

From: [Katherine Orenic](#)
To: [Roger Clark](#); [Planning Commission](#)
Cc: [City Council](#)
Subject: Against the building of any commercial spaces on the corner of Laurel Road and Jacaranda Blvd in Venice, FL
Date: Monday, February 28, 2022 11:59:02 AM

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Dear Planning Board and City Council Members,
I would like to add my voice to this topic and state my opposition to the proposal by Neal Communities to rework this property in Venice.

In his two prior Milano PUD applications (2017 & 2020) and in a Developer's Agreement dated January 30, 2018, it was stated by Neal that there will be "**NO COMMERCIAL DEVELOPMENT.**"

The classic BAIT AND SWITCH pulled by Developers is again rearing its incredibly ugly head.

Residents need to be able to Rely on Zoning and Permitting to keep their word. After market changes are not ethical.

This proposal is also against the stated ideals of The Planning Commission. Under Section 86-23 (m)(10) to ensure that "the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values." Surely, a 47,240 sq ft grocery store can't be considered as being harmonious with the surrounding Natural residential communities.

We already have TWO Publix within a 3-mile radius of this property! Why do we need another? What we NEED is more Green Space for our children to breathe and our nature to Live. We are already losing so many endangered Gopher Tortoises in this and other rampant development. Please don't let it get worse for wildlife.

Thank you for your time.
I hope this can be stopped.

Katherine Orenic
Sarasota since 1989.
941-365-2687

From: [Alvan Herring](#)
To: [Planning Commission](#)
Subject: Shopping Center at Laurel and Jackaranda
Date: Wednesday, January 19, 2022 4:54:55 PM

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We are ok with the plan but we will need a signal light at the entrance of the Venetian Golf & River Club

Anthony J. Pirrotti, Esq.
114 Medici Terrace, North Venice, FL 34275

February 22, 2022

To: Roger Clark, Planning & Zoning Director

To: Hon. Mayor Feinsod

To: Venice City Council

Re: 47,240 Sq. Ft. Publix Supermarket

We are flattered that Mr. Neal and his team are so concerned that local residents take upwards of 10 minutes to get to any one of three local area Publix supermarkets. To remedy this dire situation, he is now proposing to build a 47,240 sq ft supermarket, 4,000 sq ft larger than its sister store also on Laurel, directly across from the entrance to the Venetian Golf & River Club. Now, maybe the trip to Publix will take 6 minutes? But lest we forget – we have to cross a 4-lane highway without the benefit of a traffic signal to accommodate Publix.

What is good for Publix is good for America.

Neal, after hearing our protest that he failed to comply with submitting a rezoning application pursuant to the law, panics, and on February 15 prematurely submits his PUD Amendment Application.

Neal's original plan was to submit the Application to the Planning Commission after conducting his second "workshop" on March 1, 2022. This gala presentation at the Venetian Golf & River Club would be in violation of Sec. 86-41 which calls for only one public workshop to be held prior to the submission of the application. However, our protest preempted his plans and on February 15, he transmits to the Planning Director "A PUD Amendment Application and all required information in support of the application." Neal now asserts that the meeting of March 1 is "**not a public hearing**".

Neal's End Run Around Section 86-23

The January 6 meeting to which the community and the press were invited was a huge success. In point of fact, Neal attached to his PUD Application a mailing list and list of Zoom attendees totaling several hundred names. His first public relations stunt worked so well he wants to stage another event on March 1, 2022 leveraging contact information mined from the first meeting. This stunt as noted above would be a violation of the law.

But the lawyer's fertile imagination continues.

He violates the following sections of the law: 86-23, 86.41, 86-130 and 86-131.

The Zoning Map Amendment Application lists the Brief Project Description "Removal of open space from PUD". What about the Commercial Shopping Center at the corner of Jacaranda & Laurel? Isn't that what this is all about?

The lawyer checks off all 13 documents listed as being submitted. However, critical documents were not submitted. Particularly egregious is the absence of a Master Plan which would require the applicant to set out (4) Master plan locations of the different uses proposed by dwelling types, ... commercial uses and (5) Master plan showing access and traffic flow ...etc.

Where is the traffic study which he claims will reduce traffic by 27%?

His obfuscation continues. Where is the 47,240 square foot obscenity going to be built?

From his public workshop summary, we learn:

Question: Is there a signal light planned at Jacaranda and Laurel Road?

His sophistic answer "Yes, but no signal is planned at Veneto Blvd and Laurel Road."

Question: How does a shopping center reduce traffic? Neal's Lawyer has the gall and the temerity to insult us by answering:

"Current shopping centers are approximately 2 ½ miles west of the site and 2 ½ miles south of the site, for properties developing in the Laurel Road corridor trips will be shortened.

Question: Has consideration been given to main access from Jacaranda?

Neal's lawyer without shame answers: "Yes, but it would not meet the requirements for Publix."

Question: Didn't the Master Plan for Milano PUD state no commercial?

Neal's lawyer answers "Yes, this is an amendment to the master plan to allow for up to 5% commercial pursuant to the allowance for PUD zoning."

Remember that Neal in his two prior PUD applications in 2017 & 2020 and in the Developers Agreement signed January 30, 2018 represented there will be no **"no commercial development"**. But money changes everything.

So, the classic bait & switch is on. Would the Planning Commission and City Council have approved the two previous rezoning amendments had they called for a commercial shopping center? Would current residents have purchased homes along Jacaranda & Laurel knowing a shopping center was planned?

In Ordinance No. 2017-25 dated August 22, 2017 the rezoning for the Milano PUD was approved subject to the developer complying with certain stipulations. Neal never complied with the following stipulations:

2. An updated listed species survey shall be conducted prior to any construction.
3. The applicant shall provide the city with the results of the updated listed species survey, and any correspondence with the United States Fish and Wildlife Service (USFWS) or the Fish and Wildlife Conservation Commission (FWC).
4. The applicant shall obtain all applicable state and federal listed species permits.
8. Any nuisance species observed within project area wetlands and uplands shall be removed and replanted with native Florida species, as required to obtain SWFWMD permits.
9. Grand trees are present on the subject property. All Grand Trees, as defined by the Trees Code and verified by Sarasota County Environmental Protection Division staff, shall be shown on the preliminary plat and/or site and development plan. Consistent with the Trees Code, all impacts to Grand Trees shall be avoided by design, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare during Construction Plan review. Changes to the development concept plan may need to occur to ensure that all Grand Trees have full dripline protection.

Neal has violated two requirements of Sections of 86-130. "PUD planned unit development district." They are:

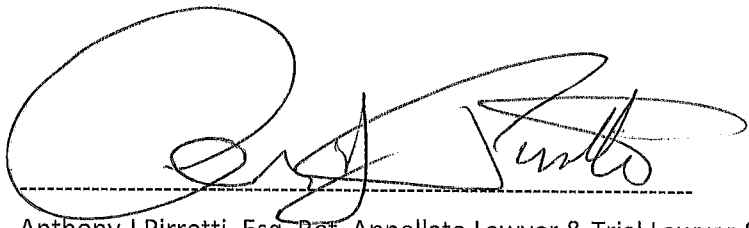
- (r) *Commercial uses.* Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.
- (b)(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. See also 86-23(m)(10)

Is there anything more antithetical to these requirements than the continued rape of Laurel Road with a 4-lane highway leading to an obscene Publix anchored shopping center? Fast food outlets, bowling alleys, night clubs and other blights too? Who knows, the sky is the limit.

Let's talk about the wetlands. Neal blithely notes that the impact to the existing wetlands will have to be offset with a contribution to a mitigation bank elsewhere. American White Pelicans, Wood Storks, Roseate Spoonbills and other Florida iconic birds are at this moment foraging in wetlands that will be plowed under for a parking lot. Shame

There used to be a bald eagle's nest in the Milano PUD but it was abandoned two years ago for unknown reasons. Caused by the nearby construction? One thing is pretty certain, the eagles will not return once the shopping center abomination is built.

"Oh, what a tangled web we weave, when we first practice to deceive."

A handwritten signature in black ink, appearing to read 'Anthony J. Pirrotti', written over a horizontal dashed line.

Anthony J Pirrotti, Esq. Ret. Appellate Lawyer & Trial Lawyer &
former member of the Greenburgh, NY Zoning Board

From: [Barbara Hudspeth](#)
To: [City Council](#); [Planning Commission](#)
Subject: Proposed shopping center at the corner of Jacaranda Boulevard and Laurel Road
Date: Friday, July 8, 2022 10:39:25 AM

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

RE: Proposed shopping center at the corner of Jacaranda Boulevard and Laurel Road

Dear Members of the City Council:

I am writing to register my objections to building a shopping center on the southwest corner at Jacaranda Boulevard and Laurel Road. I have been a resident in the Venetian Golf and River Club "only" since 2017. I love the Venice area and all that it offers to its residents. I am not against development, per se, (I was born and raised in Northern Virginia and observed the slow, then exploding development in the area over 60 years) but I am concerned about building a shopping center that does not have a clear need to be built. To wit:

Perceived need to build a new shopping center:

I do not believe that a shopping center is needed at this location. As you know, there are existing shopping centers within approximately three (3) miles of this location, via Jacaranda Boulevard or Laurel Road. Included in both of these shopping centers are a major grocery store and other entities that provide a myriad of services to local residents. I feel that this shopping center would only provide duplicate services that are already available within a short drive of the proposed shopping center.

Perceived need for a new gas station:

I strongly object to the newest proposal to build a gas station in this shopping center. I believe that a new WAWA will be built on the southwest corner of Pinebrook Road and Laurel Road. With the new 7-11 gas station already being built at the northeast corner of Knight's Trail and Laurel Road, there will be three (3) gas stations within approximately three (3) miles to the west of the proposed shopping center. There are currently four (4) gas stations within approximately three (3) miles to the south of the proposed shopping center.

Safety issues:

The installation of an entrance to the proposed shopping center is to be directly across from Veneto Boulevard. I believe that this will create a very congested crossing and that turning left to exit the Venetian Golf and River Club (VGRC) will create a dangerous intersection. It is my understanding that a stoplight will be installed at the intersection of Jacaranda Boulevard and Laurel Road. I perceive that this will create a backup on East-bound Laurel Road, thus impacting the ability of residents of the VGRC to turn left.

Additionally, I heard Mr. Neal make a statement at a meeting with the VGRC that a benefit to building this shopping center is that local residents could ride their golf carts to the shopping center. I do not own a golf cart but, to me, this is a set-up for collisions and an endangerment to human life.

I have looked at the aerial map of the area and it appears that, should you approve this shopping center, the proposed entrance could be moved to the west. This may create more expense, but the safety of Venice citizens should be of paramount concern.

I hope that you will consider my concerns and objections as you review the need for building this new shopping center.

Respectfully,

Barbara Hudspeth
101 Torcello Court
(941) 244-2709

From: [bttboysen](#)
To: [Planning Commission](#)
Subject: Proposed Commercial Development, corner of Laurel Rd and Jacaranda
Date: Wednesday, July 13, 2022 7:03:08 PM

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I am a homeowner in the Venetian Golf and River Club. I am opposed to Neal's proposal for a commercial development at the corner of Laurel Rd and Jacaranda.

I hope you will listen to the voice of the people.

Bette Boysen

Sent from my iPad

From: [Beverly T](#)
To: [City Council](#)
Subject: Willow Chase Subdivision on Laurel Rd.
Date: Wednesday, March 9, 2022 4:29:25 PM

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

Hello,

I am a current homeowner in Willow Chase since 2014. Can someone please tell me what is going to be built on the property directly across the street since all the trees and greenery is now gone? Looks like a new entry way is in the works already.

Thank You,

Beverly Tarala

P.S. I know it's not Publix because that is *supposed* to be built across from the Venetian.

Our listening has led to the below list of a compilation of prevailing concerns and positive comments we have received. **This by no means is a final list.**

Concerns which we are hearing from residents about the Commercial Development include:

Traffic

- The problem of having the entrance located on Laurel Rd., directly across from the Venetian, resulting in difficulty of getting out of the Venetian, particularly turning left
- The general increase in traffic created by the new Shopping Center
- The challenge of crossing Laurel Rd. by bike, golf cart or walking
- The accuracy and reliability of the traffic study presented at the January 6th Public Workshop

Noise

- Not only will there be a possible increase in traffic noise, there will also be trucks loading and unloading during the Center's off hours. This will even be more of an issue for those who live in close proximity to Laurel Rd.

The Placement of a Shopping Area Across from the Venetian

- It may lower property values
- No one expected a Shopping Center to be placed in this normally quiet residential area with single family homes

The Center

- With the saturation in this area of Publix stores, perhaps a Sprouts or Trader Joe's could be a better fit.
- A family-owned local restaurant would have more appeal than a national chain such as Carrabba's, which was mentioned as a possibility in the January 6th Zoom session

Environmental

- The handling of the wetlands, the mitigation of the retention pond, the disbursement of animals once construction begins, and the status of the eagle's nest.

We have also heard some positive comments about the proposed Commercial Development including:

- It will be a convenience for residents. It will avoid having to go west on Laurel Rd. facing the increased traffic due to the building of the Milano Shopping Center, the proposed hotel, the new housing development just west of Honore and Laurel, the two new gas stations, and the medical buildings already in progress of being built next to the hospital on Pinebrook.
- There may be some retail that would well serve many of our residents. Some examples include a coffee shop like Black Gold located in the Jacaranda Plaza, a family-owned restaurant (vs a chain restaurant) and a bank.

The Community Association will share the above comments and concerns with Mr. Neal before the March 1st meeting at the Venetian.

From: [Carol Stern](#)
To: [Planning Commission](#)
Subject: Laurel Road Neal commercial development proposal
Date: Sunday, June 12, 2022 6:36:07 PM

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I write on behalf of 5 families who are residents in the Venetian Golf and River Club. We are uniformly all vehemently opposed to allowing this (or any) commercial development in what is now green space with a large detention pond and eagle nests.

The recent development and increased traffic along Laurel Road and Jacaranda Boulevard are bad enough without yet another large shopping center (with a gas station, no less !) with an entrance directly across from the Venetian Golf & River Club's main entrance.

Parenthetically, how convenient that the shopping center's main entrance is not proposed to be situated on Jacaranda Boulevard, where various Neal communities are located, but rather directly across from the one project not developed by Neal.

I have also heard that a traffic round-about is proposed; would any member of the Planning Commission volunteer to have a traffic circle built directly in front of their development's main entrance ? This would be adding insult to injury.

There are numerous retail spaces along Laurel Road that have remained vacant FOR YEARS; yet another Publix grocery store and the various smaller retail establishments proposed are not needed in our community. We certainly do not need a gas station at the corner of Laurel and Jacaranda - there is a gas station at the I-75/Laurel interchange and numerous gas stations are located within a mile or two south on Jacaranda.

Finally, a professionally administered survey recently indicates that more than 75% of the households in the Venetian Golf & River Club object to ANY commercial development of the subject land

Thank you for your consideration.

Carol Stern
500 Padova Way
North Venice FL 34275
carolstern@icloud.com

From: [Roger Clark](#)
To: [Lisa Olson](#)
Subject: FW: COMMERCIAL DEVELOPMENT IN MILANO PUD AT CORNER OF LAUREL AND JACARANDA
Date: Tuesday, February 22, 2022 3:43:16 PM

Please add to the file.

From: CATHY A LAZDOWSKI <lazdowski@comcast.net>
Sent: Tuesday, February 22, 2022 3:35 PM
To: Roger Clark <RClark@venicefl.gov>
Subject: COMMERCIAL DEVELOPMENT IN MILANO PUD AT CORNER OF LAUREL AND JACARANDA

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Dear Mr. Clark,

We are contacting you regarding Neal Communities' proposed amendment to the Milano PUD. We are new residents of ARIA, a community within the PUD, and are contacting you to urge you to deny the proposal.

In a workshop for residents on January 6, Mr. Neal outlined what he perceived as the benefits of this development for residents of the area. We attended that workshop and can confirm that the 202 people who also joined were overwhelmingly against the proposal. One of the major reasons we chose to purchase a home in ARIA was the peace and tranquility of the area and the fact that there would be no commercial development. We find it hard to believe Mr. Neal's "study" showing that adding a chain grocery store and restaurant to the corner of Lauren Rd. and Jacaranda Blvd. would somehow reduce traffic. And broadening the road to accommodate the stores will do nothing but make it more difficult for residents of the Venetian to cross the road.

As new residents of the Venice/Nokomis community, I would hope that our city council and planning officials would not consider such an important change to the agreements made with the residents. Below are some additional concerns for our community based on the proposal that we hope you will consider:

How This Impacts Our Community

- **Supermarkets:** We already have 2 Publix within a 3-mile radius. Why do we need another?
- **Traffic:** In a recent article, Neal incredulously suggested traffic will be reduced by 27%. We have asked for a copy of the traffic survey. Nothing received to date.
- **Noise:** Delivery trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night. Sound travels, you will hear it.
- **Wetlands & Wildlife:** The current wetlands where iconic Florida birds forage will be

plowed under for a parking lot. Neal will be required to make a contribution to a mitigation bank. How will that transfer help the wildlife and us?

- **Lighting:** The shopping center will require flood and security lighting all night and every night.
- **Pollutants:** Runoff from asphalt and organophosphates must go somewhere.... Into our surrounding waters and our aquifer.
- **Safety:** How will residents of the Venetian Golf and River Club, Treviso Grand Apartments and Willow Chase safely make a left turn onto Laurel Road?
- **Road expansion:** In addition to the current widening of Laurel Road to 4 lanes, will other surrounding roads also be impacted?
- **Defrauded home buyers:** Many home buyers in Aria, Milano and Cielo purchased homes after reviewing the Milano PUD Master Plan's provision "**NO COMMERCIAL DEVELOPMENT.**"
- **Legality:** A retired attorney and a former member of the Greenburgh, NY zoning board has identified several ordinances that are in direct conflict with this proposed zoning amendment.

There is a more suitable location for commercial development about one-half mile down the road at the corner of Knight's Trail and Laurel. This location already has several businesses, with a minimal impact on residential areas, and has ease of access from the highway and surrounding communities.

Thanks you for your time and attention. Please consider rejecting this proposal for the good of all of the MILANO PUD residents.

Cathy and Paul Lazdowski
ARIA - 316 Corelli Drive

From: [Chris Werlhof](#)
To: NVNAlliance@gmail.com
Cc: Julianne.polston@publix.com; [Planning Commission](#); [City Council](#)
Subject: Much to do about nothing
Date: Saturday, July 9, 2022 10:18:21 AM

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For the record, not all residents of the VG&RC are anti-growth. We are NOT opposed to the shopping center, nor other changes in the immediate area. It's called growth, and a lot has been made of that that is pure nonsense. We personally enjoy seeing new services in our immediate area, such the SMH hospital, retail stores, gas stations, fast food, car wash, and the lists go on. Venice is a wonderful city, the area is a great place to live, and naturally others want to enjoy it as much as we do, and so the demand for new housing grows. Given that, the City of Venice, to include the planning commission, has done a superb job in managing that growth and investing in improvements to infrastructure throughout our area. And, we strongly support Publix as they expand to meet the needs of a growing customer base.

The opinions of others are important and should be heard, to include ours, but times change and we need to be a part of the solutions, not road blocks.

Thanks,

Chris & Deb Hanlon-Werlhof
165 Palazzo Ct, North Venice, FL 34275-6720
Cell: (703) 980-8301
ck.werlhof@verizon.net



Model



Quick Move In



Available



Sold



Not Yet Available

[Plan Filter](#)

Disclaimer: This site plan is not intended as a legal description of the property or to constitute an undertaking by any party to develop the subject property exactly as shown hereon. Rather, it is for general reference only and the actual details shown hereon may vary depending upon actual field conditions and other factors. Plans to build this project as proposed are subject to change without notice.

From: [Cyndi Sniezek](#)
To: [City Council](#)
Subject: Fw: Stop Commercial Development in Milano PUD
Date: Thursday, March 3, 2022 1:44:20 PM

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

Dear Mayor and City Council Members,

Please see the email below. Appreciate your time to consider all of our voices.

Thank you.
Cyndi Sniezek

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

From: Cyndi Sniezek <cynner39@sbcglobal.net>
To: rclark@venicegov.com <rclark@venicegov.com>; planningcommission@venicegov.com <planningcommission@venicegov.com>
Sent: Thursday, March 3, 2022, 01:42:38 PM EST
Subject: Stop Commercial Development in Milano PUD

Dear Mr. Roger Clark,

My wife and I live in the Venetian Golf and River Club and attempted to attend Mr. Neal's community meeting on Tuesday, March 1st. Both in-person and on-line was at maximum capacity. This means this issue is incredibly important to hundreds of people in this community.

My understanding from those who did attend, Mr. Neal shut them down and was not open to conversation. My hope is that you are open to hear our concerns about a commercial development right outside our gates.

The Milano PUD had no commercial development and now Mr. Neal wants to do what suits him; not the people that live here. He has defrauded current home owners in the area.

Please listen to the people. This is not what anyone wants. We do not need any more commercial development in the area. We could list the reasons but most importantly, Venice doesn't need the expansion and is slowly turning in to another Sarasota. None of us want that.

Please consider our concerns as residents of Venice that are tired of Mr. Neal getting whatever he wants vs. what the people want.

Thank you.

Cyndi Sniezek

From: [Dan Lobeck](#)
To: [Bill Willson](#); [kmcheon@venicefl.gov](#); [Shawn Graser](#); [Richard Hale](#); [Jerry Jasper](#); [Roger Clark](#)
Cc: [Lisa Olson](#); [Kelly Fernandez](#); [Amy Nelson](#); [Kelly Michaels](#); [Edward Lavallee](#); [NVNAlliance@gmail.com](#); [Rick Cordner](#); [Gary Scott](#); [Marshall Happer](#)
Subject: The Village at Laurel and Jacaranda: No Choice But to Deny
Date: Wednesday, July 13, 2022 10:40:37 PM
Attachments: [Cielo Recorded Plat.pdf](#)
Importance: High

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Dear Planning Commission Members and Planning Director Clark:

This is to present compelling support for the strong opposition by hundreds of Venice residents – including my client, the North Venice Neighborhood Alliance – to paving over 10.42 acres of designated open space and wetland habitat in the Milano Planned Unit Development (PUD) for an intense commercial center with declared regional draw, with a major entrance which adds a “fourth leg” to the intersection of Laurel Road and Veneto Boulevard, the already challenged main entrance to the Venetian Golf & River Club.

As we will show, the requested PUD amendment, Site and Development Plan and Plat amendment for what is now called “The Village at Laurel and Jacaranda” clearly violate the Venice Comprehensive Plan and Land Development Code, as well as good public policy.

The subject site is, and has been from the beginning of the PUD and for many years, designated on the Milano PUD Binding Master Plan as **open space and protected wetland habitat** of the PUD.

The applications seek approval to change that designation to extensive commercial development, specifically a 47,000 square foot grocery store, 18,000 square feet of additional retail development and a 5,000 square feet “super convenience store” with gas pumps, surrounded by impervious pavement.

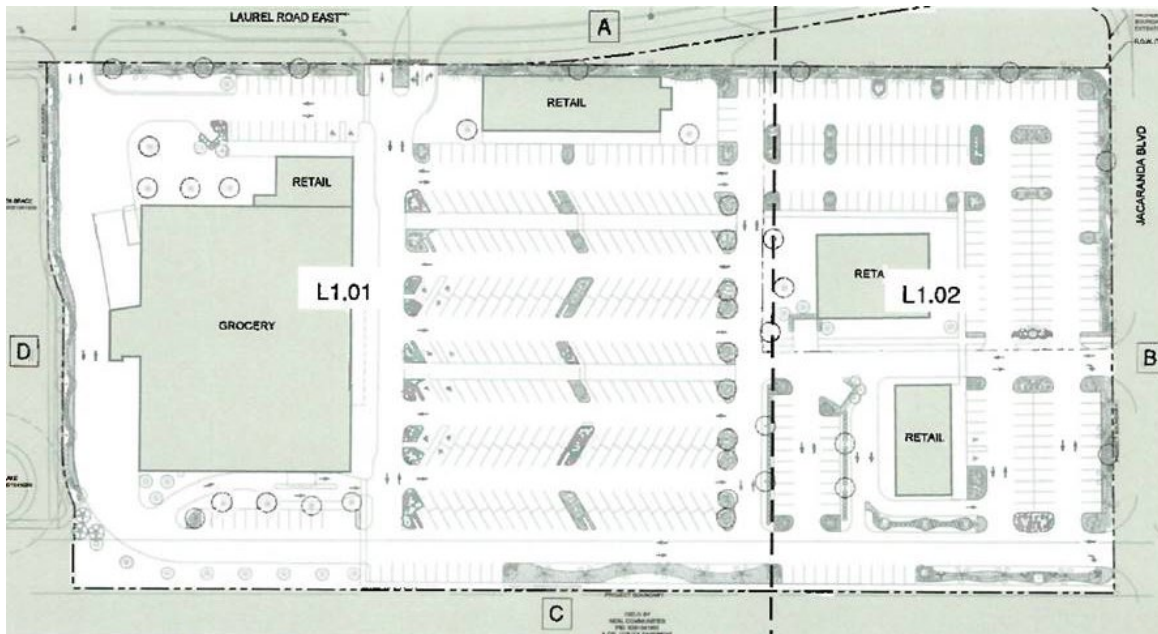
This is a rendering of the Site and Development Plan provided by the applicant, although the submitted pdf (as provided by the City) leaves the words illegible even when magnified:



Oddly, this rendering is identical to the one which developer Pat Neal presented at the required Public Workshop on January 6, 2022, below, which can be read when magnified. What is odd is that since that time, the applicant has changed the 5,000 square feet retail building at the southwest corner of the site into a 5,000 square feet convenience store with gas pumps, without changing the submitted plans to depict the gas pumps and related features, as required.



This is a clearer version of the proposed development, included as part of the Landscape Architect's plans in the application. Again, the gas pumps are omitted.



Because the submitted Site and Development Plan omits the gas pumps and related improvements which are requested in the application, it must be rejected.

Moreover, because the addition of this very high traffic feature of the proposed development (with other potential impacts on lighting, hours and otherwise) has changed the "project scope and nature," the developer is required to first conduct another Public Workshop, under the requirements of Section 86-41 of the Venice Land Development Code.

This is 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.



The Scope and Scale of the Proposed Commercial Development Exceeds What Is Allowed

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

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 the Mixed Use Residential (MUR) Land Use Designation (which is limited to PUD's). It 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.

It is indisputable that this proposed development violates these requirements of the Comprehensive Plan and LDR's.

The applicant has made much of the regional appeal of this shopping center, particularly the large Publix store.

The developer's Powerpoint presentation at its Public Workshop boasts that the 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."

[This point is made not only to show some sort of need for the development but also to support a claim of traffic reduction by capturing traffic that would otherwise travel far to another Publix. Indeed, the developer at the Public Workshop perpetuated the false notion that the development would actually reduce traffic rather than increase it. In fact, however, the developer's Traffic Study shows that the development will increase traffic at the impacted intersections and roads by 814 pm peak hour trips, reduced from 945 by 14% due to "pass-by capture trips."]

And of course the proposed commercial center will front on two exterior, perimeter streets rather than be centrally located within the project.

Some have noted certain other PUD's have commercial development fronting on exterior, perimeter streets. Even if it can be argued that a failure to enforce the LDR's in one instance means they can't be enforced in another instance, those exceptions can be distinguished, in consideration of the location (and not the scale) of the commercial center being a factor which the LDR's state is "normally" applied.

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 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 any event, the location of the commercial center is one issue.

The even more important fact is that the development proposed here is indisputably fails to meet the requirement of the LDR’s that it 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**” and the requirement of the Comprehensive Plan “**to provide for neighborhood scale and serving uses; not for regional purposes.**”

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.” . A commercial use is considered under the CP to be “potentially incompatible” with residential.

Amending the PUD to Change Open Space to Commercial Is Not Allowed

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.

Designated Open Space Must Remain Open Space

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.

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.

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...**" "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 land intended to be converted to a shopping center is within the Cielo Subdivision in the Milano PUD. That subdivision has been fully platted, with the Certificate of Approval being signed by the Mayor on November 12, 2019 and the final plat being recorded on December 10, 2019. That plat shows much of the land now intended for use as a shopping center as open space. Yet, although the plat contains a dedication of easements, it includes no dedication of open space. See attached Cielo Subdivision Plat,

The intention of the regulation is clear. When a final plat is prepared any open space shown on that plat is to be dedicated to the city. 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 concrete and cinder block. 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 Cielo Declaration of Covenants, Conditions and Restrictions Prohibit the Plat Amendment to Remove This Common Property of the Subdivision

As shown on the attached recorded final Plat for the Cielo Subdivision, 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 easements:

Tract 306: Wetland, Private Drainage & Flowage Easement

Tract 501: Private Lake, Drainage & Flowage Easement

Tract 600: Open Space, Private Drainage & Flowage Easement

Section 4.01(a) of the Cielo Declaration of Covenants, Conditions and Restrictions defines as Common Property almost all the property outside the platted lots, including the areas identified on the recorded Plat as having any private easement, including but not limited to drainage and other easements.

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" -- which does not necessarily include the Plat after its recording -- 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 replat would violate that standard.

While it might be argued that the City should not be involved in enforcing this Declaration restriction, it is not only appropriate but necessary to recognize that the Developer lacks the legal authority for the proposed replat, under the recorded Declaration as well as the statute discussed below.

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.

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.

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 PUD amendment, Site and Development Plan and Plat amendment for “The Village at Laurel and Jacaranda.”

Prior to that, we urge that Planning Director Roger Clark and the City planning staff seriously consider the points herein, address them substantively in their staff report, and for one or more of the reasons we have presented provide a recommendation for denial to the Planning Commission and City Council.

Thank you very much for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, FL 34237

Telephone: (941) 955-5622
Facsimile: (941) 951-1469
www.lobekhanson.com

From: [Mercedes Barcia](#)
To: [City Council](#)
Cc: [Planning Commission](#)
Subject: FW: Commercial zoning at Laurel Road and Jacaranda
Date: Monday, June 6, 2022 10:05:42 AM

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

From: Nancy Bramlet <nk.bramlet@comcast.net>
Sent: Monday, June 6, 2022 9:59 AM
To: Mercedes Barcia <mbarcia@venicefl.gov>
Subject: Commercial zoning at Laurel Road and Jacaranda

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

Please add our name to the list of people strongly opposed to any commercial development at the corner of Laurel Road and Jacaranda in North Venice.

There are a number of valid reasons to decline the zoning request by Neal Properties:

1. Increased traffic nightmare negatively affecting ingress/egress at Venetian Golf and River Club, a development of 1377 homes directly across from the proposed area.
2. Negative impact on protected wildlife in that area.
3. Negative impact on emergency vehicle traffic at existing location just east of Jacaranda intersection.
4. Negative impact on school bus pickup and drop off.
5. This is a predominantly residential neighborhood that has no need for commercial development as grocery needs are available within a mile of this area in 2 directions.

Please decline the request from Mr. Neal on this proposed zoning request.

Thank you.

David and Nancy Bramlet
118 Avalini Way
North Venice, Florida 34275
Ph. 217-836-2106
nk.bramlet@comcast.net

Sent from my iPad

Rebecca Paul

From: 146bella@gmail.com
Sent: Wednesday, February 23, 2022 3:59 PM
To: Roger Clark; Ron Feinsod
Cc: Planning Commission; City Council
Subject: Pat Neal/ Milano PUD application

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

All,

For more numerous reasons then we would cause you to read we vehemently oppose the proposed Publix shopping center across from the Venetian Gold and River Club. There is absolutely no reason for use nor is it compatible with the surrounding communities. Please DO NOT approve this project.

Sincerely,

Karla and Debbie Gericke
146 Bella Vista Terrace C
North Venice Fl 34275
Cell 850-217-5958

From: [Debbie Gericke](#)
To: [Planning Commission](#)
Subject: Rezoning of Property: SW Corner of Jacaranda Blvd. & Laurel Roads
Date: Saturday, January 15, 2022 1:06:50 PM

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

Dear Planning Commission,

Please add my email to our POA board to your list of concerns. Thank you

Morning POA board members,

After watching the Pat Neal show last PM I am most concerned that we are currently exposed and vulnerable to the wishes of Pat Neal. He did tell us the reasons he wants a Publix shopping center directly across the street from our gated entry but selectively addressed our concerns. Several of my questions went unanswered as did others.

He did not address nor show a concern for :

- **Disruption of our current quality of life**
- **Landscape beatification of the site (I personally don't want to look at the back of buildings or black top)**

- Noise compliance
- Ingress and egress for pedestrian and golf cart track usage
- Site being built under FPL power lines
- Traffic concurrency control

I worked for Pat and sat with him weekly in meetings. He is a manipulator and determined. He did share with us that that he has had 3 offers to purchase the property which felt a bit threatening...” be careful what you wish for ? “

It is a pretty piece of property and single family homes would be much more in compliance with the surrounding area. Pat Neal will not make as much money on single family homes as he will a shopping center. Thus the ONLY reason for a need of a Publix shopping center.

I am hopeful Bill Schaid and the POA team will move forward with appropriate legal actions to protect our community.

Thank you

Best

Debbie Gericke

**146 Bella Vista Terrace/Venetian
Golf and River Club
Cell 850-217-5958**

From: [Deborah Burley](#)
To: [schaidwe@gmail.com](#); [Mike9n@verizon.net](#); [dibaz@aol.com](#); [bkguido@yahoo.com](#); [Lperry45@comcast.net](#); [rceffron@gmail.com](#); [City Council](#); [Planning Commission](#); [Julianne.polston@publix.com](#)
Subject: Milano PUD
Date: Sunday, July 31, 2022 7:54:10 AM

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

We live on Avalini Way and our lanai faces toward Laurel Road. There are bushes but they are ineffective. We can hear and see people on the sidewalk talking. We also hear the cars and trucks. Actually, our lanai is noisy. We also have trespassers come through on a frequent basis.

We want our home to have a neighborhood vibe, not a Publix shopping center at our back door.

We love our wildlife in Venice and it breaks our hearts to see the animals **needlessly** displaced. We are at "our" Publix in five minutes, why would we want one at our back door? The idea of a convenience store/ gas station is outright insulting.

We moved to Venice because it was the perfect quaint city to retire. If it is up to the commission and Neal, we would lose our paradise. Be responsible to your citizens!

Deborah Burley

Venetian Golf and River Club

From: [Diana](#)
To: [Planning Commission](#)
Subject: Milano PUD
Date: Monday, June 13, 2022 11:57:01 AM

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

One can't ignore the local voting public in Sarasota and Venice are very disturbed by the over developing in their communities. Losing all this undeveloped land to development will be irreversible and should take much thought and avoid fast decisions. The very questionable legitimacy of Pat Neal's proposed commercial Milano PUD is an example of a hasty irreversible plan. The public is overwhelming against it and the nightmare traffic will be criticized as a mistake for years to come. Please try to look into the future and see what a mistake this would be. Pat Neal is being greedy, stretching the limits of the law, and not thinking of the people who buy his 7000 houses who were promised no commercial development. Please stop this madness. Thanking you in advance, Diana Watters, Venetian Golf and River Club

Sent from my iPhone

From: [DIANE FITZGERALD](#)
To: [Planning Commission](#)
Subject: Opposition to Milano PUD
Date: Monday, July 25, 2022 9:13:54 AM

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

I am sending this email to the members of the planning commission to express my opposition to Pat Neal's proposed shopping center in the Milano PUD

thank you

Diane Fitzgerald
125 Mestre Pl. N., Venice

Sent from my iPhone

From: [Diane Guardiano](#)
To: [Planning Commission](#)
Subject: Milano PUD
Date: Wednesday, July 6, 2022 9:05:01 AM

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

To all members of the planning council:

I have been a resident of the Venetian Golf and River Club since 2005. When I purchased my home one of my concerns was what was going to be built around my development. I was told by the City of Venice that all land around the Venetian would be residential only. Now Neal comes along and because the supply chain is slow and much more expensive on building materials he wants an easy out by converting the land to commercial. He can leave it as a wildlife preserve. We already have three Publix within a few miles from our homes and we do not need another one. The survey in our development is 75% against a Publix or any other commercial building across from the Venetian. It would be a traffic nightmare and an eyesore that none of us want.

I am asking you to think of our neighborhood as if it was your own. You would not want to be living across the street from a parking lot.

Thank you for your time.
Diane Guardiano
254 Padova Way
North Venice, Fl. 34275

From: [diane herman](#)
To: [Planning Commission](#)
Subject: Shopping mall @ Laurel/Jacaranda
Date: Tuesday, January 11, 2022 6:33:02 PM

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

Dear City Planners, I am writing to notify the City of Venice that the Neal proposed shopping mall across from the Venetian Golf & River Club is completely unacceptable. It is totally out of character for our neighborhood and will create a traffic nightmare/hazard. With no traffic light at the entry to my community, turning left from our entrance will be very dangerous and put residents and others at risk of personal injury and property damage. There are 2 grocery stores and other businesses within 3 to 4 miles of this proposed shopping center and makes Neal's proposition totally redundant and unnecessary. I am willing to do whatever action is in my power to block any zoning change so that this infringement on my neighborhood is voted down.

Yours truly,
Diane Herman
North Venice

Sent from my iPad

From: [dkbuchs](#)
To: [City Council](#)
Subject: Publix and Neal communities Laurel road
Date: Wednesday, February 23, 2022 5:49:26 PM

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

Mr. Mayor and City Council,

The current application by Neal communities to Build a Publix and shopping area on Laurel is true devastation to our wildlife. Neal communities already destroyed wetlands and Bald Eagle nests when he built Milano, Cielo, and Aria. How he was able to do that when those are protected I'm not sure. However, he is asking to do it again. We have had so many animals already killed on Laurel and Jacaranda due to the growth. If this goes through he has stated he would fill in the lakes he dug from wetlands, to gain more property. How was this allowed to begin with? Please turn that property into a refuge for our wildlife. Make paths and allow schools to take children through to teach them about our environment and wildlife. Be their heroes and show our youth you want to save our environment. Please do not give in to Publix or Neal communities!!

Sincerely,
Donna Buchs

Sent from my Verizon, Samsung Galaxy smartphone

From: [eileen O'Flynn](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission
Date: Saturday, January 8, 2022 10:51:06 AM

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

I am a Venetian resident and wish to voice my strong objection to the proposed commercial development that Neal Developers have put forward on the corner of Laurel Road and Jacaranda. It doesn't fit with the other developments nearby and will totally cause traffic congestion and danger to the residents who purchased houses here so that they could enjoy a peaceful retirement. If this type of development continues I believe the outcome will not benefit Venice as a whole as it will ruin its reputation as being a nice peaceful place to retire to. We have plenty retail shops nearby and certainly don't need another one. Hopefully you as planners will not give in to these developers who don't give a dam about our quality of life and seem to railroad community officials into doing their bidding. It's truly got to stop before it's too late for all of us who live and care for this area

I hope you'll take my concerns onboard

Thank you
Eileen OFlynn
The Venetian
9413806897

Sent from my iPhone

From: [Ernie Lau](#)
To: [Roger Clark](#); [Planning Commission](#)
Subject: Opposition to Commercial Development in the Milano PUD
Date: Tuesday, May 3, 2022 4:09:27 PM

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

Mr. Roger Clark,

We are the residents of the Milano neighborhood, Nokomis, FL. We understand that Neal Communities is planning to bring a Publix anchored shopping center to the 11.8 acres on the corner of Laurel Road and Jacaranda Blvd in Venice, FL.

We strongly oppose this Neal Communities development for the following important reasons:

- (1) The Milano PUD applications in 2017 and 2020 state that there is "NO COMMERCIAL DEVELOPMENT". This is a violation of those PUDS as approved.
- (2) We already have 2 Publix within a 3-mile radius. We DO NOT NEED ANOTHER.
- (3) Increase in traffic is definitively overwhelming. I am a Civil Engineer and familiar with "traffic study models and its assumptions". Intentionally or unintentionally using incorrect assumptions would produce false results. The classic case of "garbage in and garbage out".
- (4) Increase in noise level to our neighborhood would be unacceptable. Delivery trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night.
- (5) The 24/7 lighting at the proposed site will negatively impact our quality of life in our neighborhood.
- (6) This proposed commercial development will destroy wetlands and wildlife around our neighborhood. Even if Neal is required to make a contribution to a mitigation bank. However, that destruction to our neighborhood is permanent and irreplaceable.
- (7) Increase in pollutants & safety concerns with such a large commercial development. Runoff from this proposed site will negatively impact our neighborhood surrounding water resources and our aquifer.
- (8) Road expansion to accommodate this proposed commercial development will increase traffic, cause delays and traffic related accidents for all our neighbors.

We would encourage you NOT to approve such a commercial development and/or change the Milano PUDs as it existed as part of the City of Venice master plan. Thanks.

Respectfully,

Ernie Lau
Milano resident

From: [Frank Locascio](#)
To: [Planning Commission](#)
Cc: [City Council](#); [Ron Feinsod](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Helen Moore](#); [Joseph Neunder](#); [Tracy Hecht](#)
Subject: Opposition to Proposed Commercial Development
Date: Monday, January 17, 2022 2:05:17 PM

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

We are sending this email in opposition to the planned commercial development near Jacaranda Blvd and Laurel Rd. At this time, there are five existing Publix stores within one to four miles of this area. This is a residential area that does not need the traffic, noise, and nighttime light which will be given off from a large parking lot. The reason we bought a home in this area is because it was quiet (especially at night) with little traffic. We were hoping once the residential area was developed and most of the construction was completed, it would remain peaceful and quiet for the foreseeable future. Now you want to bring commercial development into the area. We have no problem driving a couple of minutes down Jacaranda Blvd or Laurel Rd to reach all of the stores and services anyone could ever need. Please do NOT do this. We know government cannot resist the temptation to build a bigger tax base, but please try to contain yourselves. This development is not necessary for any of the residents who would be impacted by it.

Frank and Sandra Locascio
248 Corelli Drive
North Venice, FL 34275

From: [Roger Clark](#)
To: [Lisa Olson](#); [Rebecca Paul](#)
Subject: FW: Laurel Road
Date: Tuesday, March 1, 2022 11:06:24 AM

Please add to written correspondence file. Thanks

From: Steve Greene <svgreene111@gmail.com>
Sent: Monday, February 28, 2022 4:51 PM
To: Roger Clark <RClark@venicefl.gov>
Subject: Laurel Road

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

Mr. Clark,

I am writing to you as Director of the Venice Zoning and Planning with hopes that you and the Planning Board will not approve a Neal Development Association request to change a residential permit to a commercial permit on Laurel Road across from the Venetian and next to our Fire Department.

I am a Neal Homes owner in the Milano development, living in Milano for almost 5 years and visiting Venice for the past 35 years. My wife's family has lived in Venice for the past 75 years. We always knew we would live in Venice and luckily found a wonderful location. We chose Milano for several reasons, but one reason was we were told there would not be any shopping centers built as they have at Lakewood Ranch and other areas.

We purchased our house in the Milano Development for the sole purpose of not being in a commercial area. We were told By Neal Development Assoc that all the land in our area was zoned for residential only. This area is quite beautiful and surrounded by neighborhoods. It makes no sense to build a shopping center in the middle of neighborhoods when the Laurel Road and Knights road intersection is already zoned for commercial, has available spaces for sale, and has a shopping center in need of revitalization.

I'm not understanding why any commercial property would be approved in such a neighborhood and wetlands area when the commercial section, just

off Interstate 75 with a hotel soon to be completed and available spaces seem like a prime spot. The small mall area with extensive space available, already zoned for commercial use, would be better suited for more commercial venues. In addition, our neighborhoods already have three convenient Publix markets minutes away. The several commercial-zoned properties available to build on are more appropriately zoned and convenient for the hotel and other properties that will benefit from additional stores.

We selected this area to invest in because it is not a commercial area. The open spaces are diminishing because of the new homes which are to be expected, but allowing for commercial property in this area is just wrong as well as not needed. We did not choose to live on Business 41, Venice Avenue, Clark Road, or Bee Ridge Road for a reason. We also didn't choose to live in community development with a restaurant and supermarket like Lakewood Ranch. This is a wonderful neighborhood setting with just enough natural sections, the Myakka river park, and a firehouse making for a peaceful place to live. Adding the traffic, security lighting will be a detriment to what's left of the natural surroundings.

I hope you will strongly consider not approving commercial property to be built in our neighborhood.

Thank you for your consideration,

Stephen Greene

351 Carlino Drive

From: [Kelly Michaels](#)
To: [Planning Commission](#); [City Council](#)
Subject: FW: Milano PUD Development
Date: Monday, March 7, 2022 4:13:27 PM

FYI

From: Mitzie Fiedler <MFiedler@Venicefl.gov>
Sent: Monday, March 7, 2022 4:00 PM
To: Kelly Michaels <kmichaels@venicefl.gov>
Subject: Fwd: Milano PUD Development

Please incorporate into the record.
Thank you!

Get [Outlook for iOS](#)

From: dibaz@aol.com <dibaz@aol.com>
Sent: Monday, March 7, 2022 1:43:36 PM
To: webcieslak@gmail.com <webcieslak@gmail.com>
Cc: Darlene Cieslak <webcieslak@gmail.com>; Mitzie Fiedler <MFiedler@Venicefl.gov>
Subject: Re: Milano PUD Development

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I am trying to find an answer for you.
Diane

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

On Mon, Mar 7, 2022 at 12:13 PM, William and Darlene Cieslak <webcieslak@gmail.com> wrote:

Hi Diane, I just heard there is a meeting regarding Neal and this development tomorrow at Venice City Planning. If this is true, my question is do we have POA representation going and why hasn't there been a massive e-mail broadcast encouraging residents to attend? The environmental impact and traffic issues should be of great concern to all of us that live here. I have joined a writing campaign to Publix and they have not committed which is hopeful but we need to convince the City of Venice that egotistical Pat Neal should be not have a given of getting this through the process as he so arrogantly stating at meeting at our River Club. The City of Venice needs a packed house of opposition to this for so many obvious reasons.
Thanking you in advance for anything the POA can do moving forward with this.
Regards,
Darlene and Bill Cieslak
262 Portofino
Sent from my iPad

From: [Gary Bibbee](#)
To: [Helen Moore](#); [Joseph Neunder](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Planning Commission](#); rcautero@venicefl.gov; [Roger Clark](#); [Ron Feinsod](#); [Rachel Frank](#)
Cc: [Cindy Bibbee](#); [Marshall Happer](#); [Susan Bookbinder](#); tomndott@gmail.com
Subject: Proposed Publix Regional Shopping Center, My Opposition
Date: Monday, March 14, 2022 7:50:46 PM

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Hello Everyone,

I have written a few paragraphs below with some of my thoughts on how I believe the preposed construction of the new Publix Shopping Center by Neal Inc., located on Laurel Road will continue to impact our community worse than recent changes already have. Other neighbors I have talked with also believe that if you continue to allow this to develop, that you just don't agree with us and that you are allowing the degradation of Venice to continue. Please prove us wrong. Please show us that you have serious concerns about this as well as concerns for the residents of Venice and particularly North East Venice.

Please check for me if you will on the two prior Milano PUD applications in 2017 & 2020 and look in the Developer's Agreement dated January 30, 2018 represented that there will be "NO COMMERCIAL DEVELOPMENT." How can this be and we end up with a shopping center. I am not saying stop the man from building but to build it where it rightfully belongs. I know the state has rights for property owners like Mr. Neal, but there are also city ordinances to protect us Venice taxpayers. Venice was our great little place to retire to. Please do all you can to protect that. If you live in this area of Venetian Golf and River Club, Milano, Cielo and Aria, as I know some of you do, I know you understand what I am talking about in this communication to you. You have maxed out this area with new construction. There are many part time residents that have no concerns with all of this new construction in our communities and that is not fair to all of us that live here full time that try to ensure our communities are a great place to live. We could use your help.

My first thought when I heard about the new Supermarket/stores being built here was that we already have 2 Publix stores within a very close distance. We do not need more grocery stores and you know that. Since we moved here in 2015 the shopping plaza at Laurel Rd and Knights Trail has remained with many vacant stores and now has a for sale sign up. We certainly don't want more of that.

I sat through a meeting recently where Mr. Neal suggested traffic will be reduced. Surely you do not believe this, otherwise you would not have approved widening Laurel Road. I respectfully request that you consider the people living in this area and not the Big Business with all of their wealth wreaking more havoc on us and our community. You can still get your increased tax base by allowing the commercial property to be put in an existing commercial zone. The property under the large power lines would be a great wetlands area or a children's park like the City of

Lakeland FI has built, just saying something to consider. WHY WOULD Mr. Neal NOT CONSIDER BUILDING THE SHOPPING CENTER ON THE WEST END NEAR CURRENT DOLLAR TREE store where commercial property already exists. Please do the Venice residents an honor by requiring this proposed development be relocated.

Delivery trucks and vans and don't forget garbage trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night. Sound travels, you will hear it, no way to prevent it.

The Wetlands & Wildlife have already been affected. We live along the 75 acre preserve across from the new Neal Community Developments and the animals are gone. I used Game Cameras in my backyard prior to the clearing of the over 300 acre farmland along Laurel Road/Jacaranda and I had plenty of wildlife pictures to view everyday. Today there is nothing so if you believe you are approving all of this property development with no affect on the community or wildlife you are making the wrong decisions. THE ANIMALS ARE GONE AND THE BIRD LIFE HAVE SEVERELY BEEN IMPACTED. The noise levels have already increased. Surely you aren't thinking that these things have not changed and changed drastically. Please don't drive through this Venice development area and think what marvelous changes you are making to Venice because you are not you are making it worse. The current wetlands where Florida birds and wildlife forage will be plowed under for more parking lot and lighting. Neal Inc. contributing to a mitigation bank will not benefit those living in this area.

You all know the shopping center will require flood and security lighting constantly, so for those of us living in this area, the current quiet dark star lit nights pool will be no more. Pollution runoff from asphalt and fertilizer application must go somewhere and we already have a problem with that in our communities. Our surrounding waters and our lakes are already affected by this as you well know since you are having to increase ordinance's against this type of pollution.

Traffic Safety in this area certainly will affect residents of the Venetian Golf and River Club, Treviso Grand Apartments, Willow Chase, new communities on Border Road and the existing homes east towards South Moon Drive. There will certainly be drastic changes to all of the existing traffic patterns. The new four lanes on Laurel Road will be a massive change in traffic.

If your intent is to make Laurel Road resemble South Sarasota and Honore Avenue then congratulations you are succeeding.

Many home buyers in Aria, Milano and Cielo purchased homes in this area including the Venetian Golf and River Club where we live, purchased their new homes with no commercial building being done in their front or back door.

I believe that the proposed Neal Development will cause substantial depreciation of

property values. Having a nearly 50.000 sq ft grocery store in the middle of the surrounding communities most certainly is not compatible due to increased lighting, noise, traffic, pollution, and the already loss of wild life from the area. Please consider how this drastic change to all of the surrounding communities will not meet the city ordinance. Having lived in this area for seven years and watching how quickly the developers are moving, I strongly believe that there are several ordinances that are in direct conflict with this proposed building request/development.

Thank you for your serious consideration to what we believe is a serious impact to a beautiful and desirable area of North Venice.

Thanks and Respectfully sent,

Gary & Cindy Bibbee

339 Padova Way

North Venice

From: [Cheryl & Grant Levis](#)
To: [City Council](#); [Planning Commission](#)
Subject: Milano PUD Commercial Development
Date: Thursday, June 16, 2022 12:01:49 PM

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

Ladies and Gentlemen,

I am writing at this time, not to be redundant about the dozen or so good reasons (all of which I support) that many of our neighbors have brought to you attention as to why the proposed shopping center at the corner of Laurel Road and Jacaranda Blvd should not be approved, but solely to discuss safety. While I admit that I have not been able to attend every meeting related to this issue, the ones I have attended have not begun to alleviate my concerns about entering and exiting the Venetian Golf and River Club where my wife and I reside once the shopping center is completed and Laurel Road is expanded to four lanes. What I have heard from Pat Neal and his traffic "experts" is that there is no need to be concerned and everything will be fine. They contend that adding additional lanes will spread out the traffic and a proposed traffic light at Jacaranda and Laurel will create breaks in traffic flow. What the extra lane in each direction will do is create a "fast" lane so that you will now have vehicles traveling at 55-60 mph. I know this will be the case as many times I am being tailgated eastbound down Laurel Road because I am doing the speed limit and they can not wait to pass me. Once they do pass me, they are off to the races. Trying to cross four lanes of traffic even with a center medium will be very unsafe for our residents unless a actual traffic light is installed at the entrance of the Venetian and the proposed entrance to the shopping center.

What I would like to bring to your attention was the problem, and in some cases the dangerous situations, that I personally observed at the intersection of Jacaranda and Portopalo Drive before a traffic light was installed there. Many times, I found it impossible to make a left turn due to cross traffic and would have to turn right and take a longer alternate route home. For any not familiar with this location, it is the first traffic light heading south on Jacaranda after exiting the traffic circle. It is one of several exits from the Publix anchored shopping center and a traffic light was not installed until residential homes were built directly across from it and would share the same Portopalo Drive intersection. Does this setup sound familiar? It is for all intents and purposes identical to our situation. Neal may argue that the traffic is not as heavy but, if not, why the four lane road? To create more fast driving cars? In closing, my wife and I who are full time residents here, strongly object to this project but under no circumstances should this project be considered without a four way traffic signal being required.

Thank your for giving me an opportunity to voice our concerns.

Grant Levis

261 Montelluna Drive
North Venice, FL 34275

From: [Heather Corsini](#)
To: [Planning Commission](#)
Subject: Laurel and Jacaranda Publix Development will destroy the Peace and Lifestyle Promised by Aria
Date: Monday, January 17, 2022 10:05:10 AM

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Please consider the homeowners of this area. We DO NOT NEED a 4th Publix within a 10 mile (residential) area. Lights on all night delivery, beeping trucks , traffic etc. This is a residential golf area not a commercial area. Find somewhere else please. The proposal for a sprouts was at least smaller.

Heather and Bryan Corsini
209 Bocelli Dr
Nokomis Fla
Aria
Sent from my iPhone

From: [hildee ryan](#)
To: [Planning Commission](#)
Subject: Neal proposal corner Jacaranda/Laurel
Date: Sunday, January 9, 2022 9:07:28 AM

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

We have just learned of plans by Neal seeking a change of zoning permit to commercial use for his property at the corner of Jacaranda and Laurel.

There are 2 Publix supermarkets 2.5 miles in either direction of this corner and another is NOT needed. The addition of 10+ stores in this area would create a traffic nightmare for local communities and the fire department on opposite corner. Please do not allow this change of zoning.

Hildee Ryan

From: [Jan Burttram](#)
To: [Planning Commission](#)
Subject: rezoning at Jacaranda and Laurel Rd.
Date: Saturday, January 8, 2022 8:33:34 AM

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To whom it may concern,

I am against the proposed rezoning of land at Jacaranda and Laurel for the purpose of commercial property. Please keep the commercial sprawl confined to Laurel and Knights Bridge area if you must. This proposal by Neal will not enhance the residential area, rather detract from the charming communities developed by the same company. Enough is enough.

Respectfully,

Jan Burttram
217 Portofino Dr.
North Venice, FL

From: [George Burttram](#)
To: [Planning Commission](#)
Subject: Neal proposal on Jacaranda and Laurel
Date: Friday, February 25, 2022 6:48:59 AM

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To whom it may concern,

Everyone says this strip mall which is “proposed” by Neal is a done deal. I would like to think that is not the case. I would like to add my concern for the proposed new strip mall at Jacaranda and Laurel. There is a soon to be very active commercial area on Laurel and Knights Bridge. Please stop letting the commercial area bleed into the several neighborhoods surrounded by protected land.

I do not support this proposal.

Respectfully,

Jan Burttram
217 Portofino Dr
North Venice, FL

From: [Janice Stewart](#)
To: [Planning Commission](#); [City Council](#)
Subject: Milano PUD Neal commercial development on Jacaranda and Laurel Road
Date: Tuesday, June 14, 2022 11:47:15 AM

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

Good morning,

I am writing to protest the above development. We are residents in the Venetian Golf and River Community, directly across from the entry proposed by Mr. Neal for his commercial development. We are opposed on the basis of the traffic congestion that will be caused and the difficulty for Venetian residents having access in and out of their own community, in addition to the noise, lights etc created by such a commercial development. We also wonder just what difficulty it could cause for the fire department located just across the street.

We bought in a residential area and not a commercial area. It is wrong for Mr. Neal to try to convince the Venice Planning/Zoning Committee and the City Council to change the current approved agreement (which allowed NO commercial development) that he signed in 2014 and 2017 for the rezoning of the Milano PUD, just for his own personal gain.

Please do not let this Commercial Plan go forward, but keep it as “open land” as stated in the rezoning approved plan that Mr. Neal previously signed.

Thank you,
Janice Stewart
342 Cipriani Way
No. Venice, FL 34275

Sent from my iPad

From: [JD](#)
To: [Bill Schaid](#); reeffron@gmail.com
Cc: [City Council](#); [Planning Commission](#); Julianne.polston@publix.com; NVNAlliance@gmail.com; [Marshall Happer](#)
Subject: Pat Neal proposed shopping center
Date: Thursday, July 14, 2022 7:04:38 PM

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

Gentlemen, after reviewing the information recently delivered by various sources I am left confused. It appears to me that the vast majority of local residents oppose the Pat Neal proposed shopping center to be located directly across from our (VGRC) main entrance. In addition, it appears that Mr Neal is attempting to “change the rules” mid game. What I do not understand is why you too are not vehemently opposed to this proposal on behalf of all VGRC residents. Please enlighten me.

John DiPierro
511 Padova Way
North Venice FL

From: [Jennifer Fowler](#)
To: [Planning Commission](#)
Subject: Neal shopping center Laurel Rd and Jacaranda
Date: Wednesday, January 12, 2022 12:11:36 PM

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

Please do not change the zoning to allow this commercial development. There is an almost empty commercial development up the street (Subway plaza), another in development at Laurel and Knight's Trail, and numerous empty commercial properties throughout Venice. There is obviously no need for additional store space. We have two Publixes close by and do not need another.

I am also against widening Laurel Rd, which will bring even more traffic cutting through this area.

Thank you for your hard work trying to balance development with environmental concerns.

Jennifer Fowler
142 Cipriani Way
North Venice

From: jodydomalex@aol.com
To: schaidwe@gmail.com; reeffron@gmail.com; [City Council](#); [Planning Commission](#); julianne.polston@publix.com; NVNAlliance@gmail.com; jodydomalex@aol.com
Subject: Fwd: Pat Neal's Proposed Shopping Center Traffic Disaster for the Venetian
Date: Sunday, June 19, 2022 8:53:43 AM

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

I favor a shopping center with grocery & restaurant at Laurel & Jacaranda, SW.

I do not approve a convenience/gas station.

I want access to this center off of Jacaranda or at the intersection of these two roads.

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

From: Marshall Happer <happer@happer.com>
To: jodydomalex@aol.com
Sent: Sun, Jun 12, 2022 5:39 pm
Subject: Pat Neal's Proposed Shopping Center Traffic Disaster for the Venetian

Dear Friends and Neighbors:

There is a lot of confusion about the pending amendments to the Venice Land Development Code and the proposed request by Pat Neil to rezone the Milano PUD to convert 11+ acres of Open Space into a regional shopping center directly across from the entrance to the Venetian. If approved, it would invite the 7,000 homeowners on the east side of I-75 to the entrance to a shopping center directly across from the entrance to the Venetian which would, in my opinion create a traffic nightmare at our entrance. While, almost anyone can apply for a rezoning of property, no one is entitled to have a rezoning request approved and if a rezoning request prohibited by the applicable Land Development Regulations is approved by the Venice City Council, it can be reversed upon judicial review.

In the General Election on November 8, 2022, 4 of the 7 seats on the Venice City Council will be up for election. Those seats #2, #5, #6 and #7 are now occupied by Rachel Frank, Nick Pachota, Joe Neunder and Mayor Ron Feinsod. It is significant that the Venetian has over 2,000 registered voters. In 2019, Feinsod won his election by 80 votes, Pachota won by 131 votes and Neunder won by 1104 votes. Frank was appointed when Brian Kelly who was elected in 2020 moved out of Venice and resigned so she has never run for election.

Email Addresses

If you are interested in expressing your opinion, here are some important email addresses:

schaidwe@gmail.com for Bill Schaid, Venetian POA President.

reeffron@gmail.com for Roger Effron, Community Association President.

citycouncil@venicefl.gov for all 7 members of the Venice City Council.

Planningcommission@venicefl.gov for all 7 members of the Venice Planning Commission.

Julianne.polston@publix.com for Julianne Polston, Publix Real Estate Manager for our

area.

NVNAlliance@gmail.com for the North Venice Neighborhood Alliance which is a group of homeowners opposed to the proposed shopping center and which has over 1700 signatures on its Petition in opposition.

Summary

Hopefully, the following summary will help eliminate some of the confusion. I apologize for the length of the summary, but there are a lot of facts and issues involved that are important to all the homeowners in the Venetian:

Original Zoning was RMF-1 for 100% Residential Uses

1. Originally, the Milano property was owned by J & J Homes and it was zoned in 2008 (08-3RZ) as Residential Multi-Family Zoning District (RMF-1) for 100% residential uses. J & J Homes went bankrupt and the property was acquired on foreclosure by CNLBank.

Jacaranda Connector Built in 2013

2. In 2013, the City of Venice used \$5 million in impact fees paid by the homeowners in the Venetian and Willow Chase to install the Jacaranda connector from Laurel Road to Border Road, providing for the first time a 2nd way in and out of the Venetian. It also provided a “free” road for the CNLBank property. In December of 2013, after completion of the Jacaranda connector, Neal Communities purchased the Milano property from the CNLBank.

Rezoning as Residential Milano PUD

3. In 2014, Neal Communities applied to have the Milano property rezoned to the residential PUD zoning category which required a minimum of 95% to 100% residential uses. The rezoning of the Milano PUD was updated in 2017 to add additional property for 100% residential uses.

Section 86-130 Regulation

4. At the time of the Milano PUD rezoning requests and approvals in 2014 and 2017, Section 86-130 of the Venice Land Development Regulations permitted up to 5% of the Milano PUD for commercial uses:

“(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.”

“(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.”

Neal Communities made a big mistake when it applied for rezoning of the Milano PUD in 2014 and updated it in 2017, because it represented to the citizens of Venice and the Venice City Council that there would be no commercial uses in the Milano PUD. Thus, “**at the time of approval**” of the Milano PUD, it requested approval without any commercial uses, so none are permitted under the current zoning.

55.2% Dedicated Open Space

5. The 2017 Milano PUD rezoning update request for 537 acres provided for up to 1350 residential units with 291 acres or 55.2% of Open Space. The required minimum Open Space under the Venice Land Development Regulations was/is 50%, but he offered and the City accepted 55.2% and Neal Communities actually obtained some Modifications to Standards based on the Open Space included in the rezoning request. For reference, the Venetian Golf & River Club PUD approved in 2002 has 60% of dedicated Open Space. At the time of the approval of rezoning of the Milano PUD, Section 86-130 of the Land Development Regulations also said:

“(3) 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.”

As a result, it may be fair to conclude that upon the final approval of the Milano PUD with 291 acres of Open Space (55.2%) in 2017, Neal Communities was obligated to restrict the “open space perpetually, or for a period of not less than 99 years” binding on it as the developer, and its successor and assigns as a covenant running with the land. Pat Neal will no doubt contend that his open space is not binding until later when an actual instrument is filed with City.

4 Subdivisions: Milano, Aria, Cielo & Fiore

6. Neal Communities has developed the 100% residential Milano PUD into 4 different subdivisions with separate internal boundaries and separate restrictive covenants:

Milano Subdivision for 464 residential units on east side of the Jacarada Extension.

Aria Subdivision for 182 residential units on the west side of Jacaranda Extension and south side of Border Road.

Cielo Subdivision for 71 residential units on the south side of Laurel Road and the west side of Jacaranda Extension. The Cielo Subdivision contains 89.0201 acres and is shown in Plat Book 52-288. [the area of the proposed shopping center is shown as Open Space.]

Fiore Subdivision for 126 residential units on the south side of Laurel Road.

Rezone Petition 22-07RZ

7. On February 15, 2022, Pat Neal filed Petition 22-07RZ seeking to amend the Milano PUD to transfer 24.106 acres of the committed and accepted 291 acres of Open Space from Milano PUD to the adjoining GCCF PUD. It appears that the 24.106 acres would come from the Fiore Subdivision and the Aria Subdivision. This Petition ignores that the 55.2% Open Space in the Milano PUD was subject to “being restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years.” This application is currently pending.

New Rezone Petition to be Filed for 11+ acre Regional Shopping Center

8. Pat Neal has informed everyone that he will file this week another Rezoning Petition to convert 11+ acres of the dedicated 55.2% Open Space in the Milano PUD/Cielo Subdivision to a regional shopping center. This Petition will also ignore that the Open Space in the Milano PUD was subject to “being restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years.” It will also ignore that the 2014 and 2017 rezoning approvals provided for no commercial uses.

POA Board Votes to Meet with Pat Neal on June 2

At the Thursday, June 2 POA Board meeting a pre-arranged motion was made to approve a joint POA and CA 5-member “team” to meet with Pat Neal “to convey our opposition to the Commercial Development and to discuss mitigation efforts that might be incorporated before Mr. Neal files the Amendment Application.” Many of us objected to the motion since it ignored that the survey of the Venetian homeowners showed that 75%+ of the homeowners were against any shopping center being located across from the Venetian entrance in the Cielo Subdivision. The motion passed with a 4-1 vote with Bill Schaid, Steve Thomaston, Lew Perry and Jerry Lewis voting in favor and Diane Bazlamit voting against. As it turned out, the meeting with Pat Neal had already been privately scheduled for June 3, the next day.

VGRCCA Board Meeting June 6

On Monday, June 6, the VGRCCA Board met to provide the details of the meeting with Pat Neal. It was disclosed that the 5-member “team” for the private meeting included Roger Effron, Fred Baughman and Harry Ornstein of the VGRCCA Board and Bill Schaid and Steve Thomaston of the POA Board who met with Pat Neal and his PR consultant. The meeting was not recorded electronically. Bill Schaid reported that Pat Neal plans to file within the next few days his Petition to Amend the Rezoning of the Milano PUD to propose a 11+ acre shopping center with a 47,000 s.f. Publix grocery store, a convenience store with gas pumps and a number of other buildings for restaurants and other businesses.

Schaid reported that he provided and explained the Venetian Survey which showed that 75%+ of the homeowners in the Venetian were against the shopping center proposal and then the “Team” presented what aspects of the proposed shopping center they did not like including the location and type of stores they did like, etc. Schaid tried to explain that the “Team” was just gathering information, but the report of the discussion sounded more like the identification of mitigation items in return for the approval of the shopping center.

The “next steps” presented was a proposed meeting of the “Team” with Pat Neal’s traffic engineer, Frank Domingo, to discuss possible additional mitigations with respect to traffic in front of the Venetian. Domingo is the “expert” who told us on March 1 at the River Club that inviting all of the 7,000 homeowners on the east side of I-75 to shop at a new shopping center directly across from the entrance to the Venetian would “reduce traffic on Laurel Road.”

Disappointingly, when asked if any one of the 5 “Team” members told Pat Neal they were opposed to the shopping center and would oppose it according to the mandate of the homeowners via the Survey, not one of them could say “yes”.

The 5 members of the “Team” “justified” the fact that they had not taken a position in opposition to the shopping center yet because the actual Petition for the shopping center had not yet been filed.

Even more disappointingly, the “Team” appeared to suggest over and over again they believed that Pat Neal was somehow entitled to have his proposed shopping center approved so as to justify their efforts for agreed mitigations. I attempted to correct those suggestions during the “comment” section briefly permitted near the end of the meeting.

Unfortunately, the “Team” provided Pat Neal the opportunity to claim that he met with the “leaders” of the Venetian and that he is engaged in mitigation discussions with them for the approval of his shopping center proposal.

POA Board Meeting June 7

On Tuesday, June 7, the POA Board met for Bill Schaid and Steve Thomaston as members of the “Team” to make a similar report on the meeting with Pat Neal. Schaid apologized for failing to mention at the June 2 meeting that the meeting with Pat Neal had already been scheduled for the next day at the time he made the motion to approve the meeting.

During the presentation, Thomaston said that “it was assured that we will be getting commercial development there”. That, of course, was not correct.

Community Association Not Authorized to Represent the Venetian

Jerry Lewis announced that he did not consider that the VGRCCA had any authority to represent the Venetian and that the representation of the Venetian should be provided exclusively by the POA which is the only body elected by all the homeowners in the Venetian and the only organization legally authorized and obligated to represent the Venetian. Jerry was correct. The 11 members of the VGRCCA Board of Directors are long time dedicated, contributing volunteers for the Venetian, but, they are essentially self-appointed. Only about 900 of the 1377 homeowners in the Venetian pay dues to the VGRCCA and they do not vote for the election of the members of the Board. The Bylaws provide for the existing Board to appoint a Nominating Committee to recruit a slate for election each year and states: “The slate will be elected by acclamation at the annual meeting.”

Motion to Approve Meeting with Pat Neal’s Traffic Engineer

Bill Schaid made a motion to approve the proposed meeting of the 5 member “Team” with Pat Neal’s traffic engineer, Frank Domingo, presumably to discuss more mitigation issues. After quite a bit of discussion, the POA Board vote was 3-2 not to permit Schaid and Thomaston to meet with Pat Neal’s traffic engineer. After that vote which was opposed by Lew Perry and Steve Thomaston, Steve Thomaston announced that he was resigning from the POA Board and he departed the meeting. It is unknown who will be appointed to replace Thomaston on the POA Board. It is also unknown whether Roger Effron, Fred Baughman and Harry Ornstein of the Community Association will meet with Pat Neal’s traffic engineer on their own. I hope they do not.

Recommendation to Merge VGRCCA into the POA

Later, Rich Cautero, a retired two term unopposed member of the Venice City Counsel suggested strongly that the VGRCCA be merged into the POA as having two separate organizations made no sense. I have likewise recommended that they be merged since 2014 when the homeowners finally got control of our POA from WCT, our original developer. I have never thought it was fair for the 900 dues paying members of the Community Association to fund projects benefitting all of the 1377 homeowners in the Venetian. All those desired activities should be provided by the POA with all 1377 homeowners funding them.

Bill Schaid’s Message on June 9

On June 9, Bill Schaid sent an email to the homeowners saying: “I want the community to understand that my dissenting vote is not a change in my thinking and commitment to our Strategic Direction, but rather, was based on my feeling that we needed to take a pause, knowing that Pat Neal had clearly indicated the intent to file the Commercial Development Application the very next week. I felt that back-to-back meetings with Pat Neal in just over one week’s time had the strong potential to reignite the divide within our community.”

POA Board is Still Undecided

Notwithstanding the recent Survey which showed that over 75% of the homeowners in the Venetian are opposed to Pat Neal’s proposed shopping center directly in front of the

Venetian, the POA Board has still not taken a position to employ counsel to oppose the shopping center or participate with respect to the very important pending amendments to the Venice Land Development Regulations relating to PUDs. It is my hope that the POA Board will engage counsel to oppose the Pat Neal shopping center proposal and coordinate with the NVNA counsel so we have a united front.

North Venice Neighborhood Alliance

Meanwhile, the North Venice Neighborhood Alliance is fighting against the proposed Pat Neal regional shopping center. Over 1700 homeowners have signed the NVNA Petition against the shopping center, and they are raising money and funding the employment of Dan Lobeck, a Board Certified Land Use Attorney, to engage in the development of the revisions of the Land Development Regulations currently underway and to oppose Pat Neal's Petition for a regional shopping center when it is filed in the next few days.

Amendments to Draft Land Development Regulations Proposed by NVNA

On behalf of the NVNA, Attorney Lobeck has submitted the following proposed amendments to the pending new Land Development Regulations for consideration by the Venice City Council:

Common Ownership

2.2.4.4

C. Common Ownership General Requirements. Prior to final approval of an application for development, the developer shall provide documents and other assurances satisfactory to the City Attorney and Director, establishing common ownership and management of all of the common open space and common improvements subject to this subsection. The developer shall also provide documents and other assurances to the City Attorney and Director, restricting land designated in a PUD as open space perpetually, or for a period not less than 99 years. Such documents, once approved, shall become part of the recorded subdivision plat or approved special use.

Non-Residential Uses

2.2.4.5

7. a. **Non-residential Uses.** Non-residential uses are limited to a maximum of five (5) percent of the total acreage and shall meet the requirements of Strategy LU 1.2.16 of the Comprehensive Plan including but not limited to the requirement that any commercial use portion of a PUD shall be designed to serve on a neighborhood scale; not on a regional scale.

b. A proposed non-residential use within a PUD shall be compatible, as that term is defined in Chapter 87, Section 9, with the surrounding existing neighborhoods, and shall be sensitive to maintaining the character of those existing neighborhoods. Compatibility shall be determined by consideration of, but not limited to, the following:

1. Protection of single-family neighborhoods from the intrusion of incompatible uses.
2. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.
3. The degree to which the development phases out non-conforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.
4. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

c. A non-residential use not previously approved that is proposed for an already existing and previously approved PUD shall be presumed to be an incompatible use. The burden shall be upon the applicant to prove with clear and convincing evidence the compatibility

of the non-residential use with the existing neighborhoods or to sufficiently mitigate the incompatible use.

d. A potential or a presumed incompatible use shall be mitigated sufficiently so as to result in the proposed non-residential use being compatible with surrounding existing neighborhoods. Incompatibility shall be mitigated through techniques including but not limited to the following:

1. Providing open space, perimeter buffers, landscaping and berms.
2. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery, and storage areas.
3. Locating road access to minimize impacts on surrounding neighborhoods.
4. Adjusting building setbacks to transition between different uses.
5. step-down or tiered building heights to transition between different uses.
6. Lowering density or intensity of land uses to transition between different uses.

e. Non-residential intensity (FAR) shall be limited to 0.4 (average) and 0.5 maximum per individual property. Non-residential intensity is based on the gross acreage of the non-residential portion of the PUD. No design alternative or modification may be permitted by the LDC.

Square Footage and Gas Stations

The pending draft Land Development Regulations provide for up to 40,000 s.f. for a single use commercial store in a residential PUD in which a commercial use is approved. The NVNA has recommended that the maximum be reduced from 40,000 s.f. to 15,000 s.f. Another proposal recommended the deletion of gas stations as a permitted use in a residential PUD.

Soon, the Venice City Council will decide on what amendments, if any, to make to the draft Land Development Regulations received from the Planning Commission. The NVNA continues to be engaged with the City Council proposing amendments favorable to the Venetian. The POA and the VGRCCA have not proposed any amendments. **It would help a lot if the POA supported the NVNA's proposed amendments before the June 14 meeting of the Venice City Council.**

NVNA

The NVNA has invited all Venetian homeowners to join with the NVNA. Contributions can be made to the NVNA, P.O. Box 104, Laurel, FL 34272 or better yet, Zelle can be used to send money to nvnalliance@gmail.com.

See:

Petition Page:

<https://www.change.org/p/venice-planning-commission-stop-commercial-development-in-the-milano-pud>

[Do not contribute money to change.org]

Facebook Page:

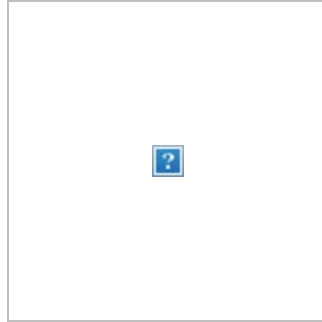
<https://www.facebook.com/groups/258749306377242>

Email Address:

NVNAlliance@gmail.com

[Update Profile](#) | [Constant Contact Data Notice](#)

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Try email marketing for free today!

From: [Jody Alexander](#)
To: [schaid@gmail.com](#); [mike9n@verizon.net](#); [dibaz@aol.com](#); [bkguido@yahoo.com](#); [Lperry45@comcast.net](#); [reffron@gmail.com](#); [City Council](#); [Planning Commission](#)
Subject: OK FOR NEAL'S SHOPPING CENTER @ LAUREL & JACARANDA
Date: Monday, August 1, 2022 8:48:17 AM

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

I would like a Publix at that corner. I WOULD NOT WANT A GAS STATION.

From: [J.D.](#)
To: [Roger Clark](#)
Cc: [Ron Feinsod](#); [Mitzie Fiedler](#); [City Council](#); [Melissa Azbell](#)
Subject: Fwd: Opposition to Proposed Publix Regional Shopping Center
Date: Monday, March 14, 2022 10:47:38 AM

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

As a Venetian resident and tax payer in the City of Venice, I am in complete agreement with Mr Happer's assessment and opposition of the proposed Pat Neal Publix Regional Shopping Center (excerpts attached below). Soon you will hear from many more local residents noting our concerns with this proposed development. From a traffic, safety, congestion, pollution, wildlife, legal, compatibility, noise, necessity, and "bait and switch" perspective, I am vehemently against this.

Please do not allow this commercial development to proceed. Also, the Venetian CA does not represent me. Thank you for your consideration.

John DiPierro
511 Padovva Way
North Venice, FL

Begin forwarded message:

From: Marshall Happer <happer@happer.com>
Subject: **Opposition to Proposed Publix Regional Shopping Center**
Date: March 14, 2022 at 7:57:11 AM EDT
To: "DiPierro,John DiPierro,John" <jdfromgranby@gmail.com>

"

- TRAFFIC DISASTER AND 900+ PETITION IN OPPOSITION

- In my opinion, this will create a traffic disaster and ruin the entrance to the Venetian and I believe that the overwhelming majority of the homeowners in the Venetian are opposed to this shopping center. I am informed that over 900 homeowners have already signed a Petition opposing the proposed shopping center and that it is also opposed by some homeowners in the adjoining Pat Neal residential developments. For the Petition, see: <https://chnng.it/QHY8CwhP>

- BURT HARRIS ACT

- Apparently, the CA has concluded that under Chapter 70 of the Florida Statutes ("Burt Harris Act"), the Venice City Council cannot deny the Pat Neal proposed amendment of its Milano PUD without incurring liability to compensate him as if the property was condemned. I disagree with that conclusion because the Harris Act says it only applies if the City of Venice creates "a new law, rule, regulation, or ordinance" that "unfairly affects" Pat Neal's property or the City of Venice takes an action that "has inordinately burdened an existing use of real property or a vested right to a specific use of real property." Pat Neal applied for and obtained a rezoning of his property as a residential PUD in 2014 and updated it in 2017 with this area shown as open space and with the representation that there would be no commercial uses. It makes no sense to suggest that the denial of a request 5 years later to amend his PUD is a "new law, rule, regulation, or ordinance" or that he is being denied an "existing use" of his property. The existing use of the Milano PUD property has been for extensive residential

development per his request and with this area as open space with no commercial uses as represented by him and as approved by the City of Venice in 2014 and 2017.

-BAD REPRESENTATIONS

At his March 1, "show and tell" presentation, Pat Neal and his consultants made 2 really bad representations to the homeowners in the Venetian:

- 1. "The traffic on Laurel Road will be reduced". The Laurel Road to Jacaranda is only our 2nd way in and out and through traffic has been increasing every year. It is not possible to invite 7,000 homeowners to visit a Publix Regional Shopping Center directly across from the Venetian Entrance and claim that traffic will be "reduced". The proposal for a blinking Legacy Trail cross over light at the Venetian and proposed shopping center entrances across a 4 lane Laurel Road and only 500' west of a proposed stop light at the intersection of Jacaranda and Laurel Road will create a traffic nightmare and any traffic engineer claiming that his traffic study shows otherwise is suspect. We need to have a traffic engineer refute Pat Neal's traffic engineer's report.

- 2. "The Eagles Nest will not be disturbed". While the actual Eagles Nest (shown below), documented by the SFC for many years might not be disturbed, the adjoining wetlands will be removed and the 660' buffer around the Eagles Nest would have to be removed. It would be interesting to know if anything has been done to try to scare the eagles away. It is clear to me that the eagles will not put up with the conversion of this open space into a Publix Regional Shopping Center.

-CHAPTER 86-130 LAND DEVELOPMENT REGULATIONS

Section 86-130 of the City of Venice Land Development Regulations does permit some commercial use in a residential PUD, provided they comply with the provisions of that regulation. It says: - "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." - and - "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." - Pat Neal could have applied for some commercial uses "at the time of approval" for his PUD in 2014 and in 2017 when it was updated. He not only did not apply for any commercial uses, he represented that there would be no commercial uses and he showed this area as open space. - Pat Neal's proposed Publix Regional Shopping Center to serve 7,000 planned homes should not qualify as "intended to serve the needs of the PUD and not the general needs of the surrounding area." It seems clear to me that a regional shopping center should not be permitted as part of a residential PUD. A regional shopping center really should have a higher commercial zoning. The Venetian is a 1000+ acre PUD. What do you think the City Council would say if we asked to amend the Venetian PUD to include 50 acres for a regional shopping center and claimed it was only to serve the needs of the Venetian homeowners.

- **BOTTOM LINE** - The bottom line is the proposed Pat Neal Publix Regional Shopping Center would be detrimental to and is not compatible to the Venetian and the surrounding residential developments and at this location it will create a traffic nightmare....

- Yours truly,

Marshall Happer"



-

From: [John Hollister](#)
To: [Planning Commission](#)
Subject: Proposed Neal shopping center
Date: Sunday, July 24, 2022 6:38:59 PM

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

As a homeowner in the Venetian Golf and River Club, I am opposed to the Neal shopping center proposed across the road from us. It will destroy the whole atmosphere of this residential area and there are 2 shopping centers nearby already which adequately serve our area. There are thousands of homeowners that are opposed to this and i sincerely hope you listen to them regarding this matter.

John Hollister

From: [John Krummel](#)
To: [Planning Commission](#); [City Council](#)
Cc: [Roger Effron](#); [Perry Lewis](#); [Cos Mallozzi](#); [Jerry Jasper](#); [147rue@gmail.com](#)
Subject: Neal proposal North Venice
Date: Monday, January 10, 2022 8:23:30 PM

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

All,

I have been advised that at the southwest corner of Laurel Road and Jacaranda intersections in North Venice, Neal communities, or the entity they control that owns the property, wish to convert their prior zoning proposal from RMF1 to a new zone that would allow them to develop a retail center with an anchor grocery store. Mr. Neal represented in person that he preferred and expected a Publix store, but that was not assured.

I strongly object to an approval or support of his proposal based upon several factual observations. More clearly noted in a message to my neighbors is this. In short: 1. no necessity with existing nearby grocery outlets nearby 2. bait and switch tactic with proper RMF1 zoning which buyers in the area have rightly relied upon would now be deprived of the benefit 3. Heavy truck traffic and increased motor vehicle traffic noise, congestion and danger exiting existing communities.

Below is my commentary within our community which more extensively supports my position. Please do each and everything that you can to stop this injustice, bait and switch tactic which is unnecessary and purely serves the purpose of unjustly providing a financial benefit to the developer in excess of what was anticipated when the prior plan was presented to and approved by the council:

Good point Cos. Also, all the residential communities up and down Jacaranda, from Laurel to Border, and all of us on east Laurel, are getting what is plainly stated as a "bait and switch". And it is unnecessary and harmful to us. So, Neal zones the property RMF1 (remember that is the low density multifamily of 6 units per acre.) Then, after getting his little subdivisions built, he changes his mind. The RMF1 he pitched initially would have almost no noticeable traffic impact compared to his current rezone proposal. (as noted earlier, a rough estimate using the mapping feature of Sarasota appraiser, of 10.5 acres, less than 65 homes for this plot). Naturally, businesses work on a profit motive, and I don't blame him for trying to maximize his own benefit. As a real estate investor, it's obvious to me that the shopping center alternative is more beneficial to Neal and he would benefit financially by this proposed change. But in this case, he made a commitment which we and others rely or relied upon and to change it now is simply wrong. One of the purposes of zoning is to provide consistency and continuity in planning and development. So, many people have purchased homes in the Venetian, also the aforementioned section of Jacaranda and also east Laurel, knowing that they will forever be in a non-commercial area because they can see the zoning of record, which in this case Neal's own entities themselves pitched to the council and received approval. Of course these buyers also see, that with the Myakka River, development to the east is unlikely. So here we are, and all the other communities in this stretch, previously able to invest here knowing that we would be in a residential, not commercial, environment are now faced with an upheaval based solely upon this "bait and switch" plan. I think we can prevail. I would also like to see our

VGRCCA lead this. Two closing thoughts. We should find a way to get the other communities on east Laurel and on Jacaranda between Laurel and Border involved as they will also suffer with not just heavy truck and high volume traffic noise, but also, as we will, trying to get out of their communities. Last, If we need to hire a zoning attorney, I am in for and now pledge the first \$1K.

From: [Joyce's Email](#)
To: [Planning Commission](#)
Subject: Milano Pud - LDC - MAJOR TRAFFIC PROBLEMS
Date: Tuesday, June 14, 2022 8:47:52 PM

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

Below is a letter I sent today to City Council:

Gentlemen:

I have never written to you before but feel compelled hoping you all would just take a personal drive East on Laurel Rd to see what I and a few thousand other people who live in this area are majorly concerned about. This parcel of land that developer Pat Neal wants to rezone and turn into a regional shopping center, with a huge Publix, does not fit the demographics of this tight residential area, and here is why:

- 1) **Laurel Rd is a dead end road going East.** So no one can drive that way to get out if there is an emergency and/or if traffic is stopped at that last corner where Laurel & Jacaronda meet, or if there is an accident at our **ONLY** entrance/exit road out of Venetian Golf & River Club.
- 2) **Jacaronda is a dead end road going North** when it joins up with Laurel. Again, same traffic problem if there is an accident or traffic is stopped.
- 3). Our rescue and **Fire Department** is on Laurel Road just past Jacaronda. Same problem. **They will NOT be able to answer an emergency call** if there are traffic issues at that corner or in front of the entrance to VGRC and the suggested entrance to Publix. This could be a matter of **life & death** to someone if the Fire Dept. can't get out to help.
- 4). With a traffic light at the entrance of VGRC & the proposed shopping center, or even if they put it at the corner of both roads, we will still have a **major car back-up problem**. Why? Because if you want to turn left going E out of Venetian to go to Jacaronda Rd, and if the Publix people want to turn right going E, there will be cars backed up on Laurel Rd and Jacaronda waiting to turn and get through that area. From our entrance on Laurel to Jacaronda, it's only **1/2 block!** That is where all the cars are suppose to go trying to get through that area.
- 5). Plans are to have **4 lanes for Laurel Rd** which drastically cuts down to one lane to turn right (which is the only way you can go) to go South on **Jacaronda which is only a single lane both ways** on that road.
- 6) As it is right now even with the snowbirds gone, we have so much traffic with trucks, lawn companies, bug spray co's, remodeler co's, garbage trucks 2 times a week. The residential growth around us has been accepted, but **it makes no sense to jam up the corner where two (2) dead end streets meet, with a major shopping center** bringing even more traffic from people who don't live in this area along with all the workers at PG near the freeway.
- 7) It's obvious Neal's "traffic adviser" is partial to who hired him. But it doesn't take into account the headaches the residents who live here will have. Plus our property values may go

down. We are open to change that is positive, but this is totally negative with red flags everywhere. You don't have to be a traffic expert to see the **traffic nightmare this will cause.** If both Laurel Rd and Jacaronda Rd were through streets, it might work, but both roads adjoining this proposed shopping center are **DEAD ENDS!**

Please drive down Laurel Rd and envision living in this lovely area enjoying nature, the animals that are still left, and the peacefulness we have near the Myakka River area. Which is why we all moved here. Then imagine a big shopping center, BRIGHT LIGHTS, traffic NOISE right across the street. If I had little ones, they wouldn't be able to bike near Laurel or Jacaronda now, not with all the new traffic that's being invited in.

You were elected by and work for the people who are residents here and we pray you will make the right decision and not allow any developer to bully you. At a meeting Neal had with VGRC he actually stated "I never lose". Really, he's that arrogant. He doesn't care about the people, only winning and stuffing his pockets. We all moved here to enjoy the beauty of Florida. Please don't bulldoze that. Thank you for taking time to listen to the people.

Joyce Cerny - VGRC resident since 2004 (18 yrs)
214 Montelluna Dr.
N. Venice, FL. 34275

From: [Katherine Orenic](#)
To: [Roger Clark](#); [Planning Commission](#)
Cc: [City Council](#)
Subject: Against the building of any commercial spaces on the corner of Laurel Road and Jacaranda Blvd in Venice, FL
Date: Monday, February 28, 2022 11:59:02 AM

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

Dear Planning Board and City Council Members,
I would like to add my voice to this topic and state my opposition to the proposal by Neal Communities to rework this property in Venice.

In his two prior Milano PUD applications (2017 & 2020) and in a Developer's Agreement dated January 30, 2018, it was stated by Neal that there will be "**NO COMMERCIAL DEVELOPMENT.**"

The classic BAIT AND SWITCH pulled by Developers is again rearing its incredibly ugly head.

Residents need to be able to Rely on Zoning and Permitting to keep their word. After market changes are not ethical.

This proposal is also against the stated ideals of The Planning Commission. Under Section 86-23 (m)(10) to ensure that "the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values." Surely, a 47,240 sq ft grocery store can't be considered as being harmonious with the surrounding Natural residential communities.

We already have TWO Publix within a 3-mile radius of this property! Why do we need another? What we NEED is more Green Space for our children to breathe and our nature to Live. We are already losing so many endangered Gopher Tortoises in this and other rampant development. Please don't let it get worse for wildlife.

Thank you for your time.
I hope this can be stopped.

Katherine Orenic
Sarasota since 1989.
941-365-2687

This proposed Shopping center is going to create traffic congestion near the the east end of current retail configuration divides traffic and is well planned the proposed mall will concent create retail space that is not required.

Please do not approve the requested changes to the Milano PUD.

Kevin Ryan

322 Padova Way

North Venice

Sent from my Galaxy Tab A

From: [Laurie Criego](#)
To: [Roger Clark](#)
Cc: [City Council](#)
Subject: Neal Laurel and Jacaranda plans
Date: Tuesday, March 1, 2022 12:33:21 PM

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

I'm emailing you to express my opposition to the Neal Commercial Development at Laurel and Jacaranda.

The decision to purchase our home in the Venetian Golf and River Club it was largely influenced by the nature of the area - RESIDENTIAL. We previously owned in Venice Golf and Country Club and wanted a residence that did not have such close proximity to commercial areas. Recently, we actually had a serious discussion with six of our friends, who also own in the area, about moving if this commercial development goes in.

We attended Neal's zoom presentation and found some of his reason's for this development to be ludicrous:

- We NEED a Publix. Really??? We have 2 Publix within a 3-mile radius. They stated that people are afraid to drive over I-75 on Laurel or go thru the round-about, which they referred to as a "circle of death." Really??
- We will shop on bike, golf cart or walk. There was great push back on this during the zoom. It will be dangerous to try and cross with the additional traffic. This is highly unlikely. Golf carts are not street legal. Does he really think we will purchase new golf carts to go shopping? They also referred to electric bikes that are made just for shopping - these are quite pricey. I don't see people purchasing them. And walking, crossing the busy intersection and then walking home carrying bags? I think not.

- Special Lighting will only shine on the parking lot. Hard to believe.

My biggest concern is the noise from Delivery trucks - 24/7. Sound travels, and will be disruptive to our “quiet enjoyment of our residential home.” (I had an experience in Minnesota where just one restaurant was allowed to be put in a residential area. We were among the many residents who moved when the delivery trucks totally changed the nature of our neighborhood.)

Laurie Criego -Sent from my iPad

From: [LEWIS DEUTSCH](#)
To: [Planning Commission](#)
Subject: Re:Laurel Rd Shopping Center
Date: Friday, July 15, 2022 4:48:17 PM

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

We must stand together and oppose this unnecessary and destructive shopping area. This is not an asset for our community. Thank You, Lewis Deutsch Venetian Golf and River Club

Lew D

Lew D

From: [Mark Plantz](#)
To: [Planning Commission](#)
Subject: Shopping Center on Laurel Road & Jacaranda
Date: Wednesday, January 12, 2022 5:50:01 AM

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

Dear Planning Commission,

We are residents of Milano and are asking not to allow the new shopping center at Laurel & Jacaranda. This is a lovely residential area and we do not want or need another shopping center. Thank you.

Mark & Nancy Plantz

From: [Roger Clark](#)
To: [Lisa Olson](#)
Subject: FW: Opposition to Proposed Publix Regional Shopping Center
Date: Monday, March 14, 2022 10:54:18 AM

For the file.

From: J D <jdfromgranby@gmail.com>
Sent: Monday, March 14, 2022 10:47 AM
To: Roger Clark <RClark@venicefl.gov>
Cc: Ron Feinsod <rfeinsod@venicefl.gov>; Mitzie Fiedler <MFiedler@Venicefl.gov>; City Council <CityCouncil@Venicefl.gov>; Melissa Azbell <mazbell@castlegroup.com>
Subject: Fwd: Opposition to Proposed Publix Regional Shopping Center

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

As a Venetian resident and tax payer in the City of Venice, I am in complete agreement with Mr Happer's assessment and opposition of the proposed Pat Neal Publix Regional Shopping Center (excerpts attached below). Soon you will hear from many more local residents noting our concerns with this proposed development. From a traffic, safety, congestion, pollution, wildlife, legal, compatibility, noise, necessity, and "bait and switch" perspective, I am vehemently against this.

Please do not allow this commercial development to proceed. Also, the Venetian CA does not represent me. Thank you for your consideration.

John DiPierro
511 Padovva Way
North Venice, FL

Begin forwarded message:

From: Marshall Happer <happer@happer.com>
Subject: **Opposition to Proposed Publix Regional Shopping Center**
Date: March 14, 2022 at 7:57:11 AM EDT
To: "DiPierro,John DiPierro,John" <jdfromgranby@gmail.com>



"

- TRAFFIC DISASTER AND 900+ PETITION IN OPPOSITION

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- Apparently, the CA has concluded that under Chapter 70 of the Florida Statutes ("Burt Harris Act"), the Venice City Council cannot deny the Pat Neal proposed amendment of its Milano PUD without incurring liability to compensate him as if the property was condemned. I disagree with that conclusion because the Harris Act says it only applies if the City of Venice creates "a new law, rule, regulation, or ordinance" that "unfairly affects" Pat Neal's property or the City of Venice takes an action that "has inordinately burdened an existing use of real property or a vested right to a specific use of real property." Pat Neal applied for and obtained a rezoning of his property as a residential PUD in 2014 and updated it in 2017 with this area shown as open space and with the representation that there would be no commercial uses. It makes no sense to suggest that the denial of a request 5 years later to amend his PUD is a "new law, rule, regulation, or ordinance" or that he is being denied an "existing use" of his property. The existing use of the Milano PUD property has been for extensive residential development per his request and with this area as open space with no commercial uses as represented by him and as approved by the City of Venice in 2014 and 2017.

- BAD REPRESENTATIONS

At his March 1, "show and tell" presentation, Pat Neal and his consultants made 2 really bad representations to the homeowners in the Venetian:

- 1. "The traffic on Laurel Road will be reduced". The Laurel Road to Jacaranda is only our 2nd way in and out and through traffic has been increasing every year. It is not possible to invite 7,000 homeowners to visit a Publix Regional Shopping Center directly across from the Venetian Entrance and claim that traffic will be "reduced". The proposal for a blinking Legacy Trail cross over light at the Venetian and proposed shopping center entrances across a 4 lane Laurel Road and only 500' west of a proposed stop light at the intersection of Jacaranda and Laurel Road will create a traffic nightmare and any traffic engineer claiming that his traffic study shows otherwise is suspect. We need to have a traffic engineer refute Pat Neal's traffic engineer's report.

- 2. "The Eagles Nest will not be disturbed". While the actual Eagles Nest (shown below), documented by the SFC for many years might not be disturbed, the adjoining wetlands will be removed and the 660' buffer around the Eagles Nest would have to be removed. It would be interesting to know if anything has been done to try to scare the eagles away. It is clear to me that the eagles will not put up with the conversion of this open space into a Publix Regional Shopping Center.

-CHAPTER 86-130 LAND DEVELOPMENT REGULATIONS

Section 86-130 of the City of Venice Land Development Regulations does permit some commercial use in a residential PUD, provided they comply with the provisions of that regulation. It says: - "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." - and - "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." - Pat Neal could have applied for some commercial uses "at the time of approval" for his PUD in 2014 and in 2017 when it was updated. He not only did not apply for any commercial uses, he represented that there would be no commercial uses and he showed this area as open space. - Pat Neal's proposed Publix Regional Shopping Center to serve 7,000 planned homes should not qualify as "intended to serve the needs of the PUD and not the general needs of the surrounding area." It seems clear to me that a regional shopping center should not be permitted as part of a residential PUD. A regional shopping center really should have a higher commercial zoning. The Venetian is a 1000+ acre PUD. What do you think the City Council would say if we asked to amend the Venetian PUD to include 50 acres for a regional shopping center and claimed it was only to serve the needs of the Venetian homeowners.

- **BOTTOM LINE** - The bottom line is the proposed Pat Neal Publix Regional Shopping Center would be detrimental to and is not compatible to the Venetian and the surrounding residential developments and at this location it will create a traffic nightmare....

- Yours truly,

Marshall Happer"



-

117 Martellago Dr. North Venice, FL 34275 US [unsubscribe](#)

From: [M.L. Franzetti](#)
To: [Planning Commission](#)
Subject: Construction
Date: Saturday, January 22, 2022 3:35:08 PM

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

I need to let you know what a disaster a new Publix, etc at Laurel & Jacaranda will be if you allow this to happen! I live in the Venetian Golf & River Club. Please do NOT this be passed. The NOISE, TRUCKS, etc will be extremely HARSH. We will have a DIFFICULT time getting out of our community. The TRAFFIC will INCREASE dramatically. If this is allowed, our PROPERTY VALUES will DECREASE SIGNIFICANTLY. I humbly ask you to STOP this from taking place. Thank you in advance.

Sincerely,

Mary Louise Franzetti
Venetian Golf & River Club
214 Bella Vista Ter. Unit D
North Venice 34275-6752

From: [Mary Rau-Foster](#)
To: [Planning Commission](#); [City Council](#); [Ron Feinsod](#); jbolt@venicefl.gov; [Mitzie Fiedler](#); [Helen Moore](#); jneuder@venicefl.gov
Subject: Shopping Center At Entrance to Venetian Golf and River Club
Date: Thursday, January 20, 2022 2:27:47 PM

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

Good morning,

First of all, I would like to thank all of you for your service and dedication to governing and delivering services to this community.

I am writing to go on record as being against having a shopping center with an entrance across from our subdivision entrance. Mr. Neal downplayed the impact that having four lanes of traffic without a traffic light at the entrance would have on the residents of this community. His suggestion that we walk over to the new grocery store or drive a golf cart across four lanes of traffic demonstrated just how out of touch he is.

I am concerned foremost about safety but also concerned about the negative impact that this could have on the value of our homes. We would not have been interested in buying a home in a subdivision that had an entrance that was difficult to get into our out of the community.

Finally, we are fortunate to have two Publix stores less than three miles from us. I see no need to have yet another one because a builder such as Mr. Neal wants to make more money.

I am asking that you vote against or block any move to carry out a proposal like the one Mr. Neal made.

--

Best,
Mary Rau-Foster

From: [Michael Dukes](#)
To: [Planning Commission](#)
Subject: Happer's latest email to the world
Date: Tuesday, September 20, 2022 3:59:53 PM

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

I know a response is not appropriate and do not request one. As a resident of the Venetian Golf and River Club, I want to state that many many residents are in favor of Mr.Neal's plan of development. We as a group are embarrassed and growing tired of Mr. Happer's ongoing stated opinions

and his numerous emails. We certainly hope that the Commission continues to take the high road and handles this issue appropriately.

Dr. Michael W. Dukes

241 Montelluna Dr

North Venice Fl 34275

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

From: [Michael W Dukes](#)
To: [Planning Commission](#)
Subject: Neal proposal @ Laurel and Jacaranda
Date: Sunday, June 12, 2022 6:26:12 PM

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

As a 20 year full time resident of Venice and a 10 year resident of the VGRC, I am writing to request your support of the planned grocery and restaurant at the corner of Laurel Road and Jacaranda Boulevard. Mr. Pat Neal has successfully completed many of the same type projects throughout southwest Florida. He relies on traffic and environmental experts to guide his company in their decision making process.

The issue has become more of a personality issue; jealousy and resentment of Mr. Neal rather than the actual construction project. Although he was not required to do so, Mr. Neal came to the VGRC voluntarily to speak and request the community's input. He was met with anger, rudeness and disrespect by the meeting attendees. I, and many of my fellow neighbors, in addition to other residents of the newer close by communities, were in disbelief and still are. Obviously, after this surprise personal attack, Mr. Neal responded "I never lose". That sentence simply incensed the Neal hating zealots past the point of reason.

In closing, I, along with many of my like-thinking neighbors, am asking for your support so that Mr Neal's plan of a new grocery and restaurant be constructed with landscaping and architectural design to become an asset for the VGRC and the surrounding areas of new construction.

Dr. Michael W. Dukes
241 Montelluna Drive
North Venice, FL

From: [Mike Pennabere](#)
To: [Planning Commission](#)
Subject: Opposition to Neal Proposal
Date: Friday, June 17, 2022 2:37:22 PM

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

Venice Planning Commission Members:

We are writing to express our opposition to Mr. Neal's proposal to build a shopping center across the street from the Venetian Golf & River Club.

As we were led to believe, the property where the proposed shopping center will go was zoned residential. Since there are high tension lines just behind that land, I'd have to wonder if Mr. Neal is requesting the re-zoning as he cannot reap as much profit by building homes there. If the land is rezoned, why can't the entrance be on Jacaranda? There is nothing located on the corner except for a pond.

Additionally, there are 3 Publix supermarkets, numerous strip malls, convenience stores, and gas stations within 3 miles of the Venetian Golf & River Club gate. We don't need more! Let's keep the feel of the area of Laurel Road east of I-75 rural.

Donna & Mike Pennabere
[101 Cipriani Court](#)
[N. Venice, FL 34275](#)

From: [William VerPlanck](#)
To: [Roger Clark](#); [Planning Commission](#)
Cc: [City Council](#)
Subject: Milano PUD Publix
Date: Monday, February 28, 2022 4:35:18 PM

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

Dear Mr Clark and fellow planning commissioners;

Please put a stop to Neal Communities plan to build a Publix Shopping Center on Laurel Road across from the entrance of Venetian Golf & River Club.

This plan is totally inappropriate for this residential community !!

Building commercial space of over 63,000 square feet in the middle of this residential area will cause excessive lighting and noise pollution as well as increased traffic and safety issues.

Additionally ... more Commercial space is not needed in our neighborhood. We already have two large Publix stores both within a short drive.

Vote NO on this proposal !!!

Respectfully,
WILLIAM VERPLANCK
150 Palazzo Ct
Venetian Golf and River Club
Venice FL.

From: [Morena McCormack](#)
To: [Planning Commission](#)
Subject: Publix
Date: Thursday, January 20, 2022 4:57:50 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 live at the Venetian Golf and River Club, we are the second house in from Laurel and Jacaranda.

The noise level is already bad, I cannot imagine how bad it will be when Laurel becomes a four lane road and trucks coming and going at all hours making deliveries.

When we purchased the house we were told that nothing like this would be built, this was going to be an evacuation route.

This is pure GREED!

We do not need another shopping center!

Two Publix within 2 miles is more than enough.

Thank you,

Morena McCormack

138 Avalini Way

[Sent from Yahoo Mail for iPhone](#)

From: [George Burttram](#)
To: [Planning Commission](#)
Subject: Neal proposal on Jacaranda and Laurel
Date: Friday, February 25, 2022 6:48:59 AM

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

To whom it may concern,

Everyone says this strip mall which is “proposed” by Neal is a done deal. I would like to think that is not the case. I would like to add my concern for the proposed new strip mall at Jacaranda and Laurel. There is a soon to be very active commercial area on Laurel and Knights Bridge. Please stop letting the commercial area bleed into the several neighborhoods surrounded by protected land.

I do not support this proposal.

Respectfully,

Jan Burttram
217 Portofino Dr
North Venice, FL

From: [Paul Sloan](#)
To: [City Council](#)
Subject: Laurel Rd Publix Neal - too funny
Date: Tuesday, March 1, 2022 10:04:01 AM
Importance: High

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

How ironic - residents who lived in a massive gated community in cookie cutter homes with little fertilized lawns on hundreds of acres that were scraped clean of any living tree, plant or wildlife are protesting a shopping center.

Yup the same folks that are clamoring for the massive expansion of laurel road - you can't make this crap up

Paul Sloan
2533 Northway Drive
Venice, FL. 34292

From: mkissinger88@gmail.com
To: [Roger Clark](#)
Cc: [Planning Commission; "Teresa Kissinger"](#)
Subject: No to Publix Shopping Center on Laurel Road
Date: Saturday, March 12, 2022 12:44:50 PM

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

As a Full Time resident of the Venetian Golf and River Club, my wife and I will be directly and negatively impacted by the building of an unnecessary shopping center with access directly across from the entrance to my Community. I specifically purchased my home in this area back in 2015 because of the lack of other residential communities along Laurel and Jacaranda.

Mr. Neal is destroying the very reason why we moved here. Had we known about a Publix Shopping Center directly across from our Community, we would not have moved to the Venetian.

We moved to Venice to get away from urban spread. I recognize that the use of the land on Jacaranda for residential purposes is most likely supported by the City Council. However, the need for a commercial development, complete with dramatic and offensive increases in night lighting, noise, and traffic is not understandable and an assault on our privacy, wildlife and residential enjoyment.

And, the increase in lanes on Laurel from 2 to 4 will create significant traffic problems, to include unsafe left hand turning out of the Venetian. During the winter season, the Community already has lines of cars from the gate to Laurel attempting a left hand turn.

How This Impacts Our Community

- **Supermarkets:** We already have 2 Publix within a 3-mile radius. Why do we need another?
- **Traffic:** In a recent article, Neal incredulously suggested traffic will be reduced by 27%. We have asked for a copy of the traffic survey. Nothing received to date. How is that even possible?
- **Noise:** Delivery trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night.
- **Wetlands & Wildlife:** The current wetlands where iconic Florida birds forage will be plowed under for a parking lot. Neal will be required to make a contribution to a mitigation bank. How will that benefit the wildlife and us?
- **Lighting:** The shopping center will require flood and security lighting all night and every night.
- **Pollutants:** Runoff from asphalt and organophosphates must go somewhere.... Into our surrounding waters and our aquifer.

- **Safety:** How will residents of the Venetian Golf and River Club, Treviso Grand Apartments and Willow Chase safely make a left turn onto Laurel Road?
- **Road expansion:** In addition to the current widening of Laurel Road to 4 lanes, will other surrounding roads also be impacted?
- **Defrauded home buyers:** Many home buyers in Aria, Milano and Cielo purchased homes after reviewing the Milano PUD Master Plan's provision "**NO COMMERCIAL DEVELOPMENT.**"
- **Incompatible:** The Planning Commission under Section 86-23 (m)(10) will review the application to ensure that "the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values." Surely, a 47,240 sq ft grocery store can't be considered as being harmonious with surrounding residential dwellings??

Thank you for not supporting this offensive and needless scheme.

Mark Kissinger
430 Montelluna Drive
North Venice, FL 34275
(412) 726-9286

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**ANTHONY J. PIRROTTI, ESQ.
114 MEDICI TERRACE
NORTH VENICE, 34275**

APR 5 '22 PM 2:26

Date: April 5, 2022

From: Anthony J. Pirrotti, Esq.

To: Roger Clark, Planning and Zoning Director, The Planning Commission, City of Venice

Cc: Mayor Ron Feinsod and Venice City Council Members: Jim Boldt, Mitzie Fiedler, Rachel Frank, Helen Moore, Dr. Joe Neunder, Nick Pachota

Subject: Re: 68-23 Hearing – Motion to Dismiss Developer Neal's Application and his Master Plan both dated February 14, 2022

The Applicable Law:

Neal the developer refers to Section 86-130 of the Venice City Code in his application to amend his Milano PUD. We nearby residents also rely on this Section as the controlling statute, as well as 86.23 (10), 86.41, 86.49 and the decision of the Commission on February 2, 2021 which dismissed an application to amend the Venetian PUD on the grounds that the application was not compatible with the surrounding area.

The Facts:

First Point: A "bait and switch" tactic has occurred. Neal's application to amend the Milano PUD is fatally flawed and illegal since it misstates the location of his "project" (Publix). Exhibit 1. Neal refers on the first page of his application that the parcels in issue are identified as 0390-05-1000 and 0389-001-4000. The true location of his "project" may be seen in the three maps he attaches to his Master Plan. The first page of his three pages of maps is identified by Neal as "Planned Unit Development Plans for Milano". The Plan shows a "Project Location". (The Publix Shopping Center). The second map is dated January 27, 2022, and also refers to Milano PUD. It is a Master Site Plan and shows two roads identified as "express only" and goes from Laurel Road to his

"project". The third map also shows the "express only" roads, again Milano PUD and is a "circulation plan", also dated January 27, 2022. The application and maps are attached hereto. In his maps Neal identifies the correct identification as "Part of Section 35, Township 38 South Range 19 East". They all refer to his "Milano PUD".

The correct location may also be seen in the very deed dated December 13, 2016, signed by Neal Communities – a owned subsidiary NCDG Management. (Exhibit 3) (In fact, the relationship is so intimate that no documentary stamps are required. Note once again we see "Part of Section 35, Township 38 South Range 19 East".)

We also attach the Deed, which corresponds to the correct parcel and is signed by James Schier as Manager of NCDG Management LLC and as Manager of Neal Communities, and it refers to the correct location as being "Part of Section 35, Township 38 South Range 19 East", as seen on his maps. But wait, Neal will perhaps provide the public with another name to disguise his project's location.

It is obvious that Neal practices a deception to obfuscate his real intent for the location where he plans to build a colossal supermarket.

As objections to a 47,240 building increase, so will his deceptions, as per my letter of March 22, 2022.

Second Point: This Motion further shows Neal's absolute contempt for the role of law comprised in Section 86-130, which provides in pertinent part a (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".

We residents of the Golf and River Club are clearly located in "nearby lands outside the PUD".

In addition, part c (3) of 86-130 stated that a site plan:

“do not involve operations or structures not in keeping with the character of the district.”

Furthermore, 86-130 also states:

“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 shall not front on exterior streets, but shall be centrally located within the project to serve the residents of the PUD. (Emphasis supplied)

Third Point:

It is important to note that in a prior ruling (on February 2, 2021) of the Venice Planning Commission denied the application of the Venetian Golf and River Club CDD, based on the issue of incompatibility, as this term is used in Section 86-130:

“The Development Plan is hereby denied as it does not meet the requirement of Section 86-23 (m) (2) (5) (9) and (10) for the following reason and the proposed developments are incompatible with residential communities.” (Emphasis supplied)

Please also see Section 86-49 1(b) and 4 (b).

The same principle applies in this case of Neil’s proposed commercial center amidst homes, as it is not compatible with our residential community. We ask that the Commission take notice that our community is basically residential. We also ask that my letter on March 22, 2022, be incorporated herein.

Fourth Point:

A further illustration of Neal’s violations (as described above) was reported on the front page of the Herald Tribune on Saturday February 15, 2022. The article was captioned:

“Proposed Publix Reaction Mixed. Shopping Center May Come to Jacaranda Boulevard and Laurel Road. Venice Neal Communities plans to bring a Publix-anchored

shopping center to 11.8 acres of its Milano planned unit development at the southwest corner of Jacaranda Boulevard and Laurel Road”

The Herald Tribune then proceeds to report Neal’s statement:

“It’s really the only place to go”. (Emphasis supplied)

The Herald Tribune proceeds to describe the “shopping center”:

“The Plan showcased on January 6 called for a 47,240 square foot supermarket and another 16,000 square feet of stores.”
(See Exhibit 4)

Fifth Point:

Yet another of Neal’s violations pertains to the height of his proposed structures. According to Neal’s Master Plan submitted to the Planning Commission on February 15, 2022, he intends to build a supermarket to a height that may be the highest of any Publix in Southern Florida. Neal states in his Master Plan on page 12:

“A modification to 86-130 (h) is requested concerning building the Proposed modification is to replace the Land Development Code Standard of 35’ over 10’ of parking with the comprehensive Plan standard of 3 stories up to 42’ including parking”

Given that the nearby Publix in Plaza Venezia at 2438 Laurel Road East is three stories high leads us to conclude that 42’ is equivalent to four stories. This means that Neal intends to impose on our residents not only a Publix 4,000 feet larger, but also one story higher than its sister Publix in Plaza Venezia.

This is far too massive for the surrounding residential area.

Sixth Point:

On page 3, the Milano Planned Unit Development (PUD) Binding Master Plan Amendment dated February 14, 2022 under point “B 2), it states “Commercial - None”.

How can Neal possibly propose to build a commercial shopping center on the location of his Master Plan which states "Commercial – None?" *Yet another thing is very wrong with this picture.*

Seventh Point:

There is a conflict of interest by the Venice Planning Commission Director. He has violated his duty to avoid a conflict of interest when he expressed in E-mails (see Exhibit #4) his opinion that 86-130 does not apply to Neal the developers' application to amend his Milano PUD.

We again attach hereto (Exhibit 5) Mr. Clark's email dated February 25, 2022 "Re 86-130" wherein he shows his contempt for the Rule of Law as expressed in 86-130. We also attach Mr. Happer's response of February 27, 2022 (Exhibit 6):

"Roger, if I understand your e-mail correctly, you are saying that the provisions of Section 86-130 have been disregarded in the past."

Mr. Happer reminds Mr. Clark:

"If the Planning Department does not like the provisions of 86-130, the remedy is to change them, not disregard them".

Please see the balance of Mr. Happer's response as he answers Neal's violation of ignoring the prohibitions contained in 86-130.

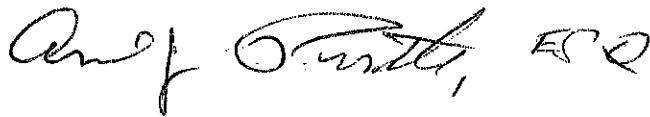
We also attach Mr. Happer's E-mail dated February 22, 2022, in which he tells Mr. Clark that Section 86-130 prohibits commercial use if the use does not "serve the residents of the PUD". (Exhibit 7)

A reading of Mr. Clark's response to Mr. Happer shows he, as current director, has no intention to follow the Rule of Law as set forth in 86-130. We write "current director" because his predecessor strictly wrote to Neal that 86-130 must be followed. He wrote

to Neal on October 22, 2008, in part in paragraph 5 that his building height "shall be limited to 35 feet". It seems that Mr. Neal is resubmitting his request to the current director because he believes it will be given the consideration he desires. (Exhibit 8)

In conclusion, the purpose of this Motion to Dismiss is to show that **The Rule of Law should be followed in all circumstances, and that is clearly not happening here.**

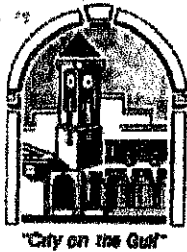
We respectfully urge you to consider that our only recourse may be to the Circuit Court pursuant to 286-011. Please also see holding in Granzo vs Willoughby Golf Club, Inc. Case No 452 004 CA 1006.

A handwritten signature in cursive script, reading "Anthony J. Pirrotti, Esq.", followed by a stylized flourish.

Anthony J. Pirrotti, Esq.
Retired Trial and Appellate Court Counsel and
former member of the Zoning Board of the Town of Greenburgh, New York

List Of Exhibits

1. PUD Zoning Map Amendments Application
2. Three Maps attached to Neal's Master Plan
3. Deed Dated December 13, 2016 showing correct parcels involved as is seen in Neal's three maps
4. Herald Tribune Report of Meeting with Neal on January 6, 2022
5. E-mail from Clark dated February 25, 2022
6. E-mail from Happer February 27, 2022
7. E-mail from Happer to Clark dated February 22, 2022
8. Letter dated October 22, 2008 from Clark's predecessor expressing his respect for 86-130

**CITY OF VENICE**

Planning and Zoning Department
401 W. Venice Avenue, Venice, FL 34285
(941)486-2626 ext. 7434 www.venicegov.com

PUD ZONING MAP AMENDMENT APPLICATION

Submit a complete application package to the Planning and Zoning Department. All information must be legible and will become a permanent part of the public record. Incomplete applications will be returned to the applicant/agent. Refer to the City of Venice Code of Ordinances Section 86-130 for Planned Unit Development district submittal requirements. Per Section 86-130(t)(4), after this application package is deemed complete, any new development will be scheduled for a Pre-hearing conference at the Planning Commission.

PROJECT NAME: Milano PUD	
Brief Project Description: Removal of open space from PUD (see project narrative)	
Address/Location: Laurel Road and Border Road	
Parcel Identification No.(s): 0390-05-1000 and 0389-01-4000	
Parcel Size: 24.1 acres (removed from PUD)	Proposed Numbers/Types of Dwelling Units: 1,350 (no change)
Current Zoning Designation(s): PUD	FLUM Designation(s): Mixed Use Residential
<i>Fees: The Zoning Administrator will determine if a project is a minor or major revision, then select correct fee and review fee below. A review fee shall be deposited to be drawn upon by the city as payment for costs, including but not limited to advertising and mailing expenses, professional services and reviews, and legal fees. If review fee funds fall below 25%, additional funds may be required for expenses. See Section 86-586 (b-d) for complete code. *Extended technical review fee of \$1400 charged at third resubmittal.</i>	
☐ New Application \$5,095.85	☐ Review Fee \$2,692.22 OR
☐ Major Amendment \$2,476.85	☐ Review Fee \$1,076.90 OR
☐ Minor Amendment \$573.98 (required public hearing)	☐ Review Fee \$538.44 OR
☐ Minor Amendment \$573.99 (Administrative - no review fee)	
Applicant/Property Owner Name (will be used for billing): Neal Signature Homes, LLC and Neal Communities of Southwest Florida, LLC	
Address: 5800 Lakewood Ranch Boulevard, Sarasota, FL 34240	
Email:	Phone:
Design Professional or Attorney: Bobbi, Claybrooke, P.E., AM Engineering	
Address: 8340 Consumer Court, Sarasota, FL 34240	
Email: bclaybrooke@amengfl.com	Phone: 941-377-9178
Authorized Agent (project point of contact): Jeffery A. Boone, Esq.	
Address: 1001 Avenida Del Circo, Venice, FL 34285	
Email: jboone@boone-law.com	Phone: 941-488-6716

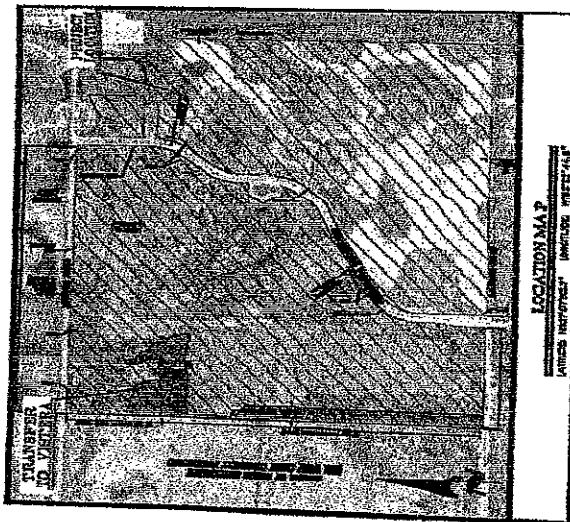
EXHIBIT #2

PLANNED UNIT DEVELOPMENT PLANS FOR

MILANO

PART OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST
CITY OF VENICE
SARASOTA COUNTY, FL

A DEVELOPMENT BY
NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC
5800 LAKEWOOD RANCH BOULEVARD
SARASOTA, FL 34240
(941) 328-1111



INDEX TO SHEETS	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	MASTER SITE PLAN
3	CIRCULATION PLAN

CAN BE USED FOR TOWNSHIP 38 SOUTH, RANGE 19 EAST SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST CITY OF VENICE, FL 34240 JANUARY 27, 2012	
PUD MODIFICATION	
1	COVER SHEET
2	MASTER SITE PLAN
3	CIRCULATION PLAN
4	LANDSCAPE ARCHITECTURE
5	ENGINEERING
6	ENVIRONMENTAL
7	ARCHITECTURE
8	INTERIOR DESIGN
9	MECHANICAL
10	ELECTRICAL
11	PLUMBING
12	HAZARDOUS WASTE
13	ASBESTOS
14	SOIL REMEDIATION
15	WATER QUALITY
16	WATER SUPPLY
17	WASTE MANAGEMENT
18	TRANSPORTATION
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1"=500'
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N/A
NEAL/01/01/01

amenity area

landscape buffer

BY WEST LANDSCAPE BUFFER (TYPE G)

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BY WEST LANDSCAPE BUFFER (TYPE G)

BY WEST LANDSCAPE BUFFER (TYPE G)

BY WEST LANDSCAPE BUFFER (TYPE G)



LAND USE AREA TABLE

LAND USE	AREA (AC)	PERCENT
RESIDENTIAL SINGLE-FAMILY	1.00	10.00
RESIDENTIAL MEDIUM-DENSITY	1.00	10.00
RESIDENTIAL HIGH-DENSITY	1.00	10.00
COMMERCIAL GENERAL	1.00	10.00
COMMERCIAL OFFICE	1.00	10.00
COMMERCIAL RETAIL	1.00	10.00
INDUSTRIAL	1.00	10.00
UTILITY	1.00	10.00
OPEN SPACE	1.00	10.00
WATER	1.00	10.00
ROADS	1.00	10.00
OTHER	1.00	10.00
TOTAL	10.00	100.00

NOTES:
 1. ALL AREAS ARE SUBJECT TO THE CITY OF MILANO ZONING ORDINANCE.
 2. THE CITY OF MILANO ZONING ORDINANCE IS THE FINAL AUTHORITY FOR ALL LAND USES.
 3. THE CITY OF MILANO ZONING ORDINANCE IS THE FINAL AUTHORITY FOR ALL LAND USES.

PREPARED BY:
 CITY OF MILANO
 PLANNING DEPARTMENT
 1000 MILANO BLVD.
 MILANO, CA 94533
 JANUARY 11, 2022

DESIGNED BY:
 CITY OF MILANO
 PLANNING DEPARTMENT
 1000 MILANO BLVD.
 MILANO, CA 94533
 JANUARY 11, 2022

SCALE:
 1" = 100'

PROJECT:
 MILANO PUD

DATE:
 1/11/22

BY:
 [Signature]

FOR:
 [Signature]



- LEGEND:**
- SINGLE
 - SINGLE
 - AMENITY
 - R.O.W.
 - WETLAND
 - LAKES
 - CONSER
 - OTHER
 - OPEN S
 - OPTION
 - EXISTING
 - PROPOS
 - CROSSIN
 - EXISTING

CALL BEFORE YOU DIG SUNSHINE STATE OF FLORIDA CENTER 1-800-331-7700 www.floridacenter.com		AMENDING, LLC. Civil Engineering Landscape Architecture 10000 W. 11th Avenue, Suite 100 Fort Lauderdale, FL 33324 Phone: (954) 277-0700 www.amending.com		SCALE: 1" = 100' N/A N/A NEALDO (B)UD
JANUARY 27, 2023 PUD MODIFICATION		NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC MILANO PUD CIRCULATION PLAN		3

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2016154101 3 PG(S)
December 14, 2016 12:08:52 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL



✓ This instrument prepared by and return to:
Vogler Ashton
2411-A Manatee Avenue West
Bradenton, FL 34205

Warranty Deed.

SPECIAL WARRANTY DEED

This Special Warranty Deed is made the 13 day of December, 2016, by NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, a Florida limited liability company, hereinafter called the "Grantor", whose address is 5800 Lakewood Ranch Blvd., Sarasota, Florida, 34240, to BORDER AND JACARANDA HOLDINGS, LLC, a Florida limited liability company, whose address is 5800 Lakewood Ranch Blvd., Sarasota, Florida, 34240, hereinafter referred to as "Grantee."

Grantor, in consideration of the sum of Ten and No/100 (\$10.00) Dollars and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers to Grantee the following described real property in Sarasota County, Florida:

See Attached, Exhibit "A"

Subject to valid easements, reservations and restrictions of record, governmental regulations and real property taxes for the current year.

Grantor hereby covenants with Grantee that the property is free of all encumbrances made by Grantor and that Grantor does hereby warrant and defend the title to the property against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise.

This deed is not subject to the payment of documentary stamp taxes under the holdings in the cases of Kuro Inc. vs. State Department of Revenue, 713 So.2d 1021 (Fla. 2d DCA 1998), and Crescent Miami Center LLC v. Florida Dept. of Revenue, 903 So.2d 913 (Fla. 2005) because: 1) this deed does not effect a change in the beneficial ownership of the property; 2) there is no mortgage encumbering the property; and 3) this conveyance is not being made in exchange for any interest or for any other consideration.

WITNESSES:

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

By: NCDG MANAGEMENT, LLC, a Florida limited liability
company
Its: Manager

By: James R. Schier
James R. Schier

Its: Manager

Sherry S. Doddema
Print Name: SHERRY S. DODDEMA

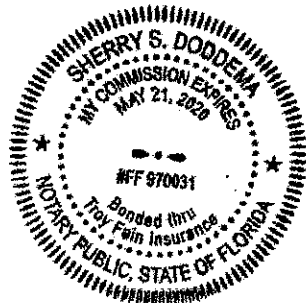
Priscilla G. Heim
Print Name: Priscilla G. Heim

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was subscribed and sworn to before me this 13th day of December, 2016, 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.

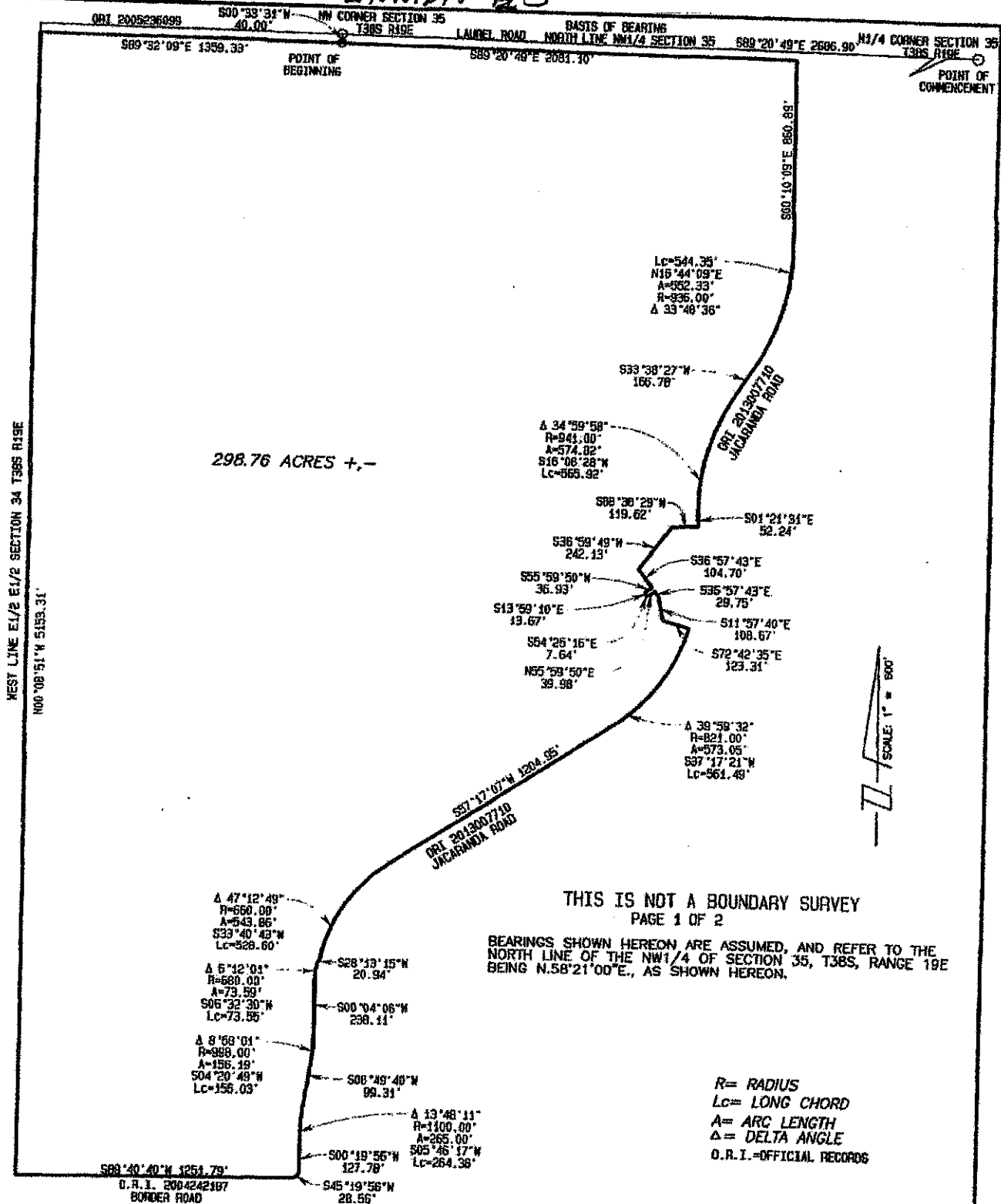
✓ who is personally known to me
who produced _____ as identification, and who acknowledged before me that he/she executed the same freely and voluntarily for the purposes therein expressed, under authority duly vested in him/her by said

My Commission Expires:



Sherry S. Doddema
SHERRY S. DODDEMA
Printed Name
NOTARY PUBLIC
STATE OF Fla. da
Commission No. _____

Exhibit #3



BRIGHAM/ALLEN LAND SURVEYING
LB 7898

807 U.S. HIGHWAY 41 BYPASS SOUTH

SUITE E

VENICE, FLORIDA 34285

ph. (941) 493-4430

brighamallenlandsurveying@gmail.com

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT
OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

BY:

Michael P. Allen

Professional Surveyor and Mapper PSM 6822 State of Florida

DATE 10-07-16

Exhibit A3

THIS IS NOT A BOUNDARY SURVEY OF LAND PLAT
PAGE 1 OF 2

BEARINGS SHOWN HEREON ARE ASSUMED, AND REFER TO THE
NORTH LINE OF THE NW1/4 OF SECTION 35, T38S, RANGE 19E
BEING N.58°21'00"E., AS SHOWN HEREON.

Commencing at the North 1/4 corner of Section 35, Township 38 South, Range 19 East and considering the North Line of the Northwest 1/4 of said Section 35 to bear South 89°20'49" East with all bearings contained herein relative thereto; thence South 89°20'49" East along and with said North line a distance of 2686.90 feet said point being the Northwest corner of said Section 35; thence South 00°33'31" West to a point on the South Right-of-Way line of Laurel Road as described in Official Records Instrument 2005236099 Public Records of Sarasota County, Florida a distance of 40.00 feet said point being the point of beginning; thence South 89°20'49" East, along and with said South Right-of-Way to a point on the West Right-of-Way of Jacaranda Road as described in Official Records Instrument 2013007710 Public Records of Sarasota County, Florida a distance of 2081.10 feet; thence along said Right-of-Way the next 26 calls; thence South 00°10'09" East, a distance of 860.89 feet to the beginning of a curve tangent to said line; thence southerly and southwesterly a distance of 552.33 feet along the curve concave to the west, having a radius of 936.00 feet and a central angle of 33°48'36"; thence South 33°38'27" West tangent to said curve, a distance of 166.78 feet to the beginning of a curve tangent to said line; thence southwesterly and southerly a distance of 574.82 feet along the curve concave to the east, having a radius of 941.00 feet and a central angle of 34°59'58"; thence South 01°21'31" East tangent to said curve, a distance of 52.24 feet; thence South 88°38'29" West, a distance of 119.62 feet; thence South 36°59'49" West, a distance of 242.13 feet; thence South 36°57'43" East, a distance of 104.70 feet; thence South 55°59'50" West, a distance of 36.93 feet; thence South 13°59'10" East, a distance of 13.67 feet; thence South 54°25'16" East, a distance of 7.64 feet; thence North 55°59'50" East, a distance of 39.98 feet; thence South 36°57'43" East, a distance of 29.75 feet; thence South 11°57'40" East, a distance of 108.67 feet; thence South 72°42'35" East, a distance of 123.31 feet to a point of cusp on a curve concave to the northwest having a radius of 821.00 feet and a central angle of 39°59'32" and being subtended by a chord which bears South 37°17'21" West 561.49 feet; thence southerly and southwesterly along said curve, a distance of 573.05 feet; thence South 57°17'07" West tangent to said curve, a distance of 1204.95 feet to the beginning of a curve tangent to said line; thence southwesterly and southerly a distance of 543.86 feet along the curve concave to the southeast, having a radius of 660.00 feet and a central angle of 47°12'49"; thence South 28°13'15" West, a distance of 20.94 feet to the beginning of a curve concave to the east having a radius of 680.00 feet and a central angle of 6°12'01" and being subtended by a chord which bears South 06°32'30" West 73.55 feet; thence southerly along said curve, a distance of 73.59 feet; thence South 00°04'06" West, a distance of 238.11 feet to the beginning of a curve concave to the west having a radius of 998.00 feet and a central angle of 8°58'01" and being subtended by a chord which bears South 04°20'49" West 156.03 feet; thence southerly along said curve, a distance of 156.19 feet; thence South 08°49'40" West, a distance of 99.31 feet to the beginning of a curve concave to the east having a radius of 1100.00 feet and a central angle of 13°48'11" and being subtended by a chord which bears South 05°46'17" West 264.36 feet; thence southerly along said curve, a distance of 265.00 feet; thence South 00°19'56" West, a distance of 127.78 feet; thence South 45°19'56" West, to a point on the North Right-of-Way of Border Road as described in Official Records Instrument 2004242187 Public Records of Sarasota County, Florida a distance of 28.56 feet; thence South 89°40'40" West, along and with the West line of the East 1/2 of the East 1/2 of Section 34, Township 38 South Range 19 East a distance of 5153.31 feet to a point on the South Right-of-Way of said Laurel Road; thence South 89°32'09" East, along and with said Right-of-Way a distance of 1359.33 feet to the Point of Beginning. Containing 298.76 Acres, more or less.

BRIGHAM/ALLEN LAND SURVEYING
LB 7898

807 U.S. HIGHWAY 41 BYPASS SOUTH
SUITE E

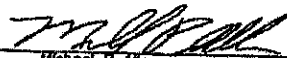
Venice, Florida 34285

ph. (941) 493-4430

brighamallensurveying@gmail.com

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT
OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

BY:



Michael P. Allen

Professional Surveyor and Mapper, PSM 6822 State of Florida

DATE 10-07-16

Exhibit 3
Legal Description

ALL OF THE WEST ONE-HALF OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST; AND

ALSO: THE WEST 807 FEET OF THE EAST ONE-HALF OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, LESS THE NORTH 830 FEET THEREOF;

LESS, HOWEVER, FROM EACH PARCEL ANY ROAD RIGHT-OF-WAY FOR BORDER ROAD (INCLUDING THOSE LANDS CONVEYED TO SARASOTA COUNTY IN DEED RECORDED IN OFFICIAL RECORDS BOOK 2404, PAGE 2678, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA) AND FOR LAUREL ROAD.

ALSO LESS THE FOLLOWING DESCRIBED LANDS:

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 19 EAST; THENCE N. 89° 17' 54" W ALONG THE NORTH LINE OF SECTION 35, A DISTANCE OF 2663.59 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 35 FOR A POINT OF BEGINNING; THENCE S 00° 33' 56" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 139.90 FEET; THENCE LEAVING SAID WEST LINE OF SECTION 35 S 62° 52' 34" W, A DISTANCE OF 100.94 FEET; THENCE S 42° 00' 05" W, A DISTANCE OF 94.62 FEET; THENCE S 22° 15' 48" W, A DISTANCE OF 183.78 FEET; THENCE S 11° 10' 11" W, A DISTANCE OF 81.98 FEET; THENCE WEST, A DISTANCE OF 162.42 FEET; THENCE NORTH, A DISTANCE OF 555.56 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE S 89° 10' 16" E, ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 486.26 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT PORTION OF THE ABOVE DESCRIBED LANDS CONVEYED TO THE CITY OF VENICE IN THAT CERTAIN WARRANTY DEED RECORDED JANUARY 17, 2013, IN OFFICIAL RECORDS INSTRUMENT 2013007710, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

SATURDAY, JANUARY 15, 2022 | HERALD TRIBUNE.COM

MADISON

Proposed Publix reaction mixed

Shopping center may come to Jacaranda Boulevard, Laurel Road

Early NIMRA board meeting planned

VENICE - Neal Communities plans to bring a public-anchored shopping center to Jacaranda Boulevard, at the southwest corner of development, at the southwest corner of Jacaranda Boulevard and Laurel Road. "It's really the only place it can go" in the development, and planned unit de-

velopments (PUDs) in Venice allow for up to 5% of the commercial, Pat Neal, president of Neal Communities, said in an interview. And we've never asked for any commercial from the Milano PUD, but it's expressly provided for up to 5% in the city code.

Neal Communities hosted a Zoom Neighborhood Workshop on Jan. 6, mostly for residents of the Venetian Golf & River Club, which is directly across Laurel Road from the proposed shopping site.

About 202 people joined the workshop, including several who took to so-

cial media platforms such as Facebook and NextDoor to air their concerns.

Comments, which were supplied to the Herald-Tribune by one of the NextDoor participants, Ruth Cordner, ranged from surprise that the intersection was zoned for commercial development and concern about a nearby single-family home that developers say had been abandoned, to pledges to stop the project and have the development removed.

Several also noted that previously they were told that a Sprouts Farmers Market would be located there.

Cordner and her husband Richard had

a previous commitment and couldn't make the Zoom workshop. The couple had bought a house in Venice in 2019 and decided to extend a COVID-19 getaway stay in 2020 to living here full time.

"Just with the recent developments that are going on now, we've been an in-crowd in traffic," said Cordner, who has concerns about having a Publix or other grocery store in the area. "We're in the Venetian Golf & River Club and we're not sure about the intersection."

See PUBLIX, page 6A

3

"It just seems a little bit overkill," she said.

Venice Planning & Zoning Director Roger Clark said that there has been no collection filed by Neal Communities, but since the Jan. 5 meeting, he has seen getting comments.

"We are getting a lot of input, emails, and we're stocking them away so it will be part of the application when it does go forward," he added.

Because up to 5% of the land in planned unit developments can be dedicated to commercial development, no change in zoning is needed to establish the 10-acre commercial site.

Because the development affects an established wetland, Neal would have to offset that impact with a contribution to a "mitigation bank" that preserves wetlands elsewhere.

Residents can voice their opinion on that change at public hearings hosted by both the Venice Planning Commission and City Council.

The site development plan requires approval from the Planning Commission.

Concerns about traffic

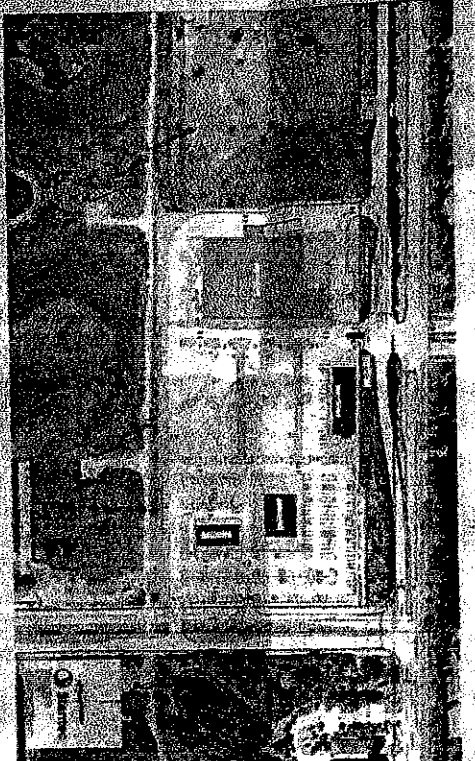
The primary concern voiced in both the NextDoor thread and at the Zoom meeting was traffic.

The most neighborhood meetings it has presided over but there were lots of questions about traffic, Neal said.

He added that most of the grocery store's traffic would be local.

"We would get drivers by a Publix to go to a Publix," he said.

The shortest Publix to the site is 2.5 miles away, at the intersection of Pine



This map shows the proposed location of a shopping center at the southwest corner of Laurel Road and Jacaranda Boulevard and was used during a Jan. 6 Zoom public workshop hosted by Neal Communities. A formal site plan has not yet been submitted to the city of Venice. There would be two entrances to the parcel off of Jacaranda Boulevard and two off of Laurel Road, including one opposite Venice Boulevard, which is the main entrance for the Venetian Golf & River Club, now proposed by Neal Communities.

Good land and roads

The Publix at Jacaranda Boulevard and Venice Avenue is 2.5 miles away.

"We think we'll reduce total traffic by 27% by drive by capture and diversion and we think we'll provide a way for walk and bicycle and golf carts from the Venetian Golf & River Club and the 2,200 homes we're building in Villano and Visions and 500 homes that others are building," Neal added.

And that's existing homes and the numbers will vary approximately 600 east of the year 2030.

At earlier the plan that had been

Neal and his associates with the Economic Stimulus Working Group are tasked with widening the 1.5-mile stretch of Laurel Road from Jacaranda Boulevard west to Knights Trail Road.

He noted that a traffic study by consultant Frank Domingo of Stantec, a former Sarasota County traffic engineer, showed that the intersections at Laurel Road and Jacaranda Boulevard and Venetian Boulevard - the main entrance to Venetian Golf & River Club - would still operate at less than 60% of capacity and at the top service level.

He said a planned traffic light at Jacaranda Boulevard and Laurel Road should help space out traffic and make things better for those entering Laurel Road on Venetian Boulevard.

Frustrated residents in the NextDoor thread noted that it is already problematic to cross eastbound traffic and make a left out of the Venetian Golf & River Club.

The workshop is an early stage of the process. Feedback from it will be incorporated and in-person meetings are planned.

"After the COVID pandemic is over, we'll have meetings with the Venetian Golf & River Club and make sure that everyone feels good about what we're talking about," Neal said.

He added that the proposed site, across Jacaranda Boulevard from Venice Fire Department Station 2, is the only site along two collector roads available east of Interstate 75.

"We're going to delete traffic on Laurel Road and make Venice an even more beautiful place to be," Neal said. "We think Publix is part of the amenities of living."

Ernie Kramel, publicity covers south Sarasota County for the Florida Tribune and can be reached at erkramel@floridatribune.com.

EXHIBIT #5

Sent: Friday, February 25, 2022 11:09 AM
To: Marshall Happer <happer@happer.com>
Subject: RE: 86-130

Marshall,

I am familiar with this language in the code and it has been in the code since the City's adoption in the late 70's, without change. However, even the City's oldest PUDs such as Bird Bay, Pinebrook South and Capri Isles have commercial and/or non-residential uses that "front on exterior or perimeter streets". Most of our recent PUDs are 100% residential. However, those that include commercial land uses locate them on exterior streets, Toscana Isles being a good example. Obviously businesses would have a difficult time surviving with no visibility and/or a location in a gated community. I think this was a key issue with the County's 2050 Plan. All these PUD binding master plans have been approved through the proper process. Contact me if I can be of any additional assistance.

Thanks,
Roger

Roger Clark, AICP
Planning and Zoning Director
City of Venice
401 W. Venice Avenue
Venice, FL 34285

Email: rclark@venicefl.gov
Phone: 941-486-2626
Direct: 941-882-7432

Feb 27, 2022

From: Marshall Happer
To: Roger Clark
Bcc: Michael L. Leetzow (michael@leetzow.com); Peter phillips; Jill Pozarek (spqr63bc@hotmail.com); Karen Happer (karen@champagnetennis.com)
Subject: RE: 86-130
Date: Sunday, February 27, 2022 12:08:00 PM
Attachments: image001.png
Capture.PNG

*Happer to
Roger Clark*

Roger:

If I understand your email correctly, you are saying that the provisions of Section 86-130 have been disregarded in the past when you say: "All these PUD binding master plans have been approved through the proper process." I can only assume that no one objected or had them reviewed in court. If the Planning Department, Planning Commission or City Council does not like the provisions of Section 86-130, the remedy is to change them, not disregard them.

Pat Neal is proposing an Amendment to the Milano PUD to add a 11+ acre regional shopping center per his representations to serve the 6,000 planned homes on the east side of US #75. Some of the reasons that this Amendment is not in compliance with the Land Development Regulations and should not be approved are:

1. This area is not available for commercial uses unless the documented Eagles Nest (SA023) with a 660' buffer and adjoining wetlands that existed when the property was acquired by Neal Communities of Southwest Florida, LLC on December 2, 2013 (#2013160948) and conveyed to Border and Jacaranda Holdings, LLC on December 13, 2016 (#2016154101) can be destroyed. This issue should be investigated. Perhaps you should ask Pat Neal if he or anyone he knows has directly or indirectly violated that Eagles Nest buffer or done anything to scare the Eagles away.
2. Section 86-130 only 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 VICA PUD was approved on July 29, 2014, saying "Commercial Uses – None" as was the replacement Milano PUD on March 10, 2017, which also said "Commercial Uses – None".

The clear language of Section 86-130 requires any proposed "Commercial

Uses" on a PUD be included in the original application so it can be determined "at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside of the PUD." If any "Commercial Uses" had been proposed and included in the 2013 and 2017 PUD applications, the adjoining land owners like the homeowners in the Venetian would have had an opportunity to object. It has to be contrary to the provisions of Section 86-130 to permit a PUD application to come back years later and seek an Amendment permitting a regional shopping center.

3. Section 86-130 does not permit a regional shopping center in a PUD: "Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area." That is why Section 86-130 says: "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." Pat Neal has clearly represented that he is seeking a regional shopping center to serve the 6,000 planned homes on the east side of US #75.

4. Contrary to the representations of Pat Neal's traffic engineer, the installation of a regional shopping center across from the entrance to the Venetian Golf and River Club which has 1377 homes and approximately 2500 residents, will cause a traffic nightmare for all the residents in the area. There is already adequate properly zoned shopping center properties located on and near Knights Trail Road which are within easy reach of these residents so a shopping center in this location is unnecessary.

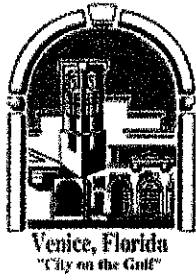
I submit that you should find that the new application for an Amendment to the Milano PUD to permit a regional shopping center commercial use not to be in compliance with the City of Venice Comprehensive Plan and Land Development Regulations.

Thanks for your consideration.

Marshall Happer
117 Martellago Drive
North Venice, FL 34275
941-480-0265

From: Roger Clark <RClark@venicefl.gov>

EXHIBIT #7



From: Marshall Happer <happer@happer.com>

Sent: Tuesday, February 22, 2022 5:10 PM

To: Roger Clark <RClark@venicefl.gov>

Subject: 86-130

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

Roger:

Does this excerpt from Section 86-130 mean what it says with respect to commercial uses permitted in a PUD at the time of the approval of the PUD?

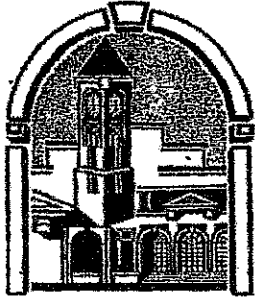
- (r) *Commercial uses.* Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project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

Thanks,

Marshall

Marshall Happer
117 Martellago Drive
North Venice, FL 34275
941-480-0265

EXHIBIT #8



CITY OF VENICE

401 W. Venice Avenue Venice, FL 34285

(941) 486-2626 Fax (941) 480-3031
Suncom: 516-4382

October 22, 2008

Mr. Jeffery A. Boone, Esquire
P.O. Box 1596
Venice, FL 34284-1596

RE: Zoning Map Amendment (No. 08-3RZ)
VICA

Dear Mr. Boone:

On October 21, 2008, the Planning Commission found the above-referenced request consistent with the Comprehensive Plan and Code of Ordinances and, therefore, voted to recommend to City Council APPROVAL of Zoning Map Amendment Petition No. 08-3RZ. The approval contained the following additional restrictions or stipulations governing permitted uses within the "Residential, Multi-Family - 1 (RMF-1)" zoning district:

1. Residential density shall not exceed five dwelling units per acre.
2. Consistent with the Pre-Annexation Agreement, alignment of the Jacaranda Extension between Laurel Road and Border Road shall be determined at the time of Site & Development plan approval or Preliminary Plat approval. Once the alignment is determined, owner shall convey the right-of-way corridor to the City or its designee by warranty deed within 120 days of notice from the City. Developer shall build Jacaranda Boulevard Extension as required, and as necessary for the applicant's project, to meet concurrency requirements.
3. Consistent with the Pre-Annexation Agreement, at the time of Site & Development plan approval or Preliminary Plat approval the applicant shall dedicate necessary right-of-way along Laurel Road and construct up to two additional eastbound lanes of Laurel Road along the development westward from the alignment of the proposed intersection of the Jacaranda Boulevard Extension to the western limit of the subject property.
4. At the time of application for Site & Development Plan or Preliminary Plat approval, the developer will demonstrate compliance with the Comprehensive Plan level of service requirements of seven acres of dedicated or designated parks for each 1,000 functional population.

Mr. Jeffery A. Boone, Esquire
Page Two
October 22, 2008

5. Building height shall be limited to 35 feet with an additional ten feet for one story devoted primarily to parking within the structure, except within 200 feet of Laurel Road and Border Road where building height shall be limited to 35 feet with no additional height for under structure parking permitted, measured from finished grade to the mid-point of the roof.
6. Landscape buffers along Laurel Road and Border Road shall have a minimum width of 30 feet. The first 25 feet, shall consist of natural landscape buffer consisting of a variety of plant material, a berm three to four feet in height, and shall be 60 opacity. The remaining buffer area will be comprised of natural and or environmentally sensitive areas, associated with wetlands, and or natural, or preservation areas protected from development.
7. Vehicular/Pedestrian Cross Connectivity. At the time of Site and Development Plan review, the developer, will commit to exploring vehicular cross connectivity with the properties directly to the east and west, based upon environmental, utility and adjacent property owner considerations.
8. Jacaranda Boulevard with Laurel Road Alignment. The future alignment of Jacaranda Boulevard and Laurel Road will be to the west of the main entrance to the Venetian Golf and River Club. The final location will be subject to avoidance where possible, and minimization of impacts to wetland and other environmentally sensitive areas.

The City Clerk will be notified of the Planning Commission's recommendation and requested to schedule the necessary City Council final action. Please contact the City Clerk's Office at 486-2626, extension 23002, for scheduling information.

Sincerely,



Tom Slaughter, AICP
Planning & Zoning Director

cc: . VICA, LLC
File No. 08-3RZ

I am a homeowner in Venetian Golf and River Club (VGRC) and strongly oppose the proposed shopping center by developer Pat Neal.

The negative impact to our tranquil and thriving community will be many and irreversible. Several of these negative impacts are Public Safety issues.

Have you seriously considered the following issues and their negative impact on the surrounding residential communities?

1. Noise pollution – Increased traffic along Laurel Road. Private vehicles as well as Delivery vehicles at all times of day and night.
2. Light pollution – Commercial building security lights on during evening and nights.
3. Air pollution – Increased traffic stopping and starting to enter and exit parking lot.
4. Increased traffic congestion at VGRC community entrance and exit road.
5. Expansion of Laurel Road (with traffic signal or round about) or turning lanes at VGRC main community entrance will decrease the community entrance and exit roadway. This will have a negative impact on incoming traffic especially and may cause back up of service providers entering our community causing back up on Laurel Road.
6. Increased foot traffic crossing over newly widened Laurel Road will be hazardous, at best, and life threatening, at worst, for pedestrians. A pedestrian bridge will have to be built to provide safe access for those residents on the north side of Laurel Road, to proposed shopping center. **Who will be responsible for designing, building, and financing this project?**
7. Excessive duplication of proposed Publix's food store when two stores are currently located within 3-4 miles of our community.

It is a mystery to me that our elected officials consider developers' business interests over their constituents' interests in maintaining a tranquil residential environment. VGRC is located 3-4 miles, in two different directions from Publix, a major food store chain, along with numerous other stores and restaurants with more services being added at this moment. VGRC and surrounding communities are not in some remote area with little or no access to groceries, restaurants, hardware stores, and all other businesses and services.

WHY is this proposed commercial area even being considered? One could be led to perception there is some individual or corporate benefit being offered to the council and/or commission for approving this commercial endeavor over the protests of the communities that will suffer the irreversible negative impact if this project is approved.

We need you, as our duly elected officials, to reject this proposal and any other commercial project from intruding into our residential communities.

The legality of land use changes is not something that I am qualified to address but there are those that specialize in these matters and should be heard as you proceed through this process.

Phyllis Hannum

106 Asti Court, North Venice, FL 34275

240 418 1597

From: [David Fischer](#)
To: [Roger Clark](#); [Planning Commission](#)
Subject: Proposed Shopping Center
Date: Wednesday, February 23, 2022 3:54:36 PM

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

A shopping center corner of Laurel and Jacaranda?

Terrible idea !

Totally unnecessary !!

Damaging to the surrounding communities in a myriad of ways !!!

No! No! No !

Mr. & Ms. D. Fischer
Venetian Golf & River Club

Proposed Publix reaction mixed

Shopping center may come to Jacaranda Boulevard, Laurel Road

Earle Kimel Sarasota Herald-Tribune USA TODAY NETWORK

VENICE – Neal Communities plans to bring a Publix-anchored shopping center to 11.8 acres of its **Milano** planned unit development, at the southwest corner of Jacaranda Boulevard and Laurel Road.

“It’s really the only place it can go” in the development, and planned unit developments (PUDs) in Venice allow

for up to 5% of it to be commercial, Pat Neal, president of Neal Communities, said in an interview. “And we’ve never asked for any commercial from the **Milano PUD**. But it’s expressly provided for up to 5% in the city code.”

Neal Communities hosted a Zoom Neighborhood Workshop on Jan.. 6, mostly for residents of the Venetian Golf & River Club, which is directly across Laurel Road from the proposed shopping site.

About 202 people joined the workshop, including several who took to social media platforms such as Facebook and NextDoor to air their concerns.

Comments, which were

supplied to the Herald-Tribune by one of the Next-Door participants, Ruth Cordner, ranged from surprise that the intersection was zoned for commercial development and concern about a nearby eagle’s nest that developers say had been abandoned, to pledges to stop the project and insistence the development was not needed.

Several also noted that previously they were told that a Sprouts Farmers Market would be located there.

Cordner and her husband Richard had a previous commitment and couldn’t make the Zoom workshop. The couple had bought a house in Venice in 2019 and decided

to extend a COVID-19 getaway stay in 2020 to living here full-time.

“Just with the recent developments that are going on now, we’ve seen an increase in traffic,” said Cordner, who has concerns about having a Publix entrance opposite the main access to the Venetian Golf & River Club and whether enough analysis went into putting a Publix at that intersection.

See PUBLIX, Page 6A

Publix

Continued from Page 1A

“It just seems a little bit overkill,” she said.

Venice Planning & Zoning Director Roger Clark said that there has been no application filed by Neal Communities, but since the Jan. 6 meeting, he has been getting comments.

“We are getting a lot of input, emails, and we’re stocking them away so it will be part of the application when it does go forward,” he added.

Because up to 5% of the land in planned unit developments can be dedicated to commercial development, no change in zoning is needed to establish the 11.8-acre commercial site.

Because the development affect an established wetland, Neal would have to offset that impact with a contribution to a “mitigation bank” that preserves wetlands elsewhere.

Residents can voice their opinion on that change at public hearings hosted by both the Venice Planning Commission and City Council.

Neal noted that most of the grocery store related traffic would be local.

“Why would you drive by a Publix to go to a Publix?” he said.

The closest Publix to the site is 2.5 miles away, at the intersection of Pinebrook and Laurel roads.

The Publix at Jacaranda Boulevard and Venice Avenue is 2.8 miles away.

“We think we’ll reduce total traffic by 27% by drive by capture and diversion and we think we’ll provide a way for walk and bicycle and golf cart trips from the Venetian Golf & River Clubs and the 2,200 homes we’re building in **Milano** and Vistera and 1,500 homes that others are building,” Neal added.

Add that to existing homes and the number will easily approach 6,000 residences by the year 2030.

An earlier site plan that had been showcased in 2017 to Venetian Golf & River Club residents did indicate a Publix or Sprouts supermarket located on the parcel and technically there has been no firm commitment from Publix to locate a store there, but Neal admitted that is likely to happen.

with the Economic Stimulus Working Group are tasked with widening the 1.5-mile stretch of Laurel Road from Jacaranda Boulevard west to Knights Trail Road.

He noted that a traffic study by consultant Frank Domingo of Stantec, a former Sarasota County traffic engineer, showed that the intersections at Laurel Road and Jacaranda Boulevard and Veneto Boulevard – the main entrance to Venetian Golf & River Club – would still operate at less than 60% of capacity and “at the top service level.”

He said a planned traffic light at Jacaranda Boulevard and Laurel Road should help space out traffic and make things better for those entering Laurel Road on Veneto Boulevard.

Frustrated residents in the NextDoor thread noted that it is already problematic to cross eastbound traffic and make a left out of the Venetian Golf & River Club.

The workshop is an early stage of the process. Feedback from it will be incorporated and in-person meetings are planned.

traffic on Laurel Road and make Venice an even more beautiful place to be,” Neal said. “We think Publix is part of the amenities of living.”

Earle Kimel primarily covers south Sarasota County for the Herald-Tribune and can be reached at earle.kimel@heraldtribune.com.



This map shows the proposed location of a shopping center at the southwest corner of Laurel Road and Jacaranda Boulevard and was used during a Jan. 6 Zoom public workshop hosted by Neal Communities. A formal site plan has not yet been submitted to the city of Venice. There would be two entrances to the parcel off of Jacaranda Boulevard and two

The site development plan requires approval from the Planning Commission only.	“Six thousand homes demand a store and three different Publix developers have been trying to buy the property,” Neal said.	“After the COVID pandemic is over, we’ll have meetings with the Venetian Golf & River Club and make sure that everyone feels good about what we’re talking about,” Neal said.	off of Laurel Road, including one opposite Veneto Boulevard, which is the main entrance for the Venetian Golf & River Club. MAP PROVIDED BY NEAL COMMUNITIES
Concerns about traffic			
The primary concern voiced in both the NextDoor thread and at the Zoom meeting was traffic.	The plan showcased on Jan. 6 called for a 47,240 square-foot supermarket and another 16,000 square feet of stores and a casual, eat-in restaurant that Neal said would be “like a Carabba’s.”	He added that the proposed site, across Jacaranda Boulevard from Venice Fire Department Station 3, is the only site along two collector roads available east of Interstate 75.	
“Like most neighborhood meetings it was pretty nice but there were lots of concerns about traffic,” Neal said.	Neal and his associates	“We’re going to delete	

From: [Dick Kearney](#)
To: [Planning Commission](#)
Subject: Proposed commercial Neil development at Laurel and Jacaranda
Date: Tuesday, January 25, 2022 1:07:11 PM

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

Hello. My name is Richard Kearney. I live at 106 Mestre Place at the VGRC and I have a couple of questions regarding this proposed development . Does this proposal require a zoning change ? If the answer is yes, will there be public hearings on the change request ? If so when ? A few early points I would like to make against this ! This area is mostly developed as residential and this is one of the last parcels undeveloped. It makes no sense for a zoning change to allow this ! Many (understatement) residents in the area are vehemently opposed to this, my wife and I being 2 . This makes no sense for the area and the city and is infuriating residents -!!

There are so so many reasons against this ! Think of the traffic slowing down emergency vehicles leaving the fire station a huge huge adverse safety concern -Why didn't Neil develop this before he built all the residential housing there ?? I think we all know the answer ! This is a classic case of "bait and switch"and I sincerely hope the planning commission agrees and stops this -Please incorporate my objections into the correct forum -public meeting etc .Thanks

Sent from my iPhone

From: [Rick Cordner](#)
To: [Planning Commission](#)
Subject: Milano PUD
Date: Saturday, February 12, 2022 5:40:51 PM
Attachments: [Publix Article.pdf](#)

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

Roger Clark, Director
Venice Planning & Zoning

Dear Mr. Clark,

Re: Neal Communities Milano PUD Amendment –
Publix Anchored Shopping Center

We are residents of the Venetian Golf & River Club in North Venice along Laurel Road East. On January 15, 2022, the Sarasota Herald Tribune shared the developer's plan to amend the Milano PUD to allow for a 11.8-acre shopping center. (Copy attached) You were quoted in the article. This proposal, if implemented, will adversely affect our community.

We have requested the Venice Planning & Zoning Department to provide a copy of any applications that Mr. Neal has submitted with respect to the Milano PUD. We understand that no amendment has been submitted to date. In the same newspaper article, Neal makes reference to a traffic study by the consultant Frank Domingo of Stantec. We have also asked the Planning & Zoning Dept to provide us a copy of the traffic study – a copy hasn't been provided as of this writing. Who paid for this study?

We now learn that on March 1st, at 5:00 p.m. Mr. Neal and his team will be present in person at the Venetian Golf & River Club to elaborate on the proposal. He has rented our community center to host this event.

Mr. Neal should not host or hold this event. By doing so, we respectfully suggest, he is usurping the role of the Planning & Zoning Department who have the responsibility of holding and managing Public Hearings. (Sec. 86-23 Planning Commission.) Second, no presentation should proceed until all the documents have been made public.

Finally, on the Neal Cielo website, a map of the local community is provided which includes the notation "Future Commercial" on space that is currently designated as wetlands. Please see attached. Is there something we don't know?

We look forward to your early response. Thank you.

Sincerely yours,

Rick & Ruth Cordner

From: [ROBIN JACOBSON](#)
To: [Planning Commission](#)
Subject: MILANO PUD
Date: Saturday, July 16, 2022 7:01:28 AM

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

We are strongly against the building of this shopping center

Robin Jacobson
John Palladino
103 Avalini Way

From: [Rossana Lachman](#)
To: [Planning Commission](#)
Cc: [John Thackray](#); [Mark Kreighbaum](#); [Sharon Kreighbaum](#); [Morena McCormack](#); [Joe McCormack](#); [Debbie Simmons](#)
Subject: Milano PUD
Date: Thursday, January 20, 2022 4:22:42 PM

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

Hello

My husband and I are residents of the Venetian Golf and River club. Mr. Neal is proposing to put a Publix and several other stores directly across the street from our community.

I'm one of many that do NOT WANT THIS TO HAPPEN. We don't need another Publix or any other retail store there.

Traffic would be horrible and the noise level would be worse.

Also, a lot of wild life will be displaced along with an Eagle's nest that is there. Mr. Neal said that the nest has not been used in a year. Is he an expert on birding habits?

This is pure greed on his part!

Thank you

Rossana and William Lachman

Sent from my iPhone

From: [Scott Anderson](#)
To: [Planning Commission](#); [City Council](#); [Ron Feinsod](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Helen Moore](#); [Joseph Neunder](#)
Subject: Opposition to the proposed Publix at Laurel Road and Jacaranda Boulevard
Date: Monday, January 17, 2022 6:56:17 PM

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

I'm writing to express my opposition to the proposed almost 12-acre commercial site including a Publix proposed by Pat Neal to be located at the corner of Laurel Road and Jacaranda Boulevard in North Venice. I own a Neal Signature home in Aria just to the south of the proposed development. I love my house, the neighborhood, and the nature preserve behind my lot. Neal's sales staff and his own marketing material convinced me to "choose my dream home" and to enjoy, "magnificent entrances leading to spacious living rooms with views of glistening lakes and tranquil nature preserves." Well, it seems, that was a very short term offer.

Now I find out, according to Earle Kimel of the Herald Tribune, that the new commercial site mentioned above will be 800 yards directly behind my house. Where is the tranquility in that? The dark night sky will be replaced by ambient light from a parking lot and delivery area. The sound of frogs will be replaced by the beeping of pallet loaders in reverse off-loading mayonnaise from 18-wheelers at 3 am. The traffic on this northernmost part of Jacaranda will increase so much that stop lights will be required to regulate its flow. Of course, Pat says, "It's really the only place it can go " and "it's expressly provided for up to 5% in the city code," as if we should have sympathy for such a difficult choice. We don't need a Publix in our neighborhood. I'll make the choice easy, don't build it.

What will be the impact on crime? I'll leave you with the question. Do you think adding a large commercial site to a residential neighborhood will reduce crime?

Ponder this. Our water pressure is too low. It's common due to overbuilding. Will this solve the problem?

In Mr. Kimel's article, Pat says, "We think we'll reduce total traffic by 27% by capture and diversion." That sounds like development-speak for way more traffic and again, if the traffic flow will be diminished, why add stop lights. We don't need them now and with such a substantial reduction in traffic they must be a total waste of money.

Pat also says, 6,000 homes demand a store," yet I can't find anyone in my neighborhood that demands one. Perhaps, we demand you don't build it. Given a vote, I imagine we would vote against it - overwhelmingly.

"We're going to ... make Venice an even more beautiful place to be. We think Publix is part of the amenities of life." Pat, of course went on. As a resident of this area, I think the natural habitat proposed for destruction makes Venice more beautiful, much more beautiful than a parking lot, plus we already have 3 Publix stores in less than 3 miles, so my need for amenities is well satisfied.

If I had a vote, I would vote no on the proposed Publix that will sit directly across from the Venetian on Laurel Road. I respectfully request, you deny the application should it be submitted.

Best regards,
Scott Anderson

From: [Roger Clark](#)
To: [Lisa Olson](#)
Subject: FW: Neal proposal
Date: Tuesday, April 12, 2022 7:23:22 AM

[For the file.](#)

From: S Nemitz <u2bewise@gmail.com>
Sent: Tuesday, April 12, 2022 2:57 AM
To: Roger Clark <RClark@venicefl.gov>
Subject: Neal proposal

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

Mr. Clark,

I am a Venice resident currently serving overseas with the State Department. I am against any and all further development proposals by Neal communities. His greed has extended to overdevelopment of our quiet town. His new proposal to develop a Publix shopping complex at the corner of Jacaranda and Laurel Rd is absolutely unacceptable with another Publix shopping center one mile away. Whenever I make it home to our home in Willow Chase I am incredibly dissatisfied with the increased building taking place on Laurel Rd. The trucks, noise and dust is incredibly annoying and frustrating to say the least. This needs to stop now!!!

Thank you,

Stan Nemitz

Chief Force Protection Detachment

US Embassy Ukraine

Temporarily assigned to Rzeszow, Poland

+380 63 299-0530

From: [bookbindersj](#)
To: [Gary Bibbee](#); [Helen Moore](#); [Joseph Neunder](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Planning Commission](#); [rcautero@venicefl.gov](#); [Roger Clark](#); [Ron Feinsod](#); [Rachel Frank](#); [bookbindersj@gmail.com](#)
Cc: [Cindy Bibbee](#); [Marshall Happer](#); [tomndott@gmail.com](#)
Subject: RE: We totally concur with forwarded email - Proposed Publix Regional Shopping Center - and Voice Our Opposition
Date: Tuesday, March 15, 2022 11:33:45 AM

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

To Our Neighbors and City Council Members,

We are completely against the building of a Publix shopping center across from the entrance to the Venetian Golf and River Club on Laurel Road.

Our opposition stems from the many valid reasons as clearly stated in the email forwarded below. There is no doubt that the construction of such a plaza in this particular location is simply "wrong".

We are sure many of you will remember the classic Joni Mitchell song "They Paved Paradise and Put Up a Parking Lot". We hope no one will be singing that tune at the intersection of Jacaranda Blvd. and Laurel Road.

Please, for the sake of our beautiful, peaceful and quiet residential neighborhood and its abundant wildlife,
let Mr. Neal know he must pick another location for a commercial development.

Thank you.

Sincerely,

Susan Bookbinder
Murugesapillai Ganesan
343 Padova Way
941 882-4979 home phone

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Gary Bibbee <gwbibbee@gmail.com>
Date: 3/14/22 7:50 PM (GMT-05:00)
To: hmoore@venicefl.gov, jneunder@venicefl.gov, mfiedler@venicefl.gov, npachota@venicefl.gov, planningcommission@venicegov.com, rcautero@venicefl.gov, rclark@venicegov.com, rfeinsod@venicefl.gov, rfrank@venicefl.gov
Cc: Cindy Bibbee <cjbibbee@gmail.com>, Marshall Happer <happer@happer.com>, Susan Bookbinder <bookbindersj@gmail.com>, tomndott@gmail.com
Subject: Proposed Publix Regional Shopping Center, My Opposition

Hello Everyone,

I have written a few paragraphs below with some of my thoughts on how I believe the proposed construction of the new Publix Shopping Center by Neal Inc., located on Laurel Road will continue to impact our community worse than recent changes already have. Other neighbors I have talked with also believe that if you continue to allow this to develop, that you just don't agree with us and that you are allowing the degradation of Venice to continue. Please prove us wrong. Please show us that you have serious concerns about this as well as concerns for the residents of Venice and particularly North East Venice.

Please check for me if you will on the two prior Milano PUD applications in 2017 & 2020 and look in the Developer's Agreement dated January 30, 2018 represented that there will be "NO COMMERCIAL DEVELOPMENT." How can this be and we end up with a shopping center. I am not saying stop the man from building but to build it where it rightfully belongs. I know the state has rights for property owners like Mr. Neal, but there are also city ordinances to protect us Venice taxpayers. Venice was our great little place to retire to. Please do all you can to protect that. If you live in this area of Venetian Golf and River Club, Milano, Cielo and Aria, as I know some of you do, I know you understand what I am talking about in this communication to you. You have maxed out this area with new construction. There are many part time residents that have no concerns with all of this new construction in our communities and that is not fair to all of us that live here full time that try to ensure our communities are a great place to live. We could use your help.

My first thought when I heard about the new Supermarket/stores being built here was that we already have 2 Publix stores within a very close distance. We do not need more grocery stores and you know that. Since we moved here in 2015 the shopping plaza at Laurel Rd and Knights Trail has remained with many vacant stores and now has a for sale sign up. We certainly don't want more of that.

I sat through a meeting recently where Mr. Neal suggested traffic will be reduced. Surely you do not believe this, otherwise you would not have approved widening Laurel Road. I respectfully request that you consider the people living in this area and not the Big Business with all of their wealth wreaking more havoc on us and our community. You can still get your increased tax base by allowing the commercial property to be put in an existing commercial zone. The property under the large power lines would be a great wetlands area or a children's park like the City of Lakeland FL has built, just saying something to consider. WHY WOULD Mr. Neal NOT CONSIDER BUILDING THE SHOPPING CENTER ON THE WEST END NEAR CURRENT DOLLAR TREE store where commercial property already exists. Please do the Venice residents an honor by requiring this proposed development be relocated.

Delivery trucks and vans and don't forget garbage trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night. Sound travels, you will hear it, no way to prevent it.

The Wetlands & Wildlife have already been affected. We live along the 75 acre preserve across from the new Neal Community Developments and the animals are gone. I used Game Cameras in my backyard prior to the clearing of the over 300 acre farmland along Laurel Road/Jacaranda and I had plenty of wildlife pictures to view everyday. Today there is nothing so if you believe you are approving all of this property development with no affect on the community or wildlife you are making the wrong decisions. THE ANIMALS ARE GONE AND THE BIRD LIFE HAVE SEVERELY BEEN IMPACTED. The noise levels have already increased. Surely you aren't thinking that these things have not changed and changed drastically. Please don't drive through this Venice development area and think what marvelous changes you are making to Venice because you are not you are making it worse. The current wetlands where Florida birds and wildlife forage will be plowed under for more parking lot and lighting. Neal Inc. contributing to a mitigation bank will not benefit those living in this area.

You all know the shopping center will require flood and security lighting constantly, so for those of us living in this area, the current quiet dark star lit nights pool will be no more. Pollution runoff from asphalt and fertilizer application must go somewhere and we already have a problem with that in our communities. Our surrounding waters and our lakes are already affected by this as you well know since you are having to increase ordinance's against this type of pollution.

Traffic Safety in this area certainly will affect residents of the Venetian Golf and River Club, Treviso Grand Apartments, Willow Chase, new communities on Border Road and the existing homes east towards South Moon Drive. There will certainly be drastic changes to all of the existing traffic patterns. The new four lanes on Laurel Road will be a massive change in traffic.

If your intent is to make Laurel Road resemble South Sarasota and Honore Avenue then congratulations you are succeeding.

Many home buyers in Aria, Milano and Cielo purchased homes in this area including the Venetian Golf and River Club where we live, purchased their new homes with no commercial building being done in their front or back door.

I believe that the proposed Neal Development will cause substantial depreciation of property values. Having a nearly 50,000 sq ft grocery store in the middle of the surrounding communities most certainly is not compatible due to increased lighting, noise, traffic, pollution, and the already loss of wild life from the area. Please consider how this drastic change to all of the surrounding communities will not meet the city ordinance. Having lived in this area for seven years and watching how quickly the developers are moving, I strongly believe that there are several ordinances that are in direct conflict with this proposed building request/development.

Thank you for your serious consideration to what we believe is a serious impact to a beautiful and desirable area of North Venice.

Thanks and Respectfully sent,

Gary & Cindy Bibbee

339 Padova Way

North Venice

From: susandrap@aol.com
To: [Planning Commission](#)
Subject: Neal Shopping Center on Laurel
Date: Tuesday, June 14, 2022 12:58:54 AM

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

Please listen to the voters. The proposed shopping area on Laurel Rd is not needed or desired in our residential neighborhood.

Susan Drapela
169 Palazzo Ct
VG&RC

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

From: [Susie](#)
To: [Planning Commission](#)
Subject: Proposed shopping center on Laurel and Jacaranda
Date: Tuesday, January 11, 2022 2:01:12 PM

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

First, as a voter in the city of Venice, allow me to thank all of you for taking care of our community with open ears and carrying hearts. I am well aware that all emails are available for public view thru the sunshine law and have no issue with this being seen by anyone or everyone.

Today, I am addressing the proposed and preposterous asking of Mr. Neal to build yet another unwanted and unneeded shopping complex in the middle of homes on Laurel and Jacaranda.

I am sure you now have the plans in your hands for this new creation of Mr. Neal and am asking – urging- you all to immediately turn down this unneeded Publix complex.

It should be very simple to see what it would cause in the area and why it is so important to the thousands of residents to have this stopped.

After carefully listening to a zoom meeting hosted by the Boone Law firm for Mr. Neal, I couldn't find one thing positive on his proposal and I listened with an open mind

Thoughts from concerned neighbors:

- More and more unwanted traffic
- Delivery trucks chewing up the roads at all times of the day
- No light at the exit onto Laurel as a new light is proposed at Jacaranda and Laurel
- He suggested that the residents could bike or golf cart to this new improved corner, but offered no way to cross the 4 lanes of traffic
- We have 2 beautiful and well stocked and customer service friendly Publix within 2 miles!!! TWO MILES.. Even though Mr. Neal compared the traffic circle as the circle of death, I arrive at this beautiful Publix within minutes with no issues.
- A completed yet empty shopping mall at Laurel and 75 just a mile down the road
- An "in the process" shopping complex on the corner of Knights Trail and Laurel (Mirasol)
- New and more shopping arriving at Jacaranda at the Wawa intersection

Isn't it time that the this type of unneeded development stops....

Most of the council ran on the soapbox of less development to keep our neighbors, wildlife and beauty of city peaceful for all and that the all mighty tax bucks would not be on the top of the agenda. Your responsibility is to all citizens not the Island people alone... every election we see every candidates sign outside the complexes on Laurel and Jacaranda,,,, if we are important enough to make sure we know who you are, it is important to know who we are.

I have addressed this to all council members and our mayor hoping that the openness and promise of listening to your “people” will prevail. I have also sent copies to ABC channel 7 and the newspaper to allow for more public exposure of Mr. Neal’s view of Venice... I think we know in our own neighborhoods what is needed and this is certainly now on anyone’s list.

Most Sincerely Worried about my neighborhood and Venice,

Susan Taylor/Carl DeAloe

150 Mestre Place

North Venice

561 866-3330

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

From: [Tish Del Negro](#)
To: [Planning Commission](#)
Cc: [John Cell](#)
Subject: Oppose to Pat Neal's request to transfer acreage from Milano PUD to commercial use in North Venice, FL
Date: Wednesday, July 6, 2022 4:03:40 PM

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

> We are OPPOSED TO PAT NEAL'S REQUEST TO transfer 24.106 acres and another 10.42 acres from the Milano PUD 537 acres previously approved for "HOMES" only with "NO COMMERCIAL" uses. Please do not grant the aforementioned request.

> Thanks you,

> Patricia and John Del Negro

> 157 Bella Vista Terr, Unit C

> North Venice, FL 34275

Sent from my iPad

From: [vpettee](#)
To: [Planning Commission](#); [City Council](#); [Ron Feinsod](#); jbolt@venicefl.gov; [Mitzie Fiedler](#); [Helen Moore](#); jneuder@venicefl.gov
Cc: thecht@nealcommunities.com; ["Mike Pettee"](#)
Subject: Opposed to Neal's proposed commercial at Jacaranda and Laurel
Date: Monday, January 17, 2022 9:29:10 AM

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

My husband and I are opposed to the proposed commercial center with Publix and other retails/restaurant for the following reasons:

1. **Light pollution** – parking lot lights will be on all night disrupting our night sky
2. **Noise pollution** – the sounds of trucks (backup beeping) unloading will overtake the sounds of nature
3. **Traffic increase** – hence increased noise
4. **Loss of nature** (removal of pond)

We purchased a million dollar home in Aria neighborhood believing we would be surrounded by other residential and the sounds/views of nature. We chose this location because there wasn't commercial retail/parking lots near us on this east side of 75. We enjoy the night views without artificial lighting and are most upset that the proposed development will create acres of parking lot lighting.

Has anyone polled the residents to see if this proposed grocery is of value to them? Do you care what your constituents want and value? Are you listening to the opposing voices and reasons? Or will this be another rubber stamp approval?

How can you possibly justify that another grocery within a 3 mile radius is needed? How was this need determined? We have a choice of 3 Publix within a 3.7 mile zone. We don't need another.

Who is this proposed development really serving? Residents or businessmen?

Neal's comment about reducing traffic is nonsensical and a forced argument in favor of. Residents must travel to the west side of I-75 for many other reasons and having another grocery is not going to reduce that.

Shame on Neal for what we see as a "bait and switch" during our buying process. We asked and were told by the salesperson that it was all residential surrounding the neighborhood. We also purchased our home based on the Aria neighborhood map showing a ratio mix of large and smaller homes and that ratio was changed within the first year of us living here.

We are opposed to any commercial stores with parking lots/lights at the proposed location.

Regards,
Vickie and Michael Pettee

From: [William VerPlanck](#)
To: [Roger Clark](#); [Planning Commission](#)
Cc: [City Council](#)
Subject: Milano PUD Publix
Date: Monday, February 28, 2022 4:35:18 PM

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

Dear Mr Clark and fellow planning commissioners;

Please put a stop to Neal Communities plan to build a Publix Shopping Center on Laurel Road across from the entrance of Venetian Golf & River Club.

This plan is totally inappropriate for this residential community !!

Building commercial space of over 63,000 square feet in the middle of this residential area will cause excessive lighting and noise pollution as well as increased traffic and safety issues.

Additionally ... more Commercial space is not needed in our neighborhood. We already have two large Publix stores both within a short drive.

Vote NO on this proposal !!!

Respectfully,
WILLIAM VERPLANCK
150 Palazzo Ct
Venetian Golf and River Club
Venice FL.

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

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

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: bro1950@aol.com
To: [Planning Commission](#)
Subject: Neal commercial development @Laurel & Jacaranda
Date: Monday, January 2, 2023 11:23:04 AM

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

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

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

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

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

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

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

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

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

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 500 ft 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.

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

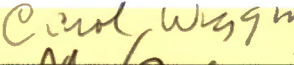
NO

Sincerely,

is this legal??


NAME


NAME

CAROL WIGGINS

NAME
11/12
Venetian
Golf

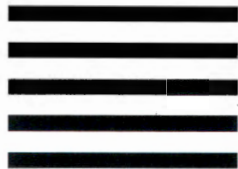
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TAMPA, FL

POSTAGE WILL BE PAID BY ADDRESSEE



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

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

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

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

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: 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

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: [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](#)
Subject: SHOPPING CENTER @ LAUREL & JACARANDA, NEAL PROPERTIES
Date: Monday, January 2, 2023 9:38:33 AM

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

I APPROVE:

M JO DOMENICK (ALEXANDER)
214 VICENZA WAY
VENETIAN GOLF & RIVER CLUB

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: [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: [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: Neal Commercial Hearing
Date: Monday, January 2, 2023 8:33:45 AM

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

As a resident of the Venetian Golf and River Club, I SUPPORT the Neal proposal for the commercial development at the corner of Laurel and Jacaranda.

I do hope that the traffic situation can be addressed adequately for left turns out of the Venetian Golf and River Club.

Nancy Mundorf

134 Martellago Dr.

North Venice, FL 34275

941-586-8667 c
mundorf@comcast.net

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

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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: 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

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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: [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

**NORTH VENICE NEIGHORHOOD ALLIANCE RESPONSES TO THE
PROPOSED MILANO PUD AMENDMENT FOR A COMMERCIAL
DEVELOPMENT APPLICATION (NO. 22-38 RZ).**

Submitted for the City of Venice Planning Commission
Public Hearing January 17, 2023

Prepared by
Jan A. Norsoph AICP.
6201 Bahama Shores Dr. So.
St. Petersburg, Florida 33705

For The
North Venice Neighborhood Alliance

Jan A. Norsoph, AICP reserves the right to update this report upon becoming cognizant of new or updated information. Mr. Norsoph's qualifications are contained in Appendix A.

INTRODUCTION AND EXECUTIVE SUMMARY

This report is prepared on-behalf of the North Venice Neighborhood Alliance, and referred to in this report, as NVNA, related to the proposed Milano PUD amendment for development of a 10.42-acre commercial tract, also referred to as The Village at Laurel and Jacaranda.

The applicant is Border and Jacaranda Holdings, LLC, and proposes to amend the PUD to fill-in and develop upon a 6.6 platted wetland marsh and open space area to construct a strip commercial center along Laurel Road with grocery store, convenience store and other support retail uses with an FAR of 0.5, which would equate to a potential development of 227,000 square feet. It is important to note that the previous PUD approval did not include or anticipate commercial development.

Milano history as stated by the Applicant:

“The Milano PUD is 503.9 +/- acre property located south of Laurel Road, north of Border Road, and bisected by the Jacaranda Boulevard Extension. The property is located within the Northeast Neighborhood of the Comprehensive Plan and has a Future Land Use Designation of Mixed Use Residential (MUR). The Milano PUD approved by Ordinance No. 2017-25 is a residential community consisting of detached single-family homes, paired villas, multi-family homes, amenity centers and open space. The density approved for the Milano PUD is up to 1,350 dwelling units.”

The proposed PUD amendment, as stated by the Applicant, and its location as shown in the PUD application (Exhibit A, area outlined in orange) is as follows:

“This amendment to the Milano PUD proposes to re-designate a 10.42 acre parcel at the southwest corner of the Jacaranda Boulevard and Laurel Road, within the Milano PUD, from Open Space to Commercial, to add access points for the Commercial parcel and establish development standards for the Commercial parcel. The proposed Commercial designated parcel will allow for the provision of various retail and service uses to meet the needs of the neighborhood while reducing trip lengths and increasing multi-modal accessibility to such services for the neighbors. The PUD requirement for a minimum of 50% Open Space will continue to be maintained.”

The PUD Amendment site is located within the Cielo subdivision plat as shown on Exhibit B. The subdivision tracts and platted uses related to the proposed commercial development site are as follows:

- Tract 600: Open space, Private Drainage & Flowage Easement.
- Tract 501: Private Lake, Drainage & Flowage Easement.
- Tract 306: Wetland, Private Drainage & Flowage Easement

It is important to note that the Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted as well. These subdivisions were part of the VICA PUD approval and the 2016 Covenant Agreement described on the following page.

The proposed amendment also entails reducing the 2017 Milano PUD Binding Conceptual Site Plan areas designated as open space from 55.2 % to 50%. Further, no commercial development was approved for or anticipated in the 2017 Binding Conceptual Site Plan.

The proposed PUD amendment seeks to eliminate a platted 6.6-acre freshwater marsh and its environmental habitat, and areas designated as wetland, pond and open space in the approved 2017 Milano PUD Binding Conceptual Site Plan. These areas were required to be protected by restrictive covenants pursuant to the Agreement Regarding Open Space Restriction and Covenant Pursuant to City of Venice Land Development Regulations that was executed by the City and Neal Communities on October 25, 2016, that required the following:

“The Owner (Neal) shall deliver to the City a fully executed Restrictive Covenant in a form satisfactory to the City Attorney that meets the Minimum Requirements of the Venice Land Development Regulations and sufficiently provides for the restriction of open space on all then existing, approved and recorded plats, prior to or at the time of final plat approval for the last plat, platting substantially all of the remaining residential property, filed in connection with the land development project identified as VICA PUD (a/k/a Villages of Milano) Ordinance No. 2014-16, as amended from time to time.”

Clearly, the intent of the Covenant requirement was to protect the wetlands and open spaces. To-date, the above reference covenants have not been recorded and which are also required by the Land Development Code (LDC) Sec. 86-130(j) and Sec. 86-231 (c)(2)(n). As noted, the Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted as well as. Therefore, restrictive covenants should have been placed at that time; hence the current PUD approval is not in compliance with those requirements.

The Applicant has claimed in the submittals that the proposed PUD amendment is consistent with the 2017 Comprehensive Plan; however, this report will demonstrate that the proposed amendment is not consistent with *Land Use Element LU 1.2.16 and LU 1.2.17* in respect to density and open space; *LUE Northeast Neighborhood Element LUNE 1.1.1 C*, with respect to open space; *Land Use Element Intent LU 4.1*, with respect to transitional strategies related to compatibility and development standards; and with *Open Space Element 1 OS 1, OS 1.2, OS 1.3, OS 1.4, OS 1.5 and OS 1.6* with respect to open space uses, wetlands, native habitats, open space corridors and preservation of open spaces.

It is important to note that the Visions, Intents and Strategies in the Comprehensive Plan take precedence over any Land Development Code requirement. Further, pursuant to LDC Sec. 86-32. Legal significance of the comprehensive plan. *No development order shall be issued under the provisions of the LDC unless determined to be consistent with the comprehensive plan.*

This report will also demonstrate that the proposed PUD amendment does not meet a number of Planned Unit Development (PUD) review criteria in the Land Development Code (LDC).

Key points for the Planning Commissioners to consider:

- That the amendment is not consistent with a number of Comp Plan LUE and OSE Visions, Intents and Strategies, and Policy 8.2.

- That pursuant to the peer review conducted by the City's consultant Wade Trim of the Applicant's environmental report determined that the proposed PUD amendment is not consistent or compliant with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.
- That the amendment does not meet a number of PUD rezoning review criteria.
- That the PUD amendment seeks to eliminate a freshwater marsh wetland and its related habitat and eliminate open space that were required to be placed under restrictive covenants pursuant to LDC Sec. 86-130(j) and the 2016 Covenant Agreement. To-date these restrictive covenants have not been recorded. Therefore, the current PUD approval is not in compliance with the 2016 Covenant Agreement or Sec 86-130(j). These wetlands and open spaces provided buffers for the adjacent residential.
- That granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan.
- That no commercial development was approved for or anticipated in the 2017 Binding Conceptual Site Plan. The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development as there is no other adjacent commercial development.
- That given its location, range of retail uses proposed and potential scale of development (227,00 square feet) the PUD amendment is not consistent with the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."* ; or complies with LDC Sec. 86-130(b) *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* and LDC Sec. 86-130(r) *"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."*
- That based on the Applicant's response to staff comment regarding Sec. 86-130(b)(8), the 227,000 square feet commercial center would be larger than neighborhood in scale. Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers from outside of Milano. Even the traffic study included capture from adjacent neighborhoods beyond Milano.
- That there are existing conveniently located commercial centers in the area within 2.3-2.9 miles of this proposed development.

Based on demonstrating the above, the proposed amendment is not in the best interest of the City and adjacent and near-by neighborhoods and is not in consistent or in compliance with the Comp Plan LUE and OSE, or in compliance with LDC PUD review criteria, nor in compliance with the 2016 Covenant Agreement.

Therefore, the North Venice Neighborhood Alliance recommends that the Planning Commission DENY the proposed PUD amendment based on the analysis presented in this report.

Further, we recommend that the Commission recommend to the City Council that prior to any consideration of a PUD amendment the Applicant be required to meet the requirements of the October 2016 Covenant Agreement to protect the open space and wetland via restrictive covenants.



EXHIBIT A PROPOSED PUD AMENDMENT AREA

RELEVANT LAND USE AND OPEN SPACE ELEMENTS VISIONS, INTENTS AND STRATEGIES

This section focuses on identifying key Venice Strategic Plan goal, and the Comprehensive Plan Land Use (LUE) and Open Space (OSE) Elements Visions, Intents and Strategies, and definitions that will be utilized in this report in supporting denial of the proposed PUD amendment. All italicized text are direct quotes from the Comp Plan LUE and OSE. Some Comp Plan LUE and OSE Visions, Intents and Strategies, and definitions are highlighted for emphasis.

VENICE STRATEGIC PLAN FOR FISCAL YEAR ENDING SEPTEMBER 30, 2023.

Goal Six: Preserve the Venice Quality of Life through Proper Planning

Policy 1: Ensure adherence to the comprehensive plan when reviewing land development applications.

COMPREHENSIVE PLAN

Compatibility Intent and Strategies

The Comp Plan LUE has compatibility and other criteria to address a development's sensitivity to neighborhoods. The main emphasis throughout the Comp Plan LUE Visions, Intents and Strategies is compatibility with neighborhoods. These visions, intents and strategies place compatibility and environmental sensitivity as the higher criteria to be utilized in the consideration of approval of any proposed PUD amendment review. Achieving compatibility and consistency with the Comp Plan LUE is required and serves in the best interest of the City.

Definition of Compatible

“Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.”

Relevant LUE and OSE Visions, Intents and Strategies

In addition to the various compatibility intents and strategies previously enumerated, the following relevant Comp Plan LUE and OSE Visions, Intents and Strategies are key considerations in the review of this PUD rezoning:

From the development of the Comp Plan community outreach. “What We Heard... Summary Public Comments” is the following goal:

- *Protect the City’s environmental and natural resources, and encourage retention of open space for functional and conservation purposes.*

SECTION III- ELEMENT-LAND USE

Neighborhoods are an integral part of the City and as such, the City has created Neighborhood Planning Strategies. Neighborhoods form the backbone of the community. Quality neighborhood planning and development identifies and capitalizes on the assets of the neighborhood and the City of Venice as a whole.

Vision LU 1- The City of Venice envisions a development pattern that balances the economic, social, historical and environmental needs of the community and that preserves the high quality-of-life for all residents.

Neighborhoods

Intent LU 1.1 - Neighborhoods.

The intent of the neighborhood planning approach is to link a variety of efforts to improve the City's neighborhoods in a broad-based way respecting and incorporating the different aspects of community life (residential, commercial, public, recreational) and to provide a method for addressing development issues within the City.

Strategy LU 1.1.1 - Neighborhoods Established.

The City shall create seven (7) separate and distinct "Neighborhoods" which facilitate area specific development and redevelopment strategies. Neighborhoods are identified for reference purposes on Map LU-1. Seven (7) Neighborhoods have been identified, each including certain unique Strategies that shall apply in addition to those included in this Element. The Neighborhoods are:

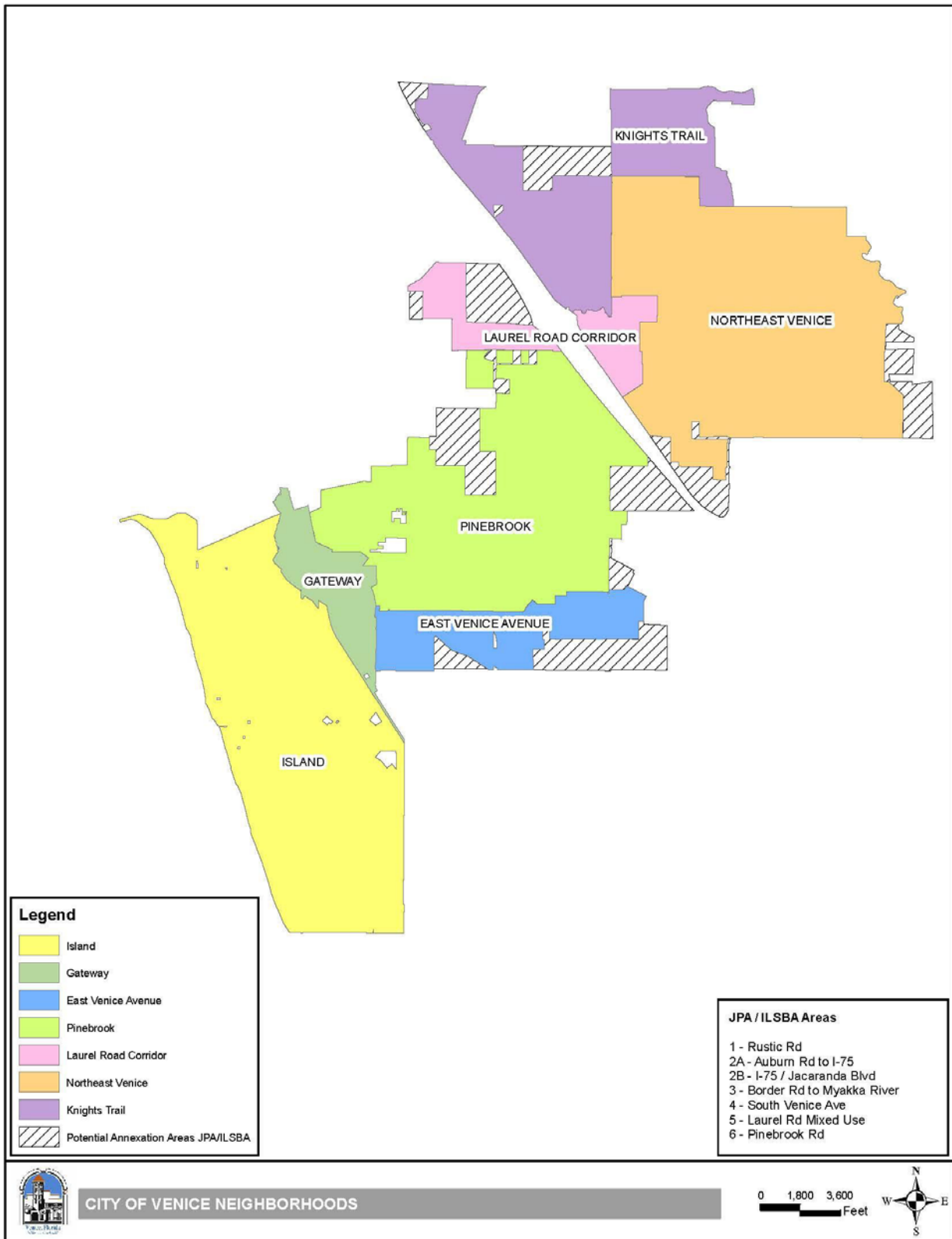
1. *The Island*
2. *Gateway*
3. *East Venice*
4. *Pinebrook*
5. *Laurel Road Corridor*
6. *Northeast Venice*
7. *Knights Trail*

The Comp Plan LUE map on the following page illustrates the location of the various Neighborhoods. The location of the Milano PUD encompasses or impacts the Laurel Road Corridor and Northeast Venice Neighborhoods.

Strategy LU 1.2.9 - Mixed Use Category.

Strategy LU 1.2.16 - Mixed Use Residential (MUR)

6. *Min/Max Percentages as follows:*
 - a. *Residential: 95% / 100%*
 - b. *Non-Residential: 0% / 5%*
 - c. *Open Space (including both Functional and Conservation): 50% (min). Open Space shall be comprised of a mix of Functional and Conservation Open Space to achieve 50%, with either type being no less than 10%. For the purposes of this Strategy, Functional Open Space may include public and or private open space.*



7. *Min/Max Percentages as follows:*
 - a. *Residential: 95% / 100%*
 - b. *Non-Residential: 0% / 5%*
 - c. *Open Space (including both Functional and Conservation): 50% (min). Open Space shall be comprised of a mix of Functional and Conservation Open Space to achieve 50%, with either type being no less than 10%. For the purposes of this Strategy, Functional Open Space may include public and or private open space.*
8. *Intensity/Density:*
 - a. *Residential Density: 1.0 – 5.0*
 - b. *Non-Residential Intensity (FAR): 0.4 (average) Designation-Wide; 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-residential portion of the MUR. The intent of the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes.*

Planning and Design Principles

Intent LU 1.3 - Planning and Design Principles.

The City intends to guide future development and redevelopment through planning and design principles that foster successful urban communities. The City's Future Land Use designations are intended to establish the following planning and design principles to guide the growth, development and redevelopment efforts within the City. The following Strategies are designed to help guide the City's Land Development Code and review processes.

Strategy LU 1.3.2 - Functional Neighborhoods

The City shall promote functional neighborhoods defined at the Planning Level which include neighborhood centers, a variety of housing types, public/civic space designed for the context of the Neighborhood and a variety of open space amenities.

Strategy LU 1.3.5 - Natural Features

The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole.

Vision LU 4 - Land Development Code and Transition Issues

Policy 8.2 Land Use Compatibility Review Procedures. Ensure that the character and design of infill and new development are compatible with existing neighborhoods.

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

- A. *Land use density and intensity.*
- B. *Building heights and setbacks.*
- C. *Character or type of use proposed.*
- D. *Site and architectural mitigation design techniques.*

Considerations for determining compatibility shall include, but are not limited to, the following:

- E. Protection of single-family neighborhoods from the intrusion of incompatible uses.*
- F. Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.*
- G. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.*
- H. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.*

Potential incompatibility shall be mitigated through techniques including, but not limited to:

- I. Providing open space, perimeter buffers, landscaping and berms.*
- J. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.*
- K. Locating road access to minimize adverse impacts.*
- L. Adjusting building setbacks to transition between different uses.*
- M. Applying step-down or tiered building heights to transition between different uses.*
- N. Lowering density or intensity of land uses to transition between different uses.*

Relevant Open Space Element Visions, Intentions and Strategies

Vision OS 1 - The City of Venice shall effectively preserve, protect, maintain, manage and use open space.

Conservation Open Spaces

Intent OS 1.2 - Conservation Open Spaces

The City shall use its Conservation Open Space to provide conserved open space for its residents and visitors.

Strategy OS 1.2.1 - Conservation Open Space -Defined

Conservation Open Space includes: protected open spaces (wetland, wetland buffers, coastal and riverine habitats), preserves, native habitats including those of endangered or threatened species or species of special concern, wildlife corridors, natural lands owned and managed by the City, Sarasota County, State (i.e. FDEP, SWFWMD) or a Federal Agency that do not qualify as Functional Open Space; rivers, lakes, and other surface waters, and aquifer recharge areas. Conservation Open Spaces are envisioned to enhance the quality of the environment by preserving native vegetation that helps to reduce greenhouse gas/ carbon emissions, positively impacting climate change. It is important to acknowledge there may be open spaces that provide both functional and conservation activities e.g. walking trails around water retention facilities.

Strategy OS 1.2.2 - Environmental Impact Mitigation

The City shall utilize the Land Development Code and review processes to ensure that development projects evaluate potential environmental impacts and provide mitigation for negative impacts. Development shall not adversely impact any threatened or endangered species or species of special concern without appropriate permitting and/ or mitigation.

Wetlands

Intent OS 1.3 - Wetlands

The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.

Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection

The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:

1. *Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.*
2. *Requiring development to first avoid impact to wetlands and aquifer recharge areas.*
3. *Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.*
4. *Limiting activities / uses that are known to adversely impact such areas.*
5. *Restoring / mitigating wetlands in connection with new development.*
6. *Maintaining the natural flow of water within and through contiguous wetlands and water bodies.*
7. *Maintaining existing vegetation to serve as buffers to protect the function and values of the wetlands from the adverse impacts of adjacent development.*
8. *Requiring any wetland mitigation be based upon the most current state-approved methodology.*
9. *Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies.*
10. *Coordinating with Sarasota County, Federal, and State review agencies on wetland designation, mitigation policies, and regulations.*

Strategy OS 1.3.2 - Wetland Encroachments

The City shall require development to identify and delineate wetland boundaries with final wetland delineations to be reviewed and approved by the applicable federal and state review agencies.

Native Habitats, Conservation Lands, and Natural Resources

Intent OS 1.4 - Native Habitats, Conservation Lands, and Natural Resources

The City recognizes the importance of its native lands and habitats and shall implement preservation strategies that protect native habitats, conserve environmental lands and natural resources, minimize environmental pollution, and increase public awareness of the harmful effects of non-native species.

Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

The City shall protect significant native habitats through its Land Development Code and review process including the following:

1. *Preserve existing native vegetation and natural areas including threatened native habitats.*
2. *Encourage development forms that provide protection of significant native habitats such as clustered development and alternative roadway designs (i.e., reduced rights-of-way).*

3. *Development shall first avoid impact to significant native habitats.*
4. *Mitigate adverse impacts whenever areas of native habitats are involved in the development of property.*
5. *Require development to first impact lower quality habitats and resources before impacts to higher quality habitats and resources are considered and used.*
6. *Native habitat shall be used whenever possible to fulfill open space requirements.*
7. *Protect environmentally sensitive/significant areas (i.e., floodplain, watersheds, water recharge areas, etc).*

Strategy OS 1.4.3 - Endangered or Threatened Species

The City shall protect threatened or endangered native species by requiring that proposed new development and redevelopment (where applicable) be examined for location of Listed Species. The City through its Land Development Code and review processes, will:

1. *Coordinate with Sarasota County, Federal, and State agencies for the identification and protection of endangered and threatened species.*
2. *Require applicants to consult with the appropriate agencies, to use recognized sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or their habitat.*
 - a. *If endangered or threatened species, or species of special concern are found, such species' habitat shall be identified on the proposed site plan and a plan for mitigation shall be discussed in the site plan narrative.*
 - b. *Such information shall be addressed through the project staff report.*
3. *Coordinate with Sarasota County Environmental Protection Programs including, but not limited to, those regarding preservation and or permitting requirements.*
4. *Promote connectivity and minimize habitat fragmentation.*

Unique Habitats

Intent OS 1.5 - Unique Habitats

The City recognizes the importance of its unique habitats and shall implement preservation strategies that protect and conserve their environments consistent with applicable laws and regulations.

Open Space Corridors

Intent OS 1.6 - Open Space Corridors.

The City will establish open space corridors to facilitate the movement of people and wildlife.

Strategy OS 1.6.1 - Open Space Corridors -Defined

The City's open space corridors shall provide habitat for wildlife that are able to live within urban development areas and coexist with human populations.

Strategy OS 1.6.2 - Open Space Corridor System

Through the land development review process, the City shall continue to identify opportunities to:

- 1. Create an interconnected open space corridor system that links existing open spaces, greenways, public right of ways, and trails including new open space corridors.*
- 2. Provide connections from adjacent development to existing or planned open space corridors*
- 3. Connect parks and civic resources (i.e., Community Center).*
- 4. Provide low-impact natural activities such as walking trails, benches, picnic areas, and canoe launches.*
- 5. Connect the City and Sarasota County's open space corridors.*
- 6. Require that open space corridors minimize the fragmentation of significant wildlife habitat. Corridors widths shall be defined based on their targeted habitat/species; however, are generally considered to be a minimum of 25 feet in width.*

NORTHEAST NEIGHBORHOOD

Strategy OS-NE 1.1.5 - Wildlife Corridors

The City shall minimize habitat fragmentation within and between developments by establishing standards in the Planning and Development review process including the Land Development Code, including the following:

- A. Restricting fragmentation of large natural plant communities which provide significant wildlife habitat and habitat connectivity.*
- B. Use of development techniques such as clustering to protect environmentally sensitive areas.*
- C. Design features for wildlife crossings also ensuring periodic breaks in continuous barriers such as walls and berms.*
- D. Establishing context sensitive habitat corridors regarding width, construction, and species.*

CHAPTER 86 LAND DEVELOPMENT CODE (LDC)

This section will identify relevant LDC criteria and requirements contained in Article IV Development Review, Article V Use Regulations.

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

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

(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.*

(j) *Land use intensity; open space; dedication of land for municipal uses.*

(3) *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.*

(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.*

Sec. 86-231. Plat requirements.

(c) *Format; required information.*

(2) *Final plat*

n. 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. (See exhibit 1 to Ordinance No. 2018-28.)

RESPONSE TO POLICY 8.2 OF THE PROPOSED PUD AMENDMENT REZONING

The following analysis provides rebuttal to the Applicant's responses to Policy 8.2 Land Use Compatibility Review Procedures, which states: *Ensure that the character and design of infill and new development are compatible with existing neighborhoods.*

Compatibility review shall include the evaluation of the following items with regard to annexation, rezoning, conditional use, special exception, and site and development plan petitions:

A. *Land use density and intensity.*

Applicant's Response:

The proposed 10.42 acre commercial designated parcel is limited to 2% of the 503.9 acre PUD, or 40% of the maximum commercial permitted in the PUD. The provision of commercial services in the area will limit trip lengths and allow for multimodal connection to those services by the neighborhood and other nearby properties. The commercial parcel is located so as to mitigate impacts to adjacent and nearby properties with separation from surrounding properties by an FPL easement (south), open space (west), Laurel Road (north) and Jacaranda Boulevard (east).

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such as commercial, and therefore, was deemed consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development, as there are no other adjacent commercial developments. The commercial center is located on the perimeter of the PUD along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. Development of this isolated intensive strip commercial development could encourage future strip commercial development along Laurel Road.

The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. The types of uses being requested include grocery and convenience stores both of which would capture customers outside of Milano. Based on the Applicant's response to staff comments, this commercial center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

Clearly such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *“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.”*

C. *Character or type of use proposed.*

Applicant's Initial Response:

The proposed commercial use is compatible with the surrounding neighborhood, consistent with development patterns in the area, and will provide convenient access to commercial services for the neighborhood.

Applicant's Response Staff Comments Re: Sec. 86-130(b)(8):

The proposed uses are clearly neighborhood commercial uses. Regional commercial uses would be similar to those found at or near the Jacaranda Boulevard and US 41 intersection south of the City of Venice, the scale of which serve a large portion of the greater Venice area, including areas within the City of Venice and within unincorporated Sarasota County. Several factors support this, including, but not limited to the fact that the International Council of Shopping Centers (ICSC) generally classifies a neighborhood center as ranging from 30,000 to 125,000 square feet typically anchored by a supermarket and serving a trade area of 3 miles. While a regional center is classified as ranging from 400,000 to 800,000 square feet typically anchored by department stores, mass merchant or fashion apparel stores with a trade area of 15 miles. As proposed the commercial center is clearly neighborhood scaled and does not approach the definition of a regional center.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to strip commercial development. The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The types of uses being requested include grocery and convenience stores both of which would capture customers outside of Milano.

The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Clearly such development intensity is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”* Based on the Applicant’s response to staff comments, this commercial center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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* or complies LDC Sec. 86-130(r) *“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 development of strip commercial uses along Laurel Road is a significant incompatibility and change in intensity of use along Laurel Road from open space and wetland to an isolated strip commercial development. This development could encourage future strip commercial development along Laurel Road.

The proposed commercial center is a duplication of existing commercial centers. There is a center that is only 2.3 miles to the west from Jacaranda Boulevard that provides easy access for the surrounding residential areas. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

The proposed development also entails the elimination of areas platted as open space and wetlands that were required to be placed under restrictive covenant pursuant to the 2016 Covenant Agreement and LDC Sec. 86-130. These wetlands and open spaces provided buffers for the adjacent residential.

Considerations for determining compatibility shall include, but are not limited to, the following:

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

Applicant’s Response:

The proposed commercial use with its extensive separation from nearby single-family homes is compatible. Moreover, single-family neighborhoods will benefit from the provision of such services.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. There are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. Such significant change could have compatibility impacts on near-by neighborhoods.

The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. The types of uses being requested include grocery and convenience stores both of which would capture customers outside of Milano. Based on the Applicant's response to staff comments, this commercial center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano. Further, the Applicants' response to this criteria states *"Moreover, single-family neighborhoods will benefit from the provision of such services."*

Clearly the range of retail uses and development intensity is designed to capture customers from outside Milano, and is therefore, not compatible with the surrounding residential neighborhoods or consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and potential development (227,00 square feet) it does not comply with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *"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."*

The proposed amendment creates an isolated strip commercial development that could encourage future strip commercial uses along Laurel Road.

The proposed commercial center is a duplication of a commercial center use already established 2.3 miles to the west that provides convenient access for the surrounding residential areas. In addition, there is another commercial center with a commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods.

- F. *Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.*

Applicant's Response:

The proposed commercial use with its extensive separation from nearby single-family homes is compatible. Moreover, single-family neighborhoods will benefit from the provision of such services.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. There are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this commercial center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

Clearly such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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 or complies with LDC Sec. 86-130(r) "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."*

The proposed commercial development entails the elimination of areas platted as open space and wetlands that were required to be placed under restrictive covenants, and is therefore, not consistent with a number of Comp Plan Visions, Intent and Strategies related to the protection of wetlands and related habitats such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources. The elimination of the wetland and open space is not in compliance with the requirements of the 2016 Covenant Agreement, and LDC Sec. 86-130(j) and Sec. 86-231(c)(2)(n).

H. *Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.*

Applicant's Response:

The intensity of the proposed use is significantly below the below the maximum intensity of commercial use which could be proposed within the PUD and due to the extensive separation from the existing residential uses, is compatible.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to strip commercial development. The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this commercial center would be larger than a neighborhood scale commercial development.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano. Further, the Applicants' response to criteria E, states *"Moreover, single-family neighborhoods will benefit from the provision of such services."*

Clearly such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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 or complies with LDC Sec. 86-130(r) "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."*

In addition, there is an existing commercial center located 2.3 miles to the west from Jacaranda Boulevard that provides convenient access for the surrounding residential areas. There is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial needs.

The proposed intensity of development and range of commercial uses would encourage future extension of incompatible strip commercial uses along Laurel Road and impact the adjacent residential to the west and could have negative impacts on near-by neighborhoods.

Potential incompatibility shall be mitigated through techniques including, but not limited to:

- I. *Providing open space, perimeter buffers, landscaping and berms.*

Applicant's Response:

Open Space, perimeter buffering, landscaping and berms will be provided to ensure compatibility.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in land use intensity from open space and wetland to an isolated strip commercial development. These wetlands and open spaces provided buffers for the adjacent residential. The elimination of the wetland may have negative impacts on the adjacent wetlands to the south.

It is important to note that the 2016 Staff report (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."* Pursuant to the report prepared by Wade Trim for the City, their report states that the Kimley Horn (KHA) 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. Moreover, the KHA report does not document maintenance of natural flow to contiguous wetlands or water bodies, or maintenance of existing vegetation as buffers (6 and 7)."*

The elimination of the wetland and open space is not consistent with the City's community outreach comments to *"Protect the City's environmental and natural resources, and encourage retention of open space for functional and conservation purposes."*, and is not consistent with a number of Comp Plan Visions, Intents and Strategies such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources.

Further, the previous PUD approval was subject to the requirements of Sec. 86-130(j) *Land use intensity; open space; dedication of land for municipal uses.*

- (3) *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.*

And the Agreement Regarding Open Space Restriction and Covenant Pursuant to City of Venice Land Development Regulations that was executed by the City and Neal Communities on October 25, 2016.

To-date no restrictive covenants have been recorded. The final plat for the Cielo Subdivision was approved on December 10, 2019, and the final plats for all other portions of the PUD have been platted as well. It was clearly the intent of Sec. 86-130(j) and the 2016 Covenant Agreement to require such restrictive covenants be recorded at that time and not summarily ignored until this current amendment request. Therefore, the current PUD is not in compliance with the requirement of Sec. 86-130(j), the 2016 Covenant Agreement or Sec. 86-231(c)(2)(n).

N. *Lowering density or intensity of land uses to transition between different uses.*

Applicant's Response:

The proposed intensity of the commercial parcel combined with the setback and buffering requirements will ensure an appropriate transition between land uses.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment represents a significant change in the intensity of land use from passive open space and wetlands to an isolated intensive strip commercial, as there are no other adjacent commercial uses. The residential to the west is currently adjacent to open space; but now will be negatively impacted by the extension of incompatible strip commercial development along Laurel Road. This is not an appropriate transition to the adjacent residential.

The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

Clearly such development intensity and range of retail uses are designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and scale of development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *“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.”*

RESPONSE TO PROPOSED PUD AMENDMENT REZONING

The following analysis provides rebuttal to the Applicant's responses to Sec. 86-47 and demonstrates that the proposed amendment is not consistent with Comprehensive Plan or review criteria.

Sec. 86-47. Amendments to the land development code.

(f) *Contents of planning commission report.*

- (1) *Rezoning amendments.* When pertaining to the rezoning of land, the report and recommendations of the planning commission to the city council shall show that the planning commission has studied and considered the proposed change in relation to the following, where applicable:
 - a. Whether the proposed change is in conformity to the comprehensive plan.

Applicant's Response:

The proposed PUD amendment is consistent with all applicable elements of the Comprehensive Plan.

NVNA Response:

The Applicant has indicated "The proposed PUD amendment is consistent with all applicable elements of the Comprehensive Plan" yet does not provide any details as to how consistency is being achieved. The proposed amendment is not consistent with Policy 8.2 as previously demonstrated and is not consistent with the Comprehensive Plan. It significantly changes the intensity of land uses by eliminating open space and wetland and developing intensive isolated strip commercial development along Laurel Road and adjacent to single-family residential.

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies, and Comp Plan OSE Vision, Intent and Strategies. The following are key, but not all relevant Vision, Intent and Strategies, all of which are described in the Relevant Land Use and Open Space Elements section of this report.

LUE Vision, Intent and Strategies

"What We Heard... Summary Public Comments"

- *Protect the City's environmental and natural resources, and encourage retention of open space for functional and conservation purposes.*

Strategy LU 1.2.16 - Mixed Use Residential (MUR)

7. Intensity/Density:

- a. *Residential Density: 1.0 – 5.0*
- b. *Non-Residential Intensity (FAR): 0.4 (average) Designation-Wide; 0.5 maximum per individual property. Non-Residential Intensity is based on the gross acreage of the non-*

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

Planning and Design Principles

Intent LU 1.3 - Planning and Design Principles.

The City intends to guide future development and redevelopment through planning and design principles that foster successful urban communities. The City's Future Land Use designations are intended to establish the following planning and design principles to guide the growth, development and redevelopment efforts within the City. The following Strategies are designed to help guide the City's Land Development Code and review processes.

Strategy LU 1.3.2 - Functional Neighborhoods

The City shall promote functional neighborhoods defined at the Planning Level which include neighborhood centers, a variety of housing types, public/ civic space designed for the context of the Neighborhood and a variety of open space amenities.

Strategy LU 1.3.5 - Natural Features

The City shall respect natural features through designs that recognize the natural and environmental features of the area and incorporates the protection, preservation and enhancement of these features as a resource to the Neighborhood as a whole.

Vision OS 1 - The City of Venice shall effectively preserve, protect, maintain, manage and use open space.

Conservation Open Spaces

Intent OS 1.2 - Conservation Open Spaces

The City shall use its Conservation Open Space to provide conserved open space for its residents and visitors.

Strategy OS 1.2.2 - Environmental Impact Mitigation

The City shall utilize the Land Development Code and review processes to ensure that development projects evaluate potential environmental impacts and provide mitigation for negative impacts. Development shall not adversely impact any threatened or endangered species or species of special concern without appropriate permitting and/or mitigation.

Wetlands

Intent OS 1.3 - Wetlands

The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.

Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection

The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:

- 1. Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.*
- 2. Requiring development to first avoid impact to wetlands and aquifer recharge areas.*
- 3. Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.*
- 9. Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies*

Strategy OS 1.3.2 - Wetland Encroachments

The City shall require development to identify and delineate wetland boundaries with final wetland delineations to be reviewed and approved by the applicable federal and state review agencies.

Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

Additional NVNA Responses:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano. Further, the Applicants' response to Policy 8.2 criteria E., states *"Moreover, single-family neighborhoods will benefit from the provision of such services."*

Clearly such development intensity is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and potential development (227,00 square feet) the PUD amendment is not consistent with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *“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.”*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. There is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

The proposed amendment requires the elimination open space and wetlands which are required to be protected via restrictive covenants and does not meet the requirements of the 2016 Covenant Agreement or the LDC. These wetlands and open spaces provided buffers for the adjacent residential.

It is important to note that the peer review conducted by the City’s consultant Wade Trim of the Applicant’s environmental report determined that the proposed PUD amendment is not consistent or complaint with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3. Further, pursuant to the report prepared by Wade Trim for the City, their report states that the Kimley Horn (KHA) 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. Moreover, the KHA report does not document maintenance of natural flow to contiguous wetlands or water bodies, or maintenance of existing vegetation as buffers (6 and 7).”*

- b. The existing land use pattern.

Applicant’s Initial Response:

The proposed change will provide a convenient location for commercial services to the neighborhood while providing extensive separation from the surrounding neighbors to ensure compatibility with the neighborhood.

Applicant’s Response to staff comments regarding Sec. 86-130(b)(8):

The proposed uses are clearly neighborhood commercial uses. Regional commercial uses would be similar to those found at or near the Jacaranda Boulevard and US 41 intersection south of the City of Venice, the scale of which serve a large portion of the greater Venice area, including areas within the City of Venice and within unincorporated Sarasota County. Several factors support this, including, but not limited to the fact that the International Council of Shopping Centers (ICSC) generally classifies a neighborhood center as ranging from 30,000 to 125,000 square feet typically anchored by a supermarket and serving a trade area of 3 miles. While a regional center

is classified as ranging from 400,000 to 800,000 square feet typically anchored by department stores, mass merchant or fashion apparel stores with a trade area of 15 miles. As proposed the commercial center is clearly neighborhood scaled and does not approach the definition of a regional center.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response above, this center would be larger than a neighborhood scale commercial center. Such commercial uses and intensity are not compatible with the adjacent residential to the west and near-by neighborhoods.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

The intensity of development and range of retail uses being requested include grocery and convenience stores both of which would capture customers outside of Milano, therefore, the amendment is not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and potential development (227,00 square feet) the PUD amendment is not consistent with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *"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."*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

As noted in previous NVNA responses, the platted open spaces and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval and the 2016 Covenant Agreement. To-date, this requirement has not been met.

- c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

Applicant's Response:

The proposed change will not change the zoning designation and therefore, will not create an isolated district unrelated to adjacent and nearby district.

NVNA Response:

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to an isolated intensive strip commercial development along Laurel Road. This commercial center is not located adjacent to any other commercial development.

- e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Applicant's Response:

The proposed change does not change the existing zoning, it is limited to a modification to the currently approved PUD master development plan.

NVNA Response:

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. This amendment creates an isolated commercial center located. This site is not located adjacent to any other commercial development.

- f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Applicant's Response:

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.

NVNA Response:

The Applicant's response to the above is a clear intent to service surrounding neighborhoods and not just Milano. Therefore, given the location and scale of potential development (227,000 square feet) proposed commercial development is designed to capture customers beyond the limits of Milano neighborhood as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."* Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center.

The proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses and another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods.

- g. Whether the proposed change will adversely influence living conditions in the neighborhood.

Applicant's Response:

The proposed change will not adversely influence living conditions in the neighborhood, in fact, the change will provide a positive benefit to neighbors.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The amendment significantly changes the intensity of land uses by eliminating open space and wetland and developing an isolated intensive strip commercial development along Laurel Road. Such significant change could have compatibility impacts on adjacent and near-by neighborhoods.

LDC Sec. 86-130(r) states *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.* The proposed amendment does not comply with the above requirements, as it locates the commercial center on the perimeter along Laurel Road and creates an isolated strip commercial development that would encourage future strip commercial uses along Laurel Road. Such significant change could have compatibility impacts on adjacent and near-by neighborhoods.

Given the location, range of retail uses and scale of potential development (227,000 square feet) the proposed commercial development would capture customers from outside Milano as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”* Based on the Applicant’s response to staff comments, this center would be larger than a neighborhood scale commercial center. Even the Applicant’s traffic study references capture from neighborhoods outside of Milano.

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

Applicant’s Response:

Applicant references the Stantec Trip Generation report.

NVNA Response:

The Stantec report is based on a development scenario of a 47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant with driveway access to Laurel Road. This report also includes in the analysis trip capture from surrounding neighborhoods.

However, the proposed PUD amendment is requesting commercial development at an FAR of 0.5. This would equate to a 227,000 square foot commercial project. Therefore, the analysis does not reflect the scale of development and range of potential retail uses being proposed.

- k. Whether the proposed change will adversely affect property values in the adjacent area.

Applicant’s Response:

The proposed change will not adversely affect property values in the adjacent areas and will likely increase property values due to the proximity to needed services.

NVNA Response:

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to encouraging intensive strip commercial along Laurel Road. The residential lots to the west will now be adjacent to intensive commercial uses, which could impact property values. Such significant change could have compatibility impacts on near-by neighborhoods as well.

- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Applicant’s Response:

The proposed change will not be a deterrent to the improvement or development of adjacent properties, the adjacent properties are currently developed or in the

process of developing.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive strip commercial. Creating intensive strip commercial development adjacent to the residential lots to the west could impact property values.

- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Applicant's Response:

The proposed change will not constitute a grant of special privilege to an individual as contrasted with the public welfare, but instead will provide a benefit to the public welfare.

NVNA Response:

The proposed PUD amendment seeks to eliminate a platted 6.6-acre freshwater marsh and its environmental habitat, and areas designated as wetland, pond and open space in the approved 2017 Milano PUD Binding Conceptual Site Plan. These areas were required to be protected by restrictive covenants pursuant to the Agreement Regarding Open Space Restriction and Covenant Pursuant to City of Venice Land Development Regulations that was executed by the City and Neal Communities on October 25, 2016.

Clearly, the intent of the Covenant was to protect the wetlands and open spaces from development. To-date, the above referenced covenants have not been recorded and which are also required by the Land Development Code (LDC) Sec. 86-130(j) and Sec. 86-231 (c)(2)(n). As noted, the Cielo Subdivision received final plat approval on December 10, 2019, and all other portions of the PUD have been platted as well. Therefore, the current PUD approval is not in compliance with those requirements.

Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan.

The proposed amendment is a significant change in the existing land use pattern from passive open space and wetland to intensive isolated strip commercial. This development would be an isolated commercial site not related to any adjacent commercial uses. Granting approval could encourage future development of strip commercial along Laurel Road.

- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Applicant's Response:

The proposed change does not seek to change the existing PUD zoning it is limited to a modification of the currently approved PUD master development plan.

NVNA Response:

The proposed amendment creates an isolated strip commercial development with an intensity of 227,00 square feet and a range of uses that would capture customers beyond the Milano neighborhood as opposed to the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *“the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes.”*

The proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

Further, the proposed development requires the elimination of platted open spaces and wetland. These platted open spaces and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval and the 2016 Covenant Agreement. Yet, to-date this requirement has not been met.

- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Applicant's Initial Response:

The proposed change is not out of scale with the needs of the neighborhood or the City. In fact, the proposed 10.42-acre commercial parcel is well below the allowable 252 commercial acreage contemplated for a PUD the size of the Milano PUD.

Applicant's Response to Staff re: Sec 130(r)

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.

NVNA Response:

The amendment significantly changes the intensity of land uses by eliminating open space and wetland and developing an intensive isolated strip commercial development along Laurel Road and adjacent to single-family residential to the west. Such significant change could have compatibility impacts on near-by neighborhoods as well.

The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center. Such commercial uses and development intensity are not compatible with the adjacent or near-by neighborhoods.

Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.

Clearly such development intensity and range of retail uses is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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* or complies with LDC Sec. 86-130(r) *"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."*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential uses. In addition, there is another commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Applicant's Response:

Not applicable, the proposed change does not seek to change the current PUD zoning it is limited to a modification of the currently approved PUD master development plan.

NVNA Response:

The proposed amendment changes the intensity of land use from open space and wetland to an intensive isolated strip commercial development. If the applicant's claim that this is merely a PUD modification, why not change the use of the undeveloped Milano residential lots to the west to commercial use; and therefore, preserve and dedicate, as was required, the open space and wetland pursuant to the October 25, 2016 Covenant Agreement, as well as required by LDC Sec. 86-130(j) and 86-231(c)(2)(n).

- (2) *Other amendments.* When pertaining to other proposed amendments of this chapter, the planning commission shall consider and study: [It is noted that the Applicant did not respond to these criteria.]
- a. The need and justification for the change.

NVNA Response:

The amendment creates an isolated strip commercial development as there are no other adjacent commercial uses. The commercial center is located on the perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano. The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center.

Clearly such development intensity and range of retail uses is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*

Given its location and potential development (227,00 square feet) it is not consistent with LDC Sec. 86-130(b) *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 or complies with LDC Sec. 86-130(r) "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."*

Further, the proposed amendment is not necessary as there is a commercial center and related support uses only 2.3 miles to the west providing convenient access to these services for the surrounding residential neighborhoods. In addition, there is another commercial center and commercial center 2.9 miles to the south on Jacaranda Boulevard that provides convenient access for the surrounding residential neighborhoods for a variety of commercial uses.

Based on this report the proposed PUD amendment is not consistent with the Comprehensive Plan. It significantly changes the intensity of land uses by eliminating open space and wetland and developing an isolated intensive strip commercial development along Laurel Road. Such significant change could have compatibility impacts on adjacent and near-by neighborhoods.

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies and Comp Plan OSE Vision, Intent and Strategies, such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources; and “What We Heard... Summary Public Comments” *“Protect the City’s environmental and natural resources, and encourage retention of open space for functional and conservation purposes.”* In addition, a peer review conducted by Wade Trim of the Applicant’s environmental report determined that the proposed PUD amendment is not consistent or complaint with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.

As stated, numerous times, the platted open spaces and wetland were required to be dedicated with restrictive covenants in perpetuity pursuant to the previous Milano PUD approval. Yet this requirement has not been met.

Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities.

- b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

NVNA Response:

The original PUD approval did not include commercial development or anticipated such. The staff report at that time stated that the PUD was compatible as there was residential adjacent to residential and that the PUD protected single-family neighborhoods from the intrusion of incompatible use such commercial, and therefore, was consistent with the Comp Plan.

The amendment represents a significant change in land uses from wetland and open space to creating an isolated strip commercial development. This development is not located adjacent to other commercial uses. The commercial center is located on the

perimeter along Laurel Road and is clearly designed to attract customers from adjacent neighborhoods beyond Milano.

The amendment is also seeking commercial FAR intensity of 0.5, which would equate to a potential development of 227,000 square feet. Based on the Applicant's response to staff comments, this center would be larger than a neighborhood scale commercial center, which would capture customers outside of Milano and could potentially capture city-wide customers. The Applicant's traffic study even references capture from neighborhoods outside of Milano.

Clearly such potential range of retail uses and development intensity is designed to capture customers from outside Milano, and is therefore, not consistent with the limitation established in the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provide for neighborhood scale and serving uses; not for regional purposes."*

Given its location, range of retail uses and potential development (227,00 square feet) the PUD amendment is not consistent with LDC Sec. 86-130(b) *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 or complies LDC Sec. 86-130(r) "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."*

The amendment is not consistent with Comp Plan LUE Vision, Intent and Strategies and Comp Plan OSE Vision, Intent and Strategies, such as, but not limited to: LU1.3.5 Natural Features, and Vision OS.1 and related Intent OS 1.3 Wetlands, and OS 1.4 Native Habitats, Conservation Lands and Natural Resources; and "What We Heard... Summary Public Comments" *"Protect the City's environmental and natural resources and encourage retention of open space for functional and conservation purposes."* In addition, a peer review conducted by Wade Trim of the Applicant's environmental report determined that the proposed PUD amendment is not consistent or compliant with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.

SUMMARY CONCLUSIONS

This analysis has demonstrated the following:

- Pursuant to LDC Sec. 86-32. - Legal significance of the comprehensive plan. *No development order shall be issued under the provisions of the LDC unless determined to be consistent with the comprehensive plan.* The proposed amendment is not consistent with a number of Comp Plan LUE and OSE Visions, Intents and Strategies, and Policy 8.2.
- Pursuant to the peer review conducted by the City's consultant Wade Trim of the Applicant's environmental report determined that the proposed PUD amendment is not consistent or complaint with OS1.2.2, OS 1.3.1, OS 1.3.2, OS 1.4.2, and OS 1.4.3.
- The amendment seeks to eliminate a freshwater marsh wetland and its related habitat and eliminate open space in noncompliance with the requirements of October 2016 Covenant Agreement, as well as not meeting the requirements of LDC Sec. 86-130(j) and Sec. 86-231(c)(2)(n).
- Granting this amendment would set a precedent that previous PUD approvals requiring restrictive covenants on open space or wetland areas can be summarily ignored when a developer wishes to eliminate these areas for other development opportunities. Granting such special privilege is not in the best interest of the City or in compliance with the Comp Plan.
- The amendment does not meet a number of PUD amendment review criteria.
- The proposed amendment represents a significant change in land use intensity from open space and wetland to an intensive isolated strip commercial development. This site is not adjacent to any other commercial uses and further, no commercial uses were approved or anticipated as part of the 2017 PUD approval.
- The Applicant's response to staff comments, demonstrates that the 227,000 square feet commercial center would be larger than a neighborhood scale commercial center. Even if the site were developed at the intensity analyzed in the traffic study (47,240 square foot supermarket, 18,000 square feet of retail, and a 5,000 square foot restaurant: a total of 70,240 square feet), such uses would capture customers outside of Milano. Even the traffic study included capture from neighborhoods beyond Milano.
- Given its location, range of retail uses proposed and potential scale of development (227,00 square feet) it is not consistent with the Comprehensive Plan pursuant to Strategy LU 1.2.16 Mixed Use Residential 7. Intensity/Density b. *"the non-residential portion of the MUR is to provides for neighborhood scale and serving uses; not for regional purposes."*; or complies with LDC Sec. 86-130(b) *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* and LDC Sec. 86-130(r) *"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."*

- The amendment would create an isolated commercial development and encourage future commercial strip development along Laurel Road.
- That there are existing conveniently located commercial centers and other retail services in the area within 2.3-2.9 miles of this proposed development.

The Applicant has failed to meet its burden of proof to demonstrate that the proposed PUD amendment is consistent with the Comprehensive Plan and or complies with the standards for approval in the applicable provisions of the LDC.

THEREFORE, THE PLANNING COMMISSION SHOULD DENY THE APPLICATION.

In addition, we recommend that the Commission recommend to the City Council that the Applicant be required to meet the requirement of the October 2016 Covenant Agreement to protect the open space and wetland via restrictive covenants prior to consideration of any future PUD amendment.



Jan A. Norsoph, AICP

Mr. Norsoph reserves the right to amend this report based upon new information.
Attached as Appendix A is Mr. Norsoph's qualifications.

APPENDIX A

MR. NORSOPH'S QUALIFICATIONS

JAN ALAN NORSOPH, AICP

(727) 867-0556

jnorsoph2@gmail.com

SUMMARY OF QUALIFICATIONS

Award winning professional with 44 years of extensive and diverse planning expertise, including 24+ years of management experience; development and administration of land development regulations, historic preservation, urban design, community redevelopment, and neighborhood planning; administration of site plan/subdivision development reviews; preparation of comprehensive plans, and skills in building public participation and consensus. This includes local government experience with many different public entities, both as a planning consultant, a City of St. Petersburg Manager, and currently as a part-time city planner for the City of Seminole.

ACCOMPLISHMENTS

Awards of Excellence (*) or Merit received by the Florida Chapter American Planning Association (FCAPA) and/or the Suncoast Section (SS) and other professional associations in recognition of professional and innovative achievements:

- MacDill AFB General Plan, Honorable Mention Future of the Region Award, Tampa Bay Regional Planning Council, and Award of Distinction, Florida Planning & Zoning Association.
- Design Guidelines Manual for the National Register/Local Historic District, City of Tarpon Springs, Florida (SS/FCAPA).
- St. Petersburg's Guidelines for Historic Properties (SS/FCAPA).
- St. Petersburg Round Lake Neighborhood Plan (SS*/FCAPA).
- St. Petersburg North Shore Neighborhood Plan (SS*/FCAPA*).
- St. Petersburg Neighborhood Design Review Ordinance and Manual (SS).
- Recognition by the Governor for the Best Large City Comprehensive Plan in Florida.
- St. Petersburg Core Area Parking Study (SS).
- St. Petersburg Bayboro Harbor Redevelopment Plan (SS*/FCAPA*).
- St. Petersburg Historic Preservation Program (SS/FCAPA).
- St. Petersburg Downtown Urban Design Plan and Intown Market Strategy (SS*).
- St. Petersburg Intown Redevelopment Plan (FCAPA).

PROFESSIONAL EXPERIENCE

Planning Consultant, St. Petersburg, Florida (January 2011 - Present) providing planning services related to:

- Comprehensive planning, land development codes, urban design, zoning, and other land development related services.
- Rezoning and Special Exception Use applications.
- Eminent domain.
- Expert witness testimony.

Part-Time City Planner, City of Seminole (July 2012-present)

- Update of the City of Seminole comprehensive plan, land development code (zoning, landscape buffer and tree protection) and Commercial Corridor Design Guidelines and Sign Code, and
- Conduct site, landscape and commercial corridor and large residential subdivision design reviews.

Vice President, Community Planning & Urban Design, Engelhardt, Hammer & Associates, Inc. (EHA), Tampa, Florida (August 1998 - January 2011) - EHA is a land planning firm and my responsibilities included project development and management for public and private clients related to:

- Master planning, urban design and historic preservation.
- Neighborhood planning and community redevelopment.
- Eminent domain.
- Comprehensive planning, land development regulations, zoning and other land development related services.
- Expert witness testimony.

Planning Consultant, St. Petersburg, Florida (July 1997 - August 1998) - Provided consultant services related to:

- Rezoning and Special Exception Use applications.
- Site planning.

Manager, Development Review Services Division (December 1994 - April 1997) and Manager Urban Design & Development Division (January 1984 - December 1994), City of St. Petersburg, Florida - Directed a progressive and innovative team of ten professional staff with an annual operating budget of \$400,000. Management responsibilities included:

- Administration of land development codes, and site plan and design review processes.
- Preparation of urban design, neighborhood and community redevelopment plans.
- Staffing the Community Redevelopment Agency, Board of Adjustment, Environmental Development Commission and Historic Preservation Commission.
- Presenting recommendations/reports before the City Council and various commissions.
- Developing strong working relationships with neighborhoods, business associations, minority groups and the development community, including serving as the City's representative on the Chamber of Commerce Downtown Council.

REPRESENTATIVE PROJECTS

Planning Consultant

- Town of St. Leo- Prepared the Visual Corridor Study, Town of St. Leo Land Development Code, Comprehensive Plan Evaluation and Appraisal Report, Comprehensive Plan update and on-going development review services, and land development code and comprehensive plan updates.
- Provided expert witness testimony on development reviews, special exception uses, rezonings and comprehensive plan map amendments on behalf of neighborhood and other homeowner associations.
- City of Temple Terrace- Prepared revisions to Chapter 29- Downtown Redevelopment Overlay Zoning District, including design guidelines/illustrations.
- MacDill AFB- Prepared the General Master Plan.
- City of Tarpon Springs- Prepared Historic district design guidelines and manuals.
- City of Clearwater- "Enhancing the Visual Environment Through Sign Regulation." (planning and photo simulation analysis report for the City related to litigation by billboard company)
- City of Tampa- Prepared Cultural Arts District Master Plan.
- Prepared multiple future land use amendments, rezoning and conditional/special use applications for private clients (Cities of Pinellas Park, Venice, West Palm Beach and Tampa).
- Conducted land development code/site plan review process analyses for private clients in preparation of due diligence, and site development and landscape plan reviews (City of Venice and Collier, Sumter, Polk, DeSoto and Lee Counties).
- Prepared Eminent Domain Planning Analyses for public clients including Sumter, Lee, Collier, Hillsborough and Pinellas Counties; Florida Department of Transportation Districts One, Five and Seven (Polk, Hernando, Pasco, Manatee, Sarasota, Lee, Orange, Hillsborough, Pinellas, Brevard and Osceola Counties), and Orange County Public Schools.

- Prepared Eminent Domain Planning Analyses for private clients in City of Miami, Charlotte, Escambia, Santa Rosa, Duval, Columbia, Clay, Leon, Palm Beach, Orange, Indian River, Polk, Pasco, Lee, Hillsborough, Seminole, Osceola, Hernando, Citrus, Hendry, Miami-Dade, St. Johns, Putnam, and Sarasota counties.
- Provided Expert Witness Testimony at court trials, including eminent domain cases (8) and a land use litigation case. Qualified as an expert in courts in Charlotte, Hendry, Hillsborough, Leon, Polk, Pasco and Pinellas counties, and U.S. District Court Middle District (Tampa).

City of St. Petersburg

- Administered zoning code and site plan/neighborhood design review and implemented streamlining processes and enhanced customer service procedures.
- Authored land development codes related to new zoning districts, Neighborhood Design Review, historic preservation, CBD bonus FAR criteria, airport height regulations, wireless communication towers and sidewalk cafes.
- Developed and administered five Community Redevelopment/Tax Increment Finance districts with over \$340 million in capital projects, including the Downtown/Waterfront, Major League Baseball (Tampa Bay Rays) stadium area and Salt Creek marine services/Port/University of South Florida district.
- Prepared urban design plans for downtown waterfront, commercial corridors, neighborhoods, and community redevelopment areas including conceptual site plans, and building façade/streetscape designs.
- Prepared and implemented four neighborhood plans (total population-15,000) with a \$7.4 million capital budget, and development of a minority neighborhood commercial corridor revitalization plan.
- Administered the historic preservation program.
- Prepared comprehensive plan elements including Intown Planning Sector, Historic Preservation and Port/Airport.

EDUCATION

- Master of Science in Planning, Florida State University (Urban Design specialty).
- Bachelor of Science, Secondary Education- Geography, West Chester State University (Magna Cum Laude).

PROFESSIONAL ASSOCIATIONS AND CONTINUING EDUCATION

- American Institute of Certified Planners (AICP) with Continuing Professional Development Certificate.
- American Planning Association.
- Speaker at planning, historic preservation, and urban design workshops at national, state and local conferences.

From: [Dan Lobeck](#)
To: [Lisa Olson](#)
Subject: FW: 22-38RZ (Milano PUD Amendment)/ Submission for Tuesday Hearing
Date: Wednesday, January 11, 2023 1:07:48 PM
Attachments: [Planning Analysis Report 1.11.23.pdf](#)
Importance: High

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

From: Dan Lobeck
Sent: Wednesday, January 11, 2023 1:06 PM
To: Roger Clark <RClark@venicefl.gov>; kmichaels@venicefl.gov
Subject: 22-38RZ (Milano PUD Amendment)/ Submission for Tuesday Hearing
Importance: High

Mr. Clark and Ms. Michaels:

This is to request that the attached report of professional planner Jan Norsoph be added to the record, provided to Planning Commissioners and posted with the agenda backup for the Planning Commission hearing on Tuesday, January 17 regarding Application 22-38RZ (the Milano PUD Amendment).

Mr. Norsoph reserves the right to revise his report as this matter progresses.

Thank you very much for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, FL 34237

Telephone: (941) 955-5622
Facsimile: (941) 951-1469
www.lobeckhanson.com

From: [Dan Lobeck](#)
To: [Roger Clark](#); [Lisa Olson](#)
Cc: [Kelly Michaels](#)
Subject: 22-38RZ (Milano PUD Amendment)/ Follow the Law
Date: Thursday, January 12, 2023 12:00:39 PM

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Roger and Lisa:

Please add this email to the materials in the above-referenced PUD amendment, to be provided to Planning Commissioners for their hearing Tuesday and included in the materials published with the agenda for that meeting on the City's website.

Today, I will be timely filing a Notice as a Designated Representative of my client, the North Venice Neighborhood Alliance and certain affected residents in the area individually, as will our professional planner Jan Norsoph. Given the number of substantial issues in this matter and the scope of our representation, we request two hours together to make our presentation to the Planning Commission.

After reviewing the staff report which will be filed this afternoon, I will be providing a comprehensive analysis of the reasons why -- if the City of Venice is to follow the law, as it must -- the proposed Milano PUD amendment 22-38RZ must be denied.

Some of our major points, among others may be summarized as follows:

- The Milano PUD has final plats approved and recorded for its entirety. The PUD amendment is inconsistent with those plats, specifically the final plat for Cielo, which designates the subject 10.47 acres for Open Space, Wetland, Drainage & Flowage and Lake. The existing PUD is plat-consistent, however, in designating the area as Open Space.
- Under state law, the developer cannot amend the Cielo plat without the unanimous joinder and consent of 100% of the property owners in Cielo. The City asked the developer to respond to that constraint as an objection to the application for approval of the Plat Amendment which the developer filed with the PUD amendment, to change the Open Space, Wetland, Drainage & Flowage and Lake designations for the 10.47 acres to Commercial. However, rather than responding to that objection, the developer seeks City approval of the PUD amendment without the Plat amendment. A PUD amendment which conflicts with the approved and recorded Plat should not and cannot be approved.
- The City LDR's require that land designated for Open Space in a PUD be preserved as such for 99 years by a recorded instrument, by recitation in the final plat or otherwise. Although the better reading of that requirement is that it be fulfilled at the time of each final plat, and the City now so requires, there has been some apparent former policy that a developer may delay the Open Space dedication until the final plat in the PUD has been approved. That has

occurred in the Milano PUD, yet the dedication has not yet occurred. It is overdue, should now be required, and the PUD amendment cannot be approved because it would be inconsistent with that LDR requirement.

- Further, in 2016 the City signed an agreement with the PUD developer that the Open Space dedication referenced above shall be provided once the last plat for “substantially all of the remaining residential property” in the PUD has been filed. That has clearly occurred. The fact that the developer chose to plat fewer than the total residences allowed in the PUD is irrelevant. As stated above, state law does not allow the developer to amend any of the plats to add more homes.
- The Commercial development allowed by the PUD amendment clearly violates provisions of the LDR’s and Comprehensive Plan which limit any commercial development in a PUD to that which will serve the PUD residents, and not residents in surrounding areas.
- The extent of commercial development which would be allowed would produce high-volume traffic which is incompatible with the affected residences.
- The PUD amendment violates the Comprehensive Plan in allowing commercial development over all of the protected wetlands.

Again, this just scratches the surface of the failures of the PUD amendment to follow the law.

The Planning Commission has no choice but to recommend its denial to the Venice City Council.

Thank you for your considerations.

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January 13, 2023

**To: Lissa B Macdonald
Shaun Graser
Kit McKeon
Pam Schierberg
Bill D. Willson
C. Richard Hale
Jerry Jasper**

**From: John Moeckel
185 Trevsio Ct
North Venice, Florida 34275**

Subject: Publix Shopping Center on East Laurel Road

Summary:

The growth in North Venice is strong with thousands of new homes, apartments, and businesses. Along with this growth is the arterial corridor roadway system that will service the area east of I-75. That is building of the missing link from Lorraine Road, to Knights Trail to Laurel Road continuing to Jacaranda Blvd. This will become a major roadway and evacuation route.

With all this infrastructure and residential building there is a need for more neighborhood commercial businesses, including grocery stores. Publix has determined through professional demographics studies that there is a strong need for another store on the corner of Laurel Road and Jacaranda Blvd. This shopping center will be sized to support the local neighborhoods with a small footprint of only 11 acres. It is not regional.

Publix has built hundreds of neighborhood shopping centers here in Florida, and they fit in extremely well. This substantially cuts down on car expense and time travelling. And Publix bends over backward to mitigate any issues with the surrounding residential communities.

The NVNA anti-side, of this project has provided several misleading points in both their petition and emails to residents. The other side of this story needs to be told.

There is a real fear that residents in favor of the shopping center may be ostracized, if they speak up in favor.

Please read further for the counter-points I have written about.

Based on my knowledge of the LDR's and Comp Plan that the application was submitted under the project should be approved.

Counter Point:

I would like to share with you some of my thoughts on the proposed Publix shopping center on Laurel Road and Jacaranda Blvd in North Venice.

The North Venice section of Venice is a major growth area and this has been recognized for some 20 plus years. The Venetian Golf and River Club community is the first North Venice residential community to be started and it is now built out with some 1377 homes and over 2,800 residents. Other residential projects have been completed on Jacaranda Blvd with many more on Laurel Road and Knights Trail Road. We will have thousands of new home and apartments in the area. Laurel Road is about to be 4 laned with Knights Trail Road to be extended to Clark Road as the missing link. The 681 I-75 interchange will be improved to a full functioning interchange. Lorraine Road to Knights Trail Road, to Laurel Road to Jacaranda Blvd will become the primary connector arterial road system to the east of I-75 and evacuation route. The new Sarasota Memorial Hospital is now built with new wings being built. With the new hospital there will be many new support medical buildings and offices. The Mirasol property is rapidly expanding with many new local businesses such as a 7-11 gas station, Wendy's, Dunkin Donuts, tire store, additional apartments, and more retail stores to follow.

With the explosive residential growth there is a strong need for more local neighborhood businesses to support the residential communities - especially a grocery store.

The proposed Publix shopping center is supported by many Venetian Golf and River Club residents and many other residents in North Venice.

Please see the internet article on the value of local grocery shopping centers:

Cut and paste into your browser:

<https://www.homes.com/blog/2020/08/how-do-grocery-stores-affect-home-values/>

We do have 2 Publix shopping centers located 3 miles in both directions from our community. However, with the explosive growth of North Venice Publix has determined with professional demographics that there is a need for another Publix shopping center here in North Venice.

The other 2 shopping centers are being highly impacted with the residential growth and you have to cross I-75 to go to either of these shopping centers. When the Publix store on 41 and Jacaranda was closed to be remodeled a lot of their customers went to the Jacaranda/Venice Ave store. The parking lot was full most of the time and the store was extremely busy. It was very difficult to find a parking spot and it took longer to shop. This same scenario will happen at that Publix and the Venezia Plaza Publix with the expected growth. The growth of the hospital, hospital support businesses, new homes and apartments will lead to much longer times shopping in those stores.

The other elements to be considered are travel time and car cost. Today, it takes 15 to 20 minutes to travel back and forth to either store. This travel time will increase over time because of the growth. If you make 3 trips per week that equals 45 to 60 minutes traveling, along with more time in the store. The article I reference above in a 2016 study states that if you travelled to the store 1.9 times a week, then you would spend approximately \$461 a year in car cost yearly. If you travel 3 times a week that cost goes up. Therefore, a store across the street saves significant time and car costs. And remember that was a 2016 study and the car costs are much higher today.

The article also talks about home values with close by grocery stores. There appears to be no down side and the up side is an increase in value.

Two more positives - there will be 140 to 145 new job opportunities with the new Publix and more jobs with the other neighborhood retail businesses and more city taxes from these neighborhood retail stores.

Publix is recognized as the premiere Super market that residents and other retail stores want in their neighborhoods. They truly care for the communities that they build in and it shows.

The anti-group, NVNA, has in my opinion mislead our residents. Please read below my comments on their petition and email to the community.

I believe the LDR's and the Comp Plan under which Neal Communities submitted their application support this project.

I support the new shopping center along with many other residents in North Venice and ask for your approval.

Thank You,

John Moeckel

If you choose please read further to see my opinion on the NVNA Petition and one of their many emails. All my comments are in bold and underlined.

North Venice Neighborhood Alliance
Join us to
Stop Commercial Development in the Milano PUD!

The North Venice Neighborhood Alliance (NVNA) represents residents of all neighborhoods opposed to the commercial development proposed by Neal.

We don't need another Shopping Center!
There are already three Publix within a 4-mile radius!

Publix has been in business for 92 years and to my knowledge only closed 2 stores because of locations. They are experts in determining where to build and have the demographics to prove it. Publix has built hundreds of neighborhood shopping centers in residential areas and this one is no different and yes we need this shopping center.

What will a shopping center do to our immediate area?

- Destroys nearly 12 acres of open space and wetlands to build a Regional Shopping Center anchored by a 47,240 sq. ft. PUBLIX.
-
-
- There was a complete environmental study done on this property by Kimberly Horn dated June 2022. The wetland area has been determined to be of very low quality and will continue to degrade. VGRC has over 50% of open and wetlands areas and the 12 acres for the shopping center is less than 1 percent of all land in North Venice. All other communities in North Venice also have over 50% open space. This 11-acre shopping center will have extremely low impact on local wildlife.
-
- Turns our quiet residential part of Venice into an area of characterless urban sprawl. Urban Sprawl is uncontrolled growth in a town or city and this area should not be defined as urban sprawl as it is controlled. In fact, one of the major premises of the John Nolen plan was to have commercial services as a part of residential neighborhoods.
- A drastic increase in traffic accidents and delays, hampering emergency services. A drastic increase in accidents and delays has not been proven and unlikely. More scare tactics. Because of the road system becoming the east side arterial road system for the county there will be more traffic. Our area is a major growth area and is controlled by LDR's and the comprehensive plan. Emergency services will not be more hampered any more than any other local area. The addition of 2 more lanes to Laurel Road should help emergency services.

- Hampering our entry and exit from the community. Not if a traffic light system is installed at our main entrance. This is very important!
- After-hours commercial deliveries and 24-hour lighting will impact our quality of life in numerous ways. I don't know what after hours deliveries mean. However, I know that any night time deliveries will be controlled to not impact our community. Within our community we have over 1100 lighted mailboxes and over a hundred street lights that all shine out and up all night long. The shopping center LED lights will be low in number and all shine down, not out and up. Therefore, the light footprint will be a tiny fraction of what our community puts out. I don't see any quality of life issues with this.
- The Milano Master Plan approved by the City, and provided to Milano home buyers, clearly stated there would be NO Commercial Development. Market conditions change and variances have been approved and will continue to be approved.
- A Regional Shopping Center is not a permitted use in a residential Planned Unit Development (PUD) and will invite substantial traffic from outside the immediate area. The only reason this shopping center is called regional is because of the wording in the LDRS as meaning outside the boundaries of the PUD. This is being construed as meaning customers from outside the North Venice area will shop here. That is not true. This shopping center will serve only the very local area of the northeast Venice neighborhood. . By contrast the 2 other Publix shopping centers are over 30 acres in size and this shopping center will be 1/3 of that size.

How can you help?

- Venetian residents will receive a survey from the POA on Monday, April 25. Before you answer the survey, consider whether a Regional Shopping Center is really worth changing our neighborhood forever. This is not a "regional Shopping Center". UTC at I-75 and University is a "regional" shopping center This is a neighborhood shopping center.
- Sign the petition! Over 1,200 people already have: <https://chnq.it/SZ4Y6g4pth>
(Web host prompt will ask for donation. Don't donate. This does not benefit NVNA.) The petition is based on misleading information and in my opinion caused residents to sign a petition that is not factually true. And I understand that the petition has been signed by citizens who do

not live on the area, and some out of state. This petition should be invalidated.

- Follow us on Facebook (currently still under construction)
- Email us at NVNAlliance@nvncalliance.com

There are other, larger issues at stake than commercial development across from the Venetian: Neal and other developers are currently seeking to change key land development regulations designed to protect us.

First, Neal has NOT yet filed an application to build an estimated 47,000 sq. ft. Publix and an additional 16,000 sq. ft. commercial building, which would house an additional 10+ businesses, on a previously designated 11.8 acre parcel of open space at the corner of Jacaranda Blvd and Laurel Road. This parcel is currently designated open space on the Milano PUD, which encompasses Aria, Milano, and Cielo communities. We believe that Neal is waiting to file his application to amend the Milano PUD, which will remove 11.8 acres of open space and re-designate it for commercial use, until the Venice City Council enacts new Land Development Regulations (LDR). THE CURRENT LAND USE DOCUMENT WHICH PERTAINS TO PUDs, 86-130, IS STILL IN EFFECT AND IS FAR MORE RESTRICTIVE. Neal likely knows approval of his project would be difficult at best based on this current language.

Neal has sent his application in based on the past LDR's Land Development Regulations (LDR) is currently in the process of being updated. We have reviewed the proposed LDR changes, and they favor Neal and other developers because it removes many of the previous restrictions and allows any single commercial building in a PUD to be up to 40,000 sq. ft. To give a bit more perspective on the size of such a building, the average Dollar General store is only 8,000 square feet. The updated LDR is set to be presented to the City Council by the Planning Commission on or around 10 May. We are hopeful that the City Council will have public hearings and workshops to allow input from citizens prior to enacting this new Land Development Regulation.

The standard size of a regular Publix is 47,000 square feet which has all departments that shoppers want and need.

An interesting story about the Publix on Bee Ridge Road extension. It is a 28,000 square foot store. When it was approved to be built there residents were against it and didn't want it. After it was built most local residents shop there now. It saves time and car costs as it is quite a trip to the other Publix. Now, the residents want the larger 47,000 square store to replace the smaller one.

NVNA will keep interested residents updated on the timing of the upcoming meetings and how you can help.

NVNA has sought the advice of a local attorney, who agrees there are valid grounds to challenge Neal's proposed project. The more members we have, the stronger the voice. By organizing, we can directly shape the decisions which impact our neighborhoods and force the City Council to listen to residents over developers. Will you join us?

Join us! Simply send an e-mail to NVNAlliance@nvncalliance.com and you will be added to the group. Another way to help: PLEASE forward this e-mail to as many of your neighbors as possible. Again, the more people we have supporting this, the more likely we will be successful. Finally, please keep an eye on your e-mail. Once the Planning Commission sends the proposed LDR to the Venice City Council, we will send a more detailed explanation of how these changes directly impact us as homeowners in North Venice. We will also illustrate the talking points that we as citizens need to discuss with our elected Council members. For future reference, e-mails to all Council members and the Mayor are addressed to: citycouncil@venicefl.gov

Don't believe it when people tell you it's pointless to oppose this development. As we continue to form into an organized, cohesive group, our numbers will give us a powerful voice, one that will be heard as we strive to safeguard our community and way of life.

Sincerely,

North Venice Neighborhood Alliance

The North Venice Neighborhood Alliance was established in April 2022 by residents of Laurel Rd East and Jacaranda Extension North to ensure responsible development within and surrounding our residential communities.

The NVNA Petition: See my comments in bold and underlined.

Stop Commercial Development in the Milano PUD

Dear Neighbor,

We understand that Neal has submitted his PUD Amendment Application to the City of Venice on June 14, to build his regional shopping center. **This is not a regional shopping center. It is a "neighborhood shopping center"** This **"obscenity", ("Using emotional words to mislead the residents")** the **"inaptly"** called "The Village at Laurel and Jacaranda" will consist of 70,240 square feet of commercial uses on 10.42 acres. The uses will include a 47,000 sq ft Publix, a restaurant and other retail spaces including an automotive convenience center. **"There will be no gas station"** The automotive convenience center, is a euphemism for a **"filthy" (another emotional word to mislead residents)** gas station & store.

Entry to the Publix anchored shopping center will be directly opposite the Venetian Golf & River Club entrance off Laurel Road. The entry to the shopping center will be less than 800 feet from the VGRC gatehouse. A traffic nightmare awaits. **The words "Traffic nightmare" is used a lot, with no traffic study information from this group to support this concept, it is being used to scare people. So, what is their definition of a traffic nightmare? The real traffic nightmare will be travelling to those 2 other Publix stores.**

Neal in his two prior Milano PUD applications in 2017 & 2020 represented "NO COMMERCIAL DEVELOPMENT."

We must organize to stop this **"obscenity"** in our community. **They are using the work obscenity again. A neighborhood shopping center is not "extremely offensive."**

How This Impacts Our Community

- **Supermarkets:** We already have 2 Publix within a 3-mile radius. Why do we need another? Because the demographics and growth support another Publix. You know "Real Data". This is very common as Publix has built neighborhood Publix shopping centers in many residential areas separated by 3 miles from one another.
- **Traffic:** In a recent article, Neal incredulously suggested traffic will be reduced by 27%. We have asked for a copy of the traffic survey. Nothing received to date. The traffic study was conducted by Stantec and NVNA has shown no proof that the Stantec traffic study has flaws.
- **Noise:** Delivery trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night. Sound travels, you will hear it. If there are issues with early deliveries, Publix will review and modify to reduce or eliminate any noise issues. There are no deliveries throughout the night. There will be no incessant beeping and running engines. Another not true scare tactic!
- **Wetlands & Wildlife:** The current wetlands where iconic Florida birds forage (see above picture) will be plowed under for a parking lot. Neal will be required to make a contribution to a mitigation bank. How will that benefit the wildlife and us? VGRC has over 50% open space and wetlands as do all the other communities in North Venice. The 11 acres is of very low-quality wetland/wildlife land and it will continue to downgrade. And there are tens of thousands of acres of protected land adjacent to the Myakka River to our east.

Lighting: The shopping center will require flood and security lighting all night and every night. VGRC has over 1,300 mailbox lights with over 100 street lights that shine out and up. The shopping center will have state of the art LED down lighting that does not shine outwards. The light

footprint of our community is probably 100 times what the shopping center light footprint will be.

- **Pollutants:** Runoff from asphalt and organophosphates must go somewhere.... Into our surrounding waters and our aquifer. **This area is only 11 acres and will capture any water runoff to prevent run off to surrounding lands. The widening of Laurel Road to 4 lanes will have a far larger impact than this 11 acres on asphalt runoff materials. The same is true of the Jacaranda Extension, which will be modified to 4 lanes.**

- **Safety:** How will residents of the Venetian Golf and River Club, Treviso Grand Apartments and Willow Chase safely make a left turn onto Laurel Road? A traffic light at our main entrance would solve that problem. **The community needs to put forth an effort to convince the County decision makers for a traffic light. I have seen no effort by the NVNA to promote a light.**

- **Road expansion:** In addition to the current widening of Laurel Road to 4 lanes, will other surrounding roads also be impacted? **Have no idea what this means?**

- **Deceived home buyers:** Many home buyers in Aria, Milano and Cielo purchased homes after reviewing the Milano PUD Master Plan's provision **"NO COMMERCIAL DEVELOPMENT."**

- **Legality:** A retired attorney and a former member of the Greenburgh, NY zoning board has identified several ordinances that are in direct conflict with this proposed zoning amendment.

- **Not Neighborhood in Scale -** Both the City of Venice Comprehensive Plan & PUD standards require commercial development in a PUD to serve the needs of the residents of the PUD and not the surrounding area. **It is impracticable for any developer to build a shopping center that only serves the interior residents of a PUD. It does not financially work and how would you stop residents outside a PUD to shop there? The proposed shopping center will serves the needs of the Northeast Venice neighborhood.**

- **Process:** The first step - All land use petitions are submitted to the Planning & Zoning Division. They are then distributed to the Technical Review Committee (TRC) which is responsible for confirming technical compliance.

TAKE ACTION

- **Sign this Petition** But, DO NOT donate money through this website - the money does not go to NVNA.
- Please send an email to Mr. Roger Clark, who is the City of Venice Director of Zoning and Planning. His office is the first in the approval process. Please let him know how you feel about this. Mr. Clark's email address is: rclark@venicegov.com or at planningcommission@venicegov.com.
- Email a copy of the same letter to the Mayor and City Council. They should be working on behalf of our best interests and what we as the voting public wants, not on the behalf of Neal Communities or Publix. Their email addresses are as follows:
 - Ron Feinsod, Mayor, rfeinsod@venicefl.gov
 - Mitzie Fiedler, Council Member, mfiedler@venicefl.gov
(Lives in the Venetian Golf & River Club)
 - citycouncil@venicefl.gov
 - <https://www.venicegov.com/government/mayor-city-council>
- Send a letter to the editor of our local newspaper. They can be emailed to:
Sarasota Herald Tribune: editor.letters@heraldtribune.com
Venice Gondolier: ronald.dupont@yoursun.com
- Read, comment and share posts on the North Venice Neighborhood Alliance's Facebook page: <https://www.facebook.com/groups/258749306377242>
- Read and comment to Venice Area Citizens for Responsible Development on Facebook. <https://www.facebook.com/groups/VACRD/>
- NVNA is incurring legal & administrative expenses. Please consider making a contribution to help us fund our operations. All funds are tracked by our Treasurer, who will ensure any unused money can be returned in proportion to amounts donated. Please remit as follows:

Mail check (payable to North Venice Neighborhood Alliance) to:
North Venice Neighborhood Alliance

PO Box 104
Laurel, FL 34272

- Please feel free to send this email out to your neighbors just to ensure its widest dissemination.

We understand that time is a precious commodity and that not everyone can do all of this, but doing just one item above helps. WE CANNOT LET PAT NEAL, THE PLANNING COMMISSION OR CITY COUNCIL MAKE A DECISION WHICH ADVERSELY IMPACTS OUR QUALITY OF LIFE. OUR VOICES MUST BE HEARD!! We appreciate your support in advance and please do not hesitate to email if you have any questions or constructive comments. **This is not a quality-of-life issue and is only hyperbole.**

Warmest regards,

The North Venice Neighborhood Alliance Inc.

Alliance was established in April 2022 by concerned residents representing the interests of Laurel Rd East and Jacaranda Extension North to ensure responsible development within and surrounding our residential communities. On July 25, 2022, the Alliance organized as a nonprofit corporation in Florida and will operate as a 501(c)(4) under the Internal Revenue Code.

email address:

North Venice Neighborhood Alliance nvnalliance@gmail.com

In my opinion, the NVNA has mis-lead our residents with mis-leading information in the above petition and email. Not many facts, and a whole lot of emotional words to scare residents. The petition should be invalidated.

From: [Gary Scott](#)
To: [Planning Commission](#)
Subject: Petitions of Border and Jacaranda Holdings LLC
Date: Friday, January 6, 2023 8:46:10 AM
Attachments: [Jasper letter to council.pdf](#)
[Agreement Regarding Open Space.pdf](#)
[Weeden email re dedication.pdf](#)

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To the Members of the Planning Commission:

I apologize for the length of this email. But its contents are critical to the Planning Commission's understanding of some of the background to the petitions of Border and Jacaranda Holdings, LLC (BJH). I appreciate the Commission's patience and consideration.

On April 15, 2014, a representative of the Venetian Golf and River Club Community Association appeared before the Planning Commission and stated that the 13 member board of directors of the Association had voted unanimously to support the VICA (now Milano) PUD rezoning petition filed by Neal Communities of Southwest Florida. (Neal) It is presumed that Neal held a neighborhood meeting in the VGRC and asked that the community support the petition which stated that there would be no commercial use of the land within the proposed development.

The representative stated that one caveat was that the Association would be opposed to there being any access to the development off Laurel Road, presumably because of the traffic issues that would result. In a letter to the Council the representative stated that Neal had assured the POA that there would be no access road off Laurel unless the city required it. (Letter attached) The representative further stated that he would be very comfortable with a Neal Grand Palm type community across the street from the VGRC.

Now today a Neal company is asking the Commission to approve an access off Laurel Road directly across the street from the entrance to VGRC. And it will not be an entrance to a Grand Palm type community. It will instead be an entrance to an 11 acre shopping center with a Publix and a dozen other stores with a parking lot large enough for a couple of hundred vehicles.

It is doubtful that the Association's board would have voted to support Neal's project in 2014 if it had included a major commercial development across the street from the VGRC entrance. In fact, the Association as well as the Property Owners Association of the VGRC earlier submitted letters opposing the currently proposed shopping center project.

The residents of the VGRC are not the only ones now wondering how this could happen given the earlier representations made by Neal. I am sure there are many in the Milano, Aria and Cielo communities who may be feeling a little betrayed.

In 2014 the law did not permit a commercial development like the one now being proposed and the law does not permit it today. The LDR, the Comprehensive Plan, Florida statutes, Florida case law, as well as a 2016 written agreement between Neal and the City of Venice, all support, in fact require, a denial of the petitions of BJH.

I would also like to draw your attention to the fact that the land upon which BJH proposes to build a shopping center is open space that was designated as such in the Binding Master Plan for the Milano PUD in 2017 as well as in the final plat for the Cielo Subdivision approved by the city in November 2019. Under LDR 86-130(j) and 86-231(c)(2)(n) that open space should have been dedicated for public use and restricted by legal instrument for a period of 99 years. That has not been done.

Additionally, the City and Neal entered into a written contract in October 2016 a copy of which is attached. Under that agreement Neal should have by now delivered to the City a fully executed legal instrument restricting and protecting the open space that is now part of the Cielo Subdivision since the final plats of all of the subdivisions within the VICA/Milano PUDs have been approved by the city. (pg. 2, paragraph 2) Neal has failed to deliver that legal instrument, and its successor, BJH

now asks to profit from that failure.

City Engineer Kathleen Weeden in an email to the Planning Division this last May recognized that there needed to be a dedication of open space performed in accordance with the agreement between the City and Neal. (Email attached) Despite that email the dedication of the open space in Cielo still has not been accomplished. Who should pay for this failure to protect open spaces? It should not be the innocent landowners of Cielo or the nearby neighbors. And certainly, BJH should not be allowed to profit from the failure.

We who oppose the shopping center are not asking for favors. We are not asking that the Commission do something improper. We are simply asking that the Commission do what the law says they need to do and that they recognize the obligations of the city and Neal regarding the protection of open space.

Thank you for your consideration.

Gary Scott

June 3, 2014

Mayor and City Council Members
City of Venice, Florida

Please be advised that the Venetian Golf and River Club Community Association (VGRCCA) Board of Directors has voted unanimously to support Zoning Map Amendment Petition 14-1RZ for the property commonly referred to as the VICA Property and also known as the Villages of Milano.

The VGRCCA's Board unanimous decision to support this rezoning application was principally due to the following factors:

- The proposed PUD rezoning which provides for just under two (2) units per acre is considerably more compatible with our community than the present Residential Multi-Family zoning which would allow up to five (5) units per acre
- Review of other like Neal Communities developments such as the Grand Palm community provided comfort that the Villages of Milano will fit in well with the VG&RC and other planned communities located in the East Laurel Road area.

The VGRCCA Board conditioned their support by requesting that the "Optional Access" to Laurel Road as shown on the Binding Master Plan be provided only if required by the City for public safety purposes. Neal Communities has assured us this is the case and that they will so advise City Council that the "Optional Access" shown on the Binding Master Plan will only be provided if so directed by the City of Venice.

In summary, the VGRCCA Board feels that the Villages of Milano (VICA) would be a very desirable addition to our area.

On behalf of the VGRCCA Board of Directors,

Jerry Jasper
VP & Director
VGRCC Community Association

From: [Kathleen Weeden](#)
To: [Roger Clark](#); [Kelsey Mahoney](#)
Cc: [Nicole Tremblay](#); [Amy Nelson](#); [Jonathan Kramer](#); [Donald Hubbard](#); [Christina Rimes](#)
Subject: Open Space Dedication Required
Date: Friday, May 27, 2022 3:27:27 PM
Attachments: [Forestar Open Space Restriction and Covenant.pdf](#)
[Open Space Restriction and Covenant.pdf](#)
[Toscana Isles Open Space Restriction & Covenant.pdf](#)
[Milano Phase 2 Open Space Restriction Agreement red.pdf](#)
[Open Space Restriction and Covenant Vicenza Phase 1 red pr.pdf](#)

Attached is an exhibit related to the parcels in northeast Venice that either need to or have dedicated open space. Not sure who is maintaining this layer in GIS and we need to make sure we are getting the proper open space dedications. I couldn't find one for Venice Woodlands so I think they may still need to dedicate.

Thank you,

Kathleen

Kathleen J. Weeden, PE, CFM, LEED AP
City Engineer
City of Venice
401 W. Venice Avenue
Venice, FL 34285
941-882-7409 office
941-441-7285 cell
kweeden@venicestl.gov (note new email address)

Prepared by: City of Venice
401 W. Venice Ave.
Venice, Florida 34285
Return to: Same-Attn City Clerk

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2016143526 6 PG(S)
November 18, 2016 12:23:18 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL



**AGREEMENT REGARDING OPEN SPACE RESTRICTION AND COVENANT
PURSUANT TO CITY OF VENICE LAND DEVELOPMENT REGULATIONS**

This Agreement Regarding Open Space Restriction and Covenant Pursuant to City of Venice Land Development Regulations (this "Agreement") is made and entered this 25 day of October, 2016, by **NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC**, a Florida limited liability company ("Owner") and the **CITY OF VENICE**, a municipal corporation organized under the laws of the State of Florida ("City").

RECITALS:

- A. Owner is the fee simple owner of lands to be platted within the City of Venice, Sarasota County, Florida, described in Exhibit "A".
- B. At the Owner's request, the City approved Ordinance No. 2014-16 rezoning the lands described in Exhibit "A" and adopting a Binding Master Plan as required by the City Land Development Regulations.
- C. The Plats to be currently recorded are identified as MILANO - PHASE 2 and TRACT 200 and are a portion of the lands described in Exhibit "A".
- D. The Binding Master Plan approved by Ordinance 2014-16 and Section 86-130(j)(1), *Venice Land Development Regulations*, require lands zoned PUD planned unit development district to contain a minimum of fifty percent (50%) of "open space" (the "Minimum Requirement").
- E. Section 86-130(j)(3), *Venice Land Development Regulations*, requires such open space to be restricted by appropriate legal instrument satisfactory to the City Attorney (the "Restrictive Covenant").
- F. In order to respond to market conditions, Owner has requested that the City accept the Restrictive Covenant on or before City approval of the final plat within the land described in Exhibit "A".
- G. Consistent with the Binding Master Plan and *Venice Land Development Regulations*, Owner agrees to provide the Restrictive Covenant which satisfies the Minimum Requirement, all as more fully set forth herein.

NOW THEREFORE, in compliance with Ordinance 2014-16 and the *Venice Land Development Regulations*, and for other good and valuable consideration, Owner does hereby agree as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated herein by reference.

2. Open Space Restriction. The Owner shall deliver to the City a fully executed Restrictive Covenant in a form satisfactory to the City Attorney that meets the Minimum Requirements of the *Venice Land Development Regulations* and sufficiently provides for the restriction of open space on all then existing, approved and recorded plats, prior to or at the time of final plat approval for the last plat, platting substantially all of the remaining residential property, filed in connection with the land development project identified as VICA PUD (a/k/a Villages of Milano), Ordinance No. 2014-16, as amended from time to time.

3. Agreement Running with the Land. This Agreement shall be recorded in the public records of Sarasota County, Florida, and shall constitute the agreement of Owner running with the land and shall be binding upon the Owner, its successors and assigns.

4. Governing Law; Enforcement; Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Florida and may be enforced by the City Council for the City of Venice by filing an action for injunctive relief in the Circuit Court. Venue for any such enforcement proceeding shall be Sarasota County, Florida.

5. No Third Party Rights. This Agreement is solely for the benefit of the City of Venice and is provided by Owner solely for the purpose of complying with applicable zoning requirements of the *Venice Land Development Regulations*. No right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party.

In witness whereof, Owner and City have caused this Agreement to be executed in its names the date first above written.

[Signature of Owner on following page]

SIGNATURE PAGE TO AGREEMENT REGARDING OPEN SPACE RESTRICTION AND COVENANT PURSUANT TO CITY OF VENICE LAND DEVELOPMENT REGULATIONS

OWNER:

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

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

Sherry S. Doddema
Witness
SHERRY S. DODDEMA

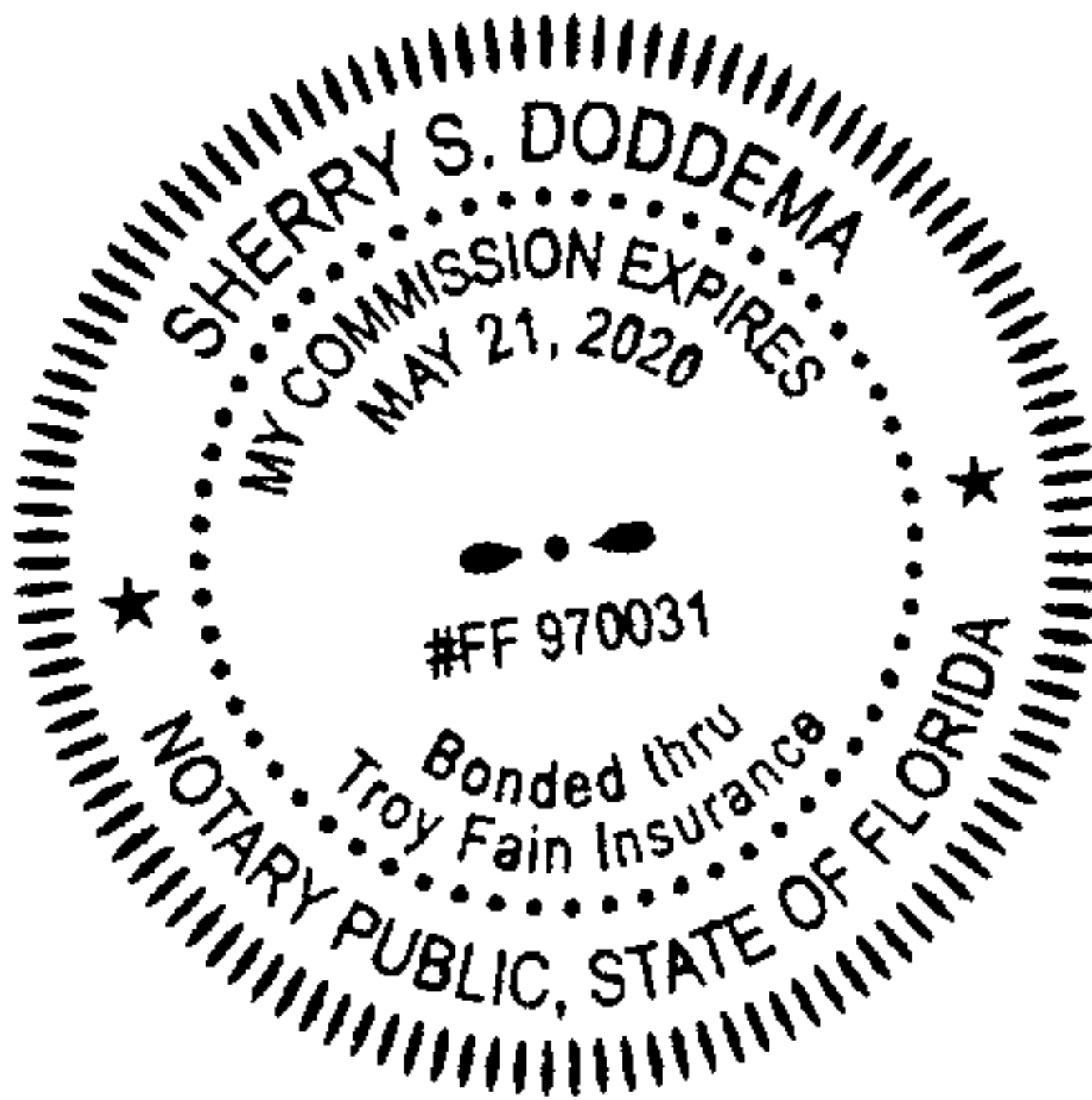
Priscilla G. Heim
Print Name of Witness
Witness
Priscilla G. Heim

By: James R. Schier
Name: James R. Schier
Its: Manager

Print Name of Witness

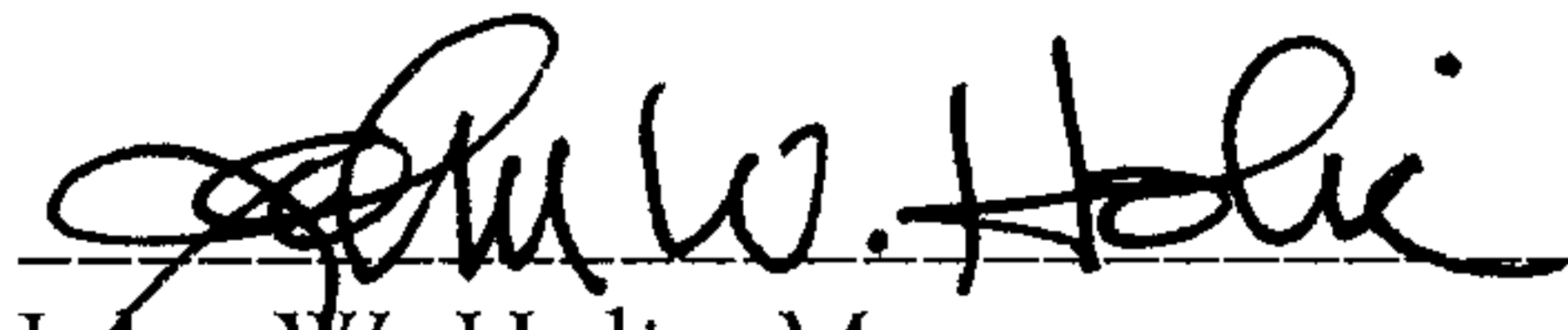
STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 12th day of October, 2016, 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.



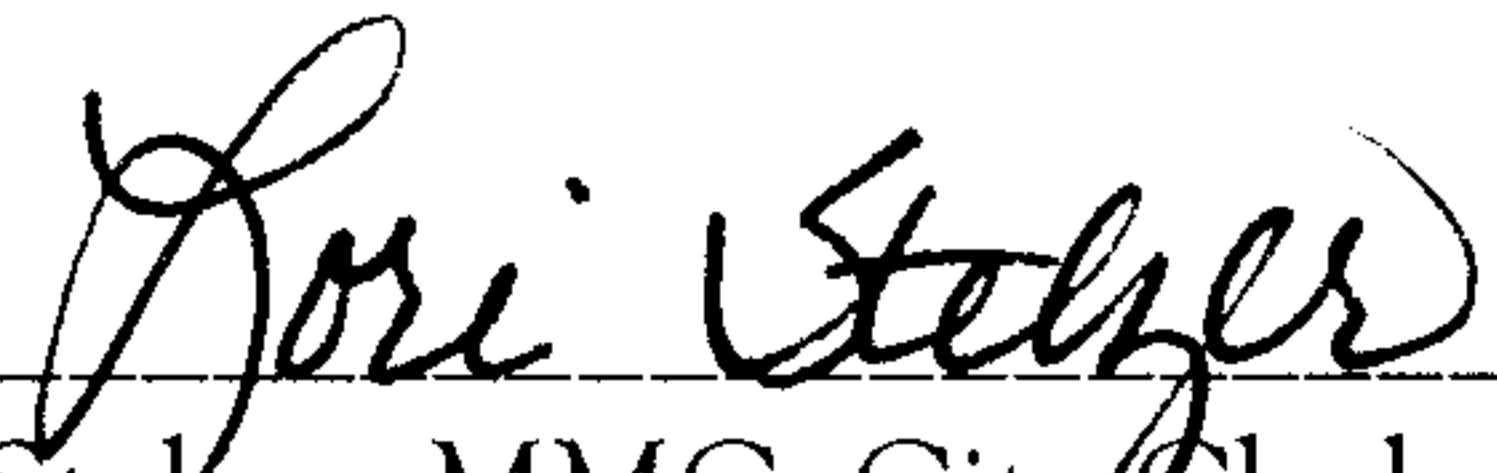
Sherry S. Doddema
Notary Public
My Commission Expires: _____

CITY OF VENICE, a municipal corporation
organized under the laws of the State of Florida



John W. Holic, Mayor

ATTEST



Lori Stelzer, MMC, City Clerk

Approved as to form:



David Persson, City Attorney

SKETCH AND DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 2

Exhibit A
(page 1 of 2)

A Parcel of land located in Section 35, Township 38 South Range 19 East more particularly described as follows; Commencing at the North 1/4 corner of said Section 35 and considering the North line of the Northeast 1/4 of said Section 35 to bear South 89°28'20" East with all bearings contained herein relative thereto; thence South 00°23'03" West a distance of 139.90 feet along the West line of the Northeast 1/4 of said Section 35 to the true point of beginning; thence continuing along the West line of the Northeast 1/4 of said Section 35 South 00°23'03" West, a distance of 690.17 feet; thence South 89°28'25" East, a distance of 807.08 feet; thence South 00°23'38" West, along the East line of the West 807' of the East 1/2 of said Section 35 a distance of 4337.87 feet to a point on the North Right-of-Way of Border Road as described in Official Records Book 2404 at Page 2678; Thence along the North Right-of-Way of Border Road as described in Official Records Book 2404 at Page 2678 the next 5 calls; thence North 89°49'49" West, a distance of 1524.84 feet; thence North 00°10'11" East, a distance of 10.00 feet; thence North 89°49'49" West, a distance of 793.07 feet; thence South 00°10'11" West, a distance of 10.00 feet; thence North 89°49'49" West, to the easterly Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710 a distance of 1034.63 feet; thence along the easterly Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710 the next 38 calls; thence North 00°09'50" East, a distance of 627.25 feet; thence South 89°50'24" East, a distance of 257.97 feet; thence North 00°09'36" East, a distance of 211.07 feet; thence North 25°43'46" East, a distance of 108.15 feet; thence North 43°46'12" East, a distance of 38.87 feet; thence South 45°27'20" East, a distance of 25.00 feet; thence North 43°46'12" East, a distance of 20.00 feet; thence North 45°27'20" West, a distance of 25.00 feet; thence North 43°46'12" East, a distance of 58.19 feet; thence North 27°42'46" West, a distance of 108.86 feet; thence North 43°25'29" West, a distance of 241.92 feet to the beginning of a curve radial to said line; thence northeasterly a distance of 100.94 feet along the curve concave to the southeast, having a radius of 540.00 feet and a central angle of 10°42'36"; thence North 57°17'07" East tangent to said curve, a distance of 982.42 feet; thence South 32°42'53" East, a distance of 129.56 feet; thence North 70°30'21" East, a distance of 23.48 feet; thence South 83°27'15" East, a distance of 26.57 feet; thence South 03°47'48" West, a distance of 25.03 feet; thence South 83°27'15" East, a distance of 20.02 feet; thence North 03°47'48" East, a distance of 25.03 feet; thence South 83°27'15" East, a distance of 94.24 feet; thence North 57°45'39" East, a distance of 381.52 feet; thence North 26°59'02" West, a distance of 98.54 feet; thence North 11°05'43" East, a distance of 109.71 feet; thence North 53°31'33" West, a distance of 119.17 feet to the beginning of a curve radial to said line; thence northeasterly and northerly a distance of 621.35 feet along the curve concave to the west, having a radius of 941.00 feet and a central angle of 37°49'58"; thence North 01°21'30" West tangent to said curve, a distance of 251.43 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 501.51 feet along the curve concave to the east, having a radius of 821.00 feet and a central angle of 34°59'58"; thence North 33°38'28" East tangent to said curve, a distance of 166.78 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 534.73 feet along the curve concave to the west, having a radius of 1056.00 feet and a central angle of 29°00'47"; thence South 85°22'34" East, a distance of 388.89 feet; thence North 00°14'28" West, a distance of 80.71 feet; thence North 89°31'38" East, a distance of 45.40 feet; thence North 21°30'33" West, a distance of 21.36 feet; thence South 89°45'58" West, a distance of 37.50 feet; thence North 00°18'13" West, a distance of 51.11 feet; thence North 74°57'15" West, a distance of 130.19 feet; thence North 89°20'05" West, a distance of 258.15 feet; thence North 00°09'56" West, a distance of 274.68 feet; thence North 89°50'40" East, a distance of 162.32 feet; thence North 11°00'51" East, a distance of 81.98 feet; thence North 22°08'01" East, a distance of 183.81 feet; thence North 41°46'18" East, a distance of 94.62 feet; thence North 63°21'42" East, a distance of 93.59 feet; thence North 62°42'21" East, a distance of 101.00 feet to the Point of Beginning. Containing 225.48 Acres more or less

BRIGHAM/ALLEN LAND SURVEYING

LB 7898

807 U.S. HIGHWAY 41 BYPASS SOUTH

SUITE E

Venice, Florida 34286

ph. (941) 493-4430

brighamallensurveying@gmail.com

BY:



Michael P. Allen

DATE 10-14-16

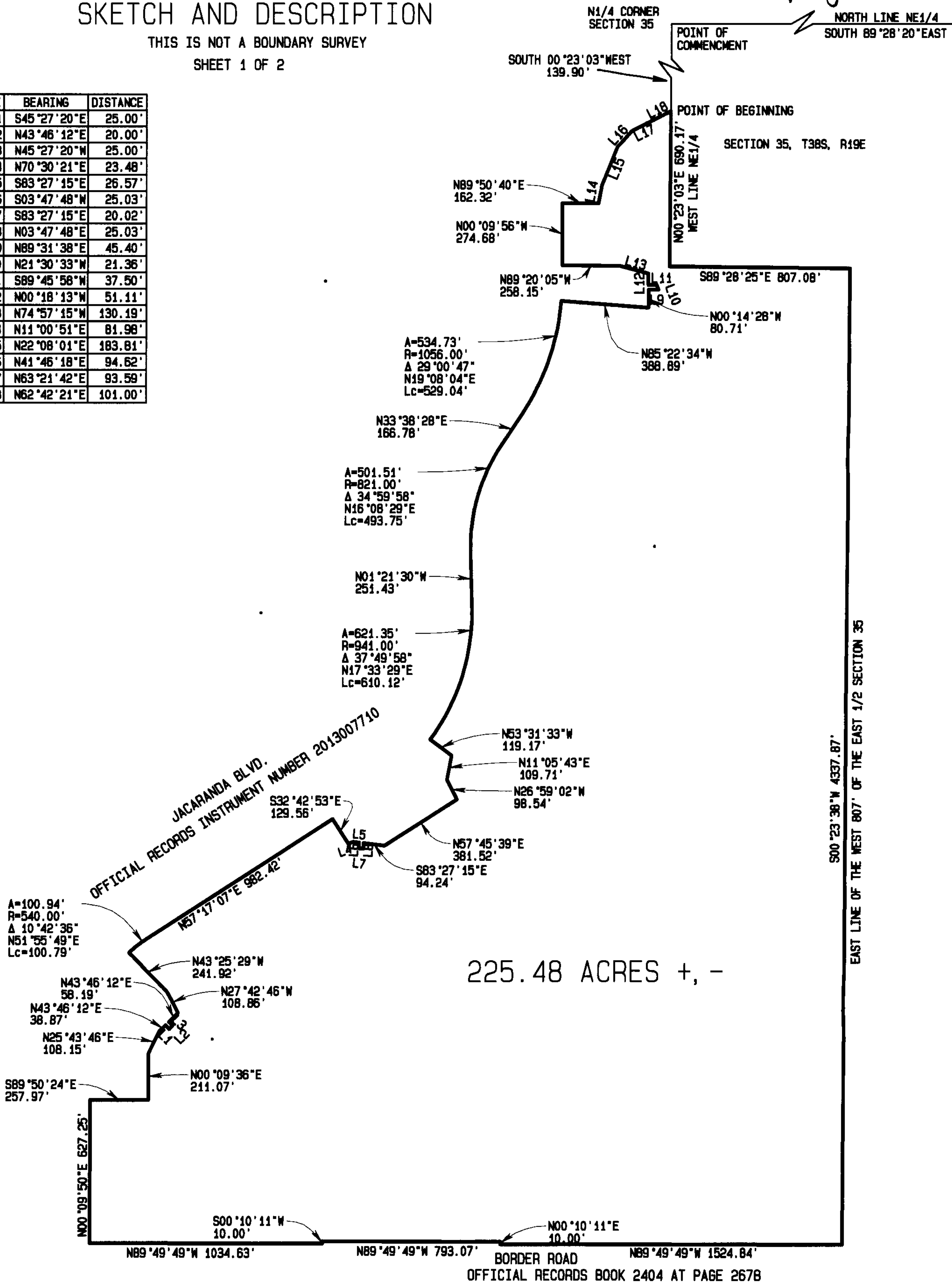
Professional Surveyor and Mapper PSM 6822 State of Florida

SKETCH AND DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 2

LINE	BEARING	DISTANCE
L1	S45°27'20"E	25.00'
L2	N43°46'12"E	20.00'
L3	N45°27'20"W	25.00'
L4	N70°30'21"E	23.48'
L5	S83°27'15"E	26.57'
L6	S03°47'48"W	25.03'
L7	S83°27'15"E	20.02'
L8	N03°47'48"E	25.03'
L9	N89°31'38"E	45.40'
L10	N21°30'33"W	21.36'
L11	S89°45'58"W	37.50'
L12	N00°18'13"W	51.11'
L13	N74°57'15"W	130.19'
L14	N11°00'51"E	81.98'
L15	N22°08'01"E	183.81'
L16	N41°46'18"E	94.62'
L17	N63°21'42"E	93.59'
L18	N62°42'21"E	101.00'

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BY

Michael P. Allen

DATE 10-14-16

Professional Surveyor and Mapper PSM 6822 State of Florida

January 13, 2023

**To: Lissa B Macdonald
Shaun Graser
Kit McKeon
Pam Schierberg
Bill D. Willson
C. Richard Hale
Jerry Jasper**

**From: John Moeckel
185 Trevsio Ct
North Venice, Florida 34275**

Subject: Publix Shopping Center on East Laurel Road

Summary:

The growth in North Venice is strong with thousands of new homes, apartments, and businesses. Along with this growth is the arterial corridor roadway system that will service the area east of I-75. That is building of the missing link from Lorraine Road, to Knights Trail to Laurel Road continuing to Jacaranda Blvd. This will become a major roadway and evacuation route.

With all this infrastructure and residential building there is a need for more neighborhood commercial businesses, including grocery stores. Publix has determined through professional demographics studies that there is a strong need for another store on the corner of Laurel Road and Jacaranda Blvd. This shopping center will be sized to support the local neighborhoods with a small footprint of only 11 acres. It is not regional.

Publix has built hundreds of neighborhood shopping centers here in Florida, and they fit in extremely well. This substantially cuts down on car expense and time travelling. And Publix bends over backward to mitigate any issues with the surrounding residential communities.

The NVNA anti-side, of this project has provided several misleading points in both their petition and emails to residents. The other side of this story needs to be told.

There is a real fear that residents in favor of the shopping center may be ostracized, if they speak up in favor.

Please read further for the counter-points I have written about.

Based on my knowledge of the LDR's and Comp Plan that the application was submitted under the project should be approved.

Counter Point:

I would like to share with you some of my thoughts on the proposed Publix shopping center on Laurel Road and Jacaranda Blvd in North Venice.

The North Venice section of Venice is a major growth area and this has been recognized for some 20 plus years. The Venetian Golf and River Club community is the first North Venice residential community to be started and it is now built out with some 1377 homes and over 2,800 residents. Other residential projects have been completed on Jacaranda Blvd with many more on Laurel Road and Knights Trail Road. We will have thousands of new home and apartments in the area. Laurel Road is about to be 4 laned with Knights Trail Road to be extended to Clark Road as the missing link. The 681 I-75 interchange will be improved to a full functioning interchange. Lorraine Road to Knights Trail Road, to Laurel Road to Jacaranda Blvd will become the primary connector arterial road system to the east of I-75 and evacuation route. The new Sarasota Memorial Hospital is now built with new wings being built. With the new hospital there will be many new support medical buildings and offices. The Mirasol property is rapidly expanding with many new local businesses such as a 7-11 gas station, Wendy's, Dunkin Donuts, tire store, additional apartments, and more retail stores to follow.

With the explosive residential growth there is a strong need for more local neighborhood businesses to support the residential communities - especially a grocery store.

The proposed Publix shopping center is supported by many Venetian Golf and River Club residents and many other residents in North Venice.

Please see the internet article on the value of local grocery shopping centers:

Cut and paste into your browser:

<https://www.homes.com/blog/2020/08/how-do-grocery-stores-affect-home-values/>

We do have 2 Publix shopping centers located 3 miles in both directions from our community. However, with the explosive growth of North Venice Publix has determined with professional demographics that there is a need for another Publix shopping center here in North Venice.

The other 2 shopping centers are being highly impacted with the residential growth and you have to cross I-75 to go to either of these shopping centers. When the Publix store on 41 and Jacaranda was closed to be remodeled a lot of their customers went to the Jacaranda/Venice Ave store. The parking lot was full most of the time and the store was extremely busy. It was very difficult to find a parking spot and it took longer to shop. This same scenario will happen at that Publix and the Venezia Plaza Publix with the expected growth. The growth of the hospital, hospital support businesses, new homes and apartments will lead to much longer times shopping in those stores.

The other elements to be considered are travel time and car cost. Today, it takes 15 to 20 minutes to travel back and forth to either store. This travel time will increase over time because of the growth. If you make 3 trips per week that equals 45 to 60 minutes traveling, along with more time in the store. The article I reference above in a 2016 study states that if you travelled to the store 1.9 times a week, then you would spend approximately \$461 a year in car cost yearly. If you travel 3 times a week that cost goes up. Therefore, a store across the street saves significant time and car costs. And remember that was a 2016 study and the car costs are much higher today.

The article also talks about home values with close by grocery stores. There appears to be no down side and the up side is an increase in value.

Two more positives - there will be 140 to 145 new job opportunities with the new Publix and more jobs with the other neighborhood retail businesses and more city taxes from these neighborhood retail stores.

Publix is recognized as the premiere Super market that residents and other retail stores want in their neighborhoods. They truly care for the communities that they build in and it shows.

The anti-group, NVNA, has in my opinion mislead our residents. Please read below my comments on their petition and email to the community.

I believe the LDR's and the Comp Plan under which Neal Communities submitted their application support this project.

I support the new shopping center along with many other residents in North Venice and ask for your approval.

Thank You,

John Moeckel

If you choose please read further to see my opinion on the NVNA Petition and one of their many emails. All my comments are in bold and underlined.

North Venice Neighborhood Alliance
Join us to
Stop Commercial Development in the Milano PUD!

The North Venice Neighborhood Alliance (NVNA) represents residents of all neighborhoods opposed to the commercial development proposed by Neal.

We don't need another Shopping Center!
There are already three Publix within a 4-mile radius!

Publix has been in business for 92 years and to my knowledge only closed 2 stores because of locations. They are experts in determining where to build and have the demographics to prove it. Publix has built hundreds of neighborhood shopping centers in residential areas and this one is no different and yes we need this shopping center.

What will a shopping center do to our immediate area?

- Destroys nearly 12 acres of open space and wetlands to build a Regional Shopping Center anchored by a 47,240 sq. ft. PUBLIX.
-
-
-
- There was a complete environmental study done on this property by Kimberly Horn dated June 2022. The wetland area has been determined to be of very low quality and will continue to degrade. VGRC has over 50% of open and wetlands areas and the 12 acres for the shopping center is less than 1 percent of all land in North Venice. All other communities in North Venice also have over 50% open space. This 11-acre shopping center will have extremely low impact on local wildlife.
-
- Turns our quiet residential part of Venice into an area of characterless urban sprawl. Urban Sprawl is uncontrolled growth in a town or city and this area should not be defined as urban sprawl as it is controlled. In fact, one of the major premises of the John Nolen plan was to have commercial services as a part of residential neighborhoods.
- A drastic increase in traffic accidents and delays, hampering emergency services. A drastic increase in accidents and delays has not been proven and unlikely. More scare tactics. Because of the road system becoming the east side arterial road system for the county there will be more traffic. Our area is a major growth area and is controlled by LDR's and the comprehensive plan. Emergency services will not be more hampered any more than any other local area. The addition of 2 more lanes to Laurel Road should help emergency services.

- Hampering our entry and exit from the community. Not if a traffic light system is installed at our main entrance. This is very important!
- After-hours commercial deliveries and 24-hour lighting will impact our quality of life in numerous ways. I don't know what after hours deliveries mean. However, I know that any night time deliveries will be controlled to not impact our community. Within our community we have over 1100 lighted mailboxes and over a hundred street lights that all shine out and up all night long. The shopping center LED lights will be low in number and all shine down, not out and up. Therefore, the light footprint will be a tiny fraction of what our community puts out. I don't see any quality of life issues with this.
- The Milano Master Plan approved by the City, and provided to Milano home buyers, clearly stated there would be NO Commercial Development. Market conditions change and variances have been approved and will continue to be approved.
- A Regional Shopping Center is not a permitted use in a residential Planned Unit Development (PUD) and will invite substantial traffic from outside the immediate area. The only reason this shopping center is called regional is because of the wording in the LDRS as meaning outside the boundaries of the PUD. This is being construed as meaning customers from outside the North Venice area will shop here. That is not true. This shopping center will serve only the very local area of the northeast Venice neighborhood. . By contrast the 2 other Publix shopping centers are over 30 acres in size and this shopping center will be 1/3 of that size.

How can you help?

- Venetian residents will receive a survey from the POA on Monday, April 25. Before you answer the survey, consider whether a Regional Shopping Center is really worth changing our neighborhood forever. This is not a "regional Shopping Center". UTC at I-75 and University is a "regional" shopping center This is a neighborhood shopping center.
- Sign the petition! Over 1,200 people already have: <https://chnq.it/SZ4Y6g4pth>
(Web host prompt will ask for donation. Don't donate. This does not benefit NVNA.) The petition is based on misleading information and in my opinion caused residents to sign a petition that is not factually true. And I understand that the petition has been signed by citizens who do

not live on the area, and some out of state. This petition should be invalidated.

- Follow us on Facebook (currently still under construction)
- Email us at NVNAlliance@nvalliance.com

There are other, larger issues at stake than commercial development across from the Venetian: Neal and other developers are currently seeking to change key land development regulations designed to protect us.

First, Neal has NOT yet filed an application to build an estimated 47,000 sq. ft. Publix and an additional 16,000 sq. ft. commercial building, which would house an additional 10+ businesses, on a previously designated 11.8 acre parcel of open space at the corner of Jacaranda Blvd and Laurel Road. This parcel is currently designated open space on the Milano PUD, which encompasses Aria, Milano, and Cielo communities. We believe that Neal is waiting to file his application to amend the Milano PUD, which will remove 11.8 acres of open space and re-designate it for commercial use, until the Venice City Council enacts new Land Development Regulations (LDR). THE CURRENT LAND USE DOCUMENT WHICH PERTAINS TO PUDs, 86-130, IS STILL IN EFFECT AND IS FAR MORE RESTRICTIVE. Neal likely knows approval of his project would be difficult at best based on this current language.

Neal has sent his application in based on the past LDR's Land Development Regulations (LDR) is currently in the process of being updated. We have reviewed the proposed LDR changes, and they favor Neal and other developers because it removes many of the previous restrictions and allows any single commercial building in a PUD to be up to 40,000 sq. ft. To give a bit more perspective on the size of such a building, the average Dollar General store is only 8,000 square feet. The updated LDR is set to be presented to the City Council by the Planning Commission on or around 10 May. We are hopeful that the City Council will have public hearings and workshops to allow input from citizens prior to enacting this new Land Development Regulation.

The standard size of a regular Publix is 47,000 square feet which has all departments that shoppers want and need.

An interesting story about the Publix on Bee Ridge Road extension. It is a 28,000 square foot store. When it was approved to be built there residents were against it and didn't want it. After it was built most local residents shop there now. It saves time and car costs as it is quite a trip to the other Publix. Now, the residents want the larger 47,000 square store to replace the smaller one.

NVNA will keep interested residents updated on the timing of the upcoming meetings and how you can help.

NVNA has sought the advice of a local attorney, who agrees there are valid grounds to challenge Neal's proposed project. The more members we have, the stronger the voice. By organizing, we can directly shape the decisions which impact our neighborhoods and force the City Council to listen to residents over developers. Will you join us?

Join us! Simply send an e-mail to NVNAlliance@nvalliance.com and you will be added to the group. Another way to help: PLEASE forward this e-mail to as many of your neighbors as possible. Again, the more people we have supporting this, the more likely we will be successful. Finally, please keep an eye on your e-mail. Once the Planning Commission sends the proposed LDR to the Venice City Council, we will send a more detailed explanation of how these changes directly impact us as homeowners in North Venice. We will also illustrate the talking points that we as citizens need to discuss with our elected Council members. For future reference, e-mails to all Council members and the Mayor are addressed to: citycouncil@venicefl.gov

Don't believe it when people tell you it's pointless to oppose this development. As we continue to form into an organized, cohesive group, our numbers will give us a powerful voice, one that will be heard as we strive to safeguard our community and way of life.

Sincerely,

North Venice Neighborhood Alliance

The North Venice Neighborhood Alliance was established in April 2022 by residents of Laurel Rd East and Jacaranda Extension North to ensure responsible development within and surrounding our residential communities.

The NVNA Petition: See my comments in bold and underlined.

Stop Commercial Development in the Milano PUD

Dear Neighbor,

We understand that Neal has submitted his PUD Amendment Application to the City of Venice on June 14, to build his regional shopping center. **This is not a regional shopping center. It is a "neighborhood shopping center"** This **"obscenity"**, (**"Using emotional words to mislead the residents"**) the **"inaptly"** called "The Village at Laurel and Jacaranda" will consist of 70,240 square feet of commercial uses on 10.42 acres. The uses will include a 47,000 sq ft Publix, a restaurant and other retail spaces including an automotive convenience center. **"There will be no gas station"** The automotive convenience center, is a euphemism for a **"filthy" (another emotional word to mislead residents)** gas station & store.

Entry to the Publix anchored shopping center will be directly opposite the Venetian Golf & River Club entrance off Laurel Road. The entry to the shopping center will be less than 800 feet from the VGRC gatehouse. A traffic nightmare awaits. **The words "Traffic nightmare" is used a lot, with no traffic study information from this group to support this concept, it is being used to scare people. So, what is their definition of a traffic nightmare? The real traffic nightmare will be travelling to those 2 other Publix stores.**

Neal in his two prior Milano PUD applications in 2017 & 2020 represented "NO COMMERCIAL DEVELOPMENT."

We must organize to stop this **"obscenity"** in our community. **They are using the work obscenity again. A neighborhood shopping center is not "extremely offensive."**

How This Impacts Our Community

- **Supermarkets:** We already have 2 Publix within a 3-mile radius. Why do we need another? Because the demographics and growth support another Publix. You know "Real Data". This is very common as Publix has built neighborhood Publix shopping centers in many residential areas separated by 3 miles from one another.
- **Traffic:** In a recent article, Neal incredulously suggested traffic will be reduced by 27%. We have asked for a copy of the traffic survey. Nothing received to date. The traffic study was conducted by Stantec and NVNA has shown no proof that the Stantec traffic study has flaws.
- **Noise:** Delivery trucks will arrive early in the morning and in the middle of the night. Incessant beeping and running engines will resonate throughout the night. Sound travels, you will hear it. If there are issues with early deliveries, Publix will review and modify to reduce or eliminate any noise issues. There are no deliveries throughout the night. There will be no incessant beeping and running engines. Another not true scare tactic!
- **Wetlands & Wildlife:** The current wetlands where iconic Florida birds forage (see above picture) will be plowed under for a parking lot. Neal will be required to make a contribution to a mitigation bank. How will that benefit the wildlife and us? VGRC has over 50% open space and wetlands as do all the other communities in North Venice. The 11 acres is of very low-quality wetland/wildlife land and it will continue to downgrade. And there are tens of thousands of acres of protected land adjacent to the Myakka River to our east.

Lighting: The shopping center will require flood and security lighting all night and every night. VGRC has over 1,300 mailbox lights with over 100 street lights that shine out and up. The shopping center will have state of the art LED down lighting that does not shine outwards. The light

footprint of our community is probably 100 times what the shopping center light footprint will be.

- **Pollutants:** Runoff from asphalt and organophosphates must go somewhere.... Into our surrounding waters and our aquifer. **This area is only 11 acres and will capture any water runoff to prevent run off to surrounding lands. The widening of Laurel Road to 4 lanes will have a far larger impact than this 11 acres on asphalt runoff materials. The same is true of the Jacaranda Extension, which will be modified to 4 lanes.**

- **Safety:** How will residents of the Venetian Golf and River Club, Treviso Grand Apartments and Willow Chase safely make a left turn onto Laurel Road? A traffic light at our main entrance would solve that problem. **The community needs to put forth an effort to convince the County decision makers for a traffic light. I have seen no effort by the NVNA to promote a light.**

- **Road expansion:** In addition to the current widening of Laurel Road to 4 lanes, will other surrounding roads also be impacted? **Have no idea what this means?**

- **Deceived home buyers:** Many home buyers in Aria, Milano and Cielo purchased homes after reviewing the Milano PUD Master Plan's provision **"NO COMMERCIAL DEVELOPMENT."**

- **Legality:** A retired attorney and a former member of the Greenburgh, NY zoning board has identified several ordinances that are in direct conflict with this proposed zoning amendment.

- **Not Neighborhood in Scale -** Both the City of Venice Comprehensive Plan & PUD standards require commercial development in a PUD to serve the needs of the residents of the PUD and not the surrounding area. **It is impracticable for any developer to build a shopping center that only serves the interior residents of a PUD. It does not financially work and how would you stop residents outside a PUD to shop there? The proposed shopping center will serves the needs of the Northeast Venice neighborhood.**

- **Process:** The first step - All land use petitions are submitted to the Planning & Zoning Division. They are then distributed to the Technical Review Committee (TRC) which is responsible for confirming technical compliance.

TAKE ACTION

- **Sign this Petition** But, DO NOT donate money through this website - the money does not go to NVNA.
- Please send an email to Mr. Roger Clark, who is the City of Venice Director of Zoning and Planning. His office is the first in the approval process. Please let him know how you feel about this. Mr. Clark's email address is: rclark@venicegov.com or at planningcommission@venicegov.com.
- Email a copy of the same letter to the Mayor and City Council. They should be working on behalf of our best interests and what we as the voting public wants, not on the behalf of Neal Communities or Publix. Their email addresses are as follows:
 - Ron Feinsod, Mayor, rfeinsod@venicefl.gov
 - Mitzie Fiedler, Council Member, mfiedler@venicefl.gov
(Lives in the Venetian Golf & River Club)
 - citycouncil@venicefl.gov
 - <https://www.venicegov.com/government/mayor-city-council>
- Send a letter to the editor of our local newspaper. They can be emailed to:
Sarasota Herald Tribune: editor.letters@heraldtribune.com
Venice Gondolier: ronald.dupont@yoursun.com
- Read, comment and share posts on the North Venice Neighborhood Alliance's Facebook page: <https://www.facebook.com/groups/258749306377242>
- Read and comment to Venice Area Citizens for Responsible Development on Facebook. <https://www.facebook.com/groups/VACRD/>
- NVNA is incurring legal & administrative expenses. Please consider making a contribution to help us fund our operations. All funds are tracked by our Treasurer, who will ensure any unused money can be returned in proportion to amounts donated. Please remit as follows:

Mail check (payable to North Venice Neighborhood Alliance) to:
North Venice Neighborhood Alliance

PO Box 104
Laurel, FL 34272

- Please feel free to send this email out to your neighbors just to ensure its widest dissemination.

We understand that time is a precious commodity and that not everyone can do all of this, but doing just one item above helps. WE CANNOT LET PAT NEAL, THE PLANNING COMMISSION OR CITY COUNCIL MAKE A DECISION WHICH ADVERSELY IMPACTS OUR QUALITY OF LIFE. OUR VOICES MUST BE HEARD!! We appreciate your support in advance and please do not hesitate to email if you have any questions or constructive comments. **This is not a quality-of-life issue and is only hyperbole.**

Warmest regards,

The North Venice Neighborhood Alliance Inc.

Alliance was established in April 2022 by concerned residents representing the interests of Laurel Rd East and Jacaranda Extension North to ensure responsible development within and surrounding our residential communities. On July 25, 2022, the Alliance organized as a nonprofit corporation in Florida and will operate as a 501(c)(4) under the Internal Revenue Code.

email address:

North Venice Neighborhood Alliance nvnalliance@gmail.com

In my opinion, the NVNA has mis-lead our residents with mis-leading information in the above petition and email. Not many facts, and a whole lot of emotional words to scare residents. The petition should be invalidated.