



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, July 15, 2014

1:30 PM

Council Chambers

I. Call To Order

A Regular Meeting of the Planning Commission was held this date in Council Chambers at City Hall. Chair Barry Snyder called the meeting to order at 1:31 p.m.

II. Roll Call

Present: 7 - Chair Barry Snyder, Helen Moore, John Williams, Jerry Towery, Shaun Graser, Tom Murphy and Charles Newsom

Also Present

Ex-Officio Councilmember Kit McKeon, Assistant City Attorney Kelly Fernandez, Community Development Director Jeff Shrum, Planner Roger Clark and Recording Secretary Heather Taylor.

III. Approval of Minutes

14-0732 June 3, 2014 Regular Meeting Minutes

A motion was made by Mr. Murphy, seconded by Ms. Moore, that the Minutes of the June 3, 2014 meeting be approved as written. The motion carried by voice vote unanimously.

14-0733 Revised Minutes April 15, 2014

A motion was made by Mr. Murphy, seconded by Ms. Moore, that the Minutes of the April 15, 2014 meeting be approved as amended. The motion carried by voice vote unanimously.

IV. Public Hearings

14-2PP PRELIMINARY PLAT - WINDWOOD Owner: Neal Communities of SW Florida LLC Agent: Jeffrey A. Boone, Esquire Staff: Roger Clark, Planner

Chair Snyder stated this is a quasi-judicial hearing; read a memorandum dated July 15, 2014, stated one written communications has been received via email regarding this petition; and opened the public hearing.

Ms. Fernandez queried commissioners on conflicts of interest and

ex-parte communications. All commissioners with the exception of Mr. Williams and Mr. Murphy disclosed site visits with no communication.

Mr. Clark, being duly sworn, provided background on the request to include previous rezoning petition approvals, displayed an aerial of the preliminary plat, commented on consistency with the planned unit development (PUD) zoning, displayed site photos, commented on existing land uses and future land use designations, zoning map and Joint Planning Agreement (JPA) land use designations, the modified landscape plan to include tree mitigation and supplemental material needed to fill gaps, provided three staff findings to include compliance with all local regulatory standards and appears consistent with state requirements, compatibility with adjacent properties, and confirmation that the subdivision can be adequately served, and noted the proposed board motions.

Steve Boone, Boone Law Firm, being duly sworn, reiterated it is a low density residential development, it is consistent and compatible with the surrounding uses, there are adequate public services for use, and it is in compliance with all land use development regulations and the comprehensive plan, and asks for approval of the preliminary plat as presented.

Tom Stovall, Kimley and Horn, being duly sworn, answered commission questions regarding drainage, other surface water, lift station buffering on the east side of the property, crosswalk and sidewalk locations, material used for weir, and lawn irrigation.

Chair Snyder closed the public hearing.

Following the motion, Mr. Clark answered commission questions regarding sidewalk and perimeter setback waivers granted during rezoning, and stated they will be confirmed through the plat.

A motion was made by Mr. Williams, seconded by Mr. Newsom, that based on the staff report and the presentation, the Planning Commission, sitting as the local planning agency, finds this request consistent with the Comprehensive Plan, City development standards and with the affirmative Findings of Fact in the record and, therefore, moves to approve Order No. 14-2PP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Ms. Moore, Mr. Williams, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom

V. New Business

14-0734

FATHER FISH AQUARIUM

536 E. Venice Avenue

Agent: Louis Foxwell

Staff: Jeff Shrum, Community Development Director

Mr. Shrum provided an overview of the request for zoning determination, stated that staff is seeking input for clarification to implement the sign ordinance, referred to a memorandum and correspondence from the applicant, displayed a photo of the property, noted the two determinations requested, referred to applicable sign code regulations with definition of signage and artwork, murals, and calculation of sign dimensions, and expressed the need for clarification to the sign ordinance. He provided history on the issue, additional options should the painting be considered signage to include removal of the painting, application for a variance, or apply to amend regulations, and responded to commission questions regarding current status and permitting.

Discussion took place regarding whether or not the painting should be considered art or signage, lawsuits around the country regarding controversy over murals, language used in the definition of a mural and artwork, whether the painting portrays a message for the products sold at the business, removal of the two fish in the painting, lack of a final determination when brought to Code Enforcement in 2013, the paintings resemblance of an aquarium, and the appropriate process for approval prior to establishment of the painting.

Mr. McKeon commented on the Public Art Advisory Board's determining other murals in the area as art.

Further discussion ensued regarding the definition of a sign being designed to attract the attention of persons and sending a commercial message, the definition of artwork in regards to sending a message about products or services, the intent of the task force's review of the regulation approved by commission and city council.

Following the motion, Mr. Shrum emphasized the importance of further evaluating the sign ordinance. Mr. Snyder stressed the importance of ensuring the process is followed prior to signage/art being placed.

A motion was made by Vice Chair Graser, seconded by Mr. Murphy, that based on the presentation, the Planning Commission, sitting as the local planning agency, finds that the mural at Father Fish Aquarium is a sign, therefore, should be limited by code in terms of the amount of allowed signage. The motion carried by the following vote:

Yes: 4 - Chair Snyder, Mr. Graser, Mr. Murphy and Mr. Newsom

No: 3 - Ms. Moore, Mr. Williams and Mr. Towery

VI. Audience Participation

No one signed up to speak.

VII. Comments by Planning Department Staff

Mr. Shrum commented on outstanding issues, variance language, proposed comprehensive plan workshop dates, and stated staff would send out an email with suggested dates.

Discussion took place as to whether the comprehensive plan workshop should be part of a regular meeting or held separately.

There was consensus to hold the comprehensive plan workshop as part of the regular meeting should time allow.

VIII. Comments by Planning Commission Members

Mr. Newsom commented on the time he spent with staff, and noted the need for additional staff.

IX. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 2:44 p.m.


Chair
Recording Secretary
