



City of Venice

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

Meeting Minutes City Council

Wednesday, January 29, 2014

1:30 PM

Council Chambers

HEARING ON THE APPEAL, A & B OF VENICE

CALL TO ORDER

Mayor Holic called the meeting to order at 1:30 p.m.

ROLL CALL

Present: 7 - Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Kit McKeon, Council Member David Sherman, Council Member Jeanette Gates, Council Member Bob Daniels and Mayor John Holic

Also Present

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Senior Planner Scott Pickett, Historical Director James Hagler, Stormwater Engineer James Clinch, Building Director Vince LaPorta, and Recording Secretary Judy Gamel.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bob Moore.

I. NEW BUSINESS

14-01AP

Hearing on the Appeal Filed by Conrad Meyer, Gloria Caprio and Jack Moore Regarding the November 19, 2013 Decision of the Planning Commission Concerning Site and Development Plan (13-3SP) and Special Exception (13-4SE) Petitions, A&B of Venice, Owner: John and Karen Coffey

Mayor Holic stated this is a quasi-judicial hearing and confirmed those testifying have signed an oath on the speaker card.

Mr. Persson queried board members on conflicts of interest and ex-parte communications since the appeal was filed on September 16, 2013. There were no conflicts of interest. Mr. Sherman disclosed a meeting with Mr. Meyer regarding the Planning Commission's decision and the appeal process. Mr. Bennett disclosed receiving email communications since the filing of the petition regarding a dispute between neighbors. Mayor Holic disclosed a site visit. Mr. Daniels disclosed a site visit and a meeting with Mr. Meyer and his wife. There

were no questions to council members regarding these disclosures.

Mr. Persson reviewed the meeting procedure and introduced the attorneys.

Mr. Pickett, being duly sworn, reviewed the petition, and displayed an aerial photograph of the site, a drawing of the Edgewood District and historic structures, displayed photographs of existing site conditions, reviewed special exception requests relating to buffers and parking, proposed uses for a car/truck rental business and automotive repair shop, and displayed an existing zoning and a future land use map. He reviewed the Seaboard Sector planning intent; noting the special exception request to reduce the 20 ft. wide buffer, exceeding code standard, and staff's recommendation that there be no opening of any kind in the eastern wall of the parking garage, commented on the special exception request of grass parking modifications, and the stipulation that if the grass parking is not maintained the owner may be required to pave the parking lot.

Mr. Pickett responded to council questions regarding other allowable impervious surfaces, existing dense landscaping, and commercial and residential buildings, provided an overview of the third special exception request allowing for tandem or stacked parking, displayed a site plan, discussed retaining two access points on US 41 Bypass, additional curbing improvements, buffering on the eastern property line, relocation of the door from the eastern wall and sidewalk removal, and additional mitigation measures, displayed elevations of three remaining structures, and a six bay garage. He noted that staff recommends two conditions; all off-street parking shall occur only at off-street parking and loading areas as shown on the approved site and development plan, and there shall be no opening of any kind on the eastern wall of the automotive service and repair building.

Responding to council questions, Mr. Pickett stated that the displayed drawing will need to be updated, provided further clarification on buffering, reviewed the development review, staff analysis, and reviewed Planning Commission's decisions.

In response to Mayor Holic's question, Mr. Hagler stated the house displayed on the plan is not on the national register as a historic house but is categorized in the Nolen District Plan of historic places.

Recess was taken from 2:16 p.m. until 2:23 p.m.

Robert Moore, attorney for A & B of Venice, being duly sworn, expressed concern with the garage building that is currently located on the property, and displayed a memorandum dated October 24, 2013.

Mr. LaPorta, being duly sworn, responded to questions regarding permitting and the building being conforming/non-conforming.

Jeff Boone, Boone Law Firm, being duly sworn, clarified that Mr. LaPorta works in the Building Department, and that Mr. LaPorta found nothing illegal during the review of records.

Mr. Persson stated that the non-conforming section of the code was changed such that if a portion of the building is legally non-conforming for a yard then that yard stretches across the lot.

Mr. Boone noted that for purposes of clarity, the city did enact an ordinance or amend an existing ordinance as Mr. Persson described.

Mr. Pickett provided clarification regarding setbacks, and displayed Ordinance No. 2013-06; noting the provision in Section 86-550 regarding minimum setbacks.

Mr. Moore questioned Mr. Pickett regarding previous special exceptions for parking, increase for grass parking in commercial settings, special exception no. 1 regarding landscaping buffers, buffering and setback requirements, and referred to section 86-552 (2)c. of the Code of Ordinances for clarification.

Mr. Pickett displayed Ordinance No. 2013-06; noting the provision in the last sentence of Section 86-550 regarding intent.

Mr. Moore further questioned variance requirements, the proposed ten foot landscape buffer location, a Southwest Florida Water Management District (SWFWMD) letter granting a permanent exemption, and grass requirements.

Mr. Boone objected that these questions call for speculation.

Responding to Mr. Moore's questions, Mr. Pickett commented on parking spaces on grass, heat produced by parked cars, moving parked trucks, historic homes adjacent to this property, site plans reviewed by staff, and displayed a memorandum with Mr. Hagler's name regarding the historic preservation review process.

Mr. Boone objected; noting that Mr. Hagler confirmed the property is not in the historic district.

Mr. Pickett provided clarification on the number of parking spaces per building on the property, commented on an email sent to Mr. Boone regarding parking, Budget Car Rental and AAMCO parking, and

signage.

Mr. Clinch, being duly sworn, responded to Mr. Moore's questions concerning drainage.

Mr. Pickett responded to questions regarding the location of the air compressor, sound proofing, setback extensions, and requests to exceed 25 percent of grass parking.

Mr. Boone questioned Mr. Pickett regarding displayed duties of the Planning Commission, explained why some code language may conflict, displayed code sections, and clarified items that were discussed with staff to include statements regarding the presentation to the Historic Preservation Board, and additions to the site triangle.

Recess was taken from 3:34 p.m. until 3:41 p.m.

Mr. Boone requested that all city files and Planning Commission files be made part of this procedure, displayed three aerial photographs of the site and the site and development plan, discussed access points, remodeling of existing buildings, demolition of the existing house, expansion of bays, the special exception to retain the existing building and a ten foot setback, buffer yard requirements, landscaping, and adding sidewalks and curbs. He displayed an aerial of the clear site triangle, stated improvements will prevent parking, and further commented on retaining existing buffering, adding new buffering, code for special exceptions, ingress and egress, benefits of stacked and grass parking, positive economic effects on property, refuse and service area improvements, compliance with all other code regulations, Planning Commission duties, SWFWMD permits, revision of plans to meet neighbor concerns, property value, and stated that if approval is delayed the rental car company will not be improved and AAMCO could be relocated to a three bay building.

Mr. Boone responded to council questions regarding monitoring of the grass parking, wear and tear, noise reduction, use of a six bay garage, side yard code requirements, and parking at the rental car business.

Jack Moore, 721 Groveland Avenue, being duly sworn, expressed his concerns with grass parking, noise pollution, and traffic, commented on poor drainage, and played a recording of air compressor noise. Mr. Boone displayed a photograph of Mr. Moore's home, and questioned Mr. Moore regarding the purchase of his home, and property drainage. Mr. Moore responded to questions regarding the three bay garage building, previous zoning, and occupancy of the buildings, and provided clarification of the land contract on his property.

Conrad Meyer, 706 Groveland Avenue, being duly sworn, displayed a drawing of the neighborhood, expressed concern with property values, chemical drainage, and hazardous waste from repair shops, and displayed the site plan to show the proposed neighbor's view. Mr. Boone objected stating it is not germane. Mayor Holic allowed Mr. Meyer's comments. Mr. Meyer continued his discussion regarding landscaping, driveways, grass parking, mud drainage to streets, air compressor noise, objected to stacked parking, and answered questions on parking, current view of property, tractor trailers on the property, traffic flow, noise from trucks loading and unloading cars, and proposed driveways.

Mr. Boone displayed Exhibit D; a photo of Mr. Meyer's home that was purchased in 1996, Exhibit E; Quitclaim Deed showing Mr. Meyer operates an automotive business, and Exhibit F; photos of Mr. Meyer's business showing trucks blocking traffic passing through.

Mr. Moore stated the third appellant, Gloria Caprio, is out of town.

Mr. Meyer verified that the houses shown in Exhibit C are that of Mr. Moore and Gloria Caprio.

Recess was taken from 4:50 p.m. until 5:10 p.m.

II. AUDIENCE PARTICIPATION

Terri Britton, 736 Groveland Avenue, being duly sworn, commented on the status of the neighborhood, number of vehicles present within the two businesses, and expressed concerns with traffic, parking, and increased noise.

John Ryan, Venice Area Chamber of Commerce, being duly sworn, expressed support of the Bypass widening and businesses relocating into the city within established rules.

Tom Trammell III, 2964 Argyle Road, being duly sworn, spoke in support of AAMCO and commented on building improvements.

Mr. Moore's rebuttal consisted of discussion regarding his involvement in the first hearing, potential parking issues related to the special exception approval, tandem and truck parking concerns, interpretation of the Commercial Intensive (CI) district code, buffer requirements, ability to obtain a building permit, air compressor noise, hazardous material drainage, traffic, and requested council's denial of the site plan.

Mr. Boone's rebuttal consisted of comments on the area being an historic district, changes to the entryway of the Edgewood Historic neighborhood, existing buildings and parking areas, parking at Budget

Rental, the John Nolen plan, appellants' purchasing property after it was designated Commercial Intensive (CI) zoning, and Mr. Meyer being a competitor with AAMCO. He displayed photographs of Mr. Meyer's business with five bays, commented on toxic chemicals used by Mr. Meyer, the number of cars parked that are associated with Budget Car Rental, approval of stacked parking in the city, traffic issues, grass parking, additional land purchased for parking, the special exception not being for setbacks, the special exception improving the appearance of the property, and the site and development plan meeting all city criteria, and requested council's approval of the site plan.

Mr. Boone responded to council questions regarding a detailed landscaping plan for buffering, and grass maintenance.

John Minder, A & B Venice, being duly sworn, discussed existing tree root structures in regards to new plantings.

Mr. Boone verified the landscaping plan is part of the site and development plan package which is part of the record, and displayed photographs that will be added into the record.

14-01AP

Hearing on the Appeal Filed by Conrad Meyer, Gloria Caprio and Jack Moore Regarding the November 19, 2013 Decision of the Planning Commission Concerning Site and Development Plan (13-3SP) and Special Exception (13-4SE) Petitions, A&B of Venice, Owner: John and Karen Coffey

A motion was made by Council Member Daniels, seconded by Council Member Bennett, to approve the application, site and development plan Petition No. 13-3SP, A & B of Venice, and adopt the findings of fact, with two stipulations 1) all off-street parking shall occur only at off-street parking and loading areas as shown on the approved site and development plan and 2) there shall be no openings of any kind on the eastern wall of the automotive service and repair building.

Mr. Persson clarified that the site plan cannot be approved until after the special exception is approved as the site plan is contingent upon the special exception.

A motion was made by Council Member Carlesimo, seconded by Council Member Gates, to table the motion. The motion carried by voice vote unanimously.

Mr. Persson provided clarification regarding the determination of when a special exception should be used.

Discussion followed on buffer and setback requirements, and grass parking.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, to approve the application, special exception Petition No. 13-4SE, A & B of Venice, and adopt the findings of fact. The motion carried by the following vote:

Yes: 7 - Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates, Mr. Daniels and Mayor Holic

A motion was made by Council Member Carlesimo, seconded by Council Member Gates, that the previous motion be removed from the table. The motion carried by voice vote unanimously.

Discussion followed on flooding and compressor noise issues, ways to handle traffic issues, state and federal regulations pertaining to hazardous waste, automobile repair shops, rental agencies, and truck parking.

The original motion made by Council Member Daniels, seconded by Council Member Bennett, was approved as stated by the following vote:

Yes: 7 - Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates, Mr. Daniels and Mayor Holic

III. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 5:45 p.m.

ATTEST:

Mayor - City of Venice

City Clerk
