



City of Venice

401 West Venice Avenue
Venice, FL 34285
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Meeting Minutes City Council

Wednesday, April 9, 2025

10:00 AM

Council Chambers

Appeal Hearing for Village at Laurel and Jacaranda Site and Development Plan Petition No. 22-40SP

[25-0149](#)

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

CALL TO ORDER

Mayor Pachota called the meeting to order at 10:00 a.m.

ROLL CALL

Present: 6 - Mayor Nick Pachota, Ms. Joan Farrell, Vice Mayor Jim Boldt, Mrs. Rachel Frank, Mr. Ron Smith and Mr. Kevin Engelke

Absent: 1 - Mr. Rick Howard

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Deputy City Clerk Toni Cone, and for certain items on the agenda: Planning and Zoning Director Roger Clark, Senior Planner Nicole Tremblay, and Acting City Engineer Jon Kramer.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pachota.

I. PUBLIC HEARING

[25-01AP](#)

Consider and Act on Appeal of Planning Commission's Approval of Site and Development Plan Petition No. 22-40SP for the Development of a Shopping Center in the Milano PUD Located at the Southwest Corner of Laurel Road and Jacaranda Boulevard (Quasi-Judicial)

Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were no conflicts of interest.

Mr. Engelke, Mr. Smith, Mayor Pachota, Ms. Farrell, and Vice Mayor Boldt disclosed attendance or viewing of the Planning Commission meeting. Mr. Smith, Vice Mayor, Mayor Pachota, Ms. Farrell, and Mrs. Frank disclosed

site visits.

City Attorney Fernandez reviewed the hearing procedures, quasi judicial proceedings, and authority.

City Attorney Fernandez introduced the affected party request.

Agent for applicant Attorney Jeffery Boone, being duly sworn, stated the applicant had no objection to granting affected party status.

A motion was made by Mr. Smith, seconded by Mayor Pachota, to grant affected party status to Gary Scott. The motion carried by the following electronic vote:

Yes: 6 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Mrs. Frank, Mr. Smith and Mr. Engelke

Absent: 1 - Mr. Howard

Senior Planner Nicole Tremblay, being duly sworn, provided a presentation to include project description, aerial map, elevations, existing conditions, site photos, surrounding land uses, planning analysis, comprehensive plan consistency, conclusions and findings of fact, compliance with the land development code and the Milano binding master plan, concurrency, mobility, conclusions findings of fact for concurrency, and three key topics from the appellant and staff response regarding intensity, access to Laurel Road, and drainage.

Appellant Gary Scott, being duly sworn, questioned staff regarding traffic, Veneto Road, and stipulations.

Attorney Boone questioned staff whether their position had changed regarding compliance.

Senior Planner Tremblay confirmed staff's position, stating the issues are the same, a stipulation was redundant, and responded to questions regarding Floor Area Ratio (FAR), and intensity.

Senior Planner Tremblay commented on intensity and compatibility being considered.

Attorney Boone and Applicant Pat Neal, being duly sworn, introduced their consultants and presented the application with Mr. Neal providing introductory comments, reviewed the site and development plan, stated it meets all requirements with no variances or special exceptions requested. He commented on the proposed five stipulations approved by the Planning Commission, and the Venetian Golf and River Club proposed stipulations.

Frank Domingo, PE, Stantec, being duly sworn, provided testimony regarding the traffic signal, addressed comments, and Sarasota County's

denial of a traffic signal.

Shawn Leins, PE, AM Engineering, being duly sworn, spoke on watershed models, addressed appellant issues, peak rate factors, county requirements, onsite stormwater system, and control structure.

Attorney Boone spoke on the application and noted some of the issues were addressed in the rezone which was upheld by the Judge, and requested approval based on compliance with City requirements.

Applicant Neal responded to Council questions on watershed, SWFWMD reviewing information provided by Catalyst Engineering, and whether he would delay construction.

Applicant Neal commented on the site and noted they have a SWFWMD permit and they have a professional engineer and the design, rainfall records, he responded regarding the staging of the Myakka River, Cielo flooding, and confidence in the civil engineer.

Attorney Boone asked Applicant Neal about distance, and SWFWMD data.

Council questioned Mr. Domingo regarding the intersection, hawk signal, a traffic signal, and he responded regarding the County's unified development code, growth, similar situations, safety analysis data, and the County Engineer, and conflict points.

Appellant Scott questioned Mr. Domingo regarding the intersection, users of the proposed development, and safety.

Mr. Leins responded to Council questions regarding the rainfall criteria, exceeding current City criteria, drainage concerns of neighbors, and watershed models.

Appellant Scott asked Mr. Leins about the calculations, impervious surface, ponds, and wetlands.

Attorney Boone asked Mr. Leins about the pond, his analysis, compliance, and SWFWMD permit.

Recess was taken from 12:02 p.m. to 1:15 p.m.

Jennifer Menendez, PE, being duly sworn, and Gary Scott presented the appellant case SWFWMD permit documents, the model of rain and runoff, downstream, errors in modeling, existing and proposed conditions,

discrepancies, peaking factor, impervious area, flooding issues, recommended the City have an engineer look at this complex model to ensure accuracy, and estimated the cost of 20 hours for the review at \$5,000 to \$10,000.

Appellant Scott questioned Mr. Domingo about his communication with Sarasota County, users of the proposed shopping center, safety, intersection, conflict points, total traffic interconnection patterns, existing intersection conditions, and capacity.

Planning & Zoning Director Clark responded to Appellant Scott's question regarding the best time to review compatibility, and the commercial uses regarding PUD rezoning.

City Attorney Fernandez commented that Council can determine relevancy, compatibility, intensity and effect on nearby properties.

Ms. Menendez answered Council questions regarding models used, criteria, data, Interconnected Pond and Channel Routing (ICPR) modeling experience, the pond, wetlands, road widening, impervious surface, and SWFWMD.

Attorney Boone asked Ms. Menendez about the SWFWMD permit, and whether there was an error in issuing the permit, difference between engineers, permitting process, review time and cost estimate, estimate of time for review, and communication with the applicant engineers.

Attorney Boone questioned Mr. Domingo on the need for a traffic signal, standards, examples of other unsignalized intersections that are similar and approved for safety.

Appellant Scott questioned Mr. Domingo regarding the intersection used in his example, entrances, number of homes in example versus Venetian Golf and River Club (VGRC), and traffic counts.

Planning and Zoning Director Clark, being duly sworn, responded to Council questions about staff review and vetting, the process, the Technical Review Committee (TRC), Sarasota County, compatibility being addressed during zoning and site and development, compatibility considered by the Planning Commission, intensity, FAR, and usages evaluated by Code.

Attorney Boone questioned Planning and Zoning Director Clark regarding City Engineering review, rezoning process, and compatibility analysis.

Recess was taken from 2:33 to 2:42 p.m.

Lee Dube, 268 Caserta Court, spoke on Cielo, flooding issues, showed presentation, stormwater, and against the site and development plan.

Olen Thomas, 248 Acerno Drive, spoke on access to the proposed shopping center on Laurel Road, traffic signal, Sarasota County meeting, consequences to residents, and against the proposed site and development plan.

Rick Cordner, 246 Monteluna Drive, spoke on the scale of the shopping center, traffic, intersection, stormwater flooding, and against the proposed site and development plan.

Craig Campbell, 308 Caserta Court, spoke on the Cielo neighborhood, flood zone, and against the site and development plan.

Ruth Cordner, 246 Monteluna Drive, spoke on stormwater, the LDRs, drainage calculations, and concerns for Cielo residents.

Diana Watters, 273 Mestre Place, spoke against the proposed site and development plan, PUDs, and safety.

Kenneth Barron, 209 Corelli Drive, spoke on the Cielo Neighborhood and requested Council hire an independent stormwater analysis with current data before approving the site and development plan, stormwater report, changing conditions, Federal Emergency Management Agency (FEMA) flood maps, and Sarasota County community flood hazard area.

Dawn Rhodes, 147 Avalini Way, spoke on conditions at her community, compatibility, safety concerns, against the proposed site and development plan, stormwater, and flooding.

Francis Recchuiti, 137 Cipriani Way, spoke on traffic concerns, intersection, safety, and traffic patterns.

Nancy K. Daniels, 1102 Cielo Court, expressed concerns on the proposed site and development plan.

Recess was taken from 3:25 p.m. to 3:38 p.m.

Staff had no rebuttal.

Planning and Zoning Director Clark responded to Council questions about stormwater flooding concerns, the TRC reviews being individual reviews in

their area of expertise, and compliance.

Acting City Engineer Jon Kramer, being duly sworn, responded to Council questions regarding the City process for engineering review, the application being compliant, construction plan will be reviewed again, SWFWMD permit concerns, City engineering staff can review during construction plan review, ultimately the engineer of record is responsible , and SWFWMD having a parallel review process.

Appellant Scott questioned Acting City Engineer Kramer regarding whether there was a downside to an independent consultant, and he stated an opinion may not be definitive.

Mr. Boone questioned Mr. Kramer, regarding the independent review.

Appellant Scott provided closing comments regarding compatibility, access, the LDRs, intersection, stormwater issues, requested denial of the site and development plan, and requested the City employ an outside engineer.

The applicant provided rebuttal, asking Mr. Domingo about a traffic signal.

Mr. Leins responded to Attorney Boone's questions on the control structure survey, data, elevation, Laurel Road data, no errors relating to elevation, everything has been lowered, Laurel Road is in the model, wetlands and the model used, peak rate factor, County peak rate factor, the ICPR 4 model utilized by Sarasota County, flooding in Laurel Meadows, and flooring elevation.

Attorney Boone summarized PUD requirements, traffic, stormwater analysis, intensity, compliant site and development plan, evidence in support.

Mr. Domingo responded to Appellant Scott's questions regarding the traffic signal.

Mr. Domingo responded to Attorney Boone regarding the traffic signal, the reports, and stated Sarasota County has control over the intersection.

Mayor Pachota closed the public hearing.

A motion was made by Ms. Farrell, seconded by Mr. Smith, that based on the Evidence in the Record, City Council deny Petition No. 22-40SP on the basis that the petition is not consistent with the comprehensive plan and is not in compliance with the Land Development Code because 1) it violates Land Development Regulation (LDR) Sec. 86-23(m), the site plan is inadequate in automotive and pedestrian safety, and 2) it violates LDR Sec. 86-23(m)(6)

stormwater standards promulgated 30 years ago do not protect properties today, the Southwest Florida Water Management District (SWFWMD) is reviewing the antiquated rules. The failure to provide floodplain compensation to offset the filling in of the pond at Jacaranda and Laurel puts residents at risk, and 3) Sec. 86-23(m)(2) is violated and a narrow definition of intensity Floor Area Ratio (FAR) was utilized even if the LDR is not specific it should have considered a wider interpretation of intensity to include traffic, lighting, hours of operation, the size of the parking lot, and the effects of the adjacent properties.

Discussion took place regarding compatibility, public comments, safety, ensuring the safety from traffic and stormwater threat, SWFWMD, professional opinions, construction plan review, concerns about water and confidence in city engineers, location of entrance, flooding, and reasoning for denials.

The motion failed by the following electronic vote:

Yes: 2 - Ms. Farrell and Mr. Smith

No: 4 - Mayor Pachota, Vice Mayor Boldt, Mrs. Frank and Mr. Engelke

Absent: 1 - Mr. Howard

Discussion took place about amending the motion and SWFWMD's website having the additional information from Catalyst.

A motion was made by Vice Mayor Boldt, seconded by Mr. Engelke, that based on the evidence in the record, Petition No. 22-40SP be approved and adopted.

Discussion took place regarding water, traffic, installation of signal light, flashing light, or four way stop, and moving the entrance west as far as possible.

Mrs. Frank stated a point of order regarding the end time of the meeting.

Mrs. Frank called the question.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to amend the motion so that no construction occurs until the City can ask Southwest Florida Water Management District (SWFWMD) to review the new information and they issue a new finding that this stormwater runoff plan meets all of our standards, if they decline that would end the matter. The motion failed by the following vote:

Yes: 2 - Ms. Farrell and Mr. Smith

No: 4 - Mayor Pachota, Vice Mayor Boldt, Mrs. Frank and Mr. Engelke

Absent: 1 - Mr. Howard

Mrs. Frank left the dais at 4:55 p.m.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to amend the motion that prior to any permit being issued for construction that functionality and safety be enhanced by installation at the intersection, and getting permission to do so, of a red or yellow flashing light, a four-way stop, or moving the entrance to the Publix as far West as possible. The motion failed by the following electronic

vote:**Yes:** 2 - Ms. Farrell and Mr. Smith**No:** 3 - Mayor Pachota, Vice Mayor Boldt and Mr. Engelke**Absent:** 2 - Mrs. Frank and Mr. Howard**The motion to approve carried by the following electronic vote:****Yes:** 3 - Mayor Pachota, Vice Mayor Boldt and Mr. Engelke**No:** 2 - Ms. Farrell and Mr. Smith**Absent:** 2 - Mrs. Frank and Mr. Howard**II. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 5 p.m.

ATTEST:

Mayor - City of Venice

City Clerk