



# City of Venice

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

## Meeting Minutes City Council

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Friday, January 6, 2023

2:00 PM

Council Chambers

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### Land Development Regulations (LDRs) and Citizen Petition Special Meeting

[23-5906](#)

Meeting Instructions and Request to Speak Form

#### CALL TO ORDER

Mayor Pachota called the meeting to order at 2:00 p.m.

#### ROLL CALL

**Present:** 7 - Mayor Nick Pachota, Dr. Mitzie Fiedler, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank, Mr. Dick Longo and Mr. Rick Howard

#### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Deputy City Clerk Toni Cone, and for certain items on the agenda: Planning and Zoning Director Roger Clark.

#### PLEDGE OF ALLEGIANCE

Mrs. Frank led the Pledge of Allegiance.

#### I. AUDIENCE PARTICIPATION

Deb Kelly, 125 The Corso, spoke on the Land Development Regulations (LDRs) and citizen's opinion.

Marie Lorden, 425 Nassau Street South, spoke on the Downtown Edge District and preserving town history.

John Van Camp, 138 Rimini Way, spoke in favor of Venice Unites' recommendations and commercial developments.

Steve Thomaston, President of Venetian and Golf and River Club Property Owners' Association, 329 Montelluna Drive, spoke in opposition of commercial development of Laurel Road, and concerns about future compatibility in neighborhoods.

Ruth Cordner, 246 Montelluna Drive, spoke in favor of latest recommendation and staff memorandum.

Ed Martin, 409 Everglades Drive, spoke of past task forces efforts, zoning changes, and setbacks.

Tom Jones, 338 Montelluna Drive, spoke in favor of protection for gopher tortoises on every lot size.

Paulette Kyle, 617 West Venice Avenue, spoke on the charm of Venice.

John Sullivan, 233 Pensacola Road, spoke in favor of recent recommendations and building heights.

Attorney Jeffrey Boone, on behalf of Border Road Investments, LLC owner of GCCF Planned Unit Development (PUD), spoke against size limitations on retail buildings, in favor of current LDR commercial size of 65,000 square foot, against the 20,000 square foot commercial limitation, against vote requirement for PUD homeowners approval, and in favor of the current process.

Attorney Bill Moore, on behalf of Milano PUD, spoke on property rights, against PUD commercial size limitations, potential losses in property values, and against vote requirement of PUD homeowners approval.

Attorney Jeffrey Boone, on behalf of Meritage Homes, owner of Rustic Road PUD, spoke against percentage of property owner approval for changes to a PUD, potential adverse effects, in favor of current process, and residents still have an option to voice their opinion.

Attorney Jeff Boone, on behalf of First Baptist Church, spoke against the proposed building height restrictions, Florida Land Use Law, and staff inability to make agreements with residents directly.

Nancy DeForge, 332 Laurel Hollow Drive, Nokomis, spoke in favor of protecting the wildlife on any size building lot.

Addie Conti, 266 Dorchester Drive, Venice, spoke regarding protecting wildlife.

## II. NEW BUSINESS

[23-5907](#)

Planning and Zoning Director Roger Clark and Assistant City Manager James Clinch: Staff Update Since the December 13, 2022 Council Meeting

Attorney Ron Smith, representing Venice Unites, spoke about the process

of the Land Development Regulation (LDR) implementation, the citizen's referendum, proposed solutions, meetings with staff, and revision in requests.

Assistant City Manager Clinch and Planning and Zoning Director Clark provided an update from the meeting with the citizen group, the process going forward, noted it is not the final language, process for revisions, amendments to citizen's requests, noted staff is impartial and only providing professional analysis.

[23-5908](#)

Downtown Edge District - Building Height

Clerk Michaels read the proposed language.

Discussion took place regarding building height.

Assistant City Manager Clinch and Planning and Zoning Director Clark answered Council questions regarding locations of height exceptions, Venice Theatre zoning, rebuilding standards, non-conforming property concerns, including the Post Office in the Edge District, height of nursing facility, ability to rezone Venice Theatre, and protections for current non-conforming properties north of Tampa Avenue.

**Maintain all the existing land use designations and zoning districts but add a note to Table 2.3.4 regarding building height. Height by right in the DE district will remain 35 feet and a possible height exception up to 75 feet will only be available for those properties in the DE district north of Tampa Avenue. The property located at 200 Nassau St. N. will be 35 feet by right and have a height exception of up to 55 feet.**

**There was majority agreement on this matter.  
(6-1, with Mayor Pachota dissenting).**

[23-5909](#)

CH. 89, Sec. 2.2A - Wildlife and Habitat Protection Assessment

Clerk Michaels read the proposed language.

Assistant City Manager Clinch and Planning and Zoning Director Clark answered council questions regarding independent third parties definitions, Florida Wildlife Coalition (FWC) authorized gopher tortoise agent survey, cost and time to property owners, protections under state law, protected species covered, clarification of unplatted property, application, code language specifics, and concerns of cost.

Discussion took place regarding drafting the exact language, the summary of subsidiary motions, further analysis, and process for the changes.

**On any new development on a parcel less than five acres (i) if unplatted, it will be subject to Resource Management Plan under LDR Chap. 89, 2.3(D) (with that Section to be reordered and "protected species" specifically included in the**

assessment required under D(5); and (ii) if platted, it will be subject to a new Section 2.3(E), providing for a required independent third party professional assessment to identify the presence of protected species, including gopher tortoises, on the lot and such review will be filed with the Planning Department at or before the time a building permit is sought. Would not apply to single family lots within an existing platted subdivision in which a Wildlife Habitat Protection Assessment has already been performed.

There was majority agreement on this matter.

[23-5910](#)

Chapter 87 - Commercial Development in Planned Unit Developments (PUDs)

Clerk Michaels read the text.

Assistant City Manager Clinch and Planning and Zoning Director Clark answered Council questions regarding PUD commercial property size and clarified connection with Section 2.2.7.

Mayor Patchota read Section 2.2.7 text.

Sections 2.2.4.5 and 2.2.7 were discussed together.

Discussion took place regarding language in the old LDRs, the location of commercial properties in PUDs, request is for size limitation not location, and refers only to future development.

Attorney Ron Smith, representing Venice Unites, spoke regarding the current LDR language being inconsistent with the Comprehensive Plan.

Discussion continued regarding for future developments only, limitation is on single use commercial properties, concerns about property rights, major changes require rezoning whole existing PUD, concerns about the change in limitations from none to 20,000 square feet, when the language is applicable, compatibility, and effectiveness of numbers for protecting community for compatibility.

Council agreed to continue all PUD language to next meeting.

**No action was taken.**

[23-5911](#)

Venice Avenue District - Building Heights

Clerk Michaels read the text.

There was no discussion.

**Revert the city-wide height method of measurement to the peak of the roof rather than to the mid-line. Within the Venice Avenue District, maintain a ten-foot height exception only with Council approval. Maintain the 20% of building height**

appurtenance limit from the new Land Development Regulations (LDRs).

There was majority agreement on this matter.

Recess was taken from 4:00 p.m. until 4:10 p.m.

City Attorney Fernandez provided a hand out of staff directive for text amendments.

Assistant City Manager Clinch read the text.

Attorney Smith responded to Council question about them not presenting the petition during this process, protecting Venice Unites rights, presenting petition to City Clerk with understanding she will reject, and no intention to proceed with court action.

City Attorney Fernandez stated she advises the City Clerk to reject the petition if presented.

Attorney Smith commented on PUDs and establishment of homeowner approval for major changes in a PUD, against approval of Homeowners Association Representatives, and request for 75% of homeowner approval.

Mayor Pachota read section 1.7.3B text.

Discussion took place regarding unified control for homeowners associations with previous legal agreements, legal opinions needed, complexity of the issue, property rights, and additional research needed.

**A motion was made by Dr. Fiedler, seconded by Mr. Longo to direct staff to prepare and process a land development regulation text amendment application that:**

- 1. Limits the height exception of up to 75 feet in the Downtown Edge district to those properties north of Tampa Avenue with the property located at 200 Nassau St. N. being allowed to seek a height exception of up to 55 feet; and**
- 2. Subjects new development on an unplatted parcel less than five acres to the Resource Management Plan provisions with the Resource Management Plan regulations revised for clarity and to include "protected species" in the required assessment; and**
- 3. Subjects new development on a platted parcel less than five acres (other than those for which a Wildlife Habitat Protection Assessment has already been performed) to a new provision requiring independent third party qualified/professional assessment of whether any protected species, including gopher tortoises, are present on the lot with such assessment filed with the Planning Department at or before the time a building permit is sought; and**
- 4. Reverts the method of measuring height city-wide to the peak of the roof rather than to the mid-line.**

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

**III. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 4:40 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk