

**CITY OF VENICE, FLORIDA**  
**WRITTEN DECISION NO. 17-16RZ**

A WRITTEN DECISION OF THE CITY OF VENICE REJECTING THE WRITTEN RECOMMENDATION OF SPECIAL MAGISTRATE SCOTT STEADY CONCERNING ZONING MAP AMENDMENT PETITION NO. 17-16RZ FOR THE MURPHY OAKS PLANNED UNIT DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF N. AUBURN ROAD AND BORDER ROAD AND STATING THE USE(S) AVAILABLE TO THE SUBJECT PROPERTY.

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 Zoning Map Amendment 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 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, City Council held a public hearing on November 28, 2018 regarding the Petition and affected party status was granted to Fox Lea Farm, Inc., Richard Longo, and the Central Venice Coalition; and,

WHEREAS, based upon the evidence and public comment received at the public hearing on November 28, 2018, City Council voted to deny approval of the Petition; and,

WHEREAS, on December 21, 2018, the applicant filed a Petition for Relief Pursuant to Section 70.51, Fla. Stat.; and,

WHEREAS, a mediation was held on February 25, 2019 and May 22, 2019 which resulted in proposed terms of settlement and an amended Petition; and,

WHEREAS, City Council held a public hearing on first reading on August 28, 2019 and a public hearing on second reading on September 24, 2019 and October 22, 2019 regarding the amended Petition; and,

WHEREAS, based upon the evidence and testimony received at the public hearings, on a vote of 6-1, the City Council denied the amended Petition on second reading; and,

WHEREAS, on November 26, 2019, the applicant filed a second Petition for Relief Pursuant to Section 70.51, Fla. Stat.; and,

WHEREAS, the Special Magistrate issued a Written Recommendation on January 12, 2021; and,

WHEREAS, on February 9, 2021, City Council considered the Written Recommendation concerning the amended Petition at a public hearing; and,

WHEREAS, based upon the evidence and testimony received at the public hearing, on a vote of 5-1, the City Council rejected the Written Recommendation.

NOW, THEREFORE, THE CITY OF VENICE DETERMINES THAT:

Section 1. The Written Recommendation of the Special Magistrate dated January 12, 2021 is rejected.

Section 2. Per Section 70.51(22), Florida Statutes, the use or uses available to the subject property are as follows: the assigned future land use designation in the 2017-2027 Comprehensive Plan is Low Density Residential ("LDR") which allows "single family detached residential and limited attached residential." The implementing zoning districts for LDR per the 2017-2027 Comprehensive Plan are RE, RSF1, RSF2, and RSF3. Due to the Vested Rights Determination, PUD is also an available zoning district. Under the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement Between the City of Venice and Sarasota County, the subject property is within Area 2A which allows a maximum of 3 dwelling units per acre.

This Written Decision was approved by City Council on the 9<sup>th</sup> day of March, 2021.

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Ron Feinsod, Mayor

Attest:

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Lori Stelzer, MMC, City Clerk

Approved as to form:

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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:

