

AGENDA

VENICE PLANNING COMMISSION

May 7, 1974 7:30 P.M.

1. Presentation and discussion of proposed development of a 240 acre tract of land annexed in 1961.
(Proposed plan prepared by Lane Marshall should be available for inspection in Bob Becker's office on and after Thursday, May 2, 1974.)
2. Any discussion deemed necessary on the Adley development plan.
3. New Business

Special joint meeting of Planning Commission and City Council with Adley Assoc. on Thursday, May 9, 1974 at 7:30 P.M.

VENICE PLANNING COMMISSION

MINUTES

May 7, 1974 7:30 PM

Meeting called to order at 7:30 P.M. by the Chairman, R. W. Hogan.

Those present: Eric Edgerton, Frank Proctor, George Bally, R. W. Hogan, Fred Harvey, Murray Kanetsky. Jan Dean and Bob Becker, ex-officio members.

Those absent: Dr. Lewis Saunders

Mr. Edgerton moved the minutes of the last meeting be approved as submitted. Mr. Harvey asked of Mrs. Dean if the City Council wrote a letter to the County Commission proposing an agreement with the County Planning Dept. Mrs. Dean felt that to the best of her knowledge, the letter had been written. Mr. Harvey then moved the minutes be approved as submitted. All voted aye.

Mr. Hogan then introduced Mr. Richard Hazen who gave a short resume of the Pinebrook South development plans. He stated the property was the subject of an agreement with the previous owners and the City of Venice in 1961. The plat and the design as laid out in 1959 was inadequate and he approached the City administration on the basis that he had 243 acres of land and would like to develop it. He stated that Mr. Youngberg knew where the property was located and what the needs of the city were. Mr. Harvey questioned the needs of the city. Mr. Hazen replied, roads, rites of way, provision for drilling wells, etc. Mr. Larry Washuth of Lane Marshall Assoc. then presented a series of maps and plans of the project.

The first plan was the design of the development as planned in 1959. The plan was approved in 1961 by the city and annexed into the city. Ketch Enterprises of Kissimmee purchased the property recently and wishes to develop it. They could develop it as the 1961 plan shows but realize that many new modern concepts have developed and they also considered the needs of the city. The property is located within the city - 243 acres - which lies 1700 feet north of Venice Avenue. The property is bordered on the East by the Well Field, on the West by Bay Indies, on the South by Eastgate Terrace and the North by undeveloped property outside the city limits. The needs of the City concerns road network of the entire area. Especially an East-West road thru the area, Lucaya Avenue will be extended thru the property to Colonial Road. Also the extension of Longwood Parkway to Capri Blvd.; a North South connector road from Venice Avenue to the extension of Longwood Parkway. Those were man made features.

The Environmental features are (1) the Vegetation; the wetland areas were earmarked for open space preservation. (2) Drainage - 60% of drainage flows north and the remainder to the South. (3) Soils - most of the site is well suited for development. (4) Composite Environment Study - After each study was made, a composite plan was graphed. Land Uses - recreation area was located near areas least suitable for development. Master Plan - most of the area is consumed by single family lots - 364 single family lots. 53 acres are for 2 story multi-family uses. There is a 26 acre lake area. Recreation area covers 8 acres - boardwalks, nature trails, swimming pool, tennis courts handball courts and club house. There will also be a bridge for pedestrian traffic and bicycles. They intend to preserve the entire length of Blackburn Canal. They also recommended to the client to incorporate a commercial center

for daily shopping convenience stores. The plan has a total of 964 dwelling units. The density will be 3.96 dwelling units per gross acre, which meets the low density standards in the area.

He then asked for questions and or comments from the Board. Mr. Bally questioned how they determined the 'needs of the city'. Both Mr. Hazen and Mr. Wasmuth stated they received all this information from Mr. Paul Youngberg, City Administrator with some input from the City Engineer. The question of how traffic would flow onto Venice Avenue; two roads will be used. Roxanne Avenue has a 60' right of way and Venetia Avenue has an 80' ROW. Mr. Edgerton questioned who was to pay for the Road. Mr. Hazen felt it was the developers intention to pay for the extension of these streets.

Mr. Bally questioned why it was not developed as a PUD. Mr. Hazen stated it was his clients choice not to and asked him to proceed on the basis of an amendment to the agreement and rezoning. Because of mounting interest rate, and of the lending commitments he is trying to secure they felt they could accomplish the same concepts and meet the city's desires without going thru the PUD route. They felt the PUD application would take a long time for approval.

The maintaining of parks was questioned. Mr. Hazen felt this was a problem - if they had a Home Owners Assoc. to maintain it, they would soon tire of it as it will be a public use park - not just for private use. The maintaining of the Club House and recreation area was also discussed. Mr. Hazen felt they would be owned by the persons residing in the community and will be maintained by them. The maintenance of interior streets was questioned. The streets dedicated for public use will be maintained by the City. The dedicated streets would be the East West road - and the North South Road - the extension of Roxanne Road and the Extension of Longwood Parkway. Mr. Bally felt the city now has no assurance as to how the roads or parks will be maintained. Mr. Kanetsky felt the city would want an Ordinance not just an agreement.

Mr. Hazen spoke about the city needs. He stated the city has exhausted the number of wells in the well field - city also needed Longwood Parkway - city also needs Lucaya Avenue - and also needed ROW on their side of the property next to the Well Field. Lakes were also discussed.

Mr. Kanetsky wanted to be put on record that he represented in private practice, the previous owners of this tract, the ones that sold to the present. He therefore had some knowledge of it but has absolutely no interest in the present owners and in his opinion there is absolutely no conflict. He questioned Mr. Hazen if the owners Ketch Enterprises, in fact Tidewater Village Ltd., is on record and registered in Tallahassee? Mr. Hazen felt that it was. Also that Ketch Enterprises has developed in other areas in the state, mainly in the Kissimmee area.

Mr. Bally questioned the water and sewer plant capacity charges. He felt that in keeping with the Planning Commissions recommendation of long standing the agreement should read that the sewer and water plant capacity charges in effect at the time the permit is issued be paid - what ever they are at that time.

He also stated there is nothing in the agreement that would lock down the developer, that if it was sold, that the people living there would be protected. He felt they should have some sort of an agreement with the people that if sold, it will be carried on.

Mr. Kanetsky questioned the agreement of Pellegrin & Belfiore of Capri Isle, as mentioned in item 5 of the agreement with the City. Mr. Hazen stated, in the annexation agreement of Capri I, the problem was solved of large sewer mains being brought in. At a certain stage when Capri II has constructed a certain number of dwelling units, the developer is required to extend, at their expense, the water and sewer lines to the intersection of Roxanne and run it along the south boundary of their property. Mr. Hazen's client will put the lines in and when Capri is bound by their agreement to put in and install them, they would pay his client the cost as certified. Mr. Becker stated the number would be 1200 units.

The development time limit was discussed. Mr. Hazen did not know his client's time limit - as to how many units per year. The bridge over Blackburn Canal was discussed and the Board was in agreement that the city would not pay for the bridge. Mr. Washmuth stated the lot sizes would be from 9600 sq. feet to 11,000 sq. feet, with minimum size being 80 x 110. There will also be rentals in the multi-family units. The price range on the current market would run \$165-\$185. per month. The multi-family would be moderately priced - in the high twenties to low thirties. The single family homes would run in a moderate price range - less than fifty thousand.

The next Planning Commission meeting will be held on May 21 and Mr. Hazen was asked to return with information on the questions the Board presented to him. Mainly, Rites-of-way, production schedule, provision for unified control, and water and sewer plant capacity charges.

Adley Plan - Mr. Hogan read the letter he sent to City Council inviting them to the joint meeting to be held on May 9th. All council members stated they would attend.

Mr. Edgerton asked Mrs. Dean the status of the Budget for the Planning Commission. The City Council will have a meeting on Wednesday to review the Budget. She felt that when the Planning Commission needs the money, they will have it.

Mr. Hogan stated Mrs. Jones of the County Planning Dept., called regarding a rezoning petition of a piece of property East of Auburn Road and North of East Venice Avenue. There are 373 acres requesting a change from Agricultural to Residential. The meeting will be May 9th.

Mr. Harvey read a report on Venice Growth that he had prepared. Each member was presented with a copy. Mrs. Dean felt that the increased land was a reason for the rapid growth. Mr. Bally felt you cannot stop growth but the City must be in a position to manage it. He felt the City Council must give an optimum growth rate. He also felt that the City never planned financially on how many will be here. The people will be here before the services are ready. The council must have a growth policy and the Planning Commission and the City Council will then have to control it. Mr. Harvey felt his report should be sent to City Council for their recommendation. Mr. Bally felt the members should study the report and report back to the next meeting.

Motion was made by Mr. Bally for adjournment.

Meeting adjourned at 10 P.M.

Respectfully submitted

Mary Charles.

AGENDA

VENICE PLANNING COMMISSION

MONDAY MAY 20, 1974 7:30 P.M.

1. Minutes
2. Further review of the proposed development of
 240 acre tract of land annexed in 1961
3. New Business

MINUTES
VENICE PLANNING COMMISSION
MAY 20th, 1974 7:30 P.M.

Meeting called to order at 7:30 P.M. by the Chairman, Robert W. Hogan.

Those present: Dr. Saunders, Frank Proctor, Eric Edgerton, Robert Hogan, Fred Harvey, G. W. Bally, Murray Kanetsky. Jan Dean & Robert Becker, ex-officio members.

Minutes of the May 7th meeting were amended by Mr. Bally to read as follows:

1st page, paragraph 2, last sentence - to be completed to read "---- provision for drilling wells, etc., had been discussed with the City Administrator."

Second page - 3rd paragraph, last sentence, to be changed from "--- would want an ordinance not just an agreement" to "--- would prefer development under an ordinance rather than an agreement."

Fifth paragraph, 1st sentence - to be completed to read "----sold to the present owners".

last paragraph, last sentence - to be changed from "---he felt they should have some sort of an agreement with the people that if sold, it will be carried on" to "--he felt there should be unified control like under a PUD so that the people who have invested in the unit would have some protection."

Third page - second paragraph - lot sizes should be changed from 80 x 110 to 80 x 120.

Mr. Edgerton moved the minutes of the May 7th meeting be approved as amended. Mr. Proctor seconded. All voted aye. Motion passed.

The minutes of the May 9th meeting were amended by Mr. Bally to read as follows:

Page one - item 4 - should read "south of Airport Avenue" instead of "north of Airport Avenue".

- item 6 - should read "East of I-75" instead of "area beyond I-75 corridor"

Under #2-Establish a Local Staff should read:

- a. Hire a full time city planner on a professional level OR
- b. Hire a consultant OR
- c. To have a research person attached to the City Administrators office.

Page Two - 1st paragraph - to be changed to read "---applied for and rumor is that application has been favorably received" instead of "---applied for and are being favorably received.

Page Two - #1 - word "intensive" should be changed to "shorter".

Next to last paragraph - should read "Motion unanimously approved"

Mr. Edgerton made a motion that the minutes of May 9th, as amended, be approved. Mr. Proctor seconded. All voted aye. Motion passed.

Mr. Bally stated that Mr. Hazen called him and asked him to meet with Mr. Hazen and Mr. Marshall to go over the "Suggestions of Items for Consideration by the Planning Commission before Making Their Recommendations to City Council Regarding a Proposed Development Agreement between the City and Tidewater Village Ltd. (Pinebrook South)". He stated they had met Monday morning and nothing was agreed to - that he had not taken it upon himself to act on behalf of the Planning Commission.

Mr. Marshall and Mr. Hazen came before the Board. The question of roads was raised and discussed. Mr. Hazen stated that all but a small portion of streets will be dedicated for public use. The condominium roads will be private roads. All streets in the single family area will be public roads. Cul-de-Sac's will have an 80' pavement and 100' ROW. Mr. Proctor questioned the access roads. There will be two access roads - Venetian Parkway and Roxanne Road. They stated Mr. Youngberg requested that Lucaya Road be extended. Mr. Edgerton questioned sidewalks and bicycle paths. Mr. Marshall stated that bicycle trails will be put in thruout the project but they do not contemplate sidewalks at this time. They intend to use the bike trails instead of sidewalks. Mr. Edgerton felt that since City Council is trying to put sidewalks in the City, the Planning Commission would be a little remiss if they did not talk about sidewalks in a new development.

Mr. Marshall stated that some parks in the development were intended to be dedicated to the city but the Parks Board stated they did not want them. Mr. Sullivan replied that the Parks Board, as far as he knew, felt that when this plan was presented to the Parks Board, it was to preliminary for them to say whether they wanted them or not, since the Planning Commission had not yet seen this development or had a chance to discuss it.

Mr. Marshall spoke of a Land Trust instead of a Homeowners Association. An executor is set up and has powers to collect fees, etc. The only way the terms of the Trust can be changed is thru the Courts. It is something that could be explored, as it works much better than a Homeowners Association.

Mr. Edgerton suggested that the Board go over Mr. Bally's suggestions. He felt the Planning Commission should not be hurried into an agreement of this type. He felt that a Traffic Impact Study should be made of area as there is going to be a lot of development in this and the surrounding areas. Mr. Bally felt it would not be difficult to take the Traffic Study that has been made and bring it up to date. Mr. Bally stated the Planning Commission would recommend to City Council that a Traffic Study be made. Mr. Marshall stated he would have to take his instructions from his client.

The question of being developed under a PUD was discussed. Mr. Hazen stated that his client is prepared to give the City all the advantages under the PUD Ordinance, by way of Agreement. He believed that it is as binding on his client and the City, as going the PUD route. Mr. Kanetky felt that where you develop by Agreement, even tho you take the terms of a PUD, at least by inference, it is different because otherwise you would have gone PUD. He stated there is a distinction to be drawn even tho you incorporate PUD terms into an Agreement, it is different than coming in under a PUD. Mr. Marshall felt the PUD was a cumbersome ordinance and made it difficult for a developer to proceed.

Density was then discussed. Mr. Marshall felt that their development was under the average density of the surrounding properties. Bay Indies is 7 units per acre, Capri Isle - 6.5 units per acre, Capri II, 4.7 units per acre and East Gate Terrace, 5.5 units per acre.

Mr. Hazen's client has agreed to put in the rentals, but at this time cannot say what they will rent for.

Building Schedule was then discussed. Mr. Hazen felt they would have no control of the single family homes as they do not plan to construct single family residences. Only the lots will be sold and the owners would then construct as they please. Of the 630 multi-family homes, 264 would be constructed from 7/1/74 thru 7/1/75, and the balance from 7/1/75 to 7/1/76. Out of the 264 units, 50 would be rental units.

Performance Bond was then discussed. Mr. Hazen felt that it was their position, if it is their land and they have not sold anything, who do they need a bond? If they fall flat on their face, after constructing a series of roads, and they do not get half way thru, it is still their property, they own it, and they do not think they need a bond. Mr. Bally stated he would agree to that if it was in the Agreement but he could not read that in the Agreement. Mr. Hazen stated that this item would be made clear - that there would not be the first parcel of land sold, without either the improvements completed or being bonded. Mr. Marshall stated one of three things could be done. (1) Would have the improvements completed before they sold anything. (2) Put up a performance bond. (3) Put up something in lieu of a performance bond that would be acceptable to the City. Mr. Hazen questioned if any one objected to, that if they have not sold a parcel of land, objects to building the improvements without a bond? Mr. Bally stated he had no objection, personally to that part, so long as the Agreement includes provisions that there can be no sale of any property with the boundary of the property, until all improvements had been made and approved. Mr. Hazen stated that that was the way they intended the Agreement to read.

Mr. Edgerton felt he could not agree on the six acres for the Commercial area. Mr. Marshall stated this area was for neighborhood shopping. A Frontage Road would be provided so as to allow the residents to shop and not go out of the area. They are not "hung up on it" and feel if a commercial area was built to the South, perhaps this would not be built.

Mr. Kanetsky felt the City Attorney should give his opinion on the advantages or disadvantages to the City, of this area being developed under a PUD ordinance or by Agreement. Motion was made by Mr. Bally, that the Chair instruct Mr. Kanetsky to write such a letter to City Council for the Planning Commission. Mr. Edgerton seconded. Motion carried. Mr. Kanetsky would like to know whether an Agreement is valid and Binding on a later Council,

Mr. Hogan will get together with Mr. Bally to go over his "Suggestions" and will meet with Mr. Hazen and Mr. Marshall, two weeks from May 20th, regular Planning Commission meeting, June 3rd, 1974, at 7:30 P.M.

New Business.

Mr. Bally moved that Fred Harvey's Study of Venice Growth, dated March 28, 1974, be forwarded to City Council, Board of Public Works, and the Water and Sewer Board, without vouching for the accuracy of the reported figures, Request the City Council to advise the Planning Commission their Optimum Growth Policy thru 1985, by three year periods (how many persons can be accommodated that will be compatible with the city's ability to furnish the necessary services at an affordable cost). Mr. Edgerton seconded. All voted aye. Motion passed.

Mr. Harvey stated he was leaving to go North on May 28th. Mr. Harvey stated he would like to see on the coming agenda the Sub-Division Ordinance and the

Planning Commission Ordinance. Mr. Bally stated that these were under the Adley package. Mr. Harvey asked Mrs. Dean if she had a copy of the letter the City Council wrote to the County Planning Comm. proposing coordination between them and the Venice Planning Commission. Mrs. Dean stated she had not but will try to get a copy.

The annexation of a lot on Golden Beach Blvd. and Spadaro Drive was discussed. Mr. Proctor made a motion that the Planning Commission go on record as being opposed to this particular annexation. Mr. Bally seconded. Mr. Kanetky agreed but amended it to read the Planning Commission is opposed to it if the Council determines that the major purpose of the annexation is a "march to the sea". Letter sent to City Council to read "Planning Commission recommends denial of annexation if city Council determines that sole or major reason for annexation is to open the way for future annexations to the Gulf Front property". All voted aye. Motion passed.

Mr. Harvey made a motion for adjournment. Mr. Edgerton seconded. Adjourned at 10:30 P.M.

Respectfully submitted:

Mary Charles

VENICE PLANNING COMMISSION

PUBLIC HEARING

May 27, 1974 7:30 P.M.

Meeting called to order by the Chairman at 7:30 P.M.

Those present: Dr. Lewis Saunders, Frank Proctor, Eric Edgerton, R. W. Hogan, Fred Harvey, G. W. Bally, Murray Kanetsky and Jan Dean.

Those absent: Robert Becker.

Mr. Hogan stated the meeting was a Public Hearing on the Land Use Map as prepared by Adley Associates. Mr. Adley spoke to the Board and the audience stating that all the maps, etc., was a basis on which future zoning decisions will be made. He introduced Mr. Steffens who proceeded to go thru the series of maps and gave an analysis and interpretation of them. He also spoke of the transitional areas in the city and explained the detail maps. He felt the most important needs were, an additional East West access in the North East part of the City, improvement of Venice By Way and the extension of Airport Avenue.

The audience was then asked to comment or question. Mr. Carroll Towne of the Parks Advisory Board suggested Mr. Adley get together with Mr. Lane Marshall who is working on a Master Plan for the Venice Park System. Mr. Adley stated he has been working with Mr. Marshall on the overall plan.

Mr. Caspersen felt that more basic information was needed, such as, how many single family homes are in the multi-family zones and how many non-conformitys are there. He also felt that the citizens of Venice have not been asked on what kind of a city they want.

Ms Ruth May felt old Venice was a beautifully laid out plan but the problem lies in the annexations. She questioned the South East side of the Trail, stating the City annexed three lots and the deed description stated no trailers allowed, yet trailers are on the property. Mr. Steffens suggested the people living in the surrounding area should see that the deed restrictions are enforced.

Mr. Moomaw felt that the character of Venice, in the Park area and the downtown business area should be preserved.

There being no further comments or questions, Mr. Hogan then closed the Public Hearing portion of the meeting.

Mr. Hogan stated that Pinebrook South, a development of 243 acres has been placed on the Agenda of the City Council for rezoning to a PUD. Mr. Hazen was in the audience and was asked to come before the Board. Mr. Kanetsky questioned Mrs. Dean on what the Council had done on the Pinebrook subject at their last meeting. She explained that Mr. Wheeler has asked for a weeks time to answer Mr. Kanetskys letter regarding the advantages or disadvantages to the City of this development under a PUD or an agreement. Mr. Edgerton felt it could not be discussed at this meeting. Mr. Bally felt that City Council asked the Planning Commission to make a recommendation on a proposed agreement and he felt the Planning Commission could recommend to City Council

tonight, the area be developed under the City's PUD Ordinance 585-73, as amended and if not, to come in under an agreement with certain conditions, such as, density, building schedule, developers agreement, bonding, water and sewer charges, etc. Mr. Edgerton felt it was out of order for discussion on this development at this time. Mr. Hogan felt the Planning Commission should not discuss it until City Council certifies it to the Planning Commission for development under PUD Ordinance. Mr. Harvey made a motion the matter be tabled. Mr. Kanetsky seconded. Mr. Bally and Mr. Proctor opposed. Mr. Harvey, Mr. Hogan, Mr. Edgerton, Dr. Saunders and Mr. Kanetsky agreed. Motion carried 5-2.

Mr. Harvey questioned if City Council has given their approval on the recommendation of the Planning Commission to proceed with the second phase of Mr. Adley's proposal. Mr. Bally stated he thought that the City had to go out for bids as the cost was over \$5000., but now understands this is not the case and the City Council can now proceed. Mr. McCracken stated that it was the opinion of the City Attorney that it was not necessary to go out for bids on Planning. Mr. McCracken stated the money was put into the Planning Commission Budget. Mr. Bally felt the Planning Commission needed a letter from City Council advising them to proceed. Mr. Hogan will get in touch with Mrs. Dean and have her put this question in her report for Tuesday nights meeting.

Mr. Harvey asked Mr. Adley if all the maps, etc. would be photographed and reproduced. Mr. Adley said no, but that all the maps that were in the Council Chambers would be the property of the Commission. He questioned also if the development of a sub-division ordinance and a new planning commission ordinance would come in under the second phase. Mr. Adley said they would.

Mr. McCracken then came before the Board. He stated the City of Venice had filed for 701 Funds and a letter received on May 13, 1974 from the Department of Community Affairs stated that \$12,200 would be funded for a Management Program and \$1200 would be funded for Citizen Participation Program. They did not fund anything for the Planning Commission.

Mr. Harvey moved for adjournment. Mr. Edgerton seconded. Meeting adjourned at 9 P.M.

Respectfully submitted:

Mary Charles.

AGENDA

VENICE PLANNING COMMISSION

JUNE 3, 1974 7:30 P.M.

1. Reading of Minutes
2. Prehearing on P.U.D. application for Aaron property.
3. Review of contracts and proposals involving Adley Associates.
4. New Business
5. Adjournment.

MINUTES

VENICE PLANNING COMMISSION

JUNE 3, 1974 7:30 P.M.

Meeting was called to order at 7:30 P.M. by the Chairman, Robert W. Hogan.

Those present: Frank Proctor, Robert Hogan, George Bally, Murray Kanetsky, Jan Dean and Robert Becker, ex-officio members.

Those absent: Dr. Saunders, Eric Edgerton and Fred Harvey

Minutes of the previous meeting were amended by Mr. Bally.

Page 3, paragraph 2, 3rd sentence from end of paragraph- word should read "within" instead of "with". Also on Page 4, paragraph 2, last sentence - Mr. Bally felt it should read "of the Gulf Front property". Mr. Kanetsky stated that in the hurry to write the motion he neglected to add a final phrase which should have been "to the Gulf Front property for the purpose of building high rise apartments"

Mr. Bally moved the minutes be approved as amended. Mr. Proctor seconded. All voted aye. Motion passed.

Mr. Hogan then called Mr. Hazen and Mr. Marshall to come before the Board. Mrs. Dean then stated she wanted it in the record that she was not in favor of any increase in density in this project, from the original number of units. She stated that Council made the first gesture by allowing Pinebrook South to come in under the City's PUD Ordinance which allows them to get out from under the unworkable original agreement, but it is not an indication that she is in favor of any increase in density. She felt the city needs single family lots and realizes that this is not the way the developers prefer to go but that was her feeling.

Mr. Hogan read a letter dated May 29th from Mr. Albee certifying the application for rezoning to PUD on this property to the Planning Commission. Reply must be sent to City Council, seven working days after the Public Hearing.

Mr. Marshall felt he would like density discussed at this meeting and to have an unofficial and informal decision as to density. He felt that his client could not and would not go PUD at a decrease in density from what he is looking for. In return for PUD, would the city be willing to give the density as proposed? He felt that all the other problems could be ironed out, the only thing to be resolved is density. He showed a map of the project site and explained the density around the development area: East Gate Terrace South- 5 units per gross acre;- Bay Indies - 7.4 units per acre;- Well Field, public use, open space; Capri Isle I, 6.5 units per acre; Capri Isle I, other section, 10 units per acre; Bird Bay, 7 units per acre - Mobile Home Park, 7 units per acre; Capri Isle II, 4.9 units per acre. They are asking for 3.93 units per acre. Current density of the site is 3.0 and they feel that they are not asking for a tremendous increase. Mr. Hazen felt that to ask them to reduce the density on this piece of land, down to less than what is the average in the City, is putting a burden on them to what they financially cannot afford. In summary, they felt they are not asking anywhere near what their neighbors currently have, and felt if the Commission voted for a cut in density, they would go ahead and plat on the 1961 Agreement.

Mr. Kanetsky questioned the maintenance of the Lake and asked if it were possible to put into the Declaration of Condominium, a Sinking or Maintenance Fund, whereby some type of requirement would be made for a certain amount to be put into it by the unit owners each year for maintenance. Mr. Hazen felt it was a good idea but there would probably be a tax problem as the IRS felt that any non-profit organization is supposed to credit and disburse the monies left at the end of the year to the home owners. Mrs. Dean felt that a Home Owners Association does not work. Mr. Marshall stated that each person in the development would probably belong to two associations. Persons living in the condominiums would belong to his own condominium association. They would also belong to the Pinebrook South Association which would be the "umbrella" association. Each person, thru his contribution to the "umbrella" association would be paying for the maintenance of the Lake.

Mr. Bally felt that since the 200 rental units would be built across from the Well Field, would they (1) deal with the City to help develop it a bit more for children and (2) would they build one or two pedestrian bridges across Roxanna Rd. to get the children to the Well Field? Mr. Hazen felt that they might need to contribute to the Well Field development, if the impact of children from their development is great. He also felt that 3 to 5 year olds, need small parks, Tot Lots, which would be built inside the development, instead of going outside to the Well Field.

Mr. Bally suggested the Commission write a letter to Council asking whether or not they will request any donation of land from this developer for municipal uses.

Mr. Kanetsky questioned the Traffic Impact Study. Mr. Marshall stated the Capri Isle II Traffic Report was a study of all the projects surrounding Pinebrook South. He felt it would not be too difficult to add the Pinebrook Traffic Impact to the Capri II Study, but they would need instructions from City Council to do so. Mrs. Dean felt that if all the units were built in two years, they would be in a lot of trouble. Mr. Hazen stated that 356 are single family homes, which they have no control over, as the lots would be sold and the owners would build as they see fit. 136 units are across the canal, which they will not build until they will ^{have} access to, probably not before 1977.

Mr. Bally expressed concern that perhaps the rental units would be rented to retirees instead of a young familys. He felt perhaps there could be 50 units developed just for families with small children. Mr. Hogan felt it was not up to the Planning Commission to put pressure on a developer to build low cost housing. He felt it was the wrong location, that low cost housing should be near the center of town.

The Public Hearing question was brought up. Notice should be published 15 days prior to the Public Hearing. June 24th, Monday at 7:30 P.M. was scheduled for the Public Hearing on the PUD application of Pinebrook South.

Mr. Hogan read a letter dated May 21st from Mr. Albee to Sarasota Planning Commission requesting cooperation between the Sarasota Planning Commission and the Venice Planning Commission. He also read a letter dated May 29th from a Mr. Burgmann, Chairman, Sarasota Planning Commission stating Mr. Albee's letter was unanimously agreed to and in addition, Mrs. Lois Jones was appointed liason. He also suggested that one of the members of the Venice Planning Commission be appointed liason to the Sarasota Planning Commission.

Mr. Hogan asked Mr. Bally if he would consent to be the liason between the two committees and Mr. Bally agreed. Mr. Bally suggested Mr. Hogan acknowledge the letter and inform them of the Pinebrook South application for PUD.

Mr. Adley's proposal was then discussed. Mrs. Dean stated Mr. Adley sent down the contract and Mr. Wheeler is looking it over. Mr. Bally made a motion that the Planning Commission recommend to City Council that after the Public Hearing held on May 27, 1974, that the Planning Commission submits to them the Development Plan, Exhibit B, as prepared by Adley Associates, for their considered adoption. Mr. Proctor seconded. all voted aye. Motion passed.

Mr. Bally made a motion for adjournment. Mr. Proctor seconded.
Meeting adjourned at 9:15.

Respectfully submitted:

Mary Charles

AGENDA

VENICE PLANNING COMMISSION

JUNE 17, 1974 7:30 P.M.

1. Minutes
2. Further discussion of Pinebrook South
3. Discussion of various matters with Chuck Place, who will be present.
4. New Business

MINUTES

VENICE PLANNING COMMISSION

June 17, 1974 7:30 P.M.

Meeting called to order at 7:30 P.M. by the Chairman, Robert W. Hogan.

Those present: Eric Edgerton, Dr. Saunders, Robert Hogan, G. W. Bally.
Jan Dean and Robert Becker, ex-officio members.

Those absent: Murray Kanwtsky, Fred Harvey and Frank Proctor.

Mr. Bally made a motion that the minutes of the last meeting be approved.
Mr. Edgerton seconded. All voted aye. Motion passed.

Mr. Hogan asked if there was any further discussion of Pinebrook South. The dedication of roads was discussed. Mr. Bally felt the City should not take over the small roads within the development. Mr. Edgerton disagreed as he felt all the people living in the development were in the City and therefore should have the streets maintained by the City. Mr. Place stated that usually in PUD's the main collector streets were usually dedicated and the cul-de-sacs were seldom dedicated. He also stated that even if the cul-de-sacs are private, police, fire engines, school buses, etc., have the right of entry. Mrs. Dean gave each member copied sheets from the DRI report of Capri II referring to Public Transportation Consideration within Capri II. Mr. Hazen stated they have taken those figures and are preparing an Impact Study by adding their development figures to it.

Mr. Bally explained the Planning Commission has seven days after the close of Public Hearing to make their recommendation to City Council. Mr. Hazen stated that since the City Council has decided to take the 8% of the land called for in a PUD, they should tell him what they plan to use it for. He would like to know what the municipal use would be, either jail, Welfare Home, Library, Park or truck maintenance garage as he has to plan around it. Mr. Edgerton stated he does not see why the City should expect a donation of property from something that is already in the City. He also felt that 3.94 is not too much density when taken into consideration of the high density surrounding the area. Mrs. Dean felt that anytime you have 243 acres of land, you can find use for a municipal purpose. She felt that someday the City would need the land. Mr. Bally felt that if the Planning Commission approved the PUD, they will approve the Site Plan as presented, and as of this date, they have not been told to change the Site Plan. Mr. Becker stated the Site Plan is a recorded instrument and cannot be changed unless it is submitted to Council for change. Mr. Hazen wants it specified as to what the area is to be used for. He felt that a Library would fit in a residential area but a Water Treatment Plant, etc., would not. Mr. Bally felt that unless the Planning Commission is told where this area is to be or what it is going to be, he cannot support it. He felt that his feeling on density is a matter of record, that all along it has been too high but realizes many changes have taken place in 13 years and feels that 3.9 is o.k. with him.

Mr. Hazen stated he is going to send to each member a brief biographical sketch on each of the partners of Tidewater Ltd.

Mr. Hogan stated Mr. Frank Siroky called him with regard to an annexation of 18+ Acres, East of Grants Plaza. He is preparing to build low rent

housing. Mr. Edgeron felt that since it has not been referred to the Planning Commission by the City Council, the Commission should not get involved. Mr. Bally felt that perhaps it would not be referred to the Commission at all, if the Council means what it says about no more annexations.

Mr. Place stated that the County Planning Commission felt it be most appropriate that the municipalities within the County and the County be on cooperative terms when it comes to planning. He personally will be glad to come to any meeting the Venice Planning Commission has if he is able to do so.

Mr. Edgerton stated he would be away from July 19th to August 19th. Mr. Bally will be away from June 27th to August 4th.

Mr. Place stated the Planning Commission of the County will be ready to go to Public Hearing on the Land Use and Thoroughfare Plan somewhere around July 18th and will let the Venice Planning Commission know the exact date. Also the new Zoning Map will go to Public Hearing sometime in September.

Mr. Edgerton moved for adjournment. Mr. Bally seconded. Meeting adjourned at 8:30 P.M.

Respectfully submitted:

Mary Charles

PUBLIC HEARING
VENICE PLANNING COMMISSION

JUNE 24, 1974 7:30 P.M.

Meeting called to order at 7:30 P.M. by the Chairman, Robert W. Hogan.

Those present: G. Bally, R. W. Hogan, F. Proctor, E. Edgerton, Dr. Saunders, M. Kanetsky. Jan Dean and Robert Becker, ex-officio members.

Those absent: Fred Harvey.

Mr. Hogan stated the meeting was a Public Hearing on Pinebrook South's application to develop under a PUD.

Mr. Bally stated that the conditions for approval that he had prepared, applied only to the PUD and might not necessarily apply to the recommendations from the Board to City Council on an Agreement. Should they decide to develop under an agreement, he suggested they come back to the Planning Commission. Mr. Bally then went thru his recommendations. One condition that was discussed was the Bond. Mr. Hazen stated he would like to substitute, either cash in a CD or another form of security without going thru the expense of a Bond.

Another condition discussed was the rental units. Mr. Bally felt that 5% of the total number of units constructed should stay as rental units until released by the City.

The dedication of roads was discussed. Mr. Bally felt that with exception of Lucaya Ave. and Pinebrook Road and Longwood Pkwy., all internal roads should be the responsibility of the Homeowners Assoc.. Mr. Edgerton did not agree with Mr. Bally as he felt the property owners in the development would be taxed double for the maintenance of streets. He felt the City or County should assume the responsibility for maintaining the streets. Mr. Bally still felt the internal roads would only serve the people who live there. After much discussion Mr. Edgerton felt the Public roads should be Pinebrook Way, Lucaya Ave., Pinebrook Road, Longwood Parkway and Venetian Parkway.

The B-1 Commercial area was discussed and the Commission felt it should stay as in the plan. (There is a 45 minute lapse as the electrical power went off and notes could not be taken.) Mr. Marshall did say, that the area would probably have a 7-11 Store, a Barber and Beauty Shop and a Hardware Store if the commercial area was to be built. He felt that the whole development would take approximately 5 to 7 years to be built.

Density was then discussed and the Board was in agreement that 3.93 was not a high density for that area.

The 8% of land for municipal purposes was discussed and Mr. Bally felt that the Council has not shown a demonstrated need and the Planning Commission should not take it into consideration. He felt if the Planning Commission approves the PUD they will approve the Master Plan as presented as of this date. Mr. Marshall stated he felt the developer has made acreage concessions. 8.3 acres of ROWs; 8.4 acres of parks and 4.6 acres of ROW along the canal; a total of 21.3 acres or 8.76% for public use.

Mr. Edgerton felt there should be sidewalks installed in the development. After much discussion, the Board suggested that sidewalks be installed on both sides of Lucaya Avenue from Pinebrook Way East to Pinebrook Road; both sides of Pinebrook Way from Lucaya Avenue North and East to Pinebrook Road; and the entire west side of Pinebrook Road.

Mr. Bally then made a motion that the Planning Commission recommend to City Council that they accept Pinebrook South as a PUD on the basis of the Master Plan as presented, subject to the conditions, which have already been agreed to by the developer. Mr. Edgerton seconded. Roll was called: Dr. Saunders, YES; Mr. Proctor, YES; Mr. Edgerton, YES; Mr. Hogan, YES; Mr. Bally, YES; Mr. Kanetsky, YES. Motion passed.

Mr. Edgerton made a motion for adjournment. Mr. Proctor seconded. Meeting adjourned at 10 P.M.

Respectfully submitted:

Mary Charles

PLANNING COMMISSION

CITY HALL
COUNCIL CHAMBERS

AGENDA

April 19, 1983
1:00 P.M.

NOTES:

ROLL CALL

APPROVAL OF MINUTES

Meeting of March 15, 1983
Workshop Meeting of March 17, 1983

SCHEDULED PRESENTATION

1. Amendment to PUD Master Plan
R. Norwood Gay, III

PUBLIC HEARING

1. Rezoning Petition 83-2RZ
Richard L. Whitton

OLD BUSINESS:

1. East Venice Avenue Sector Plan
H. M. Place
2. Annexation Policy
H. M. Place
3. Traffic Circulation
H. M. Place

NEW BUSINESS: None

ADJOURNMENT:

MINUTES
VENICE PLANNING COMMISSION
April 19, 1983 1:00 P.M.

Meeting was called to order by the Chairman, Thomas Connolly.

Present: Thomas Connolly, Eric Edgerton, Tony Bunker, George Bally, Howard Stemm, James Hamill, Ed Myslivecek, and ex officio members Mayor Frank Proctor, Hayward Thresher and Robert Becker. Also present was H. M. Place, City Planner.

MINUTES:

Mr. Stemm moved to approve the minutes of March 15, 1983, and workshop meeting of March 17, 1983. Mr. Myslivecek seconded. All voted in favor; motion carried.

AMENDMENT TO PUD MASTER PLAN

Discussion: Mr. R. Norwood Gay, III, attorney for the property owner, explained that Tract D, as described in PUD District No. 2 and known as Pinebrook South Subdivision, consists of 5.84 acres. When the PUD Master Plan was adopted by the Venice City Council, Resolution No. 518-74 restricted the use of the property to commercial development. The petitioner desires to amend the PUD Master Plan to permit a nursing home which is authorized as a permitted use under the Zoning Code; however, it is disallowed in Pinebrook by the original resolution, 518-74, which is a part of the Master Plan.

A discussion followed. It revealed that the only access to the nursing home would be from Pinebrook Road. It was mutually agreed that a buffer zone on the south and west side of Tract D extending 25 to 50 ft. would be desirable. Mr. Bunker expressed concern over the appearance of the property. Approximately 50 loads of fill and rubbish have been dumped by building contractors on the property and no effort has been made to level it off. Mr. Gay was not aware of the situation.

The commercial use of the property was analyzed. Mr. Becker pointed out that according to the Resolution, the maximum number of curb cuts allowed on Pinebrook Road was 4 and 2 have already been installed. Mr. Gay stated the entire Tract D would be used as a nursing home. Mr. Place reported the options of the Planning Commission would be to leave the property as a commercial area, add the nursing home to the commercial area, or substitute the nursing home for the commercial area. Mr. Bunker recommended an advertised public hearing, at least with City Council, be held prior to adoption of the amendment.

Action: Mr. Bally moved the Planning Commission, sitting as the Local Planning Agency, recommends that the City Council approve, through the process of a public hearing, the amendment of Resolution No. 518-74 of PUD District No. 2, dated December 30, 1974, which relates to Paragraph 2, Page 3, concerning retail and professional establishments by eliminating presently permitted uses and substituting therefor language to permit the use of a nursing home only for the approximately six (6)

acres in question; and in addition, recommends that approval of the amendment be subject to the area being cleared of all debris and rubbish.

Roll Call: Mr. Edgerton, NO, Mr. Hamill, YES, Mr. Bally, YES, Mr. Bunker, YES, Mr. Myslivecek, YES, Mr. Stemm, NO, Mr. Connolly, YES. Motion carried.

REZONING PETITION 83-2RZ, RICHARD WHITTON

Chairman Connolly read a letter dated April 18, 1983, from Mr. Richard Whitton, representing the owners of the property, requesting that the rezoning petition be postponed until the owners could be present. Due to circumstances beyond their control, they could not be present at the April 19th public hearing.

Procedural Requirements: Chairman Connolly opened the public hearing. Mr. Bunker read the notice of public hearing. Mr. Edgerton moved that the publisher's affidavit of publication be placed into the records of the meeting. Mr. Stemm seconded. All voted in favor; motion carried. Mr. Becker confirmed that the proposed rezoning petition met all the requirements of Section 20-18.3 of the Zoning Code and all applicable fees had been paid. Mr. Bunker summarized the communications received concerning the petition listed as follows:

1. Venice Beach Apartments One, Inc., 100 The Esplanade, 10 signatures opposing.
2. Venice Beach Apartments Two, Inc., 100 The Esplanade, 16 signatures opposing.
3. Owners of property contiguous to the property, 50 signatures opposing.
4. Mr. Robert Patrick, 716 Granada Avenue, opposed the rezoning.
5. Venice Town Houses, Inc., 8 signatures opposing.

Mr. Whitton stated that the owners plan to be present at the next meeting of the Planning Commission; however, if they could not be present, they would ask for no further continuance. Chairman Connolly postponed the public hearing until 1:00 P.M. on May 3, 1983, and would not permit audience participation as there were no grounds for discussion until the petitioner presented his case.

The Chairman recessed the meeting at 2:00 P.M., and it was reconvened at 2:15 P.M. All members present before recess were again present.

OLD BUSINESS

EAST VENICE AVENUE SECTOR PLAN

Mr. Place asked if the Commission had any further direction for him. After a short question and answer period, the members wished to further

study the plan and make recommendations at the next workshop meeting which is scheduled for May 5, 1983.

SARASOTA COUNTY PLANNING COMMISSION PROPOSED AMENDMENT TO APOXSEE

Chairman Connolly reported on letter he received from Mrs. Virginia Millar, President of Venice Farms Owners Association, Inc., requesting reconsideration of a previous recommendation to the Sarasota County Planning Commission that a portion of the Venice Farms area not be designated rural. Mr. Place was directed to prepare a letter to Mrs. Millar that the decision of the Planning Commission was based on reasonable long range planning considerations and that the recommendation was still appropriate.

ANNEXATION POLICY

Alternates previously submitted by Mr. Place concerning the annexation boundaries which would be the basis for future annexation were discussed at length. Alternate 3 or Alternate 4 were the chosen alternates of the members. A combination of Alternates 3 and 4 was also favorably considered. If the combination were adopted, it would eliminate the area north of Roberts Bay.

It was determined that a decision should be made on selecting an alternate and a public hearing held prior to making a recommendation to the City Council. Eventually, the annexation decision would become a part of the Land Use Plan element of the Comprehensive Plan. It was felt that policy guidelines were necessary to formulate the annexation boundaries. Also, they would serve as a basis for the engineering and utility departments to program water and sewer services 10 to 15 years in the future as well as assist the Fire Department and Police Department in their future planning programs.

Action: Mr. Bally moved that Alternate 4 be accepted. Mr. Stemm seconded. Mr. Hamill moved as an amendment a combination of Alternate 3 and Alternate 4, eliminating the area north of Roberts Bay as indicated in Alternate 3. Mr. Edgerton seconded for discussion purposes.

Roll Call on the amendment to the motion: Mr. Edgerton, NO, Mr. Bunker, NO, Mr. Stemm, NO, Mr. Hamill, YES, Mr. Connolly, YES, Mr. Myslivecek, YES, Mr. Bally, NO. Motion failed.

Roll Call on the motion: Mr. Bally, YES, Mr. Connolly, YES, Mr. Stemm, YES, Mr. Myslivecek, YES, Mr. Hamill, YES, Mr. Edgerton, YES, Mr. Bunker, YES. Motion carried. Mr. Connolly directed Mr. Place to prepare for the next meeting of the Planning Commission guidelines establishing the annexation boundary policies.

TRAFFIC CIRCULATION

Mr. Place reported that at the last workshop session he was directed to write a letter recommending to City Council a joint meeting with the City, County, and DOT staff regarding the traffic circulation problems. Immediately after the meeting, however, it was found that

the Public Works Department had already arranged such a meeting and even though Mr. Place was unable to attend the meeting, the subject and thoughts of the Planning Commission were presented to the group by Mr. Larry Heath, Director of Public Works Department. The current status of the State and County road and traffic projects was reviewed by Mr. Place.

Regulating the bridge openings had not been pursued any further. Chairman Connolly directed Mr. Place to prepare a letter to the City Council concerning regulating the bridge openings, particularly the Venice Avenue Bridge and the North Bridge, and urging action to obtain political support of this project.

DEVELOPMENT REVIEW COMMITTEE MEETINGS

Mr. Becker reminded the members that a representative from the Planning Commission would be desirable as an observer at the Development Review Committee meetings when site plans are reviewed by the staff. It was decided the designation of attendees would be by alphabetical order, and if the member is unable to attend, he would recommend and/or arrange for an alternate.

ANNEXATION PETITION 83-1AN, SUBSTATION ROAD

Chairman Connolly reported on a letter he received from Attorney Jerrel Towery regarding postponement of Annexation Petition 83-1AN, Substation Road. Problems relative to drainage, road maintenance and sewer hookup prohibited continuance of the annexation petition for approximately 2 to 3 weeks.

When audience participation was announced, Mr. Finn Caspersen spoke concerning a member of the Commission speaking publicly and to the press on a petition prior to it being considered by the Planning Commission. He strongly voiced his opinion that this should not have been done.

The meeting adjourned at 3:30 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tony Bunker".

Tony Bunker
Secretary

CITY HALL
COUNCIL CHAMBERS

PLANNING COMMISSION

March 19, 1985
1:00 P.M.

AGENDA

NOTES:

ROLL CALL

APPROVAL OF MINUTES

Meeting of March 5, 1985

PUBLIC HEARING

Rezoning Petition 85-1RZ
Charles T. Evinger
(Lot 27, Block 53, Gulf View Section,
Location: 221 N. Nokomis Avenue)

SCHEDULED PRESENTATION

1. Site and Development Plan 85-3SP
Philip Skirball
(Medical and Professional Office Building)
2. Pinebrook Resolution Amendment
Law Firm of Syprett, Meshad, Resnick & Lieb
(Amend Resolution 794-83 to Permit Home for
the Aged)
3. Site and Development Plan 85-4SP
James Toth
(Park Place Home for the Aged)

ITEM

Review of Revised Sidewalk Ordinance
No. 1134-85

OLD BUSINESS:

Recreation and Open Space, Comprehensive Plan

NEW BUSINESS: None

AUDIENCE PARTICIPATION (Five minute time limit)

ADJOURNMENT

MINUTES
VENICE PLANNING COMMISSION
March 19, 1985 1:00 P.M.

The meeting was called to order by the Chairman, Tom Regan.

Present: Tom Regan, Eric Edgerton, Jan Conner, Dale Ehrhart, Gregory Staudt, James Hamill, Ed Hibner, and ex officio members Eugene Atz, Jeffery Boone, and Robert Becker. Also present was H. M. Place, City Planner.

Chairman Regan welcomed Jeffery Boone of the Board of Zoning Appeals as a newly appointed ex officio member to the Planning Commission.

MINUTES:

Mr. Hamill moved that the minutes of March 5, 1985, be approved. Mr. Edgerton seconded. All voted in favor; motion carried.

PUBLIC HEARING

REZONING PETITION 85-1RZ, CHARLES T. EVINGER

Procedural Requirements: Mr. Place introduced Rezoning Petition 85-1RZ by reporting that Mr. Charles Evinger proposes to rezone Lot 27, Block 53, Gulf View Section, from RMF-4 (Residential, Multiple Family) to CBD (Commercial, Business District). The property is located at 221 North Nokomis Avenue and the desired use will be retail sales.

Chairman Regan read a letter into the record from the recording secretary certifying that the rezoning petition was appropriately advertised on March 2, 1985, as required by the Zoning Code, and proof of publication is of record in the Building and Zoning Department. He opened the public hearing.

Mrs. Conner reported on the communications received regarding the petition. Mr. Robert J. Hamilton, Mr. Harold Kershaw, Mr. Charles E. Johnston and Mrs. Doris A. Johnston, and Mrs. Eleanor R. Griggs oppose the rezoning of the property. Mr. Philip C. Johnson wrote that he has reservations about the rezoning. He is opposed to any businesses in that vicinity selling alcoholic beverages, fast food or any type of auto service. He also thought that parking should not be allowed on either side of Santa Maria Street.

Discussion:

Mr. Charles Evinger reported that the property has been unattended and the yard had not received proper maintenance and care. It is his intention to preserve the building in its present style and in keeping with the surrounding area. The improvements will make the property more attractive and will not adversely affect the living conditions in the area. Mr. Evinger stated he would not place a business on the property that wasn't compatible with the surroundings. In answer to Mr. Edgerton's questions, Mr. Evinger replied that he purchased the property in February, 1985, and at the time of purchase he knew it was zoned RMF-4, and at the time of the Zoning Code revisions it was grandfathered in as a single family residence. He was aware that should the property be rezoned to CBD he would have to comply with all of the provisions of that zone district. As regards to the parking requirements, he realized on-street parking was not authorized and he would have to choose a business that did not require a lot of parking. There is a double carport on the property opening from both sides. He envisioned a circular driveway going through the carport and coming out on the opposite street. Mr. Evinger has hopes that the building will be placed on the historical building register.

Mr. Becker warned of a problem in the change of use. The building is conforming at the present time; however, if there is a change in zoning from residential to commercial, the Zoning Code is specific in permitting a use similar to, but not higher than presently in force.

Mr. Place presented his findings of fact and recommendation. He found the rezoning complies with the intent of the Comprehensive Plan and is a logical extension of the adjacent CBD district. He felt the lot is too small for practical use under the current RMF-4 zoning and at the same time the small size assures that any permitted commercial use will be limited in size so that the potential impact on the adjacent multifamily area will be negligible. Accordingly, he recommended approval of Rezoning Petition 85-1RZ.

Discussion followed concerning the limited space to comply with the requirements for parking. It was Mr. Place's opinion that, based upon the size of the existing building, (1,500 to 2,000 sq. ft.) 3 parking spaces would be required to use the property as it presently exists for a commercial activity. He felt the lot could accommodate the 3 parking spaces.

Mr. Edgerton was aware that several years ago there had been a storm drainage problem towards Nokomis Avenue and questioned whether the proposed rezoning would have any effect on the storm drainage in that immediate area. Mr. Place reported he had checked with Mr. Dave Weage, Assistant City Engineer, and he was of the opinion that this property is so small that the amount of impervious surface would be so limited that there probably would not be any measurable effect whatsoever on surface drainage.

During audience participation, the following spoke opposing the petition:

Mr. Raymond B. Hoxeng, 240 Santa Maria Street, spoke as President of the Board of Directors of Bella Costa Association representing 158 unit owners. They consider Santa Maria Street as a choice residential street, and they want it to remain that way and not cluttered by commercial activities. He reviewed in detail the findings of fact presented by Mr. Place. In particular he expressed his disagreement with Findings No. 5, 6, 7, 8, 11, 13, 14 and 15. Mr. Hoxeng stressed that the proposed rezoning would definitely adversely affect the parking and traffic in their neighborhood. He presented to the Commission 7 separate petitions opposing the rezoning which contained the signatures of 199 residents and owners. They were all of the opinion that the proposed rezoning would be a real threat to the market values, and tax appraisal of all Santa Maria residential units as it would be permitting a harmful encroachment of commercial activities into a clearly established area of family units.

Mr. John J. Carroll, 230 Santa Maria Street, opposed the petition and agreed with the prior comments of Mr. Hoxeng. He reported that they had made a survey of vacant stores in the surrounding area and found 25 available for occupancy which could be used without encroaching on the neighborhood as this rezoning would do.

Mr. Evinger responded to the comments by stating that the improvements he planned for the property would not lower but enhance the values of the surrounding properties.

Chairman Regan closed the public hearing.

Action: Mr. Hamill moved that the Planning Commission, sitting as the Local Planning agency, finds that the petitioner's request for rezoning, identified as 85-1RZ, conforms to the Comprehensive Plan and, therefore, recommends to City Council that the petition be approved. Mr. Hibner seconded.

Mr. Edgerton felt that if the property were larger he would be more inclined to support CBD zoning; however, since it is so small and at that particular location, he cannot support the request. He went on to state that he feels strongly that owners of property should be permitted to utilize their property to the greatest extent possible, but without infringing upon their neighbors.

Roll Call: Mr. Ehrhart, NO, Mrs. Conner, YES, Mr. Hibner, YES, Mr. Hamill, YES, Mr. Edgerton NO, Mr. Staudt, YES, Mr. Regan, NO. Motion carried.

The Chairman recessed the meeting at 2:00 for 10 minutes. All members present before recess were again present.

SCHEDULED PRESENTATION

SITE AND DEVELOPMENT PLAN 85-3SP, PHILIP SKIRBALL (MEDICAL AND PROFESSIONAL OFFICE BUILDING, TAMIAMI TRAIL SOUTH OF PINE GROVE DRIVE)

Chairman Regan announced that although this item is on the agenda, the staff has requested it not be discussed as the property is in the process of annexation and has not come before the City Council for a public hearing. He stated he has been informed that Mr. Skirball has been advised and agreed to the removal of it from discussion at this meeting.

PINEBROOK RESOLUTION AMENDMENT, LAW FIRM OF SYPRETT, MESHAD, RESNICK & LIEB (AMEND RESOLUTION 794-83 TO PERMIT HOME FOR THE AGED)

Mr. Paul Olson, associate with the law firm of Syprett, Meshad, Resnick and Lieb, explained that they petition to amend Pinebrook Resolution 518-74, as amended by Resolution 794-83, to permit a home for the aged. He presented a brief history of the Pinebrook development commencing with the PUD in 1974. At that time 6 acres were designated for retail and professional office use. In 1983 the resolution was amended by Resolution 794-83 to designate the 6 acres for nursing home use. A nursing home presently exists on the northern half of that 6 acres. Mr. Olson stated that it is with reservation and under protest that he is requesting an amendment to the Pinebrook resolution to allow a home for the aged as a permitted use. It is his contention that a home for the aged under the Zoning Code is a nursing home with the clientele restricted to the elderly and, therefore, it is a permitted use. He went on to state that the proposed home for the aged would be located between Pinebrook Boulevard and Sleepy Hollow Road. There will be maximum buffering of the 6 residential lots to the south and access will be via Pinebrook Road with only emergency access to Sleepy Hollow Road.

A lengthy discussion followed concerning the difference between a nursing home and a home for the aged and also the requirements for an Adult Congregate Living Facility (ACLF). Mr. Place and Mr. Becker explained that from a practical standpoint, the home for the aged provides less intensive care than a nursing home. Generally, it will not have an open or dormitory type ward arrangement that a nursing home has. The people who are being cared for are somewhat more self-sufficient than in a nursing home which requires 24 hours a day nursing assistance. The ACLF is a larger compound and can combine either one or both; the nursing home and the home for the aged. Also, under the ACLF, the units can be sold, but they cannot be sold for the home for the aged or nursing home as they are more institutional in operation.

Mr. Edgerton had reservation in revising a PUD to include requirements for a home for the aged when a PUD does not authorize one.

Action: Mr. Hamill moved that the Planning Commission, sitting as the Local Planning Agency, finds the petitioner's request dated March 18, 1985, to amend Resolutions 794-83 and 518-74 to allow a home for the aged as an additional permitted use in Tract D, Pinebrook South, is in conformance with the Comprehensive Plan and, therefore, recommends to City Council approval of the amendment. Mr. Ehrhart seconded. Roll Call: Mr. Ehrhart, YES, Mr. Hibner, NO, Mr. Edgerton, NO, Mr. Hamill, YES, Mrs. Conner, YES, Mr. Regan, YES, Mr. Staudt, YES. Motion carried.

SITE AND DEVELOPMENT PLAN 85-4SP, JAMES TOTH

Mr. James Toth, architect, reviewed in detail the site and development plan for the Park Place Home for the Aged located on Pinebrook Boulevard and Sleepy Hollow Road. He pointed out some minor encroachments from the nursing home to the south. These encroachments pertain to sidewalks and similar types of structures. He added that the setbacks they planned will keep the development away from the encroachments.

Mr. Edgerton questioned why the floor plans did not provide for a nursing station or any provisions to carry out the care of those residing in the home for the aged. He pointed out there is only a 600 to 700 sq. ft. service area. It appeared to him that the floor plans were more compatible with a housing for the aged which does not require very much of a nursing facility. Mr. Place pointed out that the difference between the two is not so much nursing care but the housing for the aged must have a kitchen in each unit because they must be dwelling units and a dwelling unit by definition is a unit with a kitchen. The home for the aged is prohibited from having kitchens in each unit. Mr. Toth verified that they have no intentions of providing kitchens within each unit.

Mr. Becker presented the findings of the staff. The staff approved the revised site and development plans dated March 4, 1985, and even though Mr. Lane, Director of Utilities, approved the plans, he recommended relocation of a 3 in. water meter and domestic water tap. This has been indicated on the official copy of the plans. As Zoning Administrator, Mr. Becker stressed that no cooking facilities be allowed in the individual units and recommended that this be made a stipulation to the motion. The parking requirements were discussed. They are 1 space for each 4 beds.

Action: Mr. Edgerton moved that the Planning Commission, sitting as the Local Planning Agency, approves Site and Development Plan 85-4SP as revised March 4, 1985, for construction of a home for the aged with the stipulation that no cooking facilities be allowed in the individual units. Mr. Staudt seconded. Roll Call: Mr. Regan, YES, Mr. Ehrhart, YES, Mrs. Conner, YES, Mr. Hamill, YES, Mr. Hibner, YES, Mr. Staudt, YES, Mr. Edgerton, YES. Motion carried.

Chairman Regan informed Mr. Toth that approval of the site and development plan is contingent upon City Council approving the amendment to the Pinebrook Resolution which will result in amending the master plan to allow a home for the aged.

ITEM

REVIEW OF REVISED SIDEWALK ORDINANCE NO. 1134-85

Mr. Place presented the background on actions of the Planning Commission and City Council leading to the present Sidewalk Ordinance No. 1134-85, as amended March 7, 1985.

Concerning Paragraph b, Section 20-7.22 of the Zoning Code which this ordinance will amend, "Cash Deposit in Lieu of Sidewalks," Mr. Regan questioned who would make the

determination of the amount of money to be deposited with the City. He felt the City should be the appropriate agency and it should be so stated in the ordinance. Also, Mr. Regan expressed the opinion that the special sidewalk fund should be used for construction and not for the maintenance of existing sidewalks.

Mr. Edgerton disagreed with the revisions of the ordinance as it didn't meet the requirements or would satisfy the concerns expressed by the City Council. He thought the ordinance should be more simply worded. Also, Mr. Edgerton didn't think it was appropriate to take money from property owners when sidewalks are not required on their property and use the money for sidewalks on the other side of town. He thought that if it is determined by the Planning Commission that a sidewalk should not be placed at a location by a specific time then there should be a provision for a recorded instrument specifying that if and when the City decides a sidewalk is desired at a particular location, the owner of the property at that time would have to pay for the construction of the sidewalk. Discussion followed concerning the recorded instrument or lien against the property used to enforce the requirements for a sidewalk. Mr. Place brought up the fact that a major bookkeeping responsibility would accrue should this procedure be adopted.

Action: Mr. Ehrhart moved that the Planning Commission, sitting as the Local Planning Agency, recommends to City Council that Ordinance No. 1134-85, as amended March 7, 1985, be approved with the stipulations concerning Section 20-7.22.b, Cash Deposit in Lieu of Sidewalks, as follows: (1) the sum of money to be deposited with the City should be established by the City rather than agreed to by the City, and (2) that the sidewalk fund should not be used for maintenance of existing sidewalks. Mr. Hibner seconded. Roll Call: Mr. Hamill, YES, Mr. Edgerton, NO, Mr. Hibner, YES, Mrs. Conner, YES, Mr. Staudt, YES, Mr. Regan, YES, Mr. Ehrhart, YES. Motion carried. (Revised sidewalk ordinance including stipulations is attached for record purposes).

The Chairman recessed the meeting at 3:30 P.M. for 10 minutes. All members present before recess were again present except for Mr. Boone who had a previous appointment.

OLD BUSINESS

Recreation and Open Space, Comprehensive Plan. Mr. Place reported that the Recreation and Open Space element of the Comprehensive Plan was the only major element which did not contain action policies. During the evaluation of the Plan, it was determined that it should have policies and they are now contained in the revised version dated February 28, 1985. Mr. Edgerton thought the element was very well presented except for the Planning Options section. He thought the words "should" and "could" should be changed to "shall" and "will." Mr. Place pointed out that the Planning Options indicate various things that can happen. The goals and objections are things that should happen and the planned policies are directives indicating positive action of what shall and will be done. On Policy 15, Paragraph h, Brohard Park, Mr. Edgerton recommended that Lake Venice Golf Course be changed to Red Lake Golf Course. Mr. Place was instructed to include this element with the other elements of the Comprehensive Plan which will be brought before the Planning Commission for approval.

NEW BUSINESS

Agenda Priorities. Mr. Regan presented a listing of priority agenda items to be considered by the Planning Commission during 1985. It is his intention to advise City Council of these specific policies priority items in order that they are aware of the

Planning Commission's projects scheduled for the year. He asked for the opinions and comments of the members on this list. A discussion followed. Mrs. Conner recommended Item 7, Establish Historic Districts, precede Item 6, Architectural Review. It was agreed the list would be revised. (Copy attached).

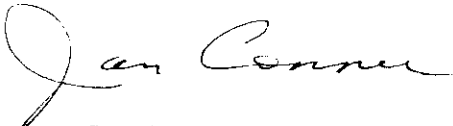
Budget for 1985-86. Mr. Becker announced that preparation of the budget for 1985-1986 will commence in April. If there are any items the Planning Commission wants to be funded by City Council, Mr. Becker requested that he receive the items with justification as soon as possible.

AUDIENCE PARTICIPATION

Mr. Finn Caspersen presented a letter to the Commission requesting two amendments to the Zoning Code pertaining to Section 20-5.2 and Section 20-14.6. He explained in detail his reasons for the amendments.

The meeting adjourned at 4:05 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jan Conner".

JAN CONNER
Secretary, Planning Commission

Encls.

PLANNING COMMISSION

CITY HALL
COUNCIL CHAMBERS

AGENDA

August 5, 1986
1:00 P.M.

NOTES

ROLL CALL

APPROVAL OF MINTUES

Meeting of July 15, 1986

PUBLIC HEARING

Amendment Petition 86-4AM
Edwin Taylor
Amend Section 20-25 (Definitions), Schedule
of District Regulations, "OPT", and Schedule
of District Regulations, "CI" -to allow a
crematory as an accessory to a funeral
home.

SCHEDULE PRESENTATION

Site and Development Plan 86-9SP
David Olund, The First Independent Companies
(Park Place - Home for the Aged)
Location: Between Sleepy Hollow Road and
Pinebrook Road.

PLANNING COMMISSION WORKSHOP

Comprehensive Plan Update

OLD BUSINESS: None

NEW BUSINESS: None

ADJOURNMENT

MINUTES
VENICE PLANNING COMMISSION
August 5, 1986 1:00 P.M.

The meeting was called to order by the Chairman, Dale Ehrhart.

Present: Dale Ehrhart, Gregory Staudt, Ed Hibner, Tom Regan, Jan Conner, Jeffery Boone, Kathy Schmidt, and ex officio members Lucie Hall and Robert Becker. Also present was H. M. Place, City Planner, and Scott Janke, Associate City Planner. Absent: Timothy Gaus was out of town.

MINUTES: Mr. Staudt moved to approve the minutes of July 15, 1986. Mr. Hibner seconded. All voted in favor; motion carried.

PUBLIC HEARING

AMENDMENT TO ZONING CODE, SECTION 20-25 (DEFINITIONS), SCHEDULE OF DISTRICT REGULATIONS, "OPI", AND SCHEDULE OF DISTRICT REGULATIONS, "CI", EDWIN D. TAYLOR, PETITIONER

Introduction: Mr. Place explained that the primary purpose of the proposed amendment is to allow crematories as a permissible accessory use wherever funeral homes are permitted in the Zoning Code.

Mr. Hibner read into the record a letter from the recording secretary certifying that Amendment Petition 86-4AM was appropriately advertised on July 21, 1986, as required by the Zoning Code and proof of publication is on record in the Building and Zoning Department.

Chairman Ehrhart opened the public hearing.

Discussion: Mr. Steven MaCris, attorney representing the petitioner, Mr. Edwin Taylor, introduced Mr. George Kalbfleisch, and in the audience Mr. Noland Middaugh, co-owners of the Ewing Funeral Home. He stated their purpose in requesting this amendment was to eliminate certain ambiguities and lack of clarity in the Zoning Code with respect to the use of a funeral home and whether or not a crematory is allowed as an accessory use. Mr. MaCris stated their petition proposes a definition be placed as Paragraph 47 in Section 20-25, Zoning Code, which states that "a funeral home is a building or portion thereof used for the preparation of the deceased and ceremonies connected therewith before burial or cremation. The operation of a crematory is an accessory activity to this use." The remainder of the proposal deletes any reference to funeral homes without crematories or crematories as a special exception.

As justification for the proposed amendment, Mr. MaCris cited communications received from equipment and engineering companies specializing in the design and supervision of installation of crematory facilities which revealed that the number of crematories have increased 400% over the past 16 years. This was due to the changing values in regard to death and the increased cost of burial. He went on to report that the State Department of Environmental Regulations who permits and supervises the crematory activities throughout the State wrote in their reports that crematories can be operated with virtually no noise, no odor, no smoke or pollutants entering the atmosphere. He read into the record their statistics and test results pertaining to the Farley crematory which was recently installed in their funeral home on Nokomis Avenue which revealed there were no obnoxious aspects in the operation of the apparatus. Upon investigation, Mr. MaCris found that city or town assessors throughout the U.S. have not indicated

any instances where the property values were negatively effected by either funeral homes or crematories. He believed the proposed amendment would not only eliminate a lack of clarify within the Zoning Code itself but would serve an existing need that apparently is continuing to be on the rise. For these reasons, Mr. MaCris asked that the Planning Commission recommend to City Council approval of the proposed amendment.

It was the opinion of Mr. Place that a crematory would not have an adverse impact on the area and this has proved to be the case in the Farley Funeral Home on Nokomis Avenue and others in Sarasota County. He thought there has been a disservice to the public by restricting or discriminating against crematories. Due to the monitoring being performed by the State, he felt that funeral homes should be allowed crematories as a normal accessory activity and, therefore, recommended approval of the amendment.

Chairman Ehrhart closed the public hearing.

Action: Mr. Staudt moved that the Planning Commission, sitting as the Local Planning Agency, finds the request for amendment, identified as 86-4AM, in conformance with the Comprehensive Plan and, therefore, recommends to City Council approval of the amendment. Mr. Hibner seconded. Roll Call: Mr. Hibner, YES, Mr. Ehrhart, YES, Mr. Boone, YES, Mrs. Schmidt, YES, Mrs. Conner, YES, Mr. Regan, YES, Mr. Staudt, YES. Motion carried.

SCHEDULED PRESENTATION

SITE AND DEVELOPMENT PLAN 86-9SP, DAVID OLUND, THE FIRST INDEPENDENT COMPANIES (park place - HOME FOR THE AGED)

Discussion: Mr. David Olund, President of The First Independent Companies, introduced Mr. Dennis Heasley of Manasota Engineering and Surveying, Inc., as their project engineer. He stated they had met with the staff in a Development Review Committee (DRC) meeting and had made the recommended changes to their site and development plans. In answer to questions posed by members of the Planning Commission, he stated that they did not own the property directly to the north of their proposed nursing home. Mr. Olund felt that the encroachment of this adjacent property onto their property will never be resolved because at the time the PUD was approved the two lots were one, and it was not noticed that there was an encroachment when the existing nursing home was being built. This was discussed at the recent DRC meeting and to compensate for the encroachment, changes have been made on the site plan to allow access for fire apparatus equipment.

Mr. Becker explained further that this Pinebrook South tract of land was initially zoned for commercial use. The City Council permitted revision to the PUD to allow for nursing homes. The subdivision regulations permit any parcel of land to be split in half without having to replat. He went on to state that he had been concerned with this development area since the plans were originally presented. When the existing nursing home was originally built, they had an imaginary property line and the plans showed they had a fire separation between that imaginary property line and the construction of an additional nursing home in the future. When the property line was established it showed the corner of the building a foot or so on the property line. Mr. Becker's primary concern was that there is proper fire separation and fire access between the buildings. This has been accomplished by the developer agreeing to a fire access easement. Should the site and development plan be approved, Mr. Becker recommended the Planning

Commission stipulate that this easement be granted in perpetuity with the use of the land. He went on to report that as the result of the DRC meeting of July 14, 1986, all recommended revisions and irregularities have been corrected with the exception that the developer had not furnished the peak contribution to the sanitary system as requested by the Director of Utilities to determine whether or not the system can accommodate this increased input.

Mr. Heasley stated they forgot to submit the requested computations; however, after receiving a call from Mr. Janke, they were turned over to him prior to the meeting.

Mr. Hibner brought up the issue that since the Planned Unit Development (PUD) has been divided, there are two owners and two separate pieces of property and each development will have to be treated individually. He didn't think you could merge one with the other and, therefore, didn't believe an encroachment should be allowed or a nonconformity to exist in a project being developed.

Mr. Place explained that a PUD, as a master plan for a large area with multiple activities and uses, is very flexible as long as there is not an adverse impact on the surrounding property. There are no minimums or maximums regarding the interior property size. The Zoning Code specifies that a structure may not be located closer to the boundary of a PUD than two times the height of the structure. Mr. Place went on to state that the walkway is the encroachment, not a structure. In summary, the PUD was amended to allow nursing homes on this tract of land. The property was divided for the purpose of multiple ownership which is permitted.

Action: Mr. Regan moved that the Planning Commission, sitting as the Local Planning Agency, finds the site and development plan in conformance with the Comprehensive Plan and staff findings and, therefore, approves the site and development Plan 86-9SP, revised dated July 21, 1986, with the stipulation that the City approve the peak flow contribution into the sanitary system and appropriate legal documents be prepared granting the City a 10 ft. fire access easement as noted on the plan. Mrs. Conner seconded.

During discussion, Mr. Boone and Mr. Staudt brought out the fact that a determination concerning the peak flow computation was an important consideration in the approval of the site and development plans as sooner or later the sanitary sewer system will reach its maximum capacity.

Roll Call: Mr. Regan, YES, Mr. Ehrhart, YES, Mrs. Conner, YES, Mrs. Schmidt, NO, Mr. Hibner, NO, Mr. Staudt, NO, Mr. Boone, NO. Motion failed.

Action: Mr. Boone moved to table Site and Development Plan 86-9SP until the next regular scheduled meeting of the Planning Commission. Mrs. Schmidt seconded.

During discussion, it was brought out that the following two items would be considered when the site and development plans are removed from the table: (1) Peak load contribution approved by the Utilities Director, and (2) 10 ft. fire access easement.

Roll Call: Mr. Boone, YES, Mr. Hibner, YES, Mrs. Schmidt, YES, Mrs. Conner, YES, Mr. Staudt, YES, Mr. Regan, YES, Mr. Ehrhart, YES. Motion carried.

The Chairman recessed the meeting at 2:00 P.M. for ten minutes. All members present before recess were again present.

PLANNING COMMISSION WORKSHOP

COMPREHENSIVE PLAN UPDATE

Introduction: Mr. Place explained that the Planning Commission has held two public hearings, July 1 and July 15, concerning the update of the Comprehensive Plan. The comments and suggestions presented at these meetings are attached. In addition, there is a letter from Mr. George Bally dated July 7, 1986, which lists his recommendations. He went on to state that the purpose of this workshop is to review all of the recommendations and/or suggestions and make a determination of those which will be accepted in revising the Comprehensive Plan Update.

Discussion: Mr. Ehrhart read each of the comments, and through means of discussion, the following were accepted for action. For reference purposes, the paragraph numbers correspond with the original statements.

Mr. Caspersen, Comments of July 1, 1986

1. Economic Feasibility (Page 18). Delete the paragraph which makes reference to referendum on bonds.

3. Housing (Page 37). Delete top paragraph on Page 38 and all references to ECHO (Elder Cottage Housing Opportunity) Housing.

7. Policy No. 4 (Page 52). Bottom of Page 50 should be modified to read:

A second best method of meeting demands would be for the City to enter into an agreement with a private utility company who holds the County granted franchise for the area east of the City. Also, Policy 4, Page 52, delete specific reference to Curry Creek Utilities.

10. Coastal Zone/Conservation (Page 93). A provision should be in the Introduction which states what the various parts of the Comprehensive Plan are and what legal effect they will have. The appendices should be in the Comprehensive Plan.

12. Future Land Use (Page 212). The Venetian Gateway will be placed in the appendices.

George Bally Letter of July 7, 1986

3. Table W-1, Page 68, regarding 1990 population should be 20,720.

5. Page 54. The first paragraph should be changed to include a statement regarding the average flow at the existing treatment facility as of 1985.

14. Page 163, Policy 6.b. Blalock Park. This paragraph should be changed to allow outside entertainment.

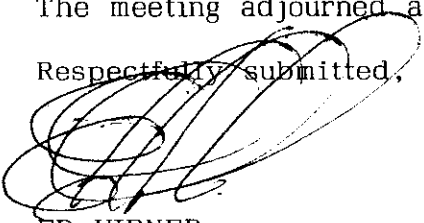
Chauncy Howard, Comments of July 17, 1986

1. Economic Feasibility (Page 18). Reference concerning referendum on bonds to obtain funds for drainage will be deleted.
 2. Economic Feasibility (Page 19), Policy 3. This policy concerning voting by City Council should be deleted as the City Charter is more appropriate for this type of information.
 5. Housing (Page 37). Reference to the utilization of ECHO Housing will be deleted.
 6. Electric Utility (Page 43). The top paragraph on Page 43 will be expanded to state what the City is doing regarding the energy conservation program. Concern 4 and Policy 2 will be eliminated and Policy 3 on Page 45 will be modified.
- NOTE: Chairman Ehrhart excused Mr. Hibner from the meeting because of a previous appointment.
8. Sanitary Sewer (Page 51). Discussion on Lift Station No. 7 should be expanded.
 10. Sanitary Sewer (Page 52). Reference to Curry Creek in Policy 4 will be deleted.
 11. Solid Waste (Page 61). The Economic Feasibility element should be modified to incorporate current thinking regarding impact fees. In the Solid Waste element a generalized comment should be made that impact fees may be an appropriate source of funds.
 14. Coastal Zone/Conservation (Page 94). In Paragraph 4, research will be made to determine whether the City received a grant under the "201" Plan.

Action: Mr. Staudt moved that the Planning Commission, sitting as the Local Planning Agency, endorses the changes approved by consensus and directs the Planning Staff to incorporate the changes into the Comprehensive Plan Update prior to the next meeting of the Planning Commission. Mr. Boone seconded. All voted in favor of the motion.

The meeting adjourned at 3:45 P.M.

Respectfully submitted,



ED HIBNER
Secretary, Planning Commission

Encl

PLANNING COMMISSION

CITY HALL
COUNCIL CHAMBERS

AGENDA

September 6, 1988
1:00 P.M.

NOTES:

ROLL CALL

APPROVAL OF MINUTES

Meeting of August 2, 1988
Meeting of August 22, 1988

PUBLIC HEARING

Rezoning Petition 88-5RZ
Ms. Elsie P. Nagel
RSF-3 to OMI
(Location: East side of Riviera
Street between Palermo Place and
Sovrano Road)

SCHEDULED PRESENTATION

1. Amendment to Pinebrook South
PUD, 88-2MP, Michael Clarke
(To allow 10 units per acre
instead of the present 7.43)
2. Annexation Petition 88-2AN,
City of Venice
(13 acres east of I-75)

OLD BUSINESS:

1988 Comprehensive Plan Status
Report - H. M. Place

NEW BUSINESS: None

AUDIENCE PARTICIPATION
(Five Minute Limit)

ADJOURNMENT

MINUTES
VENICE PLANNING COMMISSION
September 6, 1988 1:00 PM

The meeting was called to order by the Chairman, Timothy Gaus.

Present: Chairman Timothy Gaus, Vice Chairman Jeffery Boone, Secretary Dorothy Korwek, Gregory Staudt, George Bally, Thomas Connolly, Jerrel Towery, and ex officio members Dean Calamaras, James Bogen, and Mark Seemann. Also present was H. M. Place, Director of Planning, and Don Caillouette, Planner.

Chairman Gaus congratulated Mr. Mark Seemann for his recent appointment as Director of the Building and Zoning Department and welcomed him as an ex officio member of the Planning Commission.

MINUTES: Mr. Staudt moved to approve the minutes of August 2, 1988. Mr. Connolly seconded. By voice vote, the motion passed unanimously.

PUBLIC HEARING

REZONING PETITION 88-5RZ, ELSIE P. NAGEL

Introduction: Mr. Caillouette introduced Rezoning Petition 88-5RZ by explaining that Mrs. Elsie Nagel, the petitioner, is requesting that her property located on the east side of Riviera Street between Palermo Place and Sovrano Road, be rezoned from RSF-3 (Residential Single Family) to OMI (Office, Medical Institutional). The proposed use is for an office.

Mrs. Korwek read into the record a statement from the recording secretary certifying that Rezoning Petition 88-5RZ was advertised on August 20, 1988, as required by the Zoning Code and proof of publication is on file in the Planning Department.

Chairman Gaus opened the public hearing. Mrs. Korwek reported that there have been no written communications received regarding the rezoning petition.

Discussion: Mr. Ray Miller, attorney representing Mrs. Nagel, introduced Mr. Tom McKeon, realtor, who is also representing Mrs. Nagel. Mr. Miller explained that Mrs. Nagel has lived at her residence for forty years. She is 99 years of age and it is her desire to sell her property. Mr. Miller went on to state that Mrs. Nagel is requesting that her property be zoned OMI in order to maximize its value. The property is listed for sale and there has been an offer to purchase contingent upon it being rezoned.

In answer to questions by the Commissioners, Mr. Miller revealed that the offer to purchase was by a doctor who wants to convert the residence into an office. A contract has not been signed nor has an agreement been reached regarding the price. Mr. Miller stated that the request for rezoning is not because of this particular offer but any other offer that might be received.

Mr. Caillouette reported that the staff had no objections or comments regarding the rezoning petition. The petition is consistent with the Comprehensive Plan and the findings of fact are in the affirmative. The property was included in the Medical Facilities Study completed in June, 1987, which resulted in the City amending the Comprehensive Plan to allow medically related uses near the hospital. Mr. Caillouette went on to reveal that the structure located on the property has been nominated to the National Register of Historic Structures and is listed on the Florida Master Site File. The property is also in the Historic Venice Architectural Control District. Based on these findings, it is the recommendation of the Planning staff that Rezoning Petition 88-5RZ be approved.

In regard to the historic nature of the property, Mr. Place pointed out that, although a rezoning request is not the time to discuss how the property is going to be developed, it is an item of significance because of the parking requirements of an OMI district. At this time, it is reported for information purposes.

There was no audience participation and Chairman Gaus closed the public hearing.

Action: Mr. Staudt moved that the Planning Commission, sitting as the Local Planning Agency, finds the request for rezoning identified as 88-5RZ in conformance with the Comprehensive Plan and, consistent with the affirmative Findings of Fact in the record, recommends that City Council approve the rezoning petition. Mr. Connolly seconded. Roll Call: Mrs. Korwek, YES, Mr. Staudt, YES, Mr. Connolly, YES, Mr. Bally, YES, Mr. Gaus, YES, Mr. Towery, YES, Mr. Boone, YES. Motion carried.

Chairman Gaus informed Mr. Miller the Planning Commission will be recommending to City Council approval of the rezoning petition.

SCHEDULED PRESENTATION

AMENDMENT TO PINEBROOK SOUTH PUD, 88-2MP, MICHAEL CLARK

Introduction: Mr. Place introduced Amendment 88-2MP by explaining that the Pinebrook South property was annexed to the City a number of years ago and was reclassified to the equivalency of a PUD in 1974. When the current Zoning Code was adopted in 1978, this property, as well as other older properties of the City, was grandfathered in with its original master plan. The portion of the property being considered at this time is the northeasterly part of the original Pinebrook South PUD. It consists of approximately 17 acres and, under the present PUD, is designated to accommodate 136 units. The petitioner, Mr. Michael Clarke, is purchasing the property and requesting an amendment to the master plan to allow an additional 47 units.

Discussion: Mr. Clarke, petitioner, stated that he is a developer and is planning on constructing rental "housing for the aged" to

accommodate senior citizens 65 years of age and over. It will consist of single story apartment villas. Only 17.47 percent of the entire property will be developed, leaving approximately 82% as an open area. At present the property is zoned for 7.43 units per acre. Mr. Clarke is requesting that the PUD density be increased to permit 10 units per acre. He felt that housing for the aged would provide the best possible use of the land and the single story dwellings and large open space would be harmonious with the adjoining properties. The rental rate will be \$495 a month plus utilities. Those 75 years of age or over will be given a lifetime occupancy wherein the rent will never be raised. Transportation will be available for a minimum charge. Food will be catered for those who do not desire to cook. There will be ground available for a garden. Should nursing care be necessary, it would be up to the renter to provide for this service. The living area for each apartment is approximately 624 sq. ft. The majority of the units will consist of a living room, kitchen, one bedroom and bath. There will be a few with two bedrooms and bath to accommodate two people.

A lengthy discussion followed. Upon questioning, Mr. Clarke stated the project will not be designated an adult congregate living facility. It is strictly apartment rental with restriction on the age limit of 65 and over. Mr. Calamaras was concerned over how the development will effect the canal area as there are a lot of oaks and maples that should be saved. Mr. Clarke assured him that the area will not be disturbed. No trees will be removed unless it is absolutely necessary. Mr. Calamaras pointed out that every square foot that doesn't have a building on it is being counted as 82% open space. It would be more realistic to state that one-third of the property will remain as open space.

Mr. Place presented the staff findings and recommendations. He pointed out that the use category Housing for the Aged is a permissible use in a PUD zone district. The Pinebrook South PUD was approved for 964 dwelling units. Due to revisions and modifications, the current dwelling unit limit (built or committed) is 921 or 43 less than originally approved. The amendment being requested to allow 10 units per acre would equate to 47 units or 4 more than the original 964 dwelling units. Since the density increase is insignificant, the additional impact will also be minimal. Accordingly, the Planning staff recommends approval of Petition 88-2MP.

The past development of Pinebrook and modifications to the original master plan were discussed. Mr. Calamaras pointed out that Pinebrook was approved as a PUD under the first plan but when it was amended the second plan was used to develop and sell the property to the residents. It was never developed as the original, approved PUD. Mr. Place agreed, however, that as far as the Zoning Code is concerned, the approval is still based on the original annexation map because that is the only one that was ever officially adopted. Mr. Calamaras again pointed out that Pinebrook was never developed even close to the original master plan. The developer saw fit to decrease the 264 units and put in

the Brookside Drive area. The original Tract F that Mr. Clarke plans to develop has always been slated for 136 units. Mr. Place stated if this were a PUD being developed under the PUD regulations at the present time, there would be an amendment to the plan that would transfer the density from the old R-2 plat to some other area. Essentially, this is what is being done except that it is happening 15 years after the fact.

Mr. Gaus brought out the fact that a couple of months ago when the Planning Commission was considering a development in that area, the Engineering Department reported that there was an uncommitted water supply capacity of the equivalency of 60 dwelling units. He questioned whether or not that figure was based upon the original PUD of 960 units or based on the status quo condition of 920 units. To the best of Mr. Place's knowledge, the highest potential build-out has been figured in all the calculations. In this case, the highest build-out figures were given the consultants, Camp Dresser and McKee, and it is assumed these figures were used to estimate the reserve utility capacity. Mr. Gaus considers this to be a most important consideration.

Mr. Boone pointed out that there is no east/west road planned on the north side of the property. Mr. Place explained that Water Street will eventually extend from Capri Isles Boulevard, west to Pinebrook, but will stop at Pinebrook unless there is some future action to continue it farther west. One of the reasons for not continuing the road west is the fact that much of the land along that side of the canal is environmentally sensitive, and it would be very difficult to construct a road and bridges in that area.

Mr. Bally expressed concern that although four additional units are insignificant, if they are permitted they would be in excess of the original density. This is setting a precedent and the next developer would want more. Mr. Boone brought up the issue of transferring densities; a benefit that is transferred from one property owner to another with a measurable value. Mr. Bally didn't see it that way. He was more interested in maintaining the requirements of the approved master plan. Mr. Boone, however, was strong in his opinion that perhaps in the past the original property owners sacrificed density in return for benefits from the City and now the City is going to turn around and give that density back to another property owner.

Action: Mr. Bally moved that the Planning Commission, sitting as the Local Planning Agency, finds the request for amendment, identified as 88-2MP, in conformance with the Comprehensive Plan and, therefore, recommends to City Council approval of the amendment. Mr. Connolly seconded.

The discussion continued regarding previous development and trade-offs in densities. It concerned Mr. Boone that since the PUD ends up being developed at a different density level than originally planned causes him to wonder whether at some point trade-offs were made. Mr. Place was not aware of any. In checking the files to arrive at a history of how many units were approved, he did not

find any official trade-off action involving the City. Modifications were made due to market determinations on the part of the developer, i.e, going to single family as opposed to multi-family units.

Mr. Gaus commented that there is merit in the type of housing development proposed; efficient, affordable housing for the elderly, and he would be inclined to envision a higher density on the site if it were based upon a study that demonstrated that housing for the aged produces less impact on roads and utilities and other types of infrastructures. Mr. Place brought up the fact that, although there is no study of comparison, the Zoning Code does recognize the differences in impact on roads and utilities and according to the zoning restrictions, housing for the aged has less impact than multifamily housing.

Mr. Bally revised his motion with the stipulation that the number of units be increased to 43 units instead of the 47 units requested. Mr. Connolly concurred with the change.

Mr. Bogen questioned the possibility of the developer removing the age limitation. He pointed out there would be no control over the property being rented to a younger group.

Mr. Bally again revised his motion by adding a stipulation that the property be developed as housing for the aged. Mr. Connolly concurred.

Mr. Boone commented that he has heard nothing that would justify why this project should have a greater density than what is presently authorized. It was his opinion that if the Planning Commission commences to approve petitions strictly because they like the proposal, as opposed to the merits of what is being proposed and why it is needed, then it is really walking a tight line between treating people differently and treating people the same. Mr. Gaus thought that from the strict viewpoint of utilities, that an increase of density on an existing and incorporated tract would have to be viewed exactly the same as an annexation.

Roll call for motion as revised: Mr. Bally, YES, Mr. Gaus, NO, Mr. Connolly, YES, Mr. Boone, NO, Mr. Staudt, NO, Mrs. Korwek, YES, Mr. Towery, YES. Motion carried.

Chairman Gaus informed Mr. Clarke that the Planning Commission will recommend to City Council approval of his request with the stipulation that the project be developed as Housing for the Aged with an increase of 43 units instead of the 47 units requested.

ANNEXATION PETITION 88-2AN, BERNIE SIMANSKEY, CITY OF VENICE

Introduction: Mr. Place explained that the City has purchased 12.64 acres of property located in the northeastern part of the City from Landco Development Corporation. It will be the location for the new eastside sewage treatment plant. This property is isolated from the rest of the City by Interstate 75. It is adja-

cent to the plant site which makes the parcel contiguous to the City. The purpose of this parcel is to expand the plant site to 25.64 acres. At the present time, the site has no road access or utilities available. Laurel Road is located approximately one quarter of a mile north from the site and Border Road is located three quarters of a mile south of the site. The City will need to obtain an easement for utilities and road access through adjacent private properties in order to utilize the site. It is currently zoned OUE-1, a County rural estate district allowing one house per five acres.

Discussion: Mr. Place presented the comments and recommendations of the Staff. The Utilities Department recommended approval of the annexation because the property is essential for the eastside wastewater plant construction. The Police Department stated that the Police patrol in the area will be very limited due to its location and accessibility. The Fire Department voiced concern that there was no access or water supply on the site. The Planning Staff finds the annexation request to be consistent with Policy 3 of the 1983 City Council resolution concerning annexation of unincorporated lands, and to be in the best interest of the citizens of Venice, therefore, recommends approval. The remaining staff had no objections.

Mr. Place went on to report that the City Attorney is in the process of obtaining an easement to this property from Haul Road to the east, so the access will be via Laurel Road over to Haul Road, then to the east to the property. The water problem will have to be addressed prior to construction.

Action: Mr. Connolly moved that the Planning Commission, sitting as the Local Planning Agency, finds the annexation request, identified as 88-2AN, in conformance with the Comprehensive Plan and the City's annexation policy and, therefore, recommends to City Council approval of the annexation request. Mrs. Korwek seconded.

Roll Call: Mr. Boone, YES, Mr. Connolly, YES, Mr. Gaus, YES, Mr. Bally, YES, Mr. Towery, YES, Mr. Staudt, YES, Mrs. Korwek, YES. Motion carried.

OLD BUSINESS

Presentation of Petitions. Mr. Staudt recommended that the order of procedure be followed when presentations are presented. During the last case the petitioner remained at the podium and entered into discussion with the Planning Commission members. He should have been dismissed prior to discussion. Also, Mr. Staudt recommended that the folders received prior to the meetings contain the City's recommendation in order that it can be reviewed with the other documents pertaining to the petition request.

Status of the 1988 Comprehensive Plan. Mr. Place reported that the Comprehensive Plan has been reproduced and forwarded to City Council for action. Their public hearing will be held on Thursday at 3:30 P.M. Commissioners were encouraged to attend.

NEW BUSINESS

Conflict of Interest. Chairman Gaus announced that he has been advised by Mr. Simanskey that the City Attorney would like to make a presentation to the Planning Commission concerning conflicts of interest. This item will be placed on the agenda of the Planning Commission in the near future.

There was no audience participation and the meeting adjourned at 2:55 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dorothy Korwek".

DOROTHY KORWEK, Secretary
Planning Commission