

From: [Anthony Hopfinger](#)
To: [Planning Commission](#)
Cc: [Marshall Happer](#)
Subject: Neal Commercial Application: Laurel Rd & Jacaranda
Date: Tuesday, January 3, 2023 2:29:07 PM

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To the Commission:

I am a resident of the Venetian Golf and River Club at 189 Bella Vista Terrace, Unit B. I take this opportunity to voice and give my input re the Subject matter.

I am against a commercial development that is being planned within the planned housing development by Neal Commercial and ask for your support.

I base my position on:

1. The area of Laurel Rd and Jacaranda Rd and extending on Jacaranda to Boarder Road (in both directions) is all residential. Laurel Rd west from Jacaranda is residential until you approach Knights Trail. To place commercial enterprises in such a residential area goes against the zoning concepts of "residential", "commercial" & etc. Isn't the zoning theory to keep these concepts separate? And hasn't this concept proved sound over the years and over all communities throughout this country? And doesn't following this concept contribute to the overall living quality of the areas?
2. I question the need of a grocery store, e.g., Publix as well as a gas station located within the proposed residential area. Within the intersection area of Laurel and Jacaranda, there are such establishments within ~ 2 miles (both on Laurel and on Jacaranda) to serve the needs.
3. With the proposed housing development going forward that in itself will increase the traffic in this area. The plan of making Laurel and eventually Jacaranda divide four lane and a traffic signal light at the corner will offset the increase traffic to a degree. However, to add a commercial development which brings its own traffic within the residential development, will greatly compound the traffic. This area can only take so much additional traffic before the traffic becomes detrimental to the overall area. Such high traffic will adversely impact those of us in the Venetian attempting an entrance or exit.

Anthony Hopfinger
ahhopfinger@gmail.com

From: bros1950@aol.com
To: [Planning Commission](#)
Subject: Neal commercial development @Laurel & Jacaranda
Date: Monday, January 2, 2023 11:23:04 AM

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As a resident of this northeast section of Venice, in particular the Venetian golf and river club, I am emailing you regarding this commercial development location.

This area is residential as you should know due to all developments built and being built. If you travel westbound starting around Knights Trail, you will find commercial development. If you travel on Jacaranda, you will find commercial development around the Interstate.

This commercial development proposal is not compatible for this completely residential area. As a Commission, you would never consider the building of this type of commercial development on West Venice Avenue amongst many homes so please think of the thousands of residents who live in this Northeast Venice residential neighborhood and the quality of our life.

Respectfully,
B. Rosignolo

[Sent from the all new AOL app for iOS](#)

From: [Barbara Puccia](#)
To: [Planning Commission](#)
Subject: Jan 17 Planning Commission Hearing on Pat Neal's Rezoning Petition
Date: Tuesday, January 10, 2023 4:28:51 PM

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To the Venice Planning Commission,

I am writing regarding the upcoming hearing on January 17th of Pat Neal's rezoning petition. I am a resident of the Venetian Golf & River Club and am adamantly opposed to the proposed shopping center and request for rezoning.

The entrance to the proposed Publix and shopping center is directly across from the entrance to the Venetian Golf & River Club. The proposal is for a large commercial development that is incompatible with the residential neighborhood in which I live and incompatible with the Milano PUD. It belongs in a commercially zoned area, like areas on Knight's Trail that are proposed to include commercial development. It does not belong in a residential area, as it will bring huge trucks, noise, traffic and lights to an otherwise quiet residential neighborhood. It will also make it very difficult for anyone from the Venetian to exit our property.

The Milano PUD was approved in 2017 with no mention of commercial development and the area in question was depicted as a "Preserve". It is imperative that it remain open space as zoned, instead of being replaced with asphalt and cinder-block, which will reduce the green canopy that is so important to this area, both for wildlife, and keeping heat at lower temperatures. We already have two Publix within 2 miles of this location, and when Knight's Trail gets developed, it would be prudent to place one in a commercially zoned property there to serve all of the new development planned for that area.

There are thousands of residents who are against this shopping center and believe their home and environment will be negatively impacted. This is borne out by a professional survey of the Venetian Golf & River Club residents, and over 3000 signatures on a petition. On the other side, is one developer, whose only gain is a financial one, at the expense of the quality of life of thousands. Please reject his request for this zoning change based on the incompatibility of this commercial development inside an existing residential PUD and residential neighborhood. The law is on our side on this issue. Please do the right thing for the residents of Venice.

Thank you.

Barbara Puccia
179 Valenza Loop
North Venice, FI

From: [Barbara Thring](#)
To: [Planning Commission](#)
Subject: Shopping Center
Date: Monday, January 2, 2023 1:06:45 PM

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We are hoping for a positive result (at the upcoming City Counsel meeting) for the proposed Shopping Center at Laurel and Jacaranda!

We welcome the convenience it would bring!

Barbara and Ron Thring
134 Cipriani Way
North Venice, FL 34275

From: [Betty Reinders](#)
To: [Planning Commission](#)
Subject: DO NOT ALLOW Commercial land use in Milano PUD open space
Date: Tuesday, March 7, 2023 12:32:28 PM

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Hello,

This email is to request that the planning commission not allow commercial use of land in the established Milano PUD

I'll just mention 3 things although there are many more.

1. When we bought in Milano 3 years ago, there was no mention of a commercial entity being on that corner in the future. I did ask. All around was to be only residential.

The communities were each mentioned by name. I know of no one in our community that was told that a commercial strip mall was intended or even possible for the corner of Laurel and Jacaranda.

2. It is a BIG NEGATIVE to drop a commercial area in this residential area. Laws are being broken to do it. Lies are being propagated such as there will be less traffic or that no one from outside the Milano PUD will drive in to use the commercial offerings. That is a bunch of "hewy" and the planning commission knows it, no matter what "study" is brought forth by Neal lawyers. Noise, Traffic, Lights, debris, loitering, etc., etc.

3. There are many developments in the works in this area that could include a commercial strip mall. An example is the River Road 75 interchange. This commercial area would be a great place for an additional grocer and stores for the area. It could be disclosed/planned up front and would be in a commercial area where it should be. It may be too late for the 75/River road exchange, but there are others in the works.

Do the right thing.

Don't allow a commercial strip mall to be inserted, after the fact, into a residential PUD that was not disclosed at its inception. Just because there are 10+ acres of beautiful lake filled nature area does not mean that it needs to be filled up with stores, cement, asphalt, lighting, etc etc. And just because the area is being over developed, does not mean it is ok to shove a commercial area into an open space that is right in the middle of the residences. There are grocers and stores all within

short driving distances in 3 directions from Milano. We are good.

Thank you ,
Betty Reinders

From: [Bill Brann](#)
To: [Planning Commission](#)
Subject: Neal Commercial Application
Date: Tuesday, January 3, 2023 12:49:41 PM

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I wish to share my strong objection to the Neal Commercial Development.

My wife and I purchased a home at the Venetian Golf and River Club a few years ago and we absolutely love it here . We came from Chicago where massive development has changed dramatically over the years. We hope and pray we don't see that here on Laurel Road.

In addition I understand part of the plan is to build an entrance to the new development directly across from our entrance. This would ruin our beautiful entrance and cause major traffic problems.

Again , I ask this commission to vote NO on the Neal Commercial Application.

Thank you,

Bill Brann
154 Montelluna
Venice , Florida
C: 248-310-5313

From: [Carol Mrowka](#)
To: [Planning Commission](#)
Subject: Milano
Date: Monday, January 9, 2023 1:28:05 PM

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I bought my house in 1918 with good faith in Neil Communities. I strongly disagree with his changing of the PUD at his whim. The building of all his communities in North Venice have left the last of the Florida wild life with no where to go. If he wants this so bad he should of thought about it before he built Aria, Milano, Cielo , Vincenza, and Fiore his newest construction on Laurel Road. He could have used his properties on that land for a strip mall. I hope the council votes his proposal down and respects the law!!!!

Thank you,
Carol Mrowka
229 Marcheno Way
Venice Fl

would make more traffic

Bulk mail solicitation
Please fill in the highlighted areas on this petition and return today!

Dear Venice City Council,

As a resident of North Venice, I am asking that you please approve the new grocery store proposed for Laurel Road **East** of I-75.

Do NOT

already

already

Public within 1/2 mile nearby

I would love to have less traffic and reduce the time it takes to get groceries so I can spend more time with my family and less time on the road.

MORE

MORE

Please support this great addition to our community and **VOTE YES** on the new grocery store.

Do NOT

NO

Sincerely,

is this legal??

CAROL WIGGINS

~~Carol Wiggins~~
NAME

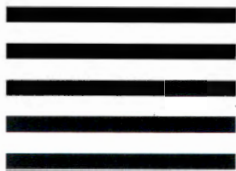
~~[Signature]~~
NAME

Carol Wiggins 11/12
NAME

Venetian Golf

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 731 TAMPA, FL

POSTAGE WILL BE PAID BY ADDRESSEE



From: [Cathy Cardona](#)
To: [Planning Commission](#)
Cc: nvalliance@nvalliance.com
Subject: RE: Neal Proposed Shopping Center: "Where we Live Matters", so PLEASE Follow the Law!!
Date: Sunday, January 15, 2023 2:07:10 PM

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This email is to respectfully request that you NOT approve the rezoning petition for the Neal shopping center project for the following reasons:

- 1. Commercial development of this size is incompatible with a residential neighborhood.** My husband and I searched over 15 years for a home in Florida and in 2018 we finally found it at the Venetian Golf and River Club, in the middle of a residential zone that met all our criteria for a peaceful, picturesque community. The idea of potentially having a shopping center around the corner from us with the noise, traffic and congestion is totally destroying our cherished dream home environment.
- 2. Commercial developments of this size belong in areas zoned as commercial.** We have two Publix and commercial shopping centers less than 2.9 miles from us and even with the inevitable projected growth in population, this is enough. Our quality of life should not be destroyed by the creation of an unnecessary shopping center. There is a vacant and decaying shopping center where Laurel Road meets Interstate 75 that should be redeveloped before something is built on a preserve area within a subdivision.
- 3. Neal's permit to build Cielo was approved with a preserve area in the proposed location and to alter this would appear to be false advertising.** I am not a lawyer, but if in fact he obtained permission to build houses by representing to the city of Venice that there was no commercial use of the land planned, and he depicted the target area as "Preserve" in his printed marketing materials, this petition appears to be unlawful and a betrayal of consumer confidence in the laws that are intended to protect residents. If Neal's promotional slogan is "Where we Live Matters", *he should not destroy where we live.*

We hope the Planning Commission will follow the laws that are designed to protect the rights of tax-payers who purchased their property in good faith. Thank you for your attention to this request.

Catherine and Danilo Cardona
118 Medici Terrace
North Venice, FL 34275

From: [CHARLES MARTIN](#)
To: [Planning Commission](#)
Subject: Amendment to Milano PUD
Date: Tuesday, January 3, 2023 7:31:08 PM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

Dear Venice Planning Commission,

I am writing to express my clear distain for the amendment to the Milano PUD to allow for commercial development.

My husband and I are residents of Cielo, the addition located directly behind the intended parcel. When we decided to build in Cielo it was for the sole purpose of having a dedicated preserve located in front and behind our property. We were never told this could be the intention but are not surprised considering the state of this world right now.

We have several other reasons why we oppose the commercial development of this property listed below.

1. Most important, the entrance to our addition (Cielo) from Jacaranda going north is on a curve and is hard to see around. With an increase of traffic due to this development will be cause for accidents that could severely harm one of my family members trying to pull out of the subdivision. (Now on record)
2. With the change of preserve to commercial property could be cause for more transients in the area.
3. With the addition of commercial property comes parking lot lights that are a nuisance to home owners.
4. With the addition of commercial property in a residential area there are semi's for shipping that will be traveling and distributing in a residential area at all hours of the day. With this comes increased traffic on an already busy, one lane road with excess speeds and noise.
5. With the addition of commercial property in a residential area comes rats and other pests due to increase garbage and dumping.
6. With the addition of commercial property in a residential area comes a greater risk of crime in the area.
7. There are two Publix near the area already within 2 miles of the same site, either direction, another one is not needed.
8. There are multiple gas stations located both directions less than a half mile from the proposed changed property, there is no need for another in the middle of a residential area.
9. With the addition of this commercial property will decrease the value of our home by changing the aesthetics of the surrounding property.
10. From what I understood prior to our purchase the PUD could not be amended and made into commercial property.

My recent vote was to retain the small town feel of Venice and allowing a commercial development where it is not needed for the sake of money is not part of that.

I ask you to not take this vote lightly and to consider all reasonable arguments along with points I have noted above.

Thank you,
Jill Martin

From: [Claire Call](#)
To: [Planning Commission](#)
Cc: [Dan Call](#)
Subject: Commercial development at corner Jacaranda and Laurel
Date: Monday, January 2, 2023 11:28:46 AM

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Dear Commission,

My husband and I are very supportive of commercial development at the corner of Laurel and Jacaranda. We would enjoy a grocery store and restaurants to be there as Mr. Neal described in his explanation for its use.

Claire and Dan Call
123 Avalini Way
North Venice, Fl

Sent from my iPhone

From: [Daniel J. Call](#)
To: [Planning Commission](#)
Subject: Proposed Shopping Center at Jacaranda/Laurel
Date: Monday, January 2, 2023 8:53:00 AM

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Dear Commissioners,

We are 9 year residents of Venetian Golf and River Club. Traffic has undoubtedly increased in our area during our time enjoying Florida since early 2014. That said, we are NOT among those opposing a new shopping center near our entrance. Construction traffic around our area creates more issues than will a small shopping center. Construction will be completed within a few short years, and traffic should ease.

Please do not bend to the will of 100 or so vocal minority against this new and convenient shopping center! These folks, however well intentioned, DO NOT represent the 1377 residents of Venetian Golf and River Club. Many, if not most of our neighbors welcome a closer, more convenient location for grocery shopping.

Thank you for your professional consideration,

Dan and Claire Call
123 Avalini Way
North Venice, FL 34275

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From: Dan Lobeck
To: Bill Willison; Kit McKeon; Shaun Graser; Richard Hale; Jerry Jasper; Planning Commission
Cc: Roger Clark; Lisa Olson; Amy Nelson; Edward Lavallee; Kelly Michaels; Nicole Tremblay; Earle Kimmel; Venice Gondolier
Subject: Milano PUD Amendment/22-38RZ: Follow the Law
Date: Sunday, January 15, 2023 6:38:27 PM
Attachments: image007.png
 image010.png
 image012.emz
 image014.png
 image017.png
 Cielo_Recorded_Plat.pdf
Importance: High

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Dear Planning Commissioners:

This firm represents the North Venice Neighborhood Alliance (NVNA) and its members and Directors, as well as Suzanne Metzger, a homeowner resident of the Cielo Subdivision in the Milano Planned Unit Development (PUD), in opposition to the above referenced amendment to that PUD and its Binding Master Plan, before you for public hearing on Tuesday, January 17. Professional planner Jan Norsoph and I will appear for them then, under a timely filed Request for Affected Person Status.

The reasons to recommend denial of the petition before you are strong and several.

Please take the time to review our analysis before the hearing, long though it is, for a better understanding of the issues.

We simply ask the City to follow the law.

What Is Sought By the PUD Amendment

The PUD amendment would change the designation of 10.47 acres at the northwest portion of the Cielo Subdivision from “Open Space” to “Commercial”.

This is an aerial photograph of the property, from materials filed with the City by the applicant’s environmental consultant.

The table shows the site as 6.6 acres of “Freshwater Marshes”, 2.24 acres of “Reservoirs” and 1.56 acres of “Open Land”.



Below is that site, as shown on the current Milano PUD Binding Master Plan.

The Legend shows the dark green as Wetlands, the light green as Open Space and the blue as Lakes.



The proposed amendment to the Milano PUD Binding Master Plan would change the entire area to “Commercial”.

The applicant has proposed to pave over the entire site with buildings and parking.

That, in essence, is what is before the Planning Commission on Tuesday. The City’s Land Development Regulations (LDR’s) and Comprehensive Plan determine whether it may lawfully be approved.

The City is applying the Land Development Regulations in effect prior to their revision on December 12, 2022, and that is what is cited herein, principally in Section 86-130, governing PUD’s.

The Applicant Lacks Authority to Change the Site’s Land Use

Section 86-130(k) of the LDR's includes the following:

All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD.

Also, Section 86-130(t)(3)a of the LDR's requires that any application for a PUD zoning shall include "Evidence of unified control". Further, LDR Section 86-23(m)(1) requires that the Planning Commission include among the factors it considers in this application the "Sufficiency of statements on ownership and control of the development ...".

Section 86-130(v) requires that any amendment to a PUD must comply with the Land Development Regulations governing the PUD. That includes Sections 86-130(k), 86-130(t)(3)a, and 86-23(m)(1), requiring a showing of unified control over the property.

Although when the PUD is originally approved, this would apply to the entire PUD, when the PUD Binding Master Plan is proposed to be amended, the evidence of control must logically be provided for the entire area of the Plan which is sought to be amended.

Otherwise an applicant could seek to amend the Plan for a part of the PUD which has fallen under the control of others. Indeed, that is the case here under section 177.081(2), Florida Statutes, in that the subject property has already been platted, as presented below.

The only thing that the applicant has presented to the City in response to the City's request for evidence of unified control is a December 13, 2016 deed from the PUD Developer, Neal Communities of Southwest Florida, LLC, conveying the subject property "subject to any restrictions of record and subject to governmental regulations."

Even if this was not a requirement of the LDR's, one would think that the City would not approve a land use change in the PUD Binding Master Plan which it is beyond the authority of the applicant to seek and obtain. Again, that is it is here, in light of the approved and recorded final Plat for the subject property.

Very importantly and fundamentally, on December 10, 2019 the applicant recorded a **final Plat for the Cielo Subdivision** reciting that it was approved by the Venice City Council on November 12, 2019. The minutes of that meeting refer to it as the "final Plat" and the City continues to acknowledge that it is the Cielo final Plat.

The Plat is attached hereto.

Here's a portion of that Plat which includes the site which the applicant now proposes to designate for Commercial development:

You can see that the proposed "Commercial" property is designated in the Plat for Wetland, Drainage & Flowage, Open Space and Lake.

Specifically, the Tracts which would be taken for the commercial development include all or a part of the following, upon which the Plat – on page 3 of 9 – places the following designations and easements:

Tract 306: Wetland, Private Drainage & Flowage Easement

Tract 501: Private Lake, Drainage & Flowage Easement

Tract 600: Open Space, Private Drainage & Flowage Easement

The only area that the Cielo Plat designates as "Future Development Reserved for Owner" is Tract 700, a narrow strip at the north edge of the Subdivision. It is to the north of the 10.47 acres the applicant now seeks to designate as Commercial and is not within it.

If you will look at the full Plat attached, you will see that the Cielo homesites were platted to the southwest of this site.

This is how the applicant chose to plat and develop Cielo.

Initially, the applicant sought approval of a Plat amendment and a Site and Development Plan at the same time as the proposed amendment to the PUD Binding Site Plan, for the Commercial designation.

Then on July 13, 2022, I emailed objections to the City for NVNA that included the following:

Written Consent of All Cielo Owners Is Required to Amend the Plat

Section 177.051(2), Florida Statutes provides that once a Plat for a subdivision is recorded, any amendment is deemed to be a "Replat" and is subject to the same requirement as for a Plat in the statutes.

That includes not only approval by the City under section 177.071, Florida Statutes, but also the following, under section 177.081(2), Florida Statutes:

Every plat of a subdivision filed for record must contain a dedication by the owner or owners of record. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon.

Accordingly, the Cielo homeowners cannot have their open space stolen from them by the developer for commercial development without their written consent. That has not been obtained. The statutes prohibit the City from approving the replat until that consent has been obtained.

From what we have learned is a finding by staff in consultation with the City Attorney that this conclusion is correct, on August 1, 2022, City Senior Planner Nicole Tremblay included the following in a letter to the applicant requiring responses to deficiencies found in the applications:

Please address F.S. § 177.081(2) regarding the requirement for all property owners included in the recorded final plat for Cielo to execute the dedication on the proposed revised plat (or through separate instrument).

After receiving that letter, the applicant chose not to respond and still to this day has not done so. Instead, it decided to put off its proposed Plat Amendment, as well as its Site and Development Plan, and instead seek approval only of its proposed amendment to the PUD Master Plan. In doing so, the applicant evidently hopes that the City will overlook the applicant's lack of authority to seek and obtain the change. The applicant wants the City to say, "OK we'll give you this change in Milano PUD even though it is against what is now binding on the property and violates what is committed to the Cielo homeowners in their Plat."

It is also worth considering that after the applicant recorded the Cielo Plat, it sold most of the lots created by the Plat, with representations that the subject site would be preserved Open Space, as provided in the Plat and the PUD Binding Master Plan. (The applicant only stopped doing that very recently, in marketing the remaining platted homesites).

An example is this graphic of the Cielo property given before closing by the developer to Suzanne Metzger in her purchase of 260 Corsano Drive in Cielo. Again, Ms. Metzger is among the Affected Persons we are representing in this matter. You will recognize the proposed Commercial site, designated as "Preserve", open space and a lake. Ms. Metzger is among the Cielo homeowners who were understandably shocked and aggrieved upon finding that the developer now proposes to change that property to a Commercial center.



Contract to buy
signed
9/20/20
260 Corsano Dr.

To Protect Residents, the LDR's Require That Any Commercial in a PUD Be Vetted at the Time the PUD is Approved – Not Later by Amendment

Section 86-130(b)(8) of the Venice Land Development Regulations allows a PUD to designate commercial development at the time when the PUD is approved. That disallows the proposed PUD amendment, now many years after the PUD was approved with no commercial development. (As such, it also renders the proposed Site and Development Plan and Plat amendment inconsistent with the PUD).

The regulation is as follows (emphasis added):

DIVISION 8. - PLANNED DEVELOPMENT ZONING DISTRICTS

Sec. 86-130. - PUD planned unit development district.

(b) *Permitted principal uses and structures.* **Permitted principal uses and structures in PUD districts are:**

- (1) Single-family dwellings, cluster housing and patio houses.
- (2) Townhouses.
- (3) Multiple-family dwellings.
- (4) Private clubs, community centers, and civic and social organization facilities.
- (5) Parks, playgrounds, putting greens and golf courses.
- (6) Essential services.
- (7) Houses of worship, schools, nursing homes and child care centers.
- (8) **Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.**
- (9) Other uses of a nature similar to those listed, after determination and recommendation by the planning commission, and determination by the city council at the time of rezoning that such uses are appropriate to the PUD development.

The Milano PUD included no commercial uses at the time it was originally approved as the VICA PUD in 2014 and when it was merged into the Milano PUD by Pat Neal's companies in 2017. When the developer sought that PUD merger in 2017, and kept the PUD free of commercial development, the City Planning staff recommended approval, noting that the land use of the PUD was residential and that the adjacent land use was residential, and as such they were compatible. Staff also found that the PUD protected single family neighborhoods from the intrusion of incompatible uses, thus was consistent with the City's Comprehensive Plan.

The evident purpose of this timing element is so that persons buying into and around the PUD will know the whole package of what will be built, and will not be subject to a bait-and switch, such as is being now proposed, to find that designated open space is to be removed and replaced with the adverse impacts of commercial development.

Open Space Dedication is Required

A similar protection against a bait-and-switch to develop designated open space in a Planned Unit Development is provided in Section 86-130(j)(3) of the LDR's, as follows:

Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.

Section 86-570 of the LDR's defines "Open Space" as that term is used in the LDR's as follows:

Open space means property which is unoccupied or predominantly unoccupied by buildings or other impervious surfaces and which is used for parks, recreation, conservation, preservation of native habitat and other natural resources, or historic or scenic purposes. It is intended that this space be park-like in use. The term "unoccupied or predominantly unoccupied by buildings or other impervious surfaces," as used in this definition, shall mean that not more than five percent of the area of any required open space, when calculated by each area shall be occupied by such surfaces. Such open space shall be held in common ownership by all owners within the development for which the open space is required. Any property within 20 feet of any structure (except accessory structures within the designated open space) or any proposed open space area having any dimension of less than 15 feet, shall not be considered open space in meeting the requirements of this chapter. Where areas within a development are identified as native habitat, such areas shall be utilized to fulfill the open space requirements of this chapter.

The land within Cielo that Neal proposes to use for a shopping center includes land identified on the final plat as open space. (Tract 600). That same land is designated in the PUD Binding Master Plan as "Open Space" (as graphically shown above), with the remainder of the site labeled "Wetland" and "Lake", which are other forms of Open Space under the LDR definition just recited.

The subject land was "designated as open space" when the Milano PUD Binding Master Plan was adopted in 2017, if not before in the preceding PUD in 2014.

As such, it is required by LDR Section 86-130(j)(3) (as recited above) to be restricted as open space perpetually by a recorded legal instrument. Not commercial development. Open Space.

Additionally, Section 86-231(c)(2)(n) of the Land Development Regulations provides that a final plat is to include a dedication to public use "of all streets, alleys, parks or other open spaces shown thereon..." (emphasis added). "Final plat" is defined in Section 86-230 as the final map of all or a portion of a subdivision which is presented for final approval.

The intention of the LDR's are clear. When a final plat is prepared, any open space shown on that plat is to be protected in the plat for that purpose. The fact that it was not done in regard to the Cielo Subdivision final plat should not result in the open space shown on the plat being allowed to be converted to asphalt and concrete. That open space instead should immediately be dedicated to the city by separate legal instrument as should have been done two and a half years ago.

The staff report states:

The City's position has historically been that this dedication should take place at the final plat of the last phase of a PUD. While a recent policy change has been made to begin requiring this at the final plat of each phase of a PUD, this procedure has not been in place throughout the lifetime of the Milano PUD.

That previous practice of delaying the open space dedication until the final plat in the PUD is not supported by the wording of the applicable LDR's.

Even so, the final plat of the last phase of the Milano PUD has in fact been approved and recorded! As such, the Open Space dedication is due or overdue, and as such is protected by the LDR's from a change of Open Space to Commercial.

The Milano PUD is made up of the Milano, Cielo, Aria and Fiore subdivisions. The last final plat within that PUD to be approved by the city was that of the Fiore subdivision on July 13, 2021.

At the Planning Commission meeting of July 5 that related to the transfer of 24 acres of open space within Milano, city attorney Kelly Fernandez spoke of the city's practice, saying, "Our LDR require open space at the time of the final plat to be dedicated for 99 years... At the time of the final plat is when we have on the plat itself the language that protects the open space for 99 years."

The legal instrument required by 86-130(j) and by the stated practice of the department should have been executed and submitted to the city for approval and recording at the time the Cielo final plat was approved, thereby protecting the open space within that subdivision for 99 years. That is what was done with the Fiore subdivision the last final plat in the PUD, when it was recorded on July 13, 2021. Why it was not also done on the Cielo Plat is unknown. However, any way you look at it the Open Space dedication for Cielo is overdue and is required now.

The requirement of the LDR's for the recorded Open Space protection precludes amending the PUD Binding Master Plan to convert the Open Space in Cielo to Commercial development.

The staff report states:

The Binding Master Plan shows a development area of residential lots that have not yet been memorialized through a preliminary or final plat. Therefore, the final recording of the dedication of open space for the entire PUD has not taken place.

Staff has confirmed that this is the position being taken by the applicant and that it refers to an area shown by two rectangles on the Binding Master Plan within what became the Cielo subdivision.

Below are those two rectangles with the proposed Commercial area added to their right (east), for illustration purposes.

Again, the Cielo developer did not choose to include this area of potential residential development in the Cielo Plat, which restricts the uses of that land. Why the developer left out that residential development is unknown. One logical conclusion, however, is that if the proposed PUD amendment is approved, the developer will next seek to convert what is now protected Open Space in this area on the Cielo Plat to a westward extension of that Commercial area.



Again, the applicant determined not to include that area for homesites in the Cielo Plat. Therefore, again, those homesites cannot be added to the site without the joinder of all homeowners in the Subdivision as required by s. 177.081(2), Florida Statutes. There is no "memorializing" of such homesites to be done, whatever that means, through a future amendment of the Cielo Plat for which the applicant lacks the required legal authority.

In any event, City staff acknowledges that a final Plat has been approved and recorded for the entirety of the Milano PUD. As such, even under staff's excessively liberal interpretation of when the Open Space dedication is due, it is clearly due – past due – today and an inconsistent amendment of the Binding Master Plan is not allowed.

If the Open Space dedication was not due for reason of a potential future amendment of the Cielo Plat to add more homes, it may never be due if the developer sought not to pursue that change. Clearly that cannot be the case, and under the LDR's the Open Space dedication was due at the time of the Cielo plat, and even with staff's previous historic delay until the final plat for the subdivision is approved, it is due because that final plat has occurred.

Additionally, Section 86-570 of the LDR contains a definition of "open space", which includes the statement, "**Such open space shall be held in common ownership by all owners within the development for which the open space is required.**" For any meaning to be given to that requirement, the Open Space in Cielo as provided not only in the Binding Master Plan but certainly as provided in the approved and recorded final Plat of the Cielo subdivision must be deemed to be held in common ownership by all owners in the Cielo development.

Cielo Declaration and State Law Also Protects the Open Space

City staff has indicated that it's not considered appropriate to look to the Cielo Declaration of Covenants, Conditions and Restrictions for any prohibition on what the applicant seeks to do, in converting designated Open Space to Commercial.

However, because the Declaration operates as a covenant binding the property, and together with the Plat protects the property rights of the Cielo homeowners, it is relevant. It further shows that the applicant does not have the authority to obtain the requested change in the Milano PUD Binding Master Plan as to the subject Cielo property.

Under Section 4.01(a) of the Cielo Declaration of Covenants, Conditions and Restrictions, the Common Property includes the following property listed by reference in

Exhibit "E" of the Declaration, as follows:

As set forth on the Plat for Cielo

Tract 100: Private Roadway, Ingress, Egress, Utility, Drainage, Landscape & Hardscape Easement

Tract 200: Amenity Center

Tracts 300-306: Wetland, Private Drainage & Flowage Easement

Tracts 500-504: Private Lake, Drainage and Flowage Easement

Tracts 600-603: Open Space, Private Drainage & Flowage Easement

Operation and Maintenance Responsibilities for Above-Referenced Tracts

Tracts 100 through 603 shall be privately operated and maintained as Common Areas, Common Property and/or Common Elements by the Cielo Neighborhood Association, Inc., in accordance with the Declaration.

(Section 1.11 of the Declaration provides that the terms Common Area, Common Property and Common Elements as they appear are interchangeable).

Exhibit "E" then provides:

Reservation for Owner:

Tract 700: Future Development Has Been Reserved for Owner – Owner has been defined on the Plat at Border and Jacaranda Holdings, LLC and Neal Communities of Southwest Florida, LLC

Again, Tract 700 is the narrow strip of land at the north edge of Cielo, which the applicant is not including in the proposed PUD amendment for commercial development.

Section 4.01(d) of that Declaration provides that the Declarant, Neal Communities of Southwest Florida, LLC, may amend "the development plan and/or scheme of development of the Common Property", provided that such an amendment "does not delete or convey to another party any Common Property designated, submitted or committed to common usage if such deletion or conveyance would materially and adversely change the nature, size and quality of the Common Property." Clearly, the proposed deletion of Open Space through a PUD Master Plan amendment and its replacement with Commercial development would violate that standard.

There are provisions in the Declaration which purport to grant authority to the Declaration to amend the Plat, but they are subject to limits in the Declaration which would prevent what the applicant seeks, such as requiring that any removed Common Area be replaced with comparable new Common Area and others which provide that a Common Area may not be deleted if that would "materially and adversely change the nature, size and quality of the Common Property". The rules of construction require that they be read together to give effect to all where possible and that ambiguities be construed against the drafter, so the limits will prevail.

More important, the Declaration is subject to state statutes in effect at the time. That includes 177.081(2), Florida Statutes, which requires that every property owner in the subdivision execute any replat, before witnesses and a notary the same as for a deed. Neal seeks to address that by including in the Declaration that each owner must sign such an instrument and if an owner does not, it is not needed. It is highly unlikely that a court would order lot owners to sign the replat sought by the applicant and it would violate the statute to replat without it.

And even better, the Declaration is subject to 720.3075, Florida Statutes, which limits Developer amendments. Subsection (5) of that statute provides:

It is declared the public policy of the state that prior to transition of control of a homeowners' association in a community from the developer to the nondeveloper members, as set forth in s. 720.307, the right of the developer to amend the association's governing documents is subject to a test of reasonableness, which prohibits the developer from unilaterally making amendments to the governing documents that are arbitrary, capricious, or in bad faith; destroy the general plan of development; prejudice the rights of existing nondeveloper members to use and enjoy the benefits of common property; or materially shift economic burdens from the developer to the existing nondeveloper members.

The statutory definition of "governing documents" includes the Declaration and its exhibits, which includes Exhibit E listing the Common Properties.

Traffic is a Major Issue and the Applicant Has Refused to Submit an Acceptable Traffic Study

Under Sec. 86-47(f)(1) of the LDR's, the Planning Commission will be required to report to the City Council for this proposed rezoning (such as a PUD amendment) that it "has studied and considered the proposed change in relation to several factors, including:

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

As you will hear from affected residents at the public hearing, an excessive increase in traffic congestion and traffic safety is one major reason for residents' opposition to the proposed PUD amendment.

A certain traffic study is required from the applicant under Chapter 94 of the LDR's, including specifically Section 94-31. Section 94-34 requires that the applicant's traffic study comply with a certain Methodology adopted and enforced by the City.

The City, upon review and comment by its expert consultants, has identified numerous deficiencies in the traffic study submitted by the applicant for its proposed amendment of the PUD Binding Master Plan. The staff report so notes, touching briefly on one deficiency, and states that the applicant has decided to proceed to the Planning Commission anyway.

Without a valid traffic study, the Planning Commission cannot recommend approval of the PUD amendment.

The staff report states that although the City cannot deny the amendment under state law solely for failure to meet "concurrency", that is exceeding the adopted level of service on affected roads and intersections, the City can validly deny based on factors which include the effect of excessive traffic on compatibility. The functional safety of affected road segments and intersections would be another, including notably the intersection that the commercial entrance and exit would share with Venetian Golf & River Club, on the other side of Laurel Road.

In addition to the deficiencies in the traffic study noted by the City's experts, there is the fact that it only analyzes traffic from the Site and Development Plan which is not before the Planning Commission, rather than from the proposed amendment to the PUD Binding Master Plan, which is the only proposal actually at issue.

The PUD amendment, with its very sparse limits on the 10.47 acres, allows much more commercial development than the 70,240 square feet on the Site and Development Plan which will not be before the Planning Commission – being sufficient for up to 227,000 square feet of commercial buildings under the .5 FAR provided.

The traffic from the large commercial development depicted in the Site and Development Plan is itself very large even by the traffic study in which the applicant seeks to lowball traffic by its violations of the required Methodology – an increase of 945 PM peak vehicle trips on affected road segments and intersections. It can only be imagined what would be shown by a proper and lawful traffic study – particularly if it includes the traffic allowed by the maximum potential development if the proposed PUD amendment is approved.

Due to the applicant’s failure to submit a compliant traffic study, the proposed PUD amendment should be rejected on that basis alone.

The PUD Amendment Allows Too Much Commercial Development Under Legal Limits

Attention has been focused to date on the Site and Development Plan which the applicant submitted but has pulled from consideration while it seeks approval only for its amendment to the amendment to the PUD Binding Master Plan.

Even the commercial development under that Site and Development Plan exceeds the allowed scope, including the requirement of Section 86-130(r) of the LDR’s that it serve the needs of the PUD residents , not the needs of the residents in the “surrounding area.”

It includes a grocery store of 47,240 square feet, a restaurant of 18,000 square feet and other commercial development of 5,000 square feet, and a parking lot that takes all the rest of the site.

That’s no small development. Here is a rendering of the “elevation” of the grocery store frontage from the application. Note that it is so massive that it runs off the page to include the segment below.



Moreover, the PUD amendment only restricts commercial development on the 10.47 acres to a broad list of uses, a maximum size of any single use building to 65,000 square feet and a Floor Area Ratio (FAR) of .5, which would allow up to 227,000 square feet of commercial development.

There is no way to credibly argue that the PUD amendment as proposed, with its large acreage and sparse limits, complies with the City’s Land Development Regulations and Comprehensive Plan.

Section 86-130 (r) of the Venice Land Development Regulations governing PUD’s provides as follows (emphasis added):

Commercial uses. Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.

This is consistent with Policy LU 1.2.16.7(b) of the Venice Comprehensive Plan for this area, which provides in pertinent part as follows:

The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.

The staff report seems to suggest that all the Comprehensive Plan requires is that the commercial development not be “regional” in scope, by somehow construing that term to mean so vast as to have a “multi-jurisdictional” market area – that is reaching beyond the borders of the City of Venice. That of course is inconsistent with the other part of the Comprehensive Plan policy that nonresidential development in a PUD is limited to a “neighborhood scale.”

Again, though, there is the very clear and restrictive requirement of Section 86-130(r).

The staff report concludes, with respect to the proposed amendment to the PUD Binding Master Plan, “The character of the use would be commercial development intended to serve the surrounding area”

Because Section 86-130 (r) of the LDR’s limit commercial in a PUD to that which is “intended to serve the needs of the PUD and not the general needs of the surrounding area,” that observation in the staff report alone condemns the application to denial.

But there’s more.

The applicant actually has made much of the appeal of the shopping center shown in the shelved Site and Development Plan, particularly the large Publix store, to an extremely large surrounding area.

The applicant’s Powerpoint presentation at its required Public Workshop boasts that the proposed commercial development “is significant for the communities east and north of I-75,” claiming that it will serve 6,943 homes in subdivisions spread on a map over many miles, only 837 of which are shown in the Milano PUD (Milano 464, Aria 182, Cielo 71 and Fiore 120). “Will be the only grocery store east of I-75 within 11 miles” the Powerpoint claims, and the only one within 2.5 and 2.8 miles in two opposite

directions, both of which “require driving through an I-75 interchange.” In a January 15, 2022 article in the *Sarasota Herald-Tribune*, Pat Neal is quoted as saying “Six thousand homes demand a store and three different Publix developers have been trying to buy the property.”

There are not 6,000 homes within the Milano PUD. The Milano PUD Binding Master Plan approved in 2017 states that it was planned for 1,350 units, and the developer decided to plat it for fewer, with a total in the fully platted PUD of 1,100 units. Clearly it is intended that any supermarket constructed on the property will be designed to serve the needs of the surrounding areas and not simply the needs of those living within the Milano PUD. Additionally, the proposed shopping center is not centrally located within the Milano PUD, and as proposed it would front Laurel Road, an exterior street.

And of course the proposed commercial center will front on two exterior, perimeter streets rather than be centrally located within the project, even though the LDR’s state that “normally” is not allowed. There is no circumstance here which allows an exception to that norm.

The staff report observes that a majority of other PUD’s have commercial development fronting on exterior, perimeter streets. There is however an important distinction. Those earlier commercial uses were part of the annexation agreements relating to those lands, and those uses were grandfathered at the time the lands were rezoned as PUDs in accordance with existing land development regulations. The law was followed in those earlier cases.

Each of those earlier cases is easily distinguished from the applicant’s proposal and should not be used as precedent for its approval. There is no precedent for the city approving a substantial commercial development designed to serve several thousands of people to be built at a location surrounded by residential neighborhoods, and at the very edge of an already existing PUD, the approved binding master plan for which stated that there would be no commercial property.

In none of those earlier cases did the developer of a previously approved PUD containing no commercial property ask to develop commercial property at a location surrounded by existing residential homes. In none of those earlier cases was there an approved binding master plan that stated there would be no commercial development within the PUD. In all of those earlier cases the commercial property that existed within the PUDs was identified as commercial prior to the time that the land was zoned as PUD. That land had previously been designated for commercial development by the time the PUD was created. Each of those earlier cases is easily distinguished from the Neal proposal, as follows:

CAPRI ISLES. On February 22, 1971, the Venice City Council approved the original “Master Land Use Plan” for Capri Isles. That plan included some proposed commercial development within the subject area. But at that time that land was not part of a PUD. The land was not rezoned as a PUD until 1978 at which time the original plan became part of the PUD master plan in accordance with the then existing provisions of Section 20-9.20 of the City’s Zoning Code. That provision states if on the date of the adoption of the Code there exists an annexation agreement that establishes the right for certain development and the subject property thereafter is classified as PUD then the sections of the agreement relating to the development of the property shall be construed as meeting the requirements for an application for PUD zoning. Again, when the City approved the Master Land Use Plan in 1971, which included some commercial property, the land was not a PUD.

BIRD BAY. Prior to 1978 Bird Bay was not a PUD. Prior to 1978 the area that had been annexed into the City and which was to be developed as Bird Bay included residential as well as a proposed small commercial development. In January of 1978 the earlier Annexation Agreement was amended to state that the owner was to develop the lands in a “planned residential community” substantially in accordance with an attached drawing that shows only residential development, no commercial. The amendment also refers to “the Planned Unit Development portion of said lands...” The commercial property that was part of the annexed land was not included within the later created PUD. Additionally, even if the commercial portion of the property was included in the PUD it would appear that Section 20-9.20 of the City’s Zoning Code has application to Bird Bay. The commercial property could be developed since it was commercial at the time the land was first annexed.

PINEBROOK SOUTH. Concerning the Pinebrook South development, the annexation agreement of March 8, 1961, required that the land being annexed be developed as per a master plan contained in engineering drawings of February 12, 1959. Those drawings cannot be located by the City’s Planning Department but presumably include and reference six acres of land for future commercial development. On May 24, 1974, the then developer applied for rezoning of the subject lands to a PUD, which application was granted by the City. That document references that six acres may be developed as commercial. Those six acres of proposed commercial property were created and were allowed as per the annexation agreement and existed prior to the Pinebrook South PUD being approved. Further, no retail commercial was ever created on the property. Instead, in 1983 the City approved the construction of a nursing home on the subject six acres. Again, Zoning Code, Section 20-9.20 has application to Pinebrook South.

TOSCANA ISLES. The preliminary plat for Toscana Isles relating to its petition to be rezoned PUD was filed in 2011. That property had been annexed in 2003 as an existing 598 space RV park. At that time the property received a “commercial” future land use designation. In 2006 the property was rezoned to “Commercial General” with the intention of developing a project that proposed residential and commercial uses. That plan was never executed, and the property remained vacant and zoned as commercial general until the time of the filing of the petition in 2011. That petition included 10 acres for future commercial use. In 2012 the developer asked that the master plan of the PUD be amended to include approximately 20 additional acres adjacent and to the south of the PUD. That land was zoned commercial and had existed as commercial at the time the Toscana Isles PUD was created next door. The small areas within the Toscana Isles PUD that were approved for future commercial use had previously been zoned commercial general. It does not appear that either of those two areas have actually been developed as commercial to this date. Additionally, at the time the PUD was approved the adjacent land use was as follows: North-Agriculture and Industrial; West-Agriculture and Industrial; South-Vacant; East-Residential and Industrial. See Toscana Isles Staff Report.

In a letter dated August 1, 2022, relating to Petition No. 22-38RZ, Senior Planner Nicole Tremblay requested that the applicant provide “justification for the proposed amendment as it relates to Sec. 86-130(r) regarding commercial uses intended to serve the neighborhood and not the surrounding area. In addition, address the proposed location of the proposed project in relation to this section” The applicant gave the following as its response:

The proposed commercial uses which are limited in type and scale are intended to serve the needs of the PUD and not the surrounding area. While areas designated for commercial activities normally shall not front on exterior or perimeter streets, in this instance, and similar to several other PUD’s in the City of Venice, the location is the best for the residents of the PUD, for a number of reasons.

For the applicant to state that the commercial development which would be allowed by the PUD amendment is “intended to serve the needs of the PUD and not the surrounding area” is disproven by the scale and character of that development and by the applicant’s own public pronouncements, as well as the conclusion of City staff that the amendment would create commercial development to serve the surrounding area.

The adverse neighborhood impacts of a large commercial area replacing Open Space also violate the compatibility requirements of Policy LU 8.2 of the Comprehensive Plan. It provides that consideration for determining a proposed use’s compatibility shall include, “Protection of single-family neighborhoods from the intrusion of

incompatible uses “as well as, “Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.”

Paving Over the Wetlands Violates the Comprehensive Plan

The subject site was left as open space in the proposed and approved Milano PUD Binding Master Plan for an obvious reason. It is among the extensive system of wetlands and wetland buffers throughout the northern part of the Cielo subdivision.

The applicant’s environmental consultant shows the environmental features of the site in the filed materials as follows:



The “Open Land” includes wetland buffers. Even the path around what are elsewhere referred to as “Ponds” includes many trees. The developer proposes to clear the site of trees, as well as the extensive existing heavily treed buffer area to the north of it.

And then there are the wetlands, shown as Freshwater Marshes on this exhibit, 6.6 of the 10.42 acres comprising the site.

The developer explicitly seeks permission from the City to pave over all of it.

Although the developer’s environmental consultant sees no problem with paving the wetlands, another environmental evaluation of the site filed with the application, dated June 13, 2022 by Florida Natural Areas Inventory, rates them a full 7 out of 10 for water environment and wetland plants.

That evaluation also concludes that the “Wetland provides some habitat for wading birds and other wetland dependent species” and “Wading birds have been observed foraging in the wetland.” Even the developer’s consultant acknowledges that the use of the wetlands by wood storks, an endangered species, is “likely” and that there is a “potential” for sandhill cranes and other listed species. If any are observed during construction, the developer’s consultant promises (wink wink) that the developer will respond appropriately.

Further, there is nothing in the developer’s environmental reports which evaluates the impact of paving over the site on adjacent wetlands, which from observation appear to have high environmental value. For example, this is a recent photograph of a wetland area directly to the south of the site. Wading birds, which include listed species, observed the day of the photo include roseate spoonbill, wood stork, great egret, snowy egret, glossy ibis, white ibis, great blue heron, little blue heron and blue-winged teal.



Policy OS 1.3.1 of the Venice Comprehensive Plan mandates “Requiring development to first avoid impacts to wetlands” and then to minimize impacts and then only mitigate for impacts when impacts to wetlands “are unavoidable.”

In direct violation of this policy, the developer seeks City approval to go right to destruction of the wetlands and “mitigation” by purchasing four “mitigation credits” from the Myakka Mitigation Bank, to improve wetlands elsewhere.

The developer’s environmental consultant seeks to justify the total wetland destruction by stating that “there are limited alternatives that allow an economically viable project on the subject property.”

How about scaling down the project to the truly neighborhood-serving scope that the LDR’s and Comprehensive Plan can allow in a PUD? How about not building a commercial development there at all, as required for the other reasons we have provided?

The environmental sensitivity of this area is also evidenced by the fact that it is within the protection zone of an identified eagle’s nest just to the south, active when the Neal companies purchased the property in 2014 but now claimed by them to have no eagles.

The wanton destruction of native habitat and foraging (and possible nesting) by listed species also violates Policies OS 1.4.2 and 1.4.3 of the Venice Comprehensive Plan.

It is significant that the 2016 staff report for the Milano PUD (Rezone Petition No. 16-07RZ) stated that “The proposed site plan preserves more than 98% of wetland systems and associated upland buffers creating a significant wildlife corridor systems throughout the project area.”

That would be substantially impaired by the proposed PUD amendment if it is approved

Following our initial presentation of the above observations, the City obtained an independent analysis by its environmental and planning consultants.

They found numerous violations of the City’s Comprehensive Plan, concluding among other observations that the applicant’s environmental report “does not consider all wetland impacts and is not first avoiding, minimizing, or mitigating for all impacts or otherwise limiting activities of adverse impact or restoring wetlands in connection with the new development.”

On the basis of it’s consultants’ objections, the City informed the applicant on October 26, 2022 as follows:

There were 5 Comprehensive Plan strategies identified with which the proposed project would conflict:

- OS 1.2.2 – Environmental Impact Mitigation
 - o Does not account for impacts from offsite drainage and road improvements; does not account for all potential listed species
- OS 1.3.1 – Wetland and Aquifer Recharge Areas Protection
 - o Does not account for impacts from offsite drainage and road improvements; does not document maintenance of natural flow or maintenance of existing vegetation, and more
- OS 1.3.2 – Wetland Encroachments
 - o Does not account for impacts from offsite drainage and road improvements; does not identify and delineate all wetland boundaries
- OS 1.4.2 – Protection of Native Habitats and Natural Resources
 - o Does not account for all potential listed species; does not document preservation or protection of significant habitat; does not demonstrate lower quality habitats were considered for impact before higher quality habitats and resources
- OS 1.4.3 – Endangered or Threatened Species
 - o Does not account for all potential listed species; does not identify the habitat of listed species; does not document that habitat fragmentation will be minimized

Further issues identified were the discrepancy in size from the SWFWMD permit and the Kimley- Horn report (8.79AC vs. 6.6AC) and the justifications provided for wetland impacts, which the authors of the report note are not expected to be valid justifications per the applicable state and federal rules.

The applicant responded and the City’s consultant on January 11, 2023 replied with numerous changes required by the applicant, at least some of which are unlikely to be performed in time for the January 17, 2023 Planning Commission hearing. Because the applicant has chosen to proceed with that hearing before addressing these environmental concerns by the City, the Planning Commission has no choice but to recommend denial on this basis as well.

Even if the applicant is able to make the specific adjustments required by the City, it will remain in violation of Policy OS 1.3.1 of the Venice Comprehensive Plan, which mandates “Requiring development to first avoid impacts to wetlands” and then to minimize impacts and then only mitigate for impacts when impacts to wetlands “are unavoidable.”

No Valid Choice But to Recommend Denial

Based on the existing law, Land Development Regulations and Comprehensive Plan of the City of Venice, the Planning Commission has no valid choice to but to recommend denial of the proposed amendment to the Milano PUD Binding Master Plan.

Thank you very much for your considerations.

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From: 146bella@gmail.com
To: [Jerry Jasper](#); [Bill Willson](#); [Kelly Fernandez](#)
Cc: [James Clinch](#); [Planning Commission](#)
Subject: Recuse
Date: Monday, January 2, 2023 10:33:41 AM
Attachments: [Milano PUD Amendment.pdf](#)

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Morning Jerry,

It would be very admirable if you recused yourself from this meeting. Unfortunately, there are many in our community who believe you are very pro Neal and this development. As your responsibility should be unbiased and with a fiduciary stand we are hoping you will do the right thing.

Thank you for your consideration

**Debbie Gericke
146 Bella Vista Terrace C
Venetian Golf and River Club**

From: [Dennis Sica](#)
To: [Planning Commission](#)
Subject: Neal commercial app.
Date: Monday, January 2, 2023 10:55:28 AM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

I'm asking you to not approve the Neal Commercial Application for the rezoning on Laurel Road at Jacaranda. This app wants to add stores not in keeping with the properties initial approved plan. The addition of stores and gas stations is not needed since numerous stations and stores are within 1 1/2 miles of this location. This project will also have a negative impact on the local communities in this area. Please do not approve this change.

Dennis Sica
137 Bella Vista Ter unit D
N Venice, FL 34275

Sent from my iPad

January 16, 2023

City Planning Commission
401 W Venice Ave
Venice, FL 34285

Subject: Commercial development in the Milano PUD

Planning Commission Members:

My husband and I are residents of the Venetian Golf & River Club and we strongly urge you to vote NO on the Neal proposal to allow Commercial Development in the Milano PUD.

Hundreds of residents bought homes here with the understanding that the Milano PUD would be 100% residential. Neal's changing his mind to commercial space now shows bad faith and will impact our lifestyle and peaceful way of living.

It is my understanding that the proposed PUD amendment is not consistent with the 2017 Comprehensive Plan:

- Commercial uses located in a PUD such as the Milano PUD must be "to serve the needs of the PUD and not the general needs of the surrounding area" and "to serve the residents of the PUD, not for regional purposes.
- Commercial use is considered under the Comprehensive Plan to be "potentially incompatible" with residential use.
- Neal's proposal does not meet the code's intent that "areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD."

Traffic is a concern.

- Bringing in thousands of additional cars would substantially increase local traffic, not decrease it. Furthermore, the proposed entry to the commercial area right across from our front gate would cause undo hardship for our residents getting into and out of our community. The location will be further exacerbated by a lack of a light or a round-about (which would not be desirable).

Environmental concerns:

- The plan calls for paving over our precious wetland and removal of the extensive buffer of trees. The Florida Natural Areas study concluded that there will be a negative impact on wetland dependent species and a potential impact on surrounding wetland and marshes. To me, personally, it means the view of nature it currently provides on my daily walks will be replaced with concrete and blacktop.

I urge you to join me in opposing this Commercial Development which is incompatible with existing Land Development in this area and which will adversely affect the living conditions in the neighborhood and the surrounding residential areas.

Respectfully,

Elana M Carnes
201 Medici Terrace
N. Venice, FL 34275

March 5, 2023

City Planning Commission
401 W Venice Ave
Venice, FL 34285

Subject: Commercial development in the Milano PUD

Planning Commission Members:

I am a resident of the Venetian Golf & River Club. I strongly urge you vote NO on the proposal to allow Commercial Development in the Milano PUD. I oppose this Development for the reasons stated below.

In 2014 and 2017, Neal Communities applied for rezoning of the Milano PUD indicating 100% residential use and my husband and I along with hundreds of other residents bought here with this understanding. The proposed Neal amendment represents a significant change in land use intensity from open space and wetland to a commercial development.

It is my understanding that the proposed PUD amendment is not consistent with the 2017 Comprehensive Plan:

- Commercial uses located in a PUD such as the Milano PUD must be “to serve the needs of the PUD and not the general needs of the surrounding area” (other developments or region) and “to serve the residents of the PUD” and the requirement of the Comprehensive Plan “to provide for neighborhood scale and serving uses; not for regional purposes.” Neal, himself, says this would be the only shopping center east of 75 for miles. Does that sound like it would only draw from the neighborhood?
- The adverse neighborhood impacts also violate the compatibility requirements of Policy LU 8.2 of the Comprehensive Plan. It provides that consideration for determining a proposed use’s compatibility shall include, “Protection of single-family neighborhoods from the intrusion of incompatible uses “as well as, “Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.” Commercial use is considered under the Comprehensive Plan to be “potentially incompatible” with residential.
- In addition, Neal’s proposal does not meet the code’s intent that “areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”

Traffic is a concern.

- The shopping center would be located on dead end streets in the heart of our residential community. The shopping center would bring in hundreds of additional cars and delivery trucks to our area. There would be no decrease in traffic by 27% as stated in Neal's traffic study. Even Neal's traffic study indicates traffic will be drawn from adjacent neighborhoods beyond the PUD area.
- The proposed entry to the commercial area is located right across from the Venetian's front gate. . Without a traffic light or round-about (which we would not deem desirable), traffic flow into and out of our community would be severely impacted.

There are environmental concerns:

- The PUD's "Open Land" includes wetland buffers. Even the path around what are referred to as "Ponds" includes many trees. The developer proposes to clear the site of trees, as well as the extensive existing heavily treed buffer area to the north of it. And, then there are the wetlands, which make up 6.6 of the 10.42 acres comprising the site. The developer explicitly seeks permission from the City to pave over all of it.
-
- Although the developer's environmental consultant sees no problem with paving the wetlands, another environmental evaluation of the site filed with the application, dated June 13, 2022 by Florida Natural Areas Inventory concludes that the "Wetland provides some habitat for wading birds and other wetland dependent species" and "Wading birds have been observed foraging in the wetland." Even the developer's consultant acknowledges that the use of the wetlands by wood storks, an endangered species, is "likely" and that there is a "potential" for Sandhill cranes and other listed species. If any are observed during construction, the developer's consultant promises (wink wink) that the developer will respond appropriately.
- To me, personally it means the view of nature it currently provides on my daily walks will be replaced with concrete and blacktop.

I urge you to join me in opposing this Commercial Development which is incompatible with existing Land Development codes and adversely influences the living conditions in the neighborhood and the surrounding residential area.

Respectfully,

Elana M Carnes
201 Medici Terrace
N. Venice 34275

From: [Frank Coleman](#)
To: [Planning Commission](#)
Subject: Neal Commercial Application
Date: Wednesday, January 4, 2023 2:03:56 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

In my opinion, this is not a bad deal for the Venetian community and other properties nearby. It will most likely enhance property values because of the proximity to shopping. The only significant problem I see is the traffic flow out of the shopping area and the Venetian if the amount of traffic increases substantially because of the shopping center. Making a left turn and going straight will be a challenge unless steps are taken to control the flow of traffic.

Frank Coleman
Venetian resident

From: [Gary Scott](#)
To: [Planning Commission](#)
Subject: LDR definition of Open Space
Date: Monday, January 16, 2023 7:20:46 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

To the Members of the Planning Commission:

In the narrative portion of the applicant's petition it is stated that the proposal is to re-designate 10.42 acres of open space to commercial use.

Below is the definition of "open space" as it appears in LDR section 86-270.

Open space means property which is unoccupied or predominantly unoccupied by buildings or other impervious surfaces and which is used for parks, recreation, conservation, preservation of native habitat and other natural resources, or historic or scenic purposes. It is intended that this space be park-like in use. The term "unoccupied or predominantly unoccupied by buildings or other impervious surfaces," as used in this definition, shall mean that not more than five percent of the area of any required open space, when calculated by each area shall be occupied by such surfaces. **Such open space shall be held in common ownership by all owners within the development for which the open space is required.** Any property within 20 feet of any structure (except accessory structures within the designated open space) or any proposed open space area having any dimension of less than 15 feet, shall not be considered open space in meeting the requirements of this chapter. Where areas within a development are identified as native habitat, such areas shall be utilized to fulfill the open space requirements of this chapter.

And "shall" is defined in the LDR as mandatory.

The language is very clear. The open space upon which the applicant wants to build a shopping center does not belong to the applicant. It is owned in common by all the owners within the Milano PUD since under the LDR 50% of the Milano PUD is required to be open space. It does not matter that Milano currently has more than 50% open space. Under the definition the open space that currently exists is owned by the homeowners of the Milano PUD. Please apply the law including the clear definition of open space. Thank you.
Gary Scott

From: [Heidi Buckley](#)
To: [Planning Commission](#)
Subject: Neal application for Laurel Road
Date: Sunday, January 8, 2023 1:06:36 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Venice Planning Commission,

I am a resident of the Venetian Golf and River Club and very much opposed to the Neal application for Laurel Road expansion of a Publix and shopping center. I see no benefit to the proposed construction.

Regards,
Heidi Buckley

From: [Howard Sandler](#)
To: [Planning Commission](#)
Subject: Neal Commercial Application at Laurel and Jacaranda
Date: Monday, January 2, 2023 11:27:21 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear Commission,

I live in the Venetian Golf and River Club, across Laurel Road from the Neal Application area.

I am one of those many, less vocal residents who DO NOT oppose commercial development of the property so long as it is done with appropriate consideration to:

- Traffic control
- Noise/light abatement and control
- Aesthetic design

The opposition to the application will no doubt be vocal and obstinate. Many of my neighbors are passionate in their loathing for any development of the area other than more residential development.

I just wanted to let the Commission know that there are other area residents who do not share their NIMBY attitude. Landowners have rights. Progress is inevitable and our area could use additional, well planned, aesthetically constructed commercial development to safely accommodate the meteoric residential growth in the area. We look forward to the Commission protecting us from poor development of our beautiful area. We do not want it ruined. You have the expertise and advisory authority to help ensure that the development becomes a positive for our community, not a negative as many of my neighbors fear.

Wishing you well as deal with this controversial matter,

Howard B. Sandler
246 Pesaro Dr.
N. Venice, FL 34275

--
Howard B Sandler

hbsandler@gmail.com

PLEASE NOTE THIS NEW EMAIL ADDRESS

From: [Carol and Igor Bishko](#)
To: [Planning Commission](#)
Subject: Neal Commercial application at Laurel and Jacaranda
Date: Monday, January 2, 2023 10:26:15 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear Sirs

I have lived in the Venetian Golf and River Club since 2011. In the last few months, my wife and I have witnessed a significant increase in traffic and congestion at both Publix Centers located on Laurel Road and Pinebrook and at Jacaranda and Venice Ave, This week we had to wait for available parking and the stores were packed with shoppers. It will only get worse as new residential construction continues.

We need the new commercial property application approved.

Sincerely

Igor Bishko
265 Martellago Drive
N. Venice

From: [Jackie Patterson](#)
To: [Planning Commission](#)
Subject: Neal shopping center on Laurel Rd
Date: Monday, January 2, 2023 8:58:21 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

I adamantly oppose the Neal shopping center. It violates the original PUD understandings and another Publix so close to the Venetian Golf and River Club is NOT NEEDED. Please DO NOT APPROVE THIS. Thank you. Jacqueline Patterson, 145 Rimini Way, N.Venice.

From: [Jeff Dore](#)
To: [Planning Commission](#)
Subject: Neil Commercial Application
Date: Monday, January 2, 2023 11:55:12 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

I would like to implore the planning commission to reject the upcoming review of the Neil Commercial Application at Laurel and Jacaranda.

We do not need a new Publix and shopping center at this location.

Traffic and the current condition of Laurel Road is already a mess. A new shopping Center directly across from the entrance to my community would only make it worse.

Mr. Neil in his original plat of Milano never indicated he would want to build a shopping center at this location.

Please register my opposition to this application.

Jeffrey Dore
314 Mestre Pl
North Venice, FL 34275

From: [James Fullerton](#)
To: [Planning Commission](#)
Subject: Neal commercial on Laurel
Date: Monday, January 2, 2023 7:57:02 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Vote NO on any commercial development within Neal's residential developments on east end of Laurel and Jacaranda. Not needed. Not wanted by vast majority of neighborhoods.

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

From: [Jody Alexander](#)
To: [Planning Commission](#); [Planning Commission](#)
Subject: Fwd: Publix Shopping Center Laurel Road Planning Commission Meeting. Feb 21 at 1:30 PPM
Date: Saturday, January 28, 2023 8:44:30 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

214 Vicenza Way, Venetian golf and river club, has **support** for a Publix at Laurel and Jacaranda. NOT in favor of gas station.

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

From: Nancy Mundorf <mundorf@comcast.net>
To: Sharon George <shgeorge426@yahoo.com>, Adele Shea <adeles48@verizon.net>, Jody Alexander <jodydomalex@comcast.net>, Carol Ruhle <carolruhle@hotmail.com>
Date: 01/27/2023 4:19 PM
Subject: Fwd: Publix Shopping Center Laurel Road Planning Commission Meeting. Feb 21 at 1:30 PPM

Not sure who is in what camp, but wanted to share if you are interested. I sent ours.

Nancy Mundorf

941-586-8667 c
mundorf@comcast.net

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

From: John Moeckel <jcminfl@yahoo.com>
To:
Date: 01/27/2023 4:06 PM
Subject: Publix Shopping Center Laurel Road Planning Commission Meeting. Feb 21 at 1:30 PPM

Hi,

To support the Publix Shopping center on Laurel Road, please send an email to the email address below. Your email then will go to all of the planning commissioners. The next Planning Commission meeting is Feb 21 at 1:30 pm. In this meeting the Planning Commission will make a decision to approve or deny the application. Then it will go to the City Council for the final decision at a later date.

I would also encourage you to speak at that meeting in support. Your effort with an email or to speak or attend the

meeting will make a difference.

The misrepresentations from the anti-group are atrocious. I wrote a 5-page response on the petition and their email, and the Planning Commissioners now has it to review.

Please share with neighbors and friends that are in support.

Best,

John Moeckel

planningcommission@venicegov.com

From: [John Manoush](#)
To: [Planning Commission](#)
Subject: Neal Commercial Application
Date: Monday, January 9, 2023 1:44:31 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Good day. This concerns the subject application that involves a proposed shopping center on Laurel Rd near the intersection with Jacaranda.

As a resident of the Venetian Golf and River Club I wish to voice my opposition to this project for the reasons highlighted in the text below, copied from a letter of opposition that was sent around 8/31/22 to the Planning Commission and City Council by the POA that represents all Venetian homeowners. Thank you for this opportunity to comment. Sincerely,

John Manoush
193 Savona Way
North Venice, FL 34275
(207)756-9260
jmanoush@comcast.net

Our community opposition message is grounded in the fact that the proposed development is incompatible with the existing and future development of adjacent and nearby lands outside the Milano PUD. As such, the proposed zoning modification would "adversely influence living conditions in the neighborhood" that residents of both the Venetian and Milano PUDs were seeking when the PUD applications were originally approved by the City of Venice. It should be noted that neither of those original Milano PUD Applications contained any indication of a Commercial Use being included.

We do understand that 86-130 (r) of the Land Development Code, allows for up to 5% of area to be dedicated to commercial use. We also understand the developer, like any property owner, has rights. As indicated immediately below, the **clear intent** of that language, though, is that "Commercial uses located in a PUD (as proposed in the Milano PUD), are intended to serve the needs of the PUD and not the general needs of the surrounding area (other developments or region). As further clarification of the intent, "areas designated for commercial activities normally **shall not front on exterior or perimeter streets**, but **shall be centrally located within the project** to serve the residents of **the PUD.**"

(r) *Commercial uses.* Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas

designated for commercial activities **normally** shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.

If not for the word 'normally' being included in the regulation, there would be no interpretation issue. Developers know the intent of the ordinance. The City knows the intent of the ordinance. Only after Neal

Communities received approval for his Milano PUD, did he then try to justify one Commercial Development serving the 5,000-6,000 new homes that have or will be built "within the surrounding area." Additionally, after conducting a Public Workshop on January 6, 2022, Mr. Neal revised the proposed retail store options, including an even more incompatible option of a Convenience Store with Gas Pumps in the application he filed on June 14, 2022. Nowhere in the City of Venice PUD Standards are "Gas Pumps or Gas Stations" found in the Permitted Principal Uses and Structures list. Most shopping centers are "normally" located in areas zoned for commercial activities or are located centrally within a large Residential Development to serve that development. Gas stations are, as well. The one proposed for the Milano PUD does not meet the "normal" consideration and, more importantly, does not meet the intent of the ordinance.

From: [Laurie Davison](#)
To: [Planning Commission](#)
Subject: Proposed Hawks Run Development
Date: Wednesday, January 4, 2023 10:58:07 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

720 White Pine Tree Rd.,
Venice, FL 34285

The Planning Commission
City Of Venice
Florida

Dear Sir/Madame:

We are residents at the above Bird Bay Village address who were fortunate enough to find and purchase our wonderful condo 9 years ago.

The purpose of our letter is to state our very strong opposition to this proposed development for many reasons, but will outline the ones that are first and foremost to us.

The primary reason we bought our condo was the vibe that we felt just driving in Bird Bay Dr. The unobstructed view from our golf course lanai, the age old pine trees, the flowering shrubs, green grass and the promise that all of this would never change. Our family (3 generations) has come to love our life "on campus".

It is hard to imagine what the increase in density would do, not only to the current character of the village, but also to the traffic within our small community and everyone's safety with the volume of cars flowing through the neighborhood.

It is our fervent hope that every consideration will be given to the residents of Bird Bay Village and our desire to protect the promises made to us and maintain the lifestyle that we have come to love and hope to continue to enjoy for years to come.

Kinds regards,
Laurie & Rick Davison

From: [Lou Witek](#)
To: [Planning Commission](#)
Subject: Neal proposal for new supermarket development on Laurel and Jacaranda
Date: Monday, January 16, 2023 7:28:28 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

I am totally against this proposal for the following reasons:

1 Not necessary, as there are two Publix within less than 3 miles! That is close enough.

Neighbors in area think so too.

2 This type of development is a massive area of cement which would cover open ground and wetlands

that are important for the slow absorption of rainwater. Think flooding.

3 A large shopping complex does not fit in with an otherwise residential area.

Exception is the

Fire Station, which is there for safety reasons, and is far less intrusive. First commercial development

is west, at Knights Trail, close to I-75.

4. The original agreement was to leave this area as "open space" and it is described as having wetlands. What is the sense of having these development agreements if

the details can later be changed so dramatically???? An open space is appropriate, and should be

maintained AS AGREED. Forget all these variances and changes after the development is done!

That behavior is making people so upset!

.....and wetland replications are nowhere near as effective as the real thing.

5 We have already lost hundreds of trees to the Neal developments between Border/Laurel/jacaranda.

Let's give more than "lip service" to maintaining some natural areas.

6 Also, no one living near this proposal seems to be in favor of it. And it is allegedly for their convenience.

The change for the upscale Venetian Golf and River Club is beyond unsuitable and unfair to those folks.

Why bother to have planning or zoning at all if it can be so subverted.

John Neal has bragged that they "always get what they want". How about teaching

him some humility.
PLEASE do the right thing.

Peg Witek
1644 Liscourt Dr.

From: [Madison Lambros](#)
To: [Mitzie Fiedler](#); [Roger Clark](#); [Ron Feinsod](#)
Cc: [City Council](#); [Planning Commission](#)
Subject: Commercial Development in the Milano PUD
Date: Monday, January 16, 2023 7:05:09 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Hi all,

I am writing today in regard to the proposed commercial development in Milanon PUD at the corner of Laurel and Jacaranda. I recently purchased a home on the Milano community and was shocked to hear about the potential commercial development. One of the draws to this community for me was the natural surroundings and beauty. I feel that covering up a natural preserve for a strip mall is not in the best interest of the community. There are many bald eagles and other animals that I see in that area every day.

When we purchased the home we spoke to many in the area about what a lovely community Milano was and how there was not going to be any commercial development. It is unacceptable for this promise to be broken.

Furthermore, I want to mention that I am a younger member of the community (25) and that this proposed change to the area is concerning to a wide array of residents from different age groups. I will be unable to attend tomorrows meeting due to work but would like to urge the council to listen to the community and to stop the proposed development.

Respectfully,
Madison

From: [marcia_camp](#)
To: [Planning Commission](#)
Subject: Laural development/jacaranda development by Neal Properties
Date: Monday, January 2, 2023 1:32:48 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

There is not one Neal property where Mr Neal has chosen to put a shopping development across the street from an existing property of his. Ask him. There is one complex he is building with shopping across the street but the people are already aware of it before they purchase their homes. There is a reason why he has not done that.

But yet he wishes to devalue our Venetian Golf and River Club by building this shopping area; causing traffic issues, noise issues, lighting issues, excessive truck delivery issues, potential crime issues and above all taking away beautiful protected wildlife refuges.

We hope the town will consider all of this as they make decisions that affect hundreds of homeowners in the area.

Very truly yours,

Marcia Camp
133 Medici Terrace
North Venice Fl

[Sent from Yahoo Mail for iPhone](#)

From: [Mark London](#)
To: [Planning Commission](#)
Subject: Public Comment for City of Venice Public Hearing 1/17/2023
Date: Saturday, January 14, 2023 6:35:51 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

I would like to make a comment on the subject of the 1/17 meeting:

Traffic Impact on Knights Trail RD - As a resident of Toscana Isles, I would like to know if the developments at the corner of Gene Green and Knights Trail will necessitate the installation of traffic signals at both entrances to Toscana Isles on Knights Trail RD - both main and secondary (now a construction entrance).

Thank you.

Mark London
252 Soliera ST
North Venice, FL 34275-1893

248-661-9091

mark.l.london@gmail.com

From: [mary_strandemo](#)
To: [Planning Commission](#)
Subject: Opposed to PUD AMENDMENTREQUEST(22-38RZ)
Date: Wednesday, March 8, 2023 10:24:17 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear Planning Commission,

We moved into ARIA one year ago. It took us over a year to build our dream retirement home on a quiet preserve lot with water, birds and natural surroundings. We spent 3 years looking for the perfect area protected, natural surroundings and not just another builder strip and build allotment. We loved driving down Laurel Road to Jacaranda and going past so many ponds and natural areas and enjoying this quiet and serene neighborhood.

We are strongly disturbed by Neal's rape of the land that has already taken place with his condo development. Our neighborhood is no longer quiet as we now hear the traffic from I-75 which was blocked by the trees ripped out for this development.

Neal tells us we need another Publix and it will enhance our neighborhood. A gas station and a strip mall will enhance our daily life? Who does he think will buy into this? Moving retaining ponds and natural area where birds, eagles alligators roam and feed? Where we like to walk along and view nature?

How will our neighborhoods be better off with more noise and light pollution? How will more traffic on Jacaranda and Laurel better our neighborhoods?

I have not met a single resident that minds driving to Publix on Laurel, Jacaranda or Venice Ave. We do not want another store or strip mall near our homes. If another strip mall or grocery store is needed place it next to apartment complexes not our dream homes.

Do not support Patrick Neal. Support the residents and culture of Venice. This is not improving our community.

Thank you for listening, to someone who moved to your community because we appreciated the lack development of strip malls where they are not needed. Fill up commercial spaces in existing vacant strip malls..

Mary Strandemo

300 Corelli Drive
Venice 34275

From: [Mason Suess](#)
To: [Roger Clark](#); [Planning Commission](#)
Subject: No Commercial Development at Laurel & Jacaranda
Date: Monday, January 16, 2023 7:14:36 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Hello Mr. Clark -

My name is Mason Suess. My significant other and I recently purchased a home in Milano neighborhood for our full time residence. We are in our 20s and have been enjoying everything the area has to offer (trails, wildlife, preserves). When deciding where to buy within all of Sarasota county, we landed on Milano because of the beautiful homes, the neighborhood feeling and the vast rural nature preserves in the immediate area. One of our favorite features of the area is that there are few lights and no commercial buildings in our neighborhood. It feels safe, less traveled and home-y. We want to preserve a safe community for our future children.

Unfortunately we have learned of the news that Neal is wanting to construct a commercial development on our door steps. We all love Publix, but we do not need one in this location (we have 2 already!). We have easy access to shopping on Jacaranda and Laurel within 3 miles. We DO NOT want this commercial development to ruin our sanctuary. This project will bring unwanted visitors, crime, light pollution, traffic and 18 wheelers. We are willing to drive 6 minutes for a Pub Sub to prevent those things from encroaching on our beautiful neighborhood.

I really hope you will deny this request. However, under the circumstances that you pass this agenda, **we will not forget.** We are active voters and will do whatever it takes to keep Milano beautiful, safe and free of unnecessary commercial developments.

Thank you for considering the residents of Venice and Milano.

Best,
Mason Suess

From: [Mike W](#)
To: [Planning Commission](#)
Subject: PUD amendment request (22-38RZ) Milano commercial land use designation
Date: Thursday, March 9, 2023 7:16:04 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Planning Commission Members:

We are residents of the 465 house Milano subdivision within the "Milano PUD". When we bought our house, it was communicated on several occasions in City of Venice meetings by representatives of Border and Jacaranda Holdings, LLC that no commercial development would take place within the "Milano PUD" which included Milano, Aria and Cielo/Fiore. They were very proud of the fact that this "Milano PUD" would have more than the 50% open space required in a PUD. They achieved this by having narrower streets in these communities and sidewalks on only one side of the street. Neither of these things have any benefit to residents other than more open space for the wildlife being disturbed on a very large tract of land. We all believed that this part of North Venice was going to be purely residential because this was stated in multiple City of Venice Planning Commission and City Council meetings. Now it appears we were misled/lie to on multiple occasions since Border and Jacaranda Holdings is requesting a change to commercial zoning for a 10.42+ acre parcel at the corner of Border and Jacaranda roads. We were told this parcel was supposedly designated as open space. It currently has a pond and wetlands that provide important and necessary habitat for multiple water bird species that have declined considerably since the larger "Milano PUD" has been constructed. It is my understanding of the LAW that all land within this "Milano PUD" should have been fully designated and accounted for when plans were submitted to the City of Venice for approval of this project. The fact that City of Venice apparently did not do what the LAW requires should not penalize the residents of the "Milano PUD."

We request that you not recommend approval of this amendment to the Milano PUD for consideration by the City Council. Any commercial activity approved within a PUD is supposed to cater to the residents of the PUD and not to the general public. That is the LAW. It appears Border and Jacaranda Holdings, LLC wants to build a Publix grocery store with a restaurant and other stores on that parcel. There is even a rumor that a gas station will be proposed. This is a clear violation of existing LAW and will forever change the residential character of this part of North Venice. There are currently two other Publix stores a short driving distance from this proposed location. Border and Jacaranda Holdings, LLC representatives claim that everyone will walk to this new Publix just like they stressed that my 465 house community on 325 acres would be a walking community. That is just pure nonsense. An already very busy Jacaranda between Border and Laurel roads will become even busier and more of the congested nightmare it already is during morning and evening rush hours.

We ask that you please hold Border and Jacaranda Holdings, LLC to its original word of "NO" commercial development in the "Milano PUD". Many of us would not have bought a house in this PUD if we were told that it would have included commercial development that would not simply support the "Milano PUD" but provide services to all new communities along Border, Laurel and Knights Trail roads. That is not what the LAW says commercial

development should be within a PUD. Please enforce the LAW. Please do not be afraid that Border and Jacaranda Holdings, LLC will sue the City of Venice if it doesn't get what it wants. Do what the LAW says and hold Border and Jacaranda Holdings, LLC to what it said it would do when requesting this project originally be approved. IT'S THE LAW.

Mary & Michael Wojnowski
Milano - Rosolina Court

From: [Nancy Bramlet](#)
To: [Planning Commission](#)
Subject: Neal Commercial Application Laurel and Jacaranda
Date: Monday, January 2, 2023 8:02:07 AM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

Ladies and Gentlemen,

We are writing to express our opposition to the Neal Development Application for a zoning change to allow the development of a Publix grocery complex.

We have resided at Venetian Golf and River Club (VGRC) since 2014. We decided to move to this location due to the residential zoning in place at that time, which we assumed would continue.

We believe this request should be denied for a number of reasons.

1. The proposed location is directly across the entrance to VGRC. Whether or not there is a traffic light installed, the increased traffic will present a nightmare for existing area residents, especially for the 1300+ homes and 2000+ residents in VGRC.
2. There is already a Publix 2.6 miles east of this location and another Publix 2.9 miles south. There is no need for an additional Publix at this intersection.
3. This intersection currently accommodates a school bus stop. The increased traffic will create a significant safety hazard.
4. A change in this zoning sends the wrong message to existing citizens as well as the potential citizens considering a move to Venice in that they can no longer rely on existing zoning that can change at the whim of a developer with deep pockets.

PLEASE VOTE NO ON THIS APPLICATION.

Thank you.

David and Nancy Bramlet
118 Avalini Way
North Venice, Fl. 34275
nk.bramlet@comcast.net

Sent from my iPad

From: [Nancy Mundorf](#)
To: [Planning Commission](#)
Subject: Proposed Development at the Corner of Laurel and Jacaranda
Date: Friday, January 27, 2023 4:17:23 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

My husband and I are FOR THE PROPOSED DEVELOPMENT BY NEAL AT THE CORNER OF LAUREL AND JACARANDA, and hope that a Publix will be a part of it. We live in the Venetian Golf and River Club.

We have been here since the beginning (2003) when Laurel was a dirt road and have seen the growth. We only had the Publix at Pinebrook and since Jacaranda hadn't been cut through by then, it was a fairly involved trip to the grocery. Since then, we have 2 more options - Laurel and Jacaranda circle. However, trying to get in and out of the Laurel Rd Publix between 2 and 6 in the afternoon is getting treacherous with the school and hospital traffic, and traffic from Knights Trail. Trying to get a parking spot at the Jacaranda circle Publix often involves parking in the grassy field because all spaces are taken.

The traffic on Laurel will grow due to the housing more than any commercial development at the corner. I would much rather have a Publix and a casual sit down restaurant that I can walk to (YES, I do walk 4-5 miles several times a week within the development, so I can walk there) than some other development at that corner. Neal owns the property and he can either build or sell for something not nearly as compatible and helpful to those living nearby.

There are quite a few people in the community who are FOR or who don't care about the development - not just the very vocal group that isn't for it or any development. Development is inevitable, and I would rather have something well done and useful than something noisy and less attractive or useful. Even if you don't like Neal, and many of the area residents don't; he does build nice looking communities and properties, so in the long run, if this is indeed a Publix, it would be a plus for our community and enhance our property values.

I would ask that there be consideration of the impact on the access in and out of the Venetian Golf and River Club with some mitigation looked into.

Nancy and Mike Mundorf

134 Martellago Dr.

North Venice, FL 34275

941-586-8667 c
mundorf@comcast.net

From: [Nick Foerster](#)
To: [Planning Commission](#)
Subject: Shopping Center at Jacaranda and Laurel
Date: Tuesday, January 17, 2023 11:27:37 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Greetings Venice Planning Commission,

I am a homeowner in the Cielo Community on Jacaranda. I am not able to attend the meeting today due to work, but wanted to express my disapproval of a shopping center being put into our backyard.

If this were to happen, I believe it would be appropriate for Neal to pay our HOA for the next 3 years, install a gate on our development, upgrade the roads, and pay the homeowners for the inconvenience.

Grace and Truth,
Nick Foerster
772-708-7169

From: [PAUL SEGUIN](#)
To: [Planning Commission](#)
Subject: Milano commercial proposal
Date: Saturday, January 14, 2023 2:56:02 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

To whom it may concern:

I follow with interest the ongoing controversy about the proposed change to the land use on a 10-acre portion of the Milano planned-unit development for a proposed shopping center to be developed by Pat Neal holdings LLC. We live in a 95 home gated community called Hidden Lakes Club adjacent to Jacaranda boulevard. The group Venice unites opposes this commercial development due to concerns of increased traffic and ability to exit their community, which has no traffic signal at the entrance. Hidden Lakes Club has one exit with no traffic signal. Our residents have experienced a tremendous increase in traffic on Jacaranda Boulevard over the past years making it virtually impossible to exit our community, especially during morning and evening rush hour traffic. Our community over the past years has tried in vain to seek a remedy to solve this problem to no avail. Therefore, Pat Neals proposed shopping center would help reduce the need for Milano area residents to travel South for services. This will help reduce additional South and North bound Jacaranda Boulevard traffic congestion from the Milano, Venetian Golf and River club and other adjacent residential developments. The addition of a new shopping center to include a proposed grocery store would allow the Milano area residents nearby shopping without having to travel south or west for services.

Sincerely,

Paul & Cheryl Seguin
Hidden Lakes Club
Venice, FL

From: [Randy Buckley](#)
To: [Planning Commission](#)
Subject: Pat Neal's Petion for Laurel Rd.
Date: Tuesday, January 3, 2023 2:02:15 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Please be advised that I am opposed to Mr. Neal's petition for the Commerical development on Laurel Rd.

Randy Buckley
150 Rimini Way

From: lindasellers1@juno.com
To: [Planning Commission](#)
Subject: Neal commercial development
Date: Monday, January 2, 2023 11:45:10 AM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

We would like to express our opposition to the building of a Publix shopping center at the corner of Laurel and Jacaranda by Neal properties. We live in Venetian Golf and River Club and would be adversely effected in more than one way. Most people in our development are highly opposed. Thank you, Randy and Linda Sellers

From: [Ray Vankouwenberg](#)
To: [Planning Commission](#)
Subject: Commerical Center on Laura and Jacaranda
Date: Monday, January 2, 2023 8:16:22 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

We strongly support approval

Ann & Ray VanKouwenberg
131 Valenza Loop
N. Venice, FL 34275

From: [Richard Mazrin](#)
To: [Planning Commission](#)
Subject: Development JACARANDA AND LAUREL RD
Date: Monday, January 2, 2023 9:55:23 AM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

To planning commission,

Let be known that our family is AGAINST FUTURE DEVELOPMENT of wet land located at the south west corner of JACARANDA & LAUREL RD. We've been here 19 years in the VENETIAN GOLF & RIVER CLUB DEVELOPMENT. There is NO NEED for any future commercial development! We have everything we need going East or South within 3 miles. We DON'T WANT MORE TRAFFIC OR CONGESTION IN THE AREA. There is already another additional gas station almost completed at KNIGHTS TRAIL & LAUREL RD!

PLEASE DON'T ADD MORE CONGESTION AND TRAFFIC.

This will add more problems for potential flooding in an already wet area. We don't want any more noise and pollution issues.

Regards,

RICHARD & JUDITH MAZRIN
154 BELLA VISTA TER. Unit D
NORTH VENICE, FL 34275

PS. There already is an enormous construction development being built to the north of KNIGHTS TRAIL.! This is going to add more traffic to our area .

Sent from my iPhone

From: [Robert Strandemo](#)
To: [Planning Commission](#)
Subject: PUD AMENDMENT REQUEST (22-38RZ)
Date: Monday, March 6, 2023 12:02:56 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

This PUD Amendment request to turn residential space into commercial land is ridiculous.

Why does the City of Venice want to place a strip mall in the middle of a beautiful residential area and destroy a very pristine pond in the process?

It is a well known fact that Patty Boy controls the City of Venice Planning Commission, but for just once please have Patrick put his Publix grocery store and strip mall in an already zoned commercial area and quit destroying already zoned and established residential areas.

Sincerely,

Robert Strandemo
300 Corelli Drive
Nokomis, FL 34275

From: [Roger Quinn](#)
To: [Planning Commission](#)
Subject: Commercial Application at Jaranda & Laurel Roads
Date: Monday, January 16, 2023 10:59:18 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

To Planning Commission Members:

We are in favor of the commercial development in question at your January 16 meeting. A glimpse into the near future will clearly show the need for the commercial development of that location. Seven thousand new homes and apartments added to the present housing will create an urgent need for more local commercial development.

While some say that traffic will greatly increase, I believe traffic studies that indicate that a commercial space at that location will actually reduce traffic. The need to travel a shorter distance to a commercial location reduces the number of cars and trucks driving to more distant locations. The present locations are already crowded and parking is often difficult. Another factor to support the need for additional commercial space that has not been addressed is development that is occurring at the current commercial locations. New housing and apartment construction is in progress in the immediate vicinity of both current locations,

As Members of the Planning Commission you all know that this commercial space is needed as we move into the future. Please vote to support the commercial development of the Laurel / Jacaranda intersection.

Roger and Jeri Quinn
101 Mestre Ct.
Venetian Golf and River Club

From: [Rose Kreger](#)
To: [Planning Commission](#)
Subject: PUD Amendment 22-38RZ on Jacaranda and Laurel Rd
Date: Monday, January 2, 2023 5:13:53 PM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

Planning Commission

I live in the Milano Community off of Jacaranda and the majority of our neighbors in the community are against having the 10.42 acres developed into commercial with a shopping district.

This corner currently has a pond and much wildlife. Please protect our environment and our surrounding wildlife. There has been so much development in this area, where the land has been raped of all its trees and wetlands that the protected animals and birds of Florida have no where to go to find shelter or food.

Our neighbors are against the developers that want to rip the environment apart as well as the protected wetlands. We do not need another grocery store in the area or a strip mall. The grocers are 2 miles away. There are several strip malls in the local area. One strip mall sits on Laurel and Knights Trail and is mostly empty and has been for years. Treviso apartments is building a strip mall on the opposite corner of the empty strip mall.... Why? Now there may be another strip of stores on Laurel and Jacaranda that May be sitting empty just like the one down the road.

Safety is also an issue. Traffic will increase on this corner as the new development faces an existing community off of Laurel Rd and Jacaranda.

Thank you for your consideration in voting for this development to not proceed. The Milano community of neighbors is against this commercial development.

Thank you.
Rose Kreger
233 Malina Ct
North Venice, Fl 34275

Sent from my iPhone

From: [Ross Schaper](#)
To: [Planning Commission](#)
Subject: Milano shopping
Date: Tuesday, January 17, 2023 11:10:59 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Please approve the variance for a shopping center in Milano PUD. Will provide much needed services within walking or biking distance. Avoid crossing I-75.

Ross Schaper
229 Rosolina Court, Nokomis, FL 34275

From: [Sandi Redman](#)
To: [Planning Commission](#)
Subject: PUD AMENDMENT REQUEST (22-38RZ): An Amendment to the Milano PUD BINDING Master Plan
Date: Tuesday, January 17, 2023 8:40:45 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear Planning Commission,

I live in Cielo, the small Neal Community that is adjacent to the preserve that is being considered for commercial development. **I am opposed to granting Border and Jacaranda Holdings Company's request to "take Paradise and put up a parking Lot."**

Our 11-12-2020 purchase documents label this land as a "Preserve" and it should stay that way. We don't need a closer grocery store, or closer restaurant or closer gas station. **We don't want the increased auto and people traffic this commercial development would bring to our neighborhood.**

I understand this proposed change in the existing "binding master plan" can increase profits for some area business people, but as a concerned resident, please consider the quality of life for those of us who already live here. It is great as it is.

Thank you for considering my opinion.

Dr. Sandra Redman
240 Casert Ct
Nokomis, FL 34275
Cielo Lot 11

From: [scott bender](#)
To: [Planning Commission](#)
Subject: Milano Pud Amendment
Date: Monday, March 6, 2023 3:48:32 PM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

Good Afternoon

My wife and I stand strongly against any development of this space.

Like many, we were not told there was even a possibility of development. We built our home and have been here over a year now. We have zero issues with either of the two grocery stores near us and don't consider them over busy.

We chose Cielo because we got too: build a home on the land we wanted (back up to a preserve) and it was welcoming young families, evident by the playground and calm streets.

We are active and ride bikes nightly with our 2.5 year old. Crossing roads anywhere can be a challenge but by adding commercial property where do we ride bikes safely? Cross roads safely? If this triangle of Cielo, Milano, and Venetian remained retirement, perhaps you have a case for commercial property. This triangle is family friendly and growing because of families. If you build commercial property, you will lose the families over time.

Those that bother me asking to support the building say it is to "lessen traffic" and "spread people out". Non of which are true:

1. If you build a modern Publix, people will travel more to the newest store with the best options
2. If you build a restaurant it will increase traffic because the food offerings are awful from 75 to here in each direction. Anything will beat the sad Arby's being built. Good food = more people
3. People will have a reason to get in their car and go to the store all day. Outside of rush hour, our current streets are pretty quiet overall. Again, this increases hourly traffic
4. After a few years it's ugly building decor and empty parking spaces most of the day. That doesn't help my home resale.
5. Again, where do we ride our bikes with kids? Riding down to Myakka State Park past Vicenza is packed with bike riders and walkers. Dodging commercial traffic will greatly reduce one of the spots that make living here so great.

Lastly, we live in the modern world where grocery delivery is growing by the day. In a few years from now I would be surprised if grocery stores hold onto half of their foot traffic. Which leads to empty parking lots and a space too big for anyone to rent. How about we improve and modernize the publix's that we already neighbor and allow the technology of the world to continue to improve and see how many grocery deliveries grow over the next two years? In a few years, nobody will be going to grocery stores.

Thank you for allowing us to share our thoughts.

Scott and Felicia Bender
Cielo

From: shirley.mele@gmail.com
To: [Planning Commission](#)
Subject: Bird Bay Village Golf course land proposal
Date: Monday, January 9, 2023 3:47:58 PM
Attachments: [5767B312BD014A40835C67C095CEB625\[8770387\].png](#)

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

Hello,

Please, as a Venice Taxpayer and long term resident of Bird Bay Village [vote down proposal](#) of expanding more condos and Villas within our Complex.

We are a dedicated community and we are very opposed to more condos and villas going up on our only green space.

I bought here 17 years ago primarily because of the green space and location.

I am looking everywhere in Venice and there is more buildings going up in every vacant lot.

Please do not allow our lovely town turn into a overcrowded concrete jungle.

This proposal on the debunked golf course is a really bad idea. It is bad enough the golf course allowed it to become an eyesore, but now adding more buildings will only make more noise and less animal habitat.

Please, vote no to this greed.

Thank you,

Shirley Mele, CTC, MCC

Shirley.mele@gmail.com

Independent Travel Agent Sales

The Auto Club Group

9125 Henderson Road

Tampa, FL 33634

Cell: 407-963-0826

Hours: M-F 8:30am – 5:30pm EST



From: snproducts@aol.com
To: [Planning Commission](#)
Subject: Neil Commercial Application
Date: Monday, January 2, 2023 7:25:24 AM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

To whom it may concern,

1/2/23

I'm simply a nobody that owns a vacation home for over 20 years in the Venetian Golf/River Club. I've sacrificed changes to my bylaws so a few can be satisfied. I've waited patiently for development, improvements and the Florida busy life style that all should enjoy.

The application to provide commercial development across the Venetian is simply refreshing and long overdue. There was a time that Walmart purposed nearby and could not understand how my community fought against it, with ill results. Any improvement helps value, comfort and excitement to finally see what North Venice can offer.

Please communicate well with those that feel population increase is fared. The community with many elderly residence will succumb with pride and lively entertainment when they are finally offered activity within there lives.

Development, improvements and activity offer longevity !

Good Luck.....

From: [Stacy Allocco](#)
To: [Planning Commission](#)
Cc: frank@allocco.us
Subject: PUD Amendment Request 22-38RZ - Pubic Hearing Notice - for meeting on January 17, 2023 at 1:30 p.m. - WE OPPOSE
Date: Saturday, January 14, 2023 6:32:13 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear City of Venice,

Thank you for allowing us the opportunity to express our concerns on the re zoning of the 10 acers on the corner of Laurel and Jacaranda. We live in the Cielo development which borders on the property. We would prefer that the rezoning does not go through, and we oppose it. Below are our many concerns:

- Increased traffic – there is a dangerous blind spot that already exists when leaving the Cielo development onto Jacaranda that will become worse after Publix shopping center is built. It will be extremely difficult to enter and exit the Cielo community which has only one entrance/exit to and from the community, which is on Jacaranda. The current traffic flow already speeds past the Cielo neighborhood on Jacaranda coming from Laurel Ave that will be significantly increased and become much worse with heavy traffic and speeding in both directions on Jacaranda and Laurel.
- Light and noise pollution – created by the lighted stores and parking lots, and continuous noise from shoppers and deliveries especially when those deliveries are in the evening and middle of the night hours where trucks have loud back-up beeping alarms when backing up, and pollution with additional vehicles, and delivery trucks left idling during deliveries. Shopping centers are dirty with dumpsters, litter, smell, etc.
- Makes our area a destination – currently people who live here are in the area. It's a residential area. The shopping center will attract people from other areas, which will over stress the services/utilities, making the area more expensive to maintain.
- Moving the retention ponds – Our area experienced light flooding when Hurricane Ian hit. The ponds helped keep the flooding to a minimum. What will happen when the ponds are gone? Instead of holding 20 inches of water, what will the new amount be if they are gone? 10 inches? We can get that in a summer storm alone.
- Safety – the shopping center will bring an influx of people to the area. Not everyone unfortunately will there to shop, homeless and panhandlers depend on shopping centers. In addition, the shopping center has direct access from our community to the development through the FPL power line easement. There is huge concern about vandalism and theft in our community.

Cielo is not a gated community and there is concern about non-residents entering not only for suspicious reasons, but will become a turnaround spot when traffic is stopped/slow entering into the shopping center.

- Wild life - we have seen a ton of wild life that calls that area home and live near the ponds and trees. Where will they go? When the building starts they will be pushed into our development or killed.
- PLUS THE BIGGEST REASON.... THE BUILDER DID NOT DISCLOSE HE WAS CHANGING THE ZONING TO COMMERCIAL WHEN HE SOLD US THE HOUSE 6 MONTHS AGO..... We moved to the area to escape to a peaceful residential neighborhood area from St. Petersburg. Had we known this development was happening, we would not have purchased a home in the neighborhood. We feel deceived by the builder and had our choice of where to purchase taken away.

This is a residential neighborhood with all surrounding residential communities. There is a Publix down Jacaranda, and another down Laurel, we don't need another that will negatively disrupt our homes and our quiet enjoyment.

Thank you.

Frank & Stacy Allocco
Cielo Community

From: [Stacy Teter](#)
To: [Planning Commission](#)
Cc: stevethomaston@comcast.net; dibaz@aol.com; mkissinger88@gmail.com; ruth.cordner@gmail.com; happer@happer.com; Raymond.juan@grandmanors.com
Subject: Neal Community Rezoning Petition - January 17, 2023
Date: Saturday, January 14, 2023 5:13:43 PM

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

To Whom it May Concern,

I am writing to you as a 9 year resident of Venice regarding the proposed changes to the Land Development Regulations (LDR) put before you by the Venice Planning Commission on May 4, 2022. I am also writing to you as a homeowner in the quiet neighborhood of North Venice, The Venetian Golf & River Club, where Neal Communities has announced its intention to construct a 12-acre regional shopping center within a neighborhood's boundaries at the corner of Laurel Road and Jacaranda Boulevard. I am hoping that you consider following the current laws in place.

As you know, under the LDR that now exists, any commercial development within a residential Planned Unit Development (PUD) is to be small in scale, designed to serve only the residents of that PUD, and must be centrally located within the PUD. In short, "neighborhood scale" services, not "regional scale."

The new LDR now being considered by the Venice City Council allows commercial development to be anywhere within a residential PUD. Much worse, it will allow any one building within the development to be as large as 40,000 square feet. A 40,000 square foot building is a very large building, nearly one acre in size! An average Seven-11 convenience store is 3,000 square feet, and a Walgreens is 13,500 square feet. A 40,000 square foot store is intended to serve much more than the neighborhood...it is regional in scale. This is completely contrary to the intent of the Venice City 2017 Comprehensive Plan and puts every PUD within the City at risk from the intrusion of commercial applications completely out of scale with our neighborhoods. This is not acceptable to me and to most of my neighbors, to Venice City residents and voters, and as your constituents, I ask that you reject this proposed change and put our interests before those of developers.

Regarding the Neal Communities proposed regional shopping center in North Venice, the City Council members, to approve the new land development regulations which have been drafted to be more favorable to Neal and other developers and not to the resident's. The LDR changes that Neal and other developers are lobbying for will potentially affect residential planned unit developments throughout Venice. We need to stop what would be a good law for developers & big business but a bad law for neighborhoods. We need to keep regional-scale commercial buildings out of Venice's residential neighborhoods and follow the current laws.

I am very passionate about global warming & conservation. We have the beautiful Myakka River access on Laurel Road and bordering my community, which Laurel Rd currently has plans in place to be widened(which it needs) with an addition of a bike path access along Laurel Rd during the 4 lane expansion. It is up to us to preserve our parks & habitat in our city & our great state of Florida. Building a regional shopping center will create more noise & light pollution which could destroy our natural habitat.

Please consider how this land was first purchased & the regulations & laws that were in place, Neal Communities has changed its strategy for its own benefit due current economic conditions and not for the benefit of the city of Venice, its residents or their customers who thought they were getting something else. I am found of the current low budget communities Neal Communities has built in our area...the communities are not as well planned and the homes are not as robust as our nor have their lower purchase prices helped resale values. In closing, I am asking the commission to please due the right thing and keep the current laws in place.

I am available for further discussion, contact me with further questions or to be part of a small town hall.

All my best.
Stacy Teter
250 Pesaro Dr
North Venice Fl
440-620-1245

From: [Susan Drapela](#)
To: [Planning Commission](#); larrydrapela@gmail.com
Subject: Oppose Neal Commercial Application
Date: Monday, January 2, 2023 2:54:33 PM

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Dear Commission Members:

As a resident of the VG&RC community, I oppose any commercial development across from the entrance of the VG&RC development.

The developer has said he has no plans to put a light at the entrance to this shopping plaza, and the entrance will have to be directly across from the entrance to VG&RC.

This will put people in danger of car accidents, as they attempt to exit and enter their community: VGRC.

As the traffic gets busier with more developments, everyone is talking about how they can observe more car accidents every day.

Please, we don't need to "plan" for a dangerous intersection, just to please one developer.

Please keep your citizens, especially your elderly safe.

Please vote for SAFETY.

Sincerely,

Susan Drapela

Sent from [Mail](#) for Windows

From: [Toni Cone](#)
To: [Lisa Olson](#)
Subject: FW: Developers dream
Date: Tuesday, March 7, 2023 4:01:49 PM
Attachments: [image001.png](#)

Milano PUD correspondence.

Sincerely,

Toni Cone
Records Manager/Deputy City Clerk
Office of the City Clerk
401 W. Venice Avenue
Venice FL 34285
Office: (941) 882-7396
Email: tcone@venicefl.gov
2020 Census Population: 25,463



From: Susie <ontheporch4231@comcast.net>
Sent: Tuesday, March 7, 2023 4:00 PM
To: City Council <citycouncil@venicefl.gov>
Subject: Developers dream

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

I sincerely hope you are actually reading our letters of concern of a developer's take over of North Venice.

From the thousands of homes to an unwanted shopping center, it does seem as if the council has on blinders for the wants and concerns of the citizens in this area. After having proof of the property agreement to remain the same for 99 yrs, a sudden change or well thought out change of the property on Laurel Road to turn into a shopping complex with all the problems it will bring it, would make a turn down of the proposal an easy one. A promise that no commercial building would take place to a large Publix and a gas station (thought Venice was going all electric with our tax dollars paying for free charging in the park in what use to be handicap parking!) shouldn't have taken lawyers time and money, citizens time and efforts to simply say no and hold to the agreed on the future of the land. With many checking on surrounding development before buying, they replied on you to keep the agreement.

The old saying not in my backyard would apply here with developers not living where they are ruining. You must hear from so many citizens growing so tired of your allowance for over development or do you just not care enough to pay attention? To say the deep love the council and mayor have for developers than the voices of your citizens in this area is a great disappointment for

us all. There is a plaza on Knights Trail that has been unused for years and an eyesore to all, but you are ready to hit the "go ahead" button for another one.(Maybe you simply never come out this way.....) Is it your interest for tax revenue over leaving some land of peace and quiet or is it that the developers have more power than the people who elected you? Turning Laurel into 4 lanes should be enough to change this area (oh yes, the developers are helping with that as well aren't they and even get to help plan the look of a public road!) Gotta be one or the other to support your unthoughtful and uncaring for this area... very sad. I may not be able to say "I never loose" but I can say I never went down without a battle.

Susan Taylor

Mestre Place, Sadly Changing North Venice, Florida

The porch sitter request: *Be kind to everyone you meet, you never know the burdens they may be carrying..... a smile to a stranger may be the kindest thing that happened to them all day... you can make the change*

Sent from [Mail](#) for Windows 10



Contract to buy
 signed
 9/20/20
 260 Corsano Dr.

HOME SITES

PARKING



SHM (M)

From: [Suzanne](#)
To: [Planning Commission](#)
Subject: Stop the Proposed Shopping at Laurel & Jacaranda
Date: Monday, January 16, 2023 11:22:00 AM
Attachments: [cid2833FAD7-A2C7-4349-960C-E1324196A00F.pdf](#)

Caution: This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

To the Planning Commission:

Our family feels very betrayed by the proposed rezone from wetlands/open space to commercial at the corner of Jacaranda and Laurel. We purchased in Cielo in September 2020, and that corner was represented to us by Neal Communities as “Wetlands” as cited on the map included in our Purchase Contract. This proposed rezone feels like a classic “bait and switch”. We previously lived in Milano and chose to purchase in nearby Cielo because we liked the quiet residential nature of the area/neighborhood. We are now alarmed and disappointed at this proposed rezone which will change the area into a congested, noisy commercial area. There are already plenty of those nearby....three Publix and 6 gas stations within a two mile radius.

Suzanne Metzger
260 Corsano Dr
Cielo

Sent from my iPhone

Sent from my iPhone

City of Venice
401 West Venice Ave.
Venice, FL 34285

January 17, 2023

Subject: Deny Pat Neal Developer changes to the Milano PUD.

Dear Planning Commission:

I am against the Neal changes to the Milano PUD and want you to deny his application.

My wife and I moved to Venice 4 years ago from a single family home in Queens New York where we lived for 25 years. We retired and moved to the Venetian Golf and River Club across the street from the Milano neighborhood. In our search for a new home, we looked at homes in the Milano community and in others in the surrounding area. Our final choice for a home was in the VGRC.

It is unfair to those who live in the Cielo, Milano and the surrounding communities to let Pat Neal change his commitment to keep the Milano PUD residential. When all of us moved here, we bought homes assuming the neighborhood would stay residential based on the PUD. Many of us would not have bought here if it contained a shopping center and other commercial stores. We loved the Venetian because it was surrounded by natural vegetation, and there was easy access to get in and out.

To change the PUD after the fact is a betrayal to all of us who bought homes here based on the PUD plan. For most folks, the purchase of a home is the biggest investment they ever make, and to make that investment a bad idea because Pat Neal wants a shopping center is the wrong thing to do.

A traffic light just outside our gate adversely affects our getting in and out of our community since the main gate is our only in/out gate. Our other gate just east of the Fire house on Jacaranda is only an exit, and is only used by a small percentage of our residents because most live closer to the main gate.

I urge you to deny this change to the PUD and to set a precedent going forward that when a developer says the community will remain residential for 99 years that they are not allowed to change that commitment. Any residential community home buyer would live in fear that after buying a house their PUD could be changed at a later date based on their developer's whim. That's not good law.

Sincerely,

Tyler D. Cassell
201 Medici Terrace
North Venice, FL 34275

Jeremy B. Shir, Esq.
Attorney at Law
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Becker & Poliakoff
1 East Broward Blvd., Suite 1800
Ft. Lauderdale, FL 33301

January 17, 2023

City of Venice Planning Commission
401 West Venice Avenue
Venice, FL 34285

RE: Venetian Golf & River Club POA (“VGRC” or “Venetian Golf”) Concerns with and Opposition to Proposed Milano PUD Amendment (Village at Laurel and Jacaranda) Zoning Map Amendment Petition No. 22-38RZ

Dear Planning Commission:

This Firm represents the Venetian Golf & River Club POA (“VGRC” or “Venetian Golf”), a community of some 1300 plus homeowners located within the City of Venice and adjacent to the proposed Milano PUD Amendment. VGRC has recently determined that the subject application for Proposed Milano PUD Amendment (Village at Laurel and Jacaranda) Zoning Map Amendment Petition No. 22-38RZ, seeking to amend a portion of the Milano PUD from Open Space to Commercial will detrimentally impact the community and must be rejected. Below we highlight obvious and fundamental reasons compelling denial. We trust that as stewards of the City, the Commission will listen to the multitude of residents, civic groups, Associations and other stakeholders who have raised numerous legal and public policy reasons, and accordingly deny the application.

The commercial use in the proposed PUD amendment violates the City’s Land Development Code and Comprehensive Plan. The applicant cannot establish competent and substantial evidence to the contrary. Any approval would be a departure from the essential requirements of the law according to the plain and unambiguous requirements of

January 17, 2023

Page 2

Section 86-130(b)(8) which specifies the permitted uses in PUD Districts. The proposed commercial use is also starkly incompatible with the character of the neighborhood. The application does not provide justification as to changed or changing conditions that make the passage of the proposed amendment necessary; this contravenes Section 86-47(f)(1)(f) of the City's previous Land Development Code, under which the application is proceeding as it was filed prior to the codification of the new Land Development Code. The application and record submitted by the applicant completely overlooks and miscalculates significant traffic impacts to be caused by the amendment. The proposed change will lead to excessively increased traffic and otherwise affect public safety, in contravention of Section 86-47(f)(1)(h) of the City's previous Land Development Code. The applicant cannot establish through competent and substantial evidence that it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use, in contravention of Section 86-47(f)(1)p) of the City's previous Land Development Code. The application is inconsistent and does not comply with the City's Comprehensive Plan, Open Space Element, as indicated by the City's own environmental consultant. And finally, there are numerous other quality of life and public policy concerns that remain unaddressed, such as noise & loading nuisance issues. This letter, along with testimony of adversely affected neighbors who live in the community and surrounding areas as well as their counsel, amplify the inadequacy of the submittals by the applicant. Approval on the record developed violates controlling law, and would pay short shrift to long-term impacts to the surrounding area. The application should and must be denied.

Legal Standard for Rezoning Not Met by Applicant

Consideration of the rezoning/zoning map amendment application and the other entitlements sought by the applicant with respect to the subject property are quasi-judicial. *Board of County Commissioners v. Snyder*, 627 So.2d 469 (Fla. 1993). The Supreme Court of Florida stated that “[R]ezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of ... quasi-judicial action...” This is in contrast to initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the public, which are considered legislative in nature.

To be valid, quasi-Judicial actions are will be upheld only if they are supported by substantial competent evidence, which is a higher burden of proof. *De Groot v. Sheffield*, 95 So. 2d 912 (Fla. 1957). Competent substantial evidence has been defined to be “such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. It is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. *DeGroot v. Sheffield*, 95 So.2d 912, 916 (Fla. 1957), as cited by *Verizon Florida, Inc. v. Jaber*, 889 So.2d 712, 721, fn.1 (Fla. 2004).

“Substantial” means there must be “real, material, pertinent and relevant evidence (as distinguished from ethereal, metaphysical, speculative or merely theoretical evidence or hypothetical possibilities) having definite probative value (that is, “tending to prove”) as to each essential element. *Loneragan v. Estate of Budahazi*, 669 So.2d 1062, 1064 (Fla. 5th

DCA 1996). “Relevant” evidence tends to prove or disprove a material fact. Fla. Stat. §90.401; *Sims v. Brown*, 574 So.2d 131, 134 (Fla. 1991). In sum, competent and substantial evidence must be: reliable and credible; fact-based; resting upon more than mere probabilities, guesses, whims or caprices but rather support a reasonable foundation for the conclusion reached, *Dept of Highway Safety & Motor Vehicles v. Trimble*, 821 So.2d 1084, 1086-87 (Fla. 1st DCA 2002); and not consisting of “vague, uncertain, or irrelevant matter not carrying the quality of proof *Florida Rate Conference v. Florida R.R. & Pub. Utilities Commission*, 108 So.2d 601, 607 (Fla. 1959); must be more than surmise, conjecture or speculation *Id.*;

Failure to meet City’s Land Development Code Requirements for a Rezoning/Zoning Map Amendment and Demonstrate Consistency with the Comprehensive Plan

1. The commercial use in the proposed PUD amendment violates the City’s Land Development Code and Comprehensive Plan. The applicant cannot establish competent and substantial evidence to the contrary, because fundamentally approval would be depart from the essential requirements. The plain language of Section 86-130(b)(8) which lists the permitted uses in PUD Districts. Section 86-130(r) of the Land Development Code states that “**Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area.** Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”

Here, the application seeks amendment on the perimeter of the PUD, not centrally within. It does so, at a scale and mass that is disproportionate with any needs of the existing

community. It is intended to attract customers outside the community, and for a community which does not currently exist. The commercial use in the proposed PUD amendment will not serve the needs of the PUD in contravention of the Land Development Code & the Comprehensive Plan. Various residents have indicated in emails to City staff, there are already two Publix grocery stores within a 3 mile vicinity of the proposed commercial use that would house a shopping center including a new Publix. Additionally, it is unclear at this point if the proposed shopping center will include a gas station, but if it does, it is important to note that there are already 3 existing gas stations to the south of the proposed shopping center, as well as one existing gas station to the west, with two more likely to be built (Wawa and 7-11) within 3 miles. Regardless the site plan is not before you today and could be amended prior to submittal. It is notable that the new/existing Land Development Regulations no longer permit gas stations in PUD commercial areas. In its own presentation at the Public Workshop for this application, the applicant noted that the proposed commercial development is significant for the communities east and north of I-75, claiming that it will serve nearly 7,000 homes in multiple divisions, of which barely over 800 are located within the Milano PUD. That is to say, 89% of the estimated customers of the proposed commercial usage will come from outside the PUD. It is clear from the developer's own statements this proposal seeks to serve the general needs of the surrounding area.

Amending the PUD Open Space to Commercial is prohibited by Section 86-130(b)(8) of the City's Land Development Regulations, which permits neighborhood commercial uses **“which are determined at the time of approval for the PUD to be**

compatible with the existing and future development of adjacent and nearby lands outside the PUD.” The Milano PUD did not include commercial uses at the time it was originally approved in 2014 under the VICA PUD and thereafter when it was merged into the Milano PUD in 2017. The fundamental requirements of the Land Development Regulations indicates clear intent on the part of the City Council to disallow (neighborhood) commercial uses not compatible at the time of approval of the PUD. If the intent was to allow for (neighborhood) commercial upon any request for modification of the PUD, there would not be clear language stating that it had to be at the time of PUD approval. Approval of the application would therefore rest upon a failure follow the essential requirements of the City’s own Code.

2. There is no basis to conclude that changed or changing conditions make the passage of the proposed amendment necessary, as required. The applicant’s response to this requirement is self-serving: “The need for commercial services in close proximity to the neighborhood in order to limit required vehicle trip lengths currently required to obtain such services makes the proposed change necessary. The statement is pure conjecture. No competent substantial evidence supports this speculative, self-serving declaration. No explanation is made as to what commercial services are in general proximity that applicant claims are currently lacking, nor how the proposed amendment would remedy the deficiency. There are already numerous grocery stores and readily available commercial service within a short vicinity of the PUD, and applicant is unable to make a rationale case to the contrary.

3. The application and record submitted by the applicant completely overlooks and miscalculates significant traffic impacts to be caused by the amendment. The proposed change will lead to excessively increased traffic and otherwise affect public safety, in contravention of Section 86-47(f)(1)(h) of the City's previous Land Development Code. The location of the proposed shopping center is directly across from the main entrance to VGRC, off of Veneto Drive. That entrance is used by the 1377 homeowners in the Venetian for ingress and egress to Laurel Road. Adding a major shopping center will significantly exacerbate traffic from the main Veneto Drive exit for Venetian Golf and will, in time, delay emergency services.

Importantly, the applicant's traffic report specifically avoided using the formulas found in the Institute of Transportation Engineers manual, as historically mandated by the City and uniformly performed. As the revised Staff Report states: "The data used by the applicant results in a lower trip generation number than would be found using ITE data. The ITE trip generation rates have historically been used for Transportation Impact Analysis in the city, including the original analysis for the Milano PUD, **making the proposed methodology inconsistent with the methods used in the previous study.**"

Approval of the amendment will all but guarantee an unbearable number of trips on the roads and failing Level of Service as a result of the commercial amendment. That is because trips associated with this amendment will be vested if approved. Traffic impacts must be assessed on the maximum allowed number of trips allowed under the amended PUD, not the proposed site plan, which is not before you today.

Multiple residents have entered into the record testimony that the addition of a shopping center at this location will significantly exacerbate traffic, that the proposed entrance across from Veneto Boulevard will create a dangerous intersection and possible backup on Laurel Road. The applicant has suggested that building the shopping center will actually reduce traffic by 27%, even though the Traffic Study their consultant submitted indicates a 814 peak hour trip addition. Of course, the construction of a shopping center is going to have a drastic impact on traffic, yet the applicant seeks approval without proper vetting as required.

4. The application can advance no competent substantial evidence demonstrating that it is no possible to find other adequate sites in the city for the proposed use in districts already permitting such use. There is an existing shopping plaza at Laurel Road and Knights Trail that is has many vacant spaces and other commercial areas where this application would be as of right. The applicant has not addressed this requirement, though it is their duty to do so.

5. The application is inconsistent and does not comply with the City's Comprehensive Plan, Open Space Element, as indicated by the City's own environmental consultant. The overwhelming percentage of the subject area is wetlands, with habitats supporting eagles, American white pelicans, wood storks and spoonbills. The Florida Natural Areas Inventory concluded through its evaluation of the site that the wetlands provide a habitat for wading birds and other wetland dependent species. Strategy OS 1.2.2 of the Open Space Element of the City's Comprehensive Plan addresses Environmental Impact Mitigation. This strategy states that the City will use the Code and review processes

to ensure the applicant evaluates environmental impact and provides any necessary mitigation. No mitigation for loss of habitat for protected bird species and other wildlife is proposed. To the contrary, the applicant has made clear their intention to proceed despite the manifest inconsistency with the Comprehensive Plan and environmental red flags that have been raised.

6. Finally, there are additional quality of life and nuisance concerns that remain unaddressed such as the location and access of service vehicles, the increase in noise, and 24/7 lighting that will detrimentally impact the quality of life.

The application before you does not meet controlling law and the applicant cannot and has not established through competent, substantial evidence that its application is consistent with the Comprehensive Plan or that it meets the City's Code requirements for a rezoning/Zoning Map Amendment. The only assertions made are self-serving, conclusory assertions contained in the applications themselves, which offer no support upon which the Commission can reasonably rely.

To summarize, the application before the Commission must be denied. The submittals by applicants fail to meet the criteria for the approvals sought. The essential requirements of the City's Code and Comprehensive Plan require denial. The applicant cannot meet its burden of establishing by competent and substantial evidence that the application is consistent with the Comprehensive Plan or the criteria for rezoning. For all of the above reasons, we respectfully request that the Commission deny this application.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeremy Shir".

Jeremy B. Shir
For the Firm

From: [Gary Scott](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission- Petition 22-38RZ
Date: Tuesday, March 14, 2023 8:59:21 AM
Attachments: [Cielo Preliminary Plat Staff Report.pdf](#)
[Fiore final plat-first page.pdf](#)
[Roger Clark email to Jill.pdf](#)

Caution: This email originated from an external source. Be Suspicious of Attachments, Links and Requests for Login Information

To Members of the Planning Commission:

The Milano PUD consists of the Milano, Aria, Cielo, and Fiore subdivisions. The final plat for the final phase of the Milano PUD has been approved by the city, that being Fiore. But yet it is only the open space designated on the Fiore Final Plat that has been dedicated and preserved as the LDR requires. The open spaces designated on the final plats of Milano, Aria, and Cielo to this day remain undedicated, unpreserved, and unprotected.

At the first hearing on January 17 upon Border and Jacaranda Holding's petition there were no questions asked by the Commissioners of the staff concerning the fact that the 10.42 acres of open space that is the subject of the applicant's petition have not been dedicated and preserved as open space. If that dedication had occurred as the LDR require those 10.42 acres of open space would not be available for or vulnerable to redevelopment.

Following are the two LDR that relate to the dedication of open space:

Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form. 86-139(j)(3)

The final plat shall show: Signature and acknowledgement of the owners to the plat and restrictions, including **dedication to public use of all streets, alleys, parks or other open spaces shown thereon** and the granting of easements. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon. 86-231(2)(c)(n)

By the language of those LDR the dedication of open space within the Cielo subdivision should have taken place at the time the Cielo Final Plat was approved by the city on November 12, 2019. (The City Attorney has stated that it is now the practice to dedicate open space at the time of the final plat of an individual subdivision is approved. As it should have been all along.)

In any case, when the Cielo Preliminary Plat was considered by the Planning Commission on November 6, 2018, the staff report included the recommendation that any approval of the plat include a stipulation that reads as follows:

"Consistent with Code Section 86-130(j)(3), at the time of final plat for the final phase of the Milano PUD, open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City". (See relevant portions of the Staff Report attached hereto)

The Cielo Preliminary Plat was approved by the Commission at that November meeting, subject to that stipulation. (See hearing video at 2:45:30)

Later, on October 2, 2020, the Cielo Phase 2 (Fiore) Preliminary Plat was before the Commission. As

part of the staff's presentation there was testimony that, "**This will be the final phase of the Milano PUD.**" (See video at 33:45)

The Fiore Preliminary Plat was approved by the Commission at that October meeting, and later on July 13, 2021, the Fiore Final Plat was approved by the city. (First page of Plat attached)

As can be seen, that final plat contained the required dedication of open space since Fiore was the final phase of the Milano PUD. But there was no dedication at that time of the open space designated on the Cielo Final Plat as there should have been. There should have also been a dedication of the open spaces within the other two Milano subdivisions, Aria and Milano. If there is any doubt that Cielo has been fully platted, see the attached email of Roger Clark in which he states that Cielo has been fully platted.

It is evident that the 10.42 acres within the Cielo subdivision upon which the applicant wants to build a commercial center should have been dedicated as open space at least when the Fiore Final Plat was approved, if not earlier at the time the Cielo Final Plat was approved.

Who should pay the consequences of this oversight? It should not be the innocent homeowners of the neighborhood. And who should profit by this oversight? It should not be the applicant.

Thank you for your consideration.

Gary Scott

ASSOCIATED DOCUMENTS

- A. Application Materials
- B. Exhibit A: Site Pictures
- C. Stipulation Status Responses
- D. Pre-Annexation Agreement

EXECUTIVE SUMMARY

A Preliminary Plat for the 125.5 +/- acre Cielo Subdivision (Milano PUD) consists of 126 detached, single-family residences. Per Land Development Regulations Section 86-230(d), the applicant is requesting two Code Modifications to allow for the issuance of Building Permits for project amenities and model homes prior to Final Plat approval and to allow cul-de-sacs to exceed 1,200+/- feet in length. If approved, this will be the last Preliminary Plat for the Milano PUD. Based on this preliminary plat completing the development of the Milano PUD, the following stipulation is recommended subject to City Attorney review:

- Consistent with Code Section 86-130(j)(3), at the time of final plat for the final phase of the Milano PUD, open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City.

The Cielo Subdivision accounts for the northern portion of the Milano PUD, previously portions of the VICA and Laurel Lakes PUDs. There are three Pre-Annexation Agreements associated with the subject property and eleven (11) stipulations carried over from the Milano PUD Rezone.

Based on the submitted application materials, staff analysis, and conclusions from this staff report, staff provides the following summary findings on the subject petition:

- **CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN):** The Cielo Preliminary Plat may be found consistent with Northeast Neighborhood strategies, Land Use Element strategies, Mixed Use Residential (MUR) Future Land Use designation, Open Space Element strategies, and other applicable strategies in the *City of Venice 2017-2027 Comprehensive Plan*.
- **CONCLUSIONS/FINDINGS OF FACT (MILANO PUD):** The Cielo Preliminary Plat is consistent with the Milano PUD Binding Master Plan.
- **CONCLUSIONS/FINDINGS OF FACT (LAND DEVELOPMENT REGULATIONS):** The proposed preliminary plat complies with the City's Land Development Code, including the subdivision standards.
- **CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY/MOBILITY):** No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

FIORE

A SUBDIVISION LYING IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, CITY OF VENICE, SARASOTA COUNTY, FLORIDA.

LEGAL DESCRIPTION (PREPARED BY ARDURRA GROUP, INC.)

A PARCEL OF LAND BEING A PORTION OF THAT CERTAIN PROPERTY DESCRIBED IN OFFICIAL RECORDS INSTRUMENT # 2014028405 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE SOUTH 00°19'26" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 12.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF LAUREL ROAD ACCORDING TO OFFICIAL RECORDS INSTRUMENT # 201941854 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SAME BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°19'26" WEST A DISTANCE OF 1,120.11 FEET TO THE NORTH LINE OF ARIA ACCORDING TO PLAT BOOK 52, PAGE 428 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 89°30'30" WEST, A DISTANCE OF 389.84 FEET; (2) SOUTH 00°08'44" WEST, A DISTANCE OF 26.40 FEET; (3) NORTH 89°01'18" WEST, A DISTANCE OF 865.59 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID SECTION 34; THENCE NORTH 00°01'38" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1,150.18 FEET TO AFORESAID SOUTH RIGHT-OF-WAY OF LAUREL ROAD; THENCE SOUTH 89°21'08" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, SAID BEING A LINE 12.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 1,359.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 35.519 ACRES.

CERTIFICATE OF APPROVAL OF COUNTY CLERK

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I, KAREN E. RUSHING, COUNTY CLERK OF SARASOTA COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF THE STATUTES OF FLORIDA PERTAINING TO MAPS AND PLATS, AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK 55, PAGE 249, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THIS 16 DAY OF JULY, A.D., 2021.

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT OF
SARASOTA COUNTY, FLORIDA

BY: [Signature]
DEPUTY CLERK

CERTIFICATE OF APPROVAL OF CITY COUNCIL

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

IT IS HEREBY CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY ACCEPTED BY THE CITY COUNCIL OF VENICE, A MUNICIPALITY IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, THIS 16 DAY OF JULY, A.D., 2021.

APPROVED: [Signature]
MAYOR, CITY OF VENICE
[Signature]
CITY ENGINEER
[Signature]
CITY ATTORNEY

RESERVATION OF EASEMENTS

THERE ARE HEREBY EXPRESSLY RESERVED TO THE "OWNER", ITS SUCCESSORS OR ASSIGNS, AN EASEMENT OF TEN (10) FEET IN WIDTH ALONG ALL FRONT LOT LINES AND ALL PRIVATE DRAINAGE EASEMENTS, SHOWN HEREON, FOR THE EXPRESS PURPOSE OF ACCOMMODATING SURFACE AND UNDERGROUND DRAINAGE AND UNDERGROUND UTILITIES, INCLUDING IRRIGATION FACILITIES.

UTILITY EASEMENTS

THE OWNER DOES HEREBY GRANT NON-EXCLUSIVE EASEMENTS TO THE CITY OF VENICE, FLORIDA POWER AND LIGHT COMPANY; AND OTHER AUTHORIZED UTILITY COMPANIES FOR THE INSTALLATION AND MAINTENANCE OF ABOVE GROUND, SURFACE AND UNDERGROUND POWER, GAS, TELEPHONE, WATER, SEWER, ELECTRIC, CABLE TELEVISION, AND OTHER UTILITIES, LINES, AND FACILITIES UNDER EACH AREA DEPICTED ON THIS PLAT AS A "PUBLIC UTILITY EASEMENT". ALL UTILITY EASEMENTS SHOWN HEREON SHALL ALSO BE FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, OR WITH THE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED THEREON.

CERTIFICATE OF REVIEWING SURVEYOR AND MAPPER

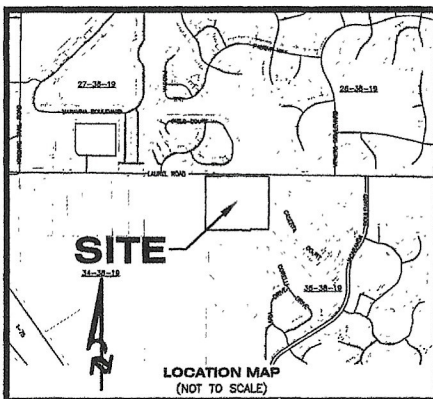
STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, PART 1, OF THE FLORIDA STATUTES, AND THAT I AM UNDER CONTRACT WITH THE APPROPRIATE LOCAL GOVERNING BODY AND ACTING HERETO AS AN AGENT OF THE CITY OF VENICE. THIS LIMITED CERTIFICATION AS TO FORMAL CONFORMITY WITH CHAPTER 177, PART 1, F.S. PLATTING IS NOT INTENDED TO BE AND SHOULD NOT BE CONSTRUED AS A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING AND MAPPING REFLECTED ON THIS PLAT.



ROBERT B. STRAYER, JR.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 5027

DATE: 6/4/21



SHEET INDEX
1 COVER SHEET
2 KEY SHEET
3-9 DETAIL SHEETS

NOTICE

- 1) THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FIORE (THE "DECLARATION") IS SIMULTANEOUSLY RECORDED WITH THIS PLAT IN THE OFFICIAL RECORDS AS INSTRUMENT NUMBER 2021132627 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.
- 2) THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 3) OWNER RETAINS AND RESERVES OWNERSHIP OF ALL PROPERTY, EASEMENTS AND INTERESTS SET FORTH ON THIS PLAT THAT HAVE NOT OTHERWISE BEEN CONVEYED AND/OR DEDICATED TO ANOTHER PARTY.

TRACT DESIGNATIONS

- TRACT 120: PRIVATE ROADWAY, INGRESS, EGRESS, DRAINAGE, LANDSCAPE AND HARDSCAPE EASEMENT & PUBLIC UTILITY EASEMENT
- TRACTS 220: AMENITY CENTER
- TRACTS 320 - 321: WETLAND, PRIVATE DRAINAGE & FLOWAGE EASEMENT
- TRACTS 520 - 622: PRIVATE LAKE, DRAINAGE & FLOWAGE EASEMENT
- TRACT 620: OPEN SPACE
- TRACT 621: OPEN SPACE, PRIVATE DRAINAGE & FLOWAGE EASEMENT
- TRACTS 720 - 722: FUTURE DEVELOPMENT - RESERVED FOR OWNER

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA)
COUNTY OF SARASOTA)

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2021132627 9 PG(S)
JULY 18, 2021 11:38 AM DT
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL



I, JAMES R. SCHIER, AS MANAGER OF NCDG MANAGEMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS MANAGER OF NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ALL COMPANIES LICENSED TO DO BUSINESS IN THE IN THE STATE OF FLORIDA, ("OWNER"), CERTIFIES OWNERSHIP OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THIS PLAT ENTITLED "FIORE" TO BE MADE AND DOES HEREBY DEDICATE THE FOLLOWING:

1. TO THE CITY OF VENICE, ITS SUCCESSORS AND/OR ASSIGNS:
 - A) A NON-EXCLUSIVE EMERGENCY ACCESS EASEMENT ACROSS, OVER AND UNDER THE ROADS AND RIGHT-OF-WAY SHOWN HEREON AS TRACT 120 FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES AND FOR AUTHORIZED GOVERNMENTAL SERVICES.
 - B) ALL POTABLE WATER AND SANITARY SEWER INFRASTRUCTURE FACILITIES, ABOVE GROUND, SURFACE AND UNDERGROUND UTILITIES ALONG AND ADJACENT TO TRACT 120.
 - C) ALL PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS PLAT.
2. TO SARASOTA COUNTY, ITS SUCCESSORS AND/OR ASSIGNS:
 - A) AN EXCLUSIVE LIFT STATION EASEMENT AS SHOWN AND DEPICTED ON THIS PLAT AS "PERMANENT EXCLUSIVE LIFT STATION EASEMENT DEDICATED TO SARASOTA COUNTY" FOR THE PURPOSE OF INSTALLATION MAINTENANCE, AND OPERATION OF A SEWAGE LIFT STATION AND RELATED FACILITIES.
- 3) DEDICATES AND SETS APART TRACTS 320-321, 520-522 & 620-621, AS SHOWN AND DESCRIBED ON THIS PLAT FOR A PERIOD OF 99 YEARS FROM THE RECORDING OF THIS PLAT IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, FOR OPEN SPACE PURPOSES ONLY PURSUANT TO SECTION 86-130(4) OF THE CITY OF VENICE LAND DEVELOPMENT REGULATIONS AND ORDINANCE NO. 2017-13. SUCH OPEN SPACE USE, CONSISTENT WITH THE CURRENT DEFINITION IN THE CITY OF VENICE LAND DEVELOPMENT REGULATIONS, SHALL BE DEEMED TO MEAN THAT THE PROPERTY MUST BE UNOCCUPIED OR PREDOMINATELY UNOCCUPIED BY BUILDINGS OR OTHER IMPERVIOUS SURFACES, AND USED FOR STORMWATER MANAGEMENT, PARKS, RECREATION, CONSERVATION, PRESERVATION OF NATIVE HABITAT AND OTHER NATURAL RESOURCES OR HISTORIC OR SCENIC PURPOSES. UNOCCUPIED OR PREDOMINATELY UNOCCUPIED BY BUILDINGS OR OTHER IMPERVIOUS SURFACES SHALL MEAN THAT NOT MORE THAN 5% OF THE AREA OF ANY REQUIRED OPEN SPACE, WHEN CALCULATED BY EACH AREA SHALL BE OCCUPIED BY IMPERVIOUS SURFACES.

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC,
A FLORIDA LIMITED LIABILITY COMPANY

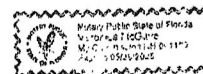
BY: NCDG MANAGEMENT, LLC, A FLORIDA
LIMITED LIABILITY COMPANY, ITS MANAGER
BY: [Signature]
JAMES R. SCHIER, MANAGER

[Signature]
WITNESS
[Signature]
PRINT NAME OF WITNESS
[Signature]
WITNESS
[Signature]
PRINT NAME OF WITNESS

STATE OF FLORIDA)
COUNTY OF SARASOTA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF (✓) PHYSICAL PRESENCE OR () ONLINE NOTARIZATION THIS 16 DAY OF JUNE, 2021, BY JAMES R. SCHIER, AS MANAGER OF NCDG MANAGEMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS MANAGER OF NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY, (✓) WHO IS PERSONALLY KNOWN TO ME, OR () WHO HAS PRODUCED _____ AS IDENTIFICATION.

(AFFIX SEAL)



[Signature]
SIGNATURE OF NOTARY PUBLIC
NOTARY PUBLIC STATE OF FLORIDA

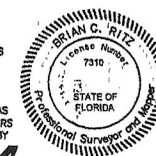
COMMISSION NO. 111021199
EXPIRATION DATE: 05/29/2025

SURVEYORS CERTIFICATE

PROFESSIONAL SURVEYOR AND MAPPER IN THE STATE OF FLORIDA, HOLDING LICENSE NO. 0007310, HEREBY CERTIFY THAT I AM ACTING ON BEHALF OF A M ENGINEERING, LLC, A LIMITED LIABILITY COMPANY AUTHORIZED TO OFFER SERVICES OF REGISTERED SURVEYORS AND MAPPERS IN THE STATE OF FLORIDA, HOLDING L.S. NO. 4334, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, OF THE FLORIDA STATUTES, AND THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) WERE INSTALLED AS OF APRIL 22, 2021 AND THE PERMANENT CONTROL POINTS (PCP'S), AND THE LOT CORNERS WILL BE INSTALLED WITHIN 1 YEAR FROM DATE OF RECORDING AND WILL BE CONFIRMED BY SURVEYORS AFFIDAVIT.

A M ENGINEERING, LLC.

BY: [Signature] 6/2/21
BRAN C. RITZ, P.S.M.
REGISTERED PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER LS 0007310



A M ENGINEERING, LLC.

CONSULTING ENGINEERS
& SURVEYORS, L.L.C. 4334
8340 CONSUMER COURT
SARASOTA, FLORIDA 34240
PHONE (941) 377-9178
FAX 378-3786

Dear Roger,

Thanks in advance, as you've always been helpful, and I do appreciate it.

In Neal's recent filing regarding the proposed shopping center at the corner of Laurel Road and Jacaranda, it is stated that the project is within the Milano PUD and within the platted Cielo Development. Is Cielo fully plated as of this date?

Does the platting of Fiore - which I think is the 4th "neighborhood" in the Milano PUD - count in the equation of the Binding Master Plan and re-zoning? Am thinking also about the edits made to the open space language that was proposed yesterday.

Many thanks indeed.

Jill

From: Roger Clark <RClark@venicefl.gov>
Date: June 17, 2022 at 7:25:45 AM EDT
To: Jill Pozarek <spqr63bc@hotmail.com>
Subject: RE: Quick question - "platting status"

Jill,

Yes, Cielo is fully plated and yes, the Fiore plat is included in the overall Milano PUD. The proposed text regarding open space in the draft LDRs will apply to new PUDs if it is adopted, not existing as they have been reviewed and developed under the existing code.

Thanks,

Roger

Roger Clark, AICP

Planning and Zoning Director

401 West Venice Avenue

Venice, FL 34285

Office: 941-882-7432

Cell: 941-468-0081

rclark@venicefl.gov



My name is Seth Thompson. I have been a Cielo Community homeowner and resident since July 31st, 2020. I served as a homeowner board member of the Cielo Neighborhood Association from 12/15/2021 to 11/09/2022.

Recently I was shown a document entitled, "Release and Termination of Cielo Easements & Restrictive Covenants", that was executed by Chris Clark as President of the Association, and by representatives of Neal Communities of Southwest Florida and Border and Jacaranda Holdings. The document is dated October 1, 2022, a time when I was on the board of the Association. A copy of that document is enclosed.

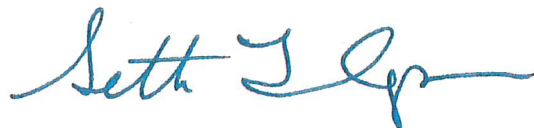
From the language of the Release, it appears that it is an attempt by Neal Communities to remove 10.42 acres of open space located within the Cielo Neighborhood at the southeast corner of Jacaranda Boulevard and Laurel Road from the Declaration of Covenants, Conditions and Restrictions for Cielo. It is stated in the Release that those 10.42 acres "shall no longer be deemed Common Property of the Association."

The point of this communication is to advise you that I, as one of three board members of the Association, in October 2022 knew nothing about the Release until about two weeks ago when it was brought to my attention. In October the other two board members were Chris Clark and Tracy Hecht, both paid executives for Neal Communities. Neither Mr. Clark nor Ms. Hecht ever had any discussions with me about the Release at any time. And there was no board meeting held prior to October when the Release was discussed. If I as a board member had no prior knowledge of the Release, it is safe to assume that no other residents of Cielo knew of its existence.

The Release states that the parties to the agreement have agreed, "it is in the best interests of the landowners within the Cielo Subdivision", to release the 10.42 acres from the terms of the Declaration of Covenants. In my opinion there are few people living within Cielo who believe that it is in their best interests to give up 10.42 acres of open space. I conducted a poll in September of all residents living in Cielo, the month prior to the Release, and with a significantly high response rate concluded to the contrary: the majority are opposed to this property being rezoned and converted to a commercial development. To do so is an injustice that would have many negative implications and undesirable effects.

I would urge you to obtain a legal opinion and question whether the undisclosed attempt to release the 10.42 acres of open space from the terms of the Declaration was legally authorized according to local laws and public policy enacted by the Florida Legislature.

The 10.42 acres is open space on the Cielo final plat and it is "Common Property" under the terms of the Declaration. It is my understanding that as such the homeowners of Cielo have an interest in that parcel of land, an interest that cannot be taken by the developer without the knowledge and consent of Cielo homeowners. The rights of the residents of the Cielo community need to be recognized and protected by the City of Venice.


3/12/2023



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Detail by Entity Name

Florida Not For Profit Corporation
CIELO NEIGHBORHOOD ASSOCIATION, INC.

Filing Information

Document Number	N19000007962
FEI/EIN Number	84-3627023
Date Filed	07/29/2019
Effective Date	07/29/2019
State	FL
Status	ACTIVE

Principal Address

c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Changed: 09/09/2022

Mailing Address

c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Changed: 09/09/2022

Registered Agent Name & Address

Meyer, David C, Esq.
DCM LAW FIRM, P.A.
8955 US Highway 301 North
Suite 333
Parrish, FL 34219

Name Changed: 09/09/2022

Address Changed: 09/09/2022

Officer/Director Detail

Name & Address

Title President

Clark, Chris
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Title VP, Treasurer

Hecht, Tracy
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Title Secretary

Thompson, Seth
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Annual Reports

Report Year	Filed Date
2021	02/22/2021
2022	02/27/2022
2022	09/09/2022

Document Images

09/09/2022 -- AMENDED ANNUAL REPORT	View image in PDF format
02/27/2022 -- ANNUAL REPORT	View image in PDF format
06/29/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
02/22/2021 -- ANNUAL REPORT	View image in PDF format
04/07/2020 -- ANNUAL REPORT	View image in PDF format
07/29/2019 -- Domestic Non-Profit	View image in PDF format

10/21/2022 3:37 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2929089

*This instrument prepared by and returned to:
Vogler Ashton, PLLC 705
10th Ave. W. #103
Palmetto, FL 34221*

**RELEASE AND TERMINATION OF CIELO
EASEMENTS & RESTRICTIVE COVENANTS**

This **RELEASE AND TERMINATION OF CIELO EASEMENTS AND RESTRICTIVE COVENANTS** (the "Release") is made this 1st day of October 2022, by (i) **CIELO NEIGHBORHOOD ASSOCIATION, INC.**, a Florida not for profit corporation, whose mailing address is 5800 Lakewood Ranch, Blvd., Sarasota, Florida, 34240, ("Association"); and (ii) **BORDER AND JACARANDA HOLDINGS, LLC**, and **NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC**, both Florida limited liability companies, whose addresses are 5800 Lakewood Ranch Blvd., Sarasota, Florida, 34240, (collectively, "Neal").

WITNESSETH:

WHEREAS, the "Cielo Subdivision," per Plat thereof recorded in Plat Book 53, Page 288, of the Public Records of Sarasota County, Florida, (the "Plat") is a residential subdivision situate in the City of Venice, Florida; and,

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Cielo, as recorded in Official Records Instrument No. 2019169159, of the Public Records of Sarasota County, Florida, (the "Declaration") does encumber all property within the Plat; and,

WHEREAS, Neal is actively developing the Cielo Subdivision and is empowered under the Declaration to add and/or remove lands from the Plat and/or the Declaration; and,

WHEREAS, the Association is the Chapter 720, Florida Statutes homeowners association incorporated to operate and maintain the common property associated with the Cielo Subdivision; and,

WHEREAS, Neal and Association agree that it is in the best interests of the landowners within the Cielo Subdivision to release, terminate and remove the lands set forth on Exhibit "A." attached hereto and incorporated herein from (i) any and all easements and reservations held by Neal and/or Association pursuant to the Plat, and (ii) all terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration, such that the lands set forth on Exhibit "A." shall no longer be subject to the Declaration.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Recitals.** That the above recitals are true and correct and are hereby incorporated herein.
2. **Release and Termination of Easements and other Restrictions.** As it affects and relates *only to* those specific lands set forth on Exhibit "A." attached hereto and incorporated herein (the "Released Lands"), Neal and Association do hereby forever, as a matter of title, cause, confirm, terminate, remise, release, remove and discharge all right, title, and interest of the aforementioned parties to the following:

A) All easements and reservations as set forth on the Plat that affect and encumber the Released Lands, including specifically all Private Drainage & Flowage Easements within the Released Lands; and,

B) All terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration that affect the Released Lands, such that the Released Lands are no longer subject to the Declaration.

3. **Removal from Declaration.** Neal and Association do hereby remove the Released Lands from the Declaration, such that those Released Lands shall no longer be subject to the terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration; and the Released Lands shall no longer be deemed Common Property of the Association, as those terms are defined in the Declaration. The Association shall have no further obligation to operate and maintain the Released Lands, and Neal, and its successors and assigns, shall be obligated to operate and maintain the Released Lands at its sole cost and expense. Neal further covenants that it has engaged the project engineer for the Cielo Subdivision to review the Released Lands, and said project engineer determined that no Association drainage and/or flowage systems or facilities exist within the Released Lands nor are the Released Lands necessary for the engineered and proper operation of the Association's drainage and flowage systems and facilities. Neal further covenants that the removal of the Released Lands from the Common Property of the Association shall have no material or negative impact on the drainage and flowage of the remaining portions of the Cielo Subdivision.

WHEREFORE, the parties have hereunto agreed to and accepted the terms of this Release the day month and year first written above.

NEAL COMMUNITIES OF SOUTHWEST
FLORIDA, LLC, a Florida limited liability company

By: NCDG Management, LLC, a Florida limited
liability company, its Manager

By: *P. Curran*
Pamela Curran, its Manager

[Signature]
Witness

SEAN FINN 0771
Print Name of Witness

[Signature]
Witness

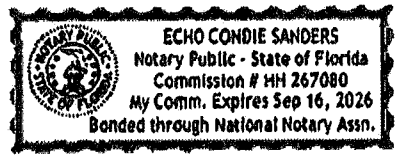
MARK EVANS
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of () physical presence or () online
notarization this 21 day of October 2022, by Pamela Curran, as Manager of NCDG Management, LLC, a Florida
limited liability company, as Manager of Neal Communities of Southwest Florida, LLC, a Florida limited liability
company, on behalf of the Company, () who is personally known to me, or () who has produced
_____ as identification.

(Affix Seal)

Echo Sanders
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9-16-2026



BORDER AND JACARANDA HOLDINGS, LLC, a Florida limited liability company

By: *Pamela Curran*
Pamela Curran, Its Manager

[Signature]
Witness

SEAN FIDOTTI
Print Name of Witness

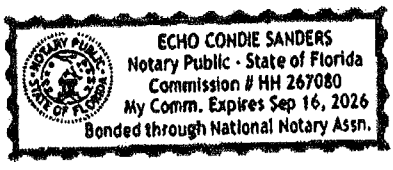
[Signature]
Witness

MARK EDWARDS
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 21 day of October 2022, by Pamela Curran, as Manager of Border and Jacaranda Holdings, LLC, a Florida limited liability company, on behalf of the Company, () who is personally known to me, or () who has produced _____ as identification.

(Affix Seal)



Echo Sanders
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9-16-2026

CIELO NEIGHBORHOOD ASSOCIATION, INC., a Florida not for profit corporation

By: [Signature]
Chris Clark, its President

[Signature]
Witness

Haley Ballard
Print Name of Witness

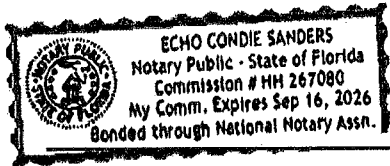
[Signature]
Witness

Maria Vasquez
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 21 day of October 2022, by Chris Clark, as President of Cielo Neighborhood Association, Inc., a Florida not for profit corporation, on behalf of the Corporation, who is personally known to me, or who has produced _____ as identification.

(Affix Seal)



[Signature]
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9.16.2026

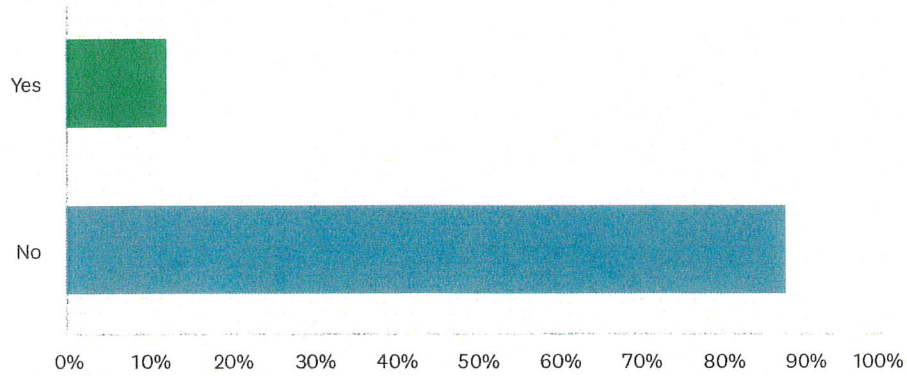
EXHIBIT "A"

LEGAL DESCRIPTION OF THE RELEASED LANDS:

(BY SURVEYOR) COMMENCING AT THE NORTHEASTERLY CORNER OF TRACT 700, CIELO SUBDIVISION AS RECORDED IN PLAT BOOK 53, PAGE 288 OF SARASOTA COUNTY OFFICIAL RECORDS THENCE SOUTH 00°00'06" WEST, A DISTANCE OF 55.04 FEET ALONG THE WEST RIGHT OF WAY LINE OF JACARANDA BOULEVARD TO THE POINT OF BEGINNING THENCE CONTINUE ALONG THE SAID RIGHT OF WAY SOUTH 00°00'06" WEST, 478.24 FEET; THENCE NORTH 89°14'10" WEST, 935.70 FEET; THENCE NORTH 00°45'50" EAST, 72.60 FEET; TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 17.60 FEET AND WHOSE CHORD BEARS NORTH 11°25'30" WEST, 7.43 FEET; THENCE NORTH 7.49 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°22'40"; TO A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 110.67 FEET AND WHOSE CHORD BEARS NORTH 11°23'08" WEST, 46.88 FEET; THENCE NORTH 47.24 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°27'24"; THENCE NORTH 00°50'34" EAST, A DISTANCE OF 130.16 FEET; TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.19 FEET AND WHOSE CHORD BEARS NORTH 09°09'26" WEST, 13.66 FEET; THENCE NORTH 13.83 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 31°27'54"; TO A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 121.73 FEET AND WHOSE CHORD BEARS NORTH 12°28'38" WEST, 52.33 FEET; THENCE NORTH 52.74 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°49'31"; THENCE NORTH 00°03'52" WEST, A DISTANCE OF 159.00 FEET TO THE SOUTH LINE OF TRACT 700 OF SAID CIELO SUBDIVISION; THENCE ALONG SAID SOUTH LINE, SOUTH 89°10'25" EAST, 957.24 FEET TO THE POINT OF BEGINNING. CONTAINING 10.42 ACRES OR 453,769 SQUARE FEET, MORE OR LESS.

Q1 Were you aware that the land on the corner of Laurel & Jacaranda, just north of Cielo, could be used for commercial development when you purchased your home?

Answered: 41 Skipped: 0



ANSWER CHOICES

Yes

No

Total Respondents: 41

RESPONSES

12.20%

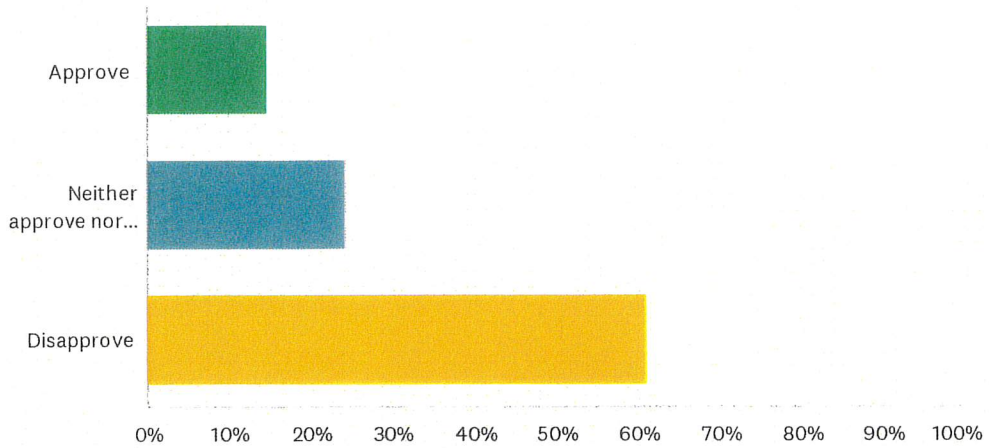
87.80%

5

36

Q2 What are your household's thoughts about the proposed commercial development at the corner of Laurel and Jacaranda Road?

Answered: 41 Skipped: 0



ANSWER CHOICES

- Approve
- Neither approve nor disapprove
- Disapprove

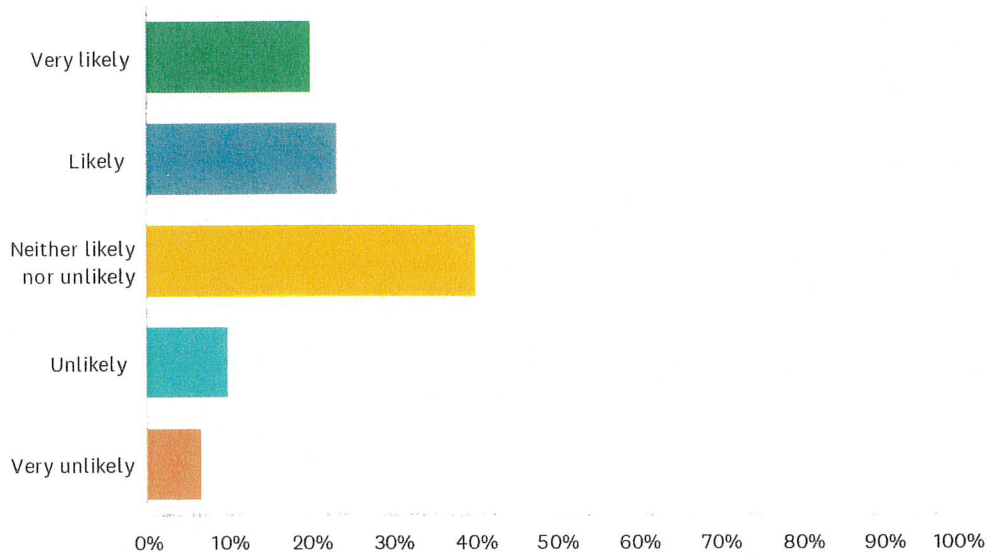
Total Respondents: 41

RESPONSES

Approve	14.63%	6
Neither approve nor disapprove	24.39%	10
Disapprove	60.98%	25

Q3 If you answered 'disapprove' in question 1, how likely would you be to get involved or take action to prevent this from happening?

Answered: 30 Skipped: 11



ANSWER CHOICES

- Very likely
- Likely
- Neither likely nor unlikely
- Unlikely
- Very unlikely

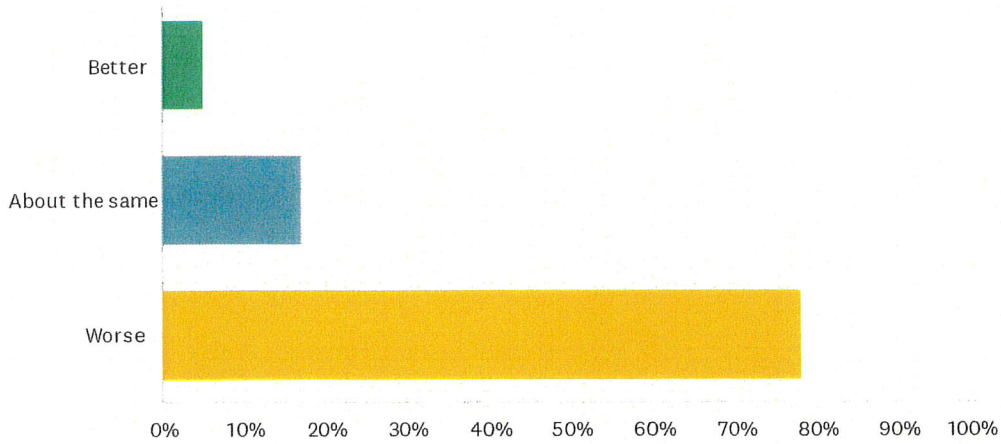
RESPONSES

Very likely	20.00%	6
Likely	23.33%	7
Neither likely nor unlikely	40.00%	12
Unlikely	10.00%	3
Very unlikely	6.67%	2

Total Respondents: 30

Q4 How do you think the proposed development will affect traffic patterns in the area of Jacaranda & Laurel?

Answered: 41 Skipped: 0



ANSWER CHOICES

Better

About the same

Worse

Total Respondents: 41

RESPONSES

4.88%

17.07%

78.05%

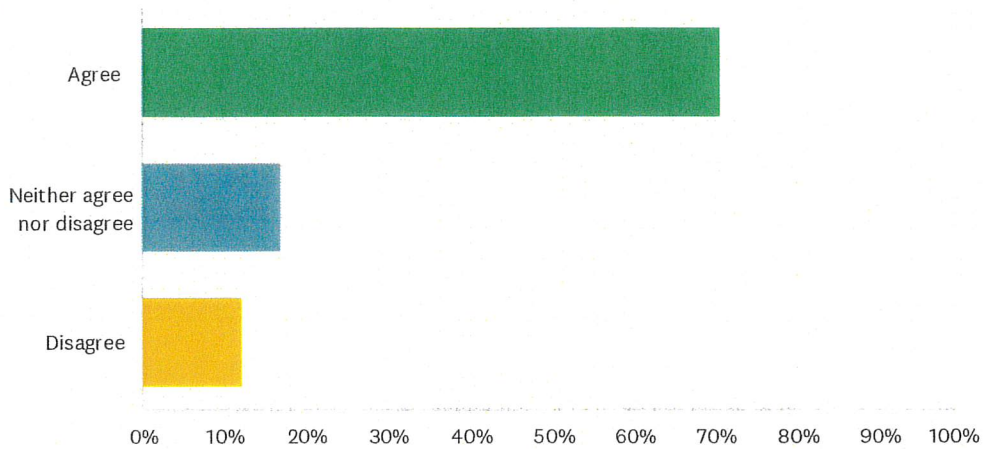
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7

32

Q5 Do you feel that a commercial shopping plaza close by would adversely affect the safety of the neighborhood due to increased traffic, or drawing in people from outside the area?

Answered: 41 Skipped: 0



ANSWER CHOICES

- Agree
- Neither agree nor disagree
- Disagree

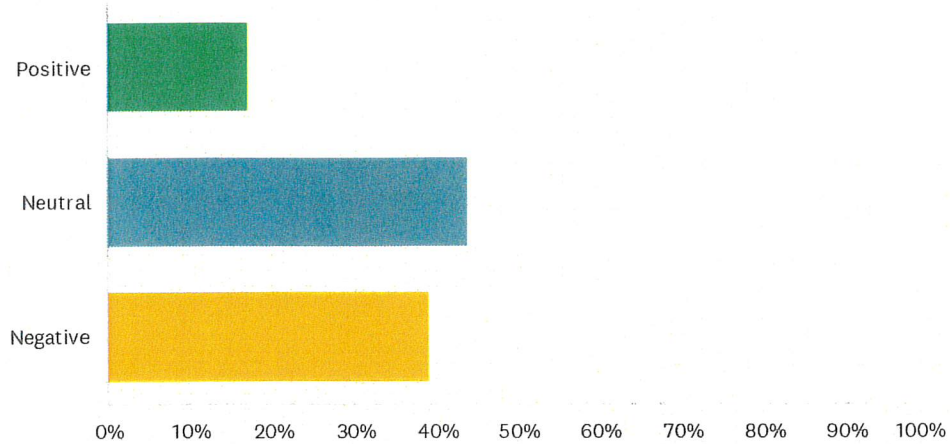
RESPONSES

Response	Percentage	Count
Agree	70.73%	29
Neither agree nor disagree	17.07%	7
Disagree	12.20%	5

Total Respondents: 41

Q6 How do you perceive a commercial development on the corner of Jacaranda and Laurel Road will affect your home value?

Answered: 41 Skipped: 0



ANSWER CHOICES

Positive
Neutral
Negative
Total Respondents: 41

RESPONSES

17.07%	7
43.90%	18
39.02%	16

Q7 Comments

Answered: 12 Skipped: 29

#	RESPONSES	DATE
1	Had I known about this prior to buying the home, we most likely would not have purchased it. It was unfair for all the players involved not to tell us. We lived in a commercially developed area and moved here to get away from that and now it looks like we have it again. Very disappointing and unfair.	9/6/2022 4:20 PM
2	Thank you for doing this survey and leading us in taking some sort of action to express our views rather than just passively letting it happen.	9/6/2022 9:34 AM
3	There are two Publix stores within a 2 mile radius of the community, there is absolutely no need for another one. Unwanted traffic will pass through our community, as it is not gated! Per contract by Neal, no commercial buildings would be built nearby or any other builds that would decrease value of our home, this proposition goes against that contract!	9/5/2022 10:29 PM
4	Concern we are only non gated community that would now get more attention due to increased traffic. We'd no longer be as isolated.	9/4/2022 6:26 PM
5	We bought in this area to ride bikes and be away from "busy" areas with our child. This plaza would change how we ride bikes and enjoy the nature aspect of being out here east of 75.	9/4/2022 5:59 PM
6	I jog and walk my dogs by there all the time. People are already distracted when they drive. Half the drivers during season are half blind. Bicyclists don't use the bike lane. This is a recipe for disaster and should something happen to me or my dogs while in that area due to the increased amount of traffic, someone will be held accountable	9/4/2022 12:04 PM
7	Thanks for doing this	9/3/2022 8:42 PM
8	Personally for convenience, I think commercial is fine.	9/3/2022 6:46 PM
9	I was asked to initial a page with a map on it at closing that described the development area as "preserve." I'm confident I wasn't the only one. Misleading at best, fraudulent at worst! I believe we should be compensated for that.	9/3/2022 6:33 PM
10	Thank you	9/3/2022 4:46 PM
11	Like we talked about. I like that it is just a preserve area over there currently, but I am not against a shopping plaza that much either. I really don't think anything a bunch of people say is going to make a difference either.	9/3/2022 4:43 PM
12	They are building an additional 3000 homes in the surrounding area. Traffic is going to increase regardless. The two nearest Publix are already busy, traffic to get to them ,etc	9/3/2022 4:35 PM