

**From:** [Dan Lobeck](#)  
**To:** [Nicholas Pachota](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Rachel Frank](#); [Rick Howard](#); [Richard Longo](#); [Helen Moore](#); [Mercedes Barcia](#)  
**Cc:** [Roger Clark](#)  
**Subject:** RE: Milano PUD Amendment/ Rezoning 22-38RZ/ Ord. 2023-11  
**Date:** Friday, May 19, 2023 5:34:50 PM  
**Attachments:** [Planning Commission 3-21 Excerpts.pdf](#)

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Honorable Mayor and Council Members:

Attached are transcript excerpts of the March 21, 2023 Planning Commission hearing, which I just received from the court reporter.

Most important, I hope that you will review the deliberations of the Planning Commissioners at the conclusion of the meeting. I have also included my attempted cross-examination of the applicant's rebuttal witnesses, which precedes the deliberations.

By including Records Manager and Deputy City Clerk Mercedes Barcia in this email, I ask that this attachment be added to the record for next week's hearing.

Again, thank you for your considerations.

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**From:** Dan Lobeck  
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**Subject:** Milano PUD Amendment/ Rezoning 22-38RZ/ Ord. 2023-11

**Importance:** High

Honorable Mayor and Council Members:

Again, this is for Venetian Golf & River Club Property Owners Association, Inc. and the North Venice Neighborhood Alliance, Inc., regarding the above-referenced matter.

Attached is a revised version of my Memorandum to you last night, as well as three new exhibits, all regarding the Milano PUD amendment before you Tuesday and Wednesday.

By this email also to Ms. Barcia, we ask that these attachments be entered into the record for the public hearing.

This afternoon, we delivered to City Hall a briefing book for each of you which divides the updated Memorandum and a few exhibits (all already in the record plus the three new ones attached hereto) into twelve topics, as listed below, with a tabbed Index.

If you have an opportunity to obtain your briefing book at City Hall and review it prior the hearing, we hope that will increase the ease of your review. In any event, it may be useful to you at the hearing if you want to look up something about our positions at that time.

Thank you very much for your careful review and considerations in this very important matter. We know that this is a lot for your time and attention, and your affected constituents appreciate it.

As before, all that we are asking you to do is consider the expressed interests of the thousands of affected homeowners in this matter, and – as to your Land Development Regulations, Comprehensive Plan and state statutes, that you Follow the Law.

Thank you very much for your considerations.

1. Affected Person Status
2. What is Sought by the PUD Amendment
3. The Size and Location of the Commercial Site is Unlawfully to Serve the Surrounding Area Rather Than the PUD Residents
4. The Applicant Lacks the “Unified Control” of the PUD Required by the LDR’s
5. State Law Prevents the Developer from Removing the Cielo Open Space Without a Plat Amendment Executed by All Homeowners
6. To Protect Residents, the LDR’s Require That Any Commercial in a PUD be Vetted at the

Time the PUD is Approved - Not Later by Amendment

- 7.** The PUD Amendment Creates Commercial Impacts Which are Incompatible with Affected Residences
- 8.** The Open Space Dedication Requirement is Overdue and Bars the Amendment
- 9.** Cielo Declaration and State Law Protect the Open Space
- 10.** Traffic is a Major Problem and Remains Unresolved
- 11.** Paving Over the Wetlands Violates the Comprehensive Plan
- 12.** For Good Reasons, Your Planning Commission Recommends Denial

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1	CITY OF VENICE, FLORIDA
2	PLANNING COMMISSION PUBLIC MEETING
3	PETITION NO. 22-38RZ
4	MILANO PUD ZONING MAP AMENDMENT
5	(Quasi-Judicial)
6	_____ /
7	BEFORE CITY OF VENICE PLANNING COMMISSION MEMBERS
8	BILL WILLSON, CHAIRMAN
9	KIT McKEON, VICE-CHAIRMAN
10	LISA MacDONALD, COMMISSION MEMBER
11	RICHARD HALE, COMMISSION MEMBER
12	PAM SCHIERBERG, COMMISSION MEMBER
13	BARRY SNYDER, COMMISSION MEMBER
14	JERRY JASPER, COMMISSION MEMBER
15	DATE: Tuesday, March 21, 2023
16	TIME: 1:30 p.m. - 8:05 p.m.
17	WHERE: Venice City Hall
18	401 West Venice Avenue
19	Council Chambers
20	Venice, Florida
21	REPORTED BY: PATRICIA A. CABO
22	Florida Professional Reporter
23	EXCERPTS OF PROCEEDINGS
24	Applicant's Rebuttal
25	Cross-Examination of Mr. Lobeck to Mr. Vogler
	And Mr. Hofner
	City Council's Deliberations and Vote

1	INDEX OF PROCEEDINGS	3
2	REBUTTAL CLOSING ARGUMENT	4
3	BY MR. BOONE	
4	WITNESSES OF REBUTTAL	
5	CLOSING ARGUMENT OF MR. BOONE	
6	ED VOGLER	5
7	ALEC HOFFNER	23
8	PAT NEAL	28
9	CROSS-EXAMINATION BY MR. LOBECK	
10	ED VOGLER	45
11	DELIBERATIONS OF PLANNING COMMISSION	57
12	AND VOTE	
13	CERTIFICATE OF REPORTER	82

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	Pozarek, and North Vennice Neighborhood
	Alliance

1	EXCERPTS FROM PROCEEDINGS	4
2	*****	
3	MR. BOONE: Good evening, Mr. Chairman and	
4	Members of the Commission. For the record, again,	
5	Jeffery Boone, Attorney for the Applicant. This is	
6	our rebuttal stage. It has been a long, long time	
7	since you have heard from us, except for a few	
8	questions I have asked people. So we would like to	
9	respond to the last four-plus hours of everything	
10	you have heard. There has been a lot of	
11	misinformation provided to you. I don't want to say	
12	it's all intentional. I think a lot of it is	
13	unintentional. Clearly, I think there has been a	
14	lot of misinformation spread in the community. This	
15	is our opportunity to the correct the facts that are	
16	at play here.	
17	The first witness we have is Mr. Ed Vogler.	
18	Ed -- we members of the Bar -- Ed is, kind of, an	
19	iconic lawyer from Manatee County, when it comes to	
20	the types of things that he is going to be	
21	testifying to you about today. He is going to	
22	respond.	
23	We have heard hours and hours and hours and	
24	hours about plats and about dedications. So Mr.	
25	Vogler is going to respond to those things.	

41

1 Mr. Chairman.  
2 MS. FERNANDEZ: The way the code is drafted --  
3 I can actually pull it up regarding attorneys making  
4 factual statements. This is in our code. Statements  
5 of counsel or any non-attorney representative shall  
6 only be considered as argument and not testimony  
7 unless counsel or the representative indicates at  
8 the start of the presentation they are a fact  
9 witness, is sworn in and the testimony is based on  
10 personal knowledge of the matter subject to  
11 statements insert will go to the code to prevent the  
12 circumstance of their being some blended  
13 argument/factual statements. Neither Mr. Boone or  
14 Mr. Lobeck, for that matter, made an assertion at  
15 the beginning they were testifying as to a fact  
16 witness today.  
17 So he is able to cross-examine the other  
18 individuals, Mr. Boone, as witnesses; but any  
19 statements -- for Mr. Boone, would not be taken as  
20 factual statements. You won't be able to.  
21 CHAIRMAN WILLSON: I think you have had ample  
22 opportunity, Mr. Lobeck.  
23 MS. FERNANDEZ: He can cross-examine the  
24 witnesses that came up.  
25 CHAIRMAN WILLSON: Oh, the witnesses.

42

1 MR. LOBECK: It would be all due process  
2 honestly. I won a Circuit Court case because I was  
3 denied the right to cross-examine and it overturned.  
4 I would like to cross-examine the witnesses.  
5 CHAIRMAN WILLSON: Is Mr. Boone a witness you  
6 are talking about?  
7 MS. FERNANDEZ: Mr. Boone is not --  
8 MS. FERNANDEZ: Again, the way our code is  
9 drafted, you are not cross-examining.  
10 MR. LOBECK: I wanted to cross-examine the two  
11 witnesses that we heard from at length.  
12 CHAIRMAN WILLSON: Okay. All right. Go  
13 ahead.  
14 MR. LOBECK: Mr. Boone first.  
15 CHAIRMAN WILLSON: I thought you said, not Mr.  
16 Boone.  
17 MR. BOONE: Counsel, what factual -- I made  
18 legal argument just like you did, by referring to  
19 what other people had testified to or what was in  
20 the record either through applications.  
21 MR. LOBECK: You made a lot of factual --  
22 MS. FERNANDEZ: Mr. Lobeck, I need to cut this  
23 off again, because Mr. Boone did not state he was a  
24 factual witness. So to the extent that there is any  
25 questioning that he may have made a factual

43

1 statement, you have to disregard that. He is not a  
2 witness. You can't rely on factual statement Mr.  
3 Boone may have made because he did not put himself  
4 forward as a witness today.  
5 CHAIRMAN WILLSON: So you can cross-examine  
6 the witnesses, but not Mr. Boone.  
7 MR. LOBECK: Mr. Boone was a witness. He  
8 talked about what has always been done --  
9 MR. BOONE: That was testimony that Mr. Clark  
10 gave. I know it's been a long time ago. I  
11 referring to that in making my legal argument, by  
12 referring to that.  
13 MR. LOBECK: You were independently asserting  
14 facts. I have been practicing for 40 years. I know  
15 this and that.  
16 MR. BOONE: See that -- that is totally  
17 irrelevant to their decision, how long I have been  
18 practicing law. This is an approvable application.  
19 I could be in my first day at law school.  
20 MR. LOBECK: So you were saying some things  
21 that were irrelevant?  
22 MR. BOONE: No.  
23 MR. LOBECK: And they have to decide what is  
24 relevant and what is irrelevant?  
25 MR. BOONE: It's their job to make factual

44

1 determinations.  
2 MR. LOBECK: I will make that point for the  
3 record that it would be denial --  
4 MR. BOONE: If you want to cross-examine me  
5 about how long I have been practicing, go ahead. Is  
6 that really the issue?  
7 MR. LOBECK: Other factual assertions I would  
8 like to hear, too.  
9 MR. BOONE: Like what?  
10 MR. LOBECK: You opened the door.  
11 MR. BOONE: Like what?  
12 MS. FERNANDEZ: I will say it one more time;  
13 statements of counsel shall only be considered as  
14 argument and not testimony. So these are not just  
15 -- it's not a fact you can rely upon.  
16 CHAIRMAN WILLSON: So cross-examine the  
17 witnesses, but Mr. Boone was not one of the  
18 witnesses.  
19 MR. LOBECK: In fact, he made a factual  
20 assertions.  
21 MS. FERNANDEZ: You have to ignore them.  
22 CHAIRMAN WILLSON: That's the way it's going  
23 to be.  
24 MR. LOBECK: So, the ruling is that I am  
25 denied the right to cross-examine either of the

45

1 witnesses?  
 2 MR. BOONE: You are not paying attention.  
 3 That is not what he said.  
 4 CHAIRMAN WILLSON: You can cross-examine --  
 5 MR. BOONE: Seriously, listen to what he is  
 6 saying.  
 7 MR. LOBECK: The Chair is denying me the right  
 8 to cross-examine Mr. Vogler.  
 9 CHAIRMAN WILLSON: No, I am not. I am saying,  
 10 bring them up.  
 11 MS. FERNANDEZ: No, Jeff.  
 12 MR. BOONE: I get to sit up here with my  
 13 witness. He is not going to cross-examine me.  
 14 MS. FERNANDEZ: That is what I want to make  
 15 sure. Please, Mr. Boone.  
 16 CROSS-EXAMINATION  
 17 BY MR. LOBECK:  
 18 Q. Mr. Vogler, first of all, you presented factual  
 19 testimony as to what the Declaration of Covenants and  
 20 Restrictions provide; did you not?  
 21 A. It was entered into the record, yes.  
 22 Q. And your citations to the Declaration were  
 23 incomplete; were they not?  
 24 A. No.  
 25 Q. Do you recognize that Section 4.01(d) of the

46

1 Declaration provides that the Declarant may amend the  
 2 Development Plan in scheme of development of the common  
 3 property, provided that such amendment, quote, does not  
 4 delete or convey to another party any common property  
 5 designated, submitted or committed to common uses. If  
 6 such deletion or conveyance was materially and adversely  
 7 change the nature, size and quality of the common  
 8 property? Am I quoting correctly from the Declaration?  
 9 A. I think those words are there, but there is  
 10 more. And what you have typically done, is used one  
 11 sentence but not "the provided however"; and all of the  
 12 retained rights. And it's stylistic on your part, but  
 13 misreading.  
 14 Q. So what am I leaving out that is different?  
 15 A. I don't have it in front of me, sir. But I  
 16 know, because I went over it with this Board, all of the  
 17 things that you have omitted to say that are the  
 18 retained rights. And that is really important, and you  
 19 should have done that.  
 20 Q. Well, where a Declaration provides rights and,  
 21 then, limitations on those rights; would you not  
 22 acknowledge that those words of limitations, such as I  
 23 have read, by Rules of Construction, must apply?  
 24 A. I have read all of the restrictions that apply  
 25 in this case and presented them to the Board. And I

47

1 have also included the ones that authorize us, in, like,  
 2 eight different paragraphs -- or 10 -- to actually make  
 3 these changes. You elected not to share them with the  
 4 Board, and that is really wrong.  
 5 Q. Well, I am not going to attempt to respond to  
 6 that assertion.  
 7 A. Well, if you ask me a question on  
 8 cross-examination, you are going to get the real  
 9 answer.  
 10 Q. All right, then. Okay. Would you acknowledge  
 11 as to those Declaration provisions that such Declaration  
 12 provisions are subject to the limitations of Section  
 13 723.075 Florida Statutes, which prohibit certain reserve  
 14 rights of that sort?  
 15 A. I believe that the HOA is subject to Chapter  
 16 720, which I mentioned. But if you have a beef with us  
 17 on 720, you have to go to another form. These people  
 18 are not judges on implying 720. This is a land use  
 19 area.  
 20 Q. And as to the introduction of Declaration,  
 21 private -- you say contracts -- into these proceedings,  
 22 is it not material to see what the state law provides as  
 23 to whether those provisions are lawful or not?  
 24 A. The Declaration was used to counter your  
 25 statements, that the consent of the owners were required

48

1 for a plat. And you could hear what I said; we can  
 2 amend the plat, we can amend the open space, we can  
 3 amend the common area without the consent. And you even  
 4 appoint us as your agent, Dan. I mean, you have got to  
 5 read those things and understand what they mean.  
 6 Q. Is the Declaration subject to statute or can it  
 7 override State statute?  
 8 A. Well, at times it informs State Statute, but  
 9 Chapter 720 covers subdivisions of this type. And we  
 10 draft our Declarations to be consistent with Chapter 720  
 11 on the authorizations that are provided to retain  
 12 rights. We own the property.  
 13 Q. Does that include 723.075, that prohibits the  
 14 developer from unilaterally making amendments to the  
 15 governing documents, which includes the plat as an  
 16 exhibit, that are arbitrary, capricious or in bad faith,  
 17 destroy the general plan of development, such as showing  
 18 open space, that would be provided to people, prejudice  
 19 the rights of existing non-developer members to use or  
 20 enjoy the benefits of common property or materially  
 21 shift economic burdens of the developer to the existing  
 22 non-developer members? Are you asserting here, to this  
 23 Planning Commission, that the reserved rights of the  
 24 developer that you have recited, not even considering  
 25 the limitations that you left out, are consistent with

49

1 that statute?

2 A. Nothing that we are proposing violates the

3 statute.

4 Q. So, let's get back to amending the plat. It is

5 your testimony, is it not, that really all you seek to

6 do is not amend the Cielo plat, but instead to amend the

7 platted nature of the 10.42 acres alone, correct?

8 MR. BOONE: I am going to --

9 MR. LOBECK: I am asking, is that your

10 testimony?

11 MR. BOONE: I am going to interpose an

12 objection here. If they want to keep going, that is

13 fine. But at some point -- we are here on an

14 amendment to a PUD to change the Master Plan

15 designation for a 10-acre parcel, and this issue

16 about the plat is for a totally different matter

17 when the replat will come before the City Council.

18 Now, I -- again, I have tried -- I made a

19 promise to myself that I would not raise a lot of

20 objections today, because it only slows things down.

21 But I am posing that objection and just would

22 request, Mr. Chairman, that you would direct Mr.

23 Lobeck to stick to what is relevant for an amendment

24 to a PUD.

25 MR. LOBECK: As to whether it's relevant to

50

1 the amendment to the PUD. And I would say, Mr.

2 Vogler opened this line of questioning --

3 IDENTIFIED SPEAKER: He did.

4 MR. LOBECK: By making --

5 MR. BOONE: No, that is not correct. He was

6 responding to your hours and hours and hours and

7 hours of presentation about the plat and about

8 amending the plat and about open space dedication.

9 So he did not open the door. You opened the door.

10 My mistake was not trying to cut it off at the

11 beginning, I guess. But he did not open the door

12 here at all.

13 BY MR. LOBECK:

14 Q. Mr. Vogler, may a developer seek an amendment

15 to a PUD Master Development Plan, which is inconsistent

16 with the recorded plat for the subject property?

17 A. I am here to speak about the plat. I didn't

18 offer any testimony about an amendment to a PUD.

19 Q. Was your testimony about what it takes to amend

20 the plat material to whether the PUD amendment was

21 legitimate or not?

22 A. I would call it a replat, and I didn't extend

23 to how it applies to PUD because that is for land use

24 council.

25 Q. But you spoke to who has to decide the plat

51

1 amendment, correct? You spoke to that very

2 enthusiastically; didn't you?

3 A. Yes, sir; because you told this Commission

4 something that was completely wrong and it needed to be

5 corrected.

6 Q. You are aware of the statute that was at issue,

7 correct, 177.0812?

8 A. Yes. I read it and presented it to the Board.

9 Q. And 177.0512, that says if you are going to

10 amend the plat it's a replat of the entire platted

11 property, correct?

12 A. No.

13 Q. Where do you find in allowing a replat of just

14 a portion when everybody has been subjected to the

15 common ownership and the entire platted property?

16 MR. BOONE: Objection; totally irrelevant to

17 the amendment of PUD. If the -- if Mr. Lobeck's

18 client's position is correct, we wouldn't be here,

19 because amending the PUD, it would be irrelevant.

20 This is a totally irrelevant line of questioning,

21 for the record.

22 MR. LOBECK: I can't see that.

23 BY MR. LOBECK:

24 Q. You are aware, Mr. Vogler, are you not, of a

25 plat amendment that has been filed concurrent with this

52

1 PUD amendment that we deliberated later? You are aware

2 of that plat amendment that has been filed, correct?

3 A. I reviewed the revised replat, yes.

4 Q. And that proposed replat that has been filed

5 with the City, for City approval, is for the entirety of

6 Cielo; is it not, on the face of it?

7 MR. BOONE: Objection.

8 THE WITNESS: I would have to look at it

9 again. The only thing that changes is the ten

10 acres.

11 BY MR. LOBECK:

12 Q. But it's a replat of Cielo as a whole; is it

13 not?

14 A. I don't know the answer to that question right

15 now. And if I looked at it I would tell you that what

16 is important to me on a replat is what is being changed.

17 So if you technically replat the whole thing, but you

18 only change the 10 acres, that is what gets reviewed.

19 Q. The plat itself -- the recorded plat for Cielo

20 gives those homeowners an interest in the Cielo platted

21 land as a whole; does it not?

22 A. That is the most ridiculous thing I have ever

23 heard in my whole life. You know, take it for what it

24 is. That is -- I mean, I have done this a long time in

25 a lot of communities and a lot of replats and ensured

53

1 the title owners --

2 Q. So you are saying the Cielo plats does not give

3 the homeowners --

4 MR. BOONE: Objection; irrelevant.

5 BY MR. LOBECK:

6 Q. Interest in the --

7 MR. BOONE: Objection; irrelevant. It is

8 irrelevant, Mr. Chairman.

9 MS. FERNANDEZ: We have an objection. So, Mr.

10 Lobeck, do you have a response to his objection?

11 MR. LOBECK: Mr. Boone, I approach this to

12 you, based on your --

13 MS. FERNANDEZ: Mr. Lobeck, once again, the

14 way our code is written, Mr. Boone did not subject

15 himself to being a witness. So anything he said

16 cannot be relied upon as a factual thing by the

17 Planning Commission.

18 MR. BOONE: Whoa, whoa.

19 MS. FERNANDEZ: Legal argument.

20 MR. BOONE: That is correct. But if during my

21 argument I recited to testimony and evidence of

22 other people.

23 MS. FERNANDEZ: That is not what I am talking

24 about. Original testimony that I think Mr. Lobeck

25 is --

54

1 MR. LOBECK: For instance, his

2 characterizations of the staff report, that they

3 said it's okay to violate the land --

4 MR. BOONE: That is classic argument. That is

5 almost -- watch TV shows where the lawyer can tell

6 the jury what the police report says. So that is

7 all I was doing. I was telling y'all what the staff

8 report said. That is classic argument.

9 MR. LOBECK: He mischaracterized statement of

10 fact of what the staff report says about compliance

11 with the LDRs and serving the market area. And that

12 is a factual statement. Now, if this Commission is

13 being instructed to ignore that testimony -- that

14 fact-based testimony by Mr. Boone, we can leave it

15 at that.

16 MS. FERNANDEZ: Any original factual testimony

17 that might be perceived to have come from Mr. Boone

18 cannot be relied upon by the Planning Commission.

19 MR. LOBECK: I don't know how they separate

20 the wheat from the chaff. But if that is the way we

21 have to leave it, that is the way we have to leave

22 it. I would love to ask him some questions about --

23 MS. FERNANDEZ: If you have questions of any

24 other witnesses he called; that is fine.

25 MR. LOBECK: What is that?

55

1 MS. FERNANDEZ: If you have questions of any

2 other witnesses that he called as part of his

3 rebuttal, you are welcome to cross-examine them.

4 MR. LOBECK: I don't know that we really heard

5 much from -- what is it? One other witness briefly,

6 saying that he thinks he has addressed the

7 environmental objections. So, is the ruling of this

8 Chair that I am not allowed to cross-examine Mr.

9 Boone --

10 CHAIRMAN WILLSON: Yes.

11 MR. LOBECK: -- on his factual

12 representations?

13 CHAIRMAN WILLSON: Yes.

14 MR. LOBECK: Thank you for your patience.

15 CHAIRMAN WILLSON: Not on his factual

16 representations. Things that were not factual

17 representations. That's the difference; am I not

18 correct?

19 MS. FERNANDEZ: That an attorney appearing

20 before us is providing legal argument. If you hear

21 -- unless they have indicated ahead of time that

22 they are a fact witness. There is no indication of

23 a fact witness, unless you heard facts that no one

24 else, you know -- that came from Mr. Boone himself,

25 then those are not things you can rely upon as a

56

1 basis for your decision.

2 CHAIRMAN WILLSON: Thank you.

3 COMMISSIONER SNYDER: Mr. Chairman.

4 CHAIRMAN WILLSON: Yes. Go ahead.

5 MS. FERNANDEZ: I just have one thing that --

6 UNIDENTIFIED SPEAKER: Does that mean that it

7 is time to go?

8 MS. FERNANDEZ: I clapped my hands. The

9 lights are on. Mr. -- a statement that Mr. Boone

10 said is, which is that the City, historically -- and

11 I believe his statement was to this day -- still

12 waits for the dedication of land for the final,

13 final plat. I am pretty sure at the first part of

14 this hearing, in January -- perhaps, even Mr. Clark,

15 as well. But that -- I became City Attorney shortly

16 thereafter. I don't know exactly -- I couldn't give

17 an exact date right now. But I directed staff to --

18 as each plat comes forward, there is a dedication

19 since about 2020, let's say, of property that is

20 shown as open space on the binding Master Plan. So

21 there was a change in how staff processes plats.

22 There is no longer in our new land development

23 regulations to pick that up and carry it forward.

24 Even before then there was a change where staff does

25 not wait for a final plat. So every plat that came



57

1 in after that change, to the extent there was any  
 2 open space on the underlying Master -- or binding  
 3 Master Plan, it was dedicated and it was a final,  
 4 final plat.  
 5 \* \* \*

6 CHAIRMAN WILLSON: With that, I will close the  
 7 public hearing. Do I have a motion? As I have said  
 8 before, we cannot discuss something until we have a  
 9 motion. Let's get something on the table.  
 10 Ms. Schierberg.  
 11 COMMISSIONER SCHIERBERG: I will make the  
 12 motion. Based on the review of the application  
 13 materials, the staff report and testimony provided  
 14 during the public hearings, the Planning Commission  
 15 sitting a local planning agency finds this petition  
 16 consistent with the Comprehensive Plan and  
 17 compliance with the Land Development Code and with  
 18 the affirmative findings of fact in the record  
 19 recommends to City Council approval of Zoning Map  
 20 Amendment Petition 22-26RZ.  
 21 CHAIRMAN WILLSON: Can I have a second?  
 22 COMMISSIONER HALE: I will second for the  
 23 purposes of discussion.  
 24 CHAIRMAN WILLSON: We have a motion and a  
 25 second. Now, discussion.

58

1 COMMISSIONER SNYDER: Well, I have lots to  
 2 say. I am stuck.  
 3 THE CLERK: Excuse me, Chair. The Petition  
 4 number stated does not have match the petition  
 5 number of the petition. I just want to clear that  
 6 up before you go further.  
 7 MS. FERNANDEZ: The intention was that it  
 8 should be 38RZ?  
 9 THE CLERK: Yes.  
 10 CHAIRMAN WILLSON: Yes, 38RZ. It was a typo  
 11 error. Not your fault.  
 12 COMMISSIONER SNYDER: I am having trouble  
 13 getting past that -- this commercial activity is  
 14 only for the PUD when the presentation has been made  
 15 that it's to service all of the PUDs in the area.  
 16 And the staff report says that is something that the  
 17 Planning Commission and the City Council will have  
 18 to make a determination as to how to do that.  
 19 Now, I realize that there were other PUDs that  
 20 had commercial activities that served the others.  
 21 As I understand them, they were done a long time  
 22 ago. They -- we have heard testimony that the  
 23 commercial activities preceded in publications the  
 24 residential development that went with it. I know  
 25 one of them -- I think it is Capri Isles -- its PUD

59

1 requirements are not the same as what the PUD  
 2 requirements are today. It has a density higher  
 3 than 4.5 units per acre that is out there.  
 4 So, I am having trouble with that. I am  
 5 having trouble with this unified control, because I  
 6 don't know that the City has really got this  
 7 resolved. But only the PUD shall be under the  
 8 control of the Applicant, I am having trouble with  
 9 that, given that lots have been sold and there are  
 10 other owners of those lots. And that may be the  
 11 wording of this code, but we are operating under the  
 12 old code. We are not operating under the new code.  
 13 We took great pains, all of us, for almost  
 14 four years of our lives, dealing with the new code.  
 15 A large portion of it was dealing with the PUD and  
 16 some of these questions. And it comes down to me,  
 17 particularly as it relates to serving the PUD, and  
 18 the surrounding areas, that was taken out on the new  
 19 code. What we are doing today, there was a reason  
 20 for taking it out, for the very reasons that other  
 21 people talk about. You try to put a commercial  
 22 development inside a PUD, it's not going to work  
 23 very well and probably won't survive.  
 24 I think Mr. Neal showed an example up in  
 25 Sarasota County as to one that was there in the

60

1 Meadows, as I recall, and has not done very well.  
 2 To do this, in this particular case -- which I don't  
 3 think anybody is going to agree to -- we would  
 4 stipulate that there would be no entrance across  
 5 from Venetian. That is the only way there into  
 6 this, would be to come in off of Jacaranda through  
 7 CDL PUD to get there. And I don't think anybody is  
 8 going to stand up and salute that one, including Mr.  
 9 Neal, because that is how people get there.  
 10 So, I have trouble with that. I have trouble  
 11 with this unified control. That is the requirements  
 12 of 130. When I also go to, what is supposed to be  
 13 -- we stumped over this since the first day I was on  
 14 the Planning Commission. The contents of the  
 15 Planning Commission report. It almost implies that  
 16 we put together this nice document, but that is not  
 17 what occurred. Whether the proposed changes in  
 18 conformity with the Comprehensive Plan, I am okay  
 19 with what the Comp Plan says about regional versus  
 20 neighborhood, because in implementing the LDRs, to  
 21 implement the Comp Plan we try to keep our  
 22 definition to that. And our definition originally  
 23 was 45,000 square feet of retail neighborhood, and  
 24 so reflected in PUD. It was changed by the City  
 25 Council to 65,000 square feet as their thing. That

61

1 was the best definition we could come up with  
 2 through this international shopping center. The  
 3 neighborhood was 30,000, a number, and regional was  
 4 much bigger. But it was a range. And as you heard  
 5 me suggest to the staff on our first half of piece  
 6 of the today, there should be definitions of that in  
 7 our -- both the Comp Plan and the LDRs, quote,  
 8 unquote.

9 What I have a trouble with is on the  
 10 environmental part, which has been a large  
 11 discussion. And the Comp Plan says that we are to  
 12 first avoid messing with wetlands. And the expert  
 13 from the Applicant has said, well, this particular  
 14 wetland has degraded over time. I think he said  
 15 today it's been degraded by -- I think the  
 16 construction of Laurel Road, all of the way to the  
 17 construction of the entrance of Venetian Golf &  
 18 River Club, probably, by the FPL power line. I saw  
 19 no indication in their application that they looked  
 20 at potentially rehabilitating that. But instead of  
 21 covering it over.

22 So, I am a little concerned whether or not we  
 23 are following the intent of the Comp Plan as it  
 24 relates to wetlands and trying to avoid impact.

25 Whether change or changing conditions -- this

62

1 is number F. I am on page 647, F is the contents of  
 2 the Commission report number 1, (f). Whether change  
 3 or changing conditions make a passage of the  
 4 proposed amendment necessary? And I am trying to  
 5 get at what were those changing conditions that  
 6 required that, and I don't see anything that has  
 7 been presented along those lines. Would the  
 8 proposed change adversely influence living  
 9 conditions in the neighborhood? We heard both sides  
 10 of that story. Whether the code change will create  
 11 an excessive increase in traffic congestion, or  
 12 otherwise affect public safety? You know, I asked  
 13 the question about the traffic study. Their  
 14 original one talked about trips -- trip avoidance,  
 15 for the most part. To me, the folks will go across  
 16 the street as opposed to driving nearly three miles.  
 17 And if I recall, I think I have five Publix within  
 18 five miles of me today. Given the one on Venice  
 19 Avenue, given the one on 41 and Laurel Road and  
 20 there is another one -- a smaller one in Osprey that  
 21 sometimes we stop at if we are coming south, and  
 22 what have you.

23 But the traffic study talked about trip  
 24 generation during peak hours, but I think what we  
 25 heard from a lot of the residents, what have you, is

63

1 anticipated congestion at that intersection. And we  
 2 have been told that the traffic light will be at  
 3 Jacaranda and Laurel and if you recall, that traffic  
 4 light at Jacaranda and Laurel the County has  
 5 regulations that says you can't put another one at  
 6 Venetian. Now, I know they are going to try to do a  
 7 traffic study to justify doing that, to talk to the  
 8 county about it. But that is what the rules say  
 9 today.

10 I know trying to think about this as a  
 11 roundabout instead of that, create all kinds of  
 12 pains by people. I think at one point in time there  
 13 was even a discussion of an oval roundabout. That  
 14 way it would encompass both the intersection and  
 15 Jacaranda and Laurel and Venetian Golf & River Club  
 16 in this project entrance. But I think there is a  
 17 need to make that oval work will need to require  
 18 more land on both the south and north side of Laurel  
 19 Road.

20 But I have heard a lot that is going to tell  
 21 me about how that congestion is handled potentially.  
 22 I asked a lot of questions about whether there is a  
 23 draining problem. I think they testified that we  
 24 have got the capacity.

25 Whether there is a substantial reason why the

64

1 property cannot be used in accordance with its  
 2 existing zone.

3 MR. BOONE: Change the zone.

4 COMMISSIONER SNYDER: If you are going to  
 5 change the zoning, then why are we even here. It's  
 6 a zoning amendment and we always treated changes in  
 7 zoning as new zoning. So, there is a change in  
 8 zoning in terms of what is being used. We are going  
 9 to open space to commercial. So this creates a  
 10 question for me there.

11 And the last one is -- and I know all of these  
 12 folks talked about it out here. And I am impressed,  
 13 by the way, of the research that the public is doing  
 14 in the way that they look at things. Whether it is  
 15 impossible to find other sites in the City not PUD,  
 16 in the City with the proposed use in the district  
 17 already permitting such use. And what they tell you  
 18 -- and what you heard one mile down at the amount  
 19 M/PHAEUR /RAE sole, there are commercial activities  
 20 that are in commercial mixed use zoning. Then, as I  
 21 recall, 22, maybe 23 different uses have been  
 22 approved for that. And I am sure a Publix would be  
 23 acceptable in there, provided they still have the  
 24 room.

25 So I am having trouble with the criteria that

65

1 is here. I am having some specific trouble with the  
 2 two elements in 130. We spent a lot of time on the  
 3 Comp Plan in 2017. They made some changes to that,  
 4 established mix used areas in various parts of the  
 5 City. The areas commercial the Laurel corridor  
 6 mixed use area is one that we specifically  
 7 established out there, recognizing that the  
 8 residential development around it was going to  
 9 recreate a lot of the demand for services. And we  
 10 were concerned about not having all of that go to  
 11 residential, as well. So we put percentages in  
 12 there. I know in the last couple of months you  
 13 debated whether those percentages are still valid.  
 14 It was intent as to what the City was looking for in  
 15 doing those to mixed use areas.  
 16 I don't think it was ever anticipated this  
 17 size of a commercial activity would be put on the  
 18 corner of Jacaranda and Laurel Road. But the Comp  
 19 Plan also says there are lots of reasons. You want  
 20 water. You want the integration. You want to try  
 21 to cut down on the roads and what have you. And so  
 22 I understand the pros of wanting to do this kind of  
 23 development in the area.  
 24 I am hung up on some technical aspects that,  
 25 according to them, that require me to follow the

66

1 law, at least as far as those two pieces are  
 2 concerned. And so when you make the motion that we  
 3 are in compliance with the Comp Plan and the LDRs, I  
 4 can't say yes to that.  
 5 CHAIRMAN WILLSON: Are you done?  
 6 COMMISSIONER SNYDER: I am done. I could give  
 7 you more, but I am done.  
 8 CHAIRMAN WILLSON: I will jump in on that. I  
 9 was having all of the same kind of crepitations that  
 10 you were having, the same type of thing. And, you  
 11 know, I fully understand the intent of the PUD, and  
 12 that is to provide predictability, you know, for  
 13 these large projects, extend over a number of years,  
 14 and the developer rightly needs to know if they are  
 15 going to let me finish the job that we started doing  
 16 without changing it on me at the last minute  
 17 unexpectedly. I get that. I understand the need  
 18 for that.  
 19 But I also see this as a two-way street. I  
 20 mean, those residents and perspective residents that  
 21 have bought homes in there and are buying homes in  
 22 there, they have that same expectation of  
 23 predictability that you are not going to change it  
 24 on me after the fact. We are halfway through the  
 25 project. I understand why the developer needs that,

67

1 but so does the resident.  
 2 And, you know, we have heard several people  
 3 say they felt like bait and switch. Well, I can  
 4 understand why they feel that way. And, you know,  
 5 to me I look at it as a binding Master Plan. Well,  
 6 that should be what it says, a binding Master Plan,  
 7 you know. And I get the idea that -- you know, I  
 8 mean, there are times that we have to amend a PUD,  
 9 and we have done it. I mean, we have all been part  
 10 of doing that. But generally it's a case of, like,  
 11 market conditions change. So, originally we were  
 12 all going to build single-family homes, but instead  
 13 now the market wants multi-families.  
 14 But there it's going from residential to  
 15 residential, and it's what the people want. This is  
 16 a case of, it's not that. Here we are going from  
 17 open space, what they consider preserve. And I  
 18 think they have a right to think it was preserved --  
 19 it was everything presented to them -- to now that  
 20 is going to be commercial. That to seems to me not  
 21 adhering to a Master Plan. It is really, kind of,  
 22 pulling the rug out from under people.  
 23 So, you know, I have issues with 86.47,  
 24 several different parts of it. I have issues with  
 25 86.130. I just really have great concerns on this.

68

1 COMMISSIONER SCHIERBERG: So let me add in.  
 2 CHAIRMAN WILLSON: Sure.  
 3 COMMISSIONER SCHIERBERG: Thank you. These  
 4 are just my thoughts. I saw the words -- I think it  
 5 was in Mr. Clark's report -- that what we think of  
 6 as North Venice has a substantial population. And I  
 7 go back to January when we received the numbers that  
 8 were showing as of 2017 and 2027, this area known as  
 9 North Venice currently has nearly 7,000 homes --  
 10 6,960 something. My guess is that equates to 10,000  
 11 vehicles at a minimum. 10,000 vehicles that are  
 12 driving either down Jacaranda, down Laurel, Border,  
 13 you name it. Would this not minimize some of the  
 14 traffic that we are seeing throughout the City? So  
 15 that is one point.  
 16 COMMISSIONER SNYDER: Can I talk to that  
 17 first?  
 18 COMMISSIONER SCHIERBERG: Sure.  
 19 COMMISSIONER SNYDER: The traffic engineer --  
 20 I think he is still here -- talked about his model,  
 21 and something about in each one of the segments you  
 22 have to sort of predict where the cars are going to  
 23 go. So, yeah, if I am in Venetian and I drive  
 24 across the road to this project, I am reducing my  
 25 travel to either one of the other Publix, just for

69

1 the purpose of going to the grocery store. But that  
2 is usually not the only purpose that I go out. The  
3 grocery store is, probably, the third place I am  
4 going to visit. But that is not my point.  
5 My point is this; where will the (inaudible)  
6 go. Where will the apartments in that we have done  
7 in Mirasol go. Where will everybody who is down  
8 Milano and Aria and even the subdivision that is on  
9 Border Road, where will they go? They will go up to  
10 this proposed project, according to him. But it's  
11 still adding travel onto those roads, where before  
12 that travel may have gone south to the Jacaranda  
13 shopping center.  
14 The ones to the east, the new subdivisions  
15 that Mr. Neal is building, where will they go? Will  
16 they go right or will they go left? Some of that  
17 may depend on whether they have a traffic light or  
18 not.  
19 And then I also get to everything that is up  
20 Knights Trail. We did rustic road. I don't know  
21 how many are out there. Plus a couple of other  
22 multi-families that are up there. So if I am up  
23 there now and I come down again, do I make a left or  
24 do I make a right? Do I go over the interstate or  
25 do I not go over the interstate. And some day we

70

1 will know the impact of Lorraine Road and everything  
2 else that is potentially go down Knights Trail.  
3 Point is, I can see that there would be some  
4 savings, but there also is going to be some  
5 increases. And it works both sides of the story.  
6 And I can understand why staff wasn't necessarily  
7 satisfied with how that worked. It's -- it's  
8 difficult for me to say that we are actually going  
9 to save drive times. The engineer will say that.  
10 That is out there, and hours in gasoline and what  
11 have you. Because I don't know what people's --  
12 depends on the quality of the Publix. I will tell  
13 you that go to four different Publix for four  
14 different reasons, because they have different  
15 stuff. They are not all the same that is out there.  
16 I can tell you which one that has the best popcorn,  
17 but we will leave that to another discussion.  
18 COMMISSIONER SCHIERBERG: Another point then,  
19 is that the 7,000 homes that are there today are  
20 going to grow in the next few years to more than  
21 12,000. So now how many vehicles are we talking  
22 about on the roads? 15,000, 18,000. So that is my  
23 concern on traffic, is that we have an opportunity  
24 to -- perhaps Publix isn't the right venue there.  
25 Perhaps it's another commercial development. But I

71

1 can't imagine 12,000 homes in a sea of roofs without  
2 some other services available to them, without  
3 putting that pressure on our roadways. So, that is  
4 just one point.  
5 The other point is that the land was  
6 disturbed. And I know that this 10 acres is  
7 important to everyone. Every acre is. But when I  
8 bought here 20 some years ago, Laurel Road was a  
9 dirt road. It was pastures, it was wetlands, ponds,  
10 natural ponds, wildlife. We didn't use the word  
11 porter at that time because there was so much open  
12 land. So that northeastern section of this City was  
13 disturbed.  
14 My understanding from the testimony is that  
15 this 10 acres has been disturbed multiple times; not  
16 just because of the dirt road becoming a paved road,  
17 but also because some of it was actually part of  
18 VGRC. So we disturbed this land multiple times.  
19 And if we protect it now -- and it's not part of the  
20 stormwater management system -- what will it become?  
21 So environmentally I don't think that we have -- we,  
22 obviously, do not have a concern about that land or  
23 we wouldn't put 7,000 rooftops, not to mention some  
24 of the commercials there.  
25 So I do have difficulty when the two questions

72

1 that I asked of counsel, do we have unified control?  
2 Are we certain of that? Are we certain that the  
3 documents that have been brought up, whether or not  
4 it is legal, we are not certain of that. So I don't  
5 know that we have all of our answers. But I do  
6 think that we removing some transportation pressure  
7 off of our roadways is absolutely the right thing to  
8 do. And, quite frankly, going forward, I would like  
9 to see communities that are well thought out 20  
10 years in advance, 25 years in advance. If Wellen  
11 Park is an example. If the Villages is the example,  
12 then by all means the city needs to begin embracing  
13 it and making sure as we go forward we are truly  
14 defining what is the neighborhood, what is the  
15 community, what is regional. Those are my thoughts.  
16 CHAIRMAN WILLSON: I will just respond to a  
17 couple of those. Do two wrongs make a right or  
18 three or a four because I have disturbed it somewhat  
19 already; therefore, I just forget about it. I have  
20 a little trouble with that.  
21 And we have also heard that, yes, there would  
22 be some commercial, but does it have to be on that  
23 10 acres. There is other places around there. And  
24 just because in this case the developer wants to do  
25 it because, you know, that is where he can do it.

1 But there could be other places where he can go. So  
 2 it doesn't necessarily have to be on that.  
 3 COMMISSIONER JASPER: Chairman.  
 4 CHAIRMAN WILLSON: Yes, sir.  
 5 COMMISSIONER JASPER: First of all, let me  
 6 make a clarification. My name was brought up many  
 7 times today about access off of Laurel Road. Well,  
 8 those comments were made way back before there was  
 9 even a thought of even imaging 8,000 homes out  
 10 there. So it was a whole different set of  
 11 circumstances.  
 12 Another topic, we are talking a lot about  
 13 traffic and how many trips there are going to be.  
 14 The traffic out there, this is not going to be the  
 15 major impact of traffic. It's going to be 8,000,  
 16 9,000 homes. It is going to be where Knights Trail  
 17 connects to Clark Road and so on. The traffic, in  
 18 my mind, one way or the other here, impact is going  
 19 to be minor compared to the major increase in  
 20 population and becoming a new corridor.  
 21 So -- and also, I realize a lot of  
 22 technicalities. We have had a lot of legal  
 23 arguments one way or the other here, that,  
 24 basically, really most of them outside the four  
 25 corners of the LDRs and the Comp Plan. They are

1 complete.  
 2 So, from a -- not from a technical point of  
 3 view. From a practical point of view, if the  
 4 parties don't get together here -- if people  
 5 opposing this, and the Applicant can somehow try to  
 6 reach an agreement. It's not going to be the  
 7 Planning Commission that is going to make the final  
 8 decision here. It is going to be an administrative  
 9 judge or circuit court. So what I would like to  
 10 throw out as to amend in your motion is, some items  
 11 -- a proposed binding Master Plan revisions where it  
 12 could possibly cause the parties to sit down and  
 13 talk. There may be need to be some deal killers in  
 14 here. I don't know. But at least it gets to a  
 15 point that hopefully things can be discussed before  
 16 it gets to the Planning Commission. And as I say,  
 17 if it goes just straight "yes" or "no", it's going  
 18 to end up in the courts.  
 19 Again, I would add some. Again, this is just  
 20 a list I come up with. It can be added to, taken  
 21 away from, and so on. But one would be add gas and  
 22 diesel filling stations as a prohibited use.  
 23 Second, maintain the Laurel Road buffer as  
 24 originally proposed. Now it's been decreased. And  
 25 I think as Richard -- it was important too -- that

1 no exception to the southern buffer -- or Cielo  
 2 direction.  
 3 Now, all of this idea, are we regional? Are  
 4 we local? We had a lot of discussion on FAR before  
 5 you. Right now you are allowed 5.0. Decrease that  
 6 to 2.0. That throws it into, I think, a lot more  
 7 into, okay, it is a neighborhood type of situation.  
 8 And here is a big one. There, obviously, is an  
 9 appeal now, as I understand it, in front of the  
 10 Sarasota Board County Commissioners about putting a  
 11 light at Bonita. If that is not successful I would  
 12 suggest that a stipulation say that the intersection  
 13 at Bonita maintain its present three-way and make  
 14 the main access on Jacaranda at the three-way  
 15 intersection section now, which is backed up to the  
 16 -- actually, the wetlands of the fire department.  
 17 So there again -- and when you look at that, that is  
 18 really the same layout as you have at Publix at  
 19 Venezia where the main entrance comes in facing the  
 20 Publix supermarket.  
 21 So, it gives -- if we get the parties together  
 22 and start chewing on some of these things I think  
 23 it's going to be a lot easier for when it gets to  
 24 City Council; because today, as I say, it's headed  
 25 to the courts, in my mind.

1 Now, again, as far as what is appropriate in  
 2 our neighborhood, which is northeast Venice  
 3 neighborhood, the Comp Plan allows 2.2 million  
 4 square feet of commercial in the northeast Venice.  
 5 That is east of the -- basically, east of I75 and  
 6 north of Border. Well, we are a long, long way from  
 7 that.  
 8 So, and the compatibility of commercial with  
 9 residential. First of all, these wouldn't be mixed  
 10 use residential. They would be residential  
 11 districts. And secondly, if the -- if this  
 12 commercial and residential is not compatible, there  
 13 just would not be a provision for commercial and  
 14 PUDs. So, again, we can tie it down. We have got  
 15 two PUDs that are not complete in the northeast  
 16 neighborhood where the commercial areas, where  
 17 Vistera are on Laurel Road and Knights Trail. So  
 18 they are not in there hidden. Their access is off  
 19 the main roads.  
 20 So, in I think being practical, from my point  
 21 of view, if we can put these revisions in there --  
 22 again, because my recommendations, or added them,  
 23 subtract to them, as the Commissioners feel fit --  
 24 that is a better chance to a final decision will be  
 25 made by City Council, not by the attorneys.

77

1 CHAIRMAN WILLSON: Mr. McKeon.  
 2 VICE-CHAIRMAN MCKEON: I like your discussion  
 3 of the points you brought up. We had originally  
 4 talked about potentially amending Pam's motion. Are  
 5 you talking about putting all of that in?  
 6 COMMISSIONER JASPER: I am proposing this as  
 7 to an amendment to the motion. I mean, it's a  
 8 discussion. Maybe some people want more or some  
 9 want less or something. But that would be my  
 10 proposal to add as, again, revisions to the proposed  
 11 binding Master Plan, which is what is in front of  
 12 us.  
 13 CHAIRMAN WILLSON: Mr. Snyder.  
 14 COMMISSIONER SNYDER: Mr. Chairman, I don't  
 15 think that is our role.  
 16 CHAIRMAN WILLSON: I was about to say the same  
 17 thing.  
 18 COMMISSIONER WILLSON: If they want to go back  
 19 and do that and come back and offer another version  
 20 of this, worked out with the folks that are out  
 21 there. If that is what they want to do, they can do  
 22 that. But I think they will tell you that they held  
 23 neighborhood discussions -- multiple ones. I saw a  
 24 of six or seven of them that have occurred with  
 25 various groups that are out there. They presented

78

1 what they want. They heard what the objections are.  
 2 They brought forward their position as to what they  
 3 want to do. And I don't see its our role to rewrite  
 4 their binding Master Plan. So I would not be in  
 5 favor of any amendment that would go that way to the  
 6 motion.  
 7 So I am not in agreement with that.  
 8 CHAIRMAN WILLSON: I am the same way. You  
 9 know, if they want to make those kind of changes,  
 10 and hopefully they do their research and clear  
 11 things up to discuss here. But that is a decision  
 12 that if they are going to be changing, that type of  
 13 thing, that would be their role. That is not ours.  
 14 COMMISSIONER SNYDER: I don't have a question  
 15 of residential that in that upper track up there, is  
 16 it still going to be residential. And trying to  
 17 judge how serious they were about that as whether or  
 18 not they would stipulate to that, to add a  
 19 stipulation to that motion that is out there.  
 20 But I pointed out for people to understand  
 21 that that land is still left there and may come  
 22 back, may not come back. But that would get us into  
 23 stipulating to a motion as to what is in their  
 24 binding Master Plan, and I don't comfortable with  
 25 that.

79

1 CHAIRMAN WILLSON: I agree.  
 2 Mr. Hale.  
 3 COMMISSIONER HALE: Just to offer one or two  
 4 comments on traffic. I am sure that if they would  
 5 release the information, Publix can tell you very  
 6 specifically what they expect the traffic to be. As  
 7 part of their staffing plan they have a computer  
 8 program that prints out every 15 minutes of every  
 9 day whether dependent on the number of customers;  
 10 therefore, the number of staff they expect to be  
 11 there. So I think if they would be cooperative, you  
 12 can define specifically what the impact of Publix is  
 13 and separate that from the rest of the people who  
 14 would be using that road. I think that is a  
 15 possibility, if Publix is willing to provide that  
 16 information.  
 17 Also, I have to say, I started today thinking  
 18 that a final plat was a final plat. And I was  
 19 basing my -- part of my decision on that. Finding  
 20 out that that is wrong, I am reconsidering, based on  
 21 the conversations.  
 22 COMMISSIONER SNYDER: Yeah, that one for me  
 23 was a tough one.  
 24 Let me go back to one comment Jerry made.  
 25 Yes, the Comp Plan does show a large number of

80

1 square footage for the neighborhood out there. But  
 2 I think the vision of that was the shopping center  
 3 that is at Laurel and Knights Trail. It's Laurel  
 4 Road, but not northeast. I think that was the  
 5 intent out there, was to use this as mixed use  
 6 neighborhoods to do that. Yeah, if you take the  
 7 total acreage and the 5 percent, you get a big  
 8 number. But it is the same big number that I talked  
 9 about that Mr. Lobeck was using that is not  
 10 realistic in terms of how much parking.  
 11 CHAIRMAN WILLSON: Anymore comments?  
 12 COMMISSIONER MACDONALD: So, in reviewing all  
 13 of the testimony and our discussions, I think it's  
 14 important to note that this area is future land use  
 15 designated as mixed use residential; however, given  
 16 that we have to determine whether or not this is the  
 17 right location and whether it's compatible with the  
 18 existing neighborhoods, I don't think this  
 19 particular parcel of land is appropriate.  
 20 There is problems, as other commissioners have  
 21 stated, about the landscape buffer wanting to be  
 22 modified, which I don't agree with, as well. So I  
 23 think at this time, as presented, I would not  
 24 support the motion.  
 25 CHAIRMAN WILLSON: Thank you. Anymore?

1 Seeing none, we will take role call.  
 2 THE CLERK: Mr. Hale.  
 3 COMMISSIONER HALE: Yes.  
 4 THE CLERK: Mr. McKeon.  
 5 VICE-CHAIRMAN MCKEON: No. From a  
 6 compatibility issue, no.  
 7 THE CLERK: Mr. Schierberg.  
 8 COMMISSIONER SCHIERBERG: Yes.  
 9 THE CLERK: Ms. MacDonald?  
 10 COMMISSIONER MACDONALD: No.  
 11 THE CLERK: Mr. Snyder.  
 12 COMMISSIONER SNYDER: No.  
 13 THE CLERK: Mr. Jasper.  
 14 COMMISSIONER JASPER: Yes.  
 15 THE CLERK: And, Mr. Willson.  
 16 CHAIRMAN WILLSON: No.  
 17 That is four no's and three yes's.  
 18 (Excerpt concluded)  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 TRANSCRIPTION CERTIFICATE  
 2 STATE OF FLORIDA )  
 3 COUNTY OF SARASOTA )  
 4  
 5 I, Patricia Cabo, FPR, do hereby certify that I was  
 6 authorized to and did report the excerpts of the  
 7 foregoing proceedings, and that the transcript is a true  
 8 and complete record of my stenographic notes.  
 9 I further certify that I am not a relative,  
 10 employee, attorney, or counsel of any of the parties,  
 11 nor relative or employee of such attorney or counsel,  
 12 nor financially interested in this action.  
 13 Dated this 19TH day of May, 2023.  
 14  
 15  
 16 *Patricia A. Pilauski*  
 PATRICIA A. CABO, FPR  
 Notary Public  
 State of Florida  
 Commission #HH305340  
 17  
 18 My Commission Expires:8/25/2026  
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