



# City of Venice

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

## Meeting Minutes Planning Commission

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Tuesday, October 17, 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:** 7 - Chair Barry Snyder, Helen Moore, Jerry Towery, Shaun Graser, Tom Murphy, Charles Newsom and Janis Fawn

### Also Present

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

### III. Approval of Minutes

[17-2939](#)

Minutes of the August 1, 2017 Regular Meeting and the September 25, 2017 Special Meeting

A motion was made by Ms. Fawn, seconded by Mr. Towery, that the Minutes of the August 1, 2017 Regular Meeting and the September 25, 2017 Special Meeting be approved as written. The motion carried unanimously by voice vote.

### IV. Public Hearings

Ms. Fawn discussed her visit to the Parks and Recreation Advisory Board meeting on October 16, 2017 and provided an update on Planning Commission business, discussed Parks Master Plan, and commented about the attorney representing McLeod relative to his demeanor during the September 25, 2017 planning meeting.

[17-04AM](#)

Medical Marijuana Text Amendment  
Staff: Jeff Shrum, AICP, Development Services Director and Kelly Fernandez, City Attorney

Mr. Snyder announced that this was a legislative hearing.

Mr. Shrum spoke regarding which direction the city should go with the

regulation of marijuana dispensing facilities, city council direction to ban dispensaries, amendment to Land Development Code, interpretation and answered questions regarding moratorium contingency.

Ms. Fernandez spoke regarding moratorium contingency and regulations.

Mr. Shrum further spoke regarding regulations and answered questions regarding population.

Ms. Fernandez spoke regarding existing regulations, and grandfathered laws in the county.

Mr. Shrum spoke regarding regulations, and answered questions by the board regarding the re-write of the land development code, state law regulations, and ordinance to ban facilities.

Discussion took place regarding state law clarification, Venice population, surrounded by potential developments and attractions, overflow of outside residents coming in, and amount of cash at dispensaries.

Tom Sehlhorst, 413 Lyons Bay Rd., spoke regarding city council decision, alternative to opioid epidemic, doctors who don't sell cannabis, veterans with post traumatic stress disorder, impact of not allowing dispensaries in Venice, growing of cannabis, doctors in Venice writing cannabis orders, legal costs to the city, and government controlled growing areas.

Ms. Fernandez spoke regarding residents obtaining medically ordered cannabis.

Mr. Snyder closed the public hearing.

Discussion took place regarding precluding someone from purchasing a legal drug in the community, and state statute.

A motion was made by Mr. Murphy, 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 Text Amendment Petition No. 17-04AM. The motion carried by the following vote:

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

**No:** 1 - Mr. Towery

17-05SP

Treviso Grand Apartments Site & Development Plan  
Staff: Scott Pickett, AICP, Senior Planner

Agent: D. Shawn Leins, P.E., AM Engineering, Inc.

Applicant: Laurel Road Properties, LLC

Chair Snyder stated this was a quasi-judicial hearing; 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 and Mr. Graser did site visits with no communication.

Mr. Pickett, being duly sworn, began his presentation with letter received by owners attorney regarding owners proposal for roof tiles for all buildings, and spoke of site and development plan summary, project area, aerial photograph and existing land use, future land use map, existing zoning map, consistency with the Comprehensive Plan, compliance with Land Development Code, compliance with the Portofino Commercial Mixed Use, Master Development Plan, Land Development Code, Sarasota County buffer and landscaping standards, architectural design standards, concurrency review, summary findings, site and development plan and answered board questions regarding minimum landscape space, and landscape buffer requirements.

Jeffrey Boone, being duly sworn, spoke regarding project engineers, representatives being present for any board questions, elevations, site and development plan, summary of property, consistent with comprehensive plan, zoning, dwelling, site and development plan, market rate apartments, within height limitations, access easement, parking, walls on property, consistent with Northern Italian Architecture, stucco, colors adjusted, landscape buffers, tile roof proposed, site plan focused on adverse impacts on neighboring communities, gated community, clubhouse, showed map of property, and building setback.

Matt Bennett, Town Realty, being duly sworn, answered questions by the board regarding aluminum fencing.

Mr. Boone further spoke regarding barriers, and answered board questions relating to prior discussions regarding property use.

Discussion took place regarding minimum residential of five acres, non-residential areas, comprehensive plan, and ambiguity.

Mr. Boone indicated there would not be affordable housing offered, and spoke to impact fees, cost of land, and market rent.

Mr. Bennett spoke regarding leasing requirements and answered board questions regarding market rent rates, gates to community, and provided drawings of proposed project and provided an overview.

Discussion took place regarding contents of board packet and entrances.

Mr. Boone continued to answer board questions regarding Planned Unit Development and concrete walls.

Tom Gerson, 184 Maraviya Blvd., being duly sworn, spoke regarding fairways around Toscana Isles, showed photos of area, advisory committee, Venetian Golf and River Club and Willow Chase Advisory Board, diagram of Toscana Isles, planned unit development, community was not invited to participate in advisory committee, policy 8.2, Treviso Grand Apartments, parking and driveways, density of border and increasing the number of trees.

Jerry Jasper, 130 Burano Ct., being duly sworn, spoke regarding supporting of project, landscaping and architectural elements, comprehensive plan requirements, land owner and developer worked closely with homeowners association, and answered questions by the board regarding aluminum fencing.

John Singer, 1182 Cielo Ct., being duly sworn, spoke regarding roofing.

John Moeckel, 185 Treviso Ct., being duly sworn, spoke in support of the project, several meetings with developers, pleased with the proposed changes that were made.

Mathew Scheffel, 212 Maraviya Blvd., being duly sworn, spoke regarding concerns by residents about size of structure in proximity to neighboring homes, blocking of view, maintenance and lack of trees, aesthetics, lighting, setbacks, comparable apartments in Venice, and Capri Isles.

Mr. Boone spoke regarding audience comments, no neighborhood meeting held, consistent with CMU, and answered board questions as to whether they can add resident from Toscana Isles to their meetings.

Mr. Boone further provided an area map of surrounding properties, comparing CMU and PUD, zoning codes, Toscana Isles master plan, comparable three story buildings, lighting and landscaping, notice sent to owners in Toscana Isles and answered questions regarding the caretaker for landscaping.

Mr. Shrum spoke of letter received on roofing and answered board

questions regarding information contained in the board packets.

Mr. Boone spoke regarding intention of the letter written by his office relative to the roofing.

Mr. Pickett confirmed with the board that all lighting information is contained in their packets.

Mr. Snyder closed the public hearing.

Ms. Fawn left the meeting at 3:14 p.m.

Meeting was in recess from 3:14 p.m. to 3:19 p.m.

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 with the affirmative findings of fact in the record, including the letter dated October 16, 2017 from the Boone Law Firm, and moves to approve Site and Development Plan Petition No. 17-05SP with the provision that additional requirements regarding building of the roof be provided to staff and will not come before the Planning Commission. The motion carried by the following vote:

Yes: 7 - Chair Snyder, Ms. Moore, Mr. Towery, Mr. Graser, Mr. Murphy, Mr. Newsom and Ms. Fawn

#### 17-07SP

Triple Dee Properties Site & Development Plan

Staff: Scott Pickett, AICP, Senior Planner

Agent: Jackson R. Boone, Esq.

Applicant: Robert Corby

Chair Snyder stated this was a quasi-judicial hearing; 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. Snyder, Mr. Newsom and Mr. Graser all had site visits with no communication.

Mr. Pickett spoke regarding site and development plan summary, site plan drawing, aerial photograph and existing land use, future land use map, existing zoning map, consistency with the comprehensive plan, compliance with the land development code, concurrency review, summary findings, and site and development plan.

Jackson Boone, Boone Law Firm, being duly sworn spoke regarding

compliance with all regulations and comprehensive plan and answered questions by the board regarding future tenants and current parking situation on the property.

Mr. Synder closed the public hearing.

**A motion was made by Ms. Moore, seconded by Mr. Newsom, that based on review of the application materials, the staff report and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and Land Development Regulation Commission, finds this petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and moves to approve Site and Development Plan Petition No. 17-07SP. The motion carried by the following vote:**

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

**Absent:** 1 - Ms. Fawn

## ***V. Audience Participation***

No one signed up to speak.

## ***VI. Comments by Planning Division***

Mr. Shrum spoke regarding reviewing all applications for major or minor site and development plans, proposal received for FPL Substation property, Planning Commission review and answered questions by the board regarding buffering.

### 17-2940

Public Hearing Presentation Procedures

Staff: Jeff Shrum, AICP, Development Services Director

Mr. Shrum spoke regarding order of proceedings, perception of staff giving presentations first, recommendations received to change the process, North Port process, no written procedure in Land Development Code, recommendation to try a new process, applicants to present project, temporary change, growing issues with staff recommendations, and Comprehensive Plan.

Discussion took place regarding hesitation of changing process, citizens' perception of staff presentation, and comparable communities.

Mr. Shrum discussed Sarasota County process of staff presentations at request only, order of staff presentations, recommendation for change of process, and answered board questions regarding citizen comments.

Discussion continued regarding applicants presenting first, potentially trying a new process, amount of work planning division puts in to preparing for planning commission meeting, concurrency, commission package

preparations, and commission comfortable with staff presenting first.

Mr. Shrum further spoke on Technical Review Committee compliance, perception, meeting planning division standards, and work being conducted behind the scenes, educating the public and answered questions whether the staff report would change.

Jeffrey Boone spoke regarding his opposition of the proposed plan to eliminate staff presentations, citizen perception, ensuring records are accurate, meetings taking longer with new process, unable to change citizen perceptions, fees to his clients will be higher, and no legitimate reason to make a change in procedure.

Mr. McKeon spoke regarding significance of a change, and asked about the background of comments presented to planning division.

Mr. Shrum answered Mr. McKeon's question regarding the amount of comments that had been made, open to receiving public input, and looking for direction from the commission.

Mr. Boone suggested outlining procedures that were made by planning department, and staff can read the comments in the staff report.

Mr. Shrum indicated his team has been reviewing staff reports and re-wording to ensure the wrong impression is not being made.

Mr. Shrum discussed the next agenda and discussed scheduling the Parks Master Plan for the first meeting in December.

Discussion took place regarding enhancements to include level of service standard, Parks Master Plan, and more emphasis needs to be placed on maintenance rather than acquisition.

There was board consensus that the order of proceedings for public hearings remain as is to include staff presentations first.

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

There was none.

## **VIII. New Business**

[17-2941](#)

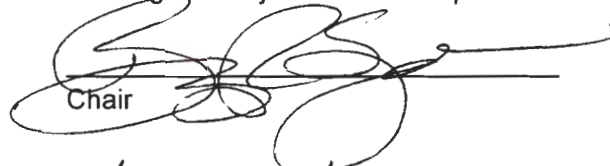
Assistant City Attorney Kelly Fernandez and City Clerk Lori Stelzer: Refresher on Public Records and Sunshine Laws as Required by the Settlement Agreement in the Citizens for Sunshine and Anthony Lorenzo Litigation.

Ms. Fernandez and Ms. Stelzer conducted annual sunshine and public

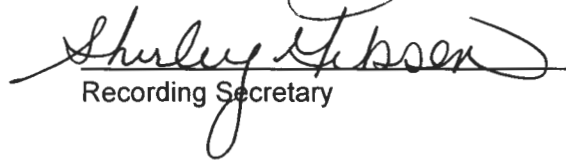
records law training by providing questionnaires to commission members and answered scenario questions.

## IX. Adjournment

There being no further business to come before this Commission, the meeting was adjourned at 4:46 p.m.



Chair



Recording Secretary