



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, May 16, 2017

1:30 PM

Council Chambers

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: 5 - Chair Barry Snyder, Helen Moore, Shaun Graser, Tom Murphy and Charles Newsom

Excused: 2 - Jerry Towery and Janis Fawn

Also Present

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

III. Approval of Minutes

[17-2701](#)

Minutes of the April 18, 2017 Regular Meeting

A motion was made by Ms. Moore, seconded by Mr. Murphy, that the Minutes of the April 18, 2017 meeting be approved as written. The motion carried by voice vote unanimously.

IV. Public Hearings Continued from May 2, 2017

[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 communication, and re-opened the public hearing.

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

Mr. Clark, being duly sworn, spoke to additional communication received.

Dan Bailey, Williams Parker Harrison Dietz and Getzen, being duly sworn, addressed ground water to include affidavit provided by Michael Alfieri, and buffering.

Bernard Kinney Jr., BKA Inc., being duly sworn, responded to board questions regarding concerns with noise impact on the Preserves of Venice, Florida Department of Transportation (FDOT) noise policy, and process of conducting the study.

Jeff Boone, Boone Law Firm, representing Fox Lea Farm, being duly sworn, questioned Mr. Kinney regarding his background.

Kurt Crist, Landscape Architect, Inc., being duly sworn, reviewed his background, spoke to buffer along Fox Lea Drive to include number of existing and proposed trees and vegetation.

Discussion took place regarding the suggested wall and sound buffer along the southern boundary.

Mr. Crist continued to discuss the buffer along N. Auburn Road, Sarasota County buffer module, and responded to board questions regarding allowable species, speed of growth, distance between trees, and opacity of Fox Lea Drive Roadway Cross Section. He responded to Mr. Boone's questions regarding opacity of Fox Lea Drive, changes in the originally submitted landscaping plan, maintenance of landscaping in swale, and Sarasota County buffer module.

Discussion continued regarding opacity height thresholds.

Mr. Bailey stated he was in agreement with the first eight stipulations, reviewed stipulations nine through 16 presented to Mr. Boone, and noted the addition to number nine to add noise stipulation for I-75.

Mr. Boone and Mr. Bailey reviewed stipulation 9 to include Fox Lea Farm's request and notes parties can work out verbiage before final hearing to city council, no objection with adding I-75 buffer.

Ms. Fernandez stated that all stipulation verbiage should be finalized today and modifications can be presented to city council during the meeting.

Discussion took place regarding the verbiage of stipulation ten to remove "lot 32 through 46" and add "along entire southern boundary", stipulation 12 regarding fire hazards and restricting use to only gas

burning for backyard barbecues, and stipulation 13 regarding safety alarms.

Mr. Clark spoke to planning department recommended stipulations for the preliminary plat and rezone. Discussion took place regarding the stipulations being attached to the rezone and linking the preliminary plat to the rezone.

Mr. Bailey and Mr. Boone continued to discuss stipulation 13 regarding the lots on the southern boundary to include lots 32 to 57, stipulation 14 regarding Fox Lea Farm drainage that discharges into the ditch, storm water system of Preserves of Venice, and review of the slopes impact on drainage.

John Cavoli, Cavoli Engineering, being duly sworn, spoke to water flow, swale water flow, and slope requirements to meet existing grade.

Mr. Bailey and Mr. Boone reviewed stipulation one regarding buffer density of the southern boundary, stipulation two regarding maintaining density of current vegetation, stipulation three regarding 12 foot high wall, presenting different height to council, applicant not in agreement with wall, the applicant's objection to stipulation seven regarding construction during months of heavy use at Fox Lea Farm, Fox Lea Farm's suggested stipulations regarding installation of pools on lots 32 through 57, use of drones, and lake depth.

Mr. Bailey spoke to meeting stormwater requirements.

Discussion continued regarding water levels during construction and lake depth.

Mr. Boone spoke to Fox Lea Farm well permits and well information.

Jim Collins, Boone Law Firm, being duly sworn, spoke to the search he conducted on Fox Lea Farm well permits.

Mr. Bailey summarized his client's petitions and requested the board recommend approval to city council.

Mr. Boone spoke to Fox Lea Farm generated tourism revenue, programs offered and safety concerns, and justification of proposed stipulations and requested the revised landscape plan be reviewed by staff.

Dick Longo, Sawgrass Community Association, being duly sworn, spoke to buffers along N. Auburn Road, concerns with noise, city water and utility plan, and traffic concerns.

Robert Cournoyer, 685 Egret Walk Lane, being duly sworn, expressed concern with environmental noise and the impact on the health of future residents, and requested implementing noise abatement regulations and initiating a risk assessment.

Dr. W.B. Lyons, 521 Marsh Creek Road, being duly sworn, expressed concern with previous developers that agreed to stipulations and did not follow through, and spoke to drainage into Curry Creek.

Joyce Lyons, 521 Marsh Creek Road, being duly sworn, spoke to property rights, zoning regulations, setting precedence with variances, and expressed concern with proposed density.

Discussion took place regarding concerns with buffering on N. Auburn Road and the need for up to seven or eight foot 90 percent opacity of landscaping within two years. Mr. Bailey informed the board that his client would agree to the additional stipulation.

Mr. Clark spoke to the stipulations included in the staff report.

Mr. Shrum, being duly sworn, spoke to the stipulations presented by staff and whether it would be appropriate to include them in the rezone, difficulties with including stipulations in the rezone, and responded to board questions regarding zoning requirements.

Ms. Fernandez suggested not merging the stipulations with the rezone.

Discussion took place regarding the petitioner and the affected party's disagreement with including stipulations in the rezone ordinance.

Mr. Boone spoke to ensuring the protections of the stipulations for Fox Lea Farm and the applicant's agreement.

Mr. Shrum spoke to staff review of the changes to the landscape plan and the required affirmative four votes.

Discussion resumed regarding the landscaping plan changes, contingency upon staff review, number of stipulations that are not finalized verbiage, and enforcement of stipulations.

Mr. Bailey spoke to the angle of the slope in regard to buffer height along N. Auburn Road and providing a hedge.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Murphy, seconded by Ms. Moore, 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 the stipulations provided by staff and the applicant for City Council Zoning Map Amendment Petition No. 16-03RZ.

Discussion took place regarding the proposed stipulations and staff's recommendation to not include all stipulations on the rezone.

The motion failed by the following vote:

Yes: 2 - Ms. Moore and Mr. Murphy

No: 3 - Chair Snyder, Mr. Graser and Mr. Newsom

Excused: 2 - Mr. Towery and Ms. Fawn

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 recommends approval to City Council of Zoning Map Amendment Petition No. 16-03RZ with the following stipulation provided by staff: Residential density on the subject property is limited to a maximum of three units per acre.

Discussion took place regarding stipulations being included in the rezone.

The motion carried by the following vote:

Yes: 4 - Ms. Moore, Mr. Graser, Mr. Murphy and Mr. Newsom

No: 1 - Chair Snyder

Excused: 2 - Mr. Towery and Ms. Fawn

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 took place under Item No. 16-03RZ.

A motion was made by Mr. Graser, 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 to City Council Condition Use Petition No. 16-01CU. The motion carried by the following vote:

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

Excused: 2 - Mr. Towery and Ms. Fawn

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 took place under Item No. 16-03RZ.

A motion was made by Mr. Graser 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 stipulations agreed upon by the petitioner and the affected party to City Council Preliminary Plat Petition No. 16-03P.

Ms. Fernandez noted the additional stipulations regarding the sidewalk waiver request and requested code modifications.

Mr. Graser withdrew his motion.

Discussion took place regarding the five code modifications and sidewalk waivers noted in the staff report.

A motion was made by Mr. Graser 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 of Preliminary Plat Petition No. 16-03P to City Council with the following stipulations:

- 1. An updated listed species survey must be conducted prior to any construction.**
- 2. The applicant must provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).**
- 3. The applicant must comply with FWC regulations regarding the survey and relocation of any gopher tortoises and associated commensal species prior to construction. Specifically, a 100% gopher tortoise survey is required according to FWC survey protocols and the gopher tortoise and commensals must be relocated from all areas of impacts.**
- 4. The applicant must obtain all applicable state and federal environmental permits prior to construction.**
- 5. It is required that any nuisance species observed within project area wetland and uplands be removed and replanted with native Florida species before or during construction.**
- 6. The applicant is required to develop an eastern indigo snake protection plan for utilization during construction.**
- 7. Approval of the subject preliminary plat petition is contingent on approval of Rezone Petition No. 16-03RZ by City Council.**
- 8. The applicant shall record a Notice of Proximity in the Official Records of Sarasota County in the chain of title prior to the Final Plat approval, notifying all future purchasers of lots or homes within the subdivision of the proximity of**

their property to I-75; and notifying them of the proximity of their property to the adjacent Fox Lea Farm as an equestrian stable and riding academy which conducts national horse show events. Said Notice of Proximity shall also be delivered to potential purchasers prior to their entering into a binding contract, as part of the presale written materials, and it shall be included in the homeowner association documents.

9. The maximum height of structures on the southern boundary shall be limited to one (1) story or twenty five (25) feet.

10. The applicant shall record an express prohibition on the use of fireworks in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger the noise of fireworks poses to the health and temperament of animals and humans and the risk of danger to nearby equestrians.

11. Neither the applicant nor its contractors shall burn any trash or waste materials on the subject property in the course of construction; nor shall the city issue any permits authorizing same. The applicants shall record an express prohibition on the burning of trash or waste materials in the Official Records of Sarasota County in the chain of title of the subdivision, prior to the Final Plat approval, notifying all future purchasers of lots or homes of the prohibition, and noting the danger that smoke poses to the health and temperament of animals and humans. This restriction shall not preclude homeowners from using outdoor barbeques for cooking.

12. The applicant shall incorporate into the homeowner documents an express prohibition on the use of outdoor sound speakers applicable to the lots on the southern boundary. This prohibition shall not apply to fire and burglar alarms; however, the speakers for such alarms shall be oriented toward the north unless otherwise required for health and safety reasons.

13. No stormwater or other drainage from the subdivision site shall be discharged into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way. This shall not preclude the discharge of stormwater from the development into a proposed east-west swale to be constructed along the rear of Lots 33 through 57, within the 40-foot buffer area, provided that the ditch and the swale shall not be interconnected. Nor shall this preclude areas of the 40-foot buffer lying to the south of the proposed swale from draining into the existing ditch.

14. There shall be no vehicular or pedestrian access connecting the subdivision to Fox Lea Drive.

15. The applicant shall commence construction of the amenity center within twelve (12) months after issuance of the first certificate of occupancy for the first residence, or upon the closing on twenty five (25) percent of lots to the end users, whichever shall first occur.

16. The project will achieve 90% opacity when viewed from Auburn Road to a height to shield the view up to the soffit level within three years of the start of construction.

The motion also included approval of the following requests for code modification and the request for sidewalk waiver:

Modification of Code Standards:

1. A reduction of the minimum lot width requirement from 80 feet to 52 feet;
2. A reduction of the minimum lot area requirement from 10,000 square feet to 6,240 square feet;
3. An increase in the maximum lot coverage requirement from 30% to 58%;
4. A reduction of the minimum side setback requirement from 8 feet to 6 feet.

5. A reduction of the minimum side setback combination requirement from 18 feet to 12 feet.

Waiver of Sidewalk Requirements:

1. Along the north side of Fox Lea Drive.

2. Along south side of Border Road

Discussion took place regarding surrounding lot zoning and consistency with surrounding area lot coverage.

The motion carried by the following vote:

Yes: 4 - Ms. Moore, Mr. Graser, Mr. Murphy and Mr. Newsom

No: 1 - Chair Snyder

Excused: 2 - Mr. Towery and Ms. Fawn

Recess was taken from 4:35 p.m. until 4:48 p.m.

V. Public Hearings

[17-08RZ](#)

ZONING MAP AMENDMENT - JOHN NOLEN GARDENS

Owner: ROWCO, LLC

Agent: Jeffery A. Boone, Esq., Boone Law Firm

Staff: Roger Clark, Senior Planner

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

Ms. Fernandez queried board members on ex-parte communications and conflicts of interest. All board members disclosed site visits with no communication.

Mr. Clark, being duly sworn, reviewed the project to include petition summary information, existing zoning with stipulations, proposed zoning without stipulations, aerial photograph of property, site photographs, surrounding property information, future land use and proposed zoning map, planning analysis, comprehensive plan consistency, mitigation techniques, applicant's intent, comprehensive plan housing policies, proposed zoning and comprehensive plan, concurrency, applicable rezone considerations, and findings of fact, and responded to board questions regarding agriculture and transportation concurrency.

Jeff Boone, Boone Law Firm, being duly sworn, spoke to the apartment complex proposal.

Edward Pinto, Economical Housing Development, LLC., being duly sworn, spoke to his experience, factors that support the concept of John Nolen Gardens, agreement with Sheriff Tom Knight for officers and employee rentals, and the justification for the zoning change.

Mr. Boone spoke to proposed stipulations that should rezone be approved the entire property will be for rental property only, maximum building height will be three stories, and no under structure parking, unique aspects of the proposal, and John Nolen's Plan in regards to apartments and responded to board questions regarding footage of three stories to be up to 35 feet, anticipated need for variances, SCAT bus routes, and estimated relief needed from the city.

Discussion took place regarding open space requirements, comprehensive plan compatibility, number of proposed units, and fees per unit.

Mr. Boone responded to board questions regarding mixed use, surrounding neighborhoods, proposed stipulation regarding rental units, site plan contingency on zoning approval, guarantee of stipulations, establishing a timeframe, and public hearing with Sarasota County to establish reduction in fee.

Mr. Pinto spoke to city council and county actions required for the project to move forward and proposed stipulations.

Discussion took place regarding fee reductions and apartment size.

Ms. Fernandez spoke to the board's responsibilities regarding rezone petitions, proposed stipulations, and inability to make approval contingent on county approval.

Mr. Pinto responded to board questions regarding employee agreements and housing subsidies.

Discussion took place regarding types of subsidies, building with the current zoning, and zoning code allowances.

John Minder, Minder & Associates Engineering Corporation, being duly sworn, encouraged the board to review the zoning map amendment and expressed his support of affordable housing in Sarasota County.

John Peshkin, LALP Development, LLC., being duly sworn, expressed his opposition to the project due to the incompatibility with surrounding home values and area intensity and density, and concerns with subsidies.

John Moeckel, Venice Golf and River Club Community Association, being duly sworn, spoke to a letter he sent to the commission regarding for profit housing, reduced fees, costs to taxpayers for subsidies, and concern with proposed number of units.

Thomas Gerson, 184 Maraviya Boulevard, being duly sworn, expressed his opposition to the project due to decrease in property values, and increased traffic.

Pamela Gudas, 142 Tosca Villa Boulevard, being duly sworn, expressed concern with proposed density, building height, parking, water usage, and transportation.

Bill Rowland, 217 Bayshore Road, being duly sworn, spoke to his sale of the property, responsibility of planning commission to determine if the rezone is consistent, generated revenue of the proposed project, and industries that surround the current developments.

Mr. Pinto spoke to the surrounding area uses and the John Nolen concept.

Mr. Boone spoke to public meeting requirements for fee discussions, obligation to provide justification of a parking reduction waiver, conducting a traffic analysis, and the intended renters.

Mr. Shrum, being duly sworn, clarified that once zoning is approved it cannot be reverted back to original zoning, the stipulations provided were not vetted through staff, and the need to ensure stipulations are clear in the motion.

Mr. Boone clarified the term rental is for multi-family use and establishing a timeframe to be presented to city council.

Ms. Fernandez spoke to there not being a need to include a timeframe in the rezone.

Discussion took place regarding ensuring the housing is workforce housing, height limit stipulation, intent for timeframe for units to remain rental units (perpetuity).

Mr. Snyder closed the public hearing.

A motion was made by Ms. Moore, seconded by Mr. Graser, 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 to City Council Zoning Map Amendment Petition No. 17-08RZ with the following stipulations: the entire property will be for rental property only, the maximum building height will be 35 feet, and there will be no under structure parking.

Discussion took place regarding comprehensive plan input and the need for more housing for lower income residents, keeping Venice a

sustainable community, timing of zoning, having site plan heard with rezone contingent on site plan, and the need for guarantee of workforce housing.

The motion carried by the following vote:

Yes: 4 - Ms. Moore, Mr. Graser, Mr. Murphy and Mr. Newsom

No: 1 - Chair Snyder

Excused: 2 - Mr. Towery and Ms. Fawn

VI. New Business

[17-2512](#)

Kathie Ebaugh, AICP, Director, Planning, Sarasota County Schools:
Sarasota County Schools Planning Efforts 2016/17

This item was not discussed.

[17-2702](#)

Discussion - Combining and/or Collaboration with the Planning
Commission with the Architectural Review Board

This item was not discussed.

VII. Audience Participation

No one signed up to speak.

VIII. Comments by Planning Division

There were none.

IX. Comments by Planning Commission Members

There were none.

X. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 7:22 p.m.

Chair

Recording Secretary