

From: [Kelly Parsons](#)
To: [City Council](#); jboone@boone-law.com; kfernandez@swflgovlaw.com; robert.lincoln@flalandlaw.com; [Lori Stelzer](#); [Jeff Shrum](#); elavalle@venicegov.com
Cc: [Richard Ulrich](#); ["Dick Longo \(ralongo46@gmail.com\)"](mailto:Dick.Longo@ralongo46@gmail.com); richclapp@gmail.com; ["lisamartin@mgmt.tv"](mailto:lisamartin@mgmt.tv)
Subject: Murphy Oaks Planned Unit Development FW:
Date: Wednesday, July 3, 2019 4:21:25 PM
Attachments: [doc19269520190703162613.pdf](#)

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

Please see attached letter on behalf of Sawgrass Community Association, Inc.

Thank you.

Kelly D. Parsons
Assistant to Richard A. Ulrich, Esquire

Ulrich, Scarlett, Wickman & Dean, PA
713 S. Orange Avenue, Suite 201
Sarasota, Florida 34236

PHONE: 941.955.5100 ext.202
FACSIMILE: 941.953.2485
e-mail: kelly.parsons@uswdlaw.com
www.uswdlaw.com

*Please consider the environment before printing this e-mail.

If you have an urgent communication or if you have not heard from me in response to your e-mail, please call me immediately, or please call 941.955.5100. DO NOT ASSUME THAT YOUR E-MAIL HAS BEEN RECEIVED.

NOTICE: This e-mail transmission and any documents, files or previous e-mail messages attached to it, are confidential and are protected by the attorney-client privilege and/or work product doctrine, are proprietary, confidential, and are protected by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, Federal and State copyright laws, and are intended only for the use of the addressee(s) named herein. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by forwarding this e-mail to kelly.parsons@uswdlaw.com or by telephone at 941.955.5100, and then delete the message and its attachments from your computer.

Nothing contained in this message (including attachments) shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act ("UETA"), Florida Statutes §668.50, or any other law governing electronic transactions. Contract formation shall occur only with manually affixed original signatures on original documents.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be placed in, or considered to be part of, the official records of an association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents public.

A portion of this firm's practice involves the collection of a debt. Accordingly, to the extent that this communication is on behalf of a debt collector, we must provide the following disclosure in accordance with applicable law:

This law firm may be deemed a debt collector and any information obtained will be used for that purpose.

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

From: uswdlaw713@gmail.com [<mailto:uswdlaw713@gmail.com>]

Sent: Wednesday, July 03, 2019 4:26 PM

To: Kelly Parsons

Subject:

TASKalfa 5501i

[00:17:c8:07:8b:0e]

ULRICH SCARLETT
WICKMAN & DEAN, PA
ATTORNEYS AT LAW

RICHARD A. ULRICH
DONALD W. SCARLETT, JR.
JOHN E. WICKMAN*
STEVEN H. JUDD**

*BOARD CERTIFIED REAL ESTATE LAWYER
**OF COUNSEL

KEVIN D. MICALE†
BRIAN D. KEISACKER
ROY E. DEAN (1931-2016)

†ALSO LICENSED IN LOUISIANA

July 3, 2019

Via Email: citycouncil@venicegov.com

The Honorable John Holic, Mayor
Venice City Hall
401 West Venice Avenue
Venice, FL 34285

Re: Murphy Oaks Planned Unit Development;
July 9, City Council Meeting

Dear Mr. Mayor and Members of the Town Council:

Please be advised I represent Sawgrass Community Association, Inc. (hereafter referred to as the "Association") in the above referenced matter. In that regard, my client appreciates your participation and position in making all decisions regarding the Murphy Oaks Planned Unit Development application. Recently, you, town staff, the Applicant and the owners of Fox Lea Farms and the Association, participated in two mediation meetings to determine if a resolution could be reached regarding the denial by the City Council to Murphy Oaks' Application for Rezone of the property located in Venice, Florida, and identified as PID: #0399-04-0001. While some progress was made, from the Association's standpoint, the discussion did not go far enough to curtail the compatibility issues which affect the Association, Fox Lea Farms and other nearby communities. My client, consisting of 585 parcels, is located on property across North Auburn Road from the proposed rezone. A Mediation Report is being prepared by the mediator, Scott Steady. A further Council meeting has been scheduled for July 9, to discuss the report as well as vote on the changes to determine if the rezone should be approved. For the reasons set forth below, the Association would respectfully request the proposed changes to the Applicant's Rezone petition and the agreement reached by the City and the Applicant, be denied.

In addition, my client requests the agenda item dealing with this issue at the meeting to be held on July 9, be continued and in support thereof, we would reincorporate the reasons for same as contained in Attorney Jeffrey Boone's letter to you of July 2, 2019, a copy of which is enclosed herein. Procedural due process will be

denied my client as it only received the proposed changes to the original application, late afternoon on July 2, with the July 4th holiday to follow shortly thereafter.

In response to certain additions and modifications to the proposal, my clients still object to the application wish to emphasize the following that specifically affects the Sawgrass property:

1. **Density.** Currently the property is zoned to permit eight (8) single family residences. They are requesting to be permitted to construct 105 homes. This is extremely ambitious, not warranted, and is incompatible with the surrounding properties. This proposal has not changed from the original application.

2. **Lot Coverage.** The current plan is to permit sixty percent (60%) lot coverage when the present lot coverage for surrounding properties is thirty-five percent (35%). Again, the density for this proposal is not compatible with surrounding developments and has not changed from the original application.

3. **Lot Sizes.** The current plan is for 105 50' x 120', lots. This is not compatible with the properties located in the Sawgrass and Waterford Subdivisions, the two developments most closely located to this property. The average lot size in those communities is 80' x 120', lots. To request sixty percent (60%) lot coverage on a smaller lot is evidence that the properties will not be similar in size and shape to those at Waterford and Sawgrass, are incompatible, is only proposed to increase the number of homes to be built, and increase the density for the area. This proposal has not changed from the original application.

4. **Roadways and Sidewalks.** The current plan is for a 50' wide street and a sidewalk on one side of the development. Again, this is indicative of the type of development being contemplated instead of a well-maintained, harmonious community setting which would include a wider street and sidewalks on both sides of the properties.

5. **External Sidewalks.** The current plan is to obtain a variance to have only a sidewalk on North Auburn Road despite the fact this does not comply with the present Comprehensive Plan.

8. **Drainage.** One of the greatest concerns of the Sawgrass residents is that the present proposal of 105 homes will overly burden drainage to Curry Creek which runs through the Sawgrass development and has the potential to severely affect flooding in Sawgrass.

9. **Traffic.** While there is a proposal to include modifications to North Auburn Road and Edmundson Roads, the Developers Agreement, calls, basically, for the City to pay for same with an offset to the prior Pre-Annexation Agreement requirements. The Applicants own traffic study indicates there will be significant impact at the intersections of Auburn

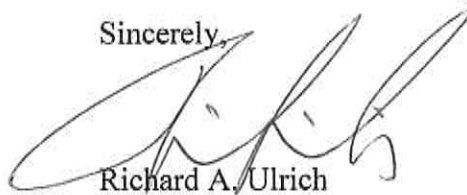
and Edmundson roads and a more comprehensive study and action is needed.

In reviewing this proposal, the old cliché of stuffing 5 pounds of sausage into a 2 pound casing, comes to mind. For the above reasons, my client would respectfully request the City's decision to deny the Applicant's petition be upheld and that the proposal for settlement discussed in the recent mediations be rejected and that a more reasonable, compatible development be approved that respects the surrounding developments and historical uses of the adjacent properties.

My client and I look forward to appearing before the City Council meeting on July 9, or future date if the meeting is continued for the reasons set forth in Mr. Boone's request and supported by the Association.

If you should have any questions with respect to this matter or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Ulrich', with a large, stylized flourish extending from the end of the signature.

Richard A. Ulrich

cc: VIA EMAIL ONLY
Ed Lavalley, City Manager
Lori Stelzer, City Clerk
Jeff Shrum, Development Services Director
Kelly Fernandez, City Attorney
Robert Lincoln, Esquire
Jeffery A. Boone, Esquire

From: [Richard Clapp](#)
To: [Kelly Parsons](#)
Cc: [City Council](#); jboone@boone-law.com; kfernandez@swflgovlaw.com; robert.lincoln@flalandlaw.com; [Lori Stelzer](#); [Jeff Shrum](#); elavalle@venicegov.com; [Richard Ulrich](#); [Dick Longo \(ralongo46@gmail.com\)](mailto:Dick.Longo@gmail.com); lisamartin@mgmt.tv
Subject: Re: Murphy Oaks Planned Unit Development FW:
Date: Thursday, July 4, 2019 9:12:02 AM

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

Looks fine to me.

Richard A Clapp
Attorney at Law
Licensed in MN and ND
tel. 218-779-9775
email richclapp@gmail.com

On Wed, Jul 3, 2019 at 3:21 PM Kelly Parsons <kelly.parsons@uswdlaw.com> wrote:
Please see attached letter on behalf of Sawgrass Community Association, Inc.

Thank you.

Kelly D. Parsons
Assistant to Richard A. Ulrich, Esquire

Ulrich, Scarlett, Wickman & Dean, PA
713 S. Orange Avenue, Suite 201
Sarasota, Florida 34236

PHONE: 941.955.5100 ext.202
FACSIMILE: 941.953.2485
e-mail: kelly.parsons@uswdlaw.com
www.uswdlaw.com

*Please consider the environment before printing this e-mail.

If you have an urgent communication or if you have not heard from me in response to your e-mail, please call me immediately, or please call 941.955.5100. DO NOT ASSUME THAT YOUR E-MAIL HAS BEEN RECEIVED.

NOTICE: This e-mail transmission and any documents, files or previous e-mail messages attached to it, are confidential and are protected by the attorney-client privilege and/or work product doctrine, are proprietary, confidential, and are protected by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, Federal and State copyright laws, and are intended only for the use of the addressee(s) named herein. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by forwarding this e-mail to kelly.parsons@uswdlaw.com or by telephone at 941.955.5100, and then delete the message and its attachments from your

computer.

Nothing contained in this message (including attachments) shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act ("UETA"), Florida Statutes §668.50, or any other law governing electronic transactions. Contract formation shall occur only with manually affixed original signatures on original documents.

NOTICE TO HOMEOWNERS' ASSOCIATION AND CONDOMINIUM ASSOCIATION CLIENTS: This communication (and any attachments) may include privileged communications between attorney and client that are exempt from disclosure and/or protected pursuant to Sections 90.502, 718.111(12) and/or 720.303(4), Fla. Stat. In such event and to protect the privileged nature of this communication, this communication should not be placed in, or considered to be part of, the official records of an association pursuant to Sections 718.111(12) or 720.303(4), Fla. Stat., as applicable, until such time as the board of directors has determined to make its contents public.

A portion of this firm's practice involves the collection of a debt. Accordingly, to the extent that this communication is on behalf of a debt collector, we must provide the following disclosure in accordance with applicable law:

This law firm may be deemed a debt collector and any information obtained will be used for that purpose.

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

From: uswdlaw713@gmail.com [mailto:uswdlaw713@gmail.com]

Sent: Wednesday, July 03, 2019 4:26 PM

To: Kelly Parsons

Subject:

TASKalfa 5501i

[00:17:c8:07:8b:0e]
