

Anthony Cagliostro, JD.

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January 19, 2016

City of Venice, FL.
Planning Commission
401 W. Venice Ave.
Venice, FL, 343285

RE: Rezone Petition No, 15-IRZ
Parcel ID #s: 0175-11-0022 & 0175-11-0023

Hon. Planning Commission Members:
Good Afternoon:

My name is Anthony Cagliostro – most everybody calls me Tony. I've signed the Request to Speak slip and appear as a concerned citizen and neighbor in opposition the subject Rezone Petition.

The principal basis of my opposition is premised on the fact that, despite the assertion of Petitioner and the findings of staff, the pertinent provisions of the Venice Comprehensive Plan are not congruent with the objectives of the requested amendment.

Specifically, Policy 16.1 of the Venice Comprehensive plan relating to the *Tarpon Center/Esplanade Neighborhood*, which includes the currently RMF-3 zoned subject parcels, explicitly prescribes, as the applicable *Planning intent* for the neighborhood the clear objective

. . . to provide multifamily residential **as a transition** (emphasis mine) between the existing mid-rise condominium structures and the lower density residential housing area adjacent to the planning area.

Furthermore, the cited policy explicitly divides the affected “neighborhood” into two sub-areas. The subject property is located in “Subarea No. 2” which encompasses the area “ , , east of Tarpon Center and the Esplanade.”

It is respectfully submitted that changing the current RMF-3 zoned status of the subject parcels to RMF-4 and thus allowing greater density, irrespective of the limiting stipulation, does not constitute a “transition between the existing mid-rise structures,” principally, Gulf Twin Towers – 7 stories; Beleza – 7 stories over parking; and San Sovino – 9 stories over parking, “and the lower density residential area. . .” generally 1 story houses¹, adjacent to the subject parcels, East of the Esplanade, between Madrid Avenue and Ormond Street.

It should not be ignored that the Venice Comprehensive plan was adopted well after most of the “mid-rise” on the Esplanade and on Tarpon Center, other than Beleza – which replaced the mid-rise Best Western Hotel - had been built. Therefore, the maximum density standards are outer limit of the guide rather than the optimum norm to be achieved.

¹ See table at top of page 11 of Staff Report

In this regard, particularly as it affects that issue of consistency with the Comprehensive plan, for which Petitioner advances no supporting factual presentation, other than the bold assertion that its proposals “. . . are consistent with all applicable elements of the City’s Comprehensive Plan. . .” is the mandated scenario, of Comprehensive Plan Policy 16.2.E.3 which requires conformance with the “[m]itigating techniques as described in Objective 8, Policy 8.2 of this Element. . .to ensure compatibility with adjacent uses.” Of obvious pertinence is the mandate of Policy 8.2 that the “Compatibility review shall include the evaluation of . . . E. Protection of single family neighborhood from the intrusion of incompatible uses.”

The question to be answered is not how can we shoehorn petitioner’s request into the Comprehensive Plan objective to mitigate the impact of the high density neighbors, but rather how best to implement the mandate to protect the current “single family neighborhood from the intrusion of a four story 14 of 15 unit structure on a plot, that formerly had two story residential structures, since or about to be demolished, adjacent to “1 story houses”.

I am advised by City staff, that other objections to the proposed building, including compliance with the actual location of the Coastal Construction Control Line are in the nature of site development objections more appropriately presented at the public hearing to be held on the site development plans to be considered if the City Council approve the requested Zoning amendment.

However, it is respectfully submitted that in this instance, it would be ill advised to adopt a Re-Zone amendment, that would permanently expand the outer limits of its current utilization character, only to be confronted with the real potential of the insurmountable construction impediment of the Coastal Construction Control Line.

Accordingly, it is respectfully submitted that Petition No. 15-IRZ be remanded to the Community Development Director with instruction that the Staff Report be expanded to include, among other issues, consideration of the impact of the field located Coastal Construction Control Line would have on the potential realization of petitioner’s current plans.

Respectfully submitted,



Anthony Cagliostro

Scott Pickett

From: Lynn Thierry <rlthierry@verizon.net>
Sent: Friday, December 11, 2015 3:28 PM
To: Scott Pickett
Subject: Che Vista project

Dear Scott:

Thank you for encouraging me to talk to the project engineer. Paul Sherma was very cordial and open to questions from me. However, very soon it was obvious to him that we were not looking at the same plans. They have done some major changes to the version that you have in your office:

- There will be no driveways going in and out from Madrid Ave. The only driveways will be on Ormond St.
- The driveway on the property will curve around the north end of the condo.
- In order to do that, they have moved the garage, that had been located next to the condo, over to the corner that impacts our property...where they had originally shown open handicapped parking and a retaining wall.
- Instead of a retaining wall in that corner, the wall from the garage will go down to the 4' level in the proposed swale.
- There is a curb at the edge of the driveway on the property and elevations will be such that water collected on the property will be directed into drains in the driveways or west toward the collection area. Supposedly only water from our lot and the lot to our north will be directed toward the swale at that corner. The swale is 8' wide and will be sodded and landscaped. There will be 2 drains to take the water away to the general hookup on Esplanade. It remains to be seen if this will actually work. Does a city engineer or other expert in water management review these plans?

While we were talking engineer Sherma said he would ask Mike Miller to bring us a copy of the updated page, which he did yesterday. I hope they have gotten some to your office too. We talked for some time, especially about the impact for Ormond St.

You asked for me to send you my concerns, so here they are:

- First of all, I am sorry that the city has totally ignored John Nolan's plan for the beachfront to be open public lands. We arrived in Venice in 1967 just ahead of the condo boom and can remember how that looked.
- The city has also chosen to ignore archaeological reports and articles from the 1970's about the extensive Indian midden and burial sites in the vicinity of the public beach extending into our neighborhood. As late as 1995, human bones were found by a telephone company laying cable a block north of the Che Vista site. According to the late Clyde Higel, longtime resident and developer of this neighborhood, there have been a number of artifacts and burial sites found in the area. That's a valuable historical resource that will disappear.
- Making the site a park that honors that history and gives residents some green open space in an overcrowded corridor of wall to wall condos would satisfy Nolen and provide better access of the surrounding neighborhood residents to the beach. It would also be covered under the parks and public spaces provisions in the Tarpon Center/Esplanade Neighborhood Future Land Use planning area.
- If all else fails and the project moves ahead, adding the condo traffic to Ormond St. just does not make sense. The logical entrance and exit would be from The Esplanade. (Mike Miller said that was their

original plan but the city didn't like it because it might slow down Esplanade traffic.) If you look at the location, traffic is already slowing down for the 4-way stop at Higel. Besides, pushing the extra traffic off onto a side road is not a good solution. Widening Esplanade and putting in a turn lane might be a better option that would accommodate driveways from Che Vista as well as from other condos and the public beach.

- Ormond St. is only 19' wide with no sidewalks. It is heavily used by foot traffic from surrounding neighborhoods going down to use the marked crosswalk and walkover to the beach. With no sidewalks, everybody walks in the street. Every day people drive in from other parts of town and park along Ormond St. to use the beach access. And like every other attraction the use doubles in season. The 2 proposed driveways for Che Vista will displace the parking space along that portion of our street, pushing the cars further east. The result, I fear, will be that our street will become a parking lot...not only for beach goers, but for visitors to the surrounding condos as well. When cars are parked along the street, Ormond St. basically goes from 2 lanes to one, so congestion will be a nightmare. If a car is parked in front of your mailbox, your mail is not delivered. Driving out from Ormond onto Esplanade is a challenge already, due to a curve and landscaping in front of Gulf Twin Towers. If you add a parked car on the corner to the mix then it's downright dangerous. Locals all leave Ormond by way of Apalachicola Rd. as it is now...to avoid the Esplanade intersection. Just wait until there are 15 - 30 more cars using our street, a street that is only one block long! I hope your staff will give this issue all possible consideration. It is a huge concern.
- One more question: When a tree is on the property line, who gets to say whether it stays or goes? There's an oak that looks like it straddles our line that has been marked for removal.

Does any of the above apply to the rezoning hearing next week?

Thanks for you help and interest.

Lynn Thierry
488-7091

Mary Louise Gleason
Gulf Twin Towers
500 The Esplanade, # 608
Venice, FL 34285
marylougleson@cs.com
212-481-9500

13 December 2015

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

RE: Proposed Che Vista Rezoning, File 15-RZ1

Ladies and Gentlemen:

On Tuesday, the Venice Planning Commission will hold a public hearing to consider the application to rezone the grove of palm trees on The Esplanade, between Ormond Street and Madrid Avenue. The proposed development is called "Che Vista." I cannot attend the meeting on Tuesday and am submitting my concerns and opposition to the proposed rezoning.

As the last undeveloped parcel remaining on The Esplanade, it should be preserved. Doing so would implement the City's comprehensive plan for the Tarpon Center/The Esplanade Neighborhood that calls for "parks and public spaces" in this area (Policies 16.1 and 16.2G). This is a unique opportunity to fulfill the objectives of the Plan. Claims that allowing the 15 units applicant seeks is consistent with the policies for this Neighborhood ring hollow because this is the only location left where the parks policy can be implemented.

The proposed destruction of all the trees, palm and other – including a majestic Spanish Oak - should not be allowed. The tree is growing approximately where the building would be and appears to be of a diameter such that it cannot be destroyed. According to papers filed by the applicant, the tree has a crack. Inspecting the tree from ground level, one cannot see any crack or other sign of age (other than girth) and/or disease or weakness. While it should be measured by an independent professional, we believe this tree should not be destroyed.

Even if the project were to go forward, the bulk of the trees should be preserved.

Factors to be considered by the Commission weigh against approval.

1. As pointed out above, the comprehensive plan policies for this Neighborhood favors parks. This cannot be ignored given the value of this site as a park and the absence of other potential sites.
2. Marya multi-tiered wedding cake, but to protect less dense residential areas. The residents of the single family homes nearby will not benefit from increased density on this site. For them, the best transition would be for single family residences. Viewing the zoning map suggests that the very reason for RMF-3 rather than RMF-4 on this site was to protect these residents.

3. Living conditions in the neighborhood will be affected adversely because of increased traffic and other impacts mentioned. Madrid Street in particular cannot handle it.
4. Scale of the proposed development (14 or 15 units, at a height of 53+') will obstruct light, air and views, adversely affecting , the private homes on Madrid Avenue and Ormond Street, and units on the east side of Beleza and the north side of Gulf Twin Towers. This will inevitably affect the values of these properties.
5. There are no changed or changing conditions necessitating a change of zone; the impetus for this application appears straightforward: profit. That's not a bad thing, just not a reason for a zoning change. Pretty obviously, the property can be used in accordance with existing zoning.

Therefore, affirmative findings cannot be made on the following factors this Commission must consider under Section 86-47(f) of the Land Development Code: a, b, d, e, f, g, h, k, and n.

I respectfully urge and encourage the Planning Commission recommend against a change of zone, and further that the City acquire and preserve the parcel as open space and public parkland, or, less desirably, rezone it for private homes, which would be consistent with and complement the private home neighborhoods on Ormond Street and Madrid Avenue.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mary Louise Gleason".

Mary Louise Gleason

Christina Rimes

From: Gerald Guy <gsgbmail@gmail.com>
Sent: Monday, December 14, 2015 3:01 PM
To: Planning Commission
Subject: Rezoning of 820 Ormond & 833 Madrid

Hello,

My wife & I are the homeowners at 817 Madrid, as of August 5, 2015, .

We will not be able to attend the planning commission meeting on Tuesday, December 15th but would like to express our concerns with respect to the rezoning of the subject property.

We bought our property in August, with the understanding that the subject property was zoned RMF-3, just like the current owner of the property bought it knowing that it was RMF-3. The current owner of this property is seeking to increase the value of his property, but he intends to do so, at the expense of the value of our property.

Currently, multi-family dwellings on this property must be 3350 sq', with only 14 dwellings allowed on the 1.12 acres. If the rezoning is allowed, those dwellings would be reduced to 2420 sq' which would permit 20 units. This is a 42% increase in the number of dwellings allowed, on this small space and a 28% decrease in the size of each unit. Clearly, this would increase the density in this already dense corner of the island, and, as a result, those of us homeowners who live near this property would lose property value. We would further lose property value as each of the dwellings built would be much less valuable at 2420 sq' than they would at 3350 sq'.

I also have concerns with how the development of the property will affect the natural flow of water. This subject property is very low compared to the rest of the street and our lot, 3 houses away. The water flows down the street to this lot. Will the developer be allowed to raise the ground level of the property and potentially change the current flow of water?

I would like to ask that you do not approve this rezoning request. The property owner bought the property as RMF-3 and a change to RMF-4 would, clearly, adversely affect those of us homeowners in the surrounding area. For me, it is disappointing that this fact is not important to the current subject property owner.

Thank you for your consideration.

Cheryl & Scott Guy

Christina Rimes

From: Jeff Shrum
Sent: Friday, January 15, 2016 3:52 PM
To: Christina Rimes
Subject: FW: Property on Ormond street

Please include as public comment for the rezone petition. Thanks.

-Jeff Shrum

From: Robert Daniels
Sent: Friday, January 15, 2016 2:58 PM
To: Edward Lavallee <ELavallee@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>
Subject: Fwd: Property on Ormond street

Fyi

Sent from [Outlook Mobile](#)

----- Forwarded message -----

From: "Brooks Mathews" <brooksmathews@mac.com>
Date: Fri, Jan 15, 2016 at 11:54 AM -0800
Subject: Property on Ormond street
To: "City Council" <CityCouncil@Venicegov.com>
Cc: "enviromentaladvisoryboard@venicegov.com" <enviromentaladvisoryboard@venicegov.com>, "Parks Recreation Advisory Board" <ParksRecreationAdvisoryBoard@venicegov.com>

My name is Brooks Mathews. My mother Betty Wemyss has owned a home at 809 Ormond street across from the proposed development on the corner of Ormond the esplanade and Madrid. We missed the zoning change this summer as the notification went to a trust officer. I am here now for a January 19 meeting. This development has many concerns, Environmental for one. The back of the property has always had a flowing spring. The area was heavily populated by Indians because of the fresh water offered there. Over the years, a house adjacent filled a large swimming pool with that spring water. The house has now been sold and the pool filled in. The whole spring has been filled in with soil covering the 4 foot retaining wall. Across the street is a public beach, Chauncy Howard Park. We have that park because a development could not be erected because of the underground rivers. The pilings could not be made secure. In the worst of droughts here a large part of the lot is always lush and green. The spring is there just covered for development. This property is the last speck of green at this very congested end of the island. The high side of the lot is the only parking available for the public park. The lot is covered with many mature trees especially some large live oak. The developers want to build a 4 story building with parking under the building. Another concerned citizen told me that the engineers hired by this owner have said that there is no spring, just storm water run off keeping this lot damp. I would like to know if there has been an environmental study and it could be made available to the public.

Before the property is clear cut, we need to be certain of the true water flow. There needs to be a parking solution for the park.

Wouldn't it be grand to save the little green spot for another park, fix the parking problem and open up the spring again? The developer could take tax credits and build some where else that isn't already so congested and a little of old Venice could remain as a park.

Thank you for your time,
Brooks Mathews and Betty Jo Wemyss.
615 218-4092

Sent from my iPhone

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Christina Rimes

From: Jeff Shrum
Sent: Tuesday, January 19, 2016 11:01 AM
To: Christina Rimes
Subject: FW: Property on Ormond St

Correspondence for rezone today.

-Jeff

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

From: Tom Jones
Sent: Sunday, January 17, 2016 10:47 PM
To: Brooks Mathews <brooksmathews@mac.com>
Cc: Michelle Girvan <MGirvan@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>
Subject: Re: Property on Ormond St

Hello Brooks -

Thank you for your email. I'm not sure the Environmental Advisory Board can help you with your issue, however you are welcome to attend our next meeting on Feb. 24 at 2:30pm at City Hall and present this to the board.

By copy of this, I'll ask Jeff Shrum, our Community development director, to reply with any suggestions.

Sincerely - Tom Jones
EAB chair

From: Brooks Mathews <brooksmathews@mac.com>
Sent: Friday, January 15, 2016 3:12:38 PM
To: Environmental Advisory Board
Subject: Property on Ormond St

My name is Brooks Mathews. My mother Betty Wemyss has owned a home at 809 Ormond street across from the proposed development on the corner of Ormond the esplanade and Madrid. We missed the zoning change this summer as the notification went to a trust officer. I am here now for a January 19 meeting. This development has many concerns, Environmental for one. The

back of the property has always had a flowing spring. The area was heavily populated by Indians because of the fresh water offered there. Over the years, a house adjacent filled a large swimming pool with that spring water. The house has now been sold and the pool filled in. The whole spring has been filled in with soil covering the 4 foot retaining wall. Across the street is a public beach, Chauncy Howard Park. We have that park because a development could not be erected because of the underground rivers. The pilings could not be made secure. In the worst of droughts here a large part of the lot is always lush and green. The spring is there just covered for development. This property is the last speck of green at this very congested end of the island. The high side of the lot is the only parking available for the public park. The lot is covered with many mature trees especially some large live oak. The developers want to build a 4 story building with parking under the building. Another concerned citizen told me that the engineers hired by this owner have said that there is no spring, just storm water run off keeping this lot damp. I would like to know if there has been an environmental study and it could be made available to the public.

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Thank you for your time,
Brooks Mathews and Betty Jo Wemyss.
615 218-4092<tel:615%20218-4092>

Sent from my iPhone

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