

ORDINANCE NO. 2008-07

AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF VENICE, FLORIDA RELATING TO APAC SOUTHEAST, INC., VENICE MINING AND MINERALS, LLC, MIAMI VALLEY READY MIX OF FLORIDA, INC. AND CEMEX, INC., REZONING PETITION NO. 05-13RZ FOR THE REZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM SARASOTA COUNTY OPEN USE, ESTATE (OUE-1) ZONING DISTRICT TO CITY OF VENICE PLANNED INDUSTRIAL DEVELOPMENT (PID) ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The City Council finds as follows:

A. The Council has received and considered the report of the Planning Commission recommending approval, with no additional conditions or stipulations governing permitted uses, of Zoning Map Amendment Petition No. 05-13RZ requesting rezoning of the property described herein.

B. The Council has held a public hearing on the petition and has considered the information received at said public hearing.

C. The proposed rezoning of the property described herein is in accordance with and meets the requirements of the City of Venice Comprehensive Plan and Code of Ordinances and any amendments thereto.

SECTION 2. The Official Zoning Atlas is hereby amended by changing the zoning classification for the following described property located in the City of Venice from Sarasota County Open Use, Estate (OUE-1) zoning district to City of Venice Planned Industrial Development (PID) zoning district.

Property Description

Parcel A: The NW ¼ of the SE ¼ and the SW ¼ of the NE ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida. **ALSO:** The NE ¼ of the NW ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida. **ALSO:** The SE ¼ of the NW ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida; **LESS** the South 60 feet of the West half of said SE ¼ of the NW ¼. **ALSO:** The E ½ of the NE ¼ of the SW ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida; **LESS** the South 60 feet thereof.

Parcel B: A parcel of land lying in the E ½ of the SE ¼ of Section 22, Township 38 South, Range 19 East, Sarasota County, Florida, more particularly described as follows:

Commence at the SW corner of the E ½ of the SE ¼ of Section 22; thence N 01° 04' 13" W along the West line of said East half a distance of 748.95 feet; thence N 88° 55' 47" E a distance of 177.35 feet for a POINT OF BEGINNING of the herein described parcel of land; thence N 05° 34' 02" W a distance of 545.10 feet; thence N 84° 26' 17" E a distance of 400.00 feet; thence S 05° 34' 02" E a distance of 545.10 feet; thence S 84° 26' 17" W a distance of 400.00 feet to the POINT OF

BEGINNING.

Parcel C: POINT OF BEGINNING, SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 38 South, Range 19 East; thence N $01^{\circ} 04' 13''$ W, along the West line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, a distance of 1338.46 feet; thence N $01^{\circ} 04' 13''$ W, along the West line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, a distance of 1338.46 feet; thence N $01^{\circ} 04' 13''$ W along the West line of the SE $\frac{1}{4}$ of Section 22 a distance of 1338.57 feet; thence N $89^{\circ} 24' 53''$ W along the South line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, a distance of 1327.78 feet; thence N $00^{\circ} 44' 08''$ W along the West line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, a distance of 1309.28 feet to a line 30 feet South of and parallel to the North line of Section 22; thence S $89^{\circ} 22' 29''$ E along said line 30 feet South of and parallel to the North line of Section 22, a distance of 1410.20 feet to a point on a curve to the right having a radius of 650.00 feet, a central angle of $79^{\circ} 24' 06''$, a tangent length of 539.66 feet, a chord bearing of S $87^{\circ} 26' 01''$ E and a chord length of 830.41 feet; thence along the arc of said curve, an arc length of 900.78 feet to the point of reverse curvature of a curve to the left, having a radius of 400.00 feet, a central angle of $32^{\circ} 05' 54''$, a tangent length of 115.07 feet, a chord bearing of S $63^{\circ} 46' 55''$ E and a chord length of 221.17 feet; thence along the arc of said curve, an arc length of 224.09 feet to the end of said curve; thence S $87^{\circ} 42' 39''$ E a distance of 113.14 feet to the point of curvature of a curve to the left, having a radius of 400.00 feet, a central angle of $18^{\circ} 04' 29''$, a tangent length of 63.62 feet, a chord bearing of N $83^{\circ} 15' 06''$ E and a chord length of 125.66 feet; thence along the arc of said curve an arc length of 126.18 feet to the point of reverse curvature of a curve to the right, having a radius of 550.00 feet, a central angle of $29^{\circ} 51' 47''$, a tangent length of 146.67 feet, a chord bearing of N $89^{\circ} 08' 45''$ E and a chord length of 283.43 feet; thence along the arc of said curve, an arc length of 286.66 feet to the end of said curve; thence S $80^{\circ} 52' 01''$ E a distance of 265.81 feet to the point of curvature of a curve to the left, having a radius of 500.00 feet, a central angle of $35^{\circ} 04' 07''$, a tangent length of 157.98 feet, a chord bearing of N $81^{\circ} 35' 56''$ E and a chord length of 301.28 feet; thence along the arc of said curve, an arc length of 306.03 feet to the point of tangency of said curve; thence N $64^{\circ} 03' 53''$ E, a distance of 411.53 feet to a point on a curve to the right, having a radius of 675.00 feet, a central angle of $20^{\circ} 28' 26''$, a tangent length of 121.90 feet, a chord bearing of N $73^{\circ} 08' 10''$ E and a chord length of 239.92 feet; thence along the arc of said curve, an arc length of 241.20 feet to the end of said curve; thence North a distance of 700.00 feet; thence East a distance of 1490.35 feet; thence S $58^{\circ} 14' 26''$ E a distance of 1234.91 feet to the West line of the Florida Power and Light electric power transmission easement recorded in O.R. Book 935, Page 547; thence South along the West line of said Florida Power & Light easement, a distance of 5576.72 feet; thence N $89^{\circ} 03' 59''$ W along the South line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, a distance of 1214.74 feet; thence N $89^{\circ} 05' 20''$ W, along the South line of the SW $\frac{1}{4}$ of Section 23, a distance of 2674.97 feet; thence N $89^{\circ} 31' 21''$ W along the South line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, a distance of 1351.19 feet to the POINT OF BEGINNING.

EXCEPT:

POINT OF BEGINNING; SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, Township 38 South, Range 19 East; thence N $01^{\circ} 04' 13''$ W, along the West line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, a distance of 1338.46 feet; thence S $89^{\circ} 29' 19''$ E along the North line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, a distance of 30.01 feet; thence S $01^{\circ} 04' 13''$ E a distance of 1338.44 feet; thence N $89^{\circ} 31' 21''$ W along the South line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22 a distance of 30.01 feet to the POINT OF BEGINNING.

ALSO EXCEPT:

Commence at the SW corner of the E ½ of the SE ¼ of Section 22; thence N 01° 04' 13" W along the West line of said East ½ a distance of 748.95 feet; thence N 88° 55' 47" E a distance of 177.35 feet for a POINT OF BEGINNING of the herein described parcel of land; thence N 05° 34' 02" W a distance of 545.10 feet; thence N 84° 26' 17" E a distance of 400.00 feet; thence S 05° 34' 02" E a distance of 545.10 feet; thence S 84° 26' 17" W a distance of 400.00 feet to the POINT OF BEGINNING.

ALSO EXCEPT:

Parcel of land lying in Section 22, Township 38 South, Range 19 East, Sarasota County, Florida, more particularly described as follows:

Point of commencement, SW corner of the SE ¼ of the SE ¼ of Section 22, Township 38 South, Range 19 East; thence N 01° 04' 13" W, along the west line of the SE ¼ of the SE ¼ of Section 22 a distance of 1398.48 feet to the Point of Beginning; thence N 01° 04' 13" W, along the west line of the NE ¼ of the SE ¼ of Section 22 a distance of 1278.44 feet; thence N 01° 04' 13" W, along the west line of the SE ¼ of the NE ¼ of Section 22, a distance of 1338.57 feet; thence N 89° 24' 53" W, along the south line of the NW ¼ of the NE ¼ of Section 22 a distance of 1327.78 feet; thence N 00° 44' 08" W, along the west line of the NW ¼ of the NE ¼ of Section 22 distance of 1309.28 feet; thence S 89° 22' 29" E, a distance of 1120.07 feet; thence S 01° 04' 13" E, a distance of 1108.61 feet; thence S 89° 24' 53" E, a distance of 400.17 feet; thence S 01° 04' 13" E, a distance of 650.27 feet; thence S 89° 24' 53" E, a distance of 500.21 feet; thence S 01° 04' 13" E, a distance of 1765.76 feet; thence S 59° 15' 45" W, a distance of 771.08 feet; thence N 89° 29' 19" W, a distance of 30.01 feet to the Point of Beginning.

ALSO EXCEPT:

The tract lies within Section 22, Township 38 South, Range 19 East, Sarasota County, Florida. Commence at the Southeast corner of the Northeast ¼ of the Southwest ¼, of said Section 22; thence N 00° 36' 27" W along the East line of said Northeast ¼ of the Southwest ¼, 60.00 feet to a Point lying on the North line of a 60 foot wide easement for Gene Green Road for a Point of Beginning; thence N 89° 16' 25" W, along the North line of said 60 foot wide easement, 670.33 feet to its intersection with the West line of the East ½ of the Northeast ¼ of the Southwest ¼ of said Section 22; thence N 00° 26' 56" W, along said West line of the East ½ of the Northeast ¼ of the Southwest ¼ of said Section 22, 644.36 feet to a point; thence leaving said West line, run S 89° 16' 25" E 668.55 feet to its intersection with the aforementioned East line of the Northeast ¼ of the Southwest ¼ of Section 22; thence S 00° 36' 27" E, along said East line of the Northeast ¼ of the Southwest ¼ of Section 22, 644.40 feet to the Point of Beginning.

TOGETHER WITH:

The right to use the Non-Exclusive Easement described in Official Records Book 1084, Page 1584, Public Records of Sarasota County, Florida.

The property is located in the northeast quadrant of the city north of Laurel Road and east of Knights Trail Road with access via Gene Green Road, North Venice, Florida.

SECTION 3. Restrictions or stipulations governing permitted uses. The use of the property described in Section 2 hereof, in addition to applicable restrictions imposed by City of Venice Code of Ordinances Chapter 86 Land Development Code, is limited by and subject to the following additional restrictions or stipulations governing permitted uses as stated in "Exhibit A" attached hereto and fully incorporated into this Ordinance.

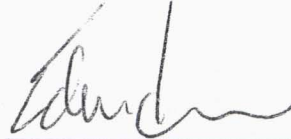
SECTION 4. This ordinance shall take effect immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 3RD DAY OF NOVEMBER 2008.

First Reading: April 8, 2008

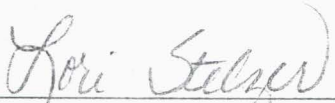
Final Reading: September 23, 2008 continued to
November 3, 2008 continued to
February 6, 2009

Adoption: February 6, 2009



Ed Martin, Mayor

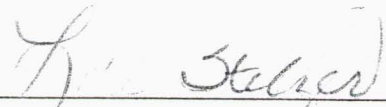
Attest:



Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 6th day of February 2009, a quorum being present.

WITNESS my hand and the official seal of said City this 7th day of February 2009.



Lori Stelzer, MMC, City Clerk

Approved as to form:



Robert Anderson, City Attorney

“EXHIBIT A”

Stipulations

Rezone No. 05-13RZ

I. Pre-Annexation Agreements. Except as may be amended or revised in these Stipulations, the Conditions set forth in Section 6 of each of the three (3) Pre-Annexation Agreements applicable to the properties of the Applicants, and recorded as Instrument #2004126864 in the Public Records of Sarasota County, shall be included as conditions. The three (3) Pre-Annexation Agreements are:

1. Miami Valley. Pre-Annexation Agreement dated June 8, 2004, between the City of Venice and Miami Valley Ready Mix of Florida, Incorporated; and
2. APAC. Pre-Annexation Agreement dated June 8, 2004, between the City of Venice and APAC-Southeast, Incorporated; and
3. Venice Minerals and Cemex. Pre-Annexation Agreement dated June 8, 2004, between the City of Venice and R. Gene Smith.

II. Additional Stipulations Applicable to all Applicants and all Properties:

1. Restriction of Permitted Uses. Permitted land uses are restricted to those identified in the City of Venice Ordinance No. 2004-26, recorded as Instrument #2004126864 in the Public Records of Sarasota County, Florida, and the City of Venice Planned Industrial Development (PID) zoning district, Chapter 86, Section 86-132(c), of the City of Venice Code of Ordinances. Notwithstanding the foregoing, the following uses within the PID zoning district shall be prohibited:

- a. Experimental laboratories.
 - b. Helicopter landing pads.
 - c. Retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, manufactured homes, boats, automotive vehicle parts and accessories (including junkyards or automotive vehicle wrecking yards), heavy machinery and equipment, or farm equipment, and retail establishments for sale of farm supplies, lumber and building supplies or monuments, and similar uses. The foregoing shall not preclude on-site repair of Applicant's machinery and equipment used in the conduct of business on the subject property.
 - d. Vocational, technical, trade or industrial schools and similar uses.
 - e. Medical clinics in connection only with industrial activities.
 - f. Miscellaneous uses such as express offices, telephone exchanges, commercial parking lots and parking garages, motorbus or truck or other transportation terminals and related uses.
 - g. Radio and television stations and transmitters.
 - h. Railroad rights-of-way and sidings.
 - i. Paint manufacturing.
2. Building Setbacks. As to all future development on the subject properties, all minimum building/structure setbacks shall comply with Chapter 86, Section 86-132(g)(4), of the City

of Venice Code of Ordinances and, unless otherwise determined by the Planning Commission, when such future development is adjacent to residential zoned properties, no parking, vehicle use, or mining/extraction/processing staging areas may be located within the required 75' setback, except as authorized by the Access & Utility Easement granted to Sarasota County dated October 25, 2004, and recorded as Instrument No. 2004206846, in the Public Records of Sarasota County.

3. Buffering. Unless otherwise determined by the Planning Commission, future site and development plan applications shall reflect, at a minimum, a 25' wide vegetative buffer with all adjacent residential and commercial zoned properties. The buffer shall provide an 80% opaque screening as measured from zero to 8' elevation prior to certificate of occupancy. The Planning Commission shall examine the appropriate qualitative buffering standards including, but not limited to berming, structural walls, and plant materials (ground covering, shrubs, and trees) to achieve an 80% opaque screening.

4. Lighting Control. All existing and future businesses shall orient or shield any security or operational lighting so as to minimize light intrusion to existing residential areas, consistent with security and operational needs and regulatory requirements.

5. Air Quality. Emissions of unconfined particulate matter beyond the property boundaries is not permissible. Pursuant to Florida Administrative Code, Rule No. 62-296.320, emission control measures shall be employed as necessary to prevent these emissions from every potential source of particulate matter, including unpaved haul roads, active excavation areas and grinding/crushing equipment.

6. Noise Abatement. Noise control shall meet all provisions of Chapter 34, Article II, of the City of Venice Code of Ordinances, and any future amendments thereto, if any.

7. Earthmoving Ordinances. Nothing in these Stipulations will impact the applicability or non-applicability of any earthmoving ordinances.

III. Additional Stipulations only applicable to Venice Minerals and Mining, LLC ("VM") and the VM property:

1. Relocation of Concrete Recycling Facility. At such time as VM has ceased its mining activities in the excavation area to the east of the subject property and has disposed of its then existing stockpiles of excavated and processed materials :

(i) the sand and rock plants on the VM property south of Gene Green Road shall be dismantled and removed; and

(ii) the existing concrete recycling facility shall be moved to the present location of the VM sand plant, said location being approximately 900 feet north of the current location of the concrete recycling facility. The relocation of VM's current concrete recycling operations approximately 900 feet north of its existing location will require no further approvals of the City of Venice or any of its regulatory agencies.

2. Additional Use Restrictions. New development of excavation operations, concrete recycling, concrete production, asphalt production or asphalt recycling shall be prohibited on the VM

property south of Gene Green Road.

3. Stockpiles. Reasonable commercial efforts shall be exercised to ensure that all stockpiles are properly watered to prohibit dry particulate matter from becoming airborne to the extent reasonably possible. Commencing at the time that VM has ceased its mining activities in the excavation area to the east of the VM property and has disposed of its then existing stockpiles of excavated and processed materials, no stockpile on the VM property shall exceed 25 feet in height. For this purpose, height shall be measured from the existing grade at the base of the stockpile at the time stockpiling is commenced or the existing grade immediately adjacent to the stockpile, whichever is greater.

4. Existing Vegetative Buffer. Except for activities authorized by the Access & Utility Easement granted to Sarasota County dated October 25, 2004, and recorded as Instrument # 2004206846, in the Public Records of Sarasota County, there shall be no removal of any of the tree and vegetative buffer currently existing along the southern property line of VM, except as may be required in connection with any of the various governmental and environmental permits applicable to the VM property.

5. Hours of Operation. The permitted working hours for VM's mining and processing operations south of Gene Green Road shall be amended to be as follows:

VM property

South of Gene Green Road

7:00 AM – 6:00 PM, Monday-Saturday