

Planning Commission Meeting Minutes November 5, 2013 Excerpt

13-1CP COMP PLAN AMENDMENT-SOUTHERN GATEWAY

Owner: City of Venice

Staff: Scott Pickett

Chair Snyder stated this is a quasi-judicial hearing; read a memorandum dated November 5, 2013, stated one written communication has been received regarding this petition; and opened the public hearing.

Mr. Pickett, being duly sworn, presented amendment 13-1CP, noted the airport is the applicant, the application proposes a deletion of the southern gateway corridor planning area comprehensive plan policy 16.6.B.1, read the policy, displayed the Future Land Use Map and an aerial map of the southern corridor, showed the three tracts of publically owned land, and noted one of the parcels is an enclave and is not city property. He stated there are a number of planning areas that have the same policy, pointed to the areas on the map that have the same policy, stated this is a legislative matter, and the city has the obligation to formulate a policy.

He reported staff findings are that policy 16.6.B.1 prohibits many forms of development, it is unclear how public land can be developed, reviewed the criteria to evaluate the policy and the planning intent of the southern gateway corridor, noted it will significantly hinder implementation of policy 14.1.B of the Future Land Use and Design element, it limits the city's ability to implement policy 2.1 of the Future Land Use and Design element, and it hinders the city's ability to implement policy 4.4 of the Transportation Infrastructure and Service Standards element.

Mr. Rozansky, being duly sworn, stated the airport operates as an enterprise fund and receives no funding from the city's general fund, explained how the enterprise fund is funded, noted his concern with the loss of the Sharky's rental income, and stated council has identified a priority in their strategic plan to develop a plan for future development of under utilized airport properties. He compared the airport master plan with the comprehensive plan, stated the area in question is designated for non-aeronautical use, the Federal Aviation Administration (FAA) stipulates fair market value for lease of non-aeronautical properties, touched on the mitigation of public safety issues with the arena, renovation or use of the property benefits the airport and the community, and explained the policy hinders their ability to collect a fair market value in rent for airport property.

Mr. Pickett reviewed the alternatives for commission consideration. Responding to questions, Mr. Pickett displayed the map of the three properties that are publically owned, stated the tract to the north is an enclave, and noted if the property were privately owned, the policy would not apply.

Discussion ensued on potential impact of the change, the same policy applying to five other planning areas, whether the arena property should be made a park, the fair market value of the

property being approximately 5 million to purchase, the procedure to develop the properties, ownership of the property, council holding a workshop to discuss the future use of the arena site, the city's interest in redeveloping the airport property to generate revenue for the airport, the policy serving a purpose in three of the other four planning areas, and whether there are other commercial uses on the property that would be affected by this change.

Mr. Rozansky stated none of the airport businesses are in the proposed areas, and the trapeze academy continues to operate on the arena site. Discussion continued on whether the restoration of the circus would conflict with the policy as it stands today, the limitation of the commercial acreage, the staff analysis of existing land use, and policy that allows for 75% of the planning area to be used for commercial use.

Audience Participation

Larry Ivey, 120 Base Avenue E., being duly sworn, stated in 2011 this section was pointed out to the city, council has been helpful to restore the arena, displayed and reviewed a chart of the comprehensive plan policies, questioned the FAA requirement for fair market value, stated the arena safety issues have been mitigated, suggested the arena could still be an outdoor pavilion and rented for conferences, and asked the commission to consider that the land be developed for public use.

Ed Martin, 409 Everglades, being duly sworn, explained the reason council added the provision to the comprehensive plan, stated the comprehensive plan called for a study on how to develop the area, the arena site is eligible for federal funding, the goal that the public land not be commercially developed, talked about putting a canvas over the circus arena to act as a pavilion, noted this would be a perfect setting for the upcoming brew fest, and suggested a plan be developed before the change is made.

Mr. Pickett stated there is no definition for public use in the code and if the public use generated revenue it would be deemed commercial use.

Mr. Rozansky compared the arena site to the public golf course on airport property that has a commercial lease, commented state statutes clearly address the issue of businesses on the airport providing aeronautical services to the public, and noted there are commercial leases to each of those entities. He expressed his contrary point of view with Mr. Ivey on the community use issue, stated there is currently diminimus revenue on the arena property, reported FAA has expressed the unlikelihood of allowing community use on a property with frontage on U.S. Business 41, and reiterated the issue comes back to fair market value rent.

Mr. Pickett answered questions on the timeliness of the text amendment, commented on Mr. Martin's statements, stated the city has ownership and can control development of the property, and displayed and reviewed objective 14 - Redevelopment Areas, policy 14.1. Discussion followed regarding the proposed study in the plan, whether the master plans will be developed, the city having the choice to delete policy 16.6.B.1 or to confine the area as public

parks, the commercial use being defined in the code, and use of the land being compatible to the airport.

Chair Snyder closed the public hearing.

A motion was made by Mr. Williams, seconded by Ms. Moore, 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, and recommends to City Council approval of Comp. Plan Amendment Petition No. 13-1CP. The motion carried by the following vote: Yes: Chair Snyder, Ms. Moore, Mr. Williams, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. Newsom

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