

From: [Rachel Frank](#)
To: [Israel Salinas](#)
Subject: Re: Agenda item 24-0275 on City Council Meeting Agenda July 9, 2024
Date: Monday, July 8, 2024 10:27:11 AM
Attachments: [Outlook-VeniceFL-l.png](#)

Thank you, Israel, for your input on this topic.

Rachel Frank
Venice City Council
Seat 6



From: Israel Salinas <israel.salinasjr@gmail.com>
Sent: Thursday, July 4, 2024 4:05 PM
To: Rachel Frank <rfrank@venicefl.gov>
Subject: Agenda item 24-0275 on City Council Meeting Agenda July 9, 2024

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Ms. Frank,

I am writing to update my original feedback with new concerns regarding the process being considered by City Council for amendments to PUD's. I have attached PDFs with additional details of these new concerns along with my original letter submitted on April 4, 2024.

To summarize:

1. If CONDO PROPERTY OWNERS within a PUD are NOT recognized as a landowner, but as a single consenting voice under a condo association, then there needs to be 100% agreement between the elected condo association representatives, other impacted landowners, and the applicant looking to make a major amendment to the PUD. If this is still deemed unfeasible, then a supermajority approval is the absolute minimum.
2. The "maturity" of an existing PUD and the number of years of "statis" should be given strong consideration. Property owners within a PUD that has been unchanged, or in stasis for more than 10 years, should have a reasonable expectation that a speculative developer cannot swoop and make major amendments to the PUD without consent.
3. Another complication and overriding consideration... HOW MUCH WEIGHT, or HOW BIG of a vote does each landowner within the PUD get? Is it based on acreage? Property Valuation?

Respectfully submitted,

Israel Salinas

591 Flamingo Drive and 726 Bird Bay Circle
Venice, FL

From: [Gary Scott](#)
To: [City Council](#)
Cc: [Board and Council Messages](#)
Subject: Amendments to PUDs
Date: Saturday, July 6, 2024 4:07:56 PM

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To the Mayor and Members of the City Council:

Regarding the planning and zoning agenda item concerning amendments to PUDs, from the time that the new land development regulations began to be discussed it was my understanding that one of the goals was to prevent a developer from being able to perform a bait and switch. I thought the object of the relevant regulations was to give protection to persons purchasing homes within a PUD; protection against a developer representing one thing in its binding master plan and then after selling homes in the PUD amending that master plan without the consent of any of those homeowners. I hope that the council still considers providing such protection as one of its objectives.

Attorney Yurko in her opinion letter of June 28 seems to say that it could be problematic or concerning if the city required some percentage of a PUD's homeowners to consent to any substantial amendment to that PUD. It is not clear to me if attorney Yurko is saying that such a requirement would be unlawful and not permitted under any circumstances. If that is her opinion, it would be helpful if she could cite to some specific Florida case law or statute that supports her opinion since there are apparently at least a few Florida municipalities that require a percentage of PUD homeowners to consent to an amendment to their PUD. Does attorney Yurko believe that those municipalities are acting contrary to the law or have they somehow structured their PUD amendment process in such a way that they are within the bounds of the law? If it is the latter, can Venice do the same thing?

It is my understanding that Ms. Yurko will attend the meeting on Tuesday. I hope that at that time she will provide the council with more information, particularly regarding the basis for her opinions in this matter. Thank you for your consideration.

Gary Scott

From: [Nicholas Pachota](#)
To: [Debbie Gericke](#); [Ronald Smith](#); [Rachel Frank](#); [Bob Mudge](#); earle.kimel@heraldtribune.com; [Joan Farrell](#); [Rick Howard](#); [Jim Boldt](#); [Helen Moore](#)
Subject: Re: Unified Control - sunshine law
Date: Monday, July 8, 2024 8:07:04 AM

Thank you for your comments. Due to Florida's Sunshine Law and a City Council policy, neither I nor any other Council Member copied on this e-mail can reply substantively to your e-mail in writing. The Sunshine Law prohibits two or more members of City Council from discussing any matter which will foreseeably come before Council outside of a publicly noticed meeting. Any Council Member may address the topic of this e-mail at a future meeting.

If you wish to contact council members individually, you may email or call them. Contact information can be found at <https://www.venicegov.com/government/mayor-city-council>.

Nick Pachota
Mayor, City of Venice

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2020 Census Population: 25,463

From: Debbie Gericke <146bella@gmail.com>
Sent: Sunday, July 7, 2024 11:03:04 AM
To: Nicholas Pachota <NPachota@Venicefl.gov>; Ronald Smith <rsmith@venicefl.gov>; Rachel Frank <rfrank@venicefl.gov>; Bob Mudge <bmudge@venicegondolier.com>; earle.kimel@heraldtribune.com <earle.kimel@heraldtribune.com>; Joan Farrell <jfarrell@venicefl.gov>; Rick Howard <rhoward@venicefl.gov>; Jim Boldt <jboldt@venicefl.gov>; Helen Moore <HMoore@Venicefl.gov>
Subject: Unified Control

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CITY OF VENICE BACKTRACKING ON UNIFIED CONTROL? CITY COUNCIL MEETING
JULY 9, 2024 (SEE ATTACHED.)

The issue here is simple and important: how do we stop developers from performing a bait & switch? How do we stop developers from representing one thing in the Master Plan and after selling homes amend the Master Plan without the consent of the homeowners? We are not discussing a hypothetical; this recently happened to the Cielo homeowners.

We were encouraged that the City was looking for an equitable solution. On Feb 13, the City Council directed the Staff to "comeback with a modified version of Option 2, to have a workshop ...". Option 2 included a requirement that the homeowners had to give consent. The workshop was held on April 4. At this workshop, multiple examples from other jurisdictions were provided where the homeowners' consent was required. The major issue to be finalized was what percentage of homeowners had to give consent? The Staff were instructed to seek advice from outside council.

The opinion from outside council has been received and is included in agenda. The opinion suggests that seeking homeowners consent would be "problematic". (Is the author suggesting that the other jurisdictions who require owners consent are not complying with the law?). Instead of requiring the homeowners' consent, the author suggests adding criteria and guardrails.

We know how this approach worked for the Cielo homeowners in North Venice. The City Council approved a rezoning application to convert open space to commercial to provide for a 75,000 sq ft shopping center. The City in so doing ignored (1) a 75,000 sq ft shopping center is patently not compatible with surrounding residential neighborhoods and (2) 75,000 sq ft shopping is expressly prohibited in a PUD. That did not make a difference.

Do we really think guardrails will work? The homeowners in a PUD need to be protected. Please let the City Council know that homeowners' consent is essential. Show up on July 9th and speak.

This meeting on July 9th is the last meeting before the summer recess. For those who are cynically inclined, do you think this agenda item was purposely scheduled when many homeowners will be away? We hope not.

NVNA

Best
Debbie Gericke
146 Bella Vista Terrace

From: [Dan McBride](#)
To: [City Council](#)
Cc: [Board and Council Messages](#)
Subject: PUD discussion on the agenda tomorrow
Date: Monday, July 8, 2024 11:33:13 AM

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July 8, 2024

Members of the Venice City Council:

I am writing to you after reading the report provided to the Council from special land use counsel Ms. Alison Yurko. Here is some additional food for thought.

For us here in Bird Bay Village, any change in land use of the dedicated open space, as per the most recent City approved PUD master plan, is a very substantial change. The 34 acre Hawks Run Development parcel (former golf course) has been included as part of the PUD required 50% open space. The PUD ordinances of the city have always required the developer to guarantee open space in a recordable covenant to protect the other owners within the PUD. Unfortunately, the city apparently failed to enforce this with Bird Bay. The owners within Bird Bay relied on the original approvals and obligations to protect their interest in that open space and any prior or previous buyer of the former golf course parcel took ownership fully knowing that it was limited to golf course/open space uses. So, any PUD amendment that proposes a different use of these 34 acres should without question require some consent of the current PUD residents.

Ms. Yurko contends that permitting members of a PUD to have veto power over a legislative process (land use change) is unlawful. The question arises then as to what teeth the previous city approved master plans have when they approved the specific 34 acre parcel as part of the required open space? It seems to me that the property owners in the Bird Bay PUD have some relationship to these 34 acres of open space, even though they do not own them. The setting aside of this open space was contingent upon meeting the minimum of 50% required for city approval. Without these 34 acres the master plan would fail to meet this standard as these acres account for approximately 1/3 of the requirement. In addition, the current owners of the parcel should have done

their due diligence to investigate the parcel and what could and couldn't be done on it. The city should have required that restriction to be placed on the golf course plat, but did not. The residents of Bird Bay should not be penalized for the city's failure to follow its own ordinances and any amendment to the PUD Ordinance should not in any way grant the current or future owners development rights that never existed. Developers should not be able to purchase lands that were committed as open space and then convert them to development.

The City's Planning Commission on 11/14/77 expressly provided approval for the developer to move forward with the provision that the 34 acres would remain open space in perpetuity. The minutes indicated that the developer agreed and provided the city with communication indicating so. When the developer sold the property in 1983 the warranty deed for the sale had a restrictive covenant that the property be used for golf course and related uses only.

Our posture is that it is a reasonable expectation that the current Bird Bay PUD residents believe that these 34 open space acres should remain open space in perpetuity. As there has been no residential development in Bird Bay since 1994, 30 years, clearly it is reasonable to assume that what was open space for the last 50 years should remain open space now and forever.

Ms. Yurko also refers to the original PUD approval. In Bird Bay's case that was in 1973. As you are aware Bird Bay was the first PUD in the city. Over the 21 years the property was developed there have been a number of developers and adjustments to the master plans. It seems to me that it would be most prudent to harken back to the last city approved master plan rather than the original. Over those years market conditions changed and the developers at the time responded to those by asking for adjustments, which the city approved. The developers of Bird Bay built out all originally approved residential development areas and clearly abandoned any remaining density. Any amendment to the PUD Ordinance should expressly require consideration of prior commitments and changes to the master plans and should require that density and intensity that is not used or allocated to the development parcels is lost.

In the report the term non-substantial and substantial deviation are used without a corresponding definition. To truly understand any proposal to adjust the LDR's, these terms need to be further defined.

Thank you for your careful consideration of this communication as you tackle the task of defining Unified Control. Please keep the Bird Bay situation in mind as you do so.

Sincerely,

Dan McBride
VP Bird Bay Community Association