



City of Venice

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

Meeting Minutes City Council

Wednesday, February 10, 2021

9:00 AM

Council Chambers and Virtual

Instructions on How to Watch and/or Participate in the Meeting

[21-4900](#)

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RECONVENE THE MEETING

Mayor Feinsod reconvened the meeting at 9:00 a.m.

ROLL CALL

Present: 6 - Mayor Ron Feinsod, Vice Mayor Richard Cautero, Council Member Helen Moore, Dr. Joseph Neunder, Council Member Brian Kelly and Dr. Margaret Fiedler

Absent: 1 - Council Member Nick Pachota

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Administrative Coordinator Mercedes Barcia, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Information Technology Director Christophe St. Luce, and Director of Human Resources Alan Bullock.

In person: Mr. Cautero, Dr. Fiedler, Dr. Neunder and Mr. Kelly

Via video conference: Mayor Feinsod and Ms. Moore

V. PUBLIC HEARINGS (Continued)

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2021-07](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-16RZ, Relating to Property in the City of Venice Located at the Southeast Corner of N. Auburn Road and Border Road Owned by SSD Land Holdings, LLC, Rezoning the Property from Sarasota County Open Use Estate (OUE) to City of Venice Planned Unit Development (PUD); Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Ms. Fernandez provided a recap of yesterday's hearing and responded to council questions regarding the special magistrate's recommendation.

Robert Lincoln, representing the applicant, being duly sworn, provided rebuttal and spoke on the special magistrate's role and recommendation, Sawgrass' comments, Fox Lea Farm's proposal and 2019 demand regarding compatibility buffer, issues with the binding master plan (BMP), Fox Lea Farm's proposed ordinance conditions and BMP modifications, and taking of the property.

Mr. Boone stated objection and noted Mr. Lincoln went over his rebuttal time and is making his argument.

Discussion followed regarding Windham's water monitoring proposal, the technical review committee (TRC)'s and staff's report, applicant's proposal to enhance Auburn Road and Edmondson Road, moving southern pond, and taking of property.

Mr. Lincoln responded to council questions regarding property being developed if council approves proposed changes, and whether applicant accepts Fox Lea Farm's proposal.

In response to council, Ms. Fernandez confirmed the special magistrate considered all variables relating to Fox Lea Farm in his recommendation.

Discussion followed regarding rider and horse safety, Fox Lea Farm's economic impact on the community, property development, Windham conducting a market study, and concerns on potential impacts to Fox Lea Farm and surrounding area.

Mr. Lincoln commented on the scope of council's decision making.

Recess was taken at 9:56 a.m. until 10:02 a.m.

Discussion continued regarding environmental impacts, compatibility, comprehensive plan standards on stormwater discharge, basis for council's previous denial, and property development.

Vice Mayor Caution noted the rebuttal process should be limited to questions.

Mr. Lincoln responded to council questions regarding Windham's response to Fox Lea Farm's proposal, changes Windham is willing to accept, moving southern pond, and spoke to taking of the property.

Recess was take at 10:29 a.m. until 10:40 a.m.

Scott Steady, Special Magistrate, being duly sworn, responded to council questions regarding council's 2019 denial and legal ramifications of his recommendation, will including revised stipulations be unreasonable and unfair, legal definition of a "taking", and Fox Lea Farm being a private party in this petition.

Mr. Boone requested to ask the special magistrate a question.

Mr. Steady responded to council questions regarding council protecting the health, safety and welfare of the community.

Ms. Fernandez commented on Mr. Boone's request to ask the special magistrate a question.

Mr. Boone advised he wanted to ask a question regarding a taking.

Mayor Feinsod noted he would like to close the public hearing.

Mr. Boone stated point of order and noted objection on due process grounds for not being allowed to ask questions.

Ms. Fernandez advised she does not see a significant due process issue on whether council allows Mr. Boone to ask a question.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler that based on the evidence in the record, Ordinance No. 2021-07 be approved on first reading and scheduled for final reading with the addition of the stipulations included by Windham in the document titled "Windham Response to Fox Lea Proposal Amended Master Plan Conditions". The motion failed due to lack of a second.

Discussion took place on motion language.

A motion was made by Mr. Kelly, seconded by Dr. Neunder, that based on the evidence in the record, city council deny Zoning Map Amendment Petition No. 17-16RZ on the basis that the petition is inconsistent with Land Use Strategy 4.1.1 of the City of Venice 2017 Comprehensive Plan, which contains Transitional Policy 8.2, as it is incompatible with existing neighborhoods, including Fox Lea Farm, Inc., a nationally recognized horse show facility, and council acknowledges going against the recommendation of the special magistrate.

Discussion followed regarding Fox Lea Farm, impasse, regulating stipulations, risk of future dispute between all parties, Sawgrass residents' expectation that the adjacent parcel would be developed at a lower density, removing Fox Lea Farm's name from the motion, amending motion language, 2018 denial by council, the special magistrate's recommendation, property development, the city's liability, and rezoning property.

Recess was taken at 11:22 a.m. until 11:27 a.m.

Ms. Fernandez requested the motion include council is going against the special magistrate's recommendation.

Discussion ensued regarding legalities, land owners' rights, comprehensive plan, council adjudicating a compromise on this petition, and impasse.

Dr. Nunder called the question. There was no second or vote on calling the question.

The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Mr. Caution, Ms. Moore, Dr. Neunder and Mr. Kelly

No: 1 - Dr. Fiedler

Absent: 1 - Mr. Pachota

B. CONDITIONAL USE PETITION

[CC 18-02CU](#) Consider and Act Upon Conditional Use Petition 18-02CU for the 39.6-Acre Murphy Oaks to Allow for a Gated Community (Quasi Judicial)
Applicant withdrew application due to denial of Ordinance No. 2021-07.

VI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:36 a.m.

ATTEST:

Mayor - City of Venice

City Clerk