



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Planning & Zoning Advisory Board

Thursday, February 2, 2023

9:00 AM

City Commission Chambers

1. CALL TO ORDER

Chair Hester called the meeting to order at 9:00 a.m.

2. ROLL CALL

Present: 6 - Chair Nita Hester, Vice Chair Kenneth Maturo, Phillip Ludos, Michael T. Patricoski, Linda J. Waugh and Frank J. Baer

Absent: 1 - Jose Irizarry

Also Present

Deputy City Attorney Michael Golen, Assistant City Attorney Margaret T. Roberts, Planner III Sherry Willette-Grondin, Planner III Katherine Woellner, Planner III Carl Bengé, and Recording Secretary Susan Hale.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Board Member Patricoski.

4. PUBLIC COMMENT

5. APPROVAL OF MINUTES

- A. [23-0225](#) Approval of Minutes for the January 19, 2023 Planning and Zoning Advisory Board Meeting.

Chair Hester introduced the item and noted two typos.

A motion was made by Board Member Baer, seconded by Board Member Ludos, to approve the Minutes, as amended. The motion carried by the following vote:

Yes: 6 - Chair Hester, Vice Chair Maturo, Board Member Ludos, Board Member Patricoski, Board Member Waugh and Board Member Baer

Absent: 1 - Board Member Irizarry

6. PUBLIC HEARING

- A. [DMP-22-133](#) Consideration of Petition No. DMP-22-133, Acadia Behavioral Health Hospital Development Master Plan (QUASI JUDICIAL)

Chair Hester introduced the item.

Ms. Hale swore in all those wishing to provide testimony.

Board Members Bear, Patricoski, Vice Chair Maturo and Chair Hester reported having no ex parte communications.

Board Member Ludos and Board Member Waugh disclosed site visits.

There were no aggrieved or adversely affected persons.

Adam Cronk, of Cronk Engineering, being duly sworn, provided an overview including services provided, comprehensive care, patient discharge, building safety, controlled access, site, acreage, zoning, ingress and egress points, parking ambulance/service areas, activity areas, fencing, rendering of building, and a waiver increasing wall height.

Mr. Bengé, being duly sworn, provided an overview including future land use, neighborhood meetings, requested amendment, and consistency with Comprehensive Plan and the Unified Land Development Code (ULDC).

There were no rebuttals from the Applicant or Staff.

There was no public comment.

Mr. Bengé spoke to land abutting the project.

Jeffrey Woods, President of Acadia Healthcare, being duly sworn, spoke to not receiving adjudicated or incarcerated patients, and no current plans to become a Baker Act facility.

Mr. Cronk spoke to landscaping on outer wall, undeveloped eastern side, Phase 2 being attached to the second story, clarification of #13 on page 9, and parking locations.

Mr. Bengé noted the condition of patients being irrelevant to the Petition.

Dr. Woods spoke to lives being improved from facilities such as this.

Chair Hester closed the public hearing and entertained a motion.

A motion was made by Board Member Ludos, seconded by Vice Chair Maturo, to recommend the City Commission approve Petition No. DMP-22-133, Acadia Behavioral Health Hospital Development Master Plan with the modification and conditions as presented, including conditions 1 through 14 and one waiver regarding increasing the fence height from eight-feet to fourteen-feet, and find that based on the competent substantial evidence, the Development Master Plan complies with the City of North Port Comprehensive Plan Future Land Use Goal 1, Goal 2, and Economic Development Objective 1.1, and Policy 4.1.2 and Section 53-102, 53-103, and 53-113 of the Unified Land Development Code (ULDC).

Condition #1. Per § 60-7 (B) of the ULDC, the fire line to the building shall extend to one foot above finished floor (1' AFF) or one foot above finished grade (1' AFG) interior of the building. This requirement shall be called out on all civil drawings for reference.

Condition #2. The Fire Department Connection (FDC) placement must meet the ULDC, Chapter 60-8 and shall not be located no further than ten (10) feet from the curb line.

Condition #3. The ULDC and North Port Utilities require a double detector check

valve assembly for all fire lines. Please amend sheets C7.0 (Overall Utility Plan) and C7.1 Utility Plan to reflect this requirement and the Post Indicator Valve Assembly.

Condition #4. Per Urban Design Standards Pattern Book, page 20, parking in the front of a building will be limited to one row. The remainder of required parking shall be located to the rear, side, or internal.

Condition #5. Per ULDC Sec. 55-4.B.(3), all new construction, renovation, or redevelopment shall incorporate the public art in accordance with ULDC Chapter 59. All public art shall be approved by City Staff and/or City Commission.

A. The City Staff and/or City Commission shall approve the art piece and final placement prior to the issuance of the development order.

Condition #6. Detailed treatment and attenuation calculations, floodplain impact and compensation analysis and stormwater conveyance capacity analysis will be required in the later MAS application. The preliminary drainage report dated November 10, 2022 is not approved with this DMP and will require revisions in the later Major Site and Development (MAS) application.

Condition #7. NOTICE: Site assessment activities (e.g. surveys, geotechnical) performed with the use of machinery/equipment which includes removal of trees, underbrush, or understory vegetation requires a land clearing/underbrush permit issued by the City of North Port Building Department. Except for the hand clearing of understory vegetation, removal of trees or understory vegetation without an appropriate land clearing/underbrush permit from the City of North Port Building Department may constitute violation(s) not limited to Florida Fish and Wildlife Conservation Commission (FWC) rules, ULDC Chapter 58 Archeological Resource Protection Regulations, and ULDC Chapter 45 Tree Protection Regulations (adopted Feb. 22, 2022). Hand clearing of understory vegetation shall not occur in a wetland or watercourse buffer. Definitions of "tree" and "understory vegetation" are included in ULDC Chapter 45 Tree Protection Regulations (adopted Feb. 22, 2022 ord. no. 2021-46).

Condition #8. Provide a copy of the approved Environmental Resource Permit (ERP). Also provide an approved permit under Section 404 of the Clean Water Act (CWA) issued by either a U.S. Army Corps of Engineers (USACE) or Florida Department of Environmental Protection (FDEP), depending on the location of the project. The permits will authorize wetland impacts and indicate how wetland mitigation will be achieved. This permit plus documentation of required wetland mitigation must be provided prior to construction that impacts the wetland. This permit is typically provided preferably before scheduling the preconstruction meeting with the City.

Condition #9. A 15% gopher tortoise survey was done in October 2021 and 2 gopher tortoise burrows were located.

A. All gopher tortoise burrows found on-site must be avoided with the required 25-foot radius.

B. If gopher tortoises are proposed to be relocated, an FWC relocation permit for the relocation is needed, and a copy of the survey and permit provided to the City prior to issuing a Notice to Proceed (NTP). FWC guidelines require a 100% gopher tortoise survey before conducting capture and relocation activities.

C. On completion of the relocation actions, submit a summary After Action report to the City that identifies the total number of tortoises relocated to the designated property. The summary After Action Report will be required prior to issuing a Notice to Proceed (NTP).

D. If site construction/land clearing does not commence within 90 days from the date of the most recent 100% gopher tortoise survey or start of capture activities, a new gopher tortoise burrow survey must be completed to ensure gopher tortoises have not moved in and, if found, a valid permit must be obtained, amended, or acted on to capture and relocate all tortoises prior to commencing any site clearing.

E. Immediately following relocation the gopher tortoise agent shall evaluate the need for installation of a well-constructed silt fence to prevent gopher tortoise re-entry.

F. In the case where zero (0) gopher tortoise burrows are located during an initial limited or 100% gopher tortoise survey an additional 100% gopher tortoise survey may be required within 90 days of issuing a Notice to Proceed (NTP) and within 90 days of issuing a land clear permit.

Condition #10. Before FDEP permits will be signed, North Port Utilities requires the following: Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record. One engineer certified (sealed) estimate for the cost of utility construction. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.

Condition #11. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.

Condition #12. Irrigation systems shall be designed and constructed to meet reuse standards.

Condition #13. Provide the Utility Department with floor plans and plumbing riser drawings for each building so meter sizes and capacity fees can be calculated. Meter and Capacity fees shall prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.

Condition #14. A developer agreement shall be negotiated with the utility department and approved by the Utility Director and City Staff prior to DEP or Department of Health (DOH) permits being signed and released.

Discussion ensued regarding concern with increased traffic flow, need for the facility, and the facility being a positive addition to the City.

Chair Hester called for the vote.

The motion carried by the following vote:

Yes: 6 - Chair Hester, Vice Chair Maturo, Board Member Ludos, Board Member Patricoski, Board Member Waugh and Board Member Baer

Absent: 1 - Board Member Irizarry

B. [DMP-22-093](#) Consideration of Petition No. DMP-22-093, West River Village Development Master Plan (QUASI-JUDICIAL)

Ms. Hale swore in all those wishing to provide testimony.

Board Members Bear, Patricoski, Vice Chair Maturo and Chair Hester reported having no ex parte communications.

Board Member Ludos and Board Member Waugh disclosed site visits.

There were no aggrieved or adversely affected persons.

Martin P. Black, on behalf of Bankers Insurance Company, being duly sworn, provided an overview including aerial site map, zoning designation, proposed Planned Community Development (PCD), conservation easement acreage, development master plan, number of units, commercial and office space, consistency with Unified Land Development Code (ULDC) and the Comprehensive Plan, agreement with the conditions and recommendations by Staff. future hotel site, multi-use paths, water facilities, access ways to River Road, and future proposed school campus.

Ms. Willette-Grondin, being duly sworn, provided a review including site, zoning, Transfer of Development Rights (TDR), waivers, site map, neighborhood meeting, impact analysis, impact analysis, project being compatible with surrounding areas, buffering from Wellen Park, waivers, chart of proposed dwelling units, staff review, conditions, and consistency with Unified Land Development Code (ULDC), and Comprehensive Plan.

There were no rebuttals from the Applicant or Staff.

There was no public comment.

Mr. Black spoke to a round-about site, projected traffic, traffic light at Playmore Road and South River Road, monument sign height, speed limit determining sign height, stoplight color, and commercial signage.

Ms. Willette-Grondin spoke to exceeding maximum dwelling units and TDR.

Mr. Black spoke to receiving additional development rights and giving a conservation easement in perpetuity and TDR rights provided in the Comprehensive Plan.

There were no closing arguments from Staff or the Applicant.

There was no public comment.

Chair Hester closed the public hearing and entertained a motion.

A motion was made by Board Member Ludos, seconded by Vice Chair Maturo, to recommend the City Commission approve Petition No. DMP-22-093 West River Village Development Master Plan with the following waivers and conditions.

Waiver #1 - Waiver from Unified Land Development Code (ULDC) Chapter 55,

Section 55-55 - Activity Center Design Regulations and the adopted Urban Design Standards Pattern Book for Activity Center #8 and replace the existing legacy design regulations for The Gardens with the West River Village Design Standards.

Waiver #2 - To allow for a minimum 30-foot building setback from the property line for a length of 1,550 feet abutting the stormwater management easement area, as shown in Figure 3 of the staff report.

Waiver #3 - To allow a zero-foot buffer for a length of 1,000 feet where a forty (40) foot buffer is required, as shown in Figure 4 of the staff report. Staff recommends adding a condition when the site layout is finalized through the master infrastructure plan, and it is determined there is adequate area to place a buffer, then the developer shall provide the appropriate buffers required by the ULDC.

Waiver #4 – To adhere to ULDC Chapter 29 Sign Regulations regarding signs for Activity Center #8.

Condition #1 - Detailed stormwater hydraulic analysis of the stormwater system must be provided at the infrastructure/site development stage.

Condition #2 -Final determination of the number of development rights available for transfer from the Activity Center portion of the proposed Sending Zone shall be determined by the total wetland acreage as per a formal wetland determination by the Southwest Florida Water Management District, less any wetland area to be impacted by the Project.

Condition #3 - City Commission shall approve a Developers Agreement for the Transfer of Development Rights (TDR) through an Ordinance.

Condition #4 - Transfer of Development Rights (TDR) and Conservation Easements shall be approved by Commission and recorded with the Sarasota County Clerk of Court prior to developing the residential units allotted under the TDR.

Condition #5 – Density shall be capped at 629 dwelling units in the event the TDR agreement and conservation easements are not successfully completed.

Condition #6 – All signage shall comply with ULDC Chapter 29 Sign Regulations, and Section 53-111.

Discussion ensued regarding the need for this type of development.

Chair Hester called for the vote.

The motion carried by the following Vote:

Yes: 6 - Chair Hester, Vice Chair Maturo, Board Member Ludos, Board Member Patricoski, Board Member Waugh and Board Member Baer

Absent: 1 - Board Member Irizarry

Recess was taken from 10:11 a.m. to 10:16 a.m.

7. PRESENTATION

A. [22-3845](#) Sunshine Law Training (Presented by the Office of the City Attorney)

Chair Hester introduced the item.

Mr. Golen provided a presentation including public meetings definition, open meeting requirements, penalties for violation, penalty examples, public records definition, identifying a public record, email and text messages, public records requests, public records retention, Florida Commission on Ethics, prohibited conduct, prohibited relationships, voting, conflicts of interest, relatives, penalties for ethics violation, meeting procedures, quorum and motions, discussion, alternate members, and request for information.

8. PUBLIC COMMENT

There was no public comment.

9. FUTURE AGENDA ITEMS

Future agenda items included a discussion and possible action regarding an on-going list of Board requests including the stage of completion in which they are found and discussion and possible action regarding the Board's Annual Report to the Commission.

There was a consensus to include an agenda item regarding an on-list of Board requests including the stage of completion in which they are found.

10. ADJOURNMENT

Chair Hester adjourned the meeting at 10:49 a.m.

By: _____
Nita Hester, Chair

Minutes approved on the ____ day of _____, 2023.