



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, September 1, 2020

1:30 PM

Council Chambers

[20-4655](#)

Instructions on How to Watch and/or Participate in the Virtual Meeting

I. Call to Order

Chair Barry Snyder called the meeting to order at 1:31 p.m.

Ms. Fernandez referenced Executive Order No. 20-69 issued by Governor DeSantis and Executive Order No. 2020-04 issued by the city regarding public meetings, and commented on public participation in public meetings.

II. Roll Call

Present: 7 - Chair Barry Snyder, Shaun Graser, Kit McKeon, Richard Hale, Scott Williams, Bill Willson and Richard Lawson

Also Present

Liaison Council Member Mitzie Fiedler, City Attorney Kelly Fernandez, City Clerk Lori Stelzer, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Senior Planner Amy Nelson, Planner Nicole Tremblay, Information Technology Director Christophe St. Luce, and Administrative Coordinator Mercedes Barcia.

III. Approval of Minutes

[20-4656](#)

Minutes of the August 18, 2020 Meeting

A motion was made by Mr. McKeon, seconded by Mr. Hale, that the Minutes of the August 18, 2020 meeting be approved as written. The motion carried unanimously by voice vote.

IV. Audience Participation

No one signed up to speak.

V. Public Hearings

[20-09CP](#)

Comprehensive Plan Amendment - Cassata Shores (Legislative)
Staff: Amy Nelson, AICP, Senior Planner
Agent: Jeffery A. Boone, Esq., Boone Law Firm
Applicant: MPS Development and Construction, LLC

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

Ms. Nelson provided a presentation on the comprehensive plan amendment petition to include petition summary, aerial and site photographs, surrounding properties, comparison of existing and proposed designations, future land use map (FLUM), planning analysis, comprehensive plan designation, compatibility review matrix, effect of proposed amendment on financial feasibility of the comprehensive plan for infrastructure, consistency with applicable requirements of Florida Statutes (F.S.) Chapter 163, findings of fact, and planning commission action.

Jeffery Boone, Boone Law Firm, spoke on request to change land use map designation from commercial to medium density residential, requested board recommend approval to city council, and responded to board questions regarding moderate versus medium density request, comprehensive plan change allowing for additional height, and height difference between current commercial zoning and proposed residential zoning.

Mr. Shrum commented on the comprehensive plan amendment addressing lower density and noted staff can revisit ordinance.

Gary Greve, 255 The Esplanade, noted owning a unit adjacent to the subject property and spoke to supporting rezone and special exception, benefits of proposed development, concerns with abandoned convenient store, and imposing reasonable requirements on the property owner before rezone is approved.

Mr. Boone advised Mike Miller, MPS Development and Construction, will communicate with the owner on cleaning the site and noted permit was denied to place a gate around the subject property.

Mr. Snyder closed the public hearing.

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 and in compliance with Florida Statutes Chapter 163, Part II, and therefore recommends to city council approval of Comprehensive Plan Amendment Petition No. 20-09CP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Williams, Mr. Willson and Mr. Lawson

20-10RZ

Zoning Map Amendment - Cassata Shores (Quasi-Judicial)

Staff: Amy Nelson, AICP, Senior Planner
Agent: Jeffery A. Boone, Esq., Boone Law Firm
Applicant: MPS Development and Construction, LLC

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

Ms. Fernandez questioned board members on ex-parte communications and conflicts of interest. Mr. Willson, Mr. Graser, Mr. Hale, Mr. Lawson, Mr. McKeon and Mr. Snyder disclosed site visits. There were no conflicts of interest.

Ms. Nelson, being duly sworn, provided a presentation on the zoning map amendment petition to include petition summary, aerial view, amendment request, site photographs, surrounding properties, comparison of existing and proposed zoning districts, comparison of existing and proposed uses, zoning map, comprehensive plan consistency, land development code (LDC) compliance, concurrency/mobility, findings of fact, staff stipulation, and planning commission action.

Jeffery Boone, Boone Law Firm, being duly sworn, spoke to rezone request, stipulation, density of surrounding properties, and requested board recommend approval to city council.

Ms. Stelzer read an email received from Regina O'Brian-Fortin, 101 Capri Isles Boulevard, on replacing the convenient store with condos.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Willson, 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, and recommends to city council approval of Zoning Map Amendment Petition No. 20-10RZ with the stipulation that this petition will become effective upon adoption of Comprehensive Plan Map Amendment Petition No. 20-09CP by city council. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. McKeon, Mr. Hale, Mr. Williams, Mr. Willson and Mr. Lawson

No: 1 - Mr. Graser

20-11SP

Site & Development Plan - Cassata Shores (Quasi-Judicial)

Staff: Amy Nelson, AICP, Senior Planner
Agent: Jeffery A. Boone, Esq., Boone Law Firm
Applicant: MPS Development and Construction, LLC

Mr. Snyder announced Site and Development Plan Petition No. 20-11SP

and Special Exception Petition No. 20-12SE will be done in one presentation with two separate motions, both are a quasi-judicial hearings, read memorandums regarding advertisement and written communications, and opened the public hearings.

Ms. Fernandez queried board members on ex-parte communications and conflicts of interest. Mr. Willson, Mr. Graser, Mr. Hale, Mr. Lawson, Mr. McKeon and Mr. Snyder disclosed site visits. There were no conflicts of interest.

Ms. Nelson, being duly sworn, provided a presentation on the site and development plan and special exception petitions to include petition summary information, aerial and site photographs, surrounding properties, FLUM, zoning map, overall proposed site plan, garage and roof floor plans, east elevation, comprehensive plan consistency, LDC compliance, concurrency/mobility, special exception code modification requests, findings of fact, staff stipulation, and planning commission action.

Jeffery Boone, Boone Law Firm, being duly sworn, commented on the site and development plan, traffic, beach parking lot, building placement, setbacks and height, compatibility, Policy 8.2, and explained revised color elevations that will be provided for the record.

No one signed up to speak.

Mr. Boone commented on the special exception to include lot and driveway widths.

Discussion followed regarding impervious surface.

Mr. Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Mr. Williams, 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, and moves to approve Site and Development Plan Petition No. 20-11SP with the stipulation that the site and development plan and the special exception are contingent on approval of Comprehensive Plan Map Amendment Petition No. 20-09CP and Zoning Map Amendment Petition No. 20-10RZ by city council. The motion carried by the following vote:

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

No: 2 - Mr. Graser and Mr. Lawson

20-12SE

Special Exception - Cassata Shores (Quasi-Judicial)
Staff: Amy Nelson, AICP, Senior Planner

Ryan Vatalaro, Atlas Law, on behalf on Kings Gate Association, spoke to site plan and property boundary line, requested clarification on uses of the northern boundary of the property, and commented on applicant's communication with the surrounding neighborhood.

Mr. Shrum inquired if the legal description submitted on the application is being contested.

Siegfried Fick, 1628 Landfall Drive, Nokomis, noted concerns with proposed development.

Mr. Snyder clarified the board is addressing a comprehensive plan amendment petition to correct a boundary line.

Mr. Fick commented on the recommended boundary line change.

Mr. Boone advised a neighborhood workshop was conducted, no site plan has been submitted, comprehensive plan amendment has no impact on property, and there are no changes to the northern boundary.

Discussion ensued regarding validity of the legal description submitted for the comprehensive plan amendment.

Mr. Boone noted Kings Gate property is in Sarasota County's jurisdiction.

Mr. Snyder closed the public hearing.

A motion was made by Mr. 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 and in compliance with Florida Statutes Chapter 163, Part II, and therefore recommends to city council approval of Comprehensive Plan Amendment Petition No. 20-19CP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Williams, Mr. Willson and Mr. Lawson

Ms. Fernandez requested and received commission agreement on motion for Special Exception Petition No. 20-12SE to include staff's stipulation.

Recess was taken at 3:26 p.m. until 3:30 p.m.

VI. Comments by Planning Division

20-4657

Administrative Approval Justifications for Minor Site & Development Plans
Staff: Nicole Tremblay, Planner

Ms. Tremblay spoke on administrative approval for the Toscana Isles

Agent: Jeffery A. Boone, Esq., Boone Law Firm
 Applicant: MPS Development and Construction, LLC

This item was discussed under Site and Development Plan Petition No. 20-11SP.

A motion was made by Mr. Hale, seconded by Mr. 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, in compliance with the land development code and with the affirmative findings of fact in the record, and moves to approve Special Exception Petition No. 20-12SE with the stipulation that the site and development plan and the special exception are contingent on approval of Comprehensive Plan Map Amendment Petition No. 20-09CP and Zoning Map Amendment Petition No. 20-10RZ by city council. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Mr. McKeon, Mr. Hale, Mr. Williams, Mr. Willson and Mr. Lawson

No: 1 - Mr. Graser

20-19CP

Comprehensive Plan Amendment - Hurt & Cassata Lakes Property
 (Legislative)

Staff: Amy Nelson, AICP, Senior Planner

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Applicant: Randall C. Hurt, Joseph W. Hurt, Mary McMullen and Carlton J. Hurt Trust, and Cassata Properties, LLC

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

Ms. Nelson provided a presentation on the comprehensive plan amendment petition to include petition summary, aerial view, proposed amendment, site photographs, surrounding property information, FLUM, comprehensive plan designation, effect of proposed amendment on financial feasibility of the comprehensive plan for infrastructure, consistency with applicable requirements of F.S. Chapter 163, findings of fact, and planning commission action.

Discussion followed regarding difference in acreage from the existing to proposed FLUM.

Mr. Shrum spoke on proposed FLUM amendment and property history.

Jeffery Boone, Boone Law Firm, spoke regarding property boundary line and acreage transitioning from one property to the other.

Discussion followed on email received from Atlas Law regarding property line.

mailbox shelter.

20-4658

Land Development Regulations Update

Staff: Jeff Shrum, AICP, Development Services Director

Mr. Shrum advised comments were received by the Environmental Advisory Board (EAB) on the land development regulations (LDRs), staff is reviewing draft LDR from consultant, September 15, 2020 meeting is cancelled, staff may include discussion on the comprehensive plan text amendment relating to lower density at the October 6, 2020 meeting, the Architectural Review Board (ARB) is meeting this Thursday on the LDRs, and responded to board questions regarding staff's approach on comments received.

VII. Comments by Planning Commission Members

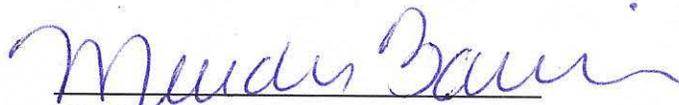
Discussion took place on Joint Planning Agreement (JPA) area six for properties east of Pinebrook Road and Windwood Neighborhood Association's concern with proposed development potential.

VIII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 3:40 p.m.

Barry R. Snyder

Chair


Recording Secretary

Signature:


Barry R. Snyder (Oct 1, 2020 13:31 EDT)

Email: bsnyder@venicegov.com