

CITY OF VENICE, FLORIDA

CITY COUNCIL

ORDER NO. 19-38VZ

AN ORDER OF THE VENICE CITY COUNCIL APPROVING GCCF PLANNED UNIT DEVELOPMENT (PUD) VARIANCE PETITION NO. 19-38VZ, ALLOWING THROUGH THE CONDITIONAL USE PROVISIONS THE MAXIMUM STRUCTURAL HEIGHT OF 42' WITHIN THE ENTIRE GCCF PUD FOR PROPERTY GENERALLY LOCATED BETWEEN LAUREL AND BORDER ROADS, EAST OF INTERSTATE 75; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Border Road Investments, LLC, Myarra Property Joint Ventures, LLC, Woolridge Investment-Florida, LLC, and FC Laurel, LLC, through their agent, Jeffery Boone, Esq., Boone Law Firm, have submitted Variance Petition No. 19-38VZ for additional height, pursuant to the condition use provisions, in the GCCF PUD located between Laurel and Border Roads and east of Interstate 75, Parcel Identification Nos. 0389-00-2005, 0389-00-2006, 0389-00-1010, 0390-00-3040, 0389-00-2031, 0389-00-2030, 0390-00-3041, 0390-00-3030, and 0390-00-3010 (as further described in Exhibit A); comprised of the following: a **Master Site and Circulation Plan** prepared by Melanie Delehanty Smith, P.E., Stantec, consisting of **one sheet**, received by the City on **May 21, 2019**; and,

WHEREAS, the Zoning Administrator has accepted the Petition and determined the 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 the entire GCCF PUD; 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. 19-38VZ; and,

WHEREAS, on February 25, 2020 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. 19-38VZ, to allow a maximum structure height of 42' within the entire GCCF PUD, 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 25th of February 2020.

Mayor

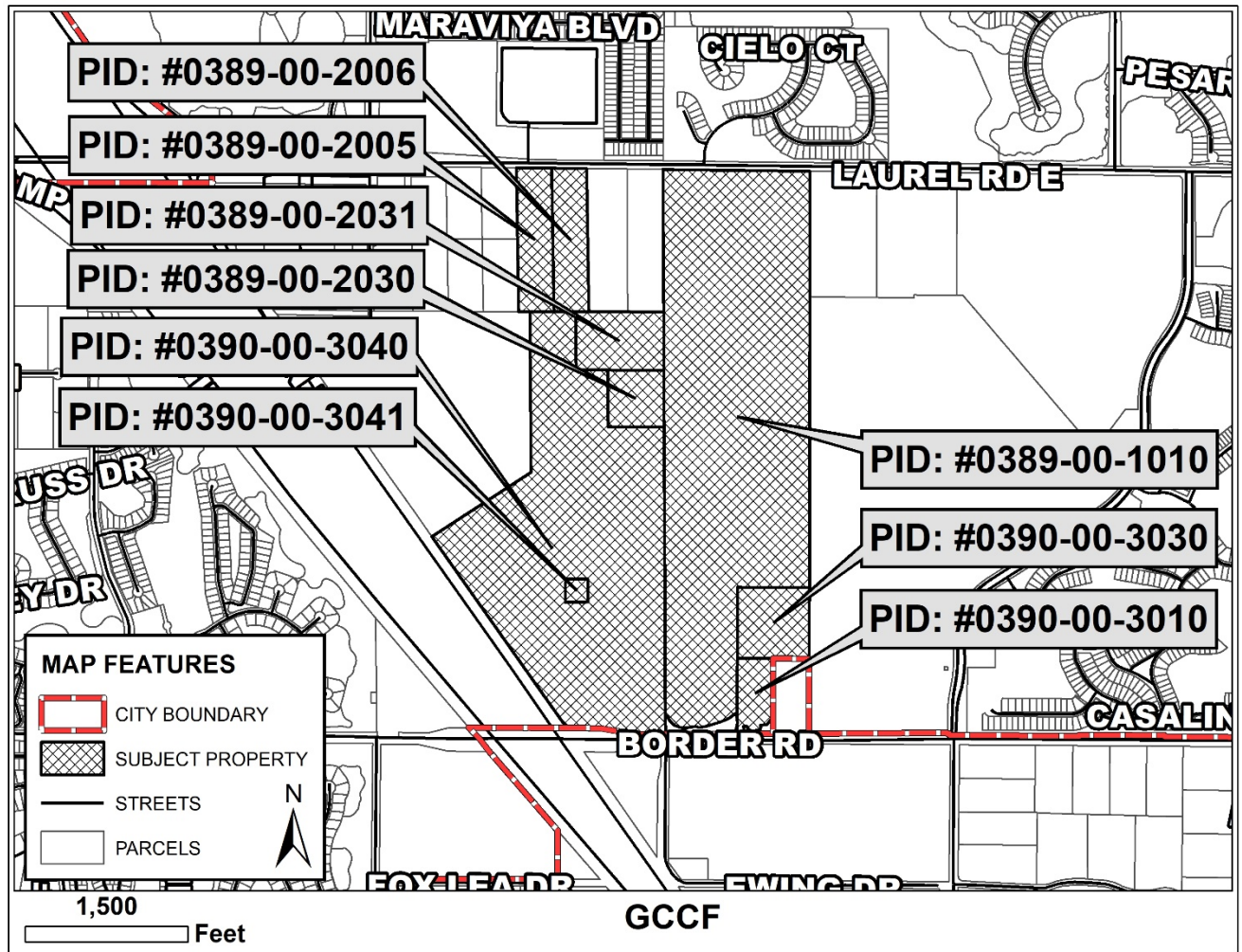
ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

EXHIBIT A – LEGAL DESCRIPTION



PIDs: 0389002005, 0389002006, 0389001010, 0390003040, 0389002031, 0389002030, 0390003041, 0390003030, and 0390003010

PARCEL 1:

A parcel of land lying and being in the NW 1/4 and the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the NW corner of said Section 34; thence along the West line of the NW 1/4 of said Section 34, S 0°50'33" E, a distance of 1342.18 feet to the SW corner of the NW 1/4 of the NW 1/4 of said Section 34; thence along the South line of said NW 1/4 of the NW 1/4 of said Section 34, S 89°29'17" E, a distance of 1470.24 feet for a Point of Beginning, said point being the NE 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, S 89°29'17" E, a distance of 425.54 feet, to the NW corner of those lands as described in Official Records Book 3024, Page 558, Public Records of Sarasota County, Florida; thence S 0°15'55" E, along the Westerly boundary line of said lands, a distance of 539.73 feet to the SW corner of said lands; thence S 89°29'01" E, along the Southerly boundary line of said lands, a distance of 292.83 feet; thence S 0°15'55" E, a distance of 524.13 feet; thence S 89°29'01" E, a distance of 517.24 feet to the East line of said NW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 0°15'55" E, along said East line, a distance of 2833.07 feet to the Northerly right-of-way line of Border Road; thence N 89°40'23" W, along said right-of-way line, a distance of 84.80 feet; thence N 0°19'37" E, along said right-of-way line, a distance of 17.00 feet; thence N 89°40'23" W, along said right-of-way line, a distance of 200.00 feet; thence N 80°23'38" W, along said right-of-way line, a distance of 303.93 feet; thence N 89°28'33" W, 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 N 35°01'47" W, along said right-of-way line, a distance of 2115.71 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 N 54°58'13" E, along the Southeasterly boundary line of said lands, a distance of 1091.03 feet to the SE corner of said lands; thence N 0°50'28" W,

along the Easterly boundary line of said lands, a distance of 138.24 feet; thence N 0°50'33" W, along the Easterly boundary line of said lands, a distance of 1338.73 feet to the Point of Beginning.

Less those lands described in Warranty Deed wherein Sarasota County, Florida, is Grantee and recorded in Official Records Instrument No. 2004206575, of the Public Records of Sarasota County, Florida.

PARCEL 2:

Commence at the SE corner of the SW 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence N 0°17'55" W, 3390.20 feet for a Point of Beginning, thence continue N 0°17'55" W, 537.81 feet; thence N 89°31'01" W, 810.03 feet; thence S 0°17'55" E, 537.81 feet; thence S 89°31'01" E, 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 SW 1/4 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:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E 1690.65 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E 325.69 feet along said North line; thence S 1°03'08" E 1337.54 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W 325.67 feet along said South line; thence N 1°03'08" W 1338.29 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 4:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 89°34'05" E, a distance of 1365.14 feet along the North line of said Section 34, for the Point of Beginning; thence continue S 89°34'05" E, a distance of 325.51 feet along said North line; thence S 1°03'08" E, a distance of 1338.29 feet along a line parallel with the West line of said Section 34 to the South line of the NE 1/4 of the NW 1/4 of said Section 34; thence N 89°42'00" W, a distance of 325.49 feet along said South line; thence N 1°03'08" W, a distance of 1339.04 feet along a line parallel with the West line of said Section 34, to the Point of Beginning.

PARCEL 5:

Commence at the NW corner of Section 34, Township 38 South, Range 19 East, thence S 0°50'33" E, 1342.18 feet; thence S 89°29'17" E, 1470.24 feet; thence S 89°29'17" E, 425.54 feet; thence S 0°15'55" East, 539.73; thence S 89°29'01" E, 292.83 feet for a Point of Beginning; thence S 0°15'55" E, 524.13 feet; thence S 89°29'01" E, 517.24 feet; thence N 0°17'55" W, 524.13 feet; thence N 89°31'01" W, 517.20 feet to the Point of Beginning.

PARCEL 6:

A portion of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the SW corner of SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida; thence S 89°52'24" E along the South line of said Section 34, a distance of 667.01 feet for the Point of Beginning; thence continue S 89°52'24" E along said South line a distance of 332.66 feet; thence N 00°10'44" W a distance of 100.00 feet to the SW corner of Wade property as recorded in Official Records Book 1037, Page 1561, of the Public Records of Sarasota County, Florida; thence N 89°52'24" W along a line a distance of 100.00 feet from and parallel with said South line a distance of 332.66 feet to the SW corner of Prestia property as described in Official Records Book 1035, Page 1096, of the Public Records of Sarasota County, Florida; thence S 00°10'44" E a distance of 100.00 feet to the Point of Beginning, LESS: The South 33.00 feet of the West 20.00 feet of the East 665.23 feet of the South 100.00 feet of the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida

Together with:

Commence at a point 100.00 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida, for a Point of Beginning; thence continue East a distance of 332.66 feet; thence N 0°16'58" W a distance of 654.73 feet; thence West a distance of 332.66 feet; thence S 0°16'58" E a distance of 654.73 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Sarasota County, Florida.

PARCEL 7:

Commence at a concrete monument 100 feet North and 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East; thence run N 00°16'58" W 654.73 feet to a concrete monument for a Point of Beginning; thence continue N 00°16'58" W 654.73; thence run East 665.32 feet; thence run S 00°16'58" E 654.73 feet to a concrete monument; thence run West 665.32 feet to the Point of Beginning. All lying and being in the West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East.

Together with a non-exclusive access easement, 30 feet wide, for ingress and egress across the land described as follows:

Begin at a point on the Section line lying 667.11 feet East of the SW corner of the SE 1/4 of Section 34, Township 38 South, Range 19 East for a Point of Beginning; thence North 100 feet; thence N 00°16'58" W 694.73 feet; thence West 30 feet; thence S 00°16'58" E 694.73 feet; thence South 100 feet; thence East 30 feet to the Point of Beginning.

PARCEL 8:

The West 1/2 of the East 1/2 of Section 34, Township 38 South, Range 19 East, Less tracts described in Official Records Book 1035, Page 1096, Official Records Book 1037, Page 1561, Official Records Book 1075, Page 876 and Official Records Book 1185, Page 1809, of the Public Records of Sarasota County, Florida.

Also being more particularly described as follows:

Begin at the NW corner of the NE 1/4 of Section 34, Township 38 South, Range 19 East; thence N 89°34'05" E 1359.48 feet along the North line of said Section 34 to the NE corner of NW 1/4 of NE 1/4 of said Section 34; thence S 00°10'46" E 2664.93 feet along the East line of the West 1/2 of East 1/2 of said Section 34; thence continue along said East line S 00°10'44" E 1183.64 feet to the NE corner of tract described in Official Records Book 1075, Page 876; thence N 89°52'24" W 665.32 feet to the NE corner of said tract; thence S 00°10'44" E 1409.46 feet along the West line of said property and tract described in Official Records Book 1035, Page 1096 and tract described in Official Records Book 1165, Page 1809; to South line of said Section 34; Thence N 89°52'24" W 666.71 feet along said South line to the SW corner of East 1/2 of said Section 34; thence N 00°28'38" W 5265.49 feet along West line of East 1/2 of said Section 34 to the Point of Beginning.

Less and except Border Road and Laurel Road rights of way.

Less and except the additional right of way for Border Road conveyed to Sarasota County in Official Records Instrument No. 2004032618.

Less and except the lands conveyed to the City of Venice recorded in Official Records Instrument No. 2006171348.