

CITY OF VENICE, FLORIDA
CITY COUNCIL
ORDER NO. 19-34VZ

AN ORDER OF THE VENICE CITY COUNCIL APPROVING THE RUSTIC ROAD PLANNED UNIT DEVELOPMENT (PUD) VARIANCE PETITION NO. 19-34VZ, ALLOWING THROUGH THE CONDITIONAL USE PROVISIONS THE MAXIMUM STRUCTURAL HEIGHT OF 42' WITHIN AN 18± ACRE PORTION OF THE RUSTIC ROAD PUD IDENTIFIED AS OPTIONAL MULTI-FAMILY FOR PROPERTY GENERALLY LOCATED WEST OF KNIGHTS TRAIL ROAD, EAST OF I-75, AND NORTH AND SOUTH OF RUSTIC ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rustic Road Partners, LLC, through its agent, Jeffery Boone, Esq., Boone Law Firm, has submitted Variance Petition No. 19-34VZ for additional height, pursuant to the conditional use provisions, in an 18± acre portion of the Rustic Road PUD identified as optional multi-family, located west of Knights Trail Road, East of I-75, and north and south of Rustic Road, Parcel Identification Nos. 0362-00-1007 and 0362-00-1002 (as further described in Exhibit A); comprised of the following: **Aerial and Preliminary Site Plan** prepared by Waldrop Engineering, consisting of **two sheets**, received by the City on **June 21, 2019**; and,

WHEREAS, the Zoning Administrator has accepted the Petition and determined that based on Section 86-130(f)&(h) of the Land Development Code, a Conditional Use is required for additional structural height in the PUD zoning district; and,

WHEREAS, Section 86-42(a)(1) indicates that any allowances less than ten feet over the maximum height of structures in each zoning district shall be handled as a variance, per Section 86-46; and,

WHEREAS, the Petition requests a variance from Section 86-130(h) to exceed the maximum structural height of 35', by 7' for a maximum structural height of 42' within an 18± acre portion of the Rustic Road PUD identified as optional multi-family; and,

WHEREAS, the Zoning Administrator has accepted the Petition and referred same to the city staff for review and comment; and,

WHEREAS, Section 86-130(f) provides that a *"Conditional Use is permissible in the PUD district after public notice and hearing by City Council"*; and,

WHEREAS, the Planning Commission held a noticed public hearing on August 20, 2019, 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 Variance Petition No. 19-34VZ; and,

WHEREAS, on August 27, 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 and is consistent with the Comprehensive Plan; and,

WHEREAS, the City Council voted for approval of the Petition.

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. Variance Petition No. 19-34VZ, to allow a maximum structure height of 42' within an 18± acre portion of the Rustic Road PUD identified as optional multi-family, as described above, is hereby approved.

Section 3. This Order shall become effective immediately upon adoption by City Council. 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.

Section 4. This Development Order shall expire and be void 24 months from the date of grant unless a complete building permit application has been filed for the conditional use approved. However, at the written request of the property owner prior to the expiration of the 24-month period, the City Council may extend the 24-month period for an additional 12 months, provided that the property owner can demonstrate by competent and substantive evidence that financial or legal constraints or other events beyond the control of the applicant prevented application for a building permit.

ORDERED at a meeting of the Venice City Council on 27th of August 2019.

Mayor

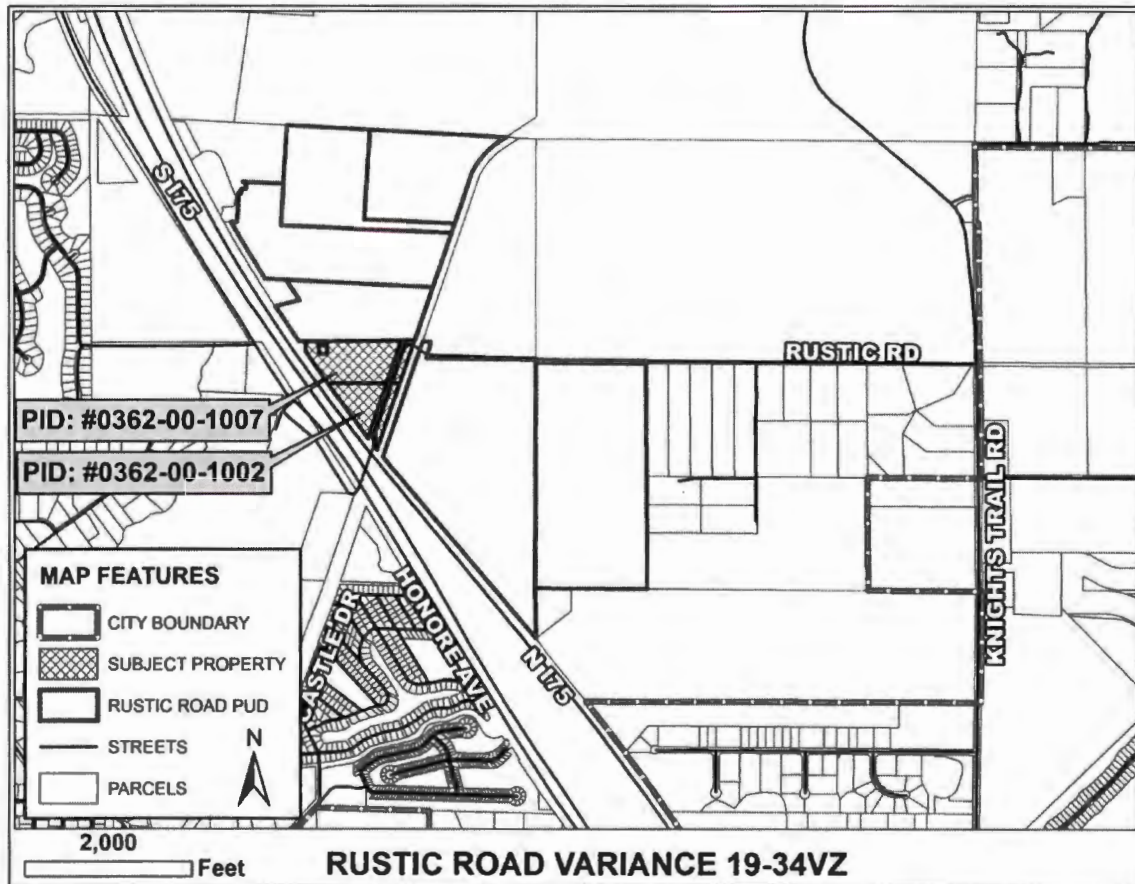
ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

EXHIBIT A – LEGAL DESCRIPTION



PIDs: 0362-00-1007 and 0362-00-1002

PID # 0362-00-1007 - DESCRIPTION:

The Northerly 497.33 feet of the following described parcel of land, as measured at right angles with North line thereof:

A Parcel of land being and lying in Section 20, Township 38 South, Range 19 East, Sarasota County, Florida, also being a portion of the lands described in Official Records Book 1154, Pages 1217 and 1218 of the Public Records of Sarasota County, Florida and being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of Section 20, Township 38 South, Range 19 East, Sarasota County, Florida; thence South 89°56'36" East, 2607.11 feet to a concrete monument, being 1200 feet Westerly of the centerline of Cowpen Slough Drainage Canal, as measured at right angles, for a Point of Beginning; thence continue South 89°56'36" East, 1271.54 feet to the centerline of said Cowpen Slough Drainage Canal (190 feet R/W); thence South 19°22'04" West along the centerline of said Cowpen Slough Drainage Canal, 1331.99 feet to intersect the Northeasterly right-of-way line of I-75 (S.R. 93), being a point on a concave curve to the Northeast, whose center bears North 50°26'21" East, 17,975.40 feet, having a central angle of 4°34'51"; thence Northwestwardly along the arc of said curve, also being the Northeasterly right-of-way line of said I-75 (S.R. 93), 1437.14 feet, said point being 1200 feet Westerly of the said centerline of said Cowpen Slough Drainage Canal, as measured at right angles; thence North 19°22'04" East parallel with and 1200 feet Westerly of the Centerline of said Cowpen Slough Drainage Canal, 121.38 feet to the Point of Beginning.

LESS THEREFROM: the following described parcel being a 60 foot access road right-of-way. Commence at the aforementioned Point of Beginning; thence South 89°56'36" East, 1107.31 feet for a Point of Beginning; thence continue South 89°56'36" East, 63.57 feet to intersect the Westerly right-of-way line of said Cowpen Slough Drainage Canal; thence South 19°22'04" West along the Westerly right-of-way line of said Cowpen Slough Drainage Canal, 1089.10 feet; thence South 1°20'47" East, 210.93 feet to intersect the Northeasterly right-of-way line of said I-75 (S.R. 93), also being a point on a concave curve to the Northeast, whose center bear North 50°30'55" East, 17,975.40 feet, having a central angle of 0°30'09"; thence Northwestwardly along the arc of said curve, 157.69 feet; thence North 19°22'04" East parallel with the Westerly right-of-way line of said Cowpen Slough Drainage Canal, 1183.22 feet to the Point of Beginning.

RESERVING UNTO THE GRANTOR, his heirs, successors and assigns, an easement across the Westerly thirty (30.0) feet for road, street and utility purposes and uses. The Grantor, his heirs, successors and assigns shall have the right, but shall have no obligation, to maintain a road or trail on said easement. Grantor and Grantee agree that said easement shall be a private easement for use by the parties to this deed, their heirs, successors and assigns and such other persons as each party shall from time to time designate.

TOGETHER with a non-exclusive right to use a non-exclusive easement sixty (60.0) feet in width for road, street and utility purposes from Mission Valley Boulevard over the present road or trail to the bridge over the Sarasota West Coast Watershed Canal to that part of the East 1/2 of Section 20, Township 38 South, Range 19 East, Sarasota, Florida; lying East of said West Coast Watershed Canal. the said non-exclusive easement is recorded in Official Records Book 770, Page 797, Public Records of Sarasota County, Florida, and the Grantee, his successors and assigns by acceptance hereof agree to abide by the terms and conditions specified in said private nonexclusive easement.

TOGETHER with a non-exclusive right to use a non-exclusive easement across the Easterly thirty (30.0) feet of the following described property:

That part of the South 1/2 of Section 20, Township 38 South, Range 19 East, bounded on the West by centerline of Fox Creek and on the East by a line that is 1200 feet West of and parallel to centerline of Cowpen Slough Drainage Canal; LESS the South 1050 feet, Subject to an easement across the Easterly thirty (30.0) feet for egress and ingress.

Said easement shall be for road, street and utility purposes and uses. The said non-exclusive easement is recorded in Official Records Book 985, Page 681, Public Records of Sarasota County, Florida, and the Grantee, his successors and assigns by acceptance hereof agree to abide by the terms and conditions specified in said private non-exclusive easement.

ALSO LESS AND EXCEPT:

SBA TOWERS LEASE PARCEL

A PARCEL OF LAND BEING A PORTION OF THE NORTH ONE-HALF (1/2) OF SECTION 20. TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 20 (FOUND 4" X 4" CONCRETE MONUMENT WITH BRASS DISK - RLS 2030); THENCE ON AN ASSUMED BEARING OF S 89° 56' 36" E, A DISTANCE OF 2487.31 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE NO. 75 (LIMITED ACCESS PUBLIC RIGHT-OF-WAY) (FOUND 4" X 4" CONCRETE MONUMENT WITH DISK - NO I.D.); THENCE CONTINUE S 89° 56' 36" E, A DISTANCE OF 119.80 FEET TO A POINT ON A LINE 1200.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF RIGHT-OF-WAY FOR COWPEN SLOUGH DRAINAGE CANAL (190 FOOT WIDE CANAL RIGHT-OF-WAY) (FOUND 4" X 4" CONCRETE MONUMENT WITH BRASS DISK - RLS 2030); THENCE CONTINUE S 89° 56' 36" E, A DISTANCE OF 146.00 FEET; THENCE S 00° 03' 24" W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00° 03' 24" W, A DISTANCE OF 100.00 FEET; THENCE N 89° 56' 36" W, A DISTANCE OF 100.00 FEET; THENCE N 00° 03' 24" E, A DISTANCE OF 100.00 FEET; THENCE S 89° 56' 36" E, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND SITUATE WITHIN SARASOTA COUNTY, FLORIDA CONTAINING 10,000.00 SQUARE FEET, MORE OR LESS.

NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT A PARCEL OF LAND BEING A PORTION OF THE NORTH ONE-HALF (1/2) OF SECTION 20, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (1/4) OF SAID SECTION 20 (FOUND 4" X 4" CONCRETE MONUMENT WITH BRASS DISK - RLS 2030); THENCE ON AN ASSUMED BEARING OF S 89° 56' 36" E, A DISTANCE OF 2487.31 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE NO. 75 (LIMITED ACCESS PUBLIC RIGHT-OF-WAY) (FOUND 4" X 4" CONCRETE MONUMENT WITH DISK - NO I.D.); THENCE CONTINUE S 89° 56' 36" E, A DISTANCE OF 119.80 FEET TO A POINT ON A LINE 1200.00 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF RIGHT-OF-WAY FOR COWPEN SLOUGH DRAINAGE CANAL (190 FOOT WIDE CANAL RIGHT-OF-WAY) (FOUND 4" X 4" CONCRETE MONUMENT WITH BRASS DISK - RLS 2030); THENCE CONTINUE S 89° 56' 36" E, A DISTANCE OF 146.00 FEET; THENCE S 00° 03' 24" W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S 89° 56' 36" E, A DISTANCE OF 234.73 FEET; THENCE N 61° 16' 00" E, A DISTANCE OF 103.82 FEET; THENCE S 89° 56' 36" E, A DISTANCE OF 635.59 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF RUSTIC ROAD (60 FOOT WIDE PUBLIC RIGHT-OF-WAY) (FOUND 4" X 4" CONCRETE MONUMENT WITH NAIL - NO I.D.); THENCE S 19° 22' 04" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 42.38 FEET; THENCE N 89° 56' 36" W, A DISTANCE OF 611.31 FEET; THENCE S 61° 16' 00" W, A DISTANCE OF 103.82 FEET; THENCE N 89° 56' 36" W, A DISTANCE OF 220.00 FEET; THENCE S 45° 03' 24" W, A DISTANCE OF 7.07 FEET; THENCE S 00° 03' 24" W, A DISTANCE OF 55.00 FEET; THENCE N 89° 56' 36" W, A DISTANCE OF 20.00 FEET; THENCE N 00° 03' 24" E, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND SITUATE WITHIN SARASOTA COUNTY, FLORIDA CONTAINING 39,897.86 SQUARE FEET, MORE OR LESS.

PID # 0362-00-1002 - DESCRIPTION:

Parcel 1: (Fee Estate)

A parcel of land being and lying in Section 20, Township 38 South, Range 19 East, Sarasota County, Florida, also being a portion of the lands described in Official Records Book 1154, Pages 1217 and 1218 of the Public Records of Sarasota County, Florida and being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of Section 20, Township 38 South, Range 19 East, Sarasota County, Florida; thence South 89°56'36" East, 2607.11 feet to a concrete monument, being 1200 feet Westerly of the centerline of Cowpen Slough Drainage Canal, as measured at right angles, for a Point of Beginning; thence continue South 89°56'36" East, 1271.54 feet to the centerline of said Cowpen Slough Drainage Canal (190 feet R/W); thence South 19°22'04" West along the centerline of said Cowpen Slough Drainage Canal, 1331.99 feet to intersect the Northeasterly right-of-way line of I-75 (S.R. 93), being a point on a concave curve to the Northeast, whose center bears North 50°26'21" East, 17,975.40 feet, having a central angle of 4°34'51"; thence Northwestwardly along the arc of said curve, also being the Northeasterly right-of-way line of said I-75 (S.R. 93), 1437.14 feet, said point being 1200 feet Westerly of the said Cowpen Slough Drainage Canal, as measured at right angles; thence North 19°23'04" East parallel with and 1200 feet Westerly of the centerline of said Cowpen Slough Drainage Canal, 121.38 feet to the Point of Beginning.

LESS THEREFROM: the following described parcel being a 60 foot access road right-of-way. Commence at the aforementioned Point of Beginning; thence South 89°56'36" East, 1107.31 feet for a Point of Beginning; thence continue South 89°56'36" East, 63.57 feet to intersect the Westerly right-of-way line of said Cowpen Slough Drainage Canal; thence South 19°22'04" West along the Westerly right-of-way line of said Cowpen Slough Drainage Canal, 1089.10 feet; thence South 1°20'47" East, 210.93 feet to intersect the Northeasterly right-of-way line of said I-75 (S.R. 93), also being a point on a concave curve to the Northeast, whose center bears North 50°30'15" East, 17,975.40 feet, having a central angle of 0°30'09"; thence Northwestwardly along the arc of said curve, 157.69 feet; thence North 19°22'04" East parallel with the Westerly right-of-way line of said Cowpen Slough Drainage Canal, 1183.22 feet to the Point of Beginning

ALSO LESS the Northerly 497.33 feet thereof, as measured at right angles to the North line thereof.

Parcel 2: (Easement Estate)

TOGETHER with a non-exclusive right to use a non-exclusive easement sixty (60.0) feet in width for road, street and utility purposes from Mission Valley Boulevard over the present road or trail to the bridge over the Sarasota West Coast Watershed Canal to that part of the East 1/2 of Section 20, Township 38 South, Range 19 East, Sarasota, Florida; lying East of said West Coast Watershed Canal. The said non-exclusive easement is recorded in Official Records Book 770, Page 797, Public Records of Sarasota County, Florida, and the Grantee, his successors and assigns by acceptance hereof agree to abide by the terms and conditions specified in said private non-exclusive easement.

Parcel 3: (Easement Estate)

TOGETHER with a non-exclusive right to use a non-exclusive easement across the Easterly thirty (30.0) feet of the following described property:

That part of the South 1/2 of Section 20, Township 38 South, Range 19 East, bounded on the West by centerline of Fox Creek and on the East by a line that is 1200 feet West of and parallel to centerline of Cowpen Slough Drainage Canal; LESS the South 1050 feet, Subject to an easement across the Easterly thirty (30.0) feet for egress and ingress.

Said easement shall be for road, street and utility purposes and uses. The said non-exclusive easement is recorded in Official Records Book 985, Page 681, Public Records of Sarasota County, Florida, and the Grantee, his successors and assigns by acceptance hereof agree to abide by the terms and conditions specified in said private non-exclusive easement.