



March 14, 2023

Roger Clark
Planning and Zoning Director
City of Venice
401 West Venice Avenue
Venice, Florida 34285

RE: Response to RAI
Project Name: Village at Laurel and Jacaranda

Dear Mr. Clark,

Kimley-Horn has prepared the following responses to Wade Trim's review comments dated March 3, 2023, regarding environmental components of the proposed Village at Laurel and Jacaranda project.

OS 1.2.2 - Environmental Impact Mitigation Kimley-Horn Response, November 8, 2022:
Does not account for impacts from offsite drainage and road improvements; does not account for all potential listed species.

Kimley-Horn November 8, 2022, Response: The submitted June 2022 Kimley-Horn Environmental Narrative only addresses impacts to occur within parcel identification number 0391-04-1000. The portion of Wetland G that extends directly north of the project area will be addressed with the Laurel Road improvements/widening Environmental Resource Permit (ERP). At which time offsite drainage, storage, treatment, and attenuation, as required per under 62-330.301(1) Florida Administrative Code (F.A.C), will be addressed by the Southwest Florida Water Management District (SWFWMD).

Earth Resources Response: Add a note to the site plan indicating the future Laurel Road improvements will be designed and permitted by others.

Kimley-Horn February 20, 2023, Response: The requested note will be added to the site plan.

Wade Trim March 3, 2023 Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.2.2 – Environmental Impact Mitigation regarding evaluation of potential environmental impacts of the project.

Kimley-Horn March 14, 2023, Response: Acknowledged.

OS 1.3.1 – Wetland and Aquifer Recharge Areas Protection Kimley-Horn Response, November 8, 2022, does not account for impacts from offsite drainage and road improvements; does not document maintenance of natural flow or maintenance of existing vegetation, and more.

Kimley-Horn November 8, 2022, Response: As stated above, offsite drainage will be addressed during the SWFWMD (ERP) application submittal for the proposed commercial project and for the widening of Laurel Road. There are two permitted stormwater ponds that currently discharge

storage into Wetland G to assist in hydroperiod/aquifer recharge. The remanent portion of Wetland G that is to remain, will be engineered to retain pre-post hydrology. This will be done by providing the 2.33 year mean annual storm hydrographs to ensure that no impacts will occur to the peak stage and duration, as required by Rules 62-330.060(2) and 62-330.301(a)(d) F.A.C

Earth Resources Response: Indicate on the site plan the portion of Wetland G that is to remain following construction. Will a buffer be provided? Please provide the mean annual stormwater hydrographs for Wetland G demonstrating no adverse to the wetland hydrology.

Kimley-Horn February 20, 2023, Response: As agreed upon in a meeting held between the applicant's representative and City staff on February 2, 2023, mean annual stormwater hydrographs for Wetland G demonstrating no adverse impacts to the wetland's hydrology will be provided during the City's Site and Development review. Buffers, as required by the City and SWFWMD, will be maintained adjacent to this area.

Wade Trim March 3, 2023 Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection (5) regarding restoring/mitigating wetlands in connection with new development, documenting maintenance of natural flow to contiguous wetlands or water bodies, or maintaining existing vegetation as buffers (6 and 7), and considering the additional wetland impacts associated with off-site drainage and road improvements associated with the project. Much of these points will be addressed during the permitting process, to which KHA, Roger Clark, AICP, City of Venice Planning & Development Director, and Earth Resource Consulting Scientists has mutually concurred. The KHA report was previously confirmed to be based on the most current state- approved methodology and mitigation practices (8, 9, and 10).

However, KHA has not yet demonstrated compliance with Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection (2, 3, and 4) because it is not first avoiding or minimizing all impacts or otherwise limiting activities of adverse impact in connection with the new development. No support was provided for alternative site location or alternative site design consideration. The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

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.

OS 1.3.2 – Wetland Encroachments

Kimley-Horn Response, November 8, 2022:

Does not account for impacts from offsite drainage and road improvements; does not identify and delineate all wetland boundaries

Kimley-Horn November 8, 2022, Response: The submitted June 2022 Kimley-Horn Environmental Narrative only addresses impacts to occur within parcel identification number 0391-04-1000. The portion of Wetland G that extends directly north of the project area will be addressed with the Laurel Road improvements/widening Environmental Resource Permit. At which time offsite drainage, storage, treatment, and attenuation as required by 62-330.301(1) Florida Administrative Code (F.A.C) will be reviewed and approved by the Southwest Florida Water Management District.

Earth Resources Response: Add a note to the site plan indicating the future Laurel Road improvements will be designed and permitted by others.

Kimley-Horn February 20, 2023, Response: The requested note will be added to the site plan.

Wade Trim March 3, 2023 Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.3.2 - Wetland Encroachments regarding delineation of all wetland boundaries associated with the project, and evaluation of potential environmental impacts of the project including off-site impacts. The requirement for structures to be located outside of wetlands and wetland buffers was previously noted as not applicable because the total acreage of onsite wetlands is less than 20 acres.

Kimley-Horn March 14, 2023, Response: Acknowledged.

OS 1.4.2 - Protection of Native Habitats and Natural Resources Kimley-Horn Response, November 8, 2022:

Does not account for all potential listed species; does not document preservation or protection of significant habitat; does not demonstrate lower quality habitats were considered for impact before higher quality habitats and resources.

Kimley-Horn November 8, 2022, Response: No listed species have been observed utilizing the project area. Environmental Scientists with Kimley-Horn have completed numerous wildlife surveys of this property and surrounding properties over a 10-year period. The applicant will be required to coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) during the State ERP review process. Any wildlife concerns that arise from FWC coordination will be addressed at that time. Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible.

Earth Resources Response: The KHA report indicates that “scientists performed numerous field surveys of the project beginning in 2014”. Additional detail is required to demonstrate that listed species will not be affected by the proposed project. Please provide the dates of the surveys, methodology and a list wildlife species observed. Please note that an updated habitat assessment and/or listed species surveys maybe required.

Kimley-Horn February 20, 2023, Response: As discussed during the meeting on February 2, 2023, held between the applicant’s representative and City staff, Kimley-Horn staff have performed numerous site visits to the subject parcel since 2014 in support of this project as well as many other projects that encompassed the current project area. During these site visits, specific attention was given to observing potential utilization by listed wildlife species. In addition, a survey specific to gopher tortoise was accomplished in 2022. As stated in the environmental narrative submitted to the City of Venice, the survey methodology utilized to evaluate the site for gopher tortoise was consistent with FFWCC Gopher Tortoise Permitting Guidelines Appendix 4.

The following is a list of projects and dates where listed wildlife species surveys were performed within the current project area:

Vica Formal Jurisdictional Determination – Numerous dates in 2013

Jacaranda Road Construction Monitoring – 2014

Cielo and Aria Permitting – 2019 through 2022

Due diligence effort for the current project – 2021

Site visits prior to preparing the current environmental narrative – 2022

Site visits representing FP&L on the Transmission Line Easement – 2014 to present.

Please note that the applicant anticipates at least one more round of listed species surveys will be performed prior to the construction of the proposed project as they complete the Site and Development process as well as the SWFWMD ERP review, which requires coordination with FWC.

Wade Trim March 3, 2023 Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources regarding an account of all potential listed species and/or their habitat that could be present on site.

However, KHA has not yet demonstrated compliance with Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources because it is not documenting preservation or protection of significant native habitat through design and does not avoid impact to significant native habitats (1, 2, 3, and 7). It remains unclear whether habitat associated with those listed species will be mitigated (4). Furthermore, the KHA report does not demonstrate that lower quality habitats and resources were considered for impact before higher quality habitats and resources (5). No support was provided for alternative site location or alternative site design consideration. The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

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.

OS 1.4.3 - Endangered or Threatened Species Kimley-Horn Response, November 8, 2022:

Does not account for all potential listed species; does not identify the habitat of listed species; does not document that habitat fragmentation will be minimized.

Kimley-Horn November 8, 2022, Response: Kimley-Horn's Environmental Scientists have worked on this parcel and surrounding lands for the last 10 years. They have spent countless hours performing field work, including wetland delineations, tree surveys, and listed species surveys. They are extremely familiar with what species utilize the project area. Kimley-Horn has also completed an online review of Florida Native Areas Inventory (FNAI) for species that might utilize the project area and none of these species have been observed. The applicant will be required to coordinate with the FWC during the State ERP review process. Any wildlife concerns that arise from FWC coordination will be addressed at that time.

Earth Resources Response: Indicate on the site plan the portion of Wetland G that is to remain following construction. Will a buffer be provided? Please provide the dates of the surveys, methodology and a list wildlife species observed. An updated habitat assessment or listed species surveys maybe required. Has the applicant considered alternative sites for the proposed project

that would result in a reduced amount of impact to sensitive habitats?

Kimley-Horn February 20, 2023, Response: The site plan has been revised to identify the portion of Wetland G to remain following the proposed construction. Buffers, as required by the City and SWFWMD, will be maintained adjacent to this area.

Please see the response to the comment above regarding listed wildlife species surveys of the subject parcel.

Wade Trim March 3, 2023, Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.4.3 - Endangered or Threatened Species (2a) regarding an account of all potential listed species and/or their habitat that could be present on site.

However, the KHA report does not document that habitat fragmentation will be minimized (4). The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

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.

Please contact us with any comments or questions you may have.

Very truly yours,



Alec D. Hoffner
Project Manager

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