

**CITY OF VENICE, FLORIDA  
CITY COUNCIL  
ORDER NO. 17-16RZ**

AN ORDER OF THE VENICE CITY COUNCIL DENYING REZONING PETITION NO. 17-16RZ FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. AUBURN ROAD AND BORDER ROAD OWNED BY SSD LAND HOLDINGS, LLC.

WHEREAS, on November 28, 2017, Windham Development, Inc. (hereinafter referred to as "Windham"), contract purchaser of the subject property owned by SSD Land Holdings, LLC, filed Rezoning Petition No. 17-16RZ ("Petition") to rezone the approximately 39.6 acre property (described in Exhibit "A") from Sarasota County Open Use Estate-1 (OUE-1) to City of Venice Planned Unit Development (PUD); and,

WHEREAS, the PUD would allow a single-family development of 105 units; and,

WHEREAS, the subject property is designated Low Density Residential on the City's Future Land Use Map in the 2017 Comprehensive Plan; and,

WHEREAS, the Petition was filed the day of, but prior to, the adoption of the City's 2017 Comprehensive Plan; and,

WHEREAS, on April 10, 2018, the City Council granted Windham's Petition for Vested Rights Determination, vesting Windham with the right to apply for a rezoning of the subject property to PUD, which is otherwise not an implementing zoning district for the Low Density Residential Future Land Use designation in the 2017 Comprehensive Plan; and,

WHEREAS, the Planning Commission held a noticed public hearing on October 16, 2018 regarding the Petition and based upon the testimony and evidence received the Planning Commission voted to recommend approval of the Petition; and,

WHEREAS, the City Council held an approximately 8-hour public hearing on November 27-28, 2018, on the Petition in accordance with the requirements of the city's Code of Ordinances and has considered the testimony and evidence received at said public hearing; and,

WHEREAS, affected party status was granted to Fox Lea Farm, Inc., Richard Longo, and the Central Venice Coalition; and,

WHEREAS, if approved, Ordinance No. 2018-41 would have granted the Petition; and,

WHEREAS, on a vote of 7-0, the City Council denied the approval of Ordinance No. 2018-41 on first reading.

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. Based on the testimony and evidence presented, Rezone Petition No. 17-16RZ is hereby DENIED based on the following findings:

- a. The Petition is inconsistent with Land Use Strategy 4.1.1 of the City of Venice 2017 Comprehensive Plan, which contains Transitional Policy 8.2, as it is incompatible with

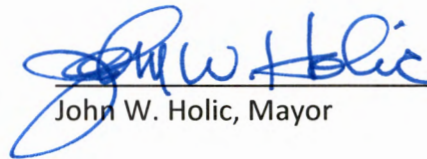
existing neighborhoods, including Fox Lea Farm, Inc., a nationally recognized horse show facility.

- b. The Petition does not meet the considerations of Section 86-47(f)(1) of the Land Development Code.

Section 3. This Order constitutes the written notice of the denial of the Petition required by Section 166.033(2), Florida Statutes.

Section 4. This Order shall become effective immediately.


ORDERED at a meeting of the Venice City Council on the 28<sup>th</sup> day of November, 2018.

  
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John W. Holic, Mayor

Attest:

  
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Lori Stelzer, MMC, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Kelly M. Fernandez, City Attorney

## Exhibit "A"

### DESCRIPTION OF PROPERTY:

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.

As depicted below:

