

5160 Decarie Boulevard, Suite 502
Montreal, QC, H3X 2H9 Canada
1 (800) 585-9694



Jun 2, 2023

Venetian Golf & River Club
502 Veneto Blvd.
North Venice, FL
34275 United States

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,

Brian Lack
President
Simply Voting Inc.

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 |

Bait & Switch

This case will, in my opinion, become a sort of “landmark” case for the City of Venice as it will establish whether a developer can:

(1) “bait” homeowners by selling them expensive homes pursuant to a Binding Master Plan in a residential development; and

(2) then 6 years later when it no longer owns all the property in the PUD, unilaterally and without their consent change the scheme of development and convert platted open space into a regional shopping center.

I submit that the central issue before you is such a “bait and switch” permissible in Venice now and in the future under the laws of Venice?

MILANO

**PLANNED UNIT DEVELOPMENT (PUD)
BINDING MASTER PLAN**

March 10, 2017

ADOPTED BY ORDINANCE NO. _____-17

_____, 2017

[Petition 16-07RZ dated March 10, 2017,
and Ordinance 2017-25 dated August 22,
2017].

Density/ Intensity

- 1) Residential- Up to 1,350 residential units**
- 2) Commercial- None**
- 3) Open Space- Minimum 50%**

Maximum Height of Structures- 3 stories up to 42' including parking.

Modifications to Standards

As part of the 2017 Milano PUD zoning, Neal obtained several modifications to standards “based upon the low intensity of the development plan, the extensive perimeter buffers and the significant amount of open space otherwise provided.”

2017 Reservation

“Where the PUD Master Plan identifies areas for residential uses, the developer shall have the option to convert such residential uses to open space uses.”

Subdivisions

Subsequent to 2017, the Milano PUD has been developed into 4 residential subdivisions

1,021 platted dwelling units (769 single-family detached and 252 single family attached)

Milano

Aria

Cielo

Fiore

Owners of 537-538 Acres of Milano PUD

Today, the 537-538 acres of the Milano PUD are owned in part by Neal and by hundreds of individual homeowners in the subdivisions and several homeowner associations and includes 50+- acres of dedicated streets. The listing of all the homeowners in those subdivisions as recorded by the Sarasota Property Appraiser has been submitted and is included in the record of this proceeding. Actually, I think the homeowners may now own more of the 537-538 acres than the unsold subdivision lots and open space still owned by Neal. It is clear to me that for some years, Neal has not had the required unified control of all land in the Milano PUD required for any amendment of the Milano PUD on account of many homeowners who now own land in the PUD and the various homeowner associations in the subdivisions in the PUD. However, somehow Neal obtained 2 amendments to the Milano PUD that did nothing with respect to his 2017 Binding Master Plan development rights.

**2020 Milano PUD Amendment #1 Approved When Neal did not have
Unified Control of All Land in the Milano PUD
[Petition 19-41RZ and Ordinance 2020-40]**

Even though Neal no longer had unified control of the 537 acres of the Milano PUD, on December 8, 2020, the Milano PUD was amended by Petition 19-41 RZ and Ordinance 2020-40, to provide the addition of one access point along Laurel Road for the Fiore subdivision and several minor amendments.

There was no mention of any commercial uses in the Milano PUD. The failure to enforce the unified control requirement does not permit it to be disregarded again.

**2022 Milano PUD Amendment #2 Approved When Neal did not have
Unified Control of All Land in the Milano PUD
[Petition 22-07RZ and Ordinance 2022-23]**

Even though Neal no longer had unified control of the 537 acres of the Milano PUD, the PUD was amended again by Ordinance 2022-23 to approve the transfer of 24.1 acres of open space to the GCCF PUD thereby reducing the acreage in the Milano PUD from 538 (originally called 537 acres) acres to 503.9 acres and the open space from 291 acres to 266.90 acres. No additional development rights were requested or approved for the Milano PUD or the GCCF PUD.

There was no mention of any commercial uses in the Milano PUD. The failure to enforce the unified control requirement does not permit it to be disregarded again.

2017 Time of Approval

Section 86-130 (b)(8): “Neighborhood commercial uses which are determined at the time of approval for the PUD to be compatible with the existing and future development of adjacent and nearby lands outside the PUD.”

Question

There was a question asked whether a 4-way intersection was more dangerous than another 4-way intersection. I respectfully suggest that a better question would have been whether a 4-way 7 lane Veneto/Laurel intersection with only 2 stop signs on each side of Veneto and a regional shopping center for 8,000+ homes would be more dangerous than a 3-way Veneto/Laurel intersection with no regional shopping center. Bringing all this new traffic congestion and danger to the entrance to the Venetian is, I submit, very, very incompatible.

Not Intended to Serve 1,021 Homeowners in the Milano PUD

Section 86-130 (r): “*Commercial uses*. Commercial uses located in a PUD are intended to serve the needs of the PUD and not the general needs of the surrounding area. Areas designated for commercial activities normally shall not front on exterior or perimeter streets, but shall be centrally located within the project to serve the residents of the PUD.”

Intended to Serve Planned 8,000+ Homes on East Side of I-75

All Jurors are instructed in judicial proceedings that you can “believe some of what a witness says, all of what a witness says or none of what a witness says” in determining the credibility of witnesses and the facts of a case.

Notwithstanding the statements of Neal to the contrary, it is obvious to me and I hope to each of you that the proposed shopping center is intended to serve the planned 8,000+ homes on the east side of I-75. I am pretty sure Publix would not even consider building a grocery store for only the 1,021 homes in the Veneto PUD. If the shopping center is intended to serve the 8,000+ homes on the east side of I-75, it violates the actual language of Section 86-130(r) unless you elect to either disregard it or “interpret it to not mean what it says.”

Unified Control of All Land in Milano PUD

Section 86-130 (k): “Evidence of unified control; development agreements. All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD.” See also Section 86-130(t)(3)(a).

Failure to Dedicate Open Space Does Not Permit New Development Rights

86-130(j)(3): Land in a PUD designated as open space will be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually, or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successor and assigns and shall constitute a covenant running with the land, and be in recordable form.

Thank You

Thanks for your consideration of our request that you deny the Neal Petition under the laws of Venice and establish the sound precedent that the laws of Venice will protect homeowners who invest their life savings in Binding Master Planned residential developments from Bait & Switch by Developers.

Marshall Happer