

To: Roger Clark, AICP, Planning and Zoning Director, City of Venice

From: Brad Cornelius, AICP, CFM, CPM, Vice President, Wade Trim
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Date: March 16, 2023

Subject: Village at Laurel and Jacaranda (Environmental Review)

On July 28, 2022, Wade Trim was engaged by the City of Venice to provide environmental review of the proposed Village at Laurel and Jacaranda project. Subsequently, on August 26, 2022, Wade Trim contracted with subconsultant Earth Resources Consulting Scientists to review the accuracy of the Village at Laurel and Jacaranda Environmental Narrative prepared by Kimley Horn (KHA report) dated June 2022.

To facilitate the environmental review, the City of Venice provided the KHA report, the Site Development Plans for the Village at Laurel and Jacaranda, and the City of Venice Comprehensive Plan 2017-2027 Open Space Element.

On September 8, 2022, Earth Resources Consulting Scientists conducted a site visit of the subject property proposed for future development of the Village at Laurel and Jacaranda project. The purpose of the site visit was to conduct field inspection/ground-truthing activities to verify the presence of significant environmental/ecological constraints identified in KHA report.

The Village at Laurel and Jacaranda project is proposed for commercial development by Neal Communities, Inc. The subject property is a 10.4-acre parcel located in the City of Venice at the intersection of Laurel Road and Jacaranda. As currently proposed, the project will impact the on-site wetland and a permitted stormwater management pond.

Earth Resources Consulting Scientists concluded that the characterization of the existing wetland conditions and the preliminary Uniform Mitigation Assessment Method (UMAM) scores for the wetland are generally accurate. However, additional wetland impacts associated with off-site drainage and road improvements were not accounted for in the KHA report, and the potential for several listed species were not included in the KHA report.

Wade Trim's original evaluation, submitted to the City of Venice on October 21, 2022, was based on the findings of the Memorandum of Village at Laurel and Jacaranda Environmental Document Review prepared by Earth Resources Consulting Scientists dated September 28, 2022. Since then, KHA submitted a first response to comments letter dated November 8, 2022, to which Earth Resources Consulting Scientists responded by memo dated January 11, 2023. On February 20, 2023, KHA submitted a second response to comments letter. Earth Resources Consulting Scientists reviewed the latest letter from KHA, dated February 20, 2023, and concluded that Earth Resources Consulting Scientists' technical comments were sufficiently addressed. On March 3, 2023, Wade Trim submitted an updated evaluation considering all comments exchanged between KHA and Earth Resources Consulting Scientists since October 21, 2022. On March 14, 2023, KHA submitted a third

response to comments letter. Below is Wade Trim's further updated evaluation considering the third KHA response to comments letter dated March 14, 2023.

Wetlands

Intent OS 1.3 - Wetlands

The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.

Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection

The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:

1. Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.
2. Requiring development to first avoid impact to wetlands and aquifer recharge areas.
3. Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.
4. Limiting activities/uses that are known to adversely impact such areas.
5. Restoring/mitigating wetlands in connection with new development.
6. Maintaining the natural flow of water within and through contiguous wetlands and water bodies.
7. Maintaining existing vegetation to serve as buffers to protect the function and values of the wetlands from the adverse impacts of adjacent development.
8. Requiring any wetland mitigation be based upon the most current state-approved methodology.
9. Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies.
10. Coordinating with Sarasota County, Federal, and State review agencies on wetland designation, mitigation policies, and regulations.

Kimley-Horn March 14, 2023, Response: As discussed during the meeting with City of Venice and Wade Trim staff on March 13, 2023, the proposed project will be constructed in the only location available for commercial development within the Milano PUD so no alternative site location is possible.

Regarding avoiding or minimizing impacts to the on-site wetlands, the applicant has demonstrated this throughout the overall Milano PUD by limiting impacts to wetlands and providing large areas of contiguous upland and wetland habitat preservation including a wildlife corridor through the center of the project.

In addition, the functions of the wetland proposed to be impacted by the commercial project have been significantly diminished by historical impacts from the construction of Laurel Road, the

development to the north, and the FPL patrol road to the south. These functions will continue to be diminished when wetland impacts are required for the future Laurel Road widening project. As a result, it is our opinion that the long-term viability of the wetland is low and the functions of the wetland are better served in the Myakka Mitigation Bank, which will be maintained and monitored in perpetuity.

Based on the information above, it is our opinion that the applicant has demonstrated compliance with Strategy OS 1.3.1.

Wade Trim March 16, 2023, Evaluation: The KHA response to comments letter dated March 14, 2023, relies on the Milano PUD land use allocations to address Strategy OS 1.3.1 (2, 3, and 4). However, KHA's response relies on the overall Milano PUD and City staff's evaluation of the proposed Milano PUD amendment to allow the subject property to be used for commercial development. The City's "22-38RZ- Milano PUD Amendment (Village at Laurel and Jacaranda) Staff Report" from the January 17, 2023, Planning Commission public hearing finds that the commercial development of the property meets the allocation percentages for nonresidential development and open space. With the limited time to evaluate the KHA March 14, 2023, response, Wade Trim and Earth Resources Consulting Scientists can neither verify nor dispute that the subject property is the only location available for commercial development within the Milano PUD.

Pertaining to Strategy OS 1.3.1 (2, 3, and 4), the City Council must determine the appropriate interpretation to make on the policy language related to avoidance and minimization of impacts to wetlands and whether based on the overall Milano PUD the KHA response meets the intent of this Strategy. If the City Council determines it is appropriate to utilize the overall Milano PUD for avoidance and minimization of wetland impacts, then the avoidance, minimization, and mitigation approach by KHA, as presented in the KHA report and subsequent responses, may be found compliant with Strategy OS 1.3.1.

Native Habitats, Conservation Lands, and Natural Resources

Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

The City shall protect significant native habitats through its Land Development Code and review process including the following:

1. Preserve existing native vegetation and natural areas including threatened native habitats
2. Encourage development forms that provide protection of significant native habitats such as clustered development and alternative roadway designs (i.e., reduced rights-of-way).
3. Development shall first avoid impact to significant native habitats.
4. Mitigate adverse impacts whenever areas of native habitats are involved in the development of property.
5. Require development to first impact lower quality habitats and resources before impacts to higher quality habitats and resources are considered and used.
6. Native habitat shall be used whenever possible to fulfill open space requirements.
7. Protect environmentally sensitive/significant areas (i.e., floodplain, watersheds, water recharge areas, etc.).

Kimley-Horn March 14, 2023, Response: Please see the response to comments regarding OS 1.3.1 – Wetland and Aquifer Recharge Areas, above, which also addresses this comment. As stated in the response, the applicant has demonstrated the preservation or protection of significant native habitat through design and has avoided impact to significant native habitats throughout the overall Milano PUD. This has been accomplished through the preservation of large areas of contiguous wetland and upland habitats and the establishment of a wildlife corridor in the central portion of the project area. These preserved wetlands and uplands provide habitat for potential utilization by listed wildlife species.

Wade Trim March 16, 2023, Evaluation: With the limited time to evaluate the KHA March 14, 2023, response pertaining to Strategy OS 1.4.2 (1, 2, 3, and 7), the City Council must determine the appropriate interpretation to make on the policy language related to habitat preservation, alternative design, habitat avoidance, and environmental protection and whether based on the overall Milano PUD the KHA response meets the intent of this Strategy. If the City Council determines it is appropriate to utilize the overall Milano PUD for habitat preservation, alternative design, habitat avoidance, and environmental protection, then the approach by KHA, as presented in the KHA report and subsequent responses, may be found compliant with Strategy OS 1.4.2.

Strategy OS 1.4.3 - Endangered or Threatened Species

The City shall protect threatened or endangered native species by requiring that proposed new development and redevelopment (where applicable) be examined for location of Listed Species. The City through its Land Development Code and review processes, will:

1. Coordinate with Sarasota County, Federal, and State agencies for the identification and protection of endangered and threatened species.
2. Require applicants to consult with the appropriate agencies, to use recognized sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or their habitat.
 - a. If endangered or threatened species, or species of special concern are found, such species' habitat shall be identified on the proposed site plan and a plan for mitigation shall be discussed in the site plan narrative.
 - b. Such information shall be addressed through the project staff report.
3. Coordinate with Sarasota County Environmental Protection Programs including, but not limited to, those regarding preservation and or permitting requirements.
4. Promote connectivity and minimize habitat fragmentation.

Kimley-Horn March 14, 2023, Response: Please see the responses to comments regarding OS 1.3.1 – Wetland and Aquifer Recharge Areas and OS 1.4.2 - Protection of Native Habitats and Natural Resources, above, which also address this comment. The applicant has clearly demonstrated through the preservation of large contiguous wetland and upland habitats and the creation of a wildlife corridor in the Milano PUD that habitat fragmentation will be minimized.

Wade Trim March 16, 2023, Evaluation: With the limited time to evaluate the KHA March 14, 2023, response pertaining to Strategy OS 1.4.3 (4), the City Council must determine the appropriate interpretation to make on the policy language related to minimizing habitat fragmentation and whether based on the overall Milano PUD the KHA response meets the intent of this Strategy. If the City Council determines it is appropriate to utilize the overall Milano PUD to minimize habitat fragmentation, then the approach by KHA, as presented in the KHA report and subsequent responses, may be found compliant with Strategy OS 1.4.3.

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