

From: [Lori Stelzer](#)
To: [City Council](#)
Cc: [Jeff Shrum](#); [Roger Clark](#)
Subject: FW: Murphy Oaks Response as requested
Date: Wednesday, October 16, 2019 8:12:11 AM

See below. Thanks.

Lori Stelzer, MMC
City Clerk
City of Venice
401 W. Venice Avenue
Venice, FL 34285
941-882-7390
941-303-3486 (cell)
941-480-3031 (FAX)

From: Robert Lincoln <robert.lincoln@flalandlaw.com>
Sent: Tuesday, October 15, 2019 5:05 PM
To: Kelly Fernandez - Persson & Cohen <kfernandez@swflgovlaw.com>; Lori Stelzer <LStelzer@Venicegov.com>
Cc: 'Dick Longo (ralongo46@gmail.com)' <ralongo46@gmail.com>; Jeffery A. Boone <JBoone@boone-law.com>; herb@windhamgroupllc.com; Stacy Dillard-Spahn <stacy.dillard@flalandlaw.com>
Subject: FW: Murphy Oaks Response as requested

Dear Ms. Fernandez and Ms. Stelzer:

Please forward this response to the City Council members.

I have exchanged multiple emails with Mr. Longo over the past two weeks to see if there were changes or additions to the stipulations that would address his concerns and objections. He has offered none.

- 1) With respect to the outdoor speakers, the Declaration also will prohibit any outdoor speakers on the south side of those south lots. To be clear, Windham does not agree or concede that the normal use of outdoor speakers, in compliance with the City's noise ordinance, will pose any threat to Fox Lea Farm's operations given the distance, the buffer, and the berm and wall. Fox Lea asserts these could be a problem, and Windham has agreed to limits to address that concern. That is not proof of incompatibility. Moreover, it has no impact at all on Mr. Longo or Sawgrass.
- 2) Transportation improvements. The proffered stipulation requires the necessary permits to be filed at the time the construction plans are approved and for the improvements to be constructed them prior to the first certificate of occupancy. There is simply no support for Mr. Longo's concern.
- 3) Mr. Longo's statements about the FDEP issues getting in getting to Curry Creek have nothing to do with whether the development, as proposed, will meet or (in this case) exceed the applicable City standards – it will.
- 4) The buffers differ because the issues at different points are different. Mr. Longo did not

identify any reason why the proposed buffers are insufficient to prevent him, or other residents of Sawgrass, from any adverse impacts from the development.

- 5) Mr. Longo's assertion that the project previously had a clubhouse is both wrong and irrelevant. Nothing in the code or comprehensive plan requires any particular type or level of amenity, and nothing about the proposed amenity areas renders the project incompatible in any way.
- 6) The proposed density, at slightly over 2 units per acre, is slightly higher than Sawgrass and significantly lower than Waterford. Some section or sub-areas of Waterford (such as Triano) are at far higher density, far closer, and with less buffering. Others – Club View and Colony Place, for example, are at similar density and closer to Edmonson Road, with far less buffering. There are a fair number of homes within Sawgrass Unit 4 that are close to Auburn Road, and with less buffering, than will be the case with this project. Mr. Longo's claim that the project is not compatible simply because it has a different (and slightly higher) density simply has no basis.

Best regards.

Robert

From: Dick Longo <ralongo46@gmail.com>

Sent: Monday, October 14, 2019 10:47 AM

To: John Holic <JHolic@Venicegov.com>; Ron Cairo <rcairo@verizon.net>; Charles Newsom <CNewsom@Venicegov.com>; Jeanette Gates <JGates@Venicegov.com>; Robert Daniels <RDaniels@Venicegov.com>; Mitzie Fiedler <MFiedler@Venicegov.com>; Helen Moore <HMoore@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>

Cc: Kimberly Farrell <FoxLeaFarm@aol.com>; Jeffery A. Boone <jboone@boone-law.com>; Richard Clapp <richclapp@gmail.com>; Anna Brummett <amdrbrum@gmail.com>

Subject: Murphy Oaks Response as requested

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

Mayor Holic and City Council Members,

At your Sept 24, 2019 Council meeting you asked the 3 affected parties, Windham Development, Fox Lea Farm and myself to define and attempt to resolve the issues in conflict among us regarding the proposed Murphy Oaks development and document our positions to you by October 15. Since that time, there have been numerous emails but no meetings that I am aware of among the parties. On Oct 4th, after a round of emails, I confirmed that I would make myself available for meetings but none have been requested or scheduled.

Having said that, you are all well aware that the issues between Fox Lea Farm and the

developer are significant and diverse. Myself, Sawgrass and the Central Venice Coalition fully support each and every Fox Lea requirement but I will only document those that are of primary interest to myself and the other neighbors in order to keep this as brief and concise as possible. My comments and objections have been transmitted to the developer's attorney multiple times.

Issues as taken from the list presented by Windham Development:

LOT DEVELOPMENT STANDARDS:

1. Outdoor speakers on houses facing Fox Lea...

In my opinion this is an extreme example of the incompatibility issue facing this development. It is unreasonable to expect, much less enforce, speakers or other loud noises that will distract horses and riders and impair their safety. Eliminating hard-wired speakers is meaningless in this world of wireless communication and entertainment.

2. Transportation improvements...

As the City of Venice representative to the Citizens Advisory Committee of the MPO for Sarasota and Manatee counties, I am well aware of the problems with traffic improvements. Although the developer has offered to pay for them after County approval, the timing of such improvements may take years, during which we will all suffer more traffic headaches, congestion and another failed intersection.

5. Water Management Plan consistent with Curry Creek Master Plan...

Curry Creek is already a problem for the State, County, City and Sawgrass. I introduced testimony from the State DEP that Curry Creek was so bad that they couldn't get to the areas designated for measurement and evaluation! To allow development of the scale proposed for Murphy Oaks when there is no ability to measure or control the effect would be irresponsible.

6. Landscape buffers and "fencing"...

The developer has proposed buffers ranging from approximately 40' from Fox Lea Drive to 120' +/- from I-75. He has also defined the "fencing" or lack thereof on each boundary. Those "fences" range from a 5' berm with an 8' concrete wall to no fence at all. It is an example of the developer's lack of concern for the neighbors that the highest, most formidable fence faces I-75 and yet there is no fence at all along a portion of Border Rd.

7. Amenity area...

When this development first came to the Planning Commission and City Council there was a clubhouse and true amenity area. In fact, the Planning Commission at that time was so concerned about this that they insisted on a schedule for the clubhouse consistent with home construction. That has morphed into a very small area of grass and a tree that will not be built out that is now called the "Amenity area". This is another example of incompatibility with the neighboring communities.

STIPULATIONS PROFERRED BY WINDHAM WITH DISAGREEMENT...

1. Density...

It is our position that a density of 120% of the density of Sawgrass is another example of incompatibility. The developer's contention that the Council has to approve X number of homes is incorrect. There is technical and legal justification for as few as 8 homes and other levels of density that fit the City's rules, regs and comp plan.

Mr. Mayor and Council Members, thank you for supporting the residents, Fox Lea Farm and the City in the past on this matter. I sincerely hope you will continue to do the right thing and deny or limit the developer to the stipulations and needs of the community.

Thank you,

Dick Longo
295 Marsh Creek Rd.
Venice, FL 34292

Need to Report an Issue? SeeClickFix Venice Connect is available as an app for Android and iPhone. Select SeeClickFix from your app store on your device and choose Venice, Florida. There is also a link to the program on the city's website, www.venicegov.com, or go directly to SeeClickFix at <https://venice.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.