

City of Venice
Development Services

MEMORANDUM

To: Mayor and City Council

From: Chad L. Minor, AICP, LEED® G.A., Community Development Director

Date: April 18, 2013

Re: Transmittal of Petition for Council Action
Zoning Map Amendment No. 12-2RZ, AJAX Plant Site

CLERK 18APR'13 AM 11:25

Background:

The applicant is requesting a Zoning Map Amendment from Sarasota County "Open Use Estate-1 (OUE-1)" to the city's "Planned Industrial Development (PID)" zoning designation. The approximately 69 acre site, located north of Gene Green Road, has been the location of the AJAX Paving operational facilities for over 25 years and no changes to the operational components are proposed. The JPA/ILSBA was amended to include the property on June 12, 2012 and the parcel was annexed into the city on October 9, 2012. The pre-annexation agreement approved when the property was annexed contains the same restrictions and covenants regarding uses and performance standards that are applied to the surrounding PID zoned properties. The applicant has provided a site plan depicting the existing uses and structures on the site and has indicated there are no contemplated additional or alternative uses for the subject property. The northernmost area of the site remains vacant and there are no immediate development plans for this area. Any future development of this area will require approval of an amendment to the PID and approval of a site and development plan compliant with standards of the PID district, the pre-annexation agreement and all conditions set forth.

The applicant has submitted a companion Comprehensive Plan Amendment Petition to apply the "Gene Green Sector" future land use designation to the property consistent with the city's comprehensive plan and the JPA/ILSBA. The proposed rezoning of the property to Planned Industrial Development is an appropriate designation to implement this land use. The applicant has addressed pertinent and required policies of the comprehensive plan in their submittal. This information has been included within the packet and is the applicant's justification for the request.

On April 16, 2013, the Planning Commission found the above-referenced request consistent with the Comprehensive Plan and the affirmative findings of fact in the record and, therefore, voted to recommend to City Council APPROVAL of Zoning Map Amendment Petition No.12-2RZ.

Action:

The order and action of processing the petition will first be recommendation by Planning Commission to City Council. The Planning Commission shall base its recommendation upon analysis contained within the staff report and public input presented during the public hearing. The analysis and recommendation are forwarded to City Council for final action. Approval of the zoning map amendment is by ordinance and requires two City Council public hearings.

cc: File No. 12-2RZ



CITY OF VENICE

401 W. Venice Avenue Venice, FL 34285

(941) 486-2626 Fax (941) 480-3031
Suncom: 516-4382

April 18, 2013

Christian VanHise, Attorney
Shumaker, Loop & Kendrick, LLP
240 S. Pineapple Avenue, 10th Floor
Sarasota, FL 34236

RE: Zoning Map Amendment (No. 12-2RZ)
AJAX Plant Site

Dear Mr. VanHise:

On April 16, 2013, the Planning Commission found the above-referenced request consistent with the Comprehensive Plan and Code of Ordinances and, therefore, voted to recommend to City Council APPROVAL of Zoning Map Amendment Petition No. 12-2RZ.

The City Clerk will be notified of the Planning Commission's recommendation and requested to schedule the necessary City Council final action. Please contact the City Clerk's Office at 486-2626, extension 23001, for scheduling information.

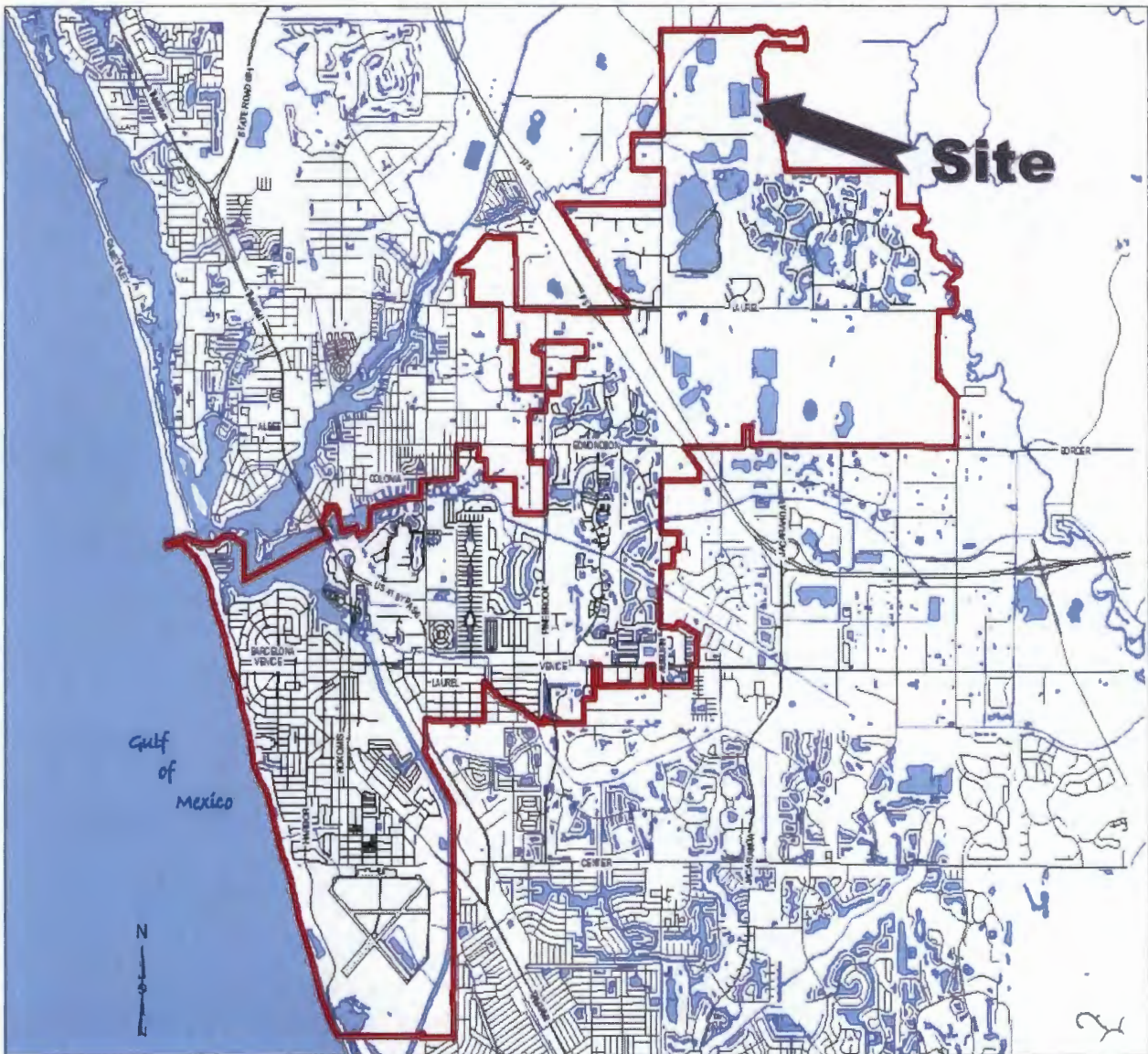
Sincerely,

Chad L. Minor, AICP, LEED® G.A.
Community Development Director

cc: File No. 12-2RZ

City of Venice
Planning Commission Information Packet

**ZONING MAP AMENDMENT
(No. 12-2RZ)
AJAX Plant Site**



**Prepared by the Planning and Zoning Department
City of Venice, Florida**

I. GENERAL INFORMATION

Request: The applicant is requesting a Zoning Map Amendment from Sarasota County's "Open Use Estate-1 (OUE-1)" to the City of Venice "Planned Industrial Development (PID)" zoning designation. The applicant is seeking approval of the PID zoning district consistent with the pre-annexation agreement that requires the property to be rezoned to a city designation. The PID zoning district is consistent with, and will implement the Future Land Use designation of the "Gene Green Sector". Consistent with Florida Statute Chapter 163.3184, the zoning map amendment and comprehensive plan amendment are being processed concurrently.

Owner: SJT-Venice, LLC.

Agents: Christian Van Hise, Esq., Shumaker, Loop & Kendrick, LLP.

General Location: The property is located at 510 Gene Green Road in North Venice.

Property Size: 69.4 ± acres.



II. LAND USE

- A. Existing Land Use:** Operational facilities of AJAX Paving Industries of Florida, Inc. including administrative offices and facilities for the production and processing of asphalt and asphalt materials.
- B. Future Land Use Map Designation:**
Current: JPA/ILSBA “Area 19 – SJT – Venice Parcel”.
Proposed: “Gene Green Sector”.
- C. Zoning Atlas Map Designation:**
Current: Sarasota County “Open Use Estate-1 (OUE-1)”.
Proposed: City of Venice “Planned Industrial Development (PID)”.
- D. Adjacent Land Uses**

Regulatory Standards	North	West	South	East
Existing Land Uses	Residential	Industrial (APAC)	Industrial	Industrial
Future Land Use Map Designation	Sarasota County “Rural”	Gene Green Sector	Gene Green Sector	Gene Green Sector
Zoning Map Designation	“OUR”	“PID”	“PID”	“PID”
JPA Land Use Designation	Laurel Oaks Road	NA	NA	NA

E. Joint Planning Agreement / Interlocal Service Boundary Agreement:

The subject property is within “Area 19 – SJT – Venice Parcel” which is described as follows:

Area 19 – SJT – Venice Parcel. Production and manufacture of asphalt and related products; asphalt recycling and other components of asphalt production; temporary and permanent stockpiling of components of asphalt production; and stormwater management. The Future Land Use designation applied by the City shall be consistent with the allowable land uses for the Gene Green Planning Area (Area L) in the Venice Comprehensive Plan, to include: asphalt production, manufacturing, sorting, processing and loading, recycling and other components of asphalt

production; temporary and permanent stockpiling; concrete/cement and products production and processing; water resource storage and production; stormwater management; native habitat preservation/mitigation; and accessory uses, including commercial office space not to exceed a FAR of .1.

III. STAFF ANALYSIS

A. Staff Summary of Findings:

- No changes are proposed for the subject property or the onsite activities.
- The petition reflects compliance with the minimum technical standards of the city's land development regulations and the comprehensive plan.
- The petition is consistent with the JPA/ILSBA.
- There are no outstanding technical issues that would prevent the Planning Commission from taking action on the petition.

B. Background

- Although the site was intended to be included within the original JPA/ILSBA, it was inadvertently omitted from the final draft. In June of 2012, the JPA/ILSBA was amended to create Area 19 specifically to identify the subject property.
- In October of 2012, Ordinance No. 2012-24 was approved and adopted by City Council annexing the subject property into the city.
- A pre-annexation agreement was approved concurrent with the annexation of the property consistent with the covenants and restrictions of the surrounding industrial sites.
- Upon adoption of the annexation ordinance, the applicant submitted for concurrent processing, petitions for comprehensive plan amendment and rezone.

C. Policy Considerations and Project Detail:

The applicant is requesting a Zoning Map Amendment from Sarasota County "Open Use Estate-1 (OUE-1)" to the city's "Planned Industrial Development (PID)" zoning designation. The approximately 69 acre site, located north of Gene Green Road, has been the location of the AJAX Paving operational facilities for over 25 years and no changes to the operational components are proposed. The JPA/ILSBA was amended to include the property on June 12, 2012 and the parcel was annexed into the city on October 9, 2012. The pre-annexation agreement approved when the property was annexed contains the same restrictions and covenants regarding uses and performance standards that are applied to the surrounding PID zoned properties. The applicant has provided a site plan depicting the existing uses and structures on the site and has indicated there are no contemplated additional or alternative uses for the subject property. The northernmost area of the site remains vacant and there are no immediate development plans for this area. Any future development of this

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area will require approval of an amendment to the PID and approval of a site and development plan compliant with standards of the PID district, the pre-annexation agreement and all conditions set forth.

The applicant has submitted a companion Comprehensive Plan Amendment Petition to apply the “Gene Green Sector” future land use designation to the property consistent with the city’s comprehensive plan and the JPA/ILSBA. The proposed rezoning of the property to Planned Industrial Development is an appropriate designation to implement this land use. The applicant has addressed pertinent and required policies of the comprehensive plan in their submittal. This information has been included within your packet and is the applicant’s justification for the request.

The order and action of required public hearings will first be review and recommendation by the Planning Commission. Planning Commission’s recommendation, including findings of fact, will be forwarded to City Council for final action. The rezoning shall be approved by ordinance and requires two City Council public hearings for adoption.

IV. ACTION REQUIRED BY THE PLANNING COMMISSION

A. Planning Commission Determination:

The Zoning Ordinance, Chapter 86, provides the Planning Commission with zoning map amendment review criteria for determining the appropriateness for Zoning Map Amendment approval. The considerations that guide the Planning Commission in making a determination are included in the Zoning Code. Upon review of the petition and associated documents, staff analysis, and public input, the following determination alternatives are available for Planning Commission recommendation to City Council:

1. Petition approval.
2. Petition approval with restrictions, stipulations and safeguards.
3. Petition denial.

The Planning Commission recommendation shall contain competent and substantial evidence based upon the review and application of criteria found in the following section of the City of Venice Land Development Regulations.

B. Zoning Code:

Sec. 86-47(f). Contents of Planning Commission Report.

(1) *Rezoning amendments. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the City shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:*

(a) *Whether the proposed change is in conformity to the comprehensive plan.*

- (b) *The existing land use pattern.*
- (c) *Possible creation of an isolated district unrelated to adjacent and nearby districts.*
- (d) *The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.*
- (e) *Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*
- (f) *Whether changed or changing conditions make the passage of the proposed amendment necessary.*
- (g) *Whether the proposed change will adversely influence living conditions in the neighborhood.*
- (h) *Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*
- (i) *Whether the proposed change will create a drainage problem.*
- (j) *Whether the proposed change will seriously reduce light and air to adjacent areas.*
- (k) *Whether the proposed change will adversely affect property values in the adjacent area.*
- (l) *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*
- (m) *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
- (n) *Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*
- (o) *Whether the change suggested is out of scale with the needs of the neighborhood or the city.*
- (p) *Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

V. CONSISTENCY WITH COMPREHENSIVE PLAN

A. Future Land Use Map:

The property will be identified as “Gene Green Sector” on the City's adopted Future Land Use Map. The development standards for this designation are found below.

Policy 16.23 Gene Green Sector. Ensure the timely development of urban services and facilities that are compatible with natural resources and community character by designating the Gene Green Sector, an area of 921 acres located east of I-75 at Gene Green Road, on the Future Land Use Map series of the Future Land Use Element. For the detailed map sheet that depicts this planning area, see Map FLUM-13.

Policy 16.24 Gene Green Sector Uses. The Gene Green Sector will accommodate the following land uses: earthmoving; mining, material extraction, sorting, processing and

loading; asphalt production, manufacturing, recycling and other components of asphalt production; temporary and permanent stockpiling; concrete/cement and related products production and processing; water resource storage and production; stormwater management; native habitat preservation/mitigation; and accessory uses. As part of the operations, the area will include commercial office space not to exceed a FAR of 0.10.

A. A comprehensive plan amendment will be required to alter these land uses or intensities for development that exceeds these intensity standards and/or land uses.

B. Should land uses or intensities be altered as a result of a comprehensive plan amendment, mitigating techniques as described in Objective 8, Policy 8.2 of this Element shall be required to ensure compatibility with adjacent uses.

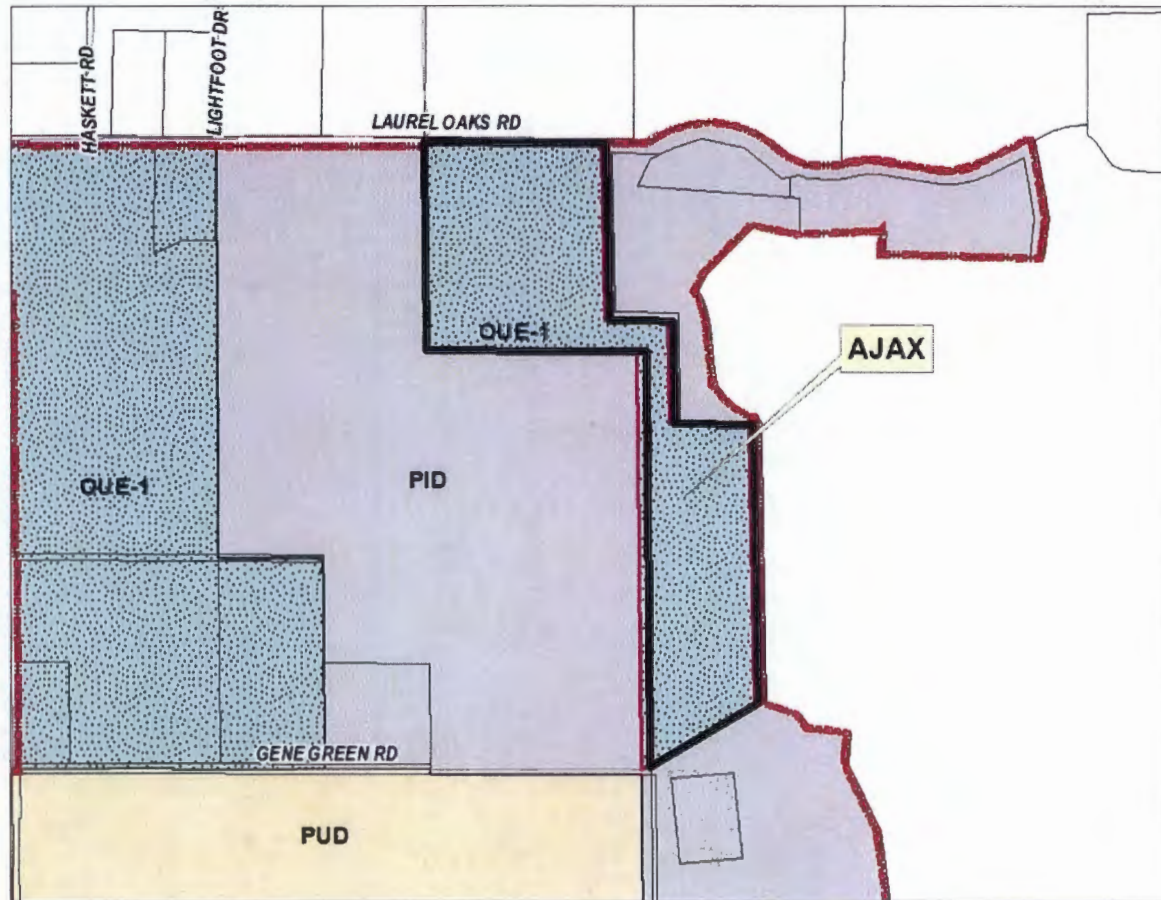
Policy 16.25 Gene Green Sector Compatibility. Ensure an adequate landscaped buffer between the Gene Green Sector and adjacent residential areas to protect adjacent uses from environmental impacts resulting from excavation, industrial, commercial, or other non-residential activity.

Policy 16.26 Gene Green Sector Redevelopment. Upon the discontinuation of permitted mining, asphalt, and concrete batching operations for properties within this commercial/industrial area, the property owner shall prepare a reclamation plan as part of the comprehensive plan amendment and rezoning process which identifies the intensity/density of new uses and environmental and transportation impacts.

SITE PHOTOS



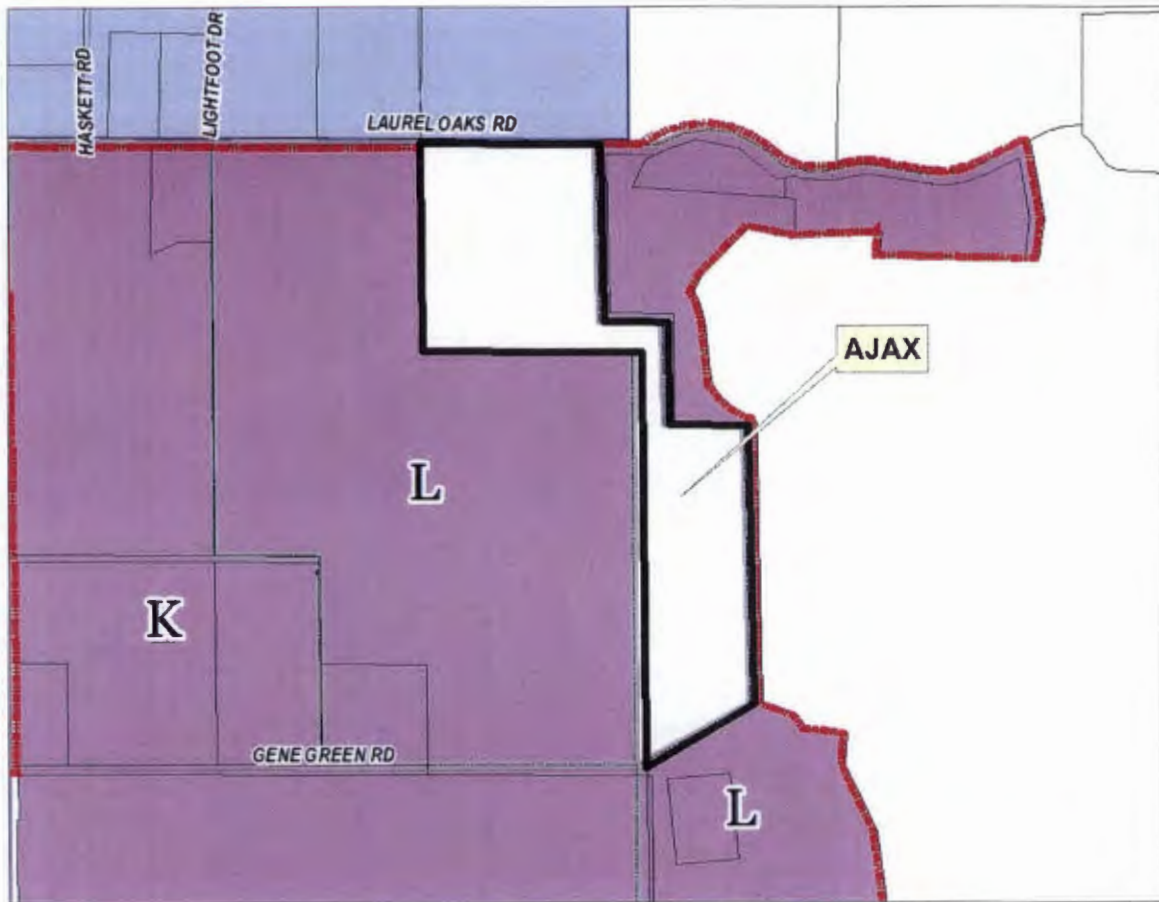
ZONING MAP



Legend

OUC - Open Use, Conservation	PCD - Planned Commercial Development
MP - Marine Park	PID - Planned Industrial Development
GU - Government Use	ILW - Industrial, Light & Warehousing
PUD - Planned Unit Development	CN - Commercial, Neighborhood
RE - Residential, Estate	CG - Commercial, General
RSF - Residential, Single Family	CI - Commercial, Intensive
RMF - Residential, Multi-Family	CBD - Commercial, Business District
RMH - Residential, Manufactured Home	CSC - Commercial, Shopping Center
RTR - Residential, Tourist Resort	CHI - Commercial, Highway Interchange
OPI - Office, Professional & Institutional	Venetian Gateway Overlay District
OMI - Office, Medical & Institutional	Neighborhood Height Overlay
Venice City Boundary	Venetian Urban Design Overlay

FUTURE LAND USE MAP



FUTURE LAND USE CODE

	LOW DENSITY RESIDENTIAL		AIRPORT OPERATIONS
	MODERATE DENSITY RESIDENTIAL		PUBLIC BUILDINGS & FACILITIES
	MEDIUM DENSITY RESIDENTIAL		RECREATION & OPEN SPACE
	INSTITUTIONAL-PROFESSIONAL		CONSERVATION
	COMMERCIAL		MARINE PARK
	TRANSITION		GREENWAY/RIVER BUFFER
	INDUSTRIAL		UNKNOWN
	INDUSTRIAL- COMMERCIAL		WATERWAYS

Zoning Map Amendment

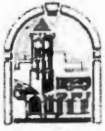
Petition No. 12-2RZ

Project Name:	AJAX Plant Site	
Parcel Identification No.	Parcel No. 0365-00-1030	
Parcel Address:	510 Gene Green Road	
Parcel Size:	69.4± acres	
FLUM Designation:	Current: County Rural	Proposed: Gene Green Sector
Zoning Atlas Map Designation:	Current: County OUE-1	Proposed: PID

Application Date:	October 15, 2012
Owner's Name:	SJT-Venice, LLC Attn: Mike Horan
Cell/Mobile/E-Mail:	mhoran@ajaxpaving.com
Mailing Address:	500 Gene Green Road Nokomis, FL 34275

Agent's Name (and Title):	Chris VanHise Shumaker, Loop & Kendrick, LLP
Telephone:	
Cell/Mobile/E-Mail:	
Fax:	941-366-3999
Mailing Address:	240 S. Pineapple Avenue, 10 th Floor Sarasota, FL 34236

Engineer's Name (and Title):	
Telephone:	
Cell/Mobile/E-Mail:	
Fax:	
Mailing Address:	
Brief Description of Request (if applicable): Proposed rezoning of the property from Sarasota County OUE-1 to City of Venice Planned Industrial Development (PID).	



City of Venice
401 West Venice Ave., Venice, FL 34285
941-486-2626

DEVELOPMENT SERVICES - PLANNING & ZONING
ZONING MAP AMENDMENT APPLICATION

ZONING MAP AMENDMENT 12-2 RZ

Ajax Plant Site

Project Name:

Parcel Identification No.:

0365-00-1030

Address:

500 Gene Green Rd., Nokomis, FL 34275

Parcel Size:

69.4 acres/3,023, 111 square feet

FLUM designation:

Rural (Sarasota County)

Current Zoning:

OUE-1 (Sarasota)

Proposed Zoning: PID

Property Owner's Name:

SJT-Venice, LLC. Attn: Mike Horan

Telephone:

(941) 486-3600

Fax:

None

E-mail:

mhoran@ajaxpaving.com

Mailing Address:

500 Gene Green Rd., Nokomis, FL 34275

Project Manager:

N/A

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Project Engineer :

N/A

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Project Architect:

N/A

Telephone:

Mobile / Fax:

E-mail:

Mailing Address:

Incomplete applications cannot be processed - See reverse side for checklist

Applicant Signature / Date:

1/9/13

RECEIVED

JAN - 9 2013

PLANNING

ADDENDUM TO APPLICATION OF SJT-VENICE, LLC
FOR A ZONING MAP AMENDMENT

A. INITIAL STATEMENT.

The subject property consists of 69.4 acres located on Gene Green Road ("Subject Property") in the City of Venice (the "City"). The southern portion of the Subject Property contains operational facilities as discussed below and the northern portion of the Property is vacant.

SJT-Venice, LLC ("Applicant") previously filed with the City an application for annexation into the geographic limits of the City. The City Council approved the Applicant's annexation application on September 25, 2012, and the Subject Property was annexed into the City under Ordinance No. 2012-24 (hereinafter the "Annexation Ordinance"). Pursuant to Section 3 of the Annexation Ordinance, a Pre-Annexation Agreement entered between the City and the Applicant on September 25, 2012, was "incorporated into . . . and made a part thereof". As such, all terms, conditions, requirements and provisions of the Pre-Annexation Agreement entered between the City and the Applicant are binding and constitute the operative law under which this application proceeds. Additionally, the Pre-Annexation Agreement required that:

"The Owner shall petition the City to amend the City's Comprehensive Plan, specifically, Objective 16, Policy 16.23, the City of Venice Future Land Use Map and the Joint Planning & Interlocal Service Boundary Agreement between the City and Sarasota County (inclusive of Appendix A thereof) and rezone the Subject Property to a district or districts under the adopted City of Venice Comprehensive Plan and Venice Zoning Code within sixty (60) days of the City's adoption of an ordinance annexing the property into the corporate limits of the City."

This Application is being made in accordance with the above quoted requirement of the Pre-Annexation Agreement and, moreover, is made concurrently with an application for a Comprehensive Plan Amendment for the Subject Property.

B. STATEMENT OF OWNERSHIP AND UNIFIED CONTROL.

The Subject Property is owned in fee simple by the Applicant and is occupied by Ajax Paving Industries of Florida, Inc. The Applicant has agreed to be bound to the terms and conditions of the above identified Pre-Annexation Agreement it entered with the City of Venice on September 25, 2012. Additionally, if necessary, the Applicant will provide an executed Development Agreement for the continuing use and development of the subject property and a proposed form of such Development Agreement is included with this application. The Applicant would point out that the aforementioned Pre-Annexation Agreement is incorporated into and is a part of the above referenced Annexation Ordinance (City of Venice Ord. # 2012-24).

Recognizing that the Subject Property has conducted on-going business operations for more than two decades prior to its annexation into the City of Venice, the intent of the Pre-

Annexation Agreement was to establish the requirements and restrictions, in addition to the requirements and restrictions contained in the City Code of Ordinances, applicable to the Subject Property after annexation and rezoning. In that regard, the Pre-Annexation Agreement establishes specific standards and restrictions under which the Subject Property must operate as the binding conditions for annexation of the Property into the City. These standards, conditions and restrictions include, without limitation: restrictions on hours of operation; buffering requirements; setback distances; orientation of lighting; provisions concerning reclamation; provisions enumerating prohibited uses; and provisions requiring standards for airborne pollutants and other environmental matters.

To guarantee that all of the covenants, conditions and restrictions run with the land and bind all of the Applicant's successors in title to the Subject Property, the Pre-Annexation Agreement also states at Paragraph 14 thereof:

“The covenants contained herein shall run with the Subject Property and shall inure to the benefit of and be binding upon the respective successors, heirs, legal representatives, and assigns of the parties to this agreement.”

In addition, Section 86-132(i) of the City Code contemplates the creation of a legally constituted maintenance association agreement to insure the perpetual maintenance of common facilities and/or common elements at the Subject Property. At this time under its pre-existing plan for continuing operations, the Applicant does not intend to plat the Property nor is there any contemplated intent to create common areas, common elements or other common facilities which might necessitate the creation of a maintenance association or a maintenance agreement otherwise envisioned under Section 86-132(i). Notwithstanding the Applicant's intent to continue its on-going operations and uses of the Subject Property, recognizing the requirements of Section 86-132(i), in the event an operational change or change in the Applicant's use of the Property occurs at some point in the future, a legally constituted maintenance association and maintenance agreement will be created as necessary to meet this requirement of the Code.

C. REQUESTED ZONING MAP AMENDMENT.

The Applicant is requesting that the subject property be designated on the City Zoning Map as being in the Planned Industrial Development District (“PID”).

D. LAND USE COMPATABILITY AND CRITERIA FOR APPROVAL.

1. Ajax Paving Industries of Florida, Inc. occupies the Subject Property and has conducted operations thereat for over 25 years. During this period, the Subject Property has been utilized as administrative offices, stormwater retention areas, and for production and processing of asphalt and asphalt materials. These uses will continue and there are no presently contemplated additional or alternative uses for the Subject Property.

2. Pursuant to Policy 8.2 of the City's Comprehensive Plan, the current use, character and design of the Subject Property is in conformance with and compatible to the

surrounding uses of the neighboring properties. More specifically, the Gene Green Sector includes neighboring parcels to the Subject Property owned by Cemex Construction Materials Florida, LLC (PID # 0365-00-1060 and PID # 0365-00-1070), Rinker Materials, LLC (PID # 0366-00-3025), APAC-Georgia, Inc. (PID # 0365-00-1010), Venice Minerals and Mining, LLC (PID # 0365-00-1050) and Miami Ready Mix of Florida, Inc. (PID # 0365-00-1040). Each of these neighboring properties is zoned PID and these properties are either currently operating or planned to operate in a manner which accommodates the land uses described in Policy 16.24 of the City's Comprehensive Plan.

The following are specific responses to the Land Use Compatibility provisions of Policy 8.2 of the Comprehensive Plan:

a. Land use density and intensity.

The Subject Property is currently being utilized for processing of asphalt and asphalt materials together with existing administrative offices, stormwater retention areas, and related improvements to facilitate these on-going activities. The land use density and intensity is consistent with each of the neighboring properties within the Gene Green Sector. As a consequence of the pre-existing use and operation of the Subject Property, specific application of land use density and intensity compatibility is otherwise inapplicable.

b. Building heights and setbacks.

The building heights and setbacks applicable to the Subject Property have been established in the Pre-Annexation Agreement entered between the Applicant and the City and are otherwise consistent with the Land Development Code and the Comprehensive Plan.

c. Character or type of use proposed.

The Subject Property will continue its pre-existing use and operations as an asphalt production and processing facility. This pre-existing use is consistent with the character of the neighboring properties within the Gene Green Sector and is otherwise consistent with the Land Development Code and Comprehensive Plan.

d. Site and architectural mitigation design techniques.

The site and architectural mitigation design techniques applicable to the Subject Property are generally described and enumerated via the Pre-Annexation Agreement entered between the Applicant and the City and are otherwise consistent with the Land Development Code and the Comprehensive Plan.

e. Protection of single-family neighborhoods from the intrusion of incompatible uses.

As a pre-existing use with on-going operations, and since the Subject Property will be utilized in accordance with Policy 16.24 of the Comprehensive Plan, consideration of this compatibility criteria is not applicable at this time.

f. Prevention of the location of commercial or industrial uses in areas where such uses are in compatible with existing uses.

The pre-existing use and operation of the Subject Property is compatible to the neighboring properties within the Gene Green Sector and on-going operations are intended to facilitate the land uses described in Policy 16.24 of the City's Comprehensive Plan.

g. The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan.

As a pre-existing use with on-going operations, the compatibility criteria set forth above is not applicable to the Subject Property at this time.

h. Densities and intensities of proposed uses as compared to the densities and intensities of existing uses.

As a pre-existing use with on-going operations, the compatibility criteria set forth above is not applicable to the Subject Property at this time.

i. Providing open space, perimeter buffers, landscaping and berms.

The open space, buffering, landscaping and berm requirements applicable to the Subject Property are generally enumerated in the Pre-Annexation Agreement entered between the Applicant and the City and are otherwise consistent with the Land Development Code and the Comprehensive Plan.

j. Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.

The screening and orientation of lighting, as well as noise, mechanical equipment, refuse handling, delivery and storage areas applicable to the Subject Property are addressed in the Pre-Annexation Agreement entered between the Applicant and the City and are otherwise consistent with the Land Development Code and the Comprehensive Plan.

k. Locating road access to minimize adverse impacts.

As a pre-existing use with on-going operations on Gene Green Road, the above criteria is not applicable at this time. Of note, all of the property owners in the Gene Green Sector have an existing agreement to up-keep and maintain Gene Green Road.

l. Adjusting building setbacks to transition between different uses.

As a pre-existing use with on-going operations, the compatibility criteria set forth above is not applicable to the Subject Property at this time.

m. Applying step-down or tiered building heights to transition between different uses.

As a pre-existing use with on-going operations, the compatibility criteria described above is not applicable to the Subject Property at this time.

n. Lowering density or intensity of land use to transition between different uses.

As a pre-existing use with on-going operations, the compatibility criteria set forth above is not applicable to the Subject Property at this time.

3. The following are specific responses to the criteria for approval of the subject application:

a. Whether the proposed change is in conformity to the comprehensive plan.

Concurrently with the consideration of this application, the Applicant is requesting a comprehensive plan amendment which would place the Subject Property in the Gene Green Sector on the City's Future Land Use Map. The uses contemplated in the Gene Green Sector are consistent with the uses presently being conducted as the Subject Property.

b. The existing land use pattern.

As noted above, the pre-existing uses at the Subject Property are consistent with the uses being carried on relative to the surrounding properties within the City, and these surrounding properties are all within the Gene Green Sector and are zoned to a category of planned industrial development.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

The pre-existing uses at the Subject Property are consistent with the uses being carried on relative to the surrounding properties within the City and these surrounding properties are within the Gene Green Sector and are zoned to a category of planned industrial development

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

The uses to be continued at the Subject Property will be the uses that have historically been carried on prior to annexation of this Property into the geographic limits of the City and, as such, there will be no increase of the load on public facilities.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The district boundaries were drawn by the City in order to include the Subject Property and the surrounding properties in a confined area where these industrial type activities could be carried on; the criteria for the Gene Green Sector (as contained in the City's Comprehensive Plan) was developed specifically to accommodate the Subject Property as well as the surrounding properties.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

The requested change is necessary because of the annexation of the Subject Property into the City of Venice. Once the annexation occurred it was necessary for the City to rezone the Subject Property to a classification within the City's Land Development Code.

g. Whether the proposed change will adversely influence living conditions in the

neighborhood.

All of the uses surrounding the Subject Property are consistent with the on-going uses being carried on relative to the Subject Property.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

The area in which the Subject Property is located has been utilized for asphalt and cement production and related uses for decades. It is not anticipated that any change in this use patterns will occur and, as such, there will be no effect on traffic or public safety.

i. Whether the proposed change will create a drainage problem.

The existing drainage facilities on the Subject Property and the surrounding properties have been utilized for many years and provide adequate drainage for all of these properties.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

No additional development or change in use is contemplated with respect to the Subject Property so no reduction in light or air will occur.

k. Whether the proposed change will adversely affect property values in the adjacent area.

Since the use after rezoning will be identical, no change in property values will occur.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

The adjacent properties are currently developed for uses and purposes identical to the Subject Property and any future development of such properties will be consistent the with uses and purposes required in the Gene Green Sector.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

The adjacent properties are currently developed for uses and purposes identical to the Subject Property and any future development of such properties will be consistent the with uses and purposes required in the Gene Green Sector.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

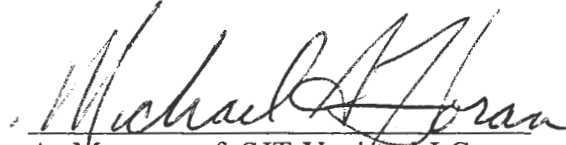
Because the Subject Property has been annexed into the City of Venice, it is required that it receive a zoning classification under the City's Land Development Code.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the City.

As noted above, the adjacent properties are currently developed for uses and purposes identical to the Subject Property and any future development of such properties will be consistent the with uses and purposes required in the Gene Green Sector. The Gene Green Sector was created by the City in order to provide a compact area in which these uses could be carried on.

APPOINTMENT OF AGENT FOR ZONING MAP AMENDMENT
APPLICATION TO THE CITY OF VENICE, FLORIDA

The undersigned, as Manager of SJT-Venice, LLC, a Florida limited liability company, does hereby appoint Christian T. Van Hise, Esq. or any member of the firm of Shumaker, Loop & Kendrick, LLP, as the agent of SJT-Venice, LLC for the purpose of submitting an application for Zoning Map Amendment to the City of Venice, Florida for the property of SJT-Venice, LLC located in the City of Venice, Florida and the processing of such Petition with the City of Venice, Florida.


As Manager of SJT-Venice, LLC

Dated: December 28, 2012