

From: [Mike Rafferty](#)
To: [John Holic](#); [City Council](#); [Ron Feinsod](#); [Joseph Neunder](#); [Nicholas Pachota](#)
Cc: [kfernandez@swflgovlaw.com](#); [Edward Lavallee](#); [Jeff Shrum](#); [earle.kimel@heraldtribune.com](#); [ggiles@venicegondolier.com](#); [Bob Mudge](#); [Lori Stelzer](#)
Subject: Re: Quasi-judicial Re: Arcata Del Sol CC 18-04 PP - Council Agenda 11/12/2019
Date: Saturday, November 9, 2019 10:09:37 AM
Attachments: [Transmittal to City Clerk \(1\) 11 variances.pdf](#)

Mayor/Council,

As an FYI, here is a summary of the 11 variances as tabulated by COV Staff

Mike Rafferty

-----Original Message-----

From: John Holic <JHolic@Venicegov.com>
To: Mike Rafferty <mer112693@aol.com>; City Council <CityCouncil@Venicegov.com>; Ron Feinsod <RFeinsod@Venicegov.com>; Joseph Neunder <JNeunder@Venicegov.com>; Nicholas Pachota <NPachota@Venicegov.com>
Cc: kfernandez@swflgovlaw.com <kfernandez@swflgovlaw.com>; Edward Lavallee <ELavallee@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>; earle.kimel@heraldtribune.com <earle.kimel@heraldtribune.com>; ggiles@venicegondolier.com <ggiles@venicegondolier.com>; Bob Mudge <bmudge@venicegondolier.com>; Lori Stelzer <LStelzer@Venicegov.com>
Sent: Sat, Nov 9, 2019 10:03 am
Subject: Quasi-judicial Re: Arcata Del Sol CC 18-04 PP - Council Agenda 11/12/2019

Thank you for your e-mail. The City Council sits as a quasi-judicial body in land use matters (such as rezonings and conditional uses) and must behave as judges in making such decisions. As in judicial matters, decisions must be based on factual information made part of the record during the public hearing. The due process rights of all participants include notice, the opportunity to be heard, and the right to be advised of all facts on which the decision makers rely.

For this reason, our Council Members are advised by the City Attorney's Office to not respond to letters, phone calls, e-mails, or requests for meetings with constituents outside the applicable public hearing.

Your correspondence is an important part of the public process and will be placed in the public record for all concerned to read. It is important that you know your correspondence will be read by every City Council Member prior to the public hearing and given its due consideration. You are encouraged to attend the public hearing on this matter and to testify as to any facts that you believe are important to the Council's determination.

John Holic
Mayor, City of Venice

John Holic
Mayor, City of Venice
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Venice, FL 34285
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From: Mike Rafferty <mer112693@aol.com>
Sent: Saturday, November 9, 2019 9:37:02 AM

To: John Holic <JHolic@Venicegov.com>; City Council <CityCouncil@Venicegov.com>; Ron Feinsod <RFeinsod@Venicegov.com>; Joseph Neunder <JNeunder@Venicegov.com>; Nicholas Pachota <NPachota@Venicegov.com>

Cc: kfernandez@swflgovlaw.com <kfernandez@swflgovlaw.com>; Edward Lavallee <ELavallee@Venicegov.com>; Jeff Shrum <JShrum@Venicegov.com>; earle.kimel@heraldtribune.com <earle.kimel@heraldtribune.com>; ggiles@venicegondolier.com <ggiles@venicegondolier.com>; Bob Mudge <bmudge@venicegondolier.com>; Lori Stelzer <LStelzer@Venicegov.com>

Subject: Arcata Del Sol CC 18-04 PP - Council Agenda 11/12/2019

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Good Morning John and Council,

According to staff comments, this project will require 11 variances.

At the recent League of Women Voters candidates forum, a question was asked if elected, would you vote against any/all variances....unanimous response....YES!!!!

Please do the same with this proposal.....you are responsible to enforce the Comp Plan and zoning requirements.

Thank you.

Mike Rafferty



City of Venice
Planning & Zoning Division
MEMORANDUM

To: Lori Stelzer, City Clerk
From: Katherine Woellner, Planner
Roger Clark, AICP, Planning Manager
Date: March 21, 2019
Re: Transmittal of Petition for Council Action
Arcata Del Sol Preliminary Plat, 18-04PP

On March 19, 2019, the Planning Commission, made the following motion for the subject petition, with a vote of 6-0, Mr. Graser was absent:

Based on review of the application materials, the Staff Report, and testimony provided during the public hearing, the Planning Commission, sitting as the local planning agency and Land Development Regulation Commission, finds the petition consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative findings of fact in the record, and recommends approval to City Council of Preliminary Plat Amendment Petition No. 18-04PP with the following stipulations provided by staff:

1. Authorization by City Council for the use of the 20' platted alley adjacent to the subject property's southern border to construct a drainage swale to be maintained in perpetuity by the Arcata Del Sol Homeowners Association. Development in the 20' platted alley may not impact existing utilities or the ability to provide access to utilities for all utility purveyors.
2. Modification of the homeowners' documents and preliminary plat stating that the operation and maintenance of the swale within the 20' platted alley for the benefit of the development will be the responsibility of the Arcata Del Sol Homeowners Association.

Planning Commission also recommended approval of eleven variances to code proposed in the Plat:

1. Reduction in lot width from 50ft to 36ft
2. Reduction in minimum lot area from 5,000 sq. ft. to 4,140sqft
3. Increase in maximum lot coverage from 30% to 48%
4. Reduction to front yard setbacks per the OPI Code from 20ft to 10ft
5. Reduction to front yard setbacks per the VG Code from 30ft to 10ft
6. Reduction to side yard setbacks per the OPI Code from 10ft to 0ft
7. Reduction in Open Space from 50% to None
8. Increased driveway width at the property line from 24ft to 26.9ft
9. Reduction of parking access-drive aisle width from 24ft to 20ft
10. Reduction of parking space size from 10ft by 18ft to 9ft by 18ft
11. Elimination of the requirement for Site and Development Plan

It is important to note that the Staff Report transmitted from the Planning Commission has been revised to fix the conclusion/finding of fact on page 7 and current lot measurements on page 5.

The public hearing with City Council cannot be scheduled until the applicant has submitted the necessary materials to the City to address the stipulations indicated above. Please schedule the City Council consideration of the use of the 20 foot platted alley on the same agenda as, and before the preliminary plat.

To continue the processing of the petition, please complete the following:

- Legistar file CC 18-04PP has been created and the files are uploaded because the documents are too large to email (all documents are listed as attachments to this memo).
- Schedule one public hearing before City Council. (see note in **bold** above)
- Provide our office with the legal advertisement when you send it to the Gondolier in order for us to prepare the notification sign and post on the property 15 days prior, per public notice requirements.
- The mailing list for the nearby properties is attached, but please note if a significant amount of time passes before the notices are prepared, the list will need to be updated to ensure sales/transfers are accounted for.
- We will forward the Development Order 18-04PP upon completion of review by legal counsel.

The Planning and Zoning Division may receive written correspondence on this petition, which will be forwarded to your office.

Attachments: Staff Report (Revised for City Council)
 Applicant Materials
 Arcata Del Sol Preliminary Plat Plans
 Arcata Del Sol Landscape Plans
 Color Architecturals & Signage
 Mailing Notification List
 Location Map

Cc: File No. 18-04PP