

**CITY OF VENICE, FLORIDA
PLANNING COMMISSION
ORDER NO. 18-07SE**

AN ORDER OF THE VENICE PLANNING COMMISSION APPROVING SPECIAL EXCEPTION PETITION NO. 18-07SE FOR 7-ELEVEN, LOCATED AT 116 N. TAMiami TRAIL, TO ALLOW THE OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE (PROPANE GAS TANKS) IN THE COMMERCIAL, GENERAL (CG) ZONING DISTRICT, PER CODE SECTION 86-92(d)(5); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Venice Palm, Inc., through its agent, Jeffery Boone, Esq., has submitted Special Exception Petition No. 18-07SE for 7-Eleven (submitted concurrently with Zoning Map Amendment Petition No. 18-02RZ and Site and Development Plan Petition No. 18-07SP) located at 116 N. Tamiami Trail, Parcel Identification No. 0408-03-0016 (further described in Exhibit A), comprised of the following:

- 1) **Site Plan (Sheet C1.0)** prepared by Andrew Petersen, P.E., Bowman Consulting Group, Ltd., consisting of **one sheet**, received by the City on **November 13, 2018**;
- 2) a **Landscape Plan (Sheet L-2)** prepared by L. Alyson Utter, PLA, Anderson Lesniak Limited, Inc., consisting of **one sheet**, received by the City on **November 13, 2018**;
- 3) **Storage Cage Plan**, prepared by Ng. Thanh Luong, Tey Ninh Mechanical Co., consisting of **one sheet**, received by the City on **July 20, 2018**; and,

WHEREAS, the Petition requests the outdoor display and sale of retail merchandise (propane gas tanks), per Code Section 86-92(d)(5); and

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

WHEREAS, the Planning Commission held a noticed public hearing on February 19, 2019, during which the Planning Commission received the Petition, staff report, and testimony provided by staff, the applicant, and interested parties; and,

WHEREAS, the Planning Commission finds that there is competent substantial evidence that the Petition demonstrates compliance with the applicable standards and criteria of the city Land Development Code, consistency with the city Comprehensive Plan, and the granting of the Special Exception Petition will not adversely affect the public interest; and,

WHEREAS, the Planning Commission was guided in its decision and exercise of its discretion to approve, approve with conditions or to deny the Special Exception Petition by the standards contained in Section 86-43(e)(1-10) of the Land Development Code and other applicable sections of the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDERED BY THE PLANNING COMMISSION, THAT:

Section 1. The above Whereas clauses are ratified and confirmed as true and correct.

Section 2. Special Exception No. 18-07SE as described above, is hereby approved, with the following stipulation:

1. The outdoor display and sale of retail merchandise is restricted to propane gas tanks in the area indicated on the site and development plan.

Section 3. This Order shall become effective upon City Council approval of Zoning Map Amendment Petition No. 18-02RZ. However, the applicant and any aggrieved person has 15 days from the date of rendition of this Order to appeal the decision of the Planning Commission to the Venice City Council by filing a written request with the City Clerk.

Section 4. This Order shall be voided **12 months** from the date of grant unless, upon request, an extension of time is granted by the Planning Commission to a date certain if by that date the use for which the special exception was granted has not been commenced. Any special exception shall expire 12 months following the discontinuation of the use for which the special exception was granted if the use has not then been recommenced.

ADOPTED at a meeting of the Venice Planning Commission on the 19th day of February 2019.


Planning Commission Chair

APPROVED AS TO FORM



City Attorney

EXHIBIT A – LEGAL DESCRIPTION

LOTS 32, LESS ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS NO. 1999151207, 33, 34, 35, 36 & 37, BLOCK 67, GULF VIEW SECTION OF VENICE ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2 PAGE 77 and 77A, OFF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA