



BENTLEY GOODRICH KISON

A COMMERCIAL LITIGATION LAW FIRM

MORGAN R. BENTLEY
*Managing Shareholder
Board Certified Business Litigation*

BRIAN D. GOODRICH
Shareholder

AMANDA R. KISON
*Shareholder
Board Certified Business Litigation*

CAROLEEN B. BREJ
CORINNA S. COSER
KATLYN N. CRAIG
ASHLEY E. GAILLARD
KAYLIN M. HUMERICKHOUSE
MADELINE A. SALAMONE
DAVID A. WALLACE
*Board Certified Appellate Law
and Fla. Certified Mediator*

August 22, 2024

VIA Email: citycouncil@venicefl.gov

Mayor Nick Pachota
City of Venice City Council
401 West Venice Ave.
Venice, FL 34285

Re: Application 24-11RZ – Cassata Oaks
Parcel ID 0399040001

Dear Mayor & Council Members:

This Firm represents Fox Lea Farm (“Fox Lea”) with regard to rezone application 24-11RZ (“Petition”). The applicant, Auburn Road FC, LLC (“Applicant”) seeks to rezone the 39.6 acres located on the southeastern corner of North Auburn Road and Border Road in the City of Venice (“Property”). The Property is located just north of the Fox Lea property at 800 North Auburn Road, Venice, FL 34292 and just east of the Sawgrass Community Association. The petition asks to rezone the Property from Sarasota County Open Use Estate (“OUE”) to City of Venice Residential Single Family (RSF-3). The Applicant has since stipulated that the site plan for the proposed development is binding.

As the Applicant’s adjacent neighbor to the south, Fox Lea has major concerns as to the compatibility of the proposed development as well as the effect of construction on Fox Lea’s operations. As can be shown by Fox Lea’s continued involvement in the multiple development attempts, the impact of the development on Fox Lea cannot be ignored. The City of Venice granted Affected Party Status to Fox Lea at the Planning Commission hearing and Affected Party Status has been sought for the City Council hearing on August 27, 2024.

Fox Lea is separated from the proposed development only by Fox Lea Drive, an unpaved, dirt road. Fox Lea is a nationally recognized championship-level horse show facility operating since 1983. Outside of its large-scale horse shows, Fox Lea regularly provides opportunities for training and riding lessons as well as hosting events to contribute to various nonprofits. With over 42 events annually, and intentions to increase that number, the economic impact of Fox Lea makes it one of

the top three contributors to Sports Tourism and one of the major economic drivers in Sarasota County.

While the competitions and events are undoubtedly valuable to Sarasota County, there are acknowledged negatives for the surrounding neighborhoods. These horse shows and the related operations emit noise, light and dust, occurring both day and night, weekday and weekend. Hundreds of spectators attend each show. The horse trailers and RVs associated with the shows, along with all other participant and spectator traffic, must drive up Fox Lea Drive to enter Fox Lea. Fox Lea recognizes the effect these horse shows have on its neighbors and the inherent incompatibility.

That said, Fox Lea does not contest development *per se*. Rather, the issue, and Fox Lea's resulting concerns, lies in the impacts that would result from the proposed development of the Property – impacts that would directly impair Fox Lea's own property rights and operations as well as the contentment of the future homeowners in this development. Future residents living in such close proximity to Fox Lea would encounter the full impact of Fox Lea's established daily and nightly operations. Therefore, Fox Lea's position and involvement stems from the necessity to ensure adequate mitigation and safeguards are employed when the Property is developed.

Fox Lea submitted a comprehensive memorandum prior to the Planning Commission hearing setting forth its concerns in detail. The June 14, 2024, memorandum is enclosed hereto for your convenience. As you are aware, the Planning Commission recommended approval of the application but required stipulations and the inclusion of a recorded Notice of Proximity. Fox Lea did not have any discussions with the Applicant prior to or during the Planning Commission hearing relating to the stipulations or Notice of Proximity as the documents were presented at the conclusion of the presentations. The stipulations and Notice of Proximity addressed some of the concerns, however, core issues remain which must be addressed. Fox Lea acknowledges that this Property will be developed at some point. Therefore, Fox Lea outlines these issues and offers solutions below.

Compatibility defines the foundational issue of the proposed development. A large-scale equestrian facility and a single-family neighborhood are inherently incompatible. You see firsthand just how incompatible it is when looking to the Sawgrass Community who has submitted noise complaints as recently as May 2024. The Sawgrass Community is, at a minimum, 1,200 feet away from the nearest Fox Lea ring and loud speaker and yet the homeowners complain that the speakers are loud enough to wake them from a dead sleep. If this complaint is any indication, every effort must be made to limit the reach of the sound that comes from Fox Lea.

According to the Applicant, the homes on the southern border of the Property will sit at just over 336 feet from the nearest Fox Lea ring and loud speaker. Within that distance, there is approximately 60 feet of right of way for Fox Lea Drive, a 100ft natural buffer, a 15ft landscape buffer (to include a 3ft berm and an 8ft wall), and a 155ft pond with additional landscaping along the southern estate sized lots. Fox Lea acknowledges that the proposed buffer is more than required by the Code but stresses the inadequacy when considering the realities of the Fox Lea facility and the current neighbor complaints. For instance, the inclusion of ponds will not increase the sufficiency of the buffer. The ponds will increase the distance between Fox Lea and the proposed

development, but a pond is not a buffer – it is quite the opposite; water enhances the movement of and amplifies the sound. With the inclusion of ponds, the 100 feet of natural buffer between Fox Lea and the proposed development must be even more substantial and the purpose must be to dampen sound and visual opacity to the fullest extent. In fact, it is vital to the safety of the Fox Lea horses and the riders but also to the contentment of the future Cassata Oaks homeowners.

The 100 feet of natural landscape at its current density may provide a sufficient buffer between Fox Lea and the proposed development that would dampen sound and visual opacity in some areas along Fox Lea Drive, however, other areas will need to be enhanced. Presumably, with the current density and opacity level enhanced and maintained, there would be minimal ability for either Fox Lea horses or Cassata Oaks homeowners to see through the buffer and with the addition of a concrete wall, there would be an additional sound barrier. However, this proposal aimed at reducing incompatibility is only promising if the density and opacity of the vegetation is enhanced and maintained at the same level. The Applicant even cites to the 100 feet of natural buffer with its forty-foot-tall trees as justification as to why there should not be a limitation on two story homes. The natural landscape must be maintained for the purpose of the proposed buffer to be achieved. A natural buffer kept as a preserve with no requirement that vegetation density and opacity be maintained will not accomplish the purpose of the Applicant's proposed buffer.

Given the incompatibility and the documented potential for complaints from future homeowners, the Applicant must ensure that the buffer is maintained at appropriate density and opacity levels once the development is completed and control is passed to the Cassata Oaks Homeowners Association. Therefore, Fox Lea proposes that a tree study be conducted to determine the current density and opacity of the 100-foot natural landscape and determine where enhancement is needed. Fox Lea further proposes that the future Cassata Oaks Homeowners Association documents reflect a requirement that the Cassata Oaks Homeowners Association maintain the density and opacity of the enhanced vegetation at the same level.

Fox Lea's water levels are another concern. The site plan includes individual ponds on the ten southern estate sized lots. This feature is presumably an attempt to increase the distance between the Fox Lea property line and the proposed development but creates a significant threat to the water levels in the Fox Lea retention ponds. There can be no impact to the Fox Lea water levels.

Ensuring that the Fox Lea retention ponds are filled at a stable level is vital to the safety of Fox Lea horses and riders. Diligent watering and reworking of the show and training ring soils is required, multiple times a day, to provide sure footing and protect show horse from injury. To safeguard the riders and horses from injury, Fox Lea waters the soil continually throughout the day to create a firm, but cohesive cushion during jumping, landing and flat race exercises. Fox Lea withdraws water from its onsite retention pond to maintain proper hydration. Maintenance of water levels in the pond is important to Fox Lea's ability to decrease downtime during water truck tank filling, especially during highly active events. Without stable water levels in the retention ponds, there is a risk that water will not be available when it is needed. With no water, there can be no competition.

Fox Lea's concern is that the digging of the ten ponds will substantially lower the water levels in its retention pond. The Applicant has stated that they intend to dig one pond at a time and the plans

state that the ponds will only be approximately 10 feet deep and include a barrier along the southern edge of the ponds meant to prevent dewatering. Fox Lea is unsure whether digging one pond at a time will actually keep the water levels stable but it is clear that the inclusion of the barrier, as proposed, will not prevent dewatering. According to the Applicants' plans, the barrier will only extend ten feet down. Unless the barrier extends to the confining unit, which would be the clay substrate approximately twenty-five feet down, the water will still make it under the barrier and dewater the Fox Lea retention pond. The proposed barrier system is not deep enough to be effective.

That said, Fox Lea understands that the Applicant has put forth methods aimed at counteracting any potential decrease in water level. At this time, Fox Lea is not demanding the Applicant to use a specific method, merely that the Applicant certify that the chosen method does not decrease the Fox Lea water levels. If there is a decrease in water level in the Fox Lea retention ponds, all construction activities causing the dewatering must come to a complete stop.

Last, the timing of construction is a safety concern of Fox Lea. The show and training rings located along Fox Lea Drive are used for younger children and inexperienced rider competitions. Construction along the southern end of the Property, including the digging of the ponds and the site preparations have the potential to spook the horses in the rings along Fox Lea Drive. In fact, a simple box truck driving along Fox Lea Drive caused a horse to spook. Given the sensitive nature of equestrian activities, Fox Lea strives to provide a safe experience to horse, rider, and spectator.

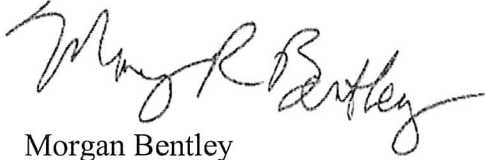
Nonetheless, Fox Lea is cognizant of the realities of development and that some type of development will be approved. While the Fox Lea competition schedule is admittedly active with events almost daily most weeks out of the year, there are less competitions in certain months with multiple week-long breaks between events. Limitations as to when construction on the southern end of the Property takes place will certainly help to ensure the safety of the Fox Lea exhibitors and their horses. With the Applicant and Fox Lea working together in good faith, Fox Lea is confident that a mutually agreeable construction schedule could be reached, specifically with regard to construction on the southern end of the Property.

The stipulations provided by the Applicant to the Planning Commission addressed some of these concerns, however, the above concerns demonstrate that additional considerations are necessary. Fox Lea is committed to working with the Applicant to find a solution to these documented concerns. In fact, since the Planning Commission hearing, the parties have had multiple discussions regarding revisions to the Stipulations and Notice of Proximity presented by the Applicant at the Planning Commission hearing. The parties are still discussing and revising the Stipulations and Notice of Proximity, however, the latest version of the Stipulations and Notice of Proximity presented to the Applicant by Fox Lea are enclosed hereto.

Fox Lea only seeks to advocate to protect its property rights, business operations, duty of safety to clients and patrons, but also seeks to protect the current and future neighbors' expectations in regard to quality of life. This application will only be truly sufficient with the imposition of additional stipulations and the inclusion of a Notice of Proximity for all future Cassata Oaks homeowners.

I hope that these comments and concerns help guide your review of the Cassata Oaks Rezone Petition. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Morgan Bentley". The signature is written in a cursive, flowing style.

Morgan Bentley
For the Firm

Encl.

cc: Venice City Clerk (kmichaels@venicefl.gov)
Kelly Fernandez, Esq. (kfernandez@flgovlaw.com)
Fox Lea Farm
Auburn Road FC, LLC – Melissa Strassner, Esq. (mstrassner@berlinpatten.com) &
Mariah Miller, Esq. (mariah@mlmillerlaw.com)



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DAVID A. WALLACE
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June 14, 2024

VIA Email: PlanningCommission@venicefl.gov

Commissioner Barry Snyder
Chair, City of Venice Planning Commission
401 West Venice Ave.
Venice, FL 34285

Re: Application 24-11RZ – Cassata Oaks
Parcel ID 0399040001

Dear Chair and Commissioners:

This Firm represents Fox Lea Farm (“Fox Lea”) with regard to rezone application 24-11RZ (“Petition”). As you are likely aware, this is not the first attempt to rezone this particular parcel of land. For each prior petition, the City of Venice granted Fox Lea affected person status given its location but also its property interests and use. Fox Lea welcomes the development of the Property and seeks only to emphasize the realities surrounding it and to ensure the best plan for the Fox Lea facility but also for the future homeowners in the proposed development. The Petition, as submitted, does not accomplish that goal.

The Planning Commission is presented with a rezone application from the owner, Auburn Road FC, LLC (“Auburn”) to rezone the 39.6 acres located on the southeastern corner of North Auburn Road and Border Road in the City of Venice (“Property”). The Property is located just north of the Fox Lea property at 800 North Auburn Road, Venice, FL 34292 and just east of the Sawgrass Community Association. The Petition asks to rezone the Property from Sarasota County Open Use Estate (“OUE”) to City of Venice Residential Single Family (RSF-3) and includes a conceptual site plan laying out the proposed development.

Established in 1983, Fox Lea is a nationally recognized championship-level horse show facility hosting various types of horse shows that attract competitors from all over the country and internationally. Outside of its large-scale horse shows, Fox Lea also regularly provides opportunities for training and riding lessons as well as hosting events to contribute to various nonprofits. With over 42 events annually, and intentions to increase that number, the economic impact of Fox Lea makes it one of the top three contributors to Sports Tourism and one of the major economic drivers in Sarasota County. In fact, the annual economic impact of Fox Lea was

presented in great detail by Attorney Jeffery Boone during the hearings on the previous petitions. A copy of the annual economic impact from 2007-2018 is enclosed.

Fox Lea is located along the Property's south border, separated only by Fox Lea Drive, an unpaved, dirt road. Fox Lea's horse shows and the related operations emit noise, light and dust, occurring both day and night, weekday and weekend. The horse trailers and RVs associated with the shows, along with all other participant and spectator traffic, must drive up Fox Lea Drive to enter Fox Lea. Hundreds of spectators attend each show. Given the sensitive nature of equestrian activities, Fox Lea takes all aspects of its business operations seriously, recognizing and providing utmost attention to horse, rider and spectator safety.

Nevertheless, Fox Lea is cognizant of the realities of development and acknowledges that the use of this neighboring Property will change. Not only does the 2017 Comprehensive Plan designate the Property as Low Density Residential on the City of Venice Future Land Use Map but the repeated development efforts over the years reflect the strong desire to develop this Property. It must be noted that Fox Lea does not contest development *per se*. Rather, the issue, and Fox Lea's resulting concerns, lies in the impacts that would result from the proposed development of the Property – impacts that would directly impair Fox Lea's own property rights and operations as well as the contentment of the future homeowners in this development. These concerns are discussed in greater detail below.

Fox Lea's position and involvement stems from the necessity to ensure adequate mitigation and safeguards are employed when the Property is developed. This is for its own protection but also for the protection of its future neighbors as the impacts of such development are not singular in direction. Future residents living in proximity to Fox Lea would encounter the full impact of Fox Lea's established daily and nightly operations and thus, Fox Lea's concerns should be material to Auburn as well. Fox Lea only seeks to advocate to protect its property rights, business operations, duty of safety to clients and patrons, but also to protect the current and future neighbors' expectations in regard to quality of life.

As requested, the Petition is unnecessarily expansive. The Petition before the Planning Commission asks to rezone this Property to RSF-3 which allows for 5 units per acre and a minimum lot size of 7,500 square feet. However, the Property is restricted by the Joint Planning and Interlocal Service Boundary Agreement ("JPA") entered into by the City of Venice and Sarasota County which limits the Property to 3 units per acre. Therefore, a rezone to RSF-3 would be more than could ever be permitted under the JPA. A rezone of the Property to RSF-1 or RSF-2 would more accurately match the JPA limitations.

A rezone of the Property to RSF-1 or RSF-2 would also ensure that there were fewer residents in close proximity to Fox Lea and its established daily operations. The minimum lot size for RSF-1 is 15,000 square feet and the minimum lot size for RSF-2 is 10,000 square feet. The larger lot sizes would decrease the number of homes and therefore, the number of unhappy neighbors. In the instance that the request to rezone to RSF-3 is to utilize the lesser minimum lot size and to allow for an increased buffer between Fox Lea and the new development, Fox Lea would welcome discussion of a stipulation to be included that would accomplish this goal.

Moreover, the realities of the Property must be taken into consideration. Given that the Property is located just north of Fox Lea with the furthest home a mere 270 feet from the large-scale equestrian facility, the southern border is the most sensitive and has the highest potential for future conflict. Historically, this distance has been insufficient to satisfy the City of Venice and even insufficient in protecting the other neighboring homeowner's expectations. The Petition does not adequately address the well-documented concerns of the neighboring properties as reflected in the two prior applications. Should the concerns of each not be addressed, conflict is almost certain to arise between Fox Lea and the developments' future homeowners. Therefore, it is beneficial to address these issues prior to any change in use of the Property and ensure the expectations of any future homeowners are effectively managed.

To that end, it is helpful to look at the history of this Property as this is not the first time this parcel of land has been before the Planning Commission. This parcel has had multiple owners who have all attempted to develop, all unsuccessfully because the development was not compatible with the neighboring properties.

The Property was first presented for rezone in 2013 as the Preserves of Venice Planned Unit Development with 118 units. This Petition was eventually denied. Then again, in 2017, the owner of the Property submitted a development application for the Murphy Oaks Planned Unit Development ("Murphy Oaks PUD"). The Murphy Oaks PUD proposed a total of 105 units and included 50% open space, a maximum building height of 3 stories with a maximum height of 2 stories along the western and southern property boundaries, and a proposed stormwater pond running east to west along the Fox Lea Drive boundary. On November 28, 2018, Venice City Council denied the petition, explaining that:

The proposed stipulations [were] insufficient to achieve compatibility, difficult to monitor and enforce, and so numerous and extensive as to reflect the innate incompatibility of the proposed project and existing development/neighborhoods, including Fox Lea Farm, Inc., a nationally recognized horse show facility.

Following the denial, the owner sought relief pursuant to § 70.51, et seq, Florida Statutes. Mediation was held which resulted in proposed terms of settlement and an amended petition. In September 2019, the amended petition reduced the total number of units to 85, limited buildings to one story, added a 5 foot berm with an 8 foot concrete wall, and added 98 feet of a naturally vegetated buffer ("Revised Murphy Oaks PUD"). The Revised Murphy Oaks PUD also included stipulations with a notice of proximity, prohibition on fireworks, prohibition on drones, prohibition on outdoor loudspeakers in the southern lots' backyards, and prohibition on the applicant or its contractors to burn any trash or waste materials during construction, as well as for the future lot owners, except for outdoor barbeques/grills. Despite the reduction in units, the revised petition did not satisfy the City Council's concerns and on October 22, 2019, the amended petition was denied.

The denial of the Murphy Oaks PUD and later, the Revised Murphy Oaks PUD, shows that density is not the only, or even the main, issue. Rather, compatibility is the foundational issue of any proposed development on this particular Property. Compatibility permeates all of Fox Lea's prior and current concerns and should guide the review of the current Petition.

The 2024 Petition seeks to rezone the Property to achieve development in an almost identical manner, albeit with less homes. The City of Venice is faced with the same issues and must again acknowledge its responsibility to guarantee compatibility, public safety and public welfare, and to protect property rights when determining the appropriateness of this proposed land use change. Specifically, Fox Lea's concerns relate to the adequacy of the buffer, density, and the need to protect its property rights, business operations, duty of safety to clients and patrons, and the current and future neighbors' expectations.

First, there must be a sufficient buffer between Fox Lea and any new development on the Property. There is inherent incompatibility between a large-scale, intense equestrian business operation and a single-family neighborhood. As the most sensitive area of the entire proposed development, the buffer between the proposed development and Fox Lea must be adequate and enforceable, for both the short and long term, in order to mitigate conflict produced by incompatibility.

The Petition proposes a 100ft natural buffer, a 15ft landscape buffer (to include a 3ft berm and an 8ft wall), and an additional 155ft buffer area which includes a pond with additional landscaping along the southern estate sized lots. In total, the yards of the estate sized lots are set back 270 feet from the southern Property line. It appears that the goal is to use these estate sized lots, the pond feature, and the accompanying landscaping on the southern end of the pond as the buffer. Fox Lea acknowledges that the proposed buffer is more than required by the Code but stresses the inadequacy when considering the realities of the Fox Lea facility.

First, water *promotes* sound travel; it does not impede it. The buffer of 270 feet, more than half of which is a pond over which sound travels more, will not prevent noises from reaching the homes in the proposed development. In fact, a buffer and pond that stretched 300 feet was not sufficient in the Revised Murphy Oaks PUD. The Revised Murphy Oaks Site Plan had one pond stretching the entire length of the southern border of the Property with a total buffer of 300 feet. This buffer included a 98 foot naturally vegetated buffer and a 166-foot pond. The accompanying stipulations required a 5-foot berm, an 8-foot-high concrete wall, a continuous hedge, additional trees and landscaping, and that the pond be no more than 8 feet deep. This is far more than the current Petition and still did not remedy the compatibility concerns.

The burden is not on Fox Lea, an established facility with loud noises, smells, and crowds on a regular basis, to conform to the surrounding development. Rather, the onus is upon Auburn to make its development proposal compatible. Auburn must consider that this inherent incompatibility will create a substantial conflict between Fox Lea and the future homeowners. Not only does sound travel over water more than it does over land but the current neighboring properties positioned further away complain about the Fox Lea noise. It would be illogical to assume that Fox Lea can keep its neighbors happy without a more substantial buffer. Only with adequate buffering can incompatibility and interference of property rights be alleviated.

The Petition also states that the ponds include a storm water mitigation function. No further description is provided. This issue was of great concern to Fox Lea in the previous petitions as Fox Lea has an established storm water system that cannot accommodate the new development. No storm water or other drainage from the developed portion, non-buffer areas, of the proposed development can be permitted to discharge into the existing ditch that runs east-west within the

northern portion of the Fox Lea Drive right-of-way. Auburn must provide clarity before any plan can be approved.

Furthermore, Fox Lea has concerns over dewatering activities associated with construction of the Property's stormwater management ponds, due to the fact that it will depress the water levels beneath their property and in their water supply pond. Because Fox Lea relies upon stable soil moisture in their equestrian arenas and show rings and adequate water levels within its water supply pond, depressed water levels would compromise the safety of riders and horses. Therefore, to ensure that the dewatering activities do not adversely impact Fox Lea, the water levels must be monitored to avoid and mitigate all potential adverse impacts.

Perhaps most importantly, Fox Lea's need to protect its property rights, business operations, and duty of safety to clients and patrons is just as important as the current and future neighbors' expectations in regard to quality of life. There has been no resolution as to the numerous and extensive stipulations which much be in place for any development to be compatible with existing development/neighborhoods. These compatibility concerns drove the prior discussions and should do the same here.

Density has always been a concern of Fox Lea. Higher density means more residents in a closer proximity to Fox Lea and its daily operations. More residents mean more individuals expecting comfort and peace in their homes, which only increases the likelihood and potential for conflict. While Auburn is limited to 3 units per acre by the JPA, Auburn does not have a right to any specific density. Rather, a property owner's rights to density, as envisioned under the City's Comprehensive Plan, can only be determined after taking into consideration adjacent property uses, intensities, and most importantly, the public welfare and safety. Auburn makes reference to the zoning for the surrounding neighborhoods, but it is clear from the complaints that come from these already developed neighborhoods that Fox Lea's established operations burden dense residential neighborhoods. What may be permissible and appropriate for one property may be inappropriate for another. RSF-3 would permit far too many homes in too close proximity to Fox Lea. Consideration of the adjacent property uses, intensities, and the public welfare and safety does not support a rezone to RSF-3.

Moreover, throughout the prior petitions, Fox Lea expressed that any future neighbor must be fully informed of the extent of its operations. To that end, the prior stipulations included a notice of proximity that would be recorded in the public records and would ensure that all homebuyers were aware of the following prohibitions: fireworks, drones, outdoor loudspeakers in the southern lots' backyards, and burning any trash or waste materials, except for outdoor barbeques/grills. The need for these prohibitions remains. Each and every compatibility problem is present in the current Petition. In fact, when looking at all the prior denials, it seems that the prior plans are essentially the same design and layout with the addition of individual ponds in the newest submission. Fox Lea remains a nationally recognized horse show facility with the same uses for the land and the same compatibility requirements.

Compatibility defines the foundational issue of the proposed development; it permeates all of Fox Lea's concerns. Fox Lea Farm is a unique operation with a lengthy history in its community, and therefore requires careful analysis and consideration of the nature and extent of adjacent

development, in both the short and long term. Fox Lea is not required to make itself compatible with a proposed development; rather, the onus is upon Auburn to make its development proposal compatible with a large-scale, intense equestrian business operation immediately adjacent to its south border.

The City of Venice has compatibility standards within its Comprehensive Plan and has a responsibility to guarantee compatibility, public safety and public welfare, and to protect property rights when determining the appropriateness of any proposed land use change. The prior petitions failed to meet these standards and so does the current Petition.

I hope that these comments and concerns help guide your review of the Cassata Oaks Rezone Petition. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Corinna Coser', with a long horizontal flourish extending to the right.

Corinna Coser
For the Firm

Encl.

cc: Venice City Clerk (kmichaels@venicefl.gov)
Kelly Fernandez, Esq. (kfernandez@flgovlaw.com)
Fox Lea Farm
Auburn Road FC, LLC – Melissa Strassner, Esq. (mstrassner@berlinpatten.com) &
Mariah Miller, Esq. (mariah@mlmillerlaw.com)

Annual Economic Impact to Sarasota County*

Year	Total Event Days	Number of Horses	Direct Spend	Total Impact**
2007	119	4095	\$9,243,000	\$36,972,000
2008	122	4107	\$10,544,400	\$42,177,600
2009	125	4398	\$11,017,800	\$44,071,200
2010	114	4244	\$10,677,400	\$42,669,600
2011	139	4958	\$12,786,000	\$51,144,000
2012	130	5070	\$12,859,800	\$51,439,200
2013	123	5135	\$12,483,000	\$49,932,000
2014	132	5628	\$16,288,800	\$65,155,200
2015	120	5909	\$16,183,200	\$64,732,800
2016***	166	5949	\$18,942,000	\$75,768,000
2017****	179	6180	\$19,759,800	\$79,039,200
2018	182	6739	\$21,841,200	\$87,364,800

*Economic Impact based on formula used by The American Quarter Horse Association, the largest breed registry in the world. This is consistent with calculations by Visit Sarasota.

**Total Impact listed here does not include total direct spend by Fox Lea Farm, including staff salaries, equipment, supplies, services etc.

***First year of Venice Equestrian Tour, replacing weekend shows

****Hurricane Irma



AUBURN ROAD FC, LLC
STIPULATIONS

1. Applicant proffers that it will provide a Notice of Proximity in the form attached hereto to future homeowners at the time of transferring a deed or before of the proximity of the subdivision to I- 75 on the east and Fox Lea Farms to the south providing the homeowners with knowledge of the impacts from these adjacent properties.
2. Applicant agrees to support any application from Fox Lea Farm to vacate Fox Lea Drive and agrees to waive any claims to the north half of any future vacated Fox Lea Drive.
- 2.3. Applicant proffers that it will provide restrictive Covenants in its property association documents restricting the use of drones, fireworks, outdoor fires other than a gas firepit in language substantially the same as the following:
 - a. No fireworks, drones and outdoor fires are allowed.
 - b. GrillsGas grills and gas fire pits are allowed. Excess smoke will not be permitted.
 - c. Prohibit outdoor loud speakers on the rear of Lots 1E to 10E.
- 3.4. Applicant proffers that it will provide restrictive Covenants in its property association documents requiring that the Cassata Oaks Homeowners Association maintain a minimum of 70% opacity in the 100-foot natural buffer along the southern boundary of the subject property at all times.
- 4.5. Applicant proffers that it will utilize Construction Best Management Practices to minimize impact on the business to the south known as Fox Lea Farms including but not limited to the following:
 - a. The 3 ft berm and 8 ft wall along the southern property line will be constructed prior to site clearing except for those areas necessary to obtain access to work area.
 - b. Fox Lea Drive will not be used as a construction entrance.
 - c. During the course of construction, ~~Neither~~ the Applicant ~~nor~~ and its contractors shall:
 - i. not burn any trash or waste materials on the subject property or utilize open burning of land clearing material and debris during all land development and/or construction activities, in the course of construction.
 - ii. not use or fly drones over any portion of the subject property,
 - iii. limit the use of nail guns along the southern most lots,
 - iv. use its best efforts to limit Horizontal (land development) construction and roofing construction within the Property's southern boundary area (south of the southernmost proposed road) during the months of January, February, March, and April, and
 - i.v. use its best efforts to commence and complete Horizontal (land development) construction and roofing construction within the Property's southern boundary area during the months of August, September, October, and mid-November.;

- e.d. All wood chipping will be done on the north one quarter of the property to minimize noise impacts to the southern property.
 - d.e. Applicant shall ensure that Fox Lea Farm's water table is not affected by any construction activities. The developer shall install a ground-water liner management control system at the southern side of the property south of the proposed lakes so as to prevent negative drawdown of the water table south of Developers property.
 - i. Applicant will dig one pond at a time.
 - f. No stormwater or other drainage from the Development shall discharge into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right of way.
 - g. Existing vegetation in the Fox Lea Drive right of way will be kept in its current condition to the extent practicable.
 - e.h. The depth of the ponds shown on the Master Site Plan shall not exceed 8'.
- 5-6. Applicant and Fox Lea Farm shall work together in good faith and schedule all land development, construction, and site work on the south half of the Property during such times as no competitions or other events are occurring at Fox Lea Farm so as to limit the impact on Fox Lea Farm's events and operations as much as possible.

PREPARED BY AND RETURN TO:

NOTICE OF PROXIMITY AND USE RESTRICTIONS

(Interstate 75 and Adjacent Property Owner Use and Operation)

This Notice of Proximity and Use Restrictions (this “Notice”) is dated _____, 202_, and entered into the public record by **Auburn Road FC, LLC**, a Florida limited liability company, as owner of the real property located in the City of Venice which is legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”).

It is the intent of this Notice to make known to the public-at-large that the Property is located in close proximity to Interstate 75 the property, and also to notify the public-at-large of the established use and operations existing on the adjacent property currently known as “Fox Lea Farm” located immediately adjacent to the Property’s southern border located at the address of 800 North Auburn Road, Venice, FL 34292, with Parcel ID # 0399-11-0002 (the “Adjacent Fox Lea Farm Property”).

It is the further purpose of this Notice to provide any prospective purchaser, prospective tenant, or other owner, occupant, visitor, or other user, of any lot, home, or other land within the future planned residential community intended to be developed on the Property and generally referred to as “Cassata Oaks Development” (the “Development”) with knowledge of the impacts from Interstate 75, which is adjacent to the Development, and of the established use and operations existing on the Adjacent Fox Lea Farm Property.

It is the further purpose of this Notice to impose certain Use Restrictions (as defined below) on the Property which shall encumber the Property and be binding upon all owners and occupants thereof as detailed in the Use Restrictions.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property acknowledge the location of Interstate 75 adjacent to the Development, and that continuous noise from Interstate 75 will be present and may be heard outside or inside homes in the development.

By acceptance of a deed to a lot, or by occupancy or use of any portion of the Development, those parties specifically purchasing, leasing, or otherwise accessing or using any portion of the Property, acknowledge and understand (i) the extent of the use and operations existing the Adjacent Fox Lea Farm Property, as described in detail below (See, “Description of Fox Lea Farm” below), (ii) that the general description of Fox Lea Farm and its operations as set forth below is illustrative in nature and does not intend to limit or prescribe the uses and operation set forth therein, and (iii) said use and operations may increase in intensity and duration at any time in the future, and this Notice and the Description below shall be deemed inclusive of all such increases.

Description of Fox Lea Farm:

Located at the address of 800 North Auburn Road, Venice, FL 34292, the owner of such property currently owns and operates the business established on the property known as “Fox Lea Farm.” Fox Lea Farm is currently operated on the Adjacent Fox Lea Farm Property which is located immediately adjacent to the southern border of the Property. Fox Lea Drive is the entrance and exit to the Adjacent Fox Lea Farm Property; it is the dirt road running along the shared border between the Property and Fox Lea Farm. Fox Lea Farm is a privately-owned, nationally-recognized horse show facility, which has been in operation since the early 1980's. The nature of Fox Lea

Farm's current agrotourism business operations include, but are not limited to, the following activities:

- Hosting a variety of large-scale horse shows;
- Equestrian activities, such as training, teaching, and holding horse-riding camps;
- Hosting events that may use vendors, bands, videos, and various attractions;
- Boarding, grooming, maintaining, and providing temporary housing for horses and other animals;
- Maintaining the grounds, competition rinks, and various equipment, structures and facilities thereon;
- Maintaining offices for the business operation and all activities related thereto;
- Providing RV space and other accommodations for groomers, staff, owners, riders, and other associated individuals.

Fox Lea Farm currently operates year-round, during the weekdays and weekends, and at all hours of the day. Its operations can be characterized as twenty-four (24) hours a day, seven (7) days a week. Fox Lea Farm has plans to expand its operations to include all fifty two (52) weeks of the calendar year. The variety of activities occurring on Fox Lea Farm produce impacts such as noise from loudspeakers, light from stadium lights, dust, smells, and increased traffic. Noise, dust, smells, or other disturbances from such activities may affect, impact, or otherwise be noticeable from, portions of the Development. As Fox Lea Farm's business operations evolve and/or expand, existing impacts may increase, and new and additional impacts may also occur.

THOSE PARTIES SPECIFICALLY PURCHASING, ~~OR LEASING~~ OR OCCUPYING ANY PORTION OF THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO ARE HEREBY ON NOTICE OF THEIR PROXIMITY TO THE FOX LEA FARM, ANIMALS AND PERSONS ON THE FOX LEA FARM PROPERTY, AND THE "USE RESTRICTIONS" AS SET FORTH BELOW.

The Property shall be owned, held, encumbered, leased, used, occupied, and enjoyed subject to the following restrictions (collectively, "Use Restrictions"): For so long as the Adjacent Fox Lea Farm Property (or the portion of thereof located immediately adjacent to the Property) is used for Agrotourism, hosting large scale horse shows and charitable events, equestrian activities, and operated for the primary purpose of equine training, equine breeding and/or equine stables, the owners, lessees, and occupants of the Property shall not (i) use or fly drones over any portion of the Property, (ii) use or ignite fireworks within or from any part of the Property, (iii) create or maintain any large outdoor fire which burning would reasonably be expected to be visible or detectable from the Adjacent Fox Lea Farm Property, ~~or~~ (iv) create excess or unreasonable amounts of smoke or fumes from lots or homes within the Property which would reasonably be expected to be detectable from the Adjacent Fox Lea Farm Property, (v) use grills or fire pits unless they are gas grills or gas fire pits, or (vi) use permanently affixed, wired, southward-facing outdoor speakers on the southernmost lots. The foregoing restrictions are not intended to limit or restrict, and shall not be deemed or applied to limit or restrict, the activities of any developer or builder constructing homes, infrastructure, or other improvements in connection with construction and completion of development within the Property.

All record owners which take title to property within the boundaries as described in Exhibit A attached hereto, or tenants who may occupy the premises within the boundaries described in Exhibit A attached hereto, shall be deemed to have constructive knowledge of this Notice due to its recordation in the Public Records of Sarasota County, Florida, and by further deed or other instrument of conveyance, conveying any portion of the property within the boundaries in Exhibit A attached hereto, or by executing an occupancy agreement and delivering same to the owner of such property contained within the boundaries of the property described in Exhibit A, their successors or assigns. This instrument may be amended only

with the prior written consent of the owner(s) of the Property and the Adjacent Fox Lea Farm Property. Further, the Use Restrictions created hereby run with the land, for so long as the Adjacent Fox Lea Farm Property is used for Agrotourism, hosting large scale horse shows and charitable events, equestrian activities, and operated for the primary purpose of equine training or related activities, equine breeding and/or equine stables.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the undersigned, being the record title owner of the Property, has hereunto duly executed this instrument to be effective as of the date and year first set forth above.

WITNESSES:

AUBURN ROAD FC, LLC, a Florida limited liability company

Print Name: _____
Address: _____

By: _____
Name: _____
Title: _____

Address: _____

Print Name: _____
Address: _____

STATE OF FLORIDA)

COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this _____ day of _____, 202__, by _____, as _____ of **AUBURN ROAD FC, LLC**, a Florida limited liability company, on behalf of the company. He/She is personally known to me or has produced _____ as identification.

My commission expires:

NOTARY PUBLIC, State of Florida at Large

Print Name: _____

EXHIBIT A

Legal Description of Property

#12821350 v2