



City of Venice

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

Meeting Minutes Planning Commission

Tuesday, August 20, 2019

1:30 PM

Council Chambers

I. Call to Order

A Regular Meeting of the Planning Commission was held this date in Council Chambers at City Hall. Chair Barry Snyder called the meeting to order at 1:31 p.m.

II. Roll Call

Present: 7 - Chair Barry Snyder, Shaun Graser, Tom Murphy, Kit McKeon, Richard Hale, Scott Williams and Bill Willson

Also Present

Liaison Council Member Helen Moore, City Attorney Kelly Fernandez, Development Services Director Jeff Shrum, Planning Manager Roger Clark, City Arborist Jim Yelverton and Recording Secretary Mercedes Barcia.

III. Approval of Minutes

[19-4090](#) Minutes of the June 18, 2019 Regular Meeting

A motion was made by Mr. McKeon, seconded by Mr. Willson, that the Minutes of the June 18, 2019, June 24, 2019, and July 2, 2019 meetings be approved as written. The motion carried unanimously by voice vote.

[19-4091](#) Minutes of the June 24, 2019 Tree Ordinance Workshop Meeting

These minutes were approved under Item No. 19-4090.

[19-4092](#) Minutes of the July 2, 2019 Regular Meeting

These minutes were approved under Item No. 19-4090.

IV. Audience Participation

No one signed up to speak.

Mr. Snyder noted the tree ordinance will be moved to the end of the agenda and has been changed to a workshop item.

V. Public Hearings

[19-03SE](#)

Special Exception - Development Order Extension Request - Toscana Isles Directional Sign

Staff: Roger Clark, AICP, Planning Manager

Agent: Jackson Boone, Esq., Boone Law Firm

Applicant: Laurel Road Property, LLC

The correct file number for the development order extension request is **17-04SE**.

Mr. Clark presented site photographs and spoke on special exception for directional sign, applicant's request for an extension to March 25, 2021, and responded to board questions on requesting an extension for a special exception and extension timeframe.

Jackson Boone, Boone Law Firm, spoke to special exception request, filing preliminary plat petition within the next 30 days, permanent sign location, and responded to board questions regarding filing preliminary plat petition within 30 days.

A motion was made by Mr. Graser, seconded by Mr. McKeon, that based on review of the applicant's request and staff's memorandum, the Planning Commission, sitting as the local planning agency, votes to approve the request for an extension of Development Order No. 17-04SE to March 25, 2021. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

[18-14SP](#)

Site & Development Plan - National Drying Technologies

Staff: Roger Clark, AICP, Planning Manager

Agent: Ed Hibner, Jr., AIA, Hibner-Levine

Owner: National Drying Technologies, LLC

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

Ms. Fernandez queried board members on ex-parte communications and conflicts of interests. Mr. Willson and Mr. Hale disclosed site visits. Mr. Graser disclosed a professional relationship with Ed Hibner, Hibner and Levine and Associates, and confirmed he has no financial interest in this petition and can remain fair and unbiased and make a decision based on the record presented today.

Mr. Clark, being duly sworn, provided a presentation and spoke to site and development plan, aerial and site photographs, surrounding property information, future land use and zoning maps, proposed site plan, consistency with the comprehensive plan and land development code (LDC), concurrency/mobility, findings of fact, and planning commission

action.

Ed Hibner, Hibner and Levine and Associates, being duly sworn, presented a rendering of the building, commented on truck traffic, and responded to board questions regarding cyclone fence, shell base cap stone area and drainage.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Murphy, seconded by Mr. Willson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and moves to approve Site and Development Plan Petition No. 18-14SP. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

[19-03RZ](#)

Rezoning - 498 Substation Road
Roger Clark, AICP, Planning Manager
Owner/Applicant: John N. Bailey III, Trustee

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

Ms. Fernandez queried board members on ex-parte communications and conflicts of interest. Mr. Willson, Mr. Hale, Mr. Murphy, Mr. McKeon, and Mr. Graser disclosed site visits. There were no conflicts of interest.

Mr. Clark, being duly sworn, provided a presentation and spoke on the request to change the zoning from Sarasota County residential, multi-family-2 (RMF-2) to City of Venice residential, multi-family-4 (RMF-4), aerial and site photographs, surrounding property information, future land use map (FLUM), existing and proposed zoning maps, planning analysis, comprehensive plan consistency, considerations to determine compatibility, mitigation techniques of Policy 8.2, LDC consistency, concurrency/transportation mobility, findings of fact, planning commission determination, and responded to board questions on whether Substation Road is a city street.

John Bailey, applicant, being duly sworn, spoke to property background and history, and responded to questions regarding potential workforce housing.

John McCall, 520 Substation Road, representing the Knights of Columbus, being duly sworn, commented on previous referendum to change road

jurisdiction and noted concern with road usage and residential development increasing.

Ronald Siegrist, being duly sworn, spoke regarding property development and zoning.

Lloyd Weed, Southern Spring and Stamping, Inc., being duly sworn, commented on the comprehensive plan, proposed zoning, Substation Road maintenance and ownership, sewer availability, drainage, and requested application be denied.

Mr. Shrum, being duly sworn, commented on issues addressed during development proposals, consistency with the comprehensive plan, appropriate future long term plans for the area, residential next to industrial developments, and responded to board questions regarding the city assessing costs to redevelop the road.

Mr. Bailey spoke to road maintenance and repairs, and communication with the utilities department on sewer availability.

Mr. Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Mr. Willson, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and recommends approval to city council of Zoning Amendment Petition No. 19-03RZ. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

[19-27VZ](#)

Variance - 316 Short Road

Staff: Roger Clark, AICP, Planning Manager

Owner/Applicant: James & Mary Beth Starnes

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

Ms. Fernandez queried board members on ex-parte communications and conflicts of interest. Mr. Murphy, Mr. Snyder, Mr. McKeon, and Mr. Graser disclosed site visits. There were no conflicts of interest.

Mr. Clark, being duly sworn, provided a presentation and spoke on variance request from Section 86-82(h)(1) regarding maximum lot coverage, aerial photograph, lot coverage, communication with applicant, applicable code standard, site plan provided by applicant, site

photographs, FLUM, planning commission's review and action, and responded to board questions regarding difference in the county's zoning lot coverage and notification requirements to surrounding property owners.

Mary Beth Starnes, being duly sworn, spoke regarding the house structure, communication with city staff, and purpose for variance request.

Ms. Starnes presented photographs showing the house exterior and spoke on visual aesthetics.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Willson, seconded by Mr. Hale, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and moves to approve Variance Petition No. 19-27VZ. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

19-34VZ

Variance (Height) - Rustic Road Property

Staff: Roger Clark, AICP, Planning Manager

Agent: Jeffery Boone, Esq., Boone Law Firm

Owners: Ronald D. Perkins and Carol R. Perkins; Caroline Martin; Flying Free Investments, LLC; Philip Burket, TTEE of the Philip V. Burket Trust; and Rustic Road Partners, LLC

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

Ms. Fernandez queried board members on conflicts of interest and ex-parte communications. Mr. Hale disclosed site visit and Mr. McKeon disclosed driving on Rustic Road. There were no conflicts of interest.

Mr. Clark, being duly sworn, noted correction to legal advertisement on site acreage, and provided a presentation and spoke to variance petition, conditional use criteria, aerial photograph, applicable code standard, variance request, Rustic Road planned unit development (PUD) binding master plan, proposed FLUM and zoning map, and planning commission's review and action.

Mr. Snyder commented on applying variance criteria.

Mr. Shrum spoke regarding conditional use and variance processes and criterias.

Discussion followed on applying variance criteria, conditional use process on height adjustment, and comprehensive plan.

Jeffery Boone, Boone Law Firm, being duly sworn, spoke to requested height variance, staff's suggestion, interpretation of the zoning code, conditional use and variance provisions, building heights, and responded to board questions regarding what the variance allows to be built on the property to include applicable area.

Mr. Snyder closed the public hearing.

A motion was made by Mr. McKeon, seconded by Mr. Hale, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and recommends approval to city council Variance Petition No. 19-34VZ.

Discussion followed regarding applying the variance criteria.

The motion carried by the following vote:

Yes: 6 - Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

No: 1 - Chair Snyder

[19-38VZ](#)

Variance (Height) - GCCF PUD

Staff: Roger Clark, AICP, Planning Manager

Agent: Jeffery Boone, Esq., Boone Law Firm

Owners: Border Road Investments, LLC; Myarra Property Joint Ventures, LLC; FC Laurel, LLC; and Woolridge Investment Florida, LLC

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

Ms. Fernandez queried board members concerning ex-parte communications and conflicts of interest. Mr. McKeon disclosed driving by the property. There were no conflicts of interest.

Mr. Clark, being duly sworn, provided a presentation and spoke to variance petition, conditional use process, aerial photograph, applicable code standard, variance request, GCCF PUD binding master plan, FLUM, proposed zoning map, and planning commission's review and action.

Jeffery Boone, Boone Law Firm, being duly sworn, commented on variance request and approval, GCCF PUD, and responded to board questions regarding height and applicability to entire property, knowledge of any three story single family residences built in Milano or Aria, assisted living

facility (ALF) potential, conditional use for height in non-residential areas, proximity of development to I-75, and Waterford Community's view of proposed development.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Hale, seconded by Mr. McKeon, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and recommends approval to city council Variance Petition No. 19-38VZ. The motion carried by the following vote:

Yes: 6 - Mr. Graser, Mr. Murphy, Mr. McKeon, Mr. Hale, Mr. Williams and Mr. Willson

No: 1 - Chair Snyder

Recess was taken at 3:32 p.m. until 3:42 p.m.

19-32AM

Text Amendment Chapter 118 - Tree Preservation, Protection, and Replacement Vegetation

Staff: Jeff Shrum, AICP, Development Services Director and Jim Yelverton, BCMA FL#5655B, City Arborist

Mr. Shrum spoke on the transition of Sarasota County's tree regulations to the city to include January 1, 2020 implementation, reason for changing item from a public hearing to a workshop, and proposed fee schedule.

Mr. Shrum provided a presentation and spoke on Chapter 118 Tree Preservation, Protection and Replacement, purpose of regulations, key changes since the June 24, 2019 first draft, transition from the county's jurisdiction, canopy road designation, and responded to questions regarding including canopy road designation in the comprehensive plan.

Discussion followed on including regulations on canopy road designation in the comprehensive plan.

Mr. Shrum continued to speak on key changes to include public education, after the fact permits, appeal process, exemption for single family zoned lots, tree permit requirement, and responded to board questions regarding exemption extending to county lots and homeowner associations (HOA)s.

Ms. Fernandez commented on exemptions referencing state statutes.

Discussion continued regarding exemptions and state statutes on PUDs and residential single-family lots.

Mr. Shrum clarified when a trimming permit is required and spoke on the Venetian tree section to include incentives and replacing ad valorem tax

break with budget process for \$250.

Discussion followed regarding five per year limit, tree inventory, and applying incentive for Pine, Heritage and Banyan trees.

Mr. Shrum spoke on tree mitigation and replacement and incentives.

Mr. Yelverton commented on tree plantings.

Mr. Shrum noted county requirements on tree installation and spoke to planting trees six to eight inches, tree mitigation fund to include use of funds for qualified attainable housing projects with a cap of \$10,000, and responded to board questions regarding landscape requirements for attainable housing projects.

Discussion continued on \$10,000 cap for qualified attainable housing project, average project costs in terms of trees, comprehensive plan, incentive criteria, density bonuses, and approximate number of trees per cap.

Mr. Shrum spoke regarding tree mitigation fund cap, transition of tree regulations extended to January 1, 2020, staff presenting final draft of ordinance to the planning commission in October/November with adoption by city council in December, and staff promoting public education of proposed regulations.

Discussion took place on structural soil volume requirements under pavement and minimum length of a canopy road.

Jeffery Boone, city resident, recommended including the definition of development in the ordinance, and spoke to staff's interpretation of the tree ordinance, language on minimal requirements, regulating the environment, tree trimming, high-quality developers and landscaping, and Florida Power and Light (FPL) tree trimmers.

VI. Comments by Planning Division

[19-4093](#)

Land Development Regulations Update

Staff: Jeff Shrum, AICP, Development Services Director

Mr. Shrum spoke on meetings with board chairs on land development regulations (LDRs), project schedule, and public workshops.

Mr. Snyder spoke to meetings with board chairs and changes to the LDR.

Mr. Shrum spoke on project schedule, board's review of LDRs and draft tree ordinance, internal adjustments on turnaround timeframes, staff

turnaround, importance of staff's work quality, and increase in project applications.

Discussion followed on staffing and project application timeframes.

VII. Comments by Planning Commission Members

There were none.

VIII. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 5:03 p.m.

Chair

Recording Secretary