



City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes Planning Commission

Tuesday, August 17, 2021

1:30 PM

Council Chambers

[21-5166](#)

Instructions on How to Watch and/or Participate in the Meeting

I. Call to Order

Chair Barry Snyder called the meeting to order at 1:30 p.m.

II. Roll Call

There was consensus to excuse Mr. Hale.

Present: 6 - Chair Barry Snyder, Shaun Graser, Kit McKeon, Bill Willson, Richard Lawson and Jerry Jasper

Excused: 1 - Richard Hale

Also Present

Liaison Mayor Ron Feinsod, City Attorney Kelly Fernandez, Acting Planning Director Roger Clark, Deputy City Clerk Mercedes Barcia, and Administrative Coordinator Toni Cone.

III. Approval of Minutes

[21-5167](#)

Minutes of the June 29, 2021 Meeting

A motion was made by Mr. Willson, seconded by Mr. Jasper, that the Minutes of the June 29, 2021 meeting be approved as written. The motion carried by voice vote unanimously.

IV. Audience Participation

There was none.

V. Public Hearings

[21-15VZ](#)

301 Ponce De Leon Variance (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Applicant/Owner: Henry Ziegler

Mr. Snyder announced this is a quasi-judicial hearing, read memorandum regarding advertisement and written communication, and opened the

public hearing.

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest.

Mr. Lawson, Mr. Willson, and Mr. Graser disclosed site visits.

Ms. Tremblay, being duly sworn, provided a presentation to include petition information, aerial view, site photos, project description, future land use map, zoning map, proposed site plan, variance request, planning commission action, and answered a board question regarding date of plat and noted that it was from a previous permit and the house was not under construction.

Henry Ziegler, owner, being duly sworn, provided information regarding the petition request for variance to add a pool to property to include privacy wall, fencing, landscaping, answered board question regarding reason for variance request and hardship.

There was no audience participation.

Mr. Snyder closed the public hearing.

Discussion took place after the motion was made with Mr. Lawson stating he was uncomfortable with a variance as it would have been unnecessary if it had been considered at the beginning of construction.

Mr. Graser stated this was not a hardship and could have been handled differently.

Mr. McKeon stated that he does not feel that the request would be an imposition to others in the area.

Mr. Willson noted that this situation has happened in the past and petitioners have been granted a variance when there has been two front yards.

Ms. Fernandez stated later in the meeting there had been a revision to city code regarding tie votes due to the absence of a commission member which may impact the outcome of this vote, resulting in the variance request approval, the petition will be continued to the next planning commission meeting.

A motion was made by Mr. McKeon, seconded by Mr. Willson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan, in

compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Variance Petition No. 21-15VZ. The motion failed by the following vote:

Yes: 3 - Chair Snyder, Mr. McKeon and Mr. Willson

No: 3 - Mr. Graser, Mr. Lawson and Mr. Jasper

Excused: 1 - Mr. Hale

[21-01SP](#)

Venice Medical Office Building Site and Development Plan
(Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Agent: Bjorn Svenson, Director of Construction, CASTO Southeast

Applicant: Marilyn Johnson and Brian McMurphy

Mr. Snyder announced this is a quasi-judicial hearing, read memorandum regarding advertisement and written communication, and opened the public hearing.

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest for the next two petitions.

Mr. Mckeon, Mr. Lawson, Mr. Willson, and Mr. Graser disclosed site visits.

Ms. Tremblay, being duly sworn, provided a presentation regarding the site development plan petition and special exception request, project description and information, site plan relief from parking requirement, elevations, signage, existing conditions, site photos, future land use map, zoning map, surrounding uses, planning analysis, comprehensive plan, site and development plan, conclusions, land development code, special exception, primary tree preservation areas, concurrency/mobility, conclusions and findings of fact, answered board questions, and addressed Mr. Hale's writtern comments regarding landscaping being compliant, and Curry Lane improvements. She also noted the traffic consultant approved the applicant's study, and the city engineering department is working on Curry Lane improvements; it is still a private road that is to be brought up to city standards.

Bjorn Svenson, applicant, being duly sworn, answered board questions regarding number of parking spaces, Curry Lane improvements, storage within buildings, traffic turning left or right onto Pinebrook Road.

Liaison Mayor Feinsod spoke during audience participation regarding Pinebrook Road traffic.

Mr. Snyder closed the public hearing.

Mr. Snyder commented on the parking space length.

A motion was made by Mr. Willson, seconded by Mr. McKeon, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Site & Development Plan Petition No. 21-01SP. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Willson, Mr. Lawson and Mr. Jasper

Excused: 1 - Mr. Hale

[21-02SE](#)

Venice Medical Office Building Special Exception (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Agent: Bjorn Svenson, Director of Construction, CASTO Southeast

Applicant: Marilyn Johnson and Brian McMurphy

A motion was made by Mr. Willson, seconded by Mr. McKeon, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Special Exception Petition No. 21-02SE. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Willson, Mr. Lawson and Mr. Jasper

Excused: 1 - Mr. Hale

[21-26AM](#)

Mobile Food Dispensing Text Amendment (Legislative)

Staff: Len Bramble, Assistant City Manager

Mr. Snyder announced this is a legislative hearing, read memorandum regarding advertisement and written communication, and opened the public hearing.

Mr. Bramble provided a presentation regarding mobile food vending, food truck owners and permits, and answered board questions.

Ms. Fernandez stated that state law prevents municipalities from prohibiting food trucks, a code provision must be written to address them, and state and case law prohibits prioritizing brick and mortar over food trucks.

Mr. Graser inquired about city taxes and permits for food trucks.

Ms. Fernandez responded regarding fees, permits, taxes, and noted that a food truck business would be exempt from local business tax, unless it is based in Venice.

Mr. Snyder noted concern regarding planned unit developments (PUDs).

Ms. Fernandez noted that the food truck would still have to adhere to being located 150 feet from any residence.

Mr. Bramble discussed the Villages of Milano, food truck locations at home owners associations (HOAs), and residential restrictions.

Mr. Clark commented regarding PUDs and location of food trucks, and regulations.

Mr. Lawson commented that he was not concerned about food truck locations with the 150 feet from residential restriction.

Mr. Jasper inquired if PUD restrictions would overrule.

Ms. Fernandez noted restrictions of a PUD would supersede the city restrictions and the food truck would also need approval of the HOA board.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Mr. Willson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan and therefore, recommends to city council approval of Text Amendment Petition No. 21-26AM. The motion carried by the following vote:

Yes: 4 - Mr. McKeon, Mr. Willson, Mr. Lawson and Mr. Jasper

No: 2 - Chair Snyder and Mr. Graser

Excused: 1 - Mr. Hale

[20-68PP](#)

Visterra Preliminary Plat (Quasi-Judicial)
Staff: Amy Nelson, AICP, Senior Planner
Agent: D. Shawn Leins, P.E.
Applicant: Border Road Investments, LLC

Mr. Snyder announced this is a quasi-judicial hearing, read memorandum regarding advertisement and written communication, and opened the public hearing.

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest.

Mr. McKeon, Mr. Willson, and Mr. Graser disclosed site visits.

Ms. Nelson, being duly sworn, provided a presentation regarding preliminary plat petition, project information, property location, aerial map and photo, site photographs, surrounding area, PUD Binding Master Plan, proposed preliminary plat master site plan, future land use, zoning, development standards, conclusions, findings of fact, concurrency and mobility, and planning commission action.

Jeffery A. Boone, agent, being duly sworn, provided a presentation regarding preliminary plat petition, number of lots, consistency, and requested approval.

Mr. Snyder inquired regarding northern Italian architecture style and barrel tile roofs.

John Neal, applicant, being duly sworn, answered board question regarding northern Italian architecture style, barrel tile roofs, and noted plans will be updated before the petition goes to city council.

Mr. Boone noted that this is a preliminary plat petition and no building permits have been issued.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Willson, seconded by Mr. Lawson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, recommends to city council approval of Preliminary Plat Petition No. 20-68PP. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Willson, Mr. Lawson and Mr. Jasper

Excused: 1 - Mr. Hale

[21-30CP](#)

Private Property Rights Element Comprehensive Plan Amendment
(Legislative)

Staff: Amy Nelson, AICP, Senior Planner

Applicant: City of Venice

Mr. Snyder announced this is a legislative hearing, read memorandum regarding advertisement and written communication, and opened the public hearing.

Ms. Nelson presented the private property rights element comprehensive

plan amendment and noted that this is now a state requirement.

Ms. Fernandez stated she is comfortable with the amended language and location in comprehensive plan.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Lawson, seconded by Mr. Willson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan and in compliance with Florida Statutes Chapter 163, Part II, and therefore, recommends to city council approval of Comprehensive Plan Amendment Petition No. 21-30CP. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Willson, Mr. Lawson and Mr. Jasper

Excused: 1 - Mr. Hale

VI. Comments by Planning Division

[21-5137](#)

Land Development Regulations Update

Staff: Roger Clark, AICP, Acting Planning and Zoning Director

Mr. Clark provided an update regarding the land development regulations (LDR), noting that public comments will be accepted until September 1, 2021, advisory boards have until the end of September to provide comments, and the planning staff is currently reviewing the LDRs.

VII. Comments by Planning Commission Members

There were none.

VIII. New Business

[21-5168](#)

Election of Chair and Vice Chair

A motion was made by Mr. McKeon, seconded by Mr. Jasper, nominating Barry Snyder as Chair of the Planning Commission. There were no other nominations. The motion carried by voice vote unanimously.

A motion was made by Mr. McKeon, seconded by Mr. Lawson, nominating Bill Willson as Vice Chair of the Planning Commission. There were no other nominations. The motion carried by voice vote unanimously.

IX. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 2:55 p.m.

Chair

Administrative Coordinator