

**From:** [Kelly Parsons](#)  
**To:** [City Council](#); [jboone@boone-law.com](mailto:jboone@boone-law.com); [kfernandez@swflgovlaw.com](mailto:kfernandez@swflgovlaw.com); [robert.lincoln@flalandlaw.com](mailto:robert.lincoln@flalandlaw.com); [Lori Stelzer](#); [Jeff.Shrum](mailto:Jeff.Shrum); [elavalle@venicegov.com](mailto:elavalle@venicegov.com)  
**Cc:** [Richard Ulrich](#); ["Dick Longo \(ralongo46@gmail.com\)"](mailto:Richard.Longo@ralongo46@gmail.com); [richclapp@gmail.com](mailto:richclapp@gmail.com); ["lisamartin@mgmt.tv"](mailto:lisamartin@mgmt.tv)  
**Subject:** Murphy Oaks Planned Unit Development FW:  
**Date:** Wednesday, July 3, 2019 4:21:25 PM  
**Attachments:** [doc19269520190703162613.pdf](#)

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Please see attached letter on behalf of Sawgrass Community Association, Inc.

Thank you.

Kelly D. Parsons  
Assistant to Richard A. Ulrich, Esquire

Ulrich, Scarlett, Wickman & Dean, PA  
713 S. Orange Avenue, Suite 201  
Sarasota, Florida 34236

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FACSIMILE: 941.953.2485  
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-----Original Message-----

From: uswdlaw713@gmail.com [<mailto:uswdlaw713@gmail.com>]

Sent: Wednesday, July 03, 2019 4:26 PM

To: Kelly Parsons

Subject:

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TASKalfa 5501i

[00:17:c8:07:8b:0e]  
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ULRICH SCARLETT  
WICKMAN & DEAN, PA  
ATTORNEYS AT LAW

RICHARD A. ULRICH  
DONALD W. SCARLETT, JR.  
JOHN E. WICKMAN\*  
STEVEN H. JUDD\*\*

\*BOARD CERTIFIED REAL ESTATE LAWYER  
\*\*OF COUNSEL

KEVIN D. MICALE†  
BRIAN D. KEISACKER  
ROY E. DEAN (1931-2016)

†ALSO LICENSED IN LOUISIANA

July 3, 2019

Via Email: [citycouncil@venicegov.com](mailto:citycouncil@venicegov.com)

The Honorable John Holic, Mayor  
Venice City Hall  
401 West Venice Avenue  
Venice, FL 34285

Re: Murphy Oaks Planned Unit Development;  
July 9, City Council Meeting

Dear Mr. Mayor and Members of the Town Council:

Please be advised I represent Sawgrass Community Association, Inc. (hereafter referred to as the "Association") in the above referenced matter. In that regard, my client appreciates your participation and position in making all decisions regarding the Murphy Oaks Planned Unit Development application. Recently, you, town staff, the Applicant and the owners of Fox Lea Farms and the Association, participated in two mediation meetings to determine if a resolution could be reached regarding the denial by the City Council to Murphy Oaks' Application for Rezone of the property located in Venice, Florida, and identified as PID: #0399-04-0001. While some progress was made, from the Association's standpoint, the discussion did not go far enough to curtail the compatibility issues which affect the Association, Fox Lea Farms and other nearby communities. My client, consisting of 585 parcels, is located on property across North Auburn Road from the proposed rezone. A Mediation Report is being prepared by the mediator, Scott Steady. A further Council meeting has been scheduled for July 9, to discuss the report as well as vote on the changes to determine if the rezone should be approved. For the reasons set forth below, the Association would respectfully request the proposed changes to the Applicant's Rezone petition and the agreement reached by the City and the Applicant, be denied.

In addition, my client requests the agenda item dealing with this issue at the meeting to be held on July 9, be continued and in support thereof, we would reincorporate the reasons for same as contained in Attorney Jeffrey Boone's letter to you of July 2, 2019, a copy of which is enclosed herein. Procedural due process will be

denied my client as it only received the proposed changes to the original application, late afternoon on July 2, with the July 4<sup>th</sup> holiday to follow shortly thereafter.

In response to certain additions and modifications to the proposal, my clients still object to the application wish to emphasize the following that specifically affects the Sawgrass property:

1. **Density.** Currently the property is zoned to permit eight (8) single family residences. They are requesting to be permitted to construct 105 homes. This is extremely ambitious, not warranted, and is incompatible with the surrounding properties. This proposal has not changed from the original application.

2. **Lot Coverage.** The current plan is to permit sixty percent (60%) lot coverage when the present lot coverage for surrounding properties is thirty-five percent (35%). Again, the density for this proposal is not compatible with surrounding developments and has not changed from the original application.

3. **Lot Sizes.** The current plan is for 105 50' x 120', lots. This is not compatible with the properties located in the Sawgrass and Waterford Subdivisions, the two developments most closely located to this property. The average lot size in those communities is 80' x 120', lots. To request sixty percent (60%) lot coverage on a smaller lot is evidence that the properties will not be similar in size and shape to those at Waterford and Sawgrass, are incompatible, is only proposed to increase the number of homes to be built, and increase the density for the area. This proposal has not changed from the original application.

4. **Roadways and Sidewalks.** The current plan is for a 50' wide street and a sidewalk on one side of the development. Again, this is indicative of the type of development being contemplated instead of a well-maintained, harmonious community setting which would include a wider street and sidewalks on both sides of the properties.

5. **External Sidewalks.** The current plan is to obtain a variance to have only a sidewalk on North Auburn Road despite the fact this does not comply with the present Comprehensive Plan.

8. **Drainage.** One of the greatest concerns of the Sawgrass residents is that the present proposal of 105 homes will overly burden drainage to Curry Creek which runs through the Sawgrass development and has the potential to severely affect flooding in Sawgrass.

9. **Traffic.** While there is a proposal to include modifications to North Auburn Road and Edmundson Roads, the Developers Agreement, calls, basically, for the City to pay for same with an offset to the prior Pre-Annexation Agreement requirements. The Applicants own traffic study indicates there will be significant impact at the intersections of Auburn

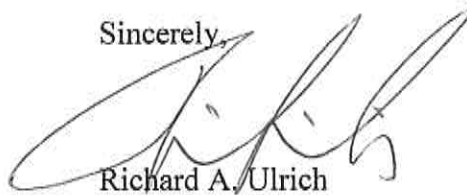
and Edmundson roads and a more comprehensive study and action is needed.

In reviewing this proposal, the old cliché of stuffing 5 pounds of sausage into a 2 pound casing, comes to mind. For the above reasons, my client would respectfully request the City's decision to deny the Applicant's petition be upheld and that the proposal for settlement discussed in the recent mediations be rejected and that a more reasonable, compatible development be approved that respects the surrounding developments and historical uses of the adjacent properties.

My client and I look forward to appearing before the City Council meeting on July 9, or future date if the meeting is continued for the reasons set forth in Mr. Boone's request and supported by the Association.

If you should have any questions with respect to this matter or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Ulrich', with a large, stylized flourish extending from the end of the signature.

Richard A. Ulrich

cc: VIA EMAIL ONLY  
Ed Lavalley, City Manager  
Lori Stelzer, City Clerk  
Jeff Shrum, Development Services Director  
Kelly Fernandez, City Attorney  
Robert Lincoln, Esquire  
Jeffery A. Boone, Esquire

**From:** [Richard Clapp](#)  
**To:** [Kelly Parsons](#)  
**Cc:** [City Council](#); [jboone@boone-law.com](mailto:jboone@boone-law.com); [kfernandez@swflgovlaw.com](mailto:kfernandez@swflgovlaw.com); [robert.lincoln@flalandlaw.com](mailto:robert.lincoln@flalandlaw.com); [Lori Stelzer](#); [Jeff Shrum](#); [elavalle@venicegov.com](mailto:elavalle@venicegov.com); [Richard Ulrich](#); [Dick Longo \(ralongo46@gmail.com\)](mailto:Dick.Longo@gmail.com); [lisamartin@mgmt.tv](mailto:lisamartin@mgmt.tv)  
**Subject:** Re: Murphy Oaks Planned Unit Development FW:  
**Date:** Thursday, July 4, 2019 9:12:02 AM

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Looks fine to me.

Richard A Clapp  
Attorney at Law  
Licensed in MN and ND  
tel. 218-779-9775  
email [richclapp@gmail.com](mailto:richclapp@gmail.com)

On Wed, Jul 3, 2019 at 3:21 PM Kelly Parsons <[kelly.parsons@uswdlaw.com](mailto:kelly.parsons@uswdlaw.com)> wrote:  
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