



# City of Venice

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

## Meeting Minutes Planning Commission

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Tuesday, October 3, 2017

1:30 PM

Council Chambers

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### I. Call to Order

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

### II. Roll Call

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

**Absent:** 1 - Tom Murphy

### Also present

Liaison Councilmember Kit McKeon, Assistant City Attorney Kelly Fernandez, Development Services Director Jeff Shrum, Senior Planner Scott Pickett, Planning Manager Roger Clark and Recording Secretaries Shirley Gibson and Mercedes Barcia.

### III. Approval of Minutes

[17-2921](#)

Meeting Minutes of the September 19, 2017 Regular Meeting

A motion was made by Mr. Towery, seconded by Mr. Graser, that the Minutes of the September 19, 2017 meeting be approved as written. The motion carried by voice vote unanimously.

### IV. Public Hearings

[16-01AN](#)

SHYD, LLC - Annexation  
Planner: James Koenig, AICP, Planner  
Agent: Greg Roberts, Esq.  
Applicant: SHYD, LLC

Chair Snyder stated the Annexation Petition and the Comprehensive Plan Amendment are legislative hearings and the the Zoning Map Amendment Petition is a quasi-judicial hearing and read a memorandum regarding advertisement and written communication, opened public hearing, confirmed speaker cards completed by all those who will offer testimony, or speak under audience participation.

Ms. Fernandez questioned board members concerning ex parte communications and conflicts of interest. Ms. Moore, Mr. Snyder, Mr. Newsom and Mr. Graser all had site visits with no communication. Mr. Graser also disclosed that he works closely with Greg Roberts on land transactions and will remain unbiased in his decisions during the hearing.

Mr. Koenig, did an overview of summary information, and spoke regarding city council approval, property background, aerial photograph, photos of subject and surrounding properties, existing future land use map, existing zoning map, planning analysis, consistency with Chapter 171, F.S., comprehensive plan, concurrency review, summary findings, and answered questions by the board regarding parcel B.

**A motion was made by Mr. Towery, seconded by Ms. Moore, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and the affirmative Findings of Fact in the record, and recommends to City Council for approval of Annexation Petition No. 16-01AN with the following stipulations, that the property owner must remove the current land use of cattle grazing from the subject properties to not create a nonconforming use within the city prior to approval of the concurrently processed Comprehensive Plan Amendment (16-02CP) and Zoning Map Amendment (16-06RZ) petitions and property owner to provide an access easement across northern portion of Parcel B (PID 0404-12-0001) to allow access to Parcel A (PID 0404-05-0002) if parcels are sold independently.**

**Yes:** 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Newsom and Ms. Fawn

**Absent:** 1 - Mr. Murphy

#### 16-02CP

SHYD, LLC - Comprehensive Plan Amendment

Planner: James Koenig, AICP, Planner

Agent: Greg Roberts, Esq.

Applicant: SHYD, LLC

Mr. Koenig, discussed the Comprehensive Plan Amendment 16-02CP, petition summary information, aerial photograph, existing and proposed future land use maps, planning analysis, comparison of existing and proposed designations, compliance with land development code, consistency with comprehensive plan, effect of the proposed amendment, compliance with the land development code, consistency with applicable requirements of Chapter 163, F.S., summary findings, comprehensive plan amendment, staff stipulation contingent upon approval of the concurrently processed annexation.

**A motion was made by Mr. Towery, seconded by Ms. Moore, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land**

Development Code, and in compliance with Florida Statute Chapter 163, recommends to City Council approval of the Comprehensive Plan Amendment Petition No. 16-02CP, with the stipulation that the subject petition is contingent upon approval of the concurrently processed Annexation Petition No. 16-01AN.

**Yes:** 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Newsom and Ms. Fawn

**Absent:** 1 - Mr. Murphy

16-06RZ

SHYD, LLC - Zoning Map Amendment  
Planner: James Koenig, AICP, Planner  
Agent: Greg Roberts, Esq.  
Applicant: SHYD, LLC

Mr. Koenig, being duly sworn, spoke regarding petition summary information, aerial photograph, existing and proposed future land use maps, existing zoning maps, proposed zoning map, planning analysis, comparison of existing and proposed zoning designations, consistency with the comprehensive plan, concurrency review, compliance with land development code, summary findings, staff stipulation that the subject petition will be contingent upon approval of the concurrently processed annexation and comprehensive plan.

Mr. Shrum, being duly sworn, spoke regarding direction from the commission, and answered questions regarding livestock, consistency, and clarification on process.

Discussion took place regarding livestock, clarification of non conforming use, property zoning, and medium density designation.

Greg Roberts, SHYD, LLC, being duly sworn, spoke regarding summary of property, adopting all three staff reports as part of presentation, discussed aerial photograph, pre-annexation agreement waiting for mayor's signature, parcel B and C designation, having all three parcels designated, staff reports, compliance with comprehensive plan, owner information, zoning designation and future land use map, stipulations to include access easement, heavy equipment on parcel B and live stock on parcel C, and 120 days to remove equipment and livestock.

Discussion took place regarding current owner, access road, medium density being considered, number of residential units, Bay Indies, Magnolia Condominiums, land development code, reducing density, planned unit development, open space, removal of cattle raising, and annexation.

Mr. Shrum spoke further regarding stipulations, 120 day request to remove equipment and livestock, if properties were to be sold, and easement.

Mr. Snyder closed the public hearing.

A motion was made by Mr. Towery, seconded by Ms. Fawn, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code, and with the affirmative Findings of Fact in the record, and recommends to City Council Approval of Zoning Map Amendment Petition No. 16-06RZ, with the following stipulations, If approved, the subject petition is contingent upon approval of the concurrently processed Annexation (Petition No. 16-01AN) and Comprehensive Plan Amendment (16-02CP) petitions.

**Yes:** 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Newsom and Ms. Fawn

**Absent:** 1 - Mr. Murphy

17-02VZ

32 Plumosa Drive - Variance

Staff: Scott Pickett, AICP, Senior Planner

Applicant: Todd & Desiree Schwalbe

Chair Snyder stated this was a quasi-judicial hearing and read a memorandum regarding advertisement and written communication, opened public hearing, confirmed speaker cards completed by all those who will offer testimony, or speak under audience participation.

Ms. Fernandez questioned board members concerning ex parte communications and conflicts of interest. Mr. Newsom indicated he had a site visit with no communication.

Mr. Pickett, being duly sworn, discussed variance petition, application materials, manufactured home zoning, applicable code standard, proposed improvements, aerial photograph of subject and surrounding properties, future land use map, existing zoning, planning commission review and action, expiration of requested variance, and summary findings and answered questions regarding certainty of 180 days, allowable lot coverage, submerged land ownership, and site plans and surveys.

Mr. Snyder made a correction and announced that written communication was received.

Mr. Schwalbe, being duly sworn, spoke regarding request for shade structure, property ownership, newly installed boat lift, planting of new trees, provided proposed pictures to the commission, surrounding neighbors, and request for 365 days.

Mr. Snyder closed the public hearing

A motion was made by Ms. Fawn, seconded by Mr. Newson, that based on the review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition



consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, and moves to approve Variance Petition No. 17-02VZ with the stipulation of a time limit not to exceed 365 days.

**Yes:** 6 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Newsom and Ms. Fawn

**Absent:** 1 - Mr. Murphy

## V. New Business

### 17-201

Request for Zoning Determination for 219 W. Venice Ave.  
Staff: Jeff Shrum, AICP, Development Services Director  
Applicant: David & Martha Hanneman

Mr. Shrum spoke regarding land development code, requiring assistance from planning commission, comprehensive plan, usable space, definitions, used variances, height of the structure, and answered questions by the board regarding human occupancy, conditional use, existing process, language and conditional use process, building height and allowances, major deviations, applicable building codes, safety standards, roof requirements, special exception, land development code, safety wall, umbrellas over tables, regulation overview, and potential noise issue.

Ms. Hanneman, 227 Tait Terrace, Port Charlotte, spoke regarding request for board's definition of occupancy, retail on first floor, restaurant on second or third floor, turning the building from two stories to three stories, roof requirements, not exceeding height limit, improvements to building, and demolition permits.

Mr. Hanneman, 227 Tait Terrace, Port Charlotte, spoke regarding structure, nothing over 35 foot limit, occupancy requirements, view from roof, fire code, attracting new people to Venice, does not surpass building codes, and zoning codes.

Ms. Hanneman indicated that there is much support from the community and Venice Mainstreet would like to see building begin, rethinking project if not approved, demolition permit, and expressed eagerness to start the project.

Discussion took place regarding decision being made by city council to move forward and planning commission to provide advice on how to proceed.

Mr. Hanneman expressed concern of the long process and the building is about to fall down.

Erin Silk, CEO of Venice Mainstreet, spoke regarding presentation made

by the Hannemans to Venice Mainstreet on non permanent seating on roof of the building, board of directors will defer any comments until the commission make a determination, recommend new building adhere to height restrictions and northern renaissance architectural style that is downtown.

Mr. Shrum answered questions by the board regarding occupancy limit, definition of occupancy, El Patio Hotel outdoor area, comprehensive plan, conditional use for maximum height, public hearing, and conditional use process.

**There was a consensus that it appears there is an occupancy above the height limit and therefore treated as a request for conditional use for structure height and use the existing process and allow the applicant to move forward.**

## **VI. Audience Participation**

No one signed up to speak.

## **VII. Comments by Planning Division**

Mr. Shrum spoke regarding order of proceedings for all petitions, proposed a change of procedure to place on next agenda, and general feedback received by planning division.

Discussion took place regarding having the proposed change on the next agenda for discussion.

Mr. Shrum indicated comprehensive plan was transmitted to the state, two topics coming up regarding parks master plan, should it be resent to planning commission, parks plan to be consistent with comprehensive plan and land development code.


Discussion took place regarding the meeting scheduled the week of Thanksgiving and agreement that it should be cancelled due to lack of attendance.

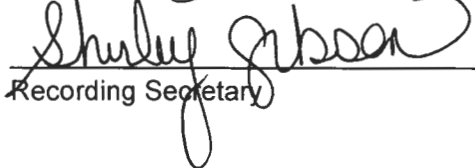
## **VIII. Comments by Planning Commission Members**

There were none.

**IX. Adjournment**

There being no further business to come before this Commission, the meeting was adjourned at 3:38 p.m.

  
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Chair

  
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Recording Secretary