

From: ALEXANDER, Theodosios-gmail <theodosios.alexander@googlemail.com>

Sent: Monday, May 7, 2018 1:24:11 PM

To: Lori Stelzer

Cc: trudialexander@gmail.com

Subject: FW: Letter regarding ORD NO 2018-13 (rezoning petition 16-04RZ)

Dear Mrs. Stelzer,

My wife and I request that you add this attached letter that I sent by email earlier this morning as part of the record of proceedings.

Thank you very much.

Theodosios Alexander

Correspondence Email: theodosios.alexander@gmail.com

Dr. and Mrs. T. Alexander
1217 Waterside Lane
Venice FL 34286
Tel: +1-941-237-0058
theodosios.alexander@gmail.com
trudialexander@gmail.com

May 7th 2018

Honorable John Holic, Mayor of Venice, Florida	jhollic@venicegov.com
Honorable Bob Daniels, Vice Mayor of Venice, Florida	rdaniels@venicegov.com
Council Member Richard Cautero	rcautero@venicegov.com
Council Member Mitzie Fiedler	mfiedler@venicegov.com
Council member Fred Fraize	ffraize@venicegov.com
Council Member Jeanette Gates	jgates@venicegov.com
Council Member Chuck Newsom	cnewsom@venicegov.com

Submitted via email

Opposition to Amendment Petition No. 16-04RZ (2018-13) In Pinebrook South Planned Development Unit, and to Resolution 518-74 as amended, ORD. NO. 2018-13

Dear Honorable Mayor, Vice Mayor, and Members of the City Council,

We write this letter with a request that it be read during the hearing on May 8th.

The summer of 2015 we spend three months on the island and fell in love with the place. The summer of 2016 we purchased our dream retirement home at 1217 Waterside Lane, in Pinebrook South Subdivision, Venice. Having some prior experience from previous zoning disputes in Chesterfield, Missouri, before we invested in 1217 Waterside Lane in 2016 we checked the nearby zoning, and all nearby land that was not yet developed. We noticed the parcel of land that is the subject of Venice zoning amendment petition no. 16-04RZ, due for first hearing on May 8th by the Venice City Council. We noticed that the already approved zoning for that parcel of land was in full agreement with the nearby character of properties and land uses, such as the assisted-living community next door. Having satisfied ourselves with the type of development approved by the zoning nearby, we then proceeded with the purchase of our dream home.

We have to work in St. Louis Missouri over the winter months until retirement, and that is the reason we cannot appear in person today in Venice. However, since 2015, we also spend three summer months between late May and late August, and one month over New Year, every year, living and working in Venice. Funds are expected any minute in the Venice Bank of America account of the first medical device R&D company we established in Venice. We encouraged two more families from our circle of friends in St. Louis, who in 2017 purchased their retirement homes near ours, in Venice, using the same Venice realtor (Sotheby's International on Barcelona Avenue). We have enjoyed supporting the local establishments, and have invited many of our friends from the US and Europe who have spent time with us in our Venice home.

Our home is rented for 3 months every spring, with the rental managed by American Realty of Venice, to help us recover some of the cost of ownership. We are summer birds until retirement, when we look

forward to staying full time in this home in Venice, surrounded by our growing circle of Venice friends. We love the place so much that in spring 2018 we signed contracts to spend over \$120,000 in improvements to 1217 Waterside Lane, scheduled to start on June 10th and complete in mid July 2018.

The proposed 18 units per acre is incompatible with the surrounding homes, introduces traffic, congestion and access problems to our own property, and brings overcrowding, illegal parking, and strain to the water and sewer system in the immediate vicinity of our own home.

We hear a lot about how the proposed 18 units per acre will provide rental properties for Venice support personnel, who deserve to live near where they work. This is a red herring. If developed as proposed, the lease agreements will not have the restriction of local support personnel as a requirement for tenancy. We also work very hard, and we would like to live on the island, but our finances did not permit us to live on the island. We live and work where we can afford, and still enjoy Venice enormously.

We respect the rights of property owners to derive reasonable and lawful financial returns from their investments, for as long as these rights do not infringe on and diminish the same rights of ours. Maximizing the return on investment for the petitioner means reduction of the rental returns for our own home, which as I mentioned before we rent for 3 months every spring to other visitors of Venice. The proposed zoning: diminishes the values of our properties in Pinebrook South; reduces the rent we can charge as return on investments we have already made or signed contracts to make, as enumerated above; and also curtails the future appreciation of our own property, which is within shouting distance from the proposed development.

We therefore vehemently oppose the proposed rezoning on that parcel of land, because it is incompatible with the surrounding uses, and damaging to the return we expect from our own property in Pinebrook South Subdivision.

For the above reasons we encourage you to leave the existing zoning as is, and vote against the petition.

Respectfully submitted

T. Alexander

Trudi Alexander

Dr. and Mrs. T. Alexander

Copies: City Clerk Lori Stelzer

From: BB Buchanan <bb.buchanan@comcast.net>
Sent: Monday, May 7, 2018 7:52 AM
To: Planning Commission <PlanningCommission@venicegov.com>; City Council <CityCouncil@Venicegov.com>; Jeff Shrum <jshrum@venicegov.com>; Roger Clark <rclark@venicegov.com>
Cc: pbshoa@gmail.com
Subject: Pinebrook South Zoning Change from 4.5 to 18 units/acre

City of Venice,

Please DO NOT allow zoning changes in Pinebrook South that would increase density of housing drastically from 4.5 to 18 units/acre. Pinebrook South is a well planned, deed restricted community and planners were correct with present density requirements PUD Planned Unit Development of 4.5 units/acre. As long term permanent residents of Pinebrook South on Sleepy Hollow Rd, we strongly disagree this is the best area to build higher density housing.

We would like to attend zoning meeting Tuesday 05-08-18 but will be working. We also disagree with the premise there is no affordable housing in Venice. We are living proof Pinebrook South/Venice area is affordable. Key is that both of us work as would be necessary anywhere in the country. Good old days when one spouse could cover all living expenses are gone. New paradigm is both partners work.

Adverse Impacts:

- 1) Traffic to the apartment building entrance will be too high for Lucaya Road, Sleepy Hollow Road and Pinebrook Road. Already stressed Lucaya Road through Bay Indies Mobile Home Park (20MPH) will be inundated with new traffic.
- 2) The South portion of Sleepy Hollow Rd that will be affected by the rezoning is already over capacity because workers and contractors who service Pinebrook Center - Genesis Healthcare use Sleepy Hollow Rd to access the rear parking lot. The rear parking lot, which fills up daily, has over eleven parking spaces and room for overflow. This creates extra traffic on Sleepy Hollow road during rush hours. All these cars exceed the 25MPH speed limit. Traffic is speeding on Sleepy Hollow Rd while pedestrians try to walk along Sleepy Hollow Road where there is no sidewalk. All traffic for the high density development would travel Sleepy Hollow Rd to access main entrance.
- 2) There are better areas to build new high density developments that do not require rezoning.
- 3) Anyone who travels Pinebrook Road knows the single lane road is already overburdened with traffic.

4) There are many Grand Oaks and Palm trees on the present site that makes Venice a more beautiful place to live.

5) Existing residence will have to deal with increased population and crime from those not invested in the Deed Restricted Community.

Please DO NOT allow rezoning in Pinebrook South. Changing the density would violate the spirit and intent of original planners and adversely affect the quality of life for Pinebrook South residents.

Best regards,

Brad and Jessica Buchanan

From: John Holic

Sent: Monday, May 7, 2018 4:08 AM

To: Holly Laird <hlairdpbs@gmail.com>; City Council <CityCouncil@Venicegov.com>; Jeff Shrum <jshrum@venicegov.com>; Planning Commission <PlanningCommission@venicegov.com>

Cc: Dan Lobeck <dlobeck@lobeckhanson.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Kelly Fernandez <kfernandez@swflgovlaw.com>; Edward Lavallee <elavallee@venicegov.com>

Subject: Re: Pinebrook South HOA - Statement Re: Petition 16-04R2

Dear Ms. Laird and Mr. Economides,
On behalf of Venice City Council, thank you for your comments.
Sincerely,
John Holic
Mayor, City of Venice

From: Holly Laird <hlairdpbs@gmail.com>

Sent: Sunday, May 6, 2018 5:21 PM

To: City Council; Jeff Shrum; Planning Commission

Cc: Dan Lobeck

Subject: Pinebrook South HOA - Statement Re: Petition 16-04R2

Dear Honorable Mayor and Honorable Council Members:

The rezone petition 16-04R2 is scheduled for public hearing at your May 8th Meeting. It has generated a fair amount of email, as well as public comment at the Planning Commission public hearing. Thus, the Pinebrook South Homeowner's Association, Inc. believes a written statement of our position is in order and may be of assistance to you in your deliberations.

The Association has consistently taken the position that the parcel in question should be used consistent with the zoning of the parcel. Prior to the adoption of the 2017 Comprehensive Plan the parcel was institutional-professional and the permitted uses pursuant to the PUD resolution, as amended, were nursing home and the home for the aged. With the adoption of the 2017 Comprehensive Plan, the parcel became PUD but without any change in the permitted use.

The original PUD resolution indicated that the intended use for the parcel was neighborhood commercial. The provision of services particularly professional/medical and would seem to us the Association to be a viable use and one in keeping with the intent of the resolution and the immediate prior designation of institutional/professional. The Association therefore, would not oppose an appropriately sized single story office building(s) housing medical, dental, allied health and legal professionals; provided a site plan application is submitted concurrently with any necessary rezoning application.

The Pinebrook South Homeowner's Association remains adamantly opposed to any rental residential development.

Respectfully submitted,

James Economides, Vice President

Holly Laird, President

Pinebrook South Homeowner's Association, Inc.

From: John Holic

Sent: Monday, May 7, 2018 4:20 AM

To: Dan Lobeck <dlobeck@lobeckhanson.com>; City Council <CityCouncil@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>

Cc: 'Holly Laird' <hlairdpbs@gmail.com>; 'Jeffery A. Boone' <JBoone@boone-law.com>; Edward Lavallee <elavallee@venicegov.com>; Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Kelly Fernandez <kfernandez@swflgovlaw.com>

Subject: Re: Pinebrook Park, LLC/ Zoning Determination Letter From Jeff Boone

Dear Mr. Lobeck,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: Dan Lobeck <dlobeck@lobeckhanson.com>

Sent: Sunday, May 6, 2018 5:54 PM

To: City Council; Lori Stelzer; Heather Taylor

Cc: 'Holly Laird'; 'Jeffery A. Boone'

Subject: FW: Pinebrook Park, LLC/ Zoning Determination Letter From Jeff Boone

This is to request the City Council's review of my email below, which you may not have seen, and its inclusion in the record of Tuesday's hearing on the Pinebrook Park, LLC rezoning, that is Rezoning Petition No. 16-04 RZ.

I believe you have seen Jeff Shrum's response to Mr. Boone of the same date, rejecting Mr. Boone's arguments and stating that it remains the position of the City Planning staff that residential development is not presently allowed on the subject property, based on a thorough review of the adopted resolutions and minutes of the City Council and Planning Commission.

Thank you for your considerations,

-- Dan Lobeck

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

Sent: Wednesday, May 02, 2018 4:22 PM

To: 'Jeff Shrum'; 'Kelly Fernandez - Persson & Cohen'

Cc: 'Jeffery A. Boone'; 'Holly Laird'; 'dpersson@swflgovlaw.com'

Subject: Pinebrook Park, LLC/ Zoning Determination Letter From Jeff Boone

Importance: High

Jeff:

This is with regard to the attached letter which attorney Jeff Boone provided to you on April 25, asking for a determination as to whether his client, Pinebrook Park, LLC, is entitled to develop its 2.5 acres in the Pinebrook Planned Unit Development for residential uses.

Mr. Boone had the courtesy to copy me on that letter as the attorney for Pinebrook South Homeowners Association, Inc., an affected party in the pending City Council consideration of a land use change for the subject property to residential/ 18 units per acre.

I anticipate that you are consulting with Assistant City Attorney Kelly Fernandez about Mr. Boone's request and note that she was copied on his letter as well. It is well for you to do that considering the legal issues involved.

This is to request that you decline to issue the requested determination, as the City's Community Development Director has no authority in the Venice Land Development Code or otherwise to issue a formal zoning determination such as Mr. Boone is requesting. The proper course for Mr. Boone and his client to follow, if desired, is to submit a site and development plan application for your review and consideration by the Planning Commission, which will then decide if the plan is consistent with the PUD Resolutions and zoning and the Venice Comprehensive Plan.

As to the substance of Mr. Boone's position, he is not correct. The 1985 Resolution which he cites simply states (in pertinent part), "That nursing homes and homes for the aged shall be permitted uses on those certain six acres" followed by a legal description. That includes the 2.5 acres which Pinebrook Park, LLC seeks to develop.

Because only those two uses are stated to be permitted uses on the subject property, no others may be implied.

The Florida Supreme Court ruled in Towerhouse Condominium, Inc. v. Millman, 475 So.2d 674 (Fla. 1985), "It is a general principle of statutory construction, well established in Florida's jurisprudence, that the mention of one thing implies the exclusion of another," citing the prior Florida Supreme Court case, Thayer v. State, [335 So. 2d 815](#) (Fla. 1976), and referring to this principle as the rule of *expressio unius est exclusio alterius*.

As such, in establishing nursing homes and homes for the aged as permitted uses for the property, the 1985 Resolution established those as the exclusive uses for the property. No other use may be deemed to be intended.

Mr. Boone apparently anticipates that he and his client may not prevail in amending the PUD to rezone the property to 18 units per acre residential at the City Council meeting on May 8, in light of the unanimous vote of the Planning Commission for denial, and the case made against it at the Planning Commission hearing. As such, he may be seeking to accomplish what he may not accomplish then by obtaining a staff determination that he does not need the change.

What Mr. Boone seems to disregard, however, is that the PUD Resolution limits residential density, where it is allowed by the Resolution, to 3.25 units per acre. If he argues, as might be expected, that is not intended as a limit on each parcel, such that there is no density limit for any residential parcel in the PUD, then that hole is filled by Section 86-130(g) of the City Land Development Code, which provides that the maximum density in a PUD District is 4.5 units per acre.

Further, in any event, as I pointed out at the Planning Commission hearing, development on the property is limited by its Mixed Use Residential designation to 5 units per acre by Strategy LU 1.2.16 of the Venice Comprehensive Plan. It provides that designation applies only “to existing and proposed properties zoned or proposed to be zoned PUD.” It then provides, “a variety of residential density ranges are envisioned providing the overall density does not exceed 5.0 dwelling unit per gross acre for the subject project/property.” Here, “the subject project/property” is the proposed residential development on the 2.5 acres at issue. (No other reasonable interpretation can be given to that phrase). Also applicable is Transition Policy 8.2 of the Venice Comprehensive Plan, which requires such reduced densities and other measures as needed to “ensure” compatibility with existing neighborhoods.

To resolve this matter, I propose (by copy to him in this email) that Mr. Boone and his client withdraw their pending application to amend the PUD Resolution and zoning for the 2.5 acres to allow residential development at up to 18 units per acre and enter into negotiations with my client to seek agreement on a PUD Resolution amendment/rezoning and a site and development plan which comport with the density limits of the PUD Resolution (3.25 units per acre), the Land Development Code (4.5 units per acre) and/or the Comprehensive Plan (5 units per acre) and which provides for appropriate buffering and other features to enhance compatibility with the Pinebrook South neighborhood. Alternatively, my client has already indicated a willingness to discuss other uses not now allowed on the site, such as an office development.

Please copy me by email on any response which you or another City representative provides to Mr. Boone’s April 25 letter.

Thank you very much for your considerations.

Daniel J. Lobeck, Esq.
Law Offices of Lobeck and Hanson
2033 Main Street, Suite 403
Sarasota, FL 34237
(941) 955-5622
www.lobeckhanson.com



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(NOT A MEMBER OF THE FLORIDA BAR)

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e-mail: adm@boone-law.com

April 25, 2018

VIA HAND DELIVERY

Mr. Jeff Shrum, AICP
Community Development Director
City of Venice
401 West Venice Ave
Venice, Florida 34285

Re: Pinebrook Park, LLC

Dear Mr. Shrum:

As you are aware, we represent Pinebrook Park, LLC, owner of an approximate 2.5 acre parcel on Pinebrook Boulevard in the City of Venice. As you are also aware, our client's property was the subject of an April 3, 2018, public hearing before the Planning Commission.

During the public hearing, the Pinebrook South Home Owners Association ("HOA") cross examined and asked questions of City Planning Department representative Scott Pickett. The HOA also made a presentation later in the public hearing. During the HOA's cross examination of Mr. Pickett, certain paragraphs from City Resolutions approved in the 1970's and 1980's were focused upon. The HOA also made reference to those same paragraphs during its presentation.

The Resolutions referenced above were contained in the agenda material, along with the City Staff Report, for the public hearing. Specifically, the Resolutions at issue are Nos. 518-74, 794-83 and 863-85. We have attached copies of those Resolutions (obtained from the agenda materials) to this letter for review.

Following the public hearing, and after considering Pinebrook South HOA's above-described cross-examination and presentation, we reviewed again the paragraphs of the three Resolutions that were the focus of the public hearing. It is as the result of that review that we write this letter to you.

To better understand this matter, we have set forth below the paragraphs at issue:

From Resolution 518-74 (1974):

“... all the terms and conditions of this Resolution, as consented to by the developer and the mortgagee, shall be incorporated by reference in the Ordinance rezoning the subject property to PUD District No. 2.

(1) The gross residential density of the subject property shall be limited to 3.25 residential units per acre for a maximum of 790 residential units.

(2) That six (6) acres of the subject property may be devoted to use by any establishment selling goods and services at retail including professional offices and clinics except the practice of veterinary medicine. No portion of the six (6) acres may be devoted to residential use.”

From Resolution 794-83 (1983):

“NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, that Section (2) of Page 3, Resolution No. 518-74, is hereby amended in its entirety to read as follows:

(2) That a nursing home shall be a permitted use on those certain six acres, more or less, described as Tract D, Pinebrook South, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, Public Records of Sarasota County, Florida.”

From Resolution 863-85 (1985):

“NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, that Section (2) of Page 3, Resolution No. 518-74, is hereby amended in its entirety to read as follows:

(2) That nursing homes and homes for the aged shall be permitted uses on those certain six acres, more or less, described as Tract D, Pinebrook South, according to the Plat thereof filed and recorded in Plat Book 23, Page 25, Public Records of Sarasota County, Florida.”

Mr. Jeff Shrum, AICP
Community Development Director
April 25, 2018
Page 3

At the public hearing, it was the position of the Pinebrook South HOA that residential uses were not allowed on our client's property, based upon the Resolutions cited above. However, a closer reading of the pertinent language of the three Resolutions (as set forth above) clearly shows that the prohibition of residential uses contained in Resolution 518-74 (1974) was removed by Resolution 794-83 (1983), and not in any way restricted by Resolution 863-85 (1985).

The key language contained in the 1983 Resolution, that Section (2) of the 1974 Resolution was amended "*in its entirety*" (emphasis supplied), had the effect of removing the prohibition of residential uses from the 6 acre parcel. Similarly, the 1985 Resolution also amended Section (2) in its entirety.

It is uncontroverted that PUD zoning is a residential zoning district where residential uses are allowed anywhere within a PUD-zoned property, unless restricted by the PUD regulations for that property. For the Pinebrook PUD, there are no restrictions on residential use. In addition to the foregoing, Resolution 518-74 (1974) clearly allows a maximum of 790 residential units (on a gross density basis) for all of the Pinebrook PUD property.

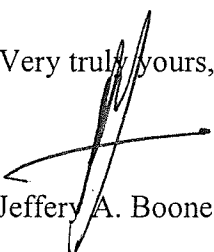
Taking all the above into consideration, and as a result of the focus placed upon language of the three Resolutions at the public hearing, it is now clear to us that residential use is presently allowed on our client's property, and, therefore, there is no need to proceed with the rezoning of the property to add residential as an allowed use.

We recognize that a site and development plan will still need to be approved for our client's property before any development can take place. That process will allow for any reasonable concerns of any resident who believes they will be impacted by the development to be considered and addressed.

Once you have had the opportunity to review and consider the above, we would respectfully request that you confirm in writing that residential use is allowed on our client's property. Once we have that confirmation, our client intends to proceed with preparation and filing of a site and development plan application for the property.

If you have any questions or need any additional information, please do not hesitate to contact us.

Kind regards.

Very truly yours,

Jeffery A. Boone

jab

Enclosure

Mr. Jeff Shrum, AICP
Community Development Director
April 25, 2018
Page 4

Copies to:

Pinebrook Park, LLC (w/encl.)
Kelly Fernandez, Esq., Assistant City Attorney (w/encl.)
Dan Lobeck, Esq. (w/encl.)

M87-15439\LtrJShrum04.25.18

From: John Holic

Sent: Saturday, May 5, 2018 9:42 AM

To: James and Nancy Martin <nm.jm@sbcglobal.net>; City Council <CityCouncil@Venicegov.com>

Cc: Edward Lavallee <elavallee@venicegov.com>; Dave Persson - Persson & Cohen
<dpersson@swflgovlaw.com>

Subject: Re: Pinebrook zoning

Dear Mr. Martin,

On behalf of Venice City Council, thank you for your comments.

Sincerely,

John Holic

Mayor, City of Venice

From: James and Nancy Martin <nm.jm@sbcglobal.net>

Sent: Saturday, May 5, 2018 8:55 AM

To: City Council

Subject: Pinebrook zoning

Dear Mayor Holic and Council members,

I will be unable to attend the May 8 meeting regarding the requested zoning change to set the stage for high density apartments that would be adjacent to Sleepy Hollow Rd. Therefore, I am sending this email in opposition to the proposed change.

The notification sent to residents with a picture of the site within the Pinebrook South neighborhood provides a startling visual of the density of the eventual proposed project. Please refer to this map and realize that the number of dwellings and parking spaces for the proposed apartments is roughly equal to the number of dwellings and the parking capacity along the entire frontage of Sleepy Hollow Rd. The notion of trying to squeeze even just the volume of vehicles from residents along the length of Sleepy Hollow Rd into the tiny parcel under question is inconceivable to me, let alone trying to include space to house 44 families.

Additionally, I am concerned to imagine the chaos of doubling the vehicle capacity of this sector of the neighborhood when rush hour at Venice Ave/Ridgewood and Pinebrook and north along Pinebrook is already over-congested. (PS, if Pinebrook is eventually widened, the problem of this increased vehicle density from the proposed apartments will still remain a serious problem because widening Pinebrook will only increase volume over what we presently have)

As far as this proposed project is concerned, I hope you will please follow the recommendation of the Planning and Zoning Commission and realize that the project calls for too many exceptions and violates what should be the preexisting rights of nearby residents especially, and the neighborhood in general—rights which are intentionally protected under current zoning. These rights of many property-owning residents should not be abandoned to profit one (non-resident) speculator.

Thank you for your consideration,

James Martin, 1278 Lakeside Woods, 34285

From: John Holic
Sent: Friday, May 4, 2018 3:43 AM
To: jackie rouff <jjrouff@gmail.com>; City Council <CityCouncil@Venicegov.com>
Cc: Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>; Edward Lavallee <elavallee@venicegov.com>
Subject: Re: Petition 16-04RZ

Dear Mr. and Mrs. Rouff,
On behalf of Venice City Council, thank you for your comments.
Sinceely,
John Holic
Mayor, City of Venice

From: jackie rouff <jjrouff@gmail.com>
Sent: Thursday, May 3, 2018 9:20 PM
To: City Council
Subject: Petition 16-04RZ

Dear Mayor Holic, Vice Mayor Daniels, and City Council Members

My husband and I will be out of town and unable to attend the meeting on May 8th. The comments that we would make if we were able to attend the meeting are below. Thank you for considering the negative effect that the current proposal will have on our neighborhood.

Our comments on Petition NO. 16-04NZ

We own a home at 1354 Lucaya Avenue, which is adjacent to the property for which the Boone Law firm has submitted Rezone Petition NO. 16-04RZ. Such a high density development of multi-story rental units is inappropriate for this narrow strip of land bordered by single family, single story homes and an extended care facility. The Venice City Comprehensive Plan calls for the "protection of single family neighborhoods from the intrusion of incompatible uses" and for consideration of "densities and intensities of proposed uses as compared to the densities and intensities of existing uses" (Elements – Land Use, Section III, Policy 8.2 E and H).

Placing multi-story rental units in the middle of a long-established single-family neighborhood would clearly present an incompatible intrusion. It is our understanding that the Venice City Planning Commission did not endorse this petition at the April meeting as well.

As Mark Twain noted, "There are three kinds of *lies*: *lies*, *damned lies*, and *statistics*." It may be possible to mathematically manipulate the figures to give the appearance that a change to greater density is justified. However, these manipulations do not reflect the reality of the situation. The simple reality is that the change in density requested in Petition 16-04RZ is too abrupt a transition to constitute responsible zoning. In addition, it will most certainly decrease the property value of existing homes in Pinebrook South.

We realize that the owners of this property have the right to develop it. The fact that high density rental units enhance the developer's economic interest is not a sufficient reason to approve this change. If a change to residential zoning is considered, the only appropriate change would be to low density single family homes consistent with the existing long established neighborhoods.

We hope that you will respect the wishes and well-being of the residents of Pinebrook South and the wisdom of the Venice City Comprehensive Plan and the Venice Planning Commission. Please deny the change of zoning to high density multi-family rental units requested in Proposal NO. 16-04RZ.

Respectfully,

Jacqueline and Steven Rouff

From: Ellen Ostroth <elle21796@gmail.com>
Sent: Wednesday, April 4, 2018 6:49 PM
To: Planning Commission <PlanningCommission@venicegov.com>
Subject: Our Thanks To the Planning Commission

Dear Venice Planning Commission;

April 4, 2018

My name is Ellen Ostroth. My husband (who is a Pinebrook South HOA Board member), and I attended the April 3, 2018 meeting set to review the rezoning application for High Density rental units being proposed in our community.

We wish to thank you for patiently hearing our side and making site visits. Those efforts are greatly appreciated. We were also delighted, obviously, with your denial of the rezoning project.

I wrote to say **“thank you”**, so you may wish stop reading here. If you are wondering why compromise fell apart, below is my firsthand experience to some of the problems.

We have been involved with this HOA and attending all the High Density meetings since the second one. I can tell you, initially, we were very interested in compromise. We all believed something would be built, and it was in our best interests to be part of that vision.

We proposed condos that residents would invest in and have ownership of. Being snowbirds was no factor for us.

I know this, because I was the one who stood up in the meeting and proposed these new condo residents should become part of our HOA, allowing them to use our clubhouse, pool and other facilities. It seemed unlikely that 2.39 acres was going to have much room for green spaces and walkways, let alone amenities. Mr. Boone said he'd bring it to his client. Apparently, the answer was *no*.

Furthermore, yesterday was the first time we heard *market price*. Mr. Boone has repeatedly referred to these units as *working folk*, *working class*. He defined that as nurses, teachers and police (the same people who own homes here) but also added *seasonal help*, *like wait staff*. He further stated they would be the *kind of employees that would require 3-6-9 month rentals*, in addition to 12 month leases. This is where the “transient” part of this project took hold in our communal minds. We felt lease turnovers would be exceptionally frequent.

When asked if his client would be keeping rental control, Mr. Boone replied *probably not*. Apparently, this mysterious owner builds, and then sells out. We felt this would mean the apartments could become any type of rentals, including subsidized, as our community would not have any agreements with any future owners.

We have repeatedly asked Mr. Boone who the owner, now buried under Pinebrook Park, LLC, is. Mr. Boone was very offensive. He said he would not tell us because we would be *very prejudiced against his client because of his client's nationality*. One of our more senior residents stood up and

eloquently debunked Mr. Boone's statement. The truth is, we are quite proud of our ever increasing diversity, and warmly welcome it.

Then there was the statement, (which may be hearsay in that it was presented at a meeting but I am not sure by whom), that Mr. Boone's group had measured Sleepy Hollow Road and determined it allowed 107 parking places. We know legally we cannot stop people from parking on our streets, but it has been upsetting that our walking-biking-vehicular roads, that are without sidewalks, could be the *parking solution* for these apartments that may well have 3-4 cars per unit. The street allows double-sided parking. Conversely, we have no cars parked in our neighborhood from the nursing facility.

Final ingress/egress is a big concern, for our committee was told (by someone downtown, so I got this second hand from our committee) that Pinebrook Rd. has maximum driveways in this area. No entrance onto Pinebrook can be built without a variance (or whatever the Planning Commission would call that exception.) If not received, we are all fearful that the only viable ingress/egress would be from Sleepy Hollow Rd.

We live on Waterside Lane, and are personally near the subject property. Waterside Lane begins at one end of Sleepy Hollow Rd and exits at the other end. Our street cannot ingress/egress in this neighborhood without Sleepy Hollow access. Moreover, Waterside Lane is close enough for High Density residents to park on, if street parking is intended. It's a curvy street, and any street parking gets visually tricky.

It is reasonable that those of us who live in this enviable neighborhood 1) would like to retain our PUD integrity & vision or make an amenable compromise; 2) have been extremely leery of this High Density rental project. The biggest problem has been not our unwillingness to compromise, but Mr. Boone's failure to be more forthcoming. He has failed to allow a review of a revised site plan. We also feel he has not been very transparent. Therefore, we moved to a position to hold fast to the original PUD and MUR.

In the name of transparency, we do feel this rezoning is an economic cash cow to a greedy, mysterious builder, who is indifferent to the existing members of this neighborhood and wishes to set a devastating precedent that will threaten other established neighborhoods in Venice.

Chairman Snyder, we truly commend you for taking the position that, while residential may be compatible (and we agree!), **transient rental residential** is not. The rest of us have invested our resources and lives by owning in this fine community. We love the quiet enjoyment, communal friendships and activities, and the rising home values of our lovely Pinebrook South neighborhood.

Tuesday was an admirable and much appreciated hearing. Again, we thank you for denying the rezoning request on this High Density project in Pinebrook South.

Best Regards,

Ellen Ostroth

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1216 Waterside Lane

Venice, FLA. 34285

From: Elaine Lawson <elainefullawson5@gmail.com>
Sent: Wednesday, April 4, 2018 11:58 AM
To: Planning Commission <PlanningCommission@venicegov.com>
Cc: Roger Lawson <roger.lawson@uvm.edu>
Subject: Venice Planning Commission

Dear Planning Commission:

I am so very grateful for your unanimous decision yesterday to deny the petition to rezone the 2.4 - acre lot behind my home on Lucaya Avenue. I don't know if you can imagine the great joy and relief the neighborhood feels at this time.

We are aware that your decision does not preclude actions that the City Council may take. We are also aware that a different petition may be forthcoming. However, this gives some of us a well-earned break from the continual meeting and argument - drafting that our committee have done over the past nearly two years.

Again, my personal thanks for hearing it all through and for your deliberations.

Sincerely,
Elaine F Lawson
1350 Lucaya Avenue
Pinebrook HOA