



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, August 15, 2023

1:30 PM

Council Chambers

Meeting Instructions and Speaker Card

[23-6180](#)

Instructions and Speaker Card

I. Call to Order

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

II. Roll Call

Chair Snyder attended virtually by Zoom.

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

Excused: 1 - Kit McKeon

Also Present

City Attorney Kelly Fernandez, Planning and Zoning Director Roger Clark, Planner Josh Law, Deputy Clerk Toni Cone, and Recording Secretary Amanda Hawkins-Brown.

III. Approval of Minutes

[23-6181](#)

Minutes of the June 20, 2023 regular meeting.

A motion was made by Vice Chair Willson, seconded by Mr. Jasper, that the minutes of the June 20, 2023 regular meeting be approved as written. The motion carried unanimously by voice vote.

IV. Audience Participation

Steve Carr, 149 Avens Drive, spoke on the Capital Improvement Schedule and interest in various City projects.

V. Public Hearings

[22-60SP](#)

Visterra of Venice Amenity Center Site and Development Plan (Quasi-Judicial)
Staff: Josh Law, Planner

Agent: Bobbi R. Claybrooke, P.E.

Applicant/Owner: Vistera Associates, 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. There were none.

Planner Law, being duly sworn, presented the general information, location, surrounding properties, aerial photo, GCCF Master Plan, future land use map, current zoning, site plan, elevations, Comprehensive Plan consistency, Land Development Code (LDC) compliance, findings of fact, concurrency, and mobility.

Attorney Jeff Boone and Bobbi Claybrook, Agents, being duly sworn presented application for amenity center, consistency with Binding Master Plan, details of site plan, location, building size, and consistency with Planned Unit Development (PUD) standards.

Chair Snyder closed the public hearing.

A motion was made by Mr. Jasper, 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, 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. 22-60SP. The motion carried by the following vote:

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

Excused: 1 - Mr. McKeon

23-18AN

Deans Property Annexation (Legislative)

Staff: Josh Law, Planner

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

Applicant: Stiles Corporation

Owner: Stephen and Cherie Deans

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

Planner Law, being duly sworn, presented general information, project description, aerial photo, surrounding properties, GCCF Master Plan, future land use, current zoning, annexation in LDC Chapter 87 Section 1.4.1, consistency with Comprehensive Plan, findings of fact and answered Commission questions of financial feasibility regarding number of planned

units.

Attorney Jackson Boone, Agent, being duly sworn presented ownership, property size, property being an enclave, location, future land use designation, surrounding properties, utilities on property, consistency with Florida Statue Chapter 171 requirements, Code Section 142 requirements, and compliance with Code Section 143 decision criteria.

Chair Snyder closed the public hearing.

A motion was made by Vice Chair Willson, seconded by Ms. Schierberg, to recommend to City Council approval of Annexation Petition No. 23-18AN. The motion carried by the following vote:

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

Excused: 1 - Mr. McKeon

23-19CP

Stiles Multi-Family Comprehensive Plan Amendment (Legislative)

Staff: Josh Law, Planner

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

Applicant: Stiles Corporation

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

Planner Law, being duly sworn, presented general information, aerial photo, surrounding properties, GCCF Master Plan, project description, future land use maps, current zoning, Mixed Use Residential (MUR), compatibility, Comprehensive Plan consistency, LDC compliance, findings of fact, concurrency and mobility, and answered Commission questions on MUR districts, and RF3 compatibility.

Attorney Jackson Boone, Agent, being duly sworn, presented aerial photo, property location, property size, surrounding land use designations, proposed medium density land use, tables referenced in staff report, compatibility with GCCF Binding Master Plan, open space to south of property, compatibility with surrounding area, mitigation at time of site and development, and traffic study.

Chair Snyder closed the public hearing.

A motion was made by Mr. Hale, 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 Amendment and in compliance with Florida Statutes Chapter 163, Part II, and therefore, recommends to City Council approval of Comprehensive Plan Amendment

Petition No. 23-19CP. The motion was carried by the following vote:

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

Excused: 1 - Mr. McKeon

23-20RZ

Stiles Multi-Family Zoning Map Amendment (Quasi-Judicial)

Staff: Josh Law, Planner

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

Applicant: Stiles Corporation

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, Vice Chair Wilson and Mr. Hale disclosed site visits.

Planner Law, being duly sworn, presented general information, aerial photo, surrounding properties, GCCF Binding Master Plan, project description, future land use map, zoning map, Comprehensive Plan consistency, Land Development Code compliance, findings of fact, and concurrency and mobility.

Attorney Jackson Boone, Agent, being duly sworn, presented proposal to Residential Multi Family 3 (RMF3) zoning, surrounding land use designations, future applications for property, consistency with Comprehensive Plan, and LDC compliance.

Chair Snyder closed the public hearing.

Discussion took place regarding MUR districts, increase in density, inconsistency with current zoning on half of parcel, compatibility with surrounding properties and planned multi-family in area.

A motion was made by Vice Chair 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, recommends to City Council approval of Zoning Map Amendment Petition No. 23-20RZ. The motion carried by the following vote:

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

No: 1 - Mr. Jasper

Excused: 1 - Mr. McKeon

23-47AP

Zoning Determination Appeal - Cielo Replat

Staff: Roger Clark, AICP, Planning and Zoning Director

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

Applicant: Border and Jacaranda Holdings, LLC

Recess was taken from 2:27 p.m. until 2:37 p.m.

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. There were none.

Planning and Zoning Director Clark, being duly sworn, presented memorandum on procedure, correspondence between appellant and City, Code section 1.1.2 L.4, zoning determination issued, preliminary and final plat being recorded, Land Development Regulations (LDR) Section 1.10.A, opinion of creating a new final plat for Cielo and land division, LDR Section 1.10.C, absent of process for replat, consistency with preliminary plat and answered Commission questions on consistency with current Preliminary Plat, requirements for appellant to resubmit an amended Preliminary Plat, recent action by City Council, order of steps in replat process.

City Attorney Fernandez clarified the process, appeal impact, decision options, determining interpretation of the process of replat under new LDRs, process in other municipalities, and it is not a review of the replat.

Planning and Zoning Director Clark spoke on interpretation of the code.

Attorney Jeffrey Boone and Jim Collins, Agents, being duly sworn, presented specific case conditions, amendment to Milano Binding Master Plan, property owner's right to move forward during an appeal, replat not being approved today, PUD amendment proceedings, zoning determination letter request, current Cielo Plat, proposed plat, opinion of preliminary plat are for land not already platted only, LDR terminology, Florida Statutes terminology, submitted replat application, F.S. 177.051 (2), LDR Section 1.10.A, absence of formal replat process in code, other jurisdiction processes, correspondence received, opportunity for public comment, and answered Commission questions on whether a division of land, and whether current tracks are being divided.

Discussion took place regarding whether in absence of City process does State Statutes take precedent, inability to determine if replat is consistent with preliminary, comparison to other types of replats, ability to amend terminology to clarify code, plat terminology.

Kenneth Baron, 209 Corelli Drive, being duly sworn, spoke on why appellant is trying to bypass the preliminary plat.

Nancy DeForge, 332 Laurel Hollow Drive, spoke against appeal.

Attorney Boone responded about the reason for appeal and public's right to public comment.

Chair Snyder closed the public hearing.

Discussion took place regarding streamlining processes, need for clarification of language, precedent for overruling current code, motion language, Commission's authority, decision impact on interpretation of code, local ordinance, Commission's duty and responsibilities and duty to interpret code.

A motion made by Ms. Schierberg, seconded by Mr. Preiksats, that based on the testimony and evidence presented, the Planning Commission moves to amend the Zoning Determination of the Zoning Administrator as follows: That a determination that a replat of an existing Final Plat can be processed and approved by the City without a Preliminary Plat Amendment being processed and approved. The appeal will be continued to the next meeting due to the following vote:

Yes: 3 - Mr. Jasper, Ms. Schierberg and Mr. Preiksats

No: 3 - Mr. Hale, Mr. Willson and Chair Snyder

Excused: 1 - Mr. McKeon

Recess was taken from 4:27 p.m. until 4:30 p.m.

City Attorney Fernandez clarified Charter provision 2.72 (A), and a tie vote with an absent member will cause a one time continuation.

VI. Comments by Planning Division

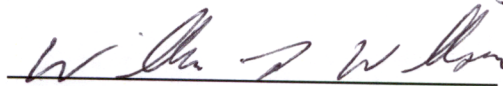
Planning and Zoning Director Clark spoke on next meeting and upcoming applications.

VII. Comments by Planning Commission Members

There was no discussion.

VIII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 4:34 p.m.



Chair



Recording Secretary