

**CITY OF VENICE, FLORIDA  
CITY COUNCIL  
ORDER NO. 17-03SP**

AN ORDER OF THE VENICE CITY COUNCIL APPROVING 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 its agent, Michael Shannon, P.E., of Crest Engineering of Sarasota, 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 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 VG&RC Community Association, Inc., as an affected party; and,

WHEREAS, the Planning Commission denied the approval of Site & Development Plan Petition No. 17-03SP and rendered a Development Order of denial on September 29, 2017; and,

WHEREAS, 700 Gene Green, LLC, timely filed a *de novo* appeal of the denial by the Planning Commission to the City Council on October 2, 2017, pursuant to Section 86-21(b) of the Venice Land Development Code; and,

WHEREAS, the City Council held a noticed public appeal hearing on November 14-15, 2017, during which the City Council received the application, staff report, and testimony provided by staff, the applicant, and the general public; and,

WHEREAS, in the performance of its duties, the City Council 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)-(12) of the Land Development Code; and,

WHEREAS, the City Council finds that based upon the information received, staff report and presentation, testimony provided at the public hearing, and deliberation of the Council that there is 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, the City Council approved Site & Development Plan Petition No. 17-03SP with conditions.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL THAT:

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

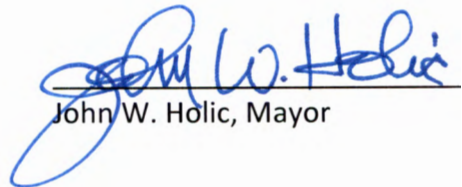
Section 2. Site and Development Plan Petition No. 17-03SP for McLeod Recycling Yard, as described above, is hereby approved subject to the following conditions:

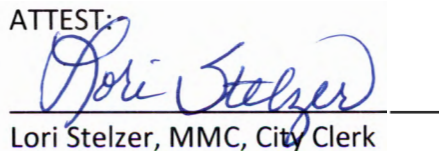
- a. The property owner or operator shall hold an annual meeting with a designated representative of the VG&RC Community Association, Inc., occurring between the months of January and April.
- b. The facility shall not be in operation during the hours of darkness or on Sundays.
- c. The facility shall maintain a berm of stockpiled crushed material at a minimum height of twelve (12) feet between the crushing operation and the southern property boundary in order to provide a sound barrier. The City of Venice Police Department shall work with the operator during initial development of the site to perform tests necessary to ensure compliance with the City of Venice Noise Ordinance, Section 34.31, as may be amended from time to time. Should such test indicate that the sound from the crushing operation violates the Noise Ordinance, the operator shall increase the height of the stockpiled material to comply with the aforementioned ordinance, as necessary, but not to exceed thirty (30) feet in height. If, after increasing the height of the berm, the sound of the crushing operation still violates the aforementioned ordinance, then in addition, the owner or operator shall undertake appropriate methods to achieve compliance. Trucks shall not unload any material at a height that exceeds the stockpile.
- d. The operation of the property shall be in compliance with Ordinance 2008-07.

Section 3. This Order shall supersede and replace the Development Order rendered by the Planning Commission on September 29, 2017.

Section 4. This Order shall become effective immediately upon adoption.

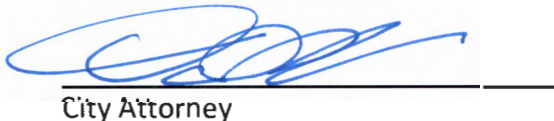
ORDERED at a meeting of the Venice City Council on the 15<sup>th</sup> day of November, 2017.

  
John W. Holic, Mayor

ATTEST:  
  
Lori Stelzer, MMC, City Clerk

Approved By City Council  
Date: November 18, 2017

APPROVED AS TO FORM:

  
City Attorney

## 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 THE NORTH 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.

