



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, September 7, 2021

1:30 PM

Council Chambers

[21-5207](#)

Instructions on How to Watch and/or Participate in the Meeting

I. Call to Order

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

II. Roll Call

Present: 7 - Chair Barry Snyder, Shaun Graser, Kit McKeon, Richard Hale, Bill Willson, Richard Lawson and Jerry Jasper

Also Present

Liaison Mayor Ron Feinsod, City Attorney Kelly Fernandez, City Clerk Lori Stelzer, Deputy City Clerk Mercedes Barcia, Acting Planning and Zoning Director Roger Clark and Administrative Coordinator Toni Cone.

In-person: Mr. Hale, Mr. Lawson, Mr. McKeon, Mr. Willson, and Mr. Jasper

Via video-conference: Chair Snyder and Mr. Graser

Mr. Graser arrived at 1:40 p.m.

III. Approval of Minutes

[21-5208](#)

Minutes of the August 17, 2021 Meeting

A motion was made by Mr. McKeon, seconded by Mr. Willson, that the Minutes of the August 17, 2021 meeting be approved as amended on Petition No. 21-26AM to change planned unit development (PUD) to Deed Restrictions in the sixth and seventh paragraphs. The motion carried by voice vote unanimously.

IV. Audience Participation

There was none.

V. Public Hearings

[21-03PP](#)

Rustic Road South Preliminary Plat (Quasi-Judicial)
Staff: Kristin Ward, Planner

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

Applicant: Jen Tampa 1, LLC

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

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Hale, Mr. Lawson, and Mr. McKeon disclosed site visits. Mr. McKeon reported communication with the manager of the nearby skeet range regarding noise and stated he could remain fair and unbiased in making a decision based on the evidence presented at today's hearing.

Ms. Ward, being duly sworn, provided staff's presentation to include petition information, property location, aerial photographs, site photographs, surrounding area, future land use, development standards, zoning, proposed preliminary plat, conclusions and findings of facts, and review and action.

Mr. Graser arrived at 1:40 p.m.

Mr. Clark, being duly sworn, responded to a board question regarding when the dirt path on Rustic Road will be paved and stated the Florida Department of Transportation (FDOT) and Sarasota County are working to expand Rustic Road to Honore.

Jeffery Boone, agent, being duly sworn, provided a presentation regarding the petition, lot size, and amenity center.

Jordan Schrader, Clearview Land Design, P.L., being duly sworn, spoke on the project, traffic, and answered a board question regarding the gun range, stipulation from city council, and prospective owners.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Jasper, seconded by Mr. 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, recommends to city council approval of Preliminary Plat Petition No. 21-03PP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

21-05PP

Rustic Road North Preliminary Plat (Quasi-Judicial)

Staff: Kristin Ward, Planner

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

Applicant: Jen Tampa 1, LLC

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

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Hale, Mr. Lawson, Mr. McKeon, and Mr. Graser disclosed site visits, and Mr. McKeon noted the discussion disclosed in the previous petition and stated he could remain fair and unbiased in making a decision based on the evidence presented at today's hearing.

Ms. Ward, being duly sworn, provided a presentation to include preliminary plat petition information, property location, aerial map, site photos, surrounding areas, future land use, zoning, development standards, binding master plan, zoning determination, conclusions and findings of fact, review and planning commission action.

Mr. Boone, agent, being duly sworn and Mr. Schrader, Clearview Land Design, P.L., being duly sworn, provided a presentation noting the petition was consistent with comprehensive plan, stated their request for the planning commission to recommend approval to city council, and answered a board question regarding an emergency exit.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. 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 Preliminary Plat Petition No. 21-05PP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

21-15VZ

301 Ponce De Leon Variance (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Applicant/Owner: Henry Ziegler

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

Ms. Fernandez stated this is a continuation of the prior variance hearing, all the evidence and testimony previously heard is to be considered today, and noted that new information could be presented today. She questioned Mr. Hale regarding viewing the video of the previous hearing, due to his absence and answered he had viewed the video, and disclosed a site visit, with no communication. Ms. Fernandez also questioned the other board members about ex-parte communications and there were none.

Ms. Tremblay, being duly sworn, stated there was no further information to add to the record.

Mr. Rees, agent, being duly sworn, provided a presentation regarding the petition request for variance from front yard setback for an in-ground pool, property condition, aerial photo, summary of proposed activity, site photos, standards of review, request for approval, and answered board questions regarding other variance requests, the house and footprint, and the pool variance.

Discussion continued in regards to other variance requests, setbacks on previous variances for pools in a front yard, the house and footprint, the pool variance, the garage, and why a variance was not requested at the time of the construction permit application.

There was no audience participation.

Mr. Clark, being duly sworn, commented on the variance process, giving applicants information on previous variances, but note that planning commission would make decision on each application, and that there was satisfactory information for the planning commission to take action, not .

Mr. Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Mr. 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 Variance Petition No. 21-15VZ. The motion carried by the following vote:

Yes: 4 - Chair Snyder, Mr. McKeon, Mr. Hale and Mr. Willson

No: 3 - Mr. Graser, Mr. Lawson and Mr. Jasper

[21-06RZ](#)

City of Venice Water Utility Booster Pump Station Zoning Map Amendment (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Agent: Bruce E. Franklin, President, Land Resource Strategies, LLC
Applicant: Javier A. Vargas, City of Venice Utilities Director

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

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Jasper disclosed discussion with public utilities and his homeowners association (HOA) months ago and can remain fair and unbiased in making a decision based on the evidence presented at today's hearing.

Ms. Tremblay, being duly sworn, provided a presentation and spoke to petition information, project description, zoning amendment, surrounding land uses, planning analysis, comprehensive plan compliance, zoning map amendment, conclusions and findings of fact, report and recommendation.

Mike McGee and Bruce E. Franklin, agents, being duly sworn, provided a presentation regarding the water booster pump station, future land use map, zoning map, aerial slide, and site plan.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Jasper, 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. 21-06RZ. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

21-07SE

City of Venice Water Utility Booster Pump Station Special Exception (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Agent: Bruce E. Franklin, President, Land Resource Strategies, LLC
Applicant: Javier A. Vargas, City of Venice Utilities Director

Mr. Snyder announced this is a quasi-judicial hearing for both Petition Nos. 21-07SE and 21-08SP, read memorandums regarding advertisement and written communications, and opened the public hearing.

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Jasper disclosed discussions with public utilities staff and his HOA months ago, as noted in the previous

hearing, and can remain fair and unbiased in making a decision based on the evidence presented at today's hearing.

Ms. Tremblay, being duly sworn, provided a presentation to include the special exception and site plan, project description, existing conditions, site photos, future land use, proposed use, comprehensive plan compliance, land development code compliance, concurrency and mobility, report and action, and answered a board question regarding the special exception, the size of the current project and the full site.

Discussion took place regarding the special exception, improvements for the future, and limiting the special exception to the current booster station project only.

Mr. McGee, agent, being duly sworn, provided a presentation, including key features of site, site plan, map of off-site utilities, photos of pump station, and answered board questions regarding lot size, elevations, pipe lines, and natural buffers.

There was no audience participation.

Mr. Snyder closed the public hearings.

A motion was made by Mr. Willson, seconded by Mr. McKeon, 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 Special Exception Petition No. 21-07SE, as amended, to limit it to the current 11 acre project site, with staff stipulation that it is contingent upon final approval of rezoning by city council. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

[21-08SP](#)

City of Venice Water Utility Booster Pump Station Site and Development Plan (Quasi-Judicial)

Staff: Nicole Tremblay, Planner

Agent: Bruce E. Franklin, President, Land Resource Strategies, LLC

Applicant: Javier A. Vargas, City of Venice Utilities Director

A motion was made by Mr. Willson, seconded by Mr. Lawson, 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. 21-08SP with staff stipulation that it is contingent upon final approval of rezoning by city council. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

Recess was taken from 3:26 p.m. to 3:35 p.m.

21-12VZ

1100 Sunset Drive Variance (Quasi-Judicial)

Staff: Amy Nelson, AICP, Senior Planner

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

Applicant/Owner: Craig and Julie Hoensheid

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

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Lawson disclosed a site visit.

Ms. Fernandez stated that the planning commission had received a request for affected person status from Victor and Patricia Manning and action would have to be taken on this item first.

Bill Moore, agent, being duly sworn, representing Victor and Patricia Manning, presented the request for affected person status.

Jackson Boone, agent, being duly sworn, stated disagreement with the request for continuance and requested clarification on the request for affected person status.

Mr. Moore stated that the reasons for affected person status were sufficient.

Mr. Boone responded that there was no objection to the affected party status and noted the applicants for affected party status must demonstrate harm.

A motion was made by Mr. McKeon, seconded by Mr. Jasper to grant the request of Victor and Patricia Manning for affected person status in variance petition 21-12VZ. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

Mr. Moore requested a continuance of the hearing.

Mr. Jackson Boone objected to the continuance due to appropriate noticing and communication and requested the planning commission to move forward today.

Jeffery Boone, agent, being duly sworn, stated that the affected parties

need to disclose reasons they did not respond until now even though noticing requirements were filed.

Mr. Boone addressed drainage issues, building height, and aesthetics.

Discussion continued regarding a continuance.

A motion was made by Mr. McKeon, seconded by Mr. Willson to deny the request for continuance by the affected parties in variance petition 21-12VZ. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

Ms. Nelson, being duly sworn, provided a presentation to include petition information, variance information, noted correct code section, property location map, site photographs, proposed site plan, planning commission review and action, summary finding, and answered a commission question regarding the location of the house.

Mr. Moore asked about the wall and the technical review committee approval.

Mr. Jackson Boone provided a presentation regarding the petition, variance request, from gulf setback line, uniqueness of the property, and historical significance.

Glen Darling, Hall Darling Design Studio, being duly sworn, spoke regarding the design of the home, deterioration, and gulf setback.

Mr. Moore inquired as to the name of the design studio, square footage of the structure, percentage of structure that is to be built seaward, height of existing structure, and the code.

Mr. Moore spoke to the code language regarding the seaward gulf front setback line, variance, ordinances, and studying the effect of the structure on nearby property, in regards to erosion and storm damage.

Mr. Jackson Boone inquired as to the square footage of the house of the affected parties' home.

Mr. Moore responded that square footage of the affected parties' home was irrelevant and noted the home is behind the setback line.

Dave Baber, 2047 Arboretum Circle, Sarasota, being duly sworn, spoke in favor of the variance for the Farley house, as well as the historical nature of the home and eligibility to be on the national and local historic registers.

Erin DiFazio, 1841 Wharf Road, Sarasota, being duly sworn, spoke in favor of the variance for the Farley house, the uniqueness of the property, and the historical nature of the property.

Ann Keohan, 120 Venice Palms Blvd, being duly sworn, spoke in favor of the variance for the Farley house, the historic nature of the property, the unique opportunity for the city, and restoring the property.

Katherine DeSouza, 2060 Brookhaven Drive, Sarasota, being duly sworn, spoke in favor of the variance, the setback line, and the historic nature of the property.

Mr. Snyder closed the public hearing.

Discussion occurred regarding the Farley house, the architectural importance of the home, and preservation.

Mr. Snyder spoke regarding variance criteria, agreed to uniqueness, possible hardship, the minimum variance required, the code and setback line, and reservations about the criteria being met.

Mr. McKeon spoke regarding the variance criteria, common sense, and support of the variance.

A motion was made by Mr. McKeon, seconded by Mr. 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 Variance Petition No. 21-12VZ. The motion carried by the following vote:

Yes: 6 - Mr. Graser, Mr. McKeon, Mr. Hale, Mr. Willson, Mr. Lawson and Mr. Jasper

No: 1 - Chair Snyder

21-27SP

Arby's Restaurant Remodel Site and Development Plan (Quasi-Judicial)
Staff: Nicole Tremblay, Planner
Applicant/Agent: Justin Polk, Mosiac Red Hat

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

Ms. Fernandez questioned board members concerning ex-parte communications and conflicts of interest. Mr. Hale, Mr. Lawson, and Mr. Graser disclosed site visits.

Ms. Tremblay, being duly sworn, provided a presentation with a project

description, future land use, existing land use, comprehensive plan consistency, land development code compliance, concurrency/mobility, findings of fact, report and planning commission action.

Justin Polk, agent, being duly sworn, spoke regarding the address of the property and concurred with the staff report.

Discussion occurred regarding the lack of northern Italian architecture.

There was no audience participation.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Hale, seconded by Mr. McKeon, 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. 21-27SP. The motion failed by the following vote:

Yes: 3 - Mr. McKeon, Mr. Hale and Mr. Lawson

No: 4 - Chair Snyder, Mr. Graser, Mr. Willson and Mr. Jasper

VI. Comments by Planning Division

[21-5209](#)

Land Development Regulations Update

Staff: Roger Clark, AICP, Acting Planning and Zoning Director

Mr. Clark provided an update on the LDRs and stated that the architectural review board (ARB) will have comments later this week, and the planning commission will get feedback from the historic preservation board (HPB) in the future. He also noted the meeting date change in November.

Mr. Clark shared a request from the ARB for Chair Snyder to attend their next meeting.

There was consensus that Chair Snyder would listen to the ARB meeting, but not attend.

Mr. Clark noted that the public comment period on the LDRs has been extended to the end of September.

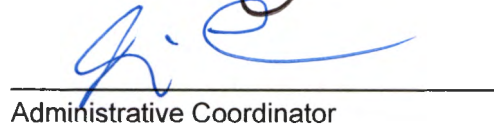
VII. Comments by Planning Commission Members

Mr. Graser complimented the readability of the first draft of the LDRs.

VIII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 5:36 p.m.


Chair


Administrative Coordinator