

From: [Dan Lobeck](#)
To: [Planning Commission](#)
Cc: [Nicholas Pachota](#); [Jim Boldt](#); [Mitzie Fiedler](#); [Rachel Frank](#); [Helen Moore](#); [Rick Howard](#); [Richard Longo](#); [Kathleen Weeden](#); [Kelly Michaels](#); [Roger Clark](#); [Kelly Fernandez \(kfernandez@swflgovlaw.com\)](#)
Subject: Milano PUD Rezoning 22-38RZ/ Cielo Open Space "Release" Is Invalid
Date: Thursday, March 16, 2023 7:46:54 PM
Importance: High

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Dear Planning Commissioners:

As you know, I represent the North Venice Neighborhood Alliance (NVNA) in the above-reference PUD rezoning which will return for public hearing this Tuesday, March 21.

NVNA's territory of concern includes the Cielo Subdivision, in which the 10.42 acres sought for commercial development in that rezoning is platted as Common Property of the Subdivision.

I have been apprised that Seth Thompson, a homeowner and resident of the Cielo Subdivision and past owner-elected representative on its HOA Board of Directors, wrote to you yesterday to object to the propriety of a "Release" recorded by HOA and the Cielo developer. That instrument purports to remove the 10.42 acres at issue from the Common Property, to make it available for the proposed commercial development.

In its decision on the PUD rezoning, it is not clear to what extent the City might consider the recorded Declaration of Covenants, Conditions and Restrictions for Cielo ("the Declaration") and its undisputed designation of the 10.42 acres as Common Property of the homeowners and Association – as such ineligible for the requested designation for commercial development -- or might consider this attempt to change that.

However, it would be well for the City, including the Planning Commission, to be aware of why the Release is ineffective and that as such why approval of Petition No. 22-38RZ would violate the rights and interests of the Cielo homeowners under the recorded Declaration which governs the property.

The "Release and Termination of Cielo Easements & Restrictive Covenants" ("the Release") was recorded in the public records on October 21, 2022 by the Developer-controlled Association and by Border and Jacaranda Holdings, LLC and Neal Communities of Southwest Florida, LLC (together, for the purposes of this email, "the Developer").

The Release purports to remove 10.42 acres of open space located within the Cielo Community at the southeast corner of Jacaranda Boulevard and Laurel Road from the Declaration. It is stated in the Release that those 10.42 acres "shall no longer be deemed Common Property of the Association."

First, the Release was not properly approved by the developer-controlled Association. Upon inquiry, there has never been an Association Board meeting at which the Release was mentioned, much less

discussed or voted upon, and the homeowners have been denied any knowledge of the matter until the recent discovery of the Release in the public records.

The Release states that the parties to it, which includes the developer-controlled Association, “agree that it is in the best interests of the landowners within the Cielo Subdivision”, to release the 10.42 acres from the terms of the Declaration, which under the stated terms of the Release includes removing it from the Common Property of the Association. Certainly, again from inquiry, this does not reflect the views of the large majority of Cielo homeowners.

The only aspect of the 10.42 acres addressed in the Release is an assertion by the Developer that “no Association drainage and/or flowage systems or facilities exist” on the property nor are they “necessary” for any such systems or facilities and that their removal from the Common Properties “shall have no material or negative impact on the drainage and flowage of the remaining portions of the Cielo Subdivision.” This is despite the fact that all of the 10.42 acres is designated on the Cielo Plat as being for “drainage and flowage” and include a large wetland area which the Developer’s environmental consultants have labeled “freshwater marshes” and a large lake which those consultants label as a “reservoir.”

The entirety of the Cielo Subdivision is subject to (1) the Cielo Declaration and (2) the Cielo Plat, both of which are recorded in the public records of Sarasota County. The deletion of the 10.42 acres from Cielo’s Open Space, to allow commercial development by the Developer, violates both the Declaration and the Plat.

This is reflected in the fact that despite having several Whereas clauses, nowhere in the Release is any statement of the authority for it to be done.

It is undisputed, and acknowledged in the Release, that the 10.42 acres is Common Property of the Cielo Subdivision. That is clear under Section 4.01 of the Declaration and the Exhibit “E” to the Declaration which it incorporates in the Declaration by reference.

Several provisions in the Cielo Declaration grant broad authority to the Developer to delete Open Space, including in Sections 2.02(c), 2.03, 4.01(d) and 12.04. However, Section 4.01(d) includes the following (emphasis added):

Declarant reserves the right to amend and alter the development plan and/or scheme of development of the Common Property, in Declarant's sole and absolute discretion, provided such amendment does not delete or convey to another party any Common Property designated, submitted or committed to common usage if such deletion or conveyance would materially and adversely change the nature, size and quality of the Common Property.

Also, because the 10.42 acres are identified as Common Area in the Declaration, including explicitly in Exhibit “E” thereto, its deletion would require a Declaration amendment. Section 12.6 of the Declaration begins, “This Declaration may be amended only in accordance with this Section,” and then provides, as subsection (a) (emphasis added):

Prior to the Turnover Date, Declarant reserves the right to amend this Declaration, the Articles and By-Laws in any reasonable manner whatsoever, without the requirement of Association consent or the consent of any Lot Owner or the mortgagee of any Lot, so long as such amendments do not delete or convey to another party any Common Property designated, submitted or committed to common usage if such deletion or conveyance would materially and adversely change the nature, size and quality of the Common Property; provided however, this provision shall not limit or affect the Developer's ability to re-plot and/or reconfigure all or part of the Subdivision's Common Property and amend the Declaration in connection therewith. Notwithstanding anything to the contrary herein, the Declarant reserves the right to relocate or reconfigure the Common Areas, including the right to substitute relocated or similar Common Areas in other locations within the Subdivision, thereby deleting the Common Areas in the prior location. The right of Declarant to amend as herein set forth shall prevail, anything else contained herein to the contrary notwithstanding.

Clearly, the deletion of the 10.42 acres of Open Space for commercial development by the Developer is not “reasonable”, “would materially and adversely change the nature, size and quality of the Common Property” and would not “relocate or reconfigure the Common Areas” such as to “substitute relocated or similar Common Areas in other locations within the Subdivision, thereby deleting the Common Areas in the prior location” – as no substitute Common Areas are provided.

Applicable rules of construction mandate that meaning must be given to all language used, on the presumption that unnecessary language is not included. Also, separate provisions must be read together (*in pari materia*), to create a harmonious scheme and avoid inconsistency. Also, more specific provisions prevail over general ones. And despite the Developer’s attempt in the Declaration to disavow the rule that ambiguities are construed against the drafter (the Developer), that rule prevails where the document, as here, is not jointly drafted. Accordingly, despite broad grants of authority to the Developer in the Declaration with regard to Open Space, the stated limitations on that authority – as recited above -- must be given effect.

Additionally, the Declaration is subject to 720.3075, Florida Statutes, which limits Developer amendments. Subsection (5) of that statute provides:

It is declared the public policy of the state that prior to transition of control of a homeowners’ association in a community from the developer to the nondeveloper members, as set forth in s. 720.307, the right of the developer to amend the association’s governing documents is subject to a test of reasonableness, which prohibits the developer from unilaterally making amendments to the governing documents that are arbitrary, capricious, or in bad faith; destroy the general plan of development; prejudice the rights of existing nondeveloper members to use and enjoy the benefits of common property; or materially shift economic burdens from the developer to the existing nondeveloper members.

The statutory definition of “governing documents” includes the Declaration and its exhibits, which

include Exhibit "E" listing the Common Properties.

Certainly, turning the 10.42 acres of declared Common Property and open space into commercial development for the economic benefit of the Developer would be unreasonable, as well as arbitrary, capricious and in bad faith, would destroy the general plan of development under which the Cielo homeowners bought their homes, and would prejudice the rights of existing nondeveloper members to use and enjoy the benefits of common property. As such, it is unlawful under s. 720.3075(5), Florida Statutes.

Further, because the 10.42 acres is platted as open space on the Cielo Final Plat, its deletion to allow commercial development requires a replat under state law. Section 177.081(2), Florida Statutes requires that every property owner in the subdivision execute any replat, before witnesses and a notary the same as for a deed. The Developer seeks to address that by including in the Declaration that each owner must sign such an instrument and if an owner does not, it is not needed. It is highly unlikely that a court would order lot owners to sign the replat sought by the applicant and it would violate the statute to replat without it.

The Developer has applied for City approval of a replat to change the 10.42 acres from open space to commercial development. City staff has appropriately required the Developer to address the statutory requirement of execution by all Cielo homeowners, which the Developer to date has failed to do.

Accordingly, because the "Release" is inconsistent with the Cielo Plat, it is legally ineffective in removing the 10.42 acres as Open Space.

Apart from the illegality of the Release under the Declaration and state law, this back room maneuver of the Neal companies to take open space that is within the control of the Neighborhood Association and the homeowners of Cielo without their knowledge or consent should not be given effect.

To do otherwise would be a travesty of justice.

Thank you for your considerations.

Dan Lobeck, Esq.
Florida Bar Board Certified in
Condominium and Planned Development Law
Law Offices of Lobeck & Hanson, P.A.
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Sarasota, FL 34237

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From: [diane herman](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission
Date: Sunday, March 19, 2023 10:11:29 AM

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Dear Commissioners, I am a resident of the Venetian Golf & River club and am writing to urge you to disallow a proposal by Patrick Neal to build a shopping center at Laurel/Jacaranda. This is a blatant disregard of the land use contract for our neighborhood, and will negatively change the historical nature of this area. Traffic and environmental impacts will be devastating as we have seen in so many other areas of Venice with uncontrolled growth. Specifically for myself, crossing 4 lanes of traffic will be extremely hazardous as the County has said traffic lights will not be installed. Noise and light pollution will significantly increase due to large paved parking areas and after hours deliveries. Also please consider the disastrous effects of climate change/flooding/pollution to our homes and the Myakka River in such close proximity to said paved acres. Please listen to the thousands of your constituents who will be negatively affected by Mr. Neal's plans for our neighborhood and lifestyle.

Sincerely,
Diane Herman
114 Bolanza Court

From: [Frank Allocco](#)
To: [Planning Commission](#)
Cc: [City Council](#)
Subject: PUD Amendment Request (22-38RZ) Public Hearing March 21st at 12:00 p.m.
Date: Saturday, March 18, 2023 4:32:03 PM
Attachments: [Neil letter and rendering.pdf](#)

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Dear Planning Commission,

Thank you for the opportunity to express our deep concerns which are against the rezoning of the 10 acres on the corner of Laurel and Jacaranda; we reside in the Cielo development which borders the 10 acres. We work during the day, otherwise we would be present at the hearing to express our concerns in person.

My wife and I relocated to Venice from St. Petersburg to escape to a peaceful residential neighborhood and quiet enjoyment living area. Cielo offered exactly that, with preserved land and ponds surrounding the Cielo lots. We signed a contract with Mr. Neal on September 10, 2021, in which the contract included the lot, representation of the surrounding areas of preserved land and ponds, that we were required to initial on the bottom and sign as part of the contract (attached). Also attached is a letter, part of the contract from Mr. Neal, that outlines Mr. Neal's commitment to environmental impact, natural habitat, and local surroundings. We thought for sure we had made the right decision. We closed escrow on our home on June 30, 2022, nearly 10 months later. We visited the site every week to watch and check the progress of our new home. Not once before or during the 10-month period after the contract was signed, did anyone from Mr. Neal's staff disclose to us that a commercial development was about to take place, and that in fact, the request to the City was long before we signed a contract. Had we known this development was happening or even being considered, we would not have purchased a home in the neighborhood. We feel deceived and misled by Mr. Neal and his staff, and had our choice of where to live taken away.

Below are our many concerns if the development is approved:

- Increased traffic: There is a dangerous blind spot that already exists when entering and leaving the Cielo development onto Jacaranda that will become worse after Publix shopping center is built. There will be increased difficulty to enter and exit the Cielo community which has only one entrance/exit to and from the community, which is located on Jacaranda. The current traffic flow already disobeys the speed limit and speeds past the Cielo neighborhood on Jacaranda coming from Laurel that will significantly increase and become much worse with heavy traffic and speeding in both directions on Jacaranda and Laurel. There was already a traffic accident on the corner of Jacaranda and Border Rd at the 4-way stop sign. Accidents will certainly increase not only with vehicles, but pedestrian accidents with families in the neighborhood that walk, walk their dogs, ride bikes, and jog along Jacaranda.
- Light and noise pollution: This will be created by the lighted stores and parking lots, and

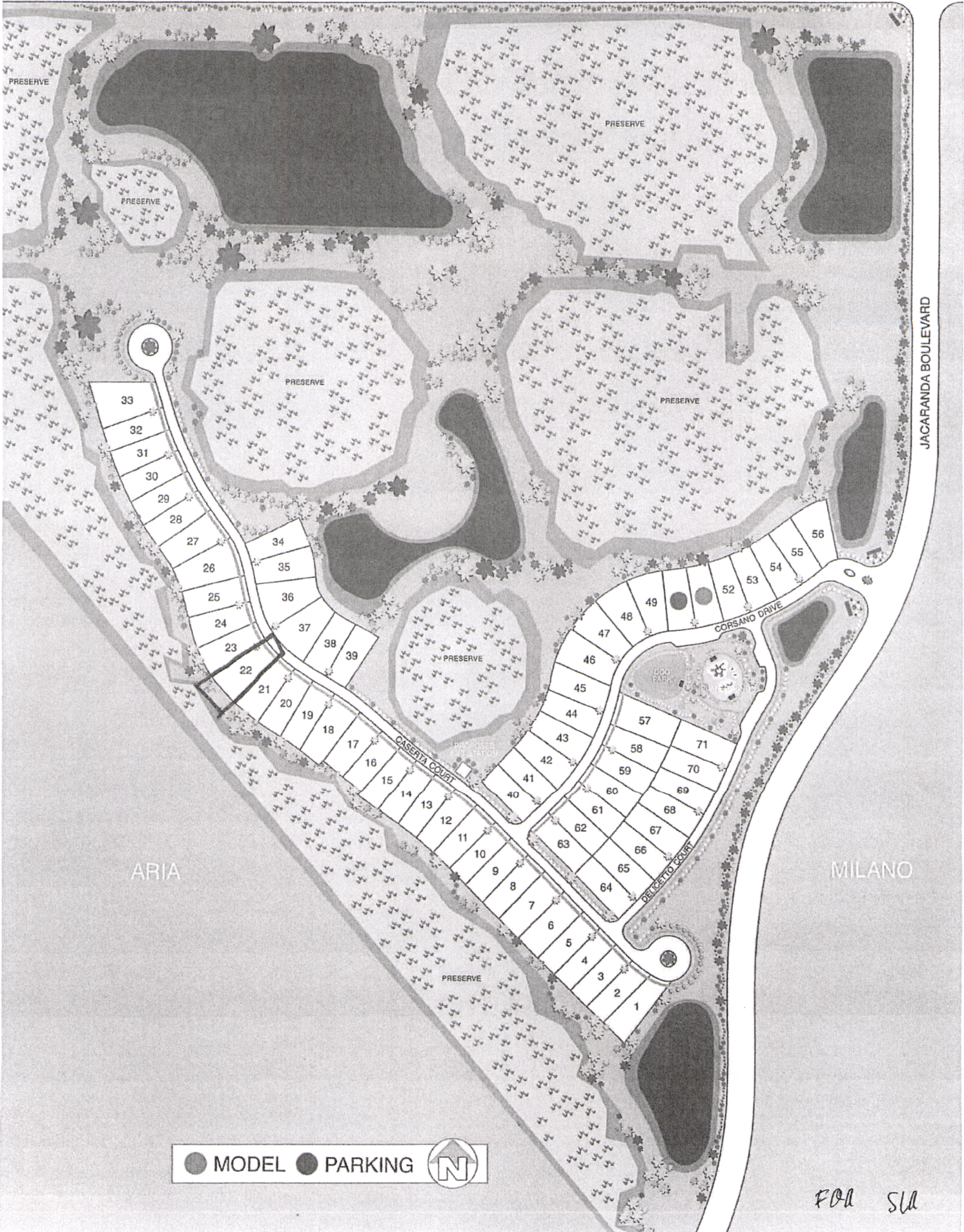
continuous noise from shoppers and deliveries especially when those deliveries are in the evening and middle of the night hours where trucks have loud back-up beeping alarms, and with pollution with additional vehicles, and delivery trucks left idling during deliveries. Shopping centers are filthy with dumpsters, litter, smell, that attract rats and crows and other animals looking to feed. There is already truck traffic that travel on Jacaranda and Laurel due to the continuous construction that is taking place in Fiore, a second development on Laurel across from the Chase community, and a third construction on the corner of Knights Trail Rd. Traffic and truck traffic will certainly increase.

- Makes our area a destination: Currently, people who live here are in the area, it is residential. The shopping center will attract people from other areas, which will over stress the services/ utilities, making the area more expensive to maintain.
- Moving/removing the retention ponds: Our area experienced light flooding when Hurricane Ian hit. The ponds helped keep the flooding to a minimum. What will happen when the ponds are gone? Instead of holding 20 inches of water, what will the new amount be if they are gone? We get heavy rain in a summer storm alone.
- Safety: The shopping center will bring an influx of people to the area. Not everyone unfortunately will there to shop; homeless and panhandlers depend on shopping centers. In addition, the shopping center has direct access from our community to the development through the FPL power line easement. There is huge concern about vandalism and theft in our community. There already was an incident of theft with homeowners' cars in their driveways on Caserta Ct being broken into and theft. That same incident included our home alarm being triggered by thieves trying to break into the back of our home.
- Cielo is not a gated community: There is concern about non-residents entering not only for suspicious reasons, but will become a turnaround spot when traffic is stopped/slow entering into the shopping center. It will also create a pattern of traffic lines inside Cielo waiting to pull out, as well as traffic lines on Jacaranda waiting to turn into Cielo. The traffic line that will be created inside Cielo will be directly in front of a string of homes that are along the egress on Corsano Dr.
- Wild life: We have seen a lot of wild life that calls that area home and live near the ponds, trees and in the preserve. Where will they go? When the construction begins, they will be pushed into our development or killed.

Cielo is a residential, family neighborhood with children and surrounding residential communities. There is a shopping center on Jacaranda, another on Laurel, with another being constructed on the corner of Knights Trail Rd and Laurel. We do not want or need another shopping center that will certainly create disruptions to our homes, lifestyle, neighborhood and our quiet enjoyment and living.

Thank you again for the opportunity to express our concerns, and strongly hope that you will deny the development.

LAUREL ROAD



FDA SLA



Dear Cielo Homeowner,

Neal Communities commitment to excellence in land development and home building has earned the Company a reputation as Southwest Florida's premier residential builder. With over 46 years of building experience, and with over 70 successful communities, the Neal team's expertise in designing exceptional communities ensures that they will continue well into the future.

Neal Communities takes the responsibility of creating lasting communities seriously, designing each with a distinct quality and character. This takes a commitment that goes beyond the construction of the homes. We pay attention to the details of community design, environmental impact, natural habitat, and local surroundings.

We build communities that respect the land and the environment.

We take pride in every community we create, and our homeowners take pride in living here. Therefore, we have established these Guidelines to maintain the exceptional quality and character of Cielo for years to come.

Sincerely,

Patrick K. Neal
Neal Communities

Francis Olindo Allocco

Stacy Leigh Allocco

Homeowner Name

By signing below, I affirm that I have received the Cielo Residential Community Design Guidelines.

9/10/2021 | 12:45 EDT

Francis Olindo Allocco

Stacy Leigh Allocco

9/10/2021 | 12:03 EDT

Homeowner Signature

From: [Gary Scott](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission- Petition 22-38RZ
Date: Tuesday, March 14, 2023 8:59:21 AM
Attachments: [Cielo Preliminary Plat Staff Report.pdf](#)
[Fiore final plat-first page.pdf](#)
[Roger Clark email to Jill.pdf](#)

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To Members of the Planning Commission:

The Milano PUD consists of the Milano, Aria, Cielo, and Fiore subdivisions. The final plat for the final phase of the Milano PUD has been approved by the city, that being Fiore. But yet it is only the open space designated on the Fiore Final Plat that has been dedicated and preserved as the LDR requires. The open spaces designated on the final plats of Milano, Aria, and Cielo to this day remain undedicated, unpreserved, and unprotected.

At the first hearing on January 17 upon Border and Jacaranda Holding's petition there were no questions asked by the Commissioners of the staff concerning the fact that the 10.42 acres of open space that is the subject of the applicant's petition have not been dedicated and preserved as open space. If that dedication had occurred as the LDR require those 10.42 acres of open space would not be available for or vulnerable to redevelopment.

Following are the two LDR that relate to the dedication of open space:

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. 86-139(j)(3)

The final plat shall show: Signature and acknowledgement of the owners to the plat and restrictions, including **dedication to public use of all streets, alleys, parks or other open spaces shown thereon** and the granting of easements. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in and ratifying the plat and all dedications and reservations thereon. 86-231(2)(c)(n)

By the language of those LDR the dedication of open space within the Cielo subdivision should have taken place at the time the Cielo Final Plat was approved by the city on November 12, 2019. (The City Attorney has stated that it is now the practice to dedicate open space at the time of the final plat of an individual subdivision is approved. As it should have been all along.)

In any case, when the Cielo Preliminary Plat was considered by the Planning Commission on November 6, 2018, the staff report included the recommendation that any approval of the plat include a stipulation that reads as follows:

"Consistent with Code Section 86-130(j)(3), at the time of final plat for the final phase of the Milano PUD, open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City". (See relevant portions of the Staff Report attached hereto)

The Cielo Preliminary Plat was approved by the Commission at that November meeting, subject to that stipulation. (See hearing video at 2:45:30)

Later, on October 2, 2020, the Cielo Phase 2 (Fiore) Preliminary Plat was before the Commission. As

part of the staff's presentation there was testimony that, "**This will be the final phase of the Milano PUD.**" (See video at 33:45)

The Fiore Preliminary Plat was approved by the Commission at that October meeting, and later on July 13, 2021, the Fiore Final Plat was approved by the city. (First page of Plat attached)

As can be seen, that final plat contained the required dedication of open space since Fiore was the final phase of the Milano PUD. But there was no dedication at that time of the open space designated on the Cielo Final Plat as there should have been. There should have also been a dedication of the open spaces within the other two Milano subdivisions, Aria and Milano. If there is any doubt that Cielo has been fully platted, see the attached email of Roger Clark in which he states that Cielo has been fully platted.

It is evident that the 10.42 acres within the Cielo subdivision upon which the applicant wants to build a commercial center should have been dedicated as open space at least when the Fiore Final Plat was approved, if not earlier at the time the Cielo Final Plat was approved.

Who should pay the consequences of this oversight? It should not be the innocent homeowners of the neighborhood. And who should profit by this oversight? It should not be the applicant.

Thank you for your consideration.

Gary Scott

ASSOCIATED DOCUMENTS

- A. Application Materials
- B. Exhibit A: Site Pictures
- C. Stipulation Status Responses
- D. Pre-Annexation Agreement

EXECUTIVE SUMMARY

A Preliminary Plat for the 125.5 +/- acre Cielo Subdivision (Milano PUD) consists of 126 detached, single-family residences. Per Land Development Regulations Section 86-230(d), the applicant is requesting two Code Modifications to allow for the issuance of Building Permits for project amenities and model homes prior to Final Plat approval and to allow cul-de-sacs to exceed 1,200+/- feet in length. If approved, this will be the last Preliminary Plat for the Milano PUD. Based on this preliminary plat completing the development of the Milano PUD, the following stipulation is recommended subject to City Attorney review:

- Consistent with Code Section 86-130(j)(3), at the time of final plat for the final phase of the Milano PUD, open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City.

The Cielo Subdivision accounts for the northern portion of the Milano PUD, previously portions of the VICA and Laurel Lakes PUDs. There are three Pre-Annexation Agreements associated with the subject property and eleven (11) stipulations carried over from the Milano PUD Rezone.

Based on the submitted application materials, staff analysis, and conclusions from this staff report, staff provides the following summary findings on the subject petition:

- **CONCLUSIONS/FINDINGS OF FACT (COMPREHENSIVE PLAN):** The Cielo Preliminary Plat may be found consistent with Northeast Neighborhood strategies, Land Use Element strategies, Mixed Use Residential (MUR) Future Land Use designation, Open Space Element strategies, and other applicable strategies in the *City of Venice 2017-2027 Comprehensive Plan*.
- **CONCLUSIONS/FINDINGS OF FACT (MILANO PUD):** The Cielo Preliminary Plat is consistent with the Milano PUD Binding Master Plan.
- **CONCLUSIONS/FINDINGS OF FACT (LAND DEVELOPMENT REGULATIONS):** The proposed preliminary plat complies with the City's Land Development Code, including the subdivision standards.
- **CONCLUSIONS/FINDINGS OF FACT (CONCURRENCY/MOBILITY):** No issues have been identified regarding adequate public facilities capacity to accommodate the development of the project per Chapter 94 of the Land Development Regulations.

FIORE

A SUBDIVISION LYING IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, CITY OF VENICE, SARASOTA COUNTY, FLORIDA.

PLAT BOOK 55 PAGE 249
SHEET 1 OF 9 SHEETS

LEGAL DESCRIPTION (PREPARED BY ARDURRA GROUP, INC)

A PARCEL OF LAND BEING A PORTION OF THAT CERTAIN PROPERTY DESCRIBED IN OFFICIAL RECORDS INSTRUMENT # 201402408 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA THENCE SOUTH 00°19'26" WEST, ALONG THE EAST LINE OF SAID SECTION 34, A DISTANCE OF 12.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF LAUREL ROAD ACCORDING TO OFFICIAL RECORDS INSTRUMENT # 2014041854 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SAME BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE, SOUTH 00°19'26" WEST, A DISTANCE OF 1,120.11 FEET TO THE NORTH LINE OF AREA ACCORDING TO PLAT BOOK 52, PAGE 428 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 89°30'30" WEST, A DISTANCE OF 389.84 FEET; (2) SOUTH 00°08'44" WEST, A DISTANCE OF 28.40 FEET; (3) NORTH 89°30'16" WEST, A DISTANCE OF 983.59 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID SECTION 34; THENCE NORTH 00°01'39" EAST, ALONG SAID WEST LINE, A DISTANCE OF 1,150.18 FEET TO AFORESAID SOUTH RIGHT-OF-WAY OF LAUREL ROAD; THENCE SOUTH 89°21'08" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, SAME BEING A LINE 12.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 1,399.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 35.519 ACRES.

CERTIFICATE OF APPROVAL OF COUNTY CLERK

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I, KAREN E. RUSHING, COUNTY CLERK OF SARASOTA COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF THE STATUTES OF FLORIDA PERTAINING TO MAPS AND PLATS, AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK 55, PAGE 249, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, THIS 15th DAY OF JULY, A.D., 2021.

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT OF
SARASOTA COUNTY, FLORIDA

BY: [Signature]
DEPUTY CLERK

CERTIFICATE OF APPROVAL OF CITY COUNCIL

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

IT IS HEREBY CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY ACCEPTED BY THE CITY COUNCIL OF VENICE, A MUNICIPALITY IN THE COUNTY OF SARASOTA, STATE OF FLORIDA, THIS 15th DAY OF JULY, A.D., 2021.

APPROVED: [Signature]

MAYOR, CITY OF VENICE

[Signature]
CITY ENGINEER

[Signature]
CITY ATTORNEY

RESERVATION OF EASEMENTS

THERE ARE HEREBY EXPRESSLY RESERVED TO THE "OWNER", ITS SUCCESSORS OR ASSIGNS, AN EASEMENT OF TEN (10) FEET IN WIDTH ALONG ALL FRONT LOT LINES AND ALL PRIVATE DRAINAGE EASEMENTS, SHOWN HEREON, FOR THE EXPRESS PURPOSE OF ACCOMMODATING SURFACE AND UNDERGROUND DRAINAGE AND UNDERGROUND UTILITIES, INCLUDING IRRIGATION FACILITIES.

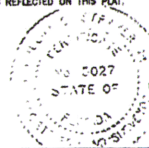
UTILITY EASEMENTS

THE OWNER DOES HEREBY GRANT NON-EXCLUSIVE EASEMENTS TO THE CITY OF VENICE, FLORIDA POWER AND LIGHT COMPANY, AND OTHER AUTHORIZED PARTY COMPANIES FOR THE INSTALLATION AND MAINTENANCE OF ABOVE GROUND, SURFACE AND UNDERGROUND POWER, GAS, TELEPHONE, WATER, SEWER, ELECTRIC, CABLE TELEVISION, AND OTHER UTILITIES, LINES, AND FACILITIES UNDER EACH AREA DEPICTED ON THIS PLAT AS A "PUBLIC UTILITY EASEMENT". ALL UTILITY EASEMENTS SHOWN HEREON SHALL ALSO BE FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, OR WITH THE FACILITIES OR OTHER IMPROVEMENTS CONSTRUCTED THEREON.

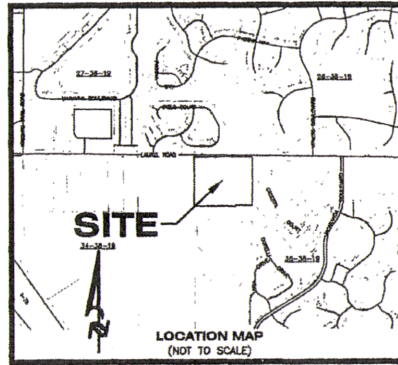
CERTIFICATE OF REVIEWING SURVEYOR AND MAPPER

STATE OF FLORIDA)
COUNTY OF SARASOTA) SS

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, PART 1, OF THE FLORIDA STATUTES, AND THAT I AM UNDER CONTRACT WITH THE APPROPRIATE LOCAL GOVERNING BODY AND ACTING HERETO AS AN AGENT OF THE CITY OF VENICE. THIS LIMITED CERTIFICATION AS TO FACIAL CONFORMITY WITH CHAPTER 177, PART 1, F.S. PLATING IS NOT INTENDED TO BE AND SHOULD NOT BE CONSTRUED AS A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING AND MAPPING REFLECTED ON THIS PLAT.



[Signature]
ROBERT B. STRAYER, JR.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 5027



SHEET INDEX
1 COVER SHEET
2 KEY SHEET
3-9 DETAIL SHEETS

NOTICE

- 1) THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FIORE (THE "DECLARATION") IS SIMULTANEOUSLY RECORDED WITH THIS PLAT IN THE OFFICIAL RECORDS AS INSTRUMENT NUMBER 20211104057 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.
- 2) THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 3) OWNER RETAINS AND RESERVES OWNERSHIP OF ALL PROPERTY, EASEMENTS AND INTERESTS SET FORTH ON THIS PLAT THAT HAVE NOT OTHERWISE BEEN CONVEYED AND/OR DEDICATED TO ANOTHER PARTY.

TRACT DESIGNATIONS

- TRACT 120: PRIVATE ROADWAY, INGRESS, EGRESS, DRAINAGE, LANDSCAPE AND HARDSCAPE EASEMENT & PUBLIC UTILITY EASEMENT
- TRACTS 220: AMENITY CENTER
- TRACTS 320 - 321: WETLAND, PRIVATE DRAINAGE & FLOWAGE EASEMENT
- TRACTS 520 - 522: PRIVATE LAKE, DRAINAGE & FLOWAGE EASEMENT
- TRACT 620: OPEN SPACE
- TRACT 621: OPEN SPACE, PRIVATE DRAINAGE & FLOWAGE EASEMENT
- TRACTS 720 - 722: FUTURE DEVELOPMENT - RESERVED FOR OWNER

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA)
COUNTY OF SARASOTA)

I, JAMES R. SCHER, AS MANAGER OF NODD MANAGEMENT, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS MANAGER OF NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ALL COMPANIES SUBJECT TO DO BUSINESS IN THE IN THE STATE OF FLORIDA, ("OWNER"), CERTIFIES OWNERSHIP OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THIS PLAT ENTITLED "FIORE" TO BE MADE AND DOES HEREBY DEDICATE THE FOLLOWING:

1. TO THE CITY OF VENICE, ITS SUCCESSORS AND/OR ASSIGNS:
 - A) A NON-EXCLUSIVE, EMERGENCY ACCESS EASEMENT ACROSS, OVER AND UNDER THE ROADS AND RIGHT-OF-WAY SHOWN HEREON AS TRACT 120 FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES AND FOR AUTHORIZED GOVERNMENTAL SERVICES.
 - B) ALL POTABLE WATER AND SANITARY SEWER INFRASTRUCTURE FACILITIES, ABOVE GROUND, SURFACE AND UNDERGROUND UTILITIES ALONG AND ADJACENT TO TRACT 120.
 - C) ALL PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS PLAT.
2. TO SARASOTA COUNTY, ITS SUCCESSORS AND/OR ASSIGNS:
 - A) AN EXCLUSIVE LIFT STATION EASEMENT AS SHOWN AND DEPICTED ON THIS PLAT AS "PERMANENT EXCLUSIVE LIFT STATION EASEMENT DEDICATED TO SARASOTA COUNTY" FOR THE PURPOSE OF INSTALLATION, MAINTENANCE, AND OPERATION OF A SEWAGE LIFT STATION AND RELATED FACILITIES.
- 3) DEDICATES AND SETS APART TRACTS 320-321, 520-522 & 620-621, AS SHOWN AND DESCRIBED ON THIS PLAT FOR A PERIOD OF 99 YEARS FROM THE RECORDING OF THIS PLAT IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, FOR OPEN SPACE PURPOSES ONLY PURSUANT TO SECTION 66-130(j) OF THE CITY OF VENICE LAND DEVELOPMENT REGULATIONS AND ORDINANCE NO. 2017-28. SUCH OPEN SPACE USE, CONSISTENT WITH THE CURRENT DEFINITION IN THE CITY OF VENICE LAND DEVELOPMENT REGULATIONS, SHALL BE DEEMED TO MEAN THAT THE PROPERTY MUST BE UNOCCUPIED OR PREDOMINATELY UNOCCUPIED BY BUILDINGS OR OTHER IMPERVIOUS SURFACES, AND USED FOR STORMWATER MANAGEMENT, PARKS, RECREATION, CONSERVATION, PRESERVATION OF NATIVE HABITAT AND OTHER NATURAL RESOURCES, OR HISTORIC OR SCENIC PURPOSES. UNOCCUPIED OR PREDOMINATELY UNOCCUPIED BY BUILDINGS OR OTHER IMPERVIOUS SURFACES SHALL MEAN THAT NOT MORE THAN 5% OF THE AREA OF ANY REQUIRED OPEN SPACE, WHEN CALCULATED BY EACH AREA SHALL BE OCCUPIED BY IMPERVIOUS SURFACES.

NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC,
A FLORIDA LIMITED LIABILITY COMPANY

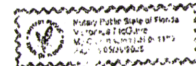
BY: [Signature]
JAMES R. SCHER, MANAGER

[Signature]
Nikaula Newberd
WITNESS
[Signature]
Michele Zink
WITNESS
PRINT NAME OF WITNESS

STATE OF FLORIDA)
COUNTY OF SARASOTA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF (X) PHYSICAL PRESENCE OR () ONLINE NOTARIZATION THIS 15th DAY OF JULY, 2021, BY JAMES R. SCHER, AS MANAGER OF A LIMITED LIABILITY COMPANY AUTHORIZED TO OFFER SERVICES OF REGISTERED SURVEYORS AND MAPPERS IN THE STATE OF FLORIDA, HOLDING L.B. NO. 4334, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES, AND THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) WERE INSTALLED AS OF APRIL 22, 2021 AND THE PERMANENT CONTROL POINTS (PCP'S), AND THE LOT CORNERS WILL BE INSTALLED WITHIN 1 YEAR FROM DATE OF RECORDING AND WILL BE CONFIRMED BY SURVEYORS AFFIDAVIT.

(AFFIX SEAL)



PRINT NOTARY NAME: Veronica M. Boile
NOTARY PUBLIC STATE OF FLORIDA

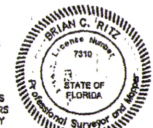
COMMISSION NO: 443091199
EXPIRATION DATE: 05/29/2025

SURVEYORS CERTIFICATE

PROFESSIONAL SURVEYOR AND MAPPER IN THE STATE OF FLORIDA, HOLDING LICENSE NO. 0007310, HEREBY CERTIFY THAT I AM ACTING ON BEHALF OF A M ENGINEERING, LLC, A LIMITED LIABILITY COMPANY AUTHORIZED TO OFFER SERVICES OF REGISTERED SURVEYORS AND MAPPERS IN THE STATE OF FLORIDA, HOLDING L.B. NO. 4334, THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES, AND THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) WERE INSTALLED AS OF APRIL 22, 2021 AND THE PERMANENT CONTROL POINTS (PCP'S), AND THE LOT CORNERS WILL BE INSTALLED WITHIN 1 YEAR FROM DATE OF RECORDING AND WILL BE CONFIRMED BY SURVEYORS AFFIDAVIT.

A M ENGINEERING, LLC.

BY: [Signature] 6/2/21
BRYAN C. RITZ, P.S.M.
REGISTERED PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NUMBER LS 0007310



A M ENGINEERING, LLC.
CONSULTING ENGINEERS & SURVEYORS, L.B. 4334
8340 CONSUMER COURT
SARASOTA, FLORIDA 34240
PHONE (813) 377-9178
FAX 378-3786

Dear Roger,

Thanks in advance, as you've always been helpful, and I do appreciate it.

In Neal's recent filing regarding the proposed shopping center at the corner of Laurel Road and Jacaranda, it is stated that the project is within the Milano PUD and within the platted Cielo Development. Is Cielo fully platted as of this date?

Does the platting of Fiore - which I think is the 4th "neighborhood" in the Milano PUD - count in the equation of the Binding Master Plan and re-zoning? Am thinking also about the edits made to the open space language that was proposed yesterday.

Many thanks indeed.

Jill

From: Roger Clark <RClark@venicefl.gov>
Date: June 17, 2022 at 7:25:45 AM EDT
To: Jill Pozarek <spqr63bc@hotmail.com>
Subject: RE: Quick question - "platting status"

Jill,

Yes, Cielo is fully platted and yes, the Fiore plat is included in the overall Milano PUD. The proposed text regarding open space in the draft LDRs will apply to new PUDs if it is adopted, not existing as they have been reviewed and developed under the existing code.

Thanks,

Roger

Roger Clark, AICP

Planning and Zoning Director

401 West Venice Avenue

Venice, FL 34285

Office: 941-882-7432

Cell: 941-468-0081

rclark@venicefl.gov



From: [Gary Scott](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission- Petition 22-38RZ
Date: Monday, March 20, 2023 8:57:29 AM

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

To the Members of the Planning Commission:

In regard to Petition NO. 22-38RZ, on December 22 of last year after receiving word that the applicant wanted to set the hearing before this Commission for January 17, Roger Clark emailed Jim Collins and reminded him that “traffic needs to be resolved prior to the public hearing.” The applicant did not get that done.

At the hearing on January 17 planning staff testified that there were unresolved issues with both traffic and environmental. As far as traffic, the applicant submitted a traffic analysis to Mr. Clark by email at 5:14 p.m. **the evening before the scheduled hearing.** Those opposing the petition of course did not have access to that report prior to the hearing and the city’s staff and traffic consultant had no time to review it.

As part of the documents linked to the agenda for the continued hearing scheduled for March 21 are documents showing that staff continued in their efforts with the applicant to resolve issues through the month of February as far as traffic, and through the middle of this month concerning environmental. The back and forth between the city’s consultants and the applicant and its consultants concerning various unresolved issues created a moving target for those in opposition to the petition to the extent they even had knowledge of the latest communications and updated reports. For a quasi-judicial proceeding, that is unfair.

Assuming that what is linked to the agenda are the most recent reports of the consultants, it appears there are still unresolved issues at least regarding environmental. The applicant’s consultant, Kimley-Horn was communicating with the city about outstanding issues **as late as March 14.** The city’s consultant Wade Trim in response stated in part on March 16, “With the limited time to evaluate the KHA March 14, 2023, response, Wade Trim and Earth Resources Consulting Scientists can neither verify nor dispute that the subject property is the only location available for commercial development within the Milano PUD.” After all this time, because of the untimeliness and unresponsiveness of the applicant, the city’s consultants are unable to fully evaluate the environmental submissions of the applicant’s consultant. This is the case even though it is now more than two months since the originally scheduled hearing by which time all issues were to be resolved.

As far as traffic the applicant’s consultant Stantec submitted its most recent report on February 14. Wade Trim’s response was communicated to the city on February 28. After finally receiving the information that it had been requesting from the applicant, Wade Trim was able to conclude that the increased traffic resulting from the proposed commercial center will cause Laurel Road to fail as a two lane road and that it will be necessary to widen it to four lanes. (I understand the widening project is in the works.) And as far as Jacaranda, it seems that the increased traffic may also cause it to fail depending upon what supporting traffic data is used. This last point is unclear in the Wade Trim report and perhaps can be clarified at the hearing on the March 21 hearing.

It appears that a commercial center that the law clearly says should not be allowed, if permitted to be constructed, may result in two roads having to be widened to accommodate the increased traffic. Hopefully the law will prevail and that will not be the result.

My final point is that the applicant closed its case on January 17 at a time when there were still unresolved issues with traffic and environmental. How are the more recent reports to get into evidence? Through the applicant’s rebuttal? These reports are not rebuttal. They should have been

part of the applicant's original case, but the applicant was not prepared even though it was the applicant that requested the hearing date of January 17.

I am not so naive as to think that the applicant is not going to be permitted to submit the new reports. But there should be some kind of relief for those in opposition, such as additional time for their cases. Those in opposition should not be prejudiced by the failure of the applicant to get all issues resolved prior to the initial hearing as it was asked to do by planning. Thank you for your consideration.

Gary Scott

From: Kathleen Bowser
To: [Planning Commission](#)
Subject: 3/21/2023 hearing
Date: Monday, March 20, 2023 2:17:30 PM

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

Dear Members,

My husband, Jack Bowser, and I are full time permanent residents in the Milano Community in northern Venice. We are unable to attend tomorrow's meeting concerning the location of a commercial development at the corner of Jacaranda Boulevard and Laurel Road.

We would like to voice our opposition to this commercial development. According to our PUD, a change in use from residential to commercial should only be allowed if the change will service the area residents. We believe such a development is a duplication of services that are already available to us nearby. We strongly encourage the planning commission to deny the change to commercial. We believe that allowing this development would be in violation of the PUD. It would also contribute to overburdening our local roads with unnecessary traffic from areas that are not close by.

Please consider the residents of Milano, Aria, Cielo, Venice Golf and River Club, Palencia, and other nearby communities when deciding on this request for a change. Please vote "no" on the change.

Respectfully,

Jack and Kathleen Bowser
232 Rosolina Ct.

Additionally

From: [Leslie Chaput](#)
To: [Planning Commission](#)
Subject: In regard to the continuation of the Neal commercial development proposed for the corner of Jacaranda Boulevard and Laurel Road:
Date: Saturday, March 18, 2023 7:55:57 PM

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

I have attended all of Mr Neal's meetings through the years regarding his Milano project. I have listened to his visions and I know how they've actually been built out. As you consider the latest changes for the property on the corner of Laurel and Jacaranda, I would like you to speak to the impact on the aquifer. The wetlands was filled in and then dug out to become a sizable pond and now they propose to fill it in , change the boundaries of the property and move their open space requirement somewhere else. Meanwhile building a sizable Publix store, gas station and a large chain eating establishment and filling the area with asphalt parking lots and roadways to accommodate delivery trucks.

I recall the gas leak from a tank at the Shell station on the corner of Knight's Trail and Laurel Road. It was discovered by a landscape crew cutting the grass in the swale in front of the CVS (now Dollar Tree). That started a process that may still be going on with aerating equipment hidden behind a privacy fence. There is also a sewer lift in that area now behind a fence. I would like you to address what provisions you plan to make for gas leaks, parking lot run off , intrusion of chemicals into the aquifer and surrounding ponds that already have housing built around them. I will also mention that the sewage pumps for the Milano side of Jacaranda did not meet at the same grade as the Aria side causing a sewage spill during the summer months and the relocation of the equipment into the taxpayer owned right of way at the taxpayer expense. I know Mr Neal has a very high regard for his civil engineer. I would prefer to have this situation examined by an independent engineer.

Thank you for your consideration.

Leslie Chaput
157 Treviso CT
North Venice, Florida 34275
860.463.3222

From: [Michael W Dukes](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission
Date: Monday, March 20, 2023 5:41:44 PM

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

I am writing as a resident of the Venetian Golf and River Club to seek your support in approving Mr. Neal's upcoming plans for North Venice and at the corner of Laurel and Jacaranda. The actions of the North Venice Alliance is not condoned by myself and many of my friends and neighbors. Please take this into consideration when making your decision.

Thank you.

Dr. Michael W. Dukes
241 Montelluna Dr
North Venice FL 34275.

From: [Nancy Plotkin](#)
To: [Planning Commission](#)
Subject: PUD Amendment Request (22-38RZ)
Date: Sunday, March 19, 2023 11:16:05 AM

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

I live in Milano. I am writing about the proposal to build a shopping center on the corner of Laurel & Jacaranda. I am opposed. The application to change that corner in a residential neighborhood to a huge commercial center which would bring traffic & noise is wrong and should be rejected.

Please follow the law.

[Sent from Yahoo Mail for iPad](#)

From: [Peggy Pisani](#)
To: [Planning Commission](#)
Subject: Venice Planning Commission
Date: Tuesday, March 21, 2023 9:51:29 AM

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

To whom it may concern

I am writing in opposition to Mr. Neal's planned shopping center at the corner of Jacaranda Blvd. and Laurel Rd. I am an original resident of Milano. I remember all of the meetings and there were several, with Neal representatives that took place in our Clubhouse assuring us there would be NO COMMERCIAL building on any of the green space in the MILANO PUD.

I guess we were naive to have believed him. I am even so uncomfortable that we live in Milano while Milano is still used in this very controversial situation, "Milano PUD".

This would make traffic a nightmare. And our quality of life would be changed forever. Until now we have loved living in Milano and in Venice.

I ask you all on the Planning Commission to vote NO. Please follow the law.

Sincerely
Margaret Pisani
311 Carlino Drive
No. Venice, Fl. 34275
518:424-0576

Sent from my iPad

From: Philip Lagace <philip.lagace@gmail.com>
Sent: Sunday, March 19, 2023 7:59 AM
To: Nicole Tremblay <NTremblay@venicefl.gov>
Subject: Rezone Hearing, Milano PUD Amendment

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

22-38RZ

Milano PUD Amendment (Village at Laurel & Jacaranda) Rezone

Nicole Tremblay

6/28/2022

Laurel Rd and Jacaranda Blvd

0391-04-1000

Jeffery A. Boone, Esq.

Border and Jacaranda Holdings, LLC

amendment to Milano PUD to designate 10.42 acre commercial parcel 03/21/2023 Planning Commission Meeting

Dear Nicole,

I am writing to the Planning Commission to express my opposition to the rezoning of present open space habitat to commercial usage.

This rezoning would cause:

- Significant hardship on the wildlife that occupies this property.
- Increase commercial and customer traffic through a residential area and entrance to the Myakka River Laurel Road park.
- Increased hazards for bike riders and walkers that use the Laurel Road entrance to Myakka River Park as there is no sidewalk or bike lane on this road portion.
- Reduction of the percentage of valuable tree canopy area in North Venice with the increase of pavement area increasing the heat signature of the area.
- Reduction of the storm runoff holding capacity by the elimination of two ponds in the area.
- Increase light pollution that would curtail nestings of raptors and other birds.
- Increase noise pollution especially during nighttime hours with deliveries and maintenance activities.
- Increase water and waste water sewage usage on an already taxed system within the city of Venice.

Thank you for your consideration of my concern. Please "Follow the Law" as already established and deny the commercial development to take place on designated open space land.

Best regards,

Philip Lagace, 244 Acerno Dr. North Venice, FL 34275

From: [Ron Pisani](#)
To: [Planning Commission](#)
Subject: Milano PUD Zoning Map Amendment
Date: Tuesday, March 21, 2023 9:47:13 AM

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

Dear Sirs:

As a resident of the Milano community, I want to express my opposition to the proposed amendment which would allow construction of a commercial plaza near the intersection of Jacaranda Blvd and Laurel Rd. The proposed development is unnecessary and would materially increase traffic and congestion, increase noise levels and pollution and pose safety concerns within walking distance of my home. The proposed development would result in a major lifestyle change; and it was precluded in the enabling documents for the Milano community. Thus, there is a legal basis for denying the proposed amendment. My discussions with other Milano residents indicate that the vast majority share my views. Please vote to deny the proposed Milano PUD Zoning Map Amendment.

Sincerely,

Ronald Pisani
311 Carlino Dr.
N. Venice, FL 34275

From: Ron Mauri
To: Planning Commission
Subject: Comments Regarding the Proposed Neal Project at Laurel and Jacaranda
Date: Sunday, March 19, 2023 11:27:29 PM

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

Members of the Venice Planning Commission,

Please consider the following as you consider the Subject Proposed Neal Project. I have also attached them as a Word document file.

My name is Ronald Mauri and I am a resident of the Venetian Golf and River Club. I had over a 37 year career in the U.S. Department of Transportation and was the national expert on transportation economics. My work included the study of highway safety matters.

First, I would offer some well-accepted principles and data related to highway safety that are relevant to the proposed Neal project.

1. Road improvements such as wider lanes, better sight lines, straighter roads, and medians increase average speed.
2. Other things equal, average speed is higher on four lane roads than two lane roads.
3. Increased speeds increase crash severity.
4. Increased traffic increases crash likelihood.
5. More than 50 percent of the combined total of fatal and injury crashes occur at or near intersections: <https://highways.dot.gov/research/research-programs/safety/intersection-safety>
6. In 2020 two-thirds of intersection fatalities occurred at non-signalized intersections.
7. Intersection complexity increases crash risk.

I have serious concerns about the degradation in safety that will occur if the Neal development is approved as proposed as I will outline.

The intersection of Laurel and Veneto (the VGRC entrance and main exit changes from a three-way to a four-way intersection with the new full access entrance-exit to the proposed Neal project. As a three-way intersection there are only six possible traffic movements, e.g., westbound on Laurel, or right turn from Veneto onto Laurel. As a four-way intersection as proposed, the number of possible movements doubles to 12. Furthermore the roadway width on Laurel increases from the current three

lanes to seven lanes. So anyone exiting the VGRC at Veneto would confront a substantially more complex intersection.

What does this translate to in safety? The expected number of accidents at a four-way intersection vs. a three-way intersection does not just double or triple, it goes up 41 times – from virtually non-existent to one every four years. See Figure 7 on p. 353 of “The Built Environment and Traffic Safety: A Review of Empirical Evidence” Journal of Planning Literature, 2009.

The widening of Laurel Road to four lanes serves to amplify crash severity because average speed will increase. The extra traffic on Laurel Road generated by the proposed Neal project will increase the likelihood of a intersection crash.

Is this a busy intersection? Are many people affected? The VGRC contains 1377 households. The average household creates about five one-way trips per day which means 2.5 exit trips from Veneto onto Laurel that are more complex and risky under the proposed Neal project. There are fewer in the summer when snowbirds are gone, but for half the year there is a steady stream of traffic that any cursory check would confirm and they probably exceed 3000 exits per day.

Conclusion: Everything about this project related to road safety is wrong. The proposed Neal project, especially in the context of planned Laurel Road improvements, will cause such negative safety consequences that for the common good of the community it should not be approved, and I would urge you to reject it. In thinking about such decisions, I am reminded of a conversation with the Chief Safety Officer of the Federal Administration when we were considering a change in safety rules. He reminded me that such decisions can be the difference in whether somebody lives or dies, and that's what keeps me (him) awake at night. I ask that you similarly treat the serious safety implications of the proposed Neal project.

Thank you,

Ronald Mauri
146 Palazzo Ct
North Venice, FL 34275

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Thank you,

Ronald Mauri
146 Palazzo Ct.
North Venice, FL 34275

My name is Seth Thompson. I have been a Cielo Community homeowner and resident since July 31st, 2020. I served as a homeowner board member of the Cielo Neighborhood Association from 12/15/2021 to 11/09/2022.

Recently I was shown a document entitled, "Release and Termination of Cielo Easements & Restrictive Covenants", that was executed by Chris Clark as President of the Association, and by representatives of Neal Communities of Southwest Florida and Border and Jacaranda Holdings. The document is dated October 1, 2022, a time when I was on the board of the Association. A copy of that document is enclosed.

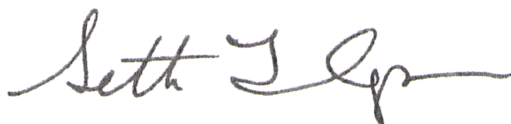
From the language of the Release, it appears that it is an attempt by Neal Communities to remove 10.42 acres of open space located within the Cielo Neighborhood at the southeast corner of Jacaranda Boulevard and Laurel Road from the Declaration of Covenants, Conditions and Restrictions for Cielo. It is stated in the Release that those 10.42 acres "shall no longer be deemed Common Property of the Association."

The point of this communication is to advise you that I, as one of three board members of the Association, in October 2022 knew nothing about the Release until about two weeks ago when it was brought to my attention. In October the other two board members were Chris Clark and Tracy Hecht, both paid executives for Neal Communities. **Neither Mr. Clark nor Ms. Hecht ever had any discussions with me about the Release at any time.** And there was no board meeting held prior to October when the Release was discussed. **If I as a board member had no prior knowledge of the Release, it is safe to assume that no other residents of Cielo knew of its existence.**

The Release states that the parties to the agreement have agreed, "it is in the best interests of the landowners within the Cielo Subdivision", to release the 10.42 acres from the terms of the Declaration of Covenants. In my opinion there are few people living within Cielo who believe that it is in their best interests to give up 10.42 acres of open space. **I conducted a poll in September of all residents living in Cielo, the month prior to the Release, and with a significantly high response rate concluded to the contrary: the majority are opposed to this property being rezoned and converted to a commercial development. To do so is an injustice that would have many negative implications and undesirable effects.**

I would urge you to obtain a legal opinion and question whether the undisclosed attempt to release the 10.42 acres of open space from the terms of the Declaration was legally authorized according to local laws and public policy enacted by the Florida Legislature.

The 10.42 acres is open space on the Cielo final plat and it is "Common Property" under the terms of the Declaration. It is my understanding that as such the homeowners of Cielo have an interest in that parcel of land, an interest that cannot be taken by the developer without the knowledge and consent of Cielo homeowners. The rights of the residents of the Cielo community need to be recognized and protected by the City of Venice.



3/12/2023



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Not For Profit Corporation
CIELO NEIGHBORHOOD ASSOCIATION, INC.

Filing Information

Document Number	N19000007962
FEI/EIN Number	84-3627023
Date Filed	07/29/2019
Effective Date	07/29/2019
State	FL
Status	ACTIVE

Principal Address

c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Changed: 09/09/2022

Mailing Address

c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Changed: 09/09/2022

Registered Agent Name & Address

Meyer, David C, Esq.
DCM LAW FIRM, P.A.
8955 US Highway 301 North
Suite 333
Parrish, FL 34219

Name Changed: 09/09/2022

Address Changed: 09/09/2022

Officer/Director Detail

Name & Address

Title President

Clark, Chris
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Title VP, Treasurer

Hecht, Tracy
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Title Secretary

Thompson, Seth
c/o Castle Group Management
12270 SW 3rd St
Suite 200
Plantation, FL 33325

Annual Reports

Report Year	Filed Date
2021	02/22/2021
2022	02/27/2022
2022	09/09/2022

Document Images

09/09/2022 -- AMENDED ANNUAL REPORT	View image in PDF format
02/27/2022 -- ANNUAL REPORT	View image in PDF format
06/29/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
02/22/2021 -- ANNUAL REPORT	View image in PDF format
04/07/2020 -- ANNUAL REPORT	View image in PDF format
07/29/2019 -- Domestic Non-Profit	View image in PDF format

10/21/2022 3:37 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2929089

This instrument prepared by and returned to:
Vogler Ashton, PLLC 705
10th Ave. W. #103
Palmetto, FL 34221

**RELEASE AND TERMINATION OF CIELO
EASEMENTS & RESTRICTIVE COVENANTS**

This **RELEASE AND TERMINATION OF CIELO EASEMENTS AND RESTRICTIVE COVENANTS** (the "Release") is made this 1st day of October 2022, by (i) **CIELO NEIGHBORHOOD ASSOCIATION, INC.**, a Florida not for profit corporation, whose mailing address is 5800 Lakewood Ranch, Blvd., Sarasota, Florida, 34240, ("**Association**"); and (ii) **BORDER AND JACARANDA HOLDINGS, LLC**, and **NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC**, both Florida limited liability companies, whose addresses are 5800 Lakewood Ranch Blvd., Sarasota, Florida, 34240, (collectively, "**Neal**").

WITNESSETH:

WHEREAS, the "Cielo Subdivision," per Plat thereof recorded in Plat Book 53, Page 288, of the Public Records of Sarasota County, Florida, (the "**Plat**") is a residential subdivision situate in the City of Venice, Florida; and,

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Cielo, as recorded in Official Records Instrument No. 2019169159, of the Public Records of Sarasota County, Florida, (the "**Declaration**") does encumber all property within the Plat; and,

WHEREAS, Neal is actively developing the Cielo Subdivision and is empowered under the Declaration to add and/or remove lands from the Plat and/or the Declaration; and,

WHEREAS, the Association is the Chapter 720, Florida Statutes homeowners association incorporated to operate and maintain the common property associated with the Cielo Subdivision; and,

WHEREAS, Neal and Association agree that it is in the best interests of the landowners within the Cielo Subdivision to release, terminate and remove the lands set forth on Exhibit "A." attached hereto and incorporated herein from (i) any and all easements and reservations held by Neal and/or Association pursuant to the Plat, and (ii) all terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration, such that the lands set forth on Exhibit "A." shall no longer be subject to the Declaration.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Recitals.** That the above recitals are true and correct and are hereby incorporated herein.
2. **Release and Termination of Easements and other Restrictions.** As it affects and relates *only to* those specific lands set forth on Exhibit "A." attached hereto and incorporated herein (the "Released Lands"), Neal and Association do hereby forever, as a matter of title, cause, confirm, terminate, remise, release, remove and discharge all right, title, and interest of the aforementioned parties to the following:

A) All easements and reservations as set forth on the Plat that affect and encumber the Released Lands, including specifically all Private Drainage & Flowage Easements within the Released Lands; and,

B) All terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration that affect the Released Lands, such that the Released Lands are no longer subject to the Declaration.

3. **Removal from Declaration.** Neal and Association do hereby remove the Released Lands from the Declaration, such that those Released Lands shall no longer be subject to the terms, covenants, conditions, restrictions, reservations, easements, assessments, and liens of the Declaration; and the Released Lands shall no longer be deemed Common Property of the Association, as those terms are defined in the Declaration. The Association shall have no further obligation to operate and maintain the Released Lands, and Neal, and its successors and assigns, shall be obligated to operate and maintain the Released Lands at its sole cost and expense. Neal further covenants that it has engaged the project engineer for the Cielo Subdivision to review the Released Lands, and said project engineer determined that no Association drainage and/or flowage systems or facilities exist within the Released Lands nor are the Released Lands necessary for the engineered and proper operation of the Association's drainage and flowage systems and facilities. Neal further covenants that the removal of the Released Lands from the Common Property of the Association shall have no material or negative impact on the drainage and flowage of the remaining portions of the Cielo Subdivision.

WHEREFORE, the parties have hereunto agreed to and accepted the terms of this Release the day month and year first written above.

NEAL COMMUNITIES OF SOUTHWEST
FLORIDA, LLC, a Florida limited liability company

By: NCDG Management, LLC, a Florida limited
liability company, its Manager

By: *P. Curran*
Pamela Curran, its Manager

[Signature]
Witness

SEAN FINN 0971
Print Name of Witness

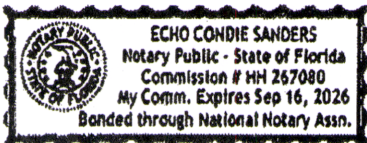
[Signature]
Witness

MARK EVANS
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 21 day of October 2022, by Pamela Curran, as Manager of NCDG Management, LLC, a Florida limited liability company, as Manager of Neal Communities of Southwest Florida, LLC, a Florida limited liability company, on behalf of the Company, () who is personally known to me, or () who has produced _____ as identification.

(Affix Seal)



Echo Sanders
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9-16-2026

BORDER AND JACARANDA HOLDINGS, LLC, a Florida limited liability company

By: *Pamela Curran*
Pamela Curran, its Manager

[Signature]
Witness

SEAN FINOTTI
Print Name of Witness

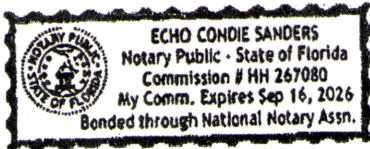
[Signature]
Witness

MARK EVANS
Print Name of Witness

**STATE OF FLORIDA
COUNTY OF SARASOTA**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 21 day of October 2022, by Pamela Curran, as Manager of Border and Jacaranda Holdings, LLC, a Florida limited liability company, on behalf of the Company, who is personally known to me, or who has produced _____ as identification.

(Affix Seal)



Echo Sanders
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9-16-2026

CIELO NEIGHBORHOOD ASSOCIATION, INC., a Florida not for profit corporation

By: [Signature]
Chris Clark, its President

Haley Ballard
Witness

Haley Ballard
Print Name of Witness

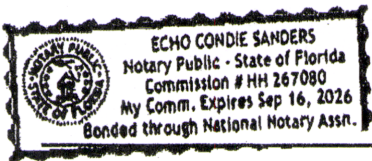
Maria Jasquez
Witness

Maria Jasquez
Print Name of Witness

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 21 day of October 2022, by Chris Clark, as President of Cielo Neighborhood Association, Inc., a Florida not for profit corporation, on behalf of the Corporation, who is personally known to me, or who has produced _____ as identification.

(Affix Seal)



Echo Sanders
Signature of Notary Public
Print Notary Name: Echo Sanders
NOTARY PUBLIC STATE OF FLORIDA
Commission No. HH 267080
Expiration Date: 9.16.2026

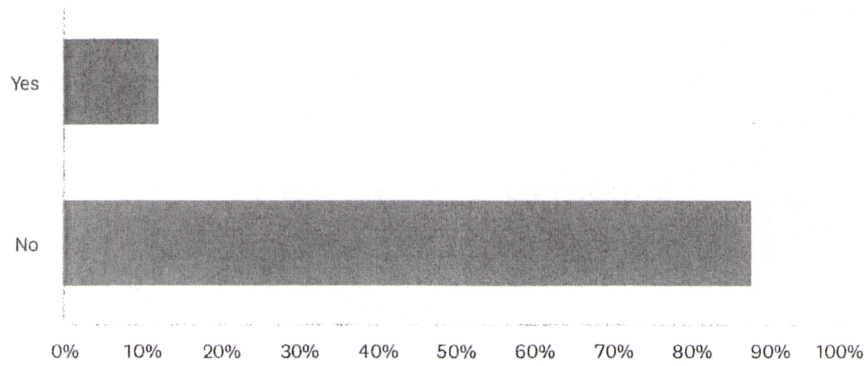
EXHIBIT "A"

LEGAL DESCRIPTION OF THE RELEASED LANDS:

(BY SURVEYOR) COMMENCING AT THE NORTHEASTERLY CORNER OF TRACT 700, CIELO SUBDIVISION AS RECORDED IN PLAT BOOK 53, PAGE 288 OF SARASOTA COUNTY OFFICIAL RECORDS THENCE SOUTH 00°00'06" WEST, A DISTANCE OF 55.04 FEET ALONG THE WEST RIGHT OF WAY LINE OF JACARANDA BOULEVARD TO THE POINT OF BEGINNING THENCE CONTINUE ALONG THE SAID RIGHT OF WAY SOUTH 00°00'06" WEST, 478.24 FEET; THENCE NORTH 89°14'10" WEST, 935.70 FEET; THENCE NORTH 00°45'50" EAST, 72.60 FEET; TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 17.60 FEET AND WHOSE CHORD BEARS NORTH 11°25'30" WEST, 7.43 FEET; THENCE NORTH 7.49 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°22'40"; TO A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 110.67 FEET AND WHOSE CHORD BEARS NORTH 11°23'08" WEST, 46.88 FEET; THENCE NORTH 47.24 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°27'24"; THENCE NORTH 00°50'34" EAST, A DISTANCE OF 130.16 FEET; TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.19 FEET AND WHOSE CHORD BEARS NORTH 09°09'26" WEST, 13.66 FEET; THENCE NORTH 13.83 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 31°27'54"; TO A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 121.73 FEET AND WHOSE CHORD BEARS NORTH 12°28'38" WEST, 52.33 FEET; THENCE NORTH 52.74 FEET ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 24°49'31"; THENCE NORTH 00°03'52" WEST, A DISTANCE OF 159.00 FEET TO THE SOUTH LINE OF TRACT 700 OF SAID CIELO SUBDIVISION; THENCE ALONG SAID SOUTH LINE, SOUTH 89°10'25" EAST, 957.24 FEET TO THE POINT OF BEGINNING. CONTAINING 10.42 ACRES OR 453,769 SQUARE FEET, MORE OR LESS.

Q1 Were you aware that the land on the corner of Laurel & Jacaranda, just north of Cielo, could be used for commercial development when you purchased your home?

Answered: 41 Skipped: 0



ANSWER CHOICES

Yes

No

Total Respondents: 41

RESPONSES

12.20%

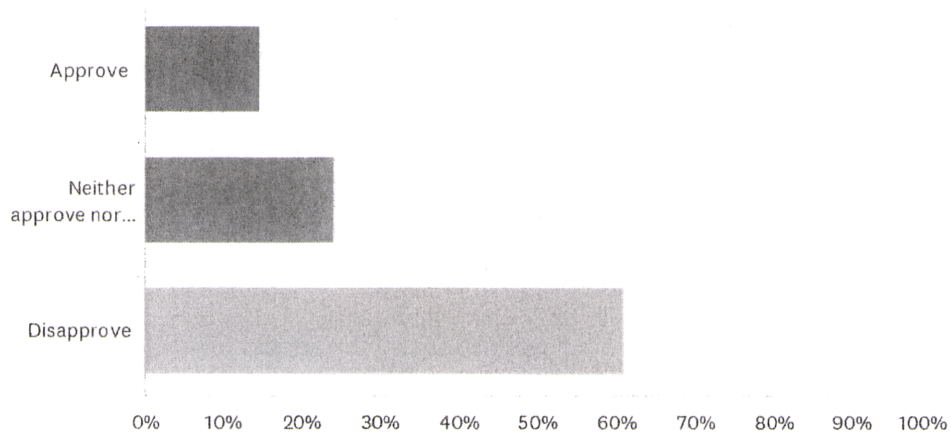
87.80%

5

36

Q2 What are your household's thoughts about the proposed commercial development at the corner of Laurel and Jacaranda Road?

Answered: 41 Skipped: 0



ANSWER CHOICES

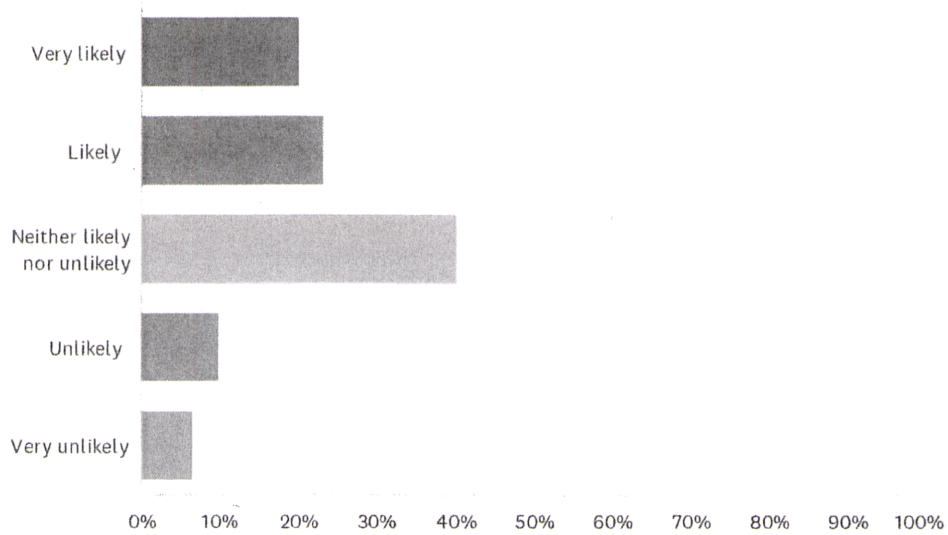
Approve
Neither approve nor disapprove
Disapprove
Total Respondents: 41

RESPONSES

14.63% 6
24.39% 10
60.98% 25

Q3 If you answered 'disapprove' in question 1, how likely would you be to get involved or take action to prevent this from happening?

Answered: 30 Skipped: 11



ANSWER CHOICES

Very likely

Likely

Neither likely nor unlikely

Unlikely

Very unlikely

Total Respondents: 30

RESPONSES

20.00%

23.33%

40.00%

10.00%

6.67%

6

7

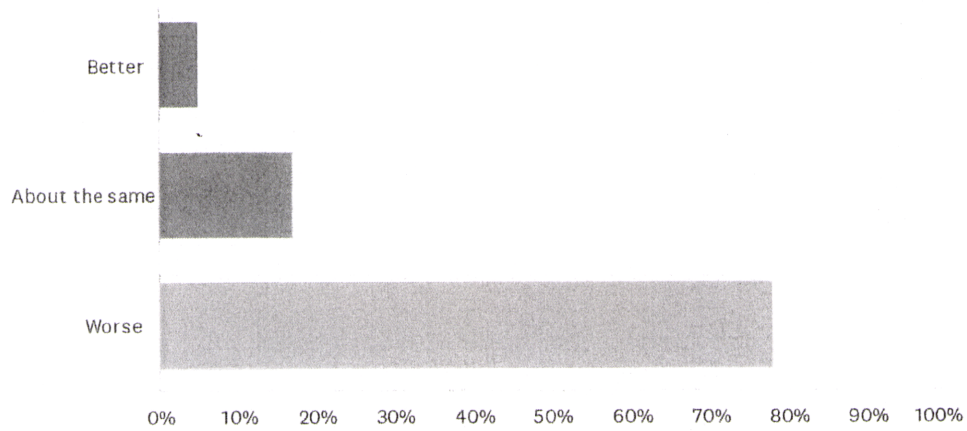
12

3

2

Q4 How do you think the proposed development will affect traffic patterns in the area of Jacaranda & Laurel?

Answered: 41 Skipped: 0



ANSWER CHOICES

Better

About the same

Worse

Total Respondents: 41

RESPONSES

4.88%

17.07%

78.05%

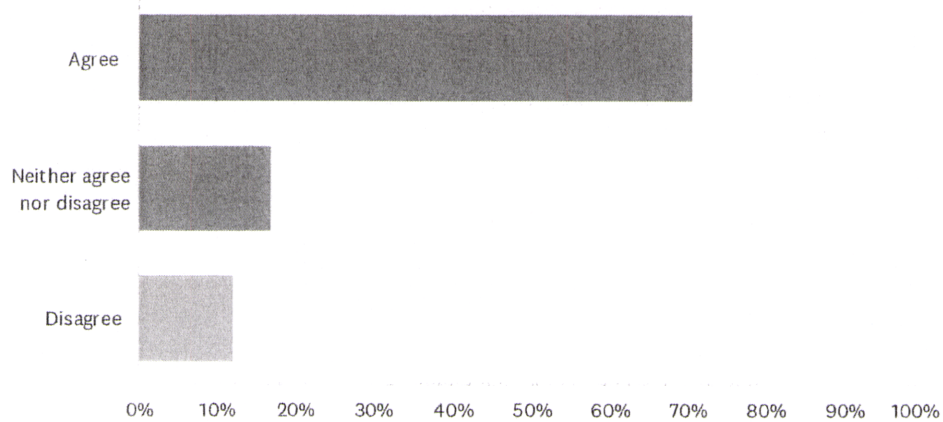
2

7

32

Q5 Do you feel that a commercial shopping plaza close by would adversely affect the safety of the neighborhood due to increased traffic, or drawing in people from outside the area?

Answered: 41 Skipped: 0



ANSWER CHOICES

Agree

Neither agree nor disagree

Disagree

Total Respondents: 41

RESPONSES

70.73%

17.07%

12.20%

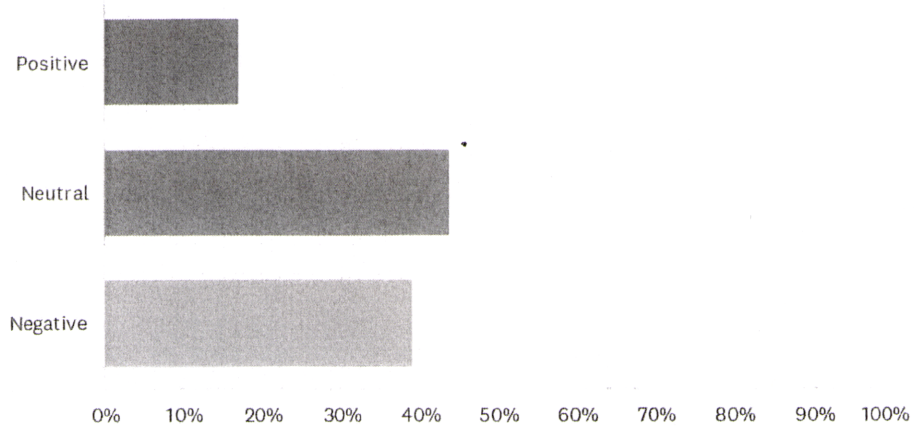
29

7

5

Q6 How do you perceive a commercial development on the corner of Jacaranda and Laurel Road will affect your home value?

Answered: 41 Skipped: 0



ANSWER CHOICES

Positive

Neutral

Negative

Total Respondents: 41

RESPONSES

17.07%

43.90%

39.02%

7

18

16

Q7 Comments

Answered: 12 Skipped: 29

Q7 Comments

Answered: 12 Skipped: 29

#	RESPONSES	DATE
1	Had I known about this prior to buying the home, we most likely would not have purchased it. It was unfair for all the players involved not to tell us. We lived in a commercially developed area and moved here to get away from that and now it looks like we have it again. Very disappointing and unfair.	9/6/2022 4:20 PM
2	Thank you for doing this survey and leading us in taking some sort of action to express our views rather than just passively letting it happen.	9/6/2022 9:34 AM
3	There are two Publix stores within a 2 mile radius of the community, there is absolutely no need for another one. Unwanted traffic will pass through our community, as it is not gated! Per contract by Neal, no commercial buildings would be built nearby or any other builds that would decrease value of our home, this proposition goes against that contract!	9/5/2022 10:29 PM
4	Concern we are only non gated community that would now get more attention due to increased traffic. We'd no longer be as isolated.	9/4/2022 6:26 PM
5	We bought in this area to ride bikes and be away from "busy" areas with our child. This plaza would change how we ride bikes and enjoy the nature aspect of being out here east of 75.	9/4/2022 5:59 PM
6	I jog and walk my dogs by there all the time. People are already distracted when they drive. Half the drivers during season are half blind. Bicyclists don't use the bike lane. This is a recipe for disaster and should something happen to me or my dogs while in that area due to the increased amount of traffic, someone will be held accountable	9/4/2022 12:04 PM
7	Thanks for doing this	9/3/2022 8:42 PM
8	Personally for convenience, I think commercial is fine.	9/3/2022 6:46 PM
9	I was asked to initial a page with a map on it at closing that described the development area as "preserve." I'm confident I wasn't the only one. Misleading at best, fraudulent at worst! I believe we should be compensated for that.	9/3/2022 6:33 PM
10	Thank you	9/3/2022 4:46 PM
11	Like we talked about. I like that it is just a preserve area over there currently, but I am not against a shopping plaza that much either. I really don't think anything a bunch of people say is going to make a difference either.	9/3/2022 4:43 PM
12	They are building an additional 3000 homes in the surrounding area. Traffic is going to increase regardless. The two nearest Publix are already busy, traffic to get to them ,etc	9/3/2022 4:35 PM

From: [Suzanne](#)
To: [Planning Commission](#)
Subject: Stop the Proposed Shopping Center at Laurel & Jacaranda
Date: Tuesday, March 21, 2023 9:43:44 AM

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

Please vote against the release of land from the Cielo PUD at the corner of Jacaranda and Laurel for a proposed shopping center.

As a resident of Cielo, I am outraged our rights have been violated. This piece of community property which was included as open space within the PUD when we bought into Cielo has effectively been stolen from us to profit Mr Neal without due process or notification.

Thank you for your consideration.
Suzanne Metzger
260 Corsano Drive
Cielo

Sent from my iPhone