



# City of Venice

401 West Venice Avenue  
Venice, FL 34285  
www.venicegov.com

## Meeting Minutes Planning Commission

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Tuesday, May 2, 2017

1:30 PM

Council Chambers

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### I. Call to Order

A Regular Meeting of the Planning Commission was held this date in Council Chambers at City Hall. Chair Barry Snyder called the meeting to order at 1:30 p.m.

### II. Roll Call

**Present:** 6 - Chair Barry Snyder, Helen Moore, Jerry Towery, Shaun Graser, Tom Murphy and Charles Newsom

**Excused:** 1 - Janis Fawn

### Also Present

Liaison Councilmember Kit McKeon, City Attorney Dave Persson, Assistant City Attorney Kelly Fernandez, Development Services Director Jeff Shrum, Senior Planner Roger Clark, Airport Director Mark Cervasio and Assistant City Clerk Heather Taylor.

### III. Approval of Minutes

[17-2660](#)

Meeting Minutes of the March 22, 2017 and April 12, 2017 Comprehensive Plan Workshop

**A motion was made by Mr. Murphy, seconded by Ms. Moore, that the Minutes of the March 22, 2017 and April 12, 2017 meetings be approved as written. The motion carried by voice vote unanimously.**

### IV. Public Hearings

[16-03RZ](#)

ZONING MAP AMENDMENT - THE PRESERVES OF VENICE

Owner: SSD Land Holdings, LLC

Applicant: Windham Development, Inc. (contract purchaser)

Agent: Charles D. (Dan) Bailey, Jr. Esq., Williams Parker Law Firm

Staff: Roger Clark, Senior Planner

Mr. Snyder announced this is a quasi-judicial hearing, read memorandum regarding advertisement and written communications, and opened the public hearing.

Mr. Persson queried board members regarding ex-parte communications and conflict of interest. Ms. Moore, Mr. Snyder, Mr.

Newsom, and Mr. Graser disclosed site visits with no communications.

Mr. Persson reviewed the affected party request from Fox Lea Farm.

**A motion was made by Ms. Moore, seconded by Mr. Murphy, to grant Fox Lea Farm affected party status. The motion carried by voice vote unanimously.**

Mr. Clark, being duly sworn, requested to present petitions nos. 16-03RZ, 16-01CU, and 16-03PP together, reviewed the petitions to include existing and proposed zoning, future land use designation, aerial photograph of property, on- and off-site photographs, surrounding property information, future land use map, staff analysis, pre-annexation agreement rezoning requirements, comprehensive plan consistency, maximum density requirements, mitigation techniques, summary findings of fact, applicable rezone considerations, stipulations, and proposed preliminary plat summary. He reviewed the proposed preliminary plat to include stipulations noted in the staff summary, buffers, vegetation, landscape plan, requested code modifications noted in the staff summary, comparison of development standards, and requested sidewalk waiver, and responded to board questions regarding current sidewalks on Border and Edmondson Roads.

Mr. Clark spoke to the environmental assessment and staff recommended environmental stipulations provided in the staff summary, comprehensive plan consistencies, summary findings of fact, concurrency, and actions to be taken if recommendation of approval is provided.

Mr. Clark reviewed the conditional use petition to include staff review, provided rendering, and findings of fact, and summarized the three proposed petitions.

Dan Bailey, Williams Parker Harrison Dietz and Getzen, being duly sworn, spoke to compliance with the Joint Planning Agreement (JPA), Comprehensive Plan and Land Development Code (LDC), density consistency with surrounding properties, proposed buffers, preliminary plat proposal, environmental stipulations, summary finding, proposed stipulations, recording requirements, and communications with Fox Lea Farms, responded to board questions regarding burning of vegetation during the clearing process and impact on livestock, and stated he is willing to stipulate to no burning.

John Cavoli, Cavoli Engineering, being duly sworn, responded to board questions regarding the stormwater facility on the east side, split lot drainage, stormwater outflow, current stormwater flow, and Federal Emergency Management Agency (FEMA) classifications.

Mr. Bailey responded to board questions regarding consideration of alternate zoning designations, Residential Single Family-2 (RSF-2)

versus Planned Unit Development (PUD), proposed bike lanes, and homeowner documentation availability for perspective buyers, stated he was willing to stipulate to having the amenity building built prior to homes, and spoke to the requested burning stipulation and exterior lighting.

Recess was taken from 2:51 p.m. until 2:56 p.m.

Jeff Boone, Boone Law Firm, representing Fox Lea Farm, being duly sworn, spoke to the history of Fox Lea Farm, stated that Fox Lea Farm is not opposed to development, and addressed concerns regarding the impact of the farm on residents, and compatibility.

Kim Farrell, Fox Lea Farm, Inc., being duly sworn, provided an overview of the farm to include events held at the farm, and safety precautions.

Laurie Birnbach, National Account Director, being duly sworn, spoke to the facility to include national recognition, impact on the community, Sarasota County economic impact, and sports tourism contributions.

Ms. Farrell spoke to concerns with the water table, the need for moisture on the ground for horse safety, air quality, noise buffers, farm stormwater runoff, and buffer concerns regarding the safety of horses and riders.

Ms. Birnbach displayed an overhead view of the farm, discussed buffer size, impact of the Preserves of Venice on the horse farm, concern with water table and impact on footing, buffer, and health and safety.

Ms. Farrell provided letters from doctors regarding burning and noise.

Craig Roberts, Craig T. Roberts DVM, Inc., being duly sworn, spoke to concerns with burning to include smoke inhalation and fire spreading, cost to treat horses, and noise concerns.

Ms. Farrell responded to board questions regarding water required for footing.

Mr. Boone reviewed proposed stipulations to the rezone, requested stipulations on the rezone ordinance, and responded to board questions regarding stipulation language, and location of the wall within the buffer area, and stated he would like to work with the applicant on notice of proximity and stipulation language.

Mr. Towery left the meeting at 3:55 p.m. and did not return.

Mr. Boone continued to discuss the preliminary plat and requested that

the preliminary plat be attached as an exhibit in the ordinance.

Dick Longo, 295 Marsh Creek Road, being duly sworn, commented on the need to manage growth to maintain the quality of life for Sawgrass residents, expressed concern with the density and with location of the proposed entrance.

James Courtright, 460 Otter Creek Drive, being duly sworn, expressed concern with noise and visual impacts, and recommended enhanced 50 foot buffers.

Jack Worrell, 762 Egret Walk Lane, being duly sworn, expressed concern with noise, location of exit, impact on wildlife, and drainage.

Charlotte Stafford, 756 Egret Walk Lane, being duly sworn, spoke to the provided petition and the recommendation to the board to deny the proposed rezoning.

Robert Cournoyer, 685 Egret Walk Lane, being duly sworn, spoke to noise and vegetation density.

Richard Clapp, 501 Marsh Creek Road, being duly sworn, expressed concerns with traffic and stormwater runoff.

Ronald Pedersen, 505 Marsh Creek Road, being duly sworn, expressed concern with water runoff.

Ronald Courtney, 435 Otter Creek Drive, being duly sworn, expressed concern with buffer density.

Mr. Bailey spoke to zoning compatibility, Fox Lea Farm property rezone history, burning stipulation, construction noise, inclusion of the preliminary plat within the rezone ordinance, growth management, Mr. Boone's proposed stipulations, responded to board questions regarding street light requirements, and stated he would stipulate that the amenity building be built within 12 months of approval to begin construction.

Michael Alfieri, Water Resource Associates, LLC., being duly sworn, spoke to pond impacts, irrigation, and drainage and responded to board questions regarding water table levels, and water runoff into Curry Creek.

Mr. Cavoli responded to board questions regarding water runoff, stormwater drainage design, and analyses conducted.

Ted Treesh, TR Transportation Consultants, being duly sworn, spoke to conducted traffic analysis and responded to board questions regarding

impact of access location, whether there is a need for traffic devices, and installation of turn lanes or three-way stops.

Mr. Bailey responded to board questions regarding buffering on Auburn Road.

In response to Mr. Boone's questions, Mr. Alfieri commented on the term professional probability, lake depth, experience with equestrian facility and footing, and estimated time to reach equilibrium.

Mr. Snyder suggested continuing this item to allow all board members to be present and both parties to reach an agreement on stipulations.

Mr. Bailey clarified that he was willing to stipulate to build the amenity building within 12 months from certificate of completion of infrastructure.

Mr. Clark commented on the potential stipulation to add the preliminary plat to the rezone ordinance and provided clarification on density.

**A motion was made by Ms. Moore, seconded by Mr. Graser, that Petition Nos. 16-03RZ, 16-01CU, and 16-03PP be postponed until May 16, 2017. The motion carried by voice vote unanimously.**

Ms. Fernandez replaced Mr. Persson on the dais.

Recess was taken from 5:10 p.m. until 5:16 p.m.

#### 16-01CU

#### CONDITIONAL USE - THE PRESERVES OF VENICE

Owner: SSD Land Holdings, LLC

Applicant: Windham Development, Inc. (contract purchaser)

Agent: Charles D. (Dan) Bailey, Jr. Esq., Williams Parker Law Firm

Staff: Roger Clark, Senior Planner

Discussion for this item can be found under Item No. 16-03RZ.

**This Item was postponed until May 16, 2017.**

#### 16-03PP

#### PRELIMINARY PLAT - THE PRESERVES OF VENICE

Owner: SSD Land Holdings, LLC

Applicant: Windham Development, Inc. (contract purchaser)

Agent: Charles D. (Dan) Bailey, Jr. Esq., Williams Parker Law Firm

Staff: Roger Clark, Senior Planner

Discussion for this item can be found under Item No. 16-03RZ.

**This Item was postponed until May 16, 2017.**

#### 16-06SP

#### SITE & DEVELOPMENT PLAN - TOSCANA ISLES CARRIAGE HOMES

Applicant: DR Horton, Inc. (contract purchaser)

Owner: LALP Development, LLC  
Agent: D. Shawn Leins, P.E., AM Engineering, Inc.  
Staff: Roger Clark, Senior Planner

Mr. Snyder announced this is a quasi-judicial hearing, read memorandum regarding advertisement and written communications, and opened the public hearing.

Ms. Fernandez queried board members regarding conflicts of interest and ex-parte communications. Mr. Newsom and Mr. Graser disclosed site visits with no communications.

Mr Clark, being duly sworn, reviewed the petition to include background, aerial photograph of property, surrounding property information, current property photograph, future land use and zoning maps, approved conceptual land use plan map, unit one and unit two locations, site and development plan, compliance with comprehensive plan, compliance with the Toscana Isles Planned Unit Development (PUD), concurrency review, staff findings of fact, and staff recommendation.

Shawn Leins, AM Engineering, Inc., being duly sworn, responded to board questions regarding timeframe for installation of buffer A and internal buffering between units and lakes.

Mr. Snyder closed the public hearing.

**A motion was made by Mr. Graser, seconded by Mr. Newsom, 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 and land development regulation commission, 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 moves to approve Site and Development Plan Petition No. 16-06SP. The motion carried by the following vote:**

**Yes:** 5 - Chair Snyder, Ms. Moore, Mr. Graser, Mr. Murphy and Mr. Newsom

**Excused:** 1 - Ms. Fawn

**Absent:** 1 - Mr. Towery

#### 17-03AM

#### TEXT AMENDMENT - AIRPORT ZONING

Staff: Jeff Shrum, AICP, Development Services Director

Mr. Snyder announced this is a legislative hearing, read memorandum regarding advertisement and written communications, and opened the public hearing.

Ms. Fernandez spoke to state statute guidelines, previous action, coordination with Sarasota County, and the interlocal agreement with Sarasita County.

Mr. Cervasio spoke to protecting services and air spaces, Florida Statute requirements, and responded to board questions regarding incompatible structures.

Ms. Fernandez commented on height restrictions and runway protection zone (RPZ) restrictions.

Discussion took place regarding city jurisdiction, coordination with other municipalities, defining definitions, not including maps in ordinance, Federal Aviation Administration (FAA) map approval, airport layout plans, and new construction.

**A motion was made by Ms. Moore, seconded by Mr. Murphy, 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 and land development regulation commission, 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 with modifications proposed by Assistant City Attorney to City Council of Text Amendment Petition No. 17-03AM. The motion carried by the following vote:**

**Yes:** 5 - Chair Snyder, Ms. Moore, Mr. Graser, Mr. Murphy and Mr. Newsom

**Excused:** 1 - Ms. Fawn

**Absent:** 1 - Mr. Towery

## **V. New Business**

[17-2512](#) Kathie Ebaugh, AICP, Director, Planning, Sarasota County Schools:  
Sarasota County Schools Planning Efforts 2016/17

This item was not discussed.

## **VI. Unfinished Business**

[17-2661](#) Comprehensive Plan Update  
Staff: Jeff Shrum, AICP, Development Services Director  
Public Comments Specific to Comprehensive Plan Update

Mr. Snyder spoke to the May 3, 2017 workshop.

## **VII. Audience Participation**

No one signed up to speak.

## **VIII. Comments by Planning Division**

Mr. Clark spoke to the order of procedure regarding memorandum for excused absence.

**IX. Comments by Planning Commission Members**

There was no discussion.

**X. Adjournment**

There being no further business to come before this Commission, the meeting was adjourned at 5:52 p.m.

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Chair

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Recording Secretary