



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, December 17, 2013

1:30 PM

Council Chambers

I. Call To Order

A Regular Meeting of the Planning Commission was held this date in Council Chambers at City Hall. Chair Barry Snyder called the meeting to order at 1:33 p.m.

II. Roll Call

Present: 7 - Chair Barry Snyder, Helen Moore, John Williams, Jerry Towery, Shaun Graser, Tom Murphy and Charles Newsom

Also Present

Ex-Officio Councilmember Kit McKeon, City Attorney Dave Persson, Community Development Director Jeff Shrum, Senior Planner Scott Pickett, Planner Roger Clark and Recording Secretary Susan Schult.

III. Approval of Minutes

13-0307 November 5, 2013 Meeting Minutes

A motion was made by Mr. Murphy, seconded by Mr. Graser that the minutes of the November 5, 2013 Regular Meeting be approved as written. Motion carried on voice vote unanimously.

IV. Public Hearings

13-2RZ ZONING MAP AMENDMENT
Portofino
Owner: OB Waterford, LLC
Agent: Jeffery A. Boone, Esquire
Staff: Scott Pickett, Senior Planner

Mr. Persson queried board members on conflicts of interest. Mr. Snyder declared he lives in Venetian Golf and River Club but has no financial interest. He queried the commission on ex parte communications, Mr. Snyder stated he is a supervisor on the Venetian Community Development District board, attended a presentation by Mr. Peshkin on the project, and that a member of the development district board is on Mr. Peshkin's community advisory board and has been updating the district board on the project status. Mr. Snyder disclosed conversations with VGRC residents regarding the project and conversations with Jeff Boone and his staff regarding the history of the Commercial Mixed Use (CMU) zoning classifications. Responding to questions from Mr. Persson, Mr. Snyder expounded on his conversations with residents and stated he will be able to render a fair and just decision in this case. Mr. Persson queried the commission on any objections and there were none. Ms. Moore, Mr. Newsom, Mr. Graser and Mr. Towery stated they conducted site visits with no communications.

Mr. Clark, being duly sworn, gave a brief history of the CMU zoning district, special exception and site plan petitions approved for this property, and turned the presentation over to Mr. Pickett for the staff report.

Mr. Pickett, being duly sworn, summarized the rezoning petition, reviewed features of the CMU including a binding developer's agreement specifying a minimum of three land uses, a binding master development plan, and the allowance that modifications from CMU district standards can be requested. He reviewed the three land uses proposed, the proposed master development plan, and touched on the comprehensive plan where it lacks direction to implement certain policies. He displayed an aerial photo of the property, stated the current zoning is Commercial General (CG) the proposed is CMU, reviewed the Knights Trail Neighborhood planning intent, the Knights Trail Neighborhood Subarea No. 4 standards, comprehensive plan policy 8.4 pertaining to large scale retail structure standards, reported a single user retail structure up to 190,000 square feet is being proposed in area one, a single user retail structure up to 120,000 square feet is being proposed in planning area two, and noted the proposed square footage exceeds the comprehensive plan amount of 60,000 square feet per structure.

Mr. Pickett answered questions on the reference to policy 8.2 on compatibility issues, and stated this project was inspired by the previously approved site plan. Responding to discussion on the updated traffic analysis requirement, Mr. Pickett confirmed the applicant has conducted a traffic analysis, complied with the construction of a collector roadway system, pointed to the planned thoroughfare on the site and development map, stated the engineering department determined the thoroughfare is not currently needed, and he will address requirements for parks and public spaces.

Mr. Pickett continued the presentation stating the rezoning application represents three specified uses; residential dwellings including assisted living facilities; offices and commercial/retail; and service establishments. He reviewed the three planned development areas, proposed access to the site, and landscape buffers. He displayed the binding master development plan, reported part of this standard requires building structures to be designed with pedestrian orientation along the street frontage, the applicant is requesting to deviate from the standard to comply with the Knights Trail policy because the CMU was designed to be applied downtown, noted the sign regulations are different and the applicant is requesting modification, a binding parking utilization study is not needed in this area, and the applicant has not provided a parking utilization study.

Mr. Pickett reviewed the planning commission's focus of the petitions should be consistency with the Knights Trail Neighborhood Standards, consistency with other applicable comprehensive plan policies, appropriateness of the CMU zoning at the proposed location, appropriateness of the proposed zoning standards for the subject property, and clarity of the proposed zoning standards to ease administration and enforcement of the standards.

He outlined staff's review of the petition, reported staff raised the same questions pertaining to the submission of the CMU application, and that staff was advised by the applicant that a general master plan was accepted by previous Community Development Director Chad Minor. He noted their questions on the submittal requirements, stated there was nothing documented in the file on the alleged pre-application meeting, staff met with the city attorney, reviewed The Bridges CMU project application, compared the level of detail submitted, and found The Bridges and Portofino to be comparable.

Mr. Pickett stated in the interest of time, the presentation will be limited to the most

important issues, such as whether the full residential and full commercial entitlements can be applied to the property; how entitlements should be established in the Knights Trail and other planning areas; requirements for parks, public space and conservation areas; maximum building height requirements; minimum open space; monument signs; and landscape buffers.

In summary, Mr. Pickett stated infrastructure availability has been confirmed, transportation concurrency requirements have been satisfied, and will be continuously reviewed as the project proceeds, and compliance with the city's Land Development Regulations (LDR), CMU standards and consistency with the comprehensive plan can be achieved with favorable findings of fact. He further stated any motion should reference the proposed code modifications, and the proffered stipulations and the findings in sections 86-47(f), 86-97(l)(2) and 86-97(p)2d.

Mr. Boone, being duly sworn, introduced Planner Jim Collins from his law firm, and Marty Black, Consulting Planner. He stated the owner of the property is Iberia Bank, there are many positive benefits of the proposed development, and noted the staff report is part of the record. He displayed a conceptual drawing of the entry way, an aerial map of the area, noted the North Venice area is in the process of developing, VGRC and Willow Chase are being built out, Toscana Isles will be built and a commercial mixed use development will be needed.

Mr. Boone talked about the ideal location minimizing traffic, gave a brief history of the CMU zoning background noting it was originally created for a downtown location, reviewed the benefits of the development as a CMU, and stressed the CG zoning district does not have any unified development standards. He reported there have been 14 meetings with the advisory board that involved the neighboring properties, stated the project is consistent with policy 8.2, there is an agreement with the citizens advisory board, a large single retail user is necessary for the economic feasibility of the site, and the project will be built to the Northern Italian Renaissance architectural style.

Mr. Black, being duly sworn, stated Mr. Peshkin requested he make a brief presentation on this petition. He started with the conflict of the master development plan, stated the level of detail will be revealed in the site and development plan review, gave a brief history on the inception of the CMU, explained why the detail on the binding plan can be deferred to the site and development plan, how the plan detail is revealed and evolves through approval process, noted a precedence was set by The Bridges project, this is the only zoning district that allows residential use and retail commercial use, this sets a limit on the density of the residential space, and stated there have been a series of meetings with the advisory board regarding this project.

He displayed a graphic of the proposed development, stated there is the potential to have residential in every area, talked about the difficulties with the comprehensive plan pertaining to the calculation of gross acreage, stated this application is below the gross acreage, pointed to the many access points to the property, stated a collector road would be difficult due to the separation of access points, talked about the conflicts with structures being away from the road, and touched on the level of impact fees generated from the proposed project.

Mr. Black addressed the building height component stating the applicant is seeking four stories up to 45 feet with architectural features up to 65 feet, noted where the additional height will be permitted, talked about open area set asides that would meet the requirement for the green and open space, stated some of the green space corridors are mapped in the comprehensive plan, and referred to the Toscana Isles project adherence to open space areas.

He went on to the signage issue stating Laurel Road is projected to be a four lane road, the CMU commercial standards language is not clear, the proposed signage is in the midrange, they proposed a series of monument signs at the access points, and noted signage is directed by road speed and the complexity of the road. He moved on to the interior landscape buffers stating district standards assure high quality buffers impacting surrounding neighbors, and that user requirements will dictate needs for interior landscape buffers.

Mr. Boone summarized the presentation, stated the applicant reached an agreement with the advisory board to contribute toward the widening of Laurel Road in front of the property, talked about the project identification monument, and that the proposed rezoning represents a significant reduction in intensities. He asserted the application filed was consistent with the meeting held with Mr. Minor, stated the application is consistent with The Bridges application, the submittal requirements are not being ignored, they are being deferred to the site and development plan stage, and requested approval.

Discussion took place on the comprehensive plan, policy 16.21 intent statement, the CMU listing 11 uses, the applicant requesting 22 uses that are different or more intense, such as a marina, many of the uses not matching with the planning area, where the 22 uses came from, and the applicant asking for 22 uses by right.

Mr. Boone stated many of the uses were drawn out as subsets, the question should be whether the use is a permissible use or not, and non permissible uses could be noted in a stipulation to council.

Discussion followed on whether a permitted use has to be approved, drive through pick up uses, and facilities such as movie theaters and entertainment complexes that would be non permissible.

Mr. Boone noted the drive through use is needed for a fast food restaurant or a bank, the commission decides where the drive through facility is located, and noted the benefits of a unified approach to a binding zoning designation.

Discussion followed on the potential government use being appropriate in any zoning district, the six acre city owned parcel on the northern property, there being uses that are incompatible with the neighboring properties, the connector road being required, how the road requirement should be changed, density and intensity of the proposed zoning, floor area ratio, density entitlements, the conversion factors, this being a 30 year build out plan for this parcel, history of the density issues in this area, the conversion factor not applying to this property, comprehensive plan policies 8.2 and 8.4 being addressed at the site and development approval, and considerations to grant the request to exceed 60,000 square footage.

Mr. Boone clarified they specified a maximum of 190,000 square feet and 120,000 square feet on two properties and are requesting it as part of the rezoning, they have generalized conceptual ideas pertaining to policies 8.2 and 8.4, concurred a site and development plan is still needed, and commented the developer needs an anchor to draw other commercial development.

Discussion ensued on the level of detail in The Bridges project compared to the level of detail presented today, whether one example sets precedent, the CMU in a downtown making sense, the CMU specifics not fitting larger tracts without more detail, deferring the development to the site and development plan, concern with the master plan establishing certain uses by right, public space and conservation use, whether the lakes at Toscana Isles will be viewed as public use or conservation areas for this project,

Toscana Isles residents being allowed to build docks on the lake, whether enough parks have been set aside, biggest concern with the comprehensive plan being the uses, and whether all requested uses should be granted by special exception.

Mr. Snyder queried commissioners on questions on the comprehensive plan in relation to this petition. Discussion followed regarding the 135 acre requirement for public open space, whether the lakes would be counted in the area, amount of acreage without the lakes, the lakes being part of the presentation for Toscana Isles and satisfying the requirement, and stormwater ponds falling under the definition of open space.

Discussion continued on the CMU district, whether the property is being defined as an activity center, definition of an activity center, residential in the proposed property and surrounding areas, the height regulation in the comprehensive plan, finding of fact to increase height, the scale of development not currently including off street parking, whether a parking utilization study should be done, whether there will be sufficient parking for the future development, the neighborhood advisory committee, and not having sufficient information on the plan to make the determination today.

Mr. Boone interjected he misspoke when he stated there was an agreement with the advisory board. He advised that the board is not in opposition to the proposal.

Discussion took place regarding the total number of residents in the current area, the advisory board not encompassing all neighboring residents, the developer's willingness to work with neighboring residents, linear greenways along Laurel Road, the more intense the building the more intense the linear park, the Laurel Road area currently being under served, commercial development being based on existing and potential housing stock, potential impact fees, where the impact fees would be used, the interlocal agreement on impact fees, and city input on the use of impact fees collected in the city.

Recess was taken from 4:23 until 4:32 p.m.

Discussion ensued on the perimeter buffering, no internal area buffering, there being no buffer on the eastern property between single family areas, not adding to Toscana Isles buffering, concern with interior buffers, whether a stricter buffer should be imposed, not limiting the commission on buffering requirements, whether there is anything in the presented plan to prohibit the commission from exercising their full rights pertaining to site and development plans, how the approval would affect the commission's input on parking, the traffic issues on Knights Trail Road, Discovery Way and Laurel Road, and not seeing traffic signals in the plan.

Christopher Hatton, traffic engineer, being duly sworn, stated a traffic signal is designated for Knights Trail Road and Discovery Way when warranted, there is no anticipated light on the eastern portion of Laurel Road, and answered questions on unintended consequences of delivery hours being impacted by the shorter winter days and rush hour times, and the basis of the traffic analysis.

Mr. Boone explained more than one use has to be selected when analyzing traffic trips, talked about the process when the maximum number of trips is exceeded, and noted the key in a traffic study is the number of trips generated.

The board discussed how a traffic study could be conducted when the uses have not been determined, the applicant using current allowable uses for the study, when a new traffic study is triggered, why the applicant is requesting uses that are currently prohibited in the CMU, lakes being considered as conservation areas, the traffic issue, how to project parking, the anticipated possible use for a church that generates traffic at

certain times during the week, the unified plan allowing for shared parking, the potential for uses to change, difficulty in depicting parking, and types of potential government use.

Mr. Pickett explained how the entitlements were calculated and noted the lack of clarity in the comprehensive plan concerning entitlement calculations.

Audience Participation

Michael Smith, 1243 Cielo Court, being duly sworn, stated he sits on the advisory board and spoke in support of the development.

(5:10) Georgette Morano, 1210 Cielo Court, being duly sworn, stated she sits on the advisory board, noted the excitement in the neighborhood with recent and potential development, and expressed her support for a neighborhood type development.

John Moeckel, 185 Treviso Court, being duly sworn, commented he was involved with the initial advisory board, and stated on his own behalf, they want to be part of the City of Venice. He noted the intent of the previous development proposal and neighborhood opposition, pointed to policy 8.4 regarding large commercial retail buildings, and noted there is no master plan for North Venice. He commented on the importance of a retail center, residents do not want a University Parkway type development that would attract outside people, and expressed residents want neighborhood types of retail.

(5:18) Donna Boyer, 149 Rimini Way, being duly sworn, stated she shares many of the concerns shared today, stated VGRC is still dealing with the unintended consequences from the Henry Ranch project, she is worried about the lack of detail, and that residents want the guidelines they worked hard for to be part of the approval. She spoke in opposition of granting the unlimited approval without seeing more detail, noted traffic concerns when PGT and Tervis Tumbler shifts are entering and exiting the area, noted the challenges during the construction of two large retail centers, do not want this to become a precedence for CMU zoning, VGRC residents want community retail services, and stated concern with increased traffic from outside the community.

Carol Barbeiri, 230 Padova Way, being duly sworn, spoke about the advisory board's participation in the development, noted the need for retail in the area, stated the association sent out an article on the proposed development and no negative responses were received, and suggested the unacceptable uses be removed.

(5:27) Richard Barber, being duly sworn, WCI communities, stated the proposed retail makes sense for the area, he supports the petition, and that WCI still owns the country club.

Rebuttal

Mr. Boone commented those that are concerned with a proposed government use should know the county owns land all along Knights Trail, stated he would like to discuss any uses of concern before they are removed, and that he would be happy to answer questions on the big box portion of the presentation.

Discussion followed concerning whether this is a good zoning and planning project, focusing on those uses that appear to be envisioned by the regulations, all other uses being allowed by special exception, and concern with the potential for automotive convenience and repair centers, houses of workshop, child care, funeral homes and day care centers.

(5:35) Chair Snyder closed the public hearing.

Mr. Pickett noted the motion should include the proposed code modification and the proffered stipulations in the finding of sections 86-47(f), 86-07(l)(2), and 86-97(p)(2)d.

Discussion took place on the motion, whether the board is comfortable with the other uses, granting the requested uses by special exceptions rather than by right, whether the application is in compliance with the comprehensive plan, some of the uses being beyond what was intended, allowing all uses listed in CMU zoning and all others being approved by special exception, drive thru uses and normal special exception uses remaining special exception, the area being a transition area, and amending the motion.

A motion was made by Mr. Williams, seconded by Mr. Murphy, that based on the staff report and the presentation, the Planning Commission, sitting as the local planning agency, finds this request consistent with the Comprehensive Plan, City development standards and with the affirmative Findings of Fact in the record and, therefore, moves to approve Order No. 13-2RZ with the proposed code modifications and stipulations included in the staff report. The motion passed by the following vote:

Yes: 7 - Chair Snyder, Ms. Moore, Mr. Williams, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom

An amendment to the motion was made by Mr. Towery, seconded by Mr. Graser, to allow the 11 uses permitted by the Commercial Mixed Use (CMU) zoning district, and any uses not allowed by the CMU will be required to undergo a special exception procedure. The motion passed on the following vote:

Yes: 5 - Chair Snyder, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom

No: 2 - Ms. Moore and Mr. Williams

V. Project & Petition Updates

ORD. NO. 2014-05	TEXT AMENDMENT Sign Code Update
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Mr. Pickett noted in creating the ordinance some changes were made and briefly reviewed the changes.

Mr. Murphy left the meeting at 6:01 p.m. and did not return.

The board discussed whether the changes are significant enough to advertise and hold another meeting, or if they are minor enough to let staff move forward.

Mr. Persson stated he will let council know the ordinance was discussed with the commission.

There was a consensus of the commission to have the ordinance move forward to council.

This Ordinance was recommended for approval

VI. Future Agenda Items

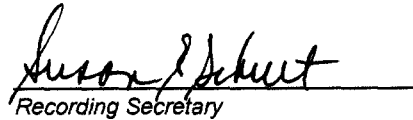
Mr. Pickett queried the board on a quorum for the January 6, 2014 meeting. Mr. Shrum commended the board on their deliberations today, and asked the board to think about how the comprehensive plan will be implemented and possibly changed.

Mr. Snyder expressed his concern that one step in the process was not documented in the petition heard today, asked if staff has an issue with compliance that those issues are highlighted in the staff report, and that beneficial issues of a project in a staff report are highlighted as well.

Discussion followed regarding the commission receiving the agenda packets earlier and this petition being very complex.

VII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 6:09 p.m.


Chair
Recording Secretary
