

From: [Dick Longo](#)
To: [Annette Boone](#)
Cc: [Kelly Fernandez](#); [Robert Lincoln](#); [Lori Stelzer](#); [Jeffery A. Boone](#); [Joshua Gadomski](#); [herb@windhamgroupllc.com](#); [Clint Cuffle](#); [Stacy Dillard-Spahn](#); [Anna Brummett](#); [Richard Clapp](#); [Bruce Heysse](#); [Leaf, Jeff](#)
Subject: Re: Updated clean and redline versions of Ex A and Plans
Date: Wednesday, October 16, 2019 12:13:17 PM

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Annie,

Thank you for including me in your communications and drafting a document that defines the areas of disagreement as of today.

Sawgrass and I disagree with the Murphy Oaks plan on the following items (numbering taken from previous "stipulation agreements docs"):

1. Outdoor speakers on homes facing Fox Lea. We strongly believe this is a prime example of the unreasonable, unenforceable stipulations that demonstrate the incompatibility of the proposed plan with Fox Lea and the surrounding neighborhoods.

2. Transportation improvements: We have been skeptical of the schedule for the improvements to the intersection of N. Auburn and Border / Edmondson Rds. Last evening (Oct 15, 2019), Mr. Lincoln seemed to indicate that they would be willing to complete the improvements prior to any certificate of occupancy being issued for any home in the development. If that can be confirmed and documented legally, our concerns would be lessened.

5. Water management plan: Any further drainage into Curry Creek and/or Blackburn Creek is detrimental to Sawgrass.

6. Landscape buffers and "fencing": The disparity in the buffers and fencing proposed is an indication of the developer's lack of respect and understanding of the area. There is no other development in Venice (or the area) that has border fencing ranging from a 13' high berm and concrete wall to no fencing at all!

7. Amenity area: In our opinion, a very small grassed area with a tree is not an "amenity area".

1. Density: The planned density is not compatible with the neighborhood.

Annie, thanks again and God Bless you for all your efforts,

Dick Longo

On Wed, Oct 16, 2019 at 11:44 AM Annette Boone <Annette.Boone@boone-law.com> wrote:

All,

I have been working on updating the document that reflects all language (identified by party) for each proposed stipulation. I am also preparing a separate document that only includes the stipulations for which Windham and Fox Lea Farm are not in agreement.

I have been using the latest set of stipulations sent yesterday at 11:53 a.m. by Robert to the City via email. I noticed that this set did not include Windham's stipulation to limit the density to 85 single-family dwelling units, which has been part of their proposed set up until this point in the process.

Robert—has your client's position changed regarding density, and should this stipulation be included in the documents I am preparing? Were there any other changes made to the language of the stipulations we had previously determined to be agreed upon? Please let us know at your earliest convenience so I can accurately depict each party's stipulated language.

Best regards,

Annie Boone

Annette M. Boone, Esq.

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From: Kelly Fernandez <Kfernandez@swflgovlaw.com>
Sent: Wednesday, October 16, 2019 8:07 AM
To: Robert Lincoln <robert.lincoln@flalandlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>
Cc: Jeffery A. Boone <JBoone@boone-law.com>; 'Dick Longo (ralongo46@gmail.com)' <ralongo46@gmail.com>; Annette Boone <Annette.Boone@boone-law.com>; Joshua Gadomski <Joshua@windhamdevelopment.com>; herb@windhamgrouppllc.com; Clint Cuffle <ccuffle@wraengineering.com>; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>
Subject: Re: Updated clean and redline versions of Ex A and Plans

With ordinance attached this time.

Kelly M. Fernandez, Esq.

Persson, Cohen & Mooney, P.A.

236 Pedro St.

Venice, FL 34285

Ph: (941) 306-4730 | Fax: (941) 306-4832

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From: Kelly Fernandez <Kfernandez@swflgovlaw.com>
Sent: Wednesday, October 16, 2019 8:06 AM
To: Robert Lincoln <robert.lincoln@flalandlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>
Cc: Jeffery A. Boone <JBoone@boone-law.com>; 'Dick Longo (ralongo46@gmail.com)' <ralongo46@gmail.com>; Annette Boone <Annette.Boone@boone-law.com>; Joshua Gadomski <Joshua@windhamdevelopment.com>; herb@windhamgroupllc.com <herb@windhamgroupllc.com>; Clint Cuffle <ccuffle@wraengineering.com>; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>
Subject: Re: Updated clean and redline versions of Ex A and Plans

Robert, et al.,

I believe what Council will want to see, and what may facilitate a quicker conclusion to this hearing process, is an Amended Exhibit A revised to show all of the items that the parties have agreed to and a separate document(s) that shows just the items for which there remain differences. Alternatively, the format Annie Boone developed with all of that in one document could be utilized.

I have revised the main body of the ordinance, which is attached. The landscape plan appears to be dated September 12th, not the 9th. Please let me know if I am misreading it.

The Developer's Agreement will be considered for approval as a separate agenda item at the same meeting. Please provide me with an executed version once we finalize all of the agenda documents.

Kelly M. Fernandez, Esq.

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From: Robert Lincoln <robert.lincoln@flalandlaw.com>
Sent: Tuesday, October 15, 2019 11:53 AM
To: Kelly Fernandez <Kfernandez@swflgovlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>
Cc: Jeffery A. Boone <JBoone@boone-law.com>; 'Dick Longo (ralongo46@gmail.com)' <ralongo46@gmail.com>; Annette Boone <Annette.Boone@boone-law.com>; Joshua Gadomski <Joshua@windhamdevelopment.com>; herb@windhamgroupllc.com <herb@windhamgroupllc.com>; Clint Cuffle <ccuffle@wraengineering.com>; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>
Subject: Updated clean and redline versions of Ex A and Plans

Dear Ms. Fernandez and Ms. Stelzer:

Attached please find:

1. Windham version of Exhibit A, revised to correct typos and format issues, in redline and clean versions.
2. PUD Binding Master Concept Plan dated Sept 6 2019.
3. Landscape Plan dated September 9 2019.
4. The Developer's Agreement, clean, with revisions presented at the last meeting to add renters.

I have set the Stipulations up to have two exhibits. Exhibit 1 would identify the general location for the chipper and berm required by Stipulation 9, as well as the location of the Construction Screen (with alternatives) required by Stipulation 15. Exhibit 2 provides the well locations described in Stipulation

Not included is Fox Lea's "exhibit A" relative to their stipulations 1.c/d/e establishing a "compatibility buffer" and pond area on the Property. I would suggest that exhibit become #3 if the Council accepts it.

Robert



LAW OFFICE OF ROBERT K. LINCOLN, P.A.

941-681-8700 941-363-7930 (f) **Robert.Lincoln@flalandlaw.com**

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