

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 11:31:16 AM
Attachments: [Milano_PUD_Ordinance.pdf](#)
[07-15SP_Final.pdf](#)

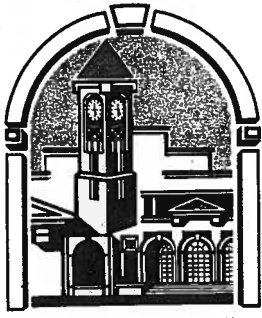
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Dear Mayor Pachota and members of the City Council:

I am enclosing as additional information for you with respect to the 2nd 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.



"City on the Gulf"

CITY OF VENICE

401 W. Venice Avenue Venice, FL 34285

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

August 26, 2008

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

RE: Site & Development Plan Petition (No. 07-15SP)
Renaissance – Retail Center

Dear Mr. Boone:

On August 12, 2008 the Venice City Council voted that based on the Staff Report, Presentation, and Evidence and Testimony on the Record, City Council Finds this Request Consistent with the Comprehensive Plan, City Development Standards and with the Affirmative Findings of Fact in the Record, and APPROVES Order No. 07-15SP with the conditions set forth in Exhibit A: Proposed Stipulations, Including Ten Stipulations of Approval and Dated 8/12/08, and Enhanced Site Plan Dated 8/12/08 (including four pages color architectural elevations depicting the retail building, site plan, an enlarged site section and site elevation A).

If you have any questions, or if we can be of additional assistance, please feel free to contact me at 486-2626, extension 28001.

Sincerely,

Tom Slaughter, AICP
Planning & Zoning Director

cc: Michael W. Miller, Waterford Companies
File No. 07-15SP

**CITY OF VENICE, FLORIDA
CITY COUNCIL, SITTING AS PLANNING COMMISSION
ORDER NO. 07-15SP**

AN ORDER OF THE VENICE CITY COUNCIL, SITTING AS PLANNING COMMISSION APPROVING A SITE AND DEVELOPMENT PLAN FOR RENAISSANCE – RETAIL CENTER, PROVIDING FOR THE CONSTRUCTION OF A 200,000 SQUARE FOOT RETAIL CENTER AND ASSOCIATED PARKING, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Judson Pankey, P.E., CPH Engineers, has submitted Site and Development Plan No. 07-15SP as agent for Renaissance – Retail Center, signed, sealed and dated July 9, 2007, and comprising 25 sheets as marked and received by the City on July 9, 2007 and three pages color architectural signed, sealed and dated July 6, 2007 and received by the City on July 9, 2007; and,

WHEREAS, In response to TRC comments, Judson Pankey, P.E., CPH Engineers, has submitted a revised Site and Development Plan No. 07-15SP as agent for Renaissance – Retail Center, signed, sealed and dated August 24, 2007 and comprising 22 sheets as marked and received by the City on August 27, 2007; and,

WHEREAS, In response to additional TRC comments, Judson Pankey, P.E., CPH Engineers, has submitted a revised Site and Development Plan No. 07-15SP as agent for Renaissance – Retail Center, signed, sealed and dated September 14, 2007 and comprising 23 sheets as marked and received by the City on September 14, 2007, and two pages color architectural elevations depicting building and signage, signed, sealed and dated October 3, 2007 and received by the City on October 5, 2007; and,

WHEREAS, In response to additional comments, Judson Pankey, P.E., CPH Engineers, has submitted a revised Site and Development Plan No. 07-15SP as agent for Renaissance – Retail Center, signed, sealed and dated October 29, 2007 and comprising 24 sheets as marked and received by the City on October 29, 2007, and five pages color architectural elevations depicting building and signage, signed, sealed and dated October 29, 2007 and received by the City on October 29, 2007; and,

WHEREAS, the Zoning Administrator has accepted the application and referred same to the Technical Review Committee for review and comment; and,

WHEREAS, the Planning Commission has held a public meeting on October 16, 2007 and November 6, 2007, and has received the application together with support documentation and the recommendations of staff, and has heard comment on behalf of the applicant and interested parties; and, the Planning Commission DENIED the Site & Development Plan Petition.

WHEREAS, the City Council has held a public meeting on August 12, 2008 to hear a de novo appeal of the Planning Commission's decision and finds that the application demonstrates compliance with the applicable standards and criteria of the Venice Comprehensive Plan and land development regulations.

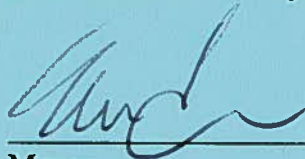
NOW, THEREFORE, BE IT ORDERED BY CITY COUNCIL, THAT:

Section 1. The Site and Development Plan No. 07-15SP as agent for Renaissance – Retail Center, signed, sealed and dated October 29, 2007 and comprising 24 sheets as marked and received by the City on October 29, 2007, and four pages color architectural elevations depicting the retail building, site plan, an enlarged site section and site elevation A received by the City on August 12, 2008 are hereby approved along with the proposed stipulations offered by the applicant and agreed to by Venetian Golf & River Club representatives dated August 12, 2008.

Section 2. This Order shall become effective immediately upon adoption.

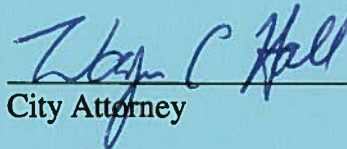
Section 3. This Order shall be voided two years after approval unless a building permit has been issued under the approved plans. This time period may be extended by the Planning Commission for a period not to exceed one six-month period after showing that a building permit is being actively pursued.

ADOPTED at a meeting of the City Council on the 12th day of August, 2008.



Mayor

APPROVED AS TO FORM:



City Attorney

ORDINANCE NO. 2017-25

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA, PURSUANT TO REZONE PETITION NO. 16-07RZ, RELATING TO PROPERTY IN THE CITY OF VENICE LOCATED SOUTH OF LAUREL ROAD, NORTH OF BORDER ROAD AND BOTH EAST AND WEST OF JACARANDA BOULEVARD AND OWNED BY NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, AND BORDER AND JACARANDA HOLDINGS, LLC, FOR THE REZONING OF THE PROPERTY DESCRIBED THEREIN, FROM CITY OF VENICE LAUREL LAKES PLANNED UNIT DEVELOPMENT (PUD) AND VICA PUD TO CITY OF VENICE MILANO PUD; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Rezone Petition No. 16-07RZ to rezone property described in Section 3 below, has been filed with the City of Venice to change the official City of Venice Zoning Map designation for the subject property from City of Venice Laurel Lakes Planned Unit Development (PUD) and VICA PUD to City of Venice Milano PUD; and

WHEREAS, the subject property described in Section 3 below has been found to be located within the corporate limits of the City of Venice; and

WHEREAS, the City of Venice Planning Commission has been designated as the local planning agency in accordance with F.S. 163.3174; and

WHEREAS, the Planning Commission held a public hearing on June 6, 2017, for which public notice was provided regarding the petition and based upon the evidence and public comment received at the public hearing, the staff report, and discussion by the Planning Commission, voted to recommend approval of Rezone Petition No. 16-07RZ; and

WHEREAS, the Venice City Council has received and considered the report of the Planning Commission concerning Rezone Petition No. 16-07RZ requesting rezoning of the property described herein; and

WHEREAS, City Council held a public hearing on the proposed rezoning of the property described herein, all in accordance with the requirements of city's code of ordinances, and has considered the information received at said public hearing; and

WHEREAS, City Council finds that Rezone Petition No. 16-07RZ is in compliance with and meets the requirements of the city's Land Development Regulations and Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The City Council finds as follows:

A. The Council has received and considered the report of the Planning Commission recommending approval of Zoning Map Amendment Petition No. 16-07RZ.

B. The Council has held a public hearing on the petition and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the Land Development Code and is consistent with the City of Venice Comprehensive Plan.

SECTION 3. The Official Zoning Atlas is hereby amended, by changing the zoning classification for the following described property located in the City of Venice from City of Venice Laurel Lakes Planned Unit Development (PUD) and VICA PUD to City of Venice Milano PUD, subject to the following stipulations:

1. The applicant agrees to convey to the city or other governmental entity a strip of land along the southerly boundary of the Laurel Road right-of-way. The width of the strip of land shall be determined by the city on or before December 31, 2017. The compensation for which, if any, shall be determined and paid on or before December 31, 2019. Nothing herein shall prevent the parties from adjusting the amount of property to be conveyed. This provision shall expire if not acted upon by the city prior to the above date.
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.
5. The applicant shall comply with FWC regulations regarding the survey and relocation of Gopher Tortoises and associated commensal species.
6. The applicant shall provide a tree survey and any other permits or documents related to tree removal to the city.
7. The applicant shall obtain all applicable state and federal environmental permits and provide wetland mitigation, as required.
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.
10. The agreement regarding PUD obligations and concurrency shall be approved and executed by the developer and the city prior to any further development approvals.
11. In the event of common ownership between Milano PUD and the adjacent property to the west (currently known as Villa Paradiso), one or more optional interconnections between the properties shall be permitted.

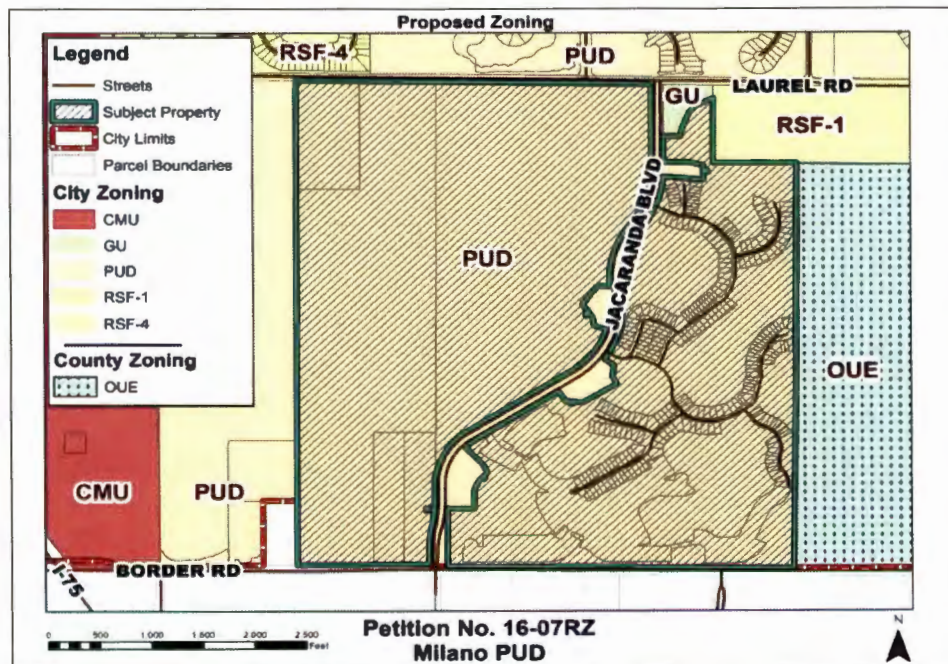
Property Description:

As depicted on the zoning map shown below consisting of approximately 527 acres and as further described:

A Parcel of land located in Section 34 and 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 feet 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, Sarasota County, Florida ; Thence along the North Right-of-Way of Border Road as described in Official Records Book 2404 at Page 2678, Sarasota County, Florida 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, Sarasota County, Florida a distance of 1034.63 feet; thence North 84°06'47" West, to the Westerly Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 201.57 feet; thence South 89°40'40" West, along the North Right-of Way of Border Road as recorded in Official Records Instrument 2004242187, Sarasota County, Florida a distance of 1251.79 feet; thence North 00°08'51" West, along the West line of the E1/2 of the E1/2 of said Section 34 a distance of 5193.31 feet; thence South 89°32'09" East, along the North line of of the NE1/4 of the NE1/4 of said Section 34 a distance of 1359.82 feet; thence South 89°20'49" East, along the North line of the NW1/4 of said Section 35 a distance of 2055.54 feet to a point on the West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida; thence South 44°45'27" East, along said West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 35.69 feet; thence South 00°10'09" East, along said West Right-of-Way of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida a distance of 532.10 feet; thence North 89°50'40" East, leaving said West Right-of-Way a distance of 282.32 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 553.39 Acres, more or less. Less and accept that portion of Jacaranda Boulevard as recorded in Official Records Instrument Number 2013007710, Sarasota County, Florida and a parcel as described in Official Records Book 2043 Page 2352 Sarasota County, Florida.

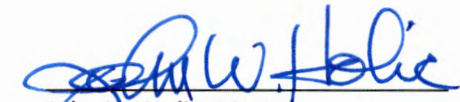


SECTION 4. Effective date. This ordinance shall take effect immediately upon its approval and adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 22ND DAY OF AUGUST, 2017.

First Reading: July 11, 2017
Final Reading: August 22, 2017

Adoption: August 22, 2017



John W. Holic, Mayor

Attest:



Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 22nd day of August, 2017 a quorum being present.

WITNESS my hand and the official seal of said City this 22nd day of August, 2017.



Lori Stelzer, MMC, City Clerk

Approved as to form:



David Persson, City Attorney

PROPOSED STIPULATIONS

Petitioner, for itself, its successors and assigns, agrees that the following Stipulations shall be included in Petition #07-15SP, if and as approved by the City of Venice:

1. There shall be an Advisory Board (herein, "Advisory Board") which shall consist of residents of Willow-Chase and Venetian Golf & River Club (in equal numbers from each) and shall be chosen by those residents, to advise Petitioner on all subsequent phases of the Renaissance development, including without limitation, all issues relating to the proper buffering of the 22 acres residential portion of the Renaissance development from the Phase 1B area, and the buffering of the Renaissance development from the Willow-Chase and the Venetian Golf & River Club residential developments.
2. The Site and Development Plan for the Renaissance Development, including but not limited to the Site Plan and Elevations, shall be revised as submitted to the City Council during the denovo appeal on August 12, 2008, herein referred to as "Revised Site and Development Plan".
3. The Gazebo Park shall be relocated to the east entryway and the second east entrance removed, as shown on the Revised Site and Development Plan.
4. Laurel Road Linear Park shall be expanded from 40' wide to 50' wide, including an 8' sidewalk and the berm height increased from 3' to 4' high, plus 4' shrubs and 12'-18' trees on top of berm, as shown on the Revised Site and Development Plan.
5. The front elevation shall be enhanced as shown on the Revised Site and Development Plan and the elevations at the sides and the rear shall be comparably enhanced to conform with said front elevations, subject to review for technical compliance by City Staff at the construction design phase.
6. Retail Center Requirements:
 - (a) The parking lot lights shall be incandescent lighting, shielded, 15' maximum height.
 - (b) Security cameras shall cover the entire parking lot and shall be monitored at all times.
 - (c) All overnight parking, including but not limited to boats and recreational vehicles, shall be prohibited and that restriction shall be noted by appropriate signage, with compliance monitored by security cameras and enforced by Venice Police.

(d) Petitioner shall exercise reasonable commercial efforts to restrict all deliveries to daylight hours only.

(e) Petitioner shall exercise reasonable commercial efforts to restrict all back-up alarms on delivery vehicles to silent laser type alarms or similar silent alarms.

(f) Petitioner shall consult with Advisory Board to determine, implement and provide the best combination of walls and/or landscaping to surround the delivery areas of Phase 1B to buffer to the greatest extent commercially reasonable any noise emanating therefrom.

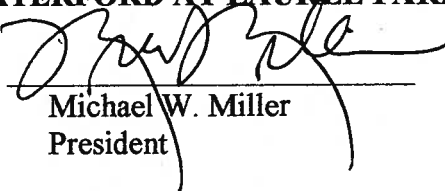
7. Petitioner shall restrict future land use on the east 22 acre parcel to a maximum three stories for residential use. Office use may also be allowed if approved by Advisory Board and the City of Venice. Residential condominiums shall be limited to three stories, with no underneath parking and with buildings staggered in a similar manner as shown on the Revised Site and Development Plan.

8. No gas station shall be allowed on the out-parcel shown on the Revised Site and Development Plan for Phase 1B.

9. Petitioner shall, at its expense, widen Laurel Road from two lanes to four lanes along the entire frontage of the 73 acres of the Renaissance property, install a traffic light at the center entrance and install street lighting along Laurel Road to match the Venetian Golf & River Club street lighting.

10. Petitioner shall provide the City of Venice with satisfactory evidence that the existing and funded road infrastructure is sufficient to provide concurrency for the traffic to be generated by the proposed development.

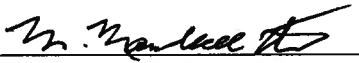
WATERFORD AT LAUREL PARK NORTH, LLC, Petitioner

By: 
Michael W. Miller
President

Date Signed: 8/2/08

AGREED:

The undersigned, M. Marshall Happer III, Appellant and VG&RC Community Association, Inc., a voluntary association of some of the residents of the Venetian Golf & River Club development, in consideration of the revisions of the plans for Phase 1B of the Renaissance development as set forth in the Revised Site and Development Plan described above and the agreement of the Petitioner to the foregoing Stipulations, join in support of Petition #07-16SP as revised, and subject to these Stipulations and said Revised Site and Development Plan.



M. Marshall Happer III
Appellant

Date Signed: 8-12-08

VG&RC COMMUNITY ASSOCIATION, INC.

By: 

Michael Rigdon
Vice President

Date Signed: 8-12-08

From: [John Krummel](#)
To: [Nicholas Pachota](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Rachel Frank](#); [Rick Howard](#); [Richard Longo](#); [Helen Moore](#)
Cc: [City Council](#); [Kelly Michaels](#); [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Final Reading Jacaranda/Laurel
Date: Monday, July 10, 2023 10:15:42 PM

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Good evening Venice City Council,

First, no matter how you land on issues, thank you for your service. I have had many people encourage me here of late to run for one of the seats, and thinking it through, I am not inclined to run. Not as a matter of qualification or skills, but rather this; I would be up all night worrying about each serious matter such as this. So, albeit I am fervently opposed to how the majority of you voted on the Jacaranda/Laurel issue, my appreciation for your service is not light hearted, it is sincere.

Now, on the important matter. I am seriously confounded and disappointed about your vote on the development issue at Laurel and Jacaranda. You have listened to hours of testimony on the issue, so rather than a long winded commentary arguing against your logic, I will just speak to three issues. If one uses basic common sense and logic they would come to an intuitively crystal clear conclusion on compatibility. You can't be serious to find this project compatible? Drive east from Mirasol Town Center to the Myakka River and how many retail outlets are there? (Answer zero, unless you count turning into the Venetian, and the golf shop interior to the Venetian Golf and River Club). Now, double back from the Myakka to Jacaranda and turn left. First retail outlet is 7-11 at Commerce Drive as you approach Highway 75. Compatibility? The development proposed at this corner is about as compatible as an elephant in an ant farm! So, if you wish to ignore the law and the Planning Commission comments, would you reconsider just using basic all American common sense?

Next, about the perimeter issue or internal use. This is very straight forward, and did the majority of you just rationalize it away or what? It is simply written into law and a majority of you decided to vote in favor of an unlawful development? I simply don't understand how educated people could reach this conclusion?

But, neither of those issues is what motivated me to register my thoughts to you. Here is what seriously troubles me. This developer made representations and warranties to the citizens of Venice, directly, and through its Planning Commission and City Council, that it would develop the Milano PUD in a certain manner, including open space at the above mentioned intersection. There is no "taking," as this developer benefited enormously by the representations and warranties which allowed the developer to prosper from providing residential properties within the city of Venice. I am a firm believer in landowner's rights, but you must recognize this developer traded away some rights to achieve other very beneficial rights which resulted in gain and betterment for its property in total. Now, while I do not make any accusation of unlawful conduct, I will mention, for example, that if you were an executive in a publicly traded entity that provided, let's say, investment services, and you represented you were going to do one thing, but did another, you may face some very serious consequences. My petition to you is this, you have ample legal justification to reverse your prior vote. I urge you to consider the simple issue of right versus wrong. Is it right for a

developer to gain benefit for its company by representing and warranting to the city and its citizens, that it will do one thing and then do another that is contrary to those very well documented commitments? It's pretty simple. At the end of the day, your conclusion is as much or more about ethics, rather than just compatibility and perimeter. My view: as of now the majority of you missed the mark. You have more than ample legal justification to take your stand on ethics, basic business ethics and morals. Say what you will do and do what you said you would. Simple.

One after thought. I did not hear all the testimony. Was there any concern over traffic study confidence level and tenants? Seems everyone assumes it would be a Publix, but the developer would negotiate the best lease possible. If it were a Trader Joe's, the traffic studies are worthless as that would be a destination store, not a regional store. Who knows, 5 to 10 times the traffic?

Regards, John Krummel
Resident of the Venetian Golf and River Club

From: [Brian Hutchison](#)
To: [City Council](#)
Cc: [Kelly Michaels](#); [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Grocery store in north Venice meeting
Date: Monday, July 10, 2023 6:50:52 PM

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Good evening city government members. I am writing because I am working in the morning and will not be able to voice my support for this project in person. A grocery store east of I75 in this location is sorely needed. Please grant permission for this project to proceed.

Brian Hutchison
100 Hanchey blvd Venice FL 34292

[Sent from Yahoo Mail on Android](#)

From: [Todd Myer](#)
To: [City Council](#); [Richard Longo](#); [Helen Moore](#); [Jim Boldt](#); [Rick Howard](#); [Kelly Michaels](#); [Nicholas Pachota](#); [Mitzie Fiedler](#); [Roger Clark](#); [Kelly Fernandez](#)
Cc: [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Milano PUD amendment Petition 22-38RZ Rezone of shopping center
Date: Monday, July 10, 2023 11:09:33 AM

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

Dear City Council,

I could not agree more with John Moeckel, his email of July 8th to all of you it is 100% correct on all comments, and it is clear that Marshall has gone outside the POA board in doing this. Marshall wrote to you as a private resident in Venice and when he writes to you from VGRC POA he clearly states that he is writing from POA Board VGRC and he did not on this proposed draft of ordinance. I also agree that this proposed draft of ordinance by Marshall does try and defeat your very sound approval of the amendment. Section 3 is a far over reach of authority and if allowed would just continue this fight endlessly and that would be a crime. It is clear Marshall's goal is to stack that board with NVNA angry residents who's only objective would be to continue the fight to over ride your approval and stop this approval from seeing completion.

Marshall has requested he have more time to try and sell you on his ordinance, why? Marshall Happer is not an affected party and this is not an ordinance written by VGRC the affected party. I ask that you deny his request for more time and only allow the 5 minutes allotted for VGRC affected party. Haven't they stolen enough of your time on this matter? This ordinance clearly is to be written by our town counsel and she is more than capable to write this and use her judgment along with your input on what is right and legal for this town to allow and not allow in this ordinance. This second reading is not a time to sell a personal written ordinance it is a time for affected parties to present new information if any.

With Regard to Ruth Corder's email reply to John, as you know Ruth and her husband are the founding members of NVNA and now Ruth is a POA board member at VGRC. It is interesting that she and other VGRC board members supporting NVNA state they respect the opinion of those who are for the shopping center, yet continue to mislead the community and try and influence and sway the Town Council, how is that respecting others who support the shopping center which now would include 5 council members? As Jeff Boone pointed out at the council meetings, Marshall tried to manipulate the report of traffic study! how is that respectful? Jill Pozarek now president of NVNA who states NVNA is supposedly pro-development yet they have never supported a development or attended any other council meeting other than this one? Why is that. It is clear why there is a NVNA, if you lived in VGRC you were subject to over 130 pages of emails from Marshall Happer who mislead this community from the start on this amendment and pressed and pressed this community to join alliance with NVNA and hire Lobeck to fight you. After Becker and Poliakoff gave VGRC POA their legal opinion, it was clear to the opposition to this amendment they would have to hire Lobeck and fight this since VGRC POA was not going to do that NVNA would. Fast forward to today, now VGRC has 1 ex board member from NVNA Ruth on our board and 1 strong supporter Marshall who for a year solicited support of NVNA by email to about 2000 people inside VGRC.

Here is a cut and past portion of the minutes of the POA board meeting where Becker and Poliakoff presented there legal opinion

b) Collaboration – Milano P.U.D. Commercial Development

I. Becker & Poliakoff: Land use Development Report. At this time, Bill Schaid requested that

the Zoom recording be turned off during Attorney Bogdanoff's report. Attorney Bogdanoff stated that based on feedback from State, County, and City Officials, the belief is that the commercial development will be approved by the City under the old Land Development Regulations, as contained within the Ordinance 86-130 which was in effect at the time the filing of the application to amend the Milano P.U.D. was submitted. Additionally, Attorney Bogdanoff reported that, after reading all the documentation provided to her, and those that she discovered in her research, she did not think there is a strong enough legal basis to challenge the City Council in Court, should the City approve the application. Ms. Bogdanoff ended her report with an overall risk assessment, stating that it would be a risk for the POA Board to attempt to overturn the decision, if the City of Venice were to approve the Application to Amend the Milano PUD for the Commercial Development. She punctuated this by stating the Association would be responsible for paying the City's legal fees, should they prevail.

I also feel it is very irresponsible for a Ruth a POA board member and ex board member of NVNA to again try and sway the council at this time with survey results. It is like almost everything else the protesters did at council meetings they show 1 line of a conversation and say see..we all agree! The truth be told 2 surveys were done at VGRC and both were not done in anyway to be legally binding. In the first survey back in May of 2021 the day the survey was sent out Marshall Happer wrote an email to the 1928 people in my opinion telling them how to answer survey and restating all the issues with the shopping center. Interestingly the actual survey results were 43% of the community were against the shopping center and 57% either answered for it or do not care. Yet the result sent out to 2000 people said 75% were against it? very irresponsible. The second survey was sent out with a prelude before you entered survey in my opinion this prelude was written by Marshall Happer or NVNA influencer Ruth and the prelude again directed you how to vote and restated all the issues with the shopping center? I did my own survey by email to the 1928 residents and I just asked a simple question tell me if you are for or against the shopping center? and my result are 363 residents responded 118 are against and 20 of those were from NVNA people who had very angry responses 245 wrote very thoughtful responses in approval of shopping center. What does all this mean? nothing really, accept some are for and some are against.

Lastly, I do greatly appreciate all 8 of you and the time and patience you put into your duty to this community, I feel the way you ran this meeting and the concern you gave to all, and the attention to detail of all emails, and all residents is outstanding all while respecting Neal Developments legal rights. I admire Mayor Pachota for stopping the meeting after Lobeck made a disrespectful comment to a council member nodding her head which lobeck took as she was a Neal fan! When the meeting was started up again he stated "Venice is better than this". I agree with that and applaud his passion for this town. I also think VGRC is better than this and I tried many times to get VGRC to be part of the solution and not part of the problem. As it turns out we VGRC became the problem. It is awful that so many emails were sent to 2000 residents branding this shopping center a "regional shopping center" a traffic nightmare, noise, lights etc. I meet an elderly woman while I was sitting outside town hall at the first meeting, I politely told her she might not want to sit next to me because I supported the development and she was wearing a blue shirt. She asked me why would I support this shopping center? she went on and said he is breaking the law? she went on and said she does not want a gas station there, she is afraid the traffic will be unbearable at this "regional shopping center". I explained to her that there was NO gas station, it was not a regional shopping center and I suggested she go to the town website which will explain all of this as well as traffic. She was puzzled and asked me well why are they all saying this? I replied it is not in good faith. I never saw this woman again at

any meetings.

I ask that you approve the Petition 22-38RZ Rezone for Shopping Center at the second reading 7-11-2023
I also ask that you do not approve extra time needed for a resident using his POA status of affected party
VGRC to sell his personal ordinance to you unless it is approved by POB on today POA meeting this
ordinance is truly the work of a resident and not an affected party.

Thank you very much, your neighbor Todd.

Todd Myer
102 Valenza Loop
Nokomis Florida 34275

Summer address
453 Island Rd
Ramsey NJ 07446
Mobile 201-926-4536
todd.s.myer@gmail.com

From: [Susan Marcus](#)
To: [City Council](#)
Cc: [Kelly Michaels](#); [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Neal Commercial Development Laurel and Jacaranda
Date: Friday, July 7, 2023 3:40:20 PM

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- **As a resident of North Venice I would like to know why this council ignored the planning commissions recommendation of denial for re-zoning.**
-
- **The law was ignored:** essentially no discussion was had by City Council members about the land development regulations that have been ignored by permitting the 10.4 acre parcel to be re-zoned. Further, the City Council essentially ignored their appointed experts on the Planning Commission who recommended that the application be denied. The Planning Commission listed seven legal reasons behind their recommendation to the Council. The City Council held essentially no discussion on these points. We have yet to see on paper their reasons underpinning their decision.

Thank you.
Susan Marcus
277 Martellago Dr
N. Venice, FL 34275

From: [John Moeckel](#)
To: [City Council](#)
Cc: [Steve Thomaston](#); [Diane Bazlamit](#); [Marshall Happer](#); [Ruth Cordner](#); [mkissinger88@gmail.com](#); [Kelly Michaels](#); [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Petition 22-38RZ Rezone for Shopping Center
Date: Saturday, July 8, 2023 3:32:32 PM

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

Dear City Council,

I see that Mr. Happer has created his own city ordinance concerning petition 22-38RZ and sent it to you with the hopes you will approve it.

This proposed ordinance looks like it was solely written by Mr. Happer. It my understanding that he did this on his own and does not have the approval of the VGRC POA Board. As the point person from the VGRC POA Board going forward I find this disturbing that he is taking on a role outside the POA Board and taking the lead role for the POA Board at the same time, From the correspondence numbers 127,128 and 130 on the city website to the city under this petition, in my opinion Mr. Happer is doing his best to defeat the approval of this petition and to write an ordinance that city council should be writing.

In section 3 there are a list of stipulations if the project is approved that belong in the site and development, not in some preliminary ordinance. I also believe that the advisory committee would be stacked with the anti-development residents. If it was created, then it should be made up of open-minded residents.

It is my hope that you dis-approve Mr. Happer's ordinance and approve the re-zone on the 2nd reading.

We need this neighborhood shopping center and need your support to get the project moving.

Best,

John Moeckel

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

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

From: [John Moeckel](#)
To: [Ruth Cordner](#)
Cc: [City Council](#); [Steve Thomaston](#); [Diane Bazlamit](#); [Marshall Happer](#); [mkissinger88@gmail.com](#); [Richard Longo](#); [Helen Moore](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Rachel Frank](#); [Rick Howard](#); [Kelly Michaels](#); [Mercedes Barcia](#); [Kelly Fernandez](#); [Roger Clark](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Re: Petition 22-38RZ Rezone for Shopping Center, Moeckel Comments.
Date: Monday, July 10, 2023 2:32:23 PM
Attachments: [image.png](#)
[image.png](#)

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Good morning, Ruth. Please see my comments below in bold.

Best,

John Moeckel

On Sunday, July 9, 2023 at 11:34:38 AM PDT, Ruth Cordner <cordner.poa@gmail.com> wrote:

Dear Mr. Moeckel,

I hope you are doing well and you are enjoying the weekend. I would like to address some of the statements you made in the below email.

Mr. Happer did get approval to represent the VGRC Property Owners Association (POA) at the July 11th City Council Meeting. Additionally, the POA Board was given the opportunity to review the documents that Mr. Happer prepared and requested feedback (which he received) prior to submitting to the City Council. Mr. Happer did not act unilaterally. **It is still my understanding that Mr Happer did not have POA board approval to send those documents to the City. If so, please provide official POA board minutes stating that he had approval.**

The POA Board is fulfilling its fiduciary responsibility by faithfully representing all the homeowners of the VGRC. **In May 2023, the POA submitted a survey to 1,362 homeowners to which 70% responded. Those against the shopping center were 705 (or 74%) and those for were 248 (or 26%).** It is important to note that 52% of all homeowners (including those that did not reply to the survey) do not want the shopping center. From my perspective I do not see a *silent* majority, but rather it appears to be a *vocal* majority.

In my opinion, the survey was flawed. The email from Mr. Happer at the same time suggested residents support fighting the project. Additionally, comments in the email sent for the survey appeared to support the same viewpoint.

It is unfortunate that some self-appointed community leaders, who want the shopping center, appear to not appreciate why a majority of their neighbors do not share their views. However, that does not give them the right to impugn a POA Board member who is faithfully discharging his fiduciary responsibility.

Interesting you should say that. I started the ad-hoc committee back in 2004 which morphed into the VGRCCA in 2008 and was president for 9 years. The mission I presented was to listen to all viewpoints and do our best to protect all residents in our community. The current problem is that the anti-commercial

group has attacked and has ostracized many residents who want the commercial project to the point that many are afraid to say anything. In fact, there have been threats and at least one turned over to the Venice police department. The petition that the NVNA sent out was full of mis-leading information and many of the emails from Mr. Happer had mis-leading information. From the get-go residents were heavily influenced to be against the project. Not one point from the other side was ever presented.

Mr. Moeckel, I respect your right to disagree but please respect your neighbors and the POA Board's duty to represent ALL the homeowners. A respectful recommendation, when you have questions about the operations and decision-making process of the POA Board, please reach out to the Board members to seek clarification. It would be respectful and honorable to do the right thing by emailing the City Council and advising them that your comment about Mr. Happer acting unilaterally is inaccurate. **Until you prove in the POA board minutes that Mr Happer had approval then I stand by my comments.**

I will ensure your email and this response is included as part of the permanent POA records. **Please add my comments to the permanent POA records.**

To the City Council and City Clerk, there are individuals within the VGRC supporting the proposed Publix and the **POA Board has met with these supporters.** The VGRC POA Board is listening to all our homeowners and in good faith committed to discharging our fiduciary responsibilities to the best of our abilities. **There are hundreds of residents that support the commercial project. How many did you meet with?**

Respectfully submitted,
Ruth Cordner
VGRC POA Board member and Treasurer

Results - VENETIAN POA - COMMERCIAL DEVELOPMENT SURVEY

Start: 2023-04-14 17:00:00 America/New_York
End: 2023-04-28 10:00:00 America/New_York
Turnout: 953 (70.0%) of 1362 electors voted in this ballot.

Are you for or against having the proposed Pat Neal shopping center in the current zoned 10.42 acres of open space/wetlands directly across from the entrance to the Venetian?

| Option | Votes |
|---------|-------------|
| Against | 705 (74.0%) |
| For | 248 (26.0%) |

VOTER SUMMARY

| | |
|-------|-----|
| Total | 953 |
|-------|-----|

VGRC 2023 Survey Results

Q8: In your opinion, what should be done to address the issues created by the proposed shopping center project?

| ANSWER CHOICES | RESPONSES |
|--|------------|
| A team should meet with Neal Communities before the application is submitted to address all issues of concern and identify mitigation and resolution opportunities. | 33.94% 374 |
| No meeting with Neal but rather write to elected officials now and speak in opposition to the Shopping Center when the application is before the Planning Commission and City Council. | 31.22% 344 |
| A team should not meet with Neal Communities but only through an attorney who will litigate issues as needed. | 29.67% 327 |
| Do nothing | 5.17% 57 |
| TOTAL | 1,102 |

VGRC 2022 Survey Results

On Sat, Jul 8, 2023 at 3:32 PM John Moeckel <jcminfil@yahoo.com> wrote:

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In section 3 there are a list of stipulations if the project is approved that belong in the site and development, not in some preliminary ordinance. I also believe that the advisory committee would be stacked with the anti-development residents. If it was created, then it should be made up of open-minded residents.

It is my hope that you dis-approve Mr. Happer's ordinance and approve the re-zone on the 2nd reading.

We need this neighborhood shopping center and need your support to get the project moving.

Best,

John Moeckel

From: [Ruth Cordner](#)
To: [John Moeckel](#)
Cc: [City Council](#); [Steve Thomaston](#); [Diane Bazlamit](#); [Marshall Happer](#); [mkissinger88@gmail.com](#); [Richard Longo](#); [Helen Moore](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Rachel Frank](#); [Rick Howard](#); [Kelly Michaels](#); [Mercedes Barcia](#); [Kelly Fernandez](#); [Roger Clark](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Re: Petition 22-38RZ Rezone for Shopping Center
Date: Sunday, July 9, 2023 2:34:46 PM
Attachments: [image.png](#)
[image.png](#)

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Dear Mr. Moeckel,

I hope you are doing well and you are enjoying the weekend. I would like to address some of the statements you made in the below email.

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VGRC 2022 Survey Results

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It is my hope that you dis-approve Mr. Happer's ordinance and approve the re-zone on the 2nd reading.

We need this neighborhood shopping center and need your support to get the

project moving.

Best,

John Moeckel

From: bros1950@aol.com
To: [City Council](#)
Cc: [Kelly Michaels](#); [Mercedes Barcia](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Regarding Milano PUD...
Date: Wednesday, July 5, 2023 1:44:35 PM

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Since I am unable to attend I submit the following for your consideration:

—Under previous LDC, the commercial use can serve the PUD not surrounding areas;

—The proposed change certainly does impact property values, public facilities, traffic, safety as well as the environment—NEGATIVELY. This is a residential area and taxpayers in this area moved to this area of North Venice for that reason not to be in an overdeveloped commercial strip mall.

Convenient services are within 2-3 miles—there’s no “trip length problem.” Nor is the “gas savings “ of any relevance to this issue. The applicant knows this by his own statement of this being a single family neighborhood. More residential development by applicant is underway. More traffic and pollution will result if this zoning change is approved by you.

This type of commercial use of land would me the considered on the island of Venice—look there and you will find no commercial development of this size so near to so many tax paying residents.

Remember promises made to accommodate the current Milano PUD by the applicant and it is time now to hold those promises and also take the recommendation of your Planning Board and not allow this commercial development.

For some statements above I replied to information found in attachments of the previous meeting. I thank you for your commitment to make Venice and that’s all of Venice, a better place to live.

Beverly Rosignolo
134 Bella Vista terrace
North Venice

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

From: [Marshall Happer](#)
To: [City Council](#); [Richard Longo](#); [Helen Moore](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Nicholas Pachota](#); [Rachel Frank](#); [Rick Howard](#)
Cc: [Kelly Michaels](#); [Mercedes Barcia](#); [Kelly Fernandez](#); [Roger Clark](#); [Jeffery A. Boone Esquire \(jboone@boone-law.com\)](#); [Toni Cone](#); [Amanda Hawkins-Brown](#)
Subject: Time for 2023-11
Date: Friday, July 7, 2023 10:02:15 AM

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Dear Mayor Pachota:

Yesterday, I saw the Agenda for the July 11 City Council meeting and it has scheduled Ordinance 2023-11 for last. Please consider setting a specific time or at least a “not before” time, so the many people who wish to attend for this Agenda item do not have to sit there all day. I would think this is even more important for the Petitioner and his many consultants, plus his attorneys and a court reporter.

Thanks for your consideration.

Marshall

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