

CITY OF VENICE, FLORIDA
PLANNING COMMISSION PUBLIC MEETING

PETITION NO. 22-38RZ

MILANO PUD ZONING MAP AMENDMENT
(Quasi-Judicial)

BEFORE: CITY OF VENICE PLANNING COMMISSION MEMBERS

BILL WILLSON, Chairman
KIT McKEON, Vice-Chairman
SHAUN GRASER, Commission Member
RICHARD HALE, Commission Member
JERRY JASPER, Commission Member
LISSA MacDONALD, Commission Member
PAM SCHIERBERG, Commission Member

DATE: Tuesday, January 17, 2023

TIME: 1:30 - 6:22 p.m.

WHERE: Venice City Hall
401 West Venice Avenue
Council Chambers
Venice, Florida

REPORTED BY: AMY E. ROBERTS
Registered Professional Reporter
Registered Merit Reporter

EXCERPT OF PROCEEDINGS - APPLICANT'S PRESENTATION

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1 - EXCERPT OF PROCEEDINGS -

2 MR. BOONE: Thank you, Mr. Clark. I have
3 no further questions.

4 CHAIRMAN WILLSON: Is that the end of your
5 presentation?

6 MR. CLARK: Yes, sir.

7 CHAIRMAN WILLSON: Thank you. Mr. Boone,
8 you're back up.

9 MR. BOONE: Our presentation?

10 CHAIRMAN WILLSON: Yes.

11 MS. FERNANDEZ: No. Mr. Boone is not --
12 Mr. Boone will -- sorry. Yes, he is next.

13 CHAIRMAN WILLSON: Okay.

14 MS. FERNANDEZ: Withdrawn.

15 MR. BOONE: Miss Grgic is going to load
16 our PowerPoint.

17 MS. GRGIC: Can I -- can I just get in
18 there real quick?

19 MR. CLARK: You may.

20 MR. BOONE: And while -- and may I run to
21 use the restroom before -- while she's doing
22 that?

23 CHAIRMAN WILLSON: Absolutely. In fact,
24 while we're doing that, let's take a 5-minute
25 recess, please.

1 (Recess taken.)

2 CHAIRMAN WILLSON: Thank you. Mr. Boone,
3 you can proceed.

4 MR. BOONE: All right. Are we ready?
5 Okay.

6 MR. NEAL: Are you ready for me,
7 Mr. Chair?

8 MR. BOONE: Well, I was going to wait for
9 it to quiet down.

10 CHAIRMAN WILLSON: Okay. Let's have
11 complete quiet, please. Thank you.

12 APPLICANT'S PRESENTATION

13 MR. NEAL: Mr. Chairman, members of the
14 Planning Commission, I'm Pat Neal. I'm here
15 mostly to introduce my team shown on your screen
16 and then to talk a little bit about our history
17 of development in the seven counties adjacent.
18 To my right, of course, is Jeff Boone. Behind
19 him is Jim Collins, well known to you. I
20 normally introduce Frank Domingo as the best and
21 most expensive transportation consultant in the
22 region. He's very good. He will explain some
23 of the questions that you've asked. With me is
24 Maryann Grgic, 15 years trying to explain me to
25 other people. Her firm is called Keypoint

1 Communication. And Alec Hoffner, 22 years a
2 biologist, I think a very credible biologist,
3 who is, in my mind, a person of great
4 credibility. I hope you'll listen to him
5 carefully.

6 Next page, Maryann.

7 A little bit about my company. We build
8 in 29 locations from Tampa to Naples in six
9 counties currently. I didn't bring with me our
10 guiding principles. Every Neal employee should
11 have the guiding principles, and it is our goal
12 really to improve the lives of the people with
13 whom we deal by our construction of beautiful
14 communities, superior homes, and lasting
15 relationships. The folks behind me may not
16 believe that, but I believe it, and I've got to
17 say I'm happy to meet with them at any time.
18 I'll later testify that we've had eight meetings
19 thus far and we're happy to have more.

20 Ours is our area's largest locally-owned
21 private home building company and the second
22 largest home building company. I've won every
23 award made by members of the legislature:
24 Sierra; Audubon; Defenders of Wildlife, and
25 more. And it says here that we contributed

1 more than \$10 million in support of
2 philanthropic organizations like the women's
3 Sertoma here in Venice. This lists another nine
4 Venice organizations.

5 Unlike the public builders, Mr. Chairman,
6 we're here in the flesh and blood. We're easy
7 to talk with. You might say we're easy to
8 negotiate with.

9 I think this is a good project. I think
10 when we're done you'll be able to approve it and
11 I think you'll be proud to see it when it's
12 done. It will serve roughly 6,900 existing
13 homes, about 12,000 people, not including land
14 that isn't built on yet, and we'll testify both
15 to the need and the local nature of the shopping
16 center.

17 Thank you, Mr. Chairman.

18 CHAIRMAN WILLSON: Thank you.

19 MR. BOONE: Thank you, Mr. Neal.

20 Commissioners, for the record, Jeffery
21 Boone of the Boone Law Firm here in Venice.

22 The proposal before you all today is very
23 straightforward. It's a PUD amendment affecting
24 2 percent of the land within the PUD. As you
25 know, the decisions to be made today are based

1 on compliance with the comprehensive plan and
2 the City of Venice zoning code. As you've heard
3 from your staff and read in your staff report,
4 PUDs allow for up to 5 percent of the acreage in
5 a PUD for commercial uses. I've been practicing
6 land use law in Venice since 1982. It's my
7 understanding that -- well, I know for a fact
8 that's been the standard for the last 40 years
9 that I've been working with the City code, and I
10 understand that's been how it was since the very
11 first city zoning code in the '70s.

12 What we are proposing is a 10.42-acre
13 parcel, which is 2 percent of the 503, almost
14 504 acres. We're proposing, as you've heard, a
15 neighborhood commercial development, including
16 grocery store, neighborhood retail options, and
17 a restaurant for area residents. Commercial
18 services in the area will limit trip lengths and
19 allow for multimodal connection to those
20 services. We are going to maintain the PUD
21 requirement of the 50 percent of open space and,
22 as our application materials establish, which
23 are part of the record, of course, that in all
24 aspects our application is consistent with the
25 City requirements of a PUD.

1 The next slide is the proposed amendment
2 which shows the area in pink which is to the
3 right-hand edge. Jacaranda Boulevard, as you
4 see, runs through the Milano PUD from left to
5 right from Border Road to Laurel Road, and again
6 in pink is the area where we are proposing the
7 commercial designation, and it's right across
8 Jacaranda, of course, from the fire station and
9 dog park.

10 The other important points, building
11 heights and setbacks we're not -- the next
12 slide, please, Maryann. Thank you. That we're
13 not seeking to change the currently approved
14 building heights. We're going to maintain the
15 current perimeter setback of one time the
16 building height and that's perimeter, so that's
17 all on Jacaranda and along Laurel Road.

18 Neighborhood -- neighborhood commercial
19 uses are compatible with the surrounding
20 neighborhood, as our application establishes,
21 consistent with development patterns in the area
22 as our application establishes and will provide
23 convenient access to commercial services. It
24 includes open space, perimeter buffering,
25 landscaping and berms, all of which will be

1 provided. There'll be extensive separation from
2 the existing residential uses. 330-foot Florida
3 Power and Light easement to the south. To the
4 west a separation of about 1,300 feet to the
5 nearest residential unit. To the north, of
6 course, is the Laurel Road right-of-way and its
7 parcel Mr. Neal has set aside for the future
8 widening of Laurel Road. It's somewhere in the
9 160-foot range from one edge of what will be the
10 future right-of-way to the other. And to the
11 east, as I mentioned before, across Jacaranda is
12 the fire station and dog park.

13 Road access to the property has been
14 designed to minimize impact. There's two
15 accesses onto Laurel Road, two accesses onto
16 Jacaranda. I know we're not at the site and
17 development plan stage today, but part of
18 requirements of the PUD is to show access at the
19 time of, you know, rezoning or amending an
20 existing PUD plan, so no access through the
21 existing Milano development, two accesses on
22 Laurel, two on Jacaranda.

23 Sources of light, noise, mechanical
24 equipment, refuse area, delivery and storage
25 will be adequately screened to ensure

1 compatibility. Again, that's really at the site
2 and development plan stage. And single-family
3 neighborhoods will benefit from the commercial
4 services nearby.

5 Next. Here we go. Thank you.

6 What we are proposing are clearly
7 neighborhood commercial uses. The International
8 Council of Shopping Center Guidelines generally
9 classifies the neighborhood center as one that
10 ranges from 30,000 square feet to 125,000 square
11 feet, typically enhanced by a market and serving
12 a 3-mile area. A regional center, on the other
13 hand -- and you heard Mr. Clark testify that
14 this is not a regional proposal. A regional
15 center is classified by ICSC as ranging from
16 400,000 to 800,000 square feet, typically
17 anchored by department stores, mass merchandise
18 or fashion apparel stores and serving a 15-plus
19 mile area.

20 So, Commissioners, in the Venice area, not
21 just -- there is no regional in Venice, in the
22 City of Venice, but in the Venice area a
23 regional area would be -- a small regional area
24 would be the Jacaranda/U.S. 41 intersection area
25 with the Walmart and the SuperTarget and the

1 Beall's and the Home Depot and all -- the Publix
2 and all the other shopping that's in that area.

3 So what we have proposed, in fact, really
4 a regional -- what most people would describe as
5 regional is UTC mall area, but, nevertheless, we
6 do have a small regional in Venice. It's the
7 Jacaranda/41 area, certainly substantially
8 larger than what we're proposing here. No
9 single use retail will be -- single use retail
10 will be in excess of 65,000 square feet, and
11 we're clearly proposing a neighborhood scale
12 commercial center.

13 This next slide shows lighting and,
14 interestingly enough, I learned something new
15 during this. There's now smart lighting that
16 can be programmed to adjust. They have this
17 kind of lighting on Benjamin Franklin Drive,
18 which is along the beach on Lido Key in
19 Sarasota. And these lights can be dimmed up to
20 30 percent during nonpeak nighttime hours, which
21 will still assure safety and visibility while
22 reducing the light's overall foot candles and
23 impact the neighborhood communities. The lights
24 can be set to one of four pre-programmed
25 operational modes, and there's a lot of other

1 information here that I'll skip reading to you.
2 The bottom line is that not only will the lights
3 be internally directed, which the City has
4 required for decades, they'll also be high-tech
5 lights, if you will, to work even more on the --
6 on the lighting impacts from the development.

7 That concludes my portion of our
8 presentation. Next we have Mr. Alec Hoffner
9 from Kimley-Horn and Associates, and Alec is
10 going to address environmental matters.

11 Alex.

12 MR. HOFFNER: Thank you, sir.

13 Good afternoon. I just want to -- it's
14 been a while since I've been in front you, so I
15 just want to go over my credentials very
16 quickly. So I am a senior scientist with
17 Kimley-Horn. I have a Master's Degree from the
18 University of Florida in solar science and also
19 a graduate certificate in wetlands from the
20 Center for Wetlands at the University of
21 Florida, and I've been a consultant in this part
22 of Florida for about 27 years, and I've done
23 many projects within the City of Venice.

24 So first I want to talk about the -- can
25 we go to the next slide, Maryann? I want to

1 talk about the site a little bit. I want to
2 talk about what's currently there. So this is a
3 habitat map that we've prepared. It's showing
4 the 641 designation in the majority of the
5 property, and that is a freshwater marsh.
6 That's the wetland area that we're talking about
7 today. We also have a stormwater pond, existing
8 stormwater pond. That's the 534 designation.
9 We have some areas of open land, which is the
10 190. There's a little bit of woodland pasture
11 over in the western portion of the project area.
12 We also have a portion of the Florida Power and
13 Light transmission main that goes through the
14 southern part of our property.

15 So this wetland that we see here has
16 undergone quite a bit of disturbance over the
17 years. When Laurel Road was constructed the
18 northern part of this wetland was filled, and
19 our graphic really doesn't go far enough to the
20 north, but areas north of Laurel Road, the
21 wetland actually extended quite a distance
22 off-site, and those have been filled and
23 developed historically.

24 Also, the southern portion of our project
25 area, there's a patrol road that was constructed

1 through the wetland area historically by Florida
2 Power and Light so they could access their --
3 their transmission line. So that's an
4 additional disturbance, and you can see that the
5 farmer historically excavated a pond in the
6 middle of this wetland, and that was probably
7 for watering their livestock.

8 So there's been a lot of -- a lot of
9 historical disturbance out here. The wetland is
10 much smaller than it was in the past, and so I
11 want to go on to talk about why it's not
12 possible or desirable to avoid impacts to this
13 wetland. So as you can see, the majority of
14 this site is -- does contain this herbacious or
15 freshwater marsh. Any development that occurs
16 here will have to impact this system.

17 The problem that we have here is that this
18 wetland exists at a busy intersection. It's
19 completely surrounded by other development, and
20 we have concerns over its long-term viability.
21 Over time wetlands like this tend to degrade
22 and, you know, at some point they lose a
23 majority of their function, and so we feel that
24 the function that this wetland currently
25 provides can be offset in the Myakka Mitigation

1 Bank.

2 And I know there was a question earlier
3 about what is a mitigation bank? Well, the
4 Myakka Mitigation Bank is on the Longino Ranch.
5 It's in Sarasota County. It's a very large
6 wetland and upland system. It is -- it's
7 managed very well. There's conservation
8 easements over it and so what happens is the
9 function that's lost here from the wetland
10 impact is transferred to that area and that area
11 is maintained forever. It will never be
12 developed. It will always be managed, and so
13 there's a much higher probability that that
14 wetland system will have long-term viability and
15 provide functions, you know, forever into the
16 future. So that's why we feel that's a viable
17 option in this situation.

18 So there was some discussion earlier about
19 some comments that were provided by the City's
20 environmental consultant, and we've reviewed
21 those. There was an initial round of comments.
22 We reviewed those; we responded back. We
23 received another round of comments and, based on
24 those new comments, it seems that most of the
25 concerns have been addressed. They can be

1 addressed with some notes on the plans and some
2 other clarification.

3 There's two outstanding matters that we
4 still need to address. One has to do with
5 listed species surveys. The other is the
6 function of -- there's a small area to the west
7 that's where the wetland extends off of our
8 project area, and that area will remain a
9 wetland even after this project is developed.
10 So some discussion about how that area will be
11 maintained.

12 So to address the listed species concerns.
13 So I personally have been involved with this
14 property since it was a cattle ranch. We did
15 all the initial work out there. We've been
16 involved in all of the development projects that
17 have occurred, and I personally have had many,
18 many hours out here. Most of my staff has as
19 well, and so we -- during that time on the site
20 we've done extensive listed species surveys.
21 We've also been to this specific area recently
22 to update those. And so with all of our
23 experience, you know, we have not observed any
24 significant utilization of listed species on
25 this site.

1 The only thing that we have observed: In
2 the past there was an eagles nest to the south
3 and west that has a protection zone that does
4 extend onto a very small portion of this project
5 area. That eagles nest has not been utilized
6 for the last couple of years. We believe that
7 nest -- those eagles have moved a little bit
8 farther west and established a new nest. So
9 currently there's -- you know, there's not an
10 eagles nest in that location. So we believe
11 that would be the only -- at this point only
12 concern that we would have with listed species.

13 But that being said, during the
14 development process we will be required to
15 coordinate with the Florida Fish and Wildlife
16 Conservation Commission, you know, so during the
17 construction design and all of that, all that
18 permitting, before we can do anything out there
19 we're going to have to coordinate with them and
20 make sure that they're satisfied that we are
21 meeting all of the State's regulations for
22 wildlife protection.

23 Okay. So that's the wildlife issue.

24 The other issue I talked about was the
25 wetland to be maintained. That wetland area

1 will be connected to the stormwater management
2 system for the adjacent project and this project
3 as well and, by doing that, the engineers who
4 will be designing the stormwater management
5 system can provide adequate hydrology to
6 maintain that wetland, and we'll be required
7 by the Southwest Florida Water Management
8 District to provide them with time stage
9 hydrographs of the wetlands hydrology and we'll
10 have to make sure that our predevelopment and
11 postdevelopment conditions are the same as far
12 as peak stage and duration. So we have to prove
13 during that process that we are maintaining the
14 hydrology of this wetland. So we feel confident
15 that, you know, the hydrology will be
16 maintained, there will be a wetland there, and
17 we will have to address that during that
18 construction design, that modeling of the
19 stormwater management system.

20 So that ends my portion of the
21 presentation. I'd like to turn it over to Frank
22 Domingo to talk about traffic. Thank you.

23 MR. DOMINGO: The seat's a little low.
24 For the record, Frank Domingo with Stantec, and
25 I have filled out a speaker card. This is

1 really low, so you can see me over this, right?
2 Not that that really matters or I have an issue
3 with it.

4 Just a little background on me. Just to
5 enter my credentials in the records, I'm a --
6 I've a civil engineering degree from the
7 University of Florida. I am a Registered
8 Professional Engineer in the states of
9 California and in Florida. I've been in the
10 industry over 35 years now in the transportation
11 industry. I'm the former county engineer for
12 Sarasota County a long time ago. Also, I've
13 been a professional consultant for 18 years.

14 So part of this -- I want to put some
15 context to this from a transportation -- a
16 little bit broader than just east of the
17 interstate. If a grocery store is approved
18 over here, the next two closest grocery stores
19 are the Publix at Pinebrook and -- Pinebrook and
20 Laurel and Venice at Jacaranda, 2.5 miles away
21 and 2.8 miles away from this particular site,
22 respectively. If a grocery store is placed here
23 we've calculated the reduction in vehicle miles
24 traveled, so using the Institute of
25 Transportation, transportation engineers, trip

1 generation for daily, it's going to generate
2 over 4,000 vehicles a day, trips a day.

3 What does that mean if they just cut the
4 trip length in half from going to the other
5 grocery stores? Per year, that's about 2
6 million vehicle miles traveled a year just going
7 to the grocery store.

8 MR. BOONE: That would be reduced.

9 MR. DOMINGO: That would be reduced, and
10 it would also mean about -- if you're assuming
11 25 miles to the gallon city, and not everybody
12 has an EV, electric vehicle, that would be about
13 80,000 gallons of gas a year saved just by
14 putting a grocery store here.

15 So I just wanted to set the context about
16 what's the outcome we're trying to achieve? Is
17 it a bad thing? Is it a good thing? From a
18 transportation standpoint, those are pretty
19 compelling numbers. That's like going out into
20 space and launching a -- I mean, if you're
21 talking about vehicle miles traveled, that is a
22 long ways. You've pretty much got to go into
23 space to travel that far.

24 I want to talk about the ITE Trip
25 Generation Manual versus local data -- and thank

1 you for reading my mind, Maryann.

2 Now, a lot's been said about, hey, we're
3 going to -- we need to use ITE. We need to use
4 ITE. Well, ITE also says if you have local
5 data, that's the best data to use.

6 So I'm going to go into detail about this
7 in the subsequent slides, but it encourages --
8 ITE does encourage you to do -- to collect local
9 data. And why is that? Because demographics,
10 site-specific conditions, any number of -- any
11 number of things that are purely local to this
12 area, that's what affects travel and that also
13 affects trip generation. So I have it on my --
14 on the PowerPoint here, too. It says context:
15 Age of residents, worker shifts, area types,
16 parking conditions and business activity. All
17 of those things influence why you should use
18 local data as opposed to national data.

19 If you could go to the next slide,
20 Maryann.

21 I hate this slide because I can't read it.
22 It's too small. But what that is is all the 50
23 states at the bottom and how many studies were
24 done per state, and what you'll see there is a
25 big hole there where for Florida, you know, how

1 many -- this is per land use code 210, which is
2 single-family detached housing, which is the
3 product we're talking about. There have been no
4 studies in Florida. Actually, if you stay on
5 that slide a bit. No studies. The most is in
6 California, and I think that -- I think that's
7 relevant.

8 One thing I will say is we actually
9 count -- we've been counting studies and doing
10 collecting data for as long as I've been a
11 consultant, and we have turned it in to ITE, so
12 our data from Florida is in ITE, except they
13 have interpreted it as to be age restricted, and
14 by nature of our demographics you'll see and you
15 know, you know this because you live here, is
16 that it's not age restrictive. It's just that's
17 just what the demographics are.

18 If you go to the next slide.

19 I just want to talk about here are the top
20 eight data collection sources: California, New
21 York, New Jersey, Delaware, Maryland, Oregon,
22 Virginia, and Connecticut. And I did those
23 abbreviations from memory, so I hope I got those
24 right because I haven't done that since third
25 grade. But the key is there's no "FL." There's

1 no Florida. And the data's been collected from
2 the 1960s through -- actually through the mid
3 2010s now.

4 Next slide, please.

5 So, I mean, in a nutshell ITE is good if
6 there's no local data available. Now, there's a
7 requirement that says, hey, it needs to be in
8 the City of Venice, the data that we collected.
9 Well, the data that -- one of the data sets that
10 we have collected is actually Milano, the first
11 phases. Basically that's probably the best data
12 you're ever going to see because if you're
13 comparing demographics to the next closest city
14 collected in ITE, which is Kentucky, I checked
15 their median age. Know what their median age
16 was? 37 years old.

17 VICE-CHAIRMAN McKEON: Hey, just like us.

18 MR. DOMINGO: Plus 30.

19 VICE-CHAIRMAN McKEON: A little more.

20 MR. DOMINGO: Plus 30.7, and if you're an
21 engineer and you round up, that's almost 70. So
22 what that means is nearly -- and this has
23 been -- some more data has come out. Very
24 recently it was in the paper, the folks who do
25 U-Hauls and storages -- storage areas. They

1 actually track data about who's moving here, and
2 their estimation is 63 percent of the Sarasota
3 metro area is retired. So I would say, yes, ITE
4 is great, but it's not reflective of what we're
5 doing here today.

6 So using it, though, is that the best
7 thing to do? Well, I don't think it's -- I
8 don't think it's the most accurate information.
9 We've submitted that and gone on the record.

10 So you're probably wondering why did we
11 even acquiesce then to go do the study the other
12 way, which we don't think is the right way or is
13 not the most accurate? And it's to keep the
14 process going and we wanted to know what the
15 answer was. Right? The answer is it's
16 something -- it's more of an affirmation of what
17 we already know. The City of Venice already did
18 a study in 2017 that said there's so much
19 development occurring around this area that you
20 really should be thinking about widening Laurel
21 Road.

22 And so what's the -- you know, spoiler
23 alert on this one is, you know, it hasn't been
24 reviewed by the consultant for the City, but the
25 answer -- the biggest improvement that's needed

1 is widen Laurel from Knights Trail Road to
2 Jacaranda Boulevard, and that's already
3 happening. That's already -- that's already
4 occurring under agreement between the County and
5 one of the branches of a CDD that Mr. Neal is
6 involved with.

7 So we're already -- if you're looking at
8 where you need to program your funds for public
9 improvements, you're already doing it. You're
10 already doing the right thing and you're almost
11 a year and a half ahead of our answer.

12 So I'll give you a quick status on where
13 that Laurel Road is. It was submitted to SWFWMD
14 for permits in December, and at the end of the
15 month they're going to -- the 60 percent design
16 is going into both FDOT, the City, and the
17 County. So all of that is moving along very
18 well.

19 While we haven't gone into site and
20 development, we have done operational analysis
21 for this site as well because we had -- we
22 pursued a variance to get a full median opening
23 in front of -- at Veneto, which we think is
24 beneficial to both the south side and the north
25 side in keeping that open. So from an

1 operational standpoint, we already feel we know
2 what we're going to need. We might have to
3 tweak it a little bit, but I don't think it's
4 going to change very much.

5 And in terms of like broader analysis for
6 the region, our study isn't really doing that,
7 but there's quite a few -- if you saw how many
8 studies are being done in this particular area
9 regionally, FDOT's doing full-blown studies up
10 and down the interstate to find -- figure out
11 the year of failure, their interchanges, and
12 everybody -- not everybody. There's quite a few
13 people doing different studies at all the
14 intersections along this area.

15 And I'm watching the clock and he hasn't
16 punched -- he hasn't punched me yet, so I'm
17 good.

18 So to summarize where we're at is we
19 prefer to use the best available -- best data
20 that's available and, honestly, I think they --
21 or candidly, I think they should change the
22 rules to at least be southwest Florida for data
23 if you're going to turn in localized data
24 because it's very similar to the City of Venice.

25 The second is we have turned in a study.

1 If the City wants to know where to program their
2 funds, I think we've got the answer, and no
3 worries that it's actually moving -- it's
4 actually moving forward, and I think that's the
5 big positive on this.

6 And last but not least, think about
7 regionally does this make sense? If you look at
8 where you put grocery stores and you look at the
9 triangle and the spacing, there's a reason why
10 grocery stores want to do this, is because, one,
11 they want to make it convenient.

12 Well, one, they want to make money. Let's
13 be honest about that.

14 But, two, they won't make money unless
15 it's convenient.

16 And, three, if it actually reduces that
17 many vehicle miles traveled per year, reduces
18 gas consumption, and you start putting -- this
19 is my little thing and it's in blue. It's on
20 that one slide. If it actually encourages a
21 different mode than a car to go actually go get
22 groceries, isn't that going to be better? Isn't
23 that good policy and isn't that the outcome that
24 we want? And that's a feel-good thing from a
25 transportation standpoint.

1 I'm done.

2 MR. BOONE: Are you done? Thank you,
3 Mr. Domingo. Next, Mr. Neal.

4 MR. NEAL: Mr. Chairman, we're coming in
5 for a landing, thank goodness. I intend to talk
6 a little bit about trust and communication and
7 then describe our outreach program. I'd like to
8 state a few reasons why we think this is a good
9 proposal and ask for your consideration.

10 As always, at Neal we try to meet with the
11 neighbors. We had 10 neighborhood meetings.
12 I'd say most were successful and pleasant. Our
13 March 1st meeting with the Venetian Golf and
14 River Club didn't go that great. I've asked for
15 additional meetings. I think we could do a
16 better meeting. You might remember I was in
17 politics and usually I can communicate. Wasn't
18 in my best form that day, and perhaps others
19 might admit the same characteristics. Still in
20 all, we think there are things we could work out
21 with the Venetian Golf and River Club.
22 Importantly, I'm not aware of any significant
23 opposition in the Neal Communities or the other
24 communities. It's a Venetian Golf and River
25 Club thing.

1 Mr. Hale, I did meet with the Cielo
2 residents on December 17th. They asked for a
3 buffer. I said I would put a buffer in for
4 them. So whatever we applied for in June is no
5 longer operative. Of course we'll have a buffer
6 and we'll withdraw our request for a revised
7 buffer.

8 Turning the page. In order to try to
9 reach the Venetian Golf and River Club my young
10 teams tried to do so from the sky, so we've
11 tried very hard digitally to reach the Venetian
12 Golf and River Club, and our early attempts
13 might have been successful. There was some
14 incorrect information that we thought was
15 distributed by our opponents. They've corrected
16 it. So, quote, we got what we wanted by our
17 electronic communications.

18 We did provide an electronic outreach
19 mechanism. I don't know how to say this, but we
20 seem to have 800 petitions in favor of this
21 collected from Venice. We'll put them in the
22 record. But I don't know if anyone here is old
23 enough to remember the Vietnam War. You might
24 remember President Nixon and the Silent
25 Majority. Mostly people who are opponents show

1 up. Mostly people who aren't opponents don't
2 say too much. But we have in-person and digital
3 petitions, which I'll turn into the clerk, of
4 140, plus 271, plus 174, plus 339, which is
5 shown on your page 18, of people who have
6 expressed interest in this property for no
7 reason of their own except the convenience of
8 shopping.

9 Mostly in my situation, Mr. Chairman, you
10 don't really get much support because it's
11 usually the petitioner -- that's us -- against
12 in this case the opponents. I am raising this
13 point only to say that you have heard from a lot
14 of people, but I'm not sure that you've heard
15 from all the people who live in the City of
16 Venice.

17 Closing last slide, please, Maryann.

18 This is a neighborhood. Whoop. Whoops,
19 whoops, whoops, whoops, whoops, whoops, whoops,
20 whoops, whoops. We missed the most important
21 slide. Did I lose it, the 6,900 people? Can
22 you go to 20, Maryann?

23 Mrs. Schierberg, there's 6,943 people --
24 or homes that are approved. That's roughly
25 12,100 residents. A grocery store usually wants

1 about 6,000 residents. I'm going to say this is
2 the best and only neighborhood grocery store
3 site which is north of I-75 and east of I-75.
4 The population's numbers that I spoke of do not
5 include the populations on the upper left,
6 which, of course, is up Rustic Road, which will
7 have lots of development, and you do know that
8 our County's comprehensive plan and the current
9 plan is to build Lorraine Road to connect with
10 Knights Trail so there will be an enhanced
11 population to the north. This will be a grocery
12 site someday.

13 Closing. This application is consistent
14 with the requirements of the PUD. We meet the
15 50 percent open space requirements. We at Neal
16 are focused on attention to detail, open
17 communication with neighbors, and I'm happy to
18 meet with anybody behind me who wants to meet
19 with me.

20 The neighborhood commercial use is
21 compatible with the surrounding neighborhood,
22 consistent with the neighborhood development
23 patterns, and will provide convenient access to
24 commercial services.

25 Importantly, we'll limit trip lengths.

1 We'll reduce total traffic by bypass, capture
2 and diversion. We'll save miles and we'll save
3 gas. Please do vote to support this Milano PUD
4 and this amendment request 22-38RZ. Thank you.

5 MR. BOONE: Mr. Chairman.

6 MR. NEAL: Thanks, Mr. Chairman. I said
7 Mr. Boone could have the last word.

8 MR. BOONE: I have -- that was our
9 presentation. One thing, based on the materials
10 that have been submitted that we believe you'll
11 hear about, and I just want to go ahead now and
12 make sure you all have the proper context, and
13 it has to do with the restrictive covenant that
14 the City requires be recorded to dedicate all
15 the open space as open space and, of course,
16 there's language in the City code that reflects
17 that.

18 The City has consistently, consistently,
19 consistently ever since that language went in
20 the code, I think, in the '70s, which would make
21 it approximately 50 years, consistently
22 interpreted that language to mean that when the
23 final-final plat of a large development was
24 approved and when all of the development within
25 the PUD was done, then the remaining open space,

1 a restrictive covenant, was to be -- was to be
2 recorded against the land. So we are actually
3 working on what would be the last final plat
4 now. It just hasn't gotten through the process
5 yet. But the time -- if this application is to
6 be treated the way the City has historically
7 treated every PUD -- let me say that again --
8 every PUD, then the restrictive covenant gets
9 recorded when the developer is finished
10 developing.

11 And the reason why is because there's a 50
12 percent, as you all -- I know y'all know this.
13 There's a 50 percent open space requirement,
14 which means that 50 percent of the land cannot
15 be developed, but that also means that 50
16 percent of the land can be developed, and until
17 the developer is done, you don't know how much
18 open space there is. There might be exactly 50
19 percent. There might be 60 percent. There
20 might be 51 or 52 percent. So it's this common
21 sense and logic the way the City has interpreted
22 the code and utilized it for decades and
23 consistently.

24 In fact, I can even tell you that there
25 are some PUDs out there where the City never got

1 around to getting the developer to record the
2 restrictive covenant because there was 50
3 percent open space exactly, so there was never
4 going to be any more development because there
5 wasn't any open -- you know, there wasn't any
6 land left to be developed.

7 So again the real issue here is how the
8 staff is treating this application with how
9 they've treated every PUD application I believe
10 since the '70s, I can tell you since the early
11 '80s when I started working on PUDs, and that is
12 when the developer's done, then the open space
13 is recorded. And, again, logic and common sense
14 support that as well. I just wanted to make
15 sure you all had our perspective and history on
16 that.

17 So again, as Mr. Neal said, thank you very
18 much for listening to us and we would
19 respectfully request your recommendation and
20 approval. We'd be happy to answer any questions
21 you may have.

22 CHAIRMAN WILLSON: Any questions from the
23 Board? Mr. Lobeck?

24 MR. LOBECK: Yes, please. Pat, how are
25 you, sir? We're old friends from way back.

1 MR. NEAL: We've been having a lot of fun
2 together since 1978, Mr. Chairman, so we're like
3 pals. We are pals.

4 MR. LOBECK: We are pals. I respect you
5 for what you do.

6 All right. Where is the overhead area?

7 THE CLERK: It's by Mr. Boone.

8 MR. BOONE: It's over here, Dan. Why
9 don't we -- Dan, why don't we trade seats?

10 MR. LOBECK: If you don't mind.

11 VICE-CHAIRMAN McKEON: Just so I'm clear,
12 is this now Mr. Lobeck's presentation or is
13 this a rebuttal?

14 MR. LOBECK: No. This is
15 cross-examination.

16 CHAIRMAN WILLSON: This is -- he has an
17 opportunity to ask questions.

18 VICE-CHAIRMAN McKEON: Okay.

19 CHAIRMAN WILLSON: As well as Mr.
20 Thomlinson then in a moment.

21 MR. LOBECK: I'll try to focus.

22 VICE-CHAIRMAN McKEON: Thank you.

23 CROSS-EXAMINATION OF PAT NEAL

24 BY MR. LOBECK:

25 Q. So, Mr. Neal, let's put up on the screen

1 the exhibit that you just provided. East of I-75,
2 Laurel Road developments with the Milano PUD
3 proposal. This was first made public when you had
4 your public workshop; is that correct --

5 A. I don't recall.

6 Q. -- this PUD amendment?

7 A. I don't recall specifically, but I don't
8 dispute that either.

9 Q. Okay. And remind us again for what
10 purpose did you show this to the Planning Commission
11 and address it?

12 MR. BOONE: Do you mean today, Dan?

13 MR. LOBECK: Today.

14 MR. BOONE: Okay.

15 THE WITNESS: Well, I think for the two
16 reasons I stated, Dan. One, I pointed out that
17 the area in green is the only feasible site for
18 a grocery store north of I-75 and east of I-75.
19 I think I further stated that a typical grocery
20 store in the 40-50-thousand-square-foot basis
21 wants to see roughly 6,000 rooftops, and this
22 exceeds that number greatly.

23 And then I concluded by saying under --
24 I'll tell you what my dad would say. He said
25 real estate lasts a long time. In fact, he'd

1 say the only thing that's real is real estate.
2 So I concluded by saying to Mrs. Schierberg this
3 may not be a shopping center today, though
4 I think it will be, but if it's not today it
5 will be at some other day.

6 And the point I was implicitly trying to
7 make is that we would do a better job. We would
8 protect our neighbors. We'd communicate with
9 the people at Venetian Golf and River Club.
10 We'd be responsible environmentally, and they
11 would be proud of the outcome. We have things
12 that well in excess of the requirements, like
13 our lighting standards and our mitigation
14 standards.

15 So this is a shopping center site if
16 you're in my field of work.

17 Q. (BY MR. LOBECK) Thank you. And --

18 A. Is that good enough?

19 Q. No. That was perfect, actually. And I'd
20 like to go back to -- because I missed the part of
21 this. You said a grocery store, you described the
22 size, likes to see 6,000 rooftops? What size did you
23 refer to?

24 A. I said 40 or 50 thousand square feet.

25 Q. And is that because your site and

1 development plan that's not quite moving forward yet
2 calls for that range of a commercial size?

3 A. Yes.

4 Q. So is it your suggestion that that
5 commercial center would serve the general needs of at
6 least 6,000 rooftops?

7 A. We're back to this matter in 186, Dan. I
8 would say that, based on all the research that we've
9 done, the City has regarded that provision as
10 inoperative and they've mostly focused on the
11 compatibility of the use in the neighborhoods. So I
12 answer your question in the negative. I was just
13 trying to demonstrate what was good about this
14 property and why it was a grocery store site.

15 Q. Okay. So whether the City has enforced
16 that provision of the LDRs or not, I'm just trying to
17 get you to confirm --

18 A. Well (inaudible).

19 Q. -- and I think you basically said it, but
20 I didn't --

21 A. Equal protection under the law. I think,
22 quote, it's a good thing if public agencies treat one
23 applicant like all the other applicants. Just
24 sayin'.

25 Q. Um-hum, um-hum. So you're confirming then

1 that based on showing this -- would you describe this
2 as a market area for your commercial center?

3 MR. BOONE: I'm going to -- I'm going to
4 object to that because that's not -- that's not
5 what -- that mischaracterizes his testimony.

6 THE WITNESS: This is a list of approved
7 PUDs which are either built out or are being
8 built out in this neighborhood, and it also
9 shows land that has other PUDs headed toward it,
10 and the purpose is to demonstrate that there's a
11 demand for this property and that it's
12 compatible with the neighborhood. That was my
13 intent.

14 Q. (BY MR. LOBECK) I know, but my question
15 was are you representing here that this is the
16 general market area for your proposed development?

17 A. I wouldn't say that, no.

18 Q. And you nodded your head. I'd like the
19 record to --

20 A. Well, I've got to be careful how to nod.

21 Q. I'd like the record to reflect that when I
22 asked that question, Mr. Neal nodded his head up and
23 down.

24 A. This is a list of approved PUDs.

25 Q. I know. For what purpose are you

1 presenting it?

2 A. To demonstrate that these are the
3 residential PUDs approved in this neighborhood.

4 Q. For what purpose, though? Are you -- are
5 you saying that this commercial area's going to be
6 really good because all these people in this big
7 area --

8 A. You and I are having too much fun, Dan.

9 Q. -- need it? Need it? Are you saying
10 that? Are you doing -- are you saying this is here
11 because all these people need a grocery store?

12 A. My statement to Mrs. Schierberg was that
13 this green site is a proposed -- is a -- obviously to
14 anybody in my trade is a grocery store site and there
15 is no other, and there's these 13 adjacent
16 developments that have residential homes in them.
17 I'm not trying to draw the conclusion that you're
18 asking me to draw.

19 Q. And that would be served by this grocery
20 store? Yes or no?

21 A. My testimony was that --

22 Q. Could you please answer the question,
23 Mr. Neal?

24 A. No, I'm not answering. You've asked what
25 my testimony is and it is that these are the approved

1 residential properties.

2 Q. That would be served by your grocery
3 store?

4 MR. BOONE: Objection. He's asked that
5 question about four times now.

6 Q. (BY MR. LOBECK) I think we got your
7 testimony about you'd like to see 6,000 rooftops.
8 We'll move on. That's all I'm gonna get.

9 A. Everybody in this room knows what we're
10 talking about, which is section 186 which has been
11 routinely disregarded by the City, and we think that
12 it's a matter for proper consideration of this
13 Planning Commission and the City Council.

14 Q. So you think --

15 A. The fact that that manner or that
16 particular provision of the City land use code that
17 you've identified is a pretty cool thing for you to
18 speak of, but it has not been enforced by this city.

19 Q. Okay. Is it your testimony that if the
20 provision of the Land Development Code has not been
21 enforced by the City, has been disregarded, you're
22 entitled to have it not be enforced and disregarded
23 against you today?

24 MR. BOONE: Object. Object.

25 THE WITNESS: My lawyer has put his hand

1 on my arm, so I think that means something.

2 MR. BOONE: Yeah, I'm going to -- I'm
3 going to object to the form of the question
4 because our position is that the City has
5 interpreted this code language a certain way,
6 and interpreting a certain way is a totally
7 different thing than disregarding.

8 Q. (BY MR. LOBECK) Mr. Neal, to refresh your
9 memory, the Sarasota Herald-Tribune has had some
10 articles on this, and we won't talk about the one
11 that appeared yesterday.

12 A. I love the Herald-Tribune.

13 Q. I'm sure you do.

14 A. I think it said -- what did it say about
15 evidence?

16 Q. Anyway, opinions of a journalist
17 notwithstanding, you were quoted in a January 15th,
18 2022, article of the Sarasota Herald-Tribune.

19 A. Oh, no. What did I say?

20 Q. I'll tell you.

21 A. Okay.

22 Q. And we'll see if the journalist lied about
23 it.

24 MR. BOONE: I think that -- I think the
25 proper way to do this is for you to show it

1 to him, Mr. Lobeck, instead of reading it
2 to him, so let him read it.

3 Q. (BY MR. LOBECK) If you could, Mr. Neal,
4 read next to the blue line.

5 MR. BOONE: You can read as much of that
6 as you want before you answer that.

7 Q. (BY MR. LOBECK) Out loud, please.

8 A. I think that's almost --

9 Q. Out loud, please.

10 A. As President Trump would say, I think
11 that's almost perfect.

12 Q. Okay. Could you read it for the record,
13 please?

14 A. Here? This blue line right here?

15 Q. The blue line.

16 A. "We think that we will reduce total
17 traffic by 27 percent by drive-by capture and
18 diversion. And we think we'll provide a way for walk
19 and bicycle and golf cart trips from the Venetian
20 Golf and River Club."

21 Maybe that wasn't accurate, but that's what I
22 thought.

23 "And that the 2,200 homes that we're building in
24 the Milano and Vistera and the 1,500 homes that
25 others are building" -- that's not really a good

1 sentence, but you get the drift. "Add to that the
2 existing homes and the number will easily approach
3 6,000 residents by the year 2030."

4 Well, that's before I had this map that says
5 there's more than that.

6 Q. Even more?

7 A. So I think it's accurate.

8 Q. Okay. Would you agree based on the
9 testimony of your experts that Milano has been
10 approved for 1,350 homes?

11 A. I think that -- I beg your pardon.
12 I think I added to that Vicenza and Venice Woodlands
13 to make that total. Those are the other two
14 properties that I was constructing at that time.

15 Q. Those are outside of the Milano PUD, are
16 they not?

17 A. Yes.

18 Q. Okay. As to the Milano PUD, that's been
19 approved for 1,350 homes, correct?

20 MR. BOONE: Do you know that fact?

21 THE WITNESS: I don't. You say it. I
22 don't -- I don't disagree.

23 Q. (BY MR. LOBECK) You wouldn't -- you
24 wouldn't disagree with that, would you?

25 A. No. I just don't know.

1 Q. So when that provision of the Land
2 Development Code says that a PUD's commercial area
3 shall serve the homes in the PUD and not in the
4 general area, wouldn't you have to agree with me that
5 your proposal violates the Land Development Code?

6 A. No. I do not agree with you. I once
7 again revert to the long-standing City policy which
8 is not to enforce that provision. We were well aware
9 of it at the first beginning, we're well aware of it
10 now, and we'll demonstrate, if necessary, to the
11 elected -- to the Planning Commission and the board
12 and any tribunal having jurisdiction that that has
13 never been enforced or not uniformly enforced by the
14 City of Venice.

15 Q. How many neighborhoods are in the Milano
16 PUD? Could you agree that it's four?

17 A. Yes, four.

18 Q. And has a final plat been filed for Aria,
19 one of those four?

20 MR. BOONE: Don't guess.

21 THE WITNESS: I can't really say, Dan. I
22 just -- no.

23 Q. (BY MR. LOBECK) That's amazing. That's
24 all I have for Mr. Neal, but I would like to call on
25 the environmental consultant. Thank you, Pat.

1 A. Thank you.

2 Q. Appreciate your --

3 A. Did we have fun?

4 Q. We had lots of fun.

5 REDIRECT EXAMINATION

6 BY MR. BOONE:

7 Q. Pat, Pat, before you go I had a couple
8 follow-up questions. I think it makes more sense,
9 Mr. Chairman, if you will, just to stay with the same
10 witness.

11 So, Mr. Neal, the -- Mr. Lobeck did a good job
12 of disregarding and all of that, but the City's
13 consistent practice over the years has been to
14 interpret that section of the code consistent with
15 what our proposal is now; is that correct?

16 A. That's my belief.

17 Q. Okay. And then truly what we in the land
18 use arena would call internal commercial, which
19 was -- is commercial right in the middle of a large
20 development. Are you familiar with The Meadows?

21 A. I sure am.

22 Q. Could you tell the Planning Commission
23 about the -- where the commercial is in The Meadows
24 and --

25 A. Maryann, do we have pictures of The

1 Meadows?

2 Q. We do.

3 A. Can you get them?

4 Q. I will. Dan, I need to trade you seats
5 again because I need to sit by the overhead.

6 A. Do you want the long answer or the short
7 answer?

8 MR. LOBECK: Well, actually, I'm not sure
9 this is legitimate cross-examination.

10 MR. BOONE: Whoa, whoa. You opened -- you
11 opened the door. This is absolutely --

12 MR. LOBECK: We're talking about the
13 location at a major intersection. I didn't ask
14 him about that. He didn't testify --

15 MR. BOONE: That's not what I'm asking.

16 MR. LOBECK: He didn't testify about that
17 on direct.

18 MS. FERNANDEZ: We have objections. It's
19 getting a lot of back and forth. Can you state
20 the objection, whoever's making it, and let the
21 other side respond, and then let the Planning
22 Commission make a determination.

23 MR. LOBECK: All right.

24 MS. FERNANDEZ: Do we have the objection
25 and the response or is the objection withdrawn?

1 MR. LOBECK: I'm sorry?

2 MS. FERNANDEZ: What was the --

3 MR. LOBECK: I don't withdraw the
4 objection, no. This is supposed to be
5 cross-examination of the testimony given on
6 direct, and I'll have plenty to say about the
7 location of this commercial, but Mr. Neal never
8 spoke to it and I never asked him about it right
9 now in terms of being on a major road.

10 MR. BOONE: I don't have a question about
11 a major road.

12 MR. LOBECK: You're trying to extend
13 your --

14 MR. BOONE: You opened the door. You
15 opened the door on this.

16 MR. LOBECK: You're trying to extend your
17 time for direct testimony.

18 MS. FERNANDEZ: Mr. Lobeck, we just need
19 one objection, one response, and then we can
20 make a determination.

21 MR. BOONE: The objection -- the objection
22 is misplaced and I have a right to redirect
23 after Mr. Lobeck cross-examines a witness.

24 MR. LOBECK: The point's -- and the
25 point's on the cross.

1 MR. BOONE: That's quasi-judicial 101.

2 MR. LOBECK: Go ahead. Let's not waste
3 time.

4 MS. FERNANDEZ: Mr. Chair --

5 MR. LOBECK: I still object.

6 MS. FERNANDEZ: -- so for these types of
7 matters you all are a quasi-judicial body. We
8 try not to get -- we have a court reporter here.
9 This is obviously just a recommendation
10 ultimately to Council, so some of these matters
11 I don't want to say are more important when it
12 comes to Council, but precision might be more
13 important at that point.

14 My suggestion is generally to let the
15 testimony occur. If it becomes apparent, you
16 know, to me at least, that there's an issue with
17 whatever the testimony is, then we can prevent
18 further questions, but for the purposes of
19 today's meeting to keep it moving forward, it's
20 really difficult for you all to make judicial
21 decisions. So that would be my recommendation
22 to you.

23 CHAIRMAN WILLSON: So should we just maybe
24 get the questions -- they have the right to ask
25 the questions as the affected party -- but we'll

1 leave it at that.

2 MS. FERNANDEZ: Let the objection be made,
3 let the response be noted and, absent some clear
4 item that I do not think is appropriate at this
5 point, just let the testimony proceed.

6 CHAIRMAN WILLSON: Okay.

7 MR. BOONE: Dan, can I trade seats
8 again --

9 MR. LOBECK: Yeah.

10 MR. BOONE: -- so I can have the overhead?

11 Q. (By Mr. Boone) Mr. Neal, you had -- where
12 we stopped there was that pictures -- we had
13 pictures. I'd asked about The Meadows, so --

14 A. Can you put one of them on the screen?

15 Q. Sure. Is there one -- oh, here.

16 A. I'd like the marriage counselor's office.

17 Q. All right. This one here. Can I have the
18 overhead? Oh, I have it? Thank you.

19 THE CLERK: You have it.

20 THE WITNESS: Mr. Chairman, I reviewed
21 this in 1984 and '05, right after The Meadows
22 had completed it, as I had at University Park a
23 requirement for a village center incorporated
24 within the community, and at that time I'd
25 observed that in Long Leaf Plantation, which

1 both had '70s planning requirements for
2 incorporated commercial centers, and I -- this
3 is the first of four village center issues that
4 I can remember dealing with in my 53 years of
5 building shops -- building homes around there.
6 What happened at The Meadows is they're required
7 to do this. Taylor gave up and then they built
8 and, of course, what it has now is nail salons
9 and marriage counselors and a little restaurant
10 that's usually closed.

11 MR. LOBECK: I'm sorry. This is more of a
12 speech.

13 THE WITNESS: I'm answering the question.

14 MR. BOONE: Wait. Is there an objection?
15 Is there an objection?

16 MR. LOBECK: It's an objection. I
17 don't --

18 MR. BOONE: You can't -- you can't just --

19 MR. LOBECK: You can't sit down a witness
20 and have him just carry on.

21 MR. BOONE: Dan, you can't talk over the
22 witness. You have to make an objection.

23 THE WITNESS: (Inaudible.)

24 MR. LOBECK: I object. Let's have some
25 questions and answers instead of a speech.

1 CHAIRMAN WILLSON: We can just move on and
2 I'll have Mr. Thomlinson come up and ask his
3 questions.

4 THE WITNESS: This is a beauty salon.

5 MS. FERNANDEZ: Well, let's -- we need a
6 -- please.

7 THE WITNESS: So to give a succinct
8 answer --

9 MS. FERNANDEZ: Whoa, Mr. Neal. Hold on.
10 We do have an objection, so let's hear the
11 objection.

12 MR. LOBECK: I object. This is not
13 questions and answers. You're giving Mr. Neal
14 an unlimited time to make a speech on something.
15 If I could have a -- hear a question and then
16 hear an answer like we've been doing up to this
17 point, that would be refreshing.

18 MR. BOONE: All right. Do you really want
19 me to do this? Okay. Mr. Neal, could you
20 please describe what this picture is?

21 MS. FERNANDEZ: That's better.

22 THE WITNESS: It's the marriage counselor
23 at The Meadows.

24 Q. (BY MR. BOONE) And why is this picture
25 important to the testimony you were giving?

1 A. Because when a developer's required to put
2 a village center inside a small development -- The
3 Meadows is 2,700 homes -- it can't be supported by
4 the population within it.

5 Q. And what is this picture of, Mr. Neal?

6 A. It says Lisa Wong. I think it's a hair
7 stylist. It looks like it has a little play area to
8 the right.

9 Q. And the reason for this picture, your
10 testimony?

11 A. Same answer. A village center inchoate
12 within a PUD has to have a really big PUD to support
13 it.

14 Q. So I'm going to just exhibit the --

15 A. And the "for lease" sign I think is
16 instructive.

17 Q. Okay. So here's --

18 A. Most of the property is vacant.

19 CHAIRMAN WILLSON: I think you've made
20 your point.

21 THE WITNESS: I might just say one final
22 thing relating to the City of Venice. We were
23 asked to do this at Grand Palm and we initially
24 put a village center, and I would say in 2014
25 the people at Grand Palm asked me to get rid of

1 the village center, which I did, which was at
2 that time at the corner of Center Road and the
3 Englewood interstate connector. We had the
4 support of the citizens and the Planning
5 Department of Sarasota County to get rid of the
6 village center because they didn't want either
7 the additional -- they didn't want to have the
8 same problem that you see elsewhere with these
9 inchoate village centers.

10 MR. BOONE: I have no further questions.

11 CHAIRMAN WILLSON: Thank you.

12 MR. LOBECK: If I could follow up briefly
13 on that. Mr. Neal, you said --

14 MS. FERNANDEZ: Mr. Chair.

15 MR. LOBECK: -- The Meadows has about
16 2,700 homes --

17 MS. FERNANDEZ: Mr. Chair. Sorry.
18 Mr. Lobeck?

19 MR. LOBECK: -- is that correct?

20 MS. FERNANDEZ: Mr. Lobeck.

21 THE WITNESS: That's my recollection.

22 MS. FERNANDEZ: Mr. Lobeck, wait. Mr.
23 Chair, Mr. Lobeck, wait a second. We need to
24 make a determination to -- we've had direct
25 examination, cross-examination, redirect. You

1 could go back and forth for a long time, so
2 I think we all to need to make a decision.

3 CHAIRMAN WILLSON: I think one time for
4 each should...

5 MS. FERNANDEZ: So we've already had
6 direct examination, cross-examination. We've
7 had redirect. So in a typical court proceeding
8 that would be the end of it. You are, again,
9 quasi-judicial. You can make your
10 determination.

11 MR. LOBECK: I withdraw my question.

12 CHAIRMAN WILLSON: I think the point has
13 been made.

14 MR. LOBECK: I don't want this to go on
15 forever either. That's fine.

16 THE WITNESS: Thank you, Mr. Chairman.

17 CHAIRMAN WILLSON: Mr. Domingo, please.
18 You're going to need to come up. Wait a minute.
19 Before we switch can we have -- see if
20 Mr. Thomlinson has any questions before we
21 switch everybody? Sir?

22 MR. THOMLINSON: No, sir, I have none.

23 CHAIRMAN WILLSON: None? Okay.

24 MR. DOMINGO: Here?

25 MR. BOONE: Yep, right there.

1 MR. LOBECK: Frank, we go back almost as
2 far as Pat.

3 MR. DOMINGO: Yes. Not as cordial, but,
4 yes, I see what you mean.

5 MR. LOBECK: Good to see you. All right.
6 Let's look at this drawing again. If you could
7 put that up there, and I do submit this for the
8 record -- I'm sorry I failed to do that last
9 time -- that being this map with all of the
10 homes in the region, in the area.

11 MS. FERNANDEZ: Mr. Lobeck, you can
12 provide them afterwards --

13 MR. LOBECK: Afterwards?

14 MS. FERNANDEZ: -- so you don't have to go
15 back and forth.

16 MR. LOBECK: All right. Thank you.

17 CROSS-EXAMINATION OF FRANK DOMINGO

18 BY MR. LOBECK:

19 Q. Mr. Domingo, you presented that graphic
20 during your testimony, did you not?

21 A. I did not.

22 Q. Did you refer to it in your testimony?

23 A. No. That's not my slide. That was Pat's
24 slide.

25 Q. Was this the one that you showed?

1 A. Yes.

2 Q. Okay.

3 A. Different slide number --

4 Q. Can I put that on the overhead?

5 A. -- which is slide number 9 on the
6 PowerPoint.

7 Q. Okay. And did you have a hand in the text
8 that accompanies that graphic?

9 A. Yes.

10 Q. And this points out, does it not, that the
11 two nearby grocery stores require driving through an
12 I-75 interchange, and the grocery store located one
13 place is 2.5 miles an hour -- I mean, I'm sorry, 2.5
14 miles away and another one's 2.8 miles away, and
15 you've got this arrow here. What was the purpose of
16 this slide?

17 A. That took the -- that established the
18 distance so I could do the vehicle-miles-traveled
19 comparison.

20 Q. Okay. So is it your testimony and is it
21 reflected in your traffic study that traffic from
22 that far away will patronize the proposed commercial
23 center?

24 A. No. Actually, what that shows is the
25 opposite, is that if you put a grocery store, and

1 I think I put this -- I clearly stated that there's a
2 grocery store right at the corner of Laurel and
3 Jacaranda, and you apply the daily trip generation
4 from ITE as required by the City and you cut the
5 trips in half generically, the distances to travel,
6 then you would end up with a 2 million
7 vehicle-mile-travel reduction on a yearly basis and
8 an 80,000-gallon-a-year reduction in consumption of
9 gasoline if you had a 25-mile-per-gallon-in-city MPG
10 rating on a car.

11 You asked the -- you asked the technical
12 questions. I can only -- I'm an engineer, so I could
13 give you like the math.

14 Q. So traffic goes in different directions,
15 right? You're saying that you were illustrating this
16 to show traffic traveling away from the commercial
17 center to different grocery stores and that that --

18 A. No.

19 Q. -- should be taken into account with the
20 traffic, right?

21 A. That is just the distance from that
22 particular grocery store to the other two grocery
23 stores.

24 Q. Okay. Your traffic study -- I'm far from
25 a traffic engineer, but I've read a lot of them and a

1 lot of good studies that you've written. That shows
2 where traffic will come to the commercial center
3 from; is that correct?

4 A. In a traffic study we have to do a
5 distribution using the -- I'm not going to -- I'm not
6 going to use any --

7 Q. Jargon. Thank you.

8 A. -- jargon. I'm going to go the Florida
9 Department of Transportation district-wide adopted
10 regional model which is used for all -- all
11 distributions, you know, of any decent size. That's
12 what we use for distribution.

13 Q. So the traffic that you've calculated
14 traveling to this commercial center, will that be
15 only from within the Milano PUD?

16 A. The model is not -- the model just takes
17 the numbers from the traffic analysis zones, TAZs,
18 within the model. I don't know what the size of that
19 TAZ is off the top of my head.

20 Q. Can you give us a rough estimate how far
21 from the commercial center that would extend?

22 A. Actually, without -- I don't want to
23 guess, so I'm not going to guess. I'd have to go
24 look at the -- I'd have to actually go out and look
25 at the printout of that.

1 Q. Well, you've done a lot of traffic studies
2 and you've seen that model and where the TAZs are.
3 Are the TAZs -- let's just start with this. Are the
4 TAZs around the perimeter of the commercial center?

5 A. I'm going to say that I am not going to
6 remember from memory. It's a big -- just so you
7 know, that model is 10 counties big and I look at it
8 once in a while and I don't remember -- I'll say that
9 I don't recall what the TAZ is. I'd have to go look
10 it up.

11 Q. But you know enough that the TAZs, the
12 traffic area zones, for the purpose of your study
13 were not constrained within the limits of the Milano
14 PUD. You know enough to answer that, right?

15 A. That is not its own -- correct. That is
16 not its own separate TAZ unless we set it up
17 specifically.

18 Q. So there are TAZs beyond Milano that were
19 part of your traffic study in terms of the traffic
20 impacts of that commercial zone, correct?

21 A. Yes.

22 Q. And so would it be fair to say that those
23 TAZs include residences in the surrounding area?

24 A. Yes.

25 Q. Thank you. Putting this back up which is

1 in the record, if you could.

2 Okay. So the commercial center. If you could
3 point to the proposed commercial center, please.

4 A. Right here.

5 Q. Okay. So that's the green rectangle that
6 says "proposed neighborhood commercial." So let's go
7 north of Laurel Road. You understand that to be the
8 Venetian Golf and River Club; is that correct?

9 A. Correct.

10 Q. Would that be within a traffic analysis
11 zone for the purpose of your traffic study?

12 A. Yes.

13 Q. So it's presumed that the people in that
14 large PUD would shop at the commercial center,
15 correct?

16 A. Unless you think they'd drive by Publix to
17 go to Publix.

18 Q. Without presuming that, which I presume
19 you don't presume, would they shop at that commercial
20 center, for traffic purposes?

21 A. For traffic purposes, yes.

22 Q. What about going even beyond that to the
23 large area to the northwest of Venetian? Do you
24 happen to know the name of that development? I can't
25 read it at this scale.

1 A. It is called Toscana. I think it's
2 Toscana Isles.

3 Q. Toscana Isles? For the purpose of your
4 traffic study would that be an area where you would
5 presume traffic traveling to and from the commercial
6 center?

7 A. Yes, I would say some, some of that, some
8 of that would probably go there in the distribution.

9 Q. Okay. So then to the immediate west of
10 Venetian is another area called Willow Chase. Would
11 you include the residents of Willow Chase as shoppers
12 for traffic purposes in the proposed commercial
13 center?

14 A. Yes.

15 Q. Mr. Neal made a reference to Vicenza which
16 we see on this map to the east of Milano. Would the
17 residents of Vicenza be shoppers at the commercial
18 center for the purpose of your traffic study?

19 A. So if you're asking definitively, I can't
20 say definitively they are, but if you're saying could
21 they be and is there a potential they would actually
22 use that grocery store, the answer is yes. You're
23 asking absolutes --

24 Q. So it would serve --

25 A. -- so I can't answer that.

1 Q. It would serve their needs.

2 A. It would be within the distribution. We
3 would assume that that would -- some trips would be
4 distributed from there.

5 Q. To and from there, right?

6 A. Correct.

7 Q. What about over here farther to the east,
8 Venice Woodlands? Would there be traffic impacts to
9 and from Venice Woodlands and the proposed commercial
10 site?

11 A. Yes, they potentially would have traffic
12 that went to that particular -- to the neighborhood
13 grocery store.

14 Q. So it would serve their needs as well,
15 correct?

16 A. Transportation's not about serving needs.
17 It's about -- it's a black-and-white issue in a
18 traffic study. It's will they go -- are there trips
19 that get distributed to that particular area? The
20 answer is yes.

21 Q. Substantial trips?

22 MR. BOONE: Objection, objection.

23 MR. LOBECK: I withdraw it.

24 MR. BOONE: Vague.

25 MR. LOBECK: I withdraw it.

1 Q. (BY MR. LOBECK) Then down to the south,
2 Polentico (phonetic) or something similar to that,
3 down south and west of Milano. Would that be in a
4 traffic impact area for the proposed commercial
5 center?

6 A. Yes, it would have -- it would have
7 some -- now you're starting -- just looking at your
8 distance, you're starting to like get closer to the
9 other one and it's -- just for some background, that
10 distribution model and demand model is a gravity
11 model, so it's based upon factors of resistance and
12 distance and posted speed and everything. So once
13 you start getting down to there, if you want me to
14 get into detail, Jacaranda Boulevard is actually 45
15 miles an hour. I believe it has a higher -- has a
16 higher posted speed, so in the model that actually
17 might drag and go further south. So I can't say an
18 absolute how much is going to go between those.

19 Q. But it would be in the area that would be
20 served in terms of traffic showing it by the proposed
21 commercial center?

22 A. That would be -- there is -- if that's an
23 origin, there may be -- yes, some trips may go up
24 to that grocery store as a destination.

25 Q. So was your traffic study based on the

1 commercial development reflected in the site and
2 development plan that's been filed?

3 A. Did we file a site and development plan?
4 I thought we just filed a rezone.

5 Q. There's also a pending site and
6 development plan. Are you familiar with that plan of
7 a 47,200 --

8 A. Yes.

9 Q. -- square-foot grocery store,
10 8,000-square-foot restaurant, another 5,000 --

11 A. Yes.

12 Q. -- square-feet commercial?

13 A. Yes.

14 Q. Was it that commercial -- the traffic to
15 be generated and attracted by that commercial
16 development that formed the basis for your traffic
17 study?

18 A. So far we have only submitted a rezone
19 traffic analysis. I don't believe we've submitted a
20 site and development one.

21 Q. The one that's before the Planning
22 Commission today, to help them decide whether to
23 recommend approval or not, is it based on the
24 development I just described?

25 A. Yes.

1 MR. BOONE: Objection. He just -- he just
2 answered that question and said it's a rezone,
3 and you're talking about a site and development
4 plan.

5 THE WITNESS: Yes.

6 Q. (BY MR. LOBECK) I'm sorry. You know
7 that -- you know it's an important question --

8 A. Yes.

9 Q. -- and you're signaling that by objecting,
10 but I want an answer. I mean, is that -- is that the
11 basis for the traffic generation and attraction in
12 your study?

13 MR. BOONE: Objection.

14 MR. LOBECK: No. I'm entitled to an
15 answer.

16 MR. BOONE: Objection. I'm not telling
17 him not to answer, Dan. Okay? Come on.

18 MR. LOBECK: You've already objected.

19 MR. BOONE: Objection. Just let me say my
20 objection and we can move on. I could be done
21 by now.

22 Objection. The question's been asked, the
23 question's been answered, and the answer has
24 shown that the question is irrelevant because
25 the question's directed to a site and

1 development plan, and the witness has already
2 testified that what he did was a rezoning
3 transportation analysis. So the question is
4 irrelevant.

5 Q. (BY MR. LOBECK) So the question goes to
6 what has been submitted for the plan amendment, the
7 PUD rezoning plan amendment before the Planning
8 Commission today, and I'm asking you to confirm --
9 because we know it's true -- based on your traffic
10 study that that traffic study is based on the traffic
11 to be generated and attracted by a 47,200-square-foot
12 grocery store, an 8,000-square-foot restaurant, and
13 5,000 additional commercial. Is that true, please?

14 MR. BOONE: Objection to the question
15 because the question included an answer.

16 MR. LOBECK: You have objected and I
17 haven't an answer.

18 THE COURT REPORTER: I cannot take you
19 both at the same time.

20 MR. BOONE: Sorry.

21 THE COURT REPORTER: I'm sorry.

22 MR. LOBECK: Sorry.

23 MR. BOONE: Mr. Chairman, can I state my
24 objection?

25 CHAIRMAN WILLSON: Yes.

1 MR. BOONE: Thank you

2 MS. FERNANDEZ: Did you already state your
3 objection --

4 MR. BOONE: No, ma'am.

5 MS. FERNANDEZ: -- or is there a new
6 question?

7 MR. BOONE: No, ma'am, I did not. The
8 question included, "And we know it's true."
9 It's an improper question.

10 MR. LOBECK: I withdraw that part of the
11 question.

12 MS. FERNANDEZ: You can answer.

13 THE WITNESS: Okay. I don't know whether
14 to steal home or whatever, so.

15 So the trip -- okay. To answer your
16 question, the trip generation that we did was
17 for 18,000 square foot of strip retail, 47,240
18 square feet of grocery, and 5,000 of fast food
19 restaurants with a drive-through.

20 Q. (BY MR. LOBECK) So is that the maximum
21 traffic that could be generated from this commercial
22 center if it's approved today?

23 MR. BOONE: Objection. Nothing's being
24 approved today.

25 MR. LOBECK: I think it's recommended for

1 approval today and ultimately approved.

2 Q. (BY MR. LOBECK) Is that all the traffic,
3 the maximum traffic that could be generated from this
4 commercial center?

5 A. That's not an absolute. I mean, I can't
6 predict absolutely that that's the maximum.

7 Q. Do you understand that with the floor area
8 ratio and the other constraints in the proposal that
9 220 -- looking for the exact number here, but over
10 220,000 -- 227,000 square feet of commercial
11 development would be accommodated by that plan?

12 MR. BOONE: Do you know that, Frank?
13 Don't answer it if you don't know that.

14 THE WITNESS: Well, no.

15 Q. (BY MR. LOBECK) Okay. So you haven't
16 done a calculation based on the maximum impact from
17 this commercial center, have you?

18 MR. BOONE: Do you know what the maximum
19 is?

20 Q. (BY MR. LOBECK) Have you done a study --

21 MR. BOONE: Objection.

22 CHAIRMAN WILLSON: It's a site and
23 development plan, right? We don't have that
24 yet.

25 MR. BOONE: I know. I know that,

1 Mr. Chairman. He's being asked if he's done a
2 study for something that he's already testified
3 he doesn't know what it is, so how can you study
4 something that you don't know what it is? These
5 questions are totally irrelevant and they're
6 totally irrelevant.

7 Q. (BY MR. LOBECK) Have you done a study on
8 the traffic generation other than what you've just
9 testified to?

10 A. No.

11 Q. You have not?

12 A. No.

13 Q. Okay. That's all I have for this expert.
14 Let me make sure just real quick.

15 Is it true that you asked the City to deduct
16 from the trip generation the homes in Cielo which are
17 approved in the PUD, but have not been platted?

18 A. I didn't know if they were from Cielo, but
19 we asked for the Milano homes -- homes from the
20 Milano PUD at large to be deducted to trade off the
21 trips for this development.

22 Q. Are you talking about the homes that have
23 not yet been platted?

24 A. Correct.

25 Q. And are you aware that the applicant is

1 actually asking that the open space dedication be
2 delayed until it can build those homes?

3 A. I don't follow open space. I'm a traffic
4 guy. So no.

5 MR. LOBECK: You didn't hear Mr. Boone's
6 testimony?

7 That's all I have for this witness, and
8 then finally if I could please have the
9 environmental witness. I apologize I don't
10 recall your name, sir.

11 MR. HOFFNER: Alec.

12 MR. LOBECK: Thank you, Alec.

13 CROSS-EXAMINATION OF ALEC HOFFNER

14 BY MR. LOBECK:

15 Q. Hi. How are you?

16 A. Very well, sir.

17 Q. First time we're meeting --

18 A. Yes, sir.

19 Q. -- I think. I appreciate you being part
20 of the process and, as you know, this is all about
21 trying to get to the truth so the Planning Commission
22 can make a competent recommendation to the City
23 Council.

24 Did I hear you say that within this site that
25 we're talking about there are conservation easements

1 over it, quote-unquote?

2 A. No. I didn't say that.

3 Q. You didn't say that? I got excited for no
4 reason.

5 A. Okay.

6 Q. Okay. Are you aware of the Cielo plat
7 that's been recorded for this property?

8 A. No, sir.

9 Q. So you have not examined the Cielo plat to
10 see if it has preservation requirements that would
11 apply to your environmental study?

12 MR. BOONE: Objection. The witness --
13 asked and answered. The witness says he's not
14 familiar with it, so how can he be -- well, he
15 can't ask questions about something he's already
16 said he doesn't know anything about. We're
17 going to be here even longer than forever at
18 this rate.

19 Q. (BY MR. LOBECK) I'll take your first
20 answer as including the second one, based on
21 Mr. Boone's admission.

22 So you're familiar with the provision of the
23 Venice Comprehensive Plan, are you not, that says if
24 there's wetland on a development site, you shall
25 first avoid; and if you can't avoid, you minimize.

1 A. Um-hum.

2 Q. And if you can't minimize, you mitigate?

3 A. Yes, sir.

4 Q. You're familiar with that?

5 A. Yes.

6 Q. So as to this site, what has been
7 considered in terms of reducing the size of the site,
8 reducing the square footage and perhaps, therefore,
9 the pavement to avoid wetland impacts? Anything?

10 A. Okay. I think I was very clear in my
11 presentation. We have concerns about the long-term
12 viability of this area due to location. The land use
13 that's proposed, we don't believe that there can be a
14 project on this parcel without a wetland impact due
15 to the large size of the wetland on the property, and
16 we believe that the function of that wetland is --
17 can be preserved in perpetuity within the Myakka
18 Mitigation Bank.

19 Q. Does the Myakka Mitigation Bank include
20 property within the city limits of Venice?

21 A. It's in Sarasota County, as I stated in my
22 presentation.

23 Q. And my question is with regard to the City
24 of Venice.

25 A. Right.

1 Q. Does it include any property, the Myakka
2 Mitigation Bank, that would be improved, as you say,
3 within the city limits of Venice?

4 A. No, sir.

5 Q. No. Thank you. So if this project was
6 reduced in size, would that minimize wetland impacts
7 compared to what is being proposed today?

8 A. Of course it would. I mean, if we reduce
9 the size of the project area, then, yes, there would
10 be fewer wetland impacts.

11 Q. So if commercial wasn't proposed here at
12 all, that would avoid wetland impacts; is that not
13 correct?

14 A. That's not what we're considering today.

15 Q. That's not what you're considering?
16 Apparently not.

17 So are you saying -- are you interpreting or
18 applying the Venice Comprehensive Plan to say that
19 you don't look at how the developer might pull back
20 on the proposed development to better protect
21 wetlands? You just -- it's a given that that's what
22 the developer gets and bye-bye wetlands?

23 A. No, sir. I didn't say that. I said the
24 proposed land use -- the footprint of proposed land
25 use requires the wetland to be impacted. There's no

1 way to avoid wetland impacts with the proposed land
2 use.

3 Q. Is there a way to minimize wetland impacts
4 and still have a commercial center in this area?

5 A. Well, as I stated in my presentation, we
6 believe that you cannot do that and maintain the
7 long-term viability of this system and, we believe,
8 its functions.

9 Q. What if it was cut back to 5 acres instead
10 of 10.42? Would that minimize, compared to what's
11 now on the table, the wetland impacts?

12 A. I already answered your question before
13 that, yes, a smaller footprint would reduce the
14 amount of wetland impacts.

15 Q. So you don't think this comp plan policy
16 allows consideration of pulling back on the
17 development to better protect wetlands; is that your
18 testimony?

19 A. I didn't say that. I said given the
20 proposed project that we are looking at, that we
21 believe the long-term viability of this wetland
22 cannot be maintained.

23 Q. Obviously. It's 100 percent pavement,
24 right? That's what's being proposed.

25 A. Even if a portion of the wetland was to be

1 impacted, I believe that the function's better served
2 with the Myakka Mitigation Bank.

3 Q. What if this was a 2-acre commercial
4 center with a substantial buffer around it? Wouldn't
5 that better protect the wetland?

6 A. As I stated, a smaller footprint would
7 reduce wetland impacts.

8 MR. LOBECK: Thank you. That's all I have
9 for this witness.

10 That's all I have for the applicant's
11 witnesses. Thank you.

12 MR. BOONE: Mr. Chairman, I just have a
13 couple follow-ups for Mr. Hoffner.

14 MR. LOBECK: Well, we'll see.

15 REDIRECT EXAMINATION

16 BY MR. BOONE:

17 Q. Mr. Hoffner, you heard the testimony
18 earlier that the PUD regulations in the City of
19 Venice allow up to 5 percent of the PUD acreage to be
20 developed commercial land use, correct?

21 A. I did hear that, yes.

22 Q. Do you believe -- is it your understanding
23 that a 2 percent -- 2-percent-in-size commercial
24 center is smaller than 5 percent?

25 A. Yes.

1 Q. So, therefore -- therefore, has the
2 developer minimized the potential impacts because he
3 chose not to have more than --

4 MR. LOBECK: Object to the question.

5 Minimized compared to what?

6 THE WITNESS: Well, based on that logic,
7 yes.

8 Q. (BY MR. BOONE) Okay. And if this -- if
9 this area of the PUD -- it's still developable land
10 by virtue of the 50 percent open space requirement.
11 If it was developed residentially instead of
12 commercially, would the same wetland impact rules
13 apply?

14 A. Yes.

15 Q. Okay. So the same comp plan policies
16 would apply?

17 A. Yes.

18 Q. Same permitting from federal and state
19 agencies would apply?

20 A. Yes.

21 Q. Okay. So any impact at all raises
22 these -- any proposed development at all raises these
23 issues, correct?

24 A. Yes.

25 Q. In fact, the only type of -- the only way

1 none of these issues would be raised would be if
2 there was no development at all, correct?

3 A. That is correct.

4 Q. And since you have worked with me on a lot
5 of these developments out here, did the same type of
6 wetland impact analysis go into the balance of the
7 Milano PUD?

8 A. Absolutely.

9 Q. Okay.

10 A. Every project I work on, yes.

11 Q. Okay. So, in other words, if someone --
12 back when the PUD was originally proposed, if someone
13 had asked you all the questions about impacts to
14 wetlands before Milano was ever approved, you would
15 have answered the questions the same way?

16 A. Yes.

17 MR. BOONE: Okay. Thank you. I don't
18 have any further questions.

19 MR. LOBECK: Well, actually, if I could
20 ask one.

21 MR. BOONE: Nope. We've already said what
22 the rules are. Nope.

23 MS. FERNANDEZ: Well --

24 MR. BOONE: No recross.

25 MR. LOBECK: It's in light of what he just

1 said.

2 CHAIRMAN WILLSON: It's your turn now to
3 make your presentation.

4 MR. LOBECK: All right. Thank you.

5 CHAIRMAN WILLSON: So it's your turn.

6 Okay. We're going to take 5 minutes, and
7 then it's your turn.

8 MR. LOBECK: Okay. Thank you.

9 (Recess taken. End of requested excerpt
10 of Applicant's presentation.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF SARASOTA)

I, AMY E. ROBERTS, Registered Professional Reporter and Registered Merit Reporter, and Notary Public in and for the State of Florida at Large,

DO HEREBY CERTIFY that I was present at the foregoing proceedings at the time and place set forth in the caption thereof; and that I was employed to and did stenographically report the proceedings; and that the foregoing pages, numbered 1 through 81, inclusive, constitute a true and correct transcript of said excerpt of proceedings as herein shown; and that said excerpt of proceedings were by me reduced to typewriting by means of computer-aided transcription.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 15th day of May, 2023.



Amy E. Roberts

AMY E. ROBERTS, RPR, RMR
Notary Public - State of Florida at Large
Commission #HH 308928
Expires: January 5, 2027

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