

Opposition Presentation

Given by Tyler D. Cassell

VGRC resident and friend of affected parties



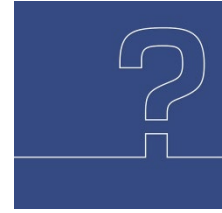
After several meetings, the affected homeowners have asked me to present their opposition because I've had **15 years experience** in reviewing and voting on plans as a member of NY Government Community Board 7 in Flushing Queens.

As a member of the Zoning and Land Use Committee, I vetted, and voted on all applications that needed zoning variances, and special permits, and almost everything that came into our community of 260,000 residents.

Most plans included detailed Environment Impact Statements

**My Impact Report Rebuttals was sent to you 1 weeks ago.
Please consult it for Review.**

Why Are We Here Today?



Because:

- The Venice Planning Commission **Denied the Plan** 5 to 2, and Site 6 to 1 on February 2nd.
- The CDD **appealed** the decision.
- Our resident attorney, Mr. Pirrotti, (retired) sent in a **Motion to Dismiss** the appeal with evidence.
- The motion to dismiss the appeal **was denied**.

This is not whether we want Pickleball or not.

The only reason we are here today is ...

LOCATION, Location, Location

Myth # 1 – PUD Statement



The PUD Feb 2, 2021 Statement Myth:

“As with any change there may be a select few that will object with any new amenity constructed in close proximity to their home, but both the Pickleball and Dog Park committees have received overwhelming support from the community.”

Really? Problems with statement:

1. *There never was a Dog Park committee!*
2. *The “select few” is actually 33-100 plus affected homes – 161 names on petitions.*
3. *The “overwhelming support” is based on a petition taken in 2015. 6 yrs ago!*
4. *That was even **BEFORE** a location was chosen.*
5. *1377 Homes = 2,500 residents, 297 names is 12 % of residents! Little support then.*

That petition is worthless – Why? - people have moved out, many withdrew support when the under-the-power-lines location chosen, and some don’t play any racquet sports anymore.

The CDD has NO idea what the current support is.

None - No other survey was ever taken!

The CDD Knew There was Opposition to the Plan

Last Summer

At the July 13, 2020 Public Workshop required by the City

Many residents spoke in opposition to the plan. They spoke about:

1. The Liability concern passed to the CDD.
2. The Dangerous Location under the high-voltage power lines.
3. The possibility of Injury or electrocution there.
4. The affect that Noise would have for nearby homes.
5. The Decrease in Property Values for noise-affected homes.
6. The Lack of parking and no Restrooms provided.
7. The concern EMF (electro magnetic Field) radiation exposure.

They asked the CDD to not go ahead... but to no avail.

Point of Law – No vote was taken at the end of the meeting to move forward. Florida Statutes, section in 190.006 (5) says:

“Action taken by the district shall be upon a vote of the majority of the members present unless general law or a rule of the district requires a greater numbers.”

Mr. Anthony Pirrotti, a resident attorney (Retired), addressed several legal issues in his testimony and in the Motion to Dismiss the Appeal.

Recent Tennis Players Petition **FOR** Pickleball



In desperation, some tennis players circulated a petition for Pickleball.

Why do they want the Pickleball Courts on Pesaro?

Because:

1. They're afraid that any Pickleball courts next to the tennis courts would **be too noisy** and would interfere with their tennis game.
2. They're afraid that **2-tennis courts will be taken away** and converted into Pickleball courts. That will **destroy** their league status by needing 6 courts.
3. **Few**, if any, of those who signed in favor **live in the affected area**.
4. They just like the **"idea"** of playing Pickleball. Some currently play at Foxworthy Park, Pinebrook Park or at other locations. They would play in the new park that is coming soon. There is a Pickleball flier in the lobby here.

We who are Opposed – We like the **"Idea"** of Pickleball
But, Just not the Location chosen

Myth # 2 – The VGRC Needs These Amenities to Stay Competitive



- August 10, 2020 CCD Meeting, a Board member said:
CDD - We haven't added any amenities in 18 years, we're falling behind newer communities, we need new amenities to increase the value of our homes.

Problem with the statement? We already have much more now. WCI designed us with everything they could think of in 2002. We have:

An 18-Hole Golf course - Meals	Golf Pro shop	6-tennis courts for League play	Tennis Pro shop Lessons
A Lap Pool	A Tiki Bar	Outdoor Dining	Big Clubhouse
Showers	Lockers	Clubhouse Meals	Social Events
Inside Bar	Walking Path	Gas Stoves	Mailboxes

The Other Newer Nearby Clubs



Club	Pickleball	Tennis	Golf	Lap Pool	Tiki Bar
Aria	4	0	0	0	0
Cielo	0	0	0	0	0
Milano	3	0	0	0	0
Vicenza	4	0	0	0	0
Total	11	0			

What's Obvious? Newer Clubs are **substituting** Pickleball Courts for Tennis Courts!

Why?

- Pickleball is a **marketing tool**.
- Pickleball courts are **space savers** – You can fit 2-4 Pickleball courts in 1 tennis court.
- Their Pickleball courts are next to the clubhouses where they should be – with restrooms and ample parking

Our 6-Tennis Courts is a big advantage over other clubs

Are we falling behind? NO WAY.

The new North Venice planned park



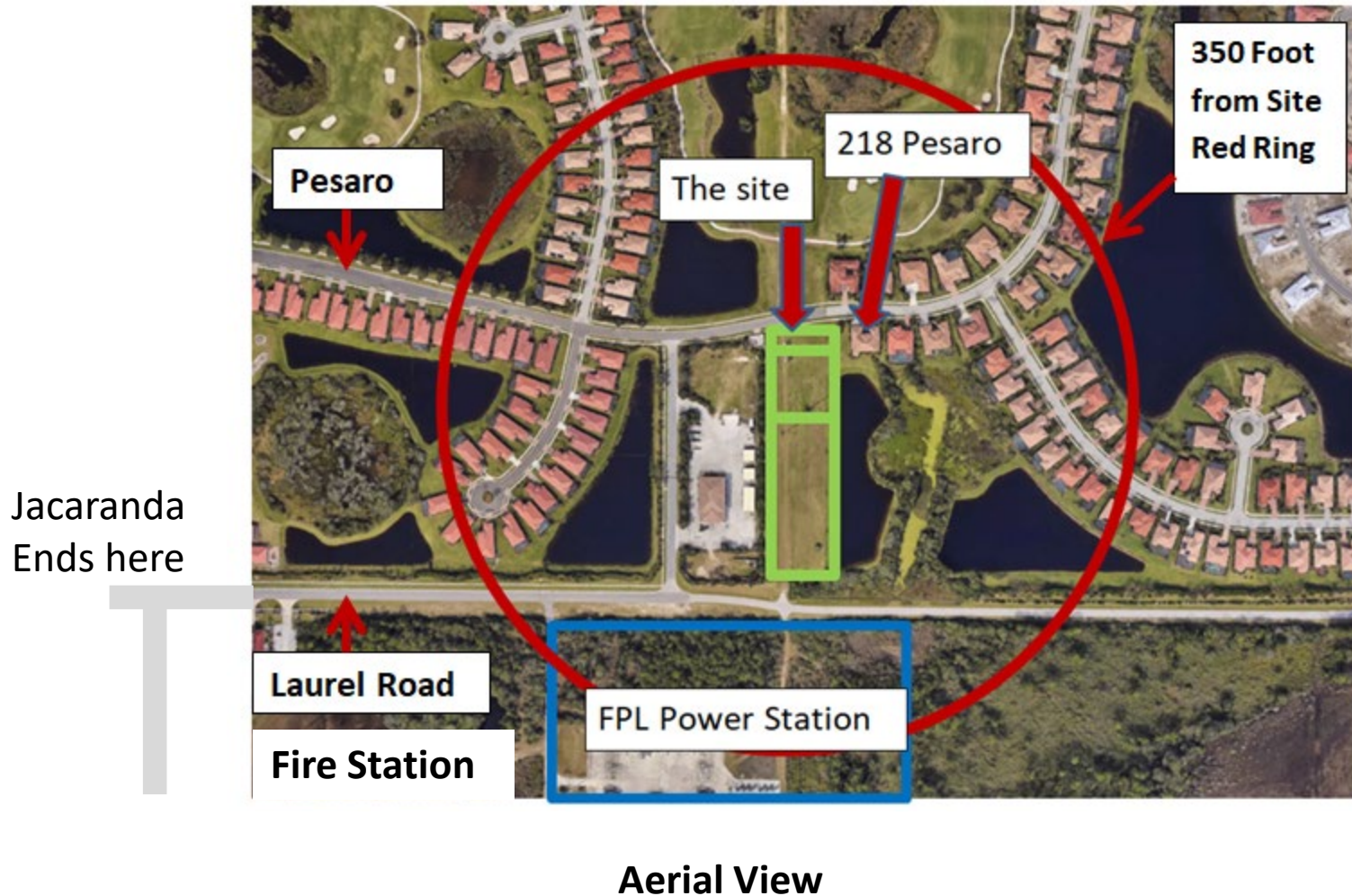
The new park **will have** Pickleball Courts, Tennis Court and a dog park to serve the entire region of North Venice.

- Pickleball and a Dog Park near the **top of the survey** responses.
- These amenities - **near restrooms, water, with plenty of parking nearby.**
- **Benches, and shaded areas** can also be provided.

FYI – I attended the new park presentation online. I've written to Jenifer Dorning and James Clinch about the shortage of tennis courts being built in the newer communities, and made other helpful suggestions.

The New Park makes the VGRC Plan - **Unnecessary**

Plan Site



Site is 50-Feet From 218 Pesaro Home



Much too close to many homes!

Frontal View from Pesaro



**FP&L trucks doing line maintenance (trucks are in Pickleball courts)
Several high-voltage power lines are overhead**

Why was the Site Chosen?

Because:



- There is **No free space** is available without taking space from something else. VGRC is **completely built-out**.
- **The Pickleball Committee** insisted on **4 Pickleball courts**.
Tennis Court Site - 2 or 3 courts could be built next to the tennis courts at the clubhouse where they should be. But they said **NO**. They wanted 4 courts. 4 courts there would take away too many parking spots.
- So, they chose The Pesaro site.

The Pickleball Committee was dissolved in 2020.

Now there is a Racquets Committee.

Is this a Good Location?

NO! – It's the worst location possible - Why?

Because:



1. Dangerous high-voltage power lines are overhead.
2. Too many closeby homes that will be affected by the noise
3. Parking lot is very limited – Much too small.
4. Restrooms can't be built there – players have to go home
5. Noise mitigation can't be done.
6. No benches, no shade, no water.

The Location is Very Problematic – Very Bad Choice



Dangerous High-voltage Power Lines Overhead – Space Should be left free



The National Electric Code says:

*“Obstructions in the right-of-way are dangerous and lead to power outages, and these spaces **must be left vacant** in order to permit line maintenance when necessary.”*

- Many people are afraid to even **walk** under the power lines.
- Some are concerned about **EMF (electro magnetic Field) radiation** exposure from high-power electrical lines which can be detected up to 300 meters away.
- FL&L needs **clear access** at all times in emergencies & for maintenance – after high winds, hurricanes, tornadoes .

Power - First to go in a Storm - First thing that must be restored.

FP&L Trucks Need Complete Free Access at All Times

Why Did PF&L Ever Give the CDD a Contract?

Because the CDD wanted “something”. What they got was a contract with:

Many Limitations & Few permissions

The Contract:

1. **Passes all Liability** to the CDD. Residents have never been informed at length about the passed liabilities. Will large settlements financially hurt us residents?
2. **No permanent structures**, no trees over 14 feet high, no walls, etc. can be built. This means no restrooms can be built.
3. **No curbstops** can be built within 75 ft. of power poles. Vehicles can overshoot the parking space.
4. **Parking lot is too small** – Can’t hold full capacity parking - overflow has to park in the swale, or on the street.
5. **30 – Day Reclaim clause** – FP&L can reclaim the entire area at any time in the future. This means the CDD would lose the \$175,000 spent to construct the courts, plus the Dog Park money, and would have to pay additional demolition costs. Entire investment would be GONE!

This is a “bare-bones” agreement



The FP&L Contract Requires Danger Signs be posted

in FP&L contract paragraph 8, reads:

“Licensee agrees to warn its employees, agents, contractors, and invitees of the fact that the electrical facilities are of high-voltage.”

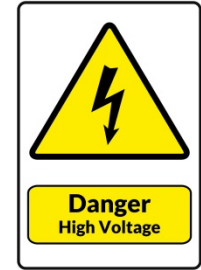


Ask yourself:

- If you saw a Danger & Picture of a Shark sign – saying “enter water at your own risk”. Would you go in the water?
- If you saw Danger & Overhead Power lines sign – saying “enter at your own risk”. Would you go in this space for recreation?

Signs Are Meant to Warn You of the Dangers that Exist

Is It Really Dangerous Under the Power Lines?



YES! How do we know? Because:

- **All FP&L Liability** passed to the CDD.
- **Danger signs are Mandatory.** If there was no danger, no signs would be required.
- **3 recent power line explosions** – Sept & October 2020.
Loud “bangs” – brought residents outside - called 911, the Fire Department and FP&L. FP&L met with half dozen of us at power station. 2 explosions at the sub station 1 on the line near Pesaro. Equipment had to be replaced.
- **April 17th 2021** – A young Spring Hill girl was electrocuted when she stepped out of her car after a downed power line set fire to her car.
- **Hurricanes & Tornadoes** can come at any time, and they do. FP&L needs access.

Hurricane season is coming on **June 1st**.

CONCLUSION – The dangers there **CANNOT BE MITIGATED.**

Stay Out

Can Pickleball Noise be Abated?



NO. This is the BIG issue. How was Noise addressed by the CDD?

In the July 13, 2020 City Required Workshop, one Board member in notes said:

“the Board did conduct a noise test and ran decibel ratings on the pickleball off the pavement next to the tennis courts and the sound was less than tennis without any barriers and so that has been taken into consideration. He further advised that the landscaping provided would certainly muffle the sounds.”

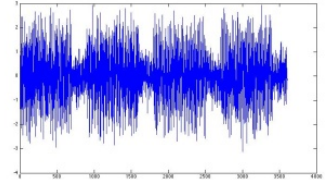
Problems with the statement? - Several

Pickleball noise comes from the hard ball and hard paddle “pop”, plus bounce, plus player noise, multiplied by the number of players. Landscaping cannot muffle the sounds in any significant amount. Pickleball is much louder than tennis.

Such an “rinky-dink” noise test can’t be taken seriously.

You Must Use Experts to Measure Noise

S&W Engineering, Acoustical Engineers, Scottsdale, AZ

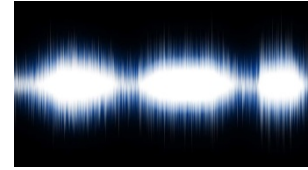


*“Some developers of pickleball courts have **not adequately addressed the sound** produced by the impact of the hard paddle and ball which creates **a sharp pop.** This has **led to controversy** between facility owners and neighbors”.*

*“Based on our experience working with pickleball facilities, courts located **within 350 feet of residential structures** often require abatement.” And “For sites that have a water feature or golf course as part of the intervening ground between the courts and homes, it may be necessary to consider **abatement at buffer distances greater than 500 to 600 feet** due to addition refraction effects created by these situations.”*

*“The abatement plan for the site **should be prepared by an acoustical engineer** with experience in assessing the community impact of short duration impulsive sounds such as those produced by pickleball paddle impacts”. **“If you are in the process of planning pickleball for your site, consulting an acoustician can reveal unforeseen issues with the selected courts site plan before spending tens or hundreds of thousands of dollars in design and construction.”***

The Punta Gorda Case



In **2016**, the City of Punta Gorda built 8-Pickleball courts in Gilchrist Park. Residents across the street said they “can’t sit on their porches anymore because of the noise”.

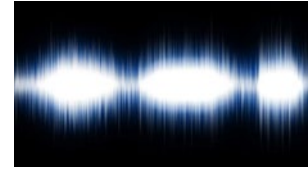
In **2017**, the City hired William Thornton, PE, a well respected acoustical engineer from Pennsylvania who has done over 1,500 such cases studies.

His Report Concluded that:

1. Pickleball noise **exceeds** accepted standards.
2. “There is **no effective means of reducing the noise** emitted by pickleball courts such as by noise walls, barriers and screens. Although these types of solutions are frequently suggested, they are **not effective** and will not reduce the noise to acceptable levels. The only way to fully reduce the noise was to put them **inside a building**”.
3. The noise will result in the **“diminution in value”** for noise affected homes.
4. “Purported solutions such as quiet racquets, noise walls and fences and plantings do not provide **any significant audible noise reduction**”.

Noise is Guaranteed

Punta Gorda Case Cont'd



April 2020, Neighbors keep complaining about the noise. They said the constant noise was causing them “*hypertension, panic attacks, and insomnia*”. They pleaded for help.

June 2020 – City erected a **10-foot fence** with acoustic dampening material.

- **Result?** Neighbors complain they can't see the beach now and **the noise is the same as before.** - **Big Fence = Same Noise!**

Next Step:

- The City **closed 4** of the 8 pickleball courts, and moved the nets to Pickleplex at Florida Southwestern College.
- 4 courts are still active in the park.
- A committee is “studying the problem”.



The Noise Problem is still there

Punta Gorda Pickleball Courts



Question? - If the 10-Foot fence didn't muffle the noise in Punta Gorda, how could the 8 ft. fence the CDD proposes muffle the noise for us?

Answer - It can't.

CONCLUSION – The Noise CANNOT BE MITIGATED!

The Naples Story



Naples Daily News, June 19, 2016

*“Plans to add Pickleball courts at Hideaway Beach Club on Marco Island **has residents at odds with each other.** Because they would be close to homes, **creating a noise issue**”.*

*“A few people said, If they want to play pickleball, “let them go down to the park”. One letter writer said, **“It has become a nightmare in gated communities.** This sport has caused civil war **putting neighbor against neighbor.**”*

“As early as 2010, The Wall Street Journal picked up on the issues surrounding the growing sport. Senior citizen hot spots in Arizona and Florida were coping with the conflict between pickleball enthusiasts and residents who thought they were buying into quiet retirement havens.”

Pickleball Courts near Houses Always Create Problems

The Wynmoor Story



Wynmoor Community in Coconut Creek – Broward County

They converted **2 tennis courts into 8 Pickleball courts, 32 people** can play at the same time.

Residents said:

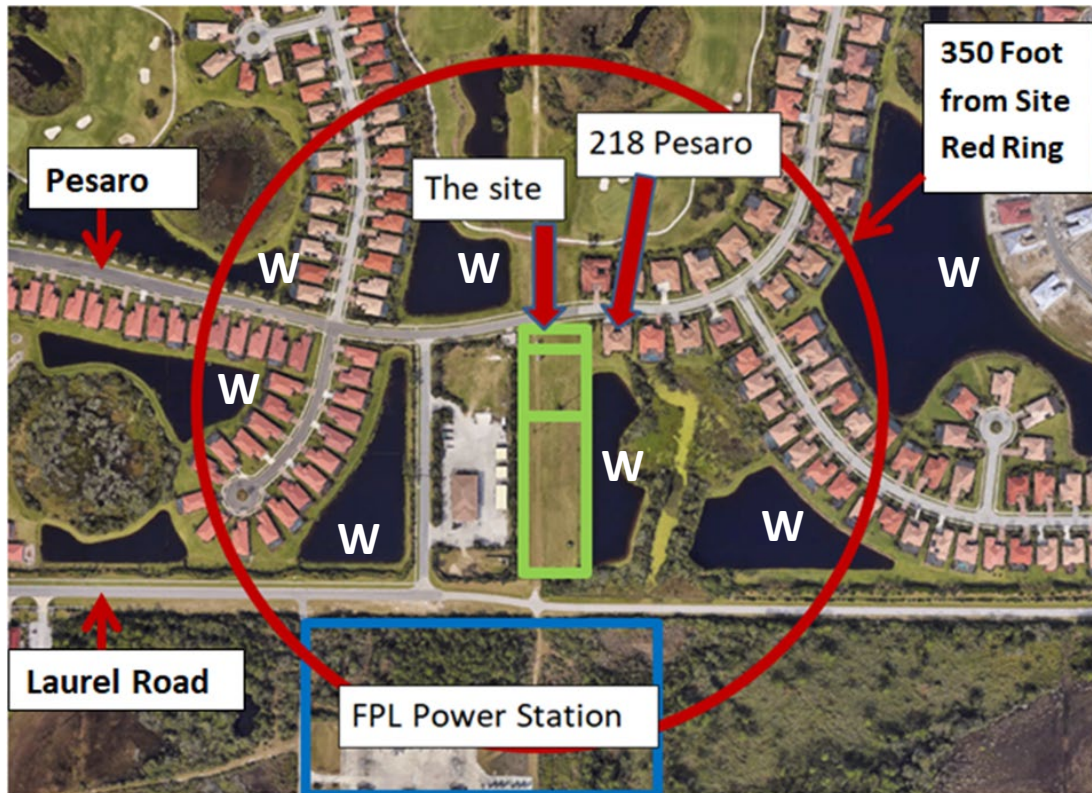
- *“It’s a noisy game, unfortunately. There is a ‘pong’ not also from the racket but also when it hits the ground. **Ponging and screaming.** It’s a very enthusiastic game.”*
- *“I can’t live with this **constant pong, pong, pong every morning.** Do I have the right to live here in a quiet environment?”*

The Answer is - Yes. Court rulings have generally found that **residents should not have to deal with unreasonable noises all day long.**”

They Conclude - “Other community associations considering the addition of Pickleball or other activities as new amenities for resident should heed the lessons learned from Wynmoor’s example and **evaluate all requirements and possible consequences to all members of the community prior** to offering the activity to the residents.”

CONCLUSION Again – The Noise from Pickleball CANNOT BE MITIGATED.

How Many VGRC Homes will be affected by the noise?



W = Water - Pond

What noise do they hear now? A car at 25 mph on Pesaro and the sounds of nature.

- 218 Pesaro is 50 ft. from the Site.
- The red ring is a 350 ft. radius. S&W Acoustics says homes that have water (W) between them and the site need 500-600 ft. for abatement . All qualify in photo.

33 Homes have lanais facing the site. All in red circle =67!

Why did the Planning Commission Deny the Plan and Site?

On February 2, 2021 they **DENIED** it because:



*“Based on the testimony and the evidence presented, Site and Development Plan Petition 2-38SP is hereby **DENIED** as it does not meet the requirements of Section 86-23 (m); (2), (5), (9), and (10) of the City Land Development Code for the following reasons: & the proposed improvements;*

- *a) incompatible with adjacent residential properties and*
- *b) adequate supporting facilities such as parking, water, and restrooms are not provided.”*

**The City Planning Commission Experts were Correct.
They saw the problems.**

Final Conclusions



- ✓ The Dangers under the power lines CANNOT BE MITIGATED.
- ✓ The Noise from the courts CANNOT BE MITIGATED.
- ✓ Negative quality-of-life for affected homes CANNOT BE MITIGATED.
- ✓ The decrease in value of affected homes CANNOT BE MITIGATED.
- ✓ This would set a BAD PRECEDENT going forward.
(And the new park coming, makes this all go away)

We ask the City Council to DENY the Plan and Site.