

17-01PP

The Woods at Venice Preliminary Plat

Staff: Roger Clark, AICP, Planning Manager

Agent: Jeffrey A. Boone, Esq.

Owner: Border Road Investments, LLC c/o Jim Schier

Chair Snyder announced this was a quasi-judicial hearing, read a memorandum regarding advertisement and written communications, opened the public hearing and confirmed speaker cards completed by all those who will offer testimony, or speak under audience participation.

Ms. Fernandez questioned board members regarding ex parte communications and conflicts of interest. Mr. Graser had a site visit with no communication and there were no conflicts of interest.

Mr. Clark, being duly sworn, spoke regarding preliminary plat, aerial photograph, property rezoned, surrounding property information, future land use map, existing zoning map, off site improvements, environmental report, stipulations, forestry, planning analysis, comprehensive plan consistency, land use, transportation element, planned unit development consistency, stipulations and answered board questions regarding stipulations and the wetland mitigation plan.

Mr. Clark further spoke regarding compliance with subdivision standards, land development code, concurrency, summary findings of fact and planning commission determination.

Jeff Boone, Boone Law Firm, being duly sworn, spoke regarding compliance with the planned unit development, landscape buffer, no code requirement, zoning regulations, open space, environmental issues, independent analysis done by the city, consistent with the development plan and zoning ordinance.

Alec Hoffner, ECo Consultants, Inc., being duly sworn, spoke regarding the application, wetland mitigation and site visits.

Bill Conerly, Kimley-Horn, being duly sworn, answered board questions regarding retention ponds.

Pat Wayman, 3071 Border Road, Venice, being duly sworn, spoke regarding being an affected party because she lives across the street and had received a proximity notice.

Ms. Fernandez spoke regarding the process for applying for affected party status, if there was any opposition from Mr. Boone and spoke to the commission on their process of determining whether Ms. Wayman is an affected party.

Mr. Boone indicated he had no prior notice of Ms. Wayman's request for affected party status and stated that he had no issues with her speaking as if she was an affected party if the commission agrees, but reserves the right to object to her request.

Ms. Wayman indicated she would like to request affected party status at this meeting and with city council, explained why she is an affected party and she received a proximity notice.

Discussion took place regarding property map and location and determination on whether she is an affected party.

A motion was made by Mr. McKeon, seconded by Mr. Murphy, to approve Ms. Pat Wayman as an affected party. Motion carried by voice vote unanimously.

Ms. Wayman spoke regarding the wildlife corridor, another project coming before the commission adjoining this current project, concerns with multiple entrances on Border Road, increased traffic, no bike lanes, community center, development of regional impact, safety of neighbors and requested to ask questions regarding wetlands.

Mr. Boone indicated his objection to Ms. Wayman's questioning for the record.

Kevin Barton, 1300 N. Jackson Road, being duly sworn, spoke regarding concerns with flooding issues, quality of life, effects on wildlife, neighborhood should be preserved, wildlife corridor, easement, area where everyone shoots and hunts, not fit for gated communities and septic tanks.

Mr. Boone continued to speak regarding public gathering, status of county sewer service, stipulations, rezoning ordinance, preliminary plat, meeting standards, maps, process and density, consistency with the comprehensive plan and access on Border Road.

Mr. Shrum further spoke regarding any non compliance with the new comprehensive plan, preliminary plat, process prior to construction, wording on the stipulations, concurrency granted by Sarasota County and wildlife corridor.

Mr. Conerly further spoke regarding "prior to construction" term, construction plan review, sewer review process, Venice and Sarasota County listed as applicants on the application and appropriate reference is either completion of construction or commencement of sanitary sewer construction.

Mr. Boone spoke further regarding stipulations, joint planning agreement, no problem agreeing to language stating that they are following the law and commenting on the stipulations after the commission votes.

Ms. Fernandez spoke regarding language to be forwarded to city council, not moving all six stipulations forward and just doing stipulations two and three.

Donald Edge, 1186 N. Jackson Road, Venice, being duly sworn, spoke regarding history of his property, issues with emergency exits being placed on Jackson Road, flooding in the area and trouble with ambulances driving on the road.

Ms. Wayman continued to speak regarding trees in front of her house, improve the opacity and the main entrance should be on Laurel Road.

Mr. Snyder closed the public hearing.

Discussion took place regarding the six stipulations, specifically items two and three and clarification of what's being brought forward.

Mr. Boone spoke further regarding stipulations.

Ms. Fawn left the meeting at 3:48 p.m.

Recess was taken from 3:48 p.m. to 3:55 p.m.

A motion was made by Mr. Towery, seconded by Ms. Fawn, 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 and land development regulation commission, 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, and recommends approval of Preliminary Plat Petition No. 17-01PP to City Council with the following stipulations:

1. An updated listed species survey must be conducted prior to any construction.
2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FWC), and the approved wetland mitigation plan for city review and acceptance prior to construction.
3. The applicant must obtain all applicable state and federal listed species permits prior to construction.
4. The applicant must comply with FWC regulations regarding the survey and relocation of gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impact.

5. The applicant shall provide a tree survey/count and any other permits or documents related to tree removal to the city prior to construction.
6. The applicant must obtain all applicable state and federal environmental permits and to provide wetland mitigation, as required, prior to construction.
7. The applicant must remove and replant any nuisance species observed within project area wetlands and uplands with native Florida species before or during construction.
8. The applicant must provide a culvert or other means of maintaining flow between Wetland "F" and Wetland "G" in the final site design in order to ensure continued hydrologic connection.
9. At the time of final plat, the applicant must place all wetland areas and wetland buffer areas remaining after construction in a conservation easement in a form acceptable to the City.
10. The applicant must develop an Eastern Indigo Snake protection plan to be utilized during construction.
11. Any additional wildlife surveys proposed by the applicant must include any indications of wildlife corridors for both protected species and existing wildlife populations.
12. Sarasota County Environmental Protection Division Stipulation: Require the landscape plan and subsequent construction plans be modified to include the following statement: Prior to any site preparation or construction activities that result in tree removal, the property owner shall obtain a Tree Removal Permit, consistent with the requirements of the Sarasota County Trees Code, Chapter 54, Article XVIII of the Sarasota County Code; as adopted by the City of Venice through an Interlocal Agreement, recorded in the Official Records of Sarasota County as Instrument Number 91044783. The principles of avoidance and minimization are employed during the Tree Permit review process, which may result in modifications to the preliminary plat landscape plans; and the following two stipulations included in the approval from Ordinance No. 2015-15:

2. Open spaces (including wetlands) be protected in perpetuity by recorded document approved by the City.

3. Sewer Service be provided by agreement with Sarasota County prior to preliminary plat approval on the subject properties, with council being directed to review prior to the hearing before City Council. The motion carried by the following vote.

Yes: 7 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Murphy, Ms. Fawn and Mr. McKeon