



***Project: McLeod Recycling Yard***  
**Site and Development Plan Petition No. 17-03SP**  
**Staff Report**

**Owner:** 700 Gene Green, LLC      **Parcel ID #s:** 0365-00-1070

**Addresses:** 700 Gene Green Road

**Agent:** Michael Shannon, Crest Engineering of Sarasota      **Parcel Size:** 15.2 acres

**Existing Zoning District:** Planned Industrial Development (PID)

**Future Land Use Designation:** Gene Green Sector (Planning Area L)

**Summary of Site and Development Plan:**

The applicant proposes development of a concrete recycling facility to include crushing, screening, gradation and stockpiling of raw concrete materials to produce recycled graded aggregate for use in road construction base materials.

**Technical Review Committee (TRC):**

The project has been reviewed by the City's TRC and found in compliance with all regulatory standards.

**Site and Development Plan Stipulations:**

- 1. The facility will not be in operation during the hours of darkness.*

## **I. BACKGROUND**

- The subject property was annexed into the city through City Council approval of Ordinance No. 2004-26 on June 22, 2004
- It was subsequently rezoned to Planned Industrial Development through the adoption of Ordinance No. 2008-07 on February 6, 2009
- Based on complaints from nearby residential property owners, the city became aware of activities on the subject site in November of 2016. Code enforcement initiated an investigation and confirmed activity of an industrial nature onsite.
- On November 10, 2016, planning staff met with the owner of the property and indicated that there was no existing approval for any use or activity on the subject site and the owner was directed to cease and desist all onsite operations and seek Planning Commission approval of a site and development plan. Staff instructed the owner to submit an application for a site preparation permit with the City's Engineering Department to resolve the results of activities and improvements onsite.
- On December 5, 2016, a site preparation permit was issued for the purpose of installing a gravel truck maneuvering area, stockpile recycled concrete, minor grading and installation of a silt fence. No approval was granted for any operation or other activity onsite.
- On January 18, 2017, code enforcement, in response to a complaint, confirmed crushing operations

occurring onsite and issued a “stop work order”.

- On February 2, 2017, the City Attorney sent a letter to the property owners attorney to “demand that 700 Gene Green, LLC cease and desist from any further use of or construction activities at the above referenced property until such time as the necessary approvals have been obtained from the City”.
- On February 15, 2017, the applicants attorney replied via mail that their client was operating in compliance with the approved site prep permit and all other required industrial permits.
- On February 24, 2017, a temporary use permit application was submitted by the owner to the Planning and Zoning Division for the following activities:
  - Accept and stockpile delivered uncontaminated concrete rubble.
  - Periodic crushing of stockpiled material with F.D.E.P permitted portable crusher.
  - Stockpile recycled concrete material following crushing operations.
- On March 6, 2017, application submitted for site and development plan.
- On March 21, 2017, Planning Commission held a public hearing to consider Temporary Use Permit No. 17-1006. Planning Commission denied the request based on finding the requested Temporary Use Permit inconsistent with the pre-annexation agreement.
- March thru June, applicant’s legal counsel working with the City Attorney to resolve issues. Multiple inspections by City staff indicate intermittent activities onsite.
- On July 11, 2017, the City’s Engineering Dept. issued a clarification of the site preparation permit that was issued on December 5, 2016 to indicate “stockpiled material onsite as of 12/5/16 may remain.”
- On July 18, 2017, a Notice of Violation (NOV) was issued on the property by Code Enforcement specifically identifying all violations involving activities onsite.
- On August 18, 2017, upon review of the site and development plan application and material, compliance was confirmed by the City’s Technical Review Committee and the petition was scheduled for Planning Commission Consideration.

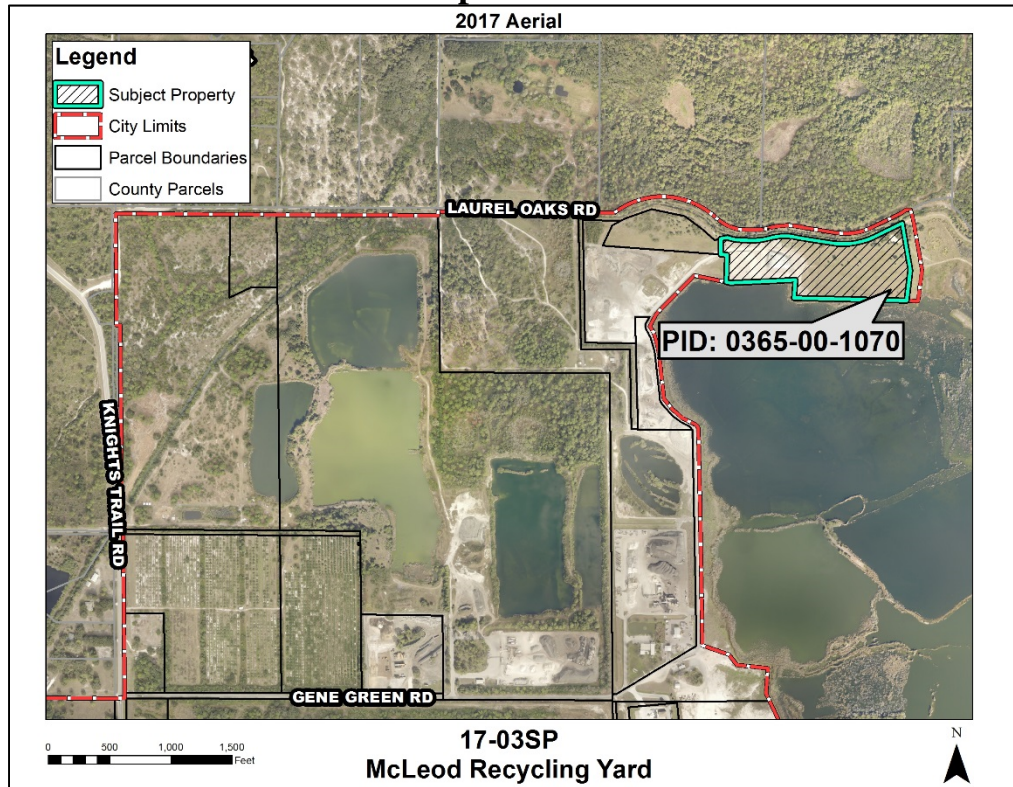
## **II. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION**

### Subject and Surrounding Property Information:

The subject property is comprised of approximately 15.2 acres as shown on Map 1. Currently, the subject property is vacant of any permanent structures, however, there has been some clearing and grubbing work accomplished on the property as part of a site prep permit and some activity relative to the proposed use as indicated in the background information above. A small building has also been observed on the site. The property is accessible from Knights Trail Road on Gene Green Road which is actually a private ingress/egress easement that was established and recorded in 1975 and is available to all adjacent properties along its extent. In addition, a 30 foot wide access easement extends from the termination of the Gene Green Road access easement that provides access to the subject property.

Following Map 1 are a series of photos which show on-site conditions for the subject property.

# Map 1: Aerial



*Subject property*



*Existing buffer to the north*



*View of subject property from the south*

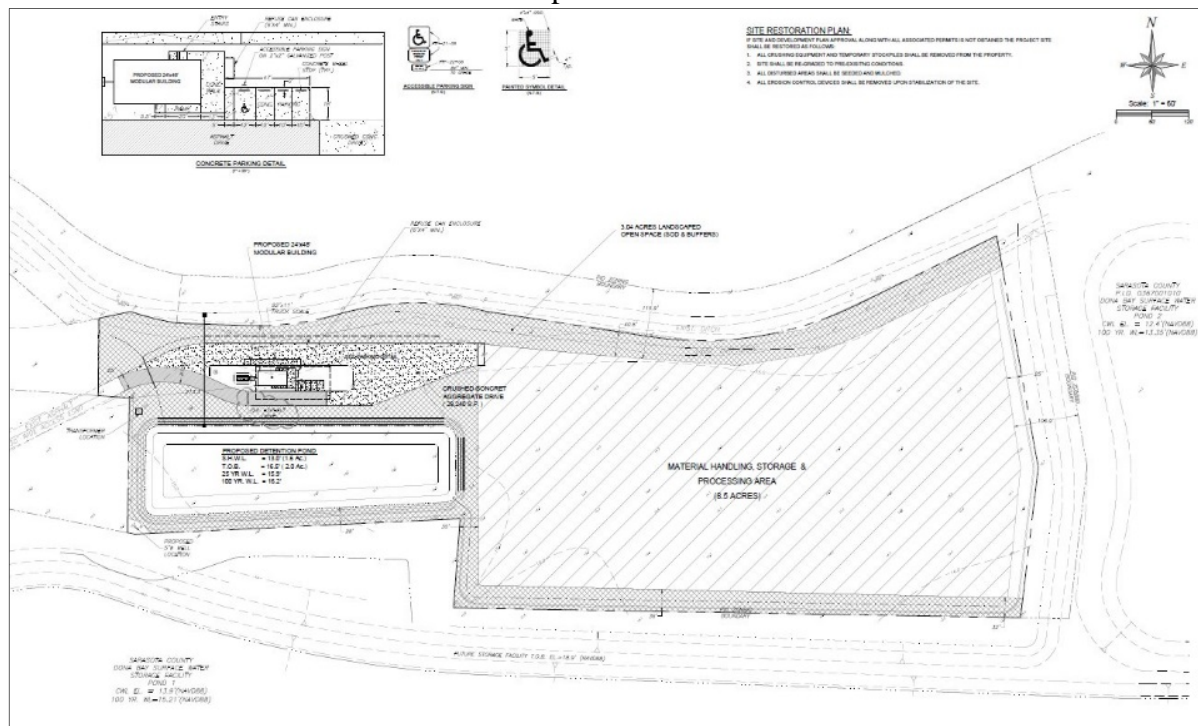


*Concrete crushing facility to the west*



View to the south from the subject property

### Proposed Site Plan



Existing uses, current zoning and the future land use designation of surrounding properties are provided in the table below.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Vacant (County Owned Property)	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Public Conservation/Preservation
West	Vacant Land and Industrial Use (MAH Venice Investments, LLC)	Planned Industrial Development (PID)	Gene Green Sector (Planning Area L)
South	Water (County Owned Property)	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Rural
East	Vacant (County Owned Property)	Sarasota County Open Use Estate-1 (OUE-1)	Sarasota County Rural

#### Flood Zone Information:

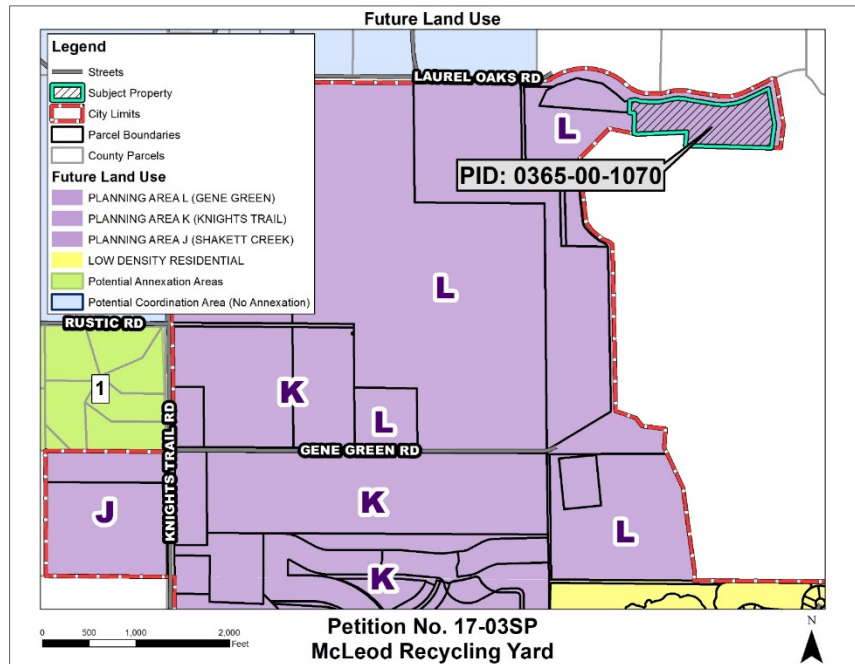
Based on the newly adopted FEMA Flood Maps, the subject property is located within Flood Zone “X” per FIRM panel #12115C0245F. Zone “X” is defined as areas determined to be outside the 0.2% annual chance floodplain. Areas designated as Zone “X” are typically considered areas of minimal flooding. The project is required to obtain Southwest Florida Water Management District permits prior to construction.

#### Future Land Use:

Map 2 shows the subject property having a Future Land Use designation of Gene Green Sector (Planning Area L). The Gene Green Sector will accommodate the following land uses: 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 a result of Planning Commission’s review in a public hearing on March 21, 2017 of the applicant’s application for Temporary Use for similar activity on the subject property, it was determined by the commission that the use proposed by the applicant was inconsistent with the applicable pre-annexation agreement that states *“The stockpiling and recycling of material on the subject parcel shall be limited to concrete, asphalt, vegetative landscaping material and other aggregate products produced on the Subject Property.”* The applicant’s attorney has addressed this issue and provided a legal opinion that is included in the agenda packet that states *“the Conditions set forth in Section 6B(i) of the Agreement cannot restrict the stockpiling and recycling of concrete, asphalt, and vegetative landscaping material, irrespective of whether it is produced on the “Subject Property” or brought to the Owner’s Property from another location.”* The City Attorney has no objection to the legal opinion and believes it is a reasonable interpretation of the document.

## Map 2: Future Land Use Map

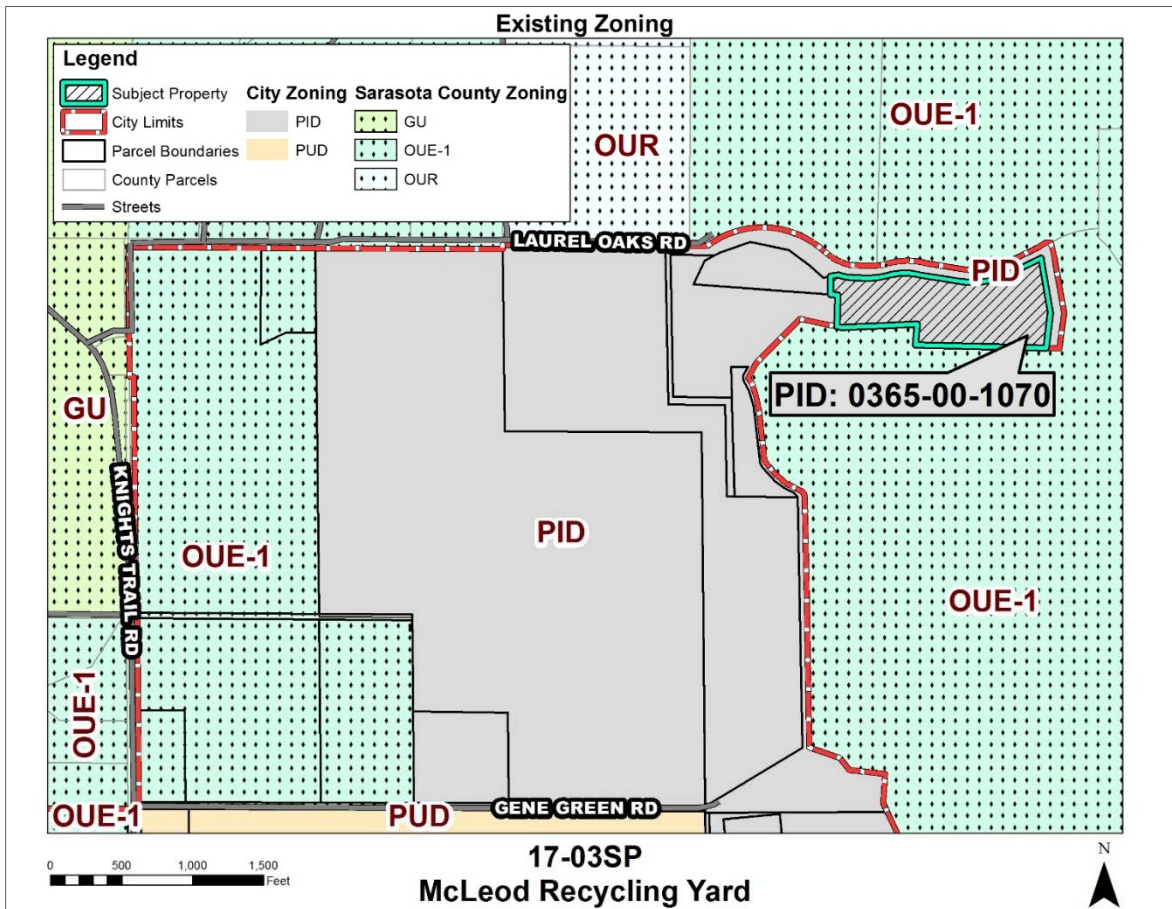


### Existing Zoning:

Map 3 shows the existing zoning of the subject and surrounding properties. The subject property is zoned Planned Industrial Development (PID). As indicated previously, on February 6, 2009, City Council approved the rezoning of the property to Planned Industrial Development (PID) through the adoption of Ordinance No. 2008-07 which is included in the agenda packet. The approved PID provided that those uses identified in the applicable pre-annexation agreements for the subject properties were the approved uses for the properties. In addition to these permitted uses, the PID ordinance placed restrictions on other uses that are typically permitted in the PID zoning district and determined them to be prohibited. There were also several performance standards included in the ordinance to regulate existing uses as well as those proposed as future development. The subject petition is consistent with the PID zoning designation and the additional stipulations included in Ordinance 2008-07. Regarding proposed use, this has been addressed earlier in this report regarding the applicants attorney's legal opinion.

The property is bounded on the west by property also zoned PID that contains vacant land along with property owned by MAH Venice Investments, LLC on which concrete crushing and recycling also takes place. The property to the north, east and south is under the ownership and control of Sarasota County and is designated as Open Use Estate-1 (OUE-1). There are no properties adjacent to the subject property that are zoned residential.

### Map 3: Existing Zoning Map



### III. PROPOSED IMPROVEMENTS

The subject property contains approximately 15.2 acres and is located in the North Venice area at 700 Gene Green Road and is under the zoning designation of Planned Industrial Development (PID). The applicant proposes to develop a concrete recycling facility to include crushing, screening, gradation and stockpiling of raw concrete materials to produce recycled graded aggregate for use in road construction base materials. Initial operations will be performed at the site with the use of mobile concrete crushing equipment. Additional improvements proposed for the site is the installation of an approximately 1,200 square foot modular building, a 92'x11' truck scale along with other associated improvements such as facility parking and a paved access drive. There are areas identified for material handling, storage and processing along with required stormwater retention facilities. The land development code does not provide specific guidance on landscaping in the PID. However, the applicant is providing a variety of trees along the southern property line in order to reduce visual impact to the residential properties located some distance to the south and southwest. All other areas of the subject site are adjacent to additional PID zoned property. The applicant has provided calculations to confirm the required 20% landscaped open space.

There is one stipulation that city staff is proposing to be included with any approval of this petition as follows:

- 1. The facility will not be in operation during the hours of darkness.*

## IV. PLANNING STAFF ANALYSIS

This section of the report evaluates the site and development plan petition for 1) consistency with the comprehensive plan, 2) compliance with the Land Development Code, and 3) compliance with the city's concurrency management regulations and the projects expected impacts on public facilities.

### 1. Consistency with the Comprehensive Plan

The subject property is located in the Gene Green Sector (Planning Area L). The intent of the planning area is to accommodate the following land uses: 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 indicated previously, the applicant has provided a legal opinion regarding the proposed use of the property. No objections have been raised by the City Attorney and it is believed to be a reasonable interpretation of the pre-annexation agreement regarding permitted uses.

The applicant has addressed Policy 8.2 of the City's Comprehensive Plan regarding compatibility in their project narrative along with planning area sub-policies of the Gene Green Sector. These sub-policies address topics such as compatibility and redevelopment, the second of which is not applicable since this is not redevelopment but new development. Regarding compatibility, Policy 16.25 seeks to *"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."* As indicated previously, the subject property is not adjacent to any residentially zoned property, however, the applicant is providing a variety of tree species along the southern property line to reduce any impact to the closest residential property which is Toscana Isles at approximately 4,000 feet and Venetian Golf & River Club at approximately 4,500 feet. Following are the mitigation techniques provided by Policy 8.2 regarding compatibility that may be considered:

- Providing open space, perimeter buffers, landscaping and berms.
- Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas.
- Locating road access to minimize adverse impacts.
- Adjusting building setbacks to transition between different uses.
- Applying step-down or tiered building heights to transition between different uses.
- Lowering density or intensity of land uses to transition between different uses.\*

Any additional concerns regarding compatibility based on comprehensive plan Policy 8.2, although applicable, are somewhat minimized by the fact that the property has designated zoning that was deemed compatible when approved.

### 2. Compliance with the Land Development Code

The proposed site and development plan has been designed consistent with the standards provided by the PID zoning designation. The design is also consistent with the performance standards provided in the ordinance and will be required to comply with other identified standards for lighting, noise, and air quality. The project has been deemed compliant by the City's Technical Review Committee and is

consistent with the standards indicated in the both the approved PID and the city's land development code.

### 3. Concurrency/Adequate Public Facilities

The applicant has submitted a concurrency determination application and the concurrency review has been completed by staff. The following table shows the expected facility impacts and the status of the departmental concurrency reviews.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	No Impact	Will be served by a well.
Utilities	Sanitary Sewer	No Impact	Will be served by septic system.
Public Works	Solid Waste	NA	Non-Residential
Public Works	Parks & Recreation	NA	Non-Residential
Engineering	Drainage	Post	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	5-p.m. peak hour trips	Concurrency confirmed by the City's Traffic Consultant*
School Board	Public Schools	NA	Non-Residential

\*Since there is no applicable classification for this type of use identified by the Institute of Traffic Engineers (ITE) manual, the City's transportation consultant reviewed and is in agreeance with trip generation data provided by the applicant based on their operation. Since reliance on data provided by the applicant has been accepted, the City's consultant recommended a condition that the applicant cannot grow larger than the four employees or the one peak hour shipping and receiving trip indicated. Based on review of the data, the City's consultant included in her response, based on existing conditions, "the trip estimates for this project are very minor and would not be expected to have an impact on the surrounding roadways."

## V. PLANNING COMMISSION EVALUATION

### Planning Commission Findings of Fact for the Site and Development Plan

Section 86-23(n) specifies the Planning Commission's role in taking action on a site and development plan application and reads in part, "..... the planning commission shall ..... be guided in its decision and exercise of its discretion to approve, approve with conditions, or to deny by the following standards".

To assist the Planning Commission, staff has prepared a comment on each of the following standards or findings by which the site and development plan application can be evaluated.

- (1) Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the city.

**Staff Comment:** *A deed and survey have been provided confirming ownership and control of the subject property. There is no common open space.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the planning commission the authority to reduce residential densities below that permitted by the schedule of district regulations set out in article IV, division 2 of this chapter.

**Staff Comment:** *The subject property is bounded to the west and north by property zoned PID consistent with the subject property and to the east and south by county owned property identified for Open Use. There is no residentially zoned property adjacent to the site.*

- (3) Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing utilities and refuse collection, and access in case of fire, catastrophe or emergency.

**Staff Comment:** *Access to the subject site is via Gene Green Road, a 60 foot private ingress/egress easement, 20 feet of which is paved, in addition to a 30 foot wide access easement that extends to the property. The majority of the traffic on this road is related to the industrial uses that comprise most of the area adjacent to the west and south of the subject site. Due to the industrial nature of the area, there is little to no pedestrian activity in this area. One access drive is proposed for the site and there is nothing that would hinder emergency response to the subject property.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

**Staff Comment:** *All parking and loading facilities are internal to the site and are in compliance with the required minimum number of parking spaces and all parking design standards. As indicated previously, there is little to no pedestrian activity in this area. Adequate facilities are provided for emergency access.*

- (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

**Staff Comment:** *As indicated previously, the subject property is not adjacent to any residentially zoned property, however, the applicant is providing a variety of tree species along the southern property line to reduce any impact to the closest residential property which is in excess of 4,000 feet south of the site.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall public drainage capacities.

**Staff Comment:** *The Engineering Department confirmed compliance with applicable drainage requirements.*

- (7) Adequacy of provision for sanitary sewers, with particular relationship to overall city sanitary sewer availability and capacities.

***Staff Comment on Sanitary Sewer:*** *The project will be served by an onsite septic system.*

- (8) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

***Staff Comment on Potable Water:*** *The project will be served by a well.*

- (9) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community or citywide open spaces and recreational facilities.

***Staff Comment:*** *The PID requires that 20% landscaped open space be provided and the applicant has indicated compliance with this requirement. Obviously, since this is a non-residential use, no recreation facilities are required or provided.*

- (10) General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values.

***Staff Comment:*** *The proposed project is consistent with standards provided by the Gene Green Sector and the approved PID and is consistent with other uses in the PID.*

- (11) Such other standards as may be imposed by this chapter on the particular use or activity involved.

***Staff Comment:*** *The project is in compliance with all other standards provided in the City's Land Development Code that are not specified in the PID.*

- (12) In the event that a site and development plan application is required, no variance to the height, parking, landscape, buffer or other standards as established herein may be considered by the Planning Commission. The Planning Commission may consider modifications to these standards under the provisions and requirements for special exceptions.

***Staff Comment:*** *The applicant is not requesting any modification of the standards provided in the approved PID or the LDC.*

## **VI. SUMMARY FINDINGS**

Based on the staff report, applicant's materials, and discussion and comments during the public hearing, following are the summary findings for determination on the subject site and development plan petition.

1. ***Consistency with the Comprehensive Plan:*** *The proposed site and development plan can be found consistent with the comprehensive plan.*
2. ***Compliance with the Land Development Code:*** *The proposed site and development plan can be found in compliance with the approved PID and the remainder of the land development code.*
3. ***Concurrency:*** *The proposed site and development plan is in compliance with the City's concurrency management regulations. If approved, staff will issue the project a concurrency certificate.*