

CITY OF VENICE, FLORIDA
PLANNING COMMISSION
ORDER NO. 17-03SP

RECEIVED

SEP 29 2017

AN ORDER OF THE VENICE PLANNING COMMISSION DENYING SITE AND DEVELOPMENT PLAN PETITION NO. 17-03SP FOR THE MCLEOD RECYCLING YARD LOCATED AT 700 GENE GREEN ROAD AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 700 Gene Green, LLC, through their agent, Michael Shannon, P.E., of Crest Engineering of Sarasota, have submitted Site and Development Plan Petition No. 17-03SP for the McLeod Recycling Yard, located at 700 Gene Green Road; Parcel Identification No. 0365-00-1070 (further described in Exhibits A and B); comprised of a signed and sealed **Site and Development Plans**, prepared by Michael Shannon, P.E. of Crest Engineering of Sarasota, LLC, consisting of a total of **eight sheets**, dated August 16, 2017, received by the City on August 16, 2017, including signed and sealed **Landscape Plans** prepared by Peter F. Keenan, RLA, consisting of **four sheets**, dated August 16, 2017, received by the City on August 16, 2017; and,

WHEREAS, the Planning Commission held a noticed public hearing on September 25, 2017, during which the Planning Commission received the application, staff report, and testimony provided by staff, the applicant, interested parties, and the Venetian Golf & River Club Community Association, Inc. as an affected party; and,

WHEREAS, in the performance of its duties, the Planning Commission was guided in its decision and exercise of its discretion to approve, approve with conditions or to deny the Site and Development Plan application by the applicable policies and standards contained in the City's Comprehensive Plan and Land Development Code including Section 86-23(m)(1 through 12) of the Land Development Code of city Code of Ordinances; and

WHEREAS, the Planning Commission finds that based upon the information received, staff report and presentation, testimony provided at the public hearing, and deliberation of the board that there is not competent substantial evidence that the application demonstrates compliance with the applicable standards and criteria of the city Land Development Code and consistency with the City's Comprehensive Plan; and,

WHEREAS, on a vote of 2-5, the Planning Commission denied the approval of Site & Development Plan Petition No. 17-03SP.

NOW, THEREFORE, BE IT ORDERED BY THE PLANNING COMMISSION, THAT:

Section 1. The above whereas clauses are ratified and confirmed as true and correct.

Section 2. Site and Development Plan No. 17-03SP for McLeod Recycling Yard as described above, is hereby denied based on the following findings:

- a. Failure to provide competent and substantial evidence that the proposed use of the subject property as a concrete recycling facility is a permitted use pursuant to the stipulations in rezoning Ordinance No. 2008-07. Specifically, the proposed use is inconsistent with Section 6.B.(i) of the Venice Minerals and Cemex Pre-Annexation Agreement as incorporated into rezoning Ordinance No. 2008-07 pursuant to its Exhibit "A", Section I.
- b. Failure to provide competent and substantial evidence that the proposed use of the subject property is compatible with residential properties in the area, specifically those within the Venetian Golf & River Club Community Association, pursuant to compatibility standards in the 2010 adopted Comprehensive Plan contained within the Future Land Use and Design Element. More specifically, those applicable sections of compatibility policies are found within Objective 8, Policies 8.1, 8.2, 8.5, 8.6 of the Comprehensive Plan.

Section 3. This Order shall become effective immediately upon adoption. However, the applicant and any affected party has 15 days from the date of rendition to appeal the decision of the Planning Commission to the Venice City Council by filing a written request with the City Clerk.

ORDERED at a meeting of the Venice Planning Commission on the 25th day of September, 2017.



Planning Commission Chair

APPROVED AS TO FORM:



City Attorney

RECEIVED
SEP 29 2017
PLANNING & ZONING

Exhibit A

Legal Description:

PARCEL 2 - A PARCEL OF LAND LYING IN SECTIONS 22 AND 23, TOWNSHIP 38 SOUTH, RANGE 19 EAST, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2856, PAGE 1663, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 38 SOUTH, RANGE 19 EAST; THENCE FOLLOWING THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2856, PAGE 1663, FOR THE FOLLOWING NINE (9) COURSES: THENCE N. 89°31'21"W., 1351.19 FEET; THENCE N.01°04'13"W., 1338.46 FEET; THENCE N.01°04'13"W., 1338.46 FEET; THENCE N.01°04'13"W., 1338.57 FEET; THENCE N.89°24'53"W., 1327.78 FEET; THENCE N.00°44'08"W., 1309.28 FEET; THENCE S.89°22'29" E., 1410.20 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, HAVING: A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF 79°24'06", A CHORD BEARING OF S.87°26'01"E., AND A CHORD LENGTH OF 830.41 FEET; THENCE ALONG THE ARC OF SAID CURVE, 900.78 FEET, TO THE POINT OF REVERSE CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, HAVING: A RADIUS OF 400.00 FEET, A CENTRAL ANGLE OF 32°05'54", A CHORD BEARING OF S.63°46'55" E., AND A CHORD LENGTH OF 221.17 FEET; THENCE ALONG THE ARC OF SAID CURVE, 224.09 FEET; THENCE LEAVING THENORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2856, PAGE 1663, S.06°02'54"W., 80.17 FEET, FOR A POINT OF BEGINNING; THENCE S.87°42'39"E., 118.39 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, HAVING: A RADIUS OF 480.00 FEET, A CENTRAL ANGLE OF 18°04'30", A CHORD BEARING OF N.83°15'07"E., AND A CHORD LENGTH OF 150.80 FEET; THENCE ALONG THE ARC OF SAID CURVE, 151.42 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT, HAVING: A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 30°16'03", A CHORD BEARING OF N.89°20'53" E., AND A CHORD LENGTH OF 245.41 FEET; THENCE ALONG THE ARC OF SAID CURVE, 248.29 FEET; THENCE S.80°52'01"E., 269.40 FEET, TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, HAVING: A RADIUS OF 580.00 FEET, A CENTRAL ANGLE OF 35°04'08", A CHORD BEARING OF N.81°35'56" E., AND A CHORD LENGTH OF 349.48 FEET; THENCE ALONG THE ARC OF SAID CURVE, 355.00 FEET; THENCE N.64°03'53"E., 255.09 FEET; THENCE S.09°50'08"E., 387.97 FEET; THENCE S.07°04'11"W., 249.49 FEET; THENCE N.88°38'55"W., 936.17 FEET; THENCE N. 04°34'34"E., 147.30 FEET; THENCE S.87°37'08"W., 242.20 FEET; THENCE S.87°37'08"W., 294.96 FEET; THENCE N.78°23'24"W., 12.77 FEET; THENCE N.01°08'49"E., 222.42 FEET; THENCE N.85°43'34"W., 51.77 FEET; THENCE N.00°55'51"E., 127.53 FEET; THENCE N.78°41'37"E., 53.43 FEET; TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT, HAVING: A RADIUS OF 480.00 FEET, A CENTRAL ANGLE OF 9°21'32", A CHORD BEARING OF S.75°50'21"E., AND A CHORD LENGTH OF 78.32 FEET; THENCE ALONG THE ARC OF SAID CURVE 78.40 FEET, TO THE POINT OF BEGINNING.

As further described on the associated location Map "Exhibit B".

Exhibit B: Location Map.

