



City of North Port

RESOLUTION NO. 2022-R-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, GRANTING A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY RESIDENTIAL USE LOCATED GENERALLY AT THE SOUTHEAST CORNER OF SOUTH SUMTER BOULEVARD AND POCATELLA AVENUE NORTH OF MCKIBBEN DRIVE IN THE OFFICE, PROFESSIONAL, INSTITUTIONAL (OPI) ZONING DISTRICT PURSUANT TO THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTIONS 53-92 AND 53-259; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the City of North Port Unified Land Development Code (“ULDC”), Chapter 53, Zoning Regulations, Section 53-92, and Section 53-259, Jeffrey A. Boone on behalf of Zia Butt (the “Petitioner”), submitted on May 27, 2022, to the City of North Port Neighborhood Development Services Department, Planning and Zoning Division Petition No. SPX 22-123 requesting a Special Exception to allow a multi-family residential use development with a maximum of 175 dwelling units in the Office, Professional, Institutional (OPI) Zoning District; and

WHEREAS, the site consists of ± 11.71 acres and is located at the southeast corner of South Sumter Boulevard and Pocatella Avenue, north of McKibben Drive, legally described as Tract D, First Replat in 40th Addition to Port Charlotte Subdivision, a subdivision according to the plat thereof, recorded in Plat Book 26, Page 33, of the Public Records of Sarasota County, Florida, Property Appraiser’s Parcel Identification Number PID No. 1001160001; and

WHEREAS, the site has a Professional Office future land use designation and an Office, Professional, Institutional (OPI) district zoning designation; and

WHEREAS, Policy 1.1 of the Future Land Use Element of the City of North Port comprehensive plan (“Comprehensive Plan”) provides for professional and business offices, institutional, cultural, residential, and associated uses in the Professional Office future land use classification; and

WHEREAS, ULDC Sections 53-90 and 53-91 do not list the multi-family residential use as a permitted and prohibited uses and structures in the Office, Professional, Institutional (OPI) Zoning District; and

WHEREAS, ULDC Section 53-92 provides any use not explicitly permitted and not expressly prohibited in the OPI zoning district may file for a special exception permit in accordance with Article XXII of Chapter 53, provided that the use applied for contributes to the intent of the zoning district as stated in the Comprehensive Plan and the ULDC; and

WHEREAS, ULDC Section 53-259 governs the required findings, report, and recommendation for special exceptions; and

WHEREAS, the City of North Port Planning and Zoning Advisory Board (“PZAB”), designated as the Local Planning Agency, held a properly noticed public hearing on December 15, 2022, and considered the Petitioner’s request for a special exception, the testimony, and evidence presented at the public hearing; and found the Petitioner’s request consistent with the Comprehensive Plan and the requirements of the ULDC for the site location.

WHEREAS, on January 10, 2023, the City Commission of the City of North Port held a properly noticed public hearing and considered the Petitioner’s request for a special exception, the Planning and Zoning Advisory Board’s recommendation, action report, the testimony, and evidence presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this resolution by reference.
- 1.02 The City Commission of the City of North Port, Florida hereby finds that the petition for a special exception to allow the multi-family residential use at a density of 15 dwelling units per acre is consistent with Policy 1.1, Future Land Use Element of the Comprehensive Plan, regarding the Professional Office future land use classification.
- 1.03 The City Commission of the City of North Port, Florida also finds that the petition for a special exception to allow the multi-family residential use in the Office, Professional, Institutional (OPI) Zoning District meets the requirements of the ULDC Section 53-259, as follows:
 - (1) The granting of the special exception will not adversely affect the public interest, health, safety, and general welfare;
 - (2) The specific requirements in the Schedule of District Regulations (Part 2), Article VII. – OPI Office, Professional, Institutional District, governing the individual special exception, if any, have been met by the petitioner;
 - (3) That the following standards, where applicable, have been met:
 - (a) The proposed use shall be consistent with the intents, goals, objectives, policies, and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in this ULDC for the area in which the property is located.
 - (b) The density or intensity of the proposed use shall be consistent with the intended future use of the designated land use area in which the property is located, in accordance with the provisions of the Future Land Use Map contained in the Comprehensive Plan.

- (c) The proposed use, singularly or in combination with other previously approved special exceptions, must not be detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity of the neighborhood or adjacent uses; and shall be an economic benefit to the economy of the City.
- (d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.
- (e) The height and orientation of any proposed structures(s) shall be compatible with existing neighboring structures and uses.
- (f) The subject parcel shall be adequate in shape and size to accommodate the proposed use and provide for appropriate separation between neighboring uses.
- (g) The proposed use shall be adequately screened and buffered to effectively separate traffic, light, and noise from existing or intended nearby uses.
- (h) The loading and/or refuse areas shall not impose negative visual, odor or noise impacts on abutting uses or thoroughfares.
- (i) The size and location of proposed sign(s) shall be in compliance with Chapter 29 Sign Regulations of these regulations and shall be compatible with the character of the existing neighboring uses.
- (j) Exterior lighting shall be harmonious with the character of existing neighboring uses, in terms of glare, and required foot candles.
- (k) The ingress and egress to the subject parcel and any structure involved shall not adversely affect traffic flow, safety, or control.
- (l) The access and internal circulation shall be adequate in case of fire or emergency.
- (m) The proposed use shall not adversely affect traffic flow, safety, or control on the surrounding roadway system.
- (n) The location, type and availability of proposed potable water systems shall be adequate for the proposed use and shall not adversely affect neighboring potable water systems.
- (o) The location, type and availability of proposed wastewater systems shall be adequate for the proposed use and compatible with drainage conditions in the area and neighboring uses.
- (p) The proposed use shall not cause or intensify flooding of neighboring uses.

SECTION 2 – GRANT OF SPECIAL EXCEPTION

2.01 The Special Exception requested in Petition No. SPX-22-123 is hereby granted to allow a multi-family residential development with a maximum of 175 dwelling units in the Office, Professional, Institutional (OPI) zoning district on the subject property consisting of ± 11.7 acres, legally described as Tract D, First Replat in 40th Addition to Port Charlotte Subdivision, a subdivision according to the plat thereof, recorded in Plat Book 26, Page 33, of the Public Records of Sarasota County, Florida, Property Appraiser’s Parcel Identification Number PID No. 1001160001.

SECTION 3 – CONFLICTS

3.01 In the event of a conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 5 – EFFECTIVE DATE

5.01 This resolution takes effect immediately upon adoption.

ADOPTED by the City Commission of the City of North Port, Florida, in a public session on January 10, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY