



Meeting Minutes Planning Commission

Tuesday, October 16, 2018

1:30 PM

Council Chambers

[17-16RZ](#)

Zoning Map Amendment - Murphy Oaks Planned Unit Development

Staff: Roger Clark, AICP, Planning Manager

Agent: Clint Cuffle, P.E., WRA, LLC and Gregg Singleton, P.E., MGRM, Singleton Engineering LLC

Owner: SSD Land Holdings, 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 on conflicts of interest and ex-parte communications. Mr. Murphy, Mr. Graser, Ms. Moore, Mr. McKeon and Mr. Snyder noted site visits with no communication. There were no conflicts of interest.

Dick Longo, 295 Marsh Creek Road, representing self and Central Venice Coalition, being duly sworn, provided testimony to support his request for affected party status, and responded to board questions regarding his residence relation to the subject property and associations he is representing.

A motion was made by Mr. McKeon, seconded by Mr. Murphy, to approve affected party status for Mr. Dick Longo. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. McKeon

Absent: 1 - Ms. Fawn

Jeffery Boone, Boone Law Firm, being duly sworn, provided testimony to support his request for affected party status.

A motion was made by Mr. McKeon, seconded by Mr. Murphy, to approve affected party status for Jeffery Boone on behalf of Fox Lea Farm. The motion carried by the following vote:

Yes: 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. McKeon

Absent: 1 - Ms. Fawn

Mr. Clark, being duly sworn, provided a presentation to include Murphy Oaks rezoning, surrounding areas, planned unit development (PUD) rezoning request, comprehensive plan, land development regulations

(LDR), finding of facts, application of zoning maps, property information, background, public workshop, property amendment, potential activities, associated record documents, aerial photo of property and surrounding areas, surrounding properties, site photos, requested modifications, waiver, conditional use for a gated community (18-02CU), binding master plan, conditional use application, conceptual entry signage, gate, 2010 and 2017 comprehensive plans, land use, transportation, strategy LU 4.1.1 transitional language specific to comprehensive plan regulatory language, strategies, land use compatibility review procedures, planning analysis, considerations for determining compatibility, mitigation techniques of Policy 8.2, land development code, Technical Review Committee (TRC) compliance, school concurrency, mobility, applicant's responses, staff's proposed stipulations, and summary finding of facts, planning commission report and recommendation to city council.

Mr. Shrum, being duly sworn, spoke on transportation, interlocal agreement, transportation concurrency, comprehensive plan, strategies, mobility plan with Sarasota County, current transportation system, growth rate, vested projects, impact of project, state law, traffic deficiencies, funding improvements, study of impacts, discussion with city attorney, proportionate fair share, and responded to board questions regarding traffic deficiencies, requirement of improvements, safety concerns, city collecting mobility fees, identifying borders, capital improvement plan.

Mr. Longo responded to board questions regarding collection of mobility fees and whether mobility fees can be directed to a specific intersection.

Gregg Singleton, Singleton Engineering, being duly sworn, spoke to vested rights petition, comprehensive plan, considering alternate material for fence, noise abatement, berm, ensure disclosure to potential residents of Fox Lea Farm, neighborhood meetings, no turns lanes needed, traffic study, left turn lane on Border Road, right turn lane on Edmondson Road and Auburn Road intersection, joint planning area (JPA) agreement, portable water, extraordinary mitigation fee (EMF), units per acre, threshold, compatibility with surrounding communities, and 2010 and 2017 comprehensive plan, lot sizes, abatement structure, vegetative buffer, stormwater pond, no sidewalk or roadway connection to Fox Lea Farm, density not compatible with comprehensive plan, single-story homes, responded to board questions regarding notifying owners on east side of I-75, agreeing to single story homes, ponds, barbed wire fence, well location, consultant recommendation on noise abatement, turn lane movement, right turn off of Edmondson Road onto Auburn Road, and traffic level of services (LOS).

Yary Byhau, TR Transportation Consultant, being duly sworn, spoke on

LOS, turn lane, vested trips, other vested projects, vested traffic conditions and improvements.

Mr. Boone queried Mr. Singleton on Fox Lea Drive, buffer PVC fence with a 40 foot wide buffer, berm height and landscape plan.

Jonathan Romine, Ensite, Inc., being duly sworn, was queried by Mr. Boone regarding City of Venice projects that Mr. Romine worked on in the City of Venice, and landscaping.

Mr. Singleton spoke to no construction traffic, transitions, existing grounds, water drainage into the ditch, ground elevation, aluminum and PVC fence, planting more native species, maintaining vegetation barrier, agreeing to stipulation in ordinance that no access to Fox Lea Farm, opposed to notice form in Home Owner Association (HOA) documents, buyer disclosure, supplying Fox Lea Farm with HOA document, claims half of Fox Lea Drive, and noted no objection with having notification for future buyers in sales documents.

Mr. Boone spoke to subject property, mandated safeguards to be approved, protecting Fox Lea Farms, economic impact, ground moisture content, buffer areas, concern with existing area being affected with construction, density of vegetation on Fox Lea Farm Drive impact, dust shield, exotic planting, sound protection, cement block requested, no vehicular access to Fox Lea Drive, notice being signed by buyers at closing, developers best efforts, no construction during January, February, March and August, modifying PUD master plan access drive, traffic, safety and operations for Fox Lea Farm.

Mr. Longo spoke to concerns and interpretation of the application.

Jack Worrell, 762 Egret Walk Lane, being duly sworn, spoke to proposed development and adjoining Sawgrass properties.

Mr. Longo spoke to comprehensive plan, school issues, zoning changes necessary, traffic noise, storm water drainage, traffic congestion, property value in adjacent areas, existing regulations, potential activities, modification of standard bike lanes, sidewalks be removed from requirements, flood zone information, development pattern consistent with property, predictability of PUD zoning district, characteristics of immediate neighborhood, T-intersection and build out, mobility fees, transitional language 8.2D design techniques, summary of public workshop, transportation plan, trip generation, peak hours, existing conditions, future amenity area, fence, walls, landscaping, and lot detail.

The meeting was in recess from 4:03 p.m. until 4:11 p.m.

Will Lyons, 521 Marsh Creek Road, being duly sworn, expressed concerns on erosion, drainage ditches, stormwater and tides.

Paul McCullough, 476 Arborview Lane, being duly sworn, spoke to density proposed, proposed same density as Sawgrass, and staff reports.

Ronald Courtney, 435 Otter Creek Drive, being duly sworn, spoke to original concepts zoning amendment, new concepts, including concerns of residents.

Mr. Boone spoke to proposed stipulations.

Mr. Singleton spoke to proposed stipulations.

Mr. Longo spoke on density and Sawgrass.

Mr. Shrum spoke to necessity of the zoning amendment, county zoning designation, stipulations, ordinance, adding stipulation that binding master plan be consistent with adopting ordinance at end of the process, and responded to board questions on limited comprehensive plan, lot size, and final written document needed.

Mr. Singleton and Herb Lawson, being duly sworn, spoke to PUD, stipulations, include in binding master plan, six foot fence, surrounding development, existing vegetation, rural feeling, extra turn lane, added wall, cost, buffers, roadways, noise, and erosion, responded to board questions on binding master plan, amenity area, specific timeframe, land clearing and removal of brush and trees, runoff of water to Curry Creek, retention ponds, excess runoff, no access to Fox Lea Drive, easement, water treatment, retention, and fertilizers.

Mr. Singleton responded to questions from the board regarding 60% lot coverage, comparison of communities, property value, and location.

Mr. Snyder closed the public hearing.

Mr. Clark spoke to Fox Lea Drive being a county 60 foot right-of-way.

Discussion took place regarding request for stipulations, concerns with ground moisture, tests, traffic, runoff, rezone, intensity of density, buffering, compatibility of existing neighborhoods, mobility fees, updating the LDR, flooding, Southwest Florida Water Management District (SWFWMD) analysis, Curry Creek, and density of nearby neighborhoods.

A motion was made by Mr. Towery, 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, and recommends approval to city council of the Murphy Oaks planned unit development zoning map amendment Petition No. 17-16RZ with the following stipulations:

1. No access to Fox Lea Drive.
2. Purchaser of the properties be required to sign documents acknowledging the existence and location of Fox Lea Farm in the vicinity of the property being purchased.
3. All previous stipulations be included in the ordinance along with the ones stated, and the master plan be updated to conform with the final ordinance.
4. For any standard not addressed in the Murphy Oaks PUD the appropriate standard found in the city's land development code Chapters 86 and 122 will be applied.
5. Housing be limited to single story.

The motion carried by the following vote:

Yes: 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Murphy and Mr. McKeon

Absent: 1 - Ms. Fawn