 17" East, 1,470.24 feet; thence South 89° 29' 17" East, 425.54 feet; thence South 0° 15' 55" East, 539.73 feet; 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. Elements of the binding master development plan. The City of Venice Code of Ordinances Chapter 86 Land Development Code, Section 86-97, Commercial Mixed-Use (CMU) District, requires certain material exhibits to be submitted as part of the rezoning of the subject property including the submission of a binding master development plan. The applicant has provided a master rezoning application narrative entitled "The Bridges Rezone Application, April 2007" (Revised January 2008). This document contains required and non-required materials including project narrative, land use, mapping, zoning standards and regulations, architectural drawings, cross section details, roadway and landscaping, and building elevations.

Attached is Exhibit A which contains a listing of materials provided by the applicant to satisfy the Commercial Mixed-Use (CMU) District requirement of the binding master development plan:

SECTION 4. Restrictions or stipulations governing permitted uses. The use of the property described in Section 2 hereof, in addition to applicable restrictions imposed by City of Venice Code of Ordinances Chapter 86 Land Development Code, is limited by and subject to the following additional restrictions or stipulations governing permitted uses:

1. City vacation of the necessary portion of the 50 foot ingress and egress, public utilities and drainage easement (exact portion to be vacated to be determined by the city) recorded in the Sarasota County Public Records in OR Book 2047, Page 1261 (see attached Exhibit 1) Upon vacation of above said easement, the developer shall dedicate, through the preliminary plat, a 50 foot ingress and egress, public utilities and drainage easement parallel to the southernmost boundary of the existing 170 foot FP&L easement (see attached Exhibit 2).
2. The developer shall dedicate through the preliminary plat, a shared construction, maintenance, ingress and egress, sidewalk, landscape, public utilities, slope and drainage easement from the city for a portion of the project's main north/south spine road where it encroaches on city property along Border Road (see attached Exhibit 3).
3. The developer shall dedicate through the preliminary plat, a construction, maintenance, ingress and egress, public utilities, landscape, slope and drainage easement from the city for a portion of the project's main north/south spine road where it encroaches on city property on the east side of the wastewater treatment plant site (see attached Exhibit 4).
4. The developer shall dedicate through the preliminary plat, a sidewalk easement for the purposes of constructing, maintaining and using a public sidewalk, including other appurtenances, from the city for a portion of the project's main north/south pedestrian sidewalk system where it encroaches on city property on the east side of the waste water treatment plant site (see attached Exhibit 5).

5. Developer is responsible for providing right-of-way for the southern two lanes of Laurel Road adjacent to the project consistent with the pre-annexation condition 6(B).
6. The developer is required to schedule and hold a community meeting concerning "The Bridges" project with the two neighboring associations of the Venetian Golf & River Club and Willow Chase. This meeting must be held prior to the Zoning Map Amendment (No. 07-3RZ) being heard by city council.
7. Residential density shall not exceed a total build-out of 7.5 dwelling units per acre.
8. An east/west roadway connector shall be established in the town center to provide cross access for transportation access management.
9. A workforce housing strategy shall be provided for new residential development and included in subdivision platting and site development plan applications and shall be evaluated by the Planning Commission.

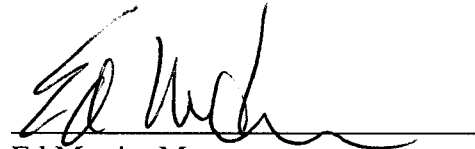
SECTION 4. This ordinance shall take effect immediately upon its approval and adoption, as provided by law contingent on the approval of city vacation of the necessary portion of the 50 foot ingress and egress, public utilities and drainage easement (exact portion to be vacated to be determined by the city).

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 9TH DAY OF DECEMBER 2008.

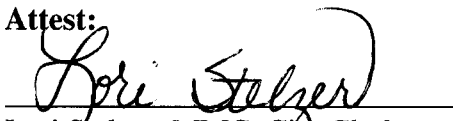
First Reading: November 25, 2008

Final Reading: December 9, 2008

Adoption: December 9, 2008

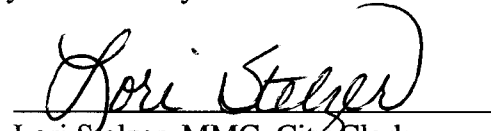

Ed Martin, Mayor

Attest:


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 City of Venice Council, a meeting thereof duly convened and held on the 9th day of December 2008, a quorum being present.

WITNESS my hand and the official seal of said City this 10th day of December 2008.


Lori Stelzer, MMC, City Clerk

Approved as to form:



Robert Anderson, City Attorney

EXHIBIT A
ELEMENTS OF THE BINDING MASTER DEVELOPMENT PLAN
REZONING PETITION NO. 07-3RZ

CODE REQUIREMENT		APPLICATION EXHIBIT	
Code Section	Requirement	Exhibit/Table	Page
86-97(p)(1)(b)(1)-(4)	Master Development Plan, Land Use, Environment, Infrastructure Plans, and Code Modifications	Executive Summary	5
		MDP-1: Districts	8
		Development Standards: Town Center	12
		Development Standards: Neighborhood Center	13
		Development Standards: Neighborhoods	14
		Environmental Inventory	34
		Parks/Open Space	47
		Stormwater/Utilities	52
		Proposed Code Modifications	63
86-97(p)(1)(b)(5)	Transportation, Access Management, Parking, and Signage Plans	MDP-2: Land Use & Transportation	8
		Landscape Element: Signage	30-31
		Transportation: Roadways	39-42
		Parking	61-62
86-97(p)(1)(b)(6)	Building Height and Architectural Element Plans	MDP-3: Compatibility & Height	9
		Building Types: Single Family	15
		Building Types: Multi-Family	16
		Building Types: Mixed-Use	17
86-97(p)(1)(b)(7)	Pedestrian, Sidewalks, Landscaping, Buffering, Street Tree Plans	MDP-4: Pedestrian Realm	9
		Landscape Element: Tree Master Plan	18
		Landscape Element: Buffers	21-24
		Landscape Element: Typicals	25-28
		Landscape Element: Site Amenities	29

Rec. Fee
Indexing

\$24.00
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Exhibit 1

Index 42.W
910157

EASEMENT

THIS INDENTURE made this 24th day of June, 1988, by and between LELAND R. JOHNSON and MARGARET JOHNSON, Husband and Wife, and ROBERT D. ROGERS and JOANNE ROGERS, Husband and Wife, hereinafter called Grantors, and THE CITY OF VENICE, a Florida Municipal Corporation in Sarasota County, Florida, hereinafter called Grantee.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by Grantee to Grantors, the receipt of which is hereby acknowledged, Grantors do grant, sell, and convey unto Grantee and unto Grantee's successors and assigns the following easements:

1. An ingress and egress easement, including necessary appurtenances thereto, over, across, under, along and through the real property of Grantors located in Sarasota County, Florida, described on the attached Exhibit "A". This ingress and egress easement is given for the purpose of providing Grantee with full and complete access to the real property of Grantee located in Sarasota County, Florida, described on the attached Exhibits "B" and "C".

2. A public utility easement for the placement, replacement, location, relocation, construction, operation, maintenance, and repair of electric, telephone, water supply and sewage collection systems, including necessary appurtenances, over, across, under, along and through the real property of Grantors located in Sarasota County, Florida, described on the attached Exhibit "A". The public utility easement is given for the purpose of allowing Grantee the use of the easement in conjunction with the use of the real property of Grantee located in Sarasota County, Florida, described on the attached Exhibits "B" and "C".

3. A drainage easement, including necessary appurtenances thereto, over, across, under, along and through the real property of Grantors located in Sarasota County, Florida, described on the attached Exhibit "A".

The easement, rights and privileges herein granted shall be perpetual and non-exclusive. Grantor does hereby fully warrant said easement and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of:

Step S. Davis
R. A. Nash
Step S. Davis
R. A. Nash

LELAND R. JOHNSON
MARGARET JOHNSON
ROBERT D. ROGERS
JOANNE ROGERS

Documentary Tax Pd.\$ 55
Intangible Tax Pd.\$ _____
Karen E. Rushing, Clerk Sarasota County
By T. B. B. B.
Deputy Clerk

O.R. 2047 Pg 1261

STATE OF FLORIDA
COUNTY OF SARASOTA

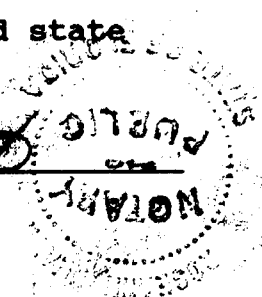
BEFORE ME, the undersigned authority, personally appeared
LELAND R. JOHNSON and MARGARET JOHNSON, Husband and Wife, to me
known to be the persons described in and who executed the
foregoing instrument and who acknowledged before me that they
executed same for the purposes therein expressed.

WITNESS my hand and official seal in the county and state
last aforesaid this 27th day of June, 1988

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Oct. 23, 1990
Bonded by U.S.F. & G.

Rosanna M. Hall
Notary Public



U.R. 2047 PG 1262

STATE OF FLORIDA
COUNTY OF SARASOTA

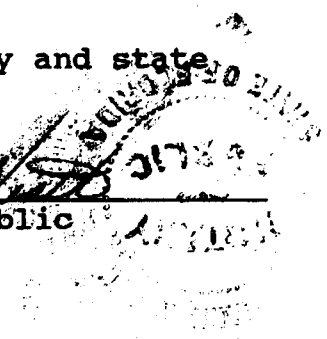
BEFORE ME, the undersigned authority, personally appeared
ROBERT D. ROGERS and JOANNE ROGERS, Husband and Wife, to me known
to be the persons described in and who executed the foregoing
instrument and who acknowledged before me that they executed same
for the purposes therein expressed.

WITNESS my hand and official seal in the county and state
last aforesaid this 27th day of June, 1988

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires Oct. 23, 1990
Bonded by U.S.F. & G

Rosanna M. Hall
Notary Public



THIS INSTRUMENT PREPARED BY:
STEPHEN E. DeMARSH, ESQUIRE
HALL, ANDERSON & DeMARSH, P.A.
Post Office Box 1576
Venice, Florida 34284-1576

EXHIBIT "A"

DESCRIPTION OF A 50' WIDE INGRESS AND EGRESS EASEMENT

An easement for ingress and egress in 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 Westerly line of the North 1/2 of the Northwest 1/4 of said Section 34, South 00°52'28" East, (on an assumed bearing) 1342.25 feet to the Southwest corner of the North 1/2 of the Northwest 1/4 of said Section 34, thence, along the Northerly line of the South 1/2 of the Northwest 1/4 of said Section 34, South 89°31'01" East, 422.94 feet to the Point of Beginning, thence, continue along the Northerly line of the South 1/2 of the Northwest 1/4 of said Section 34, South 89°31'01" East, 1472.30 feet to the Northwest corner of the land described in Official Records Book 1847 at Page 1287 of the Public Records of Sarasota County, Florida, thence, along the Westerly line of said land, South 00°17'55" East, 539.59 feet to the Southwest corner of said land, thence, along the Southerly line of said land, South 89°31'01" East, 810.07 feet to the Southeast corner of the said land and to a point on the Easterly line of the Northwest 1/4 of said Section 34, thence, along the Easterly line of the Northwest 1/4 and the Easterly line of the Southwest 1/4 of said Section 34, South 00°17'55" East, 3357.20 feet to the intersection with the Northerly right-of-way line of Border Road, thence, along said right-of-way line that is 33.00 feet Northerly of and parallel with the Southerly line of said Section 34, North 89°42'23" West, 50.00 feet, thence, parallel with the Easterly line of the Southwest 1/4 and the Northwest 1/4 of said Section 34, North 00 17'55" West, 3248.17 feet to the point of the curvature of a curve to the left, thence, along the arc of said curve, having a central angle of 89°13'06", a radius of 60.00 feet, an arc of 93.43 feet and a chord of 84.27 feet to the point of tangency, thence, North 89°31'01" West, 750.89 feet, thence, North 00 17'55" West, 480.40 feet to the point of curvature of a curve to the left, thence, along the arc of said curve, having a central angle of 89°13'06", a radius of 60.00 feet, an arc of 93.43 feet and a chord of 84.27 feet to the point of tangency, thence, North 89°31'01" West, 1362.61 feet, thence, North 00°52'32" West, 50.01 feet to the Point of Beginning and containing 7.0695 acres, more or less.

EXHIBIT "B"

A parcel of land lying and being in 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 Westerly line of the North 1/2 of the Northwest 1/4 of said Section 34, South 00°52'28" East, (on an assumed bearing) 1342.25 feet to the Point of Beginning thence, along the Northerly line of the South 1/2 of the Northwest 1/4 of said Section 34, South 89°31'01" East, 422.94 feet, thence, South 00°52'32" East, 1341.24 feet to the intersection with the Southerly line of the Northwest 1/4 of said Section 34, thence, along the Southerly line of the Northwest 1/4 of said Section 34, North 89°39'07" West, 384.93 feet to the intersection with the Northeasterly right-of-way line of I-75, thence, along the Northeasterly right-of-way line of I-75, North 35°01'47" West, 67.68 feet to the intersection with the Westerly line of the South 1/2 of the Northwest 1/4 of said Section 34, thence, along the Westerly line of the South 1/2 of the Northwest 1/4 of said Section 34, North 00°52'28" West, 1287.04 feet to the Point of Beginning and containing 13.000 acres, more or less.

EXHIBIT "C"

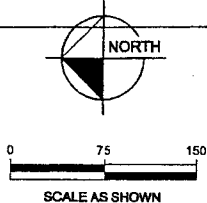
Beginning at a point found by measuring from the Southeast corner of Section 33, Township 38 South, Range 19 East, Sarasota County, Florida, N 01°15'22" W, along the Easterly line of said Section, 2649.53 feet, to an intersection with the Northeasterly right-of-way line of Interstate No. 75 as recorded in O. R. Book 1132, Page 1930, Public Records of said county, the above-mentioned Point of Beginning; thence N 35°26'44" W, along said right-of-way line, 1551.53 feet, to a point on a line 50.00 feet South of and parallel with the North line of the South 1/2 of the Northeast 1/4 of said Section; thence S 89°48'48" E, along said line 872.13 feet, to a point on the East line of said section; thence along said line S 01°15'22" E, 1261.44 feet to the aforementioned Point of Beginning.

Containing 12.62 acres more or less.

O. R. 2047 PG 1265

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KAREN E. BOSSING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL.

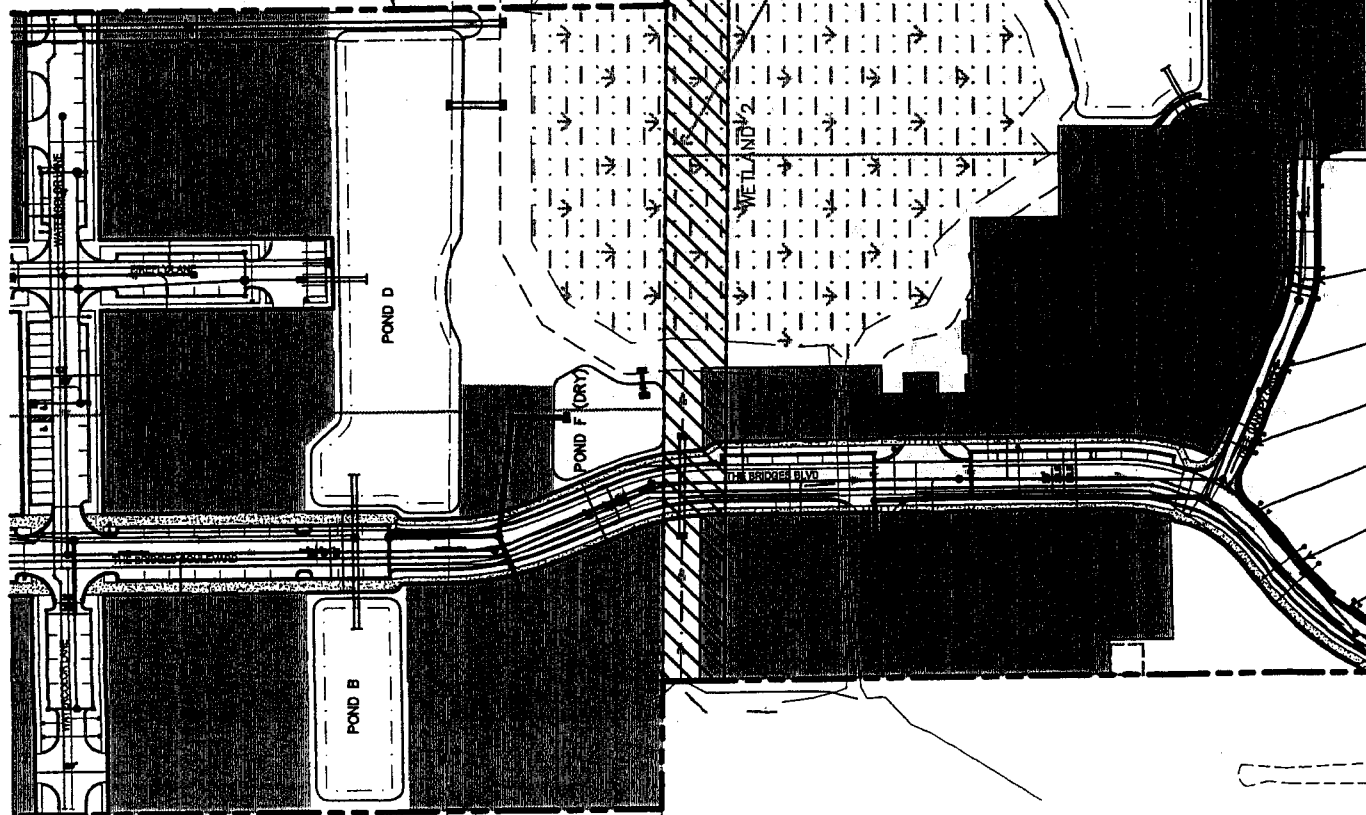
EXHIBIT 2



170'
EXISTING
FPL EASEMENT

PROPOSED 50' INGRESS/EGRESS,
PUBLIC UTILITY AND DRAINAGE
EASEMENT TO BE DEDICATED TO
THE CITY OF VENICE.

PROPERTY LINE



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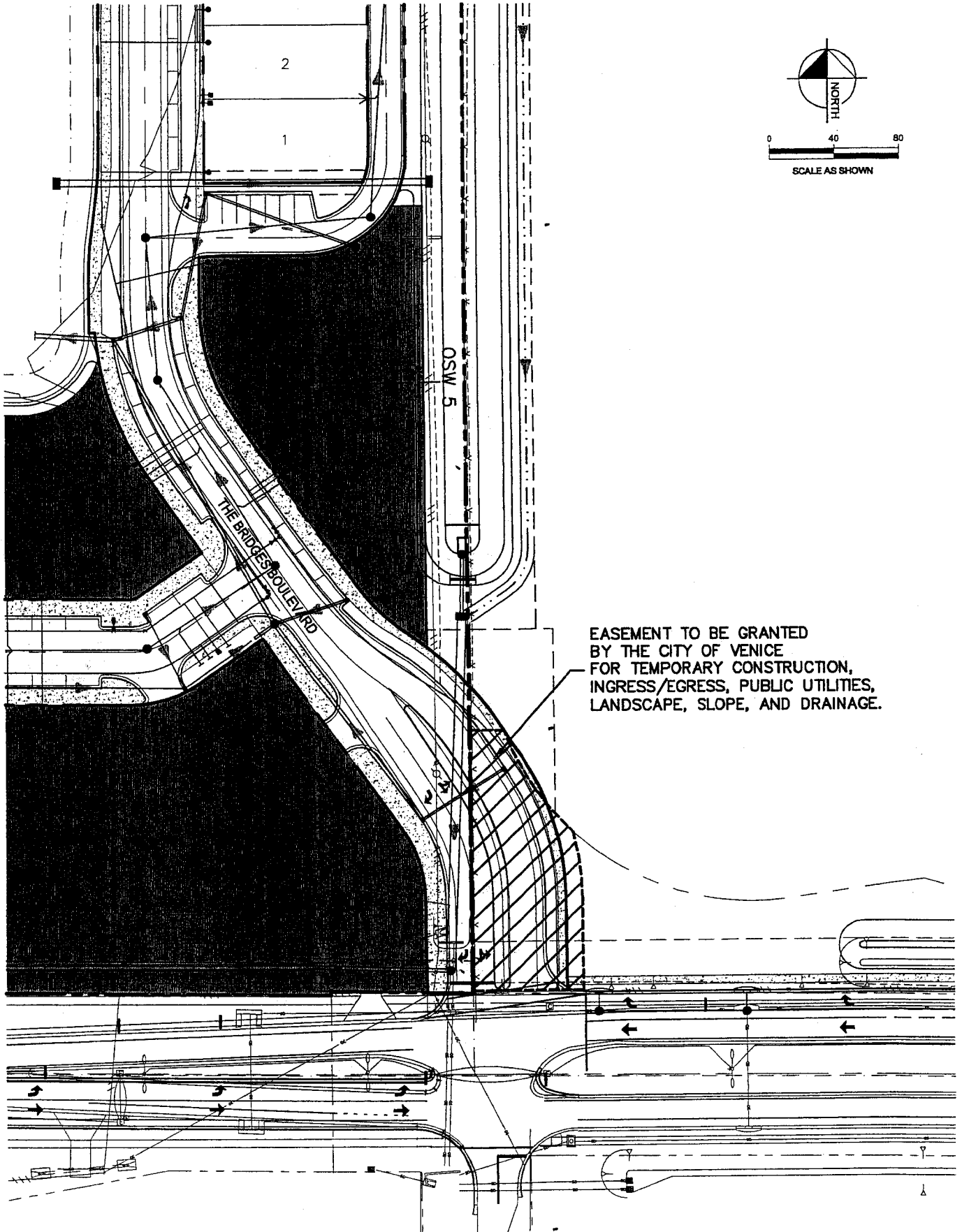
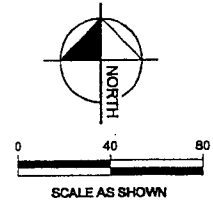
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2801 CATTLEMEN ROAD, SUITE 500, SARASOTA, FL 34232
PHONE: 941-822-8187 FAX: 941-822-2351
WWW.KIMLEY-HORN.COM CA 0000696

DATE
09-10-08
PROJECT NO.
048474.003

**GULF COAST
STRATEGIC INVESTMENTS
THE BRIDGES**

DESIGN ENGINEER:
FLORIDA P.E. LICENSE NUMBER:
DATE:

SHEET NUMBER
B



EASEMENT TO BE GRANTED
BY THE CITY OF VENICE
FOR TEMPORARY CONSTRUCTION,
INGRESS/EGRESS, PUBLIC UTILITIES,
LANDSCAPE, SLOPE, AND DRAINAGE.

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DESIGNED BY
DRAWN BY
CHECKED BY



**Kimley-Horn
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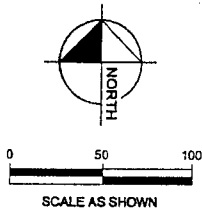
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PROJECT NO.
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**GULF COAST
STRATEGIC INVESTMENTS
THE BRIDGES**

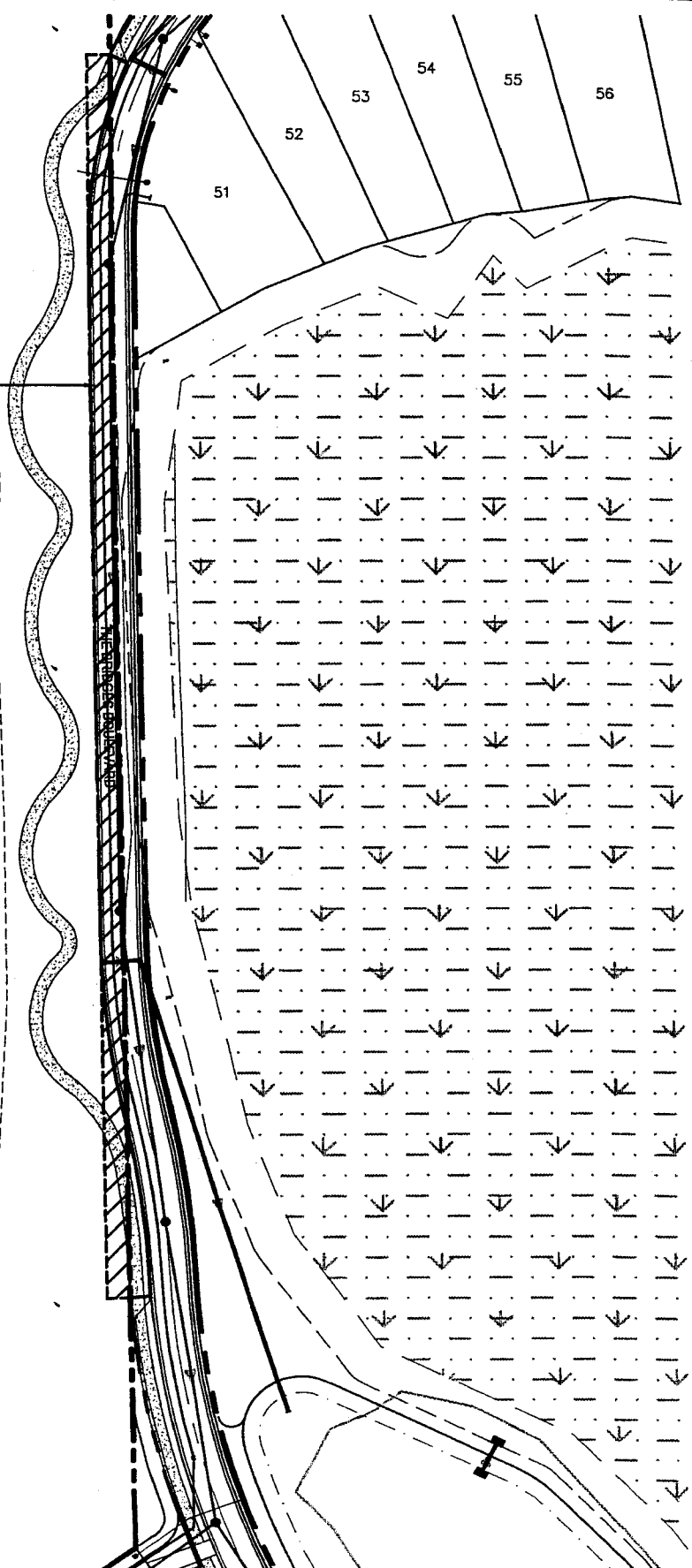
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FLORIDA P.E. LICENSE NUMBER:
DATE:

SHEET NUMBER
C

EXHIBIT 4



EASEMENT TO BE DEDICATED
BY THE CITY OF VENICE
FOR TEMPORARY CONSTRUCTION,
INGRESS/EGRESS, PUBLIC UTILITIES,
LANDSCAPING, SLOPE AND DRAINAGE.



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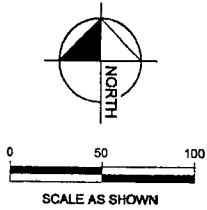
DATE 09-10-08
PROJECT NO. 048474.003

GULF COAST STRATEGIC INVESTMENTS THE BRIDGES

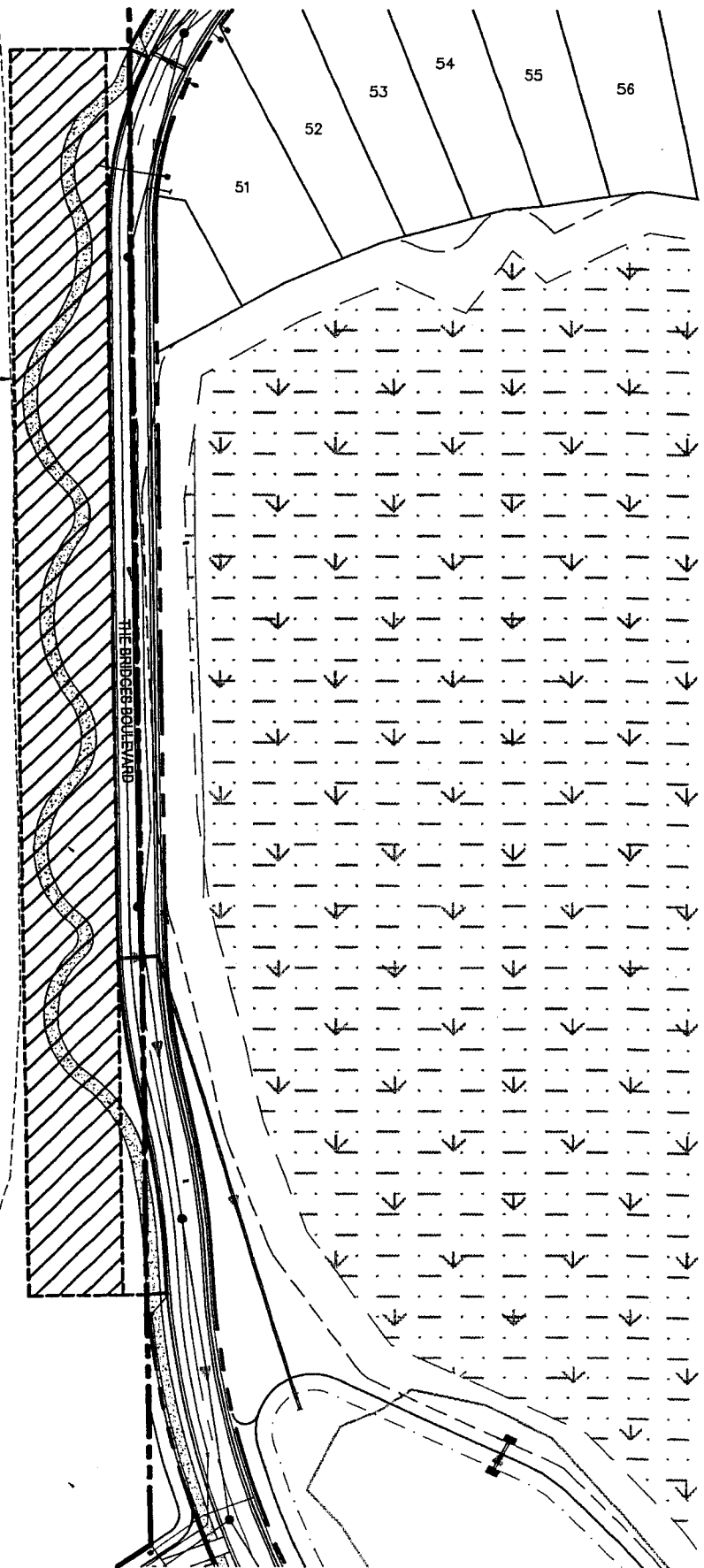
DESIGN ENGINEER:
FLORIDA P.E. LICENSE NUMBER:
DATE:

SHEET NUMBER D

EXHIBIT 5



EASEMENT TO BE GRANTED
BY THE CITY OF VENICE
FOR TEMPORARY CONSTRUCTION,
CONSTRUCTION, MAINTENANCE
OF A PUBLIC SIDEWALK AND
ASSOCIATED APPURTENANCES.



Drawing name: H:\048474.003\CADD\CIVIL\EXHIBITS\Pick exhibits\Exhibit-E.dwg Layout1 Sep 10, 2008 12:03pm by: jolme.latarde

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SCALE AS NOTED
DESIGNED BY
DRAWN BY
CHECKED BY



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Kimley-Horn
and Associates, Inc.

DATE
09-10-08
PROJECT NO.
048474.003

GULF COAST
STRATEGIC INVESTMENTS
THE BRIDGES

DESIGN ENGINEER:
FLORIDA P.E. LICENSE NUMBER:
DATE:

SHEET NUMBER
E