

**From:** [ALAN LANDS](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** The Neal Site Plan  
**Date:** Sunday, December 15, 2024 12:38:22 PM

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I am a resident of the Venetian Golf and River Club and am opposed to more commercial or residential development in North Venice. Our neighborhoods are too crowded already and we don't need more traffic. A traffic light at the entrance to the Venetian will cause unnecessary delays entering and exiting our community. If there has to be an entrance to the commercial property please consider putting it in a location other than directly across the Venetian entrance.

Thank you  
Alan Lands  
186 Valenza Loop  
North Venice.

**From:** [Roger Clark](#)  
**To:** [Lisa Olson](#)  
**Subject:** FW: Proposed shopping center at Laurel Rd and Jacaranda Blvd  
**Date:** Monday, December 16, 2024 3:12:44 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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FYI

## **Roger Clark, AICP**

Planning and Zoning Director  
Planning and Zoning  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285  
Tel: [941-882-7432](tel:941-882-7432)  
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Email: [RClark@venicefl.gov](mailto:RClark@venicefl.gov)  
Web: [www.venicegov.com](http://www.venicegov.com)



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**From:** Barbara Hudspeth <[bhudspeth1@verizon.net](mailto:bhudspeth1@verizon.net)>  
**Sent:** Monday, December 16, 2024 2:44 PM  
**To:** Roger Clark <[RClark@venicefl.gov](mailto:RClark@venicefl.gov)>  
**Subject:** Proposed shopping center at Laurel Rd and Jacaranda Blvd

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Dear Mr. Clark,

I want you to know that I am opposed to the building of a large shopping center at the intersection of Laurel Rd and Jacaranda Blvd. I'll be brief:

--I believe that the anchor store of Publix will create too much traffic in the existing residential neighborhood. There are two Publix stores within three miles of this intersection in either direction.

--The proposed road of seven lanes and the difficulty of turning left from Veneto Blvd on to Laurel Rd will be dangerous. The median will have to be broad in order to accommodate long vehicles, such as commercial vehicles.

--The proposal to mask the shopping center from view does not seem to be adequate. I believe that a berm, in addition to vegetation, is needed in order to be high enough to accomplish this goal.

--Light pollution from the height of lighting that will be required for the shopping center will bleed over into the adjacent housing developments.

Kindly consider if you would like to have a massive shopping center, this close and this large, next to your home.

Best regards,  
Barbara Hudspeth  
North Venice

**From:** [Betty Reinders](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Laurel rd and jacaranda shopping center  
**Date:** Monday, December 30, 2024 11:23:52 AM

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Hello,

Im writng to let youknow that I am opppsed to the shopping center at Lauren and Jacaranda for all the reasons you have already heard ( in my previous emails and all orhers in involved in opposing this travesty).

We ask you to stop development where it should not be-in an established PUD that sold lots to unsuspecting buyers without disclosing the (hidden) possibilty of a future commercial development on the corner. I asked at the time and was told by Steve, the sales person, that all the areas around Milano were residential- in all directions. I was shown on a map. No commercial, was the assurance.

Imagine if you wake one day to a Publix + in your quiet residential area right there over your back yard fence when you were told that all development around your new home would be residential.

Another point I'd like to make is that earlier, one of the members of one of Venice governing bodies deciding on this matter said that she voted yes for the 'shopping' center because the law was unclear. If the law is unclear a NO would be the correct vote.

I could say much more. You've probably heard it already. Heed the citizens. Stop the take over by lights, traffic, trash, noise, sneaky developers. etc., etc.

Try the river road/75 interchange for a Publixs+.

That would make sense. Or another tp be established commercial area nearby.

Thank you.

Betty Reinders

Milano resident



**From:** [Bill King](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Site Plan Hearing on January 7  
**Date:** Monday, December 30, 2024 2:59:39 PM

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I have lived in Venice and specifically Venetian Golf and River Club for over 12 years. I am writing to you to let you know that I am opposed to the City permitting a shopping center at the corner of Jacaranda and Laurel Roads. I believe that would be an inappropriate use of the property which was supposed to be undeveloped. There is no real need for shopping at that location with the two other regional centers within a few miles away. More importantly, combined with the planned expansion of Laurel Road, a shopping center entrance directly across from our community's only entrance will undoubtedly pose dangerous traffic situations. This is certainly the case since there will be no traffic signal at that intersection.

Please keep our community safe and vote to deny this application. Thanks for your service to your residents.

William F King  
101 Savona Ct  
North Venice

**From:** [BOB RUFFATTO](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Fw: Jacaranda & Laurel Rd Commercial Center Recommendation  
**Date:** Monday, December 30, 2024 12:48:33 PM

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----- Forwarded Message -----

**From:** BOB RUFFATTO <ruffatto@aol.com>  
**To:** rclark@venicefl.gov <rclark@venicefl.gov>  
**Cc:** plannikngcommission@venicefl.gov <plannikngcommission@venicefl.gov>  
**Sent:** Monday, December 30, 2024 at 11:43:59 AM CST  
**Subject:** Jacaranda & Laurel Rd Commercial Center Recommendation

Hopefully, this planning phase will focus on minimizing the problems the new commercial development at Jacaranda and Laurel Rd will cause.

So far attention has focused on the developer, now it should shift to the residents and taxpayers. Area truck and car traffic will increase considerably.

The development's entry/exit directly across from the Venetian Golf & River Club will make it more difficult for the community's 3,000 residents, guests, and hundreds of golfers to safely enter and exit the property. A traffic signal would minimize traffic problems.

If that's not possible, lengthy dedicated acceleration and deceleration lanes in and out of the VG&RC and commercial development would help.

In addition, one plan showed a second commercial center exit/entry west of the main entry. To avoid adding traffic on Laurel all secondary exits should be on Jacaranda Blvd.

Thanks for considering these suggestions.

Bob Ruffatto  
326 Montelluna Drive  
Venice, FL

**From:** [Bruce Hulteen](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Jacaranda/Laural Rd shopping center  
**Date:** Monday, December 30, 2024 3:56:58 PM

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I think it is way past time for the City of Venice to put the breaks on development. We are quickly heading in the direction of Fort Meyers over development. We don't have the infrastructure to handle the population growth. What about protecting the natural habitat. Is it our goal to pave everything? Things like traffic congestion, water pressure and waste control are maxed out. We don't need another Public's in our area. I am a resident of the Venetian Golf and River Club and it wasn't that long ago that we were the only development in this area. It is out of control right now. Keep Venice the great city that we all love.

Thank you  
Bruce Hulteen  
174 Montelluna Dr  
N Venice  
Sent from my iPad

**From:** [David Fraenkel](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Neal shopping center at Laurel and Jacaranda  
**Date:** Monday, December 30, 2024 3:45:12 PM

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Some people who received this message don't often get email from dcfraenkel@gmail.com. [Learn why this is important](#)

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I am writing to you as a resident of the Venetian Golf and River Club (VGRC) in connection with the proposed commercial development at the corner of East Laurel Road and Jacaranda Boulevard. While I understand that residential and commercial development is inevitable in Sarasota County, the construction of the proposed 70,000 square foot shopping center over 11 acres at the above location is incompatible with the surrounding area and should not be built.

- The opening directly across from the VGRC will severely impact the ability of residents to exit easily, especially when making a left turn. While the various traffic studies state that wait times to turn will only be minimal, the expansion from two to SEVEN lanes with NO traffic signal is at odds with those studies. Surely there are other, less obstructive, locations for an entrance/exit.
- The construction of a 50,000 supermarket is unnecessary given that there are 5 supermarkets within 5 miles of the proposed shopping center. In addition, truck deliveries will create noise in the middle of the night.

Pat Neal has communicated "Where You Live Matters". It is prominently displayed on the Neal Communities' website. At a July 2017 hearing in front of the City Council for the Milano PUD amendment Councilwoman Gates said that the city was looking for park land and that they only needed a couple of acres, She asked Mr. Boone, who was representing Neal Communities, if his client would consider building a ball field in the Milano PUD. With Pat Neal sitting next to him Mr Boone replied: "You and I share the same feelings about parks and how important it is. Active recreation parks with lights, loudspeakers, traffic, parking, noise, kids screaming, and all those great sounds. That's probably better, if someone could give me a pen to design where to put a park, I would put it up on Knights Trail where hardly anyone lives around it and it's not going to cause a problem for anybody." Clearly, a 70,000 square foot shopping center with a 50,000 square foot supermarket and 7 lanes of traffic would have more noise and traffic than a ball field or recreation park.

In view of the above, the proposed shopping center is incompatible with the location and disruptive to the residents.

Please take my opposition into account at the meeting on January 7, 2025.

David Fraenkel

December 29, 2024

Venice Planning Commission

Attn. Mr. Roger Clark

Re: Proposed Neal Shopping Center on Laurel Rd.

Dear Planning Commission,

As a resident of the area, I am saddened to hear that Neal is planning a large shopping center just feet from my home in Venetian Golf and River Club. My home is located at 147 Avalini Way adjacent to the fire house. Our home backs to Laurel Road at Jacaranda. Thus, all traffic is directly next to our house. Since Hurricane Ian the foliage along Laurel (fence line) was never replaced by either the City of Venice nor by the VGRC, thus all headlights and noise now comes directly into my home. There is no barrier other than a wire fence and a small amount of foliage. We have asked for this foliage to be replaced and only get promises that it will be done for two years now.

If a shopping center with high volume of traffic is to be built, we are completely against it. It will have the following implications:

1. Noise
2. Traffic which will become too much for the current density we have
3. Loss of more wetland and habitat for our wildlife
4. Safety: Danger for those living in the VGRC in traffic exiting and entering our community
5. Flooding danger (we already had our streets flooded during Ian with fish!)
6. Lighting- we already have street lights shining in my home
7. We already have 3 Publix close to our homes, we have no need for a fourth!
8. The current Laurel Road Publix is not full occupancy and has availability for new stores, please fill those before you add more shopping
9. This shopping center Neal is proposing is Not Compatible with our residential area
10. It is reducing the value of our home because of its proximity to my home
11. The additional 10 acres that Neal took will also allow for another high traffic volume convenience store and possible gas station- really?? Is this necessary with the two other convenience stores at Laurel and Knights Rd. Again, not compatible with our properties and communities here.
12. There is no need for the road to be expanded on Laurel Rd to 7 lanes, entrances for the shopping center should come off from Jacaranda. Why would there be any need at all to expand Laurel Road size between Jacaranda and the Venice Park? This stretch of road only services Vincenza, the exit to VGRC and the park. This is a traffic nightmare, and will cause accidents for residents trying to make left turns out of VGRC.

As an alternative we suggest:

1. An alternative to the high-density strip mall; Medical building or medical offices which would help the SMH Venice Hospital down the street and people in the community
2. A wall **must** be constructed all along Laurel Road along all of the VGRC current fence line to protect from the added density and traffic, this at the expense of the developer, since he is the one changing our community which we spent our life's earnings on.
3. Street lighting must be of a restricted height and brightness

Please help save our community from becoming over developed. It is not the Venice we moved here for. It is becoming a place for developers to place any cheap housing and strip malls. Enough! Half of what is currently available is not occupied. Please use what we already have and keep our area with a sense of relaxation, good architecture and community!!!

I hope that our voice and those of my neighbors will be considered and not allow developers to ruin our community.

Dawn Rhodes / Ron DiGiovine / 147 Avalini Way

-----Original Message-----

From: Debbie Gericke <146bella@gmail.com>

Sent: Friday, December 27, 2024 10:39 AM

To: Planning Commission <PlanningCommission@venicefl.gov>

Cc: Board and Council Messages <boardandcouncilmessages@venicefl.gov>

Subject: Jan 7th Points to Consider

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Two stories that relate to planning methodology

\* one is the county commission stepping back from live, in-person neighborhood planning workshops.

\* the second, by Carrie Seidman, notes the diminution of the newspaper's presence and strength.

The public's participation in planning has been reduced in various ways, but the refusal to return to in-person workshops is a major shove to the sidelines.

The loss of staff and revenue has led to a reduction on coverage of hearings and planning issues. When the Board approved a vague proposal brought in by Pat Neal this summer after the storms - Neal's plan for 6500 homes, in what has been a floodplain, the Board showed that its desire to please a developer superceded its obligation to look at well-designed planing that addresses public needs for safety, a good road network, and the inevitable need for affordable housing.

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Best

Debbie Gericke

146 Bella Vista Terrace

**From:** [dkdowney@etcmail.com](mailto:dkdowney@etcmail.com)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Fwd: Site Development Plan 22-40SP  
**Date:** Friday, December 27, 2024 8:08:27 PM

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I realized that I sent this to the incorrect email. Please see below. To summarize, we are in FAVOR of approving the shopping center at Jacaranda and Laurel Rd.

In our studied opinion, the convenience of this development would far outweigh any negatives.

Best Regards,  
Darrell and Diana Downey  
314 Carlino Dr  
Nokomis, FL 34275  
(678)386-6165

Begin forwarded message:

**From:** dkdowney@etcmail.com  
**Date:** December 27, 2024 at 8:00:15 PM EST  
**To:** rpaul@venicefl.gov  
**Subject:** Site Development Plan 22-40SP

Dear Mr / Ms Paul,

My wife and I are in favor of APPROVING the application for developing the shopping center development proposed at Laurel Rd and Jacaranda.

We live in the Milano development. Frankly, with all the apartment developments that have rapidly sprung up between us and the shopping center at Laurel Rd and Pinebrook, we are concerned that without this development, the traffic just to “get to the grocery store” will become very problematic.

While we understand that some of the more “vocal” among us are resistant to change, we see this development as a very positive addition.

Sincerely,  
Darrell and Diana Downey  
314 Carlino Dr  
Nokomis, FL 34275  
(678)386-6165



**From:** [Roger Clark](#)  
**To:** [Lisa Olson](#)  
**Subject:** FW: Site Plan Hearing-22-40SP  
**Date:** Tuesday, December 31, 2024 8:11:08 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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## Roger Clark, AICP

Planning and Zoning Director  
Planning and Zoning  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285  
Tel: [941-882-7432](tel:941-882-7432)  
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Web: [www.venicegov.com](http://www.venicegov.com)



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**From:** Gary Scott <[grscott520@gmail.com](mailto:grscott520@gmail.com)>  
**Sent:** Tuesday, December 31, 2024 7:25 AM  
**To:** Planning Commission <[PlanningCommission@venicefl.gov](mailto:PlanningCommission@venicefl.gov)>  
**Cc:** Roger Clark <[RClark@venicefl.gov](mailto:RClark@venicefl.gov)>; Board and Council Messages <[boardandcouncilmessages@venicefl.gov](mailto:boardandcouncilmessages@venicefl.gov)>  
**Subject:** Site Plan Hearing-22-40SP

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To Members of the Venice Planning Commission:

The North Venice Neighborhood Alliance submits this statement in opposition to the site plan petition of Border and Jacaranda Holdings, LLC, Petition No. 22-40SP. Seven copies of this statement with all referenced attachments will be provided to the planning and zoning department on Tuesday, December 31, for inclusion in each member's hearing packet.

On March 21, 2023, a majority of the planning commission recommended to the city council that applicant Border and Jacaranda LLC's rezoning petition No. 22-38RZ be denied, finding that it did not demonstrate compliance with the land development code in seven specific respects. Those seven instances of noncompliance are identified in the memorandum of March 23 (the Memorandum) which transmitted the commission's decision to the city clerk, and which is attached. Tab 1.

That same applicant now comes before this commission with Petition No. 22-40SP regarding that same development. **This commission should find that the 70,240 square foot commercial center proposed by the applicant's site plan is too large and of too great of an intensity for a location surrounded by low density and low intensity residential neighborhoods. For the same reasons the planning commission recommended denial of the rezoning petition it should deny the site plan petition of Border and Jacaranda Holdings, LLC.**

#### COMPATIBILITY UNDER THE COMPREHENSIVE PLAN-GENERAL

The Memorandum states that the rezoning petition was not consistent with the intent of Comprehensive Plan Strategy LU 4.1.1, specifically Policy 8.2 concerning compatibility. The site plan petition is also not consistent with that policy. **Under 86-23(h)(1)(e) of the land development regulations, one of the duties of the planning commission shall be to "determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan."**

Policy 8.2 provides that land use compatibility review procedures are to, **"Ensure that the character and design of infill and new development are compatible with existing neighborhoods."** Policy 8.2 states that considerations for determining compatibility shall include, **"Protection of single-family neighborhoods from the intrusion of incompatible uses,"** and **"Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses."**

The Comprehensive Plan classifies this area as mixed used residential. But it was never intended that a classification of mixed use would mean that any kind or any size of commercial use would be considered compatible. At the hearing on this applicant's rezoning petition on March 21, 2023, one member of this commission noted that the planning commission had spent a lot of time on the Comprehensive Plan in 2017 dealing with mixed use areas. That commissioner then stated, **"I don't think it was ever anticipated that this size of commercial activity would be put on the corner of Jacaranda and Laurel."** The North Venice Neighborhood Alliance agrees.

Policy 8.2 was intended to prevent exactly what is being proposed by the applicant, an oversized commercial development in a residential neighborhood. When the homeowners of that neighborhood purchased their homes, they never anticipated that this size of commercial activity would be put on the corner of Jacaranda and Laurel. The residents of Venice who live in those neighborhoods deserve the protections provided by the city's Comprehensive Plan.

Under LDR 86-23(m)(2) it is stated that the planning commission when deciding if a site plan application should be approved, denied, or approved with conditions should consider certain standards, including the **"Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon..."**

The applicant in its Project Narrative asserts that the FAR (floor area ratio) for the project is .15, well below the maximum of .50 allowed under the Comprehensive Plan. But the FAR has little to do with the question of whether this commercial development as proposed is compatible with the nearby properties. The "intensity of use" that is referenced in 86-23(m)(2) does not relate to the FAR; it concerns the level of activity, including the number of people and the amount of traffic, that will result from the proposed development in relation to the surrounding area.

Regulation 86-23(m)(2) references the “**purpose of the proposed development in relation to adjacent and nearby properties.**” The purpose of this commercial development is to attract paying customers to the area. The development is a financial investment. For the developer and its contract purchaser, the more customers the better; the more traffic the better; the more activity the better. Contrast the proposed commercial center and its noise, traffic, lighting and all its activity with the low density and activity levels of the nearby properties. The VGRC immediately across Laurel Road has a density of 1.52; Milano is 2.68; Vicenza just to the east of Milano has a density of 1.8; Vistera is 4.3; and Willow Chase has 150 homes on approximately the same number of acres.

Within the last year the Venice city council denied the request of a developer to increase the density of the GCCF PUD (Vistera) from 4.3 units per acre to 5.0. The council denied that request partly on the grounds that the nearby residential developments had lower density. The council noted that the Milano PUD, which is adjacent to Vistera, has a density of 2.68 units per acre. The requested increase in density would, in the opinion of the majority of the city council, result in the Vistera development being incompatible and the application was therefore denied. If the proposed expansion of a residential development in this area has been determined to be incompatible as having too high a density, surely a 70,000 square foot commercial center with its high-level intensity is also incompatible.

LDR 86-23(m)(2) further provides that this commission is to consider the effect of a proposed development on adjacent and nearby properties. It is expected that prior to and at the time of the hearing on this application residents of North Venice will address how their properties and the quality of their lives will be affected by the proposed commercial center. The testimony and the written statements of those residents are relevant under the LDR and should be given consideration by the members of the commission.

And those quality-of-life issues cannot be resolved or adequately mitigated by setbacks and buffers or directed lighting as the applicant and its experts suggest. A commercial center of this size in this low-density residential neighborhood is clearly and simply incompatible regardless of any mitigation efforts. The placement of buffering around this 70,000 square foot commercial center is akin to putting lipstick on a pig. The North Venice Neighborhood Alliance suggests that the only effective mitigation would be for the commercial project to be significantly downsized, and its intensity substantially decreased.

#### COMPATIBILITY UNDER THE COMPREHENSIVE PLAN-TRAFFIC

Another stated reason for the recommendation of the planning commission that the applicant's rezoning petition be denied was that traffic congestion may be increased excessively by the proposal. Potential traffic congestion is undisputably an issue under this site plan petition.

According to the applicant's traffic consultant, this commercial center will draw traffic that would otherwise go to the commercial centers located at Pinebrook Road/Laurel Road and Jacaranda Boulevard/Venice Avenue. Vehicles that are currently traveling to those **commercial areas** of the city will, if this project is approved, be traveling to and congesting at what is now a **residential neighborhood**.

The applicant's consultant believes that would be a good thing, with Mr. Domingo stating in his May 2023 report, “From a policy standpoint, reducing the amount of traffic crossing I-75 and impacting Pinebrook Road/Laurel Road and Jacaranda Boulevard/Venice Avenue is a desired outcome.” But a reduction of traffic in those two commercial areas must necessarily result in an increase in traffic in other areas. In this instance that other area is a low-density residential neighborhood. That cannot be considered good policy and should not be a desired outcome.

The applicant's traffic consulting firm in its Traffic Impact Analysis of November 2023 shows anticipated peak hour total trips in the area of the commercial center to be 770. But the Certificate of Concurrency for the Milano PUD that was prepared in 2017 indicates maximum allowed peak hour trips of 673. If the Certificate of Concurrency is to have any meaning its limitations need to be enforced by this planning commission.

Additionally, the Stantec report shows an expected delay of 62.9 seconds for vehicles attempting to exit the Venetian Golf and River Club and turn left during peak hours. The report concedes that under county regulations no traffic light will be permitted at that intersection. Additionally, at that location, by Stantec's design plans, Laurel Road will have seven lanes of traffic. Seven lanes of traffic at an intersection that will not have a traffic light and where vehicles will be delayed for more than a minute during peak hours. Additionally, there will be pedestrians and cyclists attempting to cross Laurel Road at that intersection.

Under LDR 86-23(m)(3) one of the duties of the planning commission regarding site plan petitions is to consider, "Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety....." It is questionable whether the intersection of Laurel Road and Veneto Boulevard would be safe for motor vehicles, bikers, and pedestrians with a stop light; it is undoubtedly unsafe without a stop light. That has been confirmed by the applicant's own traffic consultant. **This planning commission should be concerned about the safety issues associated with that intersection.**

Importantly, the Transportation Impact Analysis of October 2023 prepared by Stantec in support of the site plan petition contains significant errors and miscalculations. That TIA was reviewed by traffic engineer Drew Roark of Alex Roark Engineering who offered the following critical comments:

- 1.The trip generation and internal capture reductions are flawed.
- 2.The manual adjustments to the FSUTMS model output are not justified.
- 3.The pass-by reduction assignment is unreasonable.
- 4.The service volumes (capacities) are incorrect.
- 5.Future volumes are incorrect.

6.The assumption of improvements to mitigate existing deficiencies is deceptive as it would always result in there being no impacts.

Mr. Roark's conclusion includes the statement, "...in reality, the traffic conditions in the future will not meet the level of service standards and the proposed development will make those failures worse. **The net result is likely to be significant traffic congestion in this area.**"

Mr. Roark's complete report is attached. Tab 2.

The increased traffic and congestion caused by this over-sized commercial center and the resulting safety issues make the proposed development incompatible with the surrounding low density residential neighborhoods. The site plan petition should be denied.

## PROTECTION OF WETLANDS UNDER THE COMPREHENSIVE PLAN

The Memorandum stated that the rezoning application was not consistent with the intent of Comprehensive Plan Strategy OS 1.3.1 which provides that the city **shall** protect wetlands by, **"Requiring development to first avoid impact to wetlands and aquifer recharge areas"** and by **"Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands are unavoidable."**

The site plan petition is not consistent with the city's policy of protecting wetlands. There is no evidence that the applicant, to avoid or minimize impacts to wetlands, made any attempt to find other locations for the project or to reduce the size of the proposed commercial center which would logically reduce the impact on the wetlands.

The applicant's environmental expert justifies this lack of effort with the opinion that these wetlands are degraded, and not worthy of preservation. But North Venice Neighborhood Alliance refers this commission to the attached report of Jennifer Krajcir of Suncoast Ecological Services. That report, which was prepared following research and a site visit, describes the different birds that have been observed in the wetlands, including, cattle egrets,

red-shouldered hawks, sandhill cranes, little blue heron, great egrets, wood storks, and great blue heron. See report, Tab 3. Other living creatures that have been seen in the area of the proposed development include fish, alligators, river otter, rabbits, bobcat, and deer. Importantly, sandhill cranes, little blue heron and wood storks are all listed on Florida's Endangered and Threatened Species List. <https://myfwc.com/media/1945/threatened-endangered-species.pdf> (pg. 6)

Ms. Krajcir's report concludes as follows:

**"CONCLUSIONS & RECOMMENDATIONS:** The majority of the parcel meets the criteria for state and federal Wetland Determination. The wetland area is largely unchanged from historical imagery and is highly functional, with multiple wading birds utilizing the area on a consistent basis. The man-made fill pond has needlerush, aquatic vegetation, and signs of fish spawning circles, likely bluegill and/or smallmouth bass. **The presence of the wetlands is not contested and is currently being permitted for impact, but the quality may not be fully appreciated. This wetland should be considered high quality and high functionality. Further, the fill pond should also be considered wetlands, as it certainly presents as a wetland, regardless of the origin."**

These wetlands, which were worthy of being identified and promoted as "Preserve" by the developer in marketing materials provided to potential home buyers in the Cielo subdivision, are deserving of the protections that are provided for wetlands by the city's Comprehensive Plan. In the very least the size of the proposed commercial center needs to be reduced to provide protection for some of the wetlands.

#### LDR-COMMERCIAL USE WITHIN A PUD

Another reason for the planning commission's recommendation not to approve the rezoning application was that the commercial activity will not be limited to the Milano PUD as required by 86-130(r). That regulation provides that commercial uses within a PUD should serve the needs of the PUD and not the needs of the surrounding area. The commercial use proposed by this site plan petition would violate that regulation. **The size of the proposed commercial center clearly indicates the intent to serve the needs of those in the surrounding area, something that was confirmed by Roger Clark, Director of Planning and Zoning.**

Mr. Clark, at the hearing before the city council last year, testified that the proposed commercial center would violate the LDR.

MR. LOBECK: So as to that first sentence, which is highlighted, could you just read that for the record?

MR. CLARK: "Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area."

MR. LOBECK: All right. So would you look at the -- the size, the scale of a proposed PUD amendment in determining whether it's intended to serve the needs of the PUD or, instead, the general needs of the surrounding area as one factor?

MR. CLARK: Sure.

MR. LOBECK: Would you -- let me just open this up. What would you also look at to see what was intended, serving the needs of the PUD or, alternatively, serving the general needs of the surrounding area?

MR. CLARK: Well, I believe that this language is clear. I won't disagree with you on that, that it indicates that it's intended to serve the needs of the PUD and not the general surrounding area, but like I said, all the PUDs that have nonresidential uses that have been approved in the city, by the decision-makers, all of those PUDs serve their surrounding areas.

MR. LOBECK: Well, we'll get into what's been done before, but just dealing with the text before you --

MR. CLARK: Uh-huh.

MR. LOBECK: -- this is a mandatory requirement of the Land Development Code; is that correct?

MR. CLARK: It is a requirement of the Code.

**MR. LOBECK: Right. So this proposed amendment to the Milano PUD, is this -- by the evidence that we have, that you have, the knowledge you have, is this intended to serve the general needs of the surrounding area?**

**MR. CLARK: I believe it will serve the general needs of the surrounding area.**

**MR. LOBECK: Do you believe that, based on the scope of commercial development that would be allowed by this, that that demonstrates an intent to serve the general needs of the surrounding area?**

**MR. CLARK: Yes.**

**MR. LOBECK: Then would it be your conclusion that this PUD amendment violates 86-130(r) of the Land Development Code?**

**MR. CLARK: I would say it's certainly not consistent with that language.**

**MR. LOBECK: If it's not consistent with that language, does it violate that provision of the Code?**

**MR. CLARK: Yes.** (Appeal Appendix, Vol 3, Bates # 128-130)

It is worth noting that the Circuit Court in its Order Denying Petitioners' Amended Petition for Writ of Certiorari of June 12, 2024, in discussing 86-130(r) indicated that while the regulation does not impose any prohibition on the city from approving an application wherein the proposed commercial uses have an intent to serve the needs of the PUD, **86-130(r) "could certainly provide the City a basis for denying a developer's PUD application or zoning map amendment..."**

Land development regulation 86-130(r) was intended to limit the size of a commercial use within a residential planned district. Under the LDR a commercial use should only be large enough to serve the needs of those living in the PUD. The 70,240 square foot commercial center proposed by applicant is much too large, by the director's testimony would violate the LDR, and it would be incompatible with the surrounding low-density residential neighborhood. And it was the opinion of the Circuit Court that the regulation could provide the basis for the denial of a developer's application. The site plan petition of the applicant in this instance should be denied.

#### CRITICAL STORMWATER ISSUES SHOULD NOT BE IGNORED

The North Venice Neighborhood Alliance retained Jennifer Menendez of Catalyst Engineering, LLC to review the stormwater calculations provided by Neal Communities for its proposed commercial development (The Village at Laurel and Jacaranda, referred to in this letter as "The Village") of a 10.4 acre parcel at the corner of Laurel Road and Jacaranda Blvd. The applicant proposes filling in an existing 6.6 acres of wetland and an existing, permitted stormwater management facility, SWMF-LL4. This project will then drain into the existing Cielo stormwater infrastructure, which will be maintained by the Cielo HOA. North Venice Neighborhood Alliance is concerned about the effects of additional stormwater runoff generated by the proposed development and the capacity of the current infrastructure to handle that additional runoff.

Following is a summary of some of the key points of the Catalyst report, a copy of which is attached, Tab 4:

1. There is no floodplain compensation (additional water storage area) for this project, despite the fact that this project proposes the filling of 10.5 ac-ft. During Tropical Storm

Debbie and Hurricane Ian, the wetland and LL-4 were both inundated, as was the adjacent wetland across the FPL access road which backs up to homes in Cielo. Please see drone footage of conditions after Tropical Storm Debbie at <https://youtu.be/TZw15RLs2ns?feature=shared>

This link is satellite imagery of flooding on the East Laurel Road corridor after Hurricane Ian. Note the inundation of the wetland on the subject 10.4 acres, as well as the condition of the wetland behind homes in Cielo.

<https://storms.ngs.noaa.gov/storms/ian/index.html#17/27.135683/-82.37963>

2. An inappropriate peaking factor was used to calculate runoff. The factor used by AM Engineering is one reserved for undeveloped land without a storm drain system. A more appropriate factor would have been UH 484, which reflects a higher and faster amounts of runoff, which one would see in an area paved over with concrete and asphalt. This can have a significant effect on pond modeling and could necessitate larger retention ponds.
3. As the last two years have demonstrated, storms are becoming more severe and more frequent. They have caused flooding issues throughout Sarasota County. The Village stormwater plan was modeled after a single storm event versus a critical duration approach, which is a model that factors in multiple storm events in calculating runoff and is a better predictor of downstream flooding.
4. Current rainfall models were not used to formulate these calculations. When current rainfall data (NOAA ATLAS-14) is used, the estimated rainfall for this area increases up to 4% in some storms. Additionally, the storm drain calculations were also based on outdated data and yields a value which is almost 2 inches LESS than what the current 25-year value should be (6.9 in/hr versus 8.81 in/hr). This suggests that the on-site storm drain system is potentially undersized for the 25-year event.
5. The original Cielo model (the existing condition) and The Villages model (the proposed condition) are inconsistent. Since Pond LL-7 (the pond directly to the west of the subject 10.4 acres and the pond which will accept runoff from The Villages) HAS NOT and WILL NOT be modified under the proposed condition, there should be no changes in the starting water surface elevation or the outfall structures. Catalyst discovered that this different input may be because the model was modified to reflect a datum error and questions whether the model is using a consistent datum throughout. This inconsistency results in a 1.1 foot drop in the starting water surface elevation of Pond LL-7 which provides a much greater storage volume than originally thought. It is important that the updates/corrections were followed through in all the data sources so that the additional volume is reflective of reality. Also, any changes due to a correction in the outfall structure need to be made in the existing structure model as well as the proposed model. These errors will directly impact the flow into and out of Pond LL-7.
6. Finally, The Villages stormwater documentation is 13,517 pages long. There was no summary table provided by AM Engineering for The Villages project, despite the fact that FDEP, in its October 19, 2023, review, requested such a summary. (SWFWMD letter attached, Tab 5)

In his response dated March 8, 2024, the applicant's engineer simply referred FDEP to

thousands of pages of “bookmarks,”. which does not constitute a summary. Something will surely be missed by anyone attempting to review a 13,000 page document, especially given the unprecedented level of development in southwest Florida. (Letter of AM Engineering attached, Tab 6)

The North Venice Neighborhood Alliance encourages the planning commission to ensure through the retention of an outside professional, that the stormwater management system in this area will handle the future demands placed upon it. This commercial development proposes removal of a functional wetland and a retention pond, which are both vital components of the current stormwater management infrastructure. Satellite and drone imagery prove this. The images also demonstrate that the wetland immediately to the north of Cielo was inundated, placing water dangerously close to homes in this neighborhood. This, coupled with the deficiencies in the applicant’s stormwater calculations warrant further scrutiny by the planning commission.

The last two years serve as proof that storms are becoming a more frequent and more severe occurrence in southwest Florida. Stormwater calculations should therefore be held to a more rigorous standard, not the minimum standard and certainly not outdated standards. Further, the correct stormwater models should be applied which factor in changing environmental conditions and increased development in a given area. Finally, one has to question the accuracy with which the Southwest Florida Water Management District (SWFWMD) reviewed 13,500 pages of stormwater calculations, particularly without a concise summary. It is incumbent upon the planning commission to ensure the compatibility of this project and its compliance with the land development regulations.

In Land Development Regulation Chapter 74, Article V, Stormwater Management, Section 74-292, it states:

“Stormwater management is applicable and needed throughout the corporate limits of the city. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing lands and waterbodies within the corporate limits of the city is consistent with the present and future stormwater management needs of the community. The stormwater management needs generally include, but are not limited to, protecting the public's health, safety, welfare and property. The city's stormwater management services and facilities render and/or result in both service and benefit to all property owners within the city”

The North Venice Neighborhood Alliance recommends that the concerns expressed in the Catalyst report be investigated and that this commission require the developer to re-formulate the calculations using current methodology. Decisions need to be based on the most accurate stormwater model that can be obtained. The developer must be required to correct any deficiencies identified prior to the approval of its site plan petition.

The stormwater issues relating to this development and to this site plan petition have the potential to significantly affect the health, safety, welfare and property of the residents of northeast Venice. These issues should be fully disclosed to the public and are entitled to thorough discussion and consideration by this planning commission.

#### IMPORTANCE OF THE COMPREHENSIVE PLAN

The city’s 2017 Comprehensive Plan in its introduction section includes the following language:

“The Venice Comprehensive Plan 2017-2027 was developed through a process that incorporated an assessment of the City’s existing Comprehensive Plan, analysis of existing conditions, extensive series of community meetings and community outreach, input from City of Venice Advisory Boards, and work sessions with both the Planning Commission and the City Council. “

**“The Comprehensive Plan is the City’s blueprint for the future. The Plan and its Strategies**



**are crucial when preparing for opportunities such as land use, transportation, housing, and open spaces.”**

**“The Comprehensive Plan is an umbrella document that guides other City plans, capital projects, and programs which affect the community.** This Plan promotes the City’s neighborhoods, vibrancy of its downtown and the capacity of its transportation network.

**Comprehensive plans may be perceived as being relatively general in nature; however, they form the legal basis for community development.** Comprehensive Plans are complex policy documents that account for the relationships among the various community issues.”

**“The legal status of the Comprehensive Plan requires that all Strategies (Policies) will be considered in making legal determinations of consistency with the Comprehensive Plan, pursuant to State Laws and Statutes.”**

In March of 2023 a majority of this planning commission found that the applicant’s rezoning petition should be denied. The commission determined that the 10.42 acre parcel should remain open space for several stated reasons, including that the proposed development was not in compliance with the city’s Comprehensive Plan. For those same reasons this planning commission should conclude that the applicant’s site plan petition proposes a commercial use that is too large and of too great of an intensity for the low-density residential neighborhoods that surround the proposed development site.

Under the city’s land development regulations, 86-23(h)(1)(e), this planning commission has the duty to determine whether this site plan petition conforms to the principles and requirements of the Comprehensive Plan. North Venice Neighborhood Alliance asks that this planning commission apply the provisions of the Comprehensive Plan as those provisions relate to compatibility and wetland preservation, that this commission apply and enforce the clear language of the applicable land development regulations, and that the commission consider a professional review of the critical stormwater issues outlined above. North Venice Neighborhood Alliance requests that this commission deny the applicant’s site plan petition. Thank you for your consideration.

Neighborhood Alliance

North Venice

**From:** [Jerry McNiskin](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Proposed Shopping Center  
**Date:** Monday, December 30, 2024 1:50:35 PM

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I'm writing as a resident of the Venetian Golf and River Club to express my disapproval of the proposed shopping center at the corner of Laurel Rd and Jacaranda Blvd.

The parcel of land was designated as "green space" per the original Milano PUD. It's hard for most residents in this corner of Venice to comprehend that this piece of land will go from approved green space to a busy shopping center with all it's accompanying issues or noise, lighting and most of all traffic issues.

If I understand correctly the entrance to the shopping center will be directly opposite the main gate of the VGRC - Veneto Blvd. The number of lanes on Laurel Rd will increase from the current three (one thru traffic lane in each direction plus one turn lane to enter the VGRC) to seven lanes. Despite the increase in lanes there will not be a traffic light at this, soon to be, very busy intersection. The 1350+ homeowners in the VGRC will have a much more difficult time getting in or out of our community on Laurel Rd. This certainly appears to be a disastrous situation in the making from a safety perspective.

I'm would urge you to reconsider this decision and abide by the original (approved) Milano PUD documents.

Gerald F McNiskin  
152 Valenza Loop  
Venice, FL 34275

**From:** [donngord@aol.com](mailto:donngord@aol.com)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Shopping Center at corner of Laurel Rd & Jacaranda Blvd.  
**Date:** Friday, December 20, 2024 5:57:02 AM

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Planning Commission Members:

This letter is in opposition to a plan for "regional shopping center" that is under discussion for the corner of Laurel Rd. and Jacaranda Blvd. We understand that the property of 10.42 acres has been rezoned from open space to commercial. This would provide the opportunity for a "local shopping center" for the people in surrounding residential developments. However, to allow the property to be used for a large scale, "regional shopping center," is not compatible with surrounding residential neighborhoods.

When we moved into our home in the area we never expected a "regional shopping area" would be located in our neighborhood. No one even hinted about such a development. The traffic and safety issues alone would be major, not to mention the incompatibility with and diminished quality of neighborhood life in the area that would result from such development.

Please consider these issues when deliberating the plan for the property in question and stop it from becoming a "regional shopping center."

Thank you .

Sincerely,

Gordon and Donna Oliver  
138 Bella Vista Terrace, Unit B  
N. Venice, FL 34275

**From:** [Iris Williams](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Laurel & Jacaranda shopping center  
**Date:** Monday, December 30, 2024 11:33:38 PM

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Planning Commission and Mr. Clark:

I am a North Venice resident, residing in the Venetian Golf & River Club. I am very opposed to an enormous shopping center being built at the subject location.

My opposition is based on the following:

- The Neal enterprise is going against something they've previously agreed to.
- The proposed shopping center is significantly larger than the small community needs and is redundant to 2 shopping centers within a few miles.
- Traffic in and out developments in Laurel Road will be negatively and severely affected. The large apartment complexes on Laurel Road have already impacted traffic in the area and they're still under construction.

I would very much appreciate your listening and understanding the neighborhood response to the proposed plan.

I'm likely "dating" myself, but I still operate under "a man's (person's) word is their bond." If that were true in this case, we wouldn't be having this conversation.

Thank you for taking the time to read this.

Respectfully,

---

*Iris Williams*

**From:** [Jackie Patterson](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Neal shopping center on Laurel Road. STOP IT! Just the thought of him filling in the lake makes me sick. Also, we don;t need another Publix so close. Jackie Patterson, 145 Rimini Way, N.Venice  
**Date:** Tuesday, December 31, 2024 8:04:47 AM

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**From:** [JIM HART](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Proposed shopping center at Jacaranda and Laurel Road  
**Date:** Monday, December 30, 2024 12:23:48 PM

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Hello,

I am writing to express my strong opposition to the proposed shopping center at the corner of Jacaranda and Laurel Road. Please do not allow this to happen.

Please just take a look at what is happening in the area around Laurel, Jacaranda, Knights trail, Border Road. It's unconscionable to add more to what is already done.

Sincerely,  
James Hart  
102 Caneletto Way

**From:** [James Fullerton](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Commercial development - North Venice  
**Date:** Monday, December 30, 2024 11:37:22 AM

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Not needed and not wanted is Neal's commercial development at Laurel and Jacaranda.

Jim Fullerton  
117 Tiziano Way  
North Venice, FL 34275  
203-610-5506

**From:** [Joe Spallina](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Stop large commercial center near laurel rd and jacaranda.  
**Date:** Monday, December 30, 2024 11:08:32 AM

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Please do NOT APPROVE the large 70 thousand feet extra large commercial center, It would change Venice in a negative way for ever. Thank you.

Regards Joe  
917.573.6293



**From:** [John Klepper](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Neal Shopping Center across from the Venetian Golf & River Club  
**Date:** Monday, December 16, 2024 9:25:34 AM

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My wife and I live at the Venetian Golf and River Club. We have owned a home at the Venetian for over 20 years. We are full time residents of Venice, moving from the Chicago area. For a variety of reasons, we are very concerned about the impact of the development Pat Neal is proposing direct across from the Venetian's main egress. We understand there is an upcoming meeting in front of the Commission to discuss the details of the Neal proposal. Some of those reasons for our concern include:

- to build this shopping center results in the destruction of natural wildlife property, very much at odds with what nature put there;
- the overall planning for this development and for that of Laurel Road shows little concern for what will be the incompatibility with the Venetian main entrance and what currently is projected to be up to 7 lanes of east/west cross traffic at the entrance without any traffic assistance provided to the residents of the Venetian;
- Laurel Road currently is an embarrassment and as bad as any side road in the Chicago area and yet addressing Laurel Road by local officials, such as yourselves, given all the other development adjacent to it, is terribly slow and lacking;
- this development is just more of the same over development which is occurring in Southwest Florida, Sarasota county and specifically in Venice; the area is losing its charm; elected officials were and are elected or appointed to protect that charm;
- over development leads to little good but has recently proved it does lead to significant flooding and residential inconvenience and incompatibility with why people chose to live here in the first place and needs to be put into check;
- the last thing our immediate area needs is another Publix, since when we have 2 currently within 10 minutes driving time and another being proposed on Knights trail;

Thank you. Our hope is in your decision making, you exercise vision of what this development and future development is doing to this area act accordingly.

John and Sue Klepper  
206 Martellago, North Venice

Sent from my iPad

**From:** [Roger Clark](#)  
**To:** [Lisa Olson](#)  
**Subject:** FW: Publix @ Jacaranda & Laurel Rd  
**Date:** Monday, December 30, 2024 7:40:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Written communication.

Thanks,

**Roger Clark, AICP**

Planning and Zoning Director  
Planning and Zoning  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285  
Tel: [941-882-7432](tel:941-882-7432)  
Cell: [941-468-0081](tel:941-468-0081)  
Email: [RClark@venicefl.gov](mailto:RClark@venicefl.gov)  
Web: [www.venicegov.com](http://www.venicegov.com)



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**From:** Kevin Brown <[kb8722020@gmail.com](mailto:kb8722020@gmail.com)>  
**Sent:** Monday, December 23, 2024 4:22 PM  
**To:** Roger Clark <[RClark@venicefl.gov](mailto:RClark@venicefl.gov)>  
**Subject:** Publix @ Jacaranda & Laurel Rd

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Sir

I have lived in Milano for 4 years . A local publix and shopping plaza would be a welcome thing.

To go to the other Publix, the Laurel Rd. overpass is dangerous with all the commercial traffic and in the other direction going through the Jacaranda circle to get to that Publix is also very dangerous.

Please approve !

K. Brown

**From:** [Kristin Hoffschmidt](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Commercial Center – Laurel & Jacaranda  
**Date:** Friday, December 27, 2024 10:07:52 AM

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To the Planning Commission:

I am writing to oppose the proposed 70,000+ square foot commercial center at Laurel Road and Jacaranda Boulevard in Venice. It will contribute to the increasing problems of urban sprawl in our community and decay of our current commercial centers.

Traffic congestion is already at critical levels in Sarasota County, harming public safety through crashes, air pollution and noise pollution, and runoff into our already contaminated waterways. Simply moving the traffic congestion problem to previously rural areas is not a solution.

We do not need more big box stores. People choose to live in Venice because it is not like Naples and other Florida cities where large developers have replaced towns with charm and personality with massive chain stores and faceless cookie-cutter houses that could be anywhere in the US. Venice and Tamiami Trail are full of vacant buildings, strip malls, and empty parking lots.

**Why isn't the focus on redeveloping vacant properties, rather than paving over more ground and creating more flooding problems?** There may be additional upfront costs but the long-term benefits of preserving communities, public safety, and the environment outweigh the short-term gain of billionaire developers.

To have a chance of surviving and prospering in the face of climate change, Sarasota County and the City of Venice should consider [smart growth principles](#) in every project:

1. Mix land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective

10. Encourage community and stakeholder collaboration in development decisions

Please consider the future of everyone in our community and do not bow to political pressure. Your choices will have a profound impact now and on future generations.

Sincerely,

Kristin Hoffschmidt

232 Gulf Drive, Venice FL 34285

**From:** [Lilian Carter](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Planned shopping center on Laurel Rd  
**Date:** Thursday, December 19, 2024 10:26:22 AM

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Some people who received this message don't often get email from lcarter0914@gmail.com. [Learn why this is important](#)

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I am opposed to this shopping center. The entrance across from Venetian is going to be a traffic nightmare. The Venetian has 1400 homes. The county will not place a traffic signal at this intersection. With turning lanes there will be 7 traffic lanes to cross to get into the shopping center. This will make it extremely dangerous for pedestrians and cyclists and for any cars trying to get from the Venetian to this shopping center.

The original design for this intersection was done before Neal took conservation land to build a shopping center. Therefore, the whole infrastructure is not designed to support this development. I am hoping the planning commission takes this under consideration and denies this request.

Regards,  
Lilian Carter  
Cell: 603-560-7047



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-----Original Message-----

From: ruckerlinda@comcast.net <ruckerlinda@comcast.net>

Sent: Monday, December 30, 2024 1:14 PM

To: Roger Clark <RClark@venicefl.gov>; Planning Commission  
<PlanningCommission@venicefl.gov>

Cc: Board and Council Messages <boardandcouncilmessages@venicefl.gov>

Subject: Proposed Neal shopping center

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Please reconsider pending approval of the proposed Neal shipping center at the corner of Laurel Road and Jacaranda Blvd. The large size 70,000+ feet is not conducive to the residential neighborhoods in the area.

Thank you for your consideration. Please do not approve the project.

Linda Rucker  
302 Cipriani Way  
Venetian Golf and Country Club

Sent from my iPhone

**From:** [Suzanne Herbst](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Opposition to detrimental shopping center  
**Date:** Tuesday, December 31, 2024 12:09:41 AM

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The city's land development regulations state that one of the duties of this planning commission shall be to "determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan."

Policy 8.2 of the comprehensive plan says that considerations for determining compatibility shall include:

Protection of single-family neighborhoods from the intrusion of incompatible uses.

and prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

What we have with this proposed 70,000 square foot commercial center is exactly what the comprehensive plan was designed to protect neighborhoods from.

It is an infill development intruding into a single -family neighborhood. It is a commercial use that is incompatible with the surrounding existing uses.

Please apply and enforce the comprehensive plan. Protect our neighborhoods.

Thank you.

Suzanne Herbst-Ecker and Michael Ecker  
194 Bella Vista Terrace  
Unit C  
N Venice, Fl 34275  
2155196066



**From:** [Mike Pennabere](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Planned shopping center at Jacaranda and Laurel  
**Date:** Monday, December 30, 2024 3:46:18 PM

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We have written a number of times regarding this topic. So will keep it short - we are AGAINST the shopping center. There are more than enough stores within a short distance of that location and the shopping center will only increase traffic in the area. Regards,

Donna & Michael Pennabere  
101 Cipriani Ct  
N.Venice

**From:** [Mike Wojnowski](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Neal shopping Center in Milano PUD  
**Date:** Sunday, December 22, 2024 4:41:05 PM

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You are scheduled to review Neal's plans for a shopping center in the milano PUD on January 7th. Had the LDR's been done correctly, we would not be reviewing shopping center plans.

Please ensure that these plans allow this inappropriate land use in a PUD to at least blend into the residential community it will be in with proper landscaping to not make it an obnoxious eyesore. It is going to create traffic problems which sadly none of you seem to care about.

I'm sorry I ever bought in milano and that I even still live in Venice. You have destroyed paradise with your overbuilding and destruction of natural habitat.

A Concerned Milano resident

Mike Wojnowski

**From:** [Roger Clark](#)  
**To:** [Lisa Olson](#)  
**Subject:** FW: Hearing about Village at Laurel & Jacaranda  
**Date:** Monday, December 30, 2024 7:40:47 AM  
**Attachments:** [image343149.png](#)  
[image827823.png](#)  
[image895701.png](#)  
[image236624.png](#)  
[image850198.png](#)

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Another.

Thanks,

Roger Clark, AICP  
Planning and Zoning Director  
Planning and Zoning  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285  
Tel: 941-882-7432  
Cell: 941-468-0081  
Email: [RClark@venicefl.gov](mailto:RClark@venicefl.gov)  
Web: [www.venicegov.com](http://www.venicegov.com)

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## **Roger Clark, AICP**

Planning and Zoning Director  
Planning and Zoning  
City of Venice  
401 W. Venice Avenue  
Venice, FL 34285  
Tel: 941-882-7432  
Cell: 941-468-0081  
Email: [RClark@venicefl.gov](mailto:RClark@venicefl.gov)  
Web: [www.venicegov.com](http://www.venicegov.com)



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-----Original Message-----

From: Nancy Plotkin <[nancyplotkin@yahoo.com](mailto:nancyplotkin@yahoo.com)>  
Sent: Wednesday, December 25, 2024 4:37 PM  
To: Planning Commission <[PlanningCommission@venicefl.gov](mailto:PlanningCommission@venicefl.gov)>  
Cc: Board and Council Messages <[boardandcouncilmessages@venicefl.gov](mailto:boardandcouncilmessages@venicefl.gov)>  
Subject: Hearing about Village at Laurel & Jacaranda

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I live in Milano. I am writing to inform you that I am opposed to the development of a shopping center at the intersection of Laurel Road and Jacaranda Blvd. I do not want such a large scale development to be built in a residential area. If Mr. Neal wanted to build this project, I think he should have built it inside the communities he is presently building on Laurel Road. Building on the intersection of Laurel Road and Jacaranda Blvd will bring traffic and noise to the neighborhood near it and the lights that will negatively impact the neighborhood. Please reject this proposal.

**From:** [Nancy Plotkin](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Hearing about Village at Laurel & Jacaranda  
**Date:** Wednesday, December 25, 2024 4:36:49 PM

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I live in Milano. I am writing to inform you that I am opposed to the development of a shopping center at the intersection of Laurel Road and Jacaranda Blvd. I do not want such a large scale development to be built in a residential area. If Mr. Neal wanted to build this project, I think he should have built it inside the communities he is presently building on Laurel Road. Building on the intersection of Laurel Road and Jacaranda Blvd will bring traffic and noise to the neighborhood near it and the lights that will negatively impact the neighborhood. Please reject this proposal.

**From:** [rex rudy](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Shopping Center Laurel and Jacaranda  
**Date:** Monday, December 30, 2024 1:39:14 PM

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We are opposed to this project. There is no need, for this type of building, when we have shopping within 1.3 miles and 1.9 miles.

This project will only cause more traffic and noise. Please Vote NO

Rex and Diane Rudy

Venetian Golf and River club

**From:** [Scott Anderson](#)  
**To:** [Roger Clark](#); [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Proposed shopping center at Jacaranda and Laurel Road.  
**Date:** Friday, December 20, 2024 11:45:11 AM

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Some people who received this message don't often get email from scottdanderson53@gmail.com. [Learn why this is important](#)

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Dear Mr. Clark and the Venice planning commission:

In all the places I've lived and in my many years I've never seen so many people in a community have so many reasons why a proposed shopping center is a terrible idea for their neighborhood. You know all the reasons, they have been well stated over and over and over so there is no need to repeat them here. The truth is obvious. Mr. Neil, who built my community here at Aria near the location of the proposed site, wants this and very few others do. I will leave it at that and I will leave you to do the right thing because deep in your heart you must understand. This is a terrible idea. It will be disruptive and break many promises that Neil communities made to the people that live here about the nature of the environment to which we moved. I hope you do the right thing, best regards, Scott Anderson, 296 Corelli Drive, North Venice, Florida, 34275.

**From:** [bookbindersj](#)  
**To:** [Planning Commission](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Opposition to Proposed Shopping Center  
**Date:** Monday, December 30, 2024 2:11:13 PM

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Some people who received this message don't often get email from bookbindersj@gmail.com. [Learn why this is important](#)

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To The Commissioners:

Please consider whether the plan for a large shopping center on Laurel Road is good for the nearby communities!

We are already facing nightmarish traffic and don't want more. There are more than enough grocery stores within a 5 mile radius . This proposed area, owned by Mr. Neal, was originally zoned residential - and one of the reasons we bought where we did.

I will be scared to death trying to make a left hand turn coming out of our development with a shopping center directly across .. and no traffic light .  
A disaster waiting to happen!!

Please do not allow this shopping center to be built and disrupt our tranquil residential communities.

Thank you.

Susan Bookbinder  
343 Padova Way  
North Venice 34275

Sent from my Verizon, Samsung Galaxy smartphone



**From:** [The Lazdowskis](#)  
**To:** [Roger Clark](#)  
**Cc:** [Planning Commission; Board and Council Messages](#)  
**Subject:** January 7 Site Plan application by Mr. Pat Neal  
**Date:** Tuesday, December 31, 2024 12:08:05 PM

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Dear Mr. Clark and members of the Planning Commission,

I am writing today to provide resident feedback to the planning commission regarding the site plan for Publix at the corner of Lauren Rd. and Jacaranda being presented by Pat Neal on January 7, 2025.

My husband and I live in Aria, a Neal Community just south of the site plan location and within the same PUD as the location in question. We moved into our new home in November 2022 and were attracted to the area because of the quiet location and proximity to the open spaces and wildlife. While we did expect development in the area given the number of new communities already under construction when we purchased our home, we did not expect that preserve areas and wildlife would be destroyed or “relocated” from the area. We were told when we moved in that there was no plan for commercial development in the PUD where Aria is located. As we all know, that has now changed and commercial development is happening.

Our formerly quiet corner of the world is about to become a very busy, noisy and traffic-filled area. And while we are saddened by that and not sure how an area designated as “preserve” can be moved or destroyed, we understand that things have changed. We simply ask that the planning commission consider and address our concerns before approving any site plan that includes such a large development as a Publix supermarket.

First, we are very concerned about the potential flooding that may occur as a result of this development. The more we destroy natural vegetation and terrain in the area, the more likely it is that water flow will change. With the recent series of storms here in the Venice area, we’ve seen that areas that survived for years with little to no flooding are now experiencing water issues, partly due to uncontrolled development.

Mr. Neal has indicated that the increasing number of homes in the area warrant the addition of another grocery store. But given that there are already three Publix stores within three miles, we are definitely opposed to a Publix in this location, mainly because of the size of the commercial development being considered. If the plan was for a smaller store, it would fit in with the surrounding area much better and be less intrusive. This location is surrounded by high-end, single-family homes, whether in the Venetian golf club, Cielo, Aria or Milano, and this large development will change the entire profile of the area.

We are also aware that Mr. Neal has proposed a chain restaurant in the development, with a Carabba Grill being considered. This is absolutely not the kind of restaurant that the residents here

would frequent – it is a venue that will be frequented by highway traffic looking for a quick meal that can be accessed easily from Route 75. We ask the commission to consider requiring that any dining in the development be smaller, locally owned establishments that fit in with the high-end profile of the area and NOT a chain restaurant.

Please consider these concerns before approving any plan that does not address these issues. We love our neighborhood and simply wish to protect it and the residents like us who are concerned about its future.

Sincerely,  
Cathy Lazdowski  
316 Corelli Drive (Aria)

RECEIVED  
DEC 31 2024  
PLANNING & ZONING

THE NORTH VENICE NEIGHBORHOOD  
ALLIANCE'S SUBMISSION IN  
OPPOSITION TO SITE PLAN  
PETITION NO. 22-40SP

To Members of the Venice Planning Commission:

The North Venice Neighborhood Alliance submits this statement in opposition to the site plan petition of Border and Jacaranda Holdings, LLC, Petition No. 22-40SP. Seven copies of this statement with all referenced attachments will be provided to the planning and zoning department on Tuesday, December 31, for inclusion in each member's hearing packet.

On March 21, 2023, a majority of the planning commission recommended to the city council that applicant Border and Jacaranda LLC's rezoning petition No. 22-38RZ be denied, finding that it did not demonstrate compliance with the land development code in seven specific respects. Those seven instances of noncompliance are identified in the memorandum of March 23 (the Memorandum) which transmitted the commission's decision to the city clerk, and which is attached. Tab 1.

That same applicant now comes before this commission with Petition No. 22-40SP regarding that same development. **This commission should find that the 70,240 square foot commercial center proposed by the applicant's site plan is too large and of too great of an intensity for a location surrounded by low density and low intensity residential neighborhoods. For the same reasons the planning commission recommended denial of the rezoning petition it should deny the site plan petition of Border and Jacaranda Holdings, LLC.**

#### COMPATIBILITY UNDER THE COMPREHENSIVE PLAN-GENERAL

The Memorandum states that the rezoning petition was not consistent with the intent of Comprehensive Plan Strategy LU 4.1.1, specifically Policy 8.2 concerning compatibility. The site plan petition is also not consistent with that policy. **Under 86-23(h)(1)(e) of the land development regulations, one of the duties of the planning commission shall be to "determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan."**

Policy 8.2 provides that land use compatibility review procedures are to, **"Ensure that the character and design of infill and new development are compatible with existing neighborhoods."** Policy 8.2 states that considerations for determining compatibility shall include, **"Protection of single-family neighborhoods from the intrusion of incompatible uses," and "Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses."**

The Comprehensive Plan classifies this area as mixed used residential. But it was never intended that a classification of mixed use would mean that any kind or any size of commercial use would be considered compatible. At the hearing on this applicant's rezoning petition on March 21, 2023, one member of this commission noted that the planning commission had spent a lot of time on the Comprehensive Plan in 2017 dealing with mixed use areas. That commissioner then stated, **"I don't think it was ever anticipated that this size of commercial activity would be put on the corner of Jacaranda and Laurel."** The North Venice Neighborhood Alliance agrees.

Policy 8.2 was intended to prevent exactly what is being proposed by the applicant, an oversized commercial development in a residential neighborhood. When the homeowners of that neighborhood purchased their homes, they never anticipated that this size of commercial activity would be put on the corner of Jacaranda and Laurel. The residents of Venice who live in those neighborhoods deserve the protections provided by the city's Comprehensive Plan.

Under LDR 86-23(m)(2) it is stated that the planning commission when deciding if a site plan application should be approved, denied, or approved with conditions should consider certain standards, including the **"Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon..."**

The applicant in its Project Narrative asserts that the FAR (floor area ratio) for the project is .15, well below the maximum of .50 allowed under the Comprehensive Plan. But the FAR has little to do with the question of whether this commercial development as proposed is compatible with the nearby properties. The "intensity of use" that is referenced in 86-23(m)(2) does not relate to the FAR; it concerns the level of activity, including the number of people and the amount of traffic, that will result from the proposed development in relation to the surrounding area.

Regulation 86-23(m)(2) references the **"purpose of the proposed development in relation to adjacent and nearby properties."** The purpose of this commercial development is to attract paying customers to the area. The development is a financial investment. For the developer and its contract purchaser, the more customers the better; the more traffic the better; the more activity the better. Contrast the proposed commercial center and its noise, traffic, lighting and all its activity with the low density and activity levels of the nearby properties. The VGRC immediately across Laurel Road has a density of 1.52; Milano is 2.68; Vicenza just to the east of Milano has a density of 1.8; Vistera is 4.3; and Willow Chase has 150 homes on approximately the same number of acres.

Within the last year the Venice city council denied the request of a developer to increase the density of the GCCF PUD (Vistera) from 4.3 units/per acre to 5.0. The council denied that request partly on the grounds that the nearby residential developments had lower density. The council noted that the Milano PUD, which is adjacent to Vistera, has a density of 2.68 units per acre. The requested increase in density would, in the opinion of the majority of the city council, result in the Vistera development being incompatible and the application was therefore denied. If the proposed expansion of a residential development in this area has been determined to be incompatible as having too high a density, surely a 70,000 square foot commercial center with its high-level intensity is also incompatible.

LDR 86-23(m)(2) further provides that this commission is to consider the effect of a proposed development on adjacent and nearby properties. It is expected that prior to and at the time of the hearing on this application residents of North Venice will address how their properties and the quality of their lives will be affected by the proposed commercial center. The testimony and the written statements of those residents are relevant under the LDR and should be given consideration by the members of the commission.

And those quality-of-life issues cannot be resolved or adequately mitigated by setbacks and buffers or directed lighting as the applicant and its experts suggest. A commercial center of this size in this low-density residential neighborhood is clearly and simply incompatible regardless of any

mitigation efforts. The placement of buffering around this 70,000 square foot commercial center is akin to putting lipstick on a pig. The North Venice Neighborhood Alliance suggests that the only effective mitigation would be for the commercial project to be significantly downsized, and its intensity substantially decreased.

#### COMPATABILITY UNDER THE COMPREHENSIVE PLAN-TRAFFIC

Another stated reason for the recommendation of the planning commission that the applicant's rezoning petition be denied was that traffic congestion may be increased excessively by the proposal. Potential traffic congestion is undisputably an issue under this site plan petition.

According to the applicant's traffic consultant, this commercial center will draw traffic that would otherwise go to the commercial centers located at Pinebrook Road/Laurel Road and Jacaranda Boulevard/Venice Avenue. Vehicles that are currently traveling to those **commercial areas** of the city will, if this project is approved, be traveling to and congesting at what is now **a residential neighborhood**.

The applicant's consultant believes that would be a good thing, with Mr. Domingo stating in his May 2023 report, "From a policy standpoint, reducing the amount of traffic crossing I-75 and impacting Pinebrook Road/Laurel Road and Jacaranda Boulevard/Venice Avenue is a desired outcome." But a reduction of traffic in those two commercial areas must necessarily result in an increase in traffic in other areas. In this instance that other area is a low-density residential neighborhood. That cannot be considered good policy and should not be a desired outcome.

The applicant's traffic consulting firm in its Traffic Impact Analysis of November 2023 shows anticipated peak hour total trips in the area of the commercial center to be 770. But the Certificate of Concurrency for the Milano PUD that was prepared in 2017 indicates maximum allowed peak hour trips of 673. If the Certificate of Concurrency is to have any meaning its limitations need to be enforced by this planning commission.

Additionally, the Stantec report shows an expected delay of 62.9 seconds for vehicles attempting to exit the Venetian Golf and River Club and turn left during peak hours. The report concedes that under county regulations no traffic light will be permitted at that intersection. Additionally, at that location, by Stantec's design plans, Laurel Road will have seven lanes of traffic. Seven lanes of traffic at an intersection that will not have a traffic light and where vehicles will be delayed for more than a minute during peak hours. Additionally, there will be pedestrians and cyclists attempting to cross Laurel Road at that intersection.

Under LDR 86-23(m)(3) one of the duties of the planning commission regarding site plan petitions is to consider, "Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety....." It is questionable whether the intersection of Laurel Road and Veneto Boulevard would be safe for motor vehicles, bikers, and pedestrians with a stop light; it is undoubtedly unsafe without a stop light. That has been confirmed by the applicant's own traffic consultant. **This planning commission should be concerned about the safety issues associated with that intersection.**

Importantly, the Transportation Impact Analysis of October 2023 prepared by Stantec in support of the site plan petition contains significant errors and miscalculations. That TIA was reviewed by traffic engineer Drew Roark of Alex Roark Engineering who offered the following critical comments:

- 1.The trip generation and internal capture reductions are flawed.
- 2.The manual adjustments to the FSUTMS model output are not justified.
- 3.The pass-by reduction assignment is unreasonable.
- 4.The service volumes (capacities) are incorrect.
- 5.Future volumes are incorrect.

6.The assumption of improvements to mitigate existing deficiencies is deceptive as it would always result in there being no impacts.

Mr. Roark's conclusion includes the statement, "...in reality, the traffic conditions in the future will not meet the level of service standards and the proposed development will make those failures worse. **The net result is likely to be significant traffic congestion in this area.**"

Mr. Roark's complete report is attached. Tab 2.

The increased traffic and congestion caused by this over-sized commercial center and the resulting safety issues make the proposed development incompatible with the surrounding low density residential neighborhoods. The site plan petition should be denied.

#### PROTECTION OF WETLANDS UNDER THE COMPREHENSIVE PLAN

The Memorandum stated that the rezoning application was not consistent with the intent of Comprehensive Plan Strategy OS 1.3.1 which provides that the city **shall** protect wetlands by, **"Requiring development to first avoid impact to wetlands and aquifer recharge areas" and by "Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands are unavoidable."**

The site plan petition is not consistent with the city's policy of protecting wetlands. There is no evidence that the applicant, to avoid or minimize impacts to wetlands, made any attempt to find other locations for the project or to reduce the size of the proposed commercial center which would logically reduce the impact on the wetlands.

The applicant's environmental expert justifies this lack of effort with the opinion that these wetlands are degraded, and not worthy of preservation. But North Venice Neighborhood Alliance refers this commission to the attached report of Jennifer Krajcir of Suncoast Ecological Services. That report, which was prepared following research and a site visit, describes the different birds that have been observed in the wetlands, including, cattle egrets, red-shouldered hawks, sandhill cranes, little blue heron, great egrets, wood storks, and great blue heron. See report, Tab 3. Other living creatures that have been seen in the area of the proposed development include fish, alligators, river otter, rabbits, bobcat, and deer. Importantly, sandhill cranes, little blue heron and

wood storks are all listed on Florida's Endangered and Threatened Species List. <https://myfwc.com/media/1945/threatened-endangered-species.pdf> (pg. 6)

Ms. Krajcir's report concludes as follows:

**"CONCLUSIONS & RECOMMENDATIONS: The majority of the parcel meets the criteria for state and federal Wetland Determination. The wetland area is largely unchanged from historical imagery and is highly functional, with multiple wading birds utilizing the area on a consistent basis. The man-made fill pond has needlerush, aquatic vegetation, and signs of fish spawning circles, likely bluegill and/or smallmouth bass. The presence of the wetlands is not contested and is currently being permitted for impact, but the quality may not be fully appreciated. This wetland should be considered high quality and high functionality. Further, the fill pond should also be considered wetlands, as it certainly presents as a wetland, regardless of the origin."**

These wetlands, which were worthy of being identified and promoted as "Preserve" by the developer in marketing materials provided to potential home buyers in the Cielo subdivision, are deserving of the protections that are provided for wetlands by the city's Comprehensive Plan. In the very least the size of the proposed commercial center needs to be reduced to provide protection for some of the wetlands.

#### LDR-COMMERCIAL USE WITHIN A PUD

Another reason for the planning commission's recommendation not to approve the rezoning application was that the commercial activity will not be limited to the Milano PUD as required by 86-130(r). That regulation provides that commercial uses within a PUD should serve the needs of the PUD and not the needs of the surrounding area. The commercial use proposed by this site plan petition would violate that regulation. **The size of the proposed commercial center clearly indicates the intent to serve the needs of those in the surrounding area, something that was confirmed by Roger Clark, Director of Planning and Zoning.**

Mr. Clark, at the hearing before the city council last year, testified that the proposed commercial center would violate the LDR.

MR. LOBECK: So as to that first sentence, which is highlighted, could you just read that for the record?

MR. CLARK: "Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area."

MR. LOBECK: All right. So would you look at the -- the size, the scale of a proposed PUD amendment in determining whether it's intended to serve the needs of the PUD or, instead, the general needs of the surrounding area as one factor?

MR. CLARK: Sure.

MR. LOBECK: Would you -- let me just open this up. What would you also look at to see what was intended, serving the needs of the PUD or, alternatively, serving the general needs of the surrounding area?



MR. CLARK: Well, I believe that this language is clear. I won't disagree with you on that, that it indicates that it's intended to serve the needs of the PUD and not the general surrounding area, but like I said, all the PUDs that have nonresidential uses that have been approved in the city, by the decision-makers, all of those PUDs serve their surrounding areas.

MR. LOBECK: Well, we'll get into what's been done before, but just dealing with the text before you --

MR. CLARK: Uh-huh.

MR. LOBECK: -- this is a mandatory requirement of the Land Development Code; is that correct?

MR. CLARK: It is a requirement of the Code.

**MR. LOBECK: Right. So this proposed amendment to the Milano PUD, is this -- by the evidence that we have, that you have, the knowledge you have, is this intended to serve the general needs of the surrounding area?**

**MR. CLARK: I believe it will serve the general needs of the surrounding area.**

**MR. LOBECK: Do you believe that, based on the scope of commercial development that would be allowed by this, that that demonstrates an intent to serve the general needs of the surrounding area?**

**MR. CLARK: Yes.**

**MR. LOBECK: Then would it be your conclusion that this PUD amendment violates 86-130(r) of the Land Development Code?**

**MR. CLARK: I would say it's certainly not consistent with that language.**

**MR. LOBECK: If it's not consistent with that language, does it violate that provision of the Code?**

**MR. CLARK: Yes. (Appeal Appendix, Vol 3, Bates # 128-130)**

It is worth noting that the Circuit Court in its Order Denying Petitioners' Amended Petition for Writ of Certiorari of June 12, 2024, in discussing 86-130(r) indicated that while the regulation does not impose any prohibition on the city from approving an application wherein the proposed commercial uses have an intent to serve the needs of the PUD, **86-130(r) "could certainly provide the City a basis for denying a developer's PUD application or zoning map amendment..."**

Land development regulation 86-130(r) was intended to limit the size of a commercial use within a residential planned district. Under the LDR a commercial use should only be large enough to serve the needs of those living in the PUD. The 70,240 square foot commercial center proposed by applicant is much too large, by the director's testimony would violate the LDR, and it would be incompatible with the surrounding low-density residential neighborhood. And it was the opinion of the Circuit Court that the regulation could provide the basis for the denial of a developer's application. The site plan petition of the applicant in this instance should be denied.

## CRITICAL STORMWATER ISSUES SHOULD NOT BE IGNORED

The North Venice Neighborhood Alliance retained Jennifer Menendez of Catalyst Engineering, LLC to review the stormwater calculations provided by Neal Communities for its proposed commercial development (The Village at Laurel and Jacaranda, referred to in this letter as "The Village") of a 10.4 acre parcel at the corner of Laurel Road and Jacaranda Blvd. The applicant proposes filling in an existing 6.6 acres of wetland and an existing, permitted stormwater management facility, SWMF-LL4. This project will then drain into the existing Cielo stormwater infrastructure, which will be maintained by the Cielo HOA. North Venice Neighborhood Alliance is concerned about the effects of additional stormwater runoff generated by the proposed development and the capacity of the current infrastructure to handle that additional runoff.

Following is a summary of some of the key points of the Catalyst report, a copy of which is attached, Tab 4:

1. There is no floodplain compensation (additional water storage area) for this project, despite the fact that this project proposes the filling of 10.5 ac-ft. During Tropical Storm Debbie and Hurricane Ian, the wetland and LL-4 were both inundated, as was the adjacent wetland across the FPL access road which backs up to homes in Cielo. Please see drone footage of conditions after Tropical Storm Debbie at <https://youtu.be/TZw15RLs2ns?feature=shared>

This link is satellite imagery of flooding on the East Laurel Road corridor after Hurricane Ian. Note the inundation of the wetland on the subject 10.4 acres, as well as the condition of the wetland behind homes in Cielo. <https://storms.ngs.noaa.gov/storms/ian/index.html#17/27.135683/-82.37963>

2. An inappropriate peaking factor was used to calculate runoff. The factor used by AM Engineering is one reserved for undeveloped land without a storm drain system. A more appropriate factor would have been UH 484, which reflects a higher and faster amounts of runoff, which one would see in an area paved over with concrete and asphalt. This can have a significant effect on pond modeling and could necessitate larger retention ponds.
3. As the last two years have demonstrated, storms are becoming more severe and more frequent. They have caused flooding issues throughout Sarasota County. The Village stormwater plan was modeled after a single storm event versus a critical duration approach, which is a model that factors in multiple storm events in calculating runoff and is a better predictor of downstream flooding.
4. Current rainfall models were not used to formulate these calculations. When current rainfall data (NOAA ATLAS-14) is used, the estimated rainfall for this area increases up to 4%

in some storms. Additionally, the storm drain calculations were also based on outdated data and yields a value which is almost 2 inches LESS than what the current 25-year value should be (6.9 in/hr versus 8.81 in/hr). This suggests that the on-site storm drain system is potentially undersized for the 25-year event.

5. The original Cielo model (the existing condition) and The Villages model (the proposed condition) are inconsistent. Since Pond LL-7 (the pond directly to the west of the subject 10.4 acres and the pond which will accept runoff from The Villages) HAS NOT and WILL NOT be modified under the proposed condition, there should be no changes in the starting water surface elevation or the outfall structures. Catalyst discovered that this different input may be because the model was modified to reflect a datum error and questions whether the model is using a consistent datum throughout. This inconsistency results in a 1.1 foot drop in the starting water surface elevation of Pond LL-7 which provides a much greater storage volume than originally thought. It is important that the updates/corrections were followed through in all the data sources so that the additional volume is reflective of reality. Also, any changes due to a correction in the outfall structure need to be made in the existing structure model as well as the proposed model. These errors will directly impact the flow into and out of Pond LL-7.
6. Finally, The Villages stormwater documentation is 13,517 pages long. There was no summary table provided by AM Engineering for The Villages project, despite the fact that FDEP, in its October 19, 2023, review, requested such a summary. (SWFWMD letter attached, Tab 5)

In his response dated March 8, 2024, the applicant's engineer simply referred FDEP to thousands of pages of "bookmarks," which does not constitute a summary. Something will surely be missed by anyone attempting to review a 13,000 page document, especially given the unprecedented level of development in southwest Florida. (Letter of AM Engineering attached, Tab 6)

The North Venice Neighborhood Alliance encourages the planning commission to ensure through the retention of an outside professional, that the stormwater management system in this area will handle the future demands placed upon it. This commercial development proposes removal of a functional wetland and a retention pond, which are both vital components of the current stormwater management infrastructure. Satellite and drone imagery prove this. The images also demonstrate that the wetland immediately to the north of Cielo was inundated, placing water dangerously close to homes in this neighborhood. This, coupled with the deficiencies in the applicant's stormwater calculations warrant further scrutiny by the planning commission.

The last two years serve as proof that storms are becoming a more frequent and more severe occurrence in southwest Florida. Stormwater calculations should therefore be held to a more rigorous standard, not the minimum standard and certainly not outdated standards. Further, the correct stormwater models should be applied which factor in changing environmental conditions and increased development in a given area. Finally, one has to question the accuracy with which

the Southwest Florida Water Management District (SWFWMD) reviewed 13,500 pages of stormwater calculations, particularly without a concise summary. It is incumbent upon the planning commission to ensure the compatibility of this project and its compliance with the land development regulations.

In Land Development Regulation Chapter 74, Article V, Stormwater Management, Section 74-292, it states:

“Stormwater management is applicable and needed throughout the corporate limits of the city. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing lands and waterbodies within the corporate limits of the city is consistent with the present and future stormwater management needs of the community. The stormwater management needs generally include, but are not limited to, protecting the public's health, safety, welfare and property. The city's stormwater management services and facilities render and/or result in both service and benefit to all property owners within the city”

The North Venice Neighborhood Alliance recommends that the concerns expressed in the Catalyst report be investigated and that this commission require the developer to re-formulate the calculations using current methodology. Decisions need to be based on the most accurate stormwater model that can be obtained. The developer must be required to correct any deficiencies identified prior to the approval of its site plan petition.

The stormwater issues relating to this development and to this site plan petition have the potential to significantly affect the health, safety, welfare and property of the residents of northeast Venice. These issues should be fully disclosed to the public and are entitled to thorough discussion and consideration by this planning commission.

#### IMPORTANCE OF THE COMPREHENSIVE PLAN

The city's 2017 Comprehensive Plan in its introduction section includes the following language:

“The Venice Comprehensive Plan 2017-2027 was developed through a process that incorporated an assessment of the City's existing Comprehensive Plan, analysis of existing conditions, extensive series of community meetings and community outreach, input from City of Venice Advisory Boards, and work sessions with both the Planning Commission and the City Council. “

**“The Comprehensive Plan is the City's blueprint for the future. The Plan and its Strategies are crucial when preparing for opportunities such as land use, transportation, housing, and open spaces.”**

**“The Comprehensive Plan is an umbrella document that guides other City plans, capital projects, and programs which affect the community. This Plan promotes the City's neighborhoods, vibrancy of its downtown and the capacity of its transportation network. Comprehensive plans may be perceived as being relatively general in nature; however, they**

**form the legal basis for community development.** Comprehensive Plans are complex policy documents that account for the relationships among the various community issues.”

**“The legal status of the Comprehensive Plan requires that all Strategies (Policies) will be considered in making legal determinations of consistency with the Comprehensive Plan, pursuant to State Laws and Statutes.”**

In March of 2023 a majority of this planning commission found that the applicant’s rezoning petition should be denied. The commission determined that the 10.42 acre parcel should remain open space for several stated reasons, including that the proposed development was not in compliance with the city’s Comprehensive Plan. For those same reasons this planning commission should conclude that the applicant’s site plan petition proposes a commercial use that is too large and of too great of an intensity for the low-density residential neighborhoods that surround the proposed development site.

Under the city’s land development regulations, 86-23(h)(1)(e), this planning commission has the duty to determine whether this site plan petition conforms to the principles and requirements of the Comprehensive Plan. North Venice Neighborhood Alliance asks that this planning commission apply the provisions of the Comprehensive Plan as those provisions relate to compatibility and wetland preservation, that this commission apply and enforce the clear language of the applicable land development regulations, and that the commission consider a professional review of the critical stormwater issues outlined above. North Venice Neighborhood Alliance requests that this commission deny the applicant’s site plan petition. Thank you for your consideration.

North Venice Neighborhood Alliance



## MEMORANDUM

**To:** Kelly Michaels, City Clerk

**From:** Nicole Tremblay, AICP, Senior Planner

**Date:** March 23, 2023

**Re:** Transmittal of Petition for Council Action – Zoning Map Amendment Petition No. 22-38RZ

---

On March 21, 2023, the Planning Commission, made the following motions for the subject petitions:

**Petition No. 22-38RZ**

The following motion was **DENIED** by a vote of 4-3 resulting in a recommendation of denial:

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, **RECOMMENDS TO CITY COUNCIL APPROVAL OF ZONING MAP AMENDMENT PETITION NO. 22-38RZ.**

Comments from the Planning Commissioners that voted against recommending approval included finding that the petition does not demonstrate compliance with the land development code on the following items:

- i. 86-130(r) – commercial activity will not be limited to the Milano PUD;
- ii. 86-130(t)(3)(a) – evidence of unified control was not clearly provided;
- iii. 86-47(f)(1)(a) – the application is inconsistent with the intent of Comprehensive Plan Strategy OS 1.3.1 and Strategy LU 4.1.1, specifically Policy 8.2;
- iv. 86-47(f)(1)(f) – compelling evidence for changing conditions was not presented;
- v. 86-47(f)(1)(h) – congestion may be increased excessively by this proposal;
- vi. 86-47(f)(1)(n) – no substantial reasons why the property cannot be used with the existing zoning were presented; and
- vii. 86-47(f)(1)(p) – compelling evidence for a lack of adequate sites for this use elsewhere in the city was not presented.

To continue the processing of the petition, please complete the following:

- Schedule the public hearing before City Council and provide our office with the legal advertisement when you send it to the Gondolier in order for us to prepare the notification sign and post on the property 15 days prior, per public notice requirements.
- Legistar file CC 22-38RZ has been created with numerous attachments. Please reformat as needed for City Council.
- The mailing list for the nearby properties is attached, but please note, if a significant amount of time passes before the notices are prepared, the list will need to be updated to ensure sales/transfers are accounted for.
- Send us a copy of the ordinance for our review.

The Planning and Zoning Division may receive additional written correspondence on this petition, which will be forwarded to your office.

Attachments: Mailing Notification List & Registered Neighborhoods List  
Ad/Location Maps  
Legal Description  
Cc: Petition No. 22-38RZ

# ALEX ROARK ENGINEERING



AUGUST 14, 2024

CONTACT

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North Venice Neighborhood Alliance  
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☎ 850-567-2044

✉ drew@alexroarkeng.com

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**Dear Mr. Scott,**

Alex Roark Engineering has reviewed the Transportation Impact Analysis for the proposed Milano PUD Commercial prepared by Stantec dated October 2023, and we offer the following comments.

## **1. Trip Generation and Internal Capture Reductions are Flawed.**

In this analysis, internal capture reductions are taken using percentages from the Institute of Transportation Engineers (ITE) Trip Generation Handbook. Section 6.5.1 of the same handbook states, "The data that form the bases for the internal capture methodology are from mixed-use development sites that have between 100,000 and 2 million sq. ft. of building space and an overall acreage of up to roughly 300 acres. The mixed-use development should fall within those ranges." This site has 70,240 sq. ft which is outside of that range. Therefore, unless another source can be provided, these internal capture rates should not be utilized in this analysis. Also, internal capture rates are directional (applied



separately to entering and exiting traffic), however the rates shown in Table 1 are singular which is misleading.

## **2. The Manual Adjustments to the FSUTMS Model Output are Not Justified.**

The analysis uses the FSUTMS model for distribution, however there are several manual adjustments to the results. The report text attempts to justify the adjustments by stating, "greater weight was given to the interaction between the commercial development and the Venetian Golf and River Club residential development on the north side of Laurel Road as well as other surrounding residential developments that the commercial development is intended to support." However, the model already weights this interaction and removes bias based on "intentions." The FSUTMS model attempts to replicate reality considering factors such as speed and congestion. Also, it appears that there is significant ongoing development to the south of this site which would imply more traffic using Jacaranda.

The analysis also indicates that it ran the Existing + Committed (E+C) model which means the existing roadways plus the financially committed improvements that are planned in the near future. The analysis also mentions in the Scheduled Improvements section that Laurel Road from Knights Trail Road to Jacaranda Boulevard is planned for widening. This would be a committed improvement; however, the model does not appear to be coded with this improvement. This can affect the projected traffic in the area and should be corrected.

## **3. Pass-By Reduction Assignment is Unreasonable.**

The pass-by reductions appear to be assigned to the roadways and intersections manually and separately (from the rest of the trip generation estimate). There are several illogical assignments included. For example,





project traffic entering the site that are northbound (from the south on Jacaranda Boulevard) are shown to bypass the full access intersection on Jacaranda Boulevard, turn left at the Laurel Road at Jacaranda Boulevard intersection, and then turn left again at the full access intersection into the site on Laurel Road. Another example would be traffic entering the site heading southbound on Jacaranda Boulevard from Laurel Road. The analysis shows that half of the entering traffic would bypass the first right in/right out intersection to enter at the following intersection. In reality, most drivers will enter the site at their first opportunity unless it is a service entrance which these are not.

#### **4. Service Volumes (Capacities) Are Incorrect.**

The service capacities utilized are from the Sarasota County Generalized Level of Service Analysis Tables. However, some segments appear to have service volumes that differ from the Sarasota County Generalized Level of Service Analysis Tables. Border Road from Jacaranda Blvd. to Jackson Rd. shows a service volume of 1,120 in the analysis, but the County Generalized Level of Service Analysis Tables shows 1,057. Another example is on Jacaranda Blvd. from Border Rd. to I-75 is shown as 1,600, but the table show 1,510. This is significant as the Border Road segment would be included in the study area if it were coded properly.

#### **5. Future Volumes Are Incorrect.**

The report does not show the project traffic on any of the figures. The only location that it appears to show the project traffic assignment is in Table 5 under "Vested Traffic". The proposed project traffic is not vested traffic. Also, the traffic volumes listed in the table for Milano PUD appear to be incorrect.

Additionally, Figure 6 shows the 2028 PM Peak-Hour Total Traffic volumes. Figure 5 shows the 2028 PM Peak-Hour Background Traffic volumes.



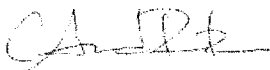
Subtracting the volumes in Figure 5 from Figure 6 should equal the project traffic volumes. In many cases, this subtraction results in a negative number. For example, on Jacaranda Boulevard just south of Laurel Road the southbound volume in the 2028 background traffic goes from 810 to 791 after the project is added. It defies logic that adding this project would reduce traffic on the surrounding roadways.

**6. The Assumption of Improvements to Mitigate Existing Deficiencies Would Always Result in No Impacts.**

The process followed in this analysis cites F.S. 163.3180 which essentially exempts developers from contributing proportionate share monies to preexisting deficiencies. However, choosing the improvements that are required to correct the preexisting deficiencies – but then also create additional excess capacity which is subsequently used to accommodate the proposed project traffic – is flawed. Under this process any area that has a preexisting transportation capacity deficiency would never show an impact.

In summary, there are technical issues associated with the Traffic Impact Analysis. Based on this review, this Transportation Impact Analysis should be revised to accurately reflect an assessment of the transportation impacts associated with this proposed development. Additionally, the process followed assumes significant (millions of dollars) improvements that are not committed and may never materialize. Therefore, in reality, the traffic conditions in the future will not meet the level of service standards and the proposed development will make those failures worse. The net result is likely to be significant traffic congestion in this area. Please let us know if you have any questions.

Sincerely,



Drew Roark, PE, CTL  
Vice President



## Charles Andrew (Drew) Roark P.E. CTL



Mr. Roark has 28 years of experience in the transportation consulting industry with over 10 years of senior management experience in the transportation consulting industry. He has experience from traffic data collection to directing the Transportation Sector for the Southeast US for large engineering firms. As is shown below, although Mr. Roark's experience is broad in many different areas within the industry, his technical specialties are primarily in the area of traffic engineering and planning. Mr. Roark has been directly involved with

multiple Project Development and Environment (PD&E) studies, managed specialty projects such as the Florida Department of Transportation Central Office Transportation Statistics Data Support project and the Florida Statewide Motor Carrier Compliance General Consultant contract. Mr. Roark is experienced in preparation and review of transportation impact studies for numerous Developments of Regional Impact (DRI) throughout the state of Florida. His experience has included preparation and supervision of data collection programs, coordination with local review agencies, preparation of traffic signal warrant reports, modeling of future traffic volumes using the FSUTMS model, calculations of projected impact fees including independent impact fee studies and preliminary roadway planning and design for maximizing safety and mobility.

### RELEVANT PROJECT EXPERIENCE

- **Statewide Trip Generation Study, Florida Department of Transportation, Research Center – Project Manager.** A statewide study investigating trip generation rates associated with Fast Food with drive through and Coffee Shops with drive through land uses. Study will compare the trip generation rates of 40 sites around the State of Florida in multiple context classifications as well as the service times and queueing from the site. The site will determine if different brands of the same land use exhibit different operating characteristics. The project is focused on the prevention of queueing into the adjacent roadway system and improving safety.
- **Motor Carrier Compliance (OMCC) General Consultant, Florida Department of Transportation, Central Office–Project Manager.** A General Consultant contract providing architectural and engineering services, including planning, environmental, building design, geotechnical, landscaping, developing design criteria for design-build, permitting and other necessary services to assist in the planning, construction and management of various projects and facilities around the state of Florida managed by the OMCC.
- **City of Tallahassee Traffic Signal Management Plan (TSMP). Tallahassee, Florida. Traffic Engineer.** The TSMP is a process developed by FHWA to provide a framework for delivery of high-quality service to the public through an efficient and well-maintained traffic signal system. The City of Tallahassee's goals were to develop a Traffic Signal Strategic Business Plan which would provide a succinct description of all activities required for City staff to manage the traffic signal program, offer a basis for introducing new staff to the processes relevant to their roles, both inside and outside the program or City, illustrate to management and outside funding agencies the structured approach to traffic signal management, specify an approach to strategically shift design, maintenance and operations from reactionary to proactive and to effectively plan for needed capital improvements, as well as other goals.

## Alex Roark Engineering, PLLC

**Years of Experience: 28**

### Education:

- Bachelor of Science in Civil Engineering, University of South Florida, 1997

### Professional Registration:

- Registered Professional Engineer: Florida (No. 56826), 2001
- Registered Professional Traffic Operations Engineer: (No. 1105), 2003 - 2009

### Certifications:

- Certification in Transportation and Logistics (CTL), 2014 – Lifetime Member

### Professional Membership:

- Board Member, Tampa Bay Chapter Institute of Transportation Engineers, 2005 - 2007
- Member, Institute of Transportation Engineers, Planning Council
- Member, Leadership Tallahassee Class 26
- Board Member, Tallahassee Economic Development Council, 2014
- Certification in Transportation and Logistics (CTL), 2014 – Lifetime Member
- Public Relations Committee Member, ACEC FL - Current
- Transportation Committee Member, ACEC FL – Current
- Small Business Subcommittee Member, ACEC FL – Current
- Florida Engineering Society – Big Bend Chapter – Current

### Additional Activities:

- Adjunct Professor, FAMU-FSU College of Engineering – Transportation Engineering Course – Fall 2022 – Spring 2023



- **Transportation Statistics Data Support Contract, Florida Department of Transportation, Central Office (2012-2015) (multiple selections) - Project Manager/Officer.** Involves a General Consultant contract supporting Central Office Statistics. This contract includes assignments in traffic monitoring (primarily relating to data extraction from the permanent count stations, teaching the Project Traffic Forecasting classes and development of the new Project Traffic Forecasting database), data collection (freight, RCI, RITA, SLD, Video Log, route sequencing and Quality Control processes), data analysis (HPMS, city-county mileage web site and VMT) and GIS Basemap (FREAC, Remote sensing, ArcGIS and ArcSDE application development and testing) areas.
- **US 319 at Songbird Avenue Traffic Signal Design. Crawfordville, Florida. Engineer of Record.** Project includes a traffic signal design for an intersection on US 319, Crawfordville Highway. Mast arms were required and a unique design to avoid and minimize utility conflicts as well as voids found in the soil.
- **City of Fort Myers, Florida Traffic Signal Design. Signal Design Lead.** Project included the re-design of six traffic signals. Five of the intersections included mast arms, and one was strain pole. The intersections are located on First and Second Street, which were one-way pairs and were being converted back to two-way and taken over by the City of Fort Myers. Challenges included trying to re-use as much of the existing infrastructure as possible.
- **Transportation Impact Analyses.** Conducted transportation impact analysis for the following projects as well as over a dozen others in the Tallahassee Area:
  - Publix, Wakulla County, Florida
  - Florida Mall DRI, Orange County, Florida
  - Northbrook Development, Collier County, Florida
  - Sarasota Memorial Hospital, Sarasota County, Florida
  - Connerton DRI, Pasco County, Florida
  - Tampa Tech Park, Hillsborough County, Florida
- **Woodville Highway Safety Study. FDOT District 3, Tallahassee, Florida. Project Manager.** Project included evaluation of five years of crash records to determine patterns and appropriate crash mitigation and crash modification factors using the Highway Safety Manual. Recommendations including conceptual designs and benefit cost analyses were included.
- **Hillsborough County Signal Warrants – Hillsborough County Government, Hillsborough County, Florida – Project Manager.** As part of an on-call contract this project included providing traffic signal warrant analyses at intersections specified by Hillsborough County. Field and traffic volume count data were collected at each intersection. Scope included analyzing dozens of intersections that were suspected of the need for a signal or were citizen inquiries.
- **US 98 (SR 30) from CR 30F(Airport Road) to the Walton County Line, Florida Department of Transportation, District 3.** Project is the design of a capacity improvement from four to six lanes including major pedestrian facilities. Our portion of the project included traffic data collection, analysis and signal design, noise analysis, landscape architecture, and permitting.
- **Bannerman Road Corridor Study, Leon County, Florida--Project Manager.** Preparation of a corridor study to analyze a two-lane divided roadway and its applicability to be widened to four lanes. Project includes traffic analysis, development of alternatives, evaluation of the preferred alignment, potential environmental impacts, public participation and documenting the analysis completed.
- **Mobility Plan, City of Destin, Florida – 3TP, Traffic Engineer.** Establishing an up-to-date mobility fee including a carrying capacity study, a full update and documentation of the City's mobility plans, an assessment of the role of land use in generating transportation demand, and mobility fee calculations tied to planned improvements.
- **Destin Traffic Signals Update, Destin, Florida – 3TP.** This project included updating the phasing, timings, and geometries of all of the traffic signals within the City of Destin. As a sub to 3TP, all of the services and deliverables including the updated Synchro files and models were provided.



Suncoast Ecological Services, LLC  
Jennifer Krajcir  
24123 Peachland Blvd, C4-242  
Port Charlotte, FL 33954  
[SuncoastEco@gmail.com](mailto:SuncoastEco@gmail.com)  
Mobile: 941-303-3745

Date: 5 April 2024

**Kenneth Baron**  
[kjbaron1@gmail.com](mailto:kjbaron1@gmail.com)  
**443-867-4172**

RE: Wetland and Protected Species Assessment

Parcel Address: Laurel Rd @ Jacaranda SW Corner, Nokomis FL 34275

Parcel #0391040072

Date of Evaluation: Tuesday, March 26, 2024

Weather Conditions: 85F, wind SSE20, sunny

### Parcel Information

#### INTRODUCTION

Suncoast Ecological Services, LLC is pleased to provide a review of the site conditions observed and available documentation pertaining to natural resources, including wetlands, at the above referenced site. This work was performed in accordance with the scope of services outlined in the proposal dated March 2, 2024. This report was prepared for the exclusive reliance of the client. Use or reliance by any other party is prohibited without the written authorization of the client and Suncoast Ecological Services, LLC.

The site was visited on the afternoon of March 26, 2024 to conduct a limited environmental evaluation on a parcel owned by BORDER AND JACARANDA HOLDINGS. This evaluation was requested to determine the ecological impacts by development of the parcel. The evaluation included reviewing the lot for the presence of wetlands and protected species including gopher tortoises, scrub jays and bald eagles. The parcel was surveyed by meandering pedestrian transects which covered approximately 85% of the parcel.

#### 1.0 GENERAL SITE DESCRIPTION

Parcel Information:

PID: **0391040072**

Ownership: Border and Jacaranda Holdings LLC

Section 35, Township 38s, Range 19e

10.42 Acres

Zoned: PUD

Flood Zone: X

The 10.42 acre parcel is located on the southwest corner of Laurel Rd and Jacaranda Blvd in Venice. An aerial of the location, from Sarasota County GIS mapping, is attached as Exhibit 1.



Suncoast Ecological Services, LLC  
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[SuncoastEco@gmail.com](mailto:SuncoastEco@gmail.com)  
Mobile: 941-303-3745

## 2.0 METHODOLOGY

Suncoast Eco initially reviews readily available published resources to preliminarily identify features indicative of potential wetlands on the site or in the immediate vicinity. A field investigation is then performed to identify and delineate the wetland areas and potential WotUS utilizing the Routine On-site Determination Method described in the 1987 US Army Corps of Engineers (COE) Wetland Delineation Manual, the Regional Supplement for the Atlantic and Gulf Coastal Plain Region, version 2.0, and the Florida Department of Environmental Protection (DEP) Wetland Delineation Manual. Potential wetland areas are located and investigated based on the three wetland parameters of hydrophytic vegetation, hydric soil indicators, and hydrology. For the state, two formulas generally are used to determine wetland status. The state formulas will be covered in detail below. For the federal government, the same three parameters are used but additionally, the area must be connected to a Waters of the U.S. either directly or by another verifiable connection.

Hydrophytic vegetation is assessed by identifying plant species and their assigned wetland indicator rating of obligate (occur in wetlands >99% of the time), facultative wet (occur in wetlands 67-99% of the time), facultative (occur in wetlands 34-66% of the time), facultative upland (occur in wetlands 1-33% of the time), and upland (occur in wetlands <1% of the time).

The COE manual defines hydrophytic vegetation as present when at least 50% of the dominant plant species are rated obligate, facultative wet, or facultative. Hydrology is determined based on a number of primary indicators (surface water, water marks, reduced iron presence, et al) and secondary indicators. Hydrology is present when at least one primary indicator and two secondary indicators are identified. Hydric soil is determined by investigating soil features such as color matrix, hue, and evidence of redox features as indicated by saturation, stratified layers, gleyed matrix, mucky surface, organic/peat layers, and other indicators of iron reduced conditions.



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### 3.0 SOIL DESCRIPTION

The Natural Resource Conservation Service (NRCS) Soil Survey for Sarasota County has classified the natural soils for the area. The NCRS soil survey map is attached as Exhibit 2. It is important to note that the soils were mapped on a large-scale grid and local variations can be expected at the parcel level. The following is a brief description of each series excerpted from the Official Soils Series Descriptions:

(8) Delray fine sand, frequently ponded: ~19%

The Delray series consists of very deep, very poorly drained, moderately permeable soils on broad flats, flood plains, and depressions in the Lower Coastal Plain. They formed in sandy and loamy marine sediments. Near the type location, the mean annual precipitation is about 49 inches. Slopes range from 0 to 2 percent.

The water table is at depths of less than 12 inches for 6 to 9 months in most years. Depressions are ponded for 6 months or more most years. Flood plains are flooded for very long duration.

Natural vegetation includes southern bayberry, pickerelweed, sedges, reeds, water tolerant grasses, and cypress, bay, tupelo and other water tolerant trees.

(22) Holopaw fine sand, frequently ponded: ~42%

The Holopaw series consists of deep and very deep, poorly and very poorly drained soil that formed in sandy and loamy marine sediments. Holopaw soils are on nearly level low lying flats, poorly defined drainageways and depressional areas. Slopes range from 0 to 2 percent. Mean annual precipitation is about 1397 millimeters (55 inches).

Depth to seasonal high water table: The water table is at depths of 15 to 30 centimeters (6 to 12 inches) for 2 to 6 months, during the remainder of the year, it is typically at a depth of 30 to 102 centimeters (12 to 40 inches).

Native vegetation is scattered slash and pond pine, cabbage palm and sawpalmettos, scattered cypress, myrtle, sand cordgrass, gulf muhly, chalky bluestem, plumgrass, paspalum, blue maidencane, and pineland threeawn.

(31) Pineda-Pineda wet, fine sand: ~39%

This very deep, nearly level, poorly drained soil is on broad low flats, hammocks, sloughs, depressions, poorly defined drainageways and flood plains in the Southern Florida Flatwoods (MLRA 155). They formed in thick beds of sandy and loamy marine sediments. Near the type location, the mean annual precipitation is about 55 inches. Slopes range from 0 to 2 percent.

The water table is within depths of 10 inches for 1 to 6 months. During the remainder of the year, it is typically at a depth of 10 to 40 inches below the surface. It may, however, recede below 40 inches during extended dry periods. During periods of high rainfall, in some areas the soil is flooded from 7 days to 6 months. Depressions are ponded for periods of 3 to 6 months in most years.

Natural vegetation consists of south Florida slash pine, cypress, myrtle, cabbage palm, blue maidencane, chalky bluestem, bluepoint panicum, sawpalmetto sedges, pineland threeawn, and sand cordgrass.



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#### 4.0 SITE RECONNAISSANCE

##### Vegetation:

The vegetation on the parcel is classified according to the Florida Department of Transportation Florida Land Use, Cover, and Forms Classification System (FLUCCS) as:

740 Disturbed

641 Freshwater Marshes

524 Lake

643 Wet Prairies

See Exhibit 6 for aerial imagery and exhibit 6 for site photographs.

The parcel is currently vacant and undeveloped except for a man-made pond created when fill dirt was excavated for a development to the south. The parcel is bounded on the east by Jacaranda Blvd, on the north by Laurel Ave, on the west by a vacant parcel containing another fill pond, and on the south by an FPL access road. Available historical aerial photography shows persistent wetlands on the parcel since 1948. The current wetland vegetation includes rushes, sedges, and grasses. Upland area surrounds the fill pond. Vegetation in this area includes mowed grasses, pine, palmetto, cabbage palm, oak, wax myrtle, Brazilian pepper.

Refer to Exhibits for historical and current aerial photography of vegetation.

##### Wetlands:

Potential wetland areas are located and investigated based on the three wetland parameters of hydrophytic vegetation, hydric soil indicators, and hydrology.

Hydrophytic vegetation is assessed by identifying plant species and their assigned wetland indicator rating of obligate (occur in wetlands >99% of the time), facultative wet (occur in wetlands 67-99% of the time), facultative (occur in wetlands 34-66% of the time), facultative upland (occur in wetlands 1-33% of the time), and upland (occur in wetlands <1% of the time).

The COE manual defines hydrophytic vegetation as present when at least 50% of the dominant plant species are rated obligate, facultative wet, or facultative.

Hydrology is determined based on a number of primary indicators (surface water, water marks, reduced iron presence, et al) and secondary indicators. Hydrology is present when at least one primary indicator or two secondary indicators are identified.

The soil profile evaluates soil features such as color matrix, hue, and evidence of redox features as indicated by saturation, stratified layers, gleyed matrix, mucky surface, organic/peat layers, and other indicators of iron reduced conditions.





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For this parcel:

The National Wetland Inventory (NWI) map for the parcel illustrates wetlands covering the majority of the parcel. In addition to the historical wetlands that persist despite area development, the fill pond created in 2020 also presents as a functional wetland.

Not including the fill pond, 6.82 acres of the parcel meets the requirements for the state and federal Wetland Determination Tests. More than 50% of the vegetation is hydrophytic (OBL or FACW). Hydrological indicators include standing water (primary), algal mat/crust (primary), a sparsely vegetated concave surface (secondary), and repeated evidence of inundation/saturation in historical aerial imagery (secondary). No soil samples were taken during the visit. Exhibit 3 shows the NWI map of the parcel and surrounding areas.

The National Wetlands Inventory identifies three different types of wetlands, which were confirmed during the site visit:

**PEM1Fd** – *Palustrine(P), Emergent(EM), Persistent(1), Semipermanently Flooded(F), Partially Drained/Ditched(d)*

**System *Palustrine (P)*** : *The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.*

**Class *Emergent (EM)*** : *Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.*

**Subclass *Persistent (1)*** : *Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.*

**Water Regime *Semipermanently Flooded (F)*** : *Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.*

**Special Modifier *Partially Drained/Ditched (d)*** : *A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.*



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**PEM1Cd** - Palustrine(P), Emergent(EM), Persistent(1), Seasonally Flooded(C), Partially Drained/Ditched(d)

**System Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

**Class Emergent (EM)** : Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

**Subclass Persistent (1)** : Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.

**Water Regime Seasonally Flooded (C)** : Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

**Special Modifier Partially Drained/Ditched (d)** : A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.

**PUBHx** - Palustrine(P), Unconsolidated Bottom(UB), Permanently Flooded(H), Excavated(x)

**System Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

**Class Unconsolidated Bottom (UB)** : Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

**Water Regime Permanently Flooded (H)** : Water covers the substrate throughout the year in all years.

**Special Modifier Excavated (x)** : This Modifier is used to identify wetland basins or channels that were excavated by humans.



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### **Protected Species**

Various agency databases including the Florida Natural Areas Inventory (FNAI) were searched for potential protected species in this region. According to FNAI biodiversity matrix for a one square mile grid that includes the site, one protected species was documented to occur, two species were likely to occur, and seventeen have the potential to occur. See these species listed in Exhibit 5. Observations for protected species were made on the parcel at the time of the environmental evaluation. Meandering pedestrian transects across the parcel to note any presence of wildlife and protected species. Approximately 85% of the site was covered.

#### Wildlife:

During the field review, evidence of rabbits was noted. There are animal paths around the site. Great white herons, cattle egrets, and a red-shouldered hawk were observed during this single site visit. Sightings during site visits by others include Sandhill Cranes, Little Blue Heron, Great Egrets, Wood Stork, Great Blue Heron (timestamped photos included).

#### Gopher Tortoise:

No gopher tortoise burrows were observed on site. Burrows that cannot be properly avoided at the time of development must be permitted, excavated, and tortoises relocated per current Gopher Tortoise Permitting Guidelines

#### Florida Scrub Jay:

Parcel not in or near a known Scrub Jay family territory and the parcel is not on the list requiring further review by the USFWS. Habitat is not appropriate, and the scrub jay should not impact development.

#### Bald Eagle Nests:

The FWC bald eagle database and the Audubon Eagle Nest Locator were researched and there is a possible eagle nest that could impact development. While the nest tree was damaged and may have been removed, a nesting pair will often build an alternate nest nearby. As nest SA023 was located approximately 300 feet from the parcel, it is reasonable to expect a replacement nest to be established in the area. The minimum distance that would require compliance with state or federal bald eagle requirements under Florida law or the U.S. Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act is 660 ft. See Exhibit 5 for FWC Bald Eagle Nest Location Map.



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#### 5.0 STATE & FEDERAL REGULATORY REVIEW

After careful review of available documentation and on-site evaluation, the wetland is unlikely to be isolated, with possible connections to navigable Waters of the United States (WoTUS) via drainage, stream, or other means. This is likely a jurisdictional wetland subject to federal regulation and Army Corps of Engineers permitting in addition to SWFWMD permitting. The Southwest Florida Water Management District handles permitting for commercial development rather than the FDEP.

#### 6.0 CONCLUSIONS & RECOMMENDATIONS

The majority of the parcel meets the criteria for state and federal Wetland Determination. The wetland area is largely unchanged from historical imagery and is highly functional, with multiple wading birds utilizing the area on a consistent basis. The man-made fill pond has needlerush, aquatic vegetation, and signs of fish spawning circles, likely bluegill and/or smallmouth bass.

The presence of the wetlands is not contested and is currently being permitted for impact, but the quality may not be fully appreciated. This wetland should be considered high quality and high functionality. Further, the fill pond should also be considered wetlands, as it certainly presents as a wetland, regardless of the origin.

#### Permitting:

A current SWFWMD permit application is in process.

#### 7.0 STANDARD OF CARE

Suncoast Ecological Services were performed in a manner consistent with generally accepted practices of the profession undertaken in similar studies in the same geographical area during the same time period. Suncoast Ecological Services, LLC makes no warranties, express or implied, regarding the findings, conclusions, or recommendations. Please note that Suncoast Ecological Services does not warrant the work of laboratories, regulatory agencies, or other third-party resources supplying information used in the preparation of this report. These services were performed in accordance with the scope of work agreed to with our client. Findings, conclusions, and recommendations resulting from these services are based upon information derived from the on-site activities and other services performed under this scope of work; such information is subject to change over time. Certain indicators of the presence of wetlands may have been latent, inaccessible, unobservable, or not present during our services.

We appreciate the opportunity to provide services. If you have any questions concerning this report, or if we can assist in any other matter, please contact our offices.

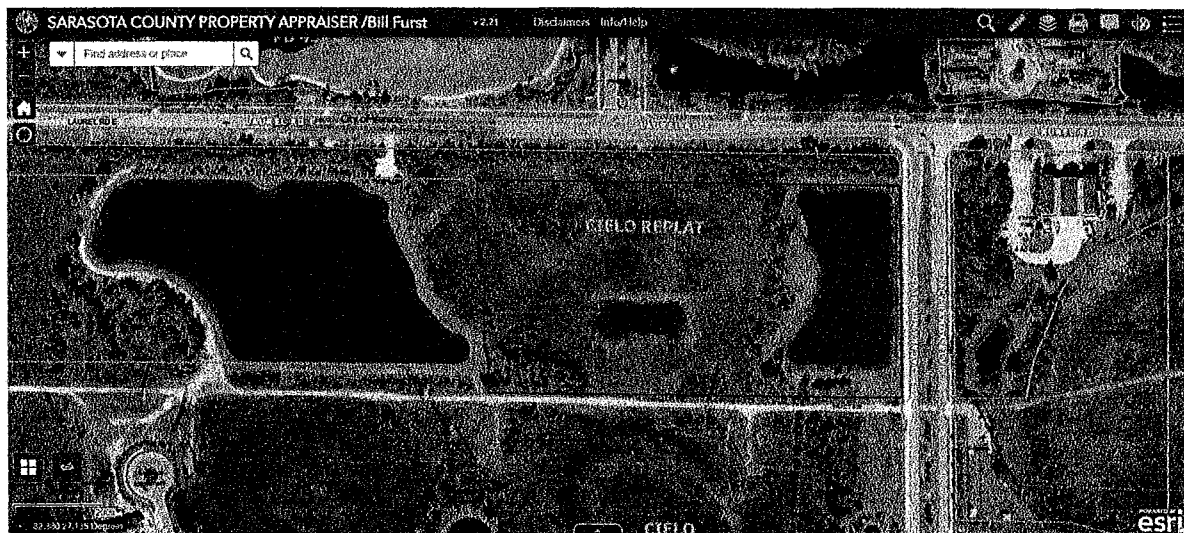
Sincerely

Jennifer K Krajcir  
Senior Ecologist



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Exhibit 1  
Parcel Location





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## Exhibit 2 Soils Map



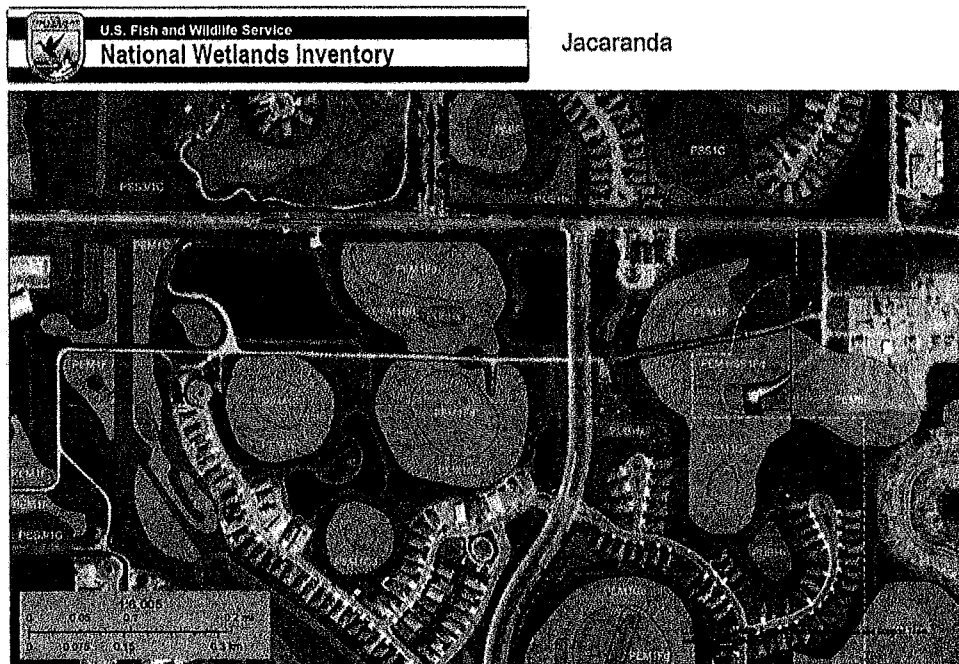
## Map Unit Legend

Map Unit Symbol	Map Unit Name
8	Delray fine sand, frequently ponded, 0 to 1 percent slopes
22	Holopaw fine sand, frequently ponded, 0 to 1 percent slopes
31	Pineda-Pineda, wet, fine sand, 0 to 2 percent slopes



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Exhibit 3  
 National Wetlands Inventory



April 6, 2024

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

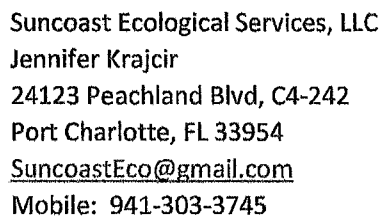
This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or completeness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)  
 This page was produced by the NWI mapper

Actual Wetland area – 6.82 acre

Includes small areas outside of property lines that would be impacted





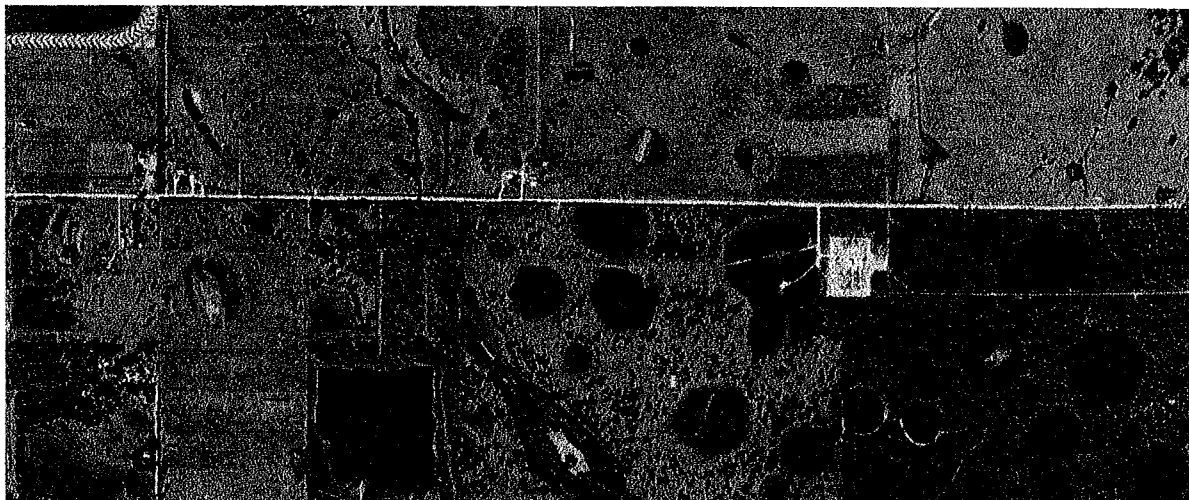
Evident depressional wetlands on the parcel persist throughout area development with little apparent change in hydrology from earliest aerial imagery through current condition.



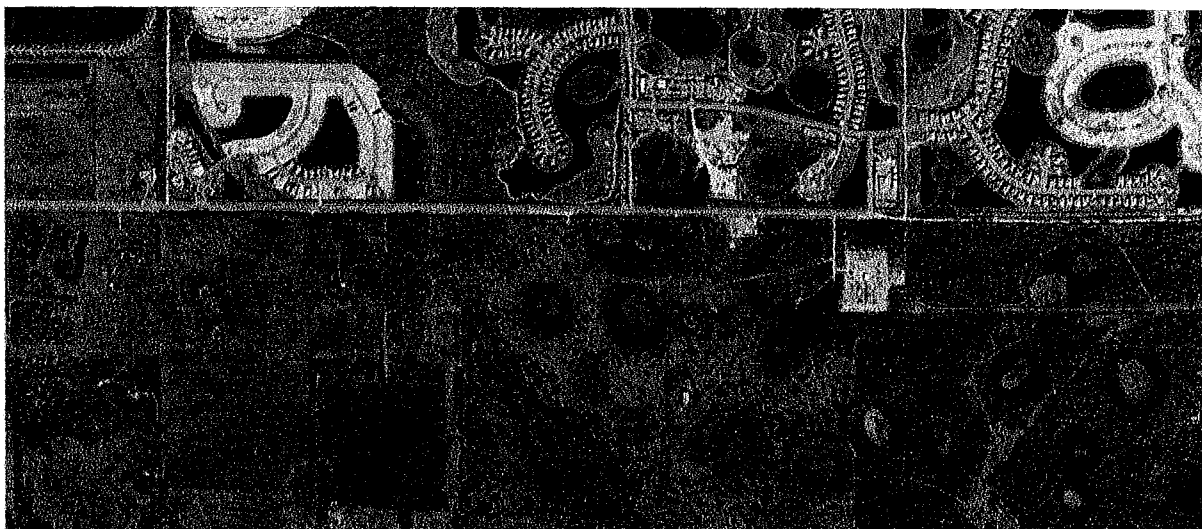


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1999



2007





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2014



2022- September 29, One day after Hurricane Ian  
Inundation of parcel and surrounding area is evident

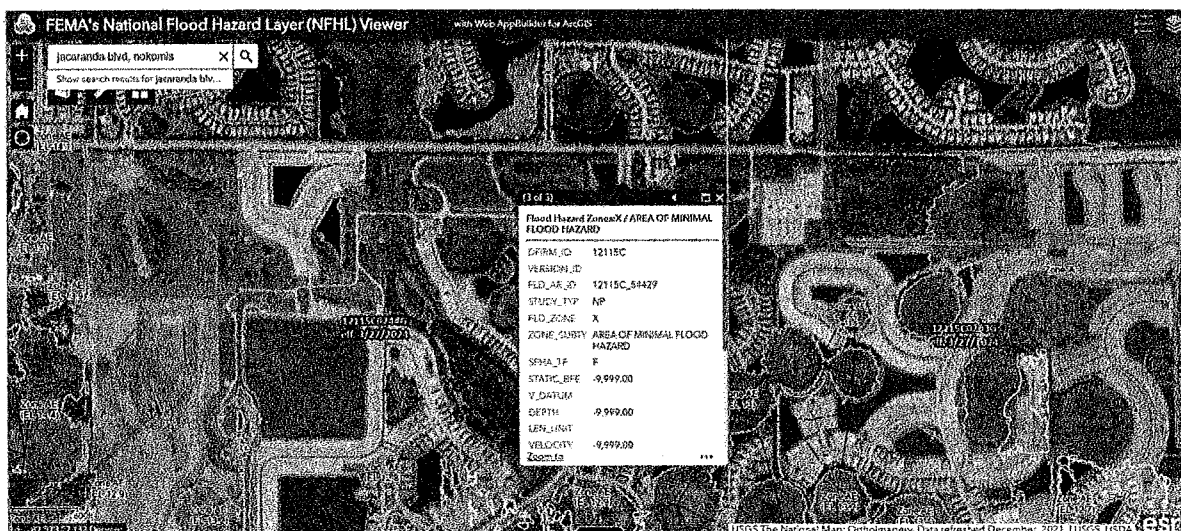




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#### Exhibit 4

#### FEMA Designation Flood Zone X



#### NAVD88 elevation map SWFWMD 2020

Lowest areas (blue/grey), highest areas (orange/red), transition low to high (yellow)  
 Does not show fill ponds, as the elevation imagery is older than the development.





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Exhibit 5  
FLUCCS & Vegetation

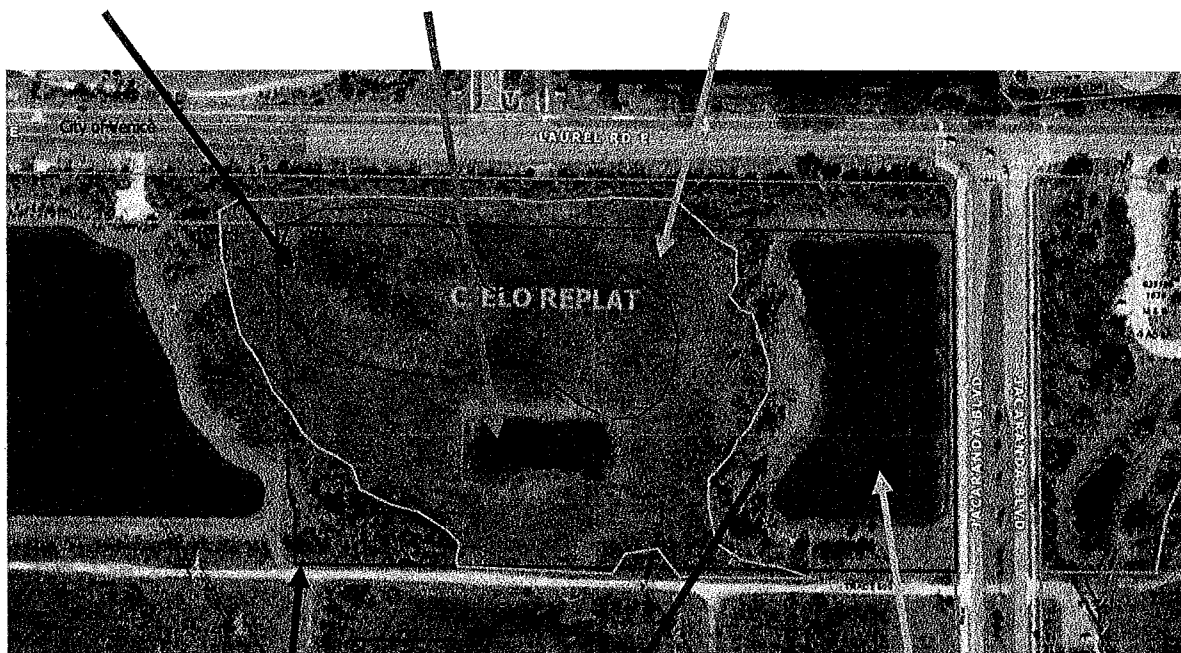
2021

Wetland and Property Boundary Lines are Approximate

641 Freshwater Marshes

524-Lake

643 Wet Prairies



Property Boundary

740 Disturbed  
Mowed Grass and Shrub/Brush

Fill Pond  
524-Lake



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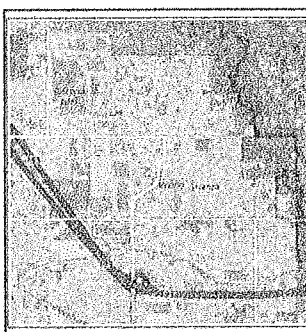
## Exhibit 5 Protected Species: FNAI Map Unit 27083



Florida Natural Areas Inventory  
 Biodiversity Matrix Query Results  
 UNOFFICIAL REPORT  
 Created 4/3/2024  
 (Contact FNAI Data Services Coordinator  
 for an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 27083



**Descriptions**

**DOCUMENTED** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

**DOCUMENTED-HISTORIC** - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit however the occurrence has not been observed/reported within the last twenty years.

**LIKELY** - The species or community is known to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; or
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

**POTENTIAL** - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 27083

17 Potential Elements for Matrix Unit 27083

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Amegilla caryocarpa</i> grasshopper	G372	S2	N	ST
<i>Amegilla caryocarpa</i> Florida Sandhill Crane	G413	S3	N	ST
<i>Amegilla caryocarpa</i> Florida Burrowing Owl	G203	S253	N	T
<i>Amegilla caryocarpa</i> many-flowered grass-pink	G2Q	S2	N	E
<i>Amegilla caryocarpa</i> sand butterfly tree	G4	S3	N	N
<i>Amegilla caryocarpa</i> Flatwoods/prairie lake	G3	S3	C	ST
<i>Amegilla caryocarpa</i> Gopher Tortoise	G3	S3	N	T
<i>Amegilla caryocarpa</i> breeding pinweed	G203	S3	N	N
<i>Amegilla caryocarpa</i> Gopher Frog	G3	S3	N	E
<i>Amegilla caryocarpa</i> Lythrum flagellare	G2	S2	N	E
<i>Amegilla caryocarpa</i> Florida spiny-pod	G372	S37	N	N
<i>Amegilla caryocarpa</i> Florida long-tailed weasel	G2	S2	N	E
<i>Amegilla caryocarpa</i> colonial fly	G3	S3	N	T
<i>Amegilla caryocarpa</i> Florida beargrass	G3	S3	N	H
<i>Amegilla caryocarpa</i> Phyllophaga elongata	G2	S2	N	E
<i>Amegilla caryocarpa</i> Florida June Beetle	G315	S3	N	N
<i>Amegilla caryocarpa</i> large-plumed bee	G203	S253	N	T
<i>Amegilla caryocarpa</i> Scaphiopus niger	G315	S3	N	N
<i>Amegilla caryocarpa</i> Southeastern Fox Squirrel	G203	S253	N	T
<i>Amegilla caryocarpa</i> Zonotrichia querula	G203	S253	N	T

Matrix Unit ID: 27083

1 Documented Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Haliaeetus leucorhynchos</i> Bald Eagle	G3	S3	N	N

0 Documented-Historic Elements Found

3 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<i>Opomachus</i> sparrow	G3	S37	T	FT
<i>Opomachus</i> Eastern Indigo Bunting	G4	S4	N	N
<i>Opomachus</i> Florida Redstart	G4	S2	T	FT

Bald Eagle Nest (pink circles)

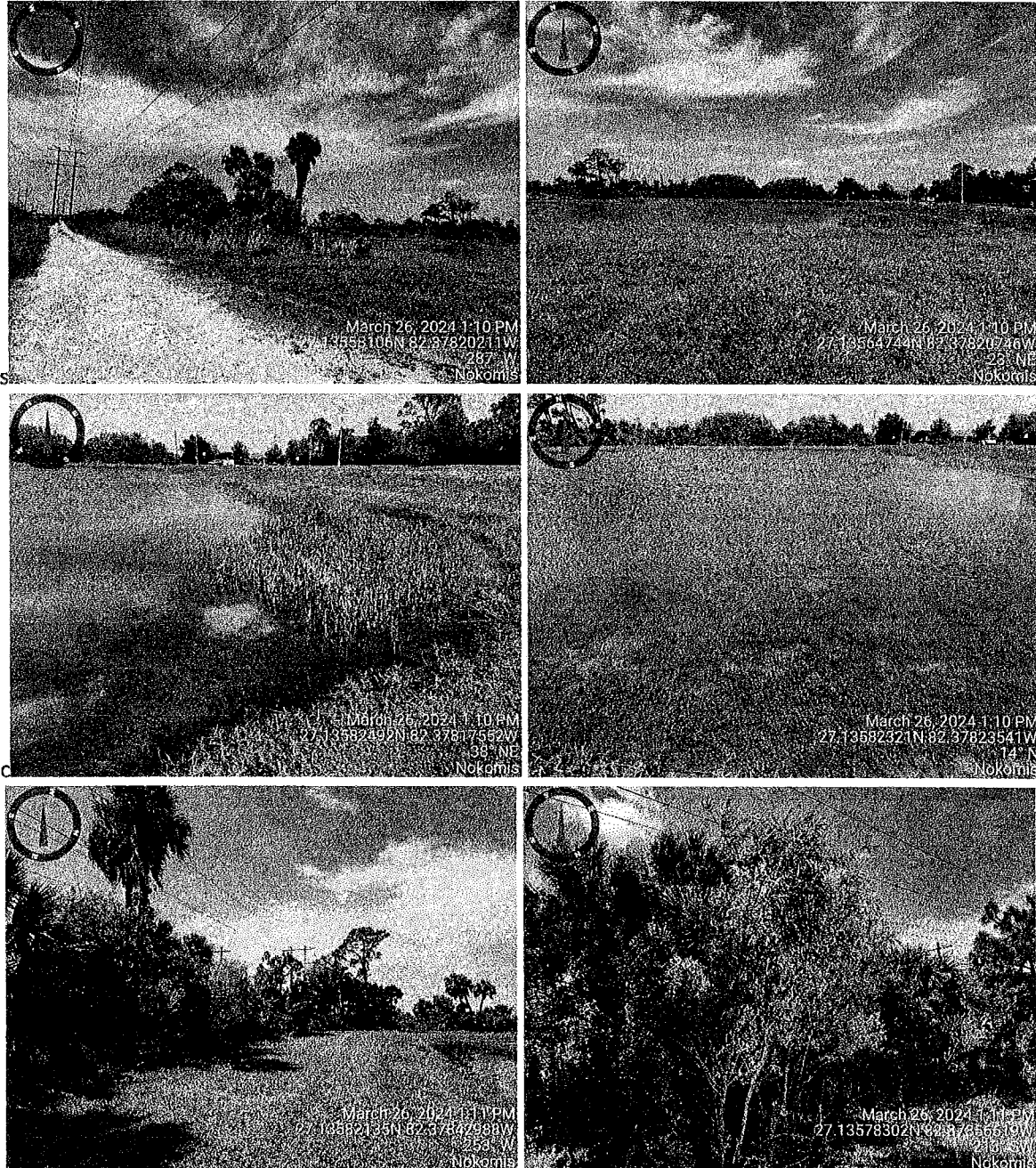




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Exhibit 6:  
Site Photographs

Fill pond and upland area







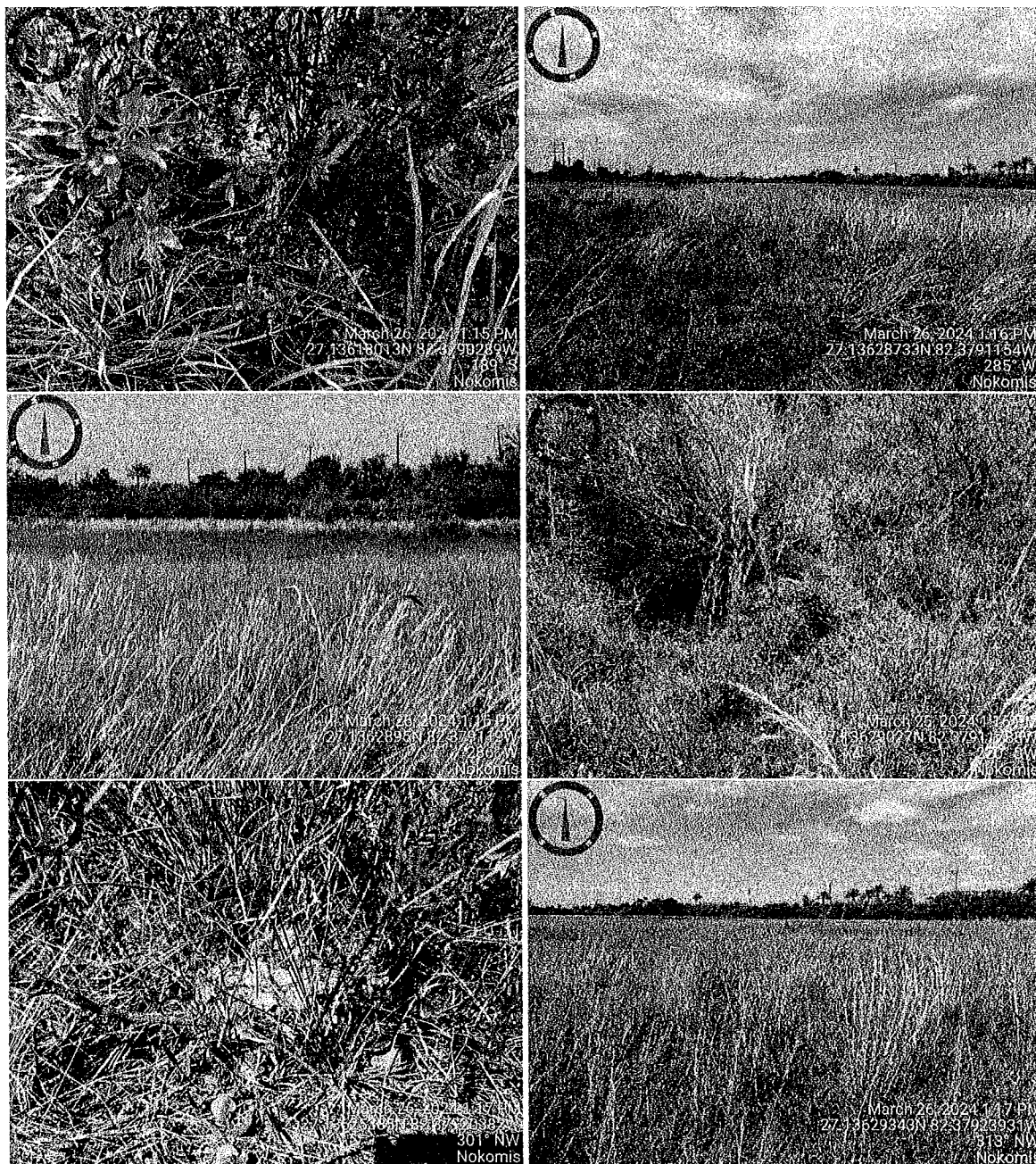
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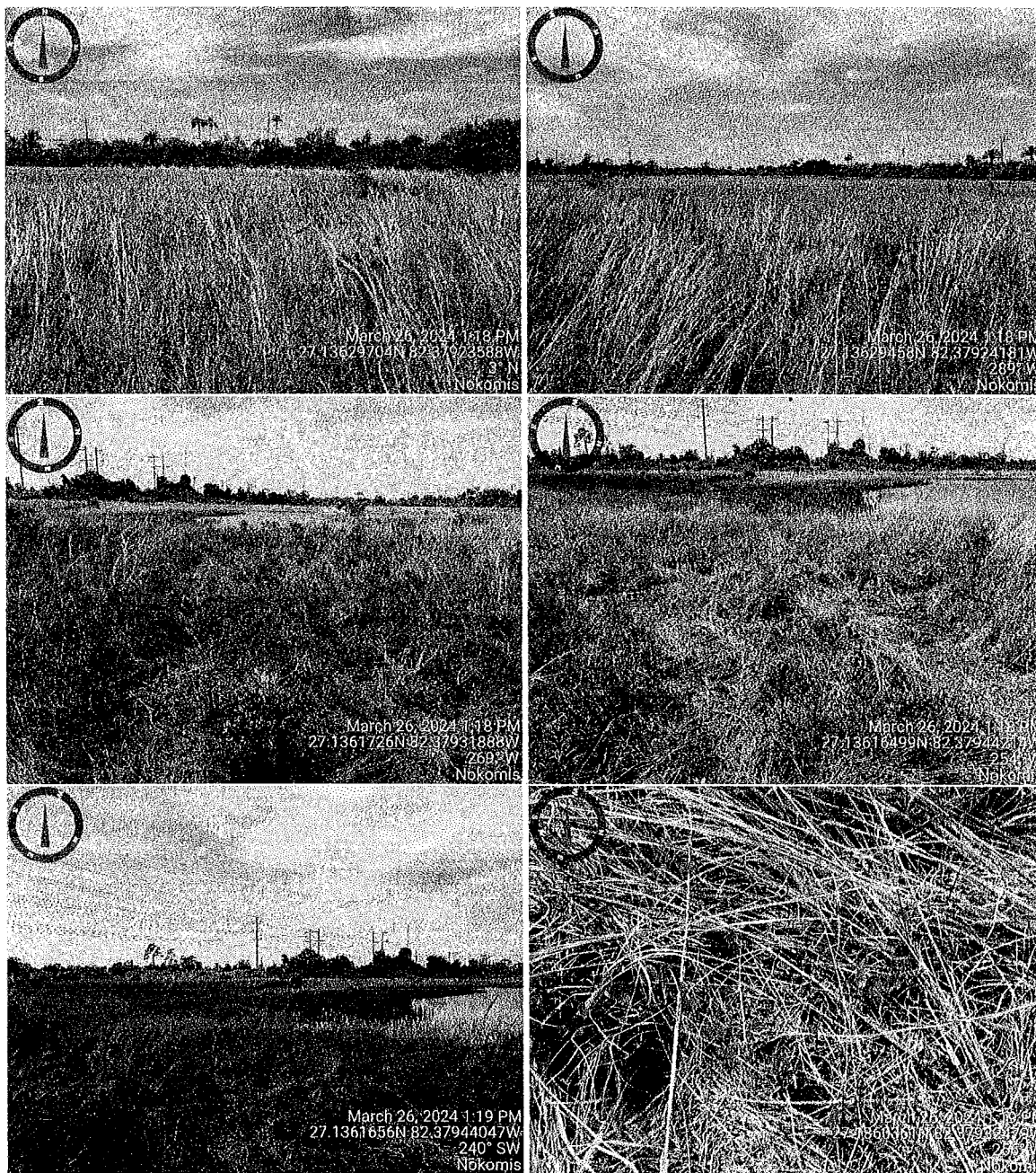
Wetland Area:







Suncoast Ecological Services, LLC  
Jennifer Krajcir  
24123 Peachland Blvd, C4-242  
Port Charlotte, FL 33954  
[SuncoastEco@gmail.com](mailto:SuncoastEco@gmail.com)  
Mobile: 941-303-3745

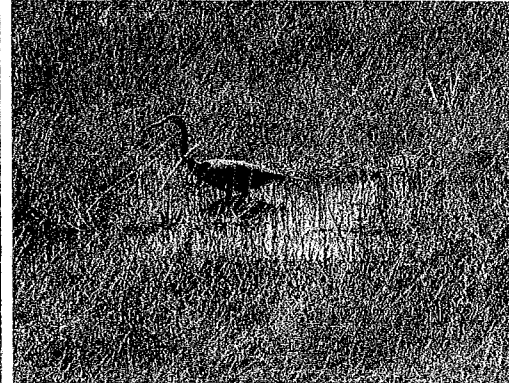
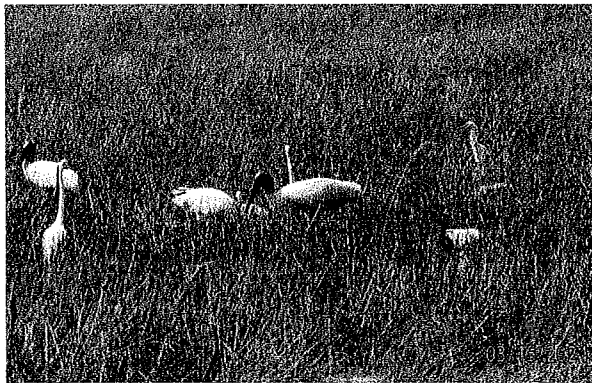




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Mobile: 941-303-3745



Additional photos taken on site documenting usage by protected species:



# Jennifer Krajcir

## Ecologist

### Contact

24123 Peachland Blvd C4-242  
Port Charlotte, FL 33954  
941.303.3745  
SuncoastEco@gmail.com

### Education/Training

BS Biology, University of Tennessee  
Knoxville, TN (2000)

Authorized Gopher Tortoise Agent,  
FFWCC (GTA-17-00062D)

ACE Wetland Delineation Training  
with Regional DEP Supplement  
Tampa, FL (2018)

Florida Master Naturalist  
Coastal/Upland/Wetland  
Sarasota & Charlotte Counties  
(2018-2019)

Florida Scrub Jay  
(2019)

### Professional Affiliations

Ecological Society of America  
Gopher Tortoise Council  
Society of Wetland Scientists

Primary responsibilities include surveying and monitoring state and federally listed species including general and species-specific surveys, development/design of project specific surveys and standard operating procedures, data analysis and providing guidance on conservation measures and regulatory requirements of protected species. Extensive experience in permitting and regulatory compliance.

### Relevant Projects & Experience

**Bald eagle:** Monitoring bald eagle nests during nearby construction projects for nests (roofing, residential construction, commercial construction). Preparation of Bald Eagle Management Plans and reporting to USFWS, FWC, and local governments.

**Florida scrub jay surveys** in accordance with U.S. Fish and Wildlife Service (USFWS) Scrub Jay Survey Protocol within Charlotte and Sarasota counties.

**Gopher tortoise surveys and relocations:** 750+ hours gopher tortoise surveys, 500+ gopher tortoise burrow excavations by hand shovel, backhoe/excavator, and bucket trapping

**Burrowing Owl surveys** to locate burrows, hand clear vegetation, provide t-perches, install stakes and signage to protect burrows/owls. Charlotte County (Placida). Permitting and relocation when required.

**Wetlands:** Identification, delineation, DEP and ACE permitting, as well as restoration monitoring / reporting.

### Other Notables

PMP Project Management certification

Electronics Technician (ET), US Navy

Professional Licensed Drone Pilot



July 13, 2024

North Venice Neighborhood Alliance, Inc.  
Mr. Ken Baron  
PO Box 104  
Laurel, FL 34272

Re: The Village at Laurel and Jacaranda  
Southwest Florida Water Management District Application 41590-014

Dear Mr. Baron:

Catalyst Engineering has completed the review of The Village at Laurel and Jacaranda to evaluate the drainage design of the new commercial development and confirm that the impacts this development will have downstream have been accurately represented in the permitted documents.

#### Available Data:

This report has been prepared based on review of the following:

- Cielo Drainage Calculations, August 28, 2018; Permit 41590-006
- Cielo – Lake LL-7 Short Form Modification documentation; Permit 41590-009.
- Laurel Road Drainage Calculations, December 28, 2022; ERP Permit Application 862122
- The Village at Laurel and Jacaranda Permitted Plans, signed and sealed 3/11/24; 41590-014
- The Village at Laurel and Jacaranda Original Calculations Dated: September 6, 2023; 41590-014
- 3/8/24 Responses to Request for Additional Information & Comments 10-19-23
- Notice of Agency Action – Approval ERP Individual Construction Major Modification for The Village at Laurel and Jacaranda 43041590.014

#### Overview:

The proposed project, The Village at Laurel and Jacaranda (referred to as The Village in the report) is a commercial development on 10.42 Acres of Cielo, a 125.5 Ac. permitted master development. Construction of The Village requires filling in 6.6 Acres of wetlands and an existing permitted stormwater management facility, SWMF LL-4. The FEMA flood maps show this area as Flood Zone X, however, based on the ICPR modeling of the 100-year 24-hour event, the area does have floodplain storage and construction of this project proposes fill of 10.5 Ac-ft. The project proposes no floodplain compensation, but was approved based on stormwater modeling showing no adverse impacts.

Jennifer Menendez of Catalyst Engineering was contacted by Ken Baron, representing the North Venice Neighborhood Alliance, regarding concerns about potential impacts of the proposed commercial development that could result from replacing/filling in the natural storage of the wetland area and the

storage provided in stormwater management facility LL-4 with impervious area. The project includes no compensatory storage volume.

It was agreed that Catalyst Engineering would provide a review of The Village's stormwater calculations and a letter of opinion with requests that can be made to help assure the Cielo HOA will not experience adverse flooding effects in their stormwater infrastructure due to the additional runoff generated by The Villages.

#### ICPR Stormwater Modeling Analysis:

Stantec created an ICPR model for the Cielo Development master plan by combining existing models obtained from Sarasota County, and modifying the project area for the Cielo development. The model was later modified by Stantec to include Laurel Road widening improvements. AM Engineering used the modified Cielo model as the existing condition, and edited it for the proposed to include The Villages development.

Looking at the 13,517 page report submitted to FDEP by AM Engineering, and the original Cielo development model, the following items have been noted:

- In the models, the Unit Hydrograph Peaking Factor used is either a UH100C or a UH256. These factors are typically applied in flat, rural areas with depressional storage so that the landscape's ability to retain and delay the peak flow is included in the model. The typical SCS peaking factor is 484 and is used for most developed areas, especially areas that have a formal conveyance system. It is not appropriate to continue to use peaking factors of 100 or 256 for The Village site since it is mostly impervious and has a storm drain system. There is no longer any ability for the land to retain or delay the peak flow, so a 484 factor would more accurately represent the runoff in a model. This can have a significant effect on pond modeling, resulting in larger ponds needed.
- Different types of drainage systems fail under different types of rainfall events. A single storm approach can miss the critical storm and result in downstream flooding. Other agencies and municipalities use a critical duration approach for stormwater quantity evaluation, which requires modeling of multiple storms to evaluate and compare pre vs. post runoff. For example, the FDOT requires modeling of a range of events for connections to their existing system. Since flooding is already an issue in this neighborhood, based on conversations with Ken Baron, modeling a wider range of storm events would help ensure that this new development would not make the current situation worse and cause additional flooding to a system that has already known to have issues.
- The NOAA Atlas 14 data is the most current rainfall estimate data available. The rainfall data in The Villages model on page 5116/13517 shows the 100 year 24 hour rainfall as 10 inches. The NOAA Atlas 14 data for this site has 11.4 inches, which is 14% greater. Current rainfall data needs to be applied to the model.
- The original Cielo and The Villages model have different input for Pond LL7. This is the pond that The Village discharges into and is relied upon for treatment and attenuation of the new project. In the original master plan, the normal water level was set to elevation 12.4, and that was the initial stage as well. At some point, part of the model seems to have been modified to

reflect a datum error, and converts elevations from NGVD to NAVD. Pond LL7's stages and water surface were dropped 1.1 ft. This brings up the question of whether this ICPR model is using a consistent datum throughout the entire model. The wetland 09230 to which the pond discharges was not modified, starting water surface or stages. The stages were likely set up using the same Lidar information, so why would the stages of LL7 be modified? Also, was the original water surface from the wetland evaluation given in NGVD or should this have remained NAVD? It would explain dropping the starting water surface of only Pond LL7 since the as-built was in NGVD, because the control structure would set the water surface in the pond. A detailed explanation of which pieces were updated and why in this very large model would be helpful. A difference of 1.1 ft. is significant.

- In The Villages model, the outfall structure (LL7CS1) weir invert was changed from 11.29 in the existing to 11.31 in the proposed, the pipe inverts were changed, and the size of the weir was changed from 280 to 259. Since nothing is proposed to be modified in Pond LL7, the model from existing to proposed should be consistent and the existing should have been changed as well if an error was discovered. A survey of the outfall structure would clear up any discrepancies and ensure that the pond is being modeled correctly.
- The as-built drawings from Cielo show a grate inlet at the end of the outfall structure (LLCS1) from LL7. The plans imply that this is a bubble up structure, and it is modeled as a drop structure in ICPR. That could work as a modeling technique, but the pipe elevations are set much lower than the outfall grate, and the starting water surface of 09230 is lower than the grate as well. The water in reality is not able to leave the pond as soon as the model is showing if the grate elevation in the as-built plans is correct. This outfall structure needs to accurately modeled.
- The storm drain calculations begin with a time of concentration of 10 minutes and an intensity of 6.9 in/hr. This equates to less than the 5-year event in the NOAA Atlas 14 data. The 25-year event would have an intensity of 8.81 in/hr, and the calculations state that 25 year is the intended design frequency. It is possible that the onsite storm drain system is undersized.
- The Villages stormwater documentation 13,517 pages long. Presenting the entire model input and output in this way is overwhelming to review. Because the majority of the model is unchanged, at some point downstream parts of the model become irrelevant to the goal of presenting impacts from the project improvements. It would be helpful if the Engineer of Record would analyze the results and cut out the unnecessary data that is not relevant to this project, or at least provide relevant and clear summary tables. Stantec did this in both the Cielo report and the Laurel Road report. This was also requested by FDEP in their review, but was not done by AM Engineering. In general, presenting massive quantities of data does not lead to a thorough review due to time constraints of the reviewer. It is good practice to present information in a clear and concise way. As engineers, we want our designs to be accurate and it is always helpful to have our calculations and data easily reviewable so that mistakes that could cause flooding or failures can be avoided.

### Recommendations:

In Part III – Stormwater Quantity/Flood Control, 3.0 General Stormwater Quantity and Flood Control Requirements of the Southwest Florida Water Management District Environmental Resource Permit Applicant's Handbook Volume II, it explains the intent of the law as to the requirements of a new project

discharging runoff downstream. The proposed construction should not cause any impacts or flooding and is normally regulated by modeling the 25-year 24-hour storm. The last paragraph explains that in areas with credible evidence of past flooding, additional analyses using storm events of different duration and frequency would be required to provide reasonable assurance of compliance. This project was permitted with only the single event being modeled, but if credible evidence of flooding can be presented, it seems reasonable for the HOA to request comparison of additional events. FDOT requires the following, based on Suwannee River Water Management District's methodology:

**Table 4-1**

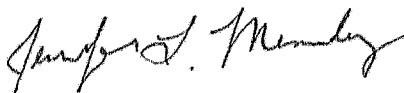
Duration	Design Storms					
	Frequency					
	3-Year	5-Year	10-Year	25-Year	50-Year	100-Year
1-Hour	Required	Required	Required	Required	Required	Required
2-Hour	Required	Required	Required	Required	Required	Required
4-Hour	Required	Required	Required	Required	Required	Required
8-Hour	Required	Required	Required	Required	Required	Required
1-Day	Required	Required	Required	Required	Required	Required
3-Day	Required	Required	Required	Required	Required	Required
7-Day	Closed Basin	Closed Basin	Closed Basin	Closed Basin	Closed Basin	Closed Basin
10-Day	Closed Basin	Closed Basin	Closed Basin	Closed Basin	Closed Basin	Closed Basin

The following is a summary of recommendations for the HOA:

- Request the design storms in Table 4-1 from the FDOT Drainage Connection Permit Handbook be modeled.
- Request a current survey of the outfall structure for Pond LL7 be completed so that the accuracy of that critical point in the model can be verified.
- Obtain responses to each of the bulleted points above and ask for an updated report to show changes in the model resulting from comments.
- Request clear and concise summary tables that are relevant to your neighborhood infrastructure. They should be able to show you the critical points and elevations that are relevant to your neighborhood, and you should be able to look at the table and see how much they are raising elevations and increasing discharges. You want to see top of bank or structure elevations compared to model stages at those points. You also want to see pre and post discharge rates for each storm event. This should all be in a table at the beginning or as a supplement to the report. They have some of this at the end of their report, but it is mixed in with a lot of irrelevant data that is not helpful.

Please let me know if you have any questions or would like any additional information.

Sincerely,



Jennifer L. Menendez, P.E.  
Catalyst Engineering, LLC

# Jennifer Menendez, P.E

## CONTACT INFORMATION

Email: Jennifer.menendez@gmail.com  
2064 Trescott Drive, Tallahassee, FL 32308  
(850) 508-5494

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## PROFILE SUMMARY

Jennifer Menendez is an experienced Civil Engineer with over 20 years of expertise in project management, design, permitting, and plan production. She has a wide range of experience in both the public and private sectors. She has also contributed to education by teaching the FDOT bridge hydraulics class and participated in a research project on model selection methods for bridge hydraulics.

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## EDUCATION

Bachelor of Science in Civil Engineering, May 2003  
University of Florida, Gainesville, FL

## CERTIFICATIONS

Professional Engineer (P.E.)  
Advanced Work Zone Traffic Control

## EMPLOYMENT

### **Catalyst Engineering, LLC**

*February 2009 – Present*

- Founded and manage a successful civil engineering consultancy specializing in drainage design services for roadway design projects.
- Expertise includes drainage design, stormwater permitting, and maintenance of traffic.
- Provide strategic leadership, project management, and technical oversight to ensure high-quality deliverables.

### **Inovia Consulting Group**

*August 2005 – February 2009*

- Managed and executed land development projects in Tallahassee and surrounding regions.
- Responsibilities included roadway design, stormwater design, utility design, permitting, cost estimation, and proposals.
- Delivered comprehensive services for FDOT resurfacing projects, including pavement design, ADA compliance, utility coordination, public involvement, plans production, and electronic delivery.



**H.W. Lochner, Tallahassee, FL**

*June 2003 – August 2005*

- Worked on drainage design on various stages of roadway widening and new alignment projects.
- Responsibilities included hydrologic evaluation, pond siting, pond routing models, bridge hydraulics, urban and rural stormwater conveyance system design, and permitting.
- Helped teach the Bridge Hydraulics class for the FDOT.

**SKILLS**

- Basin analysis and modeling
- Rural and Urban Stormwater Conveyance Design
- Pond Siting Analysis
- Stormwater Management System Design for Treatment and Attenuation
- Bridge Hydraulics Analysis
- Culvert Analysis and Design
- Roadway Design
- Commercial Site Design and Permitting
- Residential Subdivision Design and Permitting
- Wastewater Collection System Design
- Pump Station Design
- Water Distribution System Design
- Sediment and Erosion Control
- Bid Administration
- Project Reviews

**COMPUTER SOFTWARE EXPERTISE**

- StormWise (Formerly ICPR)
- OpenRoads Designer
- HEC-RAS
- HY-8
- PONDS

**SELECT PROJECT EXPERIENCE**

- FDOT District 3 Districtwide Drainage Consultant
- 17<sup>th</sup> Street Outfall Basin Study, Lynn Haven, FL
- 11<sup>th</sup> Street Outfall Basin Study, Lynn Haven, FL
- George L. Sands Memorial Park Stormwater Management Facility, Carrabelle, FL
- Victory Garden Sidewalk Improvements - Drainage Design, Tallahassee, FL
- Miccosukee Road over Alford Arm Branch - Bridge Hydraulics Analysis, Tallahassee, FL
- SR 85 / SR 123 Interchange - Drainage Design and Stormwater Management, Okaloosa County, FL
- SR 83 from US 98 to Choctawhatchee Bay Bridge - Drainage Design and Stormwater Management, Walton County, FL
- Capital Circle Extended PD&E Pond Siting, Tallahassee, FL
- NCHRP Bridge Hydraulics Selection Method Research Project



An Equal  
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Employer

# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

## Bartow Office

170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

## Sarasota Office

78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

## Tampa Office

7601 U.S. 301 North (Fort King Highway)  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

October 19, 2023

AM Engineering, Inc.  
D. Shawn Leins, P.E.  
8340 Consumer Ct.  
Sarasota, FL 34240

**Subject: Request for Additional Information**

Project Name: The Village at Laurel and Jacaranda  
Application/Petition No.: 879244  
County: Sarasota  
Sec/Twp/Rge: S35/T38S/R19E

**Reference:** Chapter 62-330, Florida Administrative Code (F.A.C.)  
Section 373.4141 and 120.60, Florida Statutes (F.S.)

Dear Mr. Leins:

Before the District can complete its review of the permit application/petition referenced above, the information itemized on the enclosed checklist must be received.

Please ensure that your response to the checklist, including any payment of the fee (if not submitted),

- is received in this office within 90 days from the date of this request;
- references the permit application/petition number; and,
- includes a copy of **all** requested information (if submitted on paper).

Failure to provide this information within 90 days will delay the processing of the permit application/petition, and may result in the permit application/petition being denied. If the additional information cannot be provided within that time period, you may make a written request for a time extension, provided that an acceptable justification for the time extension accompanies the request.

Pursuant to 120.60(1), F.S., if you believe this request for additional information is not authorized by law or rule, then upon your written request, the District shall proceed to process the application. Pursuant to Section 373.4141(1), F.S., if you believe that this request for additional information is not authorized by law or rule, then you may request a hearing pursuant to Section 120.57, F.S., and Chapter 28-106, F.A.C., of the Uniform Rules of Procedure. A request for hearing must (1) explain how the substantial interests of a person requesting the hearing will be affected by the District's action; (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts; and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C., may be viewed at [www.flrules.org](http://www.flrules.org). A petition for administrative hearing must be filed with (received by) the District Agency Clerk at the District's Tampa address within 21 days of receipt of this notice. Receipt is deemed to be fifth day after the date that this notice is deposited in the United States mail if this notice is mailed to you, or the date that this notice is issued, if sent by electronic mail. Failure to file a request for a hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Sections 373.4141(1) or 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., of any administrative dispute regarding the District's determination in this matter is not available.

If you have questions regarding the information requested or the District's procedure, please contact me at the Tampa Service Office, at 8134456649. For assistance with environmental concerns, please contact Nikki Ross, 8133673013.

Sincerely,

Brandee Alexander  
Staff Engineer  
Environmental Resource Permit Bureau  
Regulation Division

Nikki Ross  
Staff Environmental Scientist  
Environmental Resource Permit Bureau  
Regulation Division

Enclosures: Checklist

cc: Border and Jacaranda Holdings, LLC

**PROJECT INFORMATION REVIEW LIST**  
**Environmental Resource Permit Application**  
**Individual**

<b>DATE:</b>	October 19, 2023
<b>PROJECT NAME:</b>	The Village at Laurel and Jacaranda
<b>APPLICATION ID NUMBER:</b>	879244
<b>DATE APPL. RECEIVED:</b>	September 19, 2023
<b>APPLICATION REVIEWER(S):</b>	
<b>ENGINEERING:</b>	Brandee Alexander
<b>ENVIRONMENTAL:</b>	Nikki Ross

In order to provide that reasonable assurance is given for those "Conditions for Issuance of Individual and Conceptual Approval Permits" found in Rule 62-330.301, Florida Administrative Code (F.A.C.), and those "Additional Conditions for Issuance of Individual and Conceptual Approval Permits" found in Rule 62-330.302, F.A.C., the following additional information is required as indicated. The items requested are also extracted from Rules 62-330.060, F.A.C., "Content of Applications for Individual and Conceptual Approval Permits", 62-330.010(4)(a), F.A.C., "Southwest Florida Water Management District Applicant's Handbook Volume I", 62-330.010(4)(b)4, F.A.C., "Southwest Florida Water Management District Applicant's Handbook Volume II", and 40D-1.607, F.A.C., "Permit Processing Fee".

**APPLICATION AND APPLICATION CERTIFICATION:**

1. This application appears to be a Major Modification. However, the project description did specify what is being proposed or modified. Please clearly itemize/document what this application proposes to construct, how water quality treatment and attenuation requirements will be met, and how this work will impact any previously permitted stormwater management systems within the project area. Please be specific in referencing Permit Numbers and names of existing Ponds, as the provided project description is vague. [Section E, ERP Application, Rule 62-330.060(2), F.A.C.]
2. In accordance Section 5.5.2.3 of the Applicant's Handbook (A.H.) Vol. I, upon submittal of an initial application of an individual ERP permit the applicant shall publish at the applicant's expense a notice of the District's receipt of the application in a newspaper having general circulation (meeting the requirements of Section 50.031, F.S.), in the county or counties in which the activity is proposed. Please provide documentation that such noticing has been accomplished. Note that the published notices of receipt for an ERP must be in accordance with the language provided in Rule 40D-1.603 (10), F.A.C., and receipt of an affidavit establishing proof of this publication will be considered a completeness item of this ERP Application. Per Rule 40D-1.603(12), F.A.C., this must be received before the application will be considered complete and the 60-day timeframe for taking agency action on the application will commence.
3. Please submit the required permit processing fee. Please consult the Fee Schedule for the appropriate fee amount per project area and if there are any wetland or surface water impacts. Please consider the project area as only the areas which will be disturbed by groundwork for this project. [Rules 40D-1.607(1)(a)(4) and 40D-1.607(1)(a)(8), F.A.C.]

**SITE INFORMATION:**

4. Please discuss the absence or presence of any existing 100-year floodplain associated with historic basin storage, existing wetlands, or other surface waters. Please review Section E, Part 1.4, ERP Application and Section 3.3, ERP A.H. Vol. II and add this discussion of findings to the provided drainage report. If floodplain impacts are proposed, or differ from any previously authorized floodplain

impacts under a separate permit authorization, provide the appropriate floodplain mitigation calculations and indicate which page of the drainage report this can be found.

#### **ENVIRONMENTAL CONSIDERATIONS:**

5. Please contact the project Environmental Scientist, Nikki Ross (Nikki.Ross@watermatters.org), to schedule a site visit to review the limits of the wetlands and surface waters and to review the UMAM analysis. Please note, additional clarification may be requested after District inspection of the site. [Rules 62-330.301 and 62-330.302(1), F.A.C. and Subsections 10.2 and 10.3, A.H.V.I.]
6. Please provide the District assurance that the Elimination or Reduction criteria within Subsection 10.2.1, AHVI, have been met. Subsection 10.2.1 of the Environmental Resource Permit Applicant's Handbook, Volume I, states that project design modifications to reduce or eliminate adverse impacts must be considered in determining whether an application will be approved. Please provide information regarding the practicability of design modifications for the project that could eliminate or reduce the proposed wetland/surface water impacts associated with this development. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through the endangerment of lives or property is not considered "practicable". [Rule 62-330.301(4), F.A.C. and Subsection 10.2.1, A.H.V.I.]
7. Please provide documentation from the Myakka Mitigation Bank stating that adequate credits of the appropriate type are available at the bank and are reserved specifically for withdrawal for this project. [Rules 62-330.060(2), 62-330.301(1)(d), 62-330.302(1)(a), F.A.C, Section 10.3. of the A.H.V.I.]
8. Please provide reasonable assurance the proposed project will not cause adverse secondary impacts to wetlands adjacent to the project. The proposed commercial development adjacent to the remaining wetland on the north and west sides of the project may result in an adverse secondary impact to the wetland. [Subsection 10.2.1(f), A.H.V.I.]
9. Please label each wetland or other surface water on the construction drawings with a unique identification name or number, which is consistent on the plans and with the wetland tables. Additionally, please clearly label and quantify the acreage of all wetlands, permanent wetland impact areas, temporary impact areas, and buffer impact areas, as applicable, on the construction plans. [Rule 62-330.060(2), F.A.C.]
10. Please provide the location and details of all erosion, sediment, and turbidity control measures to be implemented during construction. Please label the location of the devices on the construction plans. [Rule 62-330.301(1)(e), F.A.C.]
11. Please provide reasonable assurance that the current hydroperiods of the adjacent wetlands will not be adversely impacted by project construction. Provided information should include, but not be limited to, a description of how the water quality, quantity, hydroperiod and habitat will be maintained in the receiving waters with the construction and operation of the proposed orifice. [Rule 62-330.060(2), 40D-4.301(1)(a)(d)(e) and 62-330.302(1)(a), F.A.C.]
12. Please note that since the proposed project includes activities in, on, or over, wetlands and/or surface waters, comments have been requested from the Florida Fish and Wildlife Conservation Commission (FFWCC). Therefore, please provide the District with the results of any wildlife surveys that have been conducted within the project area or any other additional information that supports whether or not the proposed project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats. Please provide any correspondence from the FFWCC concerning the proposed project and please be advised that based on FFWCC recommendations, additional information or revisions to the project may be required. [Rules 62-330.060(2), 62-330.301(1)(d) and 62-330.302(1)(a)(2), F.A.C. and Subsection 10.2.2 A.H.V.I.]
13. Please note that since the proposed project includes activities in, on, or over, wetlands and/or surface waters, comments have been requested from the Florida Department of State, Division of Historical Resources (DHR). Therefore, please provide the District with the results of any cultural resource

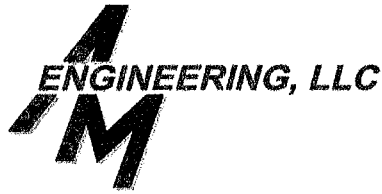
surveys conducted within the project area or any other additional information that supports whether or not the proposed project will adversely affect or enhance significant historical and archeological resources under the provisions of Section 267.061, Florida Statutes. Please provide any correspondence from DHR concerning the proposed project and please be advised that based on DHR's recommendations, additional information or revisions to the project may be required. [Rules 62-330.060(2) and 62-330.302(1)(a)(6), F.A.C and Subsection 10.2.3 of the ERP Applicant's Handbook Vol. I]

**OPERATION AND MAINTENANCE AND LEGAL DOCUMENTATION:**

14. Please identify the responsible Operation and Maintenance entity for the stormwater management system that will serve the proposed work. As needed, provide additional documentation (i.e., shared-use agreement, drainage easement, etc.) demonstrating that the applicant still has the legal ability to connect and discharge into the previously permitted master stormwater management system. In the case that the project site is located in a subdivision with an established Property Owner's Association (POA) acting as the Operation and Maintenance (O&M) for the previously permitted master system, a letter of acceptance acknowledging that the POA will accept this runoff into their system will suffice for this requirement. [Rule 62-330.301(1), F.A.C.; Section 12.3, ERP Applicant's Handbook (A.H.) Vol. I]

The following comment(s), although not required by District rule, is(are) provided for your consideration and information:

15. When submitting a drainage report several thousand pages in length, utilizing summary tables and references to specific page numbers where results can be verified can streamline the review process. Additionally, if master drainage models include information from adjacent or previous projects, highlighting the results pertinent to the proposed improvements specific to the application, providing a description of the nomenclature used, and bookmarking sections is especially useful. Providing a greater level of detail will reduce the need to submit additional information at a later date. [Section E, ERP Application]
16. Please note that additional information may be required based on the information provided in response to the questions above, to assure that the proposed project does not cause or contribute to any adverse on-site/off-site water quantity or quality impacts. [Rule 62-330.301(1), F.A.C.]



Civil Engineering | Land Surveying

8340 Consumer Court Sarasota, FL 34240  
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March 8, 2024

Ms. Brandee Alexander  
Southwest Florida Water Management District  
7601 Highway 301 North  
Tampa, FL 33637-6759

RE: *The Village at Laurel and Jacaranda*  
*Application ID No.: 879244*

Dear Ms. Alexander:

The below comments are in response to the District's review comments dated 10/19/2023 requesting clarification of received information.

**APPLICATION AND APPLICATION CERTIFICATION:**

- 1) This application appears to be a Major Modification. However, the project description did specify what is being proposed or modified. Please clearly itemize/document what this application proposes to construct, how water quality treatment and attenuation requirements will be met, and how this work will impact any previously permitted stormwater management systems within the project area. Please be specific in referencing Permit Numbers and names of existing Ponds, as the provided project description is vague. [Section E, ERP Application, Rule 62-330.060(2), F.A.C.]  
**RESPONSE: Please see drainage narrative included with this submittal. It appears that this might be a major modification.**
- 2) In accordance Section 5.5.2.3 of the Applicant's Handbook (A.H.) Vol. I, upon submittal of an initial application of an individual ERP permit the applicant shall publish at the applicant's expense a notice of the District's receipt of the application in a newspaper having general circulation (meeting the requirements of Section 50.031, F.S.), in the county or counties in which the activity is proposed. Please provide documentation that such noticing has been accomplished. Note that the published notices of receipt for an ERP must be in accordance with the language provided in Rule 40D-1.603 (10), F.A.C., and receipt of an affidavit establishing proof of this publication will be considered a completeness item of this ERP Application. Per Rule 40D-1.603(12), F.A.C., this must be received before the application will be considered complete and the 60-day timeframe for taking agency action on the application will commence.  
**RESPONSE: The affidavit will be submitted upon receipt. The project is being advertised on 3/13/24 in the Sarasota Herald Tribune..**
- 3) Please submit the required permit processing fee. Please consult the Fee Schedule for the appropriate fee amount per project area and if there are any wetland or surface water impacts. Please consider the project area as only the areas which will be disturbed by groundwork for this project. [Rules 40D-1.607(1)(a)(4) and 40D-1.607(1)(a)(8), F.A.C.]  
**RESPONSE: This fee has been paid online for a major modification.**

**SITE INFORMATION:**

- 4) Please discuss the absence or presence of any existing 100-year floodplain associated with historic basin storage, existing wetlands, or other surface waters. Please review Section E, Part 1.4, ERP Application and Section 3.3, ERP A.H. Vol. II and add this discussion of findings to the provided drainage report. If floodplain impacts are proposed, or differ from any previously authorized



floodplain impacts under a separate permit authorization, provide the appropriate floodplain mitigation calculations and indicate which page of the drainage report this can be found.

**RESPONSE:** Please see Appendix I of the drainage report which is pages 13,337-13,503. We have used the watershed model to show that there are no adverse impacts from the proposed development.

**ENVIRONMENTAL CONSIDERATIONS:**

- 5) Please contact the project Environmental Scientist, Nikki Ross (Nikki.Ross@watermatters.org), to schedule a site visit to review the limits of the wetlands and surface waters and to review the UMAM analysis. Please note, additional clarification may be requested after District inspection of the site. [Rules 62-330.301 and 62-330.302(1), F.A.C. and Subsections 10.2 and 10.3, A.H.V.I.]  
**RESPONSE:** A site visit was conducted with Nikki Ross and the project environmental consultant Chris Kennedy (Kimley-Horn) on December 14, 2023.
- 6) Please provide the District assurance that the Elimination or Reduction criteria within Subsection 10.2.1, AHVI, have been met. Subsection 10.2.1 of the Environmental Resource Permit Applicant's Handbook, Volume I, states that project design modifications to reduce or eliminate adverse impacts must be considered in determining whether an application will be approved. Please provide information regarding the practicability of design modifications for the project that could eliminate or reduce the proposed wetland/surface water impacts associated with this development. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through the endangerment of lives or property is not considered "practicable". [Rule 62-330.301(4), F.A.C. and Subsection 10.2.1, A.H.V.I.]  
**RESPONSE:** Please see the attached economic viability narrative prepared by Stearns Weaver Miller addressing Subsection 10.2.1.
- 7) Please provide documentation from the Myakka Mitigation Bank stating that adequate credits of the appropriate type are available at the bank and are reserved specifically for withdrawal for this project. [Rules 62-330.060(2), 62-330.301(1)(d), 62-330.302(1)(a), F.A.C, Section 10.3. of the A.H.V.I.]  
**RESPONSE:** A credit reservation letter for 3.76 freshwater herbaceous credits has been previously provided to the District via email.
- 8) Please provide reasonable assurance the proposed project will not cause adverse secondary impacts to wetlands adjacent to the project. The proposed commercial development adjacent to the remaining wetland on the north and west sides of the project may result in an adverse secondary impact to the wetland. [Subsection 10.2.1(f), A.H.V.I.]  
**RESPONSE:** Please see the revised AM Engineering storm water management plans and environmental narrative/UMAM information prepared by Kimley-Horn addressing secondary impacts to the remaining wetland offsite to the north and west
- 9) Please label each wetland or other surface water on the construction drawings with a unique identification name or number, which is consistent on the plans and with the wetland tables. Additionally, please clearly label and quantify the acreage of all wetlands, permanent wetland impact areas, temporary impact areas, and buffer impact areas, as applicable, on the construction plans. [Rule 62-330.060(2), F.A.C.]  
**RESPONSE:** Please see the attached revised AM Engineering storm water management plans and Table 1 of Section C of the Kimley Horn report.
- 10) Please provide the location and details of all erosion, sediment, and turbidity control measures to be implemented during construction. Please label the location of the devices on the construction plans. [Rule 62-330.301(1)(e), F.A.C.]  
**RESPONSE:** Please see the Stormwater Pollution Prevention Plan on sheet 8 for the location of the proposed silt fence and other erosion, sediment, and turbidity control measures
- 11) Please provide reasonable assurance that the current hydroperiods of the adjacent wetlands will not





be adversely impacted by project construction. Provided information should include, but not be limited to, a description of how the water quality, quantity, hydroperiod and habitat will be maintained in the receiving waters with the construction and operation of the proposed orifice. [Rule 62-330.060(2), 40D-4.301(1)(a)(d)(e) and 62-330.302(1)(a), F.A.C.]

**RESPONSE:** *Wetland G is currently hydrologically connected to Wetland F via an 18" RCP and the hydrology for Wetland F is controlled by an outfall structure that was permitted as part of the stormwater management system for the Cielo development (ERP # 43041590.007), therefore, there should be no adverse effects to the quantity and hydroperiod of the receiving waters. Additionally, a 25 minimum buffer will be maintained between the receiving waters during, and post-construction and Best Management Practices (BMP) erosion, sediment, and turbidity control measures will be implemented during construction to maintain water quality.*

- 12) Please note that since the proposed project includes activities in, on, or over, wetlands and/or surface waters, comments have been requested from the Florida Fish and Wildlife Conservation Commission (FFWCC). Therefore, please provide the District with the results of any wildlife surveys that have been conducted within the project area or any other additional information that supports whether or not the proposed project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats. Please provide any correspondence from the FFWCC concerning the proposed project and please be advised that based on FFWCC recommendations, additional information or revisions to the project may be required. [Rules 62-330.060(2), 62-330.301(1)(d) and 62-330.302(1)(a)(2), F.A.C. and Subsection 10.2.2 A.H.V.I.]

**RESPONSE:** *Acknowledged.*

- 13) Please note that since the proposed project includes activities in, on, or over, wetlands and/or surface waters, comments have been requested from the Florida Department of State, Division of Historical Resources (DHR). Therefore, please provide the District with the results of any cultural resource surveys conducted within the project area or any other additional information that supports whether or not the proposed project will adversely affect or enhance significant historical and archeological resources under the provisions of Section 267.061, Florida Statutes. Please provide any correspondence from DHR concerning the proposed project and please be advised that based on DHR's recommendations, additional information or revisions to the project may be required. [Rules 62-330.060(2) and 62-330.302(1)(a)(6), F.A.C. and Subsection 10.2.3 of the ERP Applicant's Handbook Vol. I.]

**RESPONSE:** *Correspondence from DHR will be submitted upon receipt.*

#### OPERATION AND MAINTENANCE AND LEGAL DOCUMENTATION:

- 14) Please identify the responsible Operation and Maintenance entity for the stormwater management system that will serve the proposed work. As needed, provide additional documentation (i.e., shared-use agreement, drainage easement, etc.) demonstrating that the applicant still has the legal ability to connect and discharge into the previously permitted master stormwater management system. In the case that the project site is located in a subdivision with an established Property Owner's Association (POA) acting as the Operation and Maintenance (O&M) for the previously permitted master system, a letter of acceptance acknowledging that the POA will accept this runoff into their system will suffice for this requirement. [Rule 62-330.301(1), F.A.C.; Section 12.3, ERP Applicant's Handbook (A.H.) Vol. I.]

**RESPONSE:** *The Cielo, Aria and Fiore HOA's are responsible for the operation and maintenance of the storm water management systems serving this project. Included with this submittal are the recorded easements for drainage, flowage, infall, outfall, storage, and retention of underground and surface water.*

The following comment(s), although not required by District rule, is(are) provided for your consideration and information:

- 15) When submitting a drainage report several thousand pages in length, utilizing summary tables and references to specific page numbers where results can be verified can streamline the review process.



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Additionally, if master drainage models include information from adjacent or previous projects, highlighting the results pertinent to the proposed improvements specific to the application, providing a description of the nomenclature used, and bookmarking sections is especially useful. Providing a greater level of detail will reduce the need to submit additional information at a later date. [Section E, ERP Application]

**RESPONSE:** *The drainage calculations did include bookmarks for the different aspects of the report.*

	(PAGE)
Title	
Page	1
Project / Design Summary	2
Index	2
Lake LL7 Calculations	3-5

	PAGES	(APPENDIX)
Soils		
Map	6-9	"A"
FEMA Map	10-11	"B"
Pre-Development Basin Map	12-13	"C"
Existing Conditions Model		
Input	14-5798	"D"
Existing Conditions Model Results	5799-6736	"E"
Post-Development Basin Map	6737-6738	"F"
Proposed Conditions Model		
Input	6739-12,519	"G"
Proposed Conditions Model Results	12,520-13,336	"H"
Existing vs. Proposed Conditions Stage Comparison	13,337-13,503	"I"
Existing vs. Proposed Conditions Discharge Comparison	13,504-13,505	"J"
Hydraflow Storm		
Tabs	13,506-13,509	"K"
Treatment Drawdown Calculations	13,510-13,517	"L"

- 16) Please note that additional information may be required based on the information provided in response to the questions above, to assure that the proposed project does not cause or contribute to any adverse on-site/off-site water quantity or quality impacts. [Rule 62-330.301(1), F.A.C.]

**RESPONSE:** *Comment noted.*

Should you have any questions or need additional information, please do not hesitate to call.

Respectfully,  
AM ENGINEERING, LLC.

D. Shawn Leins, P.E.

**From:** [John Thackray](#)  
**To:** [Planning Commission](#); [rogerclark@venicefl.gov](mailto:rogerclark@venicefl.gov)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Proposed neal shopping center  
**Date:** Wednesday, January 1, 2025 5:21:56 PM

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I am writing to express my total opposition to subject shopping center.

This fiasco project is unneeded, unnecessary and unwanted. It is completely inconsistent with the surrounding residential neighborhoods, and will, without question, result in a degradation of property values in the adjacent developments.

This project NEVER should have been even considered by the City Council as does a disservice to the area's taxpaying residents. It's time for those of you in decisive positions to act in the best interests of your constituents and NOT in the favor of a single self-serving developer.

John Thackray  
124 Sevilla Place  
North Venice

**From:** [Valerie Fullerton](#)  
**To:** [Planning Commission](#); [Roger Clark](#)  
**Cc:** [Board and Council Messages](#)  
**Subject:** Proposed shopping center at Jacaranda and Laurel Road  
**Date:** Wednesday, January 1, 2025 2:06:40 PM

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Some people who received this message don't often get email from valbf18@gmail.com. [Learn why this is important](#)

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Our city representatives:

As a resident of the Venetian Golf In River Club, I wish to express my concerns over the proposed shopping center on Laurel Road and Jacaranda. It isn't necessary! The traffic and congestion getting in and out of our development will be a nightmare. If it were necessary, that would be one thing, however, there is more than sufficient shopping just down the street from us. There is a Publix on Laurel Road and Pinebrook, another one at the Jacaranda Circle plus a third one on the corner of Venice and Pinebrook Roads. In addition to those there is another Publix on the corner of Laurel Road and 41. I am opposed!!!!

Respectfully,  
Valerie Fullerton  
117 Tiziano Way