



Meeting Minutes
Planning Commission

Tuesday, March 21, 2023

1:30 PM

Council Chambers

[22-38RZ](#)

Milano PUD Zoning Map Amendment (Quasi-Judicial)
(Continued from 1-17-23 and 3-7-23 Planning Commission Meeting)
Staff: Roger Clark, AICP, Planning and Zoning Director and Nicole Tremblay, AICP, Senior Planner
Agent: Jeffery A. Boone, Esq., Boone Law Firm
Owner/Applicant: Border and Jacaranda Holdings, LLC

Recess was taken from 2:01 p.m. to 2:05 p.m

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

City Attorney Fernandez questioned Mr. Snyder and other Commission members concerning ex-parte communications and conflicts of interest. Mr. Snyder disclosed conversation with other Venetian Golf and River Club (VGRC) residents, phone call to members of Venetian POA on administrative process, attended town hall meetings with Pat Neal, avoided discussion since reappointment, and received advertisement from Neal Communités. City Attorney asked Mr. Snyder if he reviewed the initial hearing and if he can remain fair and unbiased in making a decision based on the evidence presented at today's hearing. Mr. Snyder affirmed he could. Ms. MacDonald disclosed unrelated conversations with Attorney Jeffrey Boone, and Mr. Jasper disclosed an anonymous mailing.

Planning and Zoning Director Clark and Senior Planner Tremblay, being duly sworn, provided updates on transportation and environmental reviews, a more specific study will be needed for site and development plan, communication from consultant, and answered Commission questions on application completeness, discrepancy in methodology only, new information allowed in continuance, new traffic study provided, applicant not responsible for road failure, no traffic concurrency done but can be considered in compatibility, number of trips projected, analysis of intersection impact, definition of neighborhood scale or regional purposes, if previous applications set precedent, Planned Unit Development (PUD) four sub-developments final plats have been approved, evidence of unified control, amendments to PUDs, Section 86.130w, and submitted under old Land Development Regulations (LDRs).

Attorney Lobeck, Agent representing Venetian Golf and River Club POA, being duly sworn, presented revelations of access points, unable to have signal due to proximity to Jacaranda Boulevard and Laurel Road, VGRC CDD support of Milano PUD with stipulation no access to development on Laurel Road, applicant does not have legal entitlement, current PUD designations of wetlands and open space, Section 86.130k, dedicated within plat, unified control, Section 86.132a, Celio track plats, Florida Statute 177.0812, Ceilo site map provided to purchasers, Section 86.130b8, Section 86.130j3, overdue open space dedication, traffic study, Section 86.47f1, increase in traffic, deficiencies in traffic study, Section 86.130r, development would serve more than just Milano PUD, environmental concerns, open space dedication, other location options, proposed road access does not minimize impact and answered Commissions questions on the January 15th email, Plat 19-23 approved December 10, 2019, written authorization for PUD amendment, regional definition, approval of Laurel Road widening, and March 16, 2023 email of release of restrict covenants.

Suzanne Holway Jerry, 118 Savona Way, being duly sworn spoke against the petition.

Rona Elias, 264 Acerno Drive, being duly sworn, spoke against the petition.

Joan Barron, 209 Corelli Drive, being duly sworn, spoke against the petition.

Debbie Gericke, 146 Bella Vista Terrace, being duly sworn, spoke against the petition.

Diana Watters, 273 Mestra Place, being duly sworn, showed wildlife pictures and spoke against the petition.

Anthony DeMeo, 249 Mestre Place, being duly sworn, spoke against the petition due to concerns with flooding.

Rose Canepa, 294 Martellago Drive, being duly sworn, spoke against the petition.

Todd Myer, 102 Valenza Loop, being duly sworn, spoke in support of the petition.

John Moeckel, 185 Treviso Court, being duly sworn, spoke in support of the petition.

Olen Thomas, 248 Acerno Drive, being duly sworn, spoke against the

petition.

Pat Appolonia, 157 Padova Way, being duly sworn, spoke against the petition.

Ruth Cordner, 246 Montelluna Drive, being duly sworn, spoke against the petition.

Deborah Shaffer, 121 Bolanza Court, being duly sworn, spoke against the petition.

Paul Connolly, 228 Cassalino Drive, being duly sworn, spoke against the petition.

Peter Anderson, 1190 Cielo Court, being duly sworn, spoke against the petition.

Seth Thompson, 257 Corsano Drive, being duly sworn, spoke on release of easements and covenants, and against the petition.

Irene LeBlanc, 324 Acerno Court, being duly sworn, spoke against the petition.

Kenneth Barron, on behalf of Cindy Bathe, 213 Corelli Drive, being duly sworn, spoke against the petition.

John J Lennon, 1286 Cielo Court, being duly sworn, spoke against the petition.

Mark Jerry, 118 Savona Way, being duly sworn, spoke against the petition.

Mary Keating-Scott, 156 Pesaro Drive, being duly sworn, spoke against the petition.

Melissa Carlisle, 256 Caserta Court, being duly sworn, spoke against the petition.

Lee Dube, 268 Caserta Court, being duly sworn, spoke against the petition.

Kathie Bobish, 1278 Cielo Court, being duly sworn, spoke against the petition.

David Bobish, 1278 Cielo Court, being duly sworn, spoke against the petition.

Recess was taken from 4:44 p.m. to 5:01 p.m.

Suzanne Jerry on behalf of Jay Bhalerao, 110 Savona Way, being duly sworn, spoke against the petition.

Suzanne Jerry on behalf of Donna Buchs, 105 Bolanza Court, being duly sworn, spoke against the petition.

Suzanne Jerry on behalf of Marion Waples, 206B Bella Vista Terrace, being duly sworn, spoke against the petition.

Suzanne Jerry on behalf of JoAnn Croteau, 110 Mestre Place, being duly sworn, spoke against the petition.

Suzanne Jerry on behalf of Kathy Giere, 302 Montelluna Drive, being duly sworn, spoke against the petition.

Suzanne Jerry on behalf of Janet Konkell, 122 Savona Way, being duly sworn, spoke against the petition.

Shelly Falik, 126 Padova Way, being duly sworn, spoke against the petition.

John Warfel, 371 Padova Way, being duly sworn, spoke against the petition.

Steve Roth, 280 Caserta Court, being duly sworn, spoke against the petition.

Steve Thomaston, 329 Montelluna Drive, being duly sworn, spoke against the petition.

There were no final staff comments

Attorney Boone requested an hour for rebuttal.

There was consensus to grant Attorney Boone an hour for rebuttal.

Attorney Lobeck spoke on the traffic impact, City's Capital Improvement Program, Laurel Road widening project, potential square footage of commercial building, traffic study, Section 86.130r, showed a map of all subdivisions in area, the Wade Trim environmental report, the Kimley-Horn report, and answered Commission questions on square foot calculation including parking.

Attorney Boone and ED Vogler, Consultant, being duly sworn, spoke on credentials, his review of PUD and HOA documents, ability to amend a plat, rights of homeowners, Florida Statute 177.0812, title commitment,

Cielo replat, previous replats in Milano PUD, Declaration of Convents, Conditions and Restrictions for Cielo, comparison of January 17, 2023 testimony, and open space requirements.

Alex Hoffner, Consultant, being duly sworn, spoke on minimization of adverse impact, the Myakka Mitigation Bank and historical impact on specific wetland.

Attorney Boone spoke on traffic study methodology, and that the site and development plan will require transportation study.

Pat Neal, Applicant, being duly sworn, spoke on the Laurel Road development partnership, and status of Laurel Road widening project.

Attorney Boone spoke on open space dedication, compliance with the LDRs and Comprehensive plan, regional center definition, management of wetlands, development will serve the need of PUD, and location on the perimeter of PUD.

City Attorney Fernandez clarified that Mr. Boone is not a witness and could not be crossed examined.

Attorney Lobeck questioned Mr. Vogler regarding review of the Declaration, Section 4.01B, limitations of Florida Statutes, if Declaration supersedes State Statutes, amending the plat, Florida Statue 177.0812, proposed replat, and homeowners interest in Cielo as a whole.

City Attorney Fernandez clarified the change in LDRs on open space dedication.

Attorney Boone and Mr. Neal answered Commission questions on the proposed residential to west of property, pond, stormwater system, affect on drainage, funding for Laurel Road, and what commercial use serve a PUD versus regional.

City Attorney Fernandez clarified homeowner declarations are not considered when determining unified control, definition of final plat, property in question has sole owner, decision today is on current plat, time frame of change of covenant document, and the board is to determine if ownership equals unified control.

Chair Willson closed the public hearing.

Discussion took place regarding if proposal is only for PUD, unified control, entrance location, conformity with comprehensive plan, environmental concerns, Section 86.47F1f, potential traffic congestion, use of current zoning, other sites in City, mixed use areas, the binding

master plan, Section 86.130, argument on both side, population growth in North Venice, wetland already disturbed multiple times, traffic impact will be minor compared to population growth, access on Laurel Road, arguments beyond LDR compliance, possible stipulations, appropriate for neighborhood, compatibility with commercial and residential, Publix estimated use, when plat is final, area is mixed use residential, and landscape buffers.

A motion was made by Ms Schierberg, 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. 22-38RZ. The motion failed by the following vote:

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

No: 4 - Mr. McKeon, Mr. Willson, Ms. MacDonald and Chair Snyder