

**From:** [Marshall Happer](#)  
**To:** [City Council](#); [Richard Longo](#); [Helen Moore](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Rachel Frank](#); [Rick Howard](#)  
**Cc:** [Kelly Michaels](#); [Kelly Fernandez](#); [Mercedes Barcia](#); [Roger Clark](#); [Jeffery A. Boone Esquire \(jboone@boone-law.com\)](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)  
**Subject:** Petition 22-38RZ  
**Date:** Thursday, July 6, 2023 11:30:47 AM  
**Attachments:** [Milano\\_PUD\\_Ordinance.pdf](#)  
[07-15SP\\_Final.pdf](#)

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Dear Mayor Pachota and members of the City Council:

I am enclosing as additional information for you with respect to the 2<sup>nd</sup> Reading for Petition #22-38RZ on July 11:

1. A copy of Ordinance 2017-25 dated August 22, 2017, which will refresh you on the Stipulations that were included in the original Binding Master Plan for the Milano PUD.
2. A copy of the City Council Order on de novo appeal of the Planning Commission denial of Petition #07-15SP dated August 12, 2008, which settled and concluded the proposal to add a possible Super Walmart on the 72-acre Renaissance property which then ran on the north side of Laurel Road from Knights Trail Road all the way to the Willow Chase subdivision. The Renaissance property was previously zoned for business. Eventually, Walmart voluntarily withdrew so nothing ever happened. However, I am showing this to you because we agreed with Mike Miller, the developer, who was represented by Jeff Boone, with some very similar Stipulations to the ones I will recommend to you on July 11 for the Pat Neal Commercial property. Please note the similar Stipulations we agreed to try to buffer the proposed Super Walmart from Laurel Road and in particular, the creation of the Advisory Board of homeowner representatives to consult with the developer. The homeowners on the Advisory Board did not have any veto power over the developer, just the right of consultation which greatly improved relations between the developer and the homeowners.

Roger Clark has just confirmed to me that the Advisory Board we set up in 2008 for the then Renaissance property is continuing today to consult with the development of the now Mirasol property, the successor to the Renaissance.

While I will continue to request that you add Findings of Facts and Conclusions of Law to the final Ordinance to be adopted so we will all know how you made the decision to approve the Petition, I respectfully submit that if there is going to be a Commercial shopping center as proposed, it is important to have Stipulations in the approving Ordinance that protect the adjoining homes in the area as much as possible. In addition, a Stipulation creating an Advisory Board would provide for a vehicle for meaningful consultation between the developer and the homeowners in the future.

I hope this additional information is helpful to you as you decide what to do on July 11.

Thanks for your consideration.

Marshall

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