

HUMPHRIS PARK - SOUTH JETTY

August 6th. 2015

Re: Relocation of Concession Stand and Lift Station

To: City Council Members, Mayor, and City Manager

From: Charles J. Alfano, President, Jetty Villas Condo Assoc.

Vice Chair, Venice Parks and Rec. Advisory Board

President, Assoc. of Venice Condo and HOA's

Member of the City Managers Strategic Planning Committee

During an inspection of the above referenced park, I noticed among other issues that there is an abundance of cigarette butts and litter strewn around; specifically, plastic bottles, cigarette packs, beer cans, glass beer bottles, the remnants of fast food wrappers and even a disposable diaper. The signs at several locations, within the park, do nothing to deter or alleviate violators of posted ordinances. N.B.- NO smoking, pets, alcohol, litter, etc.; nor is there any attempt to enforce these violations.

The dimensions of the current concession stand, including the deck area and restrooms is approximately 66' x 42'. That does not include areas for parking of vehicles, bicycles or an area designated for boxes containing news and advertising materials. The area must be wheelchair accessible and afford special handicap parking, thereby requiring an even larger footprint.

It should also be noted that there is a 150lb. propane tank located in the rear of the building, at its present location; a possible fire hazard if re located close to an area, which is dry and easily ignitable.

The current lift station is unsightly and is contained in an area approximately 45' x 21'.

The Australian pine trees are a roosting area for a number of pelicans, who routinely drop their business on unsuspecting pedestrians and their parked vehicles. This would not be conducive to an area where people are purchasing food items and enjoying their lunch.

The county Board of Health may also consider this a violation under their health codes and legislation. The possibility of a falling branch, from one of the large trees would also put the city at risk of becoming a defendant in a personal injury or liability lawsuit.

Increasing the number of waste receptacles and moving them closer to a residential area will increase the number of rodents as well as the added responsibility of residents having to pick up even more discarded trash and cigarette butts.

There is already a problem with individuals congregating in that area, arriving in large pick up trucks with loud exhausts, loud rap music blaring and raised headlights shining into residential units.

The Army Corp of Engineers has voiced their displeasure in having this structure in their "right of way", however, it has not interfered with any access or project in their pipeline. The question remains: who approved the original construction and location of the existing building? If the City and the Army Corp. collaborated, agreed and signed off on the initial project over ten years ago, what is prompting their concern now in mandating the removal of the building.

Is it a matter of enforcing the letter of the law or the spirit of the law; especially if the current building is not offensive and is not interfering with any present or future plans

being considered by the Army Corp.

WCIND has offered funds (\$50,000) to help underwrite the removal and/or relocation of the lift station; however, what will the total cost be of razing the existing building, constructing a new building in another location (consider the permitting and approval process, given the proximity to the Gulf) and completing a new lift station?

Years ago, before the present concession stand was erected, Anita brought her portable gas grill each day and left with it at days end. There were two portable restroom facilities, without a hand cleaning station. These units were routinely knocked over by random acts of criminal mischief. In addition, during the heat of the summer the fumes emitted from the port-o-lets were noxious and extremely unpleasant.

If the concession stand and rest room facility is constructed, in the proposed area, it will only be approximately 25 yards from the Jetty Villas property.

Further, erecting a structure in that location would severely restrict and destroy a view of the Gulf and the South Jetty which is currently enjoyed by the taxpaying residents of Jetty Villas. This action could further expose the City to possible claims for the taking of valuable intangible property rights. In any event, it would clearly diminish the property values and corresponding taxes of the villas directly affected.

It should also be noted that during times of torrential storms the area in question tends to flood first and retains the greatest amount of residual water. This would require any permanent structure to be constructed higher, further impeding line of sight view.

The site being considered may also impede the natural flow of traffic, exiting the park.

Given the overall negative impact of this proposed project the City would be better served if they furthered their negotiations with the Army Corp and maintain the area status quo.

Given the austerity concerns regarding the City's budget, it seems that our tax dollars would be better spent in other areas.

Subj: **Jetty Villas- Humphris Park**
Date: 9/15/2015 8:50:16 A.M. Eastern Daylight Time
From: adenatale@stroock.com
To: cja143@aol.com

Charlie,

Attached are some materials I have dug up. The relevance is as follows:

1. You will note that according to the records of the Sarasota County Property Appraiser, Humphris Park appears to be zoned RMF4-Residential, Multi-Family Dwelling. The record lists the use of the property as 8220-Recreational area. A copy of the relevant County record is attached.

2, According to the Supreme Court of Florida, municipalities must conform to their own zoning regulations or else change the existing regulations (typically after notice and a hearing). A copy of the relevant decision, Parkway Towers Condominium Ass'n v. Metropolitan Dade County, is attached.

3. The provisions of City of Venice Code of Ordinances governing the use of RMF4 property does not appear to permit restaurants. Some of the relevant sections include:

86-82(b)(10)-permitted uses include "Parks, playgrounds, playing fields and city buildings in keeping with the character and requirements of the district, and public libraries.

86-82(c) (2) and (5) permitted accessory uses and structures-

(2) do not involve the conduct of business on the premises

(5) do not involve operations or structures not in keeping with the character of single-family estate development.

Happy to discuss with you.

Andrew

Sec. 46-4. - Approval of development or change in use of park lands.

- (a) **Generally.** The further development or change in use from the master plan referred to in section 46-3 of lands within the parks system shall only be made after compliance with the following procedure:
- (1) **Recommendation by planning commission and parks and recreation board.** Any proposed change shall be first certified in writing by the city council to the planning commission and parks and recreation advisory board, whereupon the commission and board shall, within 30 days after certification thereto, recertify the proposed change, with recommendations, to the city council for approval, disapproval or modification in whole or in part.
 - (2) **Hearing.** The city council shall thereafter hold a public hearing on the proposed change. Notice of such hearing shall be advertised at least 15 days prior thereto in a newspaper of general circulation in the city. The notice shall contain the legal description of the parcel under consideration for change, a short explanation of the proposed change, and the time and place of the scheduled hearing thereon.
 - (3) **Action by city council.** The city council may thereafter approve the development or change of use as proposed, and such approval or authorization shall be made by ordinance.
- (b) **Referendum required for permanent change to nonpark use.** Whenever the city council proposes to permanently utilize lands within the parks system for something other than a public park, the city council shall follow the procedure described in subsections (a)(1) and (2) of this section and, in addition, shall provide for a referendum election by the qualified electors of the city on the question of the proposed change in use.

(Code 1982, §§ 13-6, 13-7)

Subj: **Portable Restrooms**
Date: 10/25/2015 6:26:09 A.M. Eastern Daylight Time
From: cja143@aol.com
To: cja143@aol.com



Sent from my iPhone