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September 1, 2020

VIA HAND DELIVERY

Ms. Lori Stelzer, MMC
City Clerk
City of Venice
401 West Venice Avenue
Venice, Florida 34285

Re: Galleria Shops, LLC – Order No. 20-08SP, Appeal of Planning Commission
Decision to City Council Pursuant to City Code Sec. 86-21

Dear Ms. Stelzer:

As you are aware, we represent Galleria Shops, LLC, in connection with the above-referenced matter.

Petition No. 20-08SP (the “Petition”) was heard by the Planning Commission during their virtual public meeting conducted via Zoom on August 18, 2020 and received a 4 - 3 vote of denial. On August 20, 2020, Order No. 20-08SP (the “Order”), constituting written notice of the denial of the Petition, was rendered.

Per the Order, the Planning Commission’s denied the Petition due to concerns with the orientation of the building and the potential negative impact of the drive-thru lane on motorists on E. Venice Avenue. We believe an in-person Planning Commission meeting, as opposed to the virtual meeting conducted via Zoom, would have allowed the applicant to more sufficiently understand and address the concerns raised by the Planning Commissioners. As you are aware, we have participated in numerous Planning Commission public hearings over the years, and the types of issues that arose are those that we have routinely been able to address to resolve the Planning Commissioner’s concerns.

On this basis, and in connection with our appeal of the Order to City Council, we request that we be placed on a City Council Agenda to request that the City Council remand us back to the

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Planning Commission. We have discussed this with City Attorney Kelly Fernandez and she is therefore aware of our request.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact us.

Kind regards.

Very truly yours,

For 
Jeffery A. Boone

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FN16205Ltr_Appeal



City of Venice, Florida Notice of Appeal

Notice is hereby given in accordance with Section 86-21 of the City of Venice Land Development Code that Galleria Shops, LLC, appeals to the Venice City Council the decision rendered by the Venice Planning Commission on 8/18/20 which denied/granted Petition No. 20-085P.

Jackson R. Boone
Printed Name

[Signature]
Signature

1001 Avenida Del Circo

Venice, FL 33285
Mailing Address

941-488-6716
Telephone Number

CITY OF VENICE, FLORIDA
PLANNING COMMISSION
ORDER NO. 20-08SP

AN ORDER OF THE VENICE PLANNING COMMISSION DENYING SITE AND DEVELOPMENT PLAN AMENDMENT PETITION NO. 20-08SP FOR THE PROPERTY LOCATED AT 1460 EAST VENICE AVENUE OWNED BY GALLERIA SHOPS, LLC, TO CONSTRUCT A COMMERCIAL/RETAIL BUILDING ON AN OUTPARCEL OF THE GALLERIA ON VENICE AVENUE ALONG WITH ASSOCIATED PARKING, LANDSCAPING AND OTHER IMPROVEMENTS.

WHEREAS, Galleria Shops, LLC, through its agent, Jeffery A. Boone, Esq., Boone Law Firm submitted Site and Development Plan **Petition No. 20-08SP** for a commercial/retail building, located at 1460 East Venice Avenue; Parcel Identification No. 0412020001 (further described in Exhibit A); comprised of the following: a **Site and Development Plan** (signed and sealed), prepared by Timothy E. Roane, P.E., of DMK Associates, Inc., consisting of **fourteen sheets**, received by the City on **June 8, 2020**; **Landscape Plans** (signed and sealed) prepared by Peter F. Keenan, R.L.A., consisting of **two sheets** received by the City on **June 8, 2020**; and **Color Architectural Elevations** prepared by Southview Studios, LLC received by the City on **May 15, 2020** consisting of **two sheets**; and

WHEREAS, the Planning Commission held a noticed public hearing on August 18, 2020, during which the Planning Commission received the Petition, staff report, and testimony provided by staff, the applicant, and public comment; and,

WHEREAS, the Planning Commission was guided in its decision and exercise of its discretion to approve, approve with conditions or to deny the Petition by the standards contained in Section 86-23(m) of the Land Development Code and other applicable sections of the city Code of Ordinances; and,

WHEREAS, the Planning Commission finds that based on the competent substantial evidence presented at the hearing, the Petition is not in compliance with the applicable standards and criteria of the city Land Development Code; and,

WHEREAS, the Planning Commission voted to deny the approval of Petition No. 20-08SP.

NOW, THEREFORE, BE IT ORDERED BY THE PLANNING COMMISSION, THAT:

Section 1. The above whereas clauses are ratified and confirmed as true and correct.

Section 2. Based on the testimony and evidence presented, Site and Development Plan Petition No. 20-08SP is hereby DENIED as the appearance and general layout of the proposed development will not be compatible and harmonious with properties in the general area, as required by Section 86-23(m)(10) of the City Land Development Code, for the following reasons:

- a. the building is oriented with the rear fronting E. Venice Avenue detracting from area aesthetics; and
- b. due to its orientation, a proposed drive-thru lane along the length of the rear of the building may negatively impact motorists on E. Venice Avenue.

Section 3. This Order constitutes the written notice of the denial of the Petition required by Section 166.033, Florida Statutes.

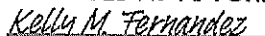
Section 4. This Order shall become effective immediately upon adoption. However, the applicant and any aggrieved person has 15 days from the date of rendition of this Order to appeal the decision of the Planning Commission to the Venice City Council by filing a written request with the City Clerk.

ORDERED at a meeting of the Venice Planning Commission on the 18th day of August, 2020.


Barry Keenan (Aug 19, 2020 16:12 EDT)

Planning Commission Chair

APPROVED AS TO FORM:


Kelly M. Fernandez (Aug 19, 2020 16:08 EDT)

City Attorney

Exhibit A

PID: 0412-02-0001

A part of Block "A", Capri Isles Unit No. 3, recorded in Plat Book 22, Page 8, Public Records of Sarasota County, Florida, and other lands situated in Section 9, Township 39 South, Range 19 East, Sarasota County, Florida, described as follows:

Commence at the Northwest corner of Section 9, Township 39 South, Range 19 East, Sarasota County, Florida; thence N.89°35'07"E., along the North line of said Section 9, a distance of 1324.61 feet, to the Northwest corner of the West 1/2 of the East 3/4 of said Section 9; thence S.00°31'18"E., along the West line of said West 1/2 of the East 3/4, a distance of 2360.46 feet; thence N.89°34'18"E., a distance of 995.93 feet to a point on the boundary line of Block "A", Capri Isles, Unit No. 3, recorded in Plat Book 22, Page 8, Public Records of Sarasota County, Florida; thence S.00°40'04"E., along said boundary line of Block "A", a distance of 480.96 feet to the POINT OF BEGINNING; thence N.89°19'56"E., a distance of 35.01 feet to a point on a curve to the right, having a radius of 7.50 feet, a central angle of 90°00'00", a chord bearing of N.44°19'56"E., and a chord length of 10.61 feet; thence along the arc of said curve an arc length of 11.78 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 90°00'00", a chord bearing of S.45°40'04"E., and a chord length of 3.54 feet; thence along the arc of said curve an arc length of 3.93 feet to the end of said curve; thence S.00°40'04"E., a distance of 15.50 feet; thence N.89°19'56"E., a distance of 120.92 feet; thence N.00°21'21"W., a distance of 14.21 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 112°33'31", a chord bearing of N.55°36'41"E., and a chord length of 4.16 feet; thence along the arc of said curve an arc length of 4.91 feet to the end of said curve; thence S.68°06'33"E., a distance of 9.38 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 90°00'00", a chord bearing of S.23°06'33"E., and a chord length of 3.54 feet; thence along the arc of said curve with an arc length of 3.93 feet to the end of said curve; thence S.21°53'27"W., a distance of 17.50 feet; thence S.68°06'33"E., a distance of 21.00 feet; thence N.21°53'27"E., a distance of 17.62 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 85°28'19", a chord bearing of N.64°37'36"E., and a chord length of 3.39 feet; thence along the arc of said curve an arc length of 3.73 feet to a point on a curve to the left having a radius of 35.50 feet, a central angle of 13°30'09", a chord bearing of S.79°23'19"E., and a chord length of 8.35 feet; thence along the arc of said curve an arc length of 8.37 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 85°28'19", a chord bearing of S.43°24'14"E., and a chord length of 3.39 feet; thence along the arc of said curve an arc length of 3.73 feet to the end of said curve; thence S.00°40'04"E., a distance of 17.62 feet; thence N.89°19'56"E., a distance of 51.00 feet; thence N.00°40'04"W., a distance of 17.50 feet to a point on a curve to the right having a radius of 2.50 feet, a central angle of 90°00'00", a chord bearing of N.44°19'56"E., and a chord length of 3.54 feet; thence along the arc of said curve an arc length of 3.93 feet to the end of said curve; thence N.89°19'56"E., a distance of 3.51 feet to a point on a curve to the right having a radius of 10.50 feet, a central angle of 92°25'36", a chord bearing of S.44°27'17"E., and a chord length of 15.16 feet; thence along the arc of said curve an arc length of 16.94 feet to the end of said curve; thence N.89°19'56"E., a distance of 25.01 feet to a point on a curve to the right having a radius of 10.49 feet, a central angle of 104°37'05", a chord bearing of N.51°34'15"E., and a chord length of 16.60 feet; thence along the arc of said curve an arc length of 19.15 feet to a point on a curve to the right having a radius of 22.08 feet, a central angle of 24°15'20", a chord bearing of S.65°09'08"E., and a chord length of 9.28 feet; thence along the arc of said curve an arc length of 9.35 feet to the end of said curve; thence S.00°39'51"E., a distance of 6.68 feet to a point on a curve to the right having a radius of 19.50 feet, a central angle of 41°57'43", a chord bearing of S.21°38'56"E., and a chord length of 13.96 feet; thence along the arc of said curve an arc length of 14.28 feet to the end of said curve; thence S.00°40'04"E., a distance of 31.54 feet to a point on a curve to the right having a radius of 69.50 feet, a central angle of 13°30'59", a chord bearing of S.06°05'25"W., and a chord length of 16.36 feet; thence along the arc of said curve an arc length of 16.40 feet to the end of said curve; thence S.12°50'55"W., a distance of 33.57 feet to a point on a curve to the left having a radius of 80.50 feet, a central angle of 13°30'59", a chord bearing of S.06°05'25"W., and a chord length of 18.95 feet; thence along the arc of said curve an arc length of 18.99 feet to the end of said curve; thence S.00°40'04"E., a distance of 54.95 feet; to a point on a curve to the right having a radius of 29.50 feet, a central angle of 23°21'38", a chord bearing of S.10°54'04"W., and a chord length of 11.94 feet; thence along the arc of said curve an arc length of 12.03 feet to the northerly Right of Way line of Venice Avenue (136' Wide) as shown on Road Plat Book 4, Page 3, Public Records of Sarasota County, Florida; thence S.89°35'26"W., along said northerly Right of Way line of Venice Avenue a distance of 317.11 feet to said boundary line of Block "A"; thence N.00°40'04"W., along said boundary line of Block "A", a distance of 198.08 feet to the POINT OF BEGINNING.

Parcel contains 60,433 Square Feet, or 1.3873 Acres, more or less.