



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, November 7, 2023

1:30 PM

Council Chambers

Meeting Instructions and Speaker Card

[23-6296](#) Instructions and Speaker Card

I. Call to Order

Chair Snyder called the meeting to order at 1:30 p.m.

II. Roll Call

There was consensus to excuse Jon Preiksat from the meeting.

Present: 6 - Kit McKeon, Richard Hale, Bill Willson, Jerry Jasper, Pam Schierberg and Barry Snyder

Excused: 1 - Jon Preiksat

Also Present

Council Liaison Jim Boldt, City Attorney Kelly Fernandez, Planning and Zoning Director Roger Clark, Senior Planner Nicole Tremblay, Planner Brittany Smith, Planner Josh Law, Arborist Jim Yelverton, Deputy Clerk Toni Cone, and Recording Secretary Amanda Hawkins-Brown.

III. Approval of Minutes

[23-6297](#) Minutes of the October 17, 2023 regular meeting.

A motion was made by Vice Chair Willson, seconded by Mr. Hale, to approve the minutes of the October 17, 2023 regular meeting as written. The motion carried unanimously by voice vote.

IV. Audience Participation

There was no one signed up to speak.

V. Public Hearings

[22-64AM](#) Pool Corp - Chapter 87 Section 2.4.7H Land Development Regulations (LDR) Text Amendment (Legislative)
Staff: Josh Law, Planner

Agent: Jackson R. Boone, Esq., Boone Law Firm

Applicant: Pool Development, LLC

Chair Snyder announced this is a legislative hearing, read the memorandum regarding advertisement and written communications, and opened the public hearing.

Planner Law presented the text amendment to Chapter 87 Section 2.4.7, project description, consistency with Comprehensive Plan, findings of fact, proposed changes, and conclusion.

Discussion took place regarding whether there are restrictions to adding a design alternative in definitions section of the code, having a design alternative versus changing code definition language, definition of flex, whether able to have a conditional use within another conditional use, addressing on a case by case basis versus a city-wide regulation, and determining when a use would be acceptable.

Attorney Jackson Boone, Agent, presented purpose of request for text amendment, concerns for cost and time, location of property, surrounding properties future land uses, upcoming petitions, owner background, business services offered, request to reduce minimum building area for office and retail, allowing outdoor storage as an accessory use, flex being a conditional use, districts allowing flex use, code language in surrounding municipality, providing more inventory space, consistency with Comprehensive Plan and Land Development Code, and answered Commission questions on whether an alternative procedural channel would be better.

Discussion took place regarding intention for flex definition, amending to a design alternative would require applicant to submit an additional application, adding stipulation on following related petitions, timing needed for alternative text, potential language options, retail storefronts, minimum of fifteen percent building area developed as office or retail, amount of square footage of office space for this property, permitted uses in Laurel East District, ability to amend text again, chlorine loading being a part of outdoor storage, other similar properties within City, and managing request on a case by case basis versus city-wide regulation.

Planning and Zoning Director Clark spoke on there being limited areas that allow flex space, flex being allowed by conditional use currently, and four district that allow flex use.

Chair Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Vice Chair Willson, that based on review of the application materials, the staff report and testimony provided

during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan and in compliance with Florida Statutes Chapter 163, Part II, and therefore, recommends to City Council approval of Text Amendment Petition No. 22-64AM. The motion carried by the following electronic vote:

Yes: 4 - Mr. McKeon, Mr. Hale, Mr. Willson and Ms. Schierberg

No: 2 - Mr. Jasper and Chair Snyder

Excused: 1 - Mr. Preiksats

22-65CU

Pool Corp Conditional Use (Quasi-Judicial)

Staff: Josh Law, Planner

Agent: Jackson R. Boone, Esq., Boone Law Firm

Applicant: 3484 Laurel Road LLC

Chair Snyder announced this is a quasi-judicial hearing, read the memorandum regarding advertisement and written communications, and opened the public hearing.

City Attorney Fernandez questioned Commission members concerning ex-parte communications and conflicts of interest. Mr. Jasper, Chair Snyder, Ms. Schierberg, and Mr. Hale disclosed site visits.

Planner Law, being duly sworn, presented general information, project background, aerial photo, surrounding uses, project description, Comprehensive Plan consistency, Land Development Code compliance, findings of facts, and concurrency and mobility.

Attorney Jackson Boone, Agent, being duly sworn, presented conditional use, proposed site usage, site plan, 60,000 square foot build, phases of build, access points, setbacks, design alternative request for rear setback, parking, outdoor storage, loading bays, travel route, moving requirements, number of anticipated employees, hours of operation, delivery and pick up activity, average customer use, services and products offered, landscape buffers, fencing, coordination with neighboring hotel property for access, surrounding property compatibility, and consistency with Comprehensive Plan and Land Development Code.

Chair Snyder closed the public hearing.

Discussion took place regarding compatibility, chlorine operational safeguards, and form of chlorine being distributed.

A motion was made by Vice Chair Willson, seconded by Ms Schierberg, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings

of Fact in the record moves to approve of Conditional Use Petition No. 22-65CU.
The motion carried by the following electronic vote:

Yes: 6 - Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Jasper, Ms. Schierberg and Chair Snyder

Excused: 1 - Mr. Preiksat

[23-52DA](#)

Pool Corp Design Alternative (Quasi-Judicial)

Staff: Josh Law, Planner

Agent: Jackson R. Boone, Esq., Boone Law Firm

Applicant: Pool Development, LLC

Petitions 23-52DA and 22-66SP were presented together.

Chair Snyder announced this is a quasi-judicial hearing, read the memorandum regarding advertisement and written communications, and opened the public hearing.

City Attorney Fernandez confirmed that the disclosure on ex-parte communications and conflicts of interest were incorporated from the previous petition.

Planner Law, being duly sworn, presented the design alternative, project background, project description, aerial photo, combined site plan, site plan general information, project background, aerial photo, surrounding properties, future land use, current zoning, parking spaces, access points, outdoor storage, Venice Historic Precedent requirements, elevations, Comprehensive Plan consistency, Laurel East Development standards, Land Development Code compliance, findings of fact, concurrency and mobility; transportation review, recommended stipulation, FPL easement, and phases of development.

Attorney Jackson Boone, Agent, and Tracy Thompson, Applicant, being duly sworn; spoke on chlorine being stored in pressured containers, sale of chlorine in various forms, building height, building phases, survey, elevations, Venice Historic Precedent (VHP) required finishes, traffic studies, compatibility with surrounding uses, services provided, employment opportunity, compliance with Comprehensive Plan and Land Development Code, and answered Commission questions on use of architectural overlay, western elevation design, stormwater and lake banks erosion, and maintaining water levels. Jim Collins, Planner, being duly sworn, answered Council questions on placement of air conditioning units. Attorney Boone continued to answer Commission questions regarding parapets, color of stucco, VHP design elements, recesses and blue awning, fencing, landscape buffering and berms on inside of fencing, fencing material, adding stipulation for landscaping on outside of fencing, alternative fence material, and fencing surrounding property.

Recess was taken from 3:18 P.M. to 3:24 P.M.

Discussion continued regarding applicant's willing to review landscaping placement, fencing being used for security purposes, fencing on north property line, location of air conditioning on ground, parapet, and number of air conditioning units.

Attorney Boone and Planning and Zoning Director Clark clarified modification to the fence line and relocation of landscaping on western fence and spoke on the VHP elements.

Chair Snyder closed the public hearing.

A motion was made by Mr. Hale, seconded by Ms. Schierberg, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Design Alternative Petition No. 23-52DA. The motion carried by the following electronic vote:

Yes: 6 - Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Jasper, Ms. Schierberg and Chair Snyder

Excused: 1 - Mr. Preiksat

22-66SP Pool Corp Site and Development Plan (Quasi-Judicial)
Staff: Josh Law, Planner
Agent: Jackson R. Boone, Esq., Boone Law Firm
Applicant: Pool Development, LLC

Petitions 23-52DA and 22-66SP were presented together.

A motion was made by Vice Chair Willson, seconded by Mr. McKeon, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Site and Development Plan Petition No. 22-66SP contingent upon approval by City Council of Text Amendment 22-64AM and with the stipulations of removal of the fence on the northern property line and landscaping berms be relocated to the exterior of the fence on the western side of property. The motion carried by the following electronic vote:

Yes: 5 - Mr. McKeon, Mr. Hale, Mr. Willson, Ms. Schierberg and Chair Snyder

No: 1 - Mr. Jasper

Excused: 1 - Mr. Preiksat

23-61VZ Madrid Lap Pool Variance (Quasi-Judicial)
Staff: Brittany Smith, Planner
Applicant/Owner: Michael Parsons & Ronnie Appling

Chair Snyder announced this is a quasi-judicial hearing, read the memorandum regarding advertisement and written communications, and opened the public hearing.

City Attorney Fernandez questioned Commission members concerning ex-parte communications and conflicts of interest. Mr. Hale and Ms. Schierberg disclosed site visits. Vice Chair Willson disclosed he lived one street from property and affirmed he could remain unbiased.

Planner Smith, being duly sworn, presented general information, aerial view, project description, site photo, future land use map, zoning map, proposed site plan, reference to standard, decision criteria, and answered Commission questions on whether existing cage is non-conforming, whether there is a hardship, and whether all criteria has to be met to grant variance.

Michael Parson and Ronnie Appling, Applicants, being duly sworn, spoke on reason for variance, existing cage built to property line, pool would replace current concrete slab, installing eight foot wide lap pool, and answered Commission questions on height of concrete block wall, and meeting setback on sides.

Chair Snyder closed the public hearing.

Discussion took place regarding whether it met all the decision criteria, whether there is a hardship, current code, the existing non-conforming structure, approval adding another non-conforming structure, and infrastructure under slab.

A motion was made by Mr. McKeon, seconded by Mr. Hale, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record moves to approve Variance Petition No. 23-61VZ. The motion carried by the following electronic vote:

Yes: 4 - Mr. McKeon, Mr. Hale, Mr. Willson and Ms. Schierberg

No: 2 - Mr. Jasper and Chair Snyder

Excused: 1 - Mr. Preiksats

23-70AM

Land Development Regulations #4 Text Amendment (Legislative)

Staff: Nicole Tremblay, AICP, Senior Planner

Applicant: City of Venice

Chair Snyder announced this is a legislative hearing, read the memorandum regarding advertisement and written communications, and opened the public hearing.

Senior Planner Tremblay presented changes to Section 3.5.2 B, and Chapter 89 subsequent lettering.

Discussion took place regarding application requirements, directors ability to waive requirements, whether waived requirements are reported to Commission, administrative actions, Section 1.4.2 item 4 regarding property information, minor site and development plans, Laurel Road West and East district setbacks, Knights Trail setbacks, Knights Trail Development Standards regarding entrances, definitions of lots, driveway orientation on single family residents, specific district requirement, removal of Chapter 98 Floods, driveways with a median, sidewalks requirements, types of temporary signs, construction signs including a 24 hour contact number, labels on monument sign illustration, and removal of column height.

Arborist Yelverton answered Commission questions on Diameter at Breast Height (DBH) measurement in Section 3.7 Landscaping, mulch placement around trees, automated irrigation systems, categories of invasive trees, reason for removal of Section 3.4.6.4, and barricades for tree protections.

Chair Snyder closed the public hearing.

A motion was made by Vice Chair Willson, seconded by by Mr. Hale, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this Petition consistent with the Comprehensive Plan and in compliance with Florida Statutes Chapter 163, Part II, and therefore, recommends to City Council approval of Text Amendment Petition No. 23-70AM as discussed. The motion carried by the following electronic vote:

Yes: 6 - Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Jasper, Ms. Schierberg and Chair Snyder

Excused: 1 - Mr. Preiksats

VI. Comments by Planning Division

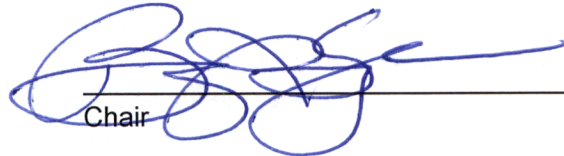
Planning and Zoning Director Clark spoke on meeting scheduled for November 21st, and the Venice Historic Precedent (VHP) architectural design standards.

VII. Comments by Planning Commission Members

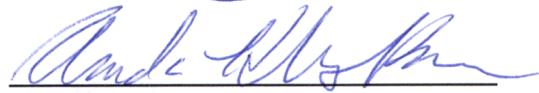
There were no comments.

VIII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 4:38 P.M.



Chair



Recording Secretary