



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special Meeting

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, Interim City Clerk

Wednesday, March 25, 2020

9:00 AM

CITY COMMISSION CHAMBERS

West Villages

CALL TO ORDER

Mayor McDowell called the meeting to order at 9:03 a.m.

ROLL CALL

Present: 5 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks, Commissioner Vanessa Carusone and Commissioner Pete Emrich

Also Present:

City Manager Pete Lear, Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, Assistant City Attorney Margaret Roberts, City Clerk Heather Taylor, Public Utility Director Rick Newkirk, Public Works Director Julie Bellia, Parks & Recreation Director Sandy Phundheller, Parks & Recreation Assistant Director Tricia Wisner, Fire Chief Scott Titus and Police Chief Todd Garrison.

The Pledge of Allegiance was led by Commissioner Emrich.

1. APPROVAL OF AGENDA

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve the agenda as presented. The motion carried by the following vote:

Yes: 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

2. PUBLIC COMMENT:

There was no public comment.

3. PUBLIC HEARINGS:

ORDINANCES - First Reading

ORD. NO.
2019-46

An Ordinance of the City of North Port, Florida, Adopting the West Villages Village District Pattern Book for ±8000 Acres in the "Village" Future Land Use; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to read by title only. The motion carried by the following vote:

Yes: 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Katie LaBarr, AICP, Project Manager, Stantec, provided a presentation regarding the revised West Villages Pattern Book (VDPB) including location and boundaries of West Villages, document framework, status of development, purpose for revisions to the Pattern Book, regulatory framework and proposed revisions, roadways, pathway types, village centers consistency with the Comprehensive Plan, design standards, definitions – proposed revisions, proposed revisions for second reading, and modifications in the staff report.

Discussion ensued regarding proposed changes to the VDPB provided in March 2012 and Commission inability to review the current proposed changes prior to the meeting.

Mr. Lear agreed to provide the proposed changes for Commission review.

Discussion continued regarding village center standards versus town center standards minimum land area requirement, villages previously approved under the old pattern book and changes to the new pattern book, language stating villages A through D reflecting the old pattern book, and the removal of the index map from the pattern book.

Ms. Galehouse suggested adding language to page 13, regulatory framework, that any future amendments would have to comply with the VDPB requirements.

Discussion ensued regarding the index map being included in the pattern book and pattern plan.

There was a consensus for all references to the West Villages Index Map in the pattern book be as shown on the most current West Villages Index Map and be removed entirely from the pattern plan.

There was a consensus on page 13, that any further Village District Pattern Plan (VDPP) amendments fall under the new pattern book.

Discussion continued regarding the West Village Review Committee and appointing a city staff member and preference is to have a non-voting staff member.

John Luczynski, Vice President West Villages LLC, agreed with the City Manager appointing a non-voting staff member to the West Village Review Committee.

There was a consensus for ex-officio members to be appointed by the City Manager to the West Villages Review Committee.

Recess was taken from 9:46 a.m. to 10:06 a.m.

Discussion ensued regarding a review of the proposed changes in the pattern book including regulatory framework language changes and future village developments, town center land requirements and reference to Unified Land Development Code (ULDC) Section 53-212.

Ms. Galehouse recommended removing all references to the ULDC.

There was a consensus to approve the changes on page 1 regarding definitions to neighborhood center.

There was a consensus to approve the regulatory framework language changes as determined and presented.

There was a consensus to remove the reference to specific sections of the Unified Land Development Code from the entire document.

Discussion continued regarding changing the minimum land area requirement to 40% for commercial and retail for each independent town center, land area and footprint of developments and offering incentives for creating more green space while allowing for more square footage for commercial development and independent village centers versus town centers.

Ms. Galehouse suggested looking for ideas on density incentives to be presented during second reading and agreed to discuss with West Villages the minimum land requirement for commercial and retail on a village by village basis.

There was a consensus to have staff to bring back ideas and suggestions for town center standards #9 on page 41 and village center standards on page 45.

There was a consensus for staff to work with West Villages on a village by villages basis versus town centers in totality for commercial.

Discussion continued regarding design standards on the U.S. 41 corridor in regards to signage and landscaping.

Mr. Luczynski spoke to landscape design along U.S. 41, platform for City to look at standards for revisions, and quality landscaping to reach common goals.

Ms. Galehouse clarified the requested revision for changeable copy/electronic signs in the pattern book.

There was a consensus to approve language proposed for changeable copy/electronic signs as presented.

Discussion continued regarding removal of chain link fencing for village perimeter walls.

There was a consensus to remove the mention of chain link fences under village perimeter walls on page 65.

Discussion continued regarding page 67 to add language for 50% sod to be included in Section B.

There was a consensus to approve additional language into Section B on page 67 regarding 50% sod.

Discussion continued regarding page 72 regarding interior landscaping in reference to palm tree usage for tree canopy requirement.

There was a consensus to approve adding language to page 72 that palm trees shall not exceed 25% of tree canopy requirement.

Discussion continued regarding required parking spaces per parking island for commercial developments on page 72 and changing language from may to shall.

Mr. Luczynski noted that a landscape architect is reviewing all landscape issues including the parking island landscaping.

There was a consensus to approve language on page 72 as presented changing the "may" to "shall".

Discussion continued regarding page 73, clarifying the land and landscaping between wheel stops and deleting the last sentence.

There was a consensus to approve the recommended changes for page 73 and delete the last sentence.

There was a consensus to approve clarifying the area between the wheel stops and landscape areas to be planted and irrigated.

Discussion continued regarding page 74 revised language regarding minimum planting requirements for commercial mixed use.

There was a consensus to approve the revised language on page 74.

Discussion ensued regarding page 13, regulatory framework and annexation intent of developing a diversified economy.

Ms. LaBarr spoke to options including modifying the sentence referring to annexation of future lands to say "all other land that is illustrated on the index map that does not obtain VDPP approval shall rely upon the pattern book."

There was a consensus that all future district boundary changes within the context of the City of North Port would not be automatic under this district pattern book.

Discussion continued regarding page 14 regarding language stating "In furtherance of the interpretation....." in reference to the amount of authority given to the designated land development manager.

There was a consensus to remove the paragraph on page 14 that starts with "In furtherance" and ends with "add permitted uses".

Discussion continued with emphasis on page 21 regarding modifying the first sentence to include "...and safely...", staff and West Villages review modifying the first sentence on page 21 to state "...Villages will comfortably and safely...", and changing the language on the last paragraph, last sentence to read "...fix improvements that may be eligible for impact fee and mobility credits or reimbursement and are constructed...".

There was a consensus to add the language outlined by Commissioner Carusone for various places on page 21, Section 6.

Discussion continued regarding page 34 regarding mobile sales homes, second to last paragraph, last sentence changing the language from "...upon completion of sales, parking spaces should be removed" to " upon completion of sales, parking spaces shall be removed".

There was a consensus to change the language on page 34 second to last

paragraph from "parking spaces should be removed" to "parking spaces shall be removed".

Discussion continued regarding page 35 referring to outside antennas and last sentence regarding shielding air conditioners to minimize visibility should include "abate sound", page 39 the paragraph last sentence with regards to residential entitlement, and last paragraph needing to address properties being removed from tax roll without city approval.

Ms. Galehouse spoke to outside antenna poles and minimizing outside noise impact which has been addressed and noted that if a parcel is being used for commercial purpose the whole parcel is commercial land use and mixed use building residential units will be considered against their entitlement.

Ms. LaBarr spoke to purpose of language on page 39 is to help clarify that entitlements belong to West Villages and should any other uses be proposed an evaluation with staff and Commission approval is required.

Discussion took place regarding location of the 60-acre site to be used by the Sarasota County School Board.

Ms. Galehouse suggested regarding page 41, Section 9 offering incentives for future locations by adding a line to land use mix with maximum for public institutional non-profit to be amended by Commission.

There was a consensus for staff to look at the numbers and add to the chart of public non-profit category with a zero minimum and a question of what the maximum would be.

Discussion continued regarding page 53, design standards continuity reference for main corridors.

Mr. Luczynski and Ms. Galehouse noted that West Villages will be working with staff to identify design standards for North Port main corridors including landscaping and light fixtures.

Discussion continued regarding page 56, gateway monument signs to include the City of North Port.

There was a consensus to direct staff and West Villages to determine language regarding all gateway monument signs shall include City of North Port and follow design standards of existing signs for cohesiveness.

Discussion continued regarding page 1, history and background with the absence of the date and acreage of annexation.

There was a consensus for staff and West Villages to revisit the history and include annexation information.

Discussion continued regarding page 5, West Villages Partnership and changing to the legal entity name.

There was a consensus to change West Villages Partnership to the legal entity name.

Discussion continued regarding page 5 last sentence in Village A regarding non-residential tracking table versus tracking chart on page 39.

Ms. Galehouse clarified non-residential tracking table and review for accuracy.

Discussion continued regarding formatting on page 43 with citing figure numbers and full formatting review, page 49 regarding non-residential uses with regards to the language "shall not require a special exception", page 64, 2nd paragraph 1st line regarding major roads and parkways and throughout the document changing the language to collector, arterial and local through out, and page 67 conflicting language with page 22-29 regarding identifying road types.

Ms. Galehouse clarified the language on page 49 regarding the language "shall not require a special exception".

There was a consensus to add a definition for major roads and parkways.

Ms. LaBarr clarified that the index map identifies the major roadways and the pattern plan reflects road hierarchy map and how they are classified.

Discussion continued regarding page 67 letter B stating "shall" and pages 22 through 29 stating "may" regarding public frontage with planting containing trees, definition of a public frontage, staff report noting that the VDPB states that a 35% canopy will be on a village by village basis, page 65 reflecting language regarding 35% canopy on village by village basis, and line 23 of the Ordinance missing the date of July 23, 2019 for index map approval.

There was a consensus to add July 23, 2019 on line 23 of the ordinance.

Discussion continued regarding line 34 through 39 regarding the Planning and Zoning Advisory Board (PZAB) recommendation to approve the ordinance and VBA 19-065, and adding the VBA number to the whereas clause of the Ordinance.

Ms. Slayton clarified the PZAB approval of the entire Ordinance is the approval of the document and exhibit A which is the pattern book staff has reviewed, the PZAB agenda and notification to the public was the West Villages pattern book and recommended adding the VBA 19-065 to the whereas clause of the ordinance..

There was a consensus to reference VBA 19-065 in the whereas clause of the ordinance.

Discussion continued regarding the responsible party providing the pattern book for PZAB review and changes reflected in the pattern book presented to the Commission.

Ms. Galehouse clarified that staff, West Villages and individual discussion with Commission led to the updated pattern book presented to the Commission.

Ms. Slayton clarified the document changes between PZAB pattern book review and Commission review and the opportunity for PZAB to provide suggested changes.

Discussion continued regarding justification for removing on page 66 and throughout the pattern book regarding a minimum of 2 inch caliper plantings with page 64 addressing this concern, and page 71 in the old book and 78 in the new book regarding fixture height removing letter B in the original PZAB document.

Ms. LaBarr noted that in reviewing the fixture height requirements minimizing off site illumination or lighting protected areas for residential uses and roadways, and avoiding having three standards the maximum height was increased to 20 feet for fixtures within 20 feet and all others at 35-foot height and letter A and B were combined.

Mr. Lear read the following public comment:

Unknown: educational facility needs.

Ms. Galehouse clarified the school concurrency management including identifying areas for the expansion of school services and tracking of population growth.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve Ordinance 2019-46 for second reading when it can be arranged with proper notification including all the consensus taken during this discussion. The motion carried by the following vote:

Yes: 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

Recess was taken from 12:00 p.m. to 1:00 p.m.

RESOLUTIONS

RES. NO. 2020-R-07

Resolution 2020-R-07. A Resolution of the City of North Port, Florida, Authorizing the City Commission to Accept the Transfer of Ownership via Special Deed, to Accept the Transfer of Ownership to Personal Property Related to the Wastewater Treatment Plant via a Bill of Sale, Authorizing the Mayor to Execute the Acknowledgement of Acquisition of Certain Infrastructure Improvements and Acknowledgement of Assignment of Warranties Between the City, WVID, and Garney Companies, Inc., Authorizing the Mayor to Execute the Acknowledgement of Acquisition of Certain Infrastructure Improvements and Acknowledgement of Assignment of Warranties Between the City, WVID, and Youngquist Brothers, Inc. Providing for Filing of Documents, Providing for Conflicts, Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item.

Ms. Slayton noted there are two agreements for approval for transfer of warranty rights to the City.

Discussion took place regarding total construction cost for the wastewater treatment plant, timeline for collection of wastewater capacity fees, new user source for utility department payments over the next few years, capacity fees collected by West Villages, funding source for filing fees of required documents and adding language to designate West Villages as the funding source.

Mr. Luczynski noted that the approximate cost for construction for the wastewater plant, and West Villages covering filing fees for required documents and future utility services for unincorporated areas of West Villages.

Mr. Newkirk provided further explanation of Capital Improvement Projects and remaining available and future funds to reimburse West Villages on the wastewater treatment plant.

Mr. Lear clarified distribution of excess funds and capacity funds to be paid to the City.

Ms. Slayton stated language may be added stating that the West Villages Improvement District would be responsible for document filing fees.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Resolution 2020-R-07 as presented adding into section 3.01 the language necessary for the district to pay all recording and transfer fees. The motion carried by the following vote:

Yes: 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

4. GENERAL BUSINESS:

20-2039

Approve the West Villages Developer Agreement (Post Annexation), Establishing System Improvements to be Constructed within the West Villages Improvement District for Fire/Rescue, Law Enforcement, Parks, and General Government and Creating a Method of Reimbursement from Impact Fees Collected within the WVID; Approve the Memorandum of Agreement for West Villages Developer Agreement (Post Annexation) and Joinder and Consent

Mr. Lear introduced the item.

Discussion took place regarding page 11 and 12 of the agreement referring to the 63-acre park.

Mr. Luczynski clarified that the 63 acres was combined with additional acreage to allow for possible future fire and City use.

Ms. Slayton noted that the additional parcel land is the combined use land adjacent from park.

Discussion continued regarding removal of the covenant on 63-acres.

Mr. Yarborough spoke to staff's vision to possibly have a regional park and possible location for a future fire station.

Ms. Galehouse spoke to lands coming back to Commission as a plat for approval and responded to questions regarding the process for re-plating of combined use if the covenant remains.

Discussion continued regarding number of future fire stations in West Villages.

Mr. Luczynski clarified the parcel designated for future fire station and number of fire stations possibly needed at full build out.

Chief Titus spoke to the factors considered in the development of a fire station, study conducted regarding future growth of West Villages noting that for every 5,000 rooftops a fire station is needed, ensuring City resources are not going to be over extended, future network of road coverage and response times and recommended location for future fire station.

Discussion continued regarding guarantee of additional 74 acres to be transitioned to City land, future fire stations with regards to level of service triggers, the ability to change the agreement with possible changes to the Unified Land Development Code, level of service for the North Port Police Department and Solid Waste level of service which have been addressed and could be accommodated in the future if needed and Blue Heron Park

public access.

Mr. Lear spoke to ability to put conditions in place for major changes.

Ms. Galehouse spoke to the process for future VDPP amendments for higher standards.

Chief Garrison clarified that the current plan gives the ability to expand the West Villages police sub-station if needed.

Ms. Slayton noted that Section 5.2 addresses the language for Blue Heron Park public access.

Mr. Yarborough stated that the pattern book changes do not reflect any content in the agreement.

Discussion continued regarding impact fee structure and percentage of fees to the City for impact to overall infrastructure.

Ms. Roberts spoke to impact fees collected from annexed property, impact fees paid within other portions of the city which will still be used to accommodate needs of city, total cost of improvements proportionate share not being paid back and limits on how much the city is reimbursing from impact fees in the annexed property.

Chief Titus clarified the direct benefit of adding services to the area and impact for future growth.

Ms. Slayton noted that impact fees must be used for capital improvement projects and under the City Code, impact fees must be used within a certain time frame or refunded.

Mr. Luczynski clarified future growth investments for fire, police and utility impact fee funding.

Mr. Yarborough noted that until 100% of impact fees are applied it would be unreasonable to apply a portion of the impact fees collected to go to overall general City services.

Discussion continued regarding accountability for future growth level of service and impact fees for the overall City, including map verbiage not to be relied upon in place of a survey, something showing what survey is displaying and adding index map to Exhibit A and B.

Mr. Luczynski addressed the time consuming process to add a map to legal descriptions.

Discussion continued regarding use of Fire Station 85 as benchmark for Fire Station 1 and language in the agreement addressing level of service for police and fire in the future.

Chief Titus noted that a virtual meeting is scheduled to discuss the design of the West Villages Fire Station 1 which will also lead to implementations in other stations, discussions with legal and West Villages legal team to establish middle ground that allows flexibility for needs to be met and criteria and level of service to meet National Fire Prevention Association (NFPA) standards.

Ms. Roberts clarified the reason for the joinder, consent agreements and memorandum of agreement.

Discussion continued regarding bi-annual notices reflected section 6D, tracking permit activity, section 4.2 letter F reflecting West Villages Improvement District (WVID) removal of the covenant and the original intent to include the covenant.

Ms. Slayton noted that the reference to WVID was a scrivener error which should be changed to "the district".

Mr. Yarborough responded to questions regarding reason for the covenant and reason for removal.

Discussion continued regarding adding maps to exhibit A and B at same time as scrivener error in section 4.2 letter F, concern with adding photos to legal descriptions and possibility of a regional park including a pickle ball court and other amenities.

Mr. Lear read public comment:

Mark Rizzoli: concern with development and the environment.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the West Villages developer agreement post annexation as presented.

Mayor McDowell expressed concerns regarding section 5.1 regarding the 63 acre park states "...the City desires to provide for parks, fire and other general government facilities on the property for up to 40 years.." possibly changing to "...the City shall provide for park, fire...".

Mayor McDowell passed the gavel.

A motion was made by Mayor McDowell to amend the motion to include amending section 5.01 changing the language from "...the city desires provide..." to "...the city shall provide..." The motion to amend failed for lack of second.

The main motion carried by the following vote:

Yes: 4 - Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

No: 1 - Mayor McDowell

Mayor McDowell noted her reasons for dissenting including the uncertainty of the future, uncertainty of possible plats and initiating of covenants and protection of the property.

Commission Carusone expressed appreciation to all appropriate parties for completing the developer agreement.

A motion was made by Vice Mayor Luke, seconded by Commissioner Carusone, to approve the memorandum of agreement referencing West Villages developer agreement post annexation and joinder and consent. The motion carried by the following vote:

Yes: 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

5. PUBLIC COMMENT:

There was no public comment.

Addressing concerns, Ms. Pfundheller noted that all City parks are currently closed.

Ms. Wisner noted that boat ramps accessible at the parks are closed and other boat ramps which are accessible in locations other than parts are still open.

Mr. Lear provided further information regarding park closure notification and other park closures within the regional areas.

Discussion continued regarding bathroom maintenance bathroom, usage by the homeless and impact fee refunds.

Ms. Slayton noted that the second reading of the ordinance regarding impact fees is proposed to come before the Commission on April 14, 2020 and that state legislation is being considered regarding impact fees which will be reviewed prior to second reading.

6. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 2:56 p.m.

City of North Port, Florida

By: _____
Debbie McDowell, Mayor

Attest: _____
Heather Taylor, City Clerk

Minutes approved at the Commission Regular Meeting this ____ day of _____, 2020.