

**City of Venice
Meeting Minutes
Planning Commission
Tuesday, February 4, 2014 1:30 PM Council Chambers**

III. Public Hearings

13-3RZ Windwood

ZONING MAP AMENDMENT

Owner: Neal Communities of SW Florida, LLC c/o Jim Schier

Agent: Jeffery A. Boone-Esquire

Staff: Roger Clark-Planner

(1:31) Chair Snyder stated this is a quasi-judicial hearing; read a memorandum dated February 4, 2014, stated one written communication has been received regarding this petition; and opened the public hearing.

Ms. Fernandez queried board members on ex parte communications. Mr. Murphy, Mr. Snyder, Mr. Graser, Mr. Newsom, Ms. Moore and Mr. Williams disclosed site visits with no communications.

Mr. Clark, being duly sworn, summarized the petition, gave a brief background of the property dating back to its annexation in December 2003, referenced the pre hearing conference regarding the rezoning from Sarasota County Open Use Estates (OUE) to Planned Unit Development PUD, displayed an aerial photo of the site, stated the proposed project will have 90 single family units at approximately two units per acre, and noted this is below the allowable density, He reported the applicant has provided a 16 page document along with maps and illustrations that provides the development standards for the project, if approved becomes the zoning code for the development, and requested this document along with the contents of the petition file be included in the public record. He displayed site photos, stated the stipulations were included in the staff report, the applicant is requesting approval for a gated community, reviewed the pre hearing conference topics regarding traffic, confirmation of proposed amenities, the project being a gated community and perimeter buffering, noted responses to these concerns will be covered in the applicant's report, and answered questions on the quashing of the previous rezoning request for this property.

Mr. Clark stated the PUD allows the developer to set their own standards, highlighted requested alterations, answered questions on the outside perimeter setback, reported staff identified areas of concern, the wetland areas to the north and south are severely degraded, pointed to the comprehensive plan policies regarding non-native invasive species and wetland protection, noted they will be bound by Southwest Florida Water Management District (SWFWMD) regulations for the site, staff analysis for utilities is confirmed, the application is in compliance with city's land development regulations, documents required by code regarding unified control and development agreements have been provided and approved, there are no outstanding technical issues, and reviewed criteria for approval or denial.

Mr. Clark answered questions on signage, access to rear of the lots, and stated sidewalk setbacks are a minimum of five feet that allows for air conditioning and pool pump enclosures.

Mr. Boone, being duly sworn, representing Neal Communities, concurred with the staff report, summarized the petition, stated they have held a neighborhood meeting, received a letter of support from two neighboring communities, answered the commission's questions on the circuit case against a previous rezoning petition for this property, and explained it was quashed because of a due process issue.

Dale Weidemiller, Neal Communities Project Manager, being duly sworn, gave a brief professional history, touched on Neal Communities successes in development over the last 40 years, stated they have never failed to complete a project, referenced the remaining lots Neal Community completed in Sawgrass, and discussed the types of homes to be built and targeted demographics.

Maryann Grgic, Neal Communities Community Relations, being duly sworn, gave a brief job description, talked about neighborhood meetings and workshops conducted, and stated neighboring communities are in full support of the proposed community.

Kelly Klepper, Kimley-Horn, being duly sworn, stated the community will be comprised of single family homes, pointed out the access points on Pinebrook Road, wetlands and buffering, explained the reasoning behind the buffering request, stated the buffering is consistent with the comprehensive plan, displayed photos and graphics of typical buffers included the binding site plan, and noted the plan corresponds with the landscape buffering graphics.

Mr. Weidemiller closed the presentation stating they have designed a project within the guidelines, it is minimum density, the surrounding neighbors approve the project as designed, and requested approval of the petition.

Mr. Klepper answered questions on the buffer and full wall on graphic two, stated the intent is to build the wall on the property line, and that the association will maintain the wall.

Mr. Weidemiller answered questions on wall access for maintenance, wind insurance on the wall, the vegetation shown in landscape graphic one, and stated the easements will be recorded on the preliminary plat.

Mr. Klepper answered questions on the one times the height for buffering, whether the rear swale is part of the setback, the 20 foot front setback, and yard setback requirements.

Mr. Boone expounded on the side yard setback and noted the fire department has to approve the access.

Discussion followed regarding air conditioning and pool enclosures encroaching on access to the rear of the properties.

Mr. Boone answered questions on the sidewalks, noted many people walk in the street, it is better for the environment to have sidewalks on one side of the street, and suggested sidewalks on both sides would impact stormwater concerns.

Discussion followed regarding the buffers for Pinebrook Road, the half wall serving as a transition down to natural vegetation buffering, visibility of properties from Pinebrook Road, replanting the buffers, the location of the half walls in the buffering, the traffic study for this project, unified control, traffic concurrency being in process, whether there is a section set aside for amenity buildings, no current recreation facility shown on the plan, requirement to show public gathering places, location of a potential secondary or emergency exit, and the conditions of the wetlands.

Mr. Boone referenced the section in the comprehensive plan regarding financial feasibility pertaining to wetland improvements.

Responding to discussion, John Henslick, Environmental Consultant, being duly sworn, outlined the required stormwater facilities on the property, noted the problem with wetlands deteriorating over time, when financially feasible wetlands are restored, explained necessary maintenance to restored wetlands and why the wetlands are deteriorating, stated a southernmost wetland would have to be entirely reconstructed, invasive species have taken over the site, noted the success Neal Communities has had with wetlands, and reiterated this site is not conducive to restoration.

Discussion continued on the easements between lots, the binding legal agreement for open space, building height and types of homes to be constructed, accessory use structures, the sidewalk issue being raised at the neighborhood meetings, internal sidewalks not affecting neighboring properties, number of street trees, parking being allowed on one side of the street, the city requesting not to have street parking, names of nearby residential communities, association agreements for the property, underground utilities, location of signage on the property, ground signage, square footage for the sign face, and maximum sign height.

Mr. Clark answered questions on the sign ordinance allowances as it pertains to this project.

(3:00) Chair Snyder closed the public hearing.

Discussion took place on the motion regarding the sign request for 20 feet, concern with buffering along Pinebrook Road, making a stipulation on the buffering opacity on the Pinebrook Road side, a possible amendment to the motion, the applicant indicating 80% or more opacity from the first planting date, and staff concurring the standard has been met.

Mr. McKeon left the meeting at 3:05 and returned at 3:06 p.m.

(3:07) Chair Snyder reopened the public hearing.

Mr. Boone clarified they are pleased with the opacity, either the existing buffer or new buffer will meet the requirements, stated his client will stipulate the buffering along Pinebrook Road on their property will meet opacity standards.

(3:09) Chair Snyder closed the public hearing.

After the motion was made, Mr. Newsom amended the motion to require sidewalks on both sides of the street. Seconded by Mr. Murphy.

Discussion took place on sidewalks adding to the overall impervious surface of the project, the importance of having sidewalks on both sides of the street, and the size of the project not justifying sidewalks on both sides of the street.

(3:13) Chair Snyder reopened the public hearing.

Mr. Boone stated the project was designed to meet the 100 year floodplain.

Peter Van Buskirk, project engineer, being duly sworn, stated the added impervious surface affect the stormwater drainage and that the applicant made a commitment to surrounding neighbors that they would meet or exceed the 100 year flood plain.

(3:14) Chair Snyder closed the public hearing.

Mr. Newsom withdrew his amendment and Mr. Murphy withdrew his second.

Recess was taken from 3:15 until 3:22 p.m.

A motion was made by Mr. Towery, seconded by Mr. Williams, that based on the staff report and the presentation, the Planning Commission, sitting as the local planning agency, finds this request consistent with the Comprehensive Plan, City development standards and with the affirmative Findings of Fact in the record and, therefore, moves to approve Order No. 13-3RZ. The motion carried by the following vote:

Yes: Chair Snyder, Ms. Moore, Mr. Williams, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom