



# City of Venice

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

## Meeting Minutes Planning Commission

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Tuesday, June 18, 2024

1:30 PM

Council Chambers

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### [24-11RZ](#)

Cassata Oaks Zoning Map Amendment (Quasi-Judicial)

Staff: Nicole Tremblay, AICP, Senior Planner

Agent: Melissa Strassner, Esq., Berlin Patten Ebling, PLLC & Mariah Miller, Esq., M.L. Miller Law, PLLC

Applicant/Owner: Auburn Road FC, LLC

Vice Chair Willson Chair 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, Mr. McKeon, and Vice Chair Willson disclosed a site visit. Chair Snyder disclosed a conversation with Planning and Zoning Director Clark. Ms. Schierberg disclose living near property, attending events at Fox Lea Farms, and being approached by individuals and Ms. Farrell, the owner of Fox Lea Farm.

City Attorney Fernandez spoke on Quasi-judicial procedures, role of Commission, basing decision solely on evidence presented today, recent amendment to procedural code for Quasi-judicial hearings and answered Commission question regarding history of property provided in reports.

Attorney Corinna Coser, Agent for Fox Lea Farm, being duly sworn, presented the request for affected party status due to proximity to property.

Attorney Melissa Strassner, Agent for Applicant, being duly sworn, noted the applicant does not contest affect party status, and requested a portion of the letter submitted by Fox Lea Farm be stricken from the record.

City Attorney Fernandez spoke on the Commission addressing objections and request to strike material.

Attorney Coser acknowledge that prior petitions would not be taken into consideration and noted that letter's intent to convey Fox Lea Farms concerns.

**A motion was made by Chair Snyder, seconded by Ms. Schierberg , to grant Fox Lea Farms affected party status. The motion carried unanimously by voice vote.**

City Attorney Fernandez noted the City Council's procedures for time limits, the Commission's procedures to set time limits on case by case basis, and the Applicant's request for 35 minutes for presentation.

**There was consensus to grant 35 minutes for presentation and 15 minutes for closing rebuttal.**

City Attorney Fernandez noted the Applicant's request to allow virtual attendance for a witness, there being no policy or procedure for virtual attendance for witnesses, and recommendation to only consider in extraordinary circumstances.

Attorney Strassner requested witness virtual attendance be granted due to a medical reason.

There were no objections from staff and affected party.

**There was consensus to allow virtual attendance for a witness.**

City Attorney Fernandez noted there was a late submittal of materials by affected party and the Commission ability to accept or deny the material.

Attorney Coser noted that the letter in question addressed the concerns of the affected party.

Attorney Strassner requested the letter be removed from the record.

Discussion took place regarding whether contents of letter would be addressed in testimony, and including letter due to high public interest on matter.

**There was consensus to accept the late submittal into the record.**

City Attorney Fernandez reminded the Commission that their decision is to be based solely on evidence provided during the hearing and the City Code, and not on public opinion.

Senior Planner Tremblay, being duly sworn, presented general information, project description, background, Joint Planning Agreement for area two (JPA2), aerial map, location map, existing conditions, future land use map, existing zoning map, proposed zoning, site photos, surrounding properties site photos and information, comparison of existing and proposed zoning, Comprehensive Plan consistency, concept of 60 units, proposed density, Land Development Code compliance, Technical Review Committee review, approval not authorizing development, special conditions, consideration of mitigation techniques, concurrency, mobility, proposed stipulation of density being limited to 60 single family and the conceptual Plan shall be binding, and answered Commission questions on the years the JPA is effective,

reason for JPA limitation to 3 units per acre, whether the property could be developed up to the 118 units at a later time under another owner, and a stipulation for future disclosure of surrounding property uses.

Attorney Strassner, Agent, and Attorney Mariah Miller, Agent, being duly sworn, introduced team and presented location map, request for RSF3 zoning, future land use, Comprehensive Plan, use compatibility, proposed zoning, reason for not applying as a Planned Unit Development (PUD), density compatibility, surrounding developments, surrounding property uses, buffer requirements, proposed buffers, site design mitigation, addition of a left turn lane on Auburn Road, estate lot rendering, restrictive covenants, planned notice of proximity, use restrictions, stormwater management, mitigation considerations, and proposed mitigation factors.

Paul Sherma, Civil Engineer, being duly sworn, presented aerial photos with site plan, site photos, cross section rendering, surface water management system, being in the Robert's Bay watershed model, drainage ditches, surface area run off flow, outfall structures, groundwater drawdown, liner for ponds, pond depth, pond construction, and sound studies conducted.

Michael Keane, Acoustical Engineer, being duly sworn, answered Commission questions regarding impact of different sound frequencies.

Attorney Coser, Agent, Kim Farrell, Owner of Fox Lea Farms, and Laurie Birnbach, Community Relation Representative, being duly sworn, presented designation in the 2017 Comprehensive Plan, not being against development, incompatibility, Fox Lea Farm operations and history, contributions to community and economy, noise, dust, and activity produced by farm, mitigation done for Sawgrass development being insufficient, elements needed for successful operation, four elements of concerns, potential impact of construction, impact of sound on horses, water table impact, working with the developer with stipulations, concerns with proposed buffer, suggestions for increased buffers, stormwater concerns, height of buildings, request for prohibition of drones, loud speakers, and fires, concerns for compatibility, request for additional stipulations and answered Commission question regarding current noise heard on farm from surrounding developments, and specifics of additional buffers requested.

Recess was taken from 4:04 pm to 4:11 p.m.

Attorney Strassner questioned Ms. Birnbach regarding incident of truck spooking horse, Fox Lea Drive being a public right-of-way, being the main entrance for farm, photo of road, instances of other sound issues, and Fox Lea Farm adding own buffers.

Attorney Strassner questioned Ms. Farrell regarding adding buffers to own property, whether she received communications of stipulations from applicant, horses having protective gear, horse owner's rights, and whether Fox Lea Farms sells any ear plugs or bonnets.

Attorney Coser questioned Ms. Farrell regarding sale of ear plugs and bonnets at Fox Lea Farm, whether Fox Lea Farms can require horse owners to use these products, purpose of ear nets, and nets not being allowed during competition.

Steve Carr, 149 Avens Drive, being duly sworn, spoke on application being inconsistent with surrounding community, surrounding properties being PUDs, activities at Fox Lea Farms, concept plan lacking details, opacity of landscape, stormwater ponds concerns, irrigation for lots, and having a Binding Master Plan.

Marilyn Moss, 2045 Frederick Drive, being duly sworn, spoke on OUE zoning land traits, plan for relocation of wildlife, Fox Lea Farms being a loud and dusty property, I-75 sounds, horse trailers on surrounding roads, and against development.

Attorney Coser spoke on Fox Lea Farms mitigation efforts not being under review, not opposed to development but requesting for more mitigation, including stipulations of notice of proximity and construction best practices, and concerns for water tables.

Attorney Strassner and Mike Miller, Applicant, being duly sworn, spoke on why applicant did not apply as a PUD, irrigation and landscaping being reviewed at site and development, responsibility of Fox Lea Farms to buffer their own property, property rights, environmental report, Code Section 1.74 Decision Criteria, Section 4.4.b Additional Compatibility Mitigation, applicant's additional considerations, importance of Fox Lea Farm, timeline of plan for development, being aware of all of Fox Lea Farm's concerns, experts hired, design of ponds, sound expert opinion, Sawgrass had not provided notice of proximity, open area between farm and Sawgrass, density of tree on southern line, examples of equestrian centers near residential areas, and willingness to work with farm to coordinate construction schedule.

Discussion took place regarding stipulation offered by applicant and the staff recommended stipulations.

Vice Chair Willson closed the public hearing.

Discussion took place regarding whether making it a PUD would be appropriate, county intentions with original zoning, stormwater

management plan, street maintenance, amenities, surround properties being PUDs, liners in ponds, concerns with the directional drainage, horse trailers access, stormwater management being reviewed by Southwest Florida Water Management District (SWFWMD), Homeowners Association responsibility for professional stormwater management, JPA agreement, County's original intention of 3 units per acres, compatibility, communication between applicant and Fox Lea Farm, amount of open space in current proposed plan, size of buffers, inability to keep OUE zoning, being in favor of larger lots on south side, developers considerations, and purpose of liners.

**A motion was made by Chair Snyder, 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 Petition No. 24-11RZ with the two stipulations proffered by staff and agreed to by the applicant, and all of the applicant proffered stipulations as provided. The motion carried by the following electronic vote:**

**Yes:** 5 - Mr. Hale, Mr. Willson, Mr. Jasper, Chair Snyder and Mr. McKeon

**No:** 1 - Ms. Schierberg