

From: Dan Lobeck [<mailto:dlobeck@lobeckhanson.com>]

Sent: Friday, September 09, 2016 4:59 PM

To: John Holic <JHolic@Venicegov.com>; Jeanette Gates <JGates@Venicegov.com>; Robert Daniels <RDaniels@Venicegov.com>; Richard Cautero <RCautero@Venicegov.com>; Kit McKeon <KMCKEON@venicegov.com>; Deborah Anderson <DAnderson@Venicegov.com>; Fred Fraize <FFraize@Venicegov.com>

Cc: 'Jeffery A. Boone' <JBoone@boone-law.com>; 'Dave Persson - Persson & Cohen' <dpersson@swflgovlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>; 'Robert S. Burrus, Jr., Ph.D.' <bob@inova-research.com>; 'JAN NORSOPH' <jnorsoph2@gmail.com>

Subject: Rezone 07-07RZ.1 (S&J Properties)

Honorable Mayor and City Council Members:

I just wanted to make sure you were able to see the three submissions for Tuesday's rezoning hearing by my client, Sorrento Ranches Homeowners Association, Inc.

They are identical to what are posted as links on your Agenda. However, one of them is there in an .xps format which I have found some people cannot open, so I thought I would send them all to you in the more common pdf format.

Thank you for your considerations.

Dan Lobeck

Attorney for Sorrento Ranches Homeowners Association, Inc.

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There is also a link to the program on the city's website, www.venicegov.com, or go directly to SeeClickFix at <http://www.seeclickfix.com/Venice> _____ PLEASE NOTE: This agency is a public entity and is subject to Chapter 119, Florida Statutes, concerning public records. Email communications are covered under such laws; therefore, email sent or received on this entity's computer system, including your email address, may be disclosed to the public and media upon request. If you do not want your email address released to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Dan Lobeck [<mailto:dlobeck@lobeckhanson.com>]
Sent: Monday, September 12, 2016 9:59 AM
To: Lori Stelzer <LStelzer@Venicegov.com>; City Council <CityCouncil@Venicegov.com>; dpersson@swflgovlaw.com
Cc: Jeff Shrum <JShrum@Venicegov.com>; Edward Lavallee <ELavallee@Venicegov.com>; 'Robert S. Burrus, Jr., Ph.D.' <bob@inova-research.com>; jboone@boone-law.com; 'JAN NORSOPH' <jnorsoph2@gmail.com>
Subject: RE: Requested Documents for S&J Rezone Petition

The Planning Commission minutes recite that the PC also included "f" (as well as g,k and n, as highlighted below) among the Code provisions with which the PC found the petition not consistent.

-- Dan Lobeck

From: Lori Stelzer [<mailto:LStelzer@Venicegov.com>]
Sent: Monday, September 12, 2016 9:11 AM
To: City Council
Cc: dpersson@swflgovlaw.com; Jeff Shrum; Edward Lavallee; Dan Lobeck; 'Robert S. Burrus, Jr., Ph.D.'; jboone@boone-law.com
Subject: Requested Documents for S&J Rezone Petition

Council members,

The attached documents and the following section of the Land Development Code were requested by various council members:

- Sec. 86-47. Amendments to the land development code.
- (f) *Contents of planning commission report.*
 - (1) *Rezoning amendments.* When pertaining to the rezoning of land, the report and recommendations of the planning commission to the city council shall show that the planning commission has studied and considered the proposed change in relation to the following, where applicable:
 - a. Whether the proposed change is in conformity to the comprehensive plan.
 - b. The existing land use pattern.
 - c. Possible creation of an isolated district unrelated to adjacent and nearby districts.
 - d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.
 - e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
 - g. Whether the proposed change will adversely influence living conditions in the neighborhood.
 - h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
 - i. Whether the proposed change will create a drainage problem.
 - j. Whether the proposed change will seriously reduce light and air to adjacent areas.
 - k. Whether the proposed change will adversely affect property values in the adjacent area.

- l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
- o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
- p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

Let me know if you need anything else. Thanks.

Lori Stelzer, MMC
City Clerk
City of Venice
401 W. Venice Avenue
Venice, FL 34285
941-882-7390
941-480-3031 (FAX)

PLEASE

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From: Ed Martin [<mailto:insidevenice@gmail.com>]

Sent: Thursday, October 13, 2016 10:02 PM

To: John Holic <JHolic@Venicegov.com>

Cc: Edward Lavalley <ELavalley@Venicegov.com>; dpersson@swflgovlaw.com; City Council <CityCouncil@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>; Judy Gamel <JGamel@Venicegov.com>

Subject: Re: Laurel Road rezoning request.

I assume your request to Members not to reply is to avoid possible Sunshine Law issues concerning "discussion" of potential Council action. As the subject is part of a quasi-judicial hearing, I wanted to share my thoughts with each Member as part of the official record.

Thank you.

Ed Martin

Sent from my iPad

On Oct 13, 2016, at 9:04 PM, John Holic <JHolic@Venicegov.com> wrote:

Dear Dr. Martin,
Thank you for your comments.

City Council, please do not reply, FYI only.

Sincerely,
John Holic
Mayor, City of Venice

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From: Ed Martin <insidevenice@gmail.com>

Sent: Thursday, October 13, 2016 6:28:33 PM

To: John Holic

Subject: Laurel Road rezoning request.

Dear Mayor Holic,

I am writing in response to the decision to the Council's decision to postpone a decision on the Laurel Road parcel abutting Sorrento Ranches and the Laurel Nokomis Middle School.

Another parcel abutting Sorrento Ranches on the east, bordering Pinebrook Road was also considered carefully by the Planning Commission and City Council in the past, and those studies led to the current agreement and similar conditions on the Pinebrook Road property, then under the control of Council Member Gates and her family.

In both cases the plans to build were reduced in scale, density and stipulations were placed on location and buffering and architectural style, etc. The key concept guiding the Commission and Council then was the requirement in our Comprehensive Plan for "compatibility." Venice adopted the County's compatibility language in drafting the Comp

Plan, specifically because the parcels of land identified for City annexation were previously in the County, and bordered properties in the County.

I urge you to decline to approve the proposed changes, the current provisions were developed after consideration and negotiation. The Planning Commission now, as then, supports the current agreement.

There are also compatibility issues with the properties across Laurel Road, where single family homes are anticipated. Compatibility with the school should also be considered. A dense, apartment complex, will increase transient as well as resident traffic in the area, and can lead to safety concerns where unidentified vehicles will be less noticeable than in a usual residential area.

In short, the conditions which led to the property owner negotiating the current agreement still obtain. The only justification is additional cash value to the owner when he sells to an unknown party. A mention was made of possible tax revenues. If that was a legitimate concern outweighing zoning criteria, every development project would have to be approved.

Thank you for your careful consideration of the quality of life and precedent issues that are before you.

Ed Martin

Sent from my iPad