

CC 17-03SP



City of Venice

Request to Speak (print legibly)

Name: Roger Clark Date: 11/14/17

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Organization (if any): CITY OF VENICE

Please Check One

☐ Audience Participation

☐ Agenda - Topic: 17-3SP

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are speaking at Audience Participation or at a workshop.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this 14 day of Nov 2017 is truthful.

Signature: [Signature]

Comments at public hearing and during audience participation are limited to five minutes per speaker unless otherwise noted.



"City on the Gulf"

City of Venice

Request to Speak (print legibly)

Name: Dorenda Marvin Date: 11.14.17

Address: 1023 Manatee Ave

City: Bradenton State: FL Zip: 34205

Telephone: 941. 748. 0151

Organization (if any): Grimes Gaebel et al

Please Check One

☐ Audience Participation.

☒ Agenda - Topic: McLeod Recycling Yard

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Signature: Dorenda Marvin

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"City on the Gulf"

City of Venice

Request to Speak (print legibly)

Name: Derin Parks Date: 11/14/17

Address: 1023 Manatee Ave. W

City: Bradenton State: FL Zip: 34205

Telephone: (941) 748-0151

Organization (if any): Grimes Goebel, et al.

Please Check One

☐ Audience Participation.

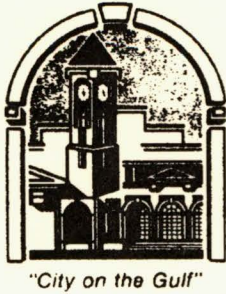
☒ Agenda - Topic: 700 Gene Green, LLC

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Signature: [Signature]

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City of Venice

Request to Speak (print legibly)

Name: Jeff Shrum Date: 11/14/17

Address: City Hall

City: Venice State _____ Zip _____

Telephone: _____

Organization (if any): City

Please Check One

☐ Audience Participation

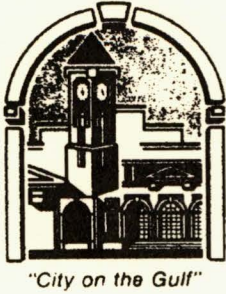
☒ Agenda - Topic: Married

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I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this ____ day of _____ 20____ is truthful.

Signature: [Signature]

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City of Venice
Request to Speak (print legibly)

Name: JAMES McLEOD Date: 11-14-17
Address: 7405 28th ST CT E.
City: SANSON State: FL Zip: 34243
Telephone: 941.724.1564
Organization (if any): MLS

Please Check One

☐ Audience Participation

☐ Agenda - Topic: Gene Greene LLC / MLS Regle Yard

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Signature: [Signature]

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"City on the Gulf"

City of Venice

Request to Speak (print legibly)

Name: James Clinch Date: 11/14/17

Address: 401 W. Venice Ave.

City: Venice State: FL Zip: 34285

Telephone: 941-882-7410

Organization (if any): City of Venice

Please Check One

☐ Audience Participation.

☒ Agenda - Topic: McLeod Appeal

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Signature: [Signature]

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City of Venice

Request to Speak (print legibly)



"City on the Gulf"

Name: JERRY JASTER Date: 11/14/17

Address: 30 BARANO CT.

City: D. Venice State: FL Zip: 34275

Telephone: 941-244-2247

Organization (if any): VGERC Community Assoc.

Please Check One

☐ Audience Participation.

☒ Agenda - Topic: 700 GENE GREEN LLC

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are speaking at Audience Participation or at a workshop.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this 14 day of Nov 2017 is truthful.

Signature: [Signature]

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My name Jerry Jasper and I live at 130 Burano Court. I am here on behalf of the VG&RC Community Association.

We requested and were granted affected party status at the Planning Commission Hearing on this application. We have decided not to request such status at this hearing, for two primary reasons:

- The first, out of respect for Council's time and others who are here today, including residents from our community, and the second,
- Frankly, the extensive legal costs involved. In fact, legal expenses for our participation in the Planning Commission hearing amounted to more than one-half the amount of the full annual dues collected by our Association.

We will however, present our perspective during this Public Comment period.

There are strong arguments based on the applicable codes and other governing documents as to why this project cannot go ahead as proposed, without modifications.

I want to stress that we are not here to prevent 700 Gene Green LLC from operating a concrete crushing plant. We have made that very clear in the past. What we do ask for, however, is the opportunity to sit down with the applicant and reach an agreement similar to that we have with Crush-It, another concrete crushing plant in the same industrial area. But first, we would like to make you aware of some strong arguments as to why a Comp Plan amendment or possibly a "special exception", would be required to allow this project to go ahead.

Let's look at City Code Section 86-132, PID Zoning, Permitted Uses,

Item (c) (7);

(Place overhead 1)

Note that this Permitted Use is qualified.

(read highlighted area)

Concrete rubble used in the proposed operation consists of broken up chunks of bridges, buildings, highways and the like and is of no good use unless processed. There is no question that this rubble is "scrap" material and further, the crushing of this material for road bed use is a "salvage" operation.

None of the governing documents previously mentioned lists concrete crushing or recycling as a "permitted use". The applicant has relied on the permitted use "Concrete/cement and related products and processing" in Comprehensive Plan Policy 16.24 as the basis for the approval of this plant.

(Insert Overhead 2)

Note the two highlighted "permitted uses"

(Read the highlights)

When addressing asphalt production, recycling is specially named as a permitted use.

When addressing concrete/cement production, there is no mention of recycling.

Here's why:

- Recycled asphalt is a necessary material component of asphalt production and thus specifically listed as a permitted use.
- Conversely, recycled concrete is not a material component of concrete production and thus there was no reason for the drafters of Gene Green Sector Uses section to include it as part of this permitted use.

Further, please note that this Policy requires a Comp Plan amendment for any "permitted use" not listed, and that amendment must address appropriate mitigation issues.

Thank you

Comprehensive Plan
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; temporary and permanent stockpiling; **concrete/cement and related products 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.**

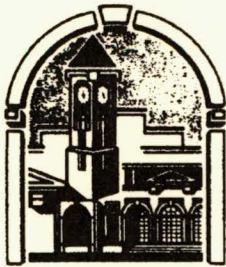
Sec/ 86-132 PID planned industrial development district

Permitted Uses

Item (c) (7)

Outdoor storage yards and lots; provided that such outdoor storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by a fence or wall not less than six feet high; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles or secondhand automotive vehicle parts. (*Emphasis mine*)

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"City on the Gulf"

City of Venice

Request to Speak (print legibly)

Name: John Meckel Date: 11-14-17
Address: 185 TREVISIO CT
City: N. VENICE State FL Zip 34275
Telephone: 941-488-4800035
Organization (if any): VO & RC CA

Please Check One

☐ Audience Participation

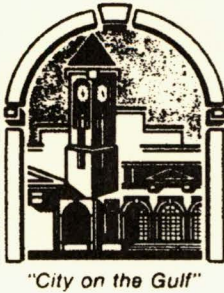
☒ Agenda - Topic: 700 GENE GREEN LLC

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Signature: [Signature]

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City of Venice

Request to Speak (print legibly)

Name: Carol Barbieri Date: 11/14/2017
Address: 230 Padova Way
City: North Venice State: FL Zip: 34275-6611
Telephone: 919-274-4448
Organization (if any): VG9 RC CH

Please Check One

☐ Audience Participation

☒ Agenda - Topic: McLeod Land Services

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I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this 14 day of Nov 2017 is truthful.

Signature: Carol J. Barbieri

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cc: Jon Steger ✓

Good Afternoon: Council Members, Ladies and Gentlemen:

I am Carol Barbieri. I live on Padova Way and am making a statement today on behalf of the VG&RC Community Association.

John Moeckel just advised you that the Association has not been at all successful in getting 700 Gene Green LLC to sit down with us and discuss how we might work out an agreement so that we can support their application. They may feel that a group of "concerned residents" as we are, would be demanding and unreasonable, resulting in no agreement and a much delayed project. I believe their concerns would be greatly mollified if they would consider our past history in similar situations.

(Overhead 3)

This is an excerpt from the email to Mr. McLeod that you have in your packet. History confirms that we have been very reasonable and thus successful in our past deliberations with applicants such as 700 Gene Green LLC, reaching agreements in all instances. *(highlight two Gene Green Sector agreements on overhead)*

In addition to the above, the Association continues to work with the three companies presently operating in the Gene Green Sector, Ajax, Preferred Materials and Titan-America. They all want to be good neighbors and at the same time, the Association recognizes their right to operate and make a profit. These companies have taken several measures to mitigate excessive noise, some on their own initiative and some by agreement with the Association.

In every instance where an applicant has worked with the Association toward a mutually satisfactory set of operation or development parameters, agreements have been reached and the Association

supported their applications at the Planning Commission and City Council levels. One hundred percent success is positive proof that the VG&RC Community Association has been reasonable in their requests.

What must be highlighted however, is the most recent agreement with Crush-It. The Association entered into an agreement with Crush-It to support their Site and Development Plan application based on the condition that Crush-It could readily prove through actual demonstration that their operation would not exceed a noise level acceptable to the Association. They did just that and as a result, we supported them just a week ago at the Planning Commission level and their application was approved 7 to 0.

This letter from the President of Crush-It, which I believe he copied you on, says the following:

(Overhead 4_ read the highlights)

The VG&RC Community Association has been fair and reasonable in our dealings with the industrial companies to our north. History proves it. We are proud that we are good neighbors with these companies. We ask that you provide this applicant the opportunity to recognize this!

On behalf of the Association, I would like to acknowledge the other VG&RC residents here today. The fact that they are in attendance is a strong and obvious indication of their concern as to how this crushing plant may affect the well-being of the Venetian Golf & River Club community. Venetians, please stand and be acknowledged.

Thank you for the opportunity to speak.

- City Ordinance No. 2008-07: The Association entered into an agreement with APAC Southwest, Venice Mining and Minerals, Miami Valley Ready Mix and CEMEX which formed the basis of the "Stipulations" that became a part of this Rezoning Ordinance.

- Ajax Paving (SJT Venice, LLC): The Association entered into an agreement with Ajax Paving to support their annexation into the City of Venice based on a mutually agreeable set of stipulations to the Pre-Annexation Agreement. Annexation was accomplished to the collective satisfaction of both parties.

The Association has reach agreements with other entities in the northeast Venice area which allowed us to support the respective applications. Examples are:

- Walmart's Proposed Development at Knights Trail and Laurel Roads: The Association entered into an agreement with the developer to support this project based on certain stipulations. While the parties reached agreement on these stipulations, the project did not proceed as planned.

- Toscana Isles Residential Housing Development: The Association entered into an agreement with the developer to support the Site and Development Plan for this project based upon mutually agreed upon stipulations.

- Milano Residential Housing Development: The Association entered into an agreement with the developer to support the Site and Development Plan for this project based upon mutually agreed stipulations.

- Portofino Mixed Use Development at Knights Trail and Laurel Roads: The Association and others entered into an agreement with the developer to support the Site and Development Plan application for this project based upon mutually agreed stipulations. The Association continues to work with the developer as modified Site and Development Plans are submitted to the City. In fact, a revised Site and Development application is presently being considered by the City for the construction of an apartment complex in the Portofino development. An Advisory Board, as required by the Rezoning Ordinance, worked with the developer to reach agreement on mutually acceptable architectural features for this project. Three members of that Board are connected to the Association and will support the applicant at the Planning Commission Public Hearing.

Crush-It, Inc.

www.customcrushers.com

P O Box 1210
Osprey, FL 34229

Office 941.918.2400
Fax 941.918.2401

VG&RC Community Association
Attn: Jerry Jasper

Toscana Isles Master Association
Attn: John Peshkin

Re:
November 7, 2017 Public Hearing
Crush-It, Inc.
Amended Site and Development Plan

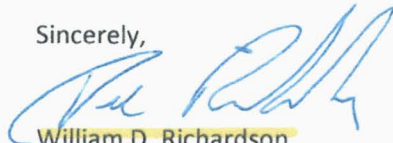
Yesterday ended a long journey in the process of obtaining all the approvals necessary for Crush-It to operate our concrete crushing facility at its Gene Green Road location. This success was due in no small part to the "joint venture" between my company and your organizations.

There was never a guarantee that we would all find common ground based on the initial neighborhood meeting. A lot of that was based on the assumption we were not willing to work with the local residents to ensure their quality of life was unchanged by this new operation. We decided to sit down and create a "concrete crushing demonstration agreement" in which I agreed to mitigate dust, noise and visual impacts of my crushing operation to a satisfactory level in exchange for your support. I was not confident we would ever be able to reach a consensus.

The "crushing demonstration" allowed your residents to see our operation and provide feedback. Through this "give and take" we made changes to limit the noise level and hours of operations that allowed us to be better neighbors while operating at a profitable level.

Let me close by saying I value the friendships made during these past several months. If any unexpected problems should come about in the future, please feel free to drop by. I am now sure that there is nothing we cannot work out together.

Sincerely,



William D. Richardson
President, Crush-It, Inc.



"City on the Gulf"

City of Venice

Request to Speak (print legibly)

Name: DAVID LUSTY Date: 11/14/2017
Address: 109 ASTI CT.
City: NORTH VENICE State: FL Zip: 34275
Telephone: 740-707-0753

Organization (if any): VCDD

Please Check One

☐ Audience Participation.

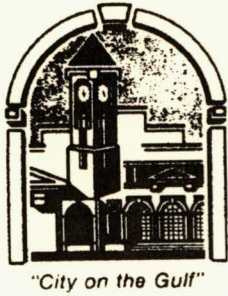
☒ Agenda - Topic: McLeod Recycling YARD

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Signature: [Signature]

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City of Venice

Request to Speak (print legibly)

Name: MARSHALL HAPPE Date: 11/14/17
Address: 117 MARTIN LUTHER KING DR
City: NORTH VENICE State: FL Zip: 33527
Telephone: 941-480-0265
Organization (if any): RETIRED

Please Check One

☐ Audience Participation

☒ Agenda - Topic: 1703 SP

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Signature: M. Marshall

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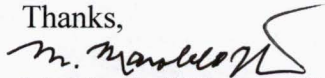
Request to the Clerk:

I have signed up to speak on Site Plan Petition 1703-SP.

If you can schedule me last, I may be able to avoid speaking depending on what is presented.

However, if there is any suggestion that the Council may make an early vote on whether the VGRC Community Association should be recognized as an "affected party", I request the opportunity speak before any such vote is held.

Thanks,

A handwritten signature in black ink, appearing to read "M. Marshall Happer III", with a stylized flourish at the end.

M. Marshall Happer III

117 Martellago Drive

North Venice, FL 34275